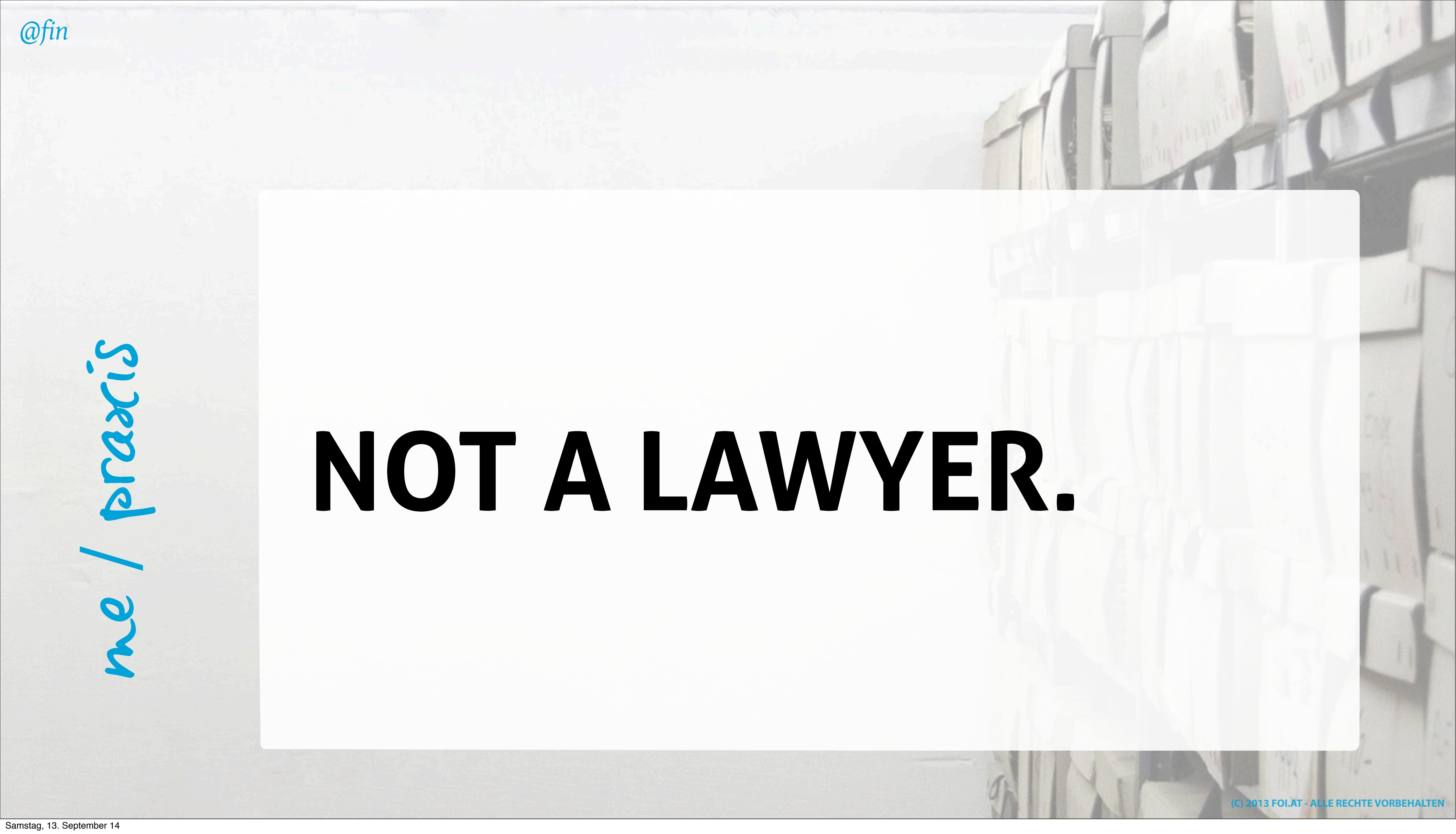


# Fun with(out) Freedom of Information

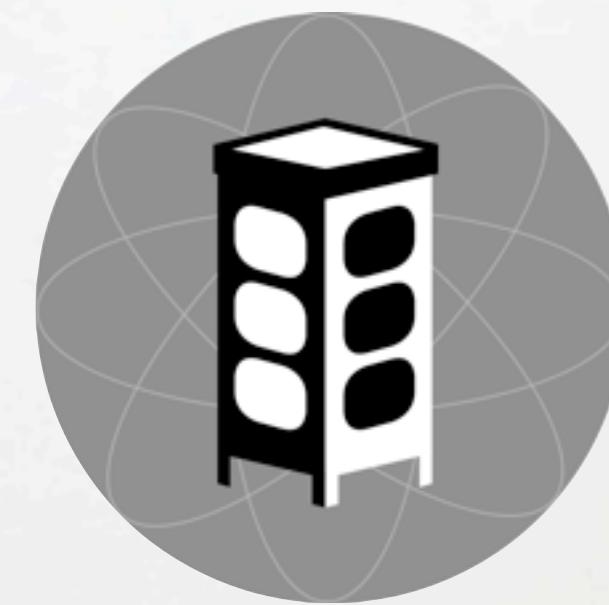




**NOT A LAWYER.**

@fin

me / práctis

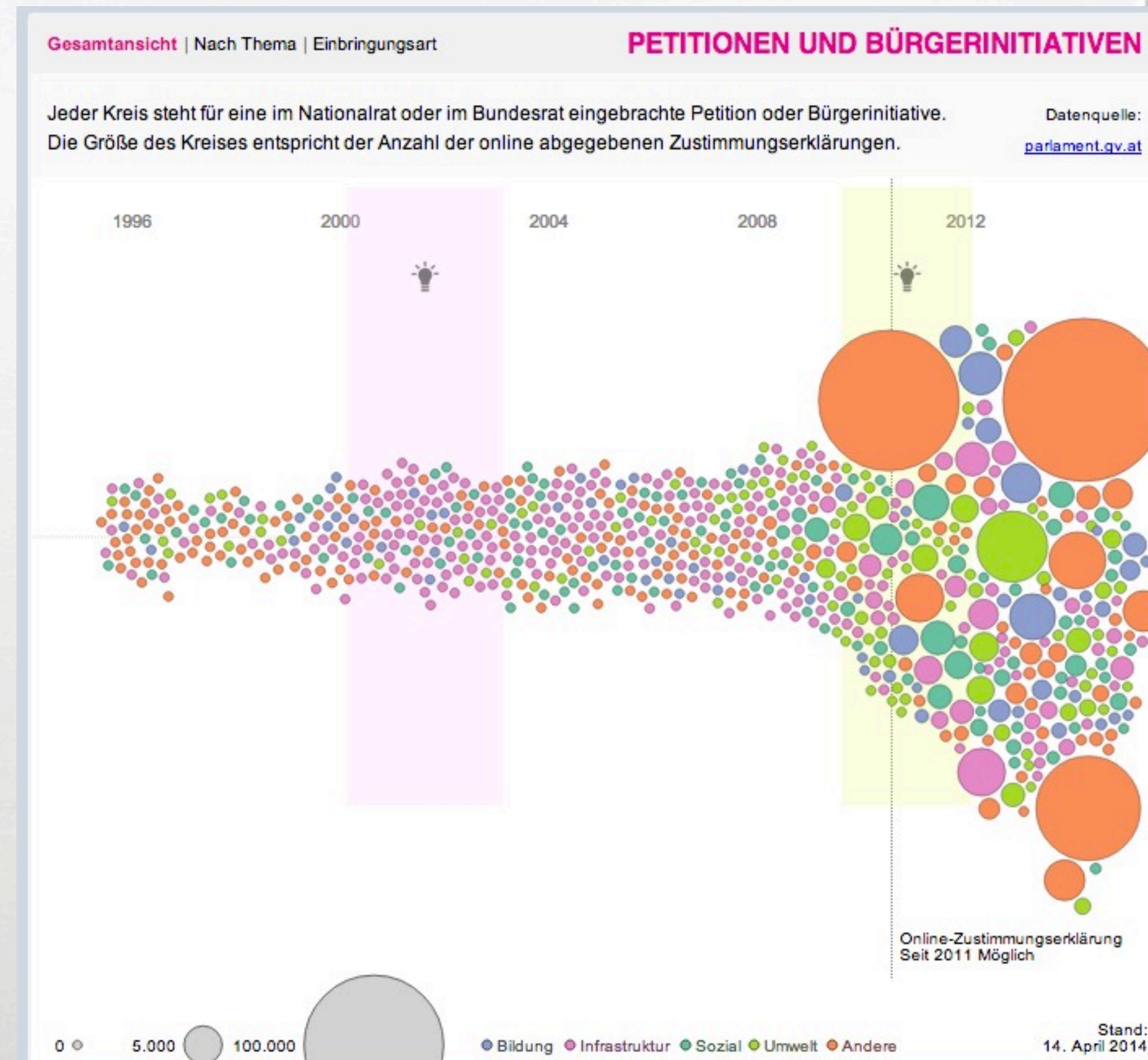


HACKS HACKERS

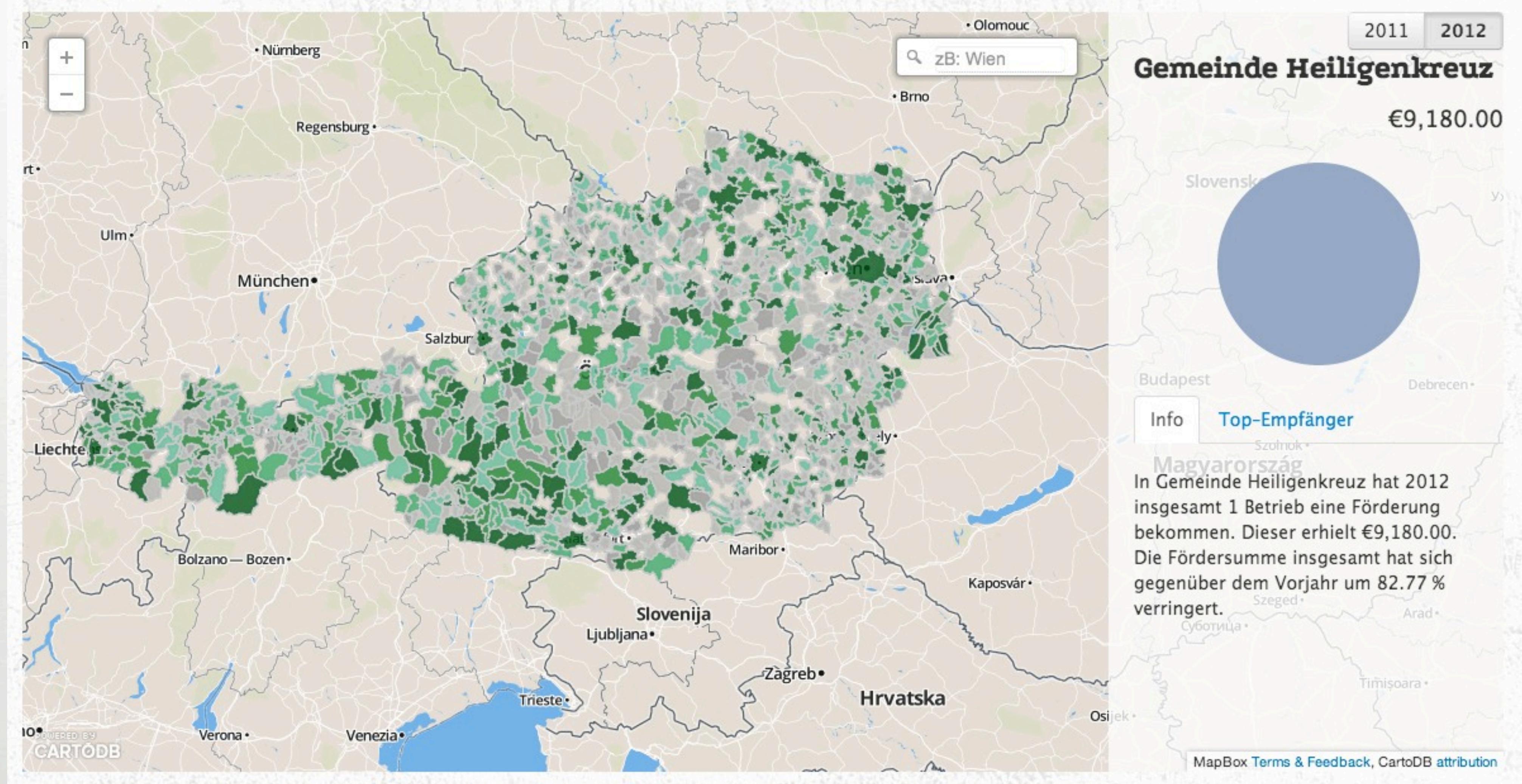
vienna chapter | rebooting journalism

derStandard.at

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data journalismism



»who are you?«

»why would you want to know?«

»we can't give that to you because [silly reason]«

what now

# TRANSPARENZ GESETZ.AT

*Wir wollen's wissen.*



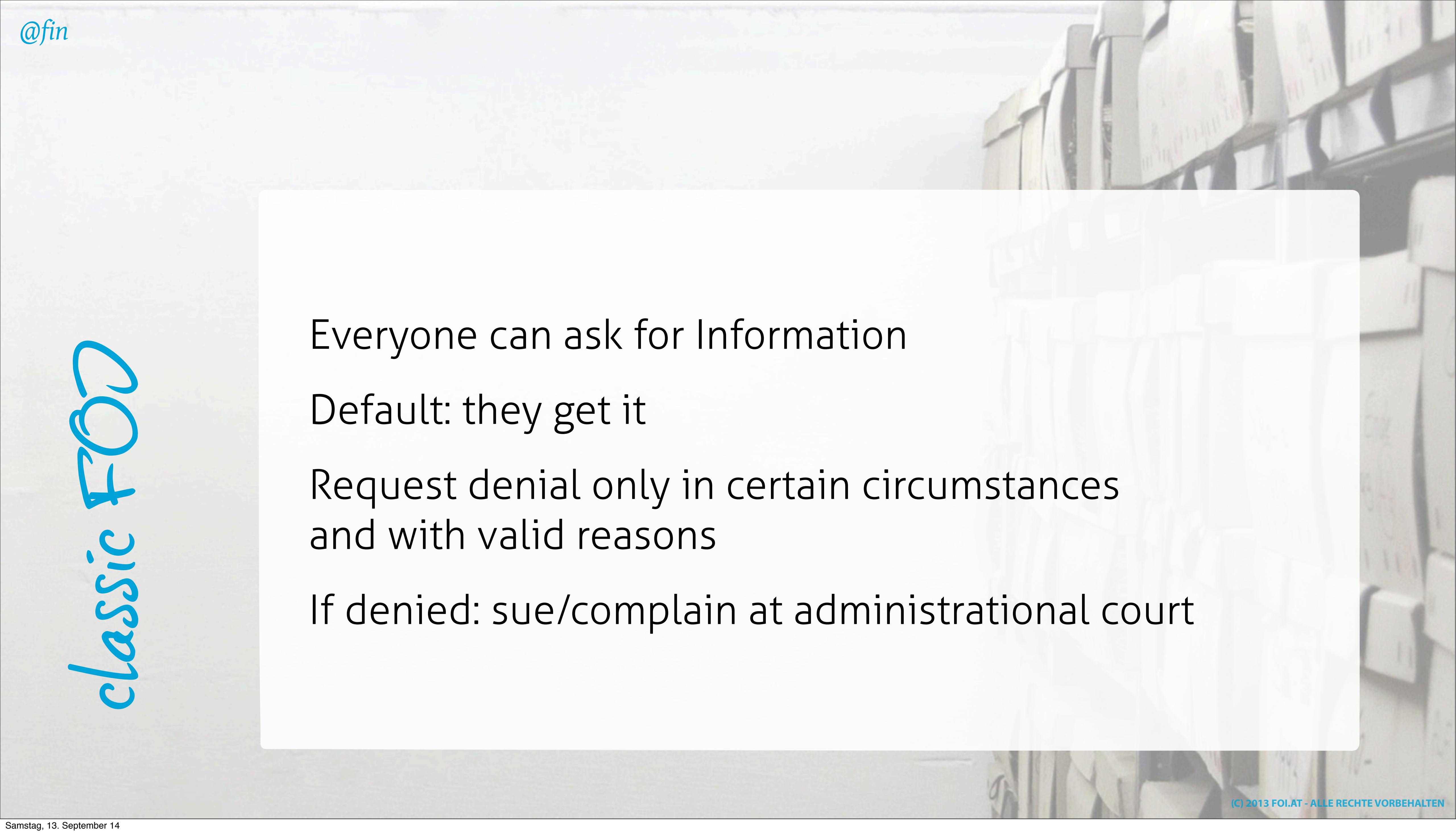
**FORUM  
INFORMATIONSFREIHEIT**



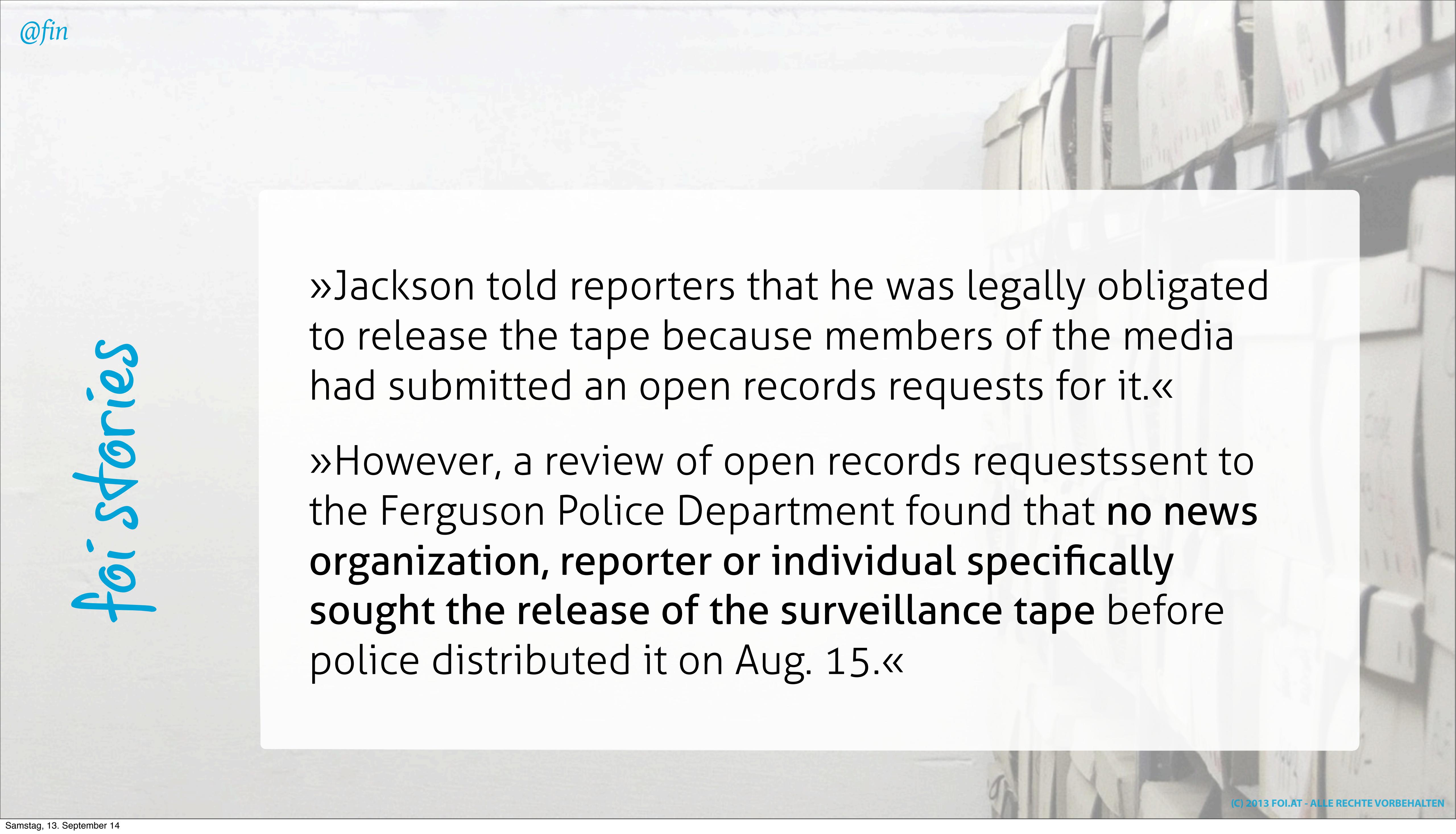
**Freedom of Information =**  
Right to Access to Information (held by public bodies)

**ECHR:** Human Right  
Implied by Freedom of Expression

First: Sweden 1766; US 1966



Everyone can ask for Information  
Default: they get it  
Request denial only in certain circumstances  
and with valid reasons  
If denied: sue/complain at administrative court



»Jackson told reporters that he was legally obligated to release the tape because members of the media had submitted an open records requests for it.«

