

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

TRAINING PROGRAMME

Division for Cooperation on
Freedom of Expression

Co-funded
by the European Union



COUNCIL OF EUROPE



Co-funded and implemented
by the Council of Europe

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

The role and responsibility of the Council of Europe in protecting freedom of expression and media freedom is underlined in the [Council of Europe New Democratic Pact for Europe](#).

This Training Programme was produced with the financial support of the European Union and the Council of Europe, through the [joint programme "Horizontal Facility for the Western Balkans and Türkiye"](#).

The [Division for Cooperation on Freedom of Expression](#) has developed [a range of training programmes](#) designed to strengthen knowledge and capacities of judges, prosecutors, legal professionals, police staff, journalists and media actors, and public servants from relevant public authorities, in key areas: Countering the use of SLAPPs, Safety of Journalists, and Access to Information in the context of Freedom of Expression .

This programme is meant to be adapted to the specific needs and contexts of the countries where it is implemented.

We encourage partners and stakeholders to make full use of these resources.

To ensure quality and coherence, three simple conditions must be respected:

- ▶ The Council of Europe should be informed of their use.
- ▶ Copyright should be respected, with acknowledgement that this is a Council of Europe programme.
- ▶ Certified trainers should be involved in their delivery.

By following these principles, you will help us maintain the highest standards while ensuring that the programmes have the greatest possible impact.

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows "© Council of Europe, year of the publication". All other requests concerning the reproduction/ translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

This Council of Europe Training Programme on Access to Information in the context of Freedom of Expression was developed by Council of Europe international expert Tetyana Oleksyuk.

www.coe.int/freedomofexpression

Co-funded
by the European Union



COUNCIL OF EUROPE



Co-funded and implemented
by the Council of Europe

General Presentation of the Training on European Standards on Access to Information in the Context of Freedom of Expression

CONTENTS

THE COUNCIL OF EUROPE TRAINING PROGRAMME ON EUROPEAN STANDARDS ON ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION	1
CURRICULUM FOR THE TRAINING PROGRAMME ON EUROPEAN STANDARDS ON ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION	2
Objectives and Purpose of the Training	2
Outputs	3
Training structure for the Group #1 – Legal professionals	5
Training structure for the Group #2 – Civil servants	7
Training structure for the Group #3 – Journalists and other media professionals	8

Co-funded
by the European Union



COUNCIL OF EUROPE



Co-funded and implemented
by the Council of Europe

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

Division for Cooperation on Freedom of Expression

THE COUNCIL OF EUROPE TRAINING PROGRAMME ON EUROPEAN STANDARDS ON ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

The Training on European Standards on Access to Information in the Context of Freedom of Expression is a modular, two-day programme tailored for three distinct professional groups: legal professionals, civil servants, and journalists/media professionals. For each target group, the content of the sessions is focused on the most relevant aspects of access to information and freedom of expression, keeping the overall structure consistent while addressing each group's unique responsibilities and challenges.

Based on European standards, namely Article 10 of the European Convention on Human Rights and the Council of Europe Convention on Access to Official Documents (Tromsø Convention), the training aims to empower participants to apply access to information laws effectively and to uphold transparency and accountability within their professional roles.

The training is structured to address both international standards and national regulations to offer a thorough understanding of access to information rights. It employs a dual-trainer approach, with one trainer specialising in international standards and another in national legislation. This provides a balanced perspective, helping participants understand the best global practices and how to apply these within their local frameworks.

The training methodology is designed to be interactive and adaptable to adult learners. It includes lectures, case studies, group discussions, and hands-on practicums, allowing participants to explore both the theoretical and practical aspects of access to information.

Groups' focus:

- ▶ **for Group #1** (legal professionals), the training core is the detailed analysis of case law to provide a solid foundation in relevant legal principles and precedents. This approach is intended to help legal professionals gain a deep understanding of judicial interpretations and applications of access to information standards.
- ▶ **for Group #2** (civil servants), the training focuses on skill-building, allowing participants to engage in practical scenarios and collaboratively explore solutions to real-world challenges they may encounter in their roles.
- ▶ **for Group #3** (journalists and media professionals), the training emphasis is made on workshops and facilitated group exercises to ensure their responsible approach to reporting on topics of public interest.

The course agenda is configured into two main sections:

- ▶ **Day 1:** Focuses on international standards, with sessions covering fundamental concepts, European Court of Human Rights case law, the Tromsø Convention, and limitations on access to information.
- ▶ **Day 2:** Examination of the domestic regulations and skill-building exercises, tailored to explore national frameworks, practical application, oversight, and information processing standards.

