

ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

Division for Cooperation on Freedom of Expression

Guide for Trainers

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ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

NOTE FOR TRAINERS – “ACCESS TO INFORMATION: THE CORNERSTONE OF DEMOCRACY AND FREEDOM OF EXPRESSION”

Introduction to Access to Information – A Key Instrument for Government Transparency and Freedom of Expression

Access to information is a cornerstone of democracy and a necessary component of freedom of expression. It plays a vital role in enabling informed participation, ensuring accountability, fostering transparency, and facilitating public engagement in democratic processes. Without access to accurate and timely information, the principles of democracy would be undermined, and citizens' ability to exercise their rights effectively would be diminished.

Freedom of expression and access to information are deeply intertwined. Freedom of expression encompasses the right to seek, receive, and impart information and ideas of all kinds. This connection highlights that access to information is not merely a passive right but an active component of the broader right to express oneself.

Access to Information and Its Role in Democracy

Informed citizenry and participation

At the core of any democracy is the active participation of its citizens. Participation requires access to information that helps individuals understand policies, laws, and the actions of their representatives. By providing accurate and timely data, access to information empowers citizens to make informed decisions during elections, engage in discussions about public issues, and advocate for change.

An informed citizenry can challenge misinformation and propaganda that distort public discourse. Without reliable information, citizens risk making decisions based on incomplete or misleading data. Therefore, access to information ensures that democratic processes are participatory and grounded in reality and knowledge.

Accountability and oversight

Accountability is a cornerstone of democracy, requiring those in power to answer for their decisions and actions. When decision-making processes are open and subject to public scrutiny, citizens can monitor their governments effectively. This transparency prevents unethical practices and builds trust between citizens and their representatives, strengthening the social contract that underpins democratic governance.

Laws on access to official information, as well as the Council of Europe Convention on Access to Official Documents (Tromsø Convention), empower citizens and civil society organizations to request information from government bodies. This legal framework enables public oversight of government policies, budgets, and decisions, helping reveal maladministration, corruption, or abuse of power.

Protection of rights

Access to information is essential for safeguarding and promoting human rights. Knowledge of one's rights and the mechanisms to uphold them is a prerequisite for exercising those rights effectively.

Knowledge gained through access to information enhances individuals' capacity to express themselves in various ways. Whether through art, writing, public speaking, or activism, access to information provides the foundation for creativity and advocacy. It allows individuals to contribute to cultural and intellectual life, driving progress and innovation.

Thus, access to information is a basis of democracy and a fundamental component of freedom of expression. Without access to accurate and timely information, democratic principles are weakened, and citizens' ability to exercise their rights effectively is diminished.

Access to information fuels open dialogue and debate, which are essential components of freedom of expression. Informed discussions, whether in public forums, the media, or online platforms, depend on accurate and diverse information availability.

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Freedom of expression and its link to the right to access information

Freedom to receive and impart information

Article 10 of the European Convention on Human Rights protects the right to freedom of expression, which includes the right to receive and impart information and ideas. The European Court of Human Rights has reinforced this principle through its case law, emphasizing the essential role access to information plays in ensuring informed public participation.

For example, in *Magyar Helsinki Bizottság v. Hungary*, the European Court of Human Rights recognized that Article 10 encompasses a right of access to information where access is instrumental for exercising freedom of expression, particularly for matters of public interest. This principle empowers citizens to understand policies, evaluate governance, and engage meaningfully in political and social discussions. Without such access, citizens risk being misled by misinformation and propaganda, undermining the democratic process.

In *Társaság a Szabadságjogokért v. Hungary*, the ECtHR clarified that access to public information is fundamental to the exercise of freedom of expression, particularly when it facilitates public debate on matters of general interest. By guaranteeing access to information, individuals and organizations can make informed decisions, engage in meaningful discussions, and advocate for change, extending democratic participation beyond voting to active engagement in civic life.

Countering Censorship

Ensuring access to information is a critical tool for countering censorship. Censorship poses a significant threat to access to information and freedom of expression, rights enshrined in Article 10 of the European Convention on Human Rights.

Providing citizens with reliable sources of knowledge enables them to engage in informed public discourse. The European Court of Human Rights has mentioned this in cases such as *Observer and Guardian v. United Kingdom*, highlighting the importance of unrestricted access to information for a pluralistic and democratic society. The Court ruled that restrictions must meet strict legal criteria, including being necessary in a democratic society and proportionate to the legitimate aim pursued.