»However, a review of open records requestssent to the Ferguson Police Department found that **no news organization, reporter or individual specifically sought the release of the surveillance tape before police distributed it on Aug. 15.**«

## Intelligence Officials Admit That Edward Snowden's NSA Leaks Call ForReforms

»a Freedom of Information Act (FOIA) request from the Electronic Frontier Foundation, which revealed that the NSA admitted in 2009 to breaching FISC rules regarding the suspicionless surveillance of thousands of phone numbers.«

## NSA illegally collected thousands of emails, US admits

»A National Security Agency surveillance system illegally gathered up to 56,000 personal emails by Americans annually, declassified court documents show. ... The court's opinions, which are usually kept secret, were revealed by the government in response to a Freedom of Information request ...«

## Massacre of the Red Caps

It was the largest single loss of life under enemy fire since the Falklands war - six British soldiers murdered in a tumbledown police station in southern Iraq. Information released under the FOI Act reveals for the first time serious allegations that are at odds with official accounts of the episode. They shine fresh light on an incident that still casts a pall over Britain's involvement in Iraq more than 30 months on. Documents suggest that the army, told the Red Caps were trapped, did not order a rescue mission and that the men may still have been alive when an officer from one of the UK's elite fighting units, who was nearby, was told they were cornered, but chose not to offer assistance because it was too dangerous.

## Private security costs £150m

Britain has paid out more than £150m on security guards and training for local police to protect diplomats in Iraq and Afghanistan. More than 400 guards were hired from four specialists security firms: Control Risks Group, ArmorGroup, Kroll Security Group and Edinburgh Risk Security Management. Between May 2003 and August 2006, the Government agreed contracts totalling £152m. The details of the contracts were revealed to Channel 4 News Online, under the FOI Act. The biggest single bill was £47.8m for contracts in Iraq for 2005-06.

