



Resolution
Right of access to information and accountability of public services

The 10th International Conference of Information Commissioners,

Confident in an open society which strengthens the public's right to information through appropriate transparency mechanisms and favours citizens' participation and engagement;

Noting that contracting out of government services to private sector companies and other non-public organisations has evolved significantly over the last quarter century from relatively simple contracts to provide goods or established services, to innovative high profile commissioning arrangements in sensitive public service areas which were previously considered to be core government functions, for example, in the areas of elderly care, of health care, of prisons, public utilities and infrastructure;

Recognising that service delivery models have changed over time and may have therefore affected the public's right to know how non-public organisations are delivering public services and using public funds;

Noting the challenge of scrutinising public expenditure and the performance of services provided by outsourced contractors;

Noting the impact on important democratic values such as accountability and transparency and the wider pursuit of the public interest;

Noting the diversity of Governments' National Action Plans under the Open Government Partnership initiative, which has highlighted beneficial reforms undertaken by many countries over the recent years, notably in relation to open contracting¹;

Convinced that proactive transparency measures through open contracting standards can help ensure proper accountability for public funds;

Conscious of the importance of transparency in the procurement process to prevent corruption;

¹ http://www.opengovpartnership.org/sites/default/files/OGP_NAP-Report_Dec2016.pdf

Noting that laws have been adopted in some jurisdictions, that extend access to information held by non-public organisations;

Recalling the evidence of Information Commissioners on the challenges of this issue – in the 2017 Conference survey and the Centre of Freedom of Information’s report ‘In the Experience of Information Commissioners: Results of the Information Commissioners’ International Exchange Network Surveys 2013’.

The Conference resolves to:

- Where appropriate to their own national setting, encourage initiatives and programmes to improve access to information legislation in relation to contracted out services and service delivered by non-public organisations;
- Promote global initiatives that provide standards for open contracting²;
- Set up a Conference working group to share practice on initiatives that seek to improve access to information in relation to the delivery of public services by non-public organisations, reporting back to the 11th conference in 2019.

² See Open Contracting Partnership – Global Principles