

Road to 2030: Access to Information in the Driver's Seat

Spotlight report on the state of public access to information in Canada, Indonesia, Mongolia, Pakistan, Serbia, Sierra Leone, South Africa, Tanzania, Tunisia, and Ukraine prepared for the 2019 cycle of the Voluntary National Reviews and the 2019 UN High-Level Political Forum

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Executive Summary

Public access to information (ATI) is an essential driver of sustainable development. Accurate facts and figures are needed to ensure education for all, to foster inclusive economic progress, and to better protect the environment. Any thriving democracy is built on well-informed, critical, and resilient citizens. Their ability to participate in, advocate for, and monitor peaceful and justly governed societies is facilitated by ATI. Without information, a better future for all is impossible.

As part of Sustainable Development Goal (SDG) 16, SDG Target 16.10 aims to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.” ATI refers to information held by public authorities that fosters transparency, governmental accountability, and participatory decision making. A first step in this regard is the adoption of laws enabling an open government, which have been enacted by a large majority of countries across the world. This is further monitored by SDG Indicator 16.10.2, which also tracks progress on ATI implementation.

Nevertheless, even after ATI laws have been adopted, their implementation remains a hurdle that is hard to surmount. This is mainly due to a persistent knowledge gap, where the right to information is unknown to both the broader public as well as the public institutions themselves. Even though ATI is a fundamental freedom of the wider public, it is often perceived as a right or tool specifically for journalists and media. In addition, this knowledge gap also manifests itself in a lack of data about ATI implementation.

In a joint project, Deutsche Welle Akademie, Free Press Unlimited, and the Global Forum for Media Development in consultation with the Centre for Law and Democracy and local partners advocated for SDG 16.10 and ATI in Indonesia, Mongolia, Pakistan, Serbia, and South Africa. The selection of these countries was based on their ATI legal framework and their intention to present a Voluntary National Review about their implementation of the 2030 Agenda at the 2019 UN High-Level Political Forum. The joint project aimed to highlight how open government supports not only the achievement of SDG 16 but also of the entire 2030 Agenda. In each country, the state of ATI was assessed through a methodology (developed by the Freedom of Information Advocates Network) and discussed in depth during consultative multi-stakeholder meetings. Similar assessments were made in Canada, Sierra Leone, Tanzania, Tunisia, and Ukraine.

This global spotlight report sheds light on the initiative and includes specific recommendations for each country as well as overall recommendations distilled from the outcomes of the meetings and the assessments. It aims to serve as a first concrete step in providing data on the implementation of ATI and in encouraging improvements in the near future.

Main recommendations include the following.

- Public authorities should proactively make information available.
- The establishment of a nodal agency as well as an oversight body on ATI, and the appointment as well as adequate training of public information officers in public institutions are very important. National information commissions or ATI oversight bodies need to be able to enforce effective penalties on those who violate national ATI legislation and/or deny or poorly process information requests.
- The designation of ATI as a priority at all levels of government followed by sufficient resources and commitment.
- Raising awareness in the broader public is crucial to achieving better ATI implementation. Independent media and investigative journalism play a vital role in this regard.
- Keeping track of granted and denied information requests allows for the identification of pressing needs and bottlenecks in the system and ATI implementation.
- Additional data collection on ATI implementation via robust and universally accepted methodologies is an integral part of closing the current knowledge gap.

