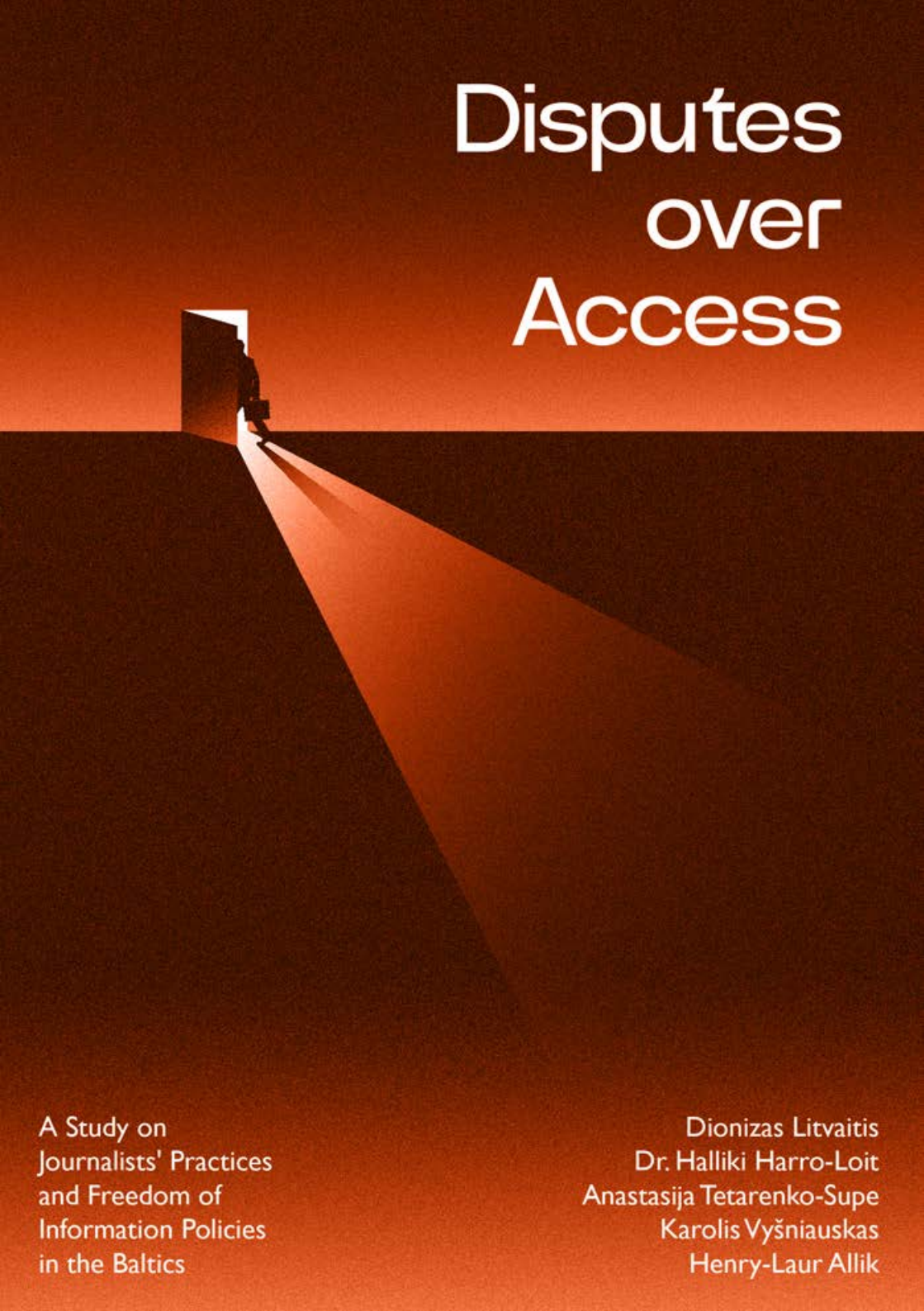
Disputes over Access



A Study on Journalists' Practices and Freedom of Information Policies in the Baltics

Dionizas Litvaitis
Dr. Halliki Harro-Loit
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The authors of the study are grateful to Halliki Harro-Loit for the opportunity to use the empirical data that was collected during The MediaDelCom project.

About This Report

The Disputes over Access study examines the efficiency of journalists' Access to Information mechanisms in Estonia, Latvia, and Lithuania and seeks to provide a basis for policy change that would lead to improved sustainability within journalism in the Baltic States. The investigators that worked on the study employed various methods during its production, including desk research, case studies and comparative analysis. The empirical component of the study analyzes and contextualizes fifteen disputes between journalists and public servants over restrictions to collect information. The study concludes that, throughout the Baltic States, Access to Information mechanisms differ in many aspects. It also discusses a range of best and questionable practices, and looks at some of the challenges that journalists and civil servants face in different countries. The final part of the study offers country-specific policy recommendations on how to make Freedom of Information regimes function, despite an openly and increasingly confrontational information environment, and proposes a set of regional principles to help make the Access to Information mechanism more efficient.

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1

Executive Summary

Key Findings

· The situation with Access to Information mechanisms is quite different in all of the three countries that were studied. Although public servants face similar challenges throughout the Baltic States, the obstacles that journalists face when attempting to access public information are not the same.

· Despite a similar cultural, economic, and geopolitical context, the Study found different sets of combined factors determining the low efficiency of Access to Information mechanisms in Estonia, Latvia, and Lithuania, namely: informal decision-making, misinterpretations of regulations, motives balanced towards data privacy, and lack of trust and discussion.

· Estonia has the most efficient Access to Information mechanism. Its efficiency is most significantly conditioned by one formal factor: a straightforward FOI appeal procedure that is easy to understand and use. Accordingly, Lithuania's lowest efficiency for Access to Information is a result of its unwieldy appeal process.

· Analysis of fifteen disputes showed that information holders misinterpret and miscommunicate their duties to disclose information in all three Baltic States. As a result, state institutions, independent state agencies, state companies, and private foundations that are financed by the state apply the same regulations on Access to Information, but in different ways. To mention a few examples, state-owned organizations often present restrictions on trade secrets as absolute in Latvia and Estonia; public servants uncritically follow the directions of security agencies in Latvia; and officials in Lithuania often ignore the basic FOI principles and misinterpret general procedures of information provision.

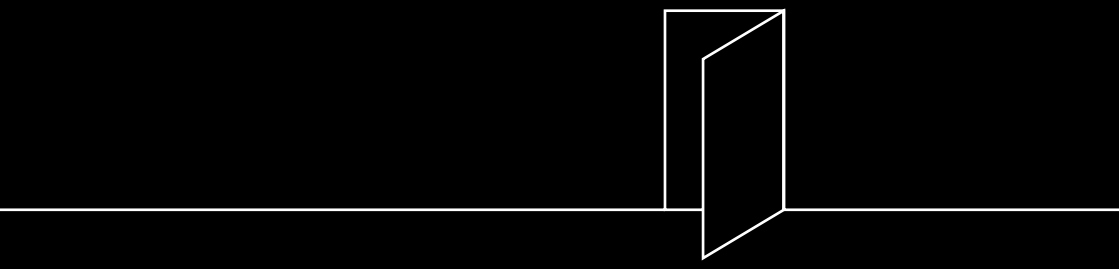
· Journalists are most privileged (among the general population) when accessing public information in Lithuania. However, journalists' privileges don't make

the Access to Information mechanisms work more efficiently. On the contrary, the Study names Lithuania's mechanism as the one that requires the biggest improvement compared to other Baltic States. In Lithuania, the combina-tion of multiple normative privileges and a multifaceted FOI appeal mechanism results in a complex web of norms that journalists find hard to understand.

· Evaluating the overall efficiency of the Access to Information mechanism in the Baltic states, the analysis of empirical data has revealed that simple and problem-specific FOI appeal procedures, rather than professional privileges, determine the efficiency of the Access to Information mechanism.

· A lack of resources and competencies, plus the resistance of public serv-ants, determine the unwillingness and the inability of journalists to contest the non-disclosure of public information. Thus, disputes are practiced only by just a few of the most experienced and determined journalists in the Baltic States.

· In some cases disputes create legal precedents. However, more often the cost and the risk journalists face when disputing the non-disclosure of public information lead to personal losses and career difficulties, such as having to endure social pressure or conflict with the management or, in some radical cases, the decision to ultimately change profession.

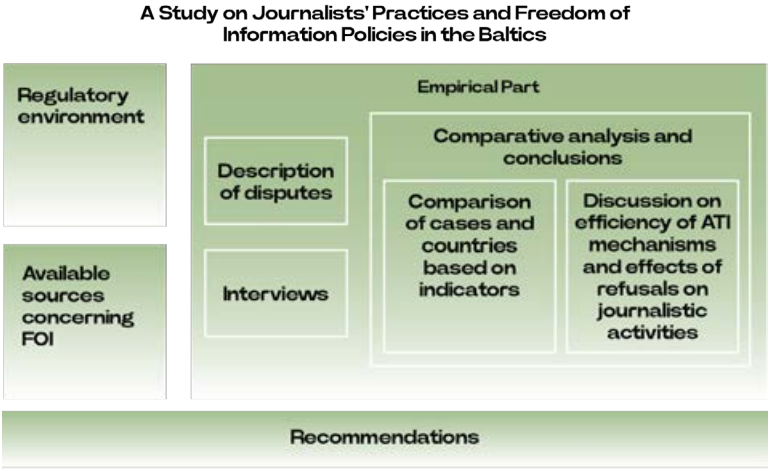


Graphics and Tables

About the Study

The Study examines the efficiency of the Journalists' Access to information mechanisms in the Baltic States and offers recommendations for improving them. The Structure of the Study is presented in the graphic below.

Graphic No. 1 - Structure of the Study



The empirical part of the Study analyzes and contextualizes fifteen selected disputes between journalists and public servants over restrictions to collect information. The cases of disputes are based on interviews conducted with dispute participants, their correspondence with regulating institutions, and available sources in the media. The analyzed disputes are listed in the table below.

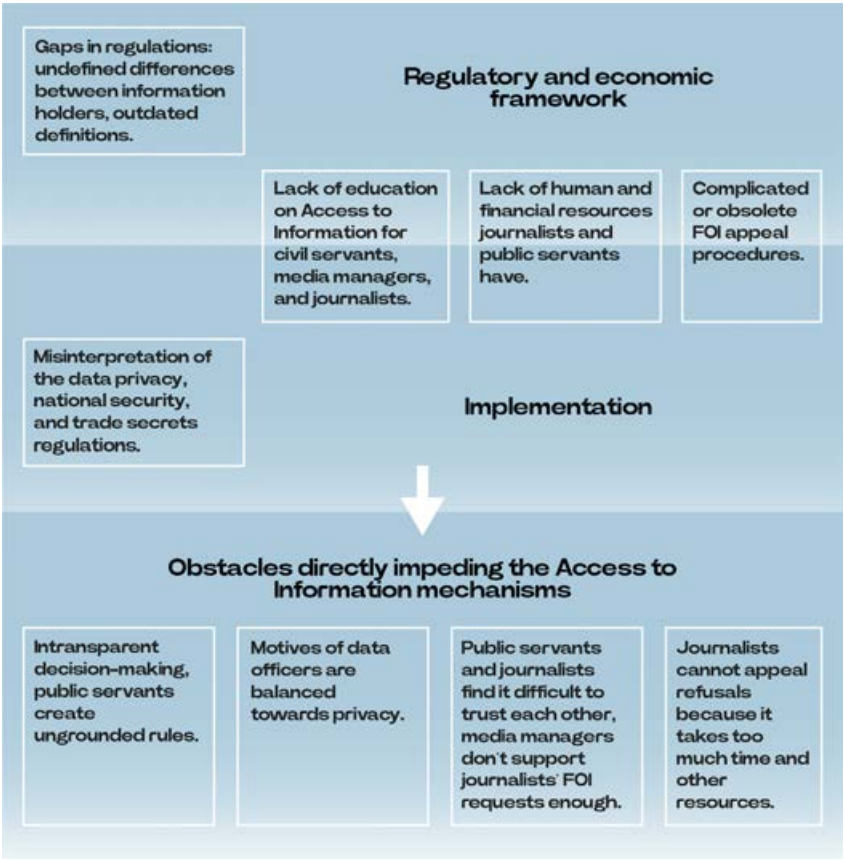
Table No. 1 - Dispute Analyzed in the Study and the Duration (underlined when journalists accessed or partially accessed the information)

Disputes and their Duration / Countries	Cases of Disputes					
	Brief	Lasted under Six Months		Lasted over Six Months		
Estonia	5G Letter	Alcohol Trade	Protected Species	Carbon Neutrality	Timber Prices	
Latvia		Soviet Monuments	Journalist's Profile	Party Finances	Hidden Advertisement	Forestry Audit
Lithuania		Construction Permit	Transit Sanctions	Covid-19	Family Matters	Deleted Recording

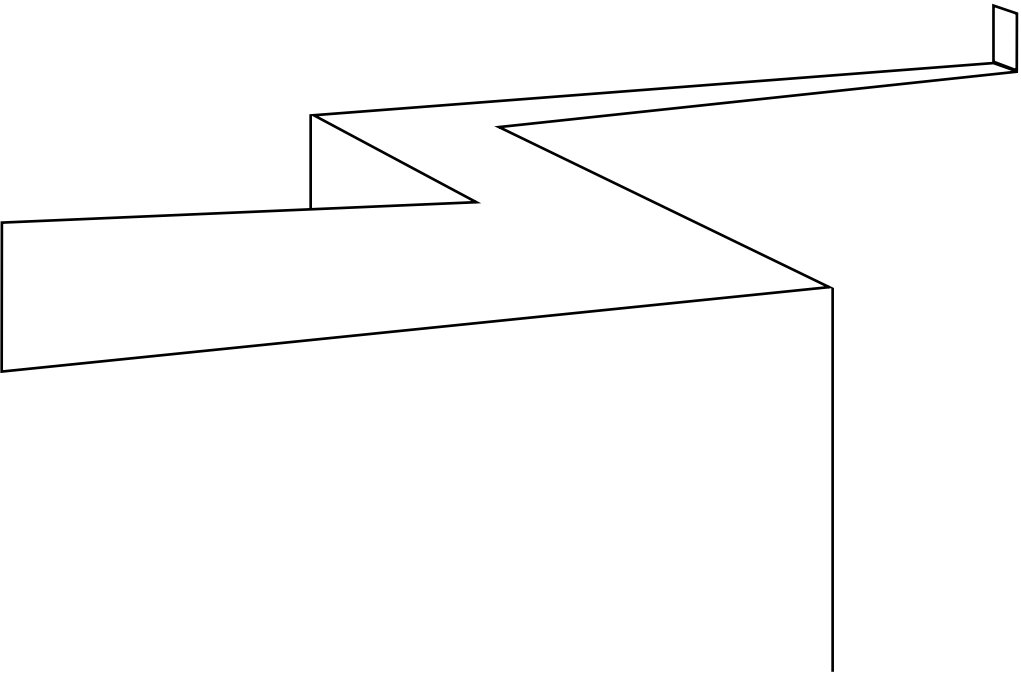
The Study team conducts a cross-country and case by case comparison based on the analysis of nine selected indicators: timespan, journalist's experience, institutional and network backing, simplicity of the appeal procedure, presentation of the decision making process, dispute phase, size of the newsroom, dispute intensity, and resolution.

Following the comparative analysis the Study discusses two aspects determining the sustainability of social mission journalism: the efficiency of Access to Information mechanisms and the effects of refusals to provide the information on journalistic activities. Here, the Study offers an input into the discussion on Baltic journalism by examining the most significant challenges impeding the efficiency of Access to Information mechanisms that both sides of the disputes meet. A visual summary of the obstacles impeding the Access to Information mechanism is presented in the graphic below.

Graphic No. 2 – Visual Summary of the Study



The Study ends with an analysis of the effects of refusals to provide information on journalistic activities. Such effects are categorized into three groups and described in separate sections. The discussion about obstacles and effects is illustrated with real life examples from the analyzed cases of disputes. Finally, based on the case study results, the research team, in cooperation with The Steering Committee[1] of the Study, presents regional and national policy recommendations and suggestions for improving journalists' Access to Information mechanisms. We believe such improvements would lead to more sustainable journalism in the Baltic States.



1 The Steering Committee of the Study consists of two types of contributors: a. stakeholders in the Baltic media ecosystem and b. experts. One person can also represent both types, but they were invited predominantly because of one of these characteristics. Among the stakeholders, there are representatives of journalists' organizations, representatives of state institutions, and politicians. Experts represent the fields of media policy, press freedom, data privacy, and information security. Both groups are here to share their theoretical and practical knowledge and advice on the development of the Study.

2 Introduction

What Is the Issue and Why Do We Need This Study?

The Baltic States of Estonia, Latvia and Lithuania guard the Eastern EU frontier, not just physically, but also as a borderland where media can operate freely. Thus, Press Freedom in the Baltics matters now more than ever.

Despite the compact nature of all three Baltic media landscapes, making comparisons between them can be a difficult undertaking. This Study will therefore focus on one small mechanism that is central to these landscapes – intimately connected to the level of Press Freedom – namely journalists' Access to Information. The authors of the Study have taken on the challenge because they believe that such a comparison can bring more clarity not just to journalists' work, but also to the entire Baltic media ecosystem.

It can be argued that the intersection of the Right to Information and journalism in the Baltics is under researched. Over the last two decades, local and international media scholars have diverted most of their attention towards media business models and their transformation, public service media, ethnic minorities, media accountability, and – most recently – media literacy.[2] When the subject of Press Freedom has been addressed by scholars, it has most often been done so as part of general research into media policy or the professional autonomy of journalists.[3] Meanwhile, research on journalistic ac-

2 See: Lauk, E., Harro-Loit, H., Loit, U. (2023) Estonia: Bibliographical Database of Estonian Journalism and Media Research Related to Risks and Opportunities for Deliberative Communication (2000–2020). Tartu, Estonia: MediaDelCom. http://dx.doi.org/10.23673/re-386 (Accessed 2023 03 31) and Rožukalne, A., Skulte, I., Stakle, A., (2023) Latvia: Bibliographical Database of Estonian Journalism and Media Research Related to Risks and Opportunities for Deliberative Communication (2000–2020). MediaDelCom. Brussels, Belgiums: European Commission. https://datadoi.ee/handle/33/521 (Accessed 2023 03 31)

3 Harro-Loit, H, (2010) From Media Policy to Integrated Communications Policy: How to Apply the Paradigm Shift on a European and National Level IN: Klimkiewicz, B. (Ed.). Media Freedom and Pluralism. Media Policy Challenges in the Enlarged Europe. P. 45–58, Budapest, Hungary: CEU Press

tivities that focus on information retrieval have been neglected.

It could be said that the lack of such research and a reflection on journalistic functions has been determined by the way that the post-Soviet media markets developed. For a long time, shady deals between media owners, advertisers and their clients (state and public institutions included) were an open secret in most of the countries under post-Soviet transition. There were also instances of what can be called media racketeering. For obvious reasons, such practices didn't get much attention in the local news; however, in some cases, the silence was broken by the international press. For instance, in 2006, corruption within the Lithuanian media was first reported by the European students' magazine Cafebabel.com.[4] Then, in 2011, the Norwegian daily Aftenposten described local media corruption schemes in detail,[5] its source being a secret US Embassy report disclosed by Wikileaks.[6] The Baltic media markets were also subject to corruption investigations in Latvia[7] and Estonia,[8] although there were fewer such cases in Estonia than in the other two Baltic States. This could mean that media corruption was less of an issue there, as the 2009 report The Transparency of the Press suggests.[9] But Estonia's media hasn't avoided serious conflicts of interest.[10] It's just that such cases were discussed wider than in the other two Baltic States and solved more efficiently.[11]

4 Mayer, L., (2006) Medien: Transparenz ade?. Paris, France: Cafebabel.com. http://cafebabel.lt/press/?lang=de (Accessed 2023 03 31)

5 Hellesøy, C., (2011) Litauisk avis vil rettsforfølge. Oslo,Norway: Aftenposten aftenposten.no/kultur/i/rAkJK/litauisk-avis-vil-rettsforfoelge-aftenposten (Accessed 2023 03 31)

6 Undisclosed Author. (2011) Korupcija žiniasklaidoje: visi viską žino, bet tyli. Vilnius, Lithuania: 15min.lt 15min.lt/naujiena/aktualu/antikorupcija/korupcija-ziniasklaidoje-visi-viska-zino-bet-tyli-temos-tesinys-327-155136 (Accessed 2023 03 31)

7 Bergmane, U., (2017) Three Little Oligarchs Latvia's Corruption Scandal. Philadelphia, PA, USA: The Foreign Policy Research Institute fpri.org/article/2017/11/three-little-oligarchs-latvias-corruption-scandal/ (Accessed 2023 03 31)

8 Berendson, R., Värk, J., Velsker, L., (2016) Lepp Suspected of Embezzling Money for Talk Show. Tallinn, Estonia: Postimees news.postimees.ee/3939359/lepp-suspected-of-embezzling-money-for-talk-show (Accessed 2023 03 31)

9 Kõuts-Klemm, R., Suni, R., (2009) Läbipaistvus Eesti ajakirjanduses. Tallinn, Estonia: Korruptsioonivaba Eesti korruptsioon.ee/sites/www.korruptsioon.ee/files/elfinder/dokumendid/kouts-klemm_r_suni_r._2009._labipaistvus_eesti_ajakirjanduses.pdf (Accessed 2023 04 25)

10 Pärli, M. (2017) TV3 müüb "Seitsmestesse uudistesse" hinnakirja alusel uudislugusid. Tallinn, Estonia: ERR
err.ee/580643/tv3-muub-seitsmestesse-uudistesse-hinnakirja-alusel-uudislugusid (Accessed 2023 05 01)

11 Pärli, M. (2017) TV3 pääses 6000-eurose trahviga ülestunnistuse ja kahetsuse tõttu. . Tallinn, Estonia: ERR
err.ee/617945/tv3-paases-6000-eurose-trahviga-ulestunnistuse-ja-kahetsuse-tottu (Accessed 2023 05 01)

All three states were (and still are) in many respects a single, regional media market with cross-border actors: news outlets, publishers, and advertising businesses. These businesses often prioritize profits over journalistic ethics[12] and employ a small community of Baltic journalists. This is enough reason to believe that – despite efforts by scholars – it was very difficult to convince journalists to talk openly about their freedoms, especially so when talking to them about their autonomy when making decisions about collecting and using information.

In the last decade, with journalists gaining experience, and some of them joining international investigative coalitions, the overall quality of Baltic journalism has improved. Several new initiatives have been responsible for taking on a mission to advance the quality of journalism[13] to make a bigger impact with their journalistic investigations and to steadily increase the scope and reach of narrative journalism. In 2019, one author even called the condition of Baltic investigative journalism "impressive."[14]

More importantly, during the last five years journalists in the region have been increasingly opening up about their work-related issues.[15] Their economic situation has also been improving. Consequently, an increase in Press Freedom assessments has followed. For instance, all three Baltic States have been steadily climbing up the World Press Freedom Index ratings.[16]

However, some practices require more time and energy to develop, including the implementation of Freedom of Information Acts (FOIAs). To name a few examples, the current Access to Information regulatory framework is often presented as being equal for all citizens; however, FOIAs do include some outdated privileges for journalists in all three Baltic States. Misunderstandings

12 Petković, B., (2004) Media Ownership and Its Impact on Media Independence and Pluralism, Ljubljana, Slovenia: Peace Institute, Institute for Contemporary Social and Political Studies, P. 33 https://core.ac.uk/download/pdf/53126508.pdf (Accessed 2023 03 31)

13 To name a few: Re:Baltica, Nanook (now NARA), Levila.

14 Khomenok, O., (2019) The Impressive State of Investigative Reporting in the Baltics. Silverspring, MA, USA: Global Investigative Journalism Network gijn.org/2019/04/03/the-impressive-state-of-investigative-reporting-in-the-baltics/ (Accessed 2023 03 31)

15 See: Undisclosed Author. (2019) Editors Abandon Estonia's Leading Daily Because of Owner Meddling. Paris, France: Reporters Without Borders rsf.org/en/editors-abandon-estonia-s-leading-daily-because-owner-meddling (Accessed 2023 03 31) and Žuolytė, J., (2020) Portalą 15min.lt dėl konflikto su direktoriumi palieka tyrimų skyriaus žurnalistai Pancerovas ir Davidonytė. Vilnius, Lithuania: Delfi.lt delfi.lt/m360/naujausi-straipsniai/portala-15minlt-del-konflikto-su-direktoriumi-palieka-tyrimu-skyriaus-zurnalistai-pancerovas-ir-davidonyte.d?id=85404499 (Accessed 2023 03 31)

16 Undisclosed Author. (2023) World Press Freedom Index. Paris, France: Reporters Without Borders https://rsf.org/en/index (Accessed 2023 03 31)

within **General Data Protection Regulation17 (GDPR)**, whether intentional or not, is another sign that all is not well in a field where Access to Information mechanisms meet with the journalism ecosystem. This creates grey areas that, accordingly, lead to insolvable disputes.

Due to rising geopolitical tensions and the Covid-19 pandemic, the situation has only got worse. The fear of sharing too much information with someone you don't trust is becoming the defining aspect of relationships between civil servants and journalists. The mutual trust they had built during the previous three decades has proved to be far too fragile for them to move forward.

The idea of the social function of journalism – public service journalism – is based on strict ethical norms. Journalists who focus on serving the public interest are expected to follow the highest ethical standards. As in other regions, independent media outlets in the Baltics that prioritize the interests of the public often have to refuse advertising income or limit their business model to grants or audience support. The sustainability of this kind of journalism is the most difficult to achieve. This is also the reason why, in cases of refusals to provide them with public information, such journalists react harshly. Without a clear, legitimate, stable and rigorous mechanism of access to information, performing a social mission – not to mention achieving the sustainability of such activities – is extremely difficult.

How does one sustain the production of professional and socially oriented journalism in such an environment? The authors of this Study are certain that it can be achieved by defining a set of rules laying out implementation of FOIAs for journalists.

For journalists who focus on issues surrounding public interests, including investigative reporters, daily news editors and freelance journalist-activists, FOIA implementation is very important. For others, not so much. However, the needs of the former are important enough to state that the problem has to be addressed.

If the Baltic States wish to avoid the regional trend of sliding into authoritarianism, the discrepancies in FOIA implementation have to be discussed. And it would be a mistake to address this challenge as just a legal one – a matter of regulation. Of course, the quality of the implementation of legal acts is sub-

17 Undisclosed Author. (2016) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC. Brussels, Belgium: European Parliament. https://eur-lex.europa.eu/eli/reg/2016/679/oj (Accessed 2023 03 31)

stantial, but attitudes, unwritten protocols and practices are equally impor-tant. Hence, this Study explores what Access to Information actually means for news media in the Baltics and how it is practiced by both sides: public servants and journalists.

The Content and the Goal of the Study

The Study seeks to provide a basis for policy change that would lead to im-proved sustainability within journalism that we might term 'journalism per-forming a social mission' in the Baltic States. The authors of this Study believe that in order to achieve such a policy change, the Study has to define a clear set of regional principles for ethical, equal, fair, and efficient Access to Infor-mation mechanisms, which would also address the identified regional prob-lems. The Study's secondary goal is to produce country-specific insights that journalists and public servants, including policy-makers, can follow.

Examining the efficiency of the current journalists' Access to Information mechanisms, and suggesting their improvement, involves the following ob-jectives:

1) Reviewing existing sources on Press Freedom in the Baltics, and, more con-cretely, on the intersections of Freedom of Information and journalists' Ac-cess to Information in the Baltic States

2) Examining the current national Access to Information regimes and mecha-nisms that support journalists' Access to Information in the Baltic States

3) Identifying the various obstacles that journalists and public servants face when sharing public information (applying FOI Acts in their work), and finding out why public servants sometimes refuse to share it

4) Comparing how efficient the current Access to Information mechanisms are and how refusals to disclose information affect journalistic activities

5) Formulating regional and national policy recommendations for improving journalists' Access to Information mechanisms, leading to improved journal-ism sustainability in the Baltic States

This Study consists of the following parts: Introduction, Literature Review, Access to Information - Regulatory Environment, Dispute Cases in the Baltics, Comparative Assessment, Conclusions and Policy Recommendations.
The Introduction consists of a brief foreword, a short declaration of goals, a

brief description of the methodology (detailed use of the methods is presented in **Annex No. 1**), and the presentation of the most used definitions. The Literature Review consists of a review of the available literature on the general topic of Press Freedom in the Baltic States, and studies explicitly focused on journalists' Access to Information. The Regulatory Environment section entails the presentation of context and a very brief descriptive comparison of the national access information regimes, including the appeal mechanisms (Details of the Regulatory environment are presented in the form of the table, **Annex No. 3** to the Study). The Dispute Cases section describes fifteen Baltic cases individually. The Comparative Assessment section assesses the efficiency of the Access to Information mechanisms and the effects of refusals to provide information on journalistic activities. The Conclusion points out the main findings of the Study. The final part presents regional and national recommendations for improving journalists' Access to Information mechanisms in the Baltics.

The Study employs a mix of methods, including desk research, case studies (with interviews), and comparative analysis. Firstly, the Study investigators review various sources covering Press Freedom, Freedom of Information, and journalists' Access to Information, analyzing national Access to Information regimes in the Baltic States. Secondly, the investigators conduct focused interviews with parties on both sides of the selected disputes and analyze how the public information mechanism worked in each particular case. This leads to the third phase of the study, namely a cross-country comparison of two aspects: the efficiency of the information provision mechanisms and the effects on journalists when facing refusals to provide public information. The full description of the methodology is available as **Annex No. 1** at the end of the Study.

The main purpose of the policy and practical recommendations is to bring forward various opinions on how performing social mission journalism can grow and support the overcoming of geopolitical, healthcare and other crises or challenges of our time. Recommendations regarding the improvement of Access to Information mechanisms include insights on the implementation of FOI Acts, and practical proposals on how to make the Freedom of Information regimes function; despite an openly and increasingly confrontational information environment.

The Study has been designed for policymakers devising policy changes across media sectors, journalist communities seeking professional development, universities preparing future journalists and media businesses developing social mission journalism projects in the Baltics and beyond.

Definitions

The study uses the term **Access to Information**, or Access to Public information, to describe the same public information-sharing practices as practiced by civil servants, journalists, and the general public. The term has basically the same meaning as **Freedom of Information (FOI)** or the formal expression implementation of Access to Information Laws (or Freedom of Information Laws, or Freedom of Information Acts), but emphasizes the practical, rather than the legal, aspect.

In theory, **Public Information** is information that is the subject of the commons[18] and a matter of common good or public interest. However, defining what public information is or deliberating which information should be public is not the aim of the Study. So, in the Study the term public information means information that has to be allegedly public within given boundaries of analyzed disputes.

The term **Freedom of Information Acts** is extensively explained by various actors, from regional organizations[19] to global platforms, such as Unesco.[20] The simplest definition that the Study investigators could find is taken from The UK's Information Commissioner's website: "The main principle behind freedom of information legislation is that people have a right to know about the activities of public authorities unless there is a good reason for them not to."[21]

The study further uses the British version of the phrase Freedom of Information Acts (FOIA or FOI Acts) instead of Access to Information Laws or Freedom of Information Laws when referring to the implementation of these acts/laws to better distinguish legal talk and the conversation on practices of Access to Information.

The term **Restrictions on Access to Information** is used to describe the types of cases that this Study focuses on, and, in practice, means the same

18 Undisclosed Author. (2023) Tempe, AZ, USA: International Association for the Study of the Commons iasc-commons.org/about-commons/ ((Accessed 2023 03 31)

19 Joshi, D., (2021) Freedom of Information Law in the Age of Opaque Machines. Amsterdam, The Netherlands: Digital Freedom Fund digitalfreedomfund.org/freedom-of-information-law-in-the-age-of-opaque-machines/ (Accessed 2023 03 31)

20 Access to Information Laws. (2023) New York, NY, USA: UNESCO https://www.unesco.org/en/access-information-laws (Accessed 2023 03 31)

21 What is the Freedom of Information Act? (2023) London, UK: Information Commissioner's Office https://ico.org.uk/for-organizations/guide-to-freedom-of-information/what-is-the-foi-act/ (Accessed 2023 03 31)

as the longer descriptions of similar activities: Restrictions on Collecting Information, Obstruction of the Activity of Information Collection that are used in national legislations.

The term **Dispute** is defined by the Study as any public disagreement: e.g. exchange of emails, public quarrel and litigation over restrictions on accessing public information between two sides. The two sides are always: journalist(s) versus a public servant, a politician, an institution or other legal persona that has, for some reason, become the subject of scrutiny for journalists in the name of public interest. Disputes are presented as having three phases: **a.** public statement, **b.** appeal to the FOI implementing institution, and **c.** a court claim. A dispute can begin, however, in any of the three phases.

Sustainable Journalistic Activities or **Sustainable Journalism** is journalism that can sustain itself financially and retain its integrity (i.e. comply with ethical norms and high standards). There is therefore no threat to its survival, whether economic, physical, or otherwise. In the context of the Study it is important that the incentive to produce ethical journalism is not endangered by any of these threats. Being able to access (public) information without excessive restrictions, and in an environment where collecting information doesn't interfere with journalists' wealth or working practices, is the key to journalism's sustainability. Other aspects of sustainability, such as education and financing, are also important, although the Study's working assumption is that Access to Information is a substantial prerequisite of sustainable journalism.

Journalism Carrying out a Social Mission, or journalism serving the public interest, is the type of journalistic activity that places the mission to serve, defend and discuss the public interest among its priorities.

Freedom of Information and **Right to Information** are terms that are used to describe the state of the framework that defines Access to Information practices and are used interchangeably. The terms **Press Freedom** and **Media Freedom** describe the conditions in which the media and journalists are working.

2 Literature Review

What Access, Which Information?