Empowering journalistic freedom

Access to information is essential for journalists' work, as journalists rely on access to government records, public data, and other sources of information to report on issues of public interest. When journalists are denied access to information, their ability to report accurately and comprehensively is compromised. This, in turn, limits the public's ability to stay informed and weakens the overall quality of democratic discourse.

By making critical information available to the public, journalists empower citizens to demand accountability and change. The European Court of Human Rights case law, including *Magyar Helsinki Bizottság v. Hungary*, affirms that access to information is a right in itself and a means to exercise freedom of expression effectively. The Court highlighted that withholding information, particularly from watchdogs like the press and civil society organizations, risks eroding these groups' ability to fulfil their essential democratic role.

Thus, access to information is a fundamental right protected under the European Convention on Human Rights and reinforced by the European Court of Human Rights case law. It is essential for informed participation, ensuring accountability, protecting rights, and fostering transparency. Landmark cases such as *Magyar Helsinki Bizottság v. Hungary*, *Társaság a Szabadságjogokért v. Hungary*, *Observer and Guardian v. United Kingdom*, *Guerra and Others v. Italy*, and many others demonstrate how access to information is vital for democracy and the protection of human rights. Access to information is not just a technical requirement of democracy. Its connection to freedom of expression ensures it is a fundamental right that underpins the principles of accountability, transparency, and participation.

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GUIDE FOR TRAINERS – TRAINING PROGRAMME ON EUROPEAN STANDARDS ON ACCESS TO INFORMATION IN THE CONTEXT OF FREEDOM OF EXPRESSION

1. Introduction

This guide is designed for trainers conducting a three-segment course on European Standards on Access to Information in the context of Freedom of Expression, based on the Council of Europe conventions and practice of their implementation, namely Article 10 of the European Convention on Human Rights (ECHR) and the Council of Europe Convention on Access to Official Documents (Tromsø Convention) as well as other related frameworks.

1.1. Purpose and objectives of the training

This training aims to empower legal professionals, civil servants, and media professionals to apply access to information laws and ensure compliance with the best European standards. It also focuses on equipping participants with essential knowledge, practical skills, and a commitment to ethical principles in managing access to information as a component of freedom of expression. By enhancing transparency and accountability, the programme supports both personal development and organisational objectives, aligning participants' competencies with their professional goals.

The training for all the target groups seeks to:

1. *Foster professional development* by ensuring that participants are up to date on the European and international frameworks for access to information and freedom of expression.
2. *Equip participants with practical tools* to manage public information, navigate restrictions, and report on topics of public interest in compliance with access to information and freedom of expression standards.
3. *Cultivate ethical attitudes* by encouraging proactive and ethical management of public information as well as ensuring freedom of expression.

1.2. Target groups

The course is intended for:

- ▶ *Legal professionals (Group #1)*: judges, prosecutors, lawyers.
- ▶ *Civil servants (Group #2)*: personnel responsible for managing and providing access to official information.
- ▶ *Media professionals (Group #3)*: journalists, opinion leaders, and civic activists advocating for transparency.

Each group receives targeted curriculum and content tailored to their specific roles and responsibilities in promoting and upholding access to information rights, ensuring relevance and engagement.

2. Training methodology for the course

The training is structured with a **dual approach, addressing both international standards and national regulations** to offer a thorough understanding of access to information rights. This design allows participants to gain insights into global best practices while understanding how these principles align with and are applied within their country's legal framework.

To effectively achieve this integration, the training employs two trainers: one – with expertise in international standards and case law, and another – specialised in the national legislation and practices of the host country. This dual-trainer setup ensures that participants receive a balanced, contextual learning experience.

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For Group #1 (legal professionals), the training focuses on briefings and presentations, providing a 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.

In contrast, the curriculum for Groups #2 (civil servants) and #3 (journalists and media professionals) focuses on practicums and interactive discussions, allowing participants to engage in practical scenarios and collaboratively explore solutions to real-world challenges they may encounter in their roles. This tailored methodology equips each group with skills that are directly relevant to their responsibilities.

The course content and methodology are tailored to participants' specific roles and responsibilities, with adjustments made for different groups. This ensures the training is relevant and the learning objectives are effectively met. A training programme on European standards on access to information in the context of freedom of expression should strike a balance between depth and reflection. It should be stimulating and challenging without overloading participants while also allowing sufficient time for them to absorb and reflect on the material.

