Organization for Security and Co-operation in Europe
Office of the Representative on Freedom of the Media

COMMENTS ON THE DRAFT LAW OF THE REPUBLIC OF BELARUS ON INFORMATION, INFORMATIZATION AND PROTECTION OF INFORMATION

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Having analyzed the submitted Draft Law of the Republic of Belarus on Information, Informatization and Protection of Information, the rationale thereof, and other accompanying documents in the context of the Constitution and legislation of the Republic of Belarus, as well as international standards on freedom of information, the Office of the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) has come to the following conclusion.

BRIEF SUMMARY OF PRINCIPAL RECOMMENDATIONS

The new version of the draft law takes account of some of the previous recommendations of the Office of the OSCE Representative on Freedom of the Media. At the same time, some of its provisions are in conflict with international standards.

Thus, it is recommended to expand citizens' rights of access to information to allow for obtaining a wider array of information, including information about political, economic, cultural and international life, and the state of the environment.

The concept of information the dissemination and provision of which is "restricted" should have a narrower interpretation and a precise definition. The list of types of information in this category should be closed and final. It is proposed to revise the corresponding provisions of the draft law with due regard for the Constitution of the Republic of Belarus and Recommendation Rec(2002)2 of the Committee of Ministers of the Council of Europe to member states on access to official documents.

It is recommended to provide for a norm according to which access to information cannot be denied if there is an overriding public interest in disclosure of such information.

It is desirable to provide for the establishment of an independent body with broad powers for control over the observance of the right to information. In addition, the procedure for appealing to such a body should be clearly defined. In the event of establishing such a body, the form of an annual public report of this body on the progress in implementing the right to information should be provided for.

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INTRODUCTION

The Draft Law of the Republic of Belarus on Information, Informatization and Protection of Information was submitted for consideration to the National Assembly of the Republic of Belarus by the Council of Ministers of the Republic of Belarus and adopted in the first reading on 1 March 2007. In case of its final adoption, it will replace the Law on Informatization of 6 September 1995, which is currently in force.

The draft law provides for classification of information into "publicly accessible" information, information the dissemination of which is "restricted" (for example, information constituting a professional secret or state secrets), and information the dissemination of which is "prohibited," and for classification of persons handling information (singling out such groups as owners of information, users of information, and information intermediaries). The draft law proposes to regulate information relations arising in the process of information creation, search, transfer, reception, storage, processing, dissemination, and/or provision, information use, as well as in the process of development and use of information technologies, information systems and information networks. In addition, it is proposed to regulate information relations related to providing information services and organizing and ensuring protection of information.

In particular, the draft law provides for the definition of the legal status of subjects of information relations, the legal regime of information, the establishment of a procedure for dissemination and/or provision of information, and the definition of the legal regime of information resources.

The draft law proposes, in particular, to:

- establish the grounds for state registration of information resources;
- define the procedure for individuals' access to publicly accessible information;
- define the procedure for and conditions of dissemination and/or provision of information about the activities of state bodies;
- introduce new terms and offer their definitions (information intermediary, information system operator, electronic message, protection of information, provision and dissemination of information), and to regulate legal relations related to these subjects.

While Article 2.3 of the draft law contains a clause regarding its limited extent ("This Law does not apply to social relations related to the activities of the media and the protection of information as an object of intellectual property"), the comprehensive nature of the law may lead to an indirect effect on media freedom in the course of its application. Therefore, the Office of the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE) considers it possible to offer recommendations on its improvement taking account of the RFOM's mandate. Issues causing concern are listed in the second part of these comments.

