

## WHY ACCESS TO INFORMATION IS STILL A PROBLEM IN MOLDOVA

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### Introduction

Freedom of the press and the media goes hand in hand with freedom of speech and access to information, and all are granted to journalists and the public alike in a democratic society. However, in Moldova, national and international media organizations identify the restriction of access to information as one of the most significant problems that journalists and the media face.<sup>1</sup> Over the last 20 years, organizations like Freedom House and Reporters Without Borders have highlighted the limits on access to information—together with intimidation and attacks on journalists, internal disinformation and external propaganda, and political and oligarchic control of media regulators and outlets—as posing the biggest challenges to the work of journalists and the media in Moldova.<sup>2</sup>

Article 19 of the Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.”<sup>3</sup> Similarly, article 34 of the Constitution of the Republic of Moldova provides that the public right of access to information cannot be restricted, and public authorities are required to properly inform citizens.<sup>4</sup>

However, over the three decades of Moldova’s independence, access to information—or, rather, the restriction of this right—has been called out as one of the most pressing issues confronting the media, and by extension Moldovan citizens. Although certain laws have been adopted aiming to ensure the right of every citizen to request and receive information from public institutions, the available data shows there has been little improvement.<sup>5</sup> In 2017, half of all requests for information of public interest were ignored by public

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1 Freedom House, 2017 *Freedom of the Press*, <https://freedomhouse.org/report/freedom-press/2017/moldova>.

2 Reporters without Borders (RSF), 2019 *World Press Freedom Index: Media as weapons*, <https://rsf.org/en/moldova>.

3 *United Nations Universal Declaration of Human Rights*, [https://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf).

4 *The Constitution of the Republic of Moldova, Article 34: Right of Access to Information*, [http://www.constcourt.md/public/files/file/Actele%20Curtii/acte\\_en/MDA\\_Constitution\\_EN.pdf](http://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf).

5 Sorina Ștefârță and Irina Perciun, *Accesul la informație, fără „baricade”* (Access to information without barriers. Practical Guide for public servants and journalists), 2015, [http://media-azi.md/sites/default/files/ghid-Acces%20info-ro-web.pdf?fbclid=IwAR0uesOJmAsGs\\_iZez4q-boRjJlXxTdYGSQhNVmSkOBuWUeUvZ0-pr4imEDs](http://media-azi.md/sites/default/files/ghid-Acces%20info-ro-web.pdf?fbclid=IwAR0uesOJmAsGs_iZez4q-boRjJlXxTdYGSQhNVmSkOBuWUeUvZ0-pr4imEDs).



Source: <https://www.prosperity.com/globe/moldova>

authorities.<sup>6</sup> The main challenges for access to information have changed little over the past 20 years, and include the following: excessive oligarchization and politicization of the media sector; outdated legislation and bureaucratic systems; and the reluctance of authorities to provide information of public interest by supplying incomplete or confusing information, invoking the Law on Personal Data Protection, State, and Commercial Secrets; and imposing prohibitive fees for accessing information.<sup>7</sup>

### Politicization of media and restrictions to accessing information of public interest

Politicization and oligarchization of the media poses a major danger to media freedom, freedom of expression, and media pluralism in Moldova, and has directly led to restrictions on journalists' freedom of access to information.<sup>8</sup> It is well recorded that a majority of media outlets in Moldova are owned by either politicians or those close to them, who use their holdings to control the flow of information in the country.

Controlled by politicians or oligarchs, media outlets tend to report biased or ambiguous information in order to improve their owners' image and support their political agenda. This interference establishes a false agenda for media and the press, who have a fundamental obligation to provide the general public with objective and high-quality information.

