



# THE YEAR IN OPENNESS

## Freedom of Information Makes Headlines Around the World in 2006



## NEWS FROM THE FOI MOVEMENT . . . still fighting for the right to know

### TAIWAN: LEGISLATURE PASSES ACCESS TO GOVERNMENT INFORMATION LAW

The Legislative Yuan in Taipei passed the Access to Government Information Law, which will replace the old Administrative Information Law. Under the new law, government information must be made accessible to the public, and government officials are responsible for editing, indexing and making available certain categories of official information. The Law provides exemptions for state secrets, proprietary information, intellectual property, and privacy.

S.C. Chang, "Legislature Passes Access to Government Information Law," *Central News Agency (Taiwan)*, Dec. 6, 2005.

### AZERBAIJAN ENACTS INFORMATION LAW

The president signed the Law on Receiving of Information on December 19, 2005. The new law defines more than 30 categories of government information and sets guidelines for when government officials must provide such information to members of the public. Under the law, a request must be answered within seven days (and some urgent requests must receive a response within 24 hours). In addition, an information ombudsman will be appointed to oversee implementation of the law.

"Information Law Moves Into Gear in Azerbaijan," *Baku Today*, Dec. 26, 2005.

### ISRAELI SUPREME COURT SAYS GOVERNMENT AGENCIES MUST DISCLOSE MEETING MINUTES

After the Council for Higher Education denied Freedom of Information requests for minutes of internal meetings from Haaretz newspaper and Shahar, a nonprofit organization, the two organizations took their claims to court. In a landmark decision, the Supreme Court upheld two rulings of the Jerusalem District Court and ruled that the 1998 Freedom of Information Law requires all publicly-funded organizations must provide information about internal meetings in response to public requests, except where the information fits a narrow exception for internal deliberations and investigations.

Dan Izenberg, "Supreme Court: Publicly-Funded bodies must provide freer information," *The Jerusalem Post*, Jan. 22, 2006.

## **MACEDONIAN PARLIAMENT ADOPTS LONG-AWAITED FREEDOM OF INFORMATION LAW**

The Parliament of Macedonia adopted a Freedom of Information Law on January 25, 2006. The law will go into force on June 1, 2006. The law establishes the State Commission for free access, which would have authority to rule on complaints from individuals about the government's refusal to provide information, after publishing in Official Gazette of Macedonia.

*"Macedonian parliament passes Law on Free Access to Information," BBC Monitoring Europe, Jan. 25, 2006.*

## **ARGENTINA TO OPEN SECRET POLICE FILES**

Just before the 30<sup>th</sup> anniversary of the military coup in 1976, the government of Argentina announced that it would make public all of the secret police archives, to reveal details about human rights violations committed under the military rule. Human rights groups estimate that as many as 30,000 political opponents of the government were kidnapped and executed during the seven-year period of military rule. The documents that are released will be maintained and available to the public at the National Memory Archive.

*"Argentina to open secret archives," BBC News, March 23, 2006.*

## **IN ARMENIA, NGO SHOWS THE "POWER OF THE LOCK"**

The Freedom of Information Center of Armenia in 2005 awarded the City of Yerevan its Lock prize for the least open government institution, after the municipal government repeatedly failed to comply with the FOI law. This shameful recognition, however, seemed to have some impact. A group of students from the Yerevan State University Journalism Department sent a number of information requests to the Yerevan government in December 2005, and FOICA sent several requests of its own. All of these requests were answered within the time prescribed by the statute, potentially qualifying Yerevan for the prize of most open institution in next year's awards.

*"The Magic Power of the Lock," Freedom of Information Center of Armenia News, April 4, 2006.*

## **ACCESS TO INFORMATION ACT COMES INTO FORCE IN UGANDA**

A new Access to Information Act takes effect in Uganda on April 20, 2006. President Yoweri Museveni signed the act into law last year after it was passed by Parliament pursuant to Article 41 of the Ugandan Constitution, which guarantees all citizens the right to information and directs parliament to implement the right. Each government department and agency has been notified, and is required to designate an information officer to oversee implementation of the act.

