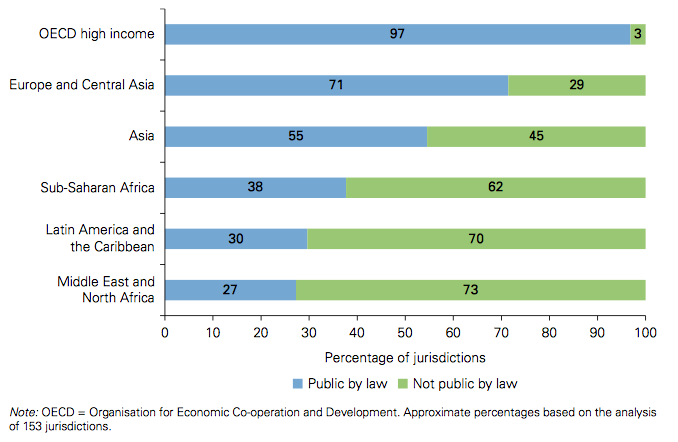
**Public disclosure of asset declarations of public officials[[1]](#footnote-1)**

***Best practices and recommendations for Armenia***

**Introduction**

Asset declarations of public officials is an important anti-corruption tool. It aims to prevent and detect conflicts of interests and illicit enrichment of public officials. In asset declarations, public officials disclose information about their and their family members’ assets, income, liabilities, expenditures, interests, etc. Such “disclosure” can be limited to the public authorities (e.g. a public agency that deals with collection and verification of asset declarations) or go beyond and include disclosure to the broader public, i.e. anyone who is interested in reviewing such information. This paper deals with the second type of disclosure. The global trend is to disclose more and more information from asset declarations to the public.

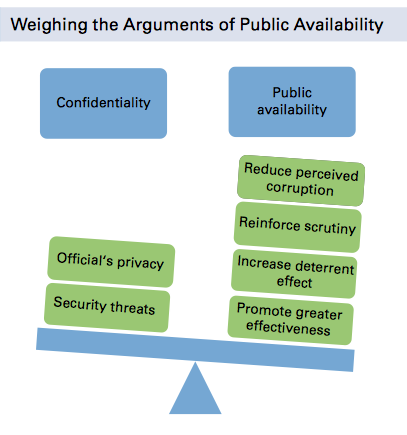
*Figure 1. Declared Information Is Publicly Available by Law, by Region*



Source: World Bank (2017), Getting the Full Picture on Public Officials, page 92 (available at <https://goo.gl/itXeUx)>.

**Rationale for the public disclosure of asset declarations**

Transparency and openness of information have a well-established value and inherent anti-corruption benefit. Civil society, journalists, watchdog NGOs and active citizens play an important role in the anti-corruption efforts. Access to information enables these actors to perform their corruption prevention and accountability roles.

****Wide public access to information from asset declarations multiplies the effect of the asset declarations as an anti-corruption instrument. Civil society and journalists can scrutinize declarations and find irregularities. It also has a strong deterrent effect as openness of information about financial situation of the public official and his family member deters bribery and other offences that lead to unjustified wealth by making it more difficult to hide ill-gotten assets.

Academic studies have shown that public access to declared information is associated with lower levels of perceived corruption. Disclosure is more extensive in richer and more democratic countries.[[2]](#footnote-2)

|  |
| --- |
| Source: World Bank (2017), cited above. |

**International standards**

OECD Anti-Corruption Network for Eastern Europe and Central Asia[[3]](#footnote-3):

“Ensure that the asset declarations system covers all categories of public officials, including those in political offices, and that it takes into account specific risks inherent in the work in relevant institutions. Establish verification mechanism for asset declarations. Ensure proactive publication, first of all on Internet, of asset declarations.”

G20 High-Level Principles on asset disclosure by public officials[[4]](#footnote-4):

“Transparent

-- Disclosed information should be made as widely available as possible, both within the government and to the general public, in order to facilitate accountability while still taking into consideration reasonable concerns for personal and family safety and privacy and for the laws, administrative requirements and traditions of the Economy.