I. INTERNATIONAL STANDARDS ON FREEDOM OF INFORMATION

The right to freedom of information is linked with the freedom of expression, which has long been recognized as one of the most important human rights. It is fundamental to the functioning of democracy and essential to the realization of other rights, and per se represents an integral part of human dignity. The Universal Declaration of Human Rights (UDHR) – the basic document on human

rights, adopted by the General Assembly of the United Nations in 1948 – protects the right to freedom of information in the following wording of Article 19:

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.[1]

The International Covenant on Civil and Political Rights (ICCPR)[2] – a legally binding agreement ratified by the Republic of Belarus – guarantees the right to receive information in the text of Article 19:

> 1. Everyone shall have the right to hold opinions without interference.
> 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Freedom of information is also guaranteed by a number of OSCE documents with which Belarus has expressed agreement, such as the Helsinki Final Act of the Conference on Security and Co-operation in Europe,[3] the Final Document of the Copenhagen Meeting of the Conference of the CSCE on the Human Dimension,[4] the Charter of Paris adopted in 1990,[5] the Document of the 1994 CSCE Summit in Budapest "Towards a Genuine Partnership in a New Era,"[6] and the Declaration of the OSCE Summit in Istanbul.[7] In particular, the OSCE Istanbul Charter for European Security proclaims:

> We reaffirm the importance of independent media and the free flow of information as well as the public's access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society.[8]

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[1] Resolution 217A (III) of the General Assembly of the United Nations, adopted 10 December 1948. A/64, pp. 39-42. See the full official text in the English language at: http://www.un.org/Overview/rights.html.

[2] International Covenant on Civil and Political Rights. Adopted by General Assembly resolution 2200A (XXI) of 16 December 1966. Entered into force on 23 March 1976. See the full official text in the English language at: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm.

[3] Final Act of the Conference on Security and Cooperation in Europe, Helsinki, 1 August 1975. See the full official text in the English language at: http://www.osce.org/publications/rfm/2003/10/12253_108_en.pdf.

[4] Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, June 1990. See, in particular, paras 9.1 and 10.1. See the full official text in the English language at: http://www.osce.org/publications/rfm/2003/10/12253_108_en.pdf.

[5] Charter of Paris for a New Europe. CSCE Summit, November 1990. See the full official text in the English language at: http://www.osce.org/publications/rfm/2003/10/12253_108_en.pdf.

[6] Towards a Genuine Partnership in a New Era. CSCE Summit in Budapest, 1994, Para. 36-38. See the full official text in the English language at: http://www.osce.org/publications/rfm/2003/10/12253_108_en.pdf.

[7] Istanbul Summit Declaration, OSCE, Istanbul Summit, 1999, Para. 27. See also Para. 26 of the Charter for European Security adopted at that summit. See the full official text in the English language at: http://www.osce.org/publications/rfm/2003/10/12253_108_en.pdf.

[8] Para. 26.

World-wide recognition of the importance of freedom of information and freedom of expression has been reflected in three regional systems for protection of human rights – the American Convention on Human Rights,[9] the European Convention on Human Rights (ECHR),[10] and the African Charter on Human and Peoples' Rights.[11] Although neither of these documents nor rulings of courts and tribunals based on them enjoy mandatory enforcement in Belarus, they do serve as an important reference to the meaning and application of the right to freedom of expression and may be used in interpreting Article 19 of the ICCPR, which is binding on the Republic of Belarus. According to Article 8 of the Constitution, "The Republic of Belarus shall recognize the supremacy of the universally acknowledged principles of international law and ensure that its laws comply with such principles."

International bodies and courts clearly indicate that the right to freedom of information constitutes one of the most important human rights. At its first session in 1946, the General Assembly of the United Nations Organization adopted Resolution 59 (I), which, concerning freedom of information in the broadest sense, states:

> Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated.[12]

In this and all subsequent resolutions, freedom of information is understood by the highest UN body as the right to gather and publish information "anywhere and everywhere without fetters" in the name of peace and world progress. The key principle of freedom of information from the point of view of this UN resolution is "a moral obligation to seek the facts without prejudice and to spread knowledge without malicious intent." This has also been reflected in judicial decisions on human rights. For example, the European Court of Human Rights has stressed that "full democracy is only possible in societies where information and ideas are allowed and guaranteed to circulate freely."[13]

The right to seek, receive and disseminate any information is not absolute: in a few specific circumstances it may be restricted. In view of the fundamental nature of this right, however, the restrictions must be precise and specifically determined in accordance with the principles of a rule-of-law state. Moreover, the restrictions must pursue legitimate aims; the right to freedom of expression cannot be restricted merely because a certain statement or expression is viewed as being offensive or because it casts doubt on accepted dogmas. The European Court of Human Rights has stressed that it is precisely such statements as these that deserve protection:

> [Freedom of expression] applies not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend,

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[9] Adopted on 22 November 1969; entered into force on 18 July 1978.

