

# Roger Vleugels

## Journalism

Basics  
News- & format monitors  
Investigative journalism & research

## Transparency

Freedom of information: courses & litigation  
Wob: courses & litigation

## Non Transparency

Forensic intelligence & security analysis  
Editor and publisher of Fringe Intelligence  
& Fringe Spitting, two specialist journals  
on intelligence, freedom of information  
and more

## Address & Contact

Korfoedreef 213  
3562 SL Utrecht  
The Netherlands

Telephone: +31 30 261 6351  
Mobile phone: +31 6 2152 5790  
Email: [roger.vleugels@planet.nl](mailto:roger.vleugels@planet.nl)  
Chamber of Commerce: 30153114

## Dutch Payments

Postbank: 3432010

## Foreign Payments

IBAN: NL 31 PSTB 0003 4320 10  
BIC: PSTBNL21

# Overview of all 86 FOIA Countries

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- + The growth in the number of countries with FOI laws has been, since 2000, about six per year.
- + Six of the 88 countries on the list are not fully independent countries, but do have an FOI Act and a legal system of their own. So for requesters there are 88 different FOIAs and from a formal perspective, there are 82 countries.
- + Most countries in Europe and the Americas have FOI Acts. In Europe, a few do not have an FOIA [e.g., Luxemburg], some have poor laws [e.g., Italy], some have poor practices [e.g., most Latin-Roman and some Balkan countries] and some have good practices [e.g., the UK, Estonia and some Balkan countries].
- + In Africa, Asia and Oceania the number of countries with a FOIA is small but there are hopeful signs.

## The A-lists – The 86 FOIA countries

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>>Making lists and using statistics are ways of lying<<

## The A1 list The 86 FOIA countries in alphabetical order

Country	Year of formal approval or formal adoption of the FOIA		Year in which the FOIA came in power	Year of latest FOIA revision	Name of the FOIA
Albania	1999	1999			Law on Right to Information for Official Documents
Angola		2002			FOIA
Antigua/Barbuda	2004	2004			FOIA
Armenia	2003	2003			Law on Freedom of Information
Australia	1982	1982	2004		FOIA
Austria	1987	1987			Auskunftspflichtsgesetz
Azerbaijan	2005	2005			Law on Access to Information
Belgium	1994	1994	2000		WOB: Wet openbaarheid van bestuur
Belize	1994	1994			FOIA
Bosnia & Herz.	2000	2002			FOIA
Bulgaria	2000	2000			APIC: Access to Public Information Act
Canada	1982	1983	2001		AIA: Access to Information Act
Cayman Islands		2007			FOIA
Chile	2008	2008			Law on Transparency ... and Access to Information ...
China	2007	2008			FOI Regulations
Colombia	1888	1888	1998		Law Ordering the Publicity of Off. Acts and Documents
Cook Islands		2008			FOIA
Croatia	2003	2003			Act on the Right of Access to Information
Czech Republic	1999	2000			Law on Free Access to Information
Denmark	1970	1970	2000		Access to Public Administration Files Act
Dominican Rep	2004	2004			Law on Access to Information
Ecuador	2004	2004			Transparency and Access to Information Law
Estonia	2000	2001			PIA: Public Information Act
Finland	1951	1951	1999		Act on the Openness of Government Activities
France	1978	1978			Law on Access to Administrative Documents
Georgia	1999	2000			General Administrative Code, Chapter III, Freedom of Information
Germany	2005	2006			IFG: Informationsfreiheitsgesetz
Greece	1986	1986	1999		Code of Administrative Procedure
Honduras		2006			FOIA
Hungary	1992	1993	2005		Protection of Pers. Data and Public Access to Data of Public Interest
Iceland	1969	1996	2003		Information Act
India	2002	2005			Right to Information Act
Ireland	1997	1998	2003		FOIA
Israel	1998	1999			Freedom of Information Law
Italy	1990	1990	2005		Law No. 241 [+ Law No.15 2005]
Jamaica	2002	2004			Access to Information Act
Japan	1999	2001	2003		Law Concerning Access to Information
Jordan		2007			FOIA
Kazakhstan		1993			FOIA
Kosovo	2003	2003			Law on Access to Official Documents
Kyrgyzstan		2007			FOIA
Latvia	1998	1998	2006		Freedom of Information Law
Liechtenstein	1999	2000			Informationsgesetz
Lithuania	1996	2000			Law on the Provision of Information to the Public
Macedonia	2006	2006	2008		Law on Access to Public Information
Mexico	2002	2003			Fed. Transparency and Access to Public Gov. Information Law
Moldova	2000	2000			Law on Access to Information
Montenegro	2005	2005			Law on free Access to Information
Nepal		2007			FOIA
Netherlands	1978	1980	2005		WOB: Wet openbaarheid van bestuur
New Zealand	1982	1983	1993		Official Information Act
Nicaragua		2007			FOIA
Norway	1970	1970	2006		FOIA