-- Information about the overall administration of the disclosure system, including information about disclosure compliance rates and enforcement activities, should be made available to the public, in accordance with applicable law, regulation and/or administrative guidelines.”

In addition, the explanatory note to the G20 Principles, based on the experience of G20 countries, notes the following good practices that emerged: [[5]](#footnote-5)

* Favouring access to information
* Tailoring public availability taking into consideration privacy, the country context, culture and concerns for personal and family safety, etc.
* Providing user-friendly access.
* Partnering with civil society, media and the public.

Western Balkan Recommendation on Disclosure of Finances and Interests by Public Officials[[6]](#footnote-6):

“H.1 As monitoring by the public at large is one of the most effective tools, income and asset declarations should be available online. Ideally, declarations submitted online are published in real time. A useful public database of declarations requires in particular electronic and free access, and data in searchable, machine-readable format.

H.2 The oversight body should also publish regular reports containing inter alia case statistics and an analysis of trends.

H.3 The internal procedures of the oversight body should be as transparent as possible to the public. Representatives of the public should have the opportunity to participate in, consult on, and monitor the work of the oversight body …

I.2 Personal information may be excluded from publication in order to protect the privacy and security of the public official. This concerns in particular the location of properties, number plates of vehicles, identification numbers of current accounts, savings accounts, safety deposit boxes or credit cards.”

Model Law on the Declaration of Interests, Income, Assets and Liabilities of Persons Performing Public Functions, Organisation of American States[[7]](#footnote-7):

“Article 8. Obligated persons shall use a confidential annex, which the competent authority must supply, to provide the information that allows location of the property or properties declared in subsection (d) of article 5[[8]](#footnote-8) and the numbers of the current accounts, savings accounts, safety deposit boxes and credit cards declared pursuant to subsections (j) and (k) of article 6.

Article 22. The competent authority shall create a public registry of declarations of interests, income, assets and liabilities, which shall allow unrestricted access for any person to the following information:

(a) List of obligated persons covered by article 3, indicating those who have fulfilled their obligation on time, those who have had to be issued summonses to comply pursuant to article 13 (d) and those who have not complied with their obligation.

(b) Income, asset and liability declaration forms presented on each occasion, within 15 days of their presentation, with the exception of the confidential annexes referred to in article 8.

(c) List of obligated persons subjected to disciplinary, administrative or criminal penalties, with an indication of the penalty applied.

(d) List of obligated persons whose review procedure has concluded with the adoption of measures to avoid or terminate a conflict of interest under the terms of article 21, with indication of the measures adopted.

Article 23. The competent authority shall guarantee free access for all persons to the information contained in the public registry referred to in the previous article, which may be consulted in person or by remote electronic communication means. [In cases of public officials up to the post of […], the declarations should be made available on the Internet.]

Article 24. The person accessing a declaration of interests, income, assets and liabilities may not use it for:

(a) Any illegal purpose.

(b) Any commercial purpose, except by the communications and news media for the information of the general public.

(c) To determine or establish the credit rating of any individual.

(d) To solicit, directly or indirectly, money for political, charitable or other purposes.

Any prohibited use of a declaration of interests, income, assets and liabilities shall be punishable by a fine of [...] to [...], without prejudice to civil or criminal liability for unlawful use.”

World Bank, Getting the Full Picture on Public Officials, cited above.

“• Sharing information from disclosures, in particular with the general public, is very important. It is also a delicate matter. Thus, culture, context, and the regulatory framework should be considered when determining how transparency is approached.

• When weighing the arguments for and against public access, a financial disclosure system should consider its underlying objective of sharing information from disclosures.

• When sharing information with the public, a disclosure system should carefully consider the following questions: What specific information will be made available? How and where will it be accessible?

