

UNESCO 2021 Survey on Public Access to Information

Antworten, die in den Online-Fragebogen geschrieben wurden:

UNESCO Survey on Public Access to Information, Indicator: 16.10.2			
1.	Whether a constitutional, statutory and/or other legal guarantee that recognises access to information as a fundamental right exists in your country?	Yes = 1 No = 0 In progress: 0.5	[x] Yes
	What are the guarantees? (Please add the name of the guarantee(s) in the text box)		<p>[x] Primary legislation: (1) Federal Republic: (1.1.) German Federal Freedom of Information Act [in combination with article 5 I 1 German Basic Law (Constitution)] (1.1.) German Act on public access to environmental information (based on the European directive on public access to environmental information) (2) federal states ("Länder"): (2.1) Freedom of Information Acts or Transparency Acts in almost all Länder (2.2) Regional Acts on public access to environmental information in all Länder</p> <p>[x] Other: There are also non-binding policies to further development of ATI, e. g.: (1.) Open Government Partnership (3rd National Action Plan, currently in the consultation phase (2.) Digital agenda of the Federal Government (3.) Open Data Strategy of the Federal Government (in legislative preparation)</p>
2.	Whether the legal guarantee on Access to Information specifies the need of a dedicated oversight institution [or institutions]?	Yes = 1 No = 0	[x] Yes

	Check any of these that apply, but select only the oversight institution/s that is/are responsible for Access to Information, as mandated by the Access to Information legal guarantee.		<input checked="" type="checkbox"/> Information Commission or Commissioner <input checked="" type="checkbox"/> National level <input checked="" type="checkbox"/> Subnational level <input checked="" type="checkbox"/> Converged body that combines data/privacy protection and Access to Information <input checked="" type="checkbox"/> National level <input checked="" type="checkbox"/> Subnational level <input checked="" type="checkbox"/> Ombudsman <input checked="" type="checkbox"/> National level <input checked="" type="checkbox"/> Subnational level
	Who appointed the Head of the oversight institution [or institutions]?		<input checked="" type="checkbox"/> Legislative
	Who approved the budget of the oversight institution [or institutions]?		<input checked="" type="checkbox"/> Legislative
	To whom does/do the oversight institution [or institutions] report on their activities?		<input checked="" type="checkbox"/> Executive <input checked="" type="checkbox"/> Legislative <input checked="" type="checkbox"/> Other: annual report to legislative, distribution to executive and other institutions, information to the public
3.	Whether the legal guarantee on Access to Information specifies the need for national public bodies (Ministry/Agency/Department) to appoint public information officers or a specific unit to handle Access to Information requests from the public?	Yes, to ALL public bodies being required to appoint = 1 Yes, but only to some public bodies = 0.5 No = 0	<input checked="" type="checkbox"/> No
4.	Whether the legal guarantee on Access to Information mandates the following roles for the dedicated	0.2 for each role selected	<input checked="" type="checkbox"/> Oversight <input checked="" type="checkbox"/> Appeals

	Access to Information oversight institution/s :	Total point: 1	<input checked="" type="checkbox"/> Monitoring of Access to Information implementation <input checked="" type="checkbox"/> Mediation <input checked="" type="checkbox"/> Enforcement of compliance with Access to Information legal guarantee(s)
5.	Does the legal guarantee on Access to Information explicitly mentions permissible exemptions that are elaborated in well-defined categories whereby requests for information may be legally denied. that are consistent with international standards?	Yes = 1 No = 0	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> National security <input checked="" type="checkbox"/> International relations <input checked="" type="checkbox"/> Public health and safety <input checked="" type="checkbox"/> The prevention, investigation and prosecution of legal wrongs <input checked="" type="checkbox"/> Privacy <input checked="" type="checkbox"/> Legitimate commercial and other economic interests <input checked="" type="checkbox"/> Management of the economy <input checked="" type="checkbox"/> Fair administration of justice and legal advice privilege <input checked="" type="checkbox"/> Conservation of the environment <input checked="" type="checkbox"/> Legitimate policy making and other operations of public bodies
6.	Whether the dedicated Access to Information oversight institution/s in practice during the reporting year has carried out the following activities: Published an Annual Report Provided implementation guidance and/or offer training to officials from public bodies (Ministry/Agency/Department) Raised public awareness Kept statistics on requests and/or appeals Requested public bodies to keep statistics of their activities and decisions	0.4 for each activity selected Total point: 2	<input checked="" type="checkbox"/> Publish an Annual Report <input checked="" type="checkbox"/> Provide implementation guidance and/or offer training to officials from public bodies (Ministry/Agency/Department) <input checked="" type="checkbox"/> Raise public awareness <input checked="" type="checkbox"/> Keep statistics on requests and/or appeals <input checked="" type="checkbox"/> Request public bodies to keep statistics of their activities and decisions
	Any other initiatives/activities that you would like to add?		- conduct audits - mediations (Ombuds function)

7.	Whether in practice the dedicated Access to Information oversight institution/s at the national level receive/s reports from public bodies (Ministry/Agency/Department) on the processing of Access to Information requests?	Yes = 1 No = 0	<input checked="" type="checkbox"/> Yes
	Reference year: data provided should be from 2020. If data from 2020 are not yet available, please choose the most recent year		<input checked="" type="checkbox"/> 2020
	How many formal requests made under the Access to Information guarantee(s)?		Received: 13830 Denied: 1357 Pending: ./. Dismissed as ineligible: ./.
	How many formal requests were granted?		Partially: 777 Fully: 7235 No data: Total: 8012
	Do you keep disaggregated data on the reasons for non-disclosure and partial disclosure on the basis of the permissible exemptions as stipulated in your country's legal guarantee?		<input checked="" type="checkbox"/> Yes
8.	Whether the dedicated Access to Information oversight institution/s keep/s statistics of appeals at the national level?	Yes = 1 No = 0	<input checked="" type="checkbox"/> Yes
	Reference year: data provided should be from 2020. If data from 2020 are not yet available, please choose the most recent year.		<input checked="" type="checkbox"/> 2020
	How many appeals that your institution...		Received: 679 Denied: Pending: Dismissed as ineligible:
	How many formal appeals were granted?		Partially: Fully: No data: Total:
	Do you keep disaggregated data on the reasons for non-disclosure and		<input checked="" type="checkbox"/> Yes

	partial disclosure on the basis of the permissible exemptions as stipulated in your country's legal guarantee?		
	Punkte (total):	8 (von 9)	

Die Stimmabgabe wurde zudem über Screenshots dokumentiert. Hierzu ist allerdings darauf hinzuweisen, dass computertechnisch einzelne Informationen auf den Screenshots nicht angezeigt werden (bestimmtes Ankreuzen von Yes/No-Antworten).

cp 31.05.2021