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P r e s s e release

September 3, 2020

Berlin Freedom of Information Commissioner on the cornerstones of a transparency law

No half measures - Berlin needs real transparency

On the occasion of the key points for a transparency law announced by the Berlin Senate

the Berlin Commissioner for Data Protection and Freedom of Information, Maja Smoltczyk, before that

the legislative proposal could in fact lead to more lack of transparency. She demands the Berliner

Senate, the area exceptions for various authorities provided for in the key issues paper

and other public bodies not to be included in the planned draft law.

With a press release dated August 18, 2020, the Senate had decided on the key points for

a Berlin transparency law promulgated. According to this, a comprehensive right of access to

official information and environmental information are created, d. H. without explanation

of an interest and outside of ongoing administrative procedures.

The Berlin Information Commissioner noted with regret that the cornerstones

Provide extensive area exceptions. Thus, numerous administrations or

Administrative areas wholly or largely outside the scope of the law

be exempted. These include courts, law enforcement and

Penal authorities, the Berlin Court of Auditors, the tax administration,

Broadcasters, university hospitals, universities, schools and educational institutions. With

these planned restrictions are sending out the wrong signal, because the one that has been in effect up to now

The Freedom of Information Act does not provide for such far-reaching restrictions. Partly would come

deterioration compared to the current legal situation. It is incomprehensible

why information that is important and interesting for the general public from the outset

should be excluded from the scope of the Transparency Act. would be affected

such as tax calculation models in the area of tax administration or the number of

Covid-19 sick beds kept free. Transparency is also important in the education sector importance to. Students and parents of school children, for example, need to learn how high the loss of lectures or lessons actually is. this applies especially in times of pandemic.

The Berlin Freedom of Information Commissioner had as part of the development of the key points the Senate has already submitted a statement on the draft. Your recommendation, from to refrain from the planned area exceptions was not taken into account.

Maja Smoltczyk:

“A modern metropolis striving to become a center of science and technology be, needs a transparent and progressive administration. The Berliner Freedom of Information Act has long been outdated. In this respect, I welcome that the Transparency Act project, already expressed in the coalition agreement, is now finally in place the hot phase should occur. However, the Berlin Senate must not allow itself to be tempted to to give in to the diverse requests of individual Senate administrations for area exceptions. The goal must be to make real transparency the rule.”

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