
ZERO CORRUPTION MORE INTEGRITY

Thematic paper

ACCESS TO INFORMATION

Group of States against Corruption (GRECO)

**Overview of GRECO's findings under the
Fifth Evaluation Round**

Prepared by the GRECO Secretariat



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Executive summary

1. This thematic paper provides an overview of GRECO's approach to access to official information within the framework of the Fifth Evaluation Round, which focuses on preventing corruption and promoting integrity in central governments and law enforcement agencies.

2. GRECO has consistently emphasised the importance of access to official information as a fundamental tool for ensuring transparency and accountability, which, in turn, help prevent corruption and promote integrity. During the Second Evaluation Round, GRECO's recommendations primarily focused on introducing or strengthening access-to-information legislation.

3. Access to information gained even greater prominence in the Fifth Evaluation Round, where evaluation reports included a dedicated section on the implementation of relevant legislation. GRECO has affirmed that access to official documents enhances the accountability of governments and public officials while enabling citizens to participate in public life in an informed manner. An effective system for accessing official documents and information is essential for combatting corruption through informed oversight and transparency.

4. Based on GRECO's Fifth Round evaluation reports, the most common obstacles to accessing official information held by central governments include: (i) delays in providing information or processing access-to-information requests; (ii) lack of proactive transparency, with authorities failing to publish official information systematically; (iii) overuse of exceptions/restrictions, limiting the disclosure of official information; (iv) absence of a specific complaints mechanism for access-to-information disputes; (v) inadequate resources, independence or authority of the information watchdog body;

(vi) cumbersome appeal procedures, including lengthy court proceedings; (vii) absence of press/media officers to facilitate public access to information; (viii) lack of statistical data on access-to-information requests and low public awareness of the right to access official documents under freedom of information legislation.

5. GRECO's recommendations have centred on: (i) adopting access-to-information legislation or, where such laws already exist, conducting an independent and thorough review to expand the scope of publicly available information; (ii) enshrining the principle of proactive transparency in law or ensuring its systematic implementation where already established; (iii) establishing an independent oversight mechanism or, where one exists, ensuring it has proper independence, authority and resources; (iv) creating a register of access-to-information requests and limiting restrictions and exemptions to the strict minimum necessary; and (v) providing awareness-raising training for officials on freedom of information laws. GRECO has also urged member states that have not yet done so to accede to the Council of Europe Convention on Access to Official Documents (the Tromsø Convention) to help ensure an effective right to access to information.

6. In addition to issuing recommendations to member states, GRECO has identified good practices that facilitate access to official information held by central governments. These include appointment of information officers and their ongoing training, development of clear guidelines and an internal system for handling access-to-information requests, establishment of a specialised body to oversee the enforcement of freedom of information laws and monitor the effectiveness of the appeal process, provision of assistance to individuals exercising their right to access information, imposition of sanctions and disincentives for non-compliance or inaction.

Introduction

Background

7. The principle of access to official information held by public authorities has long been recognised in Council of Europe legal instruments. The first political and legal expression of this principle was Recommendation No. R (81) 19 of the Committee of Ministers to member States on access to information held by public authorities.¹ In 2002, the Committee of Ministers adopted Recommendation Rec (2002) 2 on access to official documents,² which later served as the principal inspiration for the Council of Europe Convention on access to official documents (the Tromsø Convention)³ – the first binding international instrument on the subject.

8. Access to official information has played a key role in the work of GRECO, the Council of Europe's anti-corruption body. Its disclosure enhances transparency, strengthens public authorities' accountability and facilitates public oversight. Since the Second Evaluation Round, questions on access to information and the applicable legislative framework have been included in the evaluation questionnaires. The resulting Second Round evaluation reports contained recommendations primarily aimed at introducing access-to-information legislation.

9. The importance of access to information has grown during GRECO's Fifth Evaluation Round, which has focused on preventing corruption in central governments (top executive functions) and law enforcement agencies. Section 3 of the

¹ [Recommendation No. R \(81\) 19](#) of the Committee of Ministers to member states on the access to information held by public authorities.

² [Recommendation Rec \(2002\) 2](#) of the Committee of Ministers on access to official documents.

³ [Tromsø Convention](#). Please click [here](#) for an updated list of countries that have ratified or acceded to the Tromsø Convention.

Questionnaire included questions specifically addressing transparency and oversight of executive activities of central governments, including access to information.

