



**AMERICAS REGIONAL FINDINGS AND PLAN OF ACTION  
FOR THE ADVANCEMENT OF THE  
RIGHT OF ACCESS TO INFORMATION**

We, 115 participants from 18 countries in the Americas, representing governments, civil society organizations, international and regional bodies and financial institutions, donor agencies and foundations, the private sector, media outlets and scholars, gathered in Lima, Peru from April 28-

determine the access to information system that best suits their needs. Nevertheless, it is both desirable and feasible that the countries in the region share their access to information experiences and work together to promote the right of access to information.

3. There exist a number of regional instruments that establish standards for access to information. Although there are some benefits to a regional convention, the most immediate priority is to strengthen and implement the existing instruments

10. There continues to be an absence of scholarship and applied methodologies to monitor and measure the implementation and enforcement of the right of access to public information. This has led to a gap in knowledge regarding the extent of State compliance and best practices.
11. In light of the global economic meltdown, private organizations have become significant beneficiaries of public funds and so must increasingly be covered by targeted transparency requirements. Transparency in these organizations will allow for greater accountability, improved administration, and increased consumer and investor confidence.
12. The practice of secrecy across a range of non-state and multinational actors, in particular systemically significant entities such as extractive, telecommunications, pharmaceutical and agro-chemical industries as well as the banking and financial sectors, may cause harm to fundamental human rights and have negative impacts on sustainable livelihoods.
13. Multi-stakeholder initiatives, such as the Extractive Industries Transparency Initiative (EITI), the related EITI++ and the Medicines Transparency Alliance, which bring government, civil society and private sector actors together, are increasingly influential in the establishment of common voluntary standards of transparency in key policy areas.
14. Civil society groups should lead by example and strive to be as transparent as possible. However, in seeking additional transparency there are acknowledged risks to groups operating in environments where threats to the security of their organizations, staff, and supporters exist. As such, calls for greater transparency in this sector must be accompanied by a vigorous opposition to any attempt to use access to information laws as a guise for political persecution or discrimination.

## **Regional Plan of Action**

To give effect to the Atlanta Declaration and the Americas Regional Findings, we call upon the relevant stakeholders to undertake the following actions:

### **For Regional and International Community**

1. All regional intergovernmental organizations and international and regional financial institutions should assume a significant role in setting regional norms, improving state capacity and educating people about the right of access to information.
2. The Organization of American States should adopt Inter-American instruments on the right of access to information with special emphasis on the implementation of regional standards, such as model laws and benchmarks, and include areas such as archives, technology, information production, and indicators.



10. States without mechanisms to ensure the right of access to information should establish legal and policy frameworks in accordance with Article 13 of the American Convention on Human Rights and the duties articulated in the Inter-American Court of Human Rights decision *Claude Reyes v. Chile* and consistent with the Atlanta Declaration Principles.
11. Where not currently covered, States should extend the scope of access to information laws to cover key institutions and bodies and these should be subject to the full requirements of disclosure, including:
  - a) Central banks and those responsible for the development of monetary policy;
  - b) Private sector bodies that provide public services or receive public funding;
  - c) Political parties and movements registered in the electoral system; and
  - d) Judicial and Legislative branches of government.
12. States with access to information regimes should ensure full and effective implementation in accordance with the Atlanta Declaration and specifically including:
  - a) Designating a specific budget for each public body covered under the law to implement and sustain the necessary procedures;
  - b) Increasing capacity and resources for Information/Access Officers and Archival and Records Managers, including training and professionalization;
  - c) Assuring the generation (supply) of accurate and understandable information, including key documents relevant to indigenous peoples translated into non-official languages;
  - d) Affording specialized training for all public officials in the areas of record-making, storage, retrieval and delivery;
  - e) Ensuring clear guidelines for classification of documents to minimize discretion;
  - f) Sustaining proactive disclosure measures;
  - g) Strengthening reporting requirements related to operation of the law;
  - h) Performing periodic evaluations of the efficiency and effectiveness of the information regulations, institutions and practice;
  - i) Sharing best practices and collaborating across public agencies; and
  - j) Encouraging the use of technology, as appropriate.
13. States should issue clear regulations or rules for record-making and management, including specific provisions to deter the increasing use of the “nonexistence of record” as a reason for denial and should monitor, investigate and apply sanctions for inappropriate use of this justification for rejecting information requests.
14. To guard against manipulation, the integrity of public records should be ensured in both paper and electronic forms. States should seek partnership with private sector organizations, funding agencies, and development banks for technical assistance and support to finance the digitizing of key records.
15. States should support implementation of access to information at the sub-national and local levels, including increasing the capacity for records management, retrieval and delivery, and offer appropriate incentives to local governments for establishment and/or improvement of transparency regimes based on best practice indicators.

