

37. Ease of filing a request for public information

The possibility for individuals to exercise their right to information depends on (among other factors) the degree of accessibility of freedom of information laws (FOI), the ease of filing requests and individual protection granted to those requesting information. Narrow eligibility conditions to file a request, long response times or unjustifiably high fees are a few factors that can limit or undermine the right to know.

Some countries have enacted strong provisions to protect the privacy and integrity of parties and individuals requesting information. FOI laws in seven countries contain a provision to allow anonymity for the requestors. In Canada, the identity of the requestor is protected by federal law. Other countries, such as Australia, Ireland, the Czech Republic, Mexico, the United Kingdom and the United States, provide *de facto* anonymity because they do not require requestors to provide proof of identity. Likewise, FOI laws in six countries provide protection for requestors from retaliation by public officials, whereas in other countries this may be included under separate laws governing whistleblower protection.

In the large majority of OECD countries (71%), there are no restrictions stated in FOI laws on which legal person can file a request for information. However, certain restrictions apply in some countries. France, Italy, Portugal and Turkey allow only individuals above the legal age or their representatives to file a request. In Italy, Korea and Turkey, requestors must provide personal information (*e.g.* proof of citizenship or residency, social security identity, identity card or photo identification) in order to file a request. In Spain, only national citizens or permanent residents can file requests and the requestor must provide a proof of legitimate interest in the issue.

Countries have adopted a range of measures to ensure equal access to and easy use of FOI laws. In 74% of countries, it is considered a formal duty of civil servants to assist requestors to identify and locate the relevant information. Also, 45% of countries have introduced provisions to facilitate access to information for disabled requestors. Information requests can be submitted in writing in all OECD countries responding to the survey. Moreover, most member countries offer additional channels, including: online (84% of countries), in person (77%) or by telephone (55%). Almost all countries have established standards for timely responses to requests for information in their laws or in related legal documents, usually within 20 working days or less. Requestors are able to track online the progress of an information request in only 26% of countries (Chile, Estonia, Korea, Mexico, the Slovak Republic, Spain, Switzerland and the United States).

All OECD countries, with the exception of Iceland and Poland, apply fees at one or more stages of the information

request process, most often to cover the cost of reproduction. In about half of countries, fees are also related to the cost of sending the documents although several countries (such as Australia and Finland) waive these fees if the information is sent electronically. Most fees are variable, meaning that they depend on the number of pages to be reproduced or the amount of time to process the request (for example). When a variable fee can be charged, a cap on the size of this fee is applied only in a limited number of countries (Austria, Finland, France, Italy, Norway and Portugal).

Just over half of OECD countries charging fees provide fee waiver reductions. Rarely do fees cover the full cost of implementing FOI programmes; for example, in Canada, fees collected represent on average about 1% of the cost of processing.

Methodology and definitions

Data were collected through the 2010 OECD Open Government Survey. This survey focused on collecting data on the scope and the implementation of freedom of (or access to) information laws at the central level of government. Respondents to the survey were central government officials responsible for implementing open government initiatives. The survey was completed by 32 OECD countries, as well as by the Russian Federation and Ukraine.

Further reading

OECD (2003), *Open Government: Fostering Dialogue with Civil Society*, OECD Publishing, Paris.

OECD (2005), *Policy Brief – Public Sector Modernisation: Open Government*, OECD Publishing, Paris.

OECD (2009), *Focus on Citizens: Public Engagement for Better Policies and Services*, OECD Publishing, Paris.

Table notes

The Russian Federation and Ukraine are not included in the OECD totals. Data are not available for Germany and Greece. Luxembourg is currently drafting a law on access to information and is not included in the table.

37.2: In Australia, no fees for processing requests are charged for accessing personal information.

Information on data for Israel: <http://dx.doi.org/10.1787/888932315602>.

