[DE] BVerwG Rules on Scope of Freedom of Information Act

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On 3 November 2011, the Bundesverwaltungsgericht (Federal Administrative Court - BVerwG) decided that the Informationsfreiheitsgesetz (Freedom of Information Act - IFG) applies, in principle, to all activities of the federal ministries.

In the case at hand, the plaintiffs demanded access to certain documents of the Bundesjustizministerium (Federal Ministry of Justice - BMJ): firstly, internal submissions to the Minister in connection with the investigation into the possible need to reform the law on parent-child relations and, secondly, BMJ statements to the Petitions Committee of the Bundestag concerning the rehabilitation of the victims of the land reform in the Soviet occupation zone. The lower-instance court (OVG Berlin-Brandenburg) had upheld these claims.

The BVerwG rejected the appeals lodged against these rulings, stating that the BMJ was a federal authority obliged to provide access to information under Article 1 IFG. The IFG did not distinguish between an authority's governmental and administrative activities; such a differentiation would run counter to the purpose of the Act. The fact that the BMJ's statement had been submitted to the Petitions Committee in accordance with a constitutional obligation was irrelevant. There were no obvious grounds to refuse access to the requested information (Art. 3 et seq.), including the protection of confidentiality.

Pressemitteilung des BVerwG zu den Urteilen vom 3. November 2011 (BVerwG 7 C 3.11, BVerwG 7 C 4.11)

http://www.bundesverwaltungsgericht.de/enid/70998336d85036d4d3aa9f9e9e777026,1f03757365617263685f646973706c6179436f6e7461696e6572092d093133393439093a095f7472636964092d093133333430/Pressemitteilungen/Pressemitteilung_9d.html

BVerwG press release on the rulings of 3 November 2011 (BVerwG 7 C 3.11, BVerwG 7 C 4.11)

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