List of abbreviations

ATI	Public Access to Information
CLD	Centre for Law and Democracy
CSO	Civil Society Organisation
DFO	Department of Fisheries and Oceans (Canada)
DW Akademie	Deutsche Welle Akademie
DWS	Department of Water and Sanitation (South Africa)
FOIANet	Freedom of Information Advocates Network
FPU	Free Press Unlimited
GFMD	Global Forum for Media Development
HLPF	UN High-Level Political Forum
ICT	Information and Communication Technology
INAI	l'Instance d'Accès à l'Information (National Authority on Access to Information, Tunisia)
KIP	Komisi Informasi Pusat (Central Information Commission, Indonesia)
LITRI	Law on Information Transparency and the Right to Information (Mongolia)
OAPI	On Access to Public Information law (Ukraine)
OGI	Open Government Indonesia
OGP	Open Government Partnership
PAIA	Promotion of Access to Information Act (South Africa)
PIO	Public Information Officer (Pakistan)
POPIA	Protection of Personal Information Act (South Africa)
PPID	Information Management and Documentation Officer (Indonesia)
RAI	Right to Access Information Law (Sierra Leone)
RAIC	Right to Access Information Commission (Sierra Leone)
RTI	Right to Information
SAHRC	South African Human Rights Commission
SDG	Sustainable Development Goal
TOR	Terms of Reference
VNR	Voluntary National Review

Introduction

In 2015, world leaders adopted the 2030 Agenda for Sustainable Development and its 17 SDGs to ensure a better future for all. As part of this universal initiative, SDG 16 promotes peaceful and inclusive societies that enshrine ATI. This fundamental freedom entails the right to access information held by public authorities; this empowers citizens and other stakeholders in their decision making and speaking truth to power. It allows them to participate in, advocate for, and monitor meaningful progress toward positive change and prosperity. With this understanding, ATI is not only a goal but also an important driver of the overall 2030 Agenda.

The importance of information

The profound effect of ATI on other sustainable development efforts and SDGs cannot be overstated. Accurate information is a prerequisite for the achievement of the whole 2030 Agenda. It provides the foundation for (development) policies, offers a means for diligent follow-up by citizens and stakeholders, and provides a solid basis for monitoring achievements. In this context, ATI also exhibits network effects, which implies that the more it is exercised, the stronger the positive impact it will have on society.¹ In the framework of the 2030 Agenda, ATI falls under SDG Target 16.10,² and its progress is tracked under SDG Indicator 16.10.2.³ Currently, 126 UN member states have enacted ATI laws, a first step toward a more inclusive society.⁴

However, implementation of these laws remains a challenge in many countries. There are numerous reasons for this including a lack of awareness about ATI among the public and public authorities alike. This knowledge gap also manifests itself on a broader scale: for the majority of countries, strengthening ATI is not a priority nor is it included in the national (development) agenda. Both state and nonstate actors often overlook ATI and its strong interconnection with successful development when planning development activities. In addition, the absence of solid

¹ Network effects or network externalities is a term utilised in economics that describes the effect of an additional user of a service or product on its overall value for others.

² SDG Target 16.10 states: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.”

³ SDG Indicator 16.10.2 states: “Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.”

⁴ More information can be found at <https://www.rti-rating.org/country-data/>.

methodologies to assess the key reasons for ATI implementation challenges significantly compounds the problem of measuring progress. As a result, those responsible in states for reporting on national implementation of the SDGs are unlikely to include solid information about SDG Target 16.10 and Indicator 16.10.2 in their VNR reports.

VNRs and the HLPF: SDGs under scrutiny

Each year in July, progress on the 2030 Agenda is reviewed at the HLPF. This brings together representatives from national governments, the UN, civil society, NGOs, and the private sector. Over eight days, the HLPF provides a platform for partnerships and exchange and an opportunity to review a cluster of several SDGs in depth. In 2019, SDG 16 was selected with five other SDGs as the main focus.⁵ An integral part of this review process is the VNR whereby individual UN member states volunteer to report on progress toward achieving the SDGs. VNRs aim to share experiences, strengthen policies and institutions of governments, and mobilize multi-stakeholder support toward further implementation of the 2030 Agenda. They are expected to show the steps taken by each country to implement the SDGs as well as assess progress and results on the ground.

To support this process, DW Akademie, FPU, and GFMD with the support of CLD and local partners organised national consultative multi-stakeholder meetings on the state of ATI in five countries that will submit VNRs to the 2019 HLPF.⁶ Prior to the meetings, an assessment of the implementation of ATI using the FOIANet methodology (see below) was gathered and analysed in each country. The FOIANet methodology was also applied in five other countries,⁷ which are as a result included in this report.

