

Summary

Governments increasingly make use of electronic means of communication. It is therefore important that citizens have access to these means of communication. Without these means, communication with the government becomes more limited. This in turn limits the citizen's functioning in society. The importance of public information must be acknowledged, by adding a right of access to public information as a constitutional law to the Dutch Constitution. This will lead to a clash with the right to privacy. An Act of Parliament must clarify this trade off by determining which government information will be made public.

Accessible public information demands an adequate information entity. Electronic public information that is not stored correctly is not accessible. This is why the Act on the public access to government information and the Archives Act must be integrated.

In the Netherlands, an institution must be given the task to give information on access to public information, as well as monitor it. It seems logical to appoint this task to the National Ombudsman.

A reliable electronic government and article 2:14, third paragraph, General Administrative Law Act, require that the administrative authority is accountable for sufficiently reliable and confidential means of sending information. This is not compatible with disclaimers on government websites and below e-mail messages of administrative authorities.

The demand in article 2:15 from the General Administrative Law Act that communication with the government can only take place electronically when this is clearly made known, must be reversed: electronic communication with the government is possible, unless it is explained why not.

Lastly, the increasing use of electronic means of communication demands that decisions made by administrative authorities on this use, can be made subject to appeals. For this reason article 8:4, preamble and under k, General Administrative Law Act, must be cancelled.