• Accessibility is a key element of public access. Countries should avoid complicated or numerous steps that can turn information that should be publicly available by law into information that, in practice, cannot be accessed.

• To increase the impact of the fight against corruption, money laundering, and financing of terrorism, as much information as possible from disclosures should be shared with other agencies.

• Sharing financial disclosure information with foreign and domestic private sector institutions can be critical to certain AML/CFT (anti-money-laundering and combating the financing of terrorism) efforts such as carrying out enhanced customer due diligence for politically exposed persons, and should thus be supported whenever possible.”

**Privacy and personal data protection**

Collection, analysis and disclosure to the public of information about financial situation, liabilities, etc. of individuals constitutes an interference with person’s privacy (right to private and family life). This right is protected by international instruments[[9]](#footnote-9) and domestic constitutions (Article 23 of the Armenian Constitution). The right to privacy, however, is not absolute and can be restricted if there is a clear basis in law and the restriction is justified by a legitimate public interest. Prevention of corruption and exposing unexplained wealth of oﬃcials are recognised to be serious and legitimate public interests.

In case of *Wypych v. Poland* (application no. 2428/05; decision of 25 October 2005[[10]](#footnote-10)), the European Court of Human Rights (Court) found that the provisions of the Polish law imposed on the applicant an obligation to disclose to the general public detailed information concerning his and his spouse’s financial situation and property portfolio. He was thus obliged to make public information relating to their savings and other liquid assets, immovable property and shares and actions in limited liability companies owned by both public-law and private-law persons. The declaration was also to include information on property purchased by way of tender from any public-law entities and information on businesses owned and run by the individual required to make a declaration. He was also obliged to disclose information on income earned in the context of his employment or any other income-generating professional or business activity. Further, information on all movable property exceeding PLN 10,000 in value was to be included, together with information on all loans of more than PLN 10,000 and the conditions attached to them. The Court, having regard to the broad scope of information on the applicant’s financial situation and to its detailed character, considered that the degree to which the applicant’s and his family’s financial standing was open to the public scrutiny justifies a conclusion that Article 8 of the Convention was applicable to the circumstances of the case.

The Court also found that the complained measures were based on the law that was sufficiently foreseeable and that the measures pursues legitimate aim of “the prevention of crime”, namely corruption, in connection with the local political process in local councils, by providing a legal framework for transparency with regard to councillors’ financial situations and evaluation of them during the latter’s terms of office.

The key question, therefore, was whether the financial disclosure requirements were “necessary in a democratic society” within the meaning of Article 8 of the Convention. The Court observed:

*“…the decision to stand for election as local councillor is a voluntary one. Persons holding such functions are free to decide whether to take an active part in the local political process and it is not argued in the present case that the applicant was in any different position in this respect. Being a member of an elected municipal body brings certain advantages naturally connected with active participation in political process, such as an opportunity to exert influence on the formulation of local policies. However, such functions inevitably entail responsibilities and even restrictions due to their public character. …*

*… the function of a local councillor is political in nature, since it is the local council which deliberates and decides on many issues of crucial importance for the local community. It is in the nature of the democratic political process that the electorate may legitimately be interested in the conduct of local councillors in the exercise of their public mandate. The issue of the financial situation of persons holding such office is one of legitimate public interest and concern. It is inevitable that local politicians will be subject to many forms of pressure or lobbying by various vested interests. Thus, the issues involved in the present case relate to the principles which should govern their conduct and to the manner in which the public can scrutinise the local political process. In the Court’s opinion, these are important issues which may give rise to serious public discussion. …*

*As regards the obligation to submit a declaration on the applicant’s financial and property standing, the Court notes that it serves the purpose of ensuring transparency in the local political process. It also gives the public an opportunity to verify that this process is not tainted by undue pressure or inappropriate lobbying, or even by straightforward corruption. …*

