Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Task Force on Access to Information

Sixth meeting
Geneva, 3-4 October 2019

Item 2 (c) of the provisional agenda

Update of the Recommendations on electronic information tools

Information document 3

Update of the Recommendations on electronic information tools

Addendum¹

This addendum accompanies the document AC/TF.AI-Inf.3 that was prepared pursuant to the mandate by the Meeting of the Parties to the Convention set out in decision VI/1 adopted at its sixth session (Budva, Montenegro, 11-14 September 2017). Through this decision, the Task Force on Access to Information was requested among other matters to focus on the update of the recommendations on electronic information tools set out in decision II/3. The updated Recommendations are expected to be submitted for the consideration and adoption by the Meeting of the Parties to the Convention at its seventh session in 2021.

Participants are invited to consult this document in advance of the meeting in order to gain an overview of the progress of the update of the Recommendations on electronic information tools for the discussion under agenda item 2 (c).

¹ This document was not formally edited.
Drafting proposals for the update

RECOMMENDATIONS ON THE MORE EFFECTIVE USE OF ELECTRONIC INFORMATION TOOLS TO PROVIDE PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION

The Meeting recommends to Parties, Signatories and other interested States to undertake the following measures:

General Recommendations by the European Environment Agency:

1. The message about more effective use of electronic information tools to be used for public access to environmental information has to be put in the context of increased emphasis on open data initiatives and the commitment from the Member Countries in the pan-European region to support the implementation of the Shared Environmental Information System (SEIS) in the region by 2021.

2. When speaking about electronic information tools, reference to interoperability concepts on data, metadata and web services shall be made more explicit (INSPIRE Directive is an example of policies that contributes to ensure interoperability in the context of geospatial information).

3. When we speak about new trends in active dissemination of the environment data and information to the public, we might want to promote some good examples from EU/EEA such as:

   [1] **(Near) Real-time data** (data that change and need updating at very frequent intervals) for public access and use – such as European Air Quality Index

   [2] **Dynamic data** (are data that changes asynchronously over time and are periodically updated), such as Air Quality e-Reporting (AQ e-Reporting).

   [3] **Non-traditional sources of data** – such as Copernicus for its timeliness, openness, cost-efficiency, its spatio-temporal coverage, its usefulness for discovering trends, reanalysis, forecasts, projections, and for cross-thematic analysis, as well. EEA is providing data on land through https://land.copernicus.eu/.

   [4] **Citizen Science or citizen-generated data (crowdsourcing)** has a potential as data gap filling with its higher spatio-temporal frequency and also as a tool for engaging citizens in environmental protection. EEA is using this in the context of Marine Litter – Marine Litter Watch - and also exploring its potential in Air Quality – CleanAir@School.

4. On a technical level, our recommendation would be that metadata should be well documented and managed (for example a regular updating of metadata)

   [1] All data should be accompanied by (traceable/link) standardised metadata;

   [2] All metadata should be accompanied by an Open Data licence (custom-made licences, Creative Commons licences (CC), Open Government licences for public sector information)
Preferably, data and metadata are to be provided via application programming interfaces (APIs).

I. GENERAL POLICY

1. Formulate and implement national "e-government" strategies for the use of electronic tools to facilitate administrative processes and services, to make public administration more transparent and efficient in providing available environmental information and dealing with requests for such information from the public;

2. Support the reduction and as far as possible the removal of social, financial and technological barriers restricting public access to telecommunications networks, such as high connection costs and poor connectivity, as well as lack of basic computer literacy;

3. Promote and use electronic information tools to facilitate public input to and monitoring of environmental decision-making processes, among other things to:
   (a) Alert the public to respective opportunities;
   (b) Ensure that the public can provide publicly documented feedback on proposed activities, plans, programmes, policies and legally binding instruments electronically; and
   (c) Ensure that submissions received electronically are given equal weight to comments received non-electronically;

4. Promote and contribute to international policy dialogue on the use of electronic information tools to promote public access to environmental information and public participation in environmental decision-making through the exchange of experience, documentation and sharing of best practice, the transfer of know-how and the provision of technical assistance;

5. Establish and, in the case of donor countries, provide financial and technological support for schemes for the transfer of technology and expertise so as to overcome or reduce the 'digital divide' and all aspects related therewith, e.g. through bilateral projects or partnerships;

6. Base the provision of environmental information on the assessment of user needs, monitor the form and content of the information provided in relation to user needs, and assess the impact of the information delivered, in order to raise environmental awareness and facilitate active engagement;

7. Provide information in the national language(s) and at least basic information of interest to the international community in English;

8. Document good practices related to the national and local application of the Convention in those areas outlined in paragraph 9 (c) below, and share information on these through the online gallery of case studies of the Task Force on Electronic Information Tools – Access to Information.

Within regular reporting under article 10, paragraph 2, of the Convention explain the major obstacles if the implementation or use of electronic information tools in practice does not substantially comply with these recommendations.


