Transparency and Open Government: Reporting on the Disclosure of Information

Victoria L. Lemieux¹, Stephanie E. Trapnell², Jessie Worker³, and Carole Excell⁴

¹World Bank, Washington, DC and University of British Columbia, Vancouver, Canada, vlemieux@mail.ubc.ca
²George Mason University, strapnel@masonlive.gmu.edu
³World Resources Institute, Washington, DC, jworker@wri.org
⁴World Resources Institute, Washington, DC, cexcel@wri.org

Abstract: This paper provides a summary of data about requests, complaints and appeals published by central reporting bodies in eight countries. It examines available data from the most recent year of aggregated data—ranging between 2011 and 2013. It assessed these statistics for Brazil, India, Jordan, Mexico, South Africa, Thailand, The United Kingdom, and the United States. Through this assessment it provides trends in how countries are collecting and publishing these data and finds that practices are far from standardized and data are often unavailable or incomplete.

Keywords: Right to information, Freedom of Information, Access to Information, Transparency

Acknowledgements: The authors would like to gratefully acknowledge the financial assistance of the Nordic Trust Fund, which has enabled this study to be undertaken.

1. Introduction

Laws giving individuals a right to access information held by public bodies, commonly referred to as the right to information (RTI), but also known as freedom of information (FOI) or access to information (ATI) laws, are now in force in 100 countries globally (Centre for Law and Democracy, 2014). RTI is a facet of government transparency, or open government compelling all public officials to consider their roles as caretakers of information, rather than owners (Dror, 1999; Hood 2006). Originally a civil and political right, enabling citizens to exercise other rights, RTI now has come to be recognized as a human right under international law (McDonagh, 2013). A desire for more efficient service delivery; growing demands for participatory governance; globalization; and introduction of new information technologies have all contributed to the spread of RTI laws and other transparency mechanisms. Political dynamics within countries also have played an important role, along with international pressure and strong civil society campaigns (Mendel, 2014).

In part, this popularity reflects the demand for information about how governments work, what governments do, and what those governments know about their citizens. The right to information (RTI) can challenge government secrecy and abuse of power by addressing information
asymmetries between government and citizens. Information requesting procedures and proactive disclosure mechanisms make information available to the public about government operations that are (or at least should be) relevant to the interests of citizens. This information access is often facilitated by technology. On the demand side, requests are submitted through online forms and email. On the supply side, governments increasingly proactively release data sets on government websites. While proactive disclosure and open data are high profile examples of government commitment to openness to the private sector, responsive disclosure (i.e., disclosure that is requested under RTI laws) remains of paramount importance for democratic accountability purposes. This is true not only to support access to information that governments may not disclose proactively, but also because the administrative mechanisms established to enable responsive disclosure are also critical to support effective proactive disclosure (e.g., establishment of oversight bodies to check compliance, provision of guidance on what can be disclosed, etc.) (Cambridge Economic Policy Associates & PDG, 2014).

In order to better understand the performance of RTI laws, shortcomings of the legal framework, and to determine areas for improvement, it is important to look at the data on requests, complaints and appeals on responsive disclosure. This paper provides a summary of data about requests, complaints and appeals published by central reporting bodies in eight countries. Forming part of a larger study for the World Bank on the implementation of right to information (RTI) laws, it examines available RTI data for Brazil, India, Jordan, Mexico, South Africa, Thailand, The United Kingdom, and the United States relating to requests, complaints and appeals at the national level from the most recent year of aggregated data—ranging between 2011 and 2013. Through this assessment it provides trends in how countries are collecting and publishing these data.

A similar study of proactive disclosure is also needed, but outside the scope of this paper. We note, however, that the Transparency in Governance section of the OECD Government at a Glance survey of member governments is one of the few attempts to collect data on the extent of proactive disclosure (OECD 2011). But much of its data is concerned with the location of access, rather than the regularity of updates or relevance to demand. Open data assessment and evaluation of government web portals are two separate lines of inquiry that capture partial data on proactive disclosure, but the results are not geared towards establishing links to RTI implementation process (Open Data Barometer 2013, Open Data Index 2013, Luna et al 2013, Holzer and Manoharan 2007).

