



MAPPING TRANSPARENCY IN DECISION MAKING AROUND EUROPE



This Analysis is based on research carried out by Access Info Europe and its partners: Forum Informationsfreiheit (Austria), OKFN Deutschland (Germany), InfoHouse (Slovenia), Request Initiative (UK), researchers in Finland and Ireland, Watchdog (Poland), Gong (Croatia), Diritto di Sapere (Italy), and VouliWatch (Greece).

For more information please visit <https://www.access-info.org/decision-making-transparency>



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1. Overview & Recommendations

The first mapping of its kind ever to be undertaken by the right to information community in Europe, has revealed an appalling lack of transparency of decision making across Europe, which prevents members of the public from following and participating in decision-making processes, as well as from holding public officials to account for their exercise of power.

The research into 12 European jurisdictions and 96 decision making processes found that, overall, almost two thirds **(60%) of key decision-making information is not available to the European public.**

Just 20% of information was proactively available and only 30% was fully disclosed when requested using national laws, despite European legal frameworks in theory permitting access to information regarding decision-making processes such as minutes of meetings or documents submitted by lobbyists.

When it came to the type of information that could be obtained, either proactively or pursuant to requests, there was a particular challenge obtaining minutes of meetings and documents submitted by third parties (such as lobbyists), both essential documents for following the decision-making process.

Types of documents	Proactive		Request	
	Full	Partial	Full	Partial
Appointment diaries of public officials	0%	10%	11%	64%
Minutes of meetings	0%	7%	11%	28%
Documents submitted by third parties	10%	2%	36%	25%

» Failure to Keep Records is Undermining Right to Information

The research also identified a lack of record keeping, with responses that no relevant documents were held (such as minutes of meetings) even when it was known that such meetings had taken place (there was an overall 30% information not held rate for minutes of meetings).

» Insufficient Proactive Publication

One of the most concerning findings is the lack of proactive publication of key information relevant to follow and understand a specific decision-making process. Across Europe, we were unable to find proactive publication of around 80% of the information sought: there was no publication of appointment diaries of public officials (90% not published), minutes of the meetings held (93% not published), and documents submitted by lobbyist and interest groups during a concrete decision-making processes (88% not published). The situation was somewhat better although not acceptable when it came to documents justifying decisions made (68% not published).

With respect to public consultations, they were not always conducted (46% of decision-making process), and in those instances where consultations had been carried out, information was not

available in 46% of cases, with full information being published for 36% of cases and a further 18% of instances providing partial information.

» **Disproportionate Application of Exceptions to Access**

When information about specific decisions was requested, we identified a serious lack of availability of key information needed to follow and understand a specific decision-making process: just 29% of documents were released in full in response to requests, with another 24% being partially released.

Formal denials of information were frequent (for a total of 24% of information requested, access was denied in full, with a further 28% being provided only partially with some redactions applied). The most common grounds for refusal were protection of privacy (32%), protection of decision making (22%), cost of compiling information (16%) and protection of international relations (11%). Exceptions such as legal advice and commercial secrecy, amounted to just 3% respectively; other exceptions were used for the remaining 13%.

» **Slow Responses & Administrative Silence**

Another finding of the research, which is a cause for concern, is that the average time frame for responding to requests is 87 calendar days (almost three months). Although this ranges from 4.3 days in Finland to 149 days in Germany, it is common for the response times to be longer than established in national transparency laws and international standards. The situation is particularly worrying in Italy and Greece where 33% of requests in each country received no responses.

The severe lack of information on decision making identified by this research has the direct effect of weakening citizens' and civil society's ability to participate in ongoing processes and to hold decision-makers to account after decisions have been taken.

Given the high public interest in ensuring transparency of decision making, governments should take urgent steps to ensure access to decision-making information.

To this end, Access Info recommends that:

➤ **Transparency applies to all decision-making bodies and processes**

All bodies which bear responsibility for public decision making should fall under the scope of the access to information rules. The right of information should be upheld by all national, supra-national, and intergovernmental bodies and processes.

➤ **Establish an obligation to create records**

Public authorities should be obliged by law to document decision-making processes so that there exists information necessary for public participation and scrutiny, as well as for the historical record.

➤ **Require proactive publication of key decision-making information**

There should be a legal requirement to publish key information about decision-making processes, including details on the process itself, in a timely fashion, to the public. Information should be actively disseminated, by appropriate channels, to all relevant stakeholders.

➤ **Ensure rapid availability of decision-making information**

Prompt responses to information requests are essential to facilitate potential participation in decision-making processes. This also applies when responding to appeals. At a minimum, for all information that is not published proactively, it should be available in time for requesters to participate in the relevant process.

➤ **Apply exceptions narrowly to information related to decision making**

There should be, in law, a presumption of disclosure of information needed to follow, participate in, and hold officials accountable for, a decision-making process. The law should establish both harm and public interest tests, ensuring that exceptions always be applied narrowly, and always taking into account any overriding public interest in full (or partial) disclosure of information.

The documents to which decision-making transparency should apply include:

1. Basic information about the decision-making process
2. Diaries of Senior Public Officials
3. Lists of Meetings of public officials
4. Meeting Documents, including agendas, minutes, and participants
5. Documents submitted during public consultations
6. Documents generated or used during a decision-making process
7. Documents submitted by lobbyists and interest groups
8. Documents justifying a decision

A detailed version of these recommendations can be found in Section 6 of this document.

2. How we did the research

This investigation conducted by Access Info Europe and partner organisations provides, for the first time, a mapping of the current situation on transparency on decision-making processes around Europe.

