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## REVISED DECLARATION ON PARLIAMENTARY OPENNESS\*

(Simulation sessions of the 11<sup>th</sup> and the 17<sup>th</sup> July 2018)

Jean Monnet Module 2017-2019 (575392-EPP-1-2016-1-IT-EPPJMO-MODULE)  
on “Parliamentary accountability and technical expertise: budgetary powers, information and communication technologies and elections (PATEU)”, 2<sup>nd</sup> edition

“Parliamentary Accountability and New Technologies:  
Transparency, Privacy and Security Challenges”

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### Revised text (in bold)

#### *Preamble*

WHEREAS inclusive, accountable, accessible and responsive parliaments and legislative institutions are the key to democratization because of their constitutional responsibilities to enact legislation, represent citizens and oversee executive policy implementation and performance, and reflect citizen interests;

**WHEREAS the understanding of parliaments should encompass national, supra-national, sub-national, as well as local assemblies;**

WHEREAS parliamentary openness enables citizens to be informed about the work of parliament, empowers citizens to engage in the legislative process, allows citizens to hold parliamentarians to account and ensures that citizens’ interests are represented;

WHEREAS the rights of citizens to participate in governance and access parliamentary information are established in international human rights frameworks and in international benchmarks and norms for democratic parliaments adopted by the international parliamentary community; and whereas international institutions have laid a strong foundation for openness online;

**WHEREAS citizens should have access to documents of parliamentary institutions on the grounds of a public or private interest governing this right of access to documents;**

WHEREAS the onset of the digital era has altered fundamentally the context for public usage of parliamentary information and the expectations of citizens for good governance, and whereas emerging technology is empowering analysis and reuse of parliamentary



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information with enormous promise to build shared knowledge and inform representative democracy.

WHEREAS variations in traditions, **languages, national constitutional requirements**, experience, resources and context may influence the approach parliament takes to improving openness, they do not undermine the importance of improving parliamentary openness and transparency;

WHEREAS the need for parliamentary openness is complemented by the need for broader governmental openness and whereas many governments are collaborating with civil society through such initiatives as the Open Government Partnership to develop monitorable commitments to achieve more transparent, effective and accountable governments;

WHEREAS a growing number of civil society parliamentary monitoring and support organizations seek to play a meaningful and collaborative role in strengthening the democratic accountability of parliaments and require access to parliamentary information to play this role effectively, and whereas there are numerous precedents for strong collaboration between parliaments and parliamentary monitoring organizations (PMOs) that can inform efforts for greater openness of parliamentary information;

THEREFORE, representatives of the PMO community have developed and pledge to advance the following principles of parliamentary openness.

### *Promoting a Culture of Openness*

#### *1. Recognizing Public Ownership of Parliamentary Information*

Parliamentary information belongs to the public; citizens should be allowed to reuse and republish parliamentary information, in whole or in part. Any exceptions or restrictions to this principle shall be narrowly defined by law **and take into account the principles of effectiveness and proportionality of information disclosure, without compromising the protection of parliamentary opposition and minorities.**

#### *2. Advancing a Culture of Openness through Legislation*

Parliament has a duty to enact legislation, as well as internal rules of procedure and codes of conduct, that foster an enabling environment guaranteeing the public's right to government and parliamentary information, promoting a culture of open government, providing for transparency of political finance, safeguards freedoms of expression and assembly, and ensuring engagement by civil society and citizens in the legislative process.

#### *3. Protecting a Culture of Openness through Oversight*

In fulfilling its oversight function, parliament shall guarantee that laws ensuring government openness are implemented effectively, that the government acts in a fully transparent manner, and that government also works to promote a culture of openness.

#### *4. Promoting Civic Education*



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Parliament has a responsibility to actively promote civic education of the public, particularly youth, by promoting understanding of parliament's rules and procedures, parliament's work, and the role of parliament and its members.

#### *5. Engaging Citizens and Civil Society*

Parliament has a duty to actively engage citizens and civil society, without discrimination, in parliamentary processes and decision-making in order to effectively represent citizen interests and to give effect to the right of citizens to petition their government. **Civic participation should be integrated into the parliamentary procedures, enabling citizens to engage also at the pre-legislative and the post-legislative stages.**

#### *6. Protecting an Independent Civil Society*

Parliament has a duty to support measures to ensure that civil society organizations are able to operate freely and without restriction.