The Legal Leaks Toolkit developed by the international non-governmental organizations Access !nfo Europe and The Network for Reporting on Eastern Europe (n-ost), states that the right of Access to Information is a fundamental, universal, human right.[22]

The term Access to Information has two dimensions, of which both are equally important. One is endorsed by governments and is based on the assumption that members of the public are entitled to know what their governments do. The other is more nuanced, and is concerned with access as an activity that is also sometimes a reaction to what governments are up to. Today, access is supposedly for everyone; however, historically, some people learned to make a living out of it. Groups specializing in accessing and sharing information with the public (or their masters) became a separate profession: journalism.

Nowadays, some assessments of the state of democracy as seen through the lens of the media emphasize media pluralism,[23] or a population's access to media[24] as indicators of Freedom of Expression and Press Freedom. However, these measurements analyze Access to Information rather superficially, and don't reveal much about the journalists' role in securing the accessibility of public information.

In Unesco's **World Trends in Freedom of Expression and Media Devel-**

22 Undisclosed Author. (2019) The Legal Leaks Toolkit. Madrid, Spain: Access !nfo Europe; Berlin, Germany: The Network for Reporting on Eastern Europe n-ost. P. 33 legalleaks.info (Accessed 2023 03 31)

23 Bleyer-Simon, K., Brogi, E., Carlini, R., Nenadic, I., Palmer, M., Parcu, P.L., Verza, S., Viola de Azevedo Cunha, M., Žuffová, M., (2021) The Media Pluralism Monitor 2021. Fiesole, Italy: European University Institute, Centre for Media Pluralism and Media Freedom cmpf.eui.eu/mpm2021-results/ (Accessed 2023 03 31)

24 Undisclosed Author. (2023) Sustainable Governance Indicators. Gütersloh, Germany: Bertelsmann Stiftung. sgi-network.org/2022/ (Accessed 2023 03 31)

opment: Global Report 2017/2018, Access to Information is described as a key element of media freedom and a defining prerequisite for journalists to perform their functions.[25] In 2019, the organization published another study called **Access to Information: A New Promise for Sustainable Development** that describes the practical connection between Access to Information and journalism in more detail. One of its findings pointed out that while official online channels often did not provide information on the processes to request information, independent media and investigative journalism played a vital role in raising awareness among the broader public, which was not previously aware of its rights and how to exercise them.[26]

The amount of information in today's society is enormous, so we cannot expect ordinary citizens to know the hows and whys of accessing information. The question of what information is worth accessing is, arguably, a question for journalists.

> **"The question of what information is worth accessing is, arguably, a question for journalists."**

Multiple reports on the general populations' Right to Information share a common theme, namely that the number of countries in the world that have Freedom of Information Acts climbed to over 100,[27] and, more recently, to over 130.[28] However, does such growth really help ensure Access to Information?

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25 Stremlau, N., Gagliardone, I., Price, M. (2018) World Trends in Freedom of Expression and Media Development: Global Report 2017/2018 Paris, France: UNESCO P. 46 unesdoc.unesco.org/ark:/48223/pf0000261065 (Accessed 2023 03 31)

26 Lukosiunas, M., Kuswandini, D., (2019) Access to Information: A New Promise for Sustainable Development. World Trends in Freedom of Expression and Media Development. Paris, France: Unesco gcedclearinghouse.org/sites/default/files/resources/190481eng.pdf (Accessed 2023 03 31)

27 See: Undisclosed Author. (2022) Global Right to Information Rating. Madrid, Spain: Access !nfo Europe; Halifax, NS, Canada: Centre for Law and Democracy rti-rating.org/ (Accessed 2023 03 31) and Stremlau, N., Gagliardone, I., Price, M. (2018) World Trends in Freedom of Expression and Media Development: Global Report 2017/2018 Paris, France: UNESCO P. 46 unesdoc.unesco.org/ark:/48223/pf0000261065 (Accessed 2023 03 31)

28 Ayoubi, L. (2022) Access to Information Laws: a Guarantee of inclusion and Disability Rights Paris, France: UNESCO unesdoc.unesco.org/ark:/48223/pf0000380470

The report **Art of Darkness How the Government is Undermining Freedom of Information** shows that Governments are undermining society's Right to Information and misinterpreting their FOI acts even in democracies with long democratic traditions such as UK.[29] As Maria Žuffova found out, in her 2020 research study demonstrating the differences between FOI Acts and Open Government initiatives, while an excellent piece of legislation might be implemented poorly, imperfect legislation might well deliver good levels of openness.[30] And the regular **Global Right to Information Rating Reports** also confirms that the quality of the implementation of these laws is very uneven.[31] Thus, the actual state of Access to Information doesn't only depend on regulations.

In fact, journalists' duty to present arguments from all angles, and to describe subjects as accurately as possible, to distinguish facts from opinions, and to disclose facts that are in the public interest – all these difficult decisions journalists have to make – put their exceptional rights to access information at the center of the entire discussion about general Access to Information.

Deciding what information is to be shared with the public is one of the axes of their activities. Thus, the role of journalists in ensuring Access to Information is pivotal for societies striving to be open.

29 Amin, L., (2020) Art of Darkness How the Government is Undermining Freedom of Information. London, UK: OpenDemocracy https://s3.documentcloud.org/documents/20415987/art-of-darkness-opendemocracy.pdf (Accessed 2023 03 31)

30 Žuffová, M. (2020) Do FOI Laws and Open Government Data Deliver as Anti-corruption Policies? Evidence from a Cross-country Study. Government Information Quarterly 37 (3) Amsterdam, The Netherlands: Elsevier https://doi.org/10.1016/j.giq.2020.101480 (Accessed 2023 03 31)

31 Undisclosed Author. (2022) Global Right to Information Rating. Madrid, Spain: Access !nfo Europe; Halifax, NS, Canada: Centre for Law and Democracy rti-rating.org/ (Accessed 2023 03 31)

Sources Covering Press Freedom and Freedom of Information in the Baltics

During the past three decades, the bulk of academic articles in local science journals (such as **Media Transformations**[32] and **Baltic Screen Media Review**[33]) focusing on the media in Estonia, Latvia, and Lithuania examined the post-authoritarian transformation of the news market, audiovisual culture, and digitization. The Study found only a few English language studies and articles (presented below) analyzing the situation of Press Freedom in the Baltics.

The first instance of a Press Freedom evaluation is the 1998 Investors' Outlook, analyzing The Freedom House's **Free Press Ratings**.[34] In around the year 2000, two sister publications emerged: **The Post-Soviet Media Law & Policy Newsletter** that listed "new categories" and "relevant constitutional provisions."[35] **The Baltic Edition of the Mass Media Law and Practice Bulletin** that conceptualized threats to newly established Press Freedom.[36] Another early example where Freedom of the Press and Information was presented as part of media policy was a section about Estonia in the 2003 book *Business As Usual: Continuity and Change in Central and Eastern European Media*.[37]

In around the year 2008, Press Freedom in the Baltics caught the attention of international investigators, and a couple other analyses comparing media systems in various regions involving the Baltic States were produced by Katrin

32 Media Transformations. Kaunas, Lithuania: Vytautas Magnus University http://dx.doi.org/10.7220/2029-8668 (Accessed 2023 03 31)

33 Baltic Screen Media Review. Tallinn, Estonia: Tallinn University https://sciendo.com/journal/BSMR (Accessed 2023 03 31)

34 Dunkerley, W., (1998) Media in Russia and Eastern Europe. The investors' Journal of Legislative Impact, Regulation and Policy Development in Emerging Markets Issue. London, UK: Undisclosed Publisher http://www.russianmediamarket.com/rmedia/renigma.htm (Accessed 2023 03 31)

35 Undisclosed Author. (1998) Twenty-two Categories on Mass Media Regulation in Lithuania, Latvia, and Estonia. Post-Soviet Media Law & Policy Newsletter, Issue 48-49 Supplement. New York, Ny, USA: The Benjamin N. Cardozo School of Law

36 Lukošiūnas, M.,(Ed.) (2000) New Law on Advertising will Restrict Financial Independence of the Media, Mass Media Law and Practice Bulletin 8. Vilnius, Lithuania: Vilnius University Institute of Journalism

37 Lauk, Epp; Harro-Loit, Halliki (2003). A Landscape After the Storm: Development of the Estonian Media in the 1990s. In: Paletz, D.L.; Jakubowicz, K. (Ed.). Business As Usual. Continuity and Change in Central and Eastern European Media. P. 145–176. Cresskill, New Jersey: Hampton Press

Voltmer,[38] Andrei Richter,[39] and others.

Starting from 2012, wide international studies on Press Freedom and media policies began to include the Baltic States, sometimes only Estonia[40] and sometimes Estonia and Latvia, as did the study **The World of Journalism**.[41] However, these contributions focused on the journalists' role and editorial autonomy without analyzing the issue of Access to Information.

Without a doubt, the biggest work in the field of Press Freedom was carried out by the authors of **The Mediadem Projects**. At first, in 2010, it included just one Baltic state, Estonia, amongst their comparisons of media regulations and Press Freedom in 14 European countries. Later, the project grew in importance, and, in its 2020 edition called MediaDelCom also included Latvia. It studied national media research capabilities and critical junctures in the media transformation process in the years 2000–2020 and also addressed Freedom of Information to some extent.

A few more English language studies and reports concerning, or at least mentioning, Press Freedom in the Baltics were published in the previous decade. To give a few examples, these were declarative statements, such as **The Report of the High Level Group on Media Freedom and Pluralism**,[42] or very practical examinations, such as **A Summary of Policy Contacts with the Media in Latvia** by Juri Kaža.[43] The Study wasn't able to spot any substantial analytical efforts to measure the intersection of Press Freedom and Freedom of Information, whether quantitatively or qualitatively, in the Baltics.

The subject of Freedom of Information (in its widest sense) attracted the eye of the practitioners of applied research. The following studies were conducted by non-governmental organizations: as early as 2000 the Riga-based think

38 Voltmer, K. (2008) Comparing Media Systems in New Democracies: East Meets South Meets West, Central European Journal of Communication Vol. 1. Warsaw, Poland: Polish Communication Association

39 Richter, A. (2008) Post-Soviet Perspective on Censorship and Freedom of the Media: An Overview, International Communication Gazette 70 (5). Thousand Oaks, CA, USA: SAGE Journals

40 Psychogiopoulou, E., (2014) Media Policies Revisited. The Challenge for Media Freedom and Independence. London, UK: Palgrave Macmillan 2014,'

41 The Worlds of Journalism. Munich, Germany: The Worlds of Journalism Association https:// worldsofjournalism.org/data-d79/data-and-key-tables-2012-2016/ (Accessed 2023 03 31)

42 Vīķe-Freiberga, V., Däubler-Gmelin, H., Hammersley, B., Poiares Pessoa Maduro, M.L., (2013) A Free and Pluralistic Media to Sustain European Democracy. The Final Report of the High Level Group on Media Freedom and Pluralism. Brussels, Belgium: European Commission

43 Kaža, J., (2014) A Summary of Police Contacts with Media in Latvia,. Riga, Latvia: Re:Baltica en.rebaltica.lv/2014/01/a-summary-of-police-contacts-with-media-in-latvia/ (Accessed 2023 03 31)

tank Providus published an extensive study **The Accessibility of Information in Latvia**[44]; in 2014, **The Survey of the Right to get Information in Lithu-ania**[45] was published by the Vilnius-based Human Rights Monitoring Institute; in 2015, **The Comparative Analysis of Access to Information in V4 Coun-tries + Estonia**[46] was published by Transparency Slovakia; in 2019, the **Open Data and Political Integrity in the Nordic Region** report[47] was published by Open Knowledge Sweden and Transparency International sections in Latvia and Lithuania. The following reports were published by state agencies and public institutions: in 2016, a report called **Is Opening of the Public Sector Data Ensured?**[48] was conducted by The National Audit Office of Lithuania; in 2020, a study on **The Real Practice of the Right to Information**[49] by Latvia's Supreme Court was published.

The Right to Information in the Baltics has been analyzed multiple times in general terms, without focusing on journalism. And, until very recently, there has been neither academic nor applied research on how the legislative mechanisms of information provision are applied in the case of journalists.

The only research effort prior to 2018 that engaged with the research topic and that involved the Baltic States that the authors could find is a 2008 inves-tigation by The Organization for Security and Co-operation in Europe called Access to Information by the Media in the OSCE Region: Country Reports,[50] which sheds some light on how access works for journalists in the Baltics.

44 Berzina, I., Ozolina, G., (2000) Informācijas pieejamība Latvijā. Riga, Latvia: The University of Latvia, Faculty of Law. providus.lv/article_files/1430/original/Info_pieejam_tiesakt.pdf?1331585920 (Accessed 2023 03 31)

45 Adutavičiūtė, M., Teisė gauti informaciją Lietuvoje: iššūkiai ir galimybės. Vilnius, Lithuania: Human Righrts Monitoring Institute hrmi.lt/wp-content/uploads/2016/08/Teise_gauti_informacija_ZTSI_2014.pdf (Accessed 2023 03 31)

46 Undisclosed Author. (2015) Comparative analysis of access to information in V4 countries + Estonia. Bratislava, Slovakia: Transparency International Slovakia. transparency.sk/wp-content/uploads/2015/06/Comparative-analysis-of-Access-to-Information.pdf (Accessed 2023 03 31)

47 Greco, A., (2019) Open Data and Political Integrity in the Nordic Region. Riga, Latvia: Transparency International Latvia. transparency.lt/wp-content/uploads/2019/11/Open_Data_Report.pdf (Accessed 2023 03 31)

48 Undisclosed Author. (2016) Ar užtikrinamas viešojo sektoriaus turimų duomenų atvėrimas. Valstybės audito ataskaita Nr. VA-P-900-1-25. Vilnius, Lithuania: National Audit Office valstybeskontrole.lt/LT/Product/23669/ar-uztikrinamas-viesojo-sektoriaus-turimu-duomenu-atverimas (Accessed 2023 03 31)

49 Undisclosed Author. Tiesibas uz pieeju informacijai. (2020) Riga, Latvia: Supreme Court of Latvia www.at.gov.lv/files/uploads/files/6_Judikatura/Tiesu_prakses_apkopojumi/2020/Tiesibas_uz_pieeju_informacijai_20_11_2020(1).docx (Accessed 2023 03 31)

50 Undisclosed Author. (2008) Access to Information by the Media in the OSCE Region: Country Reports. Vienna, Austra: Organization for Security and Co-operation in Europe osce.org/fom/24893 (Accessed 2023 03 31)

Journalists did report the trend that some of their colleagues were being denied Access to Information,[51] but only sporadic academic remarks about this followed. Therefore, this Study can do very little to explain how the sharing of information practices between the authorities on one side and the media on the other has developed. However, even though they weren't the focus then, these remarks correspond with the focus of the Study, so are worth mentioning here.

For instance, in 2008, in the section titled Changing Journalistic Discourses in the Baltic States - *How to Deal with Cheap Journalism in the book Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective*, Auksė Balčytienė noted a trend. She claimed that with the professionalization of political sources (with the increasing application of spin doctors and political issue management techniques), journalists are increasingly denied direct access to important information because they are confronted with PR material instead of being allowed to discover conflicts within the actual decision-making process themselves.[52]

When writing about the entire region of Central and Eastern Europe in 2013, Miklos Sukosd and Peter Bajomi-Lazar claimed: "Investigative reporters con-stitute a very small group that has difficulty due to bureaucracies resistance to implement Freedom of Information Laws (FOIAs) and the limited resources of newspaper publishers (low salaries and shortages of time to work on a sto-ry)."[53] This wasn't by any means the central finding of the book, but the insight is important in the context of this Study. Today, these two obstacles remain valid reasons why journalists, whether print, TV, or online, face difficulties in accessing public information in the Baltics.

51 Litvaitis, D., (2006) Lithuania: the Untouchable Political Class. Paris, France: Cafebabel.com cafebabel.com/en/article/lithuania-the-untouchable-political-class-5ae004cff723b35a145db-d7a/ (Accessed 2023 03 31)

52 Jakubowicz, K.; Sukos, M., (Eds) (2008) Finding the Right Place on the Map: Central and Eastern European Media Change in a Global Perspective, Bristol UK; Chicago, IL, USA: Intellect P. 218

53 Sukosd, M., Bajomi-Lazar, P. (2013) Reinventing Media Policy Reform in Eastern and Central Europe. Budapest, Hungary: Central European University Press P.18

Recent Studies on Journalists' Access to Information in the Baltics

The subject of obstacles encountered when accessing documents was first addressed as a major problem that journalists face in Lithuania in a joint 2018 report by The European Federation of Journalists and European Centre for Press and Media Freedom.[54]

With some focus on journalists' Access to Information, the following explorations were conducted: The rights of journalists, including the right to access public information, were summarized in a series of handbooks called **Legal Guides for Journalists** that was published in Latvia,[55] Lithuania,[56] and Estonia[57] between 2018 and 2021. In 2020, The Lithuanian Journalism Centre published the report **Journalists' Work in the Age of Internet**,[58] devoting an entire section to the difficulties journalists face when trying to acquire or collect information. In 2021, the project MediaDelCom offered some new insights into the Access to Information situation in Estonia[59] and Latvia[60].

54 Undisclosed Author. (2018) The Baltics: Report on the January 2018 Joint EFJ-ECPMF Mission to Tallinn (Estonia) +Vilnius (Lithuania) Brussels, Belgium: European Federation of Journalists, Leipzig, Germany: European Centre for Press and Media Freedom, P. 12-14 europeanjournalists.org/wp-content/uploads/2018/04/FFM-Report-EFJ.pdf

55 Azanda, I., Jaunalksne, I., Blicher Bjerregård, M., (2018) Local Law for Dummies Latvian Legal Guide for Journalists. Riga, Latvia: Stockholm School of Economics Centre for Media Studies mediacentre.sseriga.edu/wp-content/uploads/2021/03/Latvian_legal_guide_for_journalists.pdf (Accessed 2023 03 31)

56 Meškauskaitė, L., Sinkevičius, (2019) D. Media Law Guide for journalists in Lithuania. Riga, Latvia: Stockholm School of Economics Centre for Media Studies. https://lzc.lt/en/news/2019/media-law-guide-for-journalists-in-lithuania/ (Accessed 2023 03 31)

57 Azanda, I., Blicher Bjerregård, M., Estam, J., Jaunalksne, I., Putnik, A., (Undisclosed date) Of the Rights and Responsibilities of the Journalist A Compact Legal Familiarization Guide for Estonian Journalists sseriga.edu/sites/default/files/inline-files/estonian_legal_guide_for_journalists_english.pdf Riga, Latvia: Stockholm School of Economics Centre for Media Studies (Accessed 2023 03 31)

58 Juknevičiūtė, R., Donauskaitė, D., Tubys, (2020) L., Žurnalistų darbas interneto amžiaus Lietuvoje. Iššūkiai saugumui, privatumui, reputacijai. Vilnius, Lithuania: Lithuanian Journalism Centre. lzc.lt/leidiniai/zurnalistu-darbas-interneto-amziaus-lietuvoje-issukiai-saugumui-privatumui-reputacijai/ (Accessed 2023 03 31)

59 Harro-Loit, H. Lauk, E., Kõuts, R., Parder, M., Loit, U (2022) Risks and Opportunities Related to Media and Journalism Studies (2000–2020). Case Study on the National Research and Monitoring Capabilities Case Study 1, Estonia. Critical Exploration of Media Related Risks and Opportunities for Deliberative Communication: Development Scenarios of the European Media Landscape. Brussels, Belgiums: European Commission. mediadelcom.eu/publications/d21-case-study-1/est/ (Accessed 2023 03 31)

60 Rožukalne, A., Skulte, I., Stakle, A., (2022) Risks and Opportunities Related to Media and Journalism Studies (2000–2020). Case Study on the National Research and Monitoring Ca-

The outcomes of the following studies focusing on **GDPR** implementation in the case of journalism were recently published. At the end of 2018, Latvia's Ombudsman carried out several surveys of both the general population and journalists[61] in relation to **GDPR**, concluding that their knowledge is not sufficient. In 2020, journalists' rights were extensively discussed by Natalija Bitiukova in the study **Journalistic Exemption under the European Data Protection Law**,[62] which was commissioned by The Vilnius Institute for Policy Analysis. In 2022, Lithuania's Journalists' Ethics Inspector published **The GDPR Application Guidelines for Public Institutions on Providing information for the Media**,[63] the result of a jointly implemented study with Mykolas Romeris University. The Access to Information situation pertaining to data privacy has also been monitored by Estonia's Data Protection Inspectorate, which publishes yearly overviews. The last yearly overview covers the year 2020.[64]

Starting in 2021, Baltic problems with journalists' Access to Information were noted by the authors of **The Media Pluralism Monitor** (MPM).

The 2020 MPM's **Lithuania's Country Report** stated that there were several instances of violations of Access to Information and publicity rights whereby journalists critical of the previous government had to defend their rights in court. However, it calls these instances "outlier cases."[65] In the 2021 **Lithuania MPM Report**, the authors stated that the authorities continued to occasionally restrict Access to Information without good reason, even though the

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pabilities Case Study 1, Latvia. Critical Exploration of Media Related Risks and Opportunities for Deliberative Communication: Development Scenarios of the European Media Landscape. Brussels, Belgiums: European Commission. mediadelcom.eu/publications/d21-case-study-1/lva/ (Accessed 2023 03 31)

61 Undisclosed Author. (2018) Datu regula / Daži aspekti Vispārīgās datu aizsardzības regulas (Regula) kontekstā. Riga, Latvia: Latvia's Ombudsman https://www.tiesibsargs.lv/datu-regula/ (Accessed 2023 03 31)

62 Bitiukova, N., (2020) Journalistic Exemption under the European Data Protection Law. Policy Paper Series. Vilnius: Lithuania: Vilnius Institute for Policy Analysis. https://vilniusinstitute.lt/wp-content/uploads/2020/01/VIPA_Bitiukova_2020_v4_f.pdf (Accessed 2023 03 31)

63 Undisclosed Author. (2023) Informacijos teikimo gairės žiniasklaidos ir viešojo sektoriaus atstovams. Vilnius, Lithuania: Journalists' Ethics Inspector. https://www.zeit.lt/data/public/uploads/2023/02/gaires-1.pdf (Accessed 2023 03 31)

64 Undisclosed Author. (2020) Andmekaitse Inspektsiooni aastaraamat. Tallinn, Estonia: The Data Protection Inspectorate. https://aastaraamat.aki.ee/ (Accessed 2023 03 31)

65 Balcytiene, A., Juraite, K., Jastramskis, D., Kalpokas, I., (2021) Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the EU, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021. Country report Lithuania. Fiesole, Italy: European University Institute, Centre for Media Pluralism and Media Freedom https://cadmus.eui.eu/bitstream/handle/1814/71953/lithuania_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y (Accessed 2023 03 31)

subject matter had changed – now focusing on the arrival of migrants from Belarus. The 2021 **MPM Latvia's Country Report** concludes that journalists were complaining about the limitations of information access from public institutions because of remote work during the Covid-19 pandemic. No other restrictions are mentioned, although, in the case of Latvia, according to the authors of the report, the situation made it convenient for public officials to avoid complicated questions, so members of Parliament and ministers regularly avoided answering questions outside press conferences.[66] The 2021 **MPM Estonia's Country Report** presents the situation more thoroughly, stating that, in some cases, public institutions tend to misuse procedures in order to deny access to public information; government agencies and other public institutions often classify their documents as "for internal use only" to deny access, even when they do not contain any sensitive or secret information. Authors in Estonia also noted that the implementation of **The Data Protection Law** in many cases led to violations of the Right to Information.[67] The latter trend is completely left out in the reports on the other two Baltic States, and, most likely, is the reason that led to such an unequal risk score among the three.

The 2021 Media Pluralism Monitor rated the Protection of the Right to Information risk in the following way: the risk was evaluated as low (19%) in Latvia, average (29%) in Lithuania, and high (50%) in Estonia. But, as the authors of this Study later learned, Estonian journalists are, in fact, the ones who recently started disclosing their operations and bringing their information-seeking disputes into the open, which might have led to a clearer perception of the risk factors in Estonia. Consequently, local MPM researchers might have been able to assess the journalists' role in the protection of the Right to Information in Estonia more carefully.

Finally, in 2022, the subject of general Access to Information in Estonia, including interviews with journalists, was mapped in the analytical report on

66 Rozukalne, A. (2021) Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the EU, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021. Country report Latvia. Fiesole, Italy: European University Institute, Centre for Media Pluralism and Media Freedom https://cadmus.eui.eu/bitstream/handle/1814/74695/MPM2022-Latvia-EN.pdf?sequence=1&isAllowed=y (Accessed 2023 03 31)

67 Kõnno, A., (2021) Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the EU, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021. Country report Estonia. Fiesole, Italy: European University Institute, Centre for Media Pluralism and Media Freedom https://cadmus.eui.eu/bitstream/handle/1814/74687/MPM2022-Estonia-EN.pdf?sequence=1&isAllowed=y (Accessed 2023 03 31)

Possibilities of Using Public Information,[68] conducted by Estonia's Foresight Centre, a think tank steered by The Estonian Government. The report also includes an analysis of how these laws are developing.

The only study that focuses on the obstacles that journalists face when accessing public information in the Baltics was conducted in 2021 by Klinta Ločmele in a joint publication by Latvia's Journalists Association and The Swedish School of Economics (SSE) Media Centre in Riga that focused on the restrictions that Latvian journalists faced during the Covid-19 pandemic.[69]

Findings of the Literature Review

The review of available sources has shown that numerous authors have examined and evaluated both Press Freedom and Freedom of Information in the Baltics. However, their publications most often focus on the analysis of the state of the media markets and media policies. Moreover, there is very little exploration of the field that exists in the overlap of the two conceptual frameworks, namely Freedom of Information and Press Freedom. International studies and analyses that exist in this field do not take into account the specific context of the Baltic region, and are constrained by their global perspective. Local experts are only just beginning to grasp the importance of journalistic practices in the understanding and application of the principles of Access to Information – meaning that the latter don't offer any empirical examination. Therefore, for now, Baltic journalists' role in the Access to Information mechanism is both underestimated and under-researched. The know-how that should serve as the foundation for mastery in Access to Information and provision of information practices is yet to be built.

68 Pild, M., Turk, K., Kose, K., Lehemets, M. (2022). Avaliku teabe kasutamise Võimalused Tallinn, Estonia: Estonia's Foresight Centre. https://arenguseire.ee/wp-content/uploads/2022/10/2022_avaliku-teabe-kasutamise-voimalused_uuring.pdf (Accessed 2023 03 31)

69 Ločmele, K., (2021) Informācijas pieejamība Latvijas žurnālistikas Praksē. Riga, Latvia: Stockholm School of Economics Centre for Media Studies mediacentre.sseriga.edu/wp-content/uploads/2021/05/Klinta_Locmele_Informacijas_pieejamiba-3.pdf (Accessed 2023 03 31)

4 Access to the Information – Regulatory Environment

Intersections of Access to Information and Press Freedom

This Study focuses on the overlap between the Right to Information and Press Freedom. Thus, it is useful to look into how these notions interact. Some insights can be drawn from existing measurements.

In 2022, **The Global Right to Information Rating** by the non-governmental organization Access Info! that analyzes the quality of Right to Information Laws places Estonia, Latvia, and Lithuania in 47th, 106th, and 114th among the 150 total world positions.[70]

The OECD's 2019 **Open, Useful and Re-usable Data (OURdata) Index** places all three Baltic States in the lowest third among the world's 32 developed countries, and Lithuania as the lowest performing county based on two of the three indicators that were measured.[71]

Press Freedom measurements on the other hand present a different picture.

The well-known World **Press Freedom Index**, published annually by Reporters Without Borders, has placed the Baltic States in the top 50 for over two decades.[72] In the last five years, the ratings have generally been improving. In 2022, Estonia managed 4th place, its highest position since 2012, and the other two were also doing quite well. In 2023, Lithuania climbed to 7th place,

70 Undisclosed Author. (2022) Global Right to Information Rating. Madrid, Spain: Access !nfo Europe; Halifax, NS, Canada: Centre for Law and Democracy rti-rating.org/ (Accessed 2023 03 31)

71 Rivera Perez, J.A., Emilsson, C., Ubaldi, B. (2020) Open, Useful and Re-usable data (OURdata) Index: 2019 Policy Paper. Paris, France: organization for Economic Co-operation and Development oecd.org/gov/digital-government/policy-paper-ourdata-index-2019.htm (Accessed 2023 03 31)

72 Undisclosed Author. (2023) World Press Freedom Index. Paris, France: Reporters Without Borders https://rsf.org/en/index (Accessed 2023 03 31)

its highest-ever position, and Latvia reached 16th place, its highest position since 2008.

For the last decade, Freedom House's **Freedom in the World Report** has been placing the Baltic States high up in their list too. In the subcategory Freedom of Expression and Belief / Question D1: Are there free and independent media?, on a scale of 0 (very bad) to 4 (very good), Estonia and Lithuania have been receiving the highest possible score of 4, with Latvia scoring 3.[73]

To put it as simply as possible, this disparity between Right to Information and Press Freedom scores is contradictory. How can the Press Freedom measurements be so high if there is so little data on beneficial ownership, or interest declarations publicly available and accessible as the **Open Data and Political Integrity in the Nordic Region** report indicates?[74]

This contradiction could have at least two explanations. First, it can be argued that many journalists don't know how to use their Right to Information, meaning that they aren't as good as they think they are at doing their job, which in turn would point to gaps in journalistic education. Second, it can be argued that journalists are trying as hard as they can, but they don't feel secure because they are ill-equipped, lack autonomy, and independent media is generally not appreciated in society. Unfortunately, it looks like both of these explanations, at least to some extent, can be applied in the Baltic States. There are quite a few sources pointing to particular gaps in journalistic education including low skills in data literacy[75] and a lack of specialized training[76] to name just two.

The Reporters Without Borders country descriptions reveal that the news

73 Undisclosed Author. (2023) Freedom in the World. Washington, DC, USA: Freedom House. https://freedomhouse.org/report/freedom-world

74 Greco, A., (2019) Open Data and Political Integrity in the Nordic Region. Riga, Latvia: Transparency International Latvia. transparency.lt/wp-content/uploads/2019/11/Open_Data_Report.pdf (Accessed 2023 03 31)

75 Kõuts-Klemm, R. (2019) Data Literacy among Journalists: A Skills-Assessment Based Approach. Central European Journal of Communication Vol. 12(3). Warsaw, Poland: Polish Communication Association cejc.ptks.pl/Volume-12-No-3-24-Fall-2019/Data-literacy-among-journalists-A-skills-assessment-based-approach

76 Jastramskis, D. (2020) Learning Needs of Lithuanian Media Organizations Report. Development of a Resilient and Informed Media Space in the Baltic States (2019-2021). Riga, Latvia: Baltic Centre for Media Excellence bcme.eu/en/our-work/research/Media-lifelong-training-needs-in-the-Baltic-states (Accessed 2023 03 31)

media market in the Baltics is dominated by large companies.[77] And **The Baltic Media Health Checks** demonstrate that not all investigative journalists working for them have enough financial safety,[78] especially during crises, or freedom to engage in serious reporting[79].

Furthermore, as already noted in the Introduction, the Baltic media market has suffered from allegations of bribery and corruption. The extent and form of such cases are different in all three countries, but, as more recent examples show [80], the problem continues to this day. It can be said that this long-lasting problem has created an environment of mistrust towards the media in all three Baltic states: Lithuania [81], Latvia [82], and Estonia [83].

It's not as if ethical journalism performing a social mission in the Baltics has never existed. There have been some instances of high-quality news and investigative journalism by national broadcasters and in newspapers for a long time. For instance, in the case of Estonia, the country's newsrooms have been

77 Undisclosed Author. (2023) World Press Freedom Index. Paris, France: Reporters Without Borders https://rsf.org/en/index (Accessed 2023 03 31)

78 Donauskaitė, D., Fridrihsone, M., Krancevičiūtė,M., Krūtaine, A., Lastovska, A.,Reiljan, P., Tetarenko, A., (2020) The Media After Covid: Finding Strategies to Survive and Thrive. The Baltic Media Health Check 2019-2020. Riga, Latvia: Stockholm School of Economics Centre for Media Studies P. 13 sseriga.edu/sites/default/files/2020-11/Baltic_Media_Health_Check_2019_2020.pdf (Accessed 2023 03 31)

79 Donauskaitė, D., Fridrihsone, M., Himma-Kadakas, M., Krūtaine, A., Lastovska, A Protecting Media Freedom. (2019) The Baltic Media Health Check 2018-2019. Riga, Latvia: Stockholm School of Economics Centre for Media Studies. P. 22 sseriga.edu/baltic-media-health-check-2018-2019-published (Accessed 2023 03 31)

80 See: Undisclosed Author. (2019) Korupcijos byloje žurnalistas T. Dapkus teisme aiškinosi dėl interviu su E. Masiuliu. Vilnius, Lithuania: Alfa.lt alfa.lt/aktualijos/lietuva/korupcijos-byloje-zurnalistas-t-dapkus-teisme-aiskinosi-del-interviu-su-e-masiuliu/-50407074/ (Accessed 2023 03 31); Vahter, T. (2023) „Kodutunde" annetuste väidetav omastamine viib Kristi Loigo kohtu alla. Tallinn, Estonia: Delfi.ee ekspress.delfi.ee/artikkel/120129356/kodutunde-annetuste-vaidetav-omastamine-viib-kristi-loigo-kohtu-alla (Accessed 2023 04 25) Undisclosed Author. (2022) FT Publications about Lithuania Paid for by Government – media. Vilnius, Lithuania: Lrt.lt lrt.lt/en/news-in-english/19/1833216/ft-publications-about-lithuania-paid-for-by-government-media (Accessed 2023 03 31)

81 Undisclosed Author. (2021) Apklausa: pasitikėjimas žiniasklaida – žemiausias per 20 metų. Vilnius, Lithuania: Alfa.lt www.alfa.lt/aktualijos/lietuva/apklausa-pasitikejimas-ziniasklaida-zemiausias-per-20-metu/235801/ (Accessed 2023 03 31)

82 Undisclosed Author. (2016) Latvia: Little Trust in the Press. Eurotopics. Bonn, Germany: Bundeszentrale für politische Bildung eurotopics.net/en/149417/latvia-little-trust-in-the-press (Accessed 2023 03 31)

83 Undisclosed Author. (2022) Trust in Estonian Media Growing. Tallinn, Estonia: ERR news.err.ee/1608540526/survey-trust-in-estonian-media-growing (Accessed 2023 03 31)

competing for The Bonnier Award[84] since 1996. All of the largest outlets that employ investigative desks have won it. However, journalism based on the Western European model of independent investigative initiatives and investigative departments within Public Broadcasters is a new thing in the Baltics. The discussion on independent media has also just started. Even though Estonia is ahead with its local media funding strategies[85] compared to Latvia[86] and Lithuania[87], which are still rethinking their funding models, independent media funding was a forgotten topic in all three Baltic States for a very long time. Starting a few years ago, authorities have been paying more attention to the subject because of the external disinformation threats. However, as a recent Oasis Project report has shown, the number of independent, and at the same time well-performing media outlets, is still very low.[88]

All this creates an impression that Press Freedom measurements present the situation in the Baltic States in a very limited way. Because there is no substantive discussion on the quality of journalism locally, and no significant effort of improvement, the situation risks looking better than it really is from the outside.