Pakistan	2002	2002		Freedom of Information Ordinance
Panama	2002	2002		Law on Transparency in Public Administration
Peru	2002	2003		Law on Transparency
Philippines	1987	1987		Code of Conduct
Poland	2001	2002		Law on Access to Public Information
Portugal	1993	1993	1999	Law on Access to Administrative Documents
Romania	2001	2001		Law on Free Access to Information of Public Interest
Serbia	2004	2004	2007	Law on Free Access to Information of Public Importance
Slovakia	2000	2001	2008	Act on Free Access to Information
Slovenia	2003	2003	2005	Act on Access to Information of Public Character
South Africa	2000	2001		Promotion of Access to Information Act
South Korea	1996	1998		Act on Disclosure of Information
Spain	1992	1992	1999	Law on Rules for Public Information
Sweden	1766	1766	1976	Freedom of the Press Act
Switzerland	2004	2006		Öffentlichkeitsgesetz
Taiwan		2005		FOIA
Tajikistan	2002	2002		Law on Information
Thailand	1997	1997		Official Information Act
Trinidad & Tob.	1999	2001		FOIA
Turkey	2003	2004		Law on Right to Information
Uganda	2005	2006		Access to Information Act
Ukraine	1992	1992	2002	Constitution art. 34 and OAI
United Kingdom	2000	2005		FOIA [UK minus Scotland]
USA	1966	1967	2008	FOIA
Uzbekistan	1997	1997	2003	Law on the Principles and Guarantees of FOI
St Vincent & Gren		2003		FOIA
Zimbabwe	2002	2002		Access to Information and Protection to Privacy Act

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#### More or less not fully independent countries

with an own FOIA, own legal system [most have no own high court], own transparency rate, own jurisprudence

Aruba	1999	1999	LOB: Landsverordening openbaarheid van bestuur	NL
Dutch Antilles	1999	1999	LOB: Landsverordening openbaarheid van bestuur	NL
Far Or	2004	2004	FOIA	Danmark
Greenland	1994	1994	FOIA	Danmark
Hong Kong[SAR]	1995	1998	CAI	China
Scotland	2002	2005	FOIA	UK

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**Note** – From a formal perspective it is defensible to say that the six not fully independent countries are no true countries, but in my view other perspectives are in an overview of FOIAs more relevant.

From the perspective of requesters it is important to notice that those six have FOIAs and FOI decisions and rulings that are significantly and even crucially deviant from those in the ‘mother’ countries.

**Note** – There are a lot more FOIAs than the 86 mentioned in this list. For instance the Canadian provinces, the US States and [most of] the German Bundesländer have FOIA’s and more or less jurisdiction of their own.

**Note** – In this overview I use the number 86

## The A2 list The 86 FOIA countries in chronological order

Country	Year of formal approval or formal adoption of the FOIA			<u>Year in which the FOIA came in power</u>	Year of latest FOIA revision	Name of the FOIA
Sweden	1766	1766	1976			Freedom of the Press Act
Colombia	1888	1888	1998			Law Ordering the Publicity of Off. Acts and Documents
Finland	1951	1951	1999			Act on the Openness of Government Activities
USA	1966	1967	2008			FOIA
Denmark	1970	1970	2000			Access to Public Administration Files Act
Norway	1970	1970	2006			FOIA
France	1978	1978				Law on Access to Administrative Documents
Netherlands	1978	1980	2005			WOB: Wet openbaarheid van bestuur
Australia	1982	1982	2004			FOIA
Canada	1982	1983	2001			AIA: Access to Information Act
New Zealand	1982	1983	1993			Official Information Act
Greece	1986	1986	1999			Code of Administrative Procedure
Austria	1987	1987				Auskunftspflichtsgesetz
Philippines	1987	1987				Code of Conduct
Italy	1990	1990	2005			Law No. 241 [+ Law No.15 2005] Interest requirement
Spain	1992	1992	1999			Law on Rules for Public Information
Ukraine	1992	1992	2002			Constitution art. 34 and OAI
Hungary	1992	1993	2005			Protection of Pers. Data and Public Access to Data of Public Interest
Portugal	1993	1993	1999			Law on Access to Administrative Documents
Kazakhstan		1993				FOIA
Belgium	1994	1994	2000			WOB: Wet openbaarheid van bestuur
Belize	1994	1994				FOIA
Greenland	1994	1994				FOIA Danmark
Iceland	1969	1996	2003			Information Act
Thailand	1997	1997				Official Information Act
Uzbekistan	1997	1997	2003			Law on the Principles and Guarantees of FOI
Hong Kong[SAR]	1995	1998				CAI China
Ireland	1997	1998	2003			FOIA
Latvia	1998	1998	2006			Freedom of Information Law
South Korea	1996	1998				Act on Disclosure of Information
Albania	1999	1999				Law on Right to Information for Official Documents
Aruba	1999	1999				LOB: Landsverordening openbaarheid van bestuur NL
Dutch Antilles	1999	1999				LOB: Landsverordening openbaarheid van bestuur NL
Israel	1998	1999				Freedom of Information Law
Bulgaria	2000	2000				APIC: Access to Public Information Act
Czech Republic	1999	2000				Law on Free Access to Information
Georgia	1999	2000				General Administrative Code, Chapter III, Freedom of Information
Liechtenstein	1999	2000				Informationsgesetz
Lithuania	1996	2000				Law on the Provision of Information to the Public
Moldova	2000	2000				Law on Access to Information