The curriculum is structured to facilitate Training-of-Trainers (ToT) sessions, empowering trainers to deliver further cascade training to additional professional groups.

Co-funded
by the European Union



COUNCIL OF EUROPE



Co-funded and implemented
by the Council of Europe

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

CURRICULUM FOR THE TRAINING PROGRAMME ON EUROPEAN STANDARDS ON ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

Course Title: Training Programme on European Standards on Access to Information in the Context of Freedom of Expression

Duration: 2 Days,

Format: In-Person Training.

Target Audience: The curriculum is developed for three distinct 2-day training programs, each organised into modular structures for three different groups:

1. Legal professionals (judges, prosecutors, lawyers, and others).
2. Civil servants and other professionals mandated to provide access to information.
3. Journalists and other media professionals, opinion leaders, civic activists, etc., who act as public watchdogs.

The training is designed with a dual-structured approach, covering both international standards and national regulations to provide a comprehensive understanding of access to information rights in the context of freedom of expression. This structure ensures that participants gain insight into global best practices while also understanding how these principles align with and are implemented within their own country's legal framework. To achieve this goal effectively, the training requires the expertise of two trainers: one with specialised knowledge of international standards and ECtHR case law, and another with expertise in the specific national legislation and practices of the country where the training is conducted. This dual-trainer system facilitates a balanced, contextual learning experience for participants.

→ Objectives and Purpose of the Training

The Training Programme on European Standards on Access to Information in the Context of Freedom of Expression is designed to accommodate three distinct professional groups: legal professionals, civil servants, and journalists/media professionals. Each group has unique responsibilities related to access to information, requiring tailored learning objectives and methodologies. By tailoring the training to their specific legal, administrative, and journalistic functions, participants will gain practical knowledge and actionable skills to strengthen access to information as a fundamental right.

Group # 1 – Legal Professionals (Judges, Prosecutors, Lawyers)

Purpose of the Training

This training aims to provide judges, prosecutors, and lawyers with a strong legal foundation in European and international access to information standards. The course will focus on the interpretation and enforcement of these rights within national legal systems, ensuring that legal professionals can apply relevant case law, principles, and judicial oversight mechanisms effectively.

Objectives

By the end of this training, legal professionals will be able to:

- ▶ Understand international legal standards on access to information, including the European Convention on Human Rights (Article 10), Tromsø Convention, and Aarhus Convention.
- ▶ Analyse key case law from the European Court of Human Rights (ECtHR) related to freedom of expression and access to official information.
- ▶ Apply national legislation and evaluate its compliance with international standards on access to information.
- ▶ Apply legal tests to balance access to information and privacy rights.
- ▶ Enhance judicial reasoning in adjudicating disputes related to information access.
- ▶ Develop a unified judicial approach in handling access to information cases.

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

Group #2 – Civil Servants (Public Officials and Information Officers)

Purpose of the Training

This training is designed for civil servants responsible for handling public information requests. The programme focuses on enhancing transparency and accountability by ensuring that officials understand legal obligations, best practices, and implementation strategies for access to information.

Objectives

By the end of this training, civil servants will be able to:

- ▶ Understand the legal framework governing access to official documents under international agreements and national laws.
- ▶ Apply best practices for processing information requests, including timely responses, proactive disclosure, and handling refusals correctly.
- ▶ Balance transparency with legal limitations, such as privacy, national security, and commercial confidentiality.
- ▶ Develop structured document management systems to facilitate access to public records.
- ▶ Apply legal tests to balance access to information and other rights when deciding on information requests.
- ▶ Improve interactions with journalists and civil society organizations to promote openness.

Group #3 – Journalists, Media Professionals, Opinion Leaders, and Civic Activists

Purpose of the Training

This training is tailored for journalists, civic activists, and media professionals who act as public watchdogs. The goal is to equip them with the tools to access and use official information for investigative reporting, advocacy, and public interest journalism.

Objectives

By the end of this training, journalists and media professionals will be able to:

- ▶ Understand their rights to access information under international and national frameworks.
- ▶ Effectively use legal instruments to request public documents.
- ▶ Draft successful information requests and appeals in case of refusals.
- ▶ Balance the right to information with privacy laws, especially when reporting on public figures.
- ▶ Analyse case law where courts have ruled on the balance between press freedom and privacy.
- ▶ Use public interest arguments to challenge government refusals of official information.
- ▶ Work collaboratively with responsible officials and oversight bodies, such as Information Commissioners, to defend press freedom.