*As regards the scope of the information to be submitted under the 1998 Act, the Court acknowledges that it is quite comprehensive. However, the Court considers that* ***it is precisely this comprehensive character which makes it realistic to assume that the impugned provisions will meet their objective of giving the public a reasonably exhaustive picture of councillors’ financial positions****. It further considers that the additional obligation to submit information on property, including marital property, can be said to be reasonable in that it is designed to discourage attempts to conceal assets simply by acquiring them using the name of a councillor’s spouse. Lastly, given the economic realities of contemporary Poland, a requirement to provide information on movable assets which exceed PLN 10,000 in value cannot be held to be excessive. The Court also observes that councillors are entitled to review the submitted information at annual intervals and to correct any information that entered the public domain and was subsequently found to be incorrect. …*

*Finally, with regard to public access to the declarations, which are published in the Public Information Bulletin and* ***accessible to all interested parties via the Internet, the Court considers that this is a safeguard to ensure that the obligation to make declarations available is subject to public scrutiny. The general public has a legitimate interest in ascertaining that local politics are transparent and Internet access to the declarations makes access to such information effective and easy. Without such access, the obligation would have no practical importance or genuine incidence on the degree to which the public is informed about the political process****.”*

The above justification can be used to reconcile two interests – private interest of privacy protection and public interest in prevention of corruption through financial disclosures of public officials.

It is often argued that disclosure of information about family members of the declarant goes beyond what is necessary and violates the privacy of the family members. However, the same arguments that are used to justify disclosure of information about declarants apply with regard to the family members as well. As was noted in the decision of the Albania’s Constitutional Court that reviewed constitutionality of the asset declarations law of Albania:

*“… it is stipulated that “the declaration includes the assets of the declaring subject and his family (husband/wife and adult children).” Certainly, in these cases, … the public has the right to know the contents of these statements. This limited circle of people is closely related to the declaring subject assets and interests. Therefore, the restriction of their right to privacy in the form of a separate asset declaration and the possibility of its publication serving transparency and control is fair and proportionate to the objective to be achieved. It is in accordance with the requirements of Article 17 of the Constitution. Likewise, not declaring the assets or restricting their publication will significantly increase the risk of concealment or manipulation of data on the declaring subject assets, diminishing significantly the effective implementation of this legislation.”[[11]](#footnote-11)*

See also arguments for disclosure of family members’ assets in the ECHR decision above.

Personal data protection, while related to privacy, has a distinct regime of protection in Europe. Council of Europe and the European Union have an established body of standards in this regard.[[12]](#footnote-12) To demonstrate how the data protection standards can be applied to disclosure of asset declarations, see the example of the conflict of interest declarations filed by employees of the EU institutions and reflected in the European Data Protection Supervisor’s Guidelines.[[13]](#footnote-13)

The Guidelines reviewed the legal ground for processing of personal data in the declarations (including collection and publication). Under the EU rules, a data processing is lawful when the processing is "necessary for compliance with a legal obligation to which the controller is subject" (one of the grounds for lawful processing, in addition to consent of the data subject and others). The obligation itself must be sufficiently specific as to the processing of personal data it requires. An adequate legal instrument (e.g. a decision or policy adopted at appropriate level) should explicitly define the reasons and modalities to publish declarations and provide for a legal basis of the publication.

*“Moreover, the mere fact of having a legal basis for such publication does not suffice. The publication must also be truly necessary .... This would be the case when the purpose of the publication is to safeguard the independence of EU institutions by allowing control by the public. The EU institutions have to assess the balance between the different interests at stake. In such an assessment, the principle of openness as well as the principles of good governance, as enshrined in the Treaties shall be taken into account .... At the same time, the fundamental rights to privacy and data protection enshrined in Articles 7 and 8 of the EU Charter and Article 16 TFEU must be respected.*