Estonia	2000	2001		PIA: Public Information Act	
Japan	1999	2001	2003	Law Concerning Access to Information	
Romania	2001	2001		Law on Free Access to Information of Public Interest	
Slovakia	2000	2001	2008	Act on Free Access to Information	
South Africa	2000	2001		Promotion of Access to Information Act	
Trinidad & Tob.	1999	2001		FOIA	
Angola		2002		FOIA	
Bosnia & Herz.	2000	2002		FOIA	
Pakistan	2002	2002		Freedom of Information Ordinance	
Panama	2002	2002		Law on Transparency in Public Administration	
Poland	2001	2002		Law on Access to Public Information	
Tajikistan	2002	2002		Law on Information	
Zimbabwe	2002	2002		Access to Information and Protection to Privacy Act	
Armenia	2003	2003		Law on Freedom of Information	
Croatia	2003	2003		Act on the Right of Access to Information	
Kosovo	2003	2003		Law on Access to Official Documents	Not complete in power
Mexico	2002	2003		Fed. Transparency and Access to Public Gov. Information Law	
Peru	2002	2003		Law on Transparency	
Slovenia	2003	2003	2005	Act on Access to Information of Public Character	
St Vincent & Gren		2003		FOIA	
Antigua/Barbuda	2004	2004		FOIA	
Dominican Rep	2004	2004		Law on Access to Information	
Ecuador	2004	2004		Transparency and Access to Information Law	
Far Or	2004	2004		FOIA	Danmark
Jamaica	2002	2004		Access to Information Act	
Serbia	2004	2004	2007	Law on Free Access to Information of Public Importance	
Turkey	2003	2004		Law on Right to Information	
Azerbaijan	2005	2005		Law on Access to Information	
India	2002	2005		Right to Information Act	Not complete in power
Montenegro	2005	2005		Law on free Access to Information	
Scotland	2002	2005		FOIA	UK
Taiwan		2005		FOIA	
United Kingdom	2000	2005		FOIA [UK minus Scotland]	
Germany	2005	2006		IFG: Informationsfreiheitsgesetz	
Honduras		2006		FOIA	
Macedonia	2006	2006	2008	Law on Access to Public Information	
Switzerland	2004	2006		Öffentlichkeitsgesetz	
Uganda	2005	2006		Access to Information Act	
Cayman Islands		2007		FOIA	
Jordan		2007		FOIA	
Kyrgyzstan		2007		FOIA	
Nepal		2007		FOIA	Interest requirement
Nicaragua		2007		FOIA	
Chile	2008	2008		Law on Transparency ... and Access to Information ...	
China	2007	2008		FOI Regulations	
Cook Islands		2008		FOIA	

## The A3 list The 86 FOIA countries continent wise

Country	Year of formal approval or formal adoption of the FOIA		Year in which the FOIA came in power	Year of latest FOIA revision	Name of the FOIA
<b>Africa</b>					
Angola		2002			FOIA
South Africa	2000	2001			Promotion of Access to Information Act
Uganda	2005	2006			Access to Information Act
Zimbabwe	2002	2002			Access to Information and Protection to Privacy Act
<b>Asia [including The Middle East]</b>					
Armenia	2003	2003			Law on Freedom of Information
Azerbaijan	2005	2005			Law on Access to Information
China	2007	2008			FOI Regulations
Georgia	1999	2000			General Administrative Code, Chapter III, Freedom of Information
Hong Kong[SAR]	1995	1998			CAI China
India	2002	2005			Right to Information Act Not complete in power
Israel	1998	1999			Freedom of Information Law
Japan	1999	2001	2003		Law Concerning Access to Information
Jordan		2007			FOIA
Kazakhstan		1993			FOIA
Kyrgyzstan		2007			FOIA
Nepal		2007			FOIA Interest requirement
Pakistan	2002	2002			Freedom of Information Ordinance
Philippines	1987	1987			Code of Conduct
South Korea	1996	1998			Act on Disclosure of Information
Taiwan		2005			FOIA
Tajikistan	2002	2002			Law on Information
Thailand	1997	1997			Official Information Act
Turkey	2003	2004			Law on Right to Information [[small part = Europe]]
Uzbekistan	1997	1997	2003		Law on the Principles and Guarantees of FOI
<b>The Americas [including the Caribbean]</b>					
Antigua/Barbuda	2004	2004			FOIA
Aruba	1999	1999			LOB: Landsverordening openbaarheid van bestuur NL
Belize	1994	1994			FOIA
Canada	1982	1983	2001		AIA: Access to Information Act
Cayman Islands		2007			FOIA
Chile	2008	2008			Law on Transparency ... and Access to Information ...
Colombia	1888	1888	1998		Law Ordering the Publicity of Off. Acts and Documents
Dominican Rep	2004	2004			Law on Access to Information
Dutch Antilles	1999	1999			LOB: Landsverordening openbaarheid van bestuur NL
Ecuador	2004	2004			Transparency and Access to Information Law
Greenland	1994	1994			FOIA Danmark
Honduras		2006			FOIA
Jamaica	2002	2004			Access to Information Act
Mexico	2002	2003			Fed. Transparency and Access to Public Gov. Information Law
Nicaragua		2007			FOIA
Panama	2002	2002			Law on Transparency in Public Administration
Peru	2002	2003			Law on Transparency
Trinidad & Tob.	1999	2001			FOIA
USA	1966	1967	2008		FOIA
St Vincent & Gren		2003			FOIA

