

Freedom of Information in Cyprus



Legislation

Does the national Constitution protect the freedom of information?

NO, but article 19 of the Constitution does concern the freedom of expression and the right to receive and impart information.

Does national legislation ensure access to information? Are all administrations covered by this legislation?

NO, but there is a draft by the Government of the Republic of Cyprus for the adoption of a legal framework to facilitate the exercise of the right of access to information. However, this draft act does not recognise freedom of information as a fundamental right[1].

The law in the North of the Country falls below Council of Europe standards.

Is there a negative obligation of the authorities to disclose the information to a citizen upon request?

NO, but there is a draft by the Government of the Republic of Cyprus for the adoption of a legal framework to facilitate the exercise of the right of access to information. However, this draft act does not recognise freedom of information as a fundamental right[2].

The law in the North of the Country falls below Council of Europe standards.

Is there a positive obligation for the authorities to provide certain information to the public?

No: In their 2011 report on Access to Information in Cyprus, Access info found a low level of proactive provision of information on the websites of public administrations[3].

Is there legislation implementing the EU Directive 2003/98/EC on the re-use of public sector information?

Yes, the Act establishing Rules governing the Re-use of Existing Information held by Public Sector Bodies of 20 October 2006 No. 132(I)/2006.

Is there a right to correction of official documents enshrined in the legislation (e.g. in Privacy and Data Protection legislation)?

Yes article 12 Act regarding Personal Data Processing N.138(I)/2001:

(2) The data subject has the right to ask for and receive from the controller without excessive delay and expense -

(b) The rectification, erasure or blocking of the data, the processing of which has not been performed in accordance with the provisions of this Law, especially due to inaccuracies or shortages.

Is there legislation on classified information?

Yes: State Secrets Law: **Act regarding regulations for security of classified information, documents and material and related matters No.208(I)/1991.**

[1] Draft in Greek:

http://www.access-info.org/documents/Access_Docs/Advancing/Cyprus/1405nomosxedio.pdf.

[2] Draft in Greek:

http://www.access-info.org/documents/Access_Docs/Advancing/Cyprus/1405nomosxedio.pdf.

[3]

http://accessinfocyprus.ikme.eu/images/access-info/final_report/Draft_Report_and_Recommendations_for_Consultation_24_Feb_2011_web.pdf, 12.

Procedure

Is the procedure to request access to documents of the public sector bodies regulated in the legislative framework?

In their 2011 report on Access to Information in Cyprus, Access info found that there were systematic violations of the fundamental right of access to information in Cyprus, with 75% of the requests for information being left unanswered by the public authorities.

However, this has been included in the Draft act on the right of access to information (article 8 et seq.).

Do the (highest) courts acknowledge the right of access to information? Are there appeal mechanisms in place?

No, but this has been included in the Draft Act on the right of access to information.

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