10. Based on member states' responses to the Questionnaire, GRECO's Fifth-Round evaluation reports have dedicated a specific section to access to information held by central governments, outlining the state of play in each country. To date, 28 member states have received recommendations in this area, taking into account the Tromsø Convention, rulings of the European Court of Human Rights and opinions of the Venice Commission, while GRECO did not issue specific recommendation to the remaining countries, in light of the information provided and the situation assessed in each case.

Scope of the thematic paper

11. This thematic paper is based on the publicly available Fifth-Round evaluation reports published on GRECO's website.⁴ It presents a non-exhaustive desk review of GRECO's findings on access to information held by central governments but does not assess the implementation of GRECO's corresponding recommendations by member states.

12. Given the diversity of national legal systems and terminology used in national laws, the terms "official documents", "public interest documents" and "administrative documents" are used interchangeably throughout this paper, as are "access-to-information laws" and "freedom of information legislation".

⁴ All Fifth-Round evaluation reports were published by 31 August 2025, except for those on Azerbaijan and Türkiye.

Key findings

13. The key findings from the Fifth-Round evaluation reports have been grouped into three main areas: the regulatory and institutional framework, compliance with national legal provisions, and pressure on the media. Additionally, examples of good or promising practices that may serve as inspiration for practitioners and member states have been highlighted.

14. The first two areas concern the legal arrangements that define how access to information is granted and regulated, as well as the observance of national legislation. The issue of pressure in the media is addressed later in the paper.

Regulatory framework

15. GRECO has placed particular emphasis on the existence and effectiveness of a regulatory framework governing access to information. While most countries have adopted access-to-information laws, some exceptions remain. For instance, one evaluation report pointed to the lack of a dedicated freedom of information law, with relevant provisions scattered across the Administrative Procedure Code. Another report noted that a draft access-to-information law had remained unadopted for nearly a decade. As a result, GRECO recommended the adoption of dedicated freedom of information legislation, and, where relevant, accession to the Tromsø Convention, “as this could pave the way for progress in the implementation of freedom of information”.

16. Regarding the quality of freedom of information legislation, GRECO has assessed the scope of information covered by national laws. In one evaluation report, it found that a separate piece of legislation, adopted successively, had narrowed the definition of public funds, thereby limiting access to information. As a result, GRECO recommended broadening

the scope of information covered by the freedom of information law.

17. In another evaluation report, GRECO observed that while citizens had direct access to officials responsible for a particular subject-area, they lacked access to administrative documents. This gap, which had already been identified in the Second Evaluation Round, had been the subject of an earlier recommendation that remained unaddressed.

18. Additionally, GRECO has assessed the scope of application of access-to-information legislation. In one country, it found that documents produced by ministers' cabinets and private policy officers (so-called strategy units) should be covered under administrative disclosure laws. This would require members of strategy units to use official government messaging systems rather than private communications channels, ensuring that ministers' files and archives are preserved even after they leave office.

19. Another persistent issue concerns inconsistent definitions of accessible information. In one report, GRECO noted that further legislative work was needed to better align specific laws (*lex specialis*) with access-to-information requirements.

20. Restrictive definitions, often compounded by contradictions across different laws, create confusion and undermine the effectiveness of freedom of information legislation. This lack of clarity not only hinders access but also weakens accountability and erodes public trust in government institutions.

21. In summary, GRECO has assessed not only the existence of freedom of information legislation but also its quality, including the extent to which individuals have the right to access

official documents. It has encouraged countries that have not yet done so to accede to the Tromsø Convention.

Institutional framework and appeal procedures

22. A regulatory framework would be of limited value without a robust institutional framework to ensure its effective implementation and enforcement. GRECO has repeatedly called for the establishment of an independent oversight mechanism. In one evaluation report, GRECO expressed concern over the absence of a specific complaints' mechanism, while in another it noted the lack of a dedicated independent body to supervise the implementation of the right to access public information and to handle related complaints.

23. GRECO has examined the role of Ombudsman institutions in handling complaints related to denials of access to information. In one country, GRECO found that the Ombudsman was over-burdened with multiple human rights-related cases, reducing its effectiveness in handling access-to-information complaints. In two other countries, GRECO noted that the Ombudsman lacked the authority to compel public administrations to act, as it could only issue non-binding recommendations, or, where it had authority, its recommendations were often disregarded.

24. Where an independent oversight body is established, GRECO has emphasised that it must be empowered to review refusals to disclose information by the central government. Additionally, it should be provided with sufficient independence, authority and resources to carry out its functions effectively, and its decisions should be duly enforced.