This politicization also takes the form of media segregation, whereby some media outlets have privileged access to information from the state, while others are arbitrarily denied this access. Journalists and outlets are commonly denied access to public events and briefings held by state institutions, if that outlet is out of favor with the ruling party.<sup>9</sup> For example, in 2018–19, journalists from the channels Jurnal TV and TV8 were denied access to public conferences and events organized by the then-ruling Democratic Party (PDM). As justification, PDM representatives stated that journalists from these channels were barred due to the fact that they use foul language on the event premises and do not "present positive news".<sup>10</sup> On the other hand, media outlets owned or controlled by PDM and its former leader

- 6 Victoria Dodon and Cornelia Cozonac, "Ce informații țin în secret autoritățile" (What information do the authorities keep in secret?), CIJM, May 3, 2018, <https://www.investigatii.md/ro/investigatii/integritate/ce-informatii-tin-in-secret-autoritatile>.
- 7 *The Law no. 133 /2011 on the Protection of Personal Data*, <http://www.asp.gov.md/en/node/1305>.
- 8 "Jerzy Pomianowski: Oligarhizarea presei este cel mai mare pericol pentru libertatea cuvântului" (Jerzy Pomianowski: The oligarchization of the press is the greatest danger to freedom of speech), Media-Azi.md, December 11, 2015, <http://media-azi.md/ro/interviu/oligarhizarea-presei-este-cel-mai-mare-pericol-pentru-libertatea-cuv%C3%A2ntului>.
- 9 "Memorandum on the Freedom of the Press in the Republic of Moldova (3 May 2018–3 May 2019)," Independent Journalism Center (IJC), <http://media-azi.md/en/memorandum-freedom-press-republic-moldova-3-may-2018%E2%80%933-may-2019>.
- 10 Victoria Borodin, "(VIDEO) Candu dezvăluie de ce Jurnal TV și TV8 nu au acces la sediul PDM: „Înjură” și „nu prezintă știri pozitive” despre guvernare" (Candu reveals why Jurnal TV and TV8 do not have access to PDM headquarters: "Swear" and "do not present positive news" about the government), Cotidianul.md, October 26, 2018, <https://cotidianul.md/2018/10/26/video-candu-dezvaluie-de-ce-jurnal-tv-si-tv8-nu-au-acces-la-sediul-pdm-injura-si-nu-prezinta-stiri-pozitive-despre-guvernare/>.

Vladimir Plahotniuc were favored by the PDM government and had priority in covering events or information of public interest.<sup>11</sup> This tactic of excluding unfavorable media outlets has also been used by other political parties and politicians, including President Igor Dodon and his Party of Socialists of the Republic of Moldova (PSRM).<sup>12</sup>

## Obstacles to accessing information caused by inefficient legislation

Moldova's existing legal framework on access to information does not meet the needs of the current reality. The Law on Access to Information<sup>13</sup> was adopted by Parliament in 2000. Since then, the Law has only undergone minor technical changes, which did nothing to improve access to information in real terms.<sup>14</sup> In 2017–18, a group of civil society media organizations, media experts, lawyers, and international organizations drafted a comprehensive proposal of amendments to the Law, which successive governments have failed to pass.<sup>15</sup> This is due largely to a lack of political will,<sup>16</sup> as many officials have unexplained wealth and/or businesses registered to family members.<sup>17</sup> Reforming the Law on Access to Information would therefore open the door to unwelcome scrutiny by the media of their business affairs, luxury lifestyles, and official declarations of wealth and interests.

As it stands, the legal framework is crippled by several serious gaps and ambiguities. For example, there is no Media Registry or legal definition to designate which institutions may be considered media, or who can be a journalist. These ambiguities are used by government bodies to discriminate and deny information to those outlets and journalists the government refuses to count among "official" media. For example, online outlets are not recognized by the current legislation as media, meaning that the requests of these journalists are treated as requests from regular citizens. Therefore, public authorities can simply invoke the Law on Personal Data Protection and not provide the requested

information.<sup>18</sup> This is particularly concerning in the current era of data automation and digital transformation, when online media play a crucial role in swiftly delivering information of public interest and "breaking news." Without transparent regulation of online media, journalists are prevented from fulfilling their mission of objectively informing the public.