2. Relevant literature and studies

There have been several cross-country studies and also country-specific research on the responsiveness of governments to information requests (Worthy et al. 2011; Hazell et al.2010; Open Society Justice Initiative 2006; RTI Assessment & Analysis Group 2009; Global Integrity Report 2004-2011). These studies employ a variety of methodologies, including case studies and local expert assessments with scoring criteria, which may involve interviews and desk research of policy reports, media articles, and other sources of information. There has also been compliance or field testing by civil society organizations and donors to determine the costs, timing, and quality of responses from different ministries and government agencies. However, the costs of large-scale cross-country compliance testing are considerable.

An additional source of Information about the degree of government responsiveness to demand for information is the tracking/reporting data that agencies collect on their own RTI implementation processes. This data can be understood as an indicator of the performance or
compliance of agencies in meeting their mandate for disclosure. In an outcome framework that focuses on accountability and development, three types of outcomes can be envisioned, with responsiveness as a first-degree outcome. Categories of first, second, and third-degree are not necessarily about timing or sequencing, but rather, are intended to reflect the degree of contribution from an RTI implementation process to outcomes.

In this context, first-degree outcomes refer to the outputs of the RTI system, and can be expressed as data on how well the system is meeting its mandate to disclose information, e.g. how responsive is the agency to the demand for information? This includes the rate, quality, and timeliness of responses, as well as the amount, relevance, and regularity of proactively disclosed information. Second-degree outcomes are about information usage for accountability purposes, i.e., strategic use of RTI to hold government or public officials responsible for their actions and improve operational efficiency. These outcomes answer questions about the extent to which information is being used to hold government to account. Third-degree outcomes include the institutionalization of information access (disclosure as business-as-usual) and development outcomes. Both second and third-degree outcomes are often longer-term, requiring much more than mere disclosure of information to facilitate positive results. In effect, these outcomes represent a closure of the distance between governments and citizens that give rise to the information asymmetries that RTI in more traditional forms was designed to overcome.

This paper focuses on responsive disclosure in first-degree outcomes, as both a parallel effort to open data movements supporting open and accountable government, as well as a signal of government commitment and capacity to disclose information and open government.

3. Methodology

3.1 Sampling

This study entailed collecting statistics from a sample of eight countries. The countries included in the sample were chosen on the basis of obtaining a distribution of regional representation, age of the RTI law in the country, and GDP.

3.2 Data collection

The statistics were gathered and compiled by project investigators, who also authored country case studies in some instances. Data were obtained from the designated central body that collects this information, in most cases the national oversight body (e.g., Auditor General) and in some countries the national agency for oversight of RTI (e.g., Office of the Information Commissioner) but did not include subnational request data. Data collection methods included using web portals to directly download data and extracting data from the most recent annual reports.

Categories of data gathered for this study included:

- Basic overview data, including date of most recent annual report or data collection;

---

1 The investigators were based in the countries for which they gathered data and, as such, were fluent in the local language and familiar with the context of the data.
• Request and response data, including total annual requests at national level, and responses by type;\(^2\)
• Timeliness of response;
• Requester profile information, including type of requestor (individual, NGO, media, etc.)
• Most requested information types;
• Exemption data, including total refusals and exemptions most often invoked to deny disclosure of data;
• Data on appeals, including total numbers, reasons for appeal, and responses;
• Sanctions data, including the number of personnel or agencies receiving sanctions for failure to release information, for destroying information, or for inappropriate release of information; and
• The number of complaints registered.\(^3\)

3.3 Limitations and Constraints of the Data

For the purposes of cross-country comparison, this study relies on data from the most recent collection period, which is not the same for each country but ranges from 2011 to 2013. Following data gathering, descriptive statistical methods were used to analyze the data in order to form a cross-comparative picture of RTI requests, complaints and appeals in the sample countries.

Although individual public authorities in the sample countries must submit annual reports that detail what efforts they have made to implement the law and how they have responded to information requests received, the types of statistics that are available depend upon a variety of factors. These include the specificity of the national legal requirements, the performance monitoring system of each agency (and possibly the records management capacity), and the ability of the oversight agency to compel agencies to collect real-time data. In addition, the number and type of agencies that are required to report data is not the same across countries. Some countries may require hundreds of agencies to report, while other countries require less than fifty. Thus, cross-country comparison of data about requests and appeals across countries has limitations.

