Humanistische Union

100 Applications within 4 weeks for Information from the Federal Administration

Two more German States are about to pass their first FOIA.

Berlin, April 2004. This January the first federal FOIA came into force in Germany. Although the general public did not take much notice 110 application have been brought forward during the first month of its validity. One case of an excessive fee has been reported. Following the report the fee was reduced to an acceptable amount.

One negative sign concerning implementation on the federal level is the restrictive implementation rule which has been issued by the Interior Ministry. Another problem is the lack of funding for the Federal Information Commissioner. This duty has been added to the tasks of the Federal Data Protection Commissioner, but the new job came without additional staff or budget.

Until now only four of the sixteen German states have FOI-laws. Two more, Mecklenburg-Western Pomerania and the Free Hanseatic City of Bremen, are about to get their first FOIAs. Both bills are quite similar to the federal law. Two distinctions are worthwhile mentioning:

The Mecklenburg-Western Pomerania bill introduces a new kind of trade secret exemption for information that "does not qualify as trade secret but is of similar value for its owner". It is neither clear what kind of information is meant by this definition nor whether this will persuade any court to extend the trade secret exemption.

The Bremen bill is to commit the state's public administration to set up a sort of centralized electronic reading room. This is an important initiative as so far publication obligations have been almost fully neglected in German access laws.

The state Schleswig-Holstein has a FOIA since the year 2000. The recently newly formed state government is set to add a new exemption for information concerning fiscal (commercial) activities into the FOIA of Schleswig-Holstein.

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