## David Beckham tried to control the National Portrait Gallery's use of his picture

David Beckham was not keen to let a national art gallery use his ubiquitous image, according to documents obtained under the FOI Act. ...

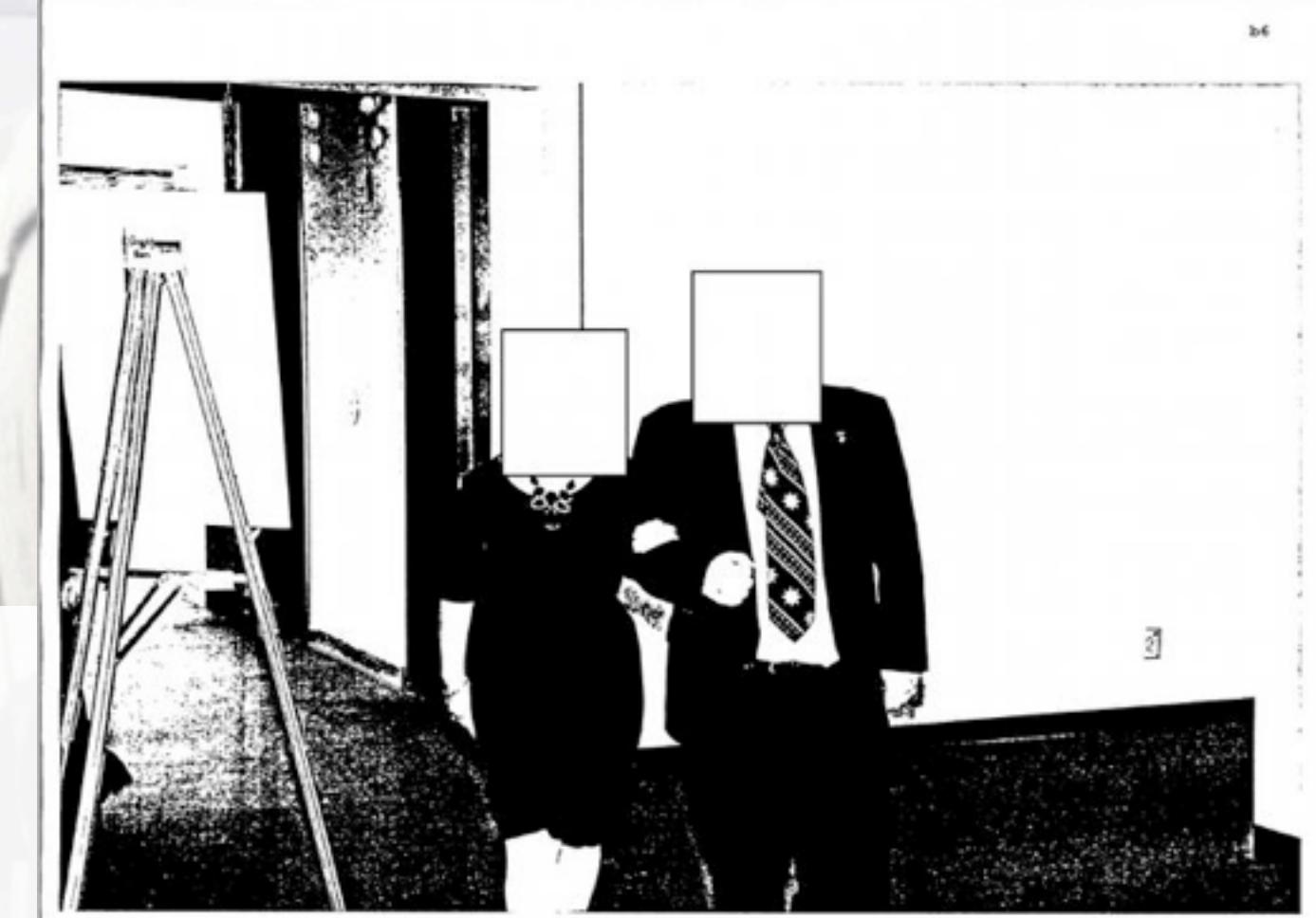
## Embassies 'lose' dozens of artworks

Dozens of artworks worth tens of thousands of pounds have vanished from British embassies or residences around the world over the past decade. At least 42 paintings, prints and sculptures from the Government Art Collection have been stolen, lost or destroyed, according to information gained through the FOI Act. None of the works were insured and apart from objects that were known to have been stolen, more than half the total simply disappeared for no known reason.

## Computer increases waiting list times

In December 2005, just 12 people were waiting more than six months for an operation in England. But in the same month the Connecting for Health computer systems were launched on a trial basis at the Nuffield Orthopaedic Hospital Trust in Oxford the number of people waiting longer than six months started to rise. Within a few weeks more than 100 people in England were waiting longer than six months, most of them at the Nuffield, which insists that the problem is now resolved. Staff who were instructed to sort out the problem could not even establish from the malfunctioning computers which patients had been waiting the longest and the numbers kept climbing. Details of the waiting list problems at the Nuffield were released under the FOI Act.

- »Some Not-Very-Revealing Pictures Of An FBI Retirement Party«
- »FCC Complaints About Inappropriate Content On South Park«
- »The FBI's Twitter Slang Dictionary«
- »A Fan Letter From J. Edgar Hoover to His Favorite Athlete«



**»so what?  
that's journalism, not hacking!«**





A grayscale photograph showing a long, narrow hallway lined with rows of filing cabinets. The cabinets are stacked vertically, creating a repetitive pattern of rectangular shapes. Some papers are visible hanging from the top of the cabinets.

**you can ask for  
gov't databases!**

why hackers

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## Prescriber Checkup

### The Doctors and Drugs in Medicare Part D

By Jeff Larson, Jennifer LaFleur, Charles Ornstein, Tracy Weber and Lena Groeger, ProPublica, Updated Nov. 18, 2013

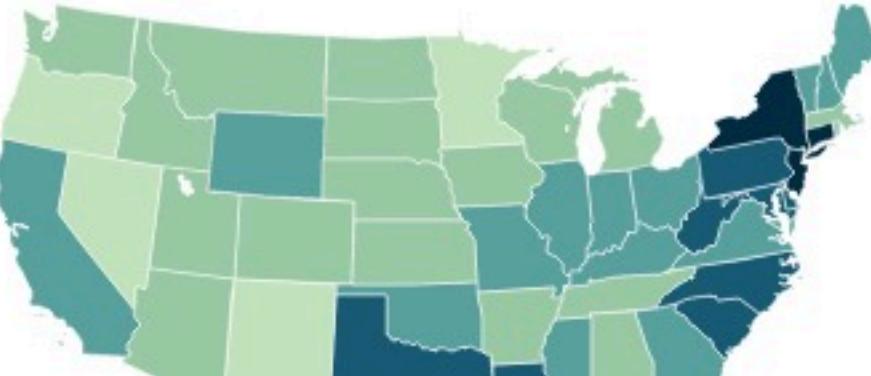
Medicare's popular prescription-drug program serves 36 million people and pays for one of every four prescriptions written nationwide. Use this tool to find and compare doctors and other providers in Part D in 2011. | Update May 20, 2014: [Medicare Tightens Reins on Drug Program](#) »

Interested in downloading the data? Go to the [ProPublica Data Store](#).