The comparative study covers a total of 12 jurisdictions, the European Union and 11 European countries. The Countries studied and partner's organizations are: Austria (Forum Informationsfreiheit); Croatia (Gong); Finland (Individual researcher); Germany (OKFN Deutschland), Greece (VouliWatch); Italy (Diritto di Sapere); Ireland (individual researcher); Poland (Watchdog); Slovenia (InfoHouse), Spain (Access Info); United Kingdom (Request Initiative).

The research focussed on the availability of information of essential public interest for engaging in decision-making processes. The classes of information whose availability we assessed were: the appointment diaries of public officials; the minutes of the meetings; documents submitted during public consultations or any other documents submitted by lobbyists and interest groups during the decision-making process; and the documents justifying the decision.

In order to evaluate the availability of the various types of information mentioned above, the research project analysed the legal framework for obtaining key decision-making documents, as well as their proactive publication and/or disclosure upon request.

Examples of the types of decision-making processes investigated are listed here and full details can be found in Annex A (for proactive) and Annex B (for requests):

- Amendment of the Pesticides Act (Austria);
- Act on Exploitation of Oil in the Adriatic (Croatia)
- Reform of the Environmental Protection law (Finland)
- Pharma Law on medicine costs (Germany)
- Simplification of the licensing process for new businesses (Greece)
- Public Health (Standardised Packaging of Tobacco) Act (Ireland)
- Reform of the national system of education (Italy)
- Redrafting of Public Procurement Law (Poland)
- Net neutrality in the Electronic Communications Act (Slovenia)
- Law on self-generated renewable energy (Spain)
- Investigatory Powers Bill (UK)
- EU-Turkey Agreement (European Union)

3. Legal analysis: Access to decision-making information in Europe

This Legal Analysis, based on a study of the access to information laws in eleven (11) countries and that of the European Union, evaluates the extent to which these laws provide a right to request the information needed to follow and to participate in decision making by public bodies.

The classes of information assessed in the comparative study include minutes of meetings and documents submitted by lobbyists. The Analysis also examines the exceptions that might apply to accessing this information, such as protection of decision making or privacy, as well as whether there is any obligation to publish such documents proactively.

A further dimension to this Analysis is whether there exist any obligations to record certain classes of information such as minutes of meetings.

The main findings of the analysis may be summarised as follows:

» Europe's Access to information laws permit requests for decision-making Information

Although the countries in this survey include those with among the best (Finland, Slovenia) and worst (Greece, Italy) access to information laws in the world, most of the jurisdictions surveyed permit requesters to make requests for information related to decision-making processes. This is true for eight countries (Croatia, Finland, Germany, Ireland, Italy, Poland, Slovenia, and the United Kingdom), and the European Union.

In two countries however, Austria and Greece, only some information about decision making may be requested. In Austria this is because there are statutory secrecy provisions which can apply to decision making. In Greece it is because documents submitted by third parties may not be requested. Furthermore, in Spain the law provides public bodies with the option of refusing to process requests where they are for "auxiliary" information, which can include internal reports and communications, although in practice requests are first processed and then access is denied.

Another important consideration is that whilst in most countries it is possible to request decision-making information from administrative bodies, in only seven (7) of the jurisdictions surveyed – Croatia, European Union, Greece, Ireland, Italy, Slovenia and, United Kingdom – is the legislative branch included in the access to information law. In Finland, Germany, and Spain the law only applies to the administrative tasks of the legislature, whilst in Austria and Poland it is not included at all.

» Decision Making is an exception to access in all the jurisdictions surveyed except Poland, but not all of these regimes have a harm and/or public interest test for this exception.

All but two jurisdictions in this study have an exception in their national access to information law that specifically protects the decision-making process. In Finland only some decision-making processes benefit from such an exception, whereas the Polish access to information law does not contain a decision-making exception.

In most of the jurisdictions surveyed – a full 8 out of 12 – there is a harm test that must be applied when invoking the decision-making exception; such a test does not exist in Austria, Greece, and Ireland. The application of a public interest test when invoking the exception on decision making is obligatory in half of the jurisdictions surveyed. The legal framework is especially weak in Austria and

Greece, where there exists neither harm nor public interest tests when denying information on grounds of protection of decision making.

» **All jurisdictions studied have an exception to protect the privacy of individuals but harm and/or public interest tests are not always mandatory when applying this exception.**

All jurisdictions in this study have an exception in their national access to information law which protects privacy of individuals or personal data. Austria's very basic access law does not mention privacy, but Austria does, nevertheless, have data protection regulations.

The privacy exception is subject to a harm test in half of the jurisdictions studied and the public interest test should be applied when invoking privacy as an exception in seven of the jurisdictions surveyed. In Austria, Greece, and Poland, privacy is an absolute exception.

The absence of harm and/or public interest tests undermines the quality of the access to information laws and weakens transparency of decision making.

A positive finding of the legal research comes from Spain where, although there is an absolute exception with regard to sensitive personal data, when it comes to basic identifying information such as names and job titles, the law specifically provides that such data does not fall under the privacy exception when related to public activities (including third parties participating in meetings), and hence can be requested, something important for access to decision-making documents such as minutes of meetings.

» **There is no obligation to record minutes of meetings held as part of decision-making processes.**

One of the most significant findings of this study was that in 11 out of 12 jurisdictions surveyed we found no legal obligation for public institutions to compile or record minutes of meetings related to a particular policy or decision-making process. Such an obligation only exists in Greece, where the minutes should include the names of those present.

