

## **THE AFC'S FREEDOM OF INFORMATION BILL OF 2006**

It has now been almost two months since the President of Guyana made the announcement at the 5<sup>th</sup> Summit of the Americas that his government would table a Freedom of Information Bill in the National Assembly. Though we have heard nothing else since this ground breaking announcement, we presume that everything is on schedule and that the much anticipated Bill will be presented in a few days time.

However, the AFC has pointed out that there is no need for there to be a new Bill introduced because one has been presented by us since 2006, The support for its passage into law has already been indicated by the PNCR and the GAP/ROAR opposition parliamentary parties. The missing national stakeholder is the PPP/C who we continue to urge to join the cause by supporting the AFC's Bill. If on the other hand it wants to have its own Bill then we will welcome the move because the legislation is very important to the strengthening democracy and good governance in Guyana.

In the interest of publicly educating the citizens as to the various features of the Bill we discuss briefly other clauses.

### **Protection Against Being Sued For Defamation**

Clause 38 of the Bill seeks to protect those who are required by law to provide information from being sued for defamation over the contents of those documents. There is a presumption that the person producing the document has acted in good faith and with the belief that the document was given in accordance with the law. In this regard therefore

“(a) no action for defamation, breach of confidence or infringement of copyright may be brought against the public authority or against the responsible Minister, or an officer or employee of the public authority as a result of giving access;

(b) no action for defamation or breach of confidence may be brought, in respect of any publication involved in the giving of access by the public authority, against-

(1) the author of the document; or

(2) any person as a result of that person having supplied the document or the information contained in it to the public authority;

(c) no person shall be guilty of an offence by reason only of having authorized, or having been involved in the giving of the access.”