[10] Adopted on 4 November 1950; entered into force on 3 September 1953.

[11] Adopted on 26 June 1981; entered into force on 21 October 1986.

[12] United Nations Organization. Sixty-fifth plenary session, 14 December 1946. The official text in the English language at: http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/033/10/IMG/NR003310.pdf?OpenElement.

[13] Handyside v. the United Kingdom, 7 December 1976, Application No. 5493/72, para. 49). See the text of the judgment in English at: http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=handyside&sessionid=6491782&skin=hudoc-en.

> shock or disturb the State or any sector of the population. Such are the demands of pluralism, tolerance and broadmindedness, without which there is no "democratic society."[14]

Article 19 (3) of the ICCPR sets strict limits to legitimate restrictions on freedom of expression. It reads:

> The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
>
> (a) For respect of the rights or reputations of others;
>
> (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

This is interpreted as the establishment of a three-tier criterion, requiring that the restrictions (1) be prescribed by law, (2) pursue a legitimate aim and (3) be necessary in a democratic society.[15] This means that vague or not clearly formulated restrictions or ones allowing excessive freedom of action for the executive authorities are incompatible with the right to freedom of expression. An interference should pursue one of the aims set out in Article 19 (3); this list is exhaustive and, consequently, any other interference constitutes a violation of Article 19. An interference must be "necessary" for achieving one of these aims. The word "necessary" has a special meaning in this context. It means that there must be "an urgent social need"[16] for the interference; that the reasons cited by the state as grounds for intervention must be "relevant and sufficient" and that the state must demonstrate that the intervention is proportionate to the aim being pursued. As the Committee for Human Rights declared, "the requirement of necessity implies an element of proportionality, in the sense that the scope of the restriction imposed on freedom of expression must be proportional to the value which the restriction serves to protect."[17]

In this connection, it should be recalled that Article 23 of the Constitution of the Republic of Belarus reads:

> "Restriction of personal rights and liberties shall be permitted only in the instances specified in law, in the interest of national security, public order, the protection of the morals and health of the population as well as rights and liberties of other persons."

In turn, Part IV ("Possible limitations to access to official documents") of Recommendation Rec(2002)2 of the Committee of Ministers of the Council of Europe to member states on access to official documents (adopted by the Committee of Ministers on 21 February 2002, at the 784th meeting of the Ministers' Deputies) states:

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[14] Ibid.

[15] See, for example, resolution of the UN Committee for Human Rights in Rafael Marques de Morais v. Angola, Communication No. 1128/2002, 18 April 2005, para. 6.8.

[16] See, for example, Hrico v. Slovakia, 27 July 2004, Application No. 41498/99, para. 40.

[17] Rafael Marques de Morais v. Angola (note 31, para. 6.8).

1. Member states may limit the right of access to official documents. Limitations should be set down precisely in law, be necessary in a democratic society and be proportionate to the aim of protecting:

i. national security, defence and international relations;

ii. public safety;

iii. the prevention, investigation and prosecution of criminal activities;

iv. privacy and other legitimate private interests;

v. commercial and other economic interests, be they private or public;

vi. equality of parties in the course of court proceedings;

vii. environment;

viii. inspection, control and supervision by public authorities;

ix. the economic, finance and credit policies of the state;

x. the confidentiality of deliberations within or between public authorities during the internal preparation of a matter.

Article 2 of the ICCPR makes the state responsible for "adopting such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant." This means that it is required of states not only to refrain from violating rights but also to take positive steps to guarantee respect of rights, including the right to freedom of expression. In reality, states are required to create the conditions which satisfy the population's right to information.

Based on the above considerations, presented below are comments and recommendations with respect to the key provisions of the Draft Law of the Republic of Belarus on Information, Informatization and Protection of Information.

