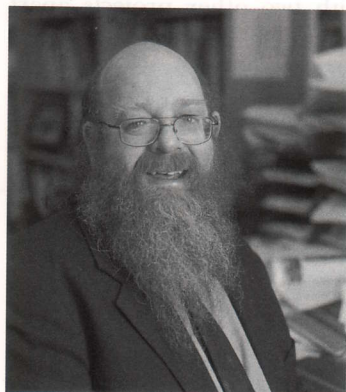


# Freedom of Information Returns to China

*Chinese local governments perceive open government as a precondition for the effective use of government information resources.* Rick Snell and Weibing Xiao



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A strange but intriguing phenomenon is occurring in China. A country, long regarded by outsiders as the epitome of a closed, authoritarian and secretive state, has become the scene of a very rapid and extensive uptake of Freedom of Information (FOI) legislation. Since Shanghai (a special municipality) adopted FOI legislation in 2004 a further nine provinces and another special municipality (Chongqing) on the mainland of China have adopted similar legislation (Qiao, 2006). In 2005 there were around 12 000 FOI requests by Chinese citizens for information from the government of Shanghai. Reform is still progressing with Jiangsu province implementing FOI legislation on 1 September 2006. In December 2006 it was announced that the national State Council is drafting an *Ordinance for Access to Government Information* (Zhang 2006).

This article provides a brief overview of international trends in Freedom of Information and developments within China. These international trends and Chinese reforms further highlight the incapacity of Australian political and bureaucratic leadership to recognise the necessity in an information age to adopt a more sophisticated and cooperative approach to government information access, disclosure and exchange.

## THE INTERNATIONAL CONTEXT

The Swedes, on December 4th 2006, celebrated the 240th anniversary of the world's first Freedom of Information legislation. A major contributor to that legislation was the Finnish enlightenment thinker and politician Anders Chydenius (1729-1803). Interestingly Chydenius was inspired by bureaucratic reforms in China dating back to the Tang Dynasty (Lamble 2002). Until the early 1960s freedom of information remained a largely Scandinavian reform (except for Columbia which introduced the *Code of Political and Municipal Organisation* in 1888).

Freedom of Information, in the two decades after the passage of the FOI Act in the United States in 1966, remained a slow-burning law reform issue in global terms. The 1970s saw the adoption of the legislation in a handful of European countries. In 1983 there was a minor flourish with the adoption of the legislation by Westminster governments—Australia, Canada and New Zealand. Many experts considered that FOI had reached a law reform limit because it was only being adopted by long established democracies which had well trained public services and, in relative terms, efficient record management systems (Bennett 1997).

The rate, reach and driving forces behind FOI adoption changed significantly after 1990. Between 1993 and 2006 the number of governments adopting some form of FOI legislation jumped from thirteen countries in 1993 to seventy-plus countries in 2006 (Privacy International 2006). There are up to fifty other countries examining, debating or drafting FOI legislation (including Botswana, Bermuda and Kyrgyzstan). In early December 2006 a coalition of over fifty civil society groups in Sierra Leone launched the collection of one million