

International Lobbying Disclosure Guidelines

Lobbying, broadly defined, is an effort by an individual or group to influence the decisions of any branch of government. At its best, lobbying should support government decision makers in order to allow them to make more informed choices. However, when lobbying represents only one side of an issue or only the voice of those with money, decision-making can misrepresent the facts or may not reflect the most diverse perspectives.

Disclosure of lobbying information provides the context essential to understanding political decision-making and the legislative process. It has the potential to empower government decision-makers and the public to evaluate, fact-check or counter the messages and track the influence of lobbyists. An effective lobbying transparency system will help to ensure that the activities of lobbyists -- who they represent, what they want, and who they are targeting -- are fully and meaningfully disclosed.

Robust disclosure also allows civil society to create tools such as [Influence Explorer](#) and [LobbyPlag](#) that enable people to convert lobbying information into meaningful narratives, making it easier for individuals to understand the dynamics of the decision-making process, and thus strengthening public oversight of lobbying.

The Sunlight Foundation has created these guidelines to help policymakers and advocates improve lobbying disclosure to provide a meaningful check and balance on the world of influence. These guides are intended as a conversation starter. We encourage other open government advocates to give their input and help us refine these norms in a collaborative manner.

INDEX

I. FOUNDATIONS OF LOBBYING DISCLOSURE

- 1. Definitions**
- 2. Lobbyist Registration and Reporting**

II. WHAT DATA NEEDS TO BE DISCLOSED

- 3. Information about Organizations that Lobby**
- 4. Personal and Employment Information of Lobbyists**
- 5. Lobbying Objectives and Clients**
- 6. Information about Lobbying Contacts**
- 7. Lobbying Expenditures**

III. HOW DATA SHOULD BE COLLECTED AND DISCLOSED

- 8. Timely and Online Reporting and Disclosure**

9. Free, Open, and Reusable Data

10. Unique Identifiers

IV. ENFORCEMENT AND OVERSIGHT

11. Independent Oversight Body

12. Data Checking and Random Audits

13. Sanctions

14. Public Oversight and Whistleblower Provisions

I. FOUNDATIONS OF LOBBYING DISCLOSURE

1. Definitions

The term “lobbyist” should refer to any individual who, as a part of his or her employment or for other compensation, engages in more than one lobbying contact (oral and written communication, including electronic communication) with an elected official, his or her staff, or high and mid-ranking government employee, for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position.

Explanation and examples: Defining who constitutes a lobbyist, what is considered lobbying activity, and who might be a target of lobbying are critical components of an effective lobbying transparency regulation. The definition we offer here is relatively broad so as to capture all who lobby professionally, but narrow enough to avoid other actors who wish to influence public policy but are not compensated for direct lobbying or not contacting elected officials. And while our definition of a lobbyist excludes many activities related to the influence industry -- such as PR, grassroots activism, journalism, etc. -- experience shows that lobbying regulation might get more buy-in when the scope is limited to *direct* contact with decision-makers and professional lobbying. Moreover, such activities should be disclosed in lobbying reports as expenditures when they are related to lobbying campaigns.

In many countries, overly broad or narrow definitions of the term **lobbyist** seem to have critically weakened or impeded lobbying transparency. For example, Australia’s [lobbying regulation](#) states that a lobbyist is any individual who lobbies on behalf of a third party client or whose employees conduct lobbying activities on behalf of a third party client. This definition seems to miss in-house lobbyists and individuals who lobby on their own behalf. On the other hand, overly broad definitions (especially in newly introduced regulations) might be condemned because of concerns that they unintentionally limit the freedom of expression or “[discourage constituents from engaging](#)” with their representatives - such as in case of New Zealand.

In the United States, a lobbyist is any individual that [spends over 20% of his or her time lobbying](#) on behalf of a single client. The Canadian [Lobbying Act](#) requires organizations and corporations to file a registration when the lobbying activities of all paid employees, when considered together, constitute the “significant part of duties of one employee.” The Commissioner has interpreted this to mean [20% of one person’s time](#). Loopholes created by loose definitions such as these are frequently exploited, demonstrating the importance of strong, specific, and sufficiently broad definitions. We recommend to define a lobbyist as any individual who, as a part of his or her employment or for other compensation, engages in more than one lobbying contact.