Hence we have found that although minutes of meetings may be requested via the access to information laws in all the jurisdictions surveyed, the lack of record keeping obligations threatens to undermine transparency of decision making.

» **There are either weak or no requirements for proactive publication of information with regards to minutes of meetings and documents submitted by lobbyists.**

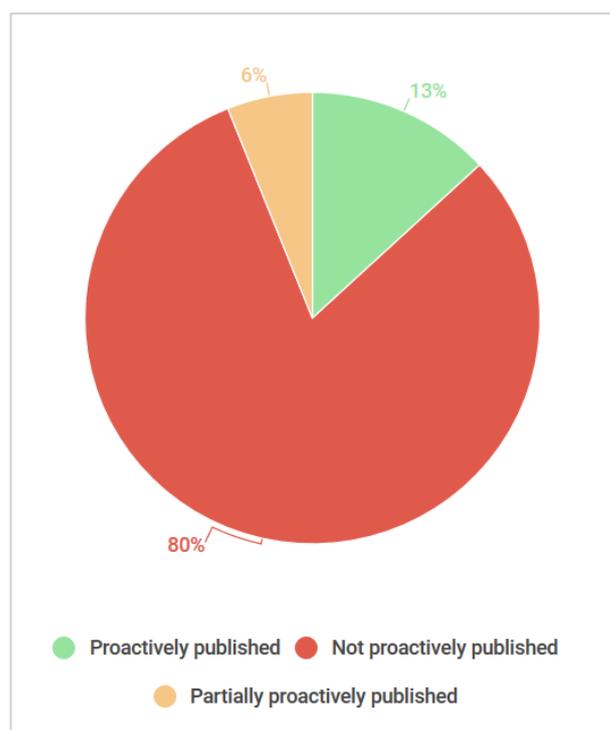
Another significant finding of this study was that there is no requirement to make proactively public the core documentation related to decision-making processes. In particular, we found that no country has clear requirements to publish proactively minutes of meetings related to particular policies or decision-making processes.

Similarly, with the exception of Poland, no jurisdiction has clear requirements regarding the publication of lobbying activities and documents submitted by lobbyists and external interest groups during a decision-making process. Our research found that in some cases this information is only published proactively during formal consultation processes.

4. Proactive publication analysis: Is decision-making information proactively published in Europe?

This section summarises the results of research into the proactive publication of information created as part of decision-making processes. The study covers a total of 41 decision-making processes, with monitoring conducted of the European Union level and eleven (11) European countries.

Overall, the research found that only 13% of the documents we were looking for was available proactively, with a further 7% of information partially available and a **full 80% not disclosed proactively to the public.**



4.1 Proactive publication by type of document

One of the most concerning findings is the lack of proactive publication of key information needed to follow and understand a specific decision-making process. Across Europe, we were unable to find proactive publication of around 90% of the information sought: there was no publication of appointment diaries of public officials (90% not published), minutes of the meetings held (93% not published), and documents submitted by lobbyist and interest groups during a concrete decision-making processes (88% not published). The situation was somewhat better, although not acceptable when it came to documents justifying decisions made (68% not published).

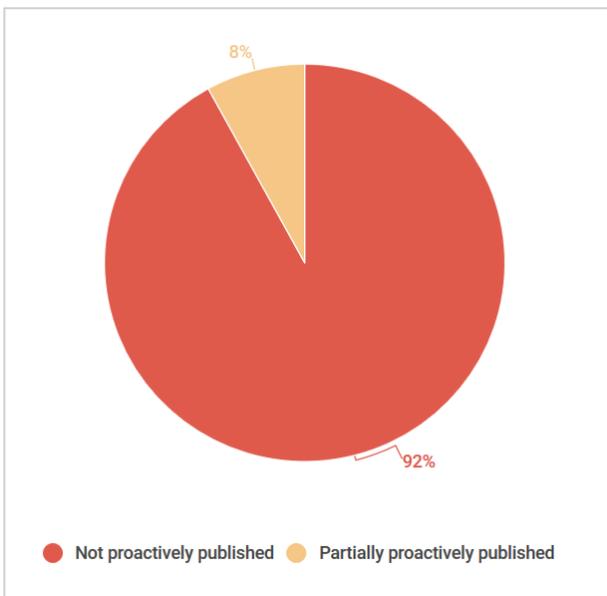
» In most countries, there is no proactive publication of the appointment diaries of public officials on a regular basis.

In the majority of decision-making processes covered by this analysis, no relevant information regarding appointment diaries or agendas was found. The types of information that the researchers typically did find published were those that related to press conferences, arrivals of foreign dignitaries, high-level meetings, or public events. Inter-ministerial meetings, meetings with/of consultative bodies,

meetings with outside interest representatives, and routing internal meetings, including those at which decisions were taken, were very rarely made available proactively.

Appointment diaries were proactively published in two cases in Ireland, and in two cases in Slovenia. All four cases are considered as partial publication because the diaries in Ireland are published after the meetings or events, and in Slovenia not all appointments are recorded – in Slovenia we found that the Minister and State Secretary appear to select around three meetings per week for proactive publication.

