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## **Everyone has a right to access EU information - you just have to know how!**

### **Quick Guide for Right to Know Day 2019**

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Freedom of information is a human right that is indispensable for a functioning democracy. We all have a right to know what people in power are doing and how they are spending our money - otherwise we have no transparency, no accountability, and no way of participating in the democratic process.

In the European Union, you have a fundamental right of access to documents. This means that you are allowed to request information from any EU institution - in any of the official EU languages - and they are obliged to reply to you within 15 working days.

#### **What kind of info can I request?**

The kinds of documents that you can request range from budgets to minutes of meetings, to video footage, audio recordings, or lists of meetings with lobbyists, for example. As long as those documents exist, you have the right to ask for access to them.

#### **What are the exceptions that could prevent me from accessing information from the EU?**

Of course, there are exceptions, because not all information can always be made public. But the key principle is that transparency is the rule, and secrecy is the exception. Whenever information is too sensitive, the EU institutions need to specifically argue why they cannot provide you with access. And there are a limited amount of exceptions that can be applied - these are all listed in the [EU's Access to Documents Regulation \(Regulation 1049/2001\)](#), and summarised below.

Plus, even if exceptions apply to the documents you have asked for, the EU institutions are obliged to provide you at least with partial access to the information - so they have to just blank out the sensitive parts.

There are, broadly speaking, two types of exceptions to the right of access to EU documents: some are "absolute", meaning that if the EU institutions establish that harm could be caused in those areas, they have the duty to withhold the information. The rest are "relative" exceptions, which means that even if some interests can be harmed by disclosure, the EU institutions are obliged to provide access anyway, IF there is

a higher public interest in having that information (this is known as an ‘overriding public interest’).

<b>“Absolute Exceptions”</b>
Public security
Defence and military matters
International relations
The financial, monetary or economic policy of the Community or a Member State;

### **Are there special categories of information?**

When it comes to accessing personal data or information which could undermine the privacy and integrity of any individual, then you have to justify why you specifically need access to that personal data, in line with the EU rules. Otherwise the information will be refused.

On the other hand, when it comes to environmental information - and particularly to information about emissions into the environment, it is always assumed that there is a very high public interest - and better yet, that any commercial interests will always be inferior to the public interest in knowing about the state of the environment. This is thanks to an international convention known as the [Aarhus Convention](#) on

Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (this has been applied to the EU institutions through [the Aarhus Regulation](#)). It is also binding law in all of the EU Member States.

### **How exactly do I get my hands on the information?**

Requesting information is super easy. You just need to send an email to the EU institution that you think holds the information. Tell them that you want to access documents containing information about [fill in the blank!] under the right of access to documents in the EU Treaties and under Regulation 1049/2001 and the Aarhus Regulation).

NGOs have made the process of requesting information even easier, by setting up specific websites that already include all the email addresses of all the EU institutions and that already have a pre-written template to help you ask for whatever you need. [www.AsktheEU.org](http://www.AsktheEU.org) is one example, as is [Fragdenstaat.de](http://Fragdenstaat.de).

### **What if the information is denied to me?**

If the EU institutions have denied you access to the documents you requested from them, first you have to file a “confirmatory application”. Basically, you should reply to the email or letter with the reasons why you think the EU institutions are wrongly applying the exceptions listed in the law. You can give more arguments about why transparency is important for the information you are trying to get access to, and you can detail why you think there is an overriding public interest in the information that justifies its release. There are [several guides on how to access](#) EU documents [written by NGOs](#) that can give you some clues on what to argue. If you’re feeling really motivated, you could also check some of the [pro-transparency court rulings](#) from the European Court of Justice and refer to those as well in your appeal.

If your appeal fails, you have 2 options:

1. File a complaint with the EU Ombudsman: You can do this online, for free, in your language. The Ombudsman then looks into the case and makes a recommendation on whether or not the information should be released. However, the recommendation is not binding.
2. Get a lawyer and take the case to the European Court of Justice: This takes much longer than a complaint to the Ombudsman and you will need to pay the legal fees, but the ruling of the court will be binding.

If you need support with accessing information, just contact us or the NGOs working on this issue.

**Happy Right to Know Day 2019!**

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