Effective laws or regulations will also clearly define what constitutes **lobbying activity**. Many countries provide definitions that might be too narrow. Our [research](#) shows that [Taiwan’s law](#) defines lobbying as an attempt to alter the “formulation, enactment, modification or annulment of laws, government policies, or legislation.” The definition seems to fail to capture lobbying intended to alter the regulatory process or executive branch activities. [Likewise, Poland’s law](#) defines lobbying as any legal action designed to influence the legislative or regulatory process, which might exclude lobbying intended to shape other government policies. We define lobbying activity as any contact (written or oral communication, including electronic communication) with lobbying targets (see below) for the purpose of influencing the formulation, modification, adoption, or administration of legislation, rules, spending decisions, or any other government program, policy, or position.

In some cases, our research found that lobbying laws provide a narrow definition of which public officials constitute the **target of lobbying activities**. For example, [Israel’s law states](#) that only members of the Knesset’s governing coalition are lobbying targets. Advocates who target opposition party MPs or other high ranking government officials are not considered lobbyists. Lobbying disclosure legislation should cover, but should not be limited to, all elected officials, their staff, high ranking government employees who exercise public power or public authority, and high ranking members of the armed services. The [Canadian definition of lobbying targets](#) covers all of these groups.

2. Lobbyist Registration and Reporting

All lobbyists and organizations that lobby (whether by employing in-house or outside lobbyists) should be required to register and report on their activities in a timely manner. All disclosed lobbying information should be made publicly available.

Explanation and examples: A lobbyist registry is a repository of lobbying information maintained and managed by a government entity. Public access to a lobbyist registry is critical to provide citizens with a more complete picture of the public policy process and the avenues of influence that shape how governments act.

Our research has identified a number of countries that maintain some type of lobbyist registry,

including [Austria](#), [Australia](#), [Canada](#), the [European Parliament and the European Commission](#), [France](#), [Israel](#), [Lithuania](#), the [Netherlands](#), [Poland](#), [Slovenia](#), and the [United States](#). The quality of these registries varies dramatically. Some, such as Slovenia and the Netherlands, are simple PDFs that list all registered lobbyists and some basic information. Others, such as the registry maintained by the [Clerk of the US House of Representatives](#) and the Secretary of the Senate are more robust, and include detailed disclosure information available in accessible, open formats. (For more discussion of what information we think should be disclosed and how that information should be published, see the next sections.)

For lobbying transparency to be meaningful, registration and reporting must be **mandatory** for all lobbyists and organizations that lobby. Some countries, such as [France](#), [Germany](#), and the EU maintain voluntary registries that rely on incentives to encourage lobbyists to register. Because the benefits of operating outside the realm of public scrutiny are often more attractive than any benefit derived from registration incentives, voluntary lobbyist registries are generally incomplete.

Reporting periods vary by country. The US mandates [quarterly](#) reporting, Lithuania requires lobbyists to report only [annually](#), and Canadian lobbyists must report on their activities [monthly](#). Lobbyists should report their significant contacts with decision-makers in as near to real time as technologically possible. Given the speed at which government decisions can be made, near to real time reporting ensures that other interested parties have the information and time needed to respond before a decision is made. For more on timely disclosure, see section 8.

It is important to note that registration **should not be a hurdle** for lobbyists to overcome or a burden designed to suppress their ability to work. Countries should strive to find innovative ways to simplify the registration process, which would also increase compliance. In the United States, for example, [lobbyists are provided with a list of issue types](#) that allows them to easily indicate their issues of interest on lobbying disclosure forms.

III. WHAT DATA NEEDS TO BE DISCLOSED

3. Information about Organizations that Lobby

When registering, organizations that lobby should be required to include the following information:

- *Name of the organization;*
- *Address and contact information; (linking it to existing company registry data is highly recommended);*
- *Names of all active lobbyists working on behalf of the organization;*
- *Lobbying goals and objectives and issues or legislation lobbied on;*

- *Lobbying expenditures, on a per client basis, including spending on efforts to support lobbying.*

Explanation and Examples: Registration should be mandatory for organizations that hire consultant or contract lobbyists or have employees in-house for whom lobbying constitutes part of their job. In most cases, a vast majority of lobbying happens on behalf of organizations or companies, so a complete picture of the lobbying landscape requires that organizations active in lobbying disclose information about themselves, their efforts, the lobbyists who represent them, and the money they spend to achieve their goals. Our research shows that the [United States](#), [Canada](#), [Australia](#), and the [European Union](#) include organizations while other countries -- such as the [Netherlands](#), [Slovenia](#), and [France](#) -- do not.