» **Minutes of meetings and names of participants related to a particular policy or decision-making process are not proactively published.**

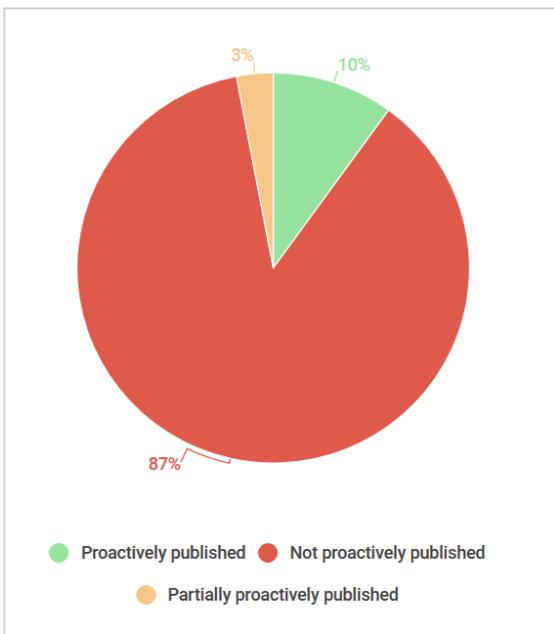


Out of 41 decision-making processes in 12 European jurisdictions, the overwhelming majority appear not to publish proactively minutes of meetings between public officials and third parties (such as lobbyists).

Only in one case in Ireland and one in Poland were minutes made available proactively. In Finland, although minutes of meetings for the decision-making processes analysed were not proactively published, our research found that some information is available regarding the names of the public officials involved.

For the EU, minutes of meetings of the college of Commissioners are published online one week after the meeting takes place. However, lower-level

Commission meetings, trilogue meetings, and meetings with lobbyists are not made public proactively.



» **A majority of countries do not proactively publish documents submitted by third parties.**

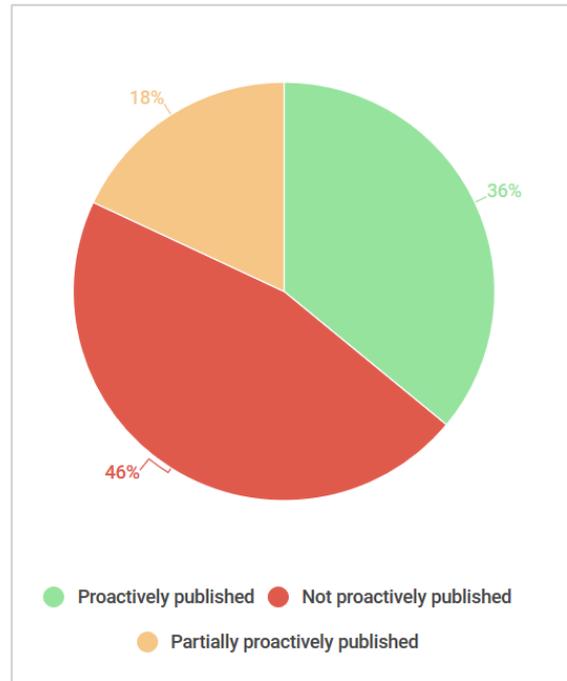
Documents submitted by lobbyists during decision-making processes were only proactively available for five of the 41 decision-making processes (one from Finland, two from Poland, two from Slovenia). While Poland routinely publishes documents submitted by third parties, in the particular cases that analysed for this study, we found that not all documents submitted were released proactively, something revealed by comments in the evaluation referring to documents that had not been published.

» Only the UK, Croatia, Poland, Greece, and the EU publish some documents containing justification and reasons why decisions are taken.

In seven out of 12 jurisdictions there is a lack of publicly available information or documents justifying reasons why particular decisions are taken. These documents only appear to be published in a regular basis in the UK, Croatia, and Poland, where explanatory documents were found in all the processes analysed, accounting in total for 13 of the 41 cases studied.

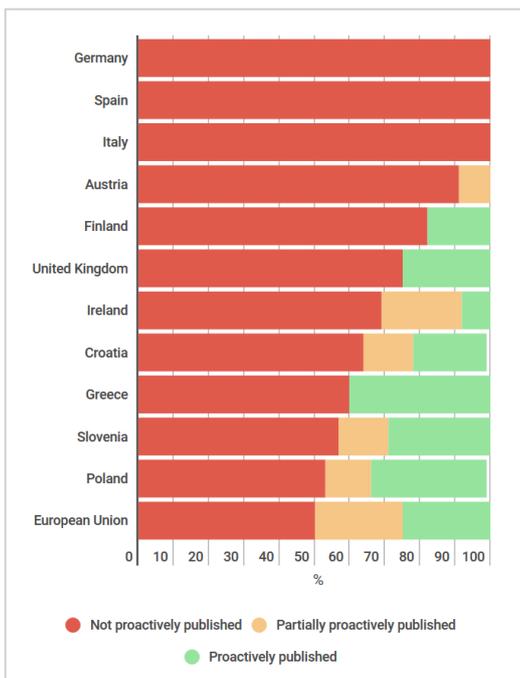
» Contributions to public consultations are not proactively published in most cases.

Public consultations were held in 22 out of 41 decision-making processes that we evaluated. Yet only eight (8) of these consultations published all the contributions submitted (One each in Ireland, Finland, Poland, plus two from Slovenia, and three from Greece) whilst in two cases in Austria some contributions to public consultations were found and in two cases in Croatia the relevant ministries published a report on the public consultation that had been held.