---

#### How States Compare

Percent claims for name-brand drugs from primary care physicians, 2011. [See state by state data](#) »



**Search for a Prescriber, City or Zip Code**

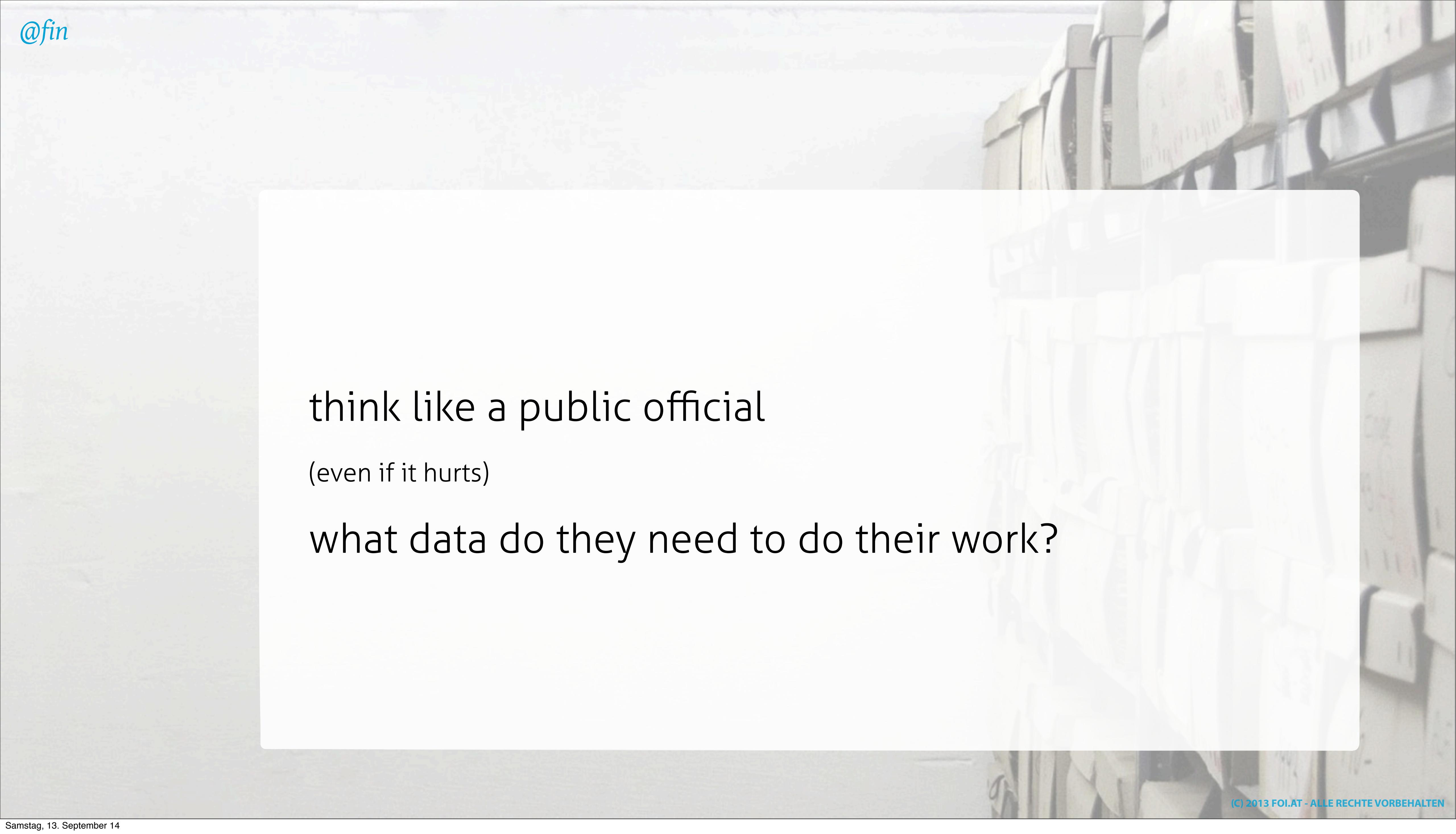
For example: Mark Smith, Chicago, 11216

All States **SEARCH**

**Prescriptions by State**   **Top Drugs**

## shapefiles!

I also suggest you check out [Rob Hidalgo's repository of public information](#) (from freedom of information requests) which includes a shapefile of the municipios of Mexico according to the IFE (mine comes from the INEGI and they differ by a few municipalities)



think like a public official  
(even if it hurts)  
what data do they need to do their work?

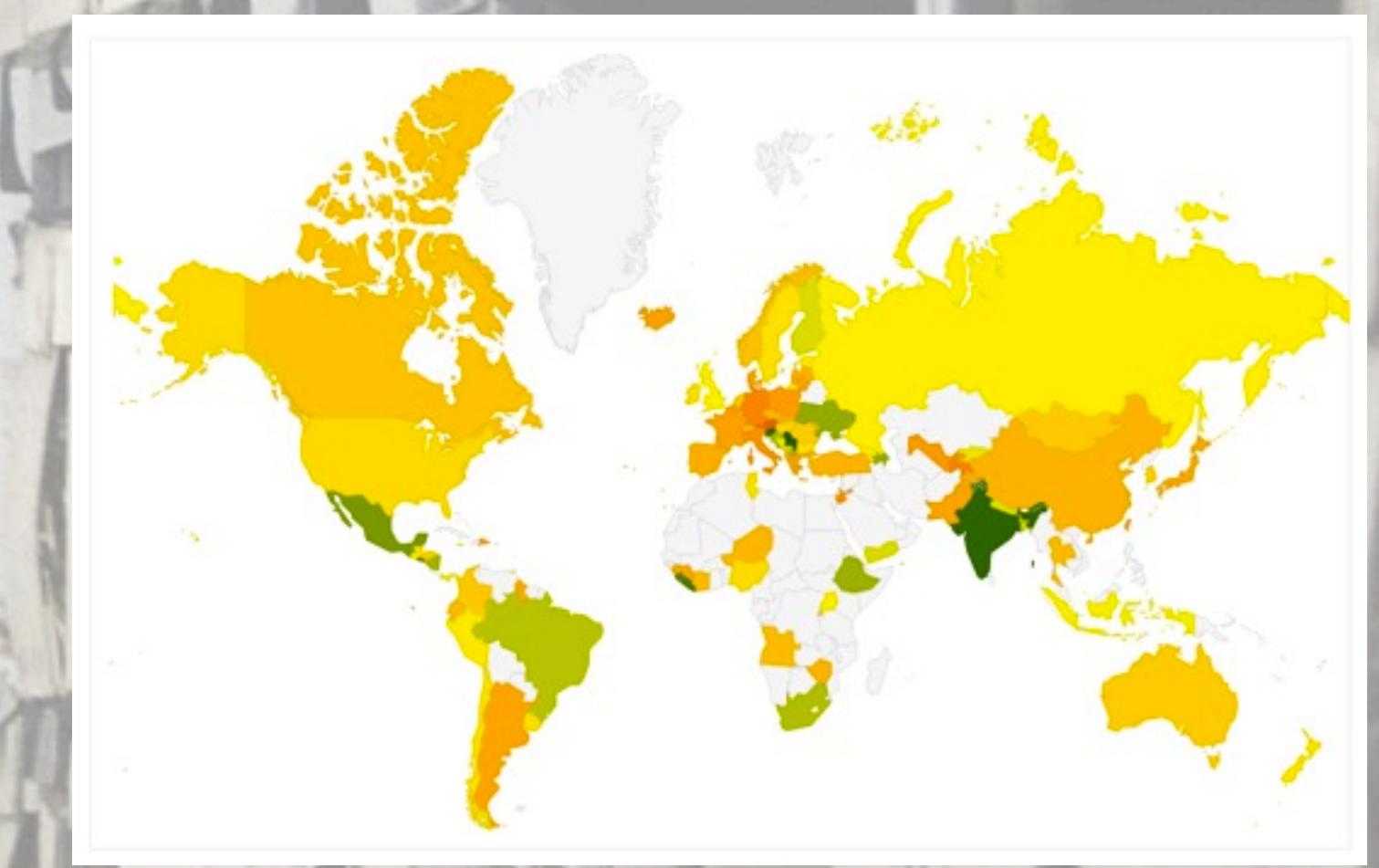
## Country Rating Results

### TOP 10

Serbia	135
India	130
Slovenia	129
Liberia	126
El Salvador	124
Sierra Leone	124
Mexico	119
Antigua	118
Azerbaijan	115
Ukraine	115

### BOTTOM 10

Austria	37
Liechtenstein	39
Tajikistan	51
Germany	52
Jordan	55
Italy	57
Belgium	59
Taiwan	60
Uzbekistan	61
Dominican Republic	61



rti-rating.org  
HAPPY NOW?

