

THE STATE COMMISSIONER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

Press Office of the State Commissioner for the

Data protection and freedom of information

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PRESS RELEASE

3rd Activity Report on Freedom of Information 2020/2021

The State Commissioner for Data Protection and the

freedom of information dr Stefan Brink: "Access to

Information and knowledge are elementary for a

democratic society. The usefulness and

credibility

one

authority

climb

through

transparent action enormous. Citizens shouldn't

need to ask more for regulatory information,

public bodies should in future proactively official

information

in

one

on-line

accessible

Provide transparency portal.”

Official secrecy no longer exists. For 6 years can

Citizens receive official information from authorities –

simply by asking about it. They can do this informally

without giving reasons, anonymously and mostly free of charge.

The State Freedom of Information Act (LIFG) from

2016 provides the basis for this.

Nevertheless, it is still not easy for many citizens

to get the desired official information:

numerous exceptions to the obligation to provide information, too high

Costs to be borne by the requesting person, too complicated

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Procedure. As is current to access official

Information is available, reported the state representative

in

its activity report published today (7.3.)

Freedom of Information 2020/2021. He moves along every two years

his report balance sheet and shows based on social

Developments,

case studies

and

exemplary

Court decisions, how open authorities are to citizens

actually are - and where reporting bodies are better

could be.

It is actually clear: Every citizen should have every official

Information immediately and free of charge from any authority of the

country and

received by each municipality. Because the

Access to information is a fundamental right - Article 5 paragraph 1 sentence 1

of the Basic Law says: "Everyone has the right [...]

to teach without hindrance from generally accessible sources".

Official information is generally accessible sources.

The State Representative

for data protection and

freedom of information dr Stefan Brink: "Access to information

and knowledge are elementary

for a democratic

Company. The usefulness and credibility of a

authorities get through

transparent action enormous.

Citizens should no longer ask for information

must, public authorities should proactively official in the future

Information in an online accessible transparency portal

provide."

Last year, the state government decided

to further develop the LIFG into a transparency law.

This is a good and good thing for the State Commissioner Brink

important decision to strengthen civil rights.

Even if other countries already have such a law,

act the state government with this decision

“Progressive because a transparency law is a real one

Improving the status quo

in Baden-Wurttemberg

means,” says the state representative Brink. Like the law

will be specifically designed, but is currently still unclear.

Currently dealing with that

Interior Ministry with the

Preparation of an evaluation LIFG. This evaluation, the

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according to the ideas of the legislature

in the

should take place last year is still a long way off.

The state commissioner himself already last year

submitted its evaluation.

Citizens want to be informed

In principle, every citizen request to an authority is one

Request for the LIFG. How many LIFG requests at

received and answered by public authorities as a whole

can therefore hardly be grasped. Lots of public places

In this respect, they also provide very good citizen service, for example

Cities like Ulm, Karlsruhe, Freiburg, and Heidelberg

Manheim. Apparently there is but for those required to provide information

Make simple and not so simple requests, like this one

according to protocols

by non-public

municipal

council meetings.

Since the LIFG has existed, the number of

mediation requests

at the

state representative

meager

tripled. In 2016 there were still around 64 consulting

and placement requests, so there were over 180 in 2020

and in 2021 over 170 requests.

Most of them, around 70 percent, related to the

past two years on events 'on the doorstep' of

Citizens, in municipalities, district offices, schools and

regional councils. Citizens have been interested since

2020 especially for information on Corona measures

and case numbers. Due to numerous inquiries about this, the

State representative at the beginning of last year

with a clear handout for citizens and

public authorities responded in a supportive manner.

Information about the

The topic of building, from the neighboring house to land use planning.

Likewise

is the use of public funds

significant for individuals making LIFG applications. here

deals with budgetary issues and the awarding of projects.

A thoroughly amusing LIFG for the outside observer

The request was addressed to the Karlsruhe Zoo – it concerned that

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Breeding book for orangutans. The applicant wanted

Information about the degree of relationship between two orangutans

Utans housed in different zoos. Of the

As part of the city, Karlsruhe Zoo is subject to information requirements.

So the question could be answered, now we know more

about the monkeys.

The LIFG inquiries are very diverse. Next to the

The state commissioner advises on support for citizens

the country's public authorities. are essential here

Questions of procedure and interpretation of the LIFG.

All in all

is access to official

information

far-reaching but not limitless. Who about the files of

wants to see his neighbor at the social welfare office, he will

information

also

after

to the

country information

not get liberty law unless the neighbor

agrees.

Transparency portal relieves cities and communities

Overall, the state representative can see that the

Inquiries from citizens to public authorities are becoming increasingly important

will. Especially in times of fake news and alternatives

Facts' are reliable information from the public sector

particularly in demand. Many citizens not only use

the direct way to a public body to

query information, but also the portal

"Question State". This portal alone has in the past

10 years around 200,000 LIFG inquiries on their pages

supported and collected.

Of the

State representative Brink:

"Ask the state

performs

excellent work, often brings light into the darkness,

when others can't. But this

outstanding project replaces the transparency efforts

government agencies do not. people want information. she

will be more and not less information from in the future

expect their state. If the state government to this

purpose would set up a transparency portal on the Internet, in

which cities and municipalities enter their information

can, that would be a great help for the citizenry and

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a relief for the municipalities. Because they are aimed at them

most requests. You need capacities and

Deploy resources to meet the ever-increasing number of

to process requests. One of the state government central

established portal would effectively help local authorities.

We support such a development with all our might.”

Social Media: Information must be available without barriers

to be available

Social media is also taking part in the

information work

public bodies play an important role. That

is

welcome in principle, then so can the state

report about his work in an up-to-date and citizen-oriented manner. However

the authorities have to give their information to the citizens

make available that they are non-commercial

Platforms are pushed on legally very delicate

way of using their personal data. public

Places are then namely together with the provider about

for

their

Facebook fan pages

responsible

and

accountable. Therefore, the state commissioner called Brink

public bodies to rely on alternative social channels

- such as on Mastodon (Twitter alternative) or PeerTube

(YouTube alternative).

Especially from the point of view of freedom of information, social media

Channels that have unrestricted access to official

Enable information, the means of choice. Because even

the following applies here: Access to official information is a

fundamental right. And the exercise of fundamental rights must not

from that

depend,

that he

one

commercial

company discloses its personal data.

LfDI Brink: "Alternative social media that comply with data protection

work are a good freedom of information tool.

They can be used by public bodies if they

want to communicate digitally and directly with citizens."

Further information:

3. Freedom of information activity report: <https://www.baden-wuerttemberg.datenschutz.de/activity-report/>