→ Outputs

This training programme is designed to provide practical skills and legal knowledge that participants can immediately apply in their professional roles. It empowers professionals to protect, apply, and promote access to information rights, leading to more transparent governance by strengthening government openness and accountability. It also provides stronger legal protection by ensuring that courts and officials uphold international and national transparency standards. Additionally, it contributes to a well-informed public by enhancing journalism, activism, and legal advocacy for democratic participation.

Each group, legal professionals, civil servants, and journalists/media professionals will gain tools to enhance transparency, accountability, and good governance in their work, namely:

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

For the Group #1 – Legal Professionals (Judges, Prosecutors, Lawyers)

Consistent legal interpretations will help ensure a unified judicial approach in ruling on access to information cases, reducing contradictions in court decisions. This training is important for legal professionals and the public because it upholds the rule of law by ensuring courts protect the right to access information. It strengthens accountability by enabling legal professionals to hold public authorities responsible for transparency violations. Additionally, it promotes fairness by helping courts balance privacy rights and the right to information in judicial rulings.

- ▶ Judges and prosecutors will learn how to interpret and apply international and national laws related to access to information.
- ▶ Lawyers will gain skills to challenge government refusals of information and strengthen legal arguments in court cases.
- ▶ Legal professionals will learn how to apply legal tests to balance information access with privacy and security concerns.

For the Group #2 – Civil Servants (Civil servants and other professionals mandated to provide access to information)

This training is important for civil servants and the public because it promotes the best practices in providing citizens with timely and trustworthy information and encourages proactive transparency by teaching government officials how to reduce the need for formal requests and minimise delays. It also improves trust in government by ensuring that information requests are handled fairly and efficiently, helping to build public confidence in government transparency.

- ▶ Civil servants and other professionals mandated to provide access to information will learn how to process requests properly and avoid legal disputes.
- ▶ Civil servants will avoid mistakes when granting or refusing access to official documents and will learn how to store and organise official documents, ensuring easy access.
- ▶ Training will enhance communication between the civil servants and media, training how to respond to journalists, NGOs, and citizens professionally and lawfully.

For the Group #3 – Journalists, Media Professionals, Opinion Leaders, and Civic Activists

This training is important for journalists, media professionals, opinion leaders and civic activists, because it promotes public awareness by enabling journalists to provide accurate information, helping citizens make informed decisions in democratic processes. It also ensures accurate reporting by promoting access to reliable official information, which helps prevent misinformation and bias. Additionally, it holds governments accountable, as journalists play a key role in exposing corruption, mismanagement, and human rights violations.

- ▶ Journalists, media professionals, opinion leaders, civic activists, who act as public watchdogs will learn how to submit effective requests and challenge denials.
- ▶ They will gain legal knowledge in using official documents as evidence in journalism to ensure more powerful investigative reporting
- ▶ Journalists will learn how to defend press freedom and challenge government secrecy and how to seek legal support in freedom of information cases.

For Group #1 (legal professionals), the training methodology emphasises briefings, presentations, group discussions, and case law analysis to build a strong foundation in relevant legal principles and precedents. This approach is designed to help legal professionals develop a comprehensive understanding of judicial interpretations and applications of access to information and freedom of expression standards.

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

In contrast, Groups #2 (civil servants) and #3 (journalists and media professionals) focus more on interactive exercises, such as collaborative learning, problem-based facilitated discussions, workshops, and brainstorming sessions, enabling participants to engage directly with practical scenarios and collaboratively explore solutions to real-world challenges they might encounter in their roles. This tailored approach ensures each group gains skills relevant to their specific responsibilities.

The curriculum can be used as well for Training-of-Trainers (ToT) sessions, and these trainers can then be further engaged in cascade training for the above-listed professionals.

→ Training structure for the Group #1 – Legal professionals

Day 1: International Standards and Legal Framework

► Pre-training survey (15 min)

Objective: Assess participants' baseline knowledge.

► Session 1: Access to official information – key instrument for transparency of government and freedom of expression (30 min)

Methodology: Ice-breaking interactive exercise, brainstorming, or group discussion on the importance of access to official information.

► Session 2: Evolution of international standards in access to official information as the component of freedom of expression (1 hour)

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

► Session 3: Access to official information – criteria in ECHR case law (1.5 hours)

Sub-session 3.1.: Access to Information as the component of freedom of expression under the European Convention on Human Rights (ECHR), Article 10 and the relevant case law.

Methodology: Briefing session, PowerPoint presentation, and group discussion.

