

Requests for access to information

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On 23 March 2020, the Federal Government published Provisional Measure 928, suspending the deadlines for responses to requests for information made under the Access to Information Law to public authorities that are in quarantine or working from home and that depend on (i) physical access to records by public agents, or (ii) public agents who are involved on a priority basis to combating COVID-19.

Federal government changes the rules on access to information during the COVID-19 crisis

Provisional Measure 928 of 23 March 2020 ("MP 928" – Medida Provisória 928) temporarily changes the rules on requests for information made under the Access to Information Law ("AIL", Federal Law 12.527/2011).

On one hand, MP 928 gives priority to responding to requests for information on the measures taken to deal with the public health emergency brought on by COVID-19, and on the other it suspends the deadlines for responding to requests for information made to public authorities whose personnel is in isolation or working from home, and that depend on (i) physical access to records by public agents, or (ii) public agents or sectors who are involved on a priority basis to combating COVID-19.

Where the deadline for a request was suspended, the request must be made again within 10 days following the end of the state of "public calamity" declared under Legislative Decree no. 6 of 20 March 2020. During the state of public calamity, all requests for access to information must be made exclusively via the system made available on the internet.

According to guidance issued by the Office of the Federal Controller General (CGU – Controladoria-Geral da União), MP 928 does not suspend responses to requests for information under the AIL but simply establishes two situations where it can be suspended: when the information can only be obtained by physical access to the place of work and no public agent from the area responsible for the response is able to access the required information, and when producing the response would require the direct participation of a public agent who is involved, on a priority basis, with the measures taken to deal with the emergency situation, and that participation would compromise the agent's priority work.

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