25. Regarding appeal procedures, GRECO has stressed the need for simplification to ensure practical and effective access to official information.

26. In summary, GRECO has emphasised that ensuring practical and effective access to official information requires a dedicated oversight mechanism with proper independence, authority and resources to make binding decisions, complemented by simplified appeal procedures. Each member state may choose to entrust the protection of both the right to access official information and the right to personal data protection to either the same institution or separate bodies, depending on their national framework.

Statutory compliance

27. When access to information is regulated by law – whether through a dedicated freedom of information act or through other laws of general application – GRECO’s evaluation reports have emphasised the importance of compliance with statutory obligations. The three most recurring issues have been identified in this context and are outlined below.

Proactive transparency (disclosure)

28. The first issue concerns proactive transparency. National law generally defines “official information” or “public interest information” or “administrative documents” that public authorities in a member state are authorised to disclose. Additionally, to promote transparency, enhance efficiency, and encourage informed public participation in matters of general interest, national law may require public authorities to proactively publish information – such as budgets, activities, policies, and annual reports – on their own initiative. This practice is commonly known as “proactive transparency.

29. GRECO has evaluated public authorities’ compliance with proactive transparency requirements and has recommended that several member states publish public interest information *ex*

officio.

30. GRECO does not determine which information should be proactively disclosed to the public, as this is regulated by national legislation based on the specific circumstances of each member state and remains at the discretion of national lawmakers. However, GRECO assesses the extent to which the statutory requirement of proactive transparency, once enshrined in law, is effectively implemented in practice.

Access-to-information requests

31. The second issue relates to access-to-information requests. GRECO has emphasised that “access to information must be timely; this is particularly true for corruption prevention purposes. When information comes late, it may serve little purpose.” GRECO has also cited case-law from the European Court of Human Rights, which states that “news is a perishable commodity and delaying its publication, even for a short period, might well deprive it of all its value and interest”.⁵

32. To uphold these principles, all member states have recognised the right of individuals to obtain public interest information upon request, without needing to provide a justification. However, one of the most frequently cited problems identified by GRECO is the delay in providing information in response to access-to-information requests. Delays may arise from long statutory time limits for authorities to respond (e.g. 60 days in one instance) or from public authorities’ failure to comply with statutory deadlines.

33. Different countries have established varying statutory time limits for responding to access-to-information requests,

⁵ See, for example, *Observer and Guardian v. the United Kingdom*, § 60, 26 November 1991, and *Stoll v. Switzerland* [GC], no. 69698/01, § 131, 10 December 2007.

typically ranging from 10 days to 20 working days or 30 calendar days. While these deadlines may be legally extended, GRECO has stressed that what truly matters in practice is the speed at which authorities provide information and its relevance at the time of disclosure. Additionally, lengthy appeal proceedings—often lasting several years—can further undermine access to information, as the delayed release may render the information obsolete or irrelevant by the time it is provided (if at all).

34. While most member states provide access to information free of charge, GRECO has expressed concerns about practices requiring individuals to pay fees, even when requests should legally be processed at no cost. In one country, the maximum fee for accessing information can be as high as 500 euros. Although local statistics showed that 80 percent of public information requests were processed free of charge, and high fees were rarely used as a barrier in practice, GRECO remained concerned about their potential deterrent effect. A similar issue was noted in another country, where individuals must pay a 30-euro submission fee to file complaints regarding denied access-to-information requests.

35. In light of these issues, GRECO has recommended that several member states conduct an independent and thorough review of their freedom of information legislation to address the concerns identified in evaluation reports and ensure timely access to public interest information.

Restrictions/limitations

36. The third issue addresses restrictions or limitations on access to information. A significant number of access-to-information requests are denied due to legal restrictions or limitations (e.g. protection of personal data, security concerns, commercial secrets). While freedom of information is not an

absolute right, any restrictions on access to official documents “should be set down precisely in law, be necessary in a democratic society and be proportionate (...)”, and such limitations may only be applied “unless there is an overriding interest in disclosure”.⁶

37. In its evaluation reports, GRECO has expressed concerns about the overly broad scope of restrictions on freedom of information and the unfair application of these restrictions. One report described a culture of secrecy, where broad exemptions were applied, under the pretext of protecting state secrets. Another report warned that exceptions to information disclosure might prevent the release of important public interest information if they were not interpreted and applied narrowly, in line with the spirit and overall objectives of the freedom of information legislation.