Baltic Journalism in a Geopolitical Context

Having Russia as a neighbor adds a unique element of tension. The Baltic States have their own issues in maintaining high-quality journalism, but the impact of neighboring authoritarian countries makes this job more difficult. To name a few examples: invasive rhetoric on defending the rights of Russian speakers, coordinated worldwide attacks on the country's reputation held by undercover agents of influence disguised as journalists, hacking disinformation on the front pages of independent media and releasing armies of trolls

84 Undisclosed Author. (2014) Bonnier Award in Estonia. Stockholm, Sweden: Bonnier. https://www.bonnier.com/en/news/bonnier-award-in-estonia/ (Accessed 2023 03 31)

85 Undisclosed Author. (2022) Valitsus eraldas 1,3 miljonit venekeelsete toimetuste tugevdamiseks. Tallinn, Estonia: Postimees postimees.ee/7479018/valitsus-eraldas-1-3-miljonit-venekeelsete-toimetuste-tugevdamiseks (Accessed 2023 04 25)

86 Undisclosed Author. (2019) Latvia Urged to Address Public Broadcaster's Problems. Paris, France: Reporters Without Borders rsf.org/en/latvia-urged-address-public-broadcaster-s-problems (Accessed 2023 03 31)

87 Undisclosed Author. STT perspėja dėl naujo žiniasklaidos rėmimo modelio: galėtų netiesiogiai finansuoti partijas. Vilnius, Lithuania: Verslo žinios vz.lt/rinkodara/medijos/2022/09/17/stt-perspeja-del-naujo-ziniasklaidos-remimo-modelio-galetu-netiesiogiai-finansuoti-partijas (Accessed 2023 03 31)

88 Undisclosed Author. (2023) A Research Project on the Trends, Impact, and Sustainability of Independent Digital Native Media in More Than 40 Countries in Europe. Los Angeles, CA, USA: Sembra Media. projectoasiseurope.com (Accessed 2023 04 18)

on individual journalists.[89] This is how the regimes in Russia and Belarus affect the Baltic media ecosystem.

An openly confrontational media environment that involves hostile media outlets controlled by authoritarian states and their journalists from Minsk, Moscow, Beijing (or their locally active activists) is seeding mistrust. Media outlets are fact-checking each other, instead of focusing on their own mistakes. Journalists who are brave enough to pose awkward questions are sometimes accused of supporting The Kremlin. [90] Media regulators are taking away licenses from legitimate Russian opposition journalists without adequate justification.[91]

"There are signs that the practice of sweeping things under the carpet is becoming more than just the post-Soviet version of a general bureaucratic trend."

Another aspect that brought in a new level of mistrust is the recent health crisis and its subsequent infodemics.[92] The 2021 Europe section of **The Global State of Democracy** report stated that lessons from the ongoing pandemic have made it clear that democratic systems can only function properly—and trust in state institutions can only be sustained and strengthened—where there is free and unhindered access to public information, where journalists are able to operate without fear and where freedom of expression is broadly enjoyed. According to the report, the provision of frequent and accurate in-

89 Seib, P., (2021) Information at War: Journalism, Disinformation, and Modern Warfare. Cambridge, UK: Polity. P. 138-144

90 Kaža, J., (2022) Ukraine war, Latvian Politics Bring Attacks on Baltic Media Freedom. Riga, Latvia: Juris Kaža. juriskaza.medium.com/ukraine-war-latvian-politics-bring-attacks-on-baltic-media-freedom-655dc08dfa2c (Accessed 2023 04 25)

91 Undisclosed Author. (2022) Latvia Cancels License Of Exiled Independent Russian TV Dozhd. Prague, Czech Republic: Radio Free Europe. https://www.rferl.org/a/russia-latvia-dozhd-tv-license/32163779.html

92 Undisclosed Author. (2020) How to End Infodemics? Paris, France: Forum on Information & Democracy informationdemocracy.org/working-groups/concrete-solutions-against-the-infodemic/ (Accessed 2023 03 31)

formation to the public by relevant government agencies is the best antidote to disinformation.[93] However, it looks like the Baltic governments didn't listen to these arguments.

There were some instances of unfounded restrictions to collecting information before the pandemic and the intensification of Russia's hybrid offensive. But after these two things broke, the overall situation got worse. There are signs that the practice of sweeping things under the carpet is becoming more than just the post-Soviet version of a general bureaucratic trend. Such signs include: journalists in Estonia barred from following court procedures[94], Latvia's[95] and Lithuania's[96] authorities attempting to impose excess restrictions on public documents. Another example is the overwhelming restrictions that journalists who covered the recent migration crises had to face in Latvia[97] and Lithuania.[98]

The authorities in the Baltic States sometimes deny requests for information from local or international journalists, not because they're trying to hide something or they think of them as hostile, but because some officials lack the required competences when dealing with these requests. This worsens during times of crisis, when they find themselves overwhelmed with applications coming in from hundreds of journalists all over the world.

Geopolitical insecurity and the Infodemic are just two of many common worries. Others include: implementing European media regulations, financing public broadcasters and cultural journalism and integrating ethnic minority

93 Undisclosed Author. (2021) Global State of Democracy. Stockholm, Sweden: International Institute for Democracy and Electoral Assistance (International IDEA) https://www.idea.int/gsod-2021/europe (Accessed 2023 03 31)

94 Undisclosed Author. (2022) Viru maakohus keelas meedial Nikolai Ossipenko kohtuistungit jälgida. Tallinn, Estonia: ERR err.ee/1608742111/viru-maakohus-keelas-meedial-nikolai-ossipenko-kohtuistungit-jalgida (Accessed 2023 03 31)

95 Mace, Z., (2023) Aicinājums atlikt grozījumus Informācijas atklātības likumā Riga, Latvia: Latvian Journalist Association
https://latvijaszurnalisti.lv/3140-2/ (Accessed 2023 03 31)

96 Jakučionis, S., (2019) Ministerija atsiima žiniasklaidos kritikos sulaukusi projektą dėl informacijos. Vilnius, Lithuania: 15min.lt www.15min.lt/naujiena/aktualu/lietuva/ministerija-atsiima-ziniasklaidos-kritikos-sulaukusi-projekta-del-informacijos-56-1249232?fbclid=IwAR2k-Tn-k0G9tkX4H3lSjL_cFyB2Vl5vh7fAC8yGX8NIseC6mLZFFMZAYc88 (Accessed 2023 03 31)

97 Undisclosed Author. (2021) LŽA mediji nevar objektivi atspogulot realo situaciju už latvijas baltkrievijas robežas. Riga, Latvia: Jauns.lv https://jauns.lv/raksts/zinas/463163-lza-mediji-nevar-objektivi-atspogulot-realo-situaciju-uz-latvijas-baltkrievijas-robezas (Accessed 2023 03 31)

98 Undisclosed Author. (2021) Lietuvos žiniasklaida paskelbė kreipimąsi dėl žurnalistų darbo pasienyje Vilnius, Lithuania: 15min.lt www.15min.lt/naujiena/aktualu/lietuva/lietuvos-ziniasklaida-paskelbe-kreipimasi-del-zurnalistu-darbo-pasienyje-56-1560612 (Accessed 2023 03 31)

audiences into the national media ecosystem; all of which are important but manageable within the existing frameworks. The security crisis, on the other hand, leads governments to fundamentally rethink their overall communication policies.

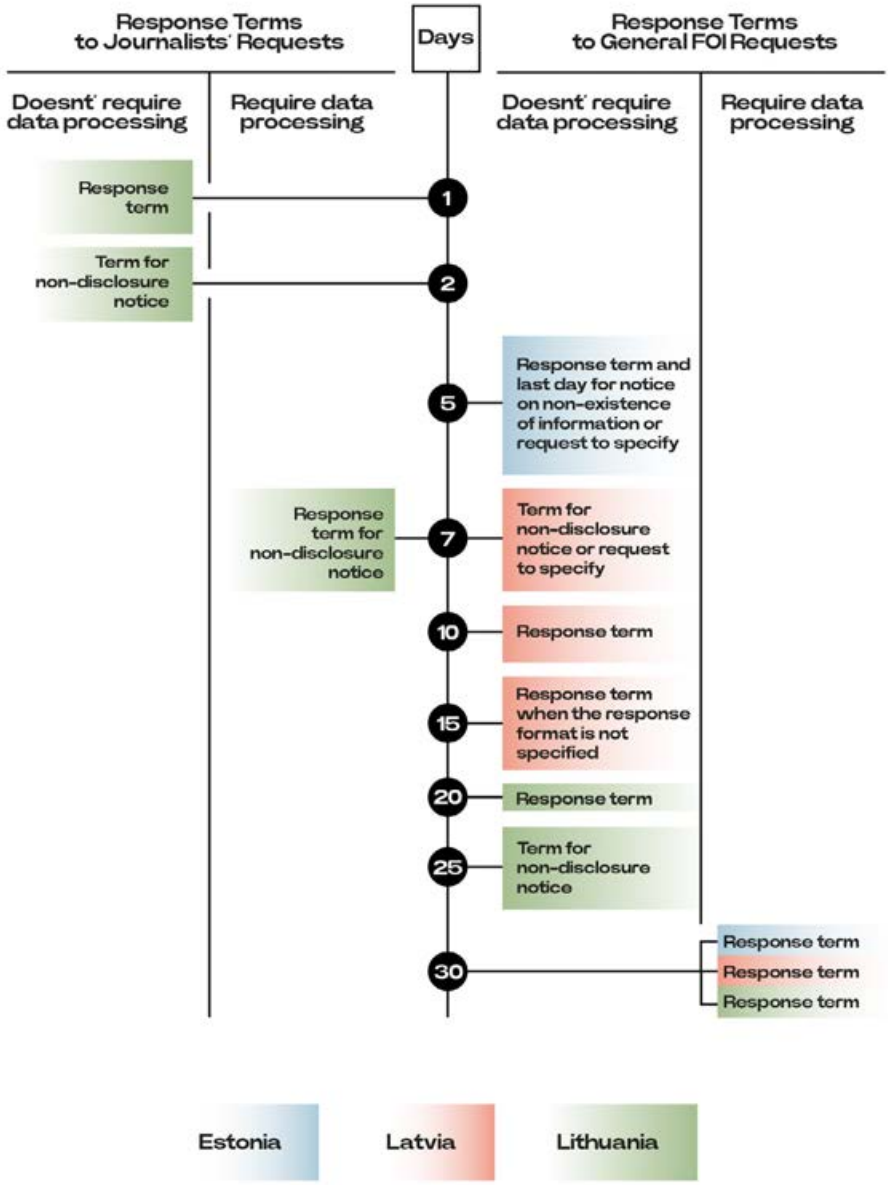
Notes on the FOIA Implementation for Journalists

FOI regulations are in place in all three Baltic countries, but their implementation has many gaps and grey areas. It appears that different Access to Information mechanisms have their own unique sets of problems. The Baltic Access to Information regulatory environment is presented in detail in the form of a table (**Annex No. 3**) at the end of this Study. The following section discusses only its most important characteristics, highlighting some of the similarities and differences among the Baltic States.

Although information request procedures in place in the Baltic States are all very similar, there is one significant exception. Unlike those in Estonia and Latvia, journalists in Lithuania receive a special privilege, enshrined in the law, that makes it obligatory for civil servants to respond to media requests within one working day. In Latvia and Estonia journalists receive the same conditions as anyone else.

General information request response terms are five working days in Estonia, ten days in Latvia and twenty working days in Lithuania. All three countries have set a term of thirty days for requests that require data processing. The terms are presented in the following graph.

Graphic No. 3 - FOI Requests Response Terms in Days (working days in Estonia and Lithuania)



Lithuania's legislation also offers privileges for news media and journalists in other areas. Lithuania's **Law on the Provision of Information to the Public**[99] includes three separate privileges for journalists when accessing information, and there are also some in other laws, such as Article No. 547 of Lithuania's **Code of Administrative Offences**[100]. However, some definitions sound like misunderstandings rather than real benefits. For instance, Article No.12(1) of **The Law on the Provision of Information to the Public** declares that media outlets have the right to accredit their journalists to state institutions. The formulation inclines readers to think that news media is part of the state apparatus, when what legislators actually mean is that the news media has the right to get its journalists accredited.

In Latvia, the dedicated **Law on Press and other Mass Media**[101] defines special rights of the media when accessing public information. However, these special rights are formulated without going into detail. In Estonia's **Public Information Act** there is only one clause intended for the news media: Article No.30 obliges the state and local government institutions to provide media service providers or print media outlets with information in their possession about events and facts if public interest is expected.[102]

One normative similarity concerning privileges for journalists when accessing information is evident in the field of the protection of private data. The data protection laws of all three Baltic States stipulate that journalists can access private data and work with it without the subjects' consent. The implementation of the norm is, however, organized differently. In Estonia, the implementation of the **Estonian Personal Data Protection Act** [103] is supervised in its entirety by The Data Protection Inspectorate, the implementation of the Lithuanian **Data Legal Protection Law** [104] is shared between two agencies: The Data Protection Inspectorate and The Journalists' Ethics Inspector; the latter being responsible for journalistic privilege, but, interestingly, not accepting complaints from journalists, just claims against them. In Latvia, the

99 Lithuania. (1996) Lietuvos Respublikos visuomenės informavimo įstatymas e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29884/asr (Accessed 2023 03 31)

100 Lithuania. (2015) Lietuvos Respublikos administracinių nusižengimų kodekso https://www.e-tar.lt/portal/en/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b

101 Latvia. (1990) Law on the Press and Other Mass Media likumi.lv/ta/en/en/id/64879-on-the-press-and-other-mass-media (Accessed 2023 03 31)

102 Estonia. (2000) The Public Information Act riigiteataja.ee/en/eli/ee/514112013001/consolide/current (Accessed 2023 03 31)

103 Estonia. (2018) Personal Data Protection Act https://www.riigiteataja.ee/en/eli/523012019001/consolide (Accessed 2023 03 31)

104 Lithuania. (1996) Lietuvos Respublikos asmens duomenų teisinės apsaugos įstatymo https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29193/UoAlOvuipM (Accessed 2023 03 31)

implementation of journalistic privileges is fixed in **The Personal Data Protection Law** [105] and is decided by a court of law.

The appeal part of the FOIAs implementation is general and equally applied to all the citizens in the Baltics. The procedure itself, however, differs significantly in all three Baltic States, because the recipients of FOI appeals are different. The procedure which the Study calls "the second phase," or "the complaint to the FOI-implementing institution," seems to be working in Estonia, and appears to be obsolete in the two other countries.

Estonia's Data Protection Inspectorate has a special mandate to rule on data privacy and accessibility. The procedure is problem-specific, clear and relatively quick. Additionally, the Inspectorate's documentation is extremely transparent. Since 2015, all of its rulings are public. The things that can be understood as shortcomings in Estonia's appeal procedure are: the limited authority of The Data Protection Inspectorate, i.e. it doesn't have the competencies to issue rulings in all cases. Estonia's journalists also say that the Inspectorate sees disputes in black and white too often, and does not take into account the public interest or common sense. This is determined by the data protection function of the organization assigned as the FOI-implementing institution.

In Latvia and Lithuania, appeal procedures notably differ from those in Estonian, and have flaws that are more crucial for the efficiency of the entire Access to Information mechanism. In both countries no special FOI appeal mandate exists, meaning the procedures are general, encompassing appeals in all areas of governance that are possible. The main difference between the two is that in Latvia, non-disclosure can be appealed in what can be described as a linear procedure, in which journalists can reach the phase of the court only after going through the second, i.e. appealing to a higher institution. This often means approaching a person further up in the hierarchy of the same team. It is a slow process, and susceptible to manipulation. In Lithuania, journalists have several options to choose from when appealing a refusal. None of the second phase (i.e. FOI implementing institution) appeals seem to be efficient. So, the only effective option in both countries is to go directly to the third dispute phase, namely a court of law.

The underlying problem with media and journalists' privileges defined in the FOIA Laws in the Baltics is that it is not exactly clear who can be the subject of the rights and privileges intended for journalists or media, and how they

105 Latvia. (2000) Personal Data Protection Law https://likumi.lv/ta/en/en/id/4042-personal-data-protection-law (Accessed 2023 03 31)

are defined in disputed cases.

For instance, in the case of Latvia, only court rulings can help journalists understand the privileges that they have when accessing information. In September 2019, The Senate of Latvia (The Supreme Court), evaluating the case regarding the request for information, referred to The European Court of Human Rights, and pointed out that, in today's digital age, anyone can become a person with journalistic interest trying to draw public attention to certain important issues.[106] However, that doesn't mean that officials have to believe everyone will act in good faith and produce accurate and reliable information in accordance with the ethical standards of journalists. The Court stressed that confirming the authenticity and legitimacy of goals is much easier in cases "covered by the law." According to the Court ruling, other individuals than described in Article 23 of **The Law on Press and other Mass Media** representing organizations not registered in The Register of Mass Information have to do more. They should be asked to justify their legitimate interest and the purpose of requesting information. Otherwise, the institution may not have enough information to assess the legitimacy of the request.

In the case of Lithuania, the situation is even more complicated. The term journalist, defined for a pre-internet media landscape, was tested in 2007 when the blogger Liutauras Ulevičius was denied accreditation by Lithuania's Parliament and filed a lawsuit. The court ruled that blogs should be treated equally to other media, and since then bloggers have gained more strength in the Lithuanian media ecosystem.[107] However, this didn't provide bloggers with the same rights or responsibilities that journalists have. Lithuania's attempt to share the implementation of the **GDPR** between The Journalists' Ethics Inspector and The State Data Protection Inspectorate serves as a more recent illustration of the dubiousness of the definition of a journalist. In 2022, open-access databases such as OKREDO[108] and Hot Footsteps[109] were reprimanded for processing data without journalistic purpose just because they

106 Latvia. (2019) Latvijas Republikas Senāta Administratīvo lietu departamenta 2019. gada 26.septembra SPRIEDUMS Lieta Nr. A420187717, SKA-476/2019 ECLI:LV:AT:2019:0926. A420187717.4.S

107 Undisclosed Author. (2009) Tinklaraštininkams suteikta daugiau svorio, daugiau ir atsakomybės. Vilnius, Lithuania: Vz.lt vz.lt/archive/straipsnis/2009/04/27/Tinklarastininkams_suteikta_daugiau_svorio_daugiau_ir#ixzz7hefsECPf (Accessed 2023 03 31)

108 Karsokaitė, V., (2021) BDAR vėzdu mojuoja virš atvirų duomenų platformų: įmonės vadovo pavardės viešinti nevalia? Vilnius, Lithuania: 15min.lt 15min.lt/verslas/naujiena/finansai/bdar-vezdu-mojuoja-virs-atviru-duomenu-platformu-imones-vadovo-pavardes-viesinti-nevalia-662-1615082 (Accessed 2023 03 31)

109 Williams, N., (2022) Europe's Growing Trail of Lawsuits Threaten to Stifle Journalism. Brussels, Belgium: Politico.eu politico.eu/article/europes-growing-trail-of-lawsuits-threaten-to-stifle-journalism/ (Accessed 2023 03 31)

weren't media or journalists, but an open-access initiative and a media advocacy organization. Hot Footsteps, a project with obvious journalistic intent, was then fined by The Data Inspectorate, a decision which hindered the journalistic project significantly.[110]

In her article focusing on the definition of the term journalist in cases where their sources have to be protected, Linda Bīriņa notes that although everyone has the right to freedom of expression, not all individuals are granted special privileges in the exercise of this right – such as in Access to Information or the processing of personal data for journalistic purposes. She claims that journalists should be distinguished from other persons who have the right to freedom of expression because the boundaries of journalists' rights to freedom of expression are much wider. Analyzing the concept of a journalist in the context of **The European Convention for the Protection of Human Rights and Fundamental Freedoms**, Bīriņa comes to the conclusion that the current definition of a journalist in Latvia corresponds to an institutional theory, which unjustifiably narrows the circle of persons who could be recognized as journalists. Therefore, Bīriņa claims that it is necessary to develop a new definition of a journalist, taking into account the journalist's functions and special role within a democratic society and that this definition should be based on both functional and institutional theories.[111]

In the framework of the project **Connecting Not Conflicting: Removing the Tension Between Personal Data Protection and Freedom of Expression and Information**, its executors, Lithuania's Journalists' Ethics Inspector and Mykolas Romeris University, claim that "anyone can be a journalist these days and it's enough to have a good reason to publish the data if you want to be treated as publishing it with journalistic intent."[112] The claim is based on the practice of the Court of Justice of The European Union. However, despite this practice and the optimistic instruction the project authors offer in their

110 Undisclosed Author. (2022) Lithuania: Stop Harassment of the Karštos Pėdos Journalist Platform. London, UK: Article 19 article19.org/resources/lithuania-stop-harassment-of-the-karstos-pedos-journalist-platform/ (Accessed 2023 03 31)

111 Bīriņa, L., (2020) Žurnalista jedziens tiesibu uz žurnalista informacijas avotu aizsardzibu konteksta. Tiesības un tiesiskā vide mainīgos apstākļos. Riga, Latvia: Latvia University Press apgads.lu.lv/fileadmin/user_upload/lu_portal/apgads/PDF/Juridiskas-konferences/JUZK-78-2020/juzk.78.13-Birina.pdf (Accessed 2023 03 31)

112 Undisclosed Author. (2020) Connecting not Conflicting: Removing the Tension Between Personal Data Protection and Freedom of Expression and Information (ConCon), Vilnius, Lithuania; Mykolas Romeris University. mruni.eu/en/connecting-not-conflicting-removing-the-tension-between-personal-data-protection-and-freedom-of-expression-and-information-concon-projekto-nr-rec-rdat-trai-ag-2020/ (Accessed 2023 03 31)

paid article on national news media[113], and despite multiple local and international court rulings, definitions of newsmakers in Latvia and Lithuania and their assigned privileges remain fixed in the law.

Outdated definitions still play a role in the official decisions that are made about whether someone has a legitimate interest to receive information, a situation that doesn't bring any clarity, and that only adds to grey areas in regulation.

Another common trait in all three Baltic States is poor union representation. The largest journalists' organization in the Baltics, the Lithuania's Journalists Union, has just over 400 members.[114] By comparison, the journalists union of neighboring Finland has around 14,000. This low participation – and therefore low impact – can be explained by the fact that journalists are still building up their role in society after five decades of Soviet rule. Disagreements inside national journalist communities is another factor stopping journalists from participating actively. In Lithuania the journalist community is strongly di-vided, organizational feuds regarding state funding have even reached The European Commission.[115] Apparently, there are also disagreements between Latvian journalist organizations, leading to harsh public accusations.[116] Being a member of a journalist organization is not popular with journalists in the Baltics.

113 Undisclosed Author. (2022) Piliečiai žurnalistai: kaip skelbti visuomenei svarbią informaciją, nepažeidžiant asmens duomenų apsaugos reikalavimų. Vilnius, Lithuania: Delfi.lt www.delfi.lt/uzsakomasis-turinys/pt/pilieciai-zurnalistai-kaip-skelbti-visuomenei-svarbia-informacija-nepazeidziant-asmens-duomenu-apsaugos-reikalavimu.d?id=90359437 (Accessed 2023 03 31)

114 Undisclosed Author. (2022) D. Radzevičius perrinktas Lietuvos žurnalistų sąjungos pirmininku. Klaipėda, Lithuania: Klaipeda.diena.lt klaipeda.diena.lt/naujienos/lietuva/salies-pulsas/d-radzevicius-perrinktas-lietuvos-zurnalistu-sajungos-pirmininku-1104233 (Accessed 2023 03 31)

115 Cooper, A., (2021) Lithuania's Public Broadcaster and Commercial Rivals Clash over State Funding. Cambridge, MA, USA: Nieman Reports niemanreports.org/articles/lithuanias-public-broadcaster-and-commercial-rivals-clash-over-state-funding/ (Accessed 2023 03 31)

116 Undisclosed Author. (2021) VIDEO: how Imants Liepiņš jumbled up discussions of Saeima's «oligarch talks» investigative committee. Riga, Latvia: Baltic News Network. nn-news.com/video-how-imants-liepins-jumbled-up-discussions-of-saeimas-oligarch-talks-investigative-committee-225693 (Accessed 2023 03 31)

The following section briefly presents several disputes over restriction of Access to Information that were chosen for examination. In total, fifteen descriptions outline five cases of disputes in each Baltic state that took place between 2017 and 2022. Descriptions of disputes contain the following information: a brief presentation of the context; presentation of two (or more) actors involved in both sides of the dispute; the subject of the investigation the journalist was pursuing; the formal cause of refusal to provide journalists with information; the development of the dispute and its resolution (if applicable) and the way the actors presented (or refused to present) their stances to the Study. These descriptions are based on desk research findings and data from interviews. The interviewers in the descriptions are referred to as the Study's investigators.

Alcohol Trade (Estonia)

The Estonian Advertising Act prohibits associating alcohol with any kind of celebration, and, since 2001, no alcohol-related commercial advertising has been allowed on Estonia's Public Broadcaster, ERR. However, both of these things have continued without consequence in Estonia for many years. How is this possible? ERR has the right to feature sponsors, meaning that its collaboration with The Eesti Kontsert Foundation which organizes live concerts funded by alcohol producers has been approved by Estonia's Broadcasting Council. Thus, some concealed alcohol ads in the form of live TV celebrations on ERR have become legal and legitimate.

In 2019, a live TV celebration on ERR called The Eesti Kontsert and Hennessy New Year's Concert culminated with the opening of a bottle and the clinking of glasses filled with sparkling wine inside The Estonia Concert Hall. Wild applause from the audience followed. In 2021, the celebration was renamed the Rémy Martin New Year's Concert of Eesti Kontsert.[117] Rémy Martin is not

117 Undisclosed Author. (2023) New Year's Concert by Remy Martin and Eesti Kontsert a Stellar

a French composer or explorer, but producer of cognac, which is supplied by Eesti Kontsert's new major sponsor, AS Liviko.

In January 2022, the author of the above paragraph Miina Pärn published this information as part of a larger article called And Let the Glasses Clink Together on the independent investigative news website Levila.[118]

Pärn, an employee of ERR's Klassikaraadio radio station, discovered that the sponsorship contracts between ERR and Eesti Kontsert are available to the public, while the most important details of the collaboration are not. In the article, she noted that further contracts between Eesti Kontsert, which is a private foundation, and the alcohol producer AS Liviko, one of the largest producers and distributors of alcohol in the Baltics, are restricted from public view for five years. As sixty percent of Eesti Kontsert's budget comes from the state, the journalist felt such access restrictions are unfair.

Pärn approached Eesti Kontsert with a number of questions relating to the contracts and the sums of money that are involved, which The Foundation chose not to answer, claiming that these details are a business secret.[119]

During the interview, Eesti Kontsert's Communications Manager, Andri Maimets, expressed his belief that the organization was unfairly vilified by the article, when all it was doing was gathering much-needed private capital and trying to survive under the harsh conditions that had come about as a result of the Covid-19 pandemic. According to its management, Eesti Kontsert is not a public organization as it doesn't fulfill public tasks. During an interview with the Study's investigator, Maimets specified that **The Public Information Act** cannot be applied to the agreement concluded between two companies because Eesti Kontsert uses neither state nor local government money.

The journalists decided not to request for interference from The Data Protection Inspectorate, so The dispute stopped there.

Introduction to the New Year. Tallinn, Estonia: Liviko.ee https://liviko.eu/en/new-years-concert-by-remy-martin-and-eesti-kontsert-a-stellar-introduction-to-the-new-year/ (Accessed 2023 03 31)

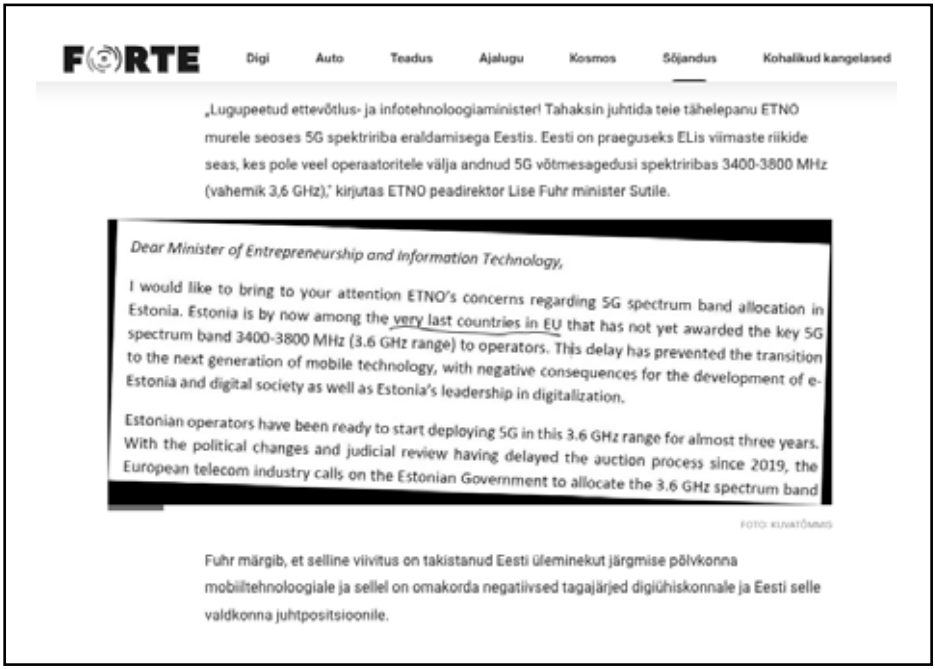
118 Pärn, M., (2022) Ja klaasid kokku kõlagu. Tallinn, Estonia: Levila. https://www.levila.ee/raadio/ja-klaasid-kokku-kolagu (Accessed 2023 03 31)

119 Pärn, M., (2022) Ja klaasid kokku kõlagu. Tallinn, Estonia: Levila. https://www.levila.ee/raadio/ja-klaasid-kokku-kolagu (Accessed 2023 03 31)

5G Letter (Estonia)

In June 2018, Estonia made the world's first 5G phone call. In 2020, it opened its first public 5G network, which involved broadening the country's digital highways and opening the door to a range of entirely new services such as remote care, cloud gaming, autonomous transport, remotely operated drones, remote machine control and augmented enhanced reality.[120]

However, government changes and court proceedings delayed the 5G implementation process. Thus, at the end of 2021, The Association of European Telecommunications Companies sent a letter to Estonia's Ministry of Economy and Communications claiming that the country was behind with its 5G implementation to such an extent that it was among the very last countries in The EU to do so. The Ministry of Economy and Communications subsequently classified this letter as seeking to protect the safety of the country's international communications.[121]



FORTE Digi Auto Teadus Ajalugu Kosmos Sõjandus Kohalikud kangelased

„Lugupeetud ettevõtlus- ja infotehnoloogiaminister! Tahaksin juhtida teie tähelepanu ETNO murele seoses 5G spektririba eraldamisega Eestis. Eesti on praeguseks ELis viimaste riikide seas, kes pole veel operaatoritele välja andnud 5G võtmesagedusi spektriribas 3400-3800 MHz (vahemik 3,6 GHz)," kirjutas ETNO peadirektor Lise Fuhr minister Sutile.

Dear Minister of Entrepreneurship and Information Technology,

I would like to bring to your attention ETNO's concerns regarding 5G spectrum band allocation in Estonia. Estonia is by now among the very last countries in EU that has not yet awarded the key 5G spectrum band 3400-3800 MHz (3.6 GHz range) to operators. This delay has prevented the transition to the next generation of mobile technology, with negative consequences for the development of e-Estonia and digital society as well as Estonia's leadership in digitalization.

Estonian operators have been ready to start deploying 5G in this 3.6 GHz range for almost three years. With the political changes and judicial review having delayed the auction process since 2019, the European telecom industry calls on the Estonian Government to allocate the 3.6 GHz spectrum band

FOTO: KUVATÕMMIS

Fuhr märgib, et selline viivitus on takistanud Eesti üleminekut järgmise põlvkonna mobiiltehnoloogiale ja sellel on omakorda negatiivsed tagajärjed digiühiskonnale ja Eesti selle valdkonna juhtpositsioonile.

120 Undisclosed Author. (2020) First public 5G network launched in Estonia. Tallinn, Estonia: Invest Estonia. investinestonia.com/first-public-5g-network-launched-in-estonia/ (Accessed 2023 03 31)

121 Pau, A., (2021) Inimlik eksitus? MKM salastas aastateks kurja kirja välismaalt, ent mõtles siis ümber. Tallinn, Estonia: Delfi.ee forte.delfi.ee/artikkel/95294411/inimlik-eksitus-mkm-salastas-aastateks-kurja-kirja-valismaalt-ent-motles-siis-umber (Accessed 2023 03 31)

However, the Delfi.ee journalist Aivar Pau noticed the move and published an article about it. The "For Internal Use" mark was removed the same afternoon. The Study's investigator wasn't able to reach the representative of The Ministry of Economy and Communications. They didn't respond to the request for an interview for over a month. Fortunately, their position was quite well reflected in Pau's article. When asked to explain its decision, The Ministry claimed that it classified the letter in an attempt to protect the country's foreign communications, as their spokesperson then said it was due to human error. According to the spokesperson, a civil servant made the error thinking that all international documents concerning foreign communications should be restricted.[122] Aivar Pau explained that it was in actual fact the result of "automated classifying," a practice in which restrictions are placed on all documents without deliberating whether they should be made public.

