

TOPIC 1B)
PARLIAMENTS, FREEDOM OF INFORMATION AND DATA PROTECTION

Rapporteur: First Deputy Speaker Sir Alan Haselhurst, House of Commons, United Kingdom

The **First Deputy Speaker Sir Alan Haselhurst** (House of Commons, United Kingdom) began by expressing thanks for the contributions sent in for this topic, which he described as practical but very important. Democracy meant being open and accepting open and free flows.

Given that we live in a world flooded with information, it is difficult to pick out the best information, which comes to us from the most varied sources. It is often the case that information is denied by deputies and then found to be available on the Internet. But it is obvious that there should be limits to the flow of information, given that deputies do not always want their voters to know exactly what they think on a given matter.

Given that the electorate demands more and more information, what limits should be placed on the freedom of speech of the national parliaments? Should committee proceedings and special information be made available? We all look for exceptions to the freedom of speech, defending the principle of confidentiality, not least because much of the information received by Governments may be confidential and should therefore be protected.

As the result of the approval of a directive in 1995, legislation on data protection is being prepared throughout the Union. In the United Kingdom, however, the national legislation does not apply to parliamentary proceedings, given that over-protection leads to information being passed on in a less healthy way.

It would therefore be helpful and necessary for the parliaments to pool their experience in this matter, so that we can establish a common approach to ensure greater clarity in legislation, for instance, in relation to the European Commission. If we fail to do this we cannot complain later about legislation on this question which has not been carefully thought through.

Speaker Brian Mullooly (Senate, Ireland) stressed the importance of this debate and reported that in Ireland the legislation on data protection does not distinguish between parliament and other public institutions, and described the content of the 1998 law in force in his country, which provides for a High Authority for data protection in order to enforce the law.

Freedom of information therefore consists of the right of access to information recorded by public institutions and to the possibility of changing it when it refers to a private individual. Four essential steps have been taken at the Irish parliament: efficient and up-to-date records management, creation of an internal supervisory group, training as to the consequences of the law, and procedures have been established in the light of the law in order to respond to applications for information. An analysis of these applications shows that most refer to the electoral roll, committee documents and deputies' expenses. Of the total number of applications, 20% have been dealt with, 35% are being dealt with, 5% were withdrawn and 40% were turned down.

In conclusion, Speaker Mullooly said that it was important to make available a record of parliamentary proceedings, and that in view of this plenary sessions have

been televised since 1990, certain committee meetings had been televised since 1993 and it was planned to extent television coverage of parliamentary activities in the year 2000.

Speaker Frank Swaelen (Senate Belgium) took the floor to give an example of a recent concrete case in which transparency had to be reconciled with the right to privacy in the field of donations to political parties. There is an upper limit for these donations in Belgium, as well as a register for campaign spending and a commission which produces reports on the spending of political parties.

As a member of this commission, Speaker Swaelen added, he mentioned publishing the list of donors to certain parties. After consulting the Privacy Protection Commission, a recommendation was issued on the lines that the law applies to this question, and considering that this information constituted data which provided information on political intentions and on personal earnings. Any disclosure of these data to anyone other than commission members was therefore prohibited, meaning that they cannot be published.

Deputy Speaker Carlo Rognoni (Senate, Italy) informed the conference that a Decree-Law had been issued in Italy on 11 May 1999, transposing the community directive on this matter into national law, although there was some uncertainty as to the resolutions of the European Union. This made clear the strong interdependence between questions of economics, production and employment, and it was the task of States to give a face to globalisation, to a planetary society.

He referred to the violation of human rights in the Balkans, and declared that the International Community had to put an end to the impunity of those committing these crimes, through an international Criminal Court. It would therefore be helpful to have an international Criminal Charter and definitive consecration of the right to collective self-defence, through institutions such as NATO, WEU and others, given that a regional defensive alliance is inadequate.

Deputy Speaker Rognoni therefore proposed that the agenda for the next Conference of Speakers include the topic of the right of the International Community to intervene with humanitarian objectives. In the face of these crimes, the European states have increasing power to intervene, either to punish or to stop the crimes from taking place. But who is in charge of this? What contribution should European parliaments make to this debate? Concluding his speech, he said that the discussion of the Dahl Report should continue with the members of the existing working party.

Speaker Almeida Santos (Portugal) drew attention to all the contributions to this debate, saying that this was a very delicate matter, as it is extremely difficult to restrict the freedom of speech. In the European Convention on Human Rights there is an article defining such limits, but this is a dead letter. Karl Popper went as far as to advocate censorship of television, but there is inevitable an ethical code of conduct for those giving information.

In Portugal, the parliament has its own television channel, which transmits all the plenary sessions and on which the information is not selected by journalists. The question of data protection on the other hand is extremely important, but it is clear that if certain data are in the hands of 20 of 30 deputies, how is it possible to control the question and maintain confidentiality?

In conclusion, **Deputy Speaker Haselhurst** made a general comment on the speeches on this subject. In relation to the reference to crimes against humanity, he expressed his doubt as to whether parliaments could say anything on the matter, given that this is a matter for the foreign ministries and the ministries of justice in the different states.

As to television coverage, it is clear that there is more in some countries than in others, and it is significant that the public has the possibility of directly observing debates. As for privacy of the donations to political parties, this is a fascinating area, and one which would lead to a different type of discussion.