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PRESS RELEASE

No: 76/2015

Date: 10th February 2015

COMMAND PAPER ON FREEDOM OF INFORMATION LEGISLATION

The Government will today publish a Command Paper in advance of its proposed Freedom of Information (FOI) legislation. This legislation is in line with the GSLP/Liberal Government's many commitments to transparency and openness.

This FOI legislation will allow access by the general public to data held by the government. It will establish a "right-to-know" legal process by which requests may be made for government-held information. This information should be provided freely or at minimal cost and there should only be a few standard exceptions, such as when disclosure would be likely to prejudice a criminal investigation or prejudice someone's commercial interests.

The FOI legislation will provide public access to information held by public authorities. It will do this in two ways:

- Public authorities will be obliged to publish certain information about their activities; and
- Members of the public will be entitled to request information from public authorities.

The legislation will cover any recorded information that is held by a public authority in Gibraltar. Recorded information will include printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The underlying principles behind the FOI legislation are that:

- Everybody has a right to access official information. Information should be kept private only when there is a good reason and when permitted by the legislation.
- An applicant (the requester) does not need to give a reason for wanting the information.
- All requests for information must be treated equally, except under some circumstances relating to vexatious requests and personal data. The information someone can get under the legislation should not be affected by who they are. All requesters should be treated equally, whether they are journalists, local residents, public sector employees, or foreign researchers.

The Freedom of Information Act will involve a considerable change in the way that the public administration has worked. It will therefore be phased in over a period of time and the commencement of its application to different public authorities and departments will vary.

The Chief Minister Fabian Picardo said: "It will be recalled that the Government has already introduced a 20 year rule for the release of documents held in the archives to the general public. The new Freedom of Information Act, after it has gone through the different stages of the consultation process and any necessary amendments, will add to the climate of openness and transparency that the Government has sought to foster since its election in December 2011. This has included monthly meetings of Parliament, televising its proceedings and the automatic publication on-line of statistical data from across the Government service. The publication of the Command Paper today will open up a period of consultation in order that interested parties can make representations."