

25 years of the File Inspection and Information Access Act

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For a quarter of a century there has been a right to access official information in Brandenburg without having to justify it. The basis for this is the File Inspection and Information Access Act of March 10, 1998 - nationwide the first Freedom of Information Act. It specifies the basic right to inspect files from the constitution of the state of Brandenburg, which came into force in 1992. The File Inspection and Information Access Act has ensured that the idea of transparency has arrived in everyday administrative life.

From the very beginning, the state representative has accompanied the implementation of the File Inspection and Information Access Act. She advises citizens who have questions about their rights and supports them in dealings with authorities if they improperly refuse to disclose documents that have been requested. Her tasks also include advising files-managing bodies, which often have to solve complicated legal issues when processing applications for file inspection. In most cases, the administrations of the state and the municipalities now apply the file inspection and information access law as a matter of routine. Nevertheless, according to Dagmar Hartge, there is a need for action:

After 25 years, it is time for a further development of the File Inspection and Information Access Act. In the meantime, society has changed unmistakably – its expectations of a transparent state have risen considerably. This change must also be reflected in legislation. A Transparency Act, which puts an obligation on the part of the administration to actively publish information alongside the citizens' right of application, is overdue. Other countries have long since followed this path; Brandenburg, on the other hand, remains in the role of the spectator.

But the existing regulations of the File Inspection and Information Access Act also need to be put to the test. Its extensive catalog of exceptions could be significantly reduced. More appropriate than general exceptions are regulations for balancing secrecy and public interest in inspection. Furthermore, no one understands why the state commissioner is only allowed to control general access to files, but not access to environmental information, which is often requested in practice. This is where the Environmental Information Act comes into play. In contrast to many states and the federal government, support for citizens is still not provided in Brandenburg. The file inspection and information access law is no longer up to date. After 25 years, it has gathered a lot of dust.

binder

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