One of the most common issues reported, particularly by investigative journalists, is the lengthy and bureaucratic process of obtaining information of public interest. Journalists encounter excessively long delays when awaiting responses from state institutions. Whenever there is a need to verify information, ask for further details, or request a comment on subjects of public interest, journalists are required to submit a formal request to the authorities, after which they are obligated under law to wait for a period of up to 20 days. In cases where public bodies do respond to journalists' requests, they often provide information that constitutes a formal answer yet provides no additional clarity or value.<sup>19</sup>

Furthermore, since the law is ambiguous and leaves room for interpretation, state institutions may choose to classify media requests for information as "petitions,"<sup>20</sup> meaning the requests may be brought under the jurisdiction of the Law on Petitioning.<sup>21</sup> Accordingly, a petition must only be answered within 30 working days (approximately 45 calendar days). In the age of technology, such long delays can make news stories irrelevant, seriously hindering the media's efforts to deliver accurate and timely information of public interest. By contrast, in neighboring Romania, media requests for public information are usually responded to immediately or within 24 hours at the latest.<sup>22</sup>

This delay and other artificially imposed barriers to accessing information of public interest are even more problematic in view of the fact that, in a democracy, authorities are obligated to proactively share information

11 IJC, *Moldovan Press Status Index 2018 Report*, February 2019, <http://media-azi.md/en/moldovan-press-status-index-2018-report>.

12 Irina Soltan, "Aveți zapret: Șeful statului a organizat un eveniment unde a invitat reprezentanți mass-media și diplomați. Accesul, însă, este limitat (VIDEO)" ("You are banned": The head of state organized an event where he invited media representatives and diplomats. However, the access was limited), *Agora.md*, December 24, 2019, <https://agora.md/stiri/65155/aveti-zapret-Seful-statului-a-organizat-un-eveniment-unde-a-invitat-reprezentanti-mass-media-si-diplomati-accesul-insa-este-limitat-video>.

13 *Law no. 982/2000 on access to information*, *Monitorul Oficial*, July 28, 2000, [http://www.legis.md/cautare/getResults?doc\\_id=108552](http://www.legis.md/cautare/getResults?doc_id=108552).

14 Interview with Ion Bunduchi, media expert, director of Association of Electronic Press (APEL), January 20, 2020.

15 *Proposed draft law on amending the Law on access to information*, July 26, 2018, [http://media-azi.md/sites/default/files/290\\_2018\\_ro\\_.pdf](http://media-azi.md/sites/default/files/290_2018_ro_.pdf).

16 Tatiana Puiu, "În domeniul legislației media, se pare că în Moldova, 'amânarea viitorului' este posibilă" (In the field of media law, it seems that in Moldova 'delaying the future' is possible), *Media-Azi.md*, August 21, 2019, <http://media-azi.md/ro/stiri/%C3%AFn-domeniul-legisla%C8%9Biei-media-se-pare-c%C4%83-%C3%AFn-moldova-%E2%80%9Eam%C3%A2narea-viitorului%E2%80%9D-este-posibil%C4%83>.

17 Lilia Zaharia and Ovidiu Vanghele, "Bugetarii moldoveni cu vile în Borsec" (Moldovan civil servants with villas in Borsec), *CIJM*, September 21, 2016, <https://www.investigatii.md/ro/investigatii/integritate/bugetarii-moldoveni-cu-vile-in-borsec>.

18 Interview with Tatiana Puiu, Law Media Expert, National Coordinator, Freedom House Moldova, January 15, 2020.

19 Interview with Mariana Rață, TV8 Presenter, January 24, 2020.

20 Interview with Anastasia Nani, vice-director of Independent Journalism Center (IJC) Moldova, January 21, 2020.

21 *The Law on petitioning*, [http://www.legis.md/cautare/getResults?doc\\_id=88154](http://www.legis.md/cautare/getResults?doc_id=88154).