**Europe**

Albania	1999	1999		Law on Right to Information for Official Documents	
Austria	1987	1987		Auskunftspflichtsgesetz	
Belgium	1994	1994	2000	WOB: Wet openbaarheid van bestuur	
Bosnia & Herz.	2000	2002		FOIA	
Bulgaria	2000	2000		APIC: Access to Public Information Act	
Croatia	2003	2003		Act on the Right of Access to Information	
Czech Republic	1999	2000		Law on Free Access to Information	
Denmark	1970	1970	2000	Access to Public Administration Files Act	
Estonia	2000	2001		PIA: Public Information Act	
Far Or	2004	2004		FOIA	Danmark
Finland	1951	1951	1999	Act on the Openness of Government Activities	
France	1978	1978		Law on Access to Administrative Documents	
Germany	2005	2006		IFG: Informationsfreiheitsgesetz	
Greece	1986	1986	1999	Code of Administrative Procedure	
Hungary	1992	1993	2005	Protection of Pers. Data and Public Access to Data of Public Interest	
Iceland	1969	1996	2003	Information Act	
Ireland	1997	1998	2003	FOIA	
Italy	1990	1990	2005	Law No. 241 [+ Law No.15 2005]	Interest requirement
Kosovo	2003	2003		Law on Access to Official Documents	Not complete in power
Latvia	1998	1998	2006	Freedom of Information Law	
Liechtenstein	1999	2000		Informationsgesetz	
Lithuania	1996	2000		Law on the Provision of Information to the Public	
Macedonia	2006	2006	2008	Law on Access to Public Information	
Moldova	2000	2000		Law on Access to Information	
Montenegro	2005	2005		Law on free Access to Information	
Netherlands	1978	1980	2005	WOB: Wet openbaarheid van bestuur	
Norway	1970	1970	2006	FOIA	
Poland	2001	2002		Law on Access to Public Information	
Portugal	1993	1993	1999	Law on Access to Administrative Documents	
Romania	2001	2001		Law on Free Access to Information of Public Interest	
Scotland	2002	2005		FOIA	UK
Serbia	2004	2004	2007	Law on Free Access to Information of Public Importance	
Slovakia	2000	2001	2008	Act on Free Access to Information	
Slovenia	2003	2003	2005	Act on Access to Information of Public Character	
Spain	1992	1992	1999	Law on Rules for Public Information	
Sweden	1766	1766	1976	Freedom of the Press Act	
Switzerland	2004	2006		Öffentlichkeitsgesetz	
Ukraine	1992	1992	2002	Constitution art. 34 and OAI	
United Kingdom	2000	2005		FOIA [UK minus Scotland]	

**Oceania**

Australia	1982	1982	2004	FOIA	
Cook Islands		2008		FOIA	
New Zealand	1982	1983	1993	Official Information Act	

## The A4 list The use of the 86 FOIAs – Number of requests per year per country

The working definition of 'Number of requests' in this list is:

- **written requests** [=paper+digital-oral] filed at
- **national/federal bodies and/or level of**
- **executive bodies** and
- **excluded in this presentation: requests for personal formalities, social security applies etc.**

The number of requests presented here is not more than a disputable estimate. The FOIA world has not yet an international grammar which makes it very hard to define, count and compare.

Technical remarks at the bottom of this chapter and more in the clarification section at the end of this overview.

Country	Number of requests per year	Inhabitants	Number of requests per 100,00 inhabitants
Albania		3,000,000	
Angola			
Antigua/Barbuda		60,000	
Armenia		3,500,000	
Aruba	< 5	100,000	~ 0
Azerbaijan		8,000,000	
Australia		20,000,000	
Austria		8,000,000	
Belgium	< 50	10,000,000	~ 0
Belize		250,000	
Bosnia & Herz.		4,000,000	
Bulgaria	13,000	8,000,000	163
Canada		32,000,000	
Chile		16,000,000	
China		1,300,000,000	
Colombia		47,000,000	
Cook Islands			
Croatia	3,000	4,000,000	75
Czech Republic		10,000,000	
Denmark		5,000,000	
Dominican Rep			
Dutch Antilles	< 5	200,000	~ 0
Ecuador			
Estonia		1,000,000	
Far Or			
Finland		5,000,000	
France	< 10	60,000,000	~ 0
Georgia		5,000,000	
Germany	1,200	80,000,000	1,5
Greece		11,000,000	
Greenland			
Honduras			
Hong Kong [SAR]		7,000,000	
Hungary	NRR	10,000,000	
Iceland		300,000	
India		1.000.000.000	
Ireland	3,200	4,000,000	80
Israel		7,000,000	
Italy	< 50	55,000,000	~ 0
Jamaica	400	3,000,000	13
Japan		125,000,000	
Jordan			
Kazakhstan			
Kosovo			
Kyrgyzstan			

