Memorandum on the Freedom of Information Bill

Submitted to:
The House of Representatives Joint Committee

By:
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Introduction
This submission is prepared by the Freedom of Information Coalition to facilitate the process of consideration of and reporting on the Freedom of Access to Information Bill (hereafter referred to as "the Bill") through the Committee stage and third reading in the House of Representatives.

The Freedom of Information Coalition is an alliance of civil society organizations campaigning for the enactment of a Freedom of Information Act in Nigeria. The coalition undertakes a number of advocacy activities aimed at sensitizing and lobbying elected and appointed government officials both, at the federal, state and local government levels to ensure the passage of the Freedom of Information Bill by the National Assembly, at the earliest possible time.

The coalition also works to popularize the freedom of information (FOI) bill among various sections of the Nigerian society and secure their support in the push for the enactment of the Bill into law.

At the moment, there are 88 civil society organizations that are members of the Freedom of Information Coalition. Member organizations are located across all the zones of the federation and include the organized labour, academic organizations, journalists' associations, women and youths organizations, traders associations, etc.

The Freedom of Information has a secretariat that coordinates its activities. The secretariat is hosted by Media Rights Agenda, based in Lagos.
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This submission addresses the most critical issues in the consideration of the Bill now pending before the House, including the legal bases and rationale for an FOI regime in Nigeria, entitlement to request information, obligations of public authorities and agencies, exceptions, documents under security classification, protection of "whistleblowers" and resolution of disputes arising out of the operation of the freedom of information regime to be created by the Bill.

The Freedom of Information Coalition places itself at the disposal of the House and of its relevant Committees to be available to provide any additional information or clarification that the House or any of its Committees may require towards the consideration and passage of the Bill.

Rationale
The need for the enactment of a legislation focused primarily on providing for the right of access to public records/information in Nigeria, can be justified on several fronts, the major points being that, the first and foremost, it is central to our collective desire as a nation to evolve a proper and active culture of participatory democracy, which we all agree is the preferred system of governance for our dear country. In this wise, the right of access to information, would provide everyone in Nigeria, with the unique opportunity of adequately informing themselves about the workings of government and by so doing raise the level of enlightened public discussions of how public officials (whether elected or appointed) manage our affairs and resources on our behalf.

Secondly, there can be no better catalyst to reviving our near comatose national economy than the institution of a right of access to public information. This is because, the entrenchment of such a right in the scheme of things would help to open up the way and manner in which all public sector related business transactions are made, to public scrutiny. The effect of this on the health of the entire Nigerian economy cannot over-emphasised, especially in view of the fact that the Nigerian private sector to a large extent, is still heavily dependent on public sector based transactions. Consequently, enacting such a law, would ensure the creation of a level playing field for all actors in whatever segment of the Nigerian economy who have to engage with this major propelling force of the national economy and this would in turn not only help in instilling confidence in the economic system, but also contribute immensely towards assisting in the realization of the government's current economic objective of attracting increased inflow of both new direct foreign and local investments into the country.

Another important benefit derivable from the enactment of an access to information law in Nigeria is the significant savings that would be made by the nation from the ability of the legislation to assist with the current crusade to curb corrupt practices in the public service, through subjecting all government transactions to public scrutiny. It would also help in the efficient allocation of scarce national resources to achieve maximum returns, through the ability of the people to, using the information available at their disposal, put government officials to task over the process of prioritizing resource allocation for national development.

Judging from our recent experience in the first term of the present administration, the enactment of such a law, would be of significant value to the key actors of the three arms of government, in terms of serving as a catalyst for the institution, where appropriate, of a proper and robust system of checks and balances on all the three arms of government in the country.

Legal Bases

The freedom to seek information is guaranteed by a number of international instruments to which Nigeria is a State party, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It is also impliedly guaranteed by Section 39 of the 1999 Nigerian Constitution. This right is similarly guaranteed in Article 9(1) of the African Charter on Human and Peoples' Rights, which is part of Nigeria's domestic law under the African Charter (Ratification and Enforcement) Act.[1] At its Summit in Maputo, Mozambique in July 2003, the leadership of the African Union adopted a set of Principles elaborating Article 9 of the African Charter which, among other things, declare that the African Charter entitles "everyone to access information held by public bodies" and to "access information held by private bodies which is necessary for the exercise or protection of any right." [2]

The United Nations Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression underscored the importance of freedom of information in his report to the UN Commission on Human Rights in 1995 when he stated: "The right to seek or have access to information is one of the most essential elements of freedom of speech and expression.