In addition to knowledge transfer, the programme emphasises two core areas:

- ▶ *Skill-building:* Through practical exercises, participants will develop the skills necessary to manage information requests effectively, ensure compliance with access to information laws, and report on topics of public interest.
- ▶ *Attitude-shifting:* the training fosters a mindset that values transparency and ethical responsibility, encouraging participants to approach openness and accountability with respect to protecting other legitimate interests.

By utilising this balanced methodology, the course ensures that participants are actively involved, well-equipped to handle tasks related to access to information as the component of freedom of expression and motivated to adopt a culture of transparency in their professional roles.

3. Teaching techniques

The course employs a blended interactive methodology to foster active learning and engagement, including:

- ▶ **Briefings and presentations** to deliver foundational knowledge on legal frameworks for access to information and European Court of Human Rights (ECtHR) case law.
- ▶ **Case studies** illustrating real-world applications of access to information and freedom of expression principles.
- ▶ **Interactive exercises**, such as collaborative learning, problem-based facilitated discussions, and brainstorming sessions, allow participants to apply learning in practical scenarios, enhance their competency in managing information requests, and help them adhere to legal limitations.
- ▶ **Workshops**, designed to provide hands-on practice in essential skills like drafting responses to information requests, conducting case analyses, and navigating legal challenges. These activities build practical skills such as effective communication, negotiation, and advocacy in realistic and controlled environments.
- ▶ **Group discussions (in small and large groups) and facilitated debates** to encourage dialogue, enabling participants to explore diverse perspectives and practical solutions.

The curriculum's handouts and supporting materials, such as references to ECtHR case law and elements of soft law, are designed to equip trainers with the tools to respond to participant questions and foster engagement effectively. Trainers should frequently pause during sessions to solicit feedback, clarify points, and ensure participants remain actively involved. Ample time must be allocated for questions and contributions, both during and after presentations. Techniques such as small group discussions can ensure that all participants can share their perspectives and engage meaningfully in the learning process.

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While the template PowerPoint presentations provided with this curriculum do not include pre-set pauses, trainers are encouraged to “read the room” and create natural breaks for questions or feedback as needed. If participants are hesitant to speak, breaking them into small groups to discuss their reactions and feedback can be an effective way to stimulate dialogue and ensure that all voices are heard.

To ensure the training achieves its maximum impact, trainers must adhere closely to the interactive, experiential, and peer-learning methodology outlined in this curriculum. While briefings and presentations are essential for delivering foundational knowledge, trainers should place equal emphasis on guiding interactive elements such as group discussions, exercises, and case studies. Merely delivering lectures without active involvement in the participatory aspects of the training can limit its effectiveness. Common mistakes include trainers disengaging during group activities, failing to participate in discussions, or avoiding challenging conversations that may arise. The trainers should encourage them to deepen participants’ understanding because these exercises often present the greatest opportunities for learning.

This curriculum integrates various interactive learning techniques and emphasises peer learning, recognising that participants are highly qualified professionals with extensive expertise across various fields. The interactive methodology enhances comprehension, retention, and practical application of knowledge for all the target groups. Interactive methods promote active engagement, critical thinking, and collaboration, all of which are vital for mastering legal principles and practices.

3.1. Briefings and presentations play a crucial role in establishing the foundational knowledge necessary for understanding the legal and procedural frameworks of access to information and freedom of expression. These sessions are designed to provide participants with clear, concise, and structured overviews of key concepts, including relevant legal frameworks such as the European Convention on Human Rights (ECHR), the Tromsø Convention, and significant European Court of Human Rights (ECtHR) case law. By presenting complex legal principles in an accessible format, briefings help participants quickly grasp essential information and build a solid knowledge base. Presentations also allow trainers to highlight practical applications of these principles, connecting theory to real-world scenarios. Interactive elements, such as Q&A sessions and live polling, can be incorporated into briefings and presentations to enhance engagement and ensure that participants can clarify doubts and apply the concepts to their professional contexts.

3.2. Case studies involve analysing real or hypothetical legal cases, requiring participants to apply legal reasoning and principles to resolve the issues at hand. This approach reflects legal professionals’ real-life challenges, making the learning process both relevant and practical. It encourages critical thinking, fact analysis, and the exploration of multiple perspectives, culminating in well-reasoned conclusions. The method also fosters discussion and debate, enriching participants’ understanding through peer interaction.

3.3. Interactive exercises, such as collaborative learning, problem-based facilitated discussions, and brainstorming sessions, emphasise teamwork and peer-to-peer engagement. It enables participants to share knowledge, challenge ideas, and collaboratively develop solutions, fostering a dynamic learning environment.