4. Personal and Employment Information of Lobbyists

When registering, lobbyist should be required to include the following personal and employment information:

- *Name and contact information;*
- *Date of registration and termination;*
- *Employer's name and contact information;*
- *Prior employment;*
- *Political contributions made by the lobbyist, including a description of fundraisers sponsored or hosted by the lobbyists.*

Explanation and examples: Most countries with lobbying disclosure regimes require basic personal and employment information to be disclosed. Personal information allows interested parties to identify who is an active lobbyist and how long they have been lobbying. Disclosure of the lobbyist's employer helps gauge the influence of outside lobbying firms, especially those who employ more than one lobbyist.

Prior government employment is also important to establish the extent to which lobbyists cycle through the revolving door of public service and influence peddling, and to begin to uncover potential conflicts of interest. While [EU](#), [Lithuania](#), and [Poland](#) require lobbyists to disclose their name, date of registration, and employer's name, [our research](#) shows that only [Canada](#) and the [United States](#) specifically require registered lobbyists to disclose prior government employment. For more on revolving door issues, see these reports from [Transparency International](#) and the [Organisation for Economic Co-operation and Development](#).

5. Lobbying Objectives and Clients

Lobbyists should disclose information about their lobbying objectives and who they represent,

including:

- *Name of the persons or organizations paying for the lobbying activities;*
- *Names of the lobbyists' clients and contact information;*
- *Lobbying goals and objectives or issues or legislation lobbied on. Linking those to other existing datasets related to legislative activity is highly recommended.*

Explanation and examples: To effectively track the influence industry, the public must know on whose behalf a lobbyist is working and what they are lobbying about. This includes information on specific bills lobbied on, positions taken, and objectives of lobbying activity.

Decision-makers and the public must have access to detailed information about who the lobbyist is, what he or she seeks, who he or she represents and who is paying for the message to be able to properly evaluate the lobbyist's message. In addition, lobbyist disclosures can only lead to improved debate and better decision making when all sides on an issue understand whether their position is being adequately presented to decision-makers.

Countries that disclose information about lobbying clients and issues include [Israel](#) and [Lithuania](#). In [Lithuania](#), however, lobbyists are required to disclose in their annual reports only the name of specific bills or pieces of legislation that they attempted to influence. If a lobbyist is discussing an issue that does not (yet) have a bill introduced, or if they are discussing a regulatory matter, then the registry will fail to capture the issues lobbied on.

6. Information about Lobbying Contacts

Lobbyists should be required to disclose information about who they are lobbying and what they are requesting, including:

- *Name of the high ranking official or, in the case of mid-level employees, the name office lobbied;*
- *Date of the lobbying contact (whether oral or written, including electronic communication);*
- *Legislation, policies, or issues discussed;*
- *Specific action requested;*
- *Name of client on whose behalf the contact was made.*

Explanation and examples: Contact between lobbyists and the government officials is a key indicator of influence. For this reason, it is essential that lobbyists disclose information about all substantive oral or written (including electronic) communications they have with government officials, including their objectives, the name and position of the official in question, and the date of the contact. Lobbyists should also report the name of the client on whose behalf the contact was made. [Canada](#), for example, requires lobbyists to submit

monthly, detailed contact reports.

7. Lobbying Expenditures

Lobbyists and lobbying organizations should be required to disclose all expenditures on lobbying, including efforts to support lobbying and political contributions. Linking those to other existing datasets related to political contributions is highly recommended.

Explanation and examples: While the frequency with which lobbyists contact government officials provides evidence of the influence they wield, it still gives an incomplete picture. The expenditures of the lobbying activity help determining a lobbyist's real clout. Lobbying disclosure reports should, therefore, include money spent in support of lobbying efforts and any political or campaign contributions.

Often, today's lobbyists gain influence from the perception that the public supports the lobbyist's position. To build that support, lobbyists and lobbying organizations in many countries make large expenditures to influence public opinion. Disclosure of expenditures for items such as paid media, third party advocacy (such as think tanks) and polling that is related to bills or issues the lobbyist is lobbying on is fundamental to the public's understanding of the influence industry.