4. Findings

4.1 Oversight and Monitoring

The legal responsibility for overseeing compliance with the RTI laws is, in the countries studied, mandated to an existing agency (South Africa, Brazil), an Information Commissioner/Commission (Jordan, United Kingdom, Mexico, India, Thailand), or an Ombudsperson (US Office of

\(^2\) While “requests per capita” is sometimes used as a metric to evaluate overall use, its value as an indicator is questionable. First, countries have different standards for what constitutes a request. The U.S., for instance, counts requests for one’s own personal data as an information request, while other countries do not. Additionally, these numbers do not include subnational requests in federal states, which can (in the case of India for instance) far outnumber national requests. The types of agencies that must report also varies across countries, making the pool of reporting bodies not comparable.

\(^3\) Appeals are formal requests to a higher authority for a reversal of an official decision. Complaints, on the other hand, are filed for a variety of reasons that require no legal basis, including lack of assistance with filing requests, lack of a designated information officer, denying a fee waiver, destroying a record which had been requested, lack of communication about the status of a request, etc.
Government Information Services). However, in two countries – the UK and the US – the collection of data about requests and appeals has been delegated to a nodal agency\(^4\) rather than the oversight body. The quantity of data collected does not correlate with the length of time that the law has been enacted. The United States (1966) and Thailand (1997) have the two oldest laws of the eight countries but reported less detailed data than Mexico (2003) and Brazil (2011). The following oversight bodies in the eight countries provided aggregated data through annual reports or online portals, as shown in Table 1.

**Table 1: Summary of Available Data**

<table>
<thead>
<tr>
<th>Country</th>
<th>Year of Law</th>
<th>Central reporting body</th>
<th>Volume &amp; responses to requests</th>
<th>Agencies receiving most requests</th>
<th>Most frequently invoked exemptions to deny disclosure</th>
<th>Appeals</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil(^5)</td>
<td>2011</td>
<td>Office of Comptroller General</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>India(^6)</td>
<td>2005</td>
<td>Central Information Commission</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Jordan(^7)</td>
<td>2007</td>
<td>Information Commissioner and Information Council</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>Mexico</td>
<td>2002</td>
<td>Federal Institute on Access to Information (IFAI)</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>South Africa</td>
<td>2000</td>
<td>South Africa Human Rights Commission</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Thailand</td>
<td>1997</td>
<td>Official Information Commission</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>N/A</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>2000</td>
<td>Ministry of Justice</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>1966</td>
<td>Office of Information Policy</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Note: “N/A” refers to “not applicable” because of the lack of a statutory requirement for that oversight function. A blank cell indicates that the data were not made available online by the oversight body.

---

\(^4\) Nodal agency refers to a unit or office set up with the executive branch of government to oversee coordinate and oversee implementation of an RTI law.


\(^7\) In Jordan, the reports are not made public. This report relies on copies of the 2012 and 2013 reports that were provided to our researchers on an informal basis.
4.2 Volume of Requests and Rate of Responses

The number of requests received by agencies and the rates of response constitute basic information about requests. Laws often require that public agencies, or an oversight body, report specific statistics at least once per year. These reports often contain data about:

1. Total number of requests
2. Percent granted in full
3. Percent granted in part (or alternatively, refused in part)
4. Percent refused on exemptions
5. Percent refused for non-exemption reasons (with as much detail as possible)
6. Percent outstanding (this may include requests in which the agency has sought clarification from the requester)