*Charles Ariko, "Access to Information law takes effect this week," The New Vision (Uganda), April 17, 2006.*

## **BRITISH INFORMATION COMMISSIONER REPRIMANDS HIS OWN OFFICE FOR VIOLATING FOIA**

Information Commissioner Richard Thomas admitted that his office improperly denied a request for information about climate change from the NGO Friends of the Earth. The original request, for documents from the Department of Trade and Industry (DTI), was turned down by the Information Commissioner's Office, citing advice from the DTI. After the Commissioner issued a Decision Notice against himself for failing to comply with the Freedom of Information Act, which he oversees, critics cited the "increasingly shambolic state" of the oversight department.

*"Information boss admits mistake," BBC News, June 7, 2006.*

## **JAMAICAN GOVERNMENT AGREES TO REPEAL OFFICIAL SECRETS ACT**

Four years after the Access to Information Act came into force in Jamaica, the Information Minister agreed to submit a proposal for repeal of the 1911 Official Secrets Act because it inherently conflicts with the new policy of openness. However, critics argue that a "cloud of secrecy" still hangs over some government ministries and departments.

*"Official Secrets Act to be repealed," Jamaica Gleaner Online, June 10, 2006.*



## IN SIERRA LEONE, PARLIAMENT CONSIDERS FREEDOM OF INFORMATION BILL

Parliament officially agreed to consider the FOI bill, presented by the Freedom of Information Coalition (FOIC) in Sierra Leone. Several months earlier, the opposition leader and the deputy leader of parliament had given their support to the bill. The FOIC emphasizes the importance of passing the FOI bill in Sierra Leone, both to expose government corruption and to help stimulate the economy and reduce poverty in the country.

Concord Times, "Sierra Leone; Parliament Considers FOI Bill," *AllAfrica News*, June 19, 2006.

## PACIFIC ISLANDS GROUPS CALL FOR FREEDOM OF INFORMATION LAWS

After a workshop in Fiji, representatives of civil society groups from 10 islands in the region adopted a resolution calling for passage of freedom of information laws in each of their countries. The representatives stressed the importance of enacting FOI laws for governance and development, as well as for ensuring high standards for media in the region.

"Civil society groups call for freedom of information law," *Fiji Times*, Aug. 18, 2006.

## IN INDIA, GOVERNMENT DROPS EFFORT TO AMEND RTI TO PROTECT BUREAUCRATS' FILE NOTINGS

In a resounding victory for the right to information in India, the government dropped its efforts to amend the RTI Act during the session of Parliament that closed on August 25. The amendments would have excluded from disclosure file notings contained in some administrative files, as well as Cabinet papers that were previously available. The government's striking reversal is due in part to the efforts of the Campaign to Save the RTI Act, a coalition of advocates who have for the last month put pressure on government officials, holding a dharna [sit-down protest] at Jantar Mantar, achieving broad media coverage, and mobilizing support throughout India and around the world.

"Govt drops move to amend RTI Act," *zeenews.com* (India), Aug. 19, 2006.

## CIA BACKS DOWN FROM ASSESSING "NEWSPWORTHINESS" OF FOIA REQUESTS

After more than 15 years of practice, pursuant to a 1989 federal court ruling, the Central Intelligence Agency (CIA) suddenly began questioning the status of the National Security Archive as a "representative of the news media" for purposes of charging reduced fees for FOIA requests. The Archive, a private research institution, filed suit after the CIA suddenly changed its policy and began looking to the content of each request to determine whether they were sufficiently "newsworthy" to qualify for the reduced fees, denying news media status for 42 requests and threatening prohibitively high search and review fees. But in early September 2006, several months into the litigation, the CIA reversed course and agreed to treat the Archive as a news media requester for its future requests. While the litigation is still in progress, the CIA's reversal has been called a substantial victory for the press and others who seek reduced fees in filing FOIA requests with the CIA.

"CIA backtracks on its power to judge 'newsworthiness,'" *Reporters Committee for Freedom of the Press*, Sept. 14, 2006.