22 *Law on free access to information of public interest in Romania*, <http://legislatie.just.ro/Public/DetaliuDocument/31413>.

of public interest with citizens in a transparent way.<sup>23</sup> Nevertheless, the tendency of the state to avoid sharing such information publicly is deeply engrained in Moldova. The absurdity of the situation is perhaps best illustrated in the Moldovan Parliament, which fails to provide any public data on the voting records of Members of Parliament (MPs).<sup>24</sup> Moldovan citizens are therefore deprived of any basic mechanism by which to hold their MPs accountable, even when the matter pertains to the allocation of taxpayer funds. For example, in 2013 the Parliament spent over 13 million MDL (\$750,000) on an e-voting system installed in the Parliament building that remains unused to this day. The case was investigated by TV8 in 2018; however, when journalists requested a list of equipment purchased, authorities refused to provide the information, arguing that it could compromise the voting system.<sup>25</sup>

### Balancing information of public interest with the issue of personal data protection

Passed in 2007, the Law on Personal Data Protection appears at a glance to respect the privacy of all people in Moldova. Article 10 of the Law clearly notes that journalists are allowed to request personal data information if it is of public interest and used for “processing personal data exclusively for journalistic, artistic or literary purposes, if the information relates to public figures or the public nature of the actions they are involved in, under the Law of Freedom of Expression.”<sup>26</sup> Despite these stipulations, state bodies have abused the Law to justify refusals to provide information of public interest, stating that the information requested cannot be disclosed without the consent of the subject concerned. These restrictions have naturally caused major obstacles for Moldovan journalists in the course of their reporting.<sup>27</sup>

A battle between journalists and authorities over this issue began in 2016 when the online portal of the National Courts removed a feature allowing public searches of court decisions by defendant name. Publicly available court records were also edited to remove the names of relevant parties, replacing them with “xxx.” Judicial bodies justified these actions, arguing that the name of any individual is “personal data” and should therefore be omitted in publicly available court decisions.<sup>28</sup>

Investigative journalists were also concerned that they would lose access to the names of those individuals involved in corruption cases, illegal business affairs, and other important subjects of public interest. To illustrate, in 2016 the renowned investigative journalist Mariana Rață was accused of sharing private information about the former Police Commissioner as part of her journalistic investigation on the Commissioner’s unexplained wealth.<sup>29</sup> This legal intimidation attracted public attention, prompting protests and then the authorities gave up the accusations. Since that incident, such direct intimidation and interrogation of journalists has ceased; however, authorities have learned more subtle approaches to hindering journalistic investigations<sup>30</sup>—usually by refusing requests based on the Law on Personal Data Protection or by answering requests with nonsensical or misleading information.<sup>31</sup>

Journalists have argued that access to information of public interest is a collective right that, in the case of civil servants, should prevail over the right of personal data protection.<sup>32</sup> This position is upheld by international standards,<sup>33</sup> which support the principle that public servants are by default individuals of great public interest and should therefore assume that their records will be scrutinized by the media and the public.<sup>34</sup>

