

FREEDOM OF INFORMATION LAWS ON THE GLOBAL STAGE: *Past, Present and Future*

Friday, November 4, 2016
Southwestern Law School

250 YEARS

50 YEARS

presented by

SOUTHWESTERN LAW SCHOOL

*Journal of International Media & Entertainment Law
and
Journal of International Law*

FREEDOM OF INFORMATION LAWS ON THE GLOBAL STAGE: *Past, Present and Future*

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Freedom of Information (FOI) is very much part of the contemporary governance landscape globally. The Council of Europe's Convention on Access to Official Documents (2009) defines FOI as the norm that "all official documents are in principle public and can be withheld subject only to the protection of other rights and legitimate interests." At last count, there are 112 UN members which have FOI laws and/or analogous regulations: Kenya and the Philippines are among the most recent. Chronologically, Sweden (at the time comprising Finland) is the first on any list: 1766. 2016 thus marks the 250th anniversary (the sestercentennial) of the law's adoption by the Riksdag. The full title is: His Majesty's Gracious Ordinance relating to Freedom of Writing and of the Printed Press.

The federal Freedom of Information Act in the United States was signed into law, reluctantly, by President Lyndon Johnson in 1966: hence, 2016 marks 50 years of FOI in the USA. It owes its existence to pressure from the American Society of Newspaper Editors (exceptional to have such proactive press support, comparatively speaking) and two extraordinary individuals: lawyer Harold Cross and Congressman John Moss. The great legacy of the 1766 measure is the legalization of the principle: offentlighetsprincipen, "the general principle of openness," whereby all minutes, protocols, and documents relating to the public sector and the running of state were to be available to the public and examined by each and every citizen (ideally) without restrictions. The purpose and effect was not only to give public access to official archives, but controversial decisions were often dragged into the light and published, thus affecting opinion or giving rise to popular protests.

On November 4, 2016, Southwestern Law School will host a symposium entitled "Freedom of Information Laws on the Global Stage: Past, Present and Future." The symposium, organized jointly by Southwestern's *Journal of International Media and Entertainment Law* and *Journal of International Law*, is timed to commemorate the 250th anniversary of Sweden's freedom of information law, and the 50th anniversary of the U.S. government's FOIA. David Kaye, U.N. Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, will be the keynote speaker. The call for papers has drawn international scholars from Asia, Africa, North and South America, Europe and Australia. Speakers from CNN, Buzzfeed, the Reporters Committee for Freedom of the Press, the U.S. FOIA Ombudsman's office, and the National Library of Sweden, among others, will also be participating.

www.swlaw.edu/globalFOIconference

FREEDOM OF INFORMATION LAWS ON THE GLOBAL STAGE

REGISTRATION

Registration may be completed online by **October 28, 2016** at:
www.tinyurl.com/swlawFOI2016

The registration link and symposium information may also be found on the journals' websites:

www.swlaw.edu/jimel
www.swlawjournal.org

Conference website: www.swlaw.edu/globalFOIconference

Registration fees (includes lunch):

- ☐ \$120, General admission, Non-Southwestern Alumni
- ☐ \$90, ABA Communications Law or Entertainment & Sports Industries Forum Members
- ☐ \$50, Southwestern Alumni and Faculty from other Academic Institutions
- ☐ Complimentary, Southwestern students, faculty and staff (RSVP required to lawjournal@swlaw.edu)

CLE

This conference offers 7 hours of CLE credit. Southwestern is a State Bar of California approved MCLE provider.

LOCATION

For directions to Southwestern, visit www.swlaw.edu/directions. Parking is available on campus for \$10.

CONTACT

For questions or to RSVP, please contact the Journal of International Law at (213) 738-6857 or lawjournal@swlaw.edu

"The great diversity of participants from around the world at this conference will assure a full and frank assessment of where we were, where we are, and where we are heading as laws regulating access to government information proliferate on the global stage."

- Professor Michael M. Epstein, Southwestern Law School,
and Editor, Journal of International Media and Entertainment Law

FREEDOM OF INFORMATION LAWS ON THE GLOBAL STAGE

SCHEDULE

8:00 - 8:30 a.m.	Registration and Breakfast
8:30 - 8:40 a.m.	Welcome Remarks: Susan Westerberg Prager , Dean, Chief Executive Officer and Professor of Law, Southwestern Law School Michael M. Epstein , Professor of Law, Southwestern Law School, and Supervising Editor, <i>Journal of International Media and Entertainment Law</i> Sweden’s Seminal Role in the History of FOI Dr. Jonas Nordin , Associate Professor, The National Library of Sweden <i>The Swedish Freedom of Print Act of 1766 – Background and Significance</i> David Goldberg , Visiting Professor of Law, Southwestern Law School; Lecturer, University of London <i>From Sweden to the Global Stage: FOI as European Human Right?</i> Implementation and Impacts: Emergent FOI Issues Paper Presentations: Silvia Faerman , Associate Professor of Law, Southwestern Law School <i>Argentina and Her Citizens’ Long Wait for a FOIA</i> Aigbokhan President , Lex Entrepreneur, Nigeria <i>Two Servants of One Master: Impact of Section 37 of 1999 Constitution of Nigeria on Access to Information of Public Officers</i> Dr. Tom McClean , Manager, Research Innovation and Advocacy, Uniting, New South Wales, Australia <i>Why the French FOIA “Failed”</i> Discussion: Lee Levine (Moderator), Partner, Levine, Sullivan, Koch & Schulz, LLP Kirsten Mitchell , Office of Government Information Services (OGIS), U.S. National Archives and Records Administration Harry Hammitt , Editor, <i>Access Reports</i>
8:40 - 9:30 a.m.	
9:30 - 10:50 a.m.	
10:50 - 11:00 a.m.	Break
11:00 - 12:20 p.m.	Exemplars and Aspirations: FOI and the Right to Know Paper Presentations: Dr. Tom McClean , Manager, Research Innovation and Advocacy, Uniting, New South Wales, Australia <i>Ralph Nader, Lone Crusader?</i>

