

Authority:

Unidad de Acceso a la Información Pública (UAIP)

Country/State:

Uruguay

Case title:

Right of the Victim to Access Disciplinary Procedure Information

Official citation:

Resolución 105/025, 10 July 2024

Date of decision:

10 July 2024

Relevant law:

Uruguayan Law on Access to Public Information – provisions on access to personal and procedural information

Decision:

The UAIP ordered the declassification of the disciplinary procedure file, allowing the complainant — the alleged victim of harassment — to access the information regarding the process she initiated. The agency had previously withheld the information, claiming disclosure would harm the honor and dignity of the person involved. The UAIP found that the agency had not adequately substantiated this claim and emphasized the victim's right to information concerning the process that protects her rights.

Key words:

Right to Information, victim access, disciplinary procedure, declassification, personal information, harassment

Case Summary**1. Facts**

The interested party requested access to the disciplinary procedure file that had been initiated following her own complaint about a possible harassment situation.

The agency refused to provide access, arguing that disclosure would harm the honor and dignity of the person involved.

2. Decision

The UAIP determined that the victim has a fundamental right to access information about the procedure intended to protect her rights.

The agency's claim of potential harm was not sufficiently evidenced. Consequently, the UAIP ordered the declassification of the information and its disclosure to the complainant.

Note (Optional):

This case highlights the principle that individuals initiating complaints — particularly in cases of harassment — have a right to access information about the proceedings, ensuring transparency and protection of their rights.

Resource:

<https://www.gub.uy/unidad-acceso-informacion-publica/institucional/normativa/resolucion-n-105024-sobre-desclasificacion-informacion>