Latvia	NR	2,000,000		
Liechtenstein		35,000		
Lithuania		3,000,000		
Macedonia		2,000,000		
Mexico		110,000,000		
Moldova	NRR	4,000,000		
Montenegro				
Nepal				
Netherlands	1,000	16,000,000	6	
New Zealand		4,000,000		
Nicaragua				
Norway		4,000,000		
Pakistan		170,000,000		
Panama		3,000,000		
Peru		28,000,000		
Phillipines		90,000,000		
Poland		40,000,000		
Portugal	< 50	10,000,000		~ 0
Romania	16,800	20,000,000	84	
Scotland				
Serbia	1,700	7,000,000	24	
Slovakia		5,000,000		
Slovenia		2,000,000		
South Africa		44,000,000		
South Korea		48,000,000		
Spain	< 50	40,000,000		~ 0
Sweden		9,000,000		
Switzerland		7,000,000		
Taiwan				
Tajikistan		6,000,000		
Thailand		67,000,000		
Trinidad & Tob.		1,300,000		
Turkey		75,000,000		
Uganda		31,000,000		
Ukraine		45,000,000		
United Kingdom	35.000	60,000,000	58	
USA	1.500.000	300,000,000	500	
Uzbekistan		30,000,000		
St Vincent & Gren				
Zimbabwe		14,000,000		

#### Some downsize examples

##### Bulgaria

The last govt figure = 22.482 [2007] but 9.169 of them are oral = 13.000

##### Romania

The govt figure is 700,000 but it has to be downsized -73% -10% -33% = 16.800

##### USA

DoJ estimates that 900,000 of the 2,400,000 national/federal requests are requests of a purely private nature = 1,500,000 requests for public information

#### Other remarks

##### UK-Scotland

The UK FOIA covers also a part of Scotland, for instance cross-border public authorities, and/or topics like foreign policy, defence, continental shelf

##### NR

No registration

##### NRR

No reliable registration

#### Warning

**The quality of the in list A4 presented figures is poor !**

[see clarification section]

## The A5 list The use of the 86 FOIAs – The country requests volume ranking

This ranking list is very provisional because:

- **there are only figures of a few countries**
- **the quality of the figures is poor**

Technical remarks in the clarification section

Ranking	Country	Number of requests per year per 100,000 inhabitants
1	USA	500
2	Bulgaria	163
3	Romania	84
4	Ireland	80
5	Croatia	75
6	United Kingdom	58
7	Serbia	24
8	Jamaica	13
9	Netherlands	6
10	Germany	1,5
	Hungary	NRR
	Latvia	NR
	Moldova	NRR
	Aruba	~ 0
	Belgium	~ 0
	Dutch Antilles	~ 0
	France	~ 0
	Italy	~ 0
	Portugal	~ 0
	Spain	~ 0

**NR** No registration  
**NRR** No reliable registration

**Warning** **The quality of the in list A5 presented figures is poor !** [see clarification section]

## The A6 list The success rate of the 86 FOIAs

### The working definition of success

The disclosure of a satisfying substantial part of a request.

### The cumulative success rate

How many requests are successful by 1<sup>st</sup> decision and how many are added in the succeeding litigation rounds  
1 = 25 and 2 = 45 means that initially 25 were successful and that the administrative appeal added 20 to that.

### The litigation round success rate

What is the success rate of each litigation round

- 1 1<sup>st</sup> decision after request
- 2 2<sup>nd</sup> decision after administrative appeal
- 3 Court ruling after court appeal
- 4 High court ruling after high court appeal

	The cumulative success rate in %				The litigation round success rate in %			
	1	2	3	4	1	2	3	4
Albania								
Angola								
Antigua/Barbuda								
Armenia								
Aruba								
Azerbaijan								
Australia								
Austria								
Belgium								
Belize								
Bosnia & Herz.								
Bulgaria								
Canada	E							
Chile								
China		X						
Colombia								
Cook Islands			P					
Croatia								
Czech Republic				E				
Denmark								
Dominican Rep					R			
Dutch Antilles								
Ecuador					I			
Estonia								
Far Or						M		
Finland								
France							E	
Georgia								
Germany								
Greece								
Greenland								N
Honduras								
Hong Kong [SAR]								
Hungary								
Iceland								
India								
Indonesia								
Ireland								
Israel							75	75
Italy								

Jamaica									
Japan									
Jordan									
Kazakhstan									
Kosovo									
Kyrgyzstan									
Latvia									
Liechtenstein									
Lithuania									
Macedonia									
Mexico									
Moldova									
Montenegro									
Nepal									
Netherlands	25	45	65	75	25	~50	~50	~50	
New Zealand									
Nicaragua									
Norway									
Pakistan									
Panama									
Peru									
Phillipines									
Poland									
Portugal									
Romania									
Scotland									
Serbia									
Slovakia									
Slovenia									
South Africa									
South Korea									
Spain									
Sweden									
Switzerland									
Taiwan									
Tajikistan									
Thailand									
Trinidad & Tob.									
Turkey									
Uganda									
Ukraine									
United Kingdom									
USA									
Uzbekistan									
St Vincent & Gren									
Zimbabwe									

**This section of the overview is a disaster area or more positive: an experiment. I added it in order to stimulate debate, and to receive suggestions and data for a next –usable– version**

**Warning**            **The quality of the in list A6 presented figures is poor !**            [see clarification section]

