



Publishing public information

Mehr Demokratie: Citizens' initiative and campaign for
a fair transparency law in Berlin and Germanwide

Marie Jünemann | Global Forum on Modern Direct Democracy

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Freedom of Information (FOI)

- Definition



- Public access to governmental information: **Freedom of information (FOI) is a right of access to governmental information.**
- Everyone has the right to inform themselves without obstacles from generally accessible sources. (Article 5 of the German constitution)
 - public offices and authorities can be obliged to publish their files and processes actively (obligation to publish) or
 - to hand them over to citizens upon request (obligation to provide information).
 - Germany ranks 126th out of 136 countries compared with each other in FOI laws ("Global Right to Information Rating" by Access Info Europe: <https://www.rti-rating.org/>)

What kind of information should be published? - Examples

- Draft laws, comments on the drafts
 - Agendas, papers, protocols and resolutions of the federal cabinet
 - Public contracts above threshold value
 - Significant data of public private partnerships in which the federal government has a stake
 - Expert opinions, expert reports, studies
 - Subsidies, sponsoring
 - Lobby meetings
 - Open data (mobility data, cadastral data, etc.)
- and much more.



” Open, transparent and accountable decision-making is the essence of any democratic system. Secrecy is its enemy and produces distrust, cynicism and apathy among citizens and closed minds among policy makers.

Tony Bunyan*

The link between freedom of information and anticorruption



- Freedom of information is just the very first step for anti-corruption measures / actions → the information / data needs to be available
 - Data analytics e.g. in Public procurement
 - Base for investigative journalism and critical civil society
- pre-effect of transparency is important to acknowledge
 - if FOI legislation is robust, well-implemented and enforced, acting corruptly is much harder
 - it may discourage players from corrupt behaviour in the first place
 - Implementing FOI laws is just the starting point: it has to be applied and there must be effective sanctions for malpractice.

Transparenzranking 2021

Jede Person hat das Recht auf staatliche Informationen - doch die Umsetzung dieses Rechts unterscheidet sich innerhalb Deutschlands. Wir haben die Informationsfreiheits- und Transparenzgesetze in Bund und Ländern miteinander verglichen.

Gesamt

Informationsrechte

Auskunftspflichten

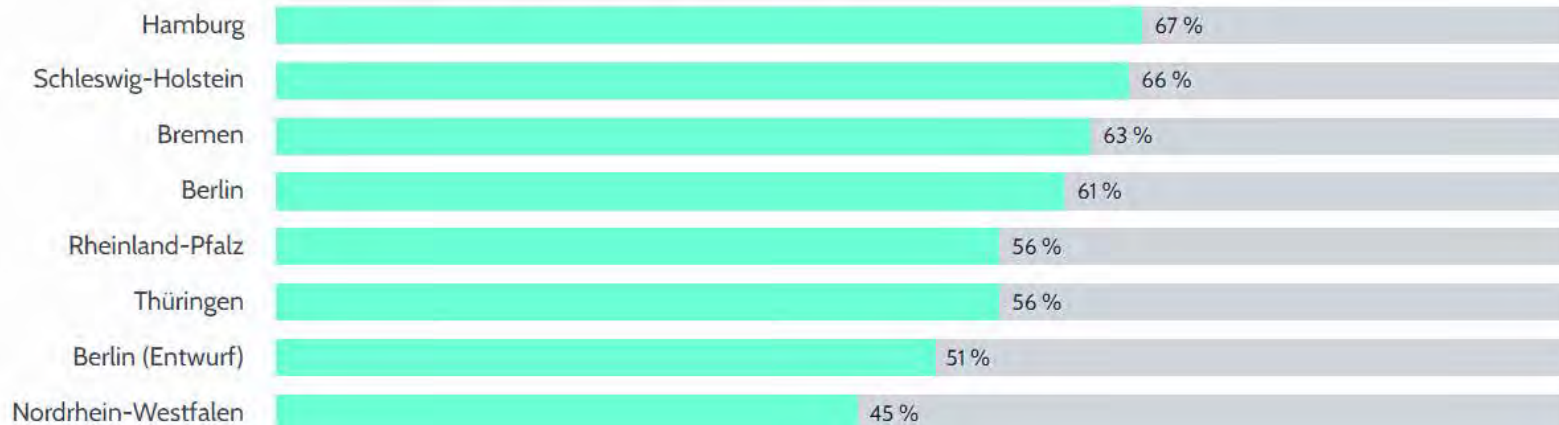
Ausnahmen

Antragstellung

Gebühren

Informationsfreiheitsbeauftragte

Klicken Sie auf ein Bundesland oder eine Rankingkategorie, um mehr zu erfahren.