3.3.1. Collaborative learning as interactive exercises emphasises teamwork and peer-to-peer engagement, allowing participants to share knowledge, challenge ideas, and collaboratively develop solutions. For legal professionals, this mirrors the cooperative nature of legal practice, where working alongside colleagues and experts is often necessary. This method improves learning outcomes and fosters a sense of community and mutual support among participants.

3.3.2. Problem-based facilitated discussions are an important interactive learning tool, designed to engage participants in addressing complex, real-world challenges. In these sessions, participants are presented with a specific legal or procedural problem related to access to information, often reflecting the kinds of issues they encounter in their professional roles. The facilitator’s role is to guide participants through the problem-solving process, encouraging them to analyse the issue critically, explore multiple perspectives, and collaboratively develop practical solutions. By framing the problem in a way that fosters open dialogue and debate, facilitators create an environment where participants refine their critical thinking and problem-solving skills and enhance their ability to work collaboratively in real-world contexts. This method ensures that learning is both practical and directly applicable, bridging the gap between theory and practice.

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3.3.3. Brainstorming sessions are integrated to enrich problem-based discussions further, encouraging participants to think creatively and propose innovative solutions. During brainstorming, participants can generate ideas without fear of immediate critique, creating an open and supportive atmosphere. This technique fosters a sense of shared purpose and drives the group toward collective problem-solving. By combining brainstorming with structured problem-solving, participants enhance both their analytical and creative abilities, gaining practical skills that are directly applicable to their professional contexts. This holistic approach ensures that learning is collaborative, dynamic, and deeply impactful.

3.4. Workshops enable participants to practice their skills in dynamic and applied settings. These sessions often simulate tasks such as processing complex information requests, drafting legal opinions, or participating in mock court proceedings. They develop crucial practical skills like attention to detail, logical reasoning, and strategic thinking. Additionally, workshops provide immediate feedback, helping participants refine their approaches and build confidence in their abilities.

3.5. Group discussions and facilitated debates are essential tools in this training methodology, designed to encourage active engagement and the exchange of diverse perspectives. These methods allow participants to apply and validate newly acquired knowledge, ensuring that concepts are more likely to be retained and effectively implemented in their professional contexts. The training frequently employs small group discussions and larger group debates, each serving a distinct purpose and requiring specific facilitation techniques.

Small group discussions are particularly effective for fostering engagement, as they allow every participant to be actively involved. Unlike large group settings, small groups create an inclusive environment that encourages equal participation. To ensure the success of small group discussions, trainers must carefully prepare and manage the process. Clear instructions should be provided, including the discussion topic, time limits, and the role of the group speaker, who will present the group's findings to the larger group. Trainers should circulate among the groups to clarify questions, offer guidance, and keep the discussions focused, avoiding the temptation to dominate or direct the conversation. During the reporting-back phase, the group speaker shares the discussion outcomes with the larger audience. Trainers should encourage speakers to build on what previous groups have said to avoid repetition and ensure a dynamic and evolving discussion. Trainers should also vary the composition of small groups across different activities to expose participants to a wider range of perspectives.

Large group discussions, guided by the trainer, provide a platform for participants to share their insights and opinions on a broader scale. These discussions can be challenging to manage but are highly effective when facilitated with care. Trainers should ensure that all participants who wish to contribute are allowed to speak, while gently preventing any individual from dominating the conversation. To keep discussions focused and productive, trainers should redirect conversations that stray off-topic and subtly address any participants who may be disengaged or disruptive.

Throughout both small and large group discussions, the trainer plays a crucial role in maintaining an open and inclusive environment. By carefully listening, rephrasing statements for clarity, and summarising key points without overshadowing participants' contributions, trainers can foster a sense of respect and engagement.

The **curriculum is primarily designed for face-to-face delivery**, which offers distinct advantages over online teaching. In-person instruction fosters deeper engagement, personal connection, and a more dynamic learning experience. Immediate interaction between instructors and participants encourages spontaneous discussion, real-time feedback, and rich exchanges of ideas. Trainers can better gauge participants' comprehension through non-verbal cues like body language and facial expressions, adapting their teaching accordingly.

While the **curriculum can be delivered online**, trainers must address its limitations by employing strategies to maintain engagement. Encouraging active participation, soliciting feedback, and fostering discussion are crucial. Tools such as **virtual breakout rooms, polls, online quizzes, and chat functions**, available in most video conferencing platforms, should be utilised to create an interactive and engaging online learning environment. These measures ensure that the core objectives of the curriculum are met, regardless of the delivery format.