- 23 “Striking the Balance: Upholding the Seven Principles of Public Life in Regulation,” Committee on Standards in Public Life, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/554817/Striking\\_the\\_Balance\\_web\\_-\\_v3\\_220916.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/554817/Striking_the_Balance_web_-_v3_220916.pdf).
- 24 Dan Nicorici, “e-Parlament: cum deschidem legislativul pentru cetățeni” (e-Parliament: how we make it open for the citizens), Center for Policies and Reforms (CPR), <https://cpr.md/2019/11/05/e-parlament-cum-deschidem-legislativul-pentru-cetateni/>.
- 25 “(VIDEO) Bani în vânt. Sistemul de vot electronic procurat pentru Parlament, nefuncțional” (Money spent useless. The electronic voting system procured for Parliament, not functioning), TV8.md, October 10, 2018, <http://tv8.md/2018/10/10/video-bani-in-vant-sistemul-de-vot-electronic-procurat-pentru-parlament-nefunctional/>.
- 26 *The law on personal data protection*, Monitorul Oficial, October 14, 2011, [http://www.legis.md/cautare/getResults?doc\\_id=110544](http://www.legis.md/cautare/getResults?doc_id=110544).
- 27 Interview with Viorica Zaharia, media expert, president of Moldovan Press Council, January 17, 2020.
- 28 “Ministerul Justiției îngreșește accesul la informație” (Ministry of Justice restricts the access to information), *Jurnal de Chisinau*, February 26, 2020, <http://www.jc.md/ministerul-justitiei-ingredeste-accesul-la-informatie/>.
- 29 “Alarming pressures on journalists in Moldova: from intimidation to criminal trials,” Anticoruptie.md, January 24, 2017, <https://anticoruptie.md/en/news/alarming-pressure-on-journalists-in-moldova-from-intimidation-to-criminal-trials>.
- 30 Aliona Ciurcă, “În timp ce jurnaliștii protestează, CSM a aprobat Regulamentul privind modul de publicare hotărârilor judecătorești pe portalul instanțelor” (While journalists are protesting, the Superior Council of Magistracy approved the Regulation regarding the publication of court decisions on the National Courts’ Portal), ZDG.md, October 10, 2017, <https://www.zdg.md/stiri/stiri-justitie/in-timp-ce-jurnalistii-protesteaza-csm-a-aprobat-regulamentul-privind-modul-de-publicare-hotararilor-judecatoresti-pe-portalul-instanelor>.
- 31 Interview with Sergiu Litvinenco, Member of Parliament, Member of Parliamentary Legal Committee for appointments and immunities, January 19, 2020.
- 32 Interview with Dumitru Țîra, Media Business and Content Expert, January 20, 2020.
- 33 For example, the European Court of Human Rights noted, in its decision on Flux v. Moldova, that politicians must consciously accept the verification of their “facts,” and as a result, they must show more tolerance for criticism and scrutiny—the basic elements of working democracies around the world.
- 34 Cornelia Cozonac, “Dreptul la viața privată” (The right on private life), RFE/RL, October 3, 2016, <https://moldova.europalibera.org/a/28031485.html>.

## Access to information of public interest is expensive

One of the greatest challenges that journalists face is the exorbitant fees charged to access public information or data, as stipulated in the provisions of Article 20 of the Law on Access to Information.<sup>35</sup>

Before examining the issue of fees, it is important to understand the legislative roots of the problem, including the Law's confusing terminology, namely, the incorrect and outdated use of the term "official information." Moldovan legislation defines this term to mean "all information in possession of or available to information providers, which was prepared, selected, processed, systematized and/or adopted by official bodies or officials or made available to them under the law by other legal entities."<sup>36</sup> However, the appropriate term should be "information of public interest" or "public information," defined in Romanian law to mean "any information which refers to activities or results from activities of a public authority or public institution regardless of the medium or form, or the way of expressing information."<sup>37</sup> Classifying requests under "official information" rather than "public information" allows Moldovan state bodies to conveniently justify refusals to provide information by classifying it as a state or commercial secret.

If a journalist somehow manages to bypass the ambiguity of "official information," the subject of fees becomes the next obstacle in his path. The Law on Access to Information allows state institutions to charge fees to cover the real costs incurred when responding to requests for information.<sup>38</sup> However, the Law's provisions are exceedingly general, leaving room for interpretation. Representative bodies or public institutions may

independently determine fee amounts, which are often prohibitively expensive for media outlets. Public institutions also argue that the fees charged for information extracted from public databases cover the maintenance of those systems. However, the fees imposed are at least double the costs of any actual maintenance needs.<sup>39</sup>

For example, in February 2018, the investigative newspaper Ziarul de Gardă made a request to the Public Services Agency (ASP) to provide information on the activity of certain economic agents. The cost of the information provided was "896 lei for six pages and some notes" (around \$50), too high for an independent media outlet in Moldova to afford, especially since the real cost of printing and compiling six pages would be far less.<sup>40</sup> And yet, when investigating real corruption or illegal wealth obtained, hundreds of such documents are often required by the journalist, making such investigations very expensive.

