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Freedom of information for citizens in Corona times - creating trust through transparency In times of a pandemic, the spotlight is often not directed primarily to data protection and freedom of information, but to the fight against the pandemic. However, it is important that freedom of information rights continue to exist in order to create trust. Professor Dieter Kugelmann, the state commissioner for data protection and freedom of information in Rhineland-Palatinate (LfDI), emphasizes: "Just as the protection of personal data must not be played off against the fight against the pandemic, the freedom of information rights of citizens must also be protected in times of a pandemic Data protection and freedom of information are guidelines for handling information: which data is processed by government agencies and in what form must be closely monitored. What information government agencies possess and collect and whether they have to release this information in response to inquiries is just as important. "Kugelmann emphasizes: "Even in times of a pandemic, transparency can create the necessary trust between politics, administration and the population. The best example of this is the procedure used to develop the Corona warning app. Freedom of information is the general and unconditional right to access ng to official information that is available from public bodies. This should give all interested parties the opportunity to better understand the work of authorities. Nothing would be gained if government agencies wanted to curtail freedom of information in times of crisis, for example by referring to workload. Rather, this could impair the process of public opinion-forming, make acceptance more difficult and feed conspiracy theories. Transparency is the best way to counter misinformation and fake news."

Citizens have a right to information In principle, according to the State Transparency Act, citizens have a right to information on information available from government agencies. Questions such as: How many employees in a company are infected could be of interest at the moment? Against which restaurant has administrative offense proceedings been initiated, for example because it opened beyond the permitted scope or violated hygiene regulations? Kugelmann says: "Whether the state authorities have to provide information on the inquiries depends on the individual questions and the respective legal basis. Respect for personal data and company and business secrets must also be taken into account. A legitimate interest in confidentiality can, for example, exist if, in the event that a company is paralyzed due to quarantine, a competitor can use this information for its own market behavior." It may also be of interest to citizens to what extent evaluations, reports and surveys on corona infections may be requested, For example, on questions such as "How many people are currently in quarantine in

the community?", or: "Are there any expert opinions on the risk assessment for the local spread of the corona virus?" The general rule is that government agencies are only obliged to be transparent if they about the requested surveys and evaluation regulations. If such are not available, there is no obligation to obtain information. Only the information that is actually available is to be made accessible. If, for example, raw data is available, it may be included in the right to access, but there is no right to evaluation or classification by the body subject to transparency obligations, at least within the framework of the State Transparency Act. "Fighting pandemics is an indispensable task of the state. Current experience shows that regulations alone do not bring the desired success, but require the acceptance and support of the population. Measures must be justified and, if necessary, explained. Freedom of information and transparency help here. People are much more likely to adhere to regulations if they can understand them," says Kugelmann.

See also the LfDI press release "With transparency against "fake news" and the podcast episode on the subject.

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