

The Private Sector's Perspectives on Access to Information

**Round table on access to information, public participation
and access to justice regarding LMOs/GMOs
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The Private Sector's Perspectives on Access to Information

Over the past twenty years, private sector practices have evolved significantly in order to provide the public with increased access to information, also relative to the environment

Major improvements include:

- Providing significantly increased information about its products
- Sharing information in new ways
- Implementing sector-specific codes of conduct and guidance on access to information
- Increasing significantly business participation in international initiatives and dialogues related to access to information

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The Private Sector fully supports effective transparency in environmental matters, including sharing relevant information, provided that the protection of legitimate private interests is taken into account

Private interests

- Protection of privacy and personal data of individuals
- Protection of proprietary information (*e.g.*, Regulatory Data)
- Protection of of patent rights

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Regulatory Data provide objective evidence about the safety of a biotech product

Regulatory Data are generated through rigorous and comprehensive scientific experiments and have significant commercial value that should be protected from unfair commercial use

Private sector concerns include:

- Broad dissemination of Regulatory Data by electronic tools and on the Internet
- Unfair commercial use of Regulatory Data in geographic areas where there is no stewardship or IP protection
- Protection of the integrity and effectiveness of the decision-making processes (i.e., misuse of regulatory data as a mean of slowing down or stopping product approval)

The Private Sector is not supportive of granting access to regulatory data for commercial gain

The Private Sector is not supportive of granting access before product approval

The Private Sector supports the introduction of the Reading Room concept

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Increasing transparency begins with raising awareness of **the vast amounts of information already in the public domain**

The Private Sector recommends capacity building for governments to promote equal opportunities for all citizens and stakeholder groups to access publicly available information

Predictability & legal certainty for applicants should be a basic principle

Transparency should be two ways. Transparency is not only related to “access to data”, but also to transparency during the decision making process in terms of:

- Access being non-discriminatory – equal treatment for all – applicants and requesters, including information on when the data are requested and by whom
- Access to regulatory data should be on request only
- Consistency of general principles and procedural rules among different regional agencies

The business community will continue to explore mechanisms and options for increased transparency and interaction with the public if it genuinely serves the public interest without undermining legitimate private interests that are critical to sustain and encourage economic growth