⁵ The six SDGs under review are: 4 (Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all), 8 (Promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all), 10 (Reduce inequality within and among countries), 13 (Take urgent action to combat climate change and its impacts), 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels) and 17 (Strengthen the means of implementation and revitalize the global partnership for sustainable development).

⁶ The countries are Indonesia, Mongolia, Pakistan, Serbia, and South Africa.

⁷ These countries are Canada, Sierra Leone, Tanzania, Tunisia, and Ukraine.

Improving ATI implementation

The principle of leaving no one behind is considered by the UN to be central to the realisation of the 2030 Agenda. In line with that idea, the aim of this report is to support assessment of progress toward achieving SDG Target 16.10 based on solid information including studies conducted by civil society actors. Moreover, the present findings aim to complement and be integrated into national VNRs. The inclusion of SDG Indicator 16.10.2 and ATI in the early VNR reporting process is crucial because it creates an official bottom line by which to assess progress.

The 2030 Agenda is dynamic and progress driven, and an official bottom line gives the opportunity to state actors to show significant progress over the years toward 2030. Even where current efforts to implement ATI are not perfect, states have an important opportunity to profoundly improve performance in this area over the coming 11 years to 2030. Furthermore, progress in this area can be expected to facilitate the achievement of other SDGs.

Compared to many other developmental challenges, the threshold to reinforce ATI in a country can be considered quite low. Transparency of public authorities can readily be improved by providing public information online, appointing public information officers in each public authority, and setting up a mechanism for handling information requests from citizens. SDG Indicator 16.10.2 is one of the few indicators that give developing countries an advantage over developed countries because it is easier for them to achieve progress and they often have laws in place to support implementation.

Purpose

One of the key elements of the 2030 Agenda is the inclusion of multiple stakeholders. The challenges it aims to overcome cannot be tackled by a single actor whether a national government or a CSO. With this understanding, the consultative multi-stakeholder meetings aimed to address the knowledge gap concerning ATI and to integrate evidence-based information in national VNRs. Meetings held in five countries during the first quarter of 2019 convened key stakeholders from the media, civil society, academia, and ATI oversight bodies as well as the national VNR focal points (where possible). The countries were chosen on the basis of their intention to submit a VNR, their freedom of expression and media development track record, and the presence of partners on the ground.

To drive the discussions, data on ATI implementation was collected via a research tool developed by FOIANet. The following overview provides insight into the gathered results in the five countries where meetings took place as well as five other countries where data was gathered, each concluding with specific recommendations to bolster ATI.

Methodology

FOIANet has prepared a methodology to help civil society organisations assess the extent to which states have implemented SDG Target 16.10 and in particular SDG Indicator 16.10.2.⁸ Its focus is on states with ATI laws, and it assesses how well they are implementing these laws. The methodology aims to be easily applicable and utilises an independent testing approach (i.e., to be applied by CSOs).

The methodology is based on an assessment of the performance of individual public authorities as the main duty holders under ATI laws. As it is not possible to assess the ATI performance of every public authority, the methodology limits itself to a maximum of ten public institutions per application. Stakeholders implementing the methodology are encouraged to choose from a diverse spectrum of public authorities to measure a cross section of performance.

The methodology reviews three substantive areas:

1. the extent to which public authorities are proactively disclosing information,
2. the extent to which institutional measures have been put in place to assist with implementation, and
3. the extent to which requests for information are being responded to properly.

The first two areas are evaluated through a predetermined set of questions by which data is collected via desk research and if needed on-site visits. The third area evaluates the actual implementation of ATI laws and regulations via the submission of testing requests for information and tracking their progress.