Furthermore, **the curriculum is designed to support Training-of-Trainers (ToT) sessions**, enabling trainers to conduct further cascade training for these professional groups.

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4. Role and Responsibilities of Trainers

The trainer's role is critical in facilitating an impactful learning experience that balances knowledge gaining, skill development, and the fostering of positive attitudes. Trainers should recognise the value of access to information as a human right and a component of freedom of expression, tailor content to participants' backgrounds and knowledge levels while considering adult learners' experiences, and create an inclusive environment where participants feel comfortable sharing and discussing challenges. To fulfil this role successfully, the trainer should consider the following key factors:

1. *Recognising the importance of the right to access information as a universal right and as a component of freedom of expression.* Beyond imparting knowledge and skills, the trainer should also influence participants' attitudes, encouraging them to embrace transparency and accountability as core values in their professional roles.
2. *Facilitating knowledge and skills,* having the trainer's primary responsibility to ensure that participants fully understand access to information concepts, including the legal framework, practical implications, and ethical responsibilities.
3. *Tailoring the approach* to understand the participants' background and existing knowledge. This enables the trainer to adjust the depth of content, tailor the approach to the group, and ensure that the information is relevant to their specific needs.
4. *Understanding adult learners,* keeping in mind that adult learners are generally self-directed and more motivated when the content is relevant and meaningful to their roles. To engage participants, it's crucial to present access to information concepts that align with their specific responsibilities, ensuring that the information is practical and directly applicable to their work.
5. *Adjusting training environment and methods* to the participants' life experience to enrich learning. Incorporating case studies is an effective way to bring the subject to life. For instance, discussing real-world scenarios, such as how legal professionals or civil servants manage information requests and handle restrictions, makes the training more memorable and impactful.

4.1. Collaborative Approach

The two trainers collaborate to ensure the training is comprehensive, relevant, and tailored to participants' diverse needs. By combining their international and domestic expertise, they deliver a well-rounded learning experience that is both globally informed and locally applicable.

During sessions on international and national standards, the international trainer provides a global perspective, while the national trainer facilitates discussion on local implications, ensuring participants understand both the overarching principles and their local relevance. The trainers are expected to facilitate a meaningful learning experience by adapting the content and approach to the specific needs of each group, whether they are legal professionals, civil servants, or media representatives. This dual-trainer approach ensures that participants understand international best practices and how to implement these standards effectively within the domestic legal and institutional context.

4.2. Key Responsibilities for Both Trainers

Working together, the two trainers:

- ▶ *address performance gaps* and help participants develop the necessary skills to effectively align international and national standards while promoting a culture of transparency and accountability, fostering positive attitudes toward proactive information sharing;
- ▶ *support professional growth* by keeping participants informed on access to information frameworks globally and locally, ensuring they are equipped to navigate both contexts;
- ▶ *provide practical tools* by equipping participants with strategies, discussing examples, and brainstorming ideas for handling ATI requests, managing legal restrictions, and reporting on topics of public interest within both international and domestic frameworks.

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4.3. Requirements for Trainers

To effectively deliver the training, two trainers with complementary expertise are required: one with an international background in ATI laws and standards and another with a domestic focus, well-versed in local legislation and practical applications. Together, they provide a balanced and comprehensive training experience, ensuring that participants gain both global insights and relevant local knowledge.

Trainer 1: International Expertise

This trainer should possess:

1. In-depth knowledge of international standards, expertise in European and international legal frameworks of access to information and freedom of expression, including conventions such as the European Convention on Human Rights (ECHR), the Tromsø Convention, and other global standards.
2. Experience in multinational contexts and proven experience working with access to information policies in different countries, focusing on how international standards are applied and enforced across various legal systems.
3. Ability to provide international case studies that highlight best practices, challenges, and successes in implementing access to information laws in the European context and globally.
4. Facilitating knowledge transfer and skill building, ensuring that participants understand how international standards align with domestic practices.

Trainer 2: Domestic Expertise

This trainer should have:

1. Understanding of national access to information and freedom of expression legislation, expertise in the regulations, and how they are applied in practice, ensuring participants are equipped to comply with national legal requirements.
2. Expertise in domestic institutions competence and experience working with or within local public institutions and civil society organisations, offering real-world insights into how access to information requests are processed, managed, and fulfilled at the domestic level.
3. Ability to provide local context to present local case studies that illustrate the practical application of domestic law on access to information within the national legal, political, and cultural landscape. The trainer should concentrate on practical applications, guiding participants in exercises that align with local legislation.