[1] Chapter 10, Laws of the Federation of Nigeria, 1990.
[2] Declaration of Principles of Freedom of Expression in Africa (2003), Article IV(2)

Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life."[3]

The Commonwealth has also acknowledged and underlined the link between freedom of information and good governance. At the Commonwealth Heads of Government Meeting (CHOGOM) held in Durban, South Africa, in November 1999, the body adopted a set of Freedom of Information Principles, which had earlier been endorsed by Commonwealth Law Ministers. It unequivocally declared its recognition of "the importance of public access to official information, both in promoting transparency and accountable governance and in encouraging the full participation of citizens in the democratic process."

As earlier stated, quite apart from being a right in itself, a regime of freedom of information facilitates the ability of citizens to participate in government, build a united country, hold government accountable, and ensure just and optimal economic performance in a liberalized economy.

The Commonwealth has emphasized that the benefits such access can bring includes the facilitation of public participation in public affairs, enhancing the accountability of government, providing a powerful aid in the fight against corruption as well as being a key livelihood and development issue.

In his report to the UN Commission on Human Rights in 2000, the UN Special Rapporteur on freedom of opinion and expression again expressed his continuing concern about the "tendency of Governments and the institutions of Government, to withhold from the people information that is rightly theirs." He stressed that "the right to seek, receive and impart information is not merely a corollary to freedom of opinion and expression; it is a right in and of itself. As such, it is one of the rights upon which free and democratic societies depend. It is also a right that gives meaning to the right to participate, which has been acknowledged as fundamental to, for example, the realization of the right to development."[4] He therefore urged governments to either review existing legislation or adopt new legislation on access to information. Among the important considerations in the review or adoption of such laws are:

- Public bodies have an obligation to disclose information and every member of the public has a correspondent right to receive information; "information" includes all records held by a public body, regardless of the form in which it is stored.

- Freedom of information implies that public bodies, publish and disseminate widely documents of significant public interest, for example, operational information about how the public body functions and the content of any decision or policy affecting the public;

- As a minimum, the law on freedom of information should make provision for public education and the dissemination of information regarding the right to have access to

[3] See Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Document No. E/CN.4/1995/32.
[4] See Report of the Special Rapporteur, Document No. E/CN.4/2000/63.

information; the law should also provide for a number of mechanisms to address the problem of a culture of secrecy within Government;

- A refusal to disclose information may not be based on the aim to protect Government from embarrassment or the exposure of wrongdoing; a complete list of the legitimate aims which may justify non-disclosure should be provided in the law and exceptions should be narrowly drawn so as to avoid including material which does not harm the legitimate interest;

- All public bodies should be required to establish open, accessible internal systems for ensuring the public's right to receive information; the law should provide for strict time limits for the processing of requests for information and require that any refusals be accompanied by substantive written reasons for the refusal(s);

- The cost of gaining access to information held by public bodies should not be so high as to deter potential applicants and negate the intent of the law itself;

- The law should establish a presumption that all meetings of government bodies are open to the public;

- The law should require that other legislation be interpreted, as far as possible, in a manner consistent with its provisions; the regime for exceptions provided for in the freedom of information law should be comprehensive and other laws should not be permitted to extend it;

- Individuals should be protected from any legal, administrative or employment-related sanctions for releasing information on wrongdoing, viz. the commission of a criminal offence or dishonesty, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty or serious failures in the administration of a public body.

Freedom of Information laws across the world are now guided by a set of principles. Originally drawn up by ARTICLE 19, the International Centre Against Censorship, in London, "The Public's Right to Know: Principles on Freedom of Information Legislation" were subsequently endorsed by the UN Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression as well as the UN Commission on Human Rights. The principles are based on international and regional law and standards, evolving state practice (as reflected, for instance, in national laws and judgments of national courts) and the general principles of law recognized by the community of nations.