II. ISSUES OF CONCERN

1. Scope of the law. The Rationale for the need to prepare the Draft Law of the Republic of Belarus on Information, Informatization and Protection of Information states that "in preparing the draft law, the legislation of the United States, Germany, France, Italy, Belgium, Norway, Switzerland, Hungary, Greece, Estonia, Lithuania, Azerbaijan, Kyrgyzstan, Uzbekistan, Moldova and the Russian Federation has been analyzed." It appears, however, that laws of this type are a rather unusual phenomenon outside the CIS region. In addition, the concept of "informatization," viewed in this context, hardly lends itself to translation into other languages.

The draft law provides for regulation of:

- exercising the right to seek, receive, store, transfer, process, use, disseminate and provide information and information resources;
- creating and using information technologies, systems and networks;
- rendering information services;
- organizing and ensuring protection of information.

Recommendation:

- The scope of the draft law should be limited to the sphere of the procedure for providing information from government sources to citizens and organizations.

2. <u>Limited right of access to information</u>. The draft law under consideration states that the legal regulation of information relations shall be conducted on the basis of the principle of freedom to seek, receive, transfer, accumulate, process, gather, store, disseminate and/or provide any type of *publicly accessible* information (Article 4). At the same time, the right to receive, store and disseminate complete, reliable and timely information without such a limitation is granted to citizens of the Republic of Belarus under Article 34 of the Constitution of the Republic of Belarus.

Publicly accessible information, in turn, includes information in the public domain and other information the dissemination and/or provision of which is not restricted (Article 16.1 of the draft law). The question arises: How the information which should become publicly accessible but has not been transferred to this category for some reasons should be treated? Why does the right of access to information not apply to it?

The right of citizens, legal entities and individual entrepreneurs to request and obtain information is limited by the draft law to the following (Articles 14.2 and 14.3):

- information about themselves and information directly concerning their rights, freedoms, legitimate interests and duties;
- information about the activities of state bodies and public associations in the order and within the limits established by this law and other legislative acts of the Republic of Belarus.

Concerning the latter provision, it should be recalled that the Constitution of the Republic of Belarus (Article 34) guarantees to citizens of the Republic of Belarus not only "the right to receive, store and disseminate complete, reliable and timely information on the activities of government bodies and public associations" but also "on political, economic, cultural and international life, and on the state of the environment." The law being adopted, as follows from its Article 3, specifies that the "legislation on information, informatization and protection of information is based on the Constitution of the Republic of Belarus" (Article 3). Therefore, the law should also provide that state bodies must not only inform about their own activities but also must share with society information received or produced as a result of these activities.

Finally, it should be noted that with respect to information about the rights and liberties of citizens, the draft law uses the term "the right to receive information" and, with respect to information concerning state bodies, "the right to get acquainted with information" (Articles 14.2 and 14.3). "The right to get acquainted" itself is not defined. In the definitions of the concepts used in the law, getting acquainted is

presented as a synonym of provision and dissemination of information (Article 1, as well as Article 19.1). It appears, however, that the sphere of application of the term "getting acquainted" may be arbitrarily limited as compared with the concept of "receiving," which seems unreasonable.

Recommendations:

- The rights of citizens to receive information should be expanded to allow for obtaining a wider range of information, including information on political, economic, cultural and international life, and on the state of the environment.
- In Article 14, the term "getting acquainted with information" should be replaced with "receiving information."

3. "Restricted" Information. While welcoming the fact that, according to the draft law (Article 4), the dissemination and/or provision of information may only be restricted by *legislative acts* of the Republic of Belarus (which thereby does not provide for imposing restrictions by other normative legal acts), the following important provisions should be noted. The draft law (Article 18) prohibits the dissemination of information which:

- is aimed at a violent revision of the constitutional order, propaganda of war, incitement of racial, ethnic, religious enmity or discord, insult of national honour and dignity;
- insults the morals, honour, dignity and professional reputation of citizens and the business reputation of legal entities and individual entrepreneurs;
- information the dissemination and/or provision of which is prohibited by legislative acts of the Republic of Belarus.