*An important part of this assessment is the consideration of any possible alternatives. It could be necessary for certain posts to allow control by peers and the public whereas for other posts the publication of their personal data would not be proportionate. Therefore, the necessity for the publication … should be assessed for each category and function of persons working for the EU institutions. The EU institutions need to balance the interests at stake, notably the need for independence as well as for public trust, and the necessity to protect the data subjects’ rights to privacy. …”[[14]](#footnote-14)*

**Scope of disclosure**

There are different approaches to disclosing information from asset declarations. Most countries differentiate the scope of disclosure based on the type of information. Often most of the information in the declaration is open except for certain defined types of information. There is a minimum range of information that is closed in most countries, this is the most sensible information that may seriously affect privacy and even personal security of persons (information about personal ID or tax number, date of birth, contact details, place of residence).

In some countries, information about location of any real estate (not only the place of residence) mentioned in the declaration is confidential as well and not subject to publication; although, there are cases where this information is open only to some extent necessary so as not to divulge the exact address but still make public information about city or village where the property is located. This is so that the public could estimate the probable value of the properties and know whether it is located abroad or not. Such graduated approach can be applied to other types of information as well – e.g. information about the specific bank where the declarant has accounts and amount of money in the account is public but the bank account number – not.

Sometimes information about the source of income is kept confidential, although this significantly undermines the possibility of the public to scrutinize conflict of interests or fake dealings to hide ill-gotten assets (e.g. transactions between relatives or related persons).

Another approach is to differentiate the level of transparency by the type of officials who declare assets. For example, some countries disclose only declarations of high-level officials or officials above a certain level and those in high-risk positions. There are also examples of countries (e.g. Moldova, Ukraine), where declarations of all public officials are public except for a narrow category of officials:

* Declarations of security officers and intelligence officers from the units of Ministry of Interior, Ministry of Defence, National Integrity Agency, Service of Information and Security, Service of State Guard, Penitentiary Department of the Ministry of Justice, Tax Service (Moldova);
* Permanent staff of the intelligence agencies and persons who hold positions that are classified, in particular in the military formations and state agencies that perform operative and detective work, counterintelligence, intelligence work, as well as candidates to such positions (Ukraine).

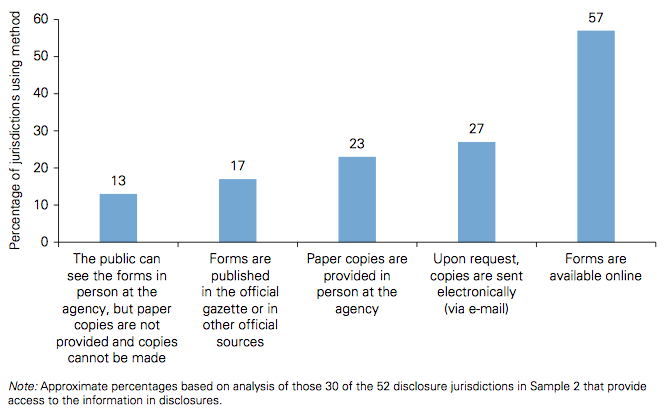
**Forms of disclosure**

In some countries, public access to asset declarations (or their certain parts) is allowed only through freedom of information/access to information requests. This means that the information is provided in response to a specific request filed with the public agency that holds the declaration. Such approach is contrasted with the proactive publication of the asset declarations on the web-site of the agency where the declarant is employed or (more often) on the web-site of the specialized anti-corruption agency that is responsible for collection and processing of asset declarations.

From the point of view of privacy and personal data protection, declarant’s information should be published only to the extent necessary to achieve the goals of the publication. Based on this, it may be argued that access based on individual requests is a less intrusive measure, so it would be proportionate to provide such type of access instead of proactive publication. However, such approach would significantly limit the level of public scrutiny of declarations. Only a limited number of persons would be able to obtain declarations, they would need to file information requests which takes time and resources (often obtaining paper copies is conditioned on the payment of an administrative fee). It would also significantly limit the possibility of public control and only few declarations could be checked by the public (e.g. NGOs).