## The B-list – Countries more or less close to a FOIA

<u>Country</u>	<u>Year of formal approval or formal adoption of the FOIA = not in power!!</u>			<u>Status of he FOIA</u>
Afghanistan	?		Right to Information in the Media Law	no real FOIA
Argentine	?		Draft	status unclear
Bahrain	?		Draft	
Bangladesh	2008		Right to Information Ordinance	
Bolivia	?		FOI Decree / 2004	
Cambodia	?		Lobby	
Cameroon	?		Lobby	
Costa Rica	?		Draft	status unclear
Egypt	?		Draft	
Ethiopia	2008		Law on Mass Media and Freedom of Information	into power in ±2010
Fiji Islands	?		Draft 2005	
Ghana	?		Draft 2003	
Guatemala	?		Draft 2005	
Indonesia	2008		The Openness of Public Information Act	into power in 2010
Kenya	?		Draft 2005	
Liberia	?		Lobby	
Luxemburg	1978		An act [1978] and a decrete on archives	no real FOIA
Malawi	?		Draft 2004	
Malaysia	?		Draft 2008	
Maldives	?		Draft	adoption ±2009
Mongolia	?		Draft	
Morocco	?		Draft	adoption ±2009
Mozambique	?		Draft 2005	
Nigeria	2007		Freedom of Information Bill	
Papua Nw Guin.	?		Draft	
Paragua	?		Draft	status unclear
Russia	2007		Draft of Federal Law on Provision Access to Information	
Sierra Leone	?		Draft	
Sri Lanka	?		Draft 2003	status unclear
Surinam	?		Draft 2008	
Tanzania	?		Draft	
Uruguay	?		Draft	
Zambia	?		Draft	
Yemen	?		Lobby	

### Not fully independent countries

but with an own FOIA, etc

Guernsey	?	?	Draft	status unclear
Isle of Man	?	?	Draft 2008	
Jersey	?	?	Draft 2005	

## The C-list – Countries with no sign of a FOIA

### Countries

Algeria  
Bahamas  
Barbados  
Belarus  
Benin  
Bermuda  
Bhutan  
Botswana  
Brazil  
Brunei  
Burkina Faso  
Burma  
Burundi  
Cape Verde  
Central African Republic  
Chad  
Comoros  
Congo  
Congo Democratic Republic  
Cuba  
Cyprus  
Djibouti  
Dominica  
East Timor  
El Salvador  
Equatorial Guinea  
Eritrea  
French Guiana  
French Polynesia  
Gambia  
Gabon  
Grenada  
Guinea  
Guinea Bissau  
Guyana  
Haiti  
Iran  
Iraq  
Ivory Coast  
Kiribati  
Kuwait  
Laos  
Lebanon  
Lesotho  
Libya  
Madagascar  
Mali  
Malta  
Marshall Islands  
Mauritania  
Mauritius  
Micronesia  
Myanmar  
Namibia  
Nauru  
Niger  
North Korea  
Oman  
Palau  
Palestine

Pitcairn Islands  
Puerto Rico  
Qatar  
Reunion  
Rwanda  
Samoa  
Sao Tome and Principe  
Saudi Arabia  
Senegal  
Seychelles  
Singapore  
Solomon Islands  
Somalia  
St Helena  
St Kitts and Nevis  
St Lucia  
St Pierre and Miquelon  
Sudan  
Swaziland  
Syria  
Togo  
Tonga  
Tunisia  
Turkmenistan  
Turks and Caicos Islands  
Tuvalu  
United Arab Emirates  
Vanuatu  
Venezuela  
Vietnam  
Wallis and Futuna  
West Sahara  
West Samoa

### Not fully independent countries

<u>Not fully independent countries</u>	<u>Jurisdiction?</u>
Akrotiri	UK
Aland	Finland
Alderney	UK
Andorra	F or S
Anguilla	UK
Gibraltar	UK
Guadeloupe	France
Guam	US
Isle of Wight	UK
Jan Mayen	Norway
Macau [SAR]	China
Martinique	France
Mayotte	France
Midway Islands	US
Monaco	France
Montserrat	UK
New Caledonia	France
Niue	New Zealand
Norfolk Islands	Australia
N.. Mariana Isl.	US
San Marino	Italian
Sark	UK
Svalbard	Norway
Vatican	I or CH
Virgin Islands	US

### Territories / Mandates / ?

Arctic	?
Antarctic	?
Continent.Shelfs	?
Seas, Oceans	?
Atmosphere	?*
Moon	?
Planets	?
Space	?

\* There is a relation between 'Aarhus' and atmosphere, more on that in a next version.