Similarly, lobbyists' political contributions to parties or candidates may impact their ability to influence officials. Lobbying expenditures are important ways to gauge influence, and disclosing this information may contribute to the public's understanding of what may motivate government decision-making. [Slovenia](#) and the [United States](#) require lobbyists to disclose expenditures, including political or campaign donations, while most other countries do not.

III. HOW DATA SHOULD BE COLLECTED AND DISCLOSED

Data about lobbying, whether reported on registration forms or contact reports, should be collected and released in a way that lowers the barriers to use and reuse -- not in a format that locks up the information and requires reformatting and scraping before it can be analyzed. See our [Open Data Policy Guidelines](#) for ideas and best practices that governments can apply when collecting and releasing lobbying data.

The section below assumes a degree of technological sophistication. While we recognize that these recommendations may be difficult to implement in certain contexts, we encourage governments to aspire towards technologies that will ultimately result in the most robust disclosure.

8. Timely and Online Reporting and Disclosure

Lobbyists should be required to file their reports online as close to real time as possible. Information about lobbying should be disclosed online, in a timely manner.

Explanation and examples: Where technology allows, lobbying information that is disclosed should be [posted online](#). This provides access to important government information in the place where the public is looking for it, rather than burdening individuals with the time and costs associated with making records requests, which also saves government officials time by posting information proactively rather than delivering it on an as-requested basis.

[Electronic filing](#) of lobbying reports simplifies the disclosure and retrieval process. It allows for data to be collected electronically, from the source, rather than requiring human capital to enter data by hand (a time consuming task that can result in inaccuracies). It's easier for lobbyists to have a consistent, online, easy-to-access interface for their required filings. And, it's easier -- and often cheaper -- for the government to provide the data in an open, structured format to the public. The [United States](#) and [Canada](#) mandates that lobbying reports be filed electronically. The city of [Los Angeles](#) also requires e-filing for lobbying registration and for quarterly disclosure reports.

Lobbying reports should be filed as close to [real time](#) as possible. The more timely lobbying reports are submitted, the more valuable and meaningful they will be. As noted above, countries that require reports typically do so on a quarterly or annual basis. This schedule allows lobbyists to game the system, by, for example, making a contribution or contacting a government official after a reporting deadline has past. The lag in disclosure creates the risk that the public would not be aware of lobbying activities until after the legislative or government action in questions has taken place. Timely disclosure also allows for instant fact-checking and counter lobbying -- a real debate that has the potential to expose factual errors or other incorrect information.

9. Free, Open, and Reusable Data

In order to make information about lobbying meaningful, it should be available free of charge and published in an open format. Data should also be available for bulk download.

Explanation and examples: For lobbying disclosure to have its intended impact, all lobbying information must be public and freely accessible. Barring technological limitations, lobbying information should be published online in open formats free of charge. Publishing information in an [open format](#) means sharing it in a way that is machine-readable, or structured, and is easy to search and sort. This increases the opportunity for the public to reuse the data. Allowing the public to [download lobbying data in bulk](#) will help maximize the opportunities for finding narratives in the disclosures. Bulk downloads work with open, structured formats to allow for easy analysis and reuse of data.

We have found that nearly [all countries that maintain lobbying registries](#) make all lobbying information available to the public for free. In most countries, however, lobbying registries and activity reports are available in closed formats. The [Slovenian registry](#), for example, provides registration information in unsearchable PDF formats, which makes it difficult and time consuming to view and analyze all lobbying information in one place.

In the United States House of Representatives, lobbying disclosure information is available for download in [XML and CSV](#), both of which are open, machine readable formats. In Canada, the Office of the Commissioner of Lobbying made the Registry of Lobbyists available in [CSV datasets](#) in 2013 and released a data dictionary with field descriptions. It is updated monthly. The US city of Chicago, on the other hand, publishes its lobbying data in [sortable and downloadable lists](#). The interface allows users to choose the format for their data download, meaning the public has a variety of options for analyzing and interfacing with lobbying data.

10. Unique Identifiers

Unique identifiers should be assigned to all registered lobbyists and organizations. Using identifiers that can be recognized in a global context is highly recommended.

Explanation and examples: Assigning [unique identifiers](#) to lobbyists and lobbying organizations increases the accuracy of the associated data and makes it easier to use lobbying information. Universal identifiers, such as the company numbers from [OpenCorporates](#), enable linking datasets across jurisdictions. For lobbying disclosure to be meaningful, it should be simple to track the activities of a lobbyist and turn this data into a narrative of all the lobbying activities.