16. States should assure that enforcement mechanisms are accessible and timely, including establishing intermediate appeals bodies, providing necessary human and financial resources, and capacitating all judges and any others responsible for resolving access to information complaints.
17. Claims of state secrets, national security, diplomatic relations or related grounds to shield information regarding human rights violations must be subject to review by a civilian court or other body that is fully independent of the executive branch. Claims should only be upheld where (a) the independent body has the opportunity to review the information sought to be suppressed, (b) disclosure of the information would demonstrably harm a legitimate national security interest, and (c) the restriction imposed is the least restrictive means possible for protecting that interest.
18. Subsequent to passage, Legislative bodies and other specifically named public entities outside the control of the Executive Branch, such as the Ombudsman and Courts, should monitor the implementation and enforcement of access to information laws, based on formal public administration reporting requirements, regular and special investigations, and seeking civil society inputs.
19. To promote demand for information, States should strive to build confidence in the system through:
  - a) Ensuring that requests receive timely and satisfactory responses;
  - b) Providing effective and enforceable sanctions for inappropriate denials, obstructing requests for and receipt of information, and all other failures to comply with the right to information regime; and
  - c) Establishing appropriate enforcement measures.
20. States should further encourage demand through raising awareness of the right of access to information, including:
  - a) Formal education through curriculum-building and training in public and private elementary and secondary schools and education programs in law and journalism schools;
  - b) Widespread public education campaigns; and
  - c) Training and capacity building to enjoy use of new technologies.
21. States should exert their influence to encourage regional intergovernmental organizations and international and regional financial institutions to further internal transparency and to advance the right to information in other member States.
22. Financial regulators should comply with transparency principles themselves and ensure that transparency regimes in the financial sector are adequate and effective, with particular emphasis on private financial institutions regardless of their jurisdiction.
23. States should join and promote regional and international multi-stakeholder initiatives that pursue common standards of voluntary disclosure of information.

## **For Non-State Actors: Civil Society, Corporate and Professional Organizations**

24. Non-state actors should urge States to comply with relevant constitutional provisions, multilateral and bilateral donor agreements, and obligations made as signatories to international and regional treaties, resolutions and declarations.
25. Civil society, corporate, and professional organizations should litigate denials or obstacles to the right of access to information with the goal of advancing State and Regional jurisprudence.
26. Civil society organizations, including non-governmental organizations and labor unions, should lead by example and as a best practice should proactively publish and disseminate, via website and annual reports, details as to public funds received and the use of those specific funds.
27. Where not statutorily obligated, political parties and movements registered in the electoral system should voluntarily disclose financial information about their activities, such as sources and amount of funds received, regardless of whether they receive public funding.
28. Civil society organizations, universities and scholars should undertake evidence-based research about access to information, including such issues as the particular conditions in our region that allow transparency cultures to form and thrive; the efficacy of the different transparency systems prevalent in the region; the quantifiable value of information; the relationship between information management and transparency; an analysis of the gap between demand and supply; measurement indicators and tools to assess implementation and enforcement of the right of access to information at the regional and State level; and best practices in the region.
29. Media owners, editors, reporters and their professional trade associations should offer and encourage training for journalists, both those familiar with investigative techniques and those new to using access to information laws, promote use of these transparency mechanisms and raise general awareness of the right of access to information. The media are encouraged to be proactive in the use of the law, and when denied access to information are encouraged to seek .0018 Tw 19y0 1248-0.60048 262.8003pek .0018 Tw 19y061248-6.6



33. To promote demand for access to information regimes and increase the use and benefits of right to inform