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Italy: Draft Right to Information Law Falls Short

Italy is one of the few countries in Europe which still does not have a dedicated law on access to information held by public authorities (right to information law). Member of Parliament Anna Ascani has now prepared a dedicated RTI law with a view to addressing this anomaly, but the draft has a long way to go to meet international standards in this area, according to an Analysis prepared by the Centre for Law and Democracy (CLD).

“We very much welcome moves in Italy to adopt a dedicated RTI law”, said Toby Mendel, Executive Director of CLD. “But a far more ambitious approach is needed to provide Italians with an effective tool for accessing public information.”

The draft law has some positive features, including a relatively broad scope in terms of the public authorities and information covered, and some interesting innovations in the area of appeals. At the same time, it suffers from a number of weaknesses, including the following:

- Only individual citizens are granted a right to make requests for information.
- The procedural rules for making and processing requests are far too brief and limited in nature, with key issues such as assistance and time limits simply left out.
- The relationship of the RTI law to secrecy provisions in other laws is unclear, too many exceptions are overbroad and/or lack a harm test, and the public interest override is limited to just one exception.
- Officials who disclose information in good faith pursuant to the law are not provided with protection against sanctions.
- Most of the promotional measures found in better practice laws are missing.

CLD urges the Italian authorities to revisit the draft law and to introduce wide-ranging changes to bring it in more fully into line with international standards regarding the right to information.

The CLD analysis is available at: <http://www.law-democracy.org/live/italy-draft-right-to-information-law-falls-short>.

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