38. One of the most common justifications for restricting access to information is the protection of personal data – a practice that has been misused in many countries. While protecting personal data is often a legitimate reason for restricting access to public interest information, on-site visits have revealed that some countries exploit it “as a shield to avoid transparency requirements”. GRECO has urged member states to strike a fair balance between protecting individuals’ privacy and ensuring the right to information, and to limit the use of restrictions under the applicable laws governing access to official information.

39. In summary, GRECO acknowledges that, while certain restrictions on access to information are necessary, they should be explicitly defined by law and applied in a limited and precise manner. Accordingly, GRECO has urged member states to

⁶ Recommendation Rec (2002) 2 of the Committee of Ministers to member states on access to official documents.

review their legal frameworks and to provide training to officials responsible for handling access-to-information requests to ensure the proper implementation of limitations.

Safety of journalists

40. Journalists play a fundamental role in investigating and exposing corruption scandals. As public watchdogs, they rely on a well-functioning freedom of information framework to carry out their work effectively. National freedom of information legislation must ensure the smooth implementation of this function. GRECO has placed particular focus on media freedom, assessing not only journalists' right to collect and disseminate information but also the legal provisions and practices that may have a "chilling effect" on their activities. In several countries, alarming trends have emerged.

41. A growing tendency to initiate investigations and impose fines to silence journalists has been noted. GRECO further observed that in one country, intimidation by politicians, as well as administrative and judicial pressure on publishers and journalists, was a common practice. Independent media and investigative journalists were frequently targeted by strategic lawsuits against public participation (SLAPPS) and other abusive legal procedures intended to silence them. In this context, it is worth noting that in April 2024, the Council of Europe's Committee of Ministers adopted [Recommendation CM/REC \(2024\)2](#) on countering the use of SLAPPs.

42. The assassination of a journalist and blogger, who had extensively reported on irregularities in public affairs—including overpriced energy supply deals, hospital privatisation awarded to an inexperienced company, undervalued land sales to political sponsors, the sale of passports through foreign investment schemes (potentially involving kickbacks), nepotism in public appointments, and misuse of public resources—was

highlighted in a GRECO evaluation report. This case led to a recommendation for the police to “establish a policy to communicate at regular interval and through authorised channels about its work including”. In another country, the vilification of journalists, including those investigating high-level corruption, was also a notable concern.

43. During the Covid-19 pandemic, access to information faced significant restrictions, as many governments introduced limitations under emergency measures or martial law frameworks. In some cases, these temporary restrictions were not fully lifted, leading to a failure to restore adequate transparency standards. In respect of one country, GRECO observed that independent media outlets and journalists continued to face obstruction and intimidation throughout the pandemic. Additionally, extensive state advertising allowed the government to exert indirect political influence over the media. Furthermore, several decrees adopted through emergency procedure led in practice to reduced access to public information and public consultation on draft legislation.

44. Although GRECO has not issued specific recommendations on protecting journalists’ safety, it has consistently emphasised the crucial role of journalists and the media in exposing corruption scandals, and the need for them to operate without fear of intimidation, interference, pressure or legal action.

Examples of good or promising practice

45. While many evaluation reports identified challenges, GRECO also noted positive developments in some member states. The following selected examples of good or promising practice are drawn from specific Fifth Round country evaluation reports, without prejudice to other countries that did not receive a recommendation.

Estonia

46. Estonia's Public Information Act (PIA) has established broad disclosure requirements for public information. The Act mandates public access to all documents related to executive decision-making, which can be obtained through government web pages, digital databases, or by request. It ensures that public institutions provide information both proactively and upon request. Notably, draft acts and regulations, development plans, and public procurement details are available online.

47. In exceptional cases, a ministry's secretary general may classify information for internal use, particularly when it involves sensitive data or business secrets. The implementation of the PIA is monitored by the Data Protection Inspectorate, which conducts both proactive oversight – issuing guidelines to improve practice of certain agencies – and reactive investigation in response to complaints or reported concerns. In cases of non-compliance, fines may be imposed on officials, such as when public documents are withheld in violation of the PIA.

Finland

48. The general principles of openness, transparency and publicity in public administration have been considered the main guarantees against corruption in Finland. Access to information has been enshrined in the Constitution and the Act on the Openness of Government Activities, which mandates that all government documents are public unless legally classified as confidential. Decisions to withhold information must be justified under the Act. Most public documents are electronically accessible, and requests can be made in multiple formats— orally, in writing, electronically, or in person.

