

Overview of Member States' national legislation concerning the access to documents

Austria

There is no general right of access to documents. Article 20 of the Constitution, amended by the Constitutional Acts of 15 May 1987 (BGB1 285-286/1987), has been implemented by the Federal Act on the duty to furnish information (Auskunftspflichtgesetz BGB1 287/1987). Article 17 of Federal Act on Administrative Procedures (Akteneinsicht BGB1 51/1991).

Belgium

Article 32 of the Constitution.

Act N° 94-1724 of 11 April 1994 on the disclosure of information by the administration (at federal level). Decrees of 23 October 1991, 22 December 1994, 30 March 1995, 16 October 1995 and of 11 July 1996 (at regional and community level). Act of 12 November 1997 on the disclosure of information by the administration (at municipal level).

Denmark

Act N° 572 of 19 December 1985 on Access to Public Administration Files as amended by Acts N° 347 of 6 June 1991, 504 of 30 June 1993, 276 of 13 May 1998 and 429 of 31 May 2000.

Finland

Articles 10 and 16 of the Constitution. New Finnish Act on Openness of Government Activities N°621/99 that came into force on 1 December 1999. Act on Administrative Procedures, 1982.

France

Act N° 78-753 of 17 July 1978 on improving relations between the administration and the public, as amended by Act N° 79-583 of 11 July 1979 on justifying administrative acts and improving relations between the administration and the public and by Article 7 of Act N° 321 of 12 April 2000 on the rights of citizens in their relations with the administrations.

Act N° 78-17 of 6 January 1978 on data processing, files and freedoms (concerning access to computerised files) as amended by Article 5 of Act N° 321 of 12 April 2000 on the rights of citizens in their relations with the administrations.

Act N° 79-18 of 3 January 1979 on the consultation of archives as amended by Act N° 321 of 12 April 2000 on the rights of citizens in their relations with the administrations.

Germany

There is no general right of access to documents. At federal level some rules are contained in the Act of 25 May 1976 on administrative procedure (Article 29 of the *Verwaltungsverfahrensgesetz*). In some "Laender" there are constitutional provisions about access to documents which are implemented by law, for instance the Act of the Land Brandenburg of 10 March 1998 on access to documents (GVBl I Nr.4 of 19 March 1998) and the Freedom of Information Act of the Land Berlin (GVBl Nr. 45 of 15 Oktober 1999).

Greece

Art.10 §3 of the Constitution of 1975 implemented by Art. 5 of Act N° 2690/1999 (Code of administrative procedures), governing access to documents held by the State, the local communities and legal entities under public law, and Art. 16 of Act N° 1599/1986 (Relations between citizens and the state), whose scope was restricted after the Act N° 2690/1999 came into force to documents produced by the legal entities of the private law that belong to the public sector.

Ireland

Freedom of information Act N°13 of 1997 (came into force on 21 April 1998).

Italy

Act N° 241 of 7 August 1990 on access to administrative documents.

Act N° 142 of 8 June 1990 (governing autonomous local administrations).

Act N° 273 of 11 July 1995, Article 3 (governing the simplification of administrative procedures and the improvement of the efficiency of the public administrations)

Luxembourg

There is no general right of access to documents. Some rules are contained in the Act of 1 December 1978 governing non-contentious procedures.

The Netherlands

Art. 110 of the Constitution. Act of 31 October 1991 on public access to government information (Wet openbaarheid van bestuur), amended on 12 March 1998. General Administrative Procedural Act of 4 June 1992 (Algemene wet bestuursrecht).

Portugal

Articles 37, 48, 268 of the Constitution. Act N° 65/93 of 26 August 1993, as amended by Act N° 8/95 of 29 March 1995 and by Act N° 94/99 of 16 July 1999. Article 62 of the Code of administrative procedures approved by Act Decree N° 442/91 of 15 November 1991.

Spain

Section 105 (b) of the Constitution. Act N° 30 of 26 November 1992 on rules for public administration and administrative procedures.

Sweden

The Freedom of the Press Act of 1766, chapter 2 (Constitutional law), amended in 1949 and 1976. The Secrecy Act of 1980.

United Kingdom

At present, a non-statutory Code of Practice on Access to Government Information published in 1994 applies. In December 1997 the Government issued a White Paper "Your right to know-The Government's proposals for a Freedom of Information Act". The Freedom of Information Bill was submitted to Parliament in December 1999, passed by the House of Commons and introduced in the House of Lords on 6th April 2000.