## IN MEXICO, MAGAZINE ASKS FOR ACCESS TO CONTESTED BALLOTS FOR INDEPENDENT COUNT

In the spirit of the right to know, Mexican newsweekly *Proceso* requested access to documents, tally sheets and ballots pertaining to the July 2, 2006 presidential elections via four different requests through Mexico's Freedom of Information Law. *Proceso* sought to gain access to this information to hold an independent recount of the votes cast in the closest election in Mexican history. The request was ultimately denied by the Federal Election Institute, but president-elect Felipe Calderon, has asked the Institute to "preserve the ballots for as long as possible" in the interest of ensuring the "certainty" of the electoral results.

Emilene Martinez Morales & Jesse Franzblau, "Mexican Newsweekly Asks for Access to Contested Ballots, Uses Access to Information Act to Request Independent Count," *freedominfo.org*, Aug. 18, 2006.

Irma Sandoval and John M. Ackerman, "What's Mexico Hiding? The Federal Electoral Institute's refusal to allow access to ballots from the contested presidential election taints the country's march toward democracy," *Los Angeles Times*, Sept. 22, 2006.



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## **SERBIAN STUDENT'S REQUEST REVEALS CORRUPTION IN SCHOOL, SPURS GOVERNMENT INVESTIGATION**

A 17-year-old student, sent an access to information request to his school, seeking information about its financial operations and other matters. The institution refused to provide the information, and on several occasions sought to cancel the request on the basis that the requester was a minor. But the student appealed to the Commissioner for Information, which ordered that the request be fulfilled. The financial data that the student obtained showed serious abuses and corruption at the school, which is now being investigated by the Organised Crime Directorate.

Rodoljub Sabic, "Jonesko in secondary school," *Danas (Serbia)*, Nov. 22, 2005.

## **BRITAIN SECRETLY GAVE ISRAEL NUCLEAR MATERIAL, DOCUMENTS SHOW**

Previously classified documents obtained under the Freedom of Information Act by BBC2 show that Britain secretly supplied plutonium to Israel during the 1960s. Despite warnings from intelligence officials that Israel was seeking to develop a nuclear bomb, Britain made hundreds of shipments of material that may have helped Israel's nuclear program. The documents describe how officials in the Ministry of Defence and the Foreign Office opposed the deal, which was later forced through by a Jewish civil servant in the Ministry of Technology.

Richard Norton-Taylor, "Britain gave Israel plutonium, files show," *The Guardian*, March 10, 2006.

## **POOR DELHI WOMAN USES RTI TO FORCE SHOP TO PROVIDE RATIONS**

Sunita discovered that she had been denied her ration share from a government-approved shop in a slum area of south Delhi for more than five years. The 42-year-old woman, who works as a domestic servant, had been given a ration card for the poor five years ago, but never received any rations from the local shop. She filed a complaint under the Right to Information Act (RTI) and learned that the record incorrectly reflected that she had received the ration during the past five years. Since the discrepancy was revealing, Sunita has been receiving the required ration each month.

"A right that has got them food," *Indo-Asian News Service*, April 2, 2006.

## **PENTAGON RELEASES FIRST COMPLETE LIST OF GUANTANAMO BAY DETAINEES**

In response to a Freedom of Information Act lawsuit filed by the Associated Press, the U.S. Department of Defense for the first time released a comprehensive list of the names and nationalities of 558 foreign terrorism suspects held at Guantanamo Bay, Cuba. The Pentagon had long resisted releasing any details about the prisoners, citing security concerns in letting al Qaeda know which of its members had been captured. But under several recent court orders, the government was made to release more than 7,000 pages of documents relating to military hearings at Guantanamo Bay, and then also agreed to provide the complete list of detainees.

Will Dunham, "US releases extensive list of Guantanamo detainees," *Reuters*, April 20, 2006.

## **UK WARNS: BLOOD PRODUCTS SOLD IN 14 COUNTRIES MAY BE CONTAMINATED WITH MAD COW DISEASE**

Documents released to *The Guardian* under the Freedom of Information Act show that British health officials have warned authorities in 14 countries that patients who receive blood products exported from the UK may be at risk for contracting mad cow disease. In particular, officials in Brazil and Turkey were warned that "sufficient quantities" of infected products may have been sent, and that they should take precautions to avoid spread of the disease.