#### *7. Enabling Effective Parliamentary Monitoring*

Parliament shall recognize the right and duty of civil society, media, and the general public to monitor parliament and parliamentarians. Parliament shall engage in consultations with the general public and civil society organizations that monitor parliament to encourage effective monitoring and reduce barriers in accessing parliamentary information.

#### *8. Sharing Good Practice*

Parliament shall actively participate in international and regional exchanges of good practice with other parliaments and with civil society organizations to increase the openness and transparency of parliamentary information, improve the use of information and communication technologies, and strengthen adherence to democratic principles.

#### *9. Ensuring Legal Recourse*

Parliament shall enact legislation to ensure that citizens have effective access to legal or judicial recourse in instances where citizens' access to government or parliamentary information is in dispute.

**Requests coming from opposition politicians and minorities groups should be handled with special attention to guarantee the parliamentary transparency and openness are to all.**

#### *10. Disseminating Complete Information*

Parliamentary information available to the public shall be as complete as possible, reflecting the entirety of parliamentary action, subject only to narrowly and precisely defined exceptions.

#### *11. Providing Timely Information*

Parliamentary information shall be provided to the public in a timely manner. As a general rule, information shall be provided in real time. To the extent that doing so is impossible, parliamentary information shall be released publicly as quickly as it is available internally.



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### *12. Ensuring Accurate Information*

Parliament shall ensure a process to retain authoritative records and guarantee that the information it releases to the public is accurate. **Legal remedies against inaccurate parliamentary information shall be provided.**

### *Making Parliamentary Information Transparent*

#### *13. Adopting Policies on Parliamentary Transparency*

Parliament shall adopt policies that ensure the proactive dissemination of parliamentary information, including policies regarding the formats in which this information will be published. Parliamentary transparency policies shall be publicly available and shall specify terms for their periodic review to take advantage of technological innovations and evolving good practices. Where parliament may not have the immediate capacity to publish comprehensive parliamentary information, parliament should develop partnerships with civil society to ensure broad public access to parliamentary information.

#### *14. Providing Information on Parliament's Roles and Functions*

Parliament shall make available information about its constitutional role, structure, functions, internal rules, administrative procedures and workflow, as well as the same information for its committees.

#### *15. Providing Information on Members of Parliament*

Parliament shall provide sufficient and regularly updated information for citizens to understand a member's credentials, party affiliation, electoral mandate, roles in parliament, attendance, identities of personal staff, and any other information members wish to divulge about themselves and their credentials. Working contact information for the parliamentary and constituency offices of members shall also be available to the public.

#### *16. Providing Information on Parliamentary Staff and Administration*

Parliament shall make available information about its administrative functioning and the structure of parliamentary staff that manage and administer parliamentary processes. Contact information for staff responsible for providing information to the public should be publicly available.

#### *17. Informing Citizens regarding the Parliamentary Agenda*

Documentation relating to the scheduling of parliamentary business shall be provided to the public, including the session calendar, information regarding scheduled votes, the order of business and the schedule of committee hearings. Except in rare instances involving urgent legislation, parliament shall provide sufficient advance notice to allow the public and civil society to provide input to members regarding items under consideration.

#### *18. Engaging Citizens on Draft Legislation*



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Draft legislation shall be made public and published upon its introduction. Recognizing the need for citizens to be fully informed, **and involved through direct or participatory democratic tools to contribute about** and provide input into items under consideration, parliament shall seek to provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about the proposed legislation **by, for example, using e-Petitions which will enhance the participation of citizens in the legislative process. The threshold in this case shall be a percentage on the basis of the voting-age population of the Member State. It shall be mandatory for the legislator to link back how they valued this input of citizens. If the petition does not intend to follow up on the petition, there shall be a clear declaration on the point (this issue is a matter of national security/national interest in order to not decline citizens' trust in parliaments).**

#### *19. Publishing Records of Committee Proceedings*

Reports of committee proceedings, including documents created and received, testimony of witnesses at public hearings, transcripts, and records of committee actions, shall promptly be made public.