Even if the dispute ended positively for journalism, it did not bring about any change. The interviewed journalist shared with the Study's investigator the fact that he encounters this sort of classification every week: "It has become a practice for officials, they automatically put restrictions on documents until someone asks for them," he said.

Protected Species (Estonia)

In January 2021, two of Estonia's largest environmental institutions, The Environmental Inspectorate and The Environmental Board, were merged under the new name The Environmental Board.

In September 2021, Priit Pärnapuu, a news reporter at the daily newspaper Õhtuleht, and several data journalists attempted to retrieve the minutes of two meetings about wildlife in Estonia that took place under the auspices of the new organization.

According to the journalist, the request was denied for two reasons: namely that the protocols included information that would endanger the protected areas – threatening the preservation of protected species and their habitats – and to avoid confusion among the general public by making public statements before they were finalized and signed. So, journalists took the matter to The Data Protection Inspectorate.[123]

122 Ibid.

123 Pärnapuu, Priit., (2021) Õhtulehe Voit! Andmekaitsjad otsustasid: keskkonnateavet tohib salastada ainult siis, kui seadus seda käsib. Tallinn, Estonia: Ohtuleht. ohtuleht.ee/1049611/ohtulehe-voit-andmekaitsjad-otsustasid-keskkonnateavet-tohib-salastada-ainult-siis-kui-seadus-seda-kasib# (Accessed 2023 03 31)

The Study's investigator wasn't able to reach the representative of The Environmental Board, who didn't respond to the request for an interview for over a month. Yet, The Environmental Board expressed its stance clearly to The Data Protection Inspectorate during the process of deliberation on the case. It complained that informing the public of all the documents that are not yet finalized is an enormous administrative burden. The Board argued that they have a system for publicizing information and this information is regularly published on their website. State officials concluded that although the sharing of components of documents would be possible, they could be misinterpreted by people who are not experts in the field and that additional explanations would be needed. The Board representatives added that they made every effort to ensure that the information they shared was precise, clear and relevant.

At the end of November 2021, The Data Inspectorate ruled that the requested minutes of the meetings are environmental public information [124]. Thus, **The Aarhus Convention**[125] and **The Freedom of Access to Information Directive (2003/4/EC)**[126] should be applied. Access to environmental information can only be restricted if the aforementioned regulations allow it. In cases when Estonian laws contradict **The Aarhus Convention** and **The Environmental Information Directive**, the norms of the latter **Convention** and **The Directive** should apply.

After the ruling supporting journalists' call to disclose the documents, The Board admitted their mistake and satisfied the request.

124 Estonia. (2021) Vaideotsus ja ettekirjutus-hoiatus avaliku teabe asjas nr 2.1.-3/21/3250. Tallinn, Estonia: The Data Protection Inspectorate www.aki.ee/sites/default/files/vaideotsus_ja_ettekirjutus-hoiatus_avaliku_teabe_asjas_nr_2.1.-3_21_3250_keskkonnaamet_-_ohtuleht_kirjastus_as.pdf (Accessed 2023 03 31)

125 Undisclosed Author. (1998) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Geneva, Switzerland: UNECE. https://unece.org/DAM/env/pp/documents/cep43e.pdf (Accessed 2023 03 31)

126 Undisclosed Author. (2003) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC. Brussels, Belgium: European Parliament. eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:041:0026:0032:EN:PDF (Accessed 2023 03 31)

Carbon Neutrality (Estonia)

In January 2020, The EU announced that it was to spend almost €1 trillion on becoming climate neutral by 2050.[127] The atmosphere was tense. During the first half of 2021, electricity prices rose by seven percent in Estonia, with the EU averaging at around three percent for the same period.

In July 2021, Eesti Energia's leadership invited journalists to an event in which they presented the energy giant's strategy for achieving carbon neutrality by 2045, and even faster in electricity production by 2030. The strategy itself wasn't disclosed – instead journalists were presented with a few slides.

In February 2022, The Data Protection Inspectorate received a number of complaints from environmental organizations and journalists requesting the strategy be disclosed based on **The Public Information Act**. One complaint to the Inspectorate was filed by The Estonian Environmental Law Centre. However, regardless of the positive ruling, the information was not made public.[128] While the object of the dispute was Eesti Energia's strategy, they were not obliged to share it. The party that was obliged to share the document was The Ministry of Environment.

Priit Pärnapuu, a reporter at the newspaper Õhtuleht, tried to appeal to the Inspectorate and chose to base the argument on **The Aarhus Convention**. Apparently, the Inspectorate did not even accept the request because its supervisory competence is limited only to **The Public Information Act**. According to the civil servants, they do not have the right to force institutions to disclose information based on any other legislation.[129]

In September 2022, Pärnapuu wrote an article entitled The Green Revolution Increases the Price of Electricity, but Eesti Energia Does Not Allow Its Carbon Neutrality Plan to Be Seen From Afar. Does it Even Exist? [130] During

127 Frangoul, A. (2020) EU wants to spend $1 trillion to help make it climate neutral by 2050. New York, United States: CNBC https://www.cnbc.com/2020/01/15/eu-wants-to-spend-1-trillion-to-help-make-it-climate-neutral-by-2050.html (Accessed 2023 05 01)

128 Ibid.

129 Estonia. (2022) Vaideotsus ja ettekirjutus-hoiatus avaliku teabe asjas nr 2.1.-3/22/1610. Tallinn, Estonia: The Data Protection Inspectorate https://www.aki.ee/sites/default/files/vaideotsused/2022/vaideotsus_avaliku_teabe_asjas.pdf (Accessed 2023 03 31)

130 Pärnapuu, Priit., (2022) Salastamise ülim tase: rohepööre tõstab elektri hinda, kuid Eesti Energia ei luba oma süsinikuneutraalsuse plaani isegi kaugelt vaadata. On see üldse olemas? Tallinn, Estonia: Ohtuleht. ohtuleht.ee/1069109/salastamise-ulim-tase-rohepoore-tostab-elektri-hinda-kuid-eesti-energia-ei-luba-oma-susinikuneutraalsuse-plaani-isegi-kaugelt-vaadata-on-see-uldse-olemas (Accessed 2023 03 31)

an interview with the study's investigator, a representative of Eesti Energia, Reimo Raja, confirmed that the document exists, and disclosed that they have voluntarily made presentations summarizing the strategy and they will continue to do so. He also explained that the collective decision not to share the document was taken because "it contains the business secret of a private company, not environmental information."

Timber Prices (Estonia)

At the end of 2020, the timber market in Estonia was booming. At €24 million, The State Forest Management Centre's (RMK) net profit was higher than originally forecast, and it paid out double dividends.

In April 2021, Ülle Harju and Aarne Seppel, journalists at the Estonian daily newspaper Postimees who were analyzing the timber market, found that eighty five percent of RMK's total sales from state forests were covered by long-term contracts. When the journalists realized that the contracts are not available publicly, they attempted to get hold of them. However, RMK decided that the contracts should stay sealed and could not be given out.

In January 2022, journalists at Postimees published an article deconstructing RMK's sales data and accused the institution of withholding data about the price of timber.[131] The publication explained how the company sold timber with secret duration contracts at more than €52 million cheaper than if the same timber had been sold at auction prices.

Journalists also forwarded the dispute to The Data Protection Inspectorate. In the explanation to The Inspectorate, RMK responded that the publication of information recognized as a trade secret would threaten the state's interest in earning more revenue for the state through RMK.[132] According to its representatives, it is the secrecy of the price agreements of the duration contracts that makes RMK's earnings higher. The inspectorate ruled that trade secrets can be suitable grounds for restrictions, but also ordered The State Forest Management Centre to assess the contracts against the requirements for trade secrets again, and share the documents, especially those whose restriction term has expired. So, RMK shared the contracts partially. Timber prices, terms of delivery, and credit limits in the contract were not disclosed.

131 Ibid.

132 Estonia. (2022) Vaideotsus ja ettekirjutus-hoiatus avaliku teabe asjas nr. 2.1.-3/21/2756. Tallinn, Estonia: The Data Protection Inspectorate aki.ee/sites/default/files/vaideotsus_ja_ettekirjutus-hoiatus_12.10.2021_avaliku_teabe_asjas_nr_2.1.-3_21_2756_riigimetsa_majandamise_keskus_-_as_postimees.pdf (Accessed 2023 03 31)

During an interview with the Study's investigator, Triin Küttim, Head of RMK's Communications Department, explained that trade secrets of their clients were protected, and that this obligation is fixed in their contracts as per their clients' requests.

Postimees has subsequently sued RMK in order to get hold of this additional information. At the time that the Study was published, the dispute was still ongoing.

Hidden Advertisement (Latvia)

In 2013, Riga Municipality created a public foundation called Riga.lv, whose responsibilities included publishing its official newspaper (or newsletter) and maintaining The Municipality's website.

In 2017, Sanita Jemberga, a journalist at Baltic Investigative Journalism Centre Re:Baltica, found out that the foundation was allegedly used for the misappropriation of public money. Riga Municipality funds were used to promote Saskaņa (Harmony), the Mayor's political party. In November of the same year, trying to verify her findings, the journalist approached The Municipality's Communication Department and the Mayor, Nils Ušakovs, and requested information about the foundation's expenses.

The Municipality turned down the request, pointing to the protection of commercial secrets and private data of Riga.lv employees. Even if The Municipality was the only donor, and Ušakovs' partners were managing it, according to its employees, Riga.lv was not formally a public organization. During the interview with the Study's investigator, journalists pointed out that the personnel, salaries and selection mechanisms of Riga.lv employees were not publicly disclosed.

In late 2017, Re:Baltica filed a claim to The Administrative Court, and in March 2018 journalists decided to cover the Mayor's wrongdoings.[133] They came to the conclusion that at least €8 million in public money was spent on bribing the media, financing fake protesters and employing youth members of Saskaņa among other things.

In October 2018, The Court ruled that The Municipality unjustifiably hid the names and salaries of Riga.lv Foundation's employees. Riga Municipality appealed the ruling, but in April 2019, The Supreme Court ruled that it is obliged to disclose information to journalists.[134] So, The Riga Municipality finally had to share the requested information.[135]

On April 5, 2019, the Mayor was suspended over the suspected misuse of public funds.[136] During the interview with the study's investigator, the former Mayor, who's presently a Member of The European Parliament, claimed that he wasn't trying to conceal information intentionally. He stated, "at that time the limits of **The Freedom of Information Law** were uncertain, and there are some uncertainties left even today." However, in his opinion, the verdict in the Re:Baltica lawsuit has brought some clarity on the application of the law – such as making clear what organizations have to be treated as public institutions.

133 Springe, I., Jamberga, S., (2018) The Secrets Mayor Of Riga Will Not Tell You. Riga, Latvia: Re:Baltica en.rebaltica.lv/2018/03/the-secrets-mayor-of-riga-will-not-tell-you/

134 Donauskaitė, D., Fridrihsone, M., Himma-Kadakas, M., Krūtaine, A., Lastovska, A Protecting Media Freedom. (2019) The Baltic Media Health Check 2018-2019. Riga, Latvia: Stockholm School of Economics Centre for Media Studies. P. 11 sseriga.edu/baltic-media-health-check-2018-2019-published (Accessed 2023 03 31)

135 Undisclosed Author. (2019) Re:Baltica tiesā uzvar Rīgas domi. Riga, Latvia: TVnet.lv tvnet.lv/6572637/re-baltica-tiesa-uzvar-rigas-domi (Accessed 2023 03 31)

136 Undisclosed Author. (2019) Mayor of Latvian Capital Suspended over Suspected Misuse of Public Funds. London, UK: Reuters reuters.com/article/us-latvia-mayor-suspension-idUSKCN1RH208 (Accessed 2023 03 31)

Journalist's Profile (Latvia)

In 2022, During Russia's offensive against Ukraine, many refugee journalists chose to relocate to Latvia. Several Russian-speaking refugee media outlets had been freely operating in Riga since 2014, and Latvia invited TV Rain, which was declared a foreign agent and banished from Russia, to join them.

The relationship, however, didn't work out. Throughout 2022, Latvian civil servants accused TV Rain of several violations, including not providing a national (i.e. Latvian) language track for broadcasts, including Crimea on a screen map of Russia and the questionable claim of one of the Channel's reporters, Alexey Korostelev, who stated (intentionally or not) that the newsroom is trying to support Russian soldiers. The latter proved to be too open for misinterpretations. Yet this allegedly became the last straw, and the tense atmosphere surrounding the discussion on media consumption habits of Latvia's Russian-speaking community exploded.

On December 5, 2022, Reporters Without Borders urged Latvia's institutions not to punish TV Rain harshly.[137] This didn't help, and, the next day, Latvia's National Council of Electronic Mass Media (NEPLP), led by Ivars Āboliņš, decided to revoke their license on the grounds that the channel was a threat to national security. When making the decision, the information received from The State Security Service was evaluated, but its content was not revealed.

The following day, Latvia's Journalists Association issued a statement supporting TV Rain and asking for clarifications on the ruling.[138] However, NEPLP's decision was to do nothing. The ban came into force on December 8, and TV Rain stopped broadcasting on television, continuing their broadcast only on the Internet.

On December 9, concerns were voiced by journalists organizations at a press conference about the non-transparency of decision-making.[139] On the same day, Latvia's In-

137 Undisclosed Author. (2022) RSF urges Latvian regulator not to withdraw TV Dozhd's license. Paris, France: Reporters Without Borders. https://rsf.org/en/rsf-urges-latvian-regulator-not-withdraw-tv-dozhd-s-license (Accessed 2023 03 31)

138 Undisclosed Author. (2022) NEPLP lēmumu par "Doždj" licenses anulēšanu LŽA uzskata par nesamērīgu. Riga, Latvia: Latvian Journalists Association. https://latvijaszurnalisti.lv/lza-lemumu-par-dozdj-licenses-anulesanu-uzskata-par-nesamer (Accessed 2023 03 31)

139 Undisclosed Author. (2022) Preses konference: "Doždj" aktualitātes un trimdas žurnālistu darbs Latvijā. Riga, Latvia: TVnet.lv vnet.lv/7666714/video-preses-konference-dozdj-aktualitates-un-trimdas-zurnalistu-darbs-latvija (Accessed 2023 03 31)

terior Ministry blacklisted Korostelev and banned him from entering the country.[140] A few weeks later TV Rain filed a claim to the territorial section of The Administrative Court. The Court accepted the application which, among other things, was about the non-disclosure of information on the reasons for revoking the channel's license. The Court clerks requested information from NEPLP, but they refused on the basis that the information was restricted. The Court then requested the report from The State Security Service, asking to provide it in two formats, one of which would be made available to the wider public. The request was still pending at the time this Study was published.

During interviews with the investigators of this Study, Sabine Sille, who leads The Sustainability Foundation SSE Riga Exile Media Hub, which supports Russian-language refugee media in the Baltics, expressed her opinion that NEPLP had overstepped its authority and was playing with restricted information. Ivars Āboliņš shared with the Study's investigator that the status of the document was not decided by NEPLP, but by The State Security Service. Therefore NEPLP had no right to disclose it.

Party Finances (Latvia)

In 2018, Latvia's Parliament amended **The Criminal Procedure Law**, making it possible to provide journalists with materials of closed criminal investigations in cases where disclosure is in the public interest.[141]

In 2021, the Deputy of The Riga City Council, Māris Mičerevskis, complained that the leadership of his party Latvijas attīstībai (Latvia For Development) had given him money of questionable origin. In April 2022, Latvia's Corruption Prevention and Combating Bureau (KNAB) completed an investigation into party finances, and decided not to open a criminal case. The party's leadership declared that there were only minor violations.[142]

140 Undisclosed Author. (2022) Latvia bans ex-host of Russia's TV Rain Alexey Korostelev from entering country. Riga, Latvia: Novayagazeta.eu novayagazeta.eu/articles/2022/12/09/latvia-bans-ex-host-of-russias-tv-rain-alexey-korostelev-from-entering-country-en-news (Accessed 2023 03 31)

141 Krūzkopa, S., (2018) Žurnālistiem piešķir tiesības iepazīties ar krimināllietas materiāliem. Riga, Latvia: LVportals.lv. lvportals.lv/norises/299005-zurnalistiem-pieskir-tiesibas-iepazities-ar-kriminallietas-materialiem-2018 (Accessed 2023 03 31)

142 Undisclosed Author. (2022) KNAB nesodīs partiju "Latvijas attīstībai" par finansēšanas pārkāpumiem; vairāki desmiti tūkstošu ziedojumu būs jāatmaksā zinas.tv3.lv/latvija/neka-personiga/knab-nesodis-partiju-latvijas-attistibai-par-finansesanas-parkapumiem-vairaki-desmiti-tukstosu-ziedojumu-bus-jaatmaksa/ (Accessed 2023 03 31)

Immediately after this resolution, Sanita Jemberga, a journalist at The Baltic Investigative Journalism Centre Re:Baltica, asked KNAB to disclose the investigation and brought forward the following argument. According to the journalist, her right to see the investigation can be based on an adjacency between administrative and criminal investigation procedures. There is an exemption for journalists in **The Criminal Procedure Law**, so it should be the case with administrative investigations. The public interest in party financing undoubtedly exists, so it should prevail.

Jemberga expected to see documents that would reveal facts about this alleged illegal financing of the association of political parties – including Latvijas attīstība. In the journalist's words, KNAB's reaction was a "simply brazenly ordered" refusal. According to Jemberga, the institution made it clear that the confidentiality of the investigation and the protection of personal data were good enough reasons to decline the request.

In May 2022, Re:Baltica's journalists filed a claim to The Administrative Court. During the first session, KNAB's position in Court was that the journalists hadn't sufficiently justified their request for restricted access information.

The Study wasn't able to interview the representative of KNAB. However, the Communications Department responded to the Study's questions in writing. The unsigned email pointed out that investigations of administrative violations have the status of Limited Availability Information.[143] Correspondence with a journalist is also restricted, so KNAB cannot disclose the reason for the refusal to provide the journalist with information. Concerning the corruption investigation, the institution stated that the information would be available after the final ruling. At the time of the Study, the case was awaiting the next Court session.

KNAB also drew the investigators' attention to the fact that the institution is currently rethinking the procedure for informing the public about investigations involving political parties.

Soviet Monuments (Latvia)

In May 2022, several months into Russia's offensive against Ukraine, The Parliament of Latvia made a decision to demolish dozens of Soviet-era monuments in the country.

143 Latvia. (2022) Rikojums 1.20-1/63. Riga, Latvia: Corruption Prevention and Combating Bureau. https://www.knab.gov.lv/lv/media/3496/download?attachment (Accessed 2023 03 31)

Immediately after the announcement, Mārtiņš Kalaus, a reporter at the Latvian Information Agency LETA requested information from The Riga Municipality on the demolition process, asking when the monuments were going to be destroyed, which contractors were involved in destroying them and how much everything was going to cost. However, The Municipality decided to keep these significant details secret. The following month, LETA issued a news statement about Riga Municipality's silence, which was picked up by multiple local media outlets.[144]

At the beginning of August, another journalist, Edgars Kupčs, a reporter at Latvian Public Broadcaster's Radio, also failed to obtain information, as The Municipality's communications representative told him that he (the representative) had signed a non-disclosure agreement.[145]

Riga Municipality consulted with The State Security Service, the organization responsible for security during the destruction of the monuments and decided to keep the date and time of the event secret– at least from some journalists – until the actual day that it occurred. With the date closing in, this secrecy led to outrage amongst Latvia's journalists, and was covered by all major Latvian news media outlets.[146]

On August 25, the Soviet Victory Obelisk, Riga's largest Soviet-era monument, was destroyed. The event was streamed live on Latvia's Public Broadcaster's (LSM) website.[147] On the same day, one journalist wrote: "[...]the dismantling of the monument complex is proceeding very quickly, while Riga's Municipality

144 See: Undisclosed Author. (2022) Rīgas dome neizpauž okupācijas pieminekļa demontāžas metodes un termiņus. Riga, Latvia: TV3.lv https://zinas.tv3.lv/latvija/rigas-dome-neizpauz-okupacijas-pieminekla-demontazas-metodes-un-terminus/ (Accessed 2023 03 31) and Sprogis, K.D., Undisclosed Author. (2022) Rīgas dome pagaidām nesniedz detaļas par pieminekļa Pārdaugavā demontāžu. Riga, Latvia: Delfi.lv www.delfi.lv/news/national/politics/rigas-dome-pagaidam-nesniedz-detalas-par-pieminekla-pardaugava-demontazu.d?id=54467600 (Accessed 2023 03 31)

145 Kupčs, E. (2022) Suspicions of secrecy around demolishing Soviet monument in Rīga. Riga, Latvia: Lsm.lv https://eng.lsm.lv/article/society/society/suspicions-of-secrecy-around-demolishing-soviet-monument-in-riga.a467862/ (Accessed 2023 03 31)

146 See: Undisclosed Author. (2022) VIDEO Kad un kā nojauks pieminekli Uzvaras parkā – RD sniedz aktuālāko informāciju. Riga, Latvia: TNnet.lv www.tvnet.lv/7588991/video-kad-un-ka-nojauks-pieminekli-uzvaras-parka-rd-sniedz-aktualako-informaciju (Accessed 2023 03 31) and Demidovs, V., Licite, M., (2022) Uzvaras parka pieminekli nespridzinās; nojaukšanas tehniku teritorijā ievedīs rīt Riga, Latvia: Lsm.lv www.lsm.lv/raksts/zinas/latvija/uzvaras-parka-pieminekli-nespridzinas-nojauksanas-tehniku-teritorija-ievedis-rit.a470318/ (Accessed 2023 03 31)

147 Undisclosed Author. (2022) Demolition of Soviet Victory monument in Rīga. Riga, Latvia: Lsm.lv eng.lsm.lv/article/society/environment/demolition-of-soviet-victory-monument-in-riga.a470869/ (Accessed 2023 03 31)

is still not revealing any details about the dismantling."[148]

During an interview with one of the Study's investigators, Edijs Šauers (Head of the Municipality's Communications Department), explained that the secrecy requirement was imposed by The State Security Service in an attempt to avoid public unrest.

Kalaus added that there is a lot of uncertainty on what exactly was discussed with The State Security Service and what their requirements were. The Municipality never disclosed the details of the discussion, and it's now already well over six months since the monuments were destroyed. The name of the contractor, and the cost of the demolition, are still unknown.

Forestry Audit (Latvia)

When Latvia regained its independence from The Soviet Union, the use of its forests was organized by concluding long-term logging contracts with over three hundred forestry farms. In the 1990s, all of these contracts were taken over by what was soon to become the second largest state company, Latvian State Forests (LVM). In the early 2000s these exclusive long-term contracts covered two-thirds of all LVM state timber sales. However, recently, one after another, these contracts came to an end.[149]

In May 2020, Guna Gleizde, a journalist on the investigative show Nekā personīga (Nothing Personal) on TV3 reported on misappropriations in Latvia's pulpwood market. According to the show, one company had been bypassing competition and exporting state forest wood to Scandinavia for three years.[150] The show also revealed that LVM had kept secret specific facts and details, including the total number of contracts that were in place, and how much money lay behind them.

The transactions were investigated by both The Latvian Police and the coun-

148 Undisclosed Author. (2022) Sāksies Uzvaras parkā esošā pieminekļa pēdējā elementa. Riga, Latvia: Lsm.lv auns.lv/raksts/zinas/517491-saksies-uzvaras-parka-esosa-pieminekla-pedeja-elementa-obeliska-demontaza (Accessed 2023 03 31)

149 Gleizde, G., (2023) Prokuratūra "Latvijas Valsts mežiem" izsaka brīdinājumu par negodīgiem ilgtermiņa līgumiem. Riga, Latvia: TV3.lv. https://zinas.tv3.lv/latvija/prokuratura-latvijas-valsts-meziem-izsaka-bridinajumu-par-negodigiem-ilgtermina-ligumiem/ (Accessed 2023 03 31)

150 Undisclosed Author. (2020) No "Latvijas valsts mežu" koksnes eksporta uz Skandināviju krējumu nosmeļ privāts uzņēmums. Riga: Latvia: Nra.lv https://nra.lv/latvija/315810-no-latvijas-valsts-mezu-koksnes-eksporta-uz-skandinaviju-krejumu-nosmel-privats-uznemums.htm (Accessed 2023 03 31)

try's Corruption Prevention and Combating Bureau. But Latvian State Forests denied all accusations. Furthermore, the company decided to initiate an independent audit, and hired the law firm Sorainen to carry it out.[151]

In December 2020, Gleizde sought permission from The Ministry of Agriculture and LVM to see a copy of what became known as **The Audit Report** by the law firm Sorainen. Both institutions claimed that the report contained a commercial secret, and consequently refused to share it.[152]

In January 2021, Gleizde filed a claim to The Administrative Court, requesting the disclosure of both **The Audit Report** by the lawyers and the lawyers' work contracts. It took a year before the Court ruled that The Ministry of Agriculture should issue the requested documents. In March 2022, the disclosure was disputed again by the lawyer Jānis Kārkliņš, in a claim to The Supreme Court of Latvia. However, the verdict concerning the audit remained the same.

In an interview with the Study's investigator, Raivis Kronbergs, the State Secretary of The Ministry of Agriculture, admitted that The Ministry could and should have asked information holders which part of the requested information should be considered a commercial secret when evaluating the request for information; thus allowing for the sharing of the anonymous document instead of refusing to issue any information at all. Kronbergs also acknowledged that if journalists had not created a precedent by appealing to the court in connection with the case, the practice of refusal would have continued. The process took over two years.

Construction Permit (Lithuania)

In 2019, Vilnius Municipality issued a permit to redevelop a building in whose basement a nightclub called Soho was based. The function of part of the building was changed from offices to residential apartments. This meant that the new residents could complain about noise from the club, putting its existence in danger. The club contested the change in The Vilnius County Court

151 Undisclosed Author. (2020) Latvijas Valsts mežu aizdomīgos papīrmalkas darījumus pārbauda Valsts policija un KNAB. Riga: Latvia: TV3.lv https://zinas.tv3.lv/latvija/neka-personiga/latvijas-valsts-mezu-aizdomigos-papirmalkas-darijumus-parbauda-valsts-policija-un-knab/ (Accessed 2023 03 31)

152 Undisclosed Author. (2020) Nekā personīga tiesas ceļā panāk Latvijas valsts mežu apaļkoksnes darījumu audita publiskošanu. Riga: Latvia: TV3.lv https://zinas.tv3.lv/latvija/neka-personiga/neka-personiga-tiesas-cela-panak-latvijas-valsts-mezu-apalkoksnes-darijumu-audita-publiskosanu/ (Accessed 2023 03 31)

and then appealed its ruling, but lost the case.[153]

At the beginning of 2022, journalist Jonas Valaitis, the editor and reporter at the LGBTQ news website Jarmo.net discovered that there was more to the story. According to him, The Municipality led an internal investigation into the procedure of issuing the permit, and even fined some of its employees for misconduct – and this wasn't mentioned in court.

Valaitis reached out to The Municipality, and its Communications Specialist confirmed that the investigation took place. Valaitis then requested to share information from this internal investigation and asked questions about the fined officials, but didn't get any more information. Lina Koriznienė (Administration Director of The Vilnius City Municipality) responded with a signed PDF document attached to an email stating: "We cannot specify whether the investigation into misconduct was initiated and for what reasons, against which officials, and what the conclusions of those investigations were [...] the applicant cannot be provided with data, the handling of which is not the function of the institution established by laws or other normative legal acts."[154]

After continued communication by email and telephone, Valaitis eventually ran a story titled The Civil Servants Delinquent in the Soho Story are Hidden under Nine Locks,[155] including a section detailing The Municipality's refusal to provide him with information. He also decided not to pursue the investigation further. Later he stated to the Study's investigator that "We are a small team and we didn't have the time or the money to stick with the story."

During the interview with the investigator, Koriznienė disclosed that two investigations coincided, and the employees in question were part of a bigger group suspended by The Special Investigation Service in December 2021 during a wide corruption investigation into several institutions. In fact, the investigation involved sixty suspects, twenty of them public servants, nine of them Vilnius Municipality specialists, and many civil servants at that time wer-

153 Grigaliūnaitė, V. (2021) Populiarus gėjų klubas bijo iškeldinimo. PAstatas virto daugiabučiu, kaimynai pyksta dėl garso. Vilnius, Lithuania: 15min.lt 15min.lt/naujiena/aktualu/lietuva/populiarus-geju-klubas-bijo-iskeldinimo-pastatas-virto-daugiabuciu-kaimynai-pyksta-del-garso-56-1630874#_ (Accessed 2023 03 31)

154 Koriznienė L. (2022) Response to a Journalist. Vilnius, Lithuania: Vilnius Municipality

155 Valatis, J., (2022) Soho istorijoje nusižengę valdininkai slepiami po devyniais užraktais. Vilnius, Lithuania: Jarmo.lt https://www.jarmo.net/2022/04/soho-istorijoje-nusizenge-valdininkai.html (Accessed 2023 03 31)

en't allowed to disclose any related information.[156] According to Koriznienė, The Municipality employees should have done more, and could at least have shared the reason why they couldn't disclose the information.

Deleted Recording (Lithuania)

When in 2018 the journalist Birutė Davidonytė was investigating a possible corruption case in The Lithuanian Olympic Committee, she was denied free of charge access to the companies database of The State Enterprise Centre of Registers; a crucial tool to search through the owners of different companies connected with The Committee.

The State Enterprise Centre of Registers decided to cease journalists' right to use the database free of charge in September 2018. On October 4, the leadership of Lithuanian media outlets, media and journalist organizations published an open letter urging The Government to cancel restrictions.[157] On October 10, the authorities proposed a plan on how the Registers' database could be used and initiated an amendment of the law.[158]

After ministers led by the Prime Minister Saulius Skvernelis gathered to discuss the plan, Davidonytė, who wasn't allowed to attend the meeting, learned that the proposed changes to the law were rejected. She asked for a recording of the meeting as it should be public information. The Government's Chancellery refused to hand over the recording, arguing that "it's not their function," and announced that soon it will be deleted according to their protocol.[159] Instead, Davidonytė was presented with a short summary of the meeting, including the

156 Janonis, T.m (2021) Korupcijos tyrime STT narsto Vilniaus savivaldybę: tarp įtariamųjų – aukštas pareigas einantys valdininkai, paviešinta ir Avulio pavardė. Vilnius, Lithuania: Delfi.lt www.delfi.lt/news/daily/lithuania/korupcijos-tyrime-stt-narsto-vilniaus-savivaldybe-tarp-itariamuju-aukstas-pareigas-einantys-valdininkai-paviesinta-ir-avulio-pavarde.d?id=88935037 (Accessed 2023 03 31)

157 Undisclosed Author. (2018) Žurnalistai ragina atšaukti ribojimus gauti registrų duomenis. Vilnius, Lithuania: Bernardinai.lt bernardinai.lt/2018-10-04-zurnalistai-ragina-atsaukti-ribojimus-gauti-registru-duomenis/ (Accessed 2023 03 31)

158 Andrukaitytė, M., (2018) Ministras apie situaciją Registrų centre: siekiamybė – atverti duomenis visiems. Vilnius, Lithuania: Diena.lt www.diena.lt/naujienos/lietuva/salies-pulsas/ministras-apie-situacija-registru-centre-siekiamybe-atverti-duomenis-visiems-884294 (Accessed 2023 03 31)

159 Davidonytė, B., (2018) Įrašą sunaikinusi Vyriausybė dangstosi kibernetiniu saugumu. Vilnius, Lithuania: 15min.lt 15min.lt/naujiena/aktualu/lietuva/irasa-sunaikinusi-vyriausybe-dangstosi-kibernetiniu-saugumu-56-1043014 (Accessed 2023 03 31)

names of the participants and their decision in one sentence.

In the next few days, four other journalists asked for the recording, and they all were denied access. Additionally, Davidonytė approached The Office of the Journalists' Ethics Inspector. The Inspector issued a recommendation saying that the recording should be made public. However, The Government's office didn't follow it. In November 2018, Davidonytė and three other journalists supported by The Union of Journalists filed a claim to The Administrative Court.[160] The first ruling was not favorable,[161] however, the journalists eventually won an appeal. The ruling declared that The Government's Chancellery's refusal to provide a recording infringed the journalists' right to collect information.[162]

The process took almost two years. The recording was deleted and was never restored after the court ruling. However, the process had an enormous effect on local journalists, politicians and the general public – other Court claims followed.[163] Thirty parliamentarians, representing opposition parties, collected signatures in an effort to hold Lithuania's then Prime Minister, Saulius Skvernelis, accountable for avoiding their questions on the recording and expressed suspicions that he could have given an illegal order to quickly destroy it.[164]

The Study investigators weren't able to reach the public servants that were directly involved in the Dispute, namely Skvernelis and former Chancellor Algirdas Stončaitis, both members of Parliament at the time. The former PM's Communication Advisor Tomas Beržinskas, who is now an Advisor to the President, refused to take part in the research. The current Head of The Public

160 Undisclosed Author. (2018) Žurnalistai skundžia teismui Vyriausybės atsisakymą pateikti pasitarimo įrašą. Vilnius, Lithuania: vz.lt vz.lt/medijos/2018/11/02/zurnalistai-skundzia-teismui-vyriausybes-atsisakyma-pateikti-pasitarimo-irasa (Accessed 2023 03 31)

161 Jakučionis, S., Beniušis, V., (20198) Žurnalistai pralaimėjo teismą dėl sunaikinto Vyriausybės posėdžio įrašo. Vilnius, Lithuania: Diena.lt kauno.diena.lt/naujienos/vilnius/miesto-pulsas/zurnalistu-ir-vyriausybes-gincas-del-sunaikinto-iraso-teismas-skelbia-sprendima-904063 (Accessed 2023 03 31)

162 Meilutis, M., (2020) Teismas nusprendė dėl Vyriausybės kanceliarijos ištrinto garso įrašo: buvo pažeistos žurnalistų teisės. Vilnius, Lithuania: Lrt.lt www.lrt.lt/naujienos/lietuvoje/2/1200254/teismas-nusprende-del-vyriausybes-kanceliarijos-istrinto-garso-iraso-buvo-pazeistos-zurnalistu-teises (Accessed 2023 03 31)

163 Steniulienė, I., (2021) Teismas nutraukė žurnalistų inicijuotą bylą Skverneliui, Stončaičiui, Beržinskui https://www.lrt.lt/naujienos/lietuvoje/2/1555192/teismas-nutrauke-zurnalistu-inicijuota-byla-skverneliui-stoncaiciui-berzinskui (Accessed 2023 03 31)

164 Ketlerienė, A. (2018) Seime renkami parašai: Saulius Skvernelis kaltinamas sulaužęs priesaiką. Vilnius, Lithuania: Delfi.lt https://www.delfi.lt/news/daily/lithuania/seime-renkami-parasai-saulius-skvernelis-kaltinamas-sulauzes-priesaika.d?id=79330389 (Accessed 2023 03 31)

Relations Department couldn't find a single civil servant who was willing to talk and agreed to respond to the Study's questions only in writing. She responded to six of the Study's ten questions with: "We do things in accordance with **The Law on Information Provision to the Public.**"

Transit Sanctions (Lithuania)

In the summer of 2022, Lithuania began sanctioning the transit of goods through Lithuania from Belarus to the Russian exclave of Kaliningrad. Consequently, the international media called Lithuania's border with Poland "the most dangerous place on earth"[165] hinting that if the Kremlin attacks NATO, this is where it would happen. Lithuania's foreign policy officials suddenly became overwhelmed with attention and key personalities commenting on foreign affairs for local journalists were very hard to reach.