4.2 Proactive publication by Country

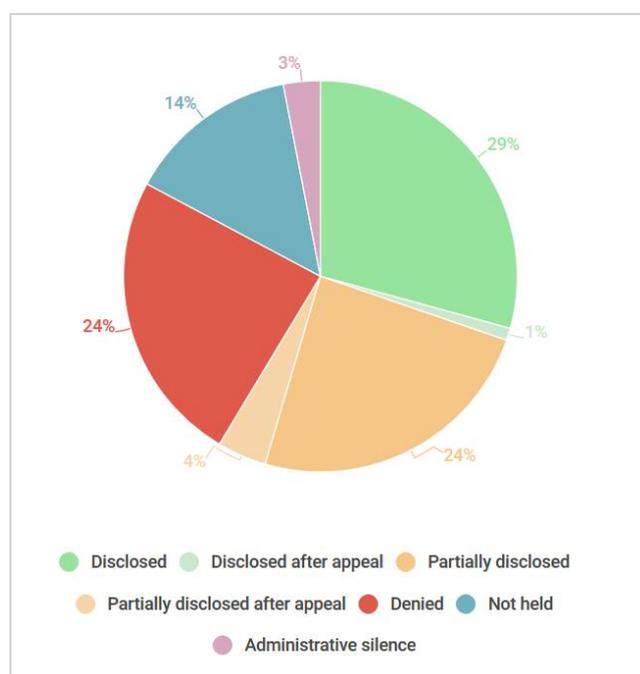
When looking at the results by country, the research shows very clearly that European countries do not proactively publish key information needed to understand and participate in decision-making processes.



The European Union is the jurisdiction where we found significantly more proactively published information, although it still only amounted to half (50%) of the information we searched for. The problems that we identified at the EU level include that the appointment diaries of Commissioners often list just the public events not one-to-one meetings, only some minutes of the meetings are proactively published, and documents submitted during public consultations are not published proactively unless they are part of a formal consultation.

This lack of proactive publication is particularly bad in Germany, Italy, and Spain, where no information was made public about who public officials meet, nor were documents submitted by lobbyists nor reasons justifying decisions available to the public without submitting a request.

5. FOI requests analysis: Is information on decision-making processes disclosed in Europe?



European jurisdictions do not disclose information about who public officials meet nor copies of third party documents obtained when developing policies and legislation.

The responses – and the failures to respond – to 55 requests sent to public authorities across Europe has revealed serious lack of transparency of decision-making information.

We found that **just 29% of documents were released in full in response to requests**, with another 24% being partially released. After administrative appeals, these figures increased to 30% full disclosure and 28% partial disclosure.

For the remainder of the requests, our monitors were denied access to 24% of requested documents, information not held for 14% of the

documents, and a further 4% of cases resulted in administrative silence.

5.1 Disclosure by type of document

For someone wishing to follow a decision-making process, we found that it is relatively easy to obtain lists of the meetings held and the dates when meetings took place, with relevant documents/information being fully disclosed in 67% and 62% of cases respectively.

On the other hand, finding out what happened during a meeting is very difficult. When we requested minutes of meetings, these were fully disclosed in just 11% of cases, with partial release in a further 28% instances.

The monitoring identified a particular issue of lack of record keeping: In 30% of cases the documents requested did not exist, meaning that there were simply no minutes for almost one third of all meetings in this survey.

Similarly, the names of public officials were made fully available for just one third of meetings (33%). With respect to lobbyists participating in meetings, it was possible to find out the names of the companies in around one third of instances (31%), but that percentage falls to a mere 10% of responses providing full access to the names of the lobbyists participating in the meetings.

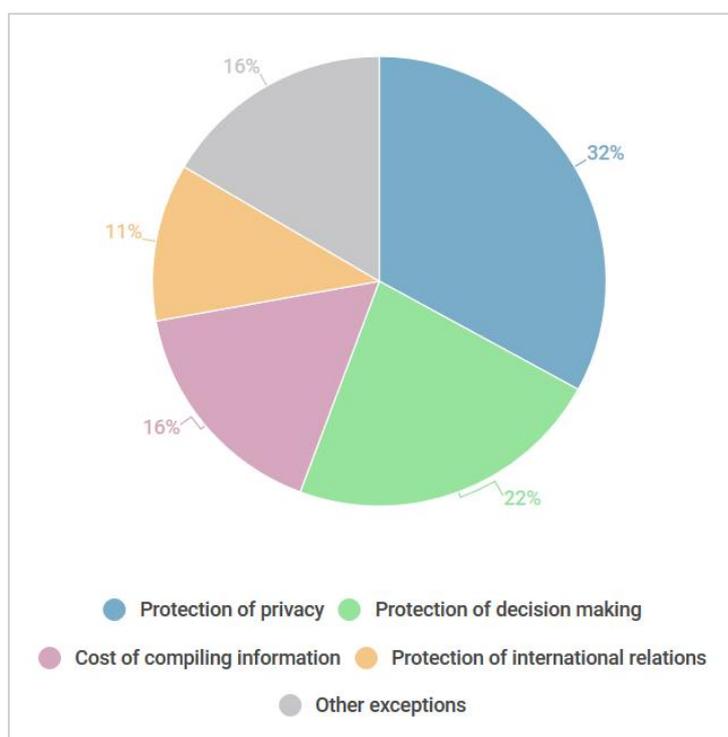
When requesting access to documents submitted by third parties during a specific decision-making process, we were unable to obtain a full 40% of requested information, this being because the information was not held (3%), there was administrative silence (3%) or it was refused (33%): just 25% of the requests resulted in full information provided and 36% in partial access.

