

NATIONAL AUTHORITY FOR TRANSPARENCY AND ACCESS TO INFORMATION

TRANSPARENT GOVERNANCE

The role of ANTAI



GOBIERNO NACIONAL

REPÚBLICA DE PANAMÁ

The concept of transparency

- One of the main ethical values that all public officials should hold in the exercise of their function
- A fundamental mechanism of public enforcement and responsibility of public services toward society
- **PUBLIC ADMINISTRATION: TO BE, LOOK AND ACT TRANSPARENT**

CONCEPTS RELATED TO TRANSPARENCY

- **Right to access to information:** a concept closely linked to transparency. It refers to the active actor that informs and to the passive actor or receptor that receives information of public interest. A fundamental right enshrined in Article 43 of the Constitution and in the Law 6, January 22nd, 2002
- **Accountability:** all citizens have the right to examine in detail the performance of public officials (how they work and how they manage public funds). Article 280 of the Constitution and of the Law 32, 1984 on the “Comptroller General of the Republic”.

- **Public Ethics:** ethical and moral norms and principles that shall guide the behaviors of public servants of all entities (Executive Order 246, December 15th, 2004)

ARTICLE 2

Every person shall be entitled to request, without any justification or motivation, public access information in power of the knowledge of the institutions specified by this Law.



PROCEDURE ACCORDING TO LAW 6 ON ANSWERS TO REQUESTS OF INFORMATION

ARTICLE 7

30 calendar days
from the filing date



Additional 30 days if
the application is more
extensive
(The officer must
inform the user in
writing within the first
30 days)

Written evidence of
having submitted a
request is necessary
in order to file a
Hábeas Data action

HÁBEAS DATA ACTION

Article 17: Every person shall be entitled to file a Hábeas Data action, in case of not receiving the requested information or receiving information incomplete or in the wrong form.

Article 18: jurisdiction of the High Courts in charge for the Constitutional Guarantees protection action, when the public servant has municipal or provincial level authority.

Jurisdiction of the Plenary of the Supreme Court of Justice, when the public servant has responsibilities in two or more provinces or at national level.

Article 19. The Hábeas Data Action is handled through summary proceeding without formalities, with no need of a lawyer and with respect to evidence, impediments, notifications and appeals, **the norms that apply to this action are those that rule the Constitutional Guarantees Protection Action.**

DIFFICULTIES IN THE IMPLEMENTATION OF THE LAW 6

Is an
institutional
obligation

There are no
institutional
records on
requests for
access to
information

In the absence
of the
responsible in
charge, all
requests are
addressed to
the highest
authority

When directed
to the highest
institutional
authority, the
requests fall
back onto the
Plenary of the
CSJ

Fines are
applied once
Hábeas Data
fails

The Hearing No.
143 at the CIDH
takes place
before
exhausting the
resources of the
Law 6

There wasn't a
successful
mechanism of
implementation
of Law 6

There wasn't an
institution to
regulate the
implementation
of the Law

There is a generalized lack of knowledge, both within citizens as well as government officials, of the scope of Law 6

NATIONAL AUTHORITY FOR TRANSPARENCY AND ACCESS TO INFORMATION

CHAPTER I

ARTICLE 2: The Authority shall ensure compliance with the rights enshrined in the Constitution of the Republic of Panama on Constitutional Rights to access to information