## **LAW ON FREE ACCESS TO INFORMATION OF PUBLIC IMPORTANCE**

**ZAKON O SLOBODNOM PRISTUPU INFORMACIJAMA OD  
JAVNOG ZNAČAJA**

& Constitution of Serbia, Article 51. Paragraph 2:  
"Everyone shall have the right to access information kept by state  
bodies and organizations with delegated public powers, in  
accordance with the law."

# Das Problem

## Artikel 20, Bundes-Verfassung



(3) Alle mit Aufgaben der Verwaltung betrauten Organe **sind zur Verschwiegenheit verpflichtet**, soweit gesetzlich nicht anderes bestimmt ist.

(4) Alle mit Aufgaben der Verwaltung betrauten Organe **haben Auskünfte zu erteilen** soweit gesetzliche Verschwiegenheitspflicht nicht entgegensteht.  
*(Amtsgeheimnis)*

# Das Problem

## Artikel 20, Bundes-Verfassung

(3) Alle mit Aufgaben der Verwaltung betrauten Organe **sind zur Verschwiegenheit verpflichtet**, soweit gesetzlich nicht anderes bestimmt ist.

"*Mutwillig handle unter anderem, wer sich im Bewußtsein der Grund- und Aussichtslosigkeit, der Nutz- und Zwecklosigkeit seines Handelns an die Behörde wende*"

(4) Alle mit Aufgaben der Verwaltung betrauten Organe **haben Auskünfte zu erteilen** soweit gesetzliche Verschwiegenheitspflicht nicht entgegensteht.  
*(Amtsgeheimnis)*

# valid exceptions

- interests of national security
- territorial integrity or public safety
- prevention of disorder or crime
- protection of health or morals
- protection of the reputation or the rights of others
- preventing the disclosure of information received in confidence
- maintaining the authority and impartiality of the judiciary



Poverenik za informacije od javnog značaja  
i zaštitu podataka o ličnosti

Bulevar kralja Aleksandra 15  
Beograd 11000

first instance = commissioner!

interests worthy of protection = exceptions

relative exceptions!

public interest test

harm test

**EU is great too.**



Sorry, Slovenia

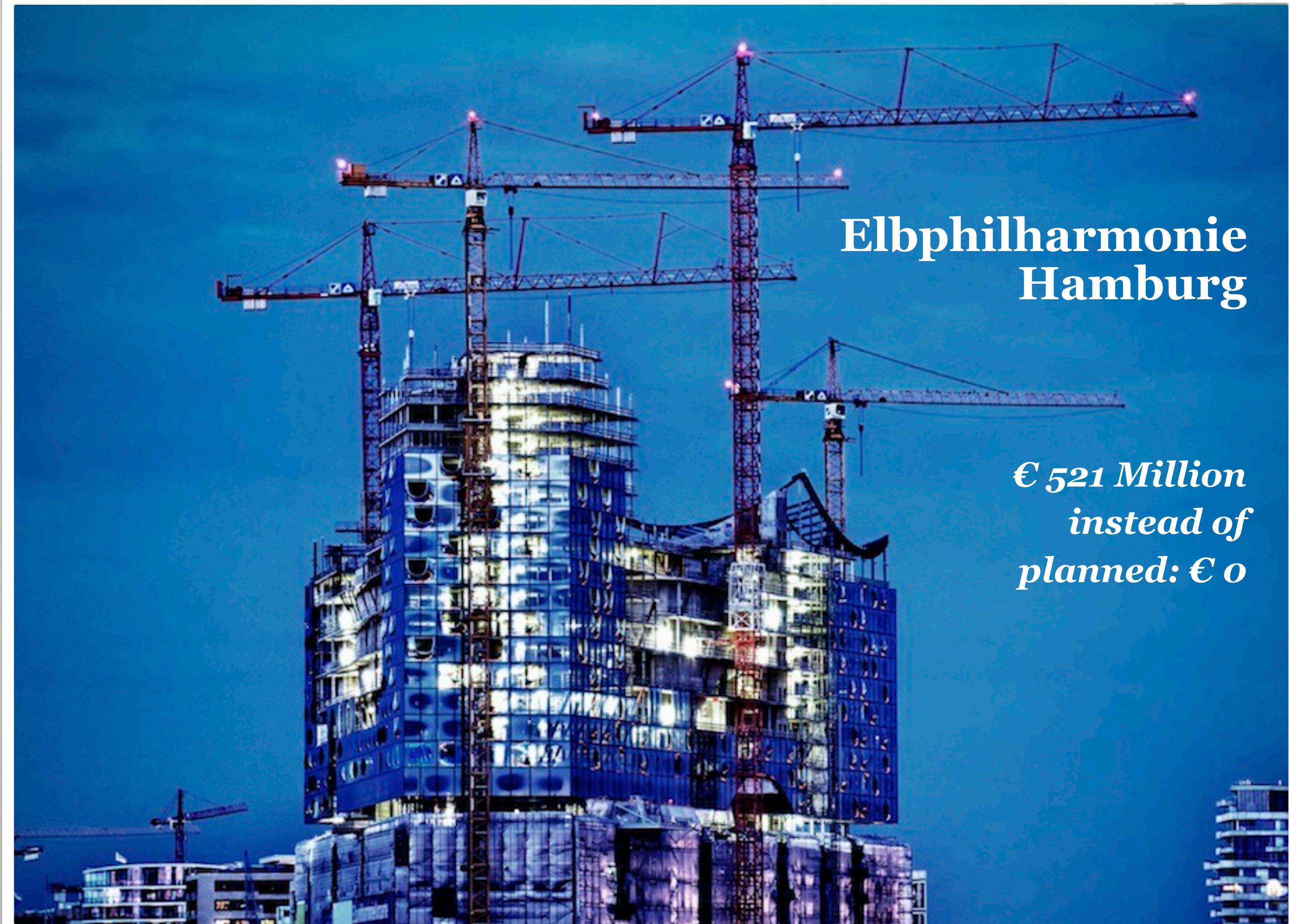
information commissioner

- + classified documents
- + can take a look on their own
- + can order police to search public bodies offices

# TRANSPARENZ GESETZ.AT

Wir wollen's wissen.

Hamburg



Florian Klenk (@floranklenk) Following  
Ich versuchte, so wie britische Journalisten, Einsicht in die Spesen unserer Abgeordneten zu bekommen. Parlament sagt: Amtsgeheimnis #fail

Corinna Milborn (@corinnamilborn) Following  
@floranklenk wir sollten alle gemeinsam für die nächste legislaturperiode einen freedom of information act fordern. cc @KurtKuch

Kurt Kuch (@KurtKuch) Following  
@corinnamilborn @floranklenk Ja, das machen wir. btw: Ein Geheimnis bleibt jedenfalls unantastbar #Redaktionsgeheimnis

Josef Barth (@josefbarth) Following  
Passt! Amtsgeheimnis ade, #Transparenzgesetz her.  
#FOI @HubertSickinger  
@corinnamilborn @floranklenk  
@KurtKuch

# TRANSPARENZ GESETZ.AT

Wir wollen's wissen.

