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ACCESS TO INFORMATION

IMPORTANCE AND CHALLENGES



**RASHEED TI-JO RESEARCH SERIES:
HUMAN RIGHTS**

Rasheed (Transparency International-Jordan) was established at the end of 2013, as a non-for-profit civil society organization, through a group of activists working in the field of anti-corruption. Rasheed (Transparency International-Jordan) commenced work in Amman at the beginning of April 2014, and it represents the only official contact group of Transparency International in Jordan.

Rasheed (Transparency International-Jordan) aims to reinforce the involvement of the Jordanian citizen in anti-corruption activities, protect public, private and local governance institutions against corruption, enhance the efficiency and independence of control agencies specialized in the area of anti-corruption, strengthen the integrity of the legislative and judicial authorities, and reinforce the performance of Rasheed (Transparency International-Jordan) towards achieving its mission and vision.

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Contents

Introduction.....	4
Primary Sources of the Right to Information.....	4
Right to Access to Information: Notion and Significance	6
European Legislative Practices	8
Treaty on the Functioning of the European Union.....	8
Council of Europe Regulations	9
European Convention on Human Rights	9
European Social Charter	10
Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.....	10
Jordanian Legal Framework on Access to Information	11
Conclusions	16
Recommendations	16
Sources	18

Introduction

The right to information is clearly defined in international law as a human right relating to freedom of expression, important mechanism for the implementation of other rights and freedoms as well as tool for eradicating corruption.

The right to access to information is a tool to ensure other rights that promote public participation and allow people to better exercise their other human rights and freedoms. The right to information is also mentioned in number of international treaties and agreements, including those related to the issues of environmental pollution, climate change, disability and migrants.

State authorities should in priority matter disseminate information of public interest and access to it should be easy, practical and effective. They also should adopt the necessary procedures, such as legislation, regarding exercising the right to information, meanwhile fees for access to information should be limited in size, requests to be responded in a timely manner, and authorities should justify refusals and establish mechanisms to appeal refusals.

Adoption of laws on the right to information also leads to, greater than required by law, mandatory openness in the activities of governments. Departments are aware that in most cases the disclosure of information will not harm their activities, but satisfy public requests, and they are more for revealing information, even if it is not explicitly required by the law.

Primary Sources of the Right to Information

The right of all persons to be able to obtain information from public bodies about their decisions and activities is well established in international law as a human right. It has also been widely recognized as a means for the enabling of civil and cultural rights, and as a key tool to fight corruption and promote good governance. The primary source of the right to information is enshrined in the Article 19 of the Universal Declaration of Human Rights (1948), which is based on the fact that the right to information derives from the right to freedom of opinion and expression. The Article states the following (UDHR, 1948):

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

In Article 19 of the International Covenant on Civil and Political Rights (1966), it is specified that these freedoms relate to all kinds of information, ideas and methods of their dissemination:

"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice".

In General Comment No. 34 adopted in 2011, the UN Human Rights Committee issued an authoritative interpretation on the scope and limits of the right to information under Article 19 of the ICCPR. According to the Committee, the article requires all states to ensure public access to information and claims them to ensure that the access is *"easy, prompt, effective and practical"*. Countries must enact *"necessary procedures"*, such as legislation, to give effect to the right to information and sets standards for such legislation, including that fees for access must be limited, responses to requests must be timely, authorities must provide explanations for withholding information and independent appeals mechanisms must be established. Countries must also proactively disseminate information in the public interest (UN HRC, 2011).

The UN Convention against Corruption (UNCAC), which has been signed and ratified by 182 countries, has a number of provisions requiring public access to information. Article 13/1 requires that States should ensure that *"the public has effective access to information"*, while Article 10 claims that states shall *"take such measures as may be necessary to enhance transparency in its public administration"* including (UNCAC, 2003):

"...Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public".

The Open Government Declaration has established the Open Government Partnership (OGP) and promotes transparency of state authorities by using a multi-stakeholder approach. The commitment of the OGP to the right to information is very strong for both reactive and proactive disclosure of information, and thus among the necessary requirements for participation in the Partnership states are to meet the minimum performance criteria, which are based on, but not limited be, access to information. In addition, Core Eligibility Criteria requires (OGP, 2019):

"An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government".