Table 2: Request Volume Overview

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of national requests (year)</th>
<th>Number of agencies reporting</th>
<th>Requests per capita</th>
<th>Requests outstanding/backlog</th>
<th>% Outstanding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>86,661 (2013)</td>
<td>285</td>
<td>0.04%</td>
<td>618</td>
<td>0.7%</td>
</tr>
<tr>
<td>India</td>
<td>655,572&lt;sup&gt;10&lt;/sup&gt; (April, 2011 – March, 2012)</td>
<td>66</td>
<td>0.05%</td>
<td>430,425</td>
<td>65.6%</td>
</tr>
<tr>
<td>Jordan</td>
<td>2286 (2013)</td>
<td>15</td>
<td>0.04%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Mexico</td>
<td>142,766 (2013)&lt;sup&gt;11&lt;/sup&gt;</td>
<td>247</td>
<td>0.12%</td>
<td>11,193</td>
<td>7.8%</td>
</tr>
<tr>
<td>South Africa</td>
<td>23,380 (2012-2013)</td>
<td>108</td>
<td>0.05%</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Thailand</td>
<td>N/A&lt;sup&gt;12&lt;/sup&gt;</td>
<td>276</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>49,464&lt;sup&gt;13&lt;/sup&gt; (2012)</td>
<td>41</td>
<td>0.08%</td>
<td>757</td>
<td>1.5%</td>
</tr>
<tr>
<td>United States</td>
<td>776,184&lt;sup&gt;14&lt;/sup&gt; (2013)</td>
<td>99</td>
<td>0.22%</td>
<td>95,564</td>
<td>12%</td>
</tr>
</tbody>
</table>

As shown in Table 1, Thailand stands out in this sample for not making these basic data publicly available. Brazil, Mexico, the United States and the United Kingdom contained the greatest categories of data across the most available years. Jordan was the most likely to grant an information request in full, followed by South Africa and Brazil. However, Jordan’s reporting only

---

<sup>8</sup> Requests per capita: total requests divided by population. Population data based on: http://data.worldbank.org/indicator/SP.POP.TOTL. The percentage represents the percentage of the population that has made a request under the RTI law.

<sup>9</sup> This number refers to the percent of outstanding requests based on the total number of requests as indicated in column 2.

<sup>10</sup> This number includes backlogged requests from previous years.


<sup>12</sup> Note: N/A stands for “Not Available”. In the case of Thailand, data are collected, but OIC does not produce national statistics for public disclosure, other than for appeals and complaints.

<sup>13</sup> Not listed: 26% of the total requests were deemed unresolvable.

<sup>14</sup> While 704,394 requests were received in FY13, 71,790 were outstanding from the previous year when the year began.
covers 15 agencies when civil society activists estimate the number of public agencies to be over 120 (Meknassi, 2014). Furthermore, a large proportion of all of Jordan’s requests were addressed to the Department of Statistics and may not be formal requests under the RTI law (Meknassi, 2014).\(^{15}\) India and the United States received the most requests and also had the largest backlog of outstanding requests—due not only to the size of their populations but also to high requesting rates. It is important to note that multiple requests may be made by single individuals—unique requestors were not tracked in any of the countries summarized here.

### 4.3 Country Findings

In this section, we present an overview of key findings.

**Brazil**’s 2011 law began collecting data in May of 2012. Nearly eighteen percent (18%) of requests were refused or unresolved for non-exemption related reasons, including because the information did not exist, the request was incomprehensible, or duplicative requests, among other reasons.\(^{16}\)

Since the passage of RTI legislation in 2005, **India**’s volume of requests has increased from 24,436 in 2005-2006 to 655,572 in 2011-2012.\(^{17}\)

**Jordan**’s 2007 law only began reporting data about requests and appeals in 2011-2012. There were no data on why the requests were refused.

**Mexico** has consistently collected request data since the law was passed in 2002. Since 2008, the number of requests has increased 35% overall (from 105,250). In 2013, 15.5% of requests were refused for non-exemption reasons\(^{18}\) and 3.7% were refused on exemption.

**South Africa**’s request numbers stand out because of the high degree of variability in reporting from year to year. In 2012, 185 agencies reported requests, while in 2013, only 108 reported, likely contributing to a 38% drop in reported requests. However, in 2009, with only 104 agencies reporting, the number of requests (24,786) was still marginally higher than 2013 (23,380). In 2013, 85.5% were granted in full, and of those, 3.4% were granted “in the public interest”. Only 1.7% were listed as fully refused, however the rest (12.2%) are not accounted for in the statistics.

Of those granted, 3.3% required a time extension. South Africa’s requests per capita stood at 0.05%. **Thailand**’s oversight agency did not provide online data on requests at the time of research. The only nationally-aggregated data made available by the OIC were on complaints and appeals.\(^{19}\)

In the **United Kingdom**, thirty percent of requests were refused because the information was not available, due to cost prohibition, duplicate requests, or other reasons not covered under exemptions. Exemptions caused refusals 14.3% of the time, as noted in Table 3.

