

## 10 years of the Hamburg Transparency Act

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In October 2012, the Hamburg Parliament passed a transparency law that was groundbreaking for the development of freedom of information in Germany. This milestone anniversary will be honored this evening at a reception hosted by the green parliamentary group (see below for information on the event).

"Thanks to the courageous legislative decision 10 years ago, Hamburg succeeded in making transparency and freedom of information a trademark and becoming a role model for corresponding developments in other federal states. The HmbBfDI has accompanied this development in Hamburg from the beginning and is still active as a complaints office for those affected who are denied information," says Thomas Fuchs, Hamburg's representative for data protection and freedom of information. "Now it is time to take the next steps to further improve the transparency of government action."

From the point of view of the HmbBfDI, three topics should be particularly emphasized in the further development of the transparency regulations:

### Introduction of a lobby register

The federal government and some federal states have already introduced mandatory lobby registers. Hamburg has not yet taken up this development. Here is an opportunity to once again lead the way and be one of the first countries to regulate a real 'legislative footprint'. This should not only make it clear which interest groups generally have access to members of parliament, as provided for by the Federal Lobby Register Act. Rather, it is also necessary to show to what extent it was possible to specifically influence the enactment of individual legal acts. Which groups prevailed with which arguments? Whose formulation suggestions were adopted, which interest groups were not heard? In principle, lobbying is not defamatory. It is all the more important to get him out of the backrooms of the republic and expose him to transparency that makes him verifiable.

### Digitization strengthens freedom of information

Laws alone cannot make administrations transparent. The authorities have to prove again and again that transparency is lived in practice. This works quite well in Hamburg, but can become easier and faster in practice due to increasing digital

administrative action. In this respect, digitalization serves transparency.

Protection of the Constitution: What is not secret does not have to be kept secret

As the most recent publication of NSU files by the Hessian Office for the Protection of the Constitution shows, there is a great temptation to use the opportunities granted to withhold information and to deliberately withdraw information from public access through excessive blocking periods and comprehensive classification as classified information, even if there are hardly any material reasons for doing so are. This is how the state gambles away the trust of its citizens. Information withholding capabilities are undoubtedly needed - not everything can be transparent. However, these legal exceptions must be applied responsibly and with a sense of proportion. It is unacceptable if material reasons for confidentiality are merely pretended or claimed as a matter of principle. The HmbBfDI is therefore calling for the area exemption to be lifted in favor of the Hamburg State Office for the Protection of the Constitution and to be subject to comparable requirements to all other Hamburg authorities.

Information on the anniversary event of the Hamburg Greens parliamentary group

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