Sub-session 3.2.: Case study – *Magyar Helsinki Bizottság v. Hungary*, the European Court of Human Rights (ECtHR) criteria for protecting access to information as the component of freedom of expression.

Methodology: Case study and facilitated discussion.

► Session 4: Principles and standards of Aarhus and Tromsø Conventions (1.5 hours)

Sub-session 4.1.: Key principles and standards of the Aarhus and Tromsø Conventions.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 4.2.: Implementation of Aarhus and Tromsø Conventions – equal access to information and support for applicants.

Methodology: Interactive exercises: problem-based facilitated discussion and collaborative learning.

► Session 5: Limitation of access to information (1.5 hours)

Sub-session 5.1.: Limitations of access to official documents under the European Convention on Human Rights (Article 10) and the Council of Europe Convention on Access to Official Documents (Article 3) – three-part test, harm test and public interest test.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 5.2.: Group activity on analysing legitimate interests for limitation of access to official information under the European Convention on Human Rights and the Council of Europe Convention on Access to Official Documents (Tromsø Convention).

Methodology: Interactive exercises: written group activity with a spokesperson (case study analysis).

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

Day 2: Domestic Regulations and Implementation

► **Session 6: Compliance of national legislation with international standards (1.5 hours)**

Sub-session 6.1.: Overview of national legislation on access to information.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 6.2.: Group exercise in small groups to analyse a selection of typical domestic court cases.

Methodology: A case study in small groups and facilitated discussion.

► **Session 7: Public interest test and limitations under the national legislation (1.5 hours)**

Sub-session 7.1.: Public interest test and limitations on access to information under the national regulations.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 7.2.: Group exercise on legal grounds for restricting access based on the relevant case law.

Methodology: Interactive exercises: Exercise in small or large groups and facilitated discussion.

► **Session 8: Oversight and control mechanisms (1.5 hours)**

Sub-session 8.1.: Overview of international approaches to oversight (Information Commissioners, Ombudsman, courts).

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 8.2.: National oversight mechanisms and the relevant court practice.

Methodology: Interactive exercises: collaborative learning and problem-based facilitated discussions.

► **Session 9: Evaluation and wrap-up**

Sub-session 9.1.: Multiple-choice test /evaluation

Sub-session 9.2.: Feedback and certificate awarding.

The training programme focuses on European standards on access to official information in the context of freedom of expression, adhering to the European Convention on Human Rights (Article 10) and the Council of Europe Convention on Access to Official Information (Tromsø Convention) standards, with implications for the national legislation of the country of training. The curriculum covers international standards, principles of key conventions, case law, and domestic legislation and administrative practice. It emphasises interactive and participatory learning approaches to enhance participants' understanding and capacity to handle official information access and protection.

A unique characteristic of the programme for legal professionals is its emphasis on real court case studies. Participants will closely examine cases from both the European Court of Human Rights (ECtHR) and national courts, enabling a deep understanding of legal precedents. This focus aims to help legal professionals develop a unified approach to judicial and law enforcement practices regarding access to information and freedom of expression.

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

→ Training structure for the Group #2 – Civil servants

Day 1: International Standards and Domestic Legal Framework

- ▶ **Pre-training survey (15 min)**

Objective: Assess participants' baseline knowledge.

- ▶ **Session 1: Access to official information – key instrument for transparency of government and freedom of expression (30 min)**

Methodology: Ice-breaking interactive exercise, brainstorming, or group discussion on the importance of access to official information.

- ▶ **Session 2: Overview of international standards on access to official information (1 hour)**

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

- ▶ **Session 3: Balancing access to official information and other legitimate interests – ECtHR criteria (1.5 hours)**

Sub-session 3.1.: Public interest tests for balancing access to official information and other legitimate interests

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 3.2.: Case study and group activity.

Methodology: Interactive exercises: case study and written group activity with a spokesperson (case study analysis).

- ▶ **Session 4: Main provisions of the Aarhus and Tromsø Conventions and their application in the duties of civil servants (1.5 hours)**

Sub-session 4.1.: Key principles and standards of the Aarhus and Tromsø Convention.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 4.2.: Implementation of Aarhus and Tromsø Conventions – equal access to information and support for applicants.

Methodology: Interactive exercises: problem-based facilitated discussion and collaborative learning.

- ▶ **Session 5: Application of international standards in national legislation (1.5 hours)**

Sub-session 5.1.: Overview of national legislation on access to information.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 5.2.: Facilitated discussion on instruments to access official information under national legislation (access via information request, proactive publication obligations, rules on re-use of official information).

