



Recommendation 854 (1979)¹

Access by the public to government records and freedom of information

Parliamentary Assembly

The Assembly,

1. Reaffirming its faith in parliamentary democracy ;
2. Convinced that parliamentary democracy can function adequately only if the people in general and their elected representatives are fully informed ;
3. Considering that in today's society public life has become so complicated and technical that government departments and agencies frequently generate and possess information which cannot be obtained from other sources ;
4. Considering therefore that it is desirable that, subject to certain inevitable exceptions, the public should have access to government records ;
5. Considering that such freedom of information also constitutes an adequate check on corruption and waste of public funds ;
6. Bearing in mind that the taxpayers, i.e. the public in general, are the contributors of public funds, and that they should therefore be able to find out how those public funds are used, or misused, in government agencies and departments ;
7. Believing that the individual should have access to his personal records and have the right to have erroneous information about himself corrected, it being understood that such personal information should not be divulged or distributed to others as this would constitute an unwarranted invasion of privacy ;
8. Considering that such a right of access to one's own records has already been recognised by the Council of Europe in Resolutions (73) 22 and (74) 29 of the Committee of Ministers, relating to electronic records ;
9. Considering that the time has come to recognise this principle with regard to any records, whether electronic or manual ;
10. Considering that the Council of Europe itself should set an example of openness ;
11. Noting that freedom of information has operated successfully in Sweden for more than two centuries, and that other Council of Europe member states have recently followed the Swedish example ;
12. Taking note of the successful implementation in the United States of America of the Freedom of Information Act and the Privacy Act 1974 relating to record-keeping by federal agencies,

1. Assembly debate on 1 February 1979 (24th Sitting) (see [Doc. 4195](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 1 February 1979 (24th Sitting).



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13. Recommends that the Committee of Ministers :
- a. invite member states which have not yet done so to introduce a system of freedom of information, i.e. access to government files, comprising the right to seek and receive information from government agencies and departments, the right to inspect and correct personal files, the right to privacy, and the right to rapid action before the courts in these matters ;
 - b. instruct the Committee of Experts on Public Authorities and Access to Information, or any other expert committee to make a full study on the question of access to government files ;
 - c. implement its decision taken in 1976 to insert a provision on the right to seek information in the European Convention on Human Rights ;
 - d. study whether and to what extent documents relating to activities of intergovernmental co-operation within the Council of Europe may be made accessible to the public ;
 - e. publish periodically, in an easily accessible form, the texts of the resolutions it adopts ;
 - f. give notice to the public, whenever possible and appropriate, of draft texts of conventions and resolutions pending finalisation and/or enactment by its appropriate organs.