4.4. Planning the training:

Before conducting the training for a particular target group, trainers should:

- ▶ Review international and national laws related to access to information and update their knowledge in case law of the European Court of Human Rights (ECtHR) concerning access to information and freedom of expression.
- ▶ Prepare slides, handouts, and group exercise materials.
- ▶ Ensure all logistical requirements (e.g., flipcharts, projectors, internet access) are met.

Logistic Requirements

- ▶ Training room with adequate seating for group exercises (several rooms for the small group exercise if needed).
- ▶ Laptop and projector for presentations.
- ▶ Flipchart paper and markers for group activities.
- ▶ Printed handouts for participants.
- ▶ Internet connection for accessing online tools and resources.

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5. Course Structure

This course is structured as a two-day, modular training programme tailored for three distinct groups: legal professionals, civil servants, and journalists/media professionals. Each track combines international standards, such as the ICCPR, ECHR, Tromsø, and Aarhus Conventions, with national regulations, providing participants with knowledge on access to information rights in terms of freedom of expression.

The programme opens with a pre-training survey to gauge baseline knowledge, followed by sessions on the foundational role of access to information in government transparency. For legal professionals, the focus is on briefings, presentations, and case law analysis to enhance their understanding of judicial practices, while civil servants and media professionals engage more in practical exercises and group discussions, addressing real-world scenarios relevant to their roles. On the second day, the curriculum shifts toward national legislation and practical application, covering compliance, oversight mechanisms, and information processing standards. Interactive case studies, facilitated discussions, and workshops help participants apply theoretical knowledge practically. Each track concludes with an assessment, feedback collection, and certificate distribution, ensuring that participants leave with actionable skills tailored to their specific duties.

Each training's first day is organised into five sessions:

- ▶ Session 1 – introduction and discussion,
- ▶ Session 2 – evolution of European standards,
- ▶ Session 3 – ECtHR case law,
- ▶ Session 4 – standards of the Tromsø Convention,
- ▶ Session 5 – on limitations of access to information.

The second day consists of four sessions focused primarily on exploring national regulations and building practical skills, with session content tailored to the specific needs of each target group:

- ▶ Session 6 – overview of the domestic regulations,
- ▶ Session 7 – applying limitations, writing and processing requests under the domestic law,
- ▶ Session 8 – oversight and control,
- ▶ Session 9 – skill building.

This structure provides a general framework, with each session's content customised to meet the unique needs of each target group. While maintaining a consistent format, the training emphasises the topics most relevant to each audience.

The detailed structure of each training and list of sources and reference documents for each type of training as well as evaluation forms are added.

6. Flexibility for Training a Mixed Audience

Conducting training for a mixed audience of legal professionals, civil servants, and media representatives requires a balanced approach that serves their needs while fostering a shared understanding of core principles. Flexibility is essential to ensure that the training remains relevant, engaging, and effective for participants with diverse professional backgrounds and responsibilities.

In this case, the training should emphasise shared foundational knowledge about access to information as a human right under the European Convention on Human Rights and the Tromsø Convention, as well as its connection to freedom of expression. At the same time, it should delve into role-specific applications, addressing the legal, administrative, and journalistic dimensions of access to information.

Interactive methodologies, such as case studies, group discussions, and role-playing exercises, should be integrated to promote collaboration and mutual understanding among participants. This approach enhances individual learning and fosters an appreciation of how different roles intersect in the broader context of transparency, accountability, and freedom of expression.

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This flexible and inclusive approach provides a well-rounded training experience that equips participants with the knowledge, skills, and perspective needed to uphold access to information rights effectively within their roles and in collaboration with others. This method strengthens individual capacities and reinforces the collective commitment to promoting transparency, accountability, and ethical information management.

7. Suggested Questions for Participants and Answer Guidance for Trainers

To ensure engagement and critical thinking, trainers should encourage participants to reflect on key topics related to access to information, transparency, and freedom of expression. Below are sample questions along with guidance on how trainers can approach responses effectively for each participant group.

By integrating these questions and guidance into the training, participants will gain not only legal knowledge but also practical skills to apply access to information rights effectively in their professions. The examination on the following questions will:

- ▶ Encourage open discussions and use real-life case studies to make abstract legal concepts practical.
- ▶ Balance knowledge sharing with skill-building by using interactive activities, role-playing, and group exercises.
- ▶ Address challenges realistically, acknowledging that implementing access to information laws can be complex but is essential for accountability and good governance.
- ▶ Promote engagement between different professional groups, helping them understand each other's roles and foster collaboration in the broader transparency framework.