#### *20. Recording Parliamentary Votes*

To ensure members' accountability to their constituents for their voting behavior, parliament shall minimize the use of voice voting in plenary and shall use roll call or electronic voting in most cases, maintaining and making available to the public a record of the voting behavior of individual members in plenary and in committees. Similarly, parliament shall minimize the use of proxy voting and ensure that it does not undermine norms of transparency and democratic accountability.

#### *21. Publishing Records of Plenary Proceedings*

Parliament shall create, maintain and publish readily accessible records of its plenary proceedings, preferably in the form of audio or video recordings, hosted online in a permanent location, as well as in the form of a written transcript or Hansard.

#### *22. Publishing Reports Created by or Provided to Parliament*

All reports created by parliament or that are requested or required to be submitted to parliament, its offices, or committees, shall be made public in their entirety, except in narrowly defined circumstances identified by law, **and in due consideration of the subject matter under discussion.**

#### *23. Providing Information on the Budget and Expenditures*

Parliament has a responsibility to make public comprehensive, detailed, and easily understandable information about the national budget and public expenditures, including past, current, and projected revenues and expenditures. Similarly, parliament has a duty to publish information regarding the parliament's own budget, including information about its own budget execution and bids and contracts. This information shall be made public in



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its entirety, using a consistent taxonomy, along with plain language summaries, explanations or reports that help promote citizen understanding.

#### *24. Disclosing Assets and Ensuring the Integrity of Members*

Parliament shall make available sufficient information to allow citizens to make informed judgments regarding the integrity and probity of individual members, including information on members' asset disclosures, their parliamentary expenses, and their non-parliamentary income, including interest, dividends, lease payments or other in-kind benefits.

#### *25. Disclosing Information on Unethical Conduct and Potential Conflicts of Interest*

Parliament shall enact clearly defined rules to ensure disclosure of information necessary to protect against actual or perceived conflicts of interest and ethical violations, including relevant information about members' interactions with lobbyists and pressure groups. Parliament shall also make public information on the final results of any judicial or parliamentary investigations into charges of unethical behavior, conflicts of interest or corruption.

#### *26. Providing Access to Historical Information*

Parliamentary information for prior sessions shall be digitized and made available to citizens in perpetuity for reuse free of legal restrictions or fees. To the extent a parliament cannot digitize and make available its own information, it shall work with outside organizations to facilitate public dissemination of parliamentary information without restriction. Parliament shall provide the public access to a parliamentary library in order to allow members and the public the ability to access historical parliamentary information.

#### *Easing Access to Parliamentary Information*

#### *27. Providing Multiple Channels for Accessing Information*

Parliament shall provide access to information about its work through multiple channels; including first-person observation, print media, radio and television broadcasts, and Internet and mobile device technology.

Parliaments shall acknowledge access to information as a fundamental right, also based on supranational and international Treaties, including Article 15 of the TFEU and Article 10 of the ECHR, for the Contracting Parties, and in light of the well-established case law of the European Court of Human Rights.

#### *28. Ensuring Physical Access*

Parliament and its plenary sessions shall be physically accessible and open to all citizens, subject only to demonstrable public safety and space limitations.

#### *29. Guaranteeing Access by the Media*



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Parliament shall ensure that the media and independent observers are given full access to parliamentary proceedings; the criteria and process for providing media access shall be clearly defined and publicly available.

#### *30. Providing Live and On-Demand Broadcasts and Streaming*

Efforts shall be made to provide citizens with real-time and on-demand archival access to parliamentary proceedings through radio, television and the Internet.

#### *31. Facilitating Access throughout the Country*

To the extent possible, access to parliamentary information shall not be restricted by geographic barriers. Although the use of parliamentary websites facilitates access to parliamentary information without geographic restriction, in countries where Internet access and usage is limited, parliament shall seek other means of ensuring public access to parliamentary information throughout the country.