Team



**Josef Barth**  
*Bürger*



**Hubert Sickinger**  
*Politikwissenschaftler*



**Corinna Milborn**  
*Puls4*



**Florian Klenk**  
*Falter*



**Kurt Kuch**  
*News*



**Fin Hametner**  
*OnOn.at*



**Walter Geyer**  
*Ex-Staatsanwalt*



**Alfred Noll**  
*Rechtsanwalt*



**Domink Sinnreich**  
*Journalist*



**Tanja Malle**  
*Journalistin*



**Max Kronberger**  
*FH Wien*



**Sara Hassan**  
*Universität Wien*



**Catharina Felke**  
*Universität Wien*



**Andreas Krisch**  
*Datenschützer*



**Peter Parycek**  
*Donau-Uni Krems*

# TRANSPARENZ GESETZ.AT

Wir wollen's wissen.

**Kurz Sebastian, ÖVP**

**Ich bin für eine weitgehende Abschaffung der Amtsverschwiegenheit**

mit wenigen Ausnahmen wie dem Datenschutz von natürlichen Personen, Geschäfts- und Redaktionsgeheimnissen und dem Entscheidungsspielraum für die Verwaltung - etwa bei laufenden Ausschreibungen, die einer Interessensabwägung unterliegen

Ja

**Ich bin für ein einheitliches, umfassendes Transparenzgesetz für Bund, Länder und Gemeinden**

Mit den Vorbildern Hamburg und Kontrollorgan, das auch die erste Instanz für Beschwerdeverfahren ist

Ja

**Ich bin dafür, Unternehmen, die der Kontrolle des Bundes- oder der Landesrechnungshöfe unterliegen, in ein Transparenzgesetz einzubinden**

natürlich unter der Wahrung von persönlichem Datenschutz und Betriebs- und Geschäftsgeheimnissen

Ja

**Was ich zu diesem Thema unbedingt noch loswerden will:**

Die SPÖ hält das Amtsgeheimnis für eine antiquierte Einrichtung und nicht mehr für zeitgemäß. Das Amtsgeheimnis soll in Zukunft die Ausnahme und nicht die Regel sein. Durch ein modernes Informationsfreiheitsgesetz sollen alle öffentlichen Einrichtungen verpflichtet werden, interessante Informationen grundsätzlich zu veröffentlichen. Darüber hinaus können sich die Bürgerinnen und Bürger aber auch mit konkreten Fragen an diese Stellen wenden, die zu beantworten sind, wenn dadurch nicht die Sicherheitsinteressen des Staates gefährdet sind oder Datenschutzinteressen verletzt werden.

**Rudas Laura, Mag., SPÖ**

**Ich bin für eine weitgehende Abschaffung der Amtsverschwiegenheit**

mit wenigen Ausnahmen wie dem Datenschutz von natürlichen Personen, Geschäfts- und Redaktionsgeheimnissen und dem Entscheidungsspielraum für die Verwaltung - etwa bei laufenden Ausschreibungen, die einer Interessensabwägung unterliegen

Ja

**Ich bin für ein einheitliches, umfassendes Transparenzgesetz für Bund, Länder und Gemeinden**

Mit den Vorbildern Hamburg und Slowenien: Auskunftsrecht, Veröffentlichungspflicht für bestimmte Daten, Überwachung durch eigenes Kontrollorgan, das auch die erste Instanz für Beschwerdeverfahren ist

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wahlhelper.transparenzgesetz.at

## Transparenzumfrage

Was Österreichs Politiker zur Abschaffung des Amtsgeheimnis sagen.

Anfang Juli fragten wir alle Abgeordneten im Nationalrat und die ersten 10 (bei bestehenden) bzw 15 (bei Neuparteien) Bundes-Listenplätze nach ihrer Meinung zum Transparenzgesetz.

Mit Klick auf die Namen sehen sie die genauen Antworten.

Bitte beachten: teilweise waren die Listen zu dem Zeitpunkt nicht fix, oder Email-Addressen nicht recherchierbar.

Das verwendete Formular sehen Sie in der Spalte rechts

	dafür: 63	dagegen: 0	keine antwort / keine email: 179	Anmerkung
<b>SPÖ</b>	10 / 65			
Ablinger Sonja				
Rudas Laura				
Buchmayr Harry Rudolf				
Pendl Otto				
Steßl-Mühlbacher Sonja				
Kuzdas Hubert				
Maier Johann				
<b>ÖVP</b>	21 / 61			
Letterbichler Josef				
Klikovits Oswald				
Bartenstein Martin				
Hakl Karin				
Haubner Peter				
Grillitsch Fritz				
Hörl Franz				
<b>FPÖ</b>	2 / 42			
Jannach Harald				
Podgorschek Elmar				
Kickl Herbert				
Riemer Josef A.				
Winter Susanne				
Darmann Gernot				
Bösch Reinhard				
<b>GRÜNE</b>	17 / 27			
Schreuder Marco				
Brosz Dieter				
Bürstmayr Georg				
Moser Gabriela				
<b>NEOS</b>	2 / 15			
Strolz Matthias				
Schellhorn Sepp				
Scherak Niki				
Meinl-Reisinger Beate				
<b>PIRAT</b>	10 / 15			
Pacanda Philip				
Enenkel Tommi				
Klausner Lukas Daniel				
Föttinger Martin				

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the worst thing

2013

january: campaign start

february: state secretary agrees with us

the worst thing

2013

january: campaign start

february: state secretary agrees with us

late february: both coalition parties agree they want  
FOI

“we'll have a new law before summer break”

@fin

*the worst thing*

radio silence.

the worst thing

radio silence.  
rumours about drafts being prepared by coalition  
parties.