The gathered data is analysed and interpreted through a three-point grade of red, yellow, or green, per area in general, for each public authority separately, and overall for the country. This allows for some comparison between the assessed authorities as well as an indication of how well SDG Indicator 16.10.2 has been implemented in the country. Given its limited scope, gathered data does not constitute a full assessment of a country's ATI performance. In addition, one needs to be careful when comparing results between countries due to the random selection of public authorities and the absence of a fully standardised approach to evaluating results. Nevertheless,

⁸ The methodology is available at http://foiadvocates.net/?page_id=11036.

the methodology provides useful insight into the implementation of ATI laws in countries, and policymakers and other relevant stakeholders should take stock of its findings. It also supports the creation of a baseline on which further assessments can be built. Consequently, the following country assessments can serve as the foundation for future endeavours in this regard.

The methodology was applied in the following countries in 2019: Canada, Indonesia, Mongolia, Pakistan, Serbia, Sierra Leone, South Africa, Tanzania, Tunisia, and Ukraine.

Countries

Canada

Conducted by the Centre for Law and Democracy—CLD

(Data results available in Annex 1)

Background

This assessment showed that Canada is generally performing well in meeting the standards set by its ATI law, the Access to Information Act. It shows that public authorities generally respond quickly and appropriately to requests and do not charge unreasonable fees. Most of the nine public authorities that were assessed performed well, and overall, Canada received a green score despite the presence of two outliers among its public authorities.

However, Canada's Access to Information Act has not been updated significantly since it was adopted in 1983, and it is now seriously outdated and lagging well behind better practices in other countries. Canada's lax timelines, the requirement to pay a fee simply to lodge a request, the failure of public authorities to apply a proper public-interest override, the blanket exclusion of a large number of public authorities, and an unduly broad and discretionary regime of exceptions all contravene international standards on ATI. As a result, Canada's overall strong performance on this assessment is less significant than it would be if Canada had a stronger ATI law.

Application

The following public authorities were assessed.

- 1) Canadian Heritage
- 2) Canada Post
- 3) CBC/Radio-Canada
- 4) Department of Finance
- 5) Department of Fisheries and Oceans (DFO)
- 6) Department of Justice
- 7) Economic and Social Development Canada
- 8) Military Grievances External Review Committee
- 9) Statistics Canada

Overall Analysis

The results show that public authorities in Canada are generally performing well in terms of implementing its ATI law. Seven out of the nine public authorities assessed received a final green grade while the other two got high yellow grades. Five of the authorities received a green grade on each of the three assessment areas, and two of these—Canadian Heritage and the Department of Finance—received perfect scores in two assessment areas while two others—the Department of Justice and Economic and Social Development Canada—received very high scores. Only one authority—the Department of Fisheries and Oceans—got a red grade in any assessment area.

The overall results obscure several notable details. The DFO failed to respond to both of the requests for information we sent to it and obtained a red grade for each though it received a green grade overall by performing well in the other two assessment areas. After multiple calls to request clarification, following which the DFO restarted the clock on the 30-day statutory time limit for responding to requests, the DFO then requested an extension of 180 days for consultations with its legal department. We did not consider this extension to be legitimate because we did not believe there was any need to spend 180 days consulting on this.

Overall, the exercise showed that the most work remains to be done in assessment area 2 (Institutional Measures). Although several authorities got a perfect score here, four got a yellow grade as compared to green grades for all authorities in terms of proactive disclosure and only two non-green grades for requests in both cases due to a failure to respond in a remotely timely fashion to one or more requests.

Analysis by Assessment Area

In general, public authorities performed more strongly in assessment areas 1 (Proactive Disclosure) and 3 (Processing of Requests) while performance in assessment area 2 (Institutional Measures) was weaker.

Proactive Disclosure

Only 2 of the 12 categories of information received an average score of less than 80 percent while seven had average scores of over 90 percent. The two weaker categories were these.

- Not publishing sufficient or adequate information on public consultations; for example, authorities may have published information about opportunities for consultation but not information about how members of the public may proceed to engage.
- Not publishing sufficient information about public procurement and contracts.