At the beginning of September, the journalist Dainora Pankūnė, a reporter at Delfi.lt, requested interviews with representatives of the President's Palace, The Ministry of Foreign Affairs (MFA), as well as The Permanent Representative of Lithuania to the EU. In one instance, an interview with the Lithuanian Ambassador to the EU, Arnoldas Pranckevičius, was refused. Pankūnė tried to clear up the reasons, informing the institution that she can adapt to their schedule and adjust her questions flexibly. However, all she could get was a series of anonymous refusals.

It was a time of crisis, and The MFA and its ministers made all global media headlines. The crisis has first and foremost affected the Lithuanian population, though, and Pankūnė wasn't able to explain the crisis to this local audience. During the interview with the Study's investigator, she shared her belief that local Lithuanian journalists had been forgotten and said that: "We felt like second-hand news media."

As an answer to the refusal, Pankūnė published an article decrying the situation and analyzing politicians' communication in times of crisis.[166] She felt that the struggle was a story in itself, and described the cases that offended her the most. Pankūnė wrote that she had been trying to arrange an interview with The President's Chief Adviser for almost a year, and also encountered

165 Karnitschnig, M., (2022) The Most Dangerous Place On Earth. Brussels, Belgium: Politico.eu politico.eu/article/suwalki-gap-russia-war-nato-lithuania-poland-border/ (Accessed 2023 03 31)

166 Pankūnė, D. (2022) Komunikacijos užkulisiai: ką bando nuslėpti įtakingi politikai. Vilnius, Lithuania: Delfi.lt delfi.lt/news/daily/lithuania/komunikacijos-uzkulisiai-ka-bando-nuslepti-itakingi-politikai.d?id=91254639 (Accessed 2023 03 31)

difficulties when seeking responses to simple questions from Ministries in general. For instance, the representative of The Ministry of Environment did not respond to a simple Delfi.lt question for almost a month.

After a long wait and a few anonymous responses, the Study's investigator eventually got through to the other side of the line. Mykolas Mazolevskis, the Spokesperson of The Permanent Representative of Lithuania to the EU, willingly explained their decision not to connect with Pankūnė in the following way. According to him, it was a collective decision made together with MFA communications officials, and the motive behind the refusal was that there was a press conference on the questions that interested the journalist happening on the same day, and that the journalist took part in it. According to officials, "the information that she wanted was there, and she had it already." However, Pankūnė disagrees, citing MFA officials who sometimes tell her to translate their interviews from the international media instead of speaking with her, she said: "This refusal was the most hurtful one of my entire career."

Covid-19 Suits (Lithuania)

During the early days of the Covid-19 pandemic, a person working at The Kaunas Infectious Disease Hospital leaked several photographs of Covid-19 protective suits to the journalist Daiva Žeimytė-Bilienė. In the pictures, the suits, which were supposed to be used only once, were put in bags on which there were handwritten names.

On March 27, 2020, Žeimytė-Bilienė, a journalist working for Delfi.lt, published these pictures on social media,[167] and they were subsequently shared by multiple media outlets.[168] The Hospital attempted to control the crisis by saying that they were collecting the suits for the darkest hour.[169] The next day, after a proposal by Prime Minister Saulius Skvernelis, the Lithuanian Minister of Health Aurelijus Veryga suspended the Head of The Hospital.

Later, The Hospital conducted an internal investigation, but announced that

167 facebook.com/daiva.zeimyte/posts/pfbid02h9Msnsqh8wXZJLw9fvVZ5qH7MPZfUbErCG-6jYX7qXSJ5yZ7bYVWMDHMc72kJPf7fl

168 Undisclosed Author. (2020) Kauno medikai vienkartinius drabužius turi dėvėti ne kartą? Kaunas, Lithuania: Diena.lt kauno.diena.lt/naujienos/kaunas/miesto-pulsas/tiesa-ar-ne-kauno-medikai-vienkartinius-rubus-turi-deveti-ne-karta-959550 (Accessed 2023 03 31)

169 Stažytė, K., (2020) Kauno klinikinėje ligoninėje – skandalo aptarimas: infektologė tikina, kad virusas maišeliuose nesklinda. Vilnius, Lithuania: 15min.lt 15min.lt/naujiena/aktualu/lietuva/kauno-ligonineje-svarstomas-nusalinto-a-naudziuno-likimas-a-veryga-ragino-neskubeti-teisti-56-1296278 (Accessed 2023 03 31)

they found no violations. When Žeimytė-Bilienė asked to see the results of this investigation, The Ministry of Health and The Hospital refused to share it, saying that it was against **The GDPR**.

In October 2020, Žeimytė-Bilienė filed a claim with The Administrative Court.[170] As a member of The Lithuanian Journalists Union, she asked for its help with legal support. As Žeimytė-Bilienė shared with the Study, when The Ministry of Health found out about the claim, the institution made a u-turn and opened up the result of the investigation for her. However, it turned out

170 Pocytė, K., (2020) Skandalas dėl pakartotinai naudotų medikų apsauginių drabužių: tyrimo išvadas slepia po devyniais užraktais. Vilnius, Lithuania: Delfi.lt delfi.lt/news/daily/lithuania/skandalas-del-pakartotinai-naudotu-mediku-apsauginiu-drabuziu-tyrimo-isvadas-slepia-po-devyniais-uzraktais.d?id=85602583 (Accessed 2023 03 31)

that the investigation was not worth looking at. According to the journalist's judgment, it was carried out just to save face. The practice of reusing suits in The Hospital ended and the case was closed.

In an interview with the Study's investigator, former Minister of Health Aurelijus Veryga recalled that this was a rather exceptional case. He remembered consulting with lawyers, communication specialists and Hospital shareholders. When asked why they couldn't share the anonymous version of the internal investigation, Veryga said: "What [data] could you possibly remove, if the report is about one person." However, the former Minister didn't remember the real motive for non-disclosure. To his mind, this was a decision made in the context of the early fear and panic that was caused by the pandemic. In fact, at the time The Ministry was lacking human resources, and trying to get a hold on crisis communications.[171]

Family Matters (Lithuania)

Five years ago, in the tiny Lithuanian town of Smalininkai on the border with Kaliningrad, a children's social shelter was integrated into the local school. The integration of the shelter residents, however, who came from unfortunate social backgrounds, didn't go well. As witnesses described, the shelter's eighth and ninth graders threatened to bury the teacher's son, and were constantly swearing and threatening the school's Director with a knife. This raised an alarm in the local community. Parents addressed the situation, but their calls to investigate hit a brick wall. The incidents were covered not just by newspapers in the regional capital of Jurbarkas, but also by national media.[172]

At the end of 2022, journalist Mindaugas Laurinaitis, the editor and reporter at a small regional news website EtaPlus from another part of Lithuania, was reporting on the shelter's management problems when he discovered that the Vice Director of the organization responsible for the shelter is married to the Director of Jurbarkas District Administration. Laurinaitis sent questions to The Municipality about the situation and was confronted with a refusal to respond to questions based on a statement that the journalist didn't identify himself and had to sign the request using an electronic signature.

Stonewalled by the Director of The Jurbarkas Municipality Administration

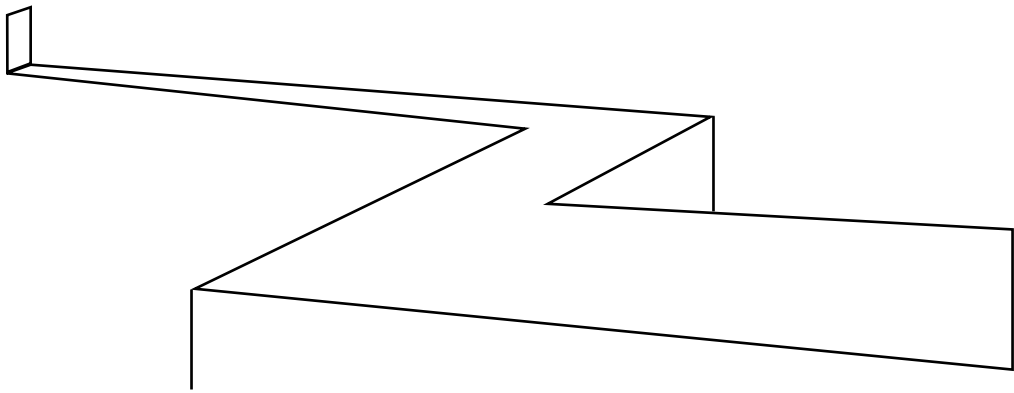
171 Andrukaitytė. M., A. Komentuoti žiniasklaidai ligoninės galės tik su centro leidimu. Vilnius, Lithuania: Bns.lt bns.lt/topic/1912/news/60838177/ (Accessed 2023 03 31)

172 Undisclosed Author. (2018) Skalvijos vaikų globos ateitis priklausys ne tik nuo savivaldybės. Jurbarkas, Lithuania: Jurbarkosviesa.lt jurbarkosviesa.lt/skalvijos-vaiku-globos-ateitis-priklausys-ne-tik-nuo-savivaldybes/ (Accessed 2023 03 31)

himself, the journalist decided to publish the text without The Municipality's response. He revealed that the Administration Director's wife worked as Vice Director to the shelter's administrator and that she was encouraging the administration's employees to keep the problems away from the public.[173] The article includes a section about how Jurbarkas Municipality restricted his rights to access information.

In an interview with the Study's investigator, the now former Director of The Jurbarkas Municipality Administration Mindaugas Bastys later explained that asking for identification was regular practice. Bastys also claimed that he did this because the request made him suspicious and he made it very clear that he believes that this is how things in small regions should work. The Study investigators, however, can confirm that the journalist's email was properly signed and formulated and that the request to sign with the digital signature was not adequate.

The responses to the journalist's questions came a week after the publication but, according to him, they didn't make sense. Before the responses came in, Laurinaitis also approached multiple institutions with the complaint. The Journalists' Ethics Inspector and The Journalists Union responded with supportive messages saying they were not able to do anything. The Seimas Ombudsman got back with a response offering a form of mediation. Such a move by the Ombudsman didn't satisfy the journalist, though. In the journalist's words, "the response was not a solution, but, in fact, a refusal to solve the problem.



173 Laurinaitis, M., (2022) Nepilnamečiai terorizuoja mokyklos bendruomenę, tėvai kaltina savivaldą. Šiauliai, Lithuania: EtaPlus.lt https://etaplius.lt/naujiena/nepilnameciai-terorizuoja-mokyklos-bendruomene-tevai-kaltina-savivalda (Accessed 2023 03 31)

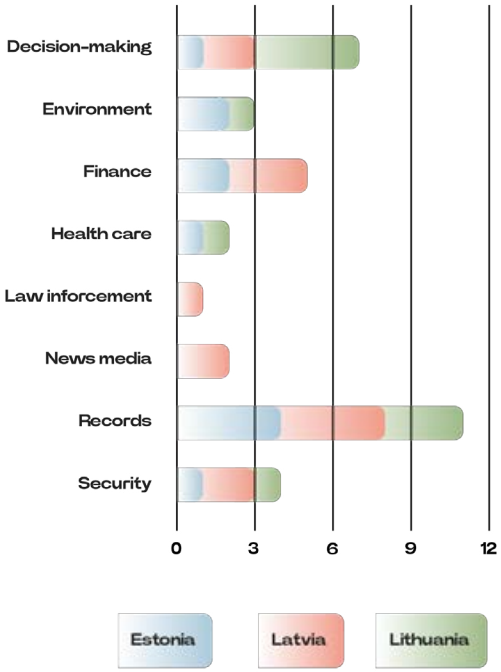
6 Comparative Assessment

General Information on Disputes

Subjects

The Investigators coded all cases with eight focus areas, labeled as "subjects," allowing one dispute to have one or more focus areas and accordingly more than one of the following labels: records, decision-making, law enforcement, environment, health care, news media, finances and security. The graph below shows the subjects that were addressed in the three countries.

Graphic No.4 - Subjects of Fifteen Analyzed Disputes in the Baltic States



Motives for Refusals

Two formal motivations to decline Access to Information stood out in the Baltics, namely protecting commercial secrets and national security. Both of these motivations became the main reason to decline Access to Information in five of the selected cases. However, only the pretext of national security was present in all three Baltic States. There were no disputes amongst those selected that involve a commercial secret, in Lithuania.

In Estonia, in three out of the five cases, refusals to give out information were based on protecting business secrets, or agreements with third parties in order to protect financial interests. In the case of the **5G Letter**, a document was classified because it came from abroad, and the strange-sounding pretext given by the institution was "to protect Estonia's international communication."

In Latvia, three reasons stood out, namely private data, commercial secrets, and national security. In two cases, refusal was based on the requirements of The State Security Service. The two refusals for **Hidden Advertisement** and **Forestry Audit** happened because of a desire to protect commercial secrets. In one of them (**Hidden Advertisement**) the motive to protect private data or personnel was also mentioned. One refusal (the case **Party Finances**) focused solely on the protection of private data.

In four cases in Lithuania, **Deleted Recording**, **Construction Permit**, **Family Matters**, and **Transit Sanctions**, the decision to refuse information was based on procedural motives. However, in one instance (**Transit Sanctions**), as investigators clarified during the interviews, the reason behind refusing to share information was stated as the institution's attempts to manage the flow of information on the control of international borders. So, the Study claims the reason for interview refusal in this case to be the protection of national security. In one Lithuanian case, a refusal was explained with an attempt to protect private data (**Covid-19 Suits**).

Description of Individual Indicators

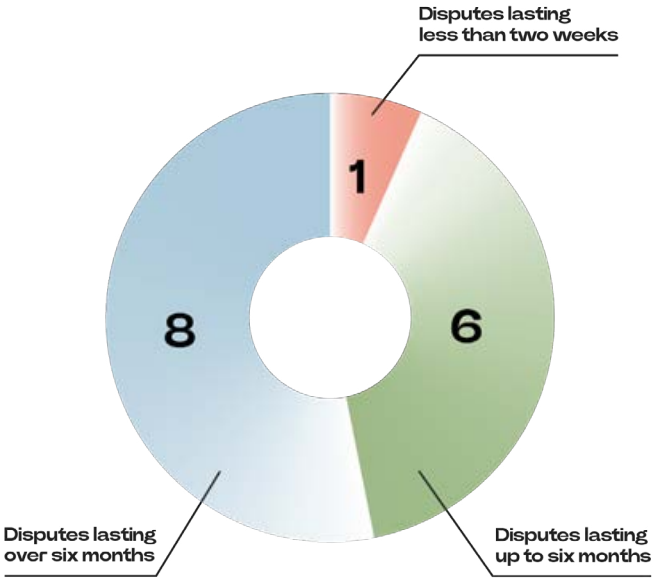
Timespan

Timespan is the only indicator that is used in the assessments of both Efficiency of Access to Information Mechanisms and Effects of Refusals on Journalistic Activities. The duration of the dispute is significant for the efficiency of the mechanisms that journalists with limited time have to use. Time is also

important when assessing the effect on journalists, because journalists are no doubt more affected by long-lasting disputes than short ones. The longer the timespan for the dispute, the less efficient the mechanism is, and, accordingly, the longer the timespan for the dispute, the more journalists' activities are affected.

Disputes that lasted for more than six months are rated as inadequately long, those that took up to six months are rated as being of an adequate duration, and disputes up to two weeks are rated as brief. The duration of analyzed disputes is displayed in the graph below.

Graphic No. 5 - Duration of Fifteen Baltic Access Disputes



The shortest dispute (**5G Implementation**), in which civil servants chose to disclose information after the journalist's article contesting its secrecy happened in Estonia and lasted one day. There were no other brief disputes among cases in the other Baltic States. The three longest disputes (**Deleted Recording**, **Forestry Audit**, and **Timber Prices**), one in each of the Baltic States, lasted around two years. The average timespan of the disputes analyzed in the Study is nine months. If the outlier case – which lasted only one day – is eliminated, the average length of a dispute is ten months.

Journalists' Experience

This Study is centered on journalism practices and so the investigators focused on individuals. Journalists' individual characteristics labeled as experience are used for the assessment of the efficiency of mechanisms. Experience is understood as a journalistic trait: the possession of the skills necessary to lead a dispute to resolution.

In assessing the Efficiency of Mechanisms, experience is used as a negative (or inverted) indicator. This choice was made so that the investigators could eliminate any discriminatory aspects of the Access to Information mechanisms towards less experienced journalists. Presumably, highly experienced journalists can go through the mechanism faster. However, the evaluation of the efficiency of the mechanism has to be measured as equally as possible in all cases. So, in each individual dispute case, the more experience a journalist has, the less efficient the mechanism was (was treated by the Study as being less efficient, to be precise).

The dispute initiators who have ten or more years of experience are rated as highly experienced. Initiators who have less than one year of experience are rated as not experienced, and all those in the middle having from two to nine years of experience are rated under average experience. In order to confirm the final rating, special circumstances are also considered on a case by case basis, because some disputes were initiated by several journalists, and, in other cases, it's not always immediately clear whether the initiator during the entire period is active as a journalist.

All in all, seven of the fifteen disputes examined in the Study were initiated by highly experienced journalists. Seven disputes are rated as having been initiated by individuals with an average level of experience, and one as initiated by an individual who is treated in the Study as having no journalistic experience.

Institutional or Network Backing

To assess the efficiency of mechanisms it is important to know whether individuals contesting refusals were supported by their work environment. Institutional or network backing can be twofold: either as the backing of their editors or the companies that they work for or through the support of network structures, such as unions or colleagues. Both types of backing matter, but the evaluation of one type can be decisive and enough for the case to be rated as having strong backing or no backing, based on qualitative evidence.

In this Study, the measurement of the backing leads to the discovery that the stronger the backing the journalists had in particular cases, the more efficiently the mechanism worked during their particular dispute. Such assessment is based on the premise that the news producing community of journalists, editors, and media owners share responsibility for efficiently working mechanisms too. If the community is weak – their inner relationships underdeveloped to the extent that they cannot work out a way of helping each other – there is no one else to blame.

It is important to note that, in many cases, when a dispute seems to have had the backing of a media outlet, individuals actively involved in the dispute were also serving as chief editors of the same outlet. Such cases can only be treated as having the backing of the editorial offices to some extent. So, even if disputes were initiated by the editors, or the editorial office that they run, the institutional backing can become rather symbolic when the newsrooms are small. Thus, the strength of the backing in such cases was evaluated by looking into the actual size of the news media outlet.

All in all, analysis of the cases revealed: eight Baltic cases had strong institutional and network backing, six cases were rated as having average backing, and one as having no backing at all.

Presentation of the Decision Making Procedure

The assessment of the efficiency of mechanisms includes the measurement of the presentation quality of the decision-making procedure. The presentation of the procedure is assessed for each institution that is involved in the dispute separately. The assessment focuses on two components that indicate how transparently the information holder (whom a journalist has approached) presented the information provision decision-making process at the time of the dispute.

The first component is a response to the question whether any written instructions of a communication process had existed and whether they were presented on the institution's website. Communications-specific documents, i.e. statutes of communication departments, or documents with instructions about the provision of information – not evaluating their qualities or application – received the highest score. Publicly available general regulations that mention the communications process, but not describing it explicitly, received an average score. Cases when regulations which addressed the provision of information didn't exist, or regulations – even the most specific – were available only upon request received the lowest score.

The second component is the response to the question whether the civil servants overseeing the contacts with the press were clearly named and their function clearly indicated on the institution's website when the dispute started. If the civil servants serving the press were clearly indicated, the dispute received the highest score. If there were no named civil servants responsible for dealing with journalists' requests, the dispute received the lowest score. In cases when a press person was indicated not clear enough, the case received an average score.

The scores of the two components made one final rating of the quality of the presentation of the decision-making procedure. The rounding was always done by evaluating the general quality of the presentation of both components. The more transparently the decision-making procedure was presented, the more efficiently the Access to Information mechanism worked in each case.

All in all, only three of the fifteen cases (**Journalist's Profile**, **Party Finances**, **5G Letter**) that were examined in the Study have written public instructions regulating how officials make decisions about sharing information with journalists (and the general public). Two institutions have accreditation procedures intended for local journalists (**Deleted Recording**, **Hidden Advertisement**), and three other institutions had more or less specific communication regulations publicly available. So, in total, eight of the fifteen disputes were rated as having communications documents publicly available.

When measuring how press contacts were presented, the Study found that only four institutions had clearly indicated and/or named press contacts on their website. One institution had a public relations section, but no clear indication of whom journalists should approach. All of the other institutions only had general contact details on their websites.

Simplicity of the Appeal Procedure

The simplicity of the appeal procedure is chosen as an indicator in the assessment of the efficiency of mechanisms because an appeal is considered to be an important part of the FOI Acts application (or Access to Information) mechanism.

The measurement of how easily misconduct in the field of FOI Acts application can be appealed against is equal for all cases in one country. It concerns the regulatory environment, and the assessment was carried out by examining the regulations, looking into academic literature, media articles and consulting with experts. The simpler the procedure of appealing the restriction on

Access to Information, the more efficient the Access to Information mechanism is.

Generally, the Study's team agreed to rate the simplicity of the appeal procedure in the following way: simple in the case of Estonia, adequate in the case of Latvia, and complex in the case of Lithuania.

Size of the Media Outlet

The size of the media outlet or, to be more precise, the newsroom, matters in the evaluation of the effect on journalists because working environments undoubtedly have an impact on the activities of journalists. A larger editorial office provides a journalist with more options and a safety-net for his/her working process. In cases when journalists face information refusals, a large newsroom offers many options. A journalist can turn to colleagues for help, or can ask for another subject to name but two examples. If a team is small, or a journalist is acting alone and not as part of a newsroom, non-disclosures can have a significantly larger impact on them. One case can discourage journalists from engaging with a particular subject. Continued difficulties in accessing information can ultimately lead them to quit journalism.

When assessing the effect on journalists, the size of the newsroom that journalists have affiliated themselves with during the dispute is measured in this way: newsrooms that employ over twenty reporters are rated as large, those that have around ten employees are rated as medium-sized, and teams of no more than three people are rated as tiny news organizations.

Throughout the Baltics, the largest share – nine of the individuals initiating the disputes – were working full-time for the large newsrooms of the mass media outlets Delfi, Postimees, Õhtuleht, TV3, LETA, Lrytas.lt and 15min.lt, owned by big media companies. Excluding one freelancer and one civic journalism case, there were four more alternatives. Two disputes were initiated by journalists working for the independent news media Re:Baltica (**Hidden Advertisement**, **Party Finances**), one by an editor of the small newsroom EtaPlus (**Family Matters**), and one by an educator/NGO manager acting on behalf of other journalists (**Journalist's Profile**). In the case of the latter, the actual media that is represented is treated as the case subject, not the representative, and it's rated as a medium-sized news organization.

Dispute Phase

All journalists, whether supported by their editors or not, made the choice of how to lead the dispute by cross-evaluating existing options and their ob-

jectives. The set of options for journalists involved in disputes varied from country to country. So, in order to make a comparative assessment possible, all options are simplified into three simple categories, or phases: a. public statement, b. complaint to the FOIA implementing institution, and c. court claim. It is important to note that journalists could start a dispute in any of the phases. The Study assesses which phase the dispute is at the time of the assessment.

The dispute phase indicator is used in the assessment of the effect of the refusal on journalistic activities in the following way: the higher the phase the dispute reaches, the more energy it takes, and the more it affects journalistic activities.

Throughout all three Baltic States, four disputes ended with public statements only. In the cases of **Transit Sanctions**, **Construction Permit**, and **Alcohol Trade**, the stories didn't gain traction. The authors explained the situation to their readers, but the stories were forgotten. In one case (**Soviet Monuments**) the dispute did attract attention from the general public, however, none of the journalists pursuing the story took the dispute further – at least not at the time when this Study was published. It's interesting to note that in the latter case, even though the non-disclosure of information was contested by many news outlets publicly – and the subject did attract the population's attention – it didn't change the institution's decision to conceal information.

Dispute Intensity

In the Study, the three phases: a. public statement, b. complaint to the FOIA implementing institution, and c. court claim are also important when measuring dispute intensity. The measurement of dispute intensity is used for the assessment of the effect of refusals on journalists.

Differently from the dispute phase measurement, it takes into account the institutions' reactions. By including this indicator, the Study seeks to evaluate the effect on journalists more precisely. In some cases, journalists' activities were affected more intensively, because they had to go through many phases. For instance, let's say a journalist started the dispute (public statement), went through the second phase (FOIA complaint) and the dispute is currently in the phase of the lawsuit. In such a case, a journalist's work is affected more intensively compared to cases when the dispute initiator received a refusal after the public statement and went directly to court, because the former takes significantly more time.

The Study evaluates dispute intensity by identifying the phase at which the journalists have received the most recent refusal. Dispute intensity is low if a journalist received a refusal after an initial request for information or a public statement. Intensity is average in cases where a journalist received a refusal to disclose information that came in after a complaint. A refusal issued by the court is the highest intensity dispute. The most recent refusal that journalists have on their desktop counts, even if journalists have successfully retrieved the information at a later date.

So, among all the Baltic cases, the most recent refusals that journalists have on their desktops are the following: in both Latvia and Estonia, two of the five cases received refusals in the phase of the complaint, and the three latest refusals came in the phase of public statement or after the request for information. In Lithuania, in one case, the refusal was given to journalists by the court (**Deleted Recording**), in one case the journalist received the refusal in the phase of complaint (**Family Matters**), and in three cases the latest refusal that journalists had, came in after the public statement or requests for information.

Resolution

The resolution indicator enables the Study to evaluate the long-term effects of the refusals on journalists. The Study assumes that if the information was accessed, the journalists could proudly publish their work, then forget the project and move on. If the information wasn't accessed, but there was a clear resolution delivered to a journalist by legal means saying that the state apparatus was correct, moving on is manageable. But if the information was (and still is) not accessed, and there is no plain resolution, the long-term effects of such a refusal on journalists is ultimately more intense. Presumably, this makes it hard for journalists to view their job as meaningful, or at least leaves journalists questioning the media ecosystem that they are working in.

So, in cases when information was accessed, journalists' activity is minimally affected. In cases when information was not accessed, but a clear response was available, journalists' activities are affected on an average level. Accordingly, unclear responses or no response at all affects journalists' work most intensely.

Five cases in the Baltic States ended with information being accessed in full. Latvia and Estonia have two such cases each, and Lithuania has only one (**Covid-19 Suits**). All of these cases are rated as having a low effect on journalists' activities. In nine Baltic cases, when the information was not accessed, there was also no clear resolution, meaning journalists didn't really

know whether their requests were legitimate according to the law or not. Three of these cases are still awaiting a final resolution (**Journalist's Profile**, **Party Finances**, **Timber Prices**). However, the Study takes them at the current phase, where no clear resolution is available and journalists still have negative responses to their requests in their hands. All these cases are rated as affecting journalists' activities most intensively. Lithuania's **Deleted Recording** dispute is also the only one among the Baltic cases that has ended with a clear resolution, but no Access to Information. It is therefore rated as the only average case.

Efficiency of the Access to Information Mechanisms

The Study found that the Access to Information mechanism worked most efficiently in Estonia, and least efficiently in Lithuania. The dispute where the mechanism was the least efficient is Lithuania's case of **Deleted Recording**. This doesn't point to the productivity of journalists or public servants, but rather to the entire mechanism that under the given conditions has demonstrated its flaws. The dispute where the mechanism worked most efficiently was Estonia's case **5G Letter**. It is also the case of the shortest dispute (one day). The absolute majority of disputes lasted much longer, though.

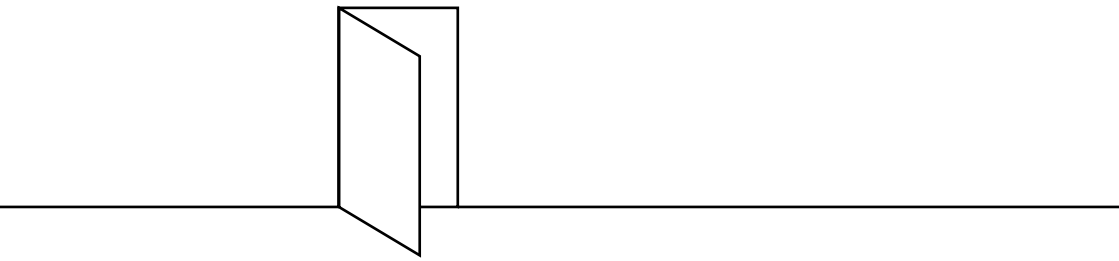


Table No. 2 - Assessment of the Efficiency of ATI Mechanisms

Country	Lithuania					Latvia					Estonia				
Indicators / Cases	CP	DR	TS	CS	FM	HA	PF	JP	SM	FA	AR	5L	PS	CN	TP
Timespan (months)	1 (3)	0 (22)	1 (3)	0 (7)	2 (0.5)	0 (18)	0 (11)	1 (4)	1 (3)	0 (23)	1 (2.5)	2 (0.03)	1 (3.5)	0 (18)	0 (24)
Individual Journalists' Characteristics	-1	-2	-1	-2	-1	-2	-2	-1	-2	-2	0	-1	-2	-2	-1
Institutional and Network Backing	0	2	1	2	1	2	2	2	1	2	1	1	1	1	2
Simplicity of Appeal Procedure	0	0	0	0	0	1	1	1	1	1	2	2	2	2	2
Presentation of Decision Making	1	1	1.5	1	0	1	2	1	0.5	0.5	0	1.5	0.5	1	1
a. Documents exist and are publicly available	0	2	1	2	0	2	2	2	1	1	0	2	1	0	2
b. Press contacts clearly identified	2	0	2	0	0	0	2	0	0	0	0	1	0	2	0
Sum Efficiency	3	1	2.5	3	2	4	3	4	1.5	1.5	4	5.5	2.5	2	4
Sum Efficiency Country	11.5					14					18				
Mean Value Country	2.3					2.8					3.6				

The Study's Investigators identified a variety of obstacles met by both journalists and public servants when sharing public information. The most important of them are grouped into several categories and discussed below. Their significance to the efficiency of the Access to Information mechanisms is highlighted, with examples of how these obstacles affect public servants and journalists.

Grey Areas in Regulation

The primary obstacle that affects both sides are the grey areas in regulation. Producing a comprehensive list would be an undertaking beyond the scope of the Study, but a few important grey areas can be named when citing interviews with informants and their disputes.

First and foremost, these grey areas found in the legislation that regulate the sharing of information pertaining to state companies or private companies that the state has shares in. The executive acts, strategies and procedures of such companies clearly consist of information that is of public interest, so – in theory – they should be public information to at least some extent. This, however, is clearly not implemented in practice. The decision as to whether some documents should be public or not could depend on the relationship between the company and the state. However, despite there being a limited number of forms and levels of ownership, the decision still cannot be generalized easily. "If sixty percent of institution funds come from the state, and forty percent from private funds, does it mean it only has to account for that sixty percent?" asked a journalist who was denied Access to Information on the basis of a business secret during one of the Study's interviews.

"If sixty percent of institution funds come from the state, and forty percent from private funds, does it mean it only has to account for that sixty percent?"

The Study encountered five disputes, three in Estonia and two in Latvia, where the central question was: does the state affiliated organization (but not a government institution) have to share the information with journalists? Of course, this dilemma exists in all Baltic States. In Estonia's two instances (**Carbon Neutrality**, **Alcohol Trade**) the information was not shared, and, in one instance (**Timber Prices**), the information was only shared partially. In both of Latvia's cases (**Forestry Audit**, **Hidden Advertisement**), the information was disclosed to the public. The dispute **Carbon Neutrality** highlights not just the complexity of such disputes, but also their potential to thwart Access to Information mechanisms. While the object of the dispute was the strategy of the state-owned company Eesti Energia, The Data Protection Inspectorate did not obligate it to disclose this information. The party that was obliged to share the document was The Ministry of Environment which doesn't control the company. So, regardless of the ruling[174] of the FOIA implementing institution, the information was not made public. Overall, it can be said that the collision of business secrets and public interest is a significant factor in the efficiency of Access to Information mechanisms in the Baltics.

Another grey area that was identified in the Study is that of an outdated definition of the term 'journalist'. The Study found that disputes on the crossings of such definitions and private data regulation happen in Lithuania, as described in the section **Notes on FOIA Implementation for Journalists** of this Study. However, none of them ended up among the Study samples.