Suche im Transparenzportal

Suche

Begriff eingeben



152.000 +

Datensätze im Transparenzportal

Hamburg 

Platz 1 im Transparenzranking 2021

20 Mio +

Seitenaufrufe in 2022



Kontakt



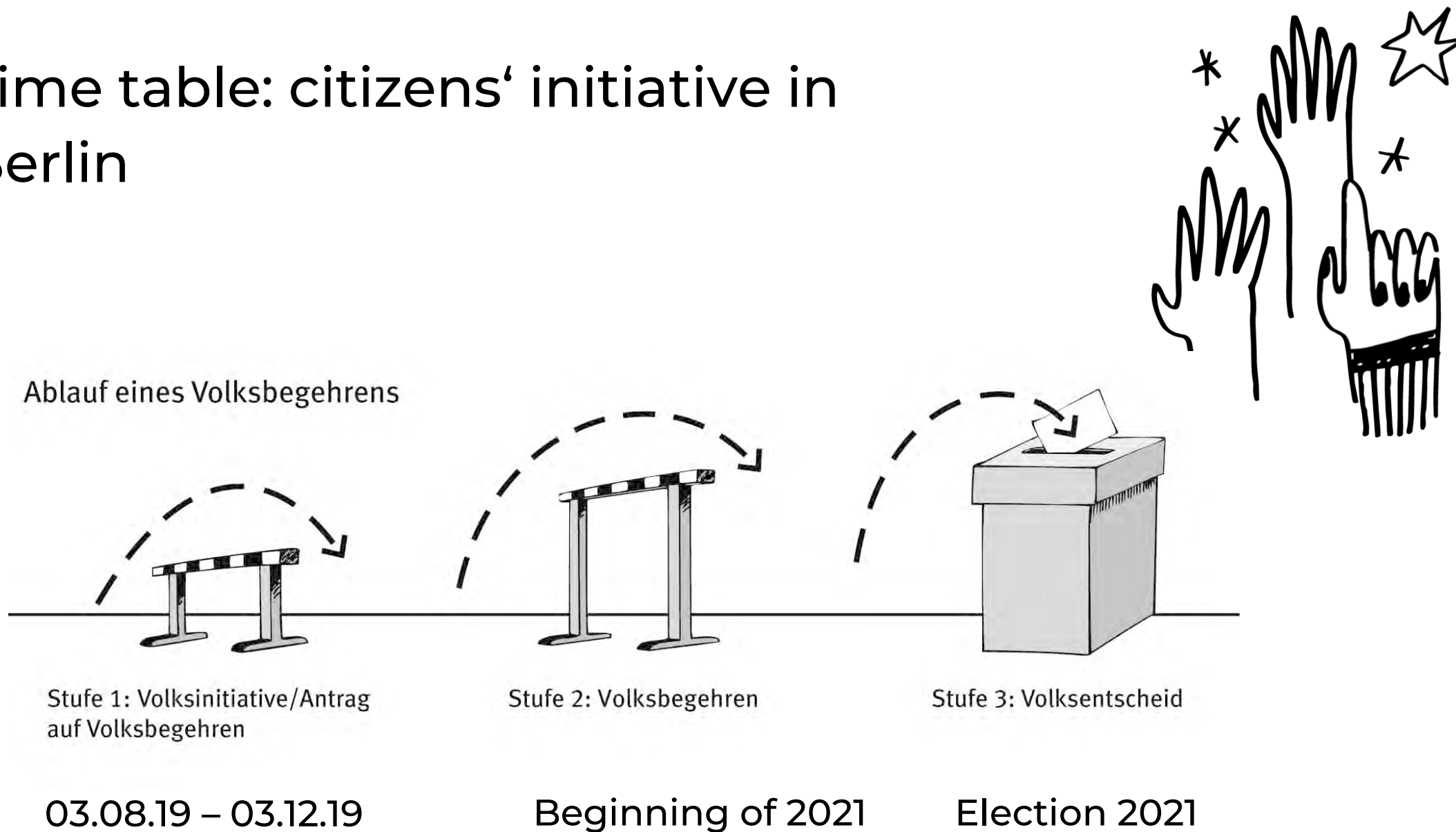
Blog



Schließen

Time table: citizens' initiative in Berlin

Ablauf eines Volksbegehrens



Unterstützer*innen



Abgeordneten-
watch



Antikorruptions-
verein Berlin



Architekten für
Architekten



Aufstehen Trep-
tow-Köpenick



Berliner Landesar-
beitsgemeinschaft
Naturschutz



Berliner
Wassertisch



Berlin werbefrei



Bund für Umwelt
und Naturschutz
Deutschland
(BUND)



Changing Cities
(Volksentscheid
Fahrrad)



