

Public Access to Government Information as a Basic Human Right: Turkish National Police Digital Repository

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Oguz, F., & Lofca, I. (2006). Public access to government information as a basic human right: Turkish national police. *Proceedings of the NATO Advanced Research Workshop on Sociological and Psychological Aspects of Terrorism*, 22, 318-324. Amsterdam: IOS PRESS.

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Abstract:

This paper presents an overview of a need for an exploratory research project to identify, describe, and investigate the applicability of the digital repository approach to disseminate intellectual output of the Turkish National Police. Governments are established to serve the people, and therefore, the information, - public information - held by governments is owned by the people. Governments have an obligation to make information equitably and conveniently accessible to the public. Failure of the state in providing access to information or state suppression of information can lead to human rights violations. The right to information is fundamental to the realization of basic human rights as well as effective democracy, which requires informed participation by all. An informed and empowered citizenry is one of the fundamental factors to ensure a stable democracy.

Article:

INTRODUCTION

Information held by government agencies is usually more easily acquired and available to the public than privately held information. Most of the developed and developing nations enacted laws (e.g., Freedom of Information Act in the U.S.) to ensure public access to information held by government agencies. The term of *public information* can be described as information held by governments which is not restricted from public disclosure because of national security matters, various laws, or trade secrets etc. Information generated by all levels of any nation's government is often regarded as a "strategic national asset" (Horton, 2002).

Turkish National Police (TNP) embodies 13,945 ranking officers and over 2000 of those officers hold at least a Master's degree in various fields including criminal justice, sociology, and public administration. In addition, over 200 of those officers hold Ph.D. degrees in fields such as information science, criminal justice, political science, education, and public administration.

With the advent of the Internet and specifically the World Wide Web (WWW) application, means of accessing data and information have changed forever. As computer technologies become widely available and accessible, the information generated in digital medium grew. Currently, there is no organized and structured means to preserve, organize, disseminate, and

access intellectual output, public information, of the TNP. At the time of writing of this paper, there was no formal policy or study under development to address this problem. Although TNP's website provide a venue to disseminate some part of intellectual output of the agency, such information is not easily accessible and findable because of lack of standards and policies.

This study addresses the need for a digital platform to preserve, organize, and disseminate public information held by the agency. Design and implementation of such a platform should conform to international and national standards to improve interoperability. Strict and clear policies need to be implemented to let public exploit the intellectual output of the agency while regarding national security, privacy, and confidentiality concerns.

The right to information access is a fundamental part of human rights. It plays a key role both in theory and practice. In theory, the right to information is vital to the realization of rights as well as effective democracy, which requires informed participation by all. Access to accurate and reliable information is a crucial element to make knowledgeable and informed decisions. Knowledgeable and informed decisions are vital to protect the individual, as well as his political and social identity. Even economic capacity of individual depends on the information he needs. The difference between citizen and subject stems from the ability to reach required information to realize the capabilities of one (CHRI, 2006). A citizen is owner of the means, while the subject has them if they are provided as privileges. While people are called citizens in democratic societies, they are loyal subjects in authoritarian regimes. United Nations (UN) General Assembly resolution in 1946 stated "*Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated.*" UN General Assembly in 1990 resolution is brought concrete definitions how to realize and adapt right to information in daily life. UN General Assembly resolved "... *activities to improve public knowledge in the field of human rights are essential to the fulfillment of the purposes of the United Nations set out in the Article 1, paragraph 3, of the Charter of the United Nations and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms, ... Recognizing the catalytic effect of initiatives of the United Nations on national and regional public information activities in the field of human rights*" (UN General Assembly, 1990). Same resolution also states the need to carefully design in clear and accessible form of those information materials on human rights which would be tailored in accordance with the national and regional requirements and circumstances. The document clearly addresses to consider specific target audiences to effectively disseminate the information (UN General Assembly, 1990).

Right to information is important to realize all other human rights and fundamental freedoms and it is a *sine qua non* to good governance. Hence, it is an essential tool for democratic functioning. Since burden to protect and provide basic human rights and fundamental freedoms is responsibility of the state, providing the means to reach required information should be arranged accordingly (CHRI, 2006). The right to information is a safeguard against corruption (Jenkins & Goetz, 1999).

Very few nations consider public access to government information as basic human right. Some consider public access as a privilege. Some follows policies and laws in opposite direction. There are around 68 countries in the world with a right to information legislation (Roy et.al., 2006).

It is apparent that a legislation to provide right to information is not sufficient to let citizens enjoy it. The essential element is to provide necessary means to access government information. Today, widespread use of the Internet and revolutionary developments in information technologies (IT) made design and implementation of technical infrastructure for such mechanisms possible in a short period of time. However, incorporating latest software and hardware is not enough alone to accomplish such a project. The will and support of government and bureaucrats is vital to ensure the success of this initiative. This project is a second step in this analogy and an assurance to reach the third step, since project aims to classify information in regards to availability to the public. Otherwise, the information will never be available for the public accurately. While some information is banned from public access for state security reasons, however some information is just banned due to lack of standards, policies, and guidelines. If those standards and guidelines are established, bureaucrats would know their obligations with regards to handling such information.