#### *32. Using Plain Language*

Parliament shall ensure that legal or technical language does not serve as a barrier to citizens seeking to access parliamentary information. While recognizing the necessity of using precise language in writing laws, parliament has a duty to develop plain language summaries and similar tools to make parliamentary information readily available and understandable to members and citizens with diverse backgrounds and expertise.

**For each legislative procedure, the Parliament shall elaborate briefing materials in order to make the substance of the legislation to be passed more understandable for non-legally trained citizens.**

#### *33. Using Multiple National or Working Languages*

Where the constitution or parliamentary rules provide for the use of multiple national or working languages in parliament, parliament shall make every reasonable effort to provide for the simultaneous interpretation of proceedings and rapid translation of the parliamentary record.

#### *34. Granting Free Access*

Parliamentary information shall be available to citizens for unrestricted access, reuse and sharing free of charge.

### *Enabling Electronic Communication of Parliamentary Information*

#### *35. Providing Information in Open and Structured Formats*

Parliamentary information shall be compiled and released in an open and structured format, such as structured XML, that can be read and processed by computers, so that parliamentary information can be easily reused and analyzed by citizens, civil society, the private sector and government.



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#### *36. Ensuring Technological Usability*

Parliament shall ensure technological usability of parliamentary information by providing clear instructions for the use of any online databases or tools that enable citizens to retrieve parliamentary information from the parliamentary website. To the extent parliament provides a user interface, it shall use best practices to improve its usability.

#### *37. Protecting Citizen Privacy*

Parliamentary websites shall have a clear and concise privacy policy to let citizens know how their personal information is being used. Parliament shall not employ membership or registration requirements that restrict public access to information on parliamentary websites or permit the tracking of personally identifiable information without explicit consent.

#### *38. Using Non-Proprietary Formats and Open-Source Software*

Parliament shall give preference to the release of digital information in non-proprietary and open formats, and the use of free and open-source software applications.

#### *39. Allowing Downloadability for Reuse*

Parliamentary information shall be easily downloadable, in bulk and in well-documented formats to allow for easy reuse of the information.

#### *40. Maintaining Parliamentary Websites*

Even in countries with limited Internet usage, the maintenance and regular updating of a comprehensive parliamentary website is a vital aspect of parliamentary openness in the modern, interconnected world. Parliament shall ensure that parliamentary information is available in electronic format and shall regard online dissemination as an essential means of communication.

#### *41. Using Easy and Stable Search Mechanisms*

Parliament shall make it as easy as possible for citizens to quickly find desired parliamentary information by creating databases enabling both simple and complex searches through the use of appropriate metadata. Information shall be available in a location that remains constant over time, for instance, on a webpage with a persistent URL.

#### *42. Linking Related Information*

Parliament shall seek to improve the ability of citizens to find relevant parliamentary information by linking parliamentary information to other related information, for example, by linking references in a bill history to earlier versions of the legislation, to relevant committee reports, to expert testimony, to sponsored amendments and to the portions of the Hansard that contain the record of parliamentary debate on the relevant piece of legislation.

#### *43. Enabling Use of Alert Services*





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Where possible, parliament shall provide citizens the ability to subscribe to services to alert them to certain categories of parliamentary actions through the use of email, SMS text messaging, or other technologies.

*44. Facilitating Two-Way Communication*

Parliament shall endeavor to use interactive technology tools to foster the ability of citizens to provide meaningful input on legislation and parliamentary activity and to facilitate communication with members or parliamentary staff.

**45. Providing Trust, Assurance and Authenticity for materials generated electronically.** Parliaments shall use secure technologies such as e-signatures, e-seals, e-stamps to create tamper-secure electronic documents, recordings and videos that are published and archived. This is aimed to protect the authenticity of the output generated by the Parliament.

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**\* N.B. some of the participants in the Jean Monnet Module highlighted the need to fine-tune the Declaration on Parliamentary Openness for the specific European context, by providing higher standard of parliamentary transparency and protection of citizens' rights, thereby including references to EU Treaties and EU Legislation (e.g. the EU General Data Protection Regulation), to the European Convention on Human Rights, to the Court of Justice of the EU and the European Court of Human Rights case law.**