**The United States** began FY13 with a backlog of 71,790 requests and reported 704,394 requests across 99 agencies in FY13, making a potential request total of 776,184. However, according to the FOIA.gov online portal, only 678,391 requests were processed in FY13.\(^{20}\) A backlog of 95,564 was

---

\(^{15}\) Civil society groups have, for example, questioned whether the Department of Statistics requests really are RTI requests, as they are not made with formal request forms.

\(^{16}\) Also included: decisions which were still being made, “unreasonable requests”, requests which were not actually requests or requests to the wrong agencies. (Note: it is unclear if these requests were transferred.)

\(^{17}\) India Central Information Commission (Note: most recent annual report from 2012). These numbers, which just include centralized data from the national government, do not represent subnational requests, which as previous studies have shown, constitute a far greater number.

\(^{18}\) These included lack of payment or response from applicants (14,074), information which does not exist (5,413), or the category “no proceedings will be taken on request” (848).

\(^{19}\) Thailand Office of the Official Information Commission; http://www.oic.go.th/content_eng/stat.htm

\(^{20}\) Disposition report, 2013; All agencies. www.foia.gov/data.html
reported at the end of FY13, leaving 2,229 with unidentified outcomes. As summarized in Table 3, of those processed, 35% were granted in full and 30% granted in part. While 6.1% were refused for exemption reasons, 28.9% were refused for non-exemption reasons, were deemed unresolvable, were duplicate requests, or were withdrawn. While there is a 20-day deadline to respond to requests by law, the average response times for simple, expedited and complex requests exceeded that deadline by two to sixty-two days.

Table 3: Disposition (Response) to processed requests

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of processed requests (year)</th>
<th>Granted in full (%)</th>
<th>Granted in part (%)</th>
<th>Refused on exemption (%)</th>
<th>Unresolved/refused for other reasons</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>85,705</td>
<td>71.6%</td>
<td>4.0%</td>
<td>6.4%</td>
<td>18%</td>
<td>0</td>
</tr>
<tr>
<td>India</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Jordan</td>
<td>2,286</td>
<td>95.6%</td>
<td>0</td>
<td>Not specified – 4.4% refused in total</td>
<td>Not specified – 4.4% refused in total</td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>131,573</td>
<td>71.7%</td>
<td>0</td>
<td>3.7%</td>
<td>15.5%</td>
<td>9.1% (transferred)</td>
</tr>
<tr>
<td>South Africa26</td>
<td>23,380</td>
<td>85.5%27</td>
<td>0.5%</td>
<td>Not specified – 1.8% refused in total</td>
<td>Not specified – 1.8% refused in total</td>
<td>12.2%</td>
</tr>
<tr>
<td>Thailand</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>48,707</td>
<td>43.6%</td>
<td>11.7%</td>
<td>14.3%</td>
<td>30.4%</td>
<td></td>
</tr>
<tr>
<td>United States</td>
<td>678,391</td>
<td>35%</td>
<td>30%</td>
<td>6.1%</td>
<td>28.9%</td>
<td></td>
</tr>
</tbody>
</table>

4.4 Use of Exemptions

Every RTI law has a set of exemptions that withhold certain types of information from disclosure. Most countries have exemptions for commercial secrets and national security. Other frequent exemptions include privacy, exemptions related to investigations or law enforcement, and information covered by legal privilege. To support the right to information, it is critical that the law defines exemptions narrowly. Procedures may also include harm tests to prove that disclosure will create harm, severance clauses, and clear explanations concerning the legal grounds on which the information is being refused. Even better is to have a provision to balance the public

---

21 Non-exemption refusals include lack of records, improper FOIA requests, duplicate requests, and records held at other agencies. Notably, 10,288 requests were withdrawn (1.5%).
23 (Total requests)-(Outstanding requests), as summarized in Table 2.
24 Only refusals and transfers are reported in the annual report, making it difficult to ascertain how many were granted and outstanding. “Unidentified” refers to those requests in India which have not been refused or transferred, but have not been identified as granted.
25 While the CIC annual report indicates how many exemptions were invoked in total, it is unclear how many refusals were due to exemptions since multiple exemptions could be invoked in one refusal.
26 An additional 12.2% of South Africa’s requests had unidentified dispositions.
27 Of this, 3.4% were granted on public interest grounds.
28 “Exceptions” and “exemptions” are used synonymously in the literature
interest against the importance of the interest protected by the exception, particularly in cases where public security, health, and the environment may be affected.