At a more basic level, it is illogical that fees should be charged at all for public information by virtue of the simple fact that such information is public and has already been paid for through various other fees and taxes.<sup>41</sup> Funded by taxpayer money, this information is a public asset belonging to everyone, and its availability should by nature be unconditional and unrestricted.<sup>42</sup> Establishing a fee for information of public interest (including database maintenance) is therefore nothing short of intentionally limiting or restricting access to information.<sup>43</sup>

In September 2019, the Prime Minister Maia Sandu's reformist government recognized the importance of this issue by drafting a law aiming to exempt media outlets from paying fees for obtaining information of public interest.<sup>44</sup> While the decision was welcomed by the media community, the initiative was not passed before the dismissal of the Sandu government on November 12, 2019.<sup>45</sup>

35 Paragraph two of this article stipulates, "The amount of fees shall not exceed the amount of costs incurred by the provider for making copies, their dispatch to the requestor and/or the translation upon requestor's demand," *Law no. 982/2000 on access to information*, Monitorul Oficial, July 28, 2000, [http://www.legis.md/cautare/getResults?doc\\_id=108552](http://www.legis.md/cautare/getResults?doc_id=108552).

36 *Law no. 982/2000 on access to information*, Monitorul Oficial, July 28, 2000, [http://www.legis.md/cautare/getResults?doc\\_id=108552](http://www.legis.md/cautare/getResults?doc_id=108552).

37 Interview with Ion Bunduchi, media expert, director of Association of Electronic Press (APEL), January 20, 2020.

38 Interview with Sergiu Litvinenco, Member of Parliament, Member of Parliamentary Legal Committee for appointments and immunities, January 18, 2020.

39 Alina Radu, "Cât costă accesul la informații? În ani și în bani" (How much does access to information cost? In years and in money), Media-AZI.md, September 11, 2019, <http://media-azi.md/ro/stiri/c%C3%A2-cost%C4%83-accesul-la-informa%C8%9Bii-%C3%AEn-ani-%C8%99i-%C3%AEn-bani>.

40 Anatolie Eșanu, "Cât îi costă pe jurnaliști, în timp și bani, accesul la informație" (How much money and time costs journalists access to information?), ZDG.md, February 22, 2018, <https://www.zdg.md/editia-print/editoriale/cat-ii-costa-pe-jurnalisti-in-timp-si-bani-accesul-la-informatie>.

41 "Ghid practic privind accesarea informației de interes public" (Practical guide on accessing information of public interest), Center for Policies and Reforms (CPR), <https://cpr.md/ghid-practic-privind-accesarea-informatiei-de-interes-public/>.

42 Interview with Sergiu Bozianu, chair of the NGO "Privacy Research Association" and former head of Compliance Directorate, Deputy Head of General Supervision and Compliance Directorate, National Center for Personal Data Protection of the Republic of Moldova, January 17, 2020.

43 "Cum statul îngreșește presei accesul la informația de interes public?" (How does the state impede the access to information of public interest to the press?), Center for Policies and Reforms (CPR), <https://cpr.md/2017/08/15/cum-statul-ingredeste-presei-accesul-la-informatia-de-interes-public/>.

