



# 18th IACC

**COPENHAGEN, DENMARK**  
**22-24 October 2018**

**#18IACC**



## Short Session Report

**Session Title:** How to Counter the Backlash Against Beneficial Ownership & Public Procurement Transparency in the Age of Fake News & Data Breaches

**Date & Time:** 12am, Monday 22nd Oct

**Report prepared by:** Kadie Armstrong, Open Standards Adoption Lead, Open Data Services

### Experts:

**Hera Hussain**, Senior Advocacy Manager, Open Contracting Partnership

**Tom Walker**, Research Manager, Engine Room

**Will Fitzgibbon**, Reporter, International Consortium of Investigative Journalists (ICIJ)

**Zosia Sztykowski**, Coordinator, OpenOwnership

**Session coordinated by:** **Hera Hussain**, Senior Advocacy Manager, Open Contracting Partnership

**Moderated by:** **Hera Hussain**, Senior Advocacy Manager, Open Contracting Partnership

**Main issues raised in kick off remarks. What's the focus of the session?**

We want to host a community brainstorm on the most powerful arguments to counter the belief that transparency and privacy are mutually exclusive.

We hope to crowdsource the most impactful case studies from the IACC community.

We think that the backlash against transparency often falls under four headings. Transparency:

1. PUTS INFORMATION IN THE HANDS OF CRIMINALS
2. SHARES PERSONAL DETAILS
3. UNDERMINES COMPETITION
4. IS TOO MUCH OF A TIME/COST BURDEN

### **What initiatives have been showcased? Briefly describe the Game Changing strategies/ ideas (if applicable)**

Tom Walker shared ideas from his new Engine room report which describes how beneficial ownership transparency need not fall foul of data protection laws.

Hera Hussain and other participants described how at a local level there can be resistance to contract transparency described in terms of information getting into the 'wrong hands' - gangs and criminal groups. More needs to be understood about these apparent risks in local contexts.

Publicly available, accessible, and transparent sources are invaluable and we can't rely on whistleblowers.

The impacts of public beneficial ownership data and even of open contracting data have yet to be fully realised but as the results come to fruition 'backlash' arguments will be undermined. Although the backlash faced by investigative journalists like Will Fitzgibbon, when they

make use of leaks like the Paradise Papers, show that open ownership data will be impactful.

It was noted that the B20's position on beneficial ownership swung to calling for public registers of BO. A real success story.

We shouldn't forget that the backlash against transparency is not abstract or simply verbal. Transparency advocates are endangered and imprisoned due to their work exposing corruption. Funders need to take this on board.

Also, it's worth looking at the open contracting mythbusting work from OCP.

10 most common myths. For example: it hurts competition; you can just do a Freedom of Information request; it can cause cartels and collusion, it divulges commercial secrets.

See [mythbusting.open-contracting.org](http://mythbusting.open-contracting.org). 5 principles for publishing open contracting data:

- Publish with minimal redaction
- Only redact legitimate sensitive info
- Provide justification for redaction
- State what the time limit is for protecting info
- Disclosure over time

**Briefly describe the highlights including the thematically interesting questions and ideas that were generated from the discussion or from the floor, and session quotes.**

Defence contracts. National Security used as an excuse for not publishing data. Only 2% of defence contracts had something sensitive in them in Australia.

Work in state-owned enterprises in Ukraine are saving money from doing open contracting.

If facts don't matter any more (fake news etc.) where does that lead data-driven, evidence-based advocacy?  
Let's get back to first principles. E.g. is BO data really personal data?  
Markets are a product of the state and institutions, so a link between a person and a company is manufactured and need not be seen as an item of personal data deserving privacy.  
Actually organisations advocating for transparency are values-based organisations and we should be open about that. Be transparent about the principles driving advocacy for transparency and don't be afraid to enlist the help of PR people to communicate effectively.

### **What are the key recommendations, follow-up Actions (200 words narrative form)**

### **Key Insights that could be included in the IACC Declaration**

### **Rapporteur's name and date submitted**

Kadie Armstrong, Open Data Services

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**This Short Report needs to be submitted within 2 hours after the session.**