Enacting the Freedom of Information Bill into law will put Nigeria substantially in compliance with these principles.

Short Title to the Proposed Act (Freedom of Information Act)
The title of the law is generally not of tremendous significance. Various countries around the world, which operate freedom of information laws, have different titles for their laws. For instance, the world's oldest freedom of information law in Sweden is called the Freedom of the Press Act (in existence since 1766). However, in the United States of America, it is called the Freedom of Information Act, as it is also known in Australia, in Belize, Ireland, and Canada. The Czech Republic has a Freedom of Information Law as does Israel. Denmark has an Access to Information Act and an Access to Public Administration Files Act; in Finland, the Publicity (of Public Actions) Act went into effect on December 1, 1999, replacing the Publicity of Official Documents Act of 1951; Greece has a Code of Administrative Procedure; Hong Kong has a Code on Access to Information; Japan has a Disclosure of Information Act; South Korea has the Act on Disclosure of Information by Public Agencies; in The Netherlands, it is called the Government Information (Public Access) Act; New Zealand has the Official Information Act of 1982 and the Local Government Official Information and Meetings Act of 1987; in Norway, there is the Public Access to Documents in the (Public) Administration Act; Thailand has the Official Information Act; while South Africa has the Promotion of Access to Information Act.

What is important is that the text of the law accords with the principles of maximum disclosure and that information should be defined or understood to include all records held by a public body, regardless of the form in which the information is stored, i.e. whether as a document, tape, electronic recording etc.

Who is Entitled to Request Information
The Freedom of Information Bill provides in section 3 every person, should have a legally enforceable right to request access to any record under the control of a government or public institution and that an applicant need not demonstrate any specific interest in the information being requested.

This provision also accords with the principle of maximum disclosure, which establishes a presumption that all information held by public bodies should be subject to disclosure, and that this presumption may be overcome only in very limited circumstances, i.e. when the information requested falls within the scope of exemptions. The underlying rationale for this principle is that the right of access to information is a basic right. In his report to the UN Commission on Human Rights in 1995, the UN Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression stated: "In contemporary society, because of the social and political role of information, the right of everyone to receive information and ideas has to be carefully protected. This right is not simply a converse of the right to impart information but it is a freedom in its own right."[5] The overriding goal of any freedom of information legislation, therefore, should be to implement a regime of maximum disclosure in practice.

Public authorities and bodies therefore have an obligation to disclose information and every member of the public has a corresponding right to receive information. Everyone present in the territory of the country should benefit from this right. This is the principle adopted by the 1999 Constitution of the Federal Republic of Nigeria in the application of the fundamental rights

[5] See Document No. E/CN.4/1995/32.

provisions in Chapter Four. The rights therein guaranteed apply to "every person". We respectfully submit that this principle should also apply to the right to information.

In the exercise of this right, individuals should not be required to demonstrate a specific interest in the information being requested. To do so would not only unduly delay the processing of requests for access to information and increase costs unreasonably, it would also frustrate the implementation of a freedom of information regime as the claim that an applicant has not demonstrated or proved sufficient personal interest in the information being requested would provide a ready excuse for public authorities and bodies to unfairly withhold information.

Where a public authority seeks to deny access to information, the onus of justifying a refusal of access at each stage of the proceedings should be on the public authority. In other words, the public authority must show that the information, which it wishes to withhold, falls within the scope of permissible exemptions.

Obligation on Public Authorities and Institutions to Publish Information

Section 4 of the Freedom of Information Bill provides that the head of every government or public institution to which the law applies should cause to be published in the Federal Gazette at least once every year certain information about that institution.

This provision again accords with international standards which require that public bodies should be proactive in the publication and dissemination of key categories of information and, in particular, the principle that freedom of information implies not only that public authorities and bodies accede to requests for information but also that they publish and disseminate widely, documents of significant public interest, subject only to reasonable limits based on resources and capacity.

For the implementation of a freedom of information legislation to be possible, members of the public must have a reasonable familiarity with the nature and types of information and records kept by different public bodies and authorities which would assist them in determining what public body or authority to approach for any record or information.