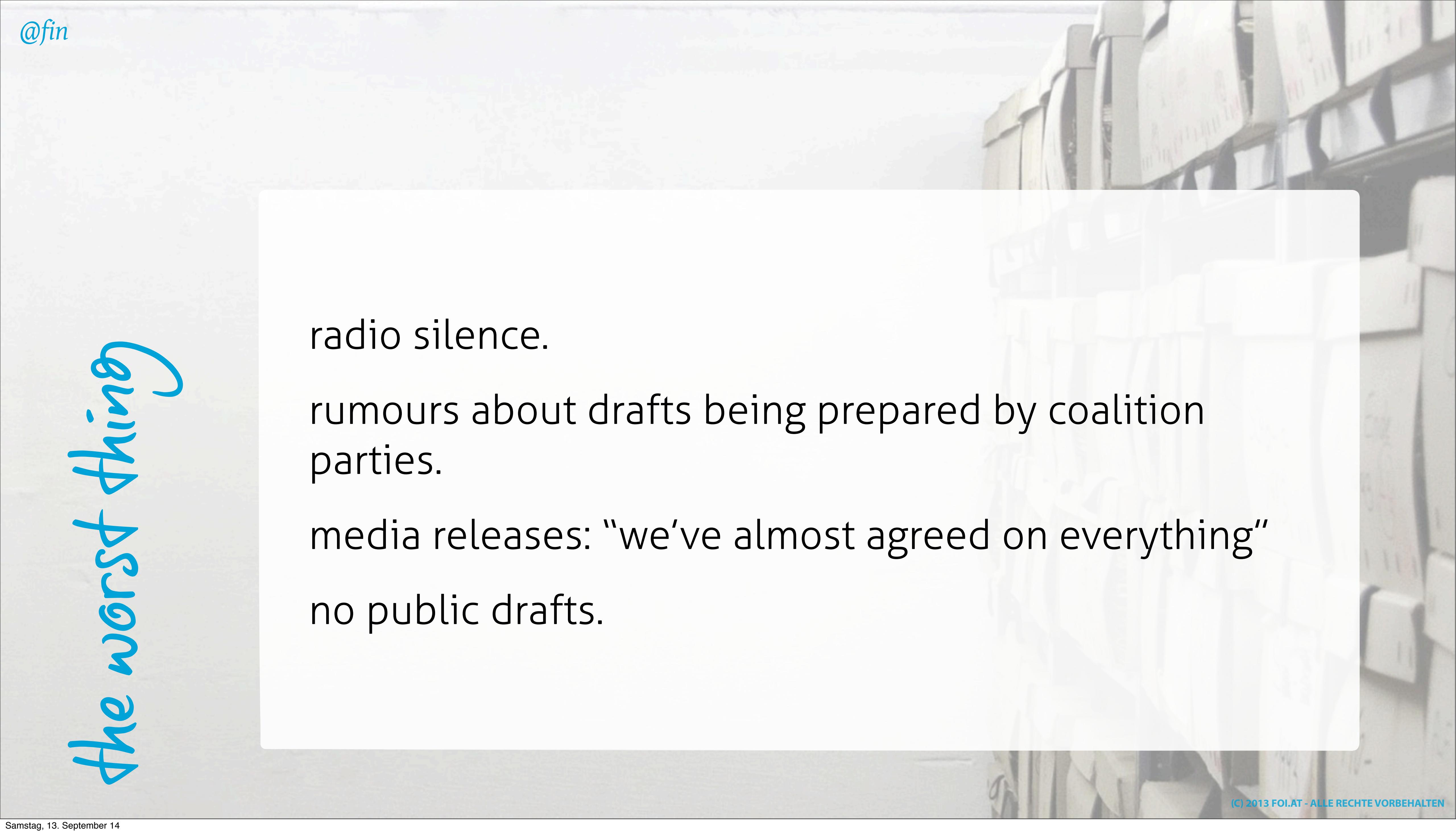
the worst thing

radio silence.

rumours about drafts being prepared by coalition parties.

media releases: “we’ve almost agreed on everything”

the worst thing



radio silence.  
rumours about drafts being prepared by coalition  
parties.  
media releases: “we’ve almost agreed on everything”  
no public drafts.

# the worst thing

radio silence.

rumours about drafts being prepared by coalition parties.

media releases: “we’ve almost agreed on everything”

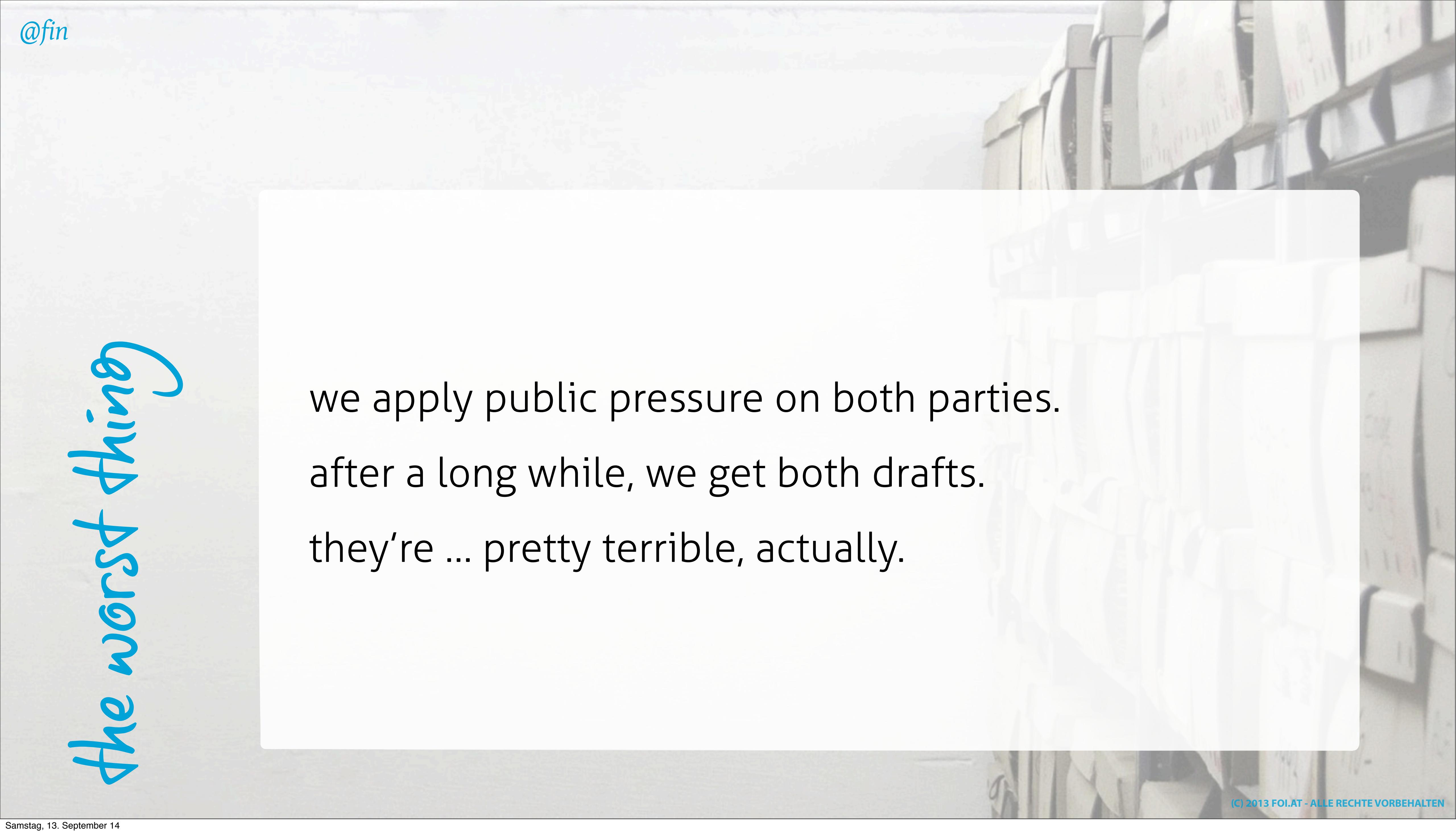
no public drafts.

day before summer break: no law introduced. no drafts published.

*the worst thing*

da fuq?

the worst thing



we apply public pressure on both parties.  
after a long while, we get both drafts.  
they're ... pretty terrible, actually.

the worst thing

we write our own counter-proposal (constitutional amendment), opposition proposes it in parliament in October 2013.

has not been discussed until now.

the worst thing

new coalition draft was published, hardly better.  
still not brought before parliament.

Goals

# Five goals for new FOI Laws

*Central FOI Commissioner*

*Central Website for Disclosures*

*Legal obligation for Public Bodies to publish*

*Access to Documents*

*Right to Information*

- (1) eurofighter kickback deal
- (2) eurofighter kickback deal secrecy provisions
- (3) right-wing ball, blockades through half the city

FOI Portals

WhatDoThey**Know**



Informationsfreiheit  
+  
**FragDenStaat.de**



if you've researched a security breach, you've used journalistic methods.

journalism is harder, you'll have to fight for your data.  
you game?

# civic hacking

make life easier for journalists and activists!  
run infrastructure like FOI portals, scrape public but unstructured data  
step on institutions' toes.  
it's fun.

web links:

[rti-rating.org](#) - comparison of FOI laws

[informationsfreiheit.at](#) - FOI campaign & NGO in .AT

[fragdenstaat.at](#) - FOI Portal

[github: stefanw/froide](#) - FOI Portal Opensource SW

[poverenik.rs](#) - Serbia Commissioner

thanks for indulging me. any questions?

i was fin.

<http://fin.io> / @fin

balcccon is awesome!