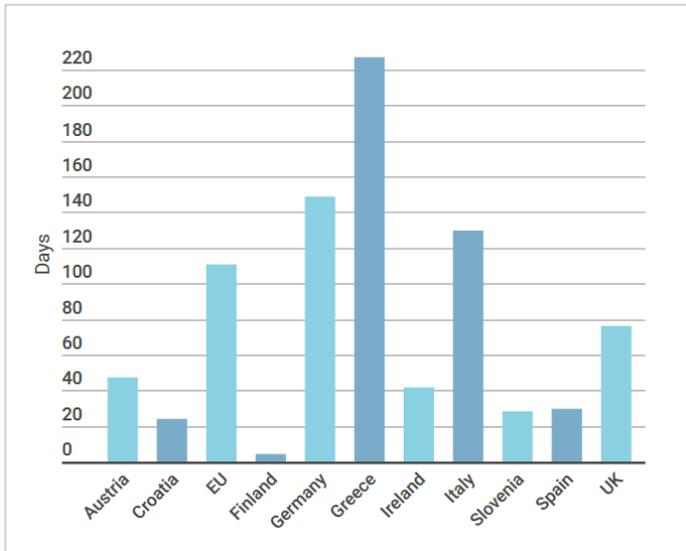
Documents fully disclosed, in %	
List of meetings	64%
Dates of meetings	61%
Minutes of meetings	11%
Third party documents	25%
Participants. Public Officials in charge	28%
Participants. Public Officials names	33%
Participants. Names of companies	31%
Participants. Names of lobbyists	12%

» **Disproportionate application of access to information exceptions.**

The research found that when requesting information about decision-making processes, just 29% of documents were released in full in response to requests, with another 24% being partially released. After administrative appeals, these figures increased to 30% full disclosure and 28% partial disclosure.

For the information that was denied to the requesters – both partial and full denials, amounting to 58% of requests being affected by at least some refusal to provide information - we found that the most common grounds for refusal were protection of privacy (32%), protection of decision making (22%), cost of compiling information (16%), and protection of international relations (11%). Exceptions such as legal advice and commercial secrecy amounted to just 3% each, and for the remaining 13% of requests other exceptions were used.





» **Longer response times than established in national laws and in the international standards.**

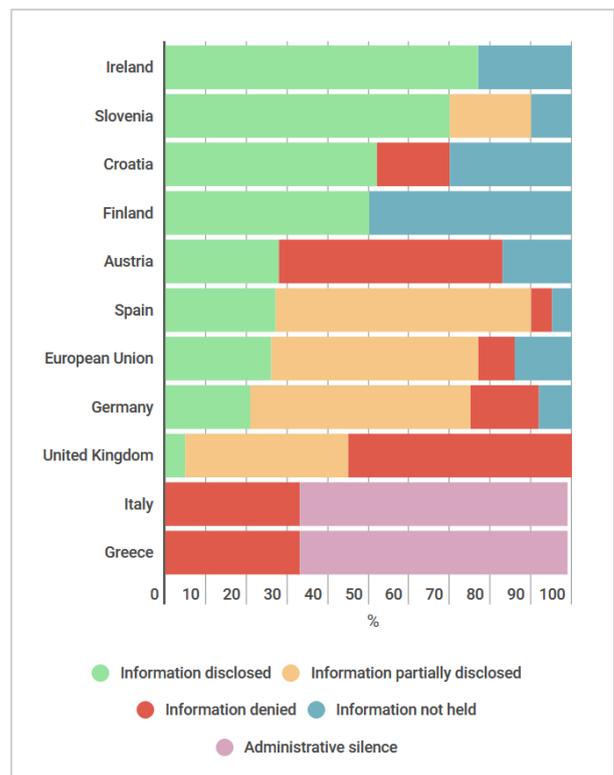
The average time frame for responding to the requests for decision-making information in this survey was 87 calendar days (so almost three months), although this ranged from 4.3 days in Finland to 149 in Germany. The situation is particularly worrying in Italy and Greece where 33% of requests in each country received no responses.

5.2 Disclosure by Country

When analysing the information received country-by-country, the data shows huge disparities in decision-making transparency across Europe. The public in Croatia, Finland, Ireland, and Slovenia, is, in principle, more likely to be able to access information needed to understand and participate in decision-making processes than in other countries.

The situation is particularly worrying in Italy and Greece, where no responses were given to 66% of requests for information.

Another finding of the research is that appeals to national information commissioners appear to be central to securing access to information. This is particularly important in Spain where 63% of the information requested was obtained after appeal, as well as in Germany and the EU with 54% and 51% of the information was released following appeals.



6. Recommendations

The severe lack of information on decision making identified by this research has the direct effect of weakening citizens' and civil society's ability to participate in ongoing processes and to hold decision-makers to account after decisions have been taken.

Given the high public interest in ensuring transparency of decision making, governments should take urgent steps to ensure access to decision-making information.

To this end, Access Info recommends that:

➤ **Transparency applies to all decision-making bodies and processes**

All bodies which bear responsibility for public decision making should fall under the scope of the access to information rules. The right of information should be upheld by all national, supra-national, and intergovernmental bodies and processes.

➤ **Establish an obligation to create records**

Public authorities should be obliged by law to document decision-making processes so that there exists information necessary for public participation and scrutiny, as well as for the historical record.

➤ **Require proactive publication of key decision-making information**

There should be a legal requirement to publish key information about decision-making processes, including details on the process itself, in a timely fashion, to the public. Information should be actively disseminated, by appropriate channels, to all relevant stakeholders.

➤ **Ensure rapid availability of decision-making information**

Prompt responses to information requests are essential to facilitate potential participation in decision-making processes. This also applies when responding to appeals. At a minimum, for all information that is not published proactively, it should be available in time for requesters to participate in the relevant process.

➤ **Apply exceptions narrowly to information related to decision making**

There should be, in law, a presumption of disclosure of information needed to follow, participate in, and hold officials accountable for, a decision-making process. The law should establish both harm and public interest tests, ensuring that exceptions always be applied narrowly, and always taking into account any overriding public interest in full (or partial) disclosure of information.