7.1. Questions for Legal Professionals (Judges, Prosecutors, Lawyers)

Questions:

- ▶ How does the European Court of Human Rights interpret access to information under Article 10 of the ECHR?
- ▶ What are the key legal instruments (tests) used to determine when access to information can be restricted?
- ▶ How should national courts balance access to official documents with the right to privacy under Article 8 of the ECHR?
- ▶ In what ways does the Tromsø Convention strengthen the legal right to access official documents?

Trainer's Answer Guidance:

- ▶ Explain that European Court of Human Rights case law (e.g., Magyar Helsinki Bizottság v. Hungary) has expanded Article 10 protections to cover access to official information when it serves public debate.
- ▶ Highlight that restrictions must be prescribed by law, necessary, and proportionate (Three-Part Test).
- ▶ Discuss balancing privacy rights (Article 8 ECHR) with transparency using real case examples.
- ▶ Emphasise that the Tromsø Convention provides a strong legal foundation for guaranteeing access to information across Europe.

7.2. Questions for Civil Servants (other professionals mandated to provide access to information)

Questions:

- ▶ What are the main legal obligations of public authorities under the Tromsø Convention regarding access to official documents?
- ▶ How can civil servants ensure that access to information requests are handled fairly and efficiently?
- ▶ What steps should public authorities take when denying access to a document to ensure compliance with the law?
- ▶ How can proactive transparency (publishing information in advance) improve governance and reduce the need for formal requests?

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Trainer's Answer Guidance:

- ▶ Explain that public authorities must respond to requests promptly and justify any refusals in clear, written explanations.
- ▶ Discuss best practices in document management, ensuring accessibility while respecting data protection laws.
- ▶ Guide participants on the importance of proactive disclosure, reducing administrative burdens and improving public trust.
- ▶ Highlight the role of Information Commissioners and Ombudsman institutions in resolving disputes and awareness raising.

7.3. Questions for Journalists, Media Professionals, and Civic Activists

Questions:

- ▶ How can journalists use access to information laws to enhance investigative reporting?
- ▶ What are the legal rights of journalists under the international agreements when requesting official documents?
- ▶ What are the legitimate grounds for denying access to information, and how can journalists challenge refusals?
- ▶ What role does public interest play in balancing freedom of expression with privacy concerns?

Trainer's Answer Guidance:

- ▶ Emphasise that journalists are public watchdogs, and their role in democracy is recognised by the European Court of Human Rights (*Magyar Helsinki Bizottság v. Hungary*).
- ▶ Explain that requests should be framed clearly and based on public interest to increase the likelihood of approval.
- ▶ Discuss when privacy outweighs public interest (e.g., personal medical records vs. corruption in public office).
- ▶ Encourage participants to use appeal mechanisms if information is unjustly withheld and refer to case law where journalists successfully challenged refusals.

7.4. General Questions for All Groups (Cross-Sectoral Discussions)

Questions:

- ▶ How do access to information rights contribute to democracy and accountability?
- ▶ What are the biggest barriers to ensuring full access to information in your country, and how can they be addressed?
- ▶ How can different professional sectors (legal, civil service, and media) work together to strengthen transparency?
- ▶ How does the balance between national security and transparency impact freedom of information laws?

Trainer's Answer Guidance:

- ▶ Encourage discussion on the role of access to information in fighting corruption, ensuring fair governance, and empowering citizens.
- ▶ Discuss practical solutions to common barriers such as slow response times, excessive bureaucracy, and legal loopholes.
- ▶ Promote cross-sector collaboration, explaining how judges, civil servants, and journalists each play a role in upholding transparency.
- ▶ Guide the discussion on national security concerns, showing how excessive secrecy can lead to human rights violations while justifiable limitations may sometimes be necessary.

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8. Fostering Open Discussion and Addressing Concerns About Misuse of Access to Information

When responding to participants' questions during the training, it is essential to create an open and inclusive environment where all queries are addressed respectfully and thoughtfully. Begin by actively listening to the question, ensuring you fully understand the concern before providing an answer. Tailor your response to the participant's professional context—whether they are legal professionals, civil servants, or media representatives—while linking it to the core principles of the training, such as those prescribed in the European Convention on Human Rights and the Tromsø Convention.

If the question relates to general concepts or specific cases, use examples from the European Court of Human Rights (ECtHR) case law to provide concrete and relatable explanations. For instance, cases like *Magyar Helsinki Bizottság v. Hungary* offer rich insights into the balance between access to information and other rights or interests. Clarify how these legal principles apply in various contexts, helping participants connect theoretical knowledge with practical application.