Lack of Resources

The group of obstacles that are labeled together as a lack of resources is a set of multilayered deficiencies on both sides of the disputes. A lack of resources (financial, human, or other types) is a significant factor in the efficiency of Access to Information mechanisms, keeping in mind the wide spectrum of secondary effects, such as a lack of competencies, time, motivation, support network, or safety – regardless of whether they apply to journalists or public servants.

In the interviews with the Study's researchers, multiple public servants noted urgency as one of their main obstacles to providing journalists with information. This is understandable, some information cannot be disclosed in one day, as Lithuanian law demands. In one instance, the institution's representative admitted that it had issues with human resources (**Transit Sanctions**).

174 Estonia. (2022) Vaideotsus ja ettekirjutus-hoiatus avaliku teabe asjas nr 2.1.-3/22/1610. Tallinn, Estonia: The Data Protection Inspectorate https://www.aki.ee/sites/default/files/vaideotsused/2022/vaideotsus_avaliku_teabe_asjas.pdf (Accessed 2023 03 31)

In all other cases when public servants talked about urgency, they shifted the responsibility towards journalists who are demanding the responses too quickly, for instance, on the same day.

However, as two informants shared, public servants do not always realize that they work in public institutions, that data has to be public and that they themselves are public persons, so they have to know how to communicate with the public. One of these informants, a civil servant, when describing one of the disputes, pointed out the low level of systemic thinking among officials. He said: "public servants tend not to understand that if one or another decision is not explained for journalists, the lack of clarity circles back, and later politicians get back with the inquiries about the same decision."

The most recent report on Access to Information in Estonia, **Possibilities of Using Public Information**, concludes that the main challenges for public data holders include the manual labor needed for, and the costs involved in dealing with information requests for large datasets (historic, long-term, etc.), managing old information carriers (paper) and repeating requests, including those requesting the cross-use of data that is held by several agencies.[175] However, the Study didn't encounter any of these types of requests among the fifteen analyzed disputes.

"public servants tend not to understand that if one or another decision is not explained for journalists, the lack of clarity circles back, and later politicians get back with the inquiries about the same decision."

The most important resource journalists can have during a dispute is institutional or network backing, which leads to many benefits, such as greater expertise, financial safety and higher self-esteem.

175 Pild, M., Turk, K., Kose, K., Lehemets, M. (2022). Avaliku teabe kasutamise Võimalused Tallinn, Estonia: Estonia's Foresight Centre. P. 46-48 https://arenguseire.ee/wp-content/uploads/2022/10/2022_avaliku-teabe-kasutamise-voimalused_uuring.pdf (Accessed 2023 03 31)

Throughout the Baltics, eight disputes were sparked by collective will, of which three were instigated by groups of journalists independently, and five by editorial offices. The three disputes that were initiated by groups of journalists are **Deleted Recording**, **Journalist's Profile**, and **Soviet Monuments**. From these disputes, two groups, one in Latvia and one in Lithuania, were working tightly together (**Journalist's Profile**, **Deleted Recording**), so they are both rated as having strong backing. Another dispute sparked by a group happened in Latvia (**Soviet Monuments**) and was actually initiated by journalists who were not coordinating their actions but were acting as part of the newsrooms, so the dispute is rated as having average backing. Of the disputes that were backed by editorial offices, only some of them are rated in the Study as having strong backing. One such case is an established investigative TV show production (**Forestry Audit**). Two disputes were initiated by the Investigative Journalism Centre (**Hidden Advertisement**, **Party Finances**). Both these organizations do not lack the necessary resources to carry out such work. However, two remaining disputes were sparked in tiny newsrooms, one a regional media outlet and the other a civic journalism initiative. The strength of the backing in such cases was evaluated by looking into the actual size of the news media outlet, of which one (**Construction Permit**) was rated as having no backing at all. The remaining seven disputes were started by journalists that were supported to varying degrees in their working environment. Five of them had the backing of their editorial team. In two cases, the journalists initiated the dispute completely independently. However, in one of them (**Covid-19 Suits**), a journalist was able to attract the support of The Lithuanian Journalists' Union, so it is rated as having strong backing. The other one (**Alcohol Trade**) is rated as having average backing because, even if the initiator was a freelancer, she was backed by the independent media outlet that published the article contesting the non-disclosure.

Noting the differences between the Baltic States, it is important to state that Lithuania was the country where the biggest share of the disputes had network backing, this being the support of the local journalists' union. In the case of **Deleted Recording**, the journalist revealed that the legal win wouldn't have been possible without the lawyers offered by The Lithuanian Journalists' Union. As the initiator of the dispute shared with the Study's investigator, "the process was proof that the journalists' solidarity is working." The union's role was also important in the case **Covid-19 Suits**. In Latvia, all five disputes were initiated by collective will. Three out of five disputes were initiated by editorial offices belonging to strong media organizations. The other two were disputes initiated by groups, one of which had the support of a local journalists' organization. All of Estonia's disputes were initiated by individuals backed by editorial offices. The support of the network colleagues or journalists' organizations was not apparent among the cases chosen in Estonia.

At this point, it is interesting to notice that the varying levels of backing have affected journalists' choices on how to lead the dispute. Generally speaking, the more backing journalists had, the further the dispute progressed. All the disputes that had strong backing reached the final phase of the dispute, i.e. a law court, meaning that resources in the form of the support of a working environment are of great significance for the efficiency of the mechanism.

Transparency of Decision Making

While assessing the efficiency of Access to Information mechanisms, one factor – the transparency of the decision-making process – stood out for its difficulty to track. Authors of the Study concluded that it is worth a separate mention.

Three of the Baltic institutions involved in the analyzed disputes have accreditation procedures. The accreditation procedure makes communications with journalists more transparent. So, it is included in the evaluation. The accreditation procedures are applied by Latvia's Riga Municipality[176], Lithuania's Government Chancellery, and Lithuania's Ministry of Foreign Affairs. However, the latter accreditation applies only to international journalists.

Decision-making beyond accreditation is rather cloudy. The Study wasn't able to measure how the efficiency of the Access to Information mechanisms was affected by the decision-making practices. But there is no doubt that it is the most significant factor for the efficiency of the Access to Information mechanism. The investigators were able to extract several aspects acquired during the interviews that clarified how the decisions to refuse journalists' access to information were made.

One such aspect is journalists' vetting. Apparently, despite facing geopolitical insecurities, public servants in the Baltics don't have established protocols on how to verify journalists' identities and the authenticity of their requests. Excluding one case (**Journalist's Profile**) where vetting practices were implied but kept secret, and one case (**Carbon Neutrality**) when the institution refused to share its communication policy, none of the interviewed public servants pointed towards any formalized vetting procedures. The Study investigators found out that vetting is based only on individual competencies. For instance, one informant disclosed that, on a couple of occasions, he had to consult with his own network of friends to be able to verify the reliability of the person requesting information. Another informant revealed that she uses

176 Undisclosed Author. (2020) Žurnālistu akreditācija Rīgas domē. Riga, Latvia: Riga Municipality. riga.lv/lv/pakalpojumi/zurnalistu-akreditacija-rigas-dome (Accessed 2023 03 31)

the personal account of a chat application to inform journalists about the institution's decisions so as to be quicker. Such choices could mean speedy decisions, but, from the perspective of mechanism efficiency, they cannot be treated as part of the fair and equal information-sharing practice and therefore lead mostly to discrimination.

Another aspect worth discussing is how responsibility for the non-disclosure decision was presented. In several cases throughout the Baltics, responsibility for the decision was shifted towards other individuals or organizations. This presumably leaves journalists puzzled, and leads to lesser efficiency of Access to Information mechanisms.

In two of Estonia's cases the ones getting blamed for non-disclosure happened to be private business partners. For instance, Eesti Energia, the company involved in the **Carbon Neutrality** dispute, had to take into account business rules, which meant that, even if they wanted to disclose information, they couldn't. The informant explained that sometimes the company even has to abide by the rules of the stock exchange when communicating about their subsidiaries, and notify all investors before speaking to the public. In two Latvian cases responsibility was shifted towards The State Security Service. For instance, in the **Soviet Monuments** dispute, when most of Latvia's journalists couldn't get hold of the demolition dates, Riga's Municipality refused to discuss the non-disclosure, explaining that it was not their decision. Even if some journalists knew about the demolition of the monuments in advance (the Public Broadcaster did stream it live), there is no publicly available information about who informed them. In three of the disputes in Lithuania, the decisions were said to be taken by political officers, and the informants the Study's investigator talked to claimed that career civil servants are not to be held responsible. For instance, Lithuania's Government Chancellery refused to restore the deleted recording (**Deleted Recording**), claiming that they cannot do so because no formal procedure describing how they should do it exists, and the decision-makers are The Government's political bureau.

One more important aspect to note here is what public servants base their decision-making on. The Study found that civil servants usually compile their own informal protocols from multiple legal acts. Throughout the Baltics, several civil servants mentioned informal protocols in place, informing them on how to respond to journalists' inquiries. For instance, in Lithuania, the interviewed representative of The Vilnius Municipality (**Construction Permit**) assured the investigator that communications officials consulted with both lawyers assigned to deal with **GDPR** matters and ethics specialists when refusing to provide information.

In Estonia, too, investigators have found that there are different decision levels, and that **The Public Information Act** is interpreted differently across organizations, and even practices within one organization can differ significantly. Priit Pärnapuu, a participant in two analyzed disputes described the practice in the following way: "public servants often do not rely on law but create rejection arguments in their mind." This is partially confirmed by a report that was recently published by Estonia's Foresight Centre, saying that not all the holders of public information have specific procedures for sharing public information in Estonia.[177] The report claims that this is most problematic in cases dealing with personal data where the data processing is not based on consent but, for example, on legitimate interest. According to the authors of the report, the data holders are afraid of the unlawful possession of personal data.[178] However, the authors of the Study believe that fear, and related risks, wouldn't be a significant factor if public servants tried harder to make their decisions transparently.

> **"public servants often do not rely on law but create rejection arguments in their mind."**

A more plausible explanation of such practices could be that information holders in the Baltics don't consider communication with journalists to be part of the formal decision-making process. As one journalist in Latvia put it, public servants don't take journalists' requests seriously, and sometimes think that journalists are seeking information just to amuse themselves.

On the other hand, multiple informants have told investigators that the institutions involved in disputes have working one-stop public information provision models. This means that all communication with journalists is organized through public relations departments and, in multiple instances, other officials are not even allowed to talk to journalists. This can create more efficiency if the communication departments serve journalists well, although this is rarely the case in reality.

177 Pild, M., Turk, K., Kose, K., Lehemets, M. (2022). Avaliku teabe kasutamise Võimalused Tallinn, Estonia: Estonia's Foresight Centre. P. 9 https://arenguseire.ee/wp-content/uploads/2022/10/2022_avaliku-teabe-kasutamise-voimalused_uuring.pdf (Accessed 2023 03 31)

178 Pild, M., Turk, K., Kose, K., Lehemets, M. (2022). Avaliku teabe kasutamise Võimalused Tallinn, Estonia: Estonia's Foresight Centre. https://arenguseire.ee/wp-content/uploads/2022/10/2022_avaliku-teabe-kasutamise-voimalused_uuring.pdf (Accessed 2023 03 31)

It is worth noting that the institutions involved in the reviewed cases have regulations that describe the general process of communication with the media/journalists in various degrees of detail. However, of all the regulations encountered, only two (**Covid-19 Suits**, **5G Letter**) include clauses explicitly stating that civil servants have a duty to respond to journalists' requests. The other documents mostly describe communication between public servants and journalists as feeding the media with "correct information."
In fact, as several cases have demonstrated, the institutions' communication departments intensively engage in self-promotion, and produce their own content via video blogs, podcasts, etc. (**Hidden Advertisement**, **Construction Permit**), or by pushing towards control of information (**Soviet Monuments**, **Alcohol Trade**) instead of focusing on responding to journalists' requests.

In some extreme cases, public servants do not bother to explain the reason why they refuse to communicate with journalists. In the case **Transit Sanctions**, officials didn't disclose the reason for refusal at all, and the journalist took serious offense to this. Later, in conversation with the Study's investigator, The MFA official made it clear that the institution knew what the journalist needed better than the journalist herself. Moreover, they put this forward as their motivation for the refusal. This case demonstrates how a lack of transparency within decision-making significantly affects the efficiency of the mechanism of Access to Information.

Another aspect of decision-making is apparent in Estonia's **5G Letter** case, which serves as a good example of a dispute in which press interference opened a document to the public. However, the journalist has highlighted the issue of an automated decision-making procedure, where all documents are restricted without putting additional human effort into it. Unfortunately, this requires additional resources from journalists. In Estonia, the problem with public organizations classifying documents too easily has been addressed by journalists for many years. In 2021, journalists at The Estonian Public Broadcaster ERR wrote about how state institutions increasingly put the stamp "internal use" on documents, and therefore citizens know less and less about what is happening behind closed doors.[179] Now, almost two years later, the situation has not improved at all according to ERR.[180] Scanning public document registries remains one of the main tasks of Estonian journalists to this

179 Undisclosed Author. (2021) State could be hiding millions of documents intended for the public. Tallinn, Estonia: Err.ee. news.err.ee/1608331628/state-could-be-hiding-millions-of-documents-intended-for-the-public (Accessed 2023 03 31)

180 Undisclosed Author. (2023) Agencies still classify too many documents. Tallinn, Estonia: Err.ee. https://news.err.ee/1608849688/agencies-still-classify-too-many-documents (Accessed 2023 03 31)

day. In Estonia, this is considered one of the biggest challenges of Access to Information.

Usability of the Appeal Procedure

The final deficiency in the Access to Information mechanisms has to do with the work of the FOIA implementing institutions. While defending their rights, journalists have to take into account the flaws of the appeal procedure, and in two Baltic countries, Latvia and Lithuania, these flaws are significant factors for the efficiency of the Access to Information mechanisms.

The appeal procedure in Latvia is rated by the Study as being of average complexity. The procedure is described in two legislative acts, and looks fairly simple. In Latvia, the refusal to disclose public information can be appealed in one way only. First, the applicant has to file a claim to the same institution that refused to disclose the information. The institution then has to forward the claim to a higher institution that evaluates the request and takes a further decision on whether the request was rightly denied. In cases where the decision remains the same (‘denied’), it can be contested in court. Interviews with journalists have revealed that they consider only the part of the appeal procedure based on the application to the courts to be efficient.

Further examination has shown that the appeal procedure involves a few complexities that, presumably, lead to problems for journalists in Latvia. First of all, if a request for information is submitted in electronic form without an electronic signature, the applicant is not entitled to appeal, i.e. request the information through a court.[181] This doesn’t look like a fair clause unless all of Latvia’s public servants are informing people about this in every response. Secondly, as a Latvian journalist who has experience with appeals shared with the Study’s investigator, the procedure is susceptible to manipulation. In cases where public servants are trying to avoid providing information to journalists, the requirement to approach a higher institution (often another person in the same team) looks like an opportunity to legally obstruct a journalist’s rights, protracting the process or exhausting it with trivialities. For instance, such manipulation is well documented in Latvia’s dispute **Hidden Advertisement**.

Whereas the description of the appeal procedure is scattered through many institutions and acts, the appeal procedure in Lithuania is rated as complex. The description of the appeal procedure is spread across at least three leg-

181 Latvia. (1998) Freedom of Information Law https://likumi.lv/ta/en/en/id/50601-freedom-of-information-law (Accessed 2023 03 31)

islative and one executive act, and that's not taking into account the court phase. There are two institutions, The Seimas Ombudsman and The Commission of Administrative Disputes, to which journalists are invited to complain about the failure of civil servants to comply with the FOI Acts. None of them have a special mandate to issue rulings on Access to Information. There is a third relevant institution operating in the same field, namely The Journalists' Ethics Inspector, which has the mandate to supervise **The Data Protection Law** in cases related to journalism. The Inspector declares that it can advise journalists, and sometimes does by issuing recommendations. However, institutions don't have an obligation to follow them, so sometimes approaching The Inspector can be pointless.

Filing complaints about access restrictions to all Lithuania's institutions is fairly simple. However, understanding where and how to file a claim that would lead to positive results is a highly complex undertaking. For instance, The Seimas Ombudsman accepts complaints on limited subjects, and only about the activities of a limited list of institutions, and can also only issue recommendations. Just like any other administrative act, Restrictions on Access to Information can also be contested with a claim to The Commission of Administrative Disputes. Its rulings are mandatory, and at thirty days the procedure is fairly quick. However, The Commission doesn't accept complaints about refusals based on data privacy. Any type of complaints about access restrictions can also be filed with The Administrative Court, but the court procedure takes much longer.

Formally, Lithuania's appeal mechanism is in place, but the procedure is quite difficult to understand, which raises questions about its usability. For instance, The Commission of Administrative Disputes informed the Study in an official response that news media or journalists haven't approached them with complaints since 2018.

Interviews with journalists also confirmed the inapplicability of Lithuania's multifaceted appeal procedure. For instance, in the case of **Covid-19 Suits**, the journalist went straight to court. She didn't use any other complaints procedure, not because she wasn't aware of them, but because going to court was the most powerful move in her situation. Another telling example can be extracted from Lithuania's **Deleted Recording** case. The initiator of the dispute in this case approached The Journalists' Ethics Inspector for a recommendation. The Inspector confirmed that providing a recording to the journalist was in the public's interest. During the interview, Davidonytė explained that the procedure was clear for her because she had already contacted the Inspector in previous similar situations, and it was enough to convince the institutions to disclose the information. However, this time the information

holder ignored the recommendation. The journalist chose the quickest option based on her experience with the mechanism, but it didn't work the way that she expected.

Estonia's appeal procedure is rated as simple, mostly because it has a dedicated institution where journalists can appeal refusals and it is problem-specific. The procedure is described in two legislative acts, excluding the filing of the claim to court. Journalists can submit requests for intervention from The Data Protection Inspectorate, which has a special mandate in the field of Access to Information, and its decisions are mandatory for the information holder. Journalists can contest the non-disclosure of information by going straight to court. However, interviews with journalists revealed that this is rarely necessary. Only in one case (**Timber Prices**) have journalists sued the authorities in order to retrieve information. The only identified flaw in Estonia's appeal procedure is that the authority of The Data Protection Inspectorate ceases at a certain point. The Inspectorate sometimes doesn't have enough competencies to analyze certain cases, and then the dispute has to move to court. So, Estonia's appeal mechanism doesn't always work perfectly in the first phase, but there is no doubt that it is easier to use than those in the other two Baltic States.

Effects on Journalistic Activities

The Study found that a refusal to provide journalists with information affected their activities at more or less the same level in all three Baltic States. Although Latvia's general score is the highest, and Estonia's is the lowest, the difference is insignificant.

There are three instances when journalists were affected most intensely, one in each Baltic State (**Timber Prices**, **Deleted Recording**, **Party Finances**). The dispute where the initiator was least affected by the refusal is Estonia's **5G Letter**. It collected all minimum scores across all five indicators: the initiator was affiliated with a large newsroom, the dispute was very brief, the refusal reached the journalists in the first phase, but it never entered into the second phase and ended with information being accessed. In the majority of cases, however, refusal affected journalists more significantly.

Table No. 3 - Assessment of the ATI Refusals on Journalists' Activities (ratings of ongoing cases in square brackets)

Country	Lithuania					Latvia					Estonia				
Indicators / Cases	CP	DR	TS	CS	FM	HA	PF	JP	SM	FA	AR	5L	PS	CN	TP
Timespan (months)	1 (3)	2 (22)	1 (3)	2 (7)	0 (0.5)	2 (18)	2 (11)	1 (4)	1 (3)	2 (23)	1 (2.5)	0 (0.03)	1 (2.5)	2 (18)	2 (24)
Size of the Media Outlet	2	0	0	0	2	1	1	1	0	0	2	0	0	0	0
Dispute Phase	0	2	0	2	1	2	2	2	0	2	0	0	1	1	2
Dispute Intensity	0	2	0	0	1	1	0	0	0	1	0	0	0	1	1
Resolution	2	1	2	0	2	0	[2]	[2]	2	0	2	0	0	2	[2]
Sum Effect	5	7	3	4	6	6	7	6	3	5	5	0	2	6	7
Sum Effect Country	25					27					24				
Mean Value Country	5					5.4					4.5				

Three disputes where refusals affected journalists most intensively (**Timber Prices**, **Deleted Recording**, **Party Finances**) have several things in common, although it should be noted that two of them were still in development when the Study's findings were published. The disclosure of information, or, at least, a clear resolution, would lower their score, making Lithuania's **Deleted Recording** the only one that stands out. Firstly, all three disputes were initiated by individuals affiliated with medium-sized or large media outlets. Secondly, all these individuals also had network or institutional backing. Thirdly, they have all lasted a long time, and all reached the last phase, i.e. a court of law. These findings, however, only show that the individuals who had the power and energy to pursue the dispute intensively were also the ones most intensively affected.

It is not possible to measure the precise effects of refusals on each of the journalists in every case, as precise effects cannot be traced with chosen (or perhaps any) indicators. A consistent measurement would not be possible due to multiple obstacles, including overlaps between cases, challenges in making sense of causal relationships and a lack of reliable sources to name just a few. However, the effects of refusals and subsequent disputes can be more generally assessed by distinguishing three separate layers of impact: a. direct effect on journalists' work, b. effect on policies and information accessibility further affecting journalists' work indirectly, and c. widest effects on attitudes, discourses, and Press Freedom also conditioning journalists' activities indirectly. Such differentiation enables a discussion on a wide array of effects brought by the refusals on journalistic activities. The authors of the Study believe that all of these layers are important enough to devote a separate section to.

Direct Effects on Journalistic Activities

Time is an essential commodity in the work of a journalist. Many investigations and publications have an expiration date. In fact, time is often used against journalists, as multiple informants have noted. For instance, a Latvian journalist interviewed for the Study put it like this: a "civil servants' reluctance to release public information often forces journalists to 'swallow the toad and move on' with no results."

Wasting time is one of several – if not the most important – effects that the refusal to disclose information on journalistic activities has. Repeated refusals can also affect editorial planning. In simple words, editorial plans become less optimistic if journalists know that getting information will be too difficult. Another – and arguably the strongest – effect is when people's private lives are directly affected.

> **"a civil servants' reluctance to release public information often forces journalists to 'swallow the toad and move on' with no results."**

Looking into three cases that were initiated by the most affected journalists, offers three different examples of how the aforementioned effect can work in practice.

Timber Prices offers an example of the huge effort journalists have to make in order to get access to information. Such access required the journalist to have the time to keep the dispute going. Having this time required approval from editorial staff, who would need to accommodate her focus on this issue over an entire period (a total of seventeen months). And given the journalist spent a large part of her work time, willingly or not, fighting this case, is enough in itself to confidently claim that the effect of the eventual refusal was significant.

Party Finances illustrates the negative effects that can be caused by ambiguous regulations. The dispute required almost a year of litigation and affected editorial planning. The journalist disclosed that the motivation to initiate the dispute was to contest the legal ruling that materials of closed criminal cases can be released to journalists, but materials of administrative cases cannot. Thus, the refusal was anticipated, and the reaction to it was allegedly planned. Therefore, the Study can claim that, in this case, editorial planning was directly affected.

Deleted Recording, in which an acting Prime Minister concealed an audio recording of himself bashing journalists during a Government meeting, is the longest dispute in Lithuania and is also the one in which the non-disclosure of information has personally affected journalists the strongest. It also stands out because it's the only dispute in Lithuania (and throughout the Baltics) when the journalists have reached the final phase of the dispute but were still confronted with non-disclosure. This presumably affected not just the journalists' self-worth, but also impacted their general activities intensively – having to endure a lawsuit. Moreover, they were belittled by the nation's leadership and had to withstand overwhelming public attention for over two years.

Not all effects on journalists' personal lives were negative, though. To mention a positive one, after the latter dispute, the journalist co-authored a book describing the case that has become a local best-seller.[182]

It is important to mention that the majority of disputes were initiated (or at least technically started) by journalists who were full-time employees of news media organizations. The two exceptions are the dispute sparked by the Vilnius-based civic journalism initiative Jarmo.lt (**Construction Permit**), and a freelancer's article on the Estonian news website Levila (**Alcohol Trade**). An overall analysis of the selected disputes shows that the size of the newsroom is an important factor. The smaller the newsroom, the stronger the direct effect on journalists. The significance of this factor was also confirmed by the journalists that were interviewed during the study. The two Lithuanian disputes that were rated as having been initiated by journalists representing small media organizations are good illustrations. After being refused information in the exceptional case representing civic journalism (**Construction Permit**), the journalist Jonas Valaitis, working in a small newsroom on a voluntary basis, decided not to pursue the story: "I was thinking if I should complain about such behavior of The Municipality, but eventually other topics came up and I thought that it would take too much time", said Valaitis during his interview. Laurinaitis (**Family Matters**), the other representative of a small newsroom, stated: "Taking on the costs of fighting for our rights is impossible for a small media outlet. That is why if we don't get the information in the first attempt, the only choice we have is to give up".

"Taking on the costs of fighting for our rights is impossible for a small media outlet. That is why if we don't get the information in the first attempt, the only choice we have is to give up."

182 Undisclosed Author. (2020) Kabinetas 339 tapo perkamiausia visų laikų lietuviška audioknyga, knygynuose – tirpsta penktasis tiražas. Vilnius, Lithuania: 15min.lt 15min.lt/kultura/naujiena/literatura/kabinetas-339-tapo-perkamiausia-visu-laiku-lietuviska-audioknyga-knygynuose-tirpsta-penktasis-tirazas-286-1359448 (Accessed 2023 03 31)

One of the Estonian cases is also worth a separate mention when discussing the direct effect of refusals on individual journalists. The journalist requesting information in the **Alcohol Trade** case published an article contesting the non-disclosure in a small media outlet as a freelancer. However, her full-time job was managing concert broadcasts for The Estonia Public Broadcaster ERR's radio station Klassikaraadio. So, her employee was also associated with the information holder Eesti Kontsert. Following the dispute, the journalist's career was put at risk, marking an example of the direct effect of information refusal on a person's private life. A spokesperson from Eesti Kontsert asked the journalist's employer, the editor-in-chief of Klassikaraadio, to remove her from the broadcasts of the concerts that were organized by Eesti Kontsert. Klassikaraadio did not comply with this, and later the person asked for forgiveness. For the Study, this is important because it reveals the risks journalists face when disputing non-disclosures, and the reason for journalists' reluctance to engage in disputes with information holders in small countries. During her interview with the Study investigator, the journalist pointed out that she believes this is the reason why there is little investigative and critical culture-focused journalism in Estonia.

Effects on Policies and Information Accessibility

Two of the three disputes in which the journalists were most intensively affected by the refusal, namely **Deleted Recording**, and **Timber Prices**, also had an effect on information-sharing practices and policies.

After **Deleted Recording**, some Access to Information-relevant regulations in Lithuania were changed, thus further affecting journalists. The Government implemented a policy of streaming Cabinet of Ministers' meetings online.[183] Even if such practice had been conceived before the dispute, The Government Chancellery confirmed to the Study in writing that public attention to **Deleted Recording** made The Government implement it quicker. Arguably, the journalist's persistence also led to the amendment of the law, which facilitated easier access to state databases. In July 2021, The State Enterprise Register Centre could finally open its databases to journalists free of charge.[184]

There is enough information to claim that, during the **Timber Prices** dispute, the journalist's persistence led to the biggest policy change concerning

183 Lithuania. (2023) Official Channel of The Government of the Republic of Lithuania. www.youtube.com/@LietuvosRespublikosVyriausybe (Accessed 2023 03 31)

184 Undisclosed Author. (2021) Žurnalistams įtvirtinta teisė nemokamai gauti aktualius ir istorinius duomenis. Vilnius, Lithuania: Virsis.lt https://www.virsis.lt/naujienos/35 (Accessed 2023 03 31)

Access to Information in the Baltics. Following the dispute, The State Forest Management Centre decided that all contracts with third parties from 2024 will be made public. It can be said that such a development has encouraged the journalist to contest the secrecy of previously signed contracts further, and she filed a claim in court. This also had an increased effect on journalistic activities and on the Access to Information ecosystem. The lawsuit might have a further effect on the policies. Although The State Forest Management Centre sees no problem with keeping details of previous contracts classified, Postimees journalists see this as a limitation on Press Freedom.

Another example portraying these indirect effects on journalists is Latvia's longest running dispute the **Forestry Audit**. This case of refusal is rated as having an "average" affect on journalists. However – and importantly – it can also be compared with the dispute described above. During this dispute – similar to Estonia's **Timber Prices** case – the state organization Latvian State Forests decided not to disclose information on contracts with private companies. This required additional energy from journalists, and, in both cases, the data was only partially disclosed. The difference between the disputes is revealing. In Estonia, the decision taken by the FOIA implementing institution with a mandate to accept problem-specific appeals led to concrete policy changes. In Latvia, however, the general non-problem-specific FOIA complaint procedure – i.e. the higher institution journalists approach to contest a refusal, didn't lead to anything. The alleged change in policies were announced only after the court ruling that set the legal precedent.

During his interview with the Study's investigator, the State Secretary of The Latvian Ministry of Agriculture admitted that public servants could have asked The Latvian State Forests Center exactly which details should be concealed and only these details, not the entire document, should have been considered a commercial secret when evaluating the journalist's request. They might have had to ask representatives of the private sector for permission to disclose information, and this would have allowed an anonymous document to be issued instead of refusing to issue any information altogether. The Secretary also agreed that if the journalist had not appealed the refusal in court, then, without a specific precedent, the concealing practice would have continued.

A refusal that leads to policy changes surely has more of an impact on journalists, but, in this case at least, it is important to note that the amount of energy needed to change a policy also depends on the settings of the Access to Information mechanism. The Study can claim that in countries without an FOI institution with a special mandate to accept the Access to Information appeals, policy change is more difficult.

Effects on Attitudes, Discourses, and Press Freedom

The dispute that had the strongest general effect on the population and information accessibility in the Baltics is the **Deleted Recording** case. First of all, the refusal to provide journalists with information exposed the Prime Minister's hostility towards journalists. This, no doubt, has affected journalists personally, but they also received enormous amounts of support that has led to a change in Access to Information discourse. One strong expression of such support was a resolution from a group of parliamentarians arguing that the Prime Minister had broken his oath by refusing to share the recording.[185] But many reporters and other citizens also supported the journalists. The case was discussed by columnists[186] and countless people on social media. A precise Google search offers over 5,000 unique sources covering the dispute. Finally in 2020, basing its statements on the Reporters Without Borders' country description that referred to the dispute, The European Commission reported that journalists in Lithuania sometimes struggle to gain access to public information, as state institutions sometimes refuse to grant it.

It is interesting to compare the effect of **Deleted Recording** and Latvia's most known dispute, **Hidden Advertisement**, which have many things in common. They both involved allegations of intentional concealment of information. In both cases, the allegations were made against politicians in high places, namely Lithuania's Prime Minister and Riga's Mayor. In both cases, the accusations were followed up by opposition politicians. In Lithuania, politicians published a resolution claiming that the Prime Minister had broken his oath. In Latvia, opposition politicians repeatedly called for an audit of The Riga.lv Foundation, and for its liquidation. Both disputes lasted a very long time, and ended with rulings favorable to the journalists – even though, in Lithuania's case, the information was never made accessible. Finally, they both had a secondary effect on journalists through their impact on policies, attitudes, discourses and, supposedly, Press Freedom.

In the case of Lithuania, the effect on policies was a sudden decision to stream Government sessions online.[187] The effect on public discourse that

185 Lithuania. (2018) Lietuvos Respublikos Seimo nutarimas 2018 m. dėl Sauliaus Skvernelio įvykdytų Lietuvos teisės aktų pažeidimo bei galimo priesaikos sulaužymo. https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/4cf8eae0d38611e8a82fc67610e51066 (Accessed 2023 03 31)

186 Girnius, K., (2018) Ar gresia pavojus spaudos laisvei?. Vilnius, Lithuania: Delfi.lt delfi.lt/news/ringas/lit/kestutis-girnius-ar-gresia-pavojus-spaudos-laisvei.d?id=79315107 (Accessed 2023 03 31)

187 Rudaitis, R.,. (2018) Vyriausybės posėdžiai ir pasitarimai bus transliuojami tiesiogiai Vilnius, Lithuania: Lrs.lt https://www.lrs.lt/sip/portal.show?p_r=35403&p_k=1&p_t=263471&p6=25 (Accessed 2023 03 31)

journalists had been working on for two years was later reinforced by a court ruling which stated that restricting the collection of information was a transgression. Although the **Hidden Advertisement** dispute did not create any legal precedents, the media's dissatisfaction with the decisions regarding the provision of information practices seems to have had an effect on working practices at Riga Municipality. According to its representative, interviewed by the Study's researcher, its organizational structure was changed to improve the practice of communication with journalists.

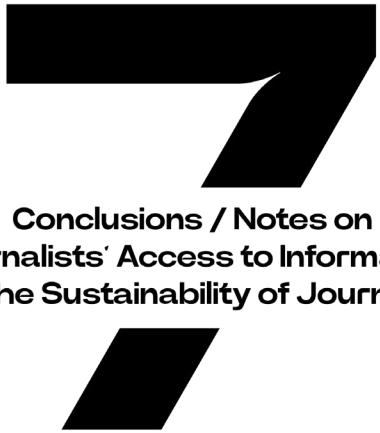
> **"When denied access, a media outlet loses respectability among its readership."**

It is also worth looking at the wider effect on general accessibility of information and Press Freedom from the perspective of a dispute initiated by journalists representing a small media outlet. One such dispute is **Family Matters**. Its initiator is the second-most affected by a refusal among the Lithuanian journalist cases analyzed, and accounts for a much less optimistic, but no less important, impact of refusal. The journalist filed a complaint to The Seimas Ombudsman's Office, who refused to investigate it. Instead of the investigation, they offered what civil servants called "mediation", but to the journalist's mind, it appeared useless, because it didn't lead to any sanctions. The case evidently had a direct effect on the journalist's work choices. But, more importantly, it can be assumed that the long-term effect of such unresolved cases is lawlessness and impunity for the institutions that conceal public information. The initiator of this case shared with the Study's investigator the fact that it is the general precision of the information and the quality of the media which suffers the most in such disputes. When denied access, a media outlet loses respectability among its readership. In the journalist's words, "if a reader doesn't find an extensive explanation for something, they think that the journalists didn't do everything to retrieve the information, and chose not to come back to the publication". The Study can assume that, especially in smaller regional towns, this significantly lowers the general population's accessibility to information.