Proactive online publication is more effective in achieving the goals of the publication (public scrutiny, accountability of officials, prevention and detection of irregularities, etc.), as it allows more people and easier to access asset declarations. Online access to information from asset declarations published in open machine-readable format also allows bulk analysis of declarations, their comparison with other data sources and leads to better accountability and stronger corruption prevention. Therefore, access on request is not a suitable alternative to the proactive publication.

*Figure 3. Methods for Public Access to Disclosure Information*



Source: World Bank (2017), Getting the Full Picture on Public Officials, page 96, cited above.

**Comparative table of national systems**

|  |  |
| --- | --- |
| **Country** | **Regime of public disclosure** |
| Albania | Declaration can be provided based on individual access to information requests. Information from declarations is available to the general public (upon request) only after the termination of the verification procedures. Prior consent of the declarant is not required to disclose his information. To cover administrative costs of the High Inspectorate of the Declaration and Audit of Assets, a fee of ALL 1,000 (approx. EUR 7) per declaration is imposed on each applicant asking for information on a specific declaration. Access is granted to information of the declarant and his family members. Names and other personal details of the third persons who had or have property relations with the declarant (and are not his family members covered by the declaration) should not be disclosed.  Expenses that are mentioned in the declaration (if above EUR 3,500) cannot be made public as well. |
| Croatia | Data from the asset declarations of public officials is partially published on the website of the Commission for the Identification of Conflicts of Interest.  The following is publicly published:  • Whether the declaration was submitted on the occasion of the start of the official’s term  • Significant changes in the assets existing at the end of the term  • The date of receipt of the declaration by the Commission  • Official data on the official (name, qualifications, position, party affiliation, marital status, number of children and residence)  • Data on the duty of the official (the name of the public office, institution or public authority where the public duty is undertaken, the headquarters of the office, business phone, fax, official e-mail, the date of the beginning of the mandate, the manner in which the public duties are exercised, whether the public duty is performed professionally or voluntarily)  • The level of the salaries of officials on an annual basis, gross and net  • The level of annual bonuses and awards of profits  • The type of property, area or place where the property is located, a form of property rights, the market value of the property and the manner of its acquisition  • Movable property: the type or description of the property, brand or type, year of manufacture or age, form of ownership, market value and acquisition  • The name of the company and personal identification number in which the official, spouse or common-law spouse or minor child has interests in property must be included (capital), as well as the headquarters of the company, the number and size of shares, their nominal value, the form of ownership, information on the transfer of control rights and manner of acquisition  • The amount of cash savings, form of ownership savings and manner of their acquisition must also be listed  • Bank credits, loan debts, guaranties and other commitments  The same data must also be given regarding the spouse or common-law spouse of the official.  Asset declarations of judges, public prosecutors and deputy public prosecutors are not publicly available online, but are available under freedom of information legislation. |
| Georgia | Declarations are submitted through an online form and are published on the web-site of the Civil Service Bureau. Details about the personal ID number, address of the place of permanent residence and telephone number, information about income from paid work related to the period before first appointment and/or the period after dismissal remains confidential. |
| Kosovo | Law on the Declaration and Origin of Property and Gifts for Senior Public Officials requires publication of the following information:  • First name, last name, function, name of institution, address of institution, appointment date, date when the declaration form has been submitted, functions and other activities exercised by the public official besides his/her public function  • Real estate: type, size, origin, value as assumed by the declarer, ownership  • Movable property: type, origin, year acquired, presumptive value, ownership  • Shares in commercial enterprises or similar entity  • Possession of securities  • Cash money held in financial institutions  • Financial obligations of public officials towards natural entities and legal persons  • Annual revenues  All this data shall be published on the webpage of the Anti-Corruption Agency within 60 days from the deadline for submission of declarations.  Certain data is not published in accordance with the Law on the Protection of Personal Data:  • Address of residence  • Personal identification number (civil registry number)  • Name of the children  • Name of the banks where official holds accounts. |