Right to Access to Information: Notion and Significance

Access to information is a fundamental human right and one of the main tools for increasing the openness of the governance, informing society about what is happening, providing opportunities for analysis as well as planning changes in the life of society and realizing rights and freedoms of every person.

Information is the most important characteristic of democratic governance: a bad government needs secrecy, which does not lead to increase of the effectiveness of public authorities, but results in the growth of corruption. Information allows people to monitor the activities of the government and creates the basis for discussing its actions with knowledge of the matter. However, it should be noted that the right to freedom of information is associated with a certain responsibility, which is reflected in the presence of the fundamental boundaries of its implementation in accordance with the necessary measures to protect personal data, intellectual property rights, as well as protecting trade and state secrets.

Access to information is essential as it helps individuals to make their decisions based on the correct data and enables all citizens to know how the decisions that affect them are made, how public funds are handled and allocated, and according to which criteria institutions act. It is also pursued as a necessary condition to combat corruption and mismanagement of public funds and to detect violations and protect rights as well as to support the democratic and participatory practice of governance. Moreover, it contributes actively to the support of the scientific research and to the stimulation of trade and the creation of a strong economy, while also being one of the most important mechanisms in helping journalists gather the facts and data necessary to fulfill their professional function.

In the broad sense, the right to access information is a human right, a particular case of which is the right to access information of state bodies. In this regard, the state should act as a guarantor of providing citizens with an expanding range of information services, legally and technologically ensure the right to access to public information for the entire population. When it comes to the rights of citizens, legal entities and the state to freely receive, disseminate and use information, the state should proceed from the principle of unconditional legal equality of all participants in the process of information interaction,

regardless of their political, social and economic status. Information should be open to all and provided constantly with a guarantee of reliability and completeness.

According to Coalición Pro Acceso – the Spanish platform of total of 57 CSOs, NGOs and other members – that promote the full recognition of the right of access to public information in Spain, this right implies the following principles (Darbishire, Caffarena, 2010, 50-51):

- Everyone has a right to access to information;
- The process of submitting a request for information should be simple, fast and free of charge;
- The right to receive information covers to all government bodies;
- Government officials are required to help those, who contact them;
- The principle of publicity: secrecy is the exception, openness – rule;
- Everyone has the right to appeal in case of refusal or lack of response;
- Refusals should be limited and duly justified;
- The right to information must be guaranteed by an independent supervisor;
- State authorities are obliged to publish basic and important information by their own initiative without any request.

The more transparent the government is – the better its management in terms of number of indicators, like government efficiency, regulatory compliance, level of corruption activities, voting rights and accountability, rule of law, administrative efficiency, level of refusal to execute contracts, level of risk of expropriation and combined transparency level (Islam, 2003).

Democratic values relies on the knowledgeable society, and citizens rely on the access to information as this is a starting point for their participation in the public life, and the key element for their determination of priorities for public spending, having equal access to justice and keeping governmental authorizes accountable, meanwhile, insufficient access to information provokes the spread of corrupt activities (Nakuta, 2013). However, the right to access information also has other important aspects:

- The right to information can also improve the flow of information within the government bodies themselves. Excessive secrecy narrows the possibilities for exchanging information between government departments and reduces their effectiveness, and the right to access information helps to improve coordination of work as well as policy development processes.

- Adoption of legislation on the right to information improves workflow practices in government as a result of the modification of workflow systems in accordance with the new requirements of the law and the need to base decisions on rational processes;
- Decisions that are about to become public are more likely to be based on objective and rational reasons, which are also announced publicly, and as a result, confidence in the government increases if it is known that its decisions are predictable;
- Public disclosure may serve as an alternative regulatory method as public disclosure of information may motivate actors to improve their behavior in order to avoid criticism and reputational losses.

European Legislative Practices

At the modern level of civilization development, society has all the necessary means for continuous monitoring of the process of its own governance. Citizens have the right to know how the government fulfills its promises, complies with its laws and takes into account the public interest in the allocation of resources. This right can only be realized by establishing full transparency in the functioning of public institutions.