The unresponsiveness of civil servants was also an experience of another journalist, the initiator of the **Construction Permit** dispute. He expressed

that after feeling that his requests for information interfered with the institutions' work, his attitude changed, and he eventually became much more conscientious as a journalist, constantly pointing to the law whenever he was refused the information that he wanted.

The three cases where initiators were least affected by refusals were disputes by public statement only. These are Lithuania's **Transit Sanctions**, **Latvia's Soviet Monuments**, and Estonia's **5G Letter**. Although these cases are quite different, they have one thing in common, namely their focus: the only subjects of the three articles were the public servants' decisions not to disclose information. Their effect was quite different, though. Only Estonia's public dispute was resolved, leading to the information being disclosed. The institutions in the other two Baltic States have done nothing.



Conclusions / Notes on Journalists' Access to Information and the Sustainability of Journalism

Although the three Baltic States have taken different paths in media regulation since the 1990s, media sectors face similar challenges: including countering Russia's disinformation attacks; funding its public service media; adapting to data privacy regulations and generally adapting to the digital world. The Study looked at one important subject at the intersection of Press Freedom and the Right to Information, namely the efficiency of the Access to Information mechanisms. The identified disputes and obstacles that the two sides of the disputes meet show that the situation in the three countries is quite different.

In all three Baltic States, the filing of FOI requests and responding procedures are fairly simple. Interviews with the Study's informants have shown that public servants do face similar challenges when applying the FOIA in providing journalists with information, even if the settings are quite different – e.g. just one of the states has a dedicated media law, and all have different response terms. These include: not being able to deal with urgent requests; requests asking to retrieve data from other information holders; and lacking competencies in dealing with collisions between private data, national security, business secrets, and legitimate public interests.

However, analyzing the disputes as whole, the Study demonstrates that journalists in the three countries meet different obstacles, while facing one similar problem: retrieving information takes too much time. Many of the Study's informants have confirmed this. From there the specific challenges of Access to Information mechanisms diverge. In Estonia, journalists were mostly dealing with grey areas in regulation. In Latvia, the challenge that was most often recorded was disputing security-related restrictions. In Lithuania, most of the journalists involved in disputes were confronted with procedural manipulations. Such differences can be determined by different regulatory environments, but also on a practical level: journalists' self-esteem, the relationship between journalists and editorial staff and trust between civil servants and the media.

After the examination of the Journalists' Access to information mechanisms in the Baltics, the Study can conclude that their efficiency raises concerns in two Baltic States: Latvia and Lithuania. Journalists have more formal privileges in Lithuania and Latvia than they do in Estonia, but this doesn't affect the quality of the Access to Information mechanisms. The biggest difference, and the cause for different levels of efficiency, lie in the appeal process. The appeal procedures for journalists are general, i.e. the same as for all other ordinary citizens in all three countries. However, the institutions that accept such complaints are of a different type, so both the processes and the results of the appeals also differ considerably. Only Estonia has a problem-specific appeal procedure, that ultimately makes its mechanism more efficient.

The cardinal challenge in Latvia and Lithuania is that journalists (and other people conducting journalistic activities) are burdened with defunct appeal procedures. The second phase of the FOIA appeal mechanism in both countries doesn't seem to work properly. In Latvia, it is seen as a formality. In the case of Lithuania, the procedure is too confusing for the mechanism to work efficiently. In both countries, they are not helping to share the information productively, but rather depleting resources on both sides of the disputes. Interviews with journalists have confirmed that, in Latvia and Lithuania, the institution that journalists do trust, and see as powerful, is the court. Among the analyzed disputes there are examples (**Covid-19 Suits**) of journalists skipping the second appeal phase in Lithuania. In Latvia, the second phase of the appeal cannot be skipped. Thus journalists involved in disputes expressed frustration (**Hidden Advertisement**) because they didn't have any other choice but to go through it.

The main conundrums in Estonia are determined by grey areas when dealing with information holders that are not state institutions, but state companies. In such cases, Estonia's FOIAs implementing institution cannot do its job, because it does not have the authority to issue rulings on business secrets. For instance, the dispute **Timber Prices** has revealed that state-owned companies don't have the same obligations when sharing information as other state organizations do.

Another important finding of the Study is that all over the Baltics only a very limited number of experienced journalists are willing and able to engage in disputes regularly. The largest part of the journalist community contests refusals to provide them with information only very rarely. They are not able to follow through due to a lack of skills, motivation, lack of time, lack of editorial support or other factors.

The analysis of the cases has shown that journalists who represent small

newsrooms or that don't have editorial or network backing tend to avoid using the appeal mechanism altogether. From seven Baltic cases that had strong institutional or network backing, all seven disputes reached the final phase, i.e. a law court. The seven disputes among all Baltic cases were rated as having average backing. The Study found that none of them reached the court phase, and only four of them reached the second phase of the dispute. Furthermore, the phase of the court wasn't reached by any journalists working in small newsrooms or individually.

The Access to Information mechanism works if journalists are ready to go the extra mile. In some cases, publicity or the menace of the lawsuit is enough for the information to be disclosed. This is worrying, because it shows that in some instances public servants don't take journalists' work seriously. This was confirmed in the interviews when journalists expressed their frustration that public servants don't disclose information because they hope that journalists will get tired and give up.

Societal resonance is increasingly the means by which journalists try to achieve disclosure. By disclosing the fact of secrecy, they expect to gain access, and the strategy sometimes works. However, whether it can be treated as part of an efficient mechanism is another question. It is, in fact, an unmasking – and sometimes even a shaming – technique, which by its essence is confrontational, and therefore polarizing. It can work in exceptional cases and it's OK to use it, yet the Study's investigators don't believe that it would lead to a more efficient working mechanism of Access to Information. The sustainability of journalistic activities could be improved by minimizing the number of such cases and by focusing on efficient sharing practices.

On the other hand, among the analyzed disputes there were cases when journalists who were brave enough to contest non-disclosures, created legal precedents (**Timber Prices**) that changed the Access to Information ecosystem.

This is an important aspect of the Access to Information mechanism, since it allows journalists to increase the sustainability of their activities independently. For instance, in the case of **Protected Species**, the journalist's persistence led to a policy adjustment (or clarification) in the field of environmental information, stipulating that institutions don't have the right to conceal it, and amounting in less hassle for journalists. The disputes **Hidden Advertisement** and **Deleted Recording** affected communication policies. By contesting the refusals, journalists ultimately contribute towards the improvement of the Access to Information ecosystem.

The downside for journalists is that they are forced to embrace not just the responsibility for improving the mechanism, but also the costs and the related risks of such disputes. Two Lithuanian journalists pointed to experiences that can serve as an illustration of such risks and costs. The journalists claimed to be familiar with the Access to Information mechanism, but reported that they rarely follow it to the end anymore because they don't believe that complaints will bring results. The reason for such resignation is disappointment with the overall Access to Information mechanism. Among the analyzed disputes, there is one case in which, following a dispute, an informant decided to quit journalism altogether.

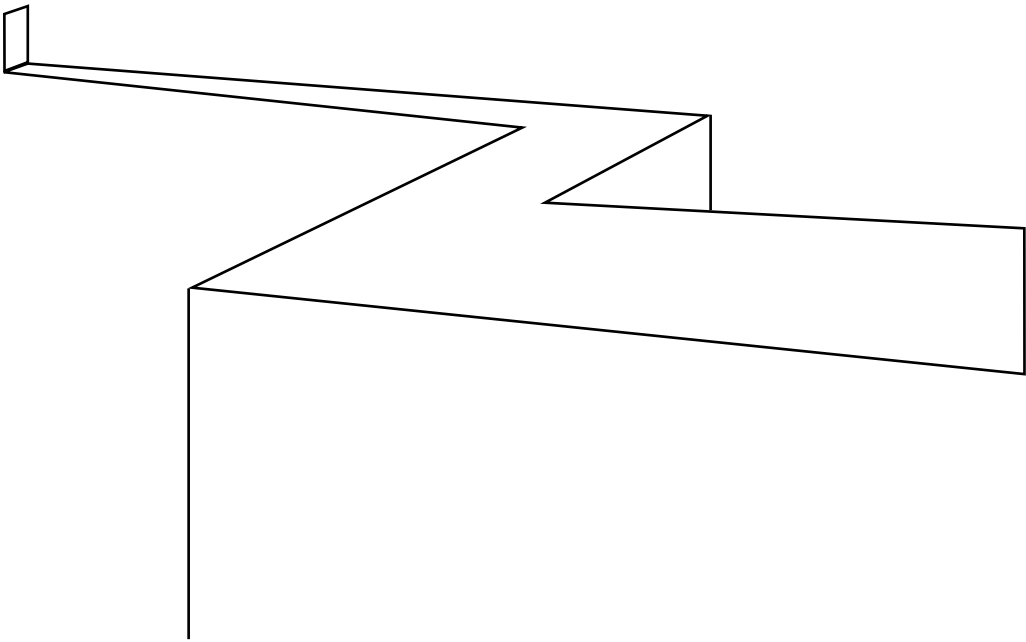
All in all, the examination of the regulatory environment and the disputes allows the Study to claim that formalizing journalists' privileges doesn't make the Access to Information mechanism more efficient. Journalists need the strength to confront public servants in cases where they are not doing their job correctly. However, a journalist's strength depends very much on factors beyond regulations, including: personal properties, good representation and general traits within the media environment.

Analysis of the empirical data has revealed the following relationships: the fewer professional privileges, the less complexity; the less complexity, the more efficient the mechanism. Thus, the Study concludes that simple and problem-specific FOI appeal procedures, rather than journalists' privileges when accessing public information, condition the efficiency of Access to Information mechanisms. The more efficient the mechanism, the more sustainable journalism initiatives that focus on serving public interests.

Evaluating the overall implementation of the FOI legislation in the Baltics, the Study can conclude that the necessary laws are in place and could be successfully applied with a few updates. In Lithuania, the norms regulating Journalists' Access to information are meticulously detailed, although some of them are too optimistic to be successfully followed. Thus, they can be called declarative, or even ignorant of the real situation. In Latvia, journalists base their activities on the Access to Information norms that are formulated in a strong tone in the Law that is dedicated to media. However, the potential implementation of some strong statements raises eyebrows. For instance, one clause states that the obstruction of journalists' work can lead to a large financial penalty, but it gives no examples of what any of these obstructions might be. Could a refusal to provide journalists with information incur a fine of €1,000? In Estonia, the FOIA implementation is focused on equality for everyone, and, with one minor exception, doesn't set journalists apart from the rest of the population. This might be right or wrong, but one thing is clear: addressing and defining the term 'journalist' through the evaluation of pro-

fessional activities, not institutional affiliation, should be the basis on which the modern relationship between civil servants and the news media is built. In this respect, Lithuania and Latvia are still a few years behind. As well as more generally, the FOI Acts are the least applicable and the most difficult in Lithuania, slightly less so in Latvia, and considerably more applicable and much easier to use in Estonia.

In all three Baltic States, the debate on how rights of Access to Information should be implemented and practiced by newsrooms and investigative journalists – the key actors in the media ecosystem –is just beginning. It began in the three capitals, and remains non-existent among smaller municipalities and regional news media outlets. This start is, however, promising. Hopefully, the Study was able to contribute with its insights and will advance the discussion.



8 Policy and Development Recommendations

Regional Principles

The Study recommends implementing the following regional principles to improve the efficiency of Access to Information mechanisms in the Baltic States.

Problem: public servants find it difficult to trust journalists who ask them for information, media managers don't support their journalists' FOI requests and journalists don't cooperate as much as they could.

Media managers and owners should include FOI requests in their operational planning, and use them to gain their audience's respect, to attract more subscribers and to increase their profits. To make this a reality, media managers and owners should assign specific funds to provide legal support to their journalists who are in the process of contesting refusals.

Publishers' associations should engage with journalist organizations to initiate the sector-wide discussion on how they could improve the implementation of Access to Information mechanisms together. For example, publishers' associations could create a motivational mechanism incentivising their members to financially support their employees—i.e. their journalists—who are in the process of contesting refusals.

Journalists should turn to their respective journalists' unions in the Baltic States, and ask them to establish a regional platform for cooperation in the form of, for example, a conference or federation, in order to lead a dialogue with owners of regional media on FOI and other related matters. Also, they should be able to share their own professional experience with the workings of the Access to Information mechanism, and find regional solutions to counter the external disinformation attacks that target journalists' communities directly. Such attacks, when information warfare is instrumentalised for abusing the advances of the Baltic States in the field of Press Freedom, are a key reason for distrust within the entire media ecosystem.

The state, journalists' organizations and non-governmental organizations focusing on countering disinformation attacks should work together to develop

guidelines for dealing with requests for information that require verification. Such guidelines should include basic tools, for instance for journalists' identity vetting in cases of questionable identity or motives, but also the overall instruction about how to handle all news media requests transparently and equally so as not to infringe upon society's Right to Information.

Problem: civil servants create their own ungrounded rules.

Legislators should update the FOI Acts in order to clearly indicate the different types of data holders: state or partially state-owned companies, state-funded private foundations, and independent agencies, and to identify their responsibilities when sharing information with journalists. Different levels of openness should be formally assigned to them, and/or the requirements should be unified to extinguish any grey areas leading to misunderstandings.

Disclosing data proactively should be made compulsory for all types of government-affiliated organizations, whether nationwide or city-owned. The national open data portals in Estonia[188], Latvia [189], and Lithuania [190] should also incorporate lists of all existent institutional document registers. Most importantly, while engaging in proactive disclosure practices, all three Baltic governments should also publish information on the results of such disclo-sures. Reports about the activities of organizations responsible for proactive disclosure should be published annually, and these reports should include an open data portals performance analysis, along with raw data sets enabling external actors to analyze their usability.

Governmental institutions, and specifically their Communication Departments, should include a description of the provision of information in their statutes, explicitly stating that public servants must respond to journalists' requests precisely, responsibly and as promptly as possible, even if national regulations allow delay. These statutes, and the brief instructions describing the procedure, should be presented on the institutions' websites (preferably on special pages designated for media representatives), along with the names and contact details of the civil servants who are directly responsible for making decisions to provide or refuse information.

State-owned companies, and other 'private' organizations that are in one way or another involved with the State should deliberate and then declare publicly

188 Estonia, Estonian Open Data Portal https://avaandmed.eesti.ee (Accessed 2023 05 16)

189 Latvia, Open data in Latvia https://data.gov.lv/eng/about (Accessed 2023 05 16)

190 Lithuania, Open data in Lithuania https://data.gov.lt/ (Accessed 2023 05 16)

which information that they hold is or is not a business secret. Furthermore, they should publish their communication instructions in a similar way as all State-affiliated organizations do. These instructions should include a clause on how the organizations handle information requests in situations when public and business interests collide.

Problem: FOI appeal procedures don't suit journalists' needs.

The application of FOIAs for journalists is a multidimensional process, encompassing not just regulatory norms and implementation instructions, but also contextual cultural and economic factors, such as education, relationships among stakeholders, and the strength of the media organizations. Therefore, a productive Access to Information mechanism requires a problem-specific appeal procedure that would focus on information accessibility. The current situation in Estonia, when The Data Protection Inspectorate has a special mandate to rule on data accessibility, is a good example of how a problem-specific procedure works. However, ideally, the institution with the information accessibility mandate should focus exceptionally on the media sector (such as The Journalists' Ethics Inspector in Lithuania), instead of being responsible for regulations concerning the general population, as The Estonian Data Protection Inspectorate is. Such a media-competent institution could also perform an educational function and lay down instructions on how to distinguish between journalistic and personal intent, how to raise awareness on issues of accessibility, and formulate guidelines for FOI implementation.

Problem: civil servants' motives are biased toward privacy.

All stakeholders in the media sector should come together to consider promoting the implementation of sanctions mechanisms, including financial penalties, for non-compliance with FOI rules. For now, no such mechanism exists in the Baltics, and this is in stark contrast with data protection practices, in which there are designated regulators that possess the power to impose considerable monetary sanctions for non-compliance. It could be hypothesized that if a public institution faces no, or very little probability of sanctions for not complying with FOI rules, but a high probability of a sanction for potentially getting GDPR 'wrong', the decision not to provide access to information may be an unfortunate outcome of a cost-benefit analysis.

Media owners must start practicing transparency themselves. For now, in general, the situation with media transparency is not adequate. The existing owner-publication practices feel forced on them. Media owners, managers, and editors-in-chief are public personas. Their decisions affect the public interest. So, any kind of work-related data concerning media ownership and

management should be publicized on a regular basis, should be available for audiences in various formats and should be discussed in the media and so-ciety in general. Transparency should also reach much further than a dec-laration of owners. The secrecy around the businesses that employ journal-ists requesting information doesn't encourage civil servants to share public data with them. If newsmakers want the subjects of their investigations to be transparent, the recommendation would be to update their own attitude about sharing data about themselves. For instance, news outlets, especially those that are active in investigative journalism, should willingly engage with such projects as the Project Oasis' **Independent Media Directory** and share all information about their activities.

Problem: lack of knowledge about Access to Information for civil serv-ants, media managers and journalists.

Civil service agencies, the institutions that recruit and train civil servants (i.e. The Civil Service Department in Lithuania), should implement FOI training modules. These modules should include basic Freedom of Information princi-ples, but also specific cases of decision-making when data privacy, business interests and/or national security interests collide with the journalists' re-quests in the name of public interest. Journalists could be invited into these training sessions, and discuss their challenges with the civil servants to foster mutual understanding.

Institutions assigned to accept FOI appeals and all other institutions working in the area should start collecting raw data on the appeals that they receive from journalists and the outcomes of the appeals. This data should be aggre-gated, and included in their reporting practices. For now, such data doesn't exist in the Baltics, neither in the institutions accepting problem-specific gen-eral claims (in Estonia) nor in the institutions that accept FOI appeals on a general basis.

Local Ministries involved in the deliberation of **The European Media Free-dom Act** should discuss with media stakeholders if there is a space for a pan-European law on FOI, and to what extent various Ministries could assist in facilitating the European debate on such a need. Baltic Ministries of For-eign Affairs could use the opportunity and initiate the discussion about the joint FOI implementation with the Nordic countries. Access to Information mechanisms could be paralleled with the ones that are currently in place in the Nordic region and the joint Baltic Sea Area principles could be developed through such regional cooperation formats as Baltic Sea Region Cooperation.

Country-specific Policy and Development Recommendations

On top of the regional principles, the Study suggests that media stakeholders should discuss and implement the following updates of the Access to Information mechanism nationally.

Lithuania

Generally, Lithuania's media stakeholders should make up their minds about whether to continue separating journalists from the general population in the field of FOIA implementation, or make it equal for everyone. Both ways are possible, however, if the former path is chosen, the task of delineating activities with journalistic intent from other types of data processing and publishing should be taken very seriously.

First of all, legislators should update the term 'journalist' to include everyone conducting journalistic activities. Estonia's definition of a person processing information for journalistic purposes could be used as an example, or Sweden's practice, in which any person can be treated as a journalist if over half of her/his income comes from journalistic activities, could also be applied. Journalistic activities should be defined in line with the Lithuanian model in which two institutions share the oversight of **The Personal Data Protection Law**.

Secondly, Lithuania's legislators should rethink journalists' privilege about the one-day term when accessing information. The present formulation is inapplicable, and only results in miscommunication. If Lithuania's media policymakers insist on keeping the Access to Information mechanism based on the principle of journalists' privileges, the period for civil servants to respond to journalists' requests should be prolonged to at least three working days to make it more realistic. Estonia's experience in which civil servants are asked to comply with requests promptly, but not later than in a particular number of working days, could be used.

All of Lithuania's media stakeholders should choose one of the existing institutions that would accept FOI appeals. If Lithuania's media policymakers insist on developing an FOI ecosystem based on journalists' privileges further, they could consider adding some privileges for them at the FOI appeals level too. In such a case, The Journalists' Ethics Inspector could take up such a role, but then it should also have the power to sanction public servants. If Lithuania's media stakeholders agree on backtracking journalists' privileges

and introducing a general FOI regime that is equal for everyone, The Administrative Disputes Commission could be chosen as the institution accepting FOI appeals. However, in such a case the term to solve the appeals should be shortened from twenty to at least ten days, or even shorter.

Latvia

Latvia's media stakeholders should engage in a general discussion about the inclusive implementation of the FOI Act in light of recent security concerns. Media regulators, legislators, journalist organizations, and media owners should agree on a balanced FOI regime, including a national security safeguard, whilst retaining the Right to Information for all journalists across ethnicities or regions for them to be able to access information equally freely.

This could be solved with a set of basic tools for journalists' identity vetting in cases of questionable identity or motives, or guidelines on handling all news media requests transparently and equally, so as to not infringe on society's Right to Information. Increasing the number of restricted documents by moving the term `information for service needs' from **The Freedom of Information Law** to **The Law on State Secrets** as was recently offered by Latvia's legislators will narrow Latvians' rights. More importantly, it won't solve the security concerns that it is intended to address. To put it simply, the more restricted the information, the less resilient to the disinformation the country's population is. The updated offer imposing the responsibility for the decision whether the restricted information can be issued to journalists on the heads of institutions will potentially result in more disputes. As Latvia's Access to Information mechanism doesn't include the workable procedure which the Study calls `the complaint to the FOI-implementing institution' or the `second dispute phase', journalists will have to go through long court procedures every time the head of an institution decides not to disclose a document. This significantly narrows down journalists' capacity to access information and, thus, can be considered a significant restriction of journalists' freedoms and, therefore, also a dire limitation of society's Right to Information.

If all of Latvia's media stakeholders agree that such restrictions are necessary in light of security concerns, a well-balanced mechanism for journalists to be able to access these documents has to be implemented.

First of all, the FOI appeal procedure has to be reassessed and restructured in Latvia. The current practice of filing a complaint to the same institution doesn't suit a small country with a tightly connected bureaucratic apparatus. Ideally, legislators should establish a dedicated agency handling journalists' FOI appeals. As the country where the institution implementing the FOIA ex-

ists only in theory (only as an abstract institute of 'higher institution'), Latvia could be the perfect place for establishing a new type of institution focusing on information accessibility, something like 'The Public Information Commission'. On the other hand, Latvia's media sector already suffers from functions duplicating institutions. So, the FOI appeals function could be also assigned to one of these existing institutions, for instance, one of the Ombudspersons. The current model is particularly ineffective also because of the long, thirty-day response term. If Latvia's media policymakers insist on keeping the 'higher institution' principle for solving FOI refusals, at least the appeal term has to be shortened for the Access to Information mechanism to become more efficient.

Secondly, legislators should update the term 'journalist' to include everyone conducting journalistic activities. As in the case of Lithuania, Estonia's definition of a person processing information for journalistic purposes could be used as an example, or Sweden's practice, in which any person can be treated as a journalist if over half of her/his income comes from journalistic activities, could also be applied.

Last but not least, legislators should precisely define the status of the news media acquired with the participation in The Register of Mass Information and the linked rights and duties to bring more clarity to all actors that are working in journalism and the media sphere in general.

Estonia

Legislators should include a clause stating that the defense of trade secrets cannot trump Press Freedom in **The Restriction of Unfair Competition and Protection of Business Secrets Act** to make a clear point for all semi-state owned or controlled (as well as private) actors that business secrets cannot be rendered absolute.

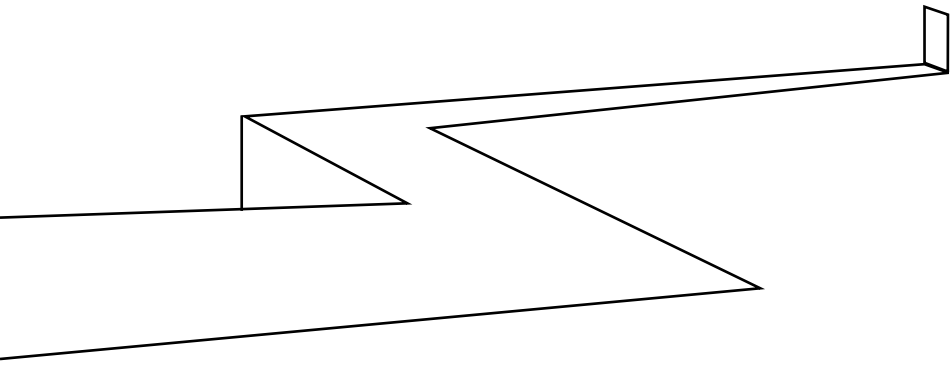
In case Estonia's media stakeholders wish to keep the FOI implementation equal for all members of society, the remaining privileges formulated in the laws, even if they are insignificant, should be scrapped so as not to create any misunderstandings.

Ideally, legislators should establish a dedicated agency for handling journalists' FOI appeals in Estonia. In case Estonia's media stakeholders wish to keep information accessibility supervision among the responsibilities of The Data Protection Inspectorate, the protection of information accessibility function should take an equal place with the data protection function. The one-stop Information Request solution is a step in the right direction, however, the

institution could also consider launching an education/information campaign explaining how it works. Estonia's legislators could also consider shortening the FOI appeal response from thirty to at least ten days, or even shorter.

For the Access to Information mechanism to keep its efficiency in the middle of an intensifying discussion on Access to Information, Estonia should consider extending The Data Protection Inspectorate's jurisdiction into the implementation of other acts regulating society's Access to Information.

The Association of Estonian Media Companies should start treating journalists' organizations as their social partners, and include their representatives in The Press Council. Publishers' and journalists' associations could then agree on the further development of the Access to Information mechanism in the field of journalism, and approach the relevant policymakers about it together.



Annex No. 1 – Methodology

Scope of the Study

The goal of the research part of the Study was to find out how efficiently Estonian, Latvian, and Lithuanian journalists use Access to Information mechanisms, and how this process can be improved. Achieving such a goal involved the following tasks: identifying the obstacles journalists and public servants face when sharing public information (applying FOI Acts in their work) and examining how these obstacles affect journalists' abilities to produce meaningful journalism.
Therefore, the scope of the research effort was limited to the exploration of empirical material, namely the practical applications of the FOI Acts, and their effects on journalistic activities.
To be more precise, the Study was centered around the following three questions:
1. What challenges do journalists and public servants face when sharing public information in the Baltic States?
2. How do refusals to provide journalists with public information affect the work of journalists?
3. How can Access to Information mechanisms be improved so that journalists can use them efficiently in the long-term, leading to more sustainable, high quality and ethical journalism?
To answer question three, the Study includes a Recommendations chapter that proposes a way of modernizing practices and/or regulations in order to meet the challenges that the study identified. These Recommendations were not part of the Study's main research, but were compiled by the Study's researchers based on advice from, and insights by, the Study informants, and the members of The Steering Committee.

Methods and Tools

The Study employed a mix of desk research, case studies (with interviews) and comparative analysis. The use of the case study method, and, to be more precise, the analysis of disputes between journalists and public servants, is beneficial for several reasons. Firstly, because it enabled the Study's investigators to look into the actual implementation of the FOI Acts, which journalists use most intensively. Secondly, the case study approach allowed the Study to engage with a range of participants – or "witnesses" – who have first-hand experience of real world disputes, and to therefore collect case-specific material as crucial evidence of information-sharing practices. Finally, rather than generalizing, the research focused on discovery, and as such the case study method is the right one for this specific purpose.
Exploration began with desk research and the inspection of cases – disputes between journalists and public servants over restrictions on the collection of information. The study analyzed and contextualized several chosen disputes using existing academic literature, relevant legal acts, and media coverage. In the second phase, the investigators conducted focused interviews with both sides of the selected disputes, and analyzed how the public information mechanism worked in each particular case.
The team planned in advance that an additional set of tools, including an online survey and a focused enquiry of data held by media regulating institutions and/or other stakeholders, was to be added after the completion of the initial examinations, which were used to answer the Study's research questions. During the first two phases, the Study team noticed a vagueness within the institutions' communication practices with journalists. Thus, the Study team chose to examine the presentation of the institutional communication procedures (Indicator No. 5 in Table No. 4 - Indicators and Criteria, see below), as an additional layer of the research effort. The aim of adding such an additional layer was to support the fourth and final phase of the study, namely a comparison of the efficiency – or the inefficiency – of the information provision mechanisms, and the effects that refusals to provide information had on journalism.

Research Methods

- Document analysis – e.g. legal acts, court rulings, grey literature – and literature review
- Semi-structured interviews with journalists and public servants
- Case analyses
- Qualitative comparative analysis – analyzing data collected while conducting desk research and interviews and data on institutional communication practices and performing case-by-case and cross-country comparisons of the efficiency of Access to Information mechanisms and the effects of refusals to provide journalists with public information on the sustainability of their activities

Research Tools

Investigators conducted desk research and interviews in a chronological order fixed in The Research Manual, which included desk research guidelines, interview guidelines and The Country Template (presented in the Study as Annex No. 2) for filling in the data.

What Information Was Collected and How was it Handled?

During the desk research, investigators searched through national and regional media, journalists' associations news sections, databases of court rulings, university theses, and/or also drew on their own previous experiences with collecting data. International reports and reports published by national institutions, research papers, and studies on local journalism were used as complementary sources within the Study.
The research involved semi-structured interviews with two types of informants who were all, in one way or another, related to the cases that were chosen for analysis:
1. Investigative, analytical journalists, news reporters and editors
2. Civil servants, politicians and/or other representatives of the institutions' public relations department, such as communications advisors
The investigators also sent focused questionnaires to various individuals (journalists and media policy experts) and institutions in all three Baltic States. The institutions represented two groups, of which the first group included organizations that were directly involved in the implementation of the FOI Acts, i.e. the primary institutions accepting complaints over refusals to provide journalists with allegedly public information. The second group included three border guard agencies and election commissions, all of which were chosen because the public information that they are responsible for holding and collecting became the subject of disputes over access to the information among journalists and public servants between 2017 and 2022. The purpose of these complimentary surveys was to extract additional information that was used when describing the environment in which journalists worked, and also the context of the analyzed disputes. The data collected during these complementary interviews was used only as supplementary information within the Study.

Sampling

Defining Disputes

The study analyzed cases of disputes which were selected through several steps, including a series of internal discussions among the research team about how to define cases, i.e. disputes between journalists and public servants over access to information clearly. The definition of a Dispute is presented in the Study's section on definitions.
Cases of disputes that could potentially be included in the Study had to correspond with clearly defined set of criteria:
1. The dispute started between 2017 and 2022
2. The dispute could be described as public if it was not very well known, as long as it had been reported in the media and received at least some public attention
3. The subject of the dispute was the restriction on access to public (or allegedly public) information held by the actors under the jurisdiction of the institutions representing Estonia, Latvia, or Lithuania
4. The journalist(s) leading the dispute(s) actively worked in the country of interest, for either an official company that was registered as a media outlet according to local law, or as freelance or citizen journalists with a track record of recent published work. The latter criterion was defined so that the Study's researchers were able to select disputes that were led by trustworthy journalists
The Study focused on disputes, not restrictions. Thus, researchers selected disputes regardless of the type of restrictions the dispute was about, or whether restrictions were long-lasting or brief, narrow or wide, restricted access to a particular document or access to an entire database. The team also decided that different stages of disputes could be considered as a subject of study, such as an already resolved case, a case at the height of development or an abandoned case.

Selecting Disputes

During the first phase, the Study team identified all of the dispute cases that they could find in the three countries based on the above criteria. The team found approximately one hundred cases in total, half of them in Estonia, and the other half shared equally between Latvia and Lithuania.
After evaluating the depth, notoriety, and relevance to the regulative environment of each case, the investigators then offered ten cases from each country that appeared to offer the most promising and relevant research results
Following a team discussion, the list was refined from thirty to twenty cases, based on the availability of basic information about each case. The twenty selected cases were then presented to The Steering Committee. Based on The Committee's feedback, the list was again refined. Five cases were dropped and, using the advice provided by The Committee, the investigators chose six more cases from a pool based on their significance to the national Access to Information regimes.
The final step involved the selection of fifteen cases (five in each country) from the twenty one, and was made based on the accessibility of detailed information about each case.

Reaching Out To and Selecting Participants of the Disputes

The Study analyzed dispute cases. Thus, its methodology focused on interviews with the participants of these disputes as the major source of information. Interview respondents or informants were selected by choosing the disputes over access to information first, and then identifying their participants as informants.
The research involved interviews with two types of dispute participants: journalists that were active in the country of interest, and civil servants, politicians, institutional representatives or other legal persons representing Lithuanian, Estonian, and Latvian institutions. The investigators contacted ten informants consisting of five journalists/editors and five public servants in each country. Of the thirty people in total, four declined to participate in the Study, and two of the informants represented two Study cases each, meaning that a total of twenty four interviews were carried out. Two disputes were covered using interviews from only one side of the dispute.
The investigators organized and conducted their interviews in the following order:
- Identify potential informant and receive approval to pursue interview from Principal Investigator
- Contact informant via email
- If no reply after two emails, follow up with telephone call
- Informant digitally signs consent form (via email)
- Online interview with informant proceeds based on orientational questionnaire

All of the interviews were conducted online between August 2022 and February 2023, and lasted approximately thirty to sixty minutes. The interviews were recorded, and the recordings were used to help complete the information in the accompanying Country Template. Along with the information that was collected during the desk research phase, the interviews were used to analyze the particular dispute that was being studied.