When addressing participants' questions on sensitive topics such as potential abuse of the right to access official information, it is vital to provide clear, contextual, and legally grounded responses. Begin by ensuring you fully understand the question, clarifying if needed, and tailoring your answer to the participant's professional context.

The trainers can begin by recognising that misuse of access to information is a valid concern for public authorities. However, underscore that access to information is a fundamental right under Article 10 of the ECHR and an essential tool for promoting transparency and accountability.

They could also highlight the relevance of Article 5 of the Tromsø Convention, which establishes procedures for handling requests for access to official documents. Paragraph 5 of Article 5 allows public authorities to refuse requests under specific circumstances, such as when the request remains too vague to identify the document despite assistance from the authority or when the request is manifestly unreasonable. Paragraph 6 of Article 5 further ensures accountability by requiring public authorities to provide reasons for any refusal. Verify whether the domestic legislation includes relevant provisions or if there are applicable cases in the domestic case law.

It is important to discuss procedural safeguards against abuse, such as:

- ▶ setting clear criteria for valid requests, such as specificity and relevance to public interest,
- ▶ proportionality and necessity as guiding principles, ensuring that any limitations on access are strictly justified and narrowly applied,
- ▶ administrative tools to manage repeated or vague requests, training for staff to address complex or challenging cases professionally and equitably

The trainers should encourage participants to share their experiences and challenges regarding the potential misuse of access rights. Frame the conversation positively by emphasising that while misuse may occur, it does not undermine the overarching importance of access to information as a tool for democratic accountability. Equip participants with practical strategies and legal tools to handle abuse while fostering an environment of transparency and public trust.

9. Extension of the Training to Three Days

This extended format allows for a more comprehensive and impactful learning experience, making it particularly effective for Training-of-Trainers (ToT) programs. By deepening understanding and providing practical tools, it equips trainers to confidently adapt and deliver content to diverse audiences while ensuring consistency with the training's objectives.

Additional content and activities can be incorporated to extend the current two-day training programme to a three-day format to provide deeper engagement, reinforce learning, and offer more practical applications. A three-day structure allows for more reflection, comprehensive coverage of advanced topics, and enhanced participant collaboration.

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Key additions for extending the training to three days include a deeper exploration of core concepts, allowing for an expanded discussion on European standards and the historical evolution of access to information laws under the ECHR and the Tromsø Convention. This could also involve a more detailed analysis of landmark ECtHR decisions and their implications across various professional contexts.

The training could incorporate advanced topics, such as balancing competing rights like freedom of expression versus privacy, national security, or other legitimate restrictions. It could address emerging challenges in the digital age, including access to digital records and strategies to combat disinformation. Comparative examples from other international frameworks, such as the Aarhus Convention, could also be introduced to provide a broader global perspective.

Practical exercises could be expanded to include additional simulations and role-playing scenarios that reflect complex real-world challenges. Multi-day case studies could allow participants to develop solutions independently or in small groups, with the presentation of their findings on the final day. Sector-specific workshops could also be introduced to address the unique challenges faced by legal professionals, civil servants, and media representatives.

Collaborative sessions could be added to encourage cross-sector discussions where participants share their experiences, best practices, and challenges. Facilitated brainstorming sessions could be organised to help participants develop actionable strategies for implementing access to information principles in their professional environments.

Finally, additional time for reflection and feedback could be built into the program, providing participants with opportunities to process and discuss what they have learned after key sessions. Peer evaluations of practical exercises and a final group discussion could be included to consolidate key takeaways and reinforce the training's objectives.

10. Evaluation and Feedback

After the training, participants will engage in several evaluative activities designed to assess their learning and offer feedback on the course experience. A multiple-choice test will evaluate participants' understanding of core concepts and their ability to apply the knowledge gained to practical scenarios. Additionally, participants will complete a feedback form to share insights on the training's relevance, delivery, and areas for improvement. Upon successful completion, participants will receive certificates recognising their participation and achievement.

This training programme is structured to equip legal professionals, civil servants, and media representatives with the skills and knowledge necessary to navigate access to information frameworks within their respective roles. By integrating both international and national perspectives, the course empowers participants to uphold transparency, respect privacy, and ensure compliance with relevant laws. The dual-trainer approach ensures that participants receive a balanced education while practical exercises and real-world case studies allow them to apply concepts meaningfully.