| Latvia | Declarations are submitted through an online form and published online.  In order to ensure the protection of personal data, the declarations shall contain a part that is publicly accessible and a part that is not publicly accessible. The public official or the head of the authority which verifies declarations in accordance with this Law, as well as the head of the State or local government authority who has received a copy of the relevant declaration shall be responsible for ensuring public access.  The part of declaration that is publicly accessible is all the information included in the declaration, except the following information:   * personal identity number; * place of residence of the public official indicated in the declaration; * information on the minor relatives (also adoptees) of the official; * information on the liability and transaction partners indicated in the declaration; * information on assets not mentioned in the specific sections of the declaration if their value, in declarant’s opinion, exceeds 20 minimum monthly wages.   The data to be published indicated in the declarations of the President, members of the Saeima, Prime Minister, Deputy Prime Ministers, Ministers, Ministers for Special Assignments, Parliamentary Secretaries and councillors of city councils shall be published electronically not later than within one month, but the data to be published indicated in the declarations of other public officials not later than within three months after submission thereof to the State Revenue Service. |
| Macedonia | Information from asset declarations of public officials is published online on the web-site of the State Commission for the Prevention of Corruption.  The following data from asset declarations is not disclosed:   * public officials’ unique citizen’s ID number, the names of their parents; * address; * private telephone number; * first name and surname of their family members; * the address of their family members; * the address of their real estate; * in part VII of the asset declaration form dedicated to receivables – personal data of the persons from whom the assets were received; * in part VIII dedicated to other income – the data of the entity where the income is generated. |
| Moldova | From January 1, 2018, all declarations will be submitted through an online form and published online. Within 30 days after the deadline for submission of declarations, the National Integrity Agency should publish declarations on its official web-site and ensure permanent access to them, except for data not subject to publication. The following information from asset declarations is not public and is restricted in access:   * personal identification number; * place of residence; * telephone number of the declarant; * name, year of birth, address and ID numbers of the family members, cohabitants; * address and cadaster number of the real estate, registration number of the real estate; * money in national and foreign currencies that are not deposited in the financial institutions; * numbers of bank accounts; * information about jewellery, precious metals, art, cultural objects, collections of art, coins, stamps, weapons; * signature of the declarant. |
| Montenegro | Register of Income and Assets of Public Officials is published on the web-site of the Agency for Prevention of Corruption.  The following information is not published:   * Personal information: Personal Identification Number of the Citizen, permanent or temporary residence, address, education and occupation. * Address of immovable assets; * Children of public officials under the age of 16; * Alimony and other income or payments on the basis of social and child welfare.   Data from the Register shall be deleted ex officio 10 years after termination of function of the public official. |
| Romania | Scanned paper form declarations are published online on the web-site of the National Integrity Agency of Romania. The Agency displays the disclosures on its Portal (www.integritate.eu), not later than 30 days after receipt of the declaration. According to the law, the personal identification number, the address for the declared buildings (except city location), address of the institutions that manages financial assets and the signature remain confidential. Assets and interest disclosures are maintained on the website of the Agency for the duration of the term in office and three years after its termination and archived afterwards. |
| Ukraine | Information from asset declarations is published on the web-site of the National Agency for Corruption Prevention of Ukraine. Asset declaration is published online automatically once it is submitted through an online form.  A limited scope of information remains confidential and not subject to online publication or other type of disclosure, namely:   * date of birth; * tax ID, passport number; * residence address of natural persons; * location of real estate indicated in the declaration (except for the region, district and city/village where the property is located – this information is still public).   All other information is public and may not be restricted in access. Information from asset declarations database is also published in machine-readable formats with an API available.  According to the Law on Corruption Prevention, data in the Registry of E-declarations about the declarant is stored during all the time he performs relevant public functions and 5 years after termination of office. The 5-year term starts from the date of submission of the pre-termination declaration (declaration submitted before exiting public service). The last declarant's declaration submitted in the system should be stored indefinitely. |
| EU | Declarations of members of the European Commission and Members of the European Parliament are published on the web-sites of the respective institutions. The scope of information declared is different. All information included in the declaration is public.  Examples:   * [Declaration of Member of the European Parliament](http://www.europarl.europa.eu/mepdif/4525_DFI_rev0_EN.pdf) * [Declaration of the EU Commissioner](https://ec.europa.eu/commission/commissioners/sites/cwt/files/commissioner_declarations/2017-gabriel-doi_en.pdf) |