Informants and their Responses

The investigators made every attempt to interview the individuals that were directly involved in each dispute. However, some politicians proved to be impossible to get hold of (more about this challenge in the Limitations section below). Of the fifteen total cases studied, the investigators interviewed ten public servants that were directly involved in the disputes, with all of the rest being either representatives of, or spokespersons for, the individuals/institutions that were directly involved.
The institutions that the Study contacted included two cabinet chancelleries, two ministries, four agencies directly coordinated by the ministries, three municipalities, two state and partially state-owned companies, one private foundation and one independent public service organization. Most of the representatives from the institutions that were contacted were happy to contribute towards the research. However, in a few cases, the direct participant in the dispute in question had since left their position, and they were consequently hard to get in touch with. When chased up, some of them ignored requests for an interview, presumably because they didn't feel responsible anymore. When this was the case, the Study team decided to interview current representatives of the institutions to collect as much information as possible. Four out of the fifteen cases didn't have a dedicated informant from the state institution's side. The Lithuanian Government Chancellery, The Estonian Ministry of Economic Affairs and Communications, The Estonian Environmental Board and the Latvian Corruption Prevention and Combating Bureau all refused to contribute to the research. Of these, two offered only written responses, while the other two completely ignored the Study's investigators' requests to be interviewed.
With the exception of the above-mentioned case that was represented by an NGO, the Study spoke directly with all the journalists who took part in the disputes that were being studied.

Criteria for Comparative Analysis

The comparison of the Baltic States' FOI regulatory environments was based on a review of related academic studies, legal acts (laws, policy guidelines, statutes etc.) and clarifications that were received from the institutions involved in the implementation of the FOI Acts. Some additional aspects of the regulatory environment were brought forward after analysis of the cases of disputes.
As well as the comparison of documents and description of cases, the Study provides a comparative assessment of the fifteen disputes based on two chosen aspects:
1. The efficiency of the Access to Information mechanisms (Aspect No.1 or efficiency of mechanism)
2. The effects of refusals to disclose public information on journalistic activities (Aspect No.2 or effects on journalists)
The measurements of five indicators per aspect are aggregated into dispute rankings.
The Study also engaged in cross-country comparative analysis of the situations in Estonia, Latvia, and Lithuania based on the two above-mentioned aspects. The mean value of aggregated dispute rankings is offered as a country rating.
The term efficiency of mechanism in the Study is understood to mean the quality of an all-encompassing set of rules and factors leading to the well balanced participation of all users in the mechanism and their productive cooperation.
The term effects of refusals on journalistic activities or effects on journalists in the Study is understood to mean a direct or indirect consequence of the non-disclosure of the requested allegedly public information to any type for journalists, or any other person conducting journalistic activities, such as collecting, processing, and publishing information.
The table below explains the indicators that were used when assessing the disputes.

Table No. 4 - Indicators and Criteria for Assessing Efficiency of ATI Mechanism and Effects of Journalists' Activities Explained

	Aspect	Indicator	Criteria Explanation	Indicative Questions	Values: Aspect 1, Aspect 2
1	Efficiency & Effects	Timespan	Timespan between the first request for information and the end result	When was the first request filed? When did the end result occur?	Efficiency / over six months - 0 Efficiency / up to six months - 1 Efficiency / up to two weeks - 2 Effect / over six months - 2 Effect / up to six months - 1 Effect / up to two weeks - 0
2	Efficiency	Journalists' experience	The journalists' skills leading to productive resolution of the dispute labeled as 'experience'	How much experience does the journalist have?	Experience over 10 years - (-2) Experience from 2 to 9 years - (-1) Experience up to 1 year - 0
3	Efficiency	Institutional and network backing	The level of representation on the journalists' side and the support that the journalist received from his/her network	Has the journalist initiated the dispute independently, or had the editor or company supported him? Was there anyone supporting the journalist's effort to dispute refusal: unions, network of colleagues?	Individual journalist - 0 Part of the editorial team - 1 Strongly backed by editorial office, company or union - 2
4	Efficiency	Simplicity of the appeal procedure	Simplicity of the procedure as stipulated in national regulations	Is the appeal procedure clearly defined? Is it described in one or more legal acts? Is the procedure accessible for journalists with no extensive experience?	Very complex - 0 Adequate level of complexity - 1 Simple - 2
5	Efficiency	Presentation of the decision-making process	Transparency or lucidity of the presentation of the decision-making procedure and process by institution refusing information	Do documents describing the decision-making exist? Are they public? Are the contacts responding to the journalist's requests and his/her function clearly indicated in the institution's contact list?	No transparency - 0 Adequate level of transparency - 1 Very transparent - 2
6	Effects	Dispute phase	Journalists' reaction or decision on how to dispute the refusal to provide him with public information	How did journalists respond to refusal? Did they make a public statement? Did they complain to any institution? Did they file a claim to court?	Public statement - 0 Complaint - 1 Lawsuit - 2
7	Effects	Size of the newsroom	The environment in which the journalists works and that has an impact on work results	What is the size of the editorial team the journalist affiliated himself with during the dispute?	Newsroom over 20 employees - 0 Newsroom around 10 employees - 1 Tiny newsroom, up to 3 employees - 2
8	Effects	Dispute intensity	The phase at which the journalist was most recently refused information	When (in which phase) did the journalist receive the last refusal to provide him/her with public information within the boundaries of the analyzed dispute?	Refusal after public statement - 0 Refusal after complaint - 1 Refusal after court - 2
9	Effects	Resolution	The results of the dispute leading to long-term consideration about the meaning of journalism and attitude	How did the dispute end? Has the response been clearly communicated?	Information shared - 0 Not shared, clear resolution - 1 Not shared, no clarity - 2

Research Ethics and Data Privacy Management

This research did not violate any ethical research requirements. Before taking part in the research, participants were informed about the objectives of the study, and the intended use of the data that was collected during the interviews. Their participation in the study was voluntary, and they could withdraw from it at any time.
When searching for the disputes that were used in the case studies, the researchers used publicly available sources and data.
The information that was collected during the interviews was managed in a confidential manner, and will never be shared publicly or with any external parties. While analyzing the information, the researchers complied with the following protocols: the information was viewed only by the Study team, the interview recordings were all stored offline, a secure online database service was used for aggregating the data into The Country Templates, and no one else except for the members of the Study team will have access to these templates. Appropriate safeguards were in place to ensure that the data that was collected is only accessed by authorized members of the Study team, and appropriate safeguards have been set up to ensure that all data processing happens in accordance with the requirements of GDPR.

Limitations

The goal of the Study was not to generalize about a complex and multilayered subject, but to explore the situation. Thus, the Study intentionally took an exploratory, rather than an explanatory position.
The study doesn't explain how Access to Information or FOI Acts are perceived in our rapidly changing technological environment, and it doesn't explore how FOI Acts are used by the general public. The study doesn't analyze or compare the definitions of public information, doesn't explore gaps in whistleblowers' protections and doesn't investigate the fairness of regulations outlining state or business secrets or managing restricted information. The Study doesn't explore practices of leaking information and the abuse of journalists in power struggles between the state organizations. The Study doesn't encompass any ongoing reforms, or past, present, and future visions of policymakers or politicians.
The most important of these scope limitations has to do with the exemptions that journalists have when accessing information. The Study authors are aware that journalists have special rights in some court procedures, or can, in practice, be provided with privileged access to restricted state databases. However, working with restricted information, and the examination of how restricted information works, is outside the scope of the Study. The Study scope is based on one simple—or even oversimplified—premise, namely that all of the cases that the investigators examined are concerned with information that is public, or, according to these journalists, should be public and can be shared with the audiences that they are serving.
There are many aspects that relate to Freedom of Information regimes that the study did not look into. The reason for this is simple: the study sought to offer focused attention on one narrow practical issue. This issue is the interaction between journalists and their counterparts, i.e. public servants who are responsible for providing them with public information.
Why did the authors of the Study only choose to examine public information-sharing practices between public servants and journalists, if all citizens do, as suggested, have equal rights to access it? Journalists are singled out from the general public because they play a central role in the public information apparatus and carry enormous democratic weight on their shoulders, and they also practice their rights (and use FOI Acts) much more often than other citizens, thus there are semi-formal mechanisms in constant development that define their Access to Information.
The following limits to the Study's methodology and sampling are worth mentioning. Firstly, the selection of disputes can be seen as subjective. To make the selection process coherent, the Study team followed a rigid protocol. At the very beginning of the Study, investigators compiled a list of all of the relevant cases that they could find. After several discussions, it was presented to the Study's Steering Committee, and their feedback was integrated into the selection process. In this way, the Study team did everything in its power to make the process of selection transparent and substantiated. Secondly, the investigators were not able to reach some of the informants who took part in the dispute directly on the institution's side. Some of the politicians changed their careers, and are now serving in positions that are not compatible with responding to the Study's questions. Some claimed that they had already said everything, and directed investigators to the institution that they were representing at the time of the dispute. That is why, in some cases, the Study chose to connect with these institutions and interview their Communications representatives. Even if this decision made the output of the interviews with institutions' representatives less consistent, it hasn't had any significant effect on the research outcome. The investigators did everything necessary to understand the collected information, and cross-checked it with other sources, including media articles, other sides of the dispute and FOIA implementing institutions. These 'indirect dispute participant' interviews proved to be very useful, since the communications officials in question understood the Study's objectives very well, and thus were able to offer valuable insights.
The Study could not measure the fairness of the decisions to share or not share information with journalists. Thus, it also cannot rate cases or countries based on such fairness. To name a few reasons, such generalizations were not possible because access mechanisms are too different, the sample of cases were too small and three disputes are still ongoing. Moreover, the Study endeavored to avoid taking sides, and judging whether the decisions complied with the law or morality would have made this very difficult. That is why, when assessing the efficiency of mechanisms and refusals effects on journalism, the Study treated both sides of the disputes as active and responsible participants, rather than placing the responsibility on one side. This is reflected in the selected indicators and assessment criteria.

Annex No. 2 – Country Template

Country Template

1. Access to Information: The Regulatory Environment

1.1. Definitions

Complete the following subsections.
A. Provide the legal definition and a translation of the legal definition of 'Journalist' with a reference (if applicable).
B. Describe how the definition 'Access to Information' is used within national legislation in two or three sentences. In which law is it defined? Single or multiple times? Is there a dedicated, separate paragraph, etc.?

1.2. The Access to Information Mechanism

1.2.1. Information Request Procedure

Describe how the relevant national legislative acts define the access to information procedure for the general public and journalists by addressing the following questions.
A. Identify all national laws regulating the provision of public information to the general public in the relevant country.
B. Do overarching rules exist regulating in what form (telephone, paper, online etc.) individuals can approach institutions with a request for public information? What are they?
C. Does the law indicate a common timeframe for response to an information request? What is it?
D. Is the procedure of information provision clearly defined?
E. Do the media and/or journalists have special rights to access public information? Describe every legal provision granting media special rights or privileges (if applicable), and add a reference.

1.1.2. Complaints/Appeal Procedure

Describe the formal procedure of filing and handling a complaint/appeal about an access to information refusal by completing the sub-sections 1.1.2.1. And 1.1.2.2.
NOTE: If a special procedure for submitting complaints specifically (and exceptionally) about ATI refusals exists, please focus on them. If not, describe the ATI complaints procedure as it is a part of the general procedure of submitting and handling complaints. The complaints procedure might be part of a general administrative procedure that is used for other types of complaints, e.g. if a municipality fails to provide you with information. In Lithuania, you can approach The Seimas Ombudsman's Office, which also takes care of complaints on other issues.
1.1.2.1. Using the full names of all of the institutions in English, write up the 'institutional chain' of the access to information complaint/appeal procedure, that could, for instance, look like this: Request for information refused >> Head of an institution >> Inspector >>Administrational Court >> Supreme Court etc.).
NOTE: there can be more than one "chain" of procedure, and different state institutions that accept complaints depending on which institution is refusing the ATI (i.e municipalities or ministries).
1.1.2.2. In five or six sentences, describe the formal procedure for handling access to information complaints/appeals by addressing the following questions.
A. List the legal act(s) (statute/internal rules/instructions) that regulate how the primary institution(s) accepting complaints/appeals over access to information handle(s) them.
B. Who can file a complaint/appeal?
C. How is a complaint/appeal filed (describe briefly)?
D. Is this procedure clearly defined?
E. Is there a timeframe for a response to a filed complaint/appeal?
F. Do the media and/or journalists have special rights or privileges during the complaining/appealing procedure? Please describe briefly these rights or privileges, and provide a reference to the paragraph of the law (if applicable).

1.3. Media and Communication Policy Guidelines

Describe the national media and communication policy guidelines' view on access to information and its relevance to journalism by completing the following sub-sections.
A. Identify the most recent national media and communication policy guidelines (programs/strategies) that mention the accessibility of public information for the general public.
B. Describe the focus of these guidelines in three or four sentences.
C. Name the institution(s) responsible for implementation and monitoring of these guidelines. Provide the full name of the institution in its original language, and a translation of the name in English.
D. Describe how these guidelines define the role of a journalist in society in three or four sentences.
E. Describe in one or two sentences how these guidelines frame the role of journalists and the media when it comes to access to public information (if applicable).

2. Safeguarding Journalists' Rights

2.1. Public organizations

Describe what public institutions do to protect journalists by completing the sub-sections below.

A. List the state authorities and public institutions or agencies (if any) responsible for safeguarding Freedom of the Press and advocating for journalists or the media in the country. Provide the full name of the organization in its original language and a translation in English.
B. Describe the functions of each of the listed institutions that concern Press Freedom, journalists' rights or journalists' ability to access public information.
C. Assess and describe in one or two sentences the role of these institutions in the country – for instance, "executive branch responsible for cultural policy," or "public agency responsible for journalism ethics" etc.), mentioning whether each of these bodies is part of the government apparatus, or whether they act independently.

2.2. Journalists' Organizations

Describe what journalists themselves do to promote journalists' rights by completing the sub-sections below.
A. List journalist-led NGOs and self-regulation organizations defending journalists' rights (labor unions, associations etc.), providing full titles of the organizations in their original language and a translation in English.
B. Describe the activities of these organizations concerning ATI. Devote two or three sentences for each organization.
C. Provide the number of journalists that these organizations represent in the country. Use the organizations' websites, articles in the press and quotes from your interviews.
D. Assess and describe in one or two sentences whether these organizations are influential in the country. Are they represented in consulting bodies (media councils, international federations etc.), and do they influence the policies that regulate journalism? List references from the organizations' websites, articles in the press and quotes from your interviews.
E. Assess and describe in one or two sentences whether these organizations are independent.

3. Access to Information: Practice

3.1. Journalists' View on ATI

Describe how journalists see the access to information mechanism in their country by completing the sub-sections below.
A. Describe how journalists assess the public information provision mechanism in five or six sentences. Is it an efficient tool in doing journalistic work? What are its major flaws (if any)?
B. Describe how journalists assess the complaint/appeal procedure of the public information provision mechanism. Have they ever complained/appealed? Is the procedure clear enough? Do they think the procedure is efficient?
C. Provide an assessment of how often journalists are refused ATI based on your interviews and desk research. What are the most frequent motivations for refusals that they get (e.g. GDPR, being understaffed, national security reasons)? Provide quotes if relevant.
D. Describe how ATI refusals affect journalists' work, their ability to keep to ethical norms, the quality of news production and the sustainability of the journalistic activity (e.g. the ability to publish information, plan expenses and income, etc.). Provide references and quotes from your interviews, if relevant.

3.2. Public Institutions' View on ATI

Describe what happens in public institutions when journalists approach them with the goal to collect public information by completing the sub-sections below.
A. Find out whether each of the chosen institutions involved in ATI disputes has a public external procedure intended for journalists/media on how to approach them. List the original title of these instructions, complete with a translation of the title in English and a link or a document (if applicable).
B. Find out whether written internal instructions exist at chosen institutions involved in ATI disputes on how its employees should communicate with journalists/media. Retrieve available instructions, provide the original title of these instructions, a translation in English and a link or a document (if applicable).
C. Describe in five or six sentences any formal criteria mentioned in the retrieved instructions that public servants use when deciding whether to provide or refuse journalists with public information, including vetting or accreditation. Such criteria can be: proof of previous work, Journalist ID, letter from an editor, history of requests, reputation, employee card, citizenship, urgency or clarity of the request, etc.
D. Describe how public servants working at the chosen institutions involved in ATI disputes assess the quality of the implementation of the access to information mechanism for journalists. What are its major flaws (if any), and how can it be improved? What are the difficulties that public servants face? Provide quotes from your interviews.

4. Disputes Over ATI and their Effect

4.1. Disputes Over ATI

Describe disputes over accessing information by completing the sub-sections below.
A. Identify eight to ten recent (2017-2021) disputes over journalists access to public information, journalists going through many obstacles, or journalists being unable to access public information and complaining about this. Select the most significant five in cooperation with the Research Manager and the Principal Investigator.
B. Describe each of the five chosen disputes in five or six sentences. What was the context? Who are the different sides? What happened? What was the topic the journalist(s) was/were working on? What is the type of media they are working with? What are the positions on both sides?
C. As generally as possible describe in five or six sentences how the decisions to refuse public information

for journalists in the chosen cases was made. Do they all represent some trend? Are refusals based on some homogenous logic, or does every institution have its own practice? Are decisions arbitrary, or were they based on common rules or instructions? Provide quotes from the instructions, organizations' websites, articles in the press or from your interviews.

4.2. Effects of Disputes Over ATI

Describe the effect of disputes over journalists accessing public information have on society by completing the sub-sections below.
A. Assess how well-known the chosen disputes are with the public. Use the media and your interviews as sources
B. Find out whether the dispute involves lawsuits. If yes, describe what kind of lawsuits, and what is the current status of each dispute?
C. If applicable, describe how each of the disputes has changed the law or affected Press Freedom in the country in five or six sentences – e.g. led to government restrictions, made journalists keep up with journalism ethics, self-censorship etc. – Provide sources using articles in the press and quotes from your interviews

Annex No. 3 - Access to Information - Regulatory Environment

Table No. 5 Access to Information - Regulatory Environment in the Baltic States

Features / Countries	Estonia	Latvia	Lithuania
Access to Information Laws	Article No.44 of ***The Estonian Constitution*** states that everyone has the right to freely receive information disseminated for public use, unless it is stated differently by the law. It also states that all state agencies, municipalities, and their officials have a duty to provide information about their activities, except for information of which the disclosure is prohibited by law, such as information intended exclusively for internal use. Articles No. 2, 3, 4, 5, 6, 8 of ***The Public Information Act*** ensure that every person has the opportunity to access information intended for public use, based on the principles of democratic and social rule of law and an open society, and to create opportunities for the public to monitor the performance of duties.	Article No. 100 of ***The Latvian Constitution*** states that every citizen has the right to freely receive, keep and distribute information and to express his or her views. Article No. 10 of ***The Freedom of Information Law*** establishes the obligation of state institutions to provide information to the public. The ruling of the Department of Administrative Affairs of Latvia's Senate in case no. SKA-53/2012 specifies that the right of a person to obtain information is unlimited unless the law stipulates otherwise, and any restriction on obtaining information shall be interpreted as narrowly as possible, meaning that all information is generally available unless it is classified as restricted information.	Article No. 25 of ***The Lithuanian Constitution*** states that individuals must not be hindered from seeking, obtaining, or disseminating information or ideas, and freedom to express convictions, as well as to obtain and disseminate information, may not be restricted in any way other than as established by law. The entire second section of Lithuania's ***Law on the Provision of Information to the Public*** is dedicated to Freedom of Information and its Article No.6 describes the principles of the Right to Receive Information. However, the law itself, adopted in 1996, is aimed at something else. It describes the Lithuanian information ecosystem in its entirety, and lists all the institutions active in the media sector, even mentioning their exact duties. Article No.4 of ***The Law on the Right to Information and Data Re-use*** establishes the duty of all state-related institutions to share data with the applicants on all their activities. Article No.10 of ***The State Information Resources Management Law*** states that openness should be achieved regardless of the goals and legal form of the legal activity of natural and legal persons.

Features / Countries	Estonia	Latvia	Lithuania
Information Retrieval Procedures	The procedure applicable for all citizens is specified in Estonia's ***Public Information Act***. Article No.18 of the law instructs that a request for information shall be complied with promptly, but not later than within five working days. If it emerges that the information requested does not exist or needs to be systematized or analyzed, the request is classified as a request for an explanation and will receive an answer within thirty calendar days in accordance with Article No.6 of ***The Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act*** . In addition, there is an option to file a request for any data on a special page called Information Request on the website of The Data Protection Inspectorate.	The procedure applicable for all citizens is specified in ***The Freedom of Information Law*** and ***The Law on Submissions.*** Article No. 14 states that public servants have to respond within seven days in cases where the information is ready online or offline, or held by another institution, point to its location. If the response does not require processing, institutions have to share information within ten days in cases where the electronic response is requested, and in fifteen days when it is requested in other formats. If the response requires additional work the term is thirty days, although civil servants have to notify applicants about this longer term within fifteen days.	***The Law on the Right to Information and Data Reuse*** refers to the general rules fixed in ***The Law on Public Administration***. Article No. 10 of this law states that the term of response to any request is twenty working days with the possibility to extend it to thirty working days if the request is not possible to implement. In the case of the longer term, institutions have to notify the applicant within five working days after making the decision. Article No.11 of ***The Law on Public Administration*** refers to an executive act ***The Rules for Examining Requests and Complaints of Individuals in Public Administration Entities*** that specifies the procedure.

Features / Countries	Estonia	Latvia	Lithuania
Access to Information Appeals	The procedure is general (similar for everyone), but problem-specific. ***The Public Information Act*** has four supervisory bodies. However, refusals to disclose information must be reported to The Data Protection Inspectorate. Citizens denied information can file a request for an intervention or notice of violation. The Data Protection Inspectorate issues decisions within thirty days. If The Data Protection Inspectorate refuses to satisfy a complaint, citizens can file a claim against the holder of information with The Administrative Court. The claims with The Administrative Court in Estonia are filed in accordance with ***The Administrative Procedure Act***. Citizens can also skip The Data Protection Inspectorate and go straight to court.	The procedure is general (similar for everyone). A refusal to disclose public information can be contested in one way only, i.e. as any other administrative act. First, the applicant must approach the same institution that refused them the information with a claim contesting the refusal. Such claims are handled according to the procedure stated in ***The Administrative Procedure Law***. The institution that refused to disclose public information then sends the claim over to the higher institution that evaluates the request and takes the further decision on whether the citizen's request was rightly denied. According to ***The Administrative Procedure Law***, if an administrative case has been initiated on the basis of a claim, an institution shall take the decision (and issue another administrative act) within one calendar month from the day of the receipt of the claim, unless the law specifies differently. In cases when the higher institution leaves the decision unchanged, citizens can file an appeal within thirty days to The Administrative Court.	Article No. 73 of ***The Lithuanian Constitution*** specifies that citizens' complaints about abuse or bureaucratism by state and municipal officials can be reported to The Seimas Ombudsman's Office. The Office can issue recommendations, and the term to issue them is seven working days. The list of institutions the decisions of which can be contested is rather limited. Complaints of a general manner in Lithuania can be directly filed to the territorial sections of The Administrative Disputes Commission based on ***The Law of the Republic of Lithuania on the Procedure for Pre-Trial Administrative Disputes***. The procedure lasts up to twenty days. Complaint of a general manner in Lithuania can also be filed as a claim to the territorial sections of The Administrative Court based on ***The Law on Public Administration*** and ***The Law on Administrative Proceedings***.

Features / Countries	Estonia	Latvia	Lithuania
Journalist and Media Definitions	There is no legal definition given to a journalist in Estonian law. ***The Estonian Media Services Act*** uses the concept of "a person processing information for journalistic purposes" when introducing its scope of application in the case of protection of sources. The same law also includes the definition of a Media Service Provider, but the definition of Print Media, which is also entitled to the privilege of receiving information from public institutions according to ***The Public Information Act***, is nowhere to be found.	Article No. 23 of ***The Law on Press and other Mass Media*** states that a journalist is a person who gathers, compiles, edits or in some other way prepares materials for a mass medium and who has entered into an employment contract or performs such work upon the instruction of a mass medium, or is a member of a journalists' association. The Register of Mass Information can include: newspapers, magazines, newsletters, other periodicals, electronic mass media, newsreels, information agency announcements and audiovisual recordings that are intended for public dissemination. A website may be registered as a mass medium. However, it's not so clear whether the law can be valid for the users of big tech platforms, influencers, wannabe politicians conducting journalistic activities, ordinary citizens or professional freelance journalists.	***The Law on the Provision of Information to the Public*** includes separate definitions for public information producers, public information disseminators, TV programs, news, on the ground radio stations and even magazines and newspapers. General Provisions, Article No. 85 of the same law states that a journalist is someone who, on a professional basis, collects, prepares, and presents material to a producer and/or disseminator of public information under a contract with him and/or is a member of a professional journalists' association.

Features / Countries	Estonia	Latvia	Lithuania
Privileges for Journalists when Accessing Information	Article No.30 of Estonia's ***Public Information Act*** obliges state and local government institutions to provide media service providers or print media with information in their possession about events and facts in which public interest can be expected. Investigators weren't able to find any other special treatments or privileges intended for media, journalists or persons processing information for journalistic purposes in Estonia.	The dedicated media law, ***The Law on Press and other Mass Media***, defines special rights of the media when accessing public information. Their right to access information is listed among General Provisions. Article No.24 of the same law notes that journalists have the right to gather information by any method not prohibited by law and from any source of information not prohibited by law. Article No.32 states that if creating conditions that hinder or deprive journalists of the opportunity to fulfill their duties, a warning or a fine of up to 200 fine units (€1,000) shall be applied. The law does not clarify whether the interference with the performance of a journalist's duties also includes the non-observance of a journalist's right to freely collect information. There is no special timeframe for response to journalists.	Article No. 6 (4) of ***The Law on the Provision of Information to the Public*** states that institutions have one working day to provide the media with the requested information, and one week in cases when they need to collect additional data to be able to respond. Clause No.5 of the same law specifies that institutions refusing to provide information must notify the producer of public information in writing of the reasons for the refusal no later than the following working day. Clauses No. 8, 9, and 10 of the same Article define the special rights of the media outlets when using the services of The State Enterprise Centre of Registers. Finally, Article No.12 declares that media outlets have the right to accredit their journalists with state institutions and these journalists are entitled to protocols and other documents based on their mutual agreement. Article No. 547 of Lithuania's ***Code of Administrative Offenses*** states that refusal of the institutions to provide information to representatives of public information media, except for confidential information according to the laws of The Republic of Lithuania, without specifying the reason for the refusal, obstructing journalists in the performance of their professional duties, shall result in a fine of €20 to €140.

Features / Countries	Estonia	Latvia	Lithuania
Data Privacy Exemptions for Journalists	Chapter 2 of the Estonian ***Personal Data Protection Act*** explicitly lists the cases when private data can be processed without consent for various specific purposes, including data processing for journalism or scientific purposes, and archiving in the public interest. Estonia's Data Protection Inspectorate is responsible for implementation. It accepts claims on data accessibility.	The processing of personal data for journalistic, artistic, scientific or literary purposes is only mentioned in one sentence, as an exception. The sentence lists the articles of ***The Personal Data Protection Law*** that cannot be applied in cases when the personal data is processed for such purposes. Latvia's Data Protection Agency is responsible for implementation. It doesn't accept claims on data accessibility.	The processing of personal data for journalistic, artistic, scientific or literary purposes is only mentioned in one sentence, as an exception. The sentence lists the articles of ***The Personal Data Protection Law*** that cannot be applied in cases when the personal data is processed for such purposes. The implementation is shared between two agencies: The Data Protection Inspectorate and The Journalists' Ethics Inspector, based on the purposes of the usage of information. None of them accept claims on data accessibility.
Trade Secrets Exemptions for Journalists	Estonia's ***Restriction of Unfair Competition and Protection of Business Secrets Act*** does not mention journalists or media, defining the exemption in general terms and stating that the acquisition, use or disclosure of a business secret is not deemed unlawful if it is necessary to reveal unlawful acts for the purpose of protecting public interests.	Section 5 (2) of Latvia's ***Trade Secret Protection Law*** states that a person shall not be held liable for unlawful acquisition, use, or disclosure of a trade secret if the trade secret has been acquired, used, or disclosed in order to exercise the rights to freedom of expression and information, inter alia, in conformity with the freedom of media and variety of views, or to detect an infringement, abusive practice, or unlawful act if the alleged infringer has acted for the purpose of protecting the general interests of the public.	The Section 5 (2) of Lithuania's ***Commercial Secrets Legal Protection Law*** stipulates that the commercial secrets legal defense mechanism are not applied when the secret is acquired, used, and disclosed in order to implement the freedom of expression and information, including the freedom and pluralism of the media.

Features / Countries	Estonia	Latvia	Lithuania
Government and Public institutions Involved with Journalists' Access to Information	Unlike in the other two Baltic States, there is no special Government institution that oversees the formulation of media policies in Estonia. The Ministry of Justice oversees The Data Protection Inspectorate, the institution that has enormous practical significance to journalists' practices when accessing public information.	The Ministry of Culture is responsible for media policy and was also responsible for the implementation of ***The Mass Media Policy Guidelines of Latvia 2016-2020.*** In ***The Guidelines***, the concept of Access to Information refers only to news media availability to the general public. Media policy in Latvia was also implemented by a special Media Policy Subcommittee of the 13th Saeima (2018-2023). The Ombudsman of the Republic of Latvia is in charge of the protection of the rights of each and every inhabitant of Latvia, and freedom of speech and expression is included among those rights. In 2018, the Ombudsman of The Republic of Latvia studied public awareness of the practical aspects of ***The GDPR***, highlighting journalists as a separate group in the study, because their professional activity is directly related to balancing rights and searching for a middle ground between data protection and freedom of expression. In 2021, another institution, The Public Electronic Media Ombudsman, was created. The latter is elected by The Public Electronic Mass Media Council. Although the main function of The Ombudsman is limited to monitoring the compliance of the services provided by the public electronic media, it is informally taking over the functions of another institution of The Ombudsman of the Republic of Latvia that are related to the media.	The Ministry of Culture is responsible for media policy and was also responsible for the implementation of the guidelines, ***The Strategic Directions of the Public Information Policy for the Years 2019-2022***. The only place where ***The Guidelines*** mention Access to Information is when they refer to proposals submitted by The Journalists' Ethics Inspector to provide the institution with the right to examine complaints about the actions (or inactions) of relevant state or municipal institutions or bodies, as well as officials, which violate the professional rights of journalists, public information producers and/or disseminators and/or is unlawfully restricted or hindered in its activity. The Office of the Inspector of Journalists' Ethics is a public institution that oversees the content of public information and examines cases of human rights violations in the field of public information. It supervises the implementation of ***The Law on the Provision of Information***, but the Inspector works as a defender of the population against the media. The Journalism Inspector does not have a mandate that covers journalists' rights or ability to access information, but in its 2022 report The Inspector stated that both authorities and journalists may consult with [the Office] on issues related to the retrieval of public information from state or municipal institutions. The Public Information Ethics Association is an independent institution that can be described as a self-regulatory body consisting of producers and publishers of public information in Lithuania. However, its self-regulatory character attracts criticism because the organization was created by fixing it in the law rather than independently. The main goal of The Association is to develop the education of professional ethics of public information preparers and disseminators. The Association's will is implemented by The Public Information Ethics Commission which evaluates complaints against media outlets and journalists based on ethical norms. The Commission also takes an active stance in formulating media policies, organizing events and openly expressing its opinion about journalists' Access to Information.

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NGOs Safeguarding journalists rights	The Association of Estonian Media Companies is an independent association of privately-owned newspapers, journals, portals and TV and radio stations. The Association has advocated against the amendment of the law proposed by The Ministry of Justice to strip the media of the right to observe court hearings. The Press Council, the collegial board under The Association of Estonian Media Companies, evaluates complaints against journalists and news media about the violations of its Code of Ethics. The Estonian Association of Journalists unites 239 members, but many of them are non-active in the current production of news. Another journalists' organization, The Estonian Young Journalists' Association, was founded in 2013, and currently unites 73 active journalists. The Study's investigators weren't able to find any public activities of Estonia's journalists' organizations related to journalists' Access to Information.	The Media Ethics Council is an autonomous, self-regulating media body whose mission is to promote the development of ethical media practice and media self-regulation in Latvia. In practice, The Council mostly examines complaints against the media regarding possible violations of media ethics. The Council hasn't solved any cases related to, or conducted any activities that promoted journalists' access to public information. The Latvian Association of Journalists unites 130 journalists. It is actively involved in discussions about journalists' rights to obtain information. For example, in 2016, it stated that amendments to the Criminal Law threaten the media's ability to report on matters of public importance, and were in conflict with the obligations of journalists to protect the secrecy of their information sources, i.e. whistleblowers. In 2022, The Association, together with Media Hub Riga and The Fix Media Foundation, pointed out the lack of information about the revocation of the license of the Russian-speaking TV channel TV Rain. The Association also criticized the decision of The EU Court of Justice to restrict Access to Information on beneficial ownership. Latvia has a strong voice within The Forum for European Journalism Students FEJS Latvia. However, the Study's investigators weren't able to find any public activities by this organization related to journalists' Access to Information.	The Lithuanian Union of Journalists has over 400 members and has played a crucial role in a couple of cases where journalists were disputing restrictions on their access to public information. The Society of Lithuanian Journalists connects legacy journalists, who were active in Lithuania's independence movement during the late 1980s and early 1990s. Today, the organization has little influence over media policies, although it is still represented in major institutions, such as The Media Council and The Public Information Ethics Commission. In February 2022, The Lithuanian Journalists Union, The Society of Lithuanian Journalists and other members of The Public Information Ethics Commission published recommendations to The Government, focusing on how to avoid using ***GDPR*** as a tool to restrict public information on the false pretense of protecting privacy. A few more organizations worth mentioning in the Study are: Vilnius University's Society of Young Journalists, recently created Association of Professional Journalists, The Lithuanian Journalism Centre, and Media4Change. The latter implemented the open data project Hot Footsteps, which had an impact on journalists' Right to Information. The Lithuanian Journalism Centre published a paper describing the challenges journalists face when trying to access public information. The Study's investigators weren't able to find any public activities of other journalists' organizations related to journalists' Access to Information.

Disputes over Access
A Study on Journalists' Practices and Freedom of Information Policies in the Baltics

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