44 "Jurnaliștii vor obține acces gratuit la mai multe baze de date. Condiția: Să se înregistreze în calitate de operator de prelucrare a datelor personale" (Journalists will get free access to several databases. The condition: To register as a personal data processing operator), Agora.md, September 5, 2019, <https://agora.md/stiri/61275/jurnalistii-vor-obtine-acces-gratuit-la-mai-multe-baze-de-date-conditia-sa-se-inregistreze-in-calitate-de-operator-de-prelucrare-a-datelor-personale>.

45 Interview with Anastasia Nani, vice-director of Independent Journalism Center (IJC) Moldova, January 21, 2020.

## Conclusions and recommendations

Access to information of public interest is recognized as an important human right and a tool to improve democratic governance. It bolsters public participation, accountability of public authorities, and public trust in decision-making. In order to further these goals, the Moldovan government should take the following steps:

### Urgently update the legal framework.

To meet today's reality, the Moldovan government must act in the best interest of citizens and overcome political obstacles to update the Law on Access to Information. In particular, the government should adopt and enforce the implementation of the comprehensive proposal<sup>46</sup> developed by independent media experts and civil society organizations for amending the Law and complementary legislation. The updated Law would:

- Clarify the operational rules for all types of media, including online media;
- Envisage the creation of a Media Registry to efficiently manage how (and to whom) requests for information of public interest are granted;
- Expedite the provision of information of public interest to media representatives; and
- Eliminate fees for media for accessing information that is already stored in electronic databases paid for by taxpayer funds.

### Impose stricter penalties and consequences for violations.

As part of the updated legal framework regarding access to information, institutions that fail or refuse to provide information of public interest should themselves be liable to receive significant fines. If violations are repeated, the responsible civil servants should be singled out and held accountable. Creating precedents by which institutions are officially prosecuted for refusing to provide information of public interest could also help to improve the status quo.

Civil society organizations in Moldova already play an important role in fighting restrictions on access to information. For example, the Independent Journalism Center (IJC) launched an awareness campaign<sup>47</sup> that condemns the public authorities' artificial barriers to obtaining access to information. Lawyers for Human Rights (LHR) also conducts strategic litigation against

state bodies to produce legal precedents that cause systemic changes in how access to information cases are handled at the judicial level.<sup>48</sup> **Civil society** can continue to support access to information of public interest by focusing on the following:

### Educate public authorities and boost transparency.

Through continuous education, public authorities should be instructed on approaches for balancing the right to information of public interest with that of personal data protection. In particular, public servants should be aware of:

- The inadmissibility of using the pretext of personal data protection for refusing to respond to requests for information of public interest;
- The fact that public servants serve citizens and are accountable for the responsible use of public funds, including regarding the right to access information of public interest; and
- The legitimate and valuable role of journalists and the media in requesting public information and reporting it to the public.

### Educate the public.

Civil society organizations should engage more with the public to raise awareness of their constitutional right to information, and citizens should be encouraged to demand access to information stored in electronic databases, which are created and maintained with public funds. Citizens should also understand the valuable role of the media to share information with the Moldovan people about the detrimental effects of corruption and expose those involved in corrupt practices.

46 The draft law for amending and completing some legislative acts (Law on access to information - art.2, 3, 4, etc.; Law on freedom of expression - art.2, 4'1; etc.), <http://bit.ly/2T4QHBS>

47 "Spot video // Jurnaliștii, către demnitari și funcționari: „Nu mai ignorați solicitările de informație. Cetățenii care vă plătesc salarii au nevoie de acestea!” (Video Spot // Journalists to Officials and Civil Servants: “Stop Ignoring the Requests for Information. The Citizens Who Pay Your Salaries Need It!”), Media-Azi.md, September 4, 2018, <http://media-azi.md/en/stiri/video-spot-journalists-officials-and-civil-servants-%E2%80%98stop-ignoring-requests-information>.

48 Litigation of 15 strategic cases, Lawyers for Human Rights (LHR), <https://www.lhr.md/ro/litigare-strategica/juristii-si-freedom-house-litigare-strategica/>.



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