49. The Finnish Government actively disseminates

information through its official website, including summaries of government plenary and presidential sessions. Ministries also publish relevant documents and decisions promptly. To reinforce transparency, media representatives have access to the “presenters’ lounge” during plenary sessions. The Information Management Unit of the Prime Minister's Office oversees document and archive management, registry services, and related information and customer support functions for all ministries.

Iceland

50. GRECO has welcomed the creation of a dedicated government website that allows the public to access information on individual transactions and payments for goods and services supplied to ministerial agencies. Other public institutions are expected to be included in future phases of the project.

Slovenia

51. The Public Information Act has been a key pillar of transparency in a democratic society. The Act applies across the public sector and establishes commitments for all public bodies: on the one hand, to proactively disseminate public information at their disposal, and on the other, to enable access to information upon individual requests. Decisions refusing individual information requests are subject to appeal before the Information Commissioner and, subsequently, the Administrative Court. According to information gathered on-site, 88% of requests were granted in practice, with 76% resulting in full access to the requested information.

52. All proposed government materials are published on government websites before their discussion in committees or government sessions. This also applies to agendas of government sessions and working bodies, as well as the

government's annual work plan. Press releases summarising the decisions adopted are issued after every committee meeting and government session. Furthermore, the Public Information Act ensures far-reaching transparency in budgetary and financial matters, as all information on public spending is publicly accessible, proactively published, and regularly updated on dedicated websites. Lastly, under the Media Act, the media has the right to request a response from public bodies. A reply must be provided within seven working days, or, if denied, the refusal must be issued by the next working day. Appeals can be submitted to the Information Commissioner.

Switzerland

53. Broad access to government information and a proactive policy for communicating federal government decisions have been recognised as good practice. Although federal government discussions and documents relating to the official joint reporting procedure (a decision-making process allowing each head of department to submit proposals before a federal government meeting), are not public, members of the federal government are subject to the Freedom of Information Act when acting as heads of department. Additionally, preparatory documents for the joint reporting procedure are publicly accessible to ensure transparency in the legislative process.

54. Domestic courts have ruled that applications for access may include electronic agendas and instant-messaging discussions of federal government members. The procedure and deadlines for responding to access applications are clearly defined. The federal government follows a proactive policy of communicating its decisions to the press and public as soon as they are made, even before the end of its sessions. The day before a session, accredited journalists receive an embargoed list of discussion items. Press releases are issued as soon as decisions are made, before the session concludes. Each session

is typically covered by 10 to 35 press releases and is followed by a press conference.

United Kingdom

55. The United Kingdom has a solid legal framework for ensuring transparency in public affairs under the Freedom of Information Act 2000. The Act consistently allows members of the public to request specific information related to government and ministerial decisions. It also provides public access to information held by public authorities, including government departments.

56. However, there are a few exemptions from the general duty to disclose information. These are set out in the Act and include, amongst others, an exemption from disclosure when information relates to the formulation of government policy and another where disclosure would prejudice the effective conduct of public affairs. The application of these exemptions is subject to a public interest test. Additionally, mechanisms exist to appeal decisions made under this legislation, first through the independent Information Commissioner and then through the courts.

Conclusions and next steps

57. During the Fifth Evaluation Round, GRECO assessed the regulatory and institutional framework governing access to official documents and public interest information. It identified several challenges in accessing public interest information and also highlighted relevant practices that facilitate access. As a result, GRECO issued recommendations to evaluate the interpretation and application of freedom of information legislation, enhance compliance with national access-to-information laws, and improve public authorities' practices in disclosing official documents.

58. In addition, GRECO paid particular attention to the safety of journalists, who, as public watchdogs, play a crucial role in exposing corruption scandals, ensuring transparency in public authorities, and enhancing their accountability.

59. GRECO's work in this area will continue in the Sixth Evaluation Round, which focuses on preventing corruption and promoting integrity in the sub-national level. Accordingly, Question 10.1 of the Sixth Round [Questionnaire](#) addresses access to official information.

60. Building on the wealth of information accumulated to date, the following issues may be explored in the Sixth Evaluation Round: (i) the scope of information to be disclosed by sub-national authorities; (ii) the proactive publication (transparency) of public interest information by sub-national authorities; (iii) sub-national authorities' compliance with statutory obligations related to access-to-information requests, including existence of press officials and trainings provided to them; (iv) the frequency with which sub-national authorities apply restrictions or limitations to deny the disclosure of public interest information; and (v) sub-national authorities' refusal to

enforce domestic decisions ordering the disclosure of information.

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