LAW 33- April 25, 2013

Article 7

Article 8
N° 4

Article 8
N° 2

Article 8
N° 3

LAW 33

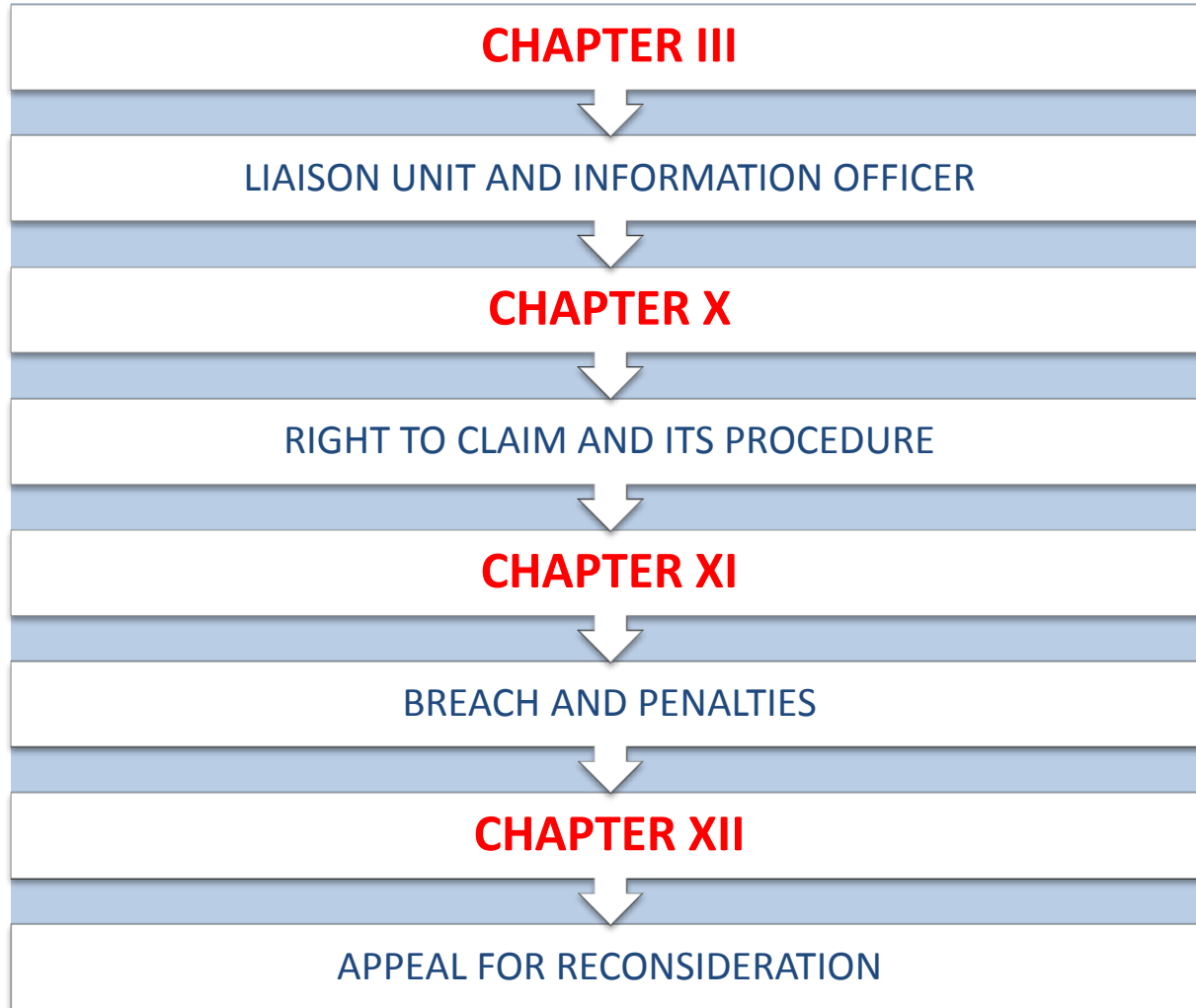
Articles
40 – 41 - 42

Articles 38
- 39

Article 7

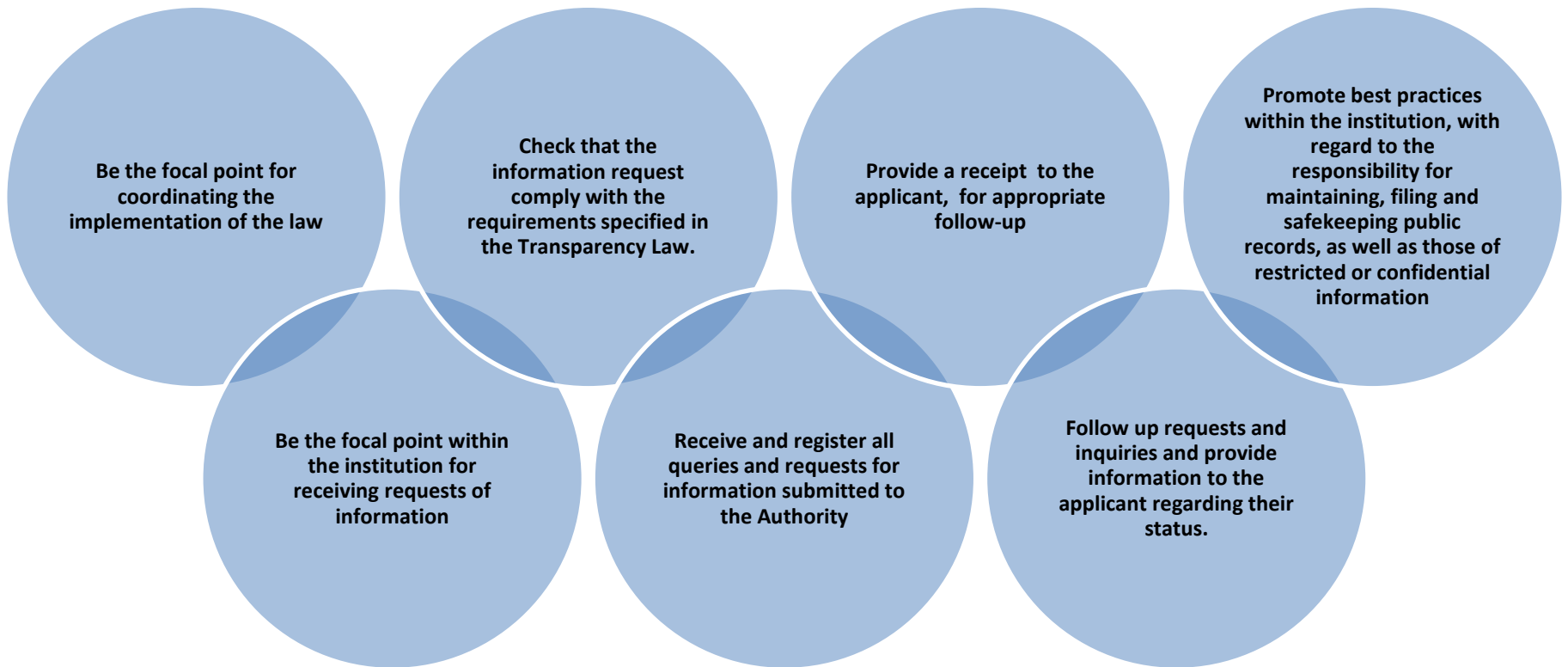
Article 7

LAW 33- April 25, 2013



ARTICLE 7. The Authority will coordinate all government institutions in order to implement of the liaison office, whose head of office will be called Information Officer, and their appointment will be up to each institution.

ARTICLE 8: the information officer will have the following obligation:



CHAPTER X

RIGHT TO CLAIM AND ITS PROCEDURE

ARTICLE 36. Any person may appeal to the Authority for breach of the procedures and terms established for the effective exercise of the right to petition and right of access to public information held by the Government, according to the law, within thirty days from the date of the breach. For the Authority to manage a claim for breach of the effective exercise of the right to petition and right of access to public information held by the Government, it will be necessary that the applicant provides evidence to have submitted a petition before the institution.

ARTICLE 37. When affected parties reside outside the Panama Province, they will also have right to present their claim or request in the nearest Government office, which will transfer it to the Authority within a term of no more than three business days and by the most quickest means available. In these cases, the claim shall be deemed filed on the date of its receipt by the Government.

ARTICLE 38. Once the claims has been accepted, the Authority will proceed with the verification of facts in order to seek solutions.

ARTICLE 39. The claims against the Authority does not prevent the legitimate party the right to file an Hábeas Data action in order to enforce the right to information

THANK YOU VERY MUCH!