Decision-Making Information

Access Info Europe and its partners have identified the minimum information which should be generated in decision-making processes and to which the public should have access:

1. Basic information about the decision-making process: The relevant public body should create and make public proactively documents that permit the public to understand, follow, and participate in the process. This set of documents should, at a minimum, include:

- The timetable for the process, which should be regularly updated if there are changes.
- Details of the public body and person responsible for the decision, including contact details.
- Any expert groups convened to advise on a policy or decision-making process: information about the composition, processes, and outcomes of any consultation with experts should be made public.

2. Diaries of Senior Public Officials: Public officials who are responsible for decision-making processes and who might be subject to lobbying should keep and make public their appointments agendas. This information is in addition to the lists of meetings held by public officials involved in decision-making processes.

The diaries should include details on meetings held and who attended, and the names of those who they meet, as well as records of phone calls. There should be a record of conversations held on decision making.

3. List of Meetings of public officials: It is essential that the public know which meetings have taken place, between whom, and what was discussed. The types of meetings about which information should be made public include:

- Meetings held by representatives of a public body with their staff or with other public bodies;
- Meetings held by representatives of a public body with interest groups, including stakeholder consultations;
- Meetings, conferences, and events attended by public officials, including those organised by interest groups (lobbyists, other interest groups, political parties, etc.) or at which they are present;
- Phone conversations held between public officials and interest group representatives should be noted. When they relate to an ongoing decision-making process they should be published proactively, in other cases the information should be available upon request.

4. Meeting Documents: The public should be informed about upcoming meetings relating to a decision-making process as well as provided with a detailed record of the meeting, the minutes. The minutes should be sufficiently detailed to permit members of the public to know the main issues discussed at the meeting and to be informed of any agreements reached or decisions taken.

The names of those participating in meetings relating to a decision-making process should be accessible. To this end, all potential participants in a meeting should be informed at the outset that the meeting is public, and that a precondition for participating in the meeting is consent to have the full name and the organisational affiliations of the person made public.

Type of Information	What published	Frequency of Publication
Information on upcoming meetings	<ul style="list-style-type: none"> » Date, time and location of the meeting » Organization holding the meeting (and responsible for keeping a record of it) » Expected participants and the organizations they represent » Agenda of the meeting » Issues to be discussed » Documents submitted by any parties in advance of the meeting 	<p>One week (5 working days) before the meeting.</p> <p>If this is not possible, the information should be made available as soon as it is known.</p>
Information to ensure accountability after a meeting	<ul style="list-style-type: none"> » Date, time, location and duration of the meeting » Participants present (specify clients/interests represented) » Issues discussed » Copies of all documents presented or considered during the meeting if not previously published » Minutes of the meeting which must include at a minimum all agreements or conclusions reached, as well as planned next steps » Copies of any texts revised or concluded during the meeting 	<p>Within one week (5 working days) of the meeting taking place or as soon as relevant documents, such as minutes, are finalised.</p>

5. Documents submitted during public consultations: The relevant public body should make public proactively all documents emanating from public consultations, including all submissions and all documents that provide feedback and evaluation of the process, and which show how the submissions of third parties has been taken into account.

Submissions to public consultations should be published no more than 15 working days after the close of the consultation. They should include:

- All submissions to the public consultation
- Documents submitted by interest group representatives, along with the names of the relevant persons and the details of who they represent
- Documents submitted by legal persons along with the details of the legal person and who they represent in the case of acting on behalf of another.

After a consultation is concluded and has been evaluated:

- Evaluations of the consultation process, and an explanation of how the input into the consultation has been taken into account.

Data Protection: To ensure that it is possible to publish the names of those who participate in a public consultation, there should be an online form requiring consent to making public the name and (where relevant) professional affiliation of the person making the submission. The same goes for organisations, whose names will always be made public.

6. Documents generated or used during a decision-making process: Such as impact assessments, human rights evaluations, environmental impact studies, legal advice, draft policies, evaluation of implementation of previous policies, plan of actions for implementation, interim or final evaluations or reporting.

7. Documents submitted by lobbyists and interest groups: No more than 15 working days after receipt of the document, a public body should make available all documents received from third parties such as lobbyists, other interest groups, and other public authorities or other governments, which relate to a decision-making process, such as:

- Documents tabled that are directly related to an ongoing decision-making process
- Drafting suggestions and recommendations
- Reports, research findings and other documents (even if not written explicitly for the particular decision-making process)
- Communiqués, press statements, news bulletins and other written material sent to the public authority

8. Documents justifying a decision: Information or documents justifying the reasons why a particular decision was taken should be published promptly and proactively. These documents should include, at a minimum: the problem that had to be addressed, the options available to address it, and the criteria used to take the decision.

The document should include and/or refer to any public consultations held and the input to the proposals received to the public consultation.

Any documents relevant to or drawn upon in the final decision making process should be referred to in the decision document and should also be public. It is important that the public is provided with copies of the key data and arguments which were used as the basis for a particular decision such as: Reports, research findings, impact assessments, and any other documents such as the ones mentioned in point 6 (even if not written explicitly for the particular decision-making process).