Time Limits for Granting or Refusing Access to Information

The time limit within which decisions must be made on requests for access to records and information are an important means of ensuring that public authorities process requests efficiently and that applicants are satisfied and receive their information within a reasonable time. The need to ensure that applicants receive the information requested within a reasonable time is of great importance as information may lose its value or interest over time. The absence of time limits therefore may undermine public confidence in the process.

But time limits must strike an appropriate balance between the reasonable needs and interests of the applicant with the practical capacity of public authorities or institutions to process requests. In many countries, which operate freedom of information laws, one way of achieving this balance is to provide for a relatively strict initial time limit, which may then be extended where

necessary. This ensures that public authorities are under some obligation to act quickly, which often results in bringing about greater efficiency in record-keeping and instituting access mechanisms, while allowing for extension where the provision within the original time limit might be unrealistic given the nature and volume of records or information requested.

Section 6 of the Freedom of Information Bill provides for an initial time limit of seven days, which may be extended for another seven days. We recommend that this provision should be retained as it strikes an appropriate balance between the need of the applicant to receive requested information within a reasonable time and reality of giving public authorities and institution adequate time to process requests for access to information with a possibility of extending the period where justified.

Besides, although the initial time limit may appear very strict, as public authorities and institutions begin to implement a freedom of information regime with the attendant improvement and efficiency in record keeping and the handling of requests for access to records and information, the time needed by such authorities and institutions to process applications will progressively reduce.

Fees Payable to Access to Records and Information

The Freedom of Information Bill, 2003 makes extensive provisions regarding the payment of fees for search, duplication, review, and transcription of documents in accordance with the principle that individuals should not be deterred from making requests for access to information and records by excessive charges. (See section 10 of the Bill).

It is essential that the fees payable for access to records and information are not so high as frustrate the right of access. We are of the opinion that operating a freedom of information regime would not result in any substantial increase in costs to the government and other public authorities because most governments agencies and departments in the country already have an existing mechanism for record keeping, albeit it might not be very efficient. Thus the only cost element that we would anticipate in terms of implementing a law of this nature, is the added cost of making this existing public record keeping mechanism efficient, in meeting the needs of an access to information regime. This minimal cost element envisaged would be adequately taken care of, by the immense benefits which a regime of access to information brings to the society by instituting greater transparency, accountability and efficiency and as such costs ought not to be an overriding consideration. The cost to the government must be seen in the light of the capacity of a Freedom of Information Act to advance democracy and enhance public participation. Moreover as the government departments and agencies become more efficient in their record keeping and in handling requests for access, the cost will reduce progressively.

The provision regarding fees in the Freedom of Information Bill are consistent with international standards in this area and we see no reason for any changes to these provisions. In particular, we recommend that the Bill retain the reference to “reasonable standard charges”, the fee waiver for requests in the public interest and the prohibition of “uneconomic” fee collection and advance payments.

Destruction or Falsification of Records

Section 11 of the Freedom of Information Bill makes it a criminal offence punishable on conviction with three years imprisonment for any officer or head of any government or public institution who tries or willfully destroys any record kept in his or her custody or attempts to alter such documents before they are released to any person requesting access to them.

This provision is necessary to protect the integrity and availability of public records. It is not inconceivable that when public authorities or bodies do not wish to grant access to certain records, which have been requested by members of the public, they might resort to destruction or falsification of such records. Recent experience in the United States where officials of the Enron Corporation destroyed large volumes of documents in order to cover up monumental frauds within the corporation bear testimony to this possibility.

Principles of freedom of information legislation require that the law should provide that obstruction of access to public records or the willful destruction of records is a criminal offence. The principles also require that the law should establish minimum standards regarding the maintenance and preservation of records by public bodies, for instance, by providing that such bodies should be required to allocate sufficient resources and attention to ensuring that public record-keeping is adequate. To this extent, the Freedom of Information Bill, 2003 does not go far enough.

In addition, the principles also require that in order to prevent any attempt to doctor or otherwise alter records, the obligation on the public authority or institution to disclose should apply to records themselves and not just the information they contain. In order words, public authorities and institutions should be obliged to disclose the records kept by them and not just the information contained in those records. This reinforces the provisions of section 4 of the Bill which require the head of every government or public institution to publish in the Federal Gazette at least once a year a description of documents, manuals files, reports and other such records kept by that institution.