Adam Foldes, Advocacy Advisor, Transparency International, Berlin, Germany
Migration of Civilian and National Security Access to Information Norms

Mark Weiler, Ph.D., Wilfrid Laurier University, Ontario, Canada
Legislating Usability: Freedom of Information Laws That Help Users Identify What They Want

Discussion:
Nabiha Syed (Moderator), Assistant General Counsel, BuzzFeed
Drew Shenkman, Counsel, CNN
Katie Townsend, Litigation Director, Reporters Committee for Freedom of the Press

12:30 -1:30 p.m. **Gala Luncheon:** *Sponsored by Davis Wright Tremaine LLP*
Keynote speaker: David Kaye, U.N. Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

1:40 - 3:00 p.m. **Empowering the Watchdog: Government Prerogative and Free Press**
Paper Presentations:
Kyu Ho Youm, Jonathan Marshall First Amendment Chair, University of Oregon; Inho Lee, Professor, Chung-Ang University School of Law, Republic of Korea; and Dr. Ahran Park, Korea Press Foundation, Republic of Korea
Access to Government Information in South Korea: The Rise of Transparency as an Open Society Principle

Roy Peled, Director General, Movement for Freedom of Information in Israel, Rishon le-Zion, Israel
Sunlight Where It’s Needed: The Case for Freedom of Media Information

Dr. Clement Yongxi Chen, Postdoctoral Fellow, Faculty of Law, The University of Hong Kong, China
Judicial Protection of Freedom of Information in China: A Study of the Effects of Extra-legal Rules of Information Control

Discussion:
Nate Jones (Moderator), Director of the Freedom of Information Act Project at the National Security Archive, George Washington University
Thomas Burke, Partner, Davis Wright Tremaine, LLP
Doreen Wesenhaus, Associate Professor and Director, Media Law Project, The University of Hong Kong

3:00 - 3:10 p.m. **Break**

3:10 - 4:30 p.m. **Managing the Information Revolution: The Future of FOI Laws Globally**
Paper Presentations:
Mike Lemov, Michael R. Lemov LLC, and Nate Jones, Director of the Freedom of Information Act Project at the National Security Archive, George Washington University
John Moss and the Roots of FOIA: What the Enactment of U.S. Law in 1966 Tells Us About the Likely Future of Worldwide Government Transparency Laws

Venkatesh Nayak and Maja Daruwala, Commonwealth Human Rights Initiative, New Delhi, India.
The Right to Information in South Asia: The Legislation, Their Use and Challenges to Effective Implementation

Arne Semsrott, Silvana Fumega, and Fabrizio Scrollini, Open Knowledge Foundation Deutschland e.V., Berlin, Germany
Do Freedom of Information Platforms Make Reactive Transparency Obsolete?

Discussion:
Kelli Sager (Moderator), Partner, Davis Wright Tremaine LLP
Dr. Yong Tang, Assistant Professor and Director of the Journalism Program, Western Illinois University
Vincent Gogolek, Executive Director, British Columbia Freedom of Information and Privacy Association

4:30 p.m. **Closing Remarks and Reception**

Southwestern Law School gratefully acknowledges:

The Barbro Osher Pro Suecia Foundation, Conference Sponsor
Davis Wright Tremaine LLP, Keynote Luncheon Sponsor
Levine, Sullivan, Koch and Schulz, LLP, Underwriting Support

Journal of International Media & Entertainment Law swlaw.edu/jimel

The *Journal of International Media & Entertainment Law* (JIMEL) is a semi-annual publication of the Donald E. Biederman Entertainment and Media Law Institute of Southwestern Law School in association with the American Bar Association Forums on Communications Law and the Entertainment and Sports Industries. The Journal provides a forum for exploring the complex and unsettled legal principles that apply to the production and distribution of media and entertainment in an international, comparative, and local context. The legal issues surrounding the creation and dissemination of news and entertainment products on a worldwide basis necessarily implicate the laws, customs, and practices of multiple jurisdictions. The Journal examines the impact of the Internet and other technologies, the often-conflicting laws affecting media and entertainment issues, and the legal ramifications of widely divergent cultural views of privacy, defamation, intellectual property, and government regulation.

Journal of International Law swlawjournal.org

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