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→ Forvalkningsret. Jmt. mdt.
17 MAJ 2013

The Honourable Helle Thorning-Schmidt
Prime Minister of Denmark
The Prime Minister's Office
Christiansborg
Prins Jørgens Gård 11
1218 Copenhagen K
Denmark

Re: Concerns over Denmark's Public Information Law

Vienna, May 13, 2013

Your Excellency,

On behalf of the Vienna-based International Press Institute (IPI), the world's oldest global press freedom organisation, I write to express our opposition to sections of the proposed new public information law, or *offentlighedslov*, currently before Denmark's parliament that would restrict voters' access to information connected to the law-making process.

IPI is a global network of editors, media executives and leading journalists dedicated to furthering and safeguarding press freedom, promoting the free flow of news and information, and improving the practices of journalism. Since shortly after its founding in 1950, IPI has been active in Denmark through its Danish National Committee.

IPI has long campaigned worldwide to guarantee public access to government information. However, we were disappointed to learn that two provisions in the new *offentlighedslov* – a law ostensibly intended to increase government transparency – would have the opposite effect.

As you know, Sec. 24 of the *offentlighedslov* would block journalists and the public from accessing internal documents and information exchanged at a time when there is a reason to assume that a minister has, or will have, a need for advice and assistance from a ministry's department and its subordinate authorities or other ministries. Sec. 27 would restrict access to documents compiled and exchanged between ministers and members of parliament in connection with laws or other corresponding political processes.

These provisions would prevent journalists from giving voters the information they need to ensure that laws and government policies are based on sound information, and to hold ministers, members of parliament and government officials accountable. Such a move strikes at the very heart of citizen participation in democracy.

We note that no ministers of your government have provided any concrete examples of instances in which the release of such documents has negatively interfered with the promulgation of sound public policy. In contrast, a number of Danish media outlets have pointed to journalists' recent requests for documents – which these sections would cover – that revealed a number of examples in which officials reportedly sought to implement policies based on incorrect facts, falsified figures or premeditated "oversights".



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Shielding government officials and civil servants from the light of public scrutiny will, at best, increase voter apathy. At worst, it will lead to public policy that harms Denmark's citizens. Such a negative move could also provide cover for other world leaders who would cynically use Denmark's example to suppress democracy in their own countries.

More than 75,000 people have signed a petition opposing these sections. In the face of that opposition, your government has announced that parliament will revisit the sections three years after their passage. With all due respect, please do not wait to address the damage these proposals will do until after it has already been done. We urge you to heed the call of those who have spoken out against these measures, to demonstrate your commitment to democracy and to withdraw these sections from consideration.

Further, we encourage you to amend the *offentlighedslov* to include a "public interest override" with respect to exceptions to the right of access. We also encourage you to add a sunset clause by which confidential documents would be brought back within the law's scope and made eligible for release after the passage of a certain number of years.

To these ends, IPI and its Danish National Committee would be happy to work with you and your government, and to lend IPI's more-than-60 years of expertise on media issues toward these important goals.

Yours faithfully,

Alison Bethel McKenzie
IPI Executive Director

Cc: The Honourable Morten Bødskov, Justice Minister of Denmark