

Press release of the Conference of Freedom of Information Officers in Germany (IFK)

No loopholes in communication with authorities and for foundations with public tasks - further develop the right to freedom of information

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The conference of freedom of information officers in Germany (IFK) met in Kiel from 29 to 30 June 2022, chaired by Marit Hansen, the state commissioner for data protection in Schleswig-Holstein, and agreed on numerous points relating to freedom of information, transparency and open data.

In its 42nd session, the IFK passed two important resolutions:

The reason for the resolution "No circumvention of the freedom of information by setting up foundations under civil law!" was the refusal of the "Foundation for Climate and Environmental Protection MV" to grant access to the information there. The IFK states that the public has a right to information in the case of foundations that perform public tasks. The right to access information must not be undermined by the organizational form as a foundation under civil law.

The resolution "SMS in the file: Official communication is subject to the rules of freedom of information!" refers to a judgment of the Federal Administrative Court on the publication of direct messages from an authority. The IFK calls on the administrations in the federal and state governments to document all relevant official communication in embodied form - regardless of whether this happens in paper form, as an e-mail, SMS or when using social media - because this communication is also in accordance with the law grant access to freedom of information.

The topic of "freedom of information by design" will play an important role in the future work of the IFK. As early as 2019, the IFK welcomed in a position paper the approach of designing the technology and organization of the data in the public sector from the outset and continuously following this principle: On the one hand, the bodies subject to information obligations are

supported in fulfilling a requested access to information and in the implementation of publication obligations supports. On the other hand, this makes it easier for applicants to access information. Due to the developments at EU level as well as in the federal and state governments, which are increasingly propagating a culture of data sharing and data use, the topic of "freedom of information by design" is gaining in importance. It is essential that the legal restrictions on transparency and freedom of information - for example due to personal references or business secrets in the data - are reliably implemented in order to avoid data breaches.

The keynote speeches by Prof. Dr. Meiko Jensen, Karlstads Universitet, Sweden, on "Data reduction before information is released - the toolbox of cryptographers" and the State Commissioner for Data Protection and her team at the Independent State Center for Data Protection Schleswig-Holstein (ULD) on "Freedom of Information by Design - Development since 2019" . In autumn 2022, the IFK will deal with the topic again.

All documents are made available online: <https://uldsh.de/ifk>The Conference of Freedom of Information Officers in Germany (IFK) includes the federal government and the states of Baden-Württemberg, Berlin, Brandenburg, Bremen, Hamburg, Hesse, Mecklenburg-Western Pomerania, North Rhine -Westphalia, Rhineland-Palatinate, Saarland, Saxony-Anhalt, Schleswig-Holstein and Thuringia. The state of Saxony currently has guest status in the IFK and will join as a new member as soon as the legislative process for the transparency law there has been completed. The meetings of the conference are open to the public. Agendas and minutes of the meetings and the resolutions passed are published on the Internet in accordance with the IFK's rules of procedure.

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