

## Ireland: Campaign to block FOI fee increases successful, but unacceptable €15 up-front fee remains

15 November 2013, Halifax/Madrid

Intense campaigning by Irish and international civil society organisations has resulted in an important policy reversal by the Irish government. The Minister for Public Expenditure and Reform, Brendan Howlin, has withdrawn, for now at least, an amendment to the Freedom of Information Bill 2013 which threatened to charge multiple up-front fees for requests deemed to include more than one question.

Welcoming the withdrawal of the proposed amendment to expand the charging regime, Access Info Europe and the Centre for Law and Democracy today wrote to Minister Howlin urging him to go further and abolish the existing €15 per request, stating that this fee clearly violate international standards.

Drawing on the data captured in the Global RTI-Rating website, Access Info and CLD note that charging up-front fees is both a breach of international standards regarding the right to information and out of step with other countries. Ireland is the only country in Europe to have mandatory up front charges for all FOI requests (Malta permits such charges but these are not routinely applied). Globally, only 16 out of 95 countries (17%) charge up-front fees. The problem is exacerbated by the level of the Irish fee which, at €15, is higher than any other country.

In their letter, the two organisations note that up-front fees are not permitted by the Council of Europe Convention on Access to Official Documents, which has yet to be ratified or even signed by Ireland. Charges for requests place unacceptable obstacles in the way of access to information, which has been recognised as a fundamental right by the European Court of Human Rights and the UN Human Rights Committee.

The two organisations also called on Minister Howlin to do away with fees for search and retrieval of information. Arguments justifying the charging of costs other than photocopying and postage charges are flawed on three grounds. First, information held by public authorities belongs to the public, having been created with taxpayers' money. Second, the cost of responding to requests is heavily correlated with the efficiency of public bodies' record management systems; it is not appropriate to pass this on to members of the public exercising their right to know, which effectively rewards poor record management practices. Third, charging high fees exerts a significant chilling effect on making requests, and there are strong public interest arguments against this, due to the significant benefits which flow from transparency. There is also the importance in a democracy of the public knowing what its government is doing, something which it is impossible to put a price tag on.

The threat to increase fees has raised serious concerns about Ireland's commitment to the ideals of the Open Government Partnership (OGP). Doing away with up-front and search and retrieval fees for information requests would be a welcome inclusion in

Ireland's national OGP Action Plan and a clear signal of the government's commitment to increase transparency.

The full text of the letter is available at: <http://www.law-democracy.org/live/ireland-campaign-to-block-foi-fee-increases-successful-but-unacceptable-e15-up-front-fee-remains/>.

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