E-TRANSFORMATION OF TURKEY

Turkey has adopted common goals and priorities with other European Union (EU) member and candidate counties as part of eEurope+ Action Plan in June 2001 (“e-Transformation”, 2004). Turkish Government is committed to let public learn about the importance and benefits of information society. The objectives of e-Transformation of Turkey project include (“e-Transformation”, 2004):

- Transparency and accountability for public management will be enhanced
- Mechanisms that facilitate participation of citizens in the decision-making process in the public domain.

It is clear that open and transparent governance is an important step towards preventing corruption and maladministration (CHRI, 2006; Jenkins & Goetz, 1999). In addition, UN General Assembly (1946) asserted that “knowledge about openness and access to information is crucial in the implementation and promotion of basic human rights and democratic principles.”

Turkey has passed its Right to Information Act on October 9, 2003 and the law went into effect on April 24, 2004. Article 1 of the law states “*The object of this law is to regulate the procedure and the basis of the right to information according to the principles of equality, impartiality and openness that are the necessities of a democratic and transparent government*” and Article 2 provides the application of it as “*This law is applied to the activities of the public institutions and the professional organizations which qualify as public institutions.*” Obviously public institutions are obliged to provide information as regards to their records. However the law explains the exceptions. Those exceptions are set forth in Part Four of the law in articles 15 through 28 and ranges from state secrets to intelligence information, privacy rights to economical interests of the state and many others. One provision that makes this project viable for public institutions is Article 8 which states that “*The information and documents that are published or disclosed to*

the public either through publication, brochure, proclamation or other similar means, may not be made the subject of an application for access to information. However, the applicant will be informed of the date, the means and the place of the publication or disclosure of the information or the document.” Obviously, it is viable for the administration to ease the workload of the public institutions to accept this project. After the database is put in to practice, a simple web address will be enough to direct citizens to the place where they can reach this publicly available information. Moreover, it will bring a standardized application and efficiency by eliminating the discrepancies of application among different ministries (Akdeniz, 2006).

TURKISH NATIONAL POLICE

The TNP has been officially created on April 10, 1845 with the publication of a legal text called *Polis Nizamnamesi* (Police Code of Conduct) in which first time the term *Polis* (police) was used, the TNP existed well before 1845 though. Today, the TNP is governed by two major legislations which are *1934 Polis Vazife ve Selahiyetleri Kanunu - PVSK* (Police Duties and Authority) and *1937 Emniyet Teskilati Kanunu - ETK* (The Turkish National Police Law). While the first legislation explains the duties the police to have and authority to use; the latter is about internal police regulation including organizational structure, discipline, hierarchy, deployment of personnel, and all other related issues with the organization. The police in Turkey have a power to gather intelligence data around the country in addition to other duties.

As outlined above, the TNP is a large scale bureaucratic and hierarchical government organization with a well established organizational knowledge and culture. Moreover, unveiled archives of TNP house extremely valuable information. Beyond that, the information and documents that have historical value might a focal point for museums and historians. The daily data and information the TNP produces and processes are enormously big. The size of the TNP is roughly around 20,000 personnel and responsible to provide police service to more than 70%.

The TNP has a Police Academy since 1937 and trains other nations' police also. The TNP has the second largest police contingent in UN missions in the world. Almost every year 10,000 new cadets join police training and other 10,000 graduates. This reality makes the TNP a highly educated and mobile organization where reforms and transformation are easier than any other organization. As Kleinman (2005) reported, the TNP is reformed with training and education by investing new generations, by publishing about the training and by being transparent on police education to let everybody criticize what they see wrong.

It is obvious that the TNP, contrary to widely-supported idea, is an open, highly trained, technically and professionally capable organization. A digital repositories project appears to be viable and possible in this environment.

Furthermore, the TNP has won the 2003 the best e-state award as having Police Network (POLNET) and providing fast and timely service to citizens. Given the technical capacity, historical background, information at hand, and the documents to be preserved, this project is timely and important to safeguard the intellectual output of the agency. It is obvious that this project is also a first step to build an institutional memory to preserve and transfer the organizational knowledge to future generations.

DIGITAL REPOSITORY APPROACH

In the context of this research, a digital repository can be defined as a set of services that an institution offers to members of its community for organization, management, preservation, and dissemination of digital materials created by the institution.

Digital repositories are often called as institutional repositories or ePrint archives. Maturing digital library and networked information technologies gave rise to development of institutional repositories in late 2002 as a digital medium for scholarly publishing (Lynch, 2003). Operational responsibility of a digital repository may fall into various organizational units however; an effective and productive digital repository at TNP requires collaboration among information technologists, ranking officers, faculty, and administrators of different branches of the agency. Since a digital repository does not consist solely of a set of hardware and software (Lynch, 2003).

CONCLUSION

This project offers the TNP a means to enhance the TNP information environment and create a system to centralize, present, and preserve the intellectual output of the agency in ways not currently supported by traditional library and publication models. TNP Digital Repository will provide a venue to share its intellectual output and organizational knowledge with public at large and make visible the unique contributions of the agency. TNP needs a permanent, safe, and accessible service for representing its rich intellectual environment. TNP Digital Repository will provide a robust and reliable platform to store, organize, preserve, and make accessible a wide range of digital resources of TNP researchers, faculty, scholars, and officers.

ACKNOWLEDGEMENT

Researchers would like to thank to Corrie Marsh for valuable comments.

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