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## **Myanmar: Archives Law Fails to Respect the Right to Information**

The government of Myanmar has put forward a new National Records and Archives Law to modernise the system of maintaining records and archives in the country. While the overall thrust of the draft Law is positive, it fails to respect standards regarding public access to information in several key respects. Given that Myanmar has still not adopted a right to information law, it is unfortunate that other laws, including this one, are being put forward which risk undermining the longer term objective of opening up government.

*“We support efforts that may result in better records management and preservation,”* said Toby Mendel, Executive Director, CLD. *“But these need to take a wider view of information as a social phenomenon and, in particular, respect the idea that citizens have a right to access information held by public authorities.”*

Some of the key weaknesses of the draft Law in terms of access to information include the following:

- The proposed system of classification appears to set rigid periods of secrecy which are in any case far too long, fails to define the different levels of classification, and seems to assume that all information will be subject to at least some period of secrecy.
- Access to information, whether or not its classification remains in force, is subject to the discretion of officials, rather than being recognised as a right.
- Unreasonable restrictions are imposed on the use of information obtained from the Archives.
- The draft Law include a public interest override for accessing information, which is welcomed, but clearer rules on the application of the override are needed.

CLD encourages those responsible for developing the draft Law to revise it to ensure that it respects international standards regarding the right to information.

The CLD Analysis and the draft Law are available at: <https://www.law-democracy.org/live/myanmar-archives-law-fails-to-respect-the-right-to-information/>.

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