## Inter-, super- and supranational bodies with/without FOIA

<u>Organisation</u>	<u>Year of formal approval or formal adoption of the FOIA</u>		
	<u>Year in which the FOIA came in power</u>		<u>Name of the FOIA</u>
<b>IFTI</b>			
ABEDA: Arab Bank for Ec. Develop. in Africa			
AfDB: African Development Bank	1997	?	-
ASEAN: Ass. of South East Asian Nations	?	?	-
Asian Development Bank	1994	?	-
ECO: Economic Cooperation Org.	?	?	-
EBRD: European Bank for Recon. and Dev.	1996	?	-
EFTA: European Free Trade Association	?	?	-
EIB: European Investment Bank	?	?	-
FTAA: Free Trade Area of the Americas	?	?	-
Inter American Development Bank	1994	?	-
IMF: International Monetary Fund	2002	?	FOI policy statement
Mercosur: Southern Common Market	?	?	-
OPEC: Org. of Petroleum Export. Countries	?	?	-
OECD: Org. for Economic Coop. and Dev.	?	?	-
SADC: Souther African Develop. Community	?	?	-
WAEMU: West African Econ. & Mon. Union	?	?	-
WTO: World Trade Org.	?	?	-
World Bank	1994	?	-
<b>Non-IFTI</b>			
AU: African Union	?	?	-
Council of Europe	2000	2000	Latest revision: Resolution (2002) 2
Commonwealth	?	?	-
Egmont Group	?	?	-
EU: European Union	2001	2001	FOI Regulation
FAO: Food and Agricultural Org.	?	?	-
NATO: North Atlantic Treaty Org.	?	?	-
OAS: Org. of American States	?	?	-
OSCE: Org. for Security & Coop in Europe	?	?	-
Pacific Forum Secretariat	?	?	-
SECI: Southeast European Coop. Initiative	?	?	-
Sparteca: South Pacific Coop Agreement	?	?	-
UN: United Nations	?	?	Some kind of FOI regulation in very early stage
UNDP: UN Development Programme	?	?	Some kind of FOI regulation in very early stage
UNEP: UN Environment Program	?	?	-
UNESCO	?	?	A formal commitment to adopt a FOI policy
UNHCR: UN High Comm. for Refugees	?	?	-
UNICEF	?	?	-
UNIDO: UN Industrial Development Org.	?	?	-
WEU: Western European Union	?	?	-
WCO: World Customs Org.	?	?	-
WFO: World Food Program	?	?	-
WHO: World Health Org.	?	?	-
Zangger Committee	?	?	-

**Note** – IFTI = International Financial and Trade Institutions

**Note** – On this list those bodies which have more or less an own legal system and/or jurisdiction

**Note** – It is remarkable that some of the above mentioned bodies, like the Council of Europe or the UN or the Worldbank, have opinions on FOI and FOIA without having a good set of transparency rules themselves

## Clarification

Producing overviews like this one, and especially the sections A4 and A6, is as complicated and as tricky as it is because the international freedom of information community has not yet an own grammar. Essential definitions do not exist or are not yet agreed upon. I see this overview as a tool to stimulate debate. It can help understand each other's positions. Comparing positions is a first step for custom build approaches.

### **Some ingredients of importance for comparing FOIAs and countries, for debate and for custom build approaches:**

#### **1 – What is a country?**

Is it a geographical entity and/or a juridical entity? [Or a political or a cultural or a X entity?]. What is the difference between a country and a nation?

Scotland and Aruba are countries, have own FOIA's, own FOIA jurisprudence and a jurisdiction. But what about Quebec, or Hongkong. What about US States, German Bundesländer, Swiss Cantons, and so on.

The chooses made in this overview are arguable. I try to facilitate the requesters perspective and not a formal definition.

#### **2 – What is a FOIA?**

There are amongst, groups of, users and lobbyist, like FOIANet, Article 19, Statewatch, Carter Center, Privacy International, Access Info, OS[J], Wobbing Europe and others, criteria in debate. Useful criteria for lobbying for instance at the Council of Europe, the OAS or the European Union. But there is no minimum standard for a FOIA.

In my view Italy and Nepal for instance have no true FOIA because of their interest requirements. And what about the FOIA's of Tajikistan, Uzbekistan and Zimbabwe.

And what about bottle necks like the way in which the administrative appeal is organised, for instance the role, the independence and the power of the appeal commission, or the information commissioner and/or the ombudsman.

#### **3 – What is a FOIA request?**

There are a lot of reasons to not count in oral requests. For instance because in a lot of countries there is no good administration of oral requests. An even more important reason is that it is almost impossible to distinguish between a question addressed at a government body and an oral request. In several countries civil servants are instructed to file a question about for instance a telephone number as an [oral] FOIA request.

A complication is that this way of registering creates a disadvantage for countries with a high illiteracy rate because in those countries a relative high percentage of all requests will be oral.

Asking for information, or for forms for personal use, for instance for social security are in several countries a part of the total number of FOIA requests. In order to compare countries those figures have to be disaggregated to reflect more accurate the requests for public information. Requests of a pure private nature have to be skipped. Of course the problem is that the quality of the figures not always allows this disaggregation.

A consequence of this way of registering is that for instance the number of national/federal US FOIA requests in this list is 1,500,000 and not the official 2,400,000. [This downsizing is based on an estimate of the US DoJ].

I only partly succeeded in disaggregating oral requests which means that the presented figures are not comparable. I finalized this part of the list just for one reason: The questions I formulate here.

#### **4 – How to count FOIA requests?**

The way of counting in countries is very different. Sometimes per ministry, sometimes per service, sometimes all figures of all levels, sometimes only the figures at national level, and so on.

Often there are no figures of requests filed at lower levels. Often the figures are not detailed enough to detect which part is filed at national/federal level and which part at lower levels; sometimes it is even not clear which levels are counted.

One additional problem is that a lot of national/federal bodies have also offices at lower levels. How do you count requests filed at those lower levels?