Access to information is widely recognized in Europe under various legal systems. The right to information is recognized as an essential condition for freedom of expression, necessary to strengthen democracy and public participation, as an anti-corruption tool, and also as an important instrument for protecting the environment. Although many of the relevant legal instruments are purely declarative, some of them, in particular the European Convention on Human Rights, impose obligations on the country, which must be respected by public servants

Treaty on the Functioning of the European Union

Treaty on the Functioning of the European Union emphasizes that decisions are to be made as openly as possible and it also claims that any legal entity or individual residing or registered in one of the member states has the right to access documents of the European Parliament, the Council and the Commission in compliance with certain principles and conditions. Thus, exceptions apply to the protection of certain public and private interests, such as (EU, 2007):

a) State interests in the area of:

- state security;

- international relations;
- financial, monetary or economic policies of the Union or member state;
- defense and military issues.

b) Private life and personal integrity, in accordance with the legislation on protection of personal data.

Council of Europe Regulations

The Council of Europe recognizes the importance of the right of access to information and this is represented in number of resolutions of the Committee of Ministers and the Parliamentary Assembly, decisions on cases within the European Convention on Human Rights and the European Social Charter, as well as in the recently approved Convention on Access to Official Documents. The Committee of Ministers and the Parliamentary Assembly of the Council of Europe emphasize fundamental importance of information for the public in a democratic society and they claim it a primarily condition in enhancing people`s confidence in the state authorities, and, thus, government should undertake all feasible steps toward ensuring the most possible public availability of existing information, which the it possesses, and provide anyone with the right to receive information without presenting a specific legal interest in it (with limited exceptions) as well as promptly answer the questions and create a mechanism for appealing refusals ¹.

European Convention on Human Rights

The European Court of Human Rights finds that the right to access information is provided for by several provisions of the European Convention on Human Rights. This includes the right to information as a mean of promoting state accountability, freedom of expression, and protecting the environment and public health. Since the 1980s, the European Court of Human Rights has begun to rule that under Article 2 of the Convention (the right to life) and Article 8 (the right to housing), it is an essential duty of state bodies to collect and

¹ Recommendation No. R(81)19 of the Committee of Ministers to member States on the access to information held by public authorities, 25 November 1981; Declaration of the Committee of Ministers on the protection of journalism and safety of journalists and other media actors, 30 April 2014; Parliamentary Assembly of the Council of Europe, Resolution 1954 (2013), National security and access to information; Recommendation (2003)13 of the Committee of Ministers to member states on the provision of information through the media in relation to criminal proceedings

provide citizens with information on environmental factors that can negatively affect public health².

European Social Charter

The same obligations can be found within the European Social Charter, and, thus, since 2009 the European Court of Human Rights affirms the existence of a wider fundamental right, than the right to freedom of expression itself, under Article 10 of the Convention – the right to access information of state bodies as a means of participating in the free exchange of opinions and ideas, as well as effective and correct administration of public policy³. The court also emphasized the importance of providing access to information for public observers, including the press, CSOs, NGOs, and any individuals planning to disclose information to the public.

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

The United Nations Economic Commission for Europe, covering Europe and Central Asia, has adopted several treaties related to access to information. The most notable of these is the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (UNECE, 2001). It requires all participating states to adopt legal norms that provide anyone with access to environmental information stored by both state and non-state institutions, as well as simplify the process of requesting and receiving such information - with limited exceptions. Each state should also enact relevant legislation regarding the collection and publication of environmental information. In addition, the public should be involved in decision-making process regarding the environmental issues, and there must also be an effective mechanism for the implementation of the relevant rights. This Convention is binding on all countries of the European Union, and member countries have agreed to promote its principles in all international forums.

Most of the laws on the right to information are very similar in structure and function. Below there are general elements contained in the laws of the different countries of the world on the right to information:

² See eg Guerra v Italy, App 116/1996/735/932 (1998); Giacomelli v. Italy, App 59909/00 (2006); Tătar v. Romania, App 67021/01 (2009); Vilnes and Others v. Norway, App. 52806/09 & 22703/10 (2013).

