

International Experiences in Regulating Access to Information & Privacy

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What is Freedom of Information (FOI)?

- Right of access by citizens/media/orgs/ companies to information held by government bodies.
- Sources:
 - Intl agreements
 - Constitutions
 - National Laws (comprehensive and sectoral)
 - Sub-national laws



Access to Information Laws Around the World



*Not all national laws have been implemented or are effective. See freedominfo.org/survey.htm for an analysis of the laws and practices

Common Elements of Comprehensive Laws

- Right to Access
- Exemptions
- Appeals mechanism
- Oversight
- Duty to Publish



Electronic Freedom of Information

- Most new FOIA laws require creation of web sites and publish information
- Inexpensive
- Reduces requests
 - EU Council 2003 "if the number of documents directly accessible to the public increases, the number of documents requested decreases."
- Promotes support/awareness of policies
- Move towards e-government and egovernance

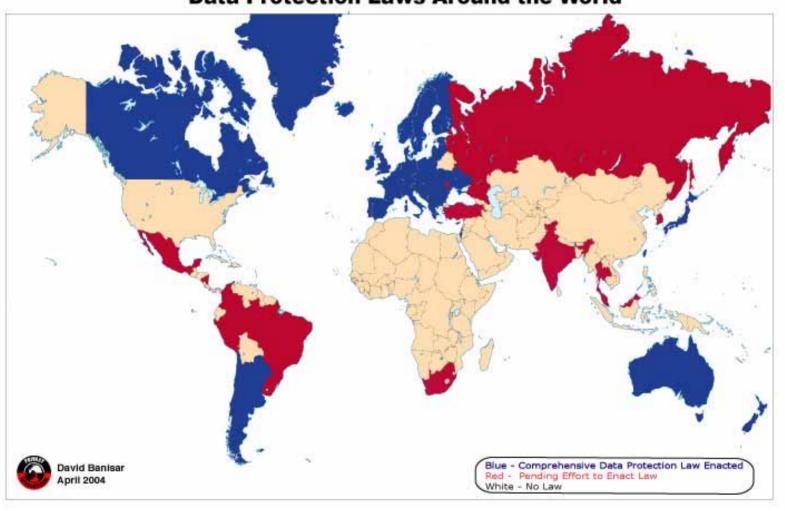


Privacy & Data Protection

- Two trends
 - Global trend of adopting comprehensive laws on protecting personal privacy
 - EU, COE, OECD
 - At same time, increase in communications surveillance and developing networks
 - US, EU, COE, G8



Data Protection Laws Around the World





Communications Surveillance

- Desire to monitor electronic communications in same manner as traditional communications
- "Technology neutral"
- "Data retention"
 - requiring communications providers to collect information on users activities automatically no matter if the person is suspected of committing a crime- Everyone is a criminal
- Intercept capable
 - CALEA, ETSI



Problems

- Vast additional information collected
 - Before telephone number
 - Now. Who you talked to, subject, web sites visited etc.
- New information often received less protection than previously
- Technical, legal and security issues of collection, storage and use of information



New Paradigm

- All Communications data needs to be treated with same level of controls as previous interception levels
 - Data preservation, not retention
 - Approved by judges based on individual suspicion
- Principles of minimization