

Press release of the conference of the independent data protection supervisory authorities of the federal and state governments of November 3, 2021

Conference of Freedom of Information Officers in Germany (IFK) calls for better protection for whistleblowers

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At their 41st conference on November 3, 2021, chaired by Saxony-Anhalt, the freedom of information officers in Germany called on the federal legislature to quickly implement the EU directive on the protection of persons who report violations of Union law (Directive (EU) 2019/1937). implement as possible. They consider it necessary to extend protection to whistleblowers in Germany who report violations of national law. The deadline for timely implementation is December 17, 2021. Germany has not yet implemented the directive because the last federal government could not agree on the scope of a whistleblower protection law. "The comprehensive protection of whistleblowers against reprisals is in the public interest. The uncovering of grievances often enables government and society to react and forces those affected to act in accordance with the law," said Mr. Albert Cohaus, who chaired the conference as chairman. "In view of the deadline, there is an urgent need for action"

In addition, the conference called on the new federal government to sign the Tromsø Convention in the new legislative period and to initiate the ratification process. With the ratification, the Federal Republic is obliged to create a uniform minimum standard for access to information throughout Germany. The convention, drawn up in 2009, is the world's first international agreement that constitutes a general right of access to information on official documents. It came into force on December 1, 2020 without German participation. With the Federal Freedom of Information Act (IFG), the last federal government already achieved the minimum standard provided for by the convention for the whole of Germany. "However, the IFG only applies to the federal government, not to the states. Bavaria, Lower Saxony and Saxony currently have no freedom of information laws.

There is therefore no uniform minimum standard for access to information throughout Germany," said Albert Cohaus. "Anyone who wants to ensure transparency and freedom of information in the long term must also guarantee access to official information under international law"

Furthermore, the conference called on the state legislators to transfer the advisory and control competence for environmental information law to the state commissioners for freedom of information, following the model of the federal government. In March 2021, the Federal Commissioner for Data Protection and Freedom of Information was given these powers. The federal legislator has thus followed a recommendation from the evaluation of the Federal Environmental Information Act (UIG) from October 2020.

So far, the state commissioners have only been able to regularly monitor compliance with the general freedom of information law, but not with environmental information law. Albert Cohaus: "People who turn to us don't understand this. They want full support. But we have to turn them down when it comes to environmental information." The federal government has therefore reacted. Albert Cohaus: "We are now faced with the situation that an applicant can count on the support of the Federal Commissioner in disputes with federal authorities. However, she is largely denied arbitration in disputes with state authorities, simply because the request for information about the environment is addressed to a state authority. The conference does not find this convincing"

The agenda and the resolutions passed can also be accessed on the website of the state representative at <https://informationsfreiheit.sachsen-anhalt.de/>.

Background information: The IFK is an association of federal and state freedom of information officers with the aim of promoting the right to access information and working together to promote its further development. In 2021, Saxony-Anhalt will chair the IFK and will be responsible, among other things, for holding the 41st Freedom of Information Conference. Since January 1, 2021, Mr. Albert Cohaus has been responsible for the tasks and powers of the state commissioner for freedom of information of the state of Saxony-Anhalt and thus the chairmanship of the conference.

If you have any questions, please contact Mr. Albert Cohaus, Tel. 0391-81803-0; [poststelle@lfd.sachsen-anhalt.de](mailto:poststelle@lfd.sachsen-anhalt.de).

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[Back to overview](#)