In addition, the draft law (Article 17.1) classifies as information the dissemination and/or provision of which is *restricted*:

- information about the private life of a citizen and his/her personal data;
- information constituting state secrets;
- confidential information (information constituting a trade or professional secret; proprietary information; information contained in materials and criminal cases being investigated by criminal prosecution bodies and the courts);
- other information in accordance with the legislative acts of the Republic of Belarus.

Thus, the draft law establishes two regimes for "taboo" information: (1) information the dissemination of which is prohibited, and (2) information the dissemination and/or provision of which is restricted. This creates a certain contradiction both with international standards and with the national legislation of the Republic of Belarus.

For example, the above prohibition on dissemination of information insulting the honour, dignity and professional reputation of citizens and the business reputation of legal entities and individual entrepreneurs is in conflict with the Civil Code of the Republic of Belarus (Article 153). The Code allows imposing liability for dissemination of such information only in case it does not correspond to reality. The Criminal Code of the Republic of Belarus (Articles 188, 189) envisages punishment for defamation only in case of spreading *false information*, and for insult – only in case the information harming the honour and dignity of an individual is expressed *in an indecent manner*. And the Constitution of the Republic of Belarus (Article 34) states that the use of information may be *restricted* (but not prohibited!) only by legislation and only for the purpose of protecting the honour, dignity,

personal and family life of the citizens and of their exercising their rights in full. Article 23 of the Constitution of the Republic of Belarus, in turn, states that "restriction of personal rights and liberties shall be permitted only in the instances specified in law, in the interest of national security, public order, the protection of the morals and health of the population as well as the rights and liberties of other persons." This gives rise to doubts concerning the possibility of drawing up an *open* list of prohibited information the dissemination and/or provision of which is banned or restricted by legislative acts of the Republic of Belarus.

It appears that the list of limitations established in Recommendation Rec(2002)2 of the Committee of Ministers of the Council of Europe to member states on access to official documents (see Part I of the Comments), with due regard for the requirements of the Constitution of the Republic of Belarus, would also be exhaustive for the purposes of the draft law under consideration.

It should be noted that said Recommendation Rec(2002)2 states in addition: "Member states should consider setting time-limits beyond which the limitations mentioned in paragraph 1 would no longer apply." It is reasonable to presume that such a comprehensive act as the draft law under consideration should specify the timeframe for the protection of information about the private life of a citizen and his/her personal data; information constituting state secrets; confidential information; other information the dissemination of which is restricted.

Recommendations:

- The regime of information "prohibited" for dissemination and/or provision should be replaced with a regime "restricting" such information.
- The concept of information the dissemination and provision of which is "restricted" should have a narrower interpretation and a precise definition. Its list should be closed and final. It is recommended to revise the corresponding rules of the draft law with due regard for the Constitution of the Republic of Belarus and Recommendation Rec(2002)2 of the Committee of Ministers of the Council of Europe to member states on access to official documents.
- The timeframe for the protection of information of limited dissemination should be specified.

4. Scope of publicly accessible information. It is noted with satisfaction that the recommendation offered in the previous Comments of the Office of the OSCE Representative on Freedom of the Media to expand the list of information which may not be "restricted" has been taken into consideration and the draft law in its present form (Article 14.4) includes an expanded list of such information. "Limitations on provision and/or dissemination may not be applied to information:

- about the rights, liberties, legitimate interests and duties of citizens, as well as about the rights, legitimate interests and duties of legal entities and individual entrepreneurs and about the procedure for exercising the rights, liberties and legitimate interests;
- about emergency situations, natural and industrial disasters, ecological, meteorological, sanitary-epidemiological and other information required to ensure public safety;
- about the state of public health services, demography, education, culture, agriculture;
- about the legal status of state bodies, except for information that constitutes state secrets or other information protected in accordance with the legislation of the Republic of Belarus;
- about the crime situation;

- about privileges and compensations provided by the state to legal entities, individual entrepreneurs and citizens of the Republic of Belarus;
- about the size of the gold reserve;
- about the overall figure of the external debt;
- about the state of health of public officials;
- about facts of violation of the law by state bodies and their officials;
- about information collected in the open stocks of libraries and archives, information systems of state bodies and legal entities set up (intended) for rendering information services to citizens."

