



Resolution of the 8th International Conference of Information Commissioners
from 18 to 20 September 2013 in Berlin

**Berlin Declaration on Strengthening Transparency
at the National and International Level
20 September 2013**

“Transparency: the Fuel of Democracy”

Bearing in mind that

- the willingness of citizens to exercise their fundamental rights and to actively participate in the political process is crucial for democracy,
- information is an indispensable requirement of political opinion forming and participation,
- compliance with constitutional requirements (rule of law), the transparency of government action and a strong judicial review legitimize government action,
- transparency and the rule of law strengthen confidence in the law-abiding behaviour and ability of federal, regional and local functionaries and institutions to learn,

the Information Commissioners gathered in Berlin at their 8th International Conference resolve:

Transparency is not possible without legally guaranteed access to information. Therefore, binding legal entitlement to access to information at the national and supranational level is necessary.

Rights to information guaranteed under international law justify individual claims to access to information from supranational bodies and oblige governments to share their knowledge with citizens. The actions of governments and of the community of states must be based on discourse and participation even more so than in the past. If they want to attain their objectives, they need to make a greater effort than in the past to gain the public's confidence. Democracy, the rule of law and the fight against the evil of corruption can grow only where national authorities and international organizations are willing to account for their actions and share information with citizens. In this way, transparent action is an important weapon in the

fight against global corruption, which thrives in a climate of secrecy when citizens are prevented from participating in decision-making processes.

Today, many states and international institutions already disclose a range of information regarding the environment, parliamentary activity and many other areas. This form of transparency strengthens citizens' confidence in their work. But there are still major gaps that must be closed.

In principle, even intelligence services cannot deny the public's entitlement to transparency. Precisely because their work profoundly intrudes on citizens' fundamental rights, it too must be subject to constitutional oversight that is verifiable and comprehensible to the public. Exempting this area entirely from the right of access to information is incompatible with this principle. The Conference recalls in this respect the decision of the European Court of Human Rights of 25 June 2013 (*Youth Initiative for Human Rights v. Serbia*), which recognizes in principle that the right to information guaranteed in the European Convention on Human Rights also applies to intelligence services.

Transparency is also necessary where businesses influence political and administrative decisions on a transnational level. Particularly in these cases, binding guarantees of transparency under international law and greater international public oversight are essential in order to control the power of private companies more effectively. Transparency is also an important instrument to fight corruption within and by companies.

The International Conference of Information Commissioners

- advocates the creation, at the national and supranational level, of comprehensive and effective legal obligations for access to information upon request and of an effective active provision of information which takes advantage of all methods of communication, especially the options offered by information technology;
- supports the recognition of an international fundamental right to information, and draws attention to Article 19 of the International Covenant on Civil and Political Rights (Civil Covenant, ICCPR) of 16 December 1966 as an international covenant stipulating that everyone has the right to hold opinions without interference, incorporating the freedom to obtain, receive and share information across national borders;
- reaffirms its support, resolved in Ottawa in 2011, that all eligible states should join and actively support the Open Government Partnership;
- notes that the Council of Europe Convention on Access to Official Documents of 18 June 2009 (Tromsö Convention), being the first international instrument to make provision for the right of access to information at government agencies, is open for accession by all states of the world, and recommends that all states consider ratifying the Convention.