Methodology: Case study in small groups and facilitated discussion.

Day 2: Practical Implementation

- ▶ **Session 6: Managing official information and structuring responsibilities within state authorities (1.5 hours)**

Sub-session 6.1.: Effective management of official information within the state authority.

Methodology: Briefing session and facilitated discussion.

Sub-session 6.2.: Obligations of the responsible official under the national legislation.

Methodology: Interactive exercises: collaborative learning and brainstorming session.

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

► **Session 7: Workshop on preparing the reply to the request (1.5 hours)**

Methodology: Workshop on preparing the reply to the request for official information (small group exercise and peer review).

► **Session 8: Oversight and implementation at the national level (1.5 hours)**

Sub-session 8.1.: National oversight mechanisms and the relevant court practice.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 8.2.: Monitoring, cooperation with civil society and journalists, education and awareness-raising – best practices.

Methodology: Facilitated discussion.

► **Session 9: Evaluation and wrap-up**

Sub-session 9.1.: Multiple-choice test /evaluation

Sub-session 9.2.: Feedback and certificate awarding.

This training programme is tailored for civil servants and other professionals responsible for providing access to information. It focuses on the practical application of European standards, including the European Convention on Human Rights (Article 10) and the Council of Europe Convention on Access to Official Documents (Tromsø Convention), as well as national legislation relevant to their daily responsibilities. The programme incorporates real-life case studies and exercises to clarify the public interest test, document management tools, and oversight practices. Additionally, it provides practical training for processing information requests and encourages collaboration with civil society and journalists to enhance transparency and build public trust.

➔ **Training structure for the Group #3 – Journalists and other media professionals**

Day 1: International Standards and Domestic Legal Framework

► **Pre-training survey (15 min)**

Objective: Assess participants' baseline knowledge using.

► **Session 1: Access to official information – key instrument for transparency of government and freedom of expression (30 min)**

Methodology: Ice-breaking interactive exercise, brainstorming, or group discussion on the importance of access to official information.

► **Session 2: Overview of international agreements on access to official information (1 hour)**

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

► **Session 3: Main provisions of the Aarhus and Tromsø Conventions as the instrument for Journalists and other media professionals (1.5 hours)**

Sub-session 3.1.: Key principles and standards of the Aarhus and Tromsø Convention.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 3.2.: Case study and group activity.

Methodology: Interactive exercises: case study and written group activity with a spokesperson (case study analysis).

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

► **Session 4: Overview of possible limitations on access to information (1.5 hours)**

Sub-session 4.1.: Public interest tests for balancing access to official information and other legitimate interests.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 4.1.: Case study and facilitated discussion based on the European Court of Human Rights (ECtHR) case law.

Methodology: Collaborative learning, case study, and facilitated discussion

► **Session 5: Respect for private life and access to information (1.5 hours)**

Sub-session 5.1.: Public figures and access to information – European Court of Human Rights criteria.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 5.2.: Examination of landmark national cases where the court balances privacy rights against public interest.

Methodology: Collaborative learning, case study and facilitated discussion

Day 2: Practical Implementation

► **Session 6: Application of international standards in national legislation (1.5 hours)**

Sub-session 6.1.: Overview of national legislation on access to information.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 6.2.: Facilitated discussion on instruments to access official information under national legislation, challenges, and needs among media professionals.

Methodology: A case study in small groups and facilitated discussion.

► **Session 7: Guidelines for Writing a Successful Information Request (1.5 hours)**

Workshop Practicum on writing the request for official information (small group exercise and peer review).

► **Session 8: National oversight mechanisms and strategies for defending the right to access official information (1.5 hours)**

Sub-session 8.1.: National oversight mechanisms and the relevant court practice.

Methodology: Briefing session, PowerPoint presentation, and Q&A session.

Sub-session 8.2.: Collaborative learning exercise on drafting an appeal for media professionals after a denial of an official information request.

Methodology: Practicum and facilitated discussion.

► **Session 9: Evaluation and wrap-up**

Sub-session 9.1.: Multiple-choice test /evaluation

Sub-session 9.2.: Feedback and certificate awarding.

This programme is specifically designed for journalists and media professionals, opinion leaders, civic activists, etc., who act as public watchdogs. It focuses on the practical application of international and national standards to access official information essential for media reporting. It covers key skills such as making effective information requests, understanding privacy boundaries related to public figures, and protecting their right to access official information. The programme also highlights the relevance of public interest test assessment to equip media professionals with tools to protect and exercise their right to information.