Exemptions from Right of Access

The Freedom of Information Bill contains a range of exemptions from the general right of access to information, including in cases of law enforcement investigation, information which may be injurious to the conduct of international affairs and defence; trade secret or financial, commercial, scientific or technical information which may prejudice the competitive position of a government or public institution; personal information; third party information; legal practitioner/client privilege, and course or research materials.

In this regard, the Bill satisfies the requirement that a complete list of the legitimate grounds, which may justify non-disclosure of information or records, should be provided in the law and that the list should include only interests which constitute legitimate grounds for refusing to disclose documents. The general principle is that public bodies or authorities should meet all requests for information unless they can show that the information falls within the scope of the limited regime of exemptions.

Under the Freedom of Information Bill, no public body or authority is completely excluded from the application of the proposed law, even if many of their functions fall within the exemptions. In accordance with freedom of information principles, non-disclosure of information has to be justified on a case-by-case basis. The law also applies to all branches of government (that is, the executive, legislative and judicial branches) as well as to all functions of government (including, for example, functions of security and defence bodies). The Bill also applies to all tiers of government – Federal, State and Local Government.

The principles also provide that a refusal to disclose information is not justified unless the public authority can show that the information meets a strict three-part test. The three-part test include that: the information must relate to a legitimate aim listed in the law; the disclosure must threaten to cause substantial harm to that aim; and the harm to the aim must be greater than the public interest in having the information.

A key aspect of the principles in relations to exemptions and the three-part test is the requirement that even if it can be shown that disclosure of the information would cause substantial harm to a legitimate aim, the information should still be disclosed if the benefits of disclosure outweigh the harm. For example, certain information may be private in nature but at the same time expose high-level corruption within government. In such cases, the harm to the legitimate aim must be weighed against the public interest in having the information made public. Where the public interest in having the information is greater, for instance, in such a case where the longer-term public interest is best served by exposing and rooting out the corruption, the law should provide for disclosure of the information.

In order to maintain the principle of maximum disclosure underlying any freedom of information regime, it is essential all refusal to disclose are subject to a public interest override.

The Freedom of Information Bill provides for public interest disclosure by public authorities in relation to certain exemptions, for example relating to international affairs and defence (see section 14(2) of the Bill).

Judicial Review

Most Freedom of Information laws around the world provide for decision-making on freedom of information at three levels namely, by the public authority or institution to which the original request is made, by an independent administrative body with specific powers in relation to freedom of information, and by the courts. These laws generally establish an independent administrative body, such as an Information Commissioner or an Ombudsman, with various powers to ensure that the legislation is being applied properly and in a timely fashion.

Section 23 of the Freedom of Information Bill provides that any person who has been refused access to a record requested under the proposed Act may apply to the Court for a judicial review of the decision. But the Bill does not provide for an independent administrative body to promote compliance with its provisions and to provide an accessible form of appeal against refusals to disclose information by public authorities.

Although we appreciate the importance of having an independent administrative body to review refusals by public authorities or bodies as a first step before any approach is made to the courts, we do not think that such a body would be feasible in this case.

For an administrative body to be effective, it must be accessible to people in all parts of the country. The cost of setting up an independent administrative body, which would have offices and personnel in all parts of the country, would be phenomenal. The inability or failure of the government to provide the resources for the setting up of such a body may ultimately frustrate the implementation of the law.

Since the courts already exist in all parts of the country, no additional cost would be required in providing effective judicial oversight for the implementation of the freedom of information regime. For this reason, we suggest that the provisions relating to judicial review should be left as they are.

In any event, under section 33 of the Bill, each government or public institution is required each year to submit to the Attorney-General of the Federation a report for the preceding fiscal year stating the number of determinations made by that department or institution not to comply with requests for records made to it and the reasons for such determination as well as other information, including the number of requests for records pending before it as of October 31 of the preceding year, how long those requests have been pending, the number of requests for records it received, the total amount of fees collected, the number of full time staff devoted to processing requests, etc. The Attorney General is also required to develop reporting and performance guidelines for the reports required in according with the section. All these reports are to be made public.