³ Tarsasag v Hungary, App 37374/05 (2011); Kenedi v Hungary, App 31475/05 (2009); Youth Initiative for Human Rights v Serbia, App 48135/06 (2013); Osterreichische Vereinigung zur Erhaltung, Stärkung und Schaffung v Austria, App 39534/07 (2013); Rosjianu v Romania, App 27329/06 (2014); Guseva v Bulgaria, App 6987/07 (2015).

- Right to access – the right of an individual, organization or legal entity to be able to request information from government bodies without the obligation to legally justify the interest in it;
 - Obligation to provide information – the obligation of government bodies to respond to the requests and provide information. This includes mechanisms for working with requests and setting deadlines for responding to requests;
 - Exceptions – allow not disclosing certain categories of information. Usually, this requires that, before hiding information, it is shown what harm such disclosure can cause;
 - Appeal – internal appeal mechanisms that allow the applicant to dispute the denial of information;
 - External appeal and supervision – consideration of complaints by an independent body. Usually, within the framework of the law either a separate agency (like an information commission, for instance) is created or complaints can be examined by the current human rights ombudsman or the courts. Such a body also oversees the implementation of the law;
 - Proactive publication – a requirement for authorities to proactively publish information (of certain specific types) about their activities;
 - Sanctions – punishment for officials for unlawful destruction or alteration of information or for unlawful refusal to provide it, and for authorities – for failure to comply with orders of an external supervisory authority.

Jordanian Legal Framework on Access to Information

Jordan has signed and ratified number of legally binding international legal mechanisms for protecting and ensuring the right to access to information. Including the following:

International Covenant on Civil and Political Rights that states (ICCPR):

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

- a) *For respect of the rights or reputations of others.*
- b) *For the protection of national security, public order, public health or morals.*

Thus, Article 19.1 ensures the full protection for the right to freedom of opinion that is supported by the statement "without interference", and it admits no limitations or exceptions. Moreover, the person has the right to change his or her opinion freely whatever the reason is.

Article 19.2 requires states to guarantee the respect for the right to freedom of expression along with the right to seek and receive information and ideas of all kinds, and thus, it protects the right to express and receive any kind of idea or opinion that is possible to be transmitted to other.

Article 19.3 places clear limitations on national legal framework restricting this right, and such restrictions are to be treated as exceptions and legitimate only under the narrow conditions, which are established under following assessments as prescription by the law, servicing the legitimate interest and being necessary in the democratic society.

The Arab Charter for Human Rights states (ACHR):

1. The present Charter guarantees the right to information and to freedom of opinion and expression, as well as the right to seek, receive and impart information and ideas through any medium, regardless of geographical boundaries (Article 19).

2. Such rights and freedoms shall be exercised in conformity with the fundamental values of society and shall be subject only to such limitations as are required to ensure respect for the rights or reputation of others or the protection of national security, public order and public health or morals (Article 32)

Convention on the Rights of the Child, which provides for children's right to freedom of expression in Article 13 (UNCRC):

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Constitution of Jordan is the fundamental law and has supremacy over every other law, and Article 15 of the Constitution guarantees the right to freedoms to press, expressions and opinion stating the following (CHKJ):

1. *The State shall guarantee freedom of opinion; and every Jordanian shall freely express his opinion by speech, writing, photography and the other means of expression, provided that he does not go beyond the limits of the law.*
2. *The State shall guarantee the freedom of scientific research and literary, technical, cultural and sports excellence provided that such does not violate the provisions of the law or public order and morality.*
3. *The State shall guarantee the freedom of the press, printing, publication and information media within the limits of the law.*
4. *Newspapers and information media may not be suspended nor the license thereof revoked except by a judicial order in accordance with the provisions of the law.*
5. *In the event of the declaration of martial law or an emergency, the law may impose a limited censorship on newspapers, publications, books and information and communication media in matters related to public safety and national defense purposes.*
6. *The law shall regulate the method of control of the resources of newspapers*

This Article puts "positive" obligations on the State and its authorities to protect and ensure these freedoms. Although, the Constitution includes freedoms of opinion and expression, however, it does not include the right to seek and receive information, but just to express oneself. Moreover, it limits these freedoms by the mentioning phrases like "beyond the limits of the law", "within the limits of the law" and "in accordance with the provisions of the law", and though, it means that the newly passed laws may somehow encroach on the abovementioned rights and freedoms, but the Article 128.1 of the Constitution states that (CHKJ):

"The laws issued in accordance with this Constitution for the regulation of rights and freedoms may not influence the essence of such rights or affect their fundamentals".