Figure 1: Request Volume and Responses (2012-2013), by Percentage – Treemap View

Exemption statistics enable an oversight body to better understand, at the very least, how frequently different exemptions are being invoked, and ideally, the types of requests that are triggering exemptions. Only four of the eight countries provided nationally aggregated data on the exemptions used. Of those, the most commonly invoked were: privacy, classified information, national security, and finances, which can include commercial confidentiality or management of the economy. Exemption statistics, when provided, typically describe how many times an exemption has been cited, not how many refusals were due to any particular exemption. Multiple exemptions may be cited in one refusal, and exemptions may be cited, but be overruled by public interest tests.

4.5 Appeals and Sanctions

The availability of appeals systems and ways in which requesters can appeal refusals to grant information vary by country. In addition to the challenges posed by different levels and types of appeals, the statistics on appeals often aggregate appeals numbers and offer little explanation as to the basis for an appeal and how it was resolved. Brazil stood out for having the most disaggregated and detailed data on appeals, including the reasons for the appeals, response time, and numbers disaggregated at the monthly level. Due to the high level of variance in data reported by the countries in the sample, it is difficult to draw conclusions based on the available information.

The availability of sanctions for serious failures to comply with the law, whether by individuals or public authorities as corporate entities, has the potential to improve implementation. As shown in Table 4, most RTI laws provide for some sort of sanctions, but experience suggests that sanctions are very rarely imposed in practice (Susman et al. 2012). Of the eight countries, sanctions of one sort or another are provided for in Brazil, India, Mexico, South Africa, and the United States, but
only India reported any sanctions in the most recent year of data. Significantly, and unlike in most countries, in India the oversight body can apply sanctions directly, without needing to go to court.

Table 4: Sanctions Provided in Law

<table>
<thead>
<tr>
<th>Country</th>
<th>Sanctions provided in law</th>
<th>Scope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>Yes</td>
<td>Public agent or military&lt;sup&gt;29&lt;/sup&gt;</td>
</tr>
<tr>
<td>India</td>
<td>Yes</td>
<td>Public officials&lt;sup&gt;30&lt;/sup&gt;</td>
</tr>
<tr>
<td>Jordan</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>Yes</td>
<td>Public officials</td>
</tr>
<tr>
<td>South Africa</td>
<td>Yes</td>
<td>Public officials&lt;sup&gt;31&lt;/sup&gt;</td>
</tr>
<tr>
<td>Thailand</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Yes</td>
<td>Public Authorities and public officials&lt;sup&gt;32&lt;/sup&gt;</td>
</tr>
<tr>
<td>United States</td>
<td>Yes</td>
<td>Public Official or employee</td>
</tr>
</tbody>
</table>

5. Discussion

The data about requests and appeals presented in this paper demonstrates that the state of data collection and reporting on the operation of the responsive provisions of RTI laws is far from complete or standard across the eight countries in the sample. In most cases it was impossible to ascertain whether the data collected by central agencies were comprehensive—including all of the government agencies that fall within the scope of the law—as this information is not made available in reports or online (e.g. Thailand and Jordan). Brazil provides the most detailed data including tables and charts for comparison, information regarding appeals, their nature, and their resolution. Thailand and Jordan had the least data collected across all the areas assessed.

While nearly all countries, with the exception of Thailand, made data available on the volume of national requests and the rate of responses, either in an annual report or via an online portal, data on the use of exemptions was less prevalent, as were the reasons for appeals, or how they were resolved. Data about requests and appeals were not available readily online for multiple years and discrete statistics on, for example, the type of agency which received the most requests per year, were not reported consistently in most countries. Data on the type of information requested were almost always aggregated at the agency or Ministry level, with Mexico and to a lesser extent Brazil also providing information about the type of information requested.