In many cases, businesses and other organizations have a unique identifier associated with them while individual lobbyists do not. [Australia's lobbyist registry](#) includes the Australian Business Number of each organization that lobbies, which acts as a unique identifier as each organization can be identified with this number. Individuals, though, do not have these unique identifiers in the Australian registry.

The European Parliament and the European Commission, who operate an [interinstitutional registry](#), provide the best example here. Each registrant -- both individuals and organizations -- are given a [unique registration number](#). This number can be used to [search the database](#) for all information related to the individual or organization.

IV. ENFORCEMENT AND OVERSIGHT

11. Independent Oversight Body

Lobbying disclosure, reporting, registration, and publication of information should be overseen by an independent government entity.

Explanation and examples: To be effective, the government entity responsible for collecting and publishing lobbying information must be independent from the parliament or the executive branch. Independence helps prevent actual or perceived conflicts of interest, ensure the integrity of lobbying regulation and keep such laws from being abused by those in power. In Canada, the [Commissioner of Lobbying](#) is responsible for providing a public registry of all disclosed lobbying information and ensuring compliance with both the [Lobbying Act](#) and the [Lobbyists' Code of Conduct](#). The Commissioner is appointed after consultation with the leader of every recognized party in both the Senate and the House of Commons.

In [Israel](#), a committee chaired by the Speaker of the Knesset and two deputies is responsible for reviewing all lobbying information. In [Taiwan](#), each government entity that is a target of lobbying activities is responsible for overseeing the registration and disclosure process. If the parliament or a lobbied government agency is responsible for overseeing lobbying disclosure, perceived or actual conflicts of interest may easily prevent effective oversight.

12. Data Checking and Random Audits

To ensure that lobbying data is accurate and complete, an independent government entity with strong investigative powers should be responsible for checking and randomly auditing the data.

Explanation and examples: For lobbying disclosure to be meaningful, data checking and random audits should be used to ensure reports are complete and accurate. A well-designed electronic reporting system leaves no space for leaving entire sessions blank, however the accuracy and completeness of information need to be checked manually.

In [Slovenia](#), for example, the commission charged with overseeing lobbying disclosure must verify that all reports contain the necessary information. The agency also has the power to perform audits of lobbying information and to investigate individual lobbyists. It's unclear if the commission has the resources to exercise the power to audit or require corrections.

In some cases, the government entity that oversees lobbying registration and disclosure has the right to conduct investigations and audits, but it is not mandated to do so. For example, our research shows that the [Lithuanian lobbying law](#) states that the Chief Institutional Ethics Commission *shall* have the right to inspect reports. Oversight bodies should be statutorily required to conduct investigations into potential noncompliance and audit data regularly.

13. Sanctions

To ensure compliance with lobbying disclosure rules or legislation, sanctions must be used to penalize individuals or organizations that fail to comply.

Explanation and examples: A range of sanctions can enforce lobbying disclosure. Some countries, such as [Canada](#) and the [United States](#) employ both civil penalties and criminal penalties. Most countries, according to our research, employ only civil penalties and fines to enforce lobbying disclosure. [Taiwan](#) and [Poland](#) both call for modest financial penalties for noncompliance. Lithuania's [Law on Lobbying Activity](#) states that the government can suspend the lobbying activities of individuals or organizations who fail to comply.

Disclosing the names of violators is another essential component of effective enforcement. Most countries, however, do not have a clear statutory requirement to disclose the names of violators. In [Canada](#), the Commissioner may make public the nature of the offence and the name of the person who committed it. Oversight bodies should always be required to disclose the names of all individuals or organizations found to have violated lobbying rules or regulations.

14. Public Oversight and Whistleblower Provisions

Governments should establish, publicize, and operate a mechanism for the public to report suspected noncompliance with lobbying disclosure regulations.

Explanation and examples: The public has a very important and valuable watchdog role by monitoring and reporting suspected inaccuracies and noncompliance. To encourage and institutionalize contribution from citizens, governments should maintain a system for receiving and processing public complaints about suspected noncompliance. At the same time, strong whistleblower provisions should be enacted to protect individuals who identify noncompliance with lobbying disclosure laws.