Under section 33(3) of the Bill, the Attorney-General of the Federation is in turn required to report to relevant committees of the National Assembly on the implementation of the proposed Freedom of Information law, including information about the number of cases arising under the proposed Act, the exemptions involved in each case, the disposition of such cases, the cost, fees and penalties assessed.

The Attorney General is also required to include in the report a description of the efforts taken by the Ministry of Justice to encourage all government or public institutions to comply with the Act.

These are additional provisions, which will aid monitoring of implementation of the proposed Act with oversight functions resting ultimately with the National Assembly.

Documents Under Security Classification

Section 32(1) of the Freedom of Information Bill provides that the fact that any record in the custody of a government or public institution is kept by that institution under security classification or is a classified document within the meaning of the Official Secrets Act does not preclude it from being disclosed pursuant to a request for disclosure under the provisions of the Act. Section 31(1) of the Bill also overrides the provisions of the Criminal Code, the Penal Code, the Official Secrets Act or any other such enactment with respect to disclosure of any record.

These provisions are consistent with a key principle of freedom of information laws which requires that other legislation should be interpreted, as far as possible, in a manner consistent with the provisions of the Freedom of Information law and that where this is not possible, other legislation dealing with publicly-held information should be subject to the principles underlying the freedom of information legislation.

In particular, the principle requires that secrecy laws should not make it illegal for officials to divulge information, which they are required to disclose under the freedom of information law.

Ideally, laws such as the Official Secrets Act and similar provisions contained in the Criminal Code, the Penal Code, and other such laws ought to be repealed to actively promote open government. However, the Freedom of Information Bill falls short of this requirement. However, it is hoped that in the longer term, a commitment will be made to bring all laws relating to access to information into conformity with the spirit and principles underlying the freedom of information law.

In addition, the principle also requires that officials should be protected from sanctions where they have acting reasonably and in good faith, disclosed information pursuant to a freedom of information request, even if it subsequently transpires that the information is not subject to disclosure. This is what the provisions of section 31(1) of the Freedom of Information Bill seek to achieve. Otherwise, the culture of secrecy, which pervades many government bodies and institutions, will remain, as officials may be excessively cautious about requests for information, to avoid any personal risk.

Protection for Whistleblowers

Section 31(2) of the Freedom of Information Bill provides that nothing contained in the Criminal Code or the Official Secrets Act shall prejudicially affect any public officer who, without authorization, discloses to any person, any public record or information which he reasonably believes to show violation of any law, rule or regulation, mismanagement, gross waste of funds, fraud, and abuse of authority or a substantial and specific danger to public health or safety notwithstanding that the information was not disclosed pursuant to the provisions of the proposed Act.

A principle of freedom of information legislation worldwide is that individuals should be protected from any legal, administrative or employment-related sanctions for releasing information on wrongdoing. "Wrongdoing" in this context includes the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, or serious misadministration regarding a public body. It also includes a serious threat to health, safety or the environment, whether linked to individual wrongdoing or not.

Whistleblowers should be protected as long as they acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrongdoing. Such protection ought to apply even where disclosure would otherwise be in breach of a legal or employment requirement.

In some countries, the protection of whistleblowers is conditional upon a requirement to release the information to certain individuals or oversight bodies. While this is generally appropriate, protection should also be available, where the public interest demands, in the context of disclosure to other individuals or even to the media. The "public interest" in this context would include situations where the benefits of disclosure outweigh the harm, or where an alternative means of releasing the information is necessary to protect a key interest.

The principles recognize that such a provision is important because of situations where whistleblowers may need protection from retaliation, where the problem is unlikely to be resolved through formal mechanisms, where there is an exceptionally serious reason for releasing the information, such as an imminent threat to public health or safety, or where there is a risk that evidence of wrongdoing will otherwise be concealed or destroyed.

SCHEDULE

Declaration of Principles on Freedom of Expression in Africa

IV
Freedom of Information

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
   - everyone has the right to access information held by public bodies;
   - everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;
   - any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
   - public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
   - no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
   - secrecy laws shall be amended as necessary to comply with freedom of information principles.
3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.