The length of time since the law has been passed mattered less than the strength of the legal provisions regarding reporting on requests and appeals. The United States and Thailand have the oldest laws, but lagged behind Brazil in regard to the availability of data in several categories. New databases and the development of online portals are a positive improvement in the collection of statistics, and the Brazilian government’s achievement in such a short time is noteworthy.

Other significant findings include:

<sup>29</sup> Brazil Law 12,527 on Access to Information; 2011.
<sup>30</sup> India Right to Information Act, 2005.
<sup>31</sup> South Africa Protection of Personal Information Act, 2013. But note that the oversight agency does not have sanctioning authority.
• Thailand does not have legal requirements to provide specific statistics to its oversight body;

• India’s RTI system does not provide data on response rates, but is the only country to record sanctions taken against individuals who failed to provide information;

• The United States was the least likely to grant an information request in full, and Jordan (with a very small sample size) was the most likely;

• Requesters who were refused in Mexico, Brazil and India were much more likely to appeal their refusals, possibly indicating a better functioning or more accessible appeals mechanism than in the other countries; and

• Brazil’s collection of reasons for appeal was particularly illuminating as it may also be used to highlight areas where exemptions are being misused. Greater transparency around exemption use and appeals may also help improve awareness about the importance of RTI laws and build public trust in using the law.

Issues with missing data, data quality and reliability of government administrative systems, and the small size of samples, make use of RTI reporting data problematic for assessing the effectiveness of RTI laws. Nevertheless, given the continued importance of responsive modes of disclosure and the significance of effective RTI operation as a framework within which other modalities of transparency, such as open data, can function, exploration of data on RTI requests and appeals, even with limitations, provides a good starting point for better understanding what drives effective operation of RTI laws. As an increasing number of RTI laws include proactive disclosure provisions and, as a result, there is a need to supplement data on responsive disclosure with statistics on proactive disclosure in order to gain a holistic picture of the operation of a transparency ecosystem within a particular country context. In addition, statistics do not tell the full story: all data about the RTI system benefits from gathering more contextual data through analyses that capture the social, political and economic realities within which RTI systems operate.

6. Conclusion

Timely, clearer, and better quality data on the operation of RTI systems would support better understanding of the performance of RTI laws, shortcomings of the legal framework, and areas for improvement. Moreover, if the right to information is to form a key component of post-2015 Millenium Development Goals, good data on the performance of RTI systems will be essential. Such data can also reveal information about high-performing agencies, which generates positive incentives for better performance (as evidenced by the work of the La Alianza Regional por la Libre Expresión e Información in Latin America (Fundar, 2014)), while poor performance can be identified and addressed. Reporting of performance data by oversight bodies is also crucial to the principle of openness, especially in cases where the oversight body is autonomous. Access to the performance statistics of various agencies can not only encourage civil society organizations to analyze and disseminate findings, but can also facilitate collaborative engagement with government over possibilities for improvement or scale-up.

33For example, in countries such as India for which there is no data on responsiveness, further investigation is needed to determine how well the law is operating and if governments are making information available as intended.
Unevenness of reporting in the countries suggests that a global discussion on RTI reporting standards could be worthwhile and serve as a basis for more effective monitoring and implementation of RTI laws within countries, in addition to facilitating the sharing of data on experiences between countries.

References


### About the Authors

**Victoria L. Lemieux**
Victoria L. Lemieux is a Senior Public Sector Specialist at the World Bank focusing on transparency and information management and an Associate Professor of Archival Studies at the University of British Columbia in Vancouver, Canada.

**Stephanie E. Trapnell**
Stephanie E. Trapnell is pursuing a PhD in sociology at George Mason University. Her preliminary dissertation research centers on information flows and networks of influence in right to information and open data regimes.

**Jessie Worker**
Jessie Worker is an Associate with The Access Initiative of the World Resources Institute. His work currently includes helping to improve institutions governing climate change adaptation efforts.

**Carole Excell**
Carole Excell is the Project Director, The Access Initiative at the World Resources Institute working on access to Information, public participation and access to justice issues around the world. Previously she was the Coordinator for the Freedom of Information Unit of the Cayman Islands Government in charge of ensuring the development and effective implementation of the Cayman Islands Freedom of Information Law.