



CENTRE FOR LAW
AND DEMOCRACY

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[Maintaining the Right to Information During Health Emergencies](#)

The COVID-19 pandemic has created both significant burdens for governments, as they are called upon to protect citizens' health and minimise the economic impact of the pandemic, and significant operational challenges, as many staff are working from home. Many States have responded by imposing limits on the right to information while others have refrained from doing so. Today, the Centre for Law and Democracy (CLD) is releasing a report, *Maintaining Human Rights during Health Emergencies: Brief on Standards Regarding the Right to Information*, setting out and analysing the international standards that should guide State behaviour in this area.

“Many States responded to the pandemic in a knee-jerk way by restricting or even suspending the right to information,” said Toby Mendel, Executive Director, CLD. *“We believe that this right is more important now than ever and that, instead of limiting it, States should protect it as an essential service which helps improve government responses to the emergency.”*

CLD's Brief outlines relevant international standards, as well as the main ways in which States have limited the right to information during the COVID-19 pandemic. The latter builds on the [COVID-19 Tracker](#), which captures legal changes to the rules relating to requests for information. The Brief then analyses what international standards mean for States, providing a number of key principles that States should respect during public health emergencies.

Some of the key principles in the Brief are:

- General emergency legislation authorising limits on the right to information should require those limits to be necessary, taking into account all of the circumstances.
- There should be no blanket suspension of the right to information, or even blanket extensions to time limits. Instead, public authorities should be required to justify any extensions which they claim are authorised under new rules.
- No limits should be placed on requests for information relating to the emergency, especially where the purpose of the request is to provide information to the public. Instead, such requests should be prioritised.
- Records management practices should be adapted to ensure continuity in the recording of government decisions and actions despite changed working conditions.

CLD's Brief and Executive Summary are available at: <https://www.law-democracy.org/live/maintaining-the-right-to-information-during-health-emergencies>.

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