My suggestion is to compare the number of requests filed at national/federal bodies and/or level. This means that a lot of published figures have to be downsized. In this list I did not succeed in doing this for all figures. Again this means that the presented figures are not comparable. The working definition used in this overview is printed in section A4.

### **5- How to assess the success-rate?**

After defining what success is there is only one figure easy to collect: the success after filing a request. In other words the success formulated in the first decision. The success of the next steps, the administrative appeal, the court appeal and the high court appeal, can be measured in a lot of ways. I choose for two, a cumulative one and one per litigation round. Working definitions of those two and of success in section A6.

### **6 – Before comparing the number of FOIA requests:**

#### **The need to file, in other words what is the Pro-active Transparency Rate**

Before comparing countries one has to assess the pro-active transparency level or rate in those countries. As far as I know there are no reliable studies into this very interesting topic. Countries with about the same pro-active transparency rates are comparable. People in those countries have a comparable need to file requests. People living in countries with less proactive transparency have, objectively spoken, a greater need to file requests.

Countries like UK, US, The Netherlands and the Scandinavian countries have within a reasonable bandwidth about the same proactive transparency rate, but the numbers of requests appear to be very different. Countries like France, Spain and Italy have a lower pro-active transparency rate. The number of requests in those countries should be higher, the need to file should be bigger. The number of requests in those countries is almost not measurable.....

### **7 – What are reliable figures?**

The next serious problem is the quality of the figures. Most of the figures presented by government bodies, but also those presented by lobbyists, tend to be too high. People often enlarge their role or love big numbers. Government bodies tend to enlarge their level of transparency.

So I do not trust on forehand figures of government bodies, of information commissioners, of ombudsmen, of NGOs, and so on. More reliable in my eyes are figures of true independent organisations like for instance law departments of universities.

The quality of the figures for number of requests in this overview is because of these reasons poor.

### **8 - More criteria**

Understanding FOIA and transparency in different countries needs much more than consensus on the above mentioned topics. Before all there has to be a consensus about what essential topics are and what their definitions, position and/or role are, or should be.

The following very provisional list is meant for brainstorm purposes:

- + Constitution
- + Constitutional court yes/no
- + Trias politica
- + Right of Access
- + Public opinion, culture and civil society
- + Politics and parliament
- + The pro-active transparency rate
- + Administrative law
- + FOIA – the text itself
- + FOIA – the explanatory memorandum / operationalizations / rulings and jurisprudence
- + FOIA – the exemptions and, more important, the methodology of the exemptions
- + Quality, independence and power of administrative and of [high]court appeals

- + Execution of decisions and rulings
- + Sanctions against misconduct, delaying, misuse of exemptions, non-execution

### **A nice exercise**

I am looking forward to debates about topics like mentioned above. Especially because it can contribute to understand each other's positions better. FOI, like everything with political or civil society aspects, is not one-dimensional and is not everywhere approachable in the same way. A real effective approach needs to be custom build.

Just one illustration. The political correct opinion is that Europe is [re-]united. Even if that would true it is a too undetailed way of looking to society. For FOIA practice it is important to assess the interference between, at least, all the aspects mentioned in this section..

Looking to the 'united' Europe I see five quite different cultures, traditions. Different in political, legal and civil society sense. These differences are so large that they have decisive influence on how to promote and how to practice FOI. These differences are of much more importance than the East-West division which existed only for about 50 years, peanuts regarding culture and tradition timelines. The five I see are, roughly:

Scandinavian/Nordic	Scandinavian and Baltic states
Atlantic	mainly UK / Netherlands
Latin-Roman	France / Spain / Portugal / Italy
Central	Germany / Austria / Hungary / Czech Republic
Eastern	Balkan countries

In this very simple scheme I miss a lot of countries. And the scheme is not static, so is Germany moving from Atlantic [before 1989] towards a more and more central European position. And..... within each 'group' there are sometimes great differences in request volumes.

All the differences mentioned in this section have consequences for the legal systems, for the role of parliamentary politics, for the position of the press or civil society, for NGOs and so on.

In other continents you find the same political and cultural differences. In Africa for instance a part has a focus for legal matters on the Francophone world [which is a pity in the case of FOIA because the French FOIA is bureaucratic and almost not used]. Other parts are for legal matters more focused on for instance UK or the Netherlands, but there are also strong Arabic traditions also outside the Mediterranean countries.

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### **Roger Vleugels**

I am a Dutch independent forensic intelligence analyst, freedom of information specialist and editor/publisher of Fringe. Since 1986 I lecture on journalism schools and universities on intelligence, on FOIA/Wob and on investigative journalism. In my legal practice I filed more than 2000 FOIA/Wob requests for my clients, mostly press organisations, but also NGOs, researchers and private person. In English I publish two specialists email journals: Fringe Intelligence, a bi-weekly on intelligence news next-to-mainstream, and Fringe Spitting, a bi-weekly with tips and tools for investigative journalism with lots of FOI news. The Journals have 1200+ subscribers of whom 45% are intelligence watchers and analysts, 35% press, 10% FOI specialists. Of all subscribers 45% are non-Dutch, living in 50 countries; 10% of the subscribers are employees of government bodies and 10% are employed in universities.

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