Jordanian Access to Information Law adopted in 2007 has many problematic issues, and the major ones concern lack of procedural details and broad number of exceptions. Although, in 2012 there were drafted amendments to this law, however, it is still not signed by the Parliament. These amendments are focusing on granting non-Jordanians the right to get information from the public bodies in case of legitimate interest and reason for this.

It also concerns the empowerment of civil society representation in the Council of Information i.e. to include the Director of the Jordan Media Commission, the President of the

Jordanian Lawyers Association and the president of Jordan Press Association. The drafted amendments also focus on Information Council reporting to the Prime Minister, the Senate and House of Representatives regarding the implementation of the Law.

Moreover, changes also aim to require government representatives to respond on the request regarding the information within 15 days instead of 30, and allow people interested in receiving information to submit an appeal to the Council of Information within 15 days instead of 30 in case of previous denial of the initial request. The amendments to this procedure also stipulate that the Council of Information must provide with the decision regarding the appeal within 15 days instead of 30 in case of the denial of the request. In case the inquiry has been refused, person can appeal to the Administrative Court within 60 days of the Council`s denial. However, all these changes are not enough and not fully sufficient.

The Law also has a set of exceptions limiting the right to access to information that is stated in the Article 13 as the following (LAI, 2007):

1. *Secrets and documents protected by any other legislation.*
2. *Documents classified as confidential, and protected and obtained by an agreement with another country.*
3. *Secrets of national defense, state security, or foreign policy.*
4. *Information that includes analyzes, recommendations, suggestions or consultations provided to the official before a decision is taken, including correspondence and information exchanged between different government departments.*
5. *Personal information and files related to educational or medical records, job records, accounts, bank transfers or professional secrets.*
6. *Correspondence of a personal and confidential nature, whether postal, telegraphic, telephone or through any other technical means with government departments and their responses.*
7. *The information whose disclosure will affect the negotiations between the Kingdom and any other country or entity.*
8. *Investigations conducted by the Public Prosecution, the judicial police or the security services regarding any crime or issue within its jurisdiction, as well as the investigations carried out by the competent authorities to detect financial, customs or banking violations unless authorized by the competent authority to disclose them.*
9. *Information of a commercial, industrial, financial or economic nature and information, on bids or scientific or technical research, which the disclosure of would prejudice*

copyright and intellectual property, or to fair and legitimate competition, or would result in unlawful gain or loss to any person.

Thus, according to the Article 13.1, if there is a clash between the secrecy legislation and the principles of free information access, the second one is to be omitted, and as a result, the Access to Information Law is being suspended by the Protection and of the State Secrets and Documents Provisional Law. Moreover, the law provides a significant protection to the privacy, however, it also fails to protect the public interest, and thus, the legitimate reasoning for limiting access to information shall be narrowly interpreted.

It should be also noted that the main legal framework for protecting information related to the national security and national interest is the Protection of State Secrets and Documents Provisional Law and at the same time it is the main limitation for the right to access information in Jordan (PSSD, 1971). According to this law, there is a comprehensive system for the official documents secrecy, and under such frame there is the categorization of those documents as strictly confidential, confidential and restricted. But all the documents fall under this scope, and so, they are recognized as ordinary. And, thus, the official cannot disclose any information even if it is under the ordinary category without specific permission and authorization from upper official levels.

Another issue to be highlighted is the status quo of the media in Jordan. In terms of regulating this sector, the national legal framework fails in several areas, where it does not match the international standards, and this includes the following:

1. Providing licenses to newspapers;
2. Excessive control and monitoring of websites, including news ones, as well as their undue restriction;
3. Legal restrictions on the issue of who can be journalist and practice it that results in the large number of denial in licensing journalists and their exclusion from the Jordan Press Association membership, and thus, banning them from their work.
4. Lack of the Jordan Media Commission independence and its self-sufficiency in decision-making process regarding licensing broadcasters.

