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Panama: Note on the Transparency and Access to Public Information Bill

A new right to information (RTI) Bill was presented to Panama's National Assembly in August 2023 but was then withdrawn the following month due to civil society pressure. At the request of local civil society groups, the Centre for Law and Democracy (CLD) prepared an analysis of the Bill, with the aim of supporting advocacy efforts to improve future drafts.

The [Proposed Transparency and Access to Public Information Bill](#) was to replace Panama's current RTI law, first adopted in 2002. The proposed legislation would have improved the current RTI legislation, as assessed by CLD's [RTI Rating](#), which measures the strength of legal frameworks for RTI globally. Specifically, the current law scores just 93 points out of a possible 150 whereas the Bill scored 102 points.

"If the Bill had been adopted, Panama would rank 37th among the 139 countries currently assessed on the RTI Rating", said Toby Mendel, Executive Director of CLD. "While this represents an improvement over the current situation, the Bill would need to be improved in several areas to align with the many countries in the Americas which have really strong RTI laws."

CLD welcomes the fact that the Bill was withdrawn and efforts by local civil society groups to advocate for improvements. Our key recommendations for reform include the following:

- The legislation should cover all entities which provide public services, rather than only those which provide such services on an exclusive basis.
- Requesters should only be required to provide a description of the information sought and an address for delivery of the information (such as an email or mailing address).
- The legislation should override secrecy provisions in other laws, to the extent of any conflict and the regime of exceptions should be amended so as to protect only clearly and narrowly defined legitimate interests against harm.
- Individuals who act in good faith to disclose information under the RTI law, as well as whistleblowers, should be protected against sanctions.

CLD's analysis is available [here](#) and its RTI Rating of the proposed legislation is available [here](#).

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