

Commonwealth Freedom of Information Principles (1999)

Member countries should be encouraged to regard FoI as a legal and enforceable right.

There should be a presumption in favour of maximum disclosure and governments should promote a culture of openness.

The right of access to information may be subject to limited exemptions, but these shall be drawn narrowly.

Governments should maintain and preserve records.

In principle, decisions to refuse access to records and information should be subject to independent review.

The UK Government expects the Overseas Territories to abide by the same basic standards of human rights as the UK*

* The UK Government White Paper on Overseas Territories 2012

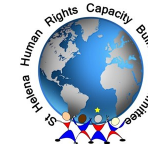


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Freedom of Information - A Human Right



Freedom of Information

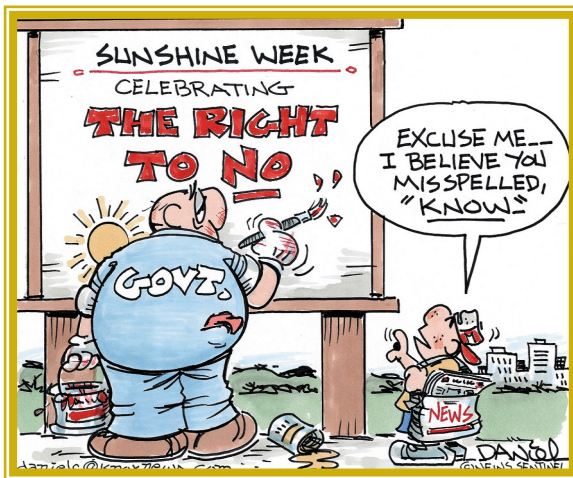
Freedom of Information (Fol) is an extension of freedom of expression, a fundamental human right recognized in international law.

In the UK and several of the overseas territories this right is protected by a freedom of information act or ordinance.

The UK act has been dis-applied here on St Helena, and we have no Fol legislation of our own so our right is not protected.

The United Nations and the UK Government both support Freedom of Information as they believe it

- encourages greater openness and accountability
- helps increase levels of public trust
- increases the numbers voting in elections



Why do we need an Ordinance?

A Freedom of Information Ordinance would

- give people the right to request, information from public authorities.
- promote a culture of openness and accountability amongst public sector bodies
- lead to better public understanding of how public authorities carry out their duties, why they make the decisions they do, and how they spend public money.

Fol grants a general right to access government information, necessary in a modern democracy.

Fol reverses the normal assumption in the civil service that all information should remain secret: public sector information is essentially paid for and owned by the public, and it should therefore be treated as openly and transparently

However there may be good reasons for withholding some information. Information about

- national security,
- personal matters,
- law enforcement,
- legal privilege,
- breach of confidence,
- effective conduct of public affairs,

and others may not be in the best interests of the public to disclose. But if information is refused the public should have the right to appeal to an independent body such as an Information Commissioner or an Ombudsman.

Who Benefits?

The short answer is we all do

The public benefits because

- we can understand the decisions made and how our money has been spent
- we can be sure decisions were taken fairly with our best interests in mind
- an informed electorate votes

Public officials benefit because

- they are not subject to rumours of nepotism or corruption
- if policies are public the people know why and how the rules are applied

Elected Members of Legislative Council benefit because

- they can demonstrate to the electorate that they stuck to their election promises
- they are themselves more fully informed and better able to make an effective decision
- if the public feel more involved they are more likely to vote giving those elected a clear mandate to represent them

The essence of good Government is trust.

Kathleen Sebelius