These measures are compounded by the efforts of a number of actors – both public and private – to influence the integrity of media outlet, which has been defined as “soft restraint”.

Conclusions

The right of citizens to information, as well as the right to access state information, is legally defined in many international and regional standards and documents, and constitutes the basis of a democratic society as a guarantee of the possibility of effective interaction between citizens and the state. Although the tendencies of transparency and openness of government are of current interest and significance all over the world, however, when it comes to practice at the national level, often state legal acts do not fully comply with international regulations. Despite the general recognition, some aspects related to the areas of application and ways of exercising some rights remain controversial and are the subject of lively discussion, which leads to a distorted implementation on practice

Recommendations

The principle of maximum disclosure establishes the presumption that any information stored in government is subject to disclosure, and exceptions to this presumption are permissible only in very limited cases. This principle embodies the basic idea of the concept of the right to information in international law and should ideally be established by the Constitution, so that it is immediately clear that access to official information is one of the fundamental rights. The priority goal of legislation should be to ensure maximum disclosure of information in practice.

In order to maintain the integrity and accessibility of information, the law should establish minimum standards regarding the storage and maintenance of information in government bodies. These bodies should be required to devote sufficient resources and attention to ensuring proper workflow. Criminal liability may be established for deliberately obstructing access to information or for its intentional destruction.

The right to information means not only that government agencies must respond to requests for information, but also that they must proactively publish and widely disseminate - within reasonable limits, depending on resources and capabilities – socially significant information. The law should establish a general obligation to publish information and also determine the main categories of information that is subject to mandatory publication that are the following:

- Information on the functions of the state body, including its tasks, organizational structure, standards, achievements, guidance documents, policies, procedures, rules and the main staff;

- Information on inspected reporting, licenses, budgets, revenues, expenses, subsidy programs, public procurement and contracts;
- Information on all requests, complaints and other direct actions that may be taken by members of the public in relation to the specific state body;
- Guidance on the procedures by which members of the public can make suggestions on policy or legislation;
- Types of information and forms of storage of this information within the state body, including any registries of documents and databases;
- The content of all decisions and policies affecting the society, as well as the reasons for making the corresponding decision and the basic materials that were important for its adoption, including all assessments of the impact on the environment, society or human rights.

In order to achieve the goals of the law on the right to information, informing citizens about their rights and promoting a culture of openness within the state is essential. The practical experience of various countries shows that unsubstantial officials can negate the most progressive legislation. So, actions to promote right to information become an essential part of its regime: the law should require adequate attention and resources to be given in order to promote the goals of this legislation.

The law should provide a number of mechanisms working with the issue of culture of secrecy in the state. In particular, government departments should be required to provide their employees with comprehensive training in the field of the right to information. Appropriate training should address issues of importance and scope of the right to information, procedural mechanisms for access to information, effective storage of documents and access to them, the scope of protection of whistleblowers, as well as the categories of information that agencies are required to publish. And such retraining should be held by employees of all levels, depending on their functions.

A public authority must satisfy any request for information if it cannot show that the relevant information is included in a limited range of exceptions to the access within the law, and such exceptions are represented by the following criteria:

- The information must be related to a legitimate purpose, in accordance with international law;
- There must be a risk that disclosure will seriously harm this purpose;
- Corresponding damage would exceed the public good from access to this information.

The government authorities should commit to consultative process whenever they participate in the media law reforms, while civil society organizations should participate and coordinate with government bodies effectively in order to get efficient results.

There should be conducted a comprehensive review of the legal framework on freedom of expression and media as well as amending the limitations regarding secrecy in order to meet international standards. This is mainly focusing the on amending the Protection of State Secrets and Documents Provisional Law and the rules on defamation as well as Access to Information Law.

There should be drafting of the national legislation framework regarding broadcasting that should consider transforming the Jordan Media Commission into fully independent body and which is protected from any commercial and political interference that would result in transparent and fair licensing process. This could result in diversity in the broadcasting.

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