Although the media had previously reported that patients abroad might be at risk, this was the first time that specific countries and relative risks had been disclosed.

James Meikle and Rob Evans, "British blood products may pose vCJD risk in 14 countries," *The Guardian*, May 2, 2006.

## U.S. MILITARY SENT TROOPS WITH SEVERE MENTAL HEALTH PROBLEMS INTO COMBAT

A report obtained under the Freedom of Information Act (FOIA) by *The Hartford Courant* described numerous cases in which the military did not follow regulations requiring screening, treatment and evacuation of mentally ill troops in Iraq. Twenty-two troops in Iraq committed suicide in 2005, the highest rate since the start of the war. The report detailed how fewer than 1 in 300 troops screened were referred to a mental health professional before being deployed, and that some of the service members who committed suicide had been kept on duty despite clear signs of mental health problems. "Report: Troops with mental health problems forced into combat," *Associated Press*, May 14, 2006.

## CANADIAN GOVERNMENT WARNED THAT FOOD SUPPLY IS VULNERABLE TO TERRORISM

A report, released under the Access to Information Act by the Canadian Food Inspection Agency (CFIA), warns that the Canadian food supply chain has a number of "weak links" and is vulnerable to terrorist attacks. The document describes several potential scenarios, including biological strikes on livestock and sabotage of genetically modified crops, and also cites inadequate security at food processing plants as a major concern.

James Gordon, "Food supply a terrorism risk," *Ottawa Citizen*, May 15, 2006.

## LOCAL GOVERNMENTS IN JAPAN IGNORED CONTRACT BID-RIGGING

An investigation by the *Yomiuri Shimbun*, with documents obtained under the Freedom of Information Law, found that local governments allowed numerous projects, including 16 sewage plant building projects, to go forward despite suspected bid-rigging. The government officials contend that they signed the contracts because they could not confirm the bidding process had in fact been tainted. The governments also argued that they lacked adequate authority to investigate the allegations, and could only ask companies to admit whether they had engaged in bid-rigging.

"Local governments ignored bid-rigging," *The Daily Yomiuri (Tokyo)*, May 26, 2006.

## SOUTH KOREAN GOVERNMENT REPORT SAYS 489 PEOPLE ABDUCTED BY NORTH KOREA

South Korea's opposition, the Grand National Party, released data from a report it obtained from the intelligence service, confirming that a total of 489 South Koreans had been abducted by the North. The report says that 90 percent of the victims were fisherman who worked in the territorial waters dividing the South from the North. Of those captured, 103 are confirmed dead.

"No. of South Koreans abducted by North totals 489," *Japan Economic Newswire*, June 5, 2006.

## REQUEST ON BULGARIAN VOTE FOR UN HUMAN RIGHTS COUNCIL REVEALS LACK OF DECISION-MAKING

After the United Nations General Assembly on May 9, 2006 held a secret session to elect members of the new Human Rights Council, NGOs in a number of countries filed coordinated freedom of information requests for voting procedures and the votes cast by each country. In response to a request from the Access to Information Programme (AIP), the Ministry of Foreign Affairs (MFA) released 73 pages of documents. However, much to the dismay of openness advocates, the documents contained only details of the final outcome of the voting but no information regarding the voting process or the decisions made by the Bulgarian government about which candidates to support. As a result, AIP and other activists have vowed to press for policies requiring the MFA and other government bodies to records details of meetings and discussions on such vital issues as human rights policy.

Gergana Jouleva, "Public Information But Not Really," *AIP Bulgaria newsletter*, July 2006.

## IN IRELAND, CUTS IN PRISON FUNDING THREATEN SAFETY AND SECURITY

A series of reports, obtained by *The Irish Times* under the Freedom of Information Act, detail major funding cuts in the prison system that have forced closure of educational and rehabilitation facilities in overcrowded prisons across the country. One report warns that many prisoners who are addicted to drugs upon their release may seek compensation from the Irish Prison Service later for inadequate rehabilitation services. Some of the reports, submitted nearly eight months ago, detail the threat of mental illness to the security of prisoners and prison staff. This threat was brought to the fore recently, when a mentally ill inmate murdered another prisoner at Mountjoy Prison in Dublin.

