



## ACCESS TO INFORMATION TOOL

# GLOSSARY

### ACCESS TO INFORMATION

It is “the right to access information held by public bodies”, as enshrined in the UN [OHCHR General Comment No. 34](#), and it is an integral part of the fundamental right of freedom of expression. It entails a proactive and a reactive component. As defined by [Access Info Europe](#), the proactive component is “the positive obligation of public bodies to provide, to publish, and to disseminate information about their main activities, budgets, policies and plans”; and the reactive one is “the right of all persons to ask public officials for information about what they are doing and any documents they hold and the right to receive an answer.”

### ACCESS TO INFORMATION REQUEST

It is the act of requesting access to information held and/or produced by public bodies, which “includes records held by a public body, regardless of the form in which the information is stored, its source and the date of production”, as indicated in the UN [OHCHR General Comment No. 34](#). A request can be made by anyone, without motivation or legitimate interest, and can be submitted through a wide range of channels, such as email, post, telephone, and more.

### ACKNOWLEDGEMENT OF REQUEST

When a requester submits an access to information request, public officials should provide the requester with an acknowledgment of the request. Access Info recommends that this be provided within five (5) working days, to confirm the request has been received and will be processed. Access Info also recommends that an acknowledgment inform the requester of his/her rights and of how to appeal.

### EXCEPTIONS

The right of access to information might be limited by a set of grounds established by law. As stated by the [Council of Europe Convention on Access to Official Documents](#), “limitations shall be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting:

- national security, defence and international relations;
- public safety;
- the prevention, investigation and prosecution of criminal activities;
- disciplinary investigations;

- inspection, control and supervision by public authorities;
- privacy and other legitimate private interests;
- commercial and other economic interests;
- the economic, monetary and exchange rate policies of the State;
- the equality of parties in court proceedings and the effective administration of justice;
- environment; or
- the deliberations within or between public authorities concerning the examination of a matter.”

## FREEDOM OF EXPRESSION

As stated in the [Article 19](#) of the Universal Declaration of Human Rights, “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.”

## FREEDOM OF INFORMATION

When referring to Freedom of Information (FOI), this term is regularly used to express two slightly different concepts, and it is important to check which one a person is using.

On one hand, freedom of information can be understood as the free flow of information. As established in the [Article 19](#) of the Universal Declaration of Human Rights, the right to freedom of opinion and expression includes freedom to “seek, receive and impart information and ideas through any media and regardless of frontiers.”

On the other hand, freedom of information is often used as an equivalent to the right of [Access to Information](#), which is “the right to access information held by public bodies”. It is quite common to refer to “freedom of information” laws as a synonym for “access to information” laws.

## HARM TEST

When a public authority refuses to release public information, it must show that publishing that information might cause substantial and demonstrable harm or undermine the public interest, based in the [exceptions](#) listed in the law. As a balancing act, a harm test normally goes in hand with a [public interest test](#).

## PUBLIC INTEREST TEST

A public interest test demonstrates if publishing information would be more beneficial for the public interest, outweighing the harm or prejudice that disclosure would cause to the protected interest.

## IDENTIFICATION

When the applicant has to reveal its identity and provide an official document that shows or proves who he/she is. As applied by international standards, providing a name and an email or postal address should be enough to submit an access to information request.

## INDEPENDENT BODY

An independent government body is a non-departmental public body that does not belong to a ministry, enjoying hence a certain amount of independence from the government. In the area of the right of access to information, it could be, for example, a Transparency Council, an Ombudsman, an Information Commissioner, etc.

## INTERNATIONAL STANDARDS

It is a set of principles and documents from international institutions that set standards for advancing and guaranteeing the right of access to information. One of the main documents that set minimum standards is the [Council of Europe Convention on Access to Official Documents](#).

See [here](#) a full list of international standards.

## MACHINE-READABLE FORMAT

As defined by the [Open Data Handbook](#), a machine-readable format is “a data format that can be automatically read and processed by a computer, such as CSV, JSON, XML, etc. Machine-readable data must be structured data”.

## OPEN DATA

As defined by the [Open Data Charter](#), “open data is digital data that is made available with the technical and legal characteristics necessary for it to be freely used, reused, and redistributed by anyone, anytime, anywhere”.

## OPEN FORMAT

As defined by the [Open Definition](#) project, an open format “is a format with, a freely available published specification which places no restrictions, monetary or otherwise, upon its use”. It is also defined as “a format that can be processed with at least one free/libre/open-source software tool”.

## OPEN LICENCE

An Open Licenses is, as defined by the [Year of Open](#) project, “a set of conditions applied to an original work that grant permission for anyone to make use of that work as long as they follow the conditions of the license. [...] Open licenses therefore give permission to anyone to use the work at no cost, and generally allow anyone to modify the work with no or minimal restriction (such as acknowledging the original author’s work)”.

## PARTIAL ACCESS

On some occasions, access to requested information might be limited by some [exceptions](#). In those cases, where application of any of the limits does not affect the totality of the information, partial access can be granted after removing the information affected by said limit.

## PERSONAL DATA

As defined in the [European General Data Protection Regulation](#), “personal data means any information relating to an identified or identifiable natural person [...]; such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”. This regulation also foresees special categories of personal data that can be considered “sensitive” such as data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation.

## PROACTIVE PUBLICATION

As defined by [Access Info Europe](#), proactive publication is “the positive obligation of public bodies to provide, to publish, and to disseminate information about their main activities, budgets, policies and plans, so that the public can know what they are doing, can participate in public matters and can control how public authorities are behaving.”



## PUBLIC INTEREST OVERRIDE

As indicated in the [Explanatory Report](#) to the Council of Europe Convention on Access to Official Documents, if public access to a document might cause harm to one of the interests protected by the [exceptions](#), “the document should still be released if the public interest in having access to the document overrides the protected interest.”

## REQUESTER

A requester is anyone making an access to information request. It should be any natural or legal person, regardless of citizenship, residency or country of registration.

## TRANSPARENCY PORTAL

A transparency portal is a website or webpage where information from the public administrations is published. It helps citizens understanding how public administrations function. At a transparency portal, it is common to find information about the structure and composition of a public administration, about the elected representatives, budgeting, public procurement, and more.