**Recommendations**

* Ensure the broadest possible public disclosure of information from the declarations. Disclosure should be based on the law that clearly determines what and how should be published and what information should stay confidential and be available only to the authorized public authorities.
* In view of the importance of fighting corruption as a public interest, disclosure should be the rule and the restriction of access to information from declarations – an exception. Exceptions from public disclosure should be limited to the ones that are strictly necessary to protect privacy and security of persons, e.g.: exact address of the real estate (while leaving public information about the city, village and region where it is located); date of birth; ID number of natural persons.
* No information about legal entities should be restricted in access.
* There should also be no special threshold (e.g. value of the asset) for making information public, if it is recorded in the declaration it should be public.
* Information about sources of income, including gifts, should be public as well to allow public control over conflicts of interest and detect deals with related persons (gifts from family members, income from related companies, etc.).
* Minimum information about third persons that are parties to the transactions should be published as well (e.g. name and registration of the company, name of the individual). Additional details about individuals who are not declarant or his family members (e.g. ID number, residence address) can be closed for access.
* Information about banks where accounts are opened and amounts deposited in the accounts should be open. The same should concern safe deposit boxes opened in banks.
* Information from declarations should be published online in the machine-readable formats; the web-site with declarations should have a full text search engine and possibility to download data through an API.
* Define clearly in the law or regulations the duration of when information is available online, how data is archived and when it should be deleted.

1. Prepared by Dmytro Kotlyar for GovRisk, January 2018. [↑](#footnote-ref-1)
2. Source: <http://www.nber.org/papers/w14703>. [↑](#footnote-ref-2)
3. OECD/ACN (2013), Anti-corruption Reforms in Eastern Europe and Central Asia, Progress and Challenges, 2009-2013, page 127, available at <https://goo.gl/Dgaxqw>. [↑](#footnote-ref-3)
4. G20 (2012), available at <https://goo.gl/eKsWtv>. [↑](#footnote-ref-4)
5. Source: <https://goo.gl/S3HZjD>. [↑](#footnote-ref-5)
6. Source: <https://goo.gl/KKetgM>. [↑](#footnote-ref-6)
7. Source: <https://goo.gl/uE6Cyi>. [↑](#footnote-ref-7)
8. Real property of any kind, located within the country or abroad, held in ownership, co-ownership, community of property, fiduciary property, any other form of ownership or lease, and significant improvements that have been made to such property. [↑](#footnote-ref-8)
9. European Convention of Human Rights (Article 8), International Covenant on Civil and Political Rights (Article 17), Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, etc. [↑](#footnote-ref-9)
10. Available at <http://hudoc.echr.coe.int/eng?i=001-71236>. [↑](#footnote-ref-10)
11. Cited from: Income and Asset Declarations in Practice, Comparative Study, ReSPA, 2013, page 190, available at <https://goo.gl/JQhqzn>. [↑](#footnote-ref-11)
12. See Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. In 2018, it will be replaced by a new instrument - 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 (General Data Protection Regulation). [↑](#footnote-ref-12)
13. European Data Protection Supervisor, Guidelines on the processing of personal data with regard to the management of conflicts of interest in EU institutions and bodies, December 2014, available at <https://goo.gl/eigbvJ>. [↑](#footnote-ref-13)
14. Idem, pages 12-13. [↑](#footnote-ref-14)