VIII. TRANSPARENCY IN GOVERNANCE

37. Ease of filing a request for public information


37.1 Ease of filing a request (2010)

	Personal protection		Assistance to requestors			Channels to file a request			
	Provisions for anonymity	Protection from retaliation	Identifying and locating the relevant information	Fee waivers or reductions	Provisions for access to information for people with disabilities	In writing	Online	In person	By telephone
Australia	○	○	●	●	●	●	●	●	○
Austria	○	○	●	●	○	●	●	●	●
Belgium	○	○	●	○	●	●	●	●	○
Canada	○	○	●	●	●	●	○	●	○
Chile	○	○	○	○	○	●	●	●	○
Czech Republic	○	○	●	●	○	●	●	○	○
Denmark	○	○	○	●	○	●	○	●	●
Estonia	●	○	●	●	○	●	●	●	●
Finland	●	●	●	○	●	●	●	●	●
France	○	○	○	○	○	●	●	●	●
Hungary	●	○	○	○	○	●	●	●	●
Iceland	○	○	○	○	○	●	●	●	●
Ireland	○	○	●	●	●	●	○	●	○
Israel	○	○	○	●	○	●	●	○	○
Italy	○	○	●	●	●	●	●	●	●
Japan	○	○	●	●	○	●	○	○	○
Korea	○	○	●	●	●	●	●	●	●
Mexico	○	●	●	○	○	●	●	●	○
Netherlands	○	●	●	○	○	●	●	●	●
New Zealand	○	○	●	●	○	●	●	●	●
Norway	●	○	●	○	○	●	●	●	●
Poland	○	○	○	○	●	●	○	●	○
Portugal	○	○	●	○	○	●	●	●	○
Slovak Republic	○	●	●	●	●	●	●	●	●
Slovenia	●	○	●	○	●	●	●	●	●
Spain	○	○	○	○	○	●	●	○	○
Sweden	●	●	●	○	○	●	●	●	●
Switzerland	●	○	●	●	●	●	●	●	●
Turkey	○	○	●	●	●	●	●	○	●
United Kingdom	○	○	●	○	●	●	●	○	○
United States	○	●	●	●	●	●	●	○	○
Russian Federation	○	●	●	○	●	●	●	●	●
Ukraine	○	○	○	○	○	●	●	○	●
Total OECD31	7	6	23	16	14	31	26	24	17

● Yes.

○ No.

Source: OECD 2010 Open Government Survey.

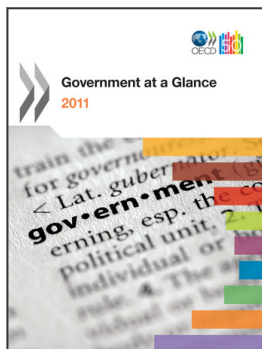
StatLink  <http://dx.doi.org/10.1787/888932392115>

37.2 Fees applied at different stages of the request process (2010)

	No fee	Variable fee	Fixed fee	Fixed and variable fee
Making a request	Australia, Belgium, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Italy, Korea, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, the United States.	–	Austria, Canada, Ireland, Israel, Japan.	–
Processing a request	Austria, Belgium, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Iceland, Italy, Japan, Korea, Mexico, the Netherlands, Norway, Poland, Portugal, the Slovak Republic, Sweden, Switzerland, Turkey, the United Kingdom.	Canada, Ireland, Israel, New Zealand, Slovenia, Spain, the United States.	–	Australia.
Reproducing the information	Austria, Iceland, Poland.	Australia, Belgium, Canada, Estonia, Finland, France, Hungary, Ireland, Israel, Italy, Japan, Korea, Mexico, the Netherlands, New Zealand, Norway, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom, the United States.	Chile, the Czech Republic, Denmark.	Portugal.
Sending the information	Austria, Canada, Chile, Denmark, Estonia, Hungary, Iceland, Ireland, Italy, Japan, the Netherlands, New Zealand, Poland, Turkey, the United States.	Belgium, Finland, France, Israel, Korea, Norway, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, the United Kingdom.	Australia, the Czech Republic, Mexico.	–

Source: OECD 2010 Open Government Survey.

StatLink  <http://dx.doi.org/10.1787/888932392134>



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