7. Annexes

Annex A. Table: Decision making processes investigated in the proactive publication research

Austria	<ul style="list-style-type: none"> » Constitutional Amendment (introduction of RTI); Freedom of Information Act » Award of honorary titles and awards; appointment of top-level civil servants; signing laws into force » Amendment of the Pesticides Act (2013) » Amendment of the Tobacco Act (2015, to ban smoking in restaurants from 2018) » Reform of the Copyright Act 2014
Croatia	<ul style="list-style-type: none"> » Exemption of the Catholic Church from provisions of the new act on Non-profits » Act and international tender related to Exploitation of Oil in the Adriatic » Conversion of citizens' credits in francs to euro
European Union	<ul style="list-style-type: none"> » Adoption of a mandatory lobby register at EU level
Finland	<ul style="list-style-type: none"> » Tobacco law (including the implementation of the tobacco directive(2014/40/EU) » Law regarding Protection of Environment (3rd phase of the project, relates specifically to renewing provisions on participatory rights) » Ratification of the Patent Court
Germany	<ul style="list-style-type: none"> » Pharma Law on medicine costs (AMNOG) » CO2 limits » Minimum Wage Law » Pension reform in 2014 » Inheritance Tax
Greece	<ul style="list-style-type: none"> » Legislation 4262/2014 - Simplification of the licensing process for the commencement of business activities. » 4305/2014 – Open availability and further use of documents, information and data of the public sector. » Legislation 4356/2015 – Civil partnership agreement, exercise of rights and criminal provisions.
Ireland	<ul style="list-style-type: none"> » Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 » Freedom of Information Act 2014 (Ireland) » Public Health (Standardised Packaging of Tobacco) Act 2015
Italy	<ul style="list-style-type: none"> » Budget Law (2014) » Prorogations Decree (Decree Law 192/2014) » Law Stability 2015 » Reform of the national system of education

Poland	<ul style="list-style-type: none"> » The draft of Infertility Treatment Act » The draft of Public Procurement Law. » Draft legislation guidelines on the re-use of public sector information
Slovenia	<ul style="list-style-type: none"> » Preparing legislative proposal of the Family Code » Privatisation - divestment of the largest and state owned telecommunications company, Telekom Slovenije » Adoption of amendments of the Electronic Communications Act enacting the “net neutrality” provision
Spain	<ul style="list-style-type: none"> » National Action Plan for companies and HRs » Royal Decree 900/2015 Own-electricity supply and production » Open Government Partnership Action Plan (I Plan 2012-2014) » Open Government Partnership Action Plan (II Plan 2014-2016)
UK	<ul style="list-style-type: none"> » Trade Unions Bill » To end new public subsidies for onshore wind farms by legislating to close the Renewables Obligation » Decision on Expansion of Heathrow » Investigatory Powers Bill

Annex B. Table: Decision making processes for which requests were submitted

Austria	<ul style="list-style-type: none"> » Constitutional Amendment (introduction of RTI), Freedom of Information Act » Reform of the Copyright Act 2014 » Amendment of the Tobacco Act (2015, to ban smoking in restaurants from 2018) » Police State Protection Act » Tax reform 2015
Croatia	<ul style="list-style-type: none"> » Government and the bankers » Meetings of Ministry of Finance and Catholic Church A » Meeting of Ministry of Economy with oil industry » Meetings of Ministry Of Finance and banks A

European Union	<ul style="list-style-type: none"> » Sugar related lobby-meetings » Stakeholder contacts on TTIP » General Data Protection Directive » Contacts with tobacco industry EU trade negotiations » Car industry lobby on testing systems » Meetings nuclear lobby » National Emission Ceilings Directive » EU-Turkey Agreement V » Carbon markets and Rlo+20 » Water Framework Directive. Commission proposal (2011)0876 » Fuel Quality Directive » EFSA officials on IARC glyphosate conclusions » Contacts with the hedge fund industry » TTIP-Health Care » Cloning food
Finland	<ul style="list-style-type: none"> » The ratification of the European Patent Court Agreement » The implementation of the tobacco Law (including the implementation of the tobacco directive (2014/40/EU) » The reform of the Environmental Protection law (especially regarding the provisions on public participation)
Germany	<ul style="list-style-type: none"> » Minimum Wage Law » Lobby contacts regarding law on the restructuring of the pharmaceutical market (AMNOG) » Lobby contacts relating to pension reform in 2014 » Lobby contacts relating to pension reform in 2015
Greece	<ul style="list-style-type: none"> » Minutes of Legislative Committee: drafting law on Open Data and Access to Information » Minutes of Legislative Committee: drafting law on Civil Partnership » Minutes of Legislative Committee: drafting law on Business Licensing Simplification
Ireland	<ul style="list-style-type: none"> » Freedom of information act » Garda Síochána (Policing Authority and Miscellaneous Provisions) Bill 2015 » Public Health (Standardised Package Tobacco) Act 2014
Italy	<ul style="list-style-type: none"> » Budget Law 2014 » “Prorogations Decree” (Decree Law 192/2014) a » “Prorogations Decree” (Decree Law 192/2014) b » Law » Stability 2015 » Reform of the national system of education a » Reform of the national system of education b

Slovenia	<ul style="list-style-type: none">» Amendment to the Law on Marriage and Family Relations (or Preparing legislative proposal of the Family Code)» Privatisation - divestment of the largest and state owned telecommunications company, Telekom Slovenije» Adoption of amendments of the Electronic Communications Act enacting the “net neutrality” provision
Spain	<ul style="list-style-type: none">» Energy Bill (Royal Decree 900/2015)» Action Plan on Business and Human Rights» Open Government Partnership A» Open Government Partnership B
UK	<ul style="list-style-type: none">» Trade Unions Bill» To end new public subsidies for onshore wind farms by legislating to close the Renewables Obligation» Decision on expansion of Heathrow» Investigatory Powers Bill» Review of Freedom of Information Act