Commented [ACS2]: Proposal by the Greek Helsinki’s Monitor

Commented [ACS3]: Comment by Slovakia: Digital divide is a broad term. It needs to be seen not only in the context of the access to Internet and ICT technologies, but it should consider all factors related therewith, such as the quality of access; equality in the terms of access with respect to all members of the society (including the people with disabilities, for instance)

Commented [ACS4]: Proposal by Slovakia

Commented [ACS5]: Comment by Slovakia: Task Force on Electronic Information Tools was renamed to the Task Force on Access to Information (ECE/MP.PP/2011/2/Add.1, Decision IV/1; Aarhus Convention Implementation Guide (2014), p. 101). For this reason, we suggest updating the document and referring to the Task Force on Access to Information – the name “Task Force on Access to Information” is mentioned also on the pertinent UNECE website dedicated to the case studies on access to environmental information https://www.unece.org/env/pp/aarhus/tfai/case_studies.html
II. PRIORITY CATEGORIES OF INFORMATION

9. Ensure, where necessary through introducing appropriate legislative or regulatory measures, that, subject to the provisions of article 4, paragraphs 3 and 4, of the Convention:

(a) Public access to environmental information is provided in electronic form, so that information required to be publicly available upon request under the Convention is to be provided in electronic form where so requested and where the information exists in that form;

(b) Documentation which is required to be drawn up and/or submitted in the context of environmental decision-making processes that are subject to the provisions of article 6 is provided in electronic form and progressively through the Internet;

(c) In line with identified user needs, the following types of information progressively become publicly accessible, in a timely manner, through the Internet:

(i) Reports on the state of the environment;
(ii) Texts of legislation, regulations, rules and other legally binding instruments on or relating to the environment;
(iii) Texts of policies, plans and programmes on or relating to the environment, and environmental agreements;
(iv) Environmental impact assessment and strategic environmental assessment documentation where it is held in electronic form or, where it is not available in such form, a reference to where such documentation can be accessed;
(v) Data on environmentally significant releases and transfers of pollutants, within the scope of the Protocol on Pollutant Release and Transfer Registers;
(vi) Documentation forming an integral part of any licensing or permitting process subject to the provisions of article 6 (e.g. applications for licences or permits, comments of third parties, draft and final licences and attached conditions) where it is held in electronic form or, where it is not available in such form, a reference to where such documentation can be accessed;
(vii) Information on mechanisms related to access to justice within the meaning of the Convention;

(d) To the extent feasible and appropriate and in line with identified user needs, information of types such as the following progressively becomes publicly accessible, in a timely manner, through the Internet:

(i) Environmental monitoring data held by or on behalf of public authorities, including spatial attribute information on the levels of air pollution in specific locations and the pollution of major watercourses, water reservoirs and sources of surface and underground water;
(i) Environmental monitoring data held by private entities, collected in line with their legal requirements;

(ii) Product information that enables consumers to make informed environmental choices, cooperation with the private sector being essential in ensuring provision of this information;

(iii) Good practice information and guidelines on better environmental management;

(iv) Appropriate metadata or background information so that the methods, processes and standards of data collection are transparent to future data users; and

(v) Meta-information including catalogues of data sources and details of the scope of information held by public authorities and mechanisms for the provision of access to environmental information;

9. Whenever possible environmental information and documentation referred to in paragraph 9 shall be made accessible to the public in their primary form, i.e. in the form in which they were contained in the respective primary sources.

10. The term ‘progressively’ in article 5, paragraph 3, of the Convention and in paragraph 9 (c) and (d) of these recommendations should imply demonstrable progress with regard to the following parameters:

(a) The proportion of members of the public that have electronic access;

(b) The scope of information that is electronically accessible;

(c) The quality of electronic access;

(d) The level of actual use of the information;

(e) The level of understanding of user needs;

(f) The extent to which user needs are being met;

and that such progress should be communicated to the public.

III. INSTITUTIONAL DEVELOPMENT AND CAPACITY-BUILDING

11. Establish, in physical and/or virtual environments, environmental information centres or equivalent sources of information that will thereby stimulate and promote public access to information and public participation in environmental decision-making;

12. Promote access to electronically stored environmental information by establishing and maintaining community Internet access points;

12-1. Create legal, technical and financial conditions for establishing and maintaining electronic official notice boards of public authorities to promote public access to the types of information referred to in paragraph 9 (b) and (c) (iv) and (v) and the public participation in the respective processes.
13. Establish one-stop access point(s) for citizen-oriented environment-related e-government services, with coordinated input from the relevant public authorities and/or linkages to other similar sites;

13-1. Ensure that information and links are updated regularly and that users are made aware of the reliability of the information sources.

14. Develop human capacity for the use of electronic information tools to promote the implementation of the Convention through comprehensive and forward-looking training and education strategies for public officials;

15. Undertake efforts to develop the institutional capacities of public authorities to collect, organize, store and disseminate environment-related information in an easily accessible and user-friendly manner;

16. Ensure the availability of commonly readable, user-friendly and easily transferable formats for these data and information in a way that they can be reused;

16-1. Ensure that users have the opportunity to provide feedback and comment on how the information is made available to them, presented and displayed so that public authorities can improve the accessibility and the use of the information tool.

17. Develop and apply comprehensive environment-related programmes, including specific training programmes linking the use of information technology applications to the promotion of good environmental governance;

18. Promote the involvement of different stakeholders representing both providers and users of information, including civil society and private sector institutions, in the development and use of electronic tools with a view to improving the accessibility, as well as the availability, of environmental information to the public;

IV. CLEARING-HOUSE MECHANISM

19. Maintain a national web site with information related to the nationwide implementation of the Convention, which will serve as the national node of the Convention’s clearing-house mechanism;

20. Designate contact points responsible for collecting, managing and updating the information contained in the national node and for providing the necessary information for the central node of the Convention’s clearing-house mechanism, and undertake to disseminate information to the public on the clearing-house mechanism; and

21. Develop capacity for public officials managing and updating information for the national node, and for providing the necessary information for the central node of the clearing-house mechanism.