Chaos Computer
Club



Demokratie in
Bewegung



Deutsche Gesell-
schaft für
Informationsfrei-
heit

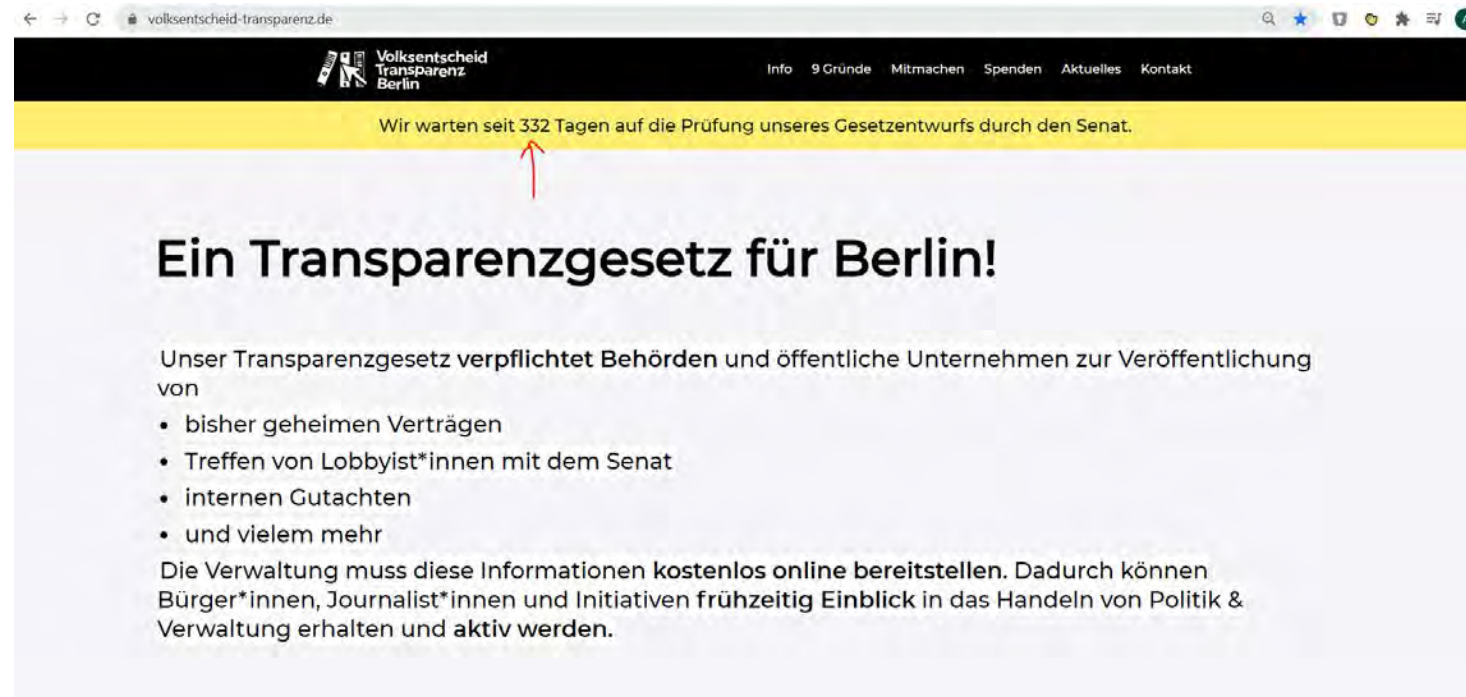








Problem: Legal review of the administration



- Months of back-and-forth with Senate Interior Department
- August 2021: Permitted after 20 months (there was no time limit at this time)

Outcome



Zukunftshauptstadt Berlin.

Sozial. Ökologisch. Vielfältig. Wirtschaftsstark.

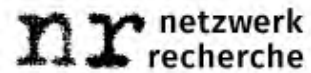
Koalitionsvertrag 2021–2026

Coalition agreement 2021



Politische Bildung und Demokratieförderung sind mehr gefordert denn je, denn auch in Deutschland steht die pluralistische, freiheitliche Demokratie unter Druck. Akteurinnen und Akteure der nachhaltigen Demokratieförderung, die auf Basis von Respekt, Toleranz, Würde und Menschenrechten arbeiten, werden auch in Zukunft mit öffentlichen Mitteln gefördert. Die Arbeit und Finanzierung der politischen Stiftungen wollen wir rechtlich besser absichern. Dies soll aus der Mitte des Parlaments geschehen unter Einbeziehung möglichst aller demokratischen Fraktionen. Die Informationsfreiheitsgesetze werden wir zu einem Bundestransparenzgesetz weiterentwickeln.

Civil Society Alliance



Participation Phase

www.consul.mehr-demokratie.info/transparenzgesetz







Key learnings from the fight for transparency in Germany



- In the process of legislation in Germany, a major influence lies within the executive body
 - Of 547 laws passed in the last legislative period on the national level 443 were based on government drafts
- Transparency laws drafted by the ministerial bureaucracy come from those bodies that would have to impose more openness on themselves.
- It is therefore a necessary corrective if impulses come from those who speak for the addressed entities of transparency, namely the interested public, journalists etc.

Key learnings from the fight for transparency in Germany



- in Germany, the limits of willingness to reform freedom of information do not lie between the parties but, as experience has shown, between the government and the opposition
- direct democratic and participative instruments are fundamental to write a progressive transparency law and
- they are an essential non-parliamentary motor for advancing the issue of transparency.

www.transparenzranking.de

www.transparenzgesetz.de

[www.volksentscheid-
transparenz.de](http://www.volksentscheid-transparenz.de)