Recommendation:

- Efforts should be made to expand the categories of information access to which may not be restricted.

5. Denial of requests for information. It is noted with satisfaction that the recommendation offered in the previous Comments of the Office of the OSCE Representative on Freedom of the Media that the list of grounds for denial of information requests should be narrowed has been taken into consideration in revising the draft law. Moreover, such grounds have been entirely removed from it. This extreme measure, in its turn, gives rise to an apprehension that has already been stated in the opinion on the draft law offered by the National Centre for Law Drafting under the President of the Republic of Belarus. It states: "The absence of grounds established by law on which state bodies might be entitled to deny information to a citizen rules out the possibility of judicial verification of the lawfulness of the denial. This may lead to violation of not only the constitutional right to access to information but also of the constitutional right to judicial protection" (paragraph 12.3).

The above-mentioned Recommendation Rec(2002)2 states that "access to a document may be refused if the disclosure of the information contained in the official document would or would be likely to harm any of the interests mentioned in paragraph 1, unless there is an overriding public interest in disclosure." This refers to one of the most fundamental principles of international standards in the sphere of information: if the public interest is more important than the preservation of a secret, then the secret may be disclosed. Restrictions of the right to access to information are impugnable and may be recognized as null and void in case of an overriding public interest in disclosure of information. There is no such a rule in the draft law under consideration.

In this connection, a question arises concerning the rule stipulated in Article 17.4 of the draft law, which states that "confidential information may be provided based on a court decision, unless otherwise provided for under this law or other legislative acts of the Republic of Belarus." By what exactly should a court be guided in making a decision about provision of confidential information? Can this be "public interest"?

Under the proposed draft law (Article 15.3), the procedure for appeal is formulated in a general form as an appeal to a higher state body (higher official) and/or a court of law in case of action or inaction of state bodies, public associations and officials leading to violation of the right to information. At the same time, the practice of European democratic states shows that for this purpose it is reasonable to establish an independent body to monitor the observance of the right to information. In this connection, it is generally recognized today that any state bodies authorized to regulate the sphere of information or telecommunications should be completely independent of the authorities and protected from

interference on the part of the political and business circles. Otherwise, the system of media regulation may easily be abused for political or commercial purposes.

According to the draft law, "state regulation in the sphere of information, informatization and information protection shall … provide the conditions for the exercise and protection of the rights of citizens, legal entities and individual entrepreneurs in the sphere of information, informatization and protection of information." It is essential that this should not remain a mere declaration and that the state should establish a body promoting the implementation of the declared goal.

Recommendations:

- A rule should be provided according to which access to information may be denied in case its disclosure will harm one of the interests mentioned in Article 17 of this Law *unless there is an overriding public interest in the disclosure of such information*.

- Provisions should be made for the establishment of an independent body with broad powers to monitor the observance of the right to information. The procedure for appeal to such a body should be clearly defined. The form of an annual public report by that body on the progress in the exercise of the right to information should be provided for.

6. <u>Mandatory identification of users</u>. Information being disseminated should contain authentic information about its owner as well as the person disseminating such information in a form and amount sufficient for identification of such persons (Article 18). This provision makes anonymous dissemination of information illegal. This is an ungrounded restriction of citizens' right to disseminate information guaranteed by the Constitution of the Republic of Belarus and international agreements.

According to Article 19.2 of the draft law, an information request should contain data about the person who has made the request (full name of the citizen and information about his/her place of residence, the residence address of the individual entrepreneur, the name and location of the legal entity). For the purposes of the draft law, however, it is not the registration address of the requester but the address at which he/she would like to receive a reply which is essential. A corresponding amendment should be made to the draft law. Otherwise, state bodies would be gathering information about citizens requesting information instead of information that would enable state bodies more effectively to perform their functions of providing information.

Recommendations:

- Mandatory identification of information systems' users should be waived and made voluntary.

- The requirement to provide the address of the party making an information request should be replaced with that of providing the address at which the reply to the request is to be forwarded.