

'Keeping the Bastards Honest' – The Promise and Practice of Freedom of Information Legislation



This thesis is presented for the degree of Doctor of Philosophy of Murdoch University in 2006

Johan Lidberg, MA Journalism

I declare that this thesis is my own account of my research and contains as its main content work which has not previously been submitted for a degree at any tertiary education institution

Johan Lidberg

Abstract

In the last decade the number of countries that have enacted Freedom of Information (FOI) laws have increased dramatically. In many respects FOI laws have become a democratic 'right of passage'. No FOI, no 'proper' democracy.

The promises of FOI regimes are far-reaching: access to personal information and increased transparency in the form of third-party independent access to government-held information will prevent corruption and maladministration and encourage the public to participate more fully in the political process. But are the promises borne out by the practice of FOI?

To answer this question this thesis will track a number of real-life FOI requests in five countries. Based on this and other data this project will lay the foundation for the first International Freedom of Information Index, ranking five countries on how their FOI regimes deliver on the promises made. Included in the ranking will also be an evaluation of the legal situation for media whistleblowers and shield laws for journalists.

The thesis will show that it is easier to promise information access than to implement it. It will demonstrate that for most of the countries of study FOI laws serve more as a PR tool projecting an illusion of an informed public, rather than granting real independent access to quality information.

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