

The Secrecy of Grey Unveiled: Grey Literature and the Freedom of Information

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"to pierce the veil of administrative secrecy and to open agency action to the light of public scrutiny"
US Supreme Court (US Department of the Air Force v. Rose, 425 U.S. 352 (1976))

Abstract

This paper examines the relationship between political culture and information control. What does 'freedom of information' mean? Governmental institutions produce a diffused body of grey literature. Some parts of these vast grey information resources are accessible but a significant number are not for a number of reasons. On one hand the public in democratic societies has a right to know as formulated in freedom of information laws. On the other hand problems of national security do prevent and restrict access to grey resources. Secrecy has to be maintained because it concerns the quintessential function of the state. There is a public need to know if open government is the preferred political culture. But in an age with an ongoing war on terror, governments are understandingly less eager to stimulate an open society. Openness might harm the national security.

This article evaluates (a) The historical background of government information resources in relation to freedom of information, (b) The working of the FOIA (Freedom of Information Act) in the United States and Europe in general and the public access to grey governmental resources, and (c) more specific the impact of the events of 9/11 and public access to grey government resources. Indicators show that government secrecy has continued to rise since September 11, 2001. However some progress has been made. In general the use of the different freedom of information laws in democratic countries to obtain information from the government continues to rise.

Methodology and materials

In this paper a case study is presented on the effects of 9/11 attacks and the availability of "sensitive" unclassified governmental information within the existing framework of national Freedom of Information Laws. The used methodology is a case study based on comparative research. Data for research was gathered and analyzed from reports and quantitative/qualitative data resources from different organizations: US government agencies i.e. the US General Accounting Office, European Union institutions and non-governmental organizations. In addition relevant international literature on the topic of Freedom of Information was researched.

Introduction

Steven Aftergood, director of the Project on Government Secrecy of the US Federation of American Scientists, once said: "Information is the oxygen of democracy"¹. If citizens are supposed to participate effectively in a democracy and be able to scrutinize the acts of governments in respect to economics, social issues, and even in issues of war then the quality of information is vital. Unfortunately this is not always the case. According to a 2006 report on the future of digital government in the European Union² "there is a lack of proper quality of information and certified sources of information in an era of information overload. When systems become more and more connected, low information quality can spread and might even disrupt the functioning of the public administration."³

How did such a situation of *data smog*⁴ come into existence? When digital government was introduced in the 1990s governments in the Western world began to realize that the Internet was as a great tool to disseminate information in an efficient and convenient way. Government agencies started to provide information and online services to citizens⁵ and sought a direct connection with the user.⁶ The drive was to post as much government information online as possible to support the idea of openness. A great variety of document collections became electronically available in respect to parliamentary debates, laws and agency activities. Reports and papers based on government-funded research on subjects like healthcare, geospatial issues, farming and education (among others) also went online. In total these collections represent a *mer à boire* of different types of grey literature available from public bodies.⁷

In general there was little consideration about the amount of useful information made available to the public, or simply put how much was too much.⁸ The tragic events of 9/11 in however caused a reversal in governmental thinking in the US about what was useful information to the public and what might be harmful information into the wrong hands in the war against terror. As