

Parliament of Republic of Slovenia
Leaders of Parliamentary Groups
Šubičeva street 4

1000 Ljubljana

Subject: Before the end of access to public information

Dear Sir or Madam,

The signatories of this statement support a large part of suggested changes to Access to Public Information Act, because they represent a step further into the direction of transparent functioning of the state. **However, despite these efforts expected benefits could be overrun by the suggested amendment to Article 24 which represents a step back in accessibility of public information for the public** as well as hinders the monitoring of functioning of public authorities and limits the constitutional right of being informed.

This is why we are appealing to you to reject this amendment.

On Tuesday, 15.12.2015, the second discussion about the suggested changes to the Access to Public Information Act will be held during the 14. session of the Slovenian Parliament. The purpose of this amendment which was filed by coalition parties SD, SMC and DeSUS is to legalize a practice which has so far been illegal, that is charging for the work of public officials on freedom of information requests. The suggested amendment will effectively annul the article by which only material costs could be charged, and that will allow for charges of public officials' work to be invoiced. They are already paid for their work, while allowing access to public information is a part of public services conducted by public bodies – responsible persons for access to public information. This viewpoint actually renders problematic the charging of material costs for practically every access to information requests and this makes such access virtually economically unsustainable for NGOs, media newsrooms and freelance journalists.

The suggested amendment adds to an already unrealistic and problematic solution (charging of material costs) and doesn't only limit access to public information by citizens in general, but makes the work of journalists, academic institutions and the civil society extremely difficult. However, these actors are the ones that work towards ensuring transparent and accountable functioning of the state, and are doing this in the name of the public. The signatories of this appeal strongly oppose such an arrangement, because it effectively – and in opposition to the principle of an open society – closes the state before its citizens.

Public information must remain public regardless of the length of documents in question, while it could only be conditionally allowed to charge material costs for processing extremely large requests. Public institutions should not charge for access to documents which could help in uncovering illegal practices in the public and private sectors. Furthermore, access to documents which tend to be longer or have more pages is typically requested by academic institutions, journalists and NGOs. (an example is noted of an investment into TEŠ6 and FOI requests)

If you will support this amendment, you will directly and indirectly disable public monitoring over centers of power, interest groups, lobbyists, public procurement and other problematic projects which were funded from the state's coffers. Free access to information is becoming more important for normal functioning of a democratically run society, therefore increasing the financial burden of those who work in the name of the public is basically undemocratic.

The Transparency International Slovenia's Advocacy and Legal Advice Center regularly encounters difficulties while accessing public information – precisely because of charging for work of public officials. Individuals who are fighting against corrupt and unethical activities seldomly have enough funds to cover such irrational costs. Journalists will also lose their right to access public information, if their work in this area will present an additional financial burden to already dwindling budgets of newsrooms. Non-rejection of this amendment would also mean discrimination of an individual or organization on the basis of financial means and badly hurt the rule of the constitutional right to being informed.

Arguments of those who suggested this amendment that it will ensure no one takes advantage of the institute of access to public information does not stand the test of rational testing as the present Access to Public Information Act (Article 5, paragraph 5) already ensures this. This argument is also very general and is not based on sound information or data on undue access to information procedures. The signatories believed that perhaps only a handful of such cases came about since the inception of the Access to Public Information Act more than ten years ago.

Because paying for public information in itself represents a limit, we appeal to Members of the Parliament to completely limit this intention and reject the amendment, and we are calling onto the government to draft a unified list of tariffs which it was bound to do by October 2014.

Yours respectfully,

Vid Doria, general secretary, Transparency International Slovenia

Špela Stare, General Secretary, Journalists Syndicate of Slovenia

Managing board of Association of Journalists

Mogens Blicher Bjerregård, President, European Federation of Journalists

Helen Darbshire, Executive Director, Access Info Europe