"Impact of prison cutbacks highlighted in reports," *The Irish Times*, Aug. 17, 2006.



## AUSTRALIAN GOVERNMENT IGNORED ASBESTOS CONTAMINATION IN IMMIGRATION DETENTION CENTER

Documents obtained by *The Australian* under the Freedom of information Act show that the government in 2002 wrongly declared safe a plot of land near Sydney that now houses an Immigration Detention Center. When the contamination was discovered, 265 detainees had to be evacuated, costing taxpayers \$1.5 million. Officials fear that hundreds of detainees who were held at the site could file compensation claims against the government.

Michael McKinnon, "Asylum centre's deadly asbestos," *The Australian*, Aug. 25, 2006.

## BRITISH GOVERNMENT GAVE LANDMINES TO SAUDIS, FREE OF CHARGE, TO AVOID VIOLATING TREATY

Letters publicized recently in response to a Freedom of Information Act request show that the British government handed over £ 17 million worth of anti-personnel land mines to the Saudis just before the 1999 Ottawa Treaty came into force. In his letters, British defence secretary George Robertson justified the transaction as a way of helping Saudi Arabia modernize its weapons. But the Saudis did not sign the anti-mine treaty, and the transfer of weapons allowed the British to pass an inspection by showing it had no anti-personnel mines in its arsenal once the treaty came into effect. After the revelations, the Ministry of Defence defended the transaction, saying that it demonstrated the UK's commitment to the Ottawa Treaty.

Christopher Hope, "Saudis handed pounds 17m of free arms; 'strategically important country' benefited from landmine treaty," *Daily Telegraph (London)*, Aug. 21, 2006.

## IN SOUTH AFRICA, HISTORIANS WIN COURT BATTLE FOR RELEASE OF TRUTH COMMISSION RECORDS

The South African History Archive (SAHA) won a two year long court battle over a Promotion of Access to Information Act request for records of the Truth and Reconciliation Commission's Amnesty Committee hearing related to the deaths of the Cradock Four. The Minister of Justice, which had denied the original request of film-maker David Forbes, agreed to abide by a court order to turn over all of the documents within 30 days.

SAHA Press Release, "Minister of Justice forced to concede TRC records in the public domain," Sept. 14, 2006.

## DOCUMENTS REVEAL MEXICAN SOLDIERS, POLICE CROSSING U.S. BORDER

Intelligence summaries released to the watchdog group Judicial Watch describe more than 200 incidents between 1996 and 2005 when Mexican soldiers and police crossed the U.S. border, including some that resulted in armed confrontations with U.S. federal agents. The charts, maps, and incident reports detail both "threatening" and "non-threatening" encounters, including shots being fired, unmarked helicopters entering U.S. airspace, and confrontations among Mexican troops, U.S. border patrol agents, and illegal immigrants and drug smugglers.

Bryon Wells, "Documents detail incursions by Mexican soldiers, police," *Yuma Sun (Arizona)*, Sept. 15, 2006.

## HUNGARIAN GOVERNMENT RELEASES NATO SECRECY POLICY DOCUMENT

In response to a freedom of information request by Adam Foldes of the Hungarian Civil Liberties Union (HCLU), the Hungarian security agency released a policy document that describes the information security policy followed by the North Atlantic Treaty Organization (NATO) and applied to its member countries. The document contains the agreement by which NATO parties collectively safeguard NATO classified information within their respective information security regimes and defines "principles and minimum standards to be applied by NATO nations and NATO civil and military bodies" to ensure proper protection of such information. The disclosure was of particular significance because the governments of Canada, the United Kingdom, and the United States have previously refused to release this document and others regarding NATO information security policies.

"Hungarian Government Releases NATO Secrecy Policy Document," [freedominfo.org](http://freedominfo.org), Sept. 22, 2006.