Institutional Measures

In regard to institutional measures, questions 2 and 3 brought the overall average down considerably with a score of zero for “no information” often being recorded. Question 2, which asked whether the authority had an ATI implementation plan, was by far the worst performing; it garnered an average score of just 44 percent. Question 3, asking whether the authority had developed and/or issued guidelines for receiving and responding to information requests, had an average score of just 60 percent. Otherwise, performance in the five other issues assessed here including central institutional measures was excellent with a score of 100 being uniformly achieved.

Processing of Requests

Public authorities lost points for some of the following frequent problems in their

- responding to requests in a format other than the one requested. For example, if the format requested was electronic, respondents lost points for sending information on paper. A particular problem is public authorities using CDs to provide information. Although this is formally electronic, it is inconvenient because it must be sent through the mail and even more important, most modern laptops do not have the capacity to read these storage tools. This resulted in format having the lowest average score from among all of the processing issues of just 65 percent.
- not responding to the request within the statutory period of 30 days leading to an average overall score here of 75 percent. In extreme cases, where the request was not responded to for a very long time (over 100 days without any justification that we accepted as legitimate), this also resulted in deductions on the results score.
- not acknowledging receipt of the request. That led to an overall average here of 90 percent.

On the other hand, due to the abolishment of fees for responding to requests apart from the Can\$5 initial fee for lodging requests, all public authorities got a perfect score in this processing result area. Charging a fee just to make a request is not in line with international standards, but it is the law in Canada.

It is worth mentioning that Can\$5 was originally sent to each public authority to pay for all the requests sent to them, which was normally two questions (and in two cases three questions). Only one authority (Canada Post) requested another payment of Can\$5 before it would process the second question it received. Two other public authorities explicitly waived further fees for second questions (CBC/Radio-Canada and the Department of Finance). All other authorities processed all questions as one request and did not bring up the subject of a further fee.

The DFO requested an extension of 180 days on responding to both of the questions the assessors had sent. After receiving the letter regarding the 180-day extension, the assessors contacted the information officer responsible for the file at the DFO and asked for further information regarding the reason for the delays. The assessors received the reply that the DFO needed to consult with its legal team before they could respond to the questions. The delay of 180 days was deemed unreasonable by the assessors. As of the time of writing, the 180 days have still not expired, so it is possible that the DFO will still respond to the request.

Canada Post requested an extension for one of the requests but omitted to indicate the number of days in its form letter (which stated in part “An extension of up to ____ days is required”). The request was for the number of privacy breaches officially recorded in 2018, for which we assume Canada Post keeps up-to-date and accessible records and for any protocols for responding to these breaches. Canada Post finally responded to the request after around 90 days, indicating that there had been 35 breaches in 2018, one serious, and sending its formal protocols for dealing with these breaches. The delay was deemed to be unreasonable since the information should have been readily available; there was no need to consult with anyone about it and no need to consider exceptions.

Recommendations

- 1) All public authorities should have an easily visible and simple-to-locate link, button, or tab on their homepages that leads to the part of their websites where information relating to ATI laws and disclosed pursuant to it is available.
 - For some of the public authorities assessed, information was scattered around the site or on multiple sites and required a significant amount of time to locate.

- 2) All public authorities should make information available by email or other easily accessible electronic means other than CDs when a member of the public requests information in an electronic format.
 - Many computers no longer have a CD drives, so it might be difficult for members of the public who have requested electronic information under the Access to Information Act to retrieve information sent in that format.
 - Several of the public authorities responded to requests by sending information through email or an easily accessible online portal. This information was the most accessible and ecologically friendly.
- 3) All public authorities should accept the statutory payment of Can\$5 as payment even when multiple questions are submitted. If there is any justification for the fee, it is to discourage entirely frivolous requests, and for this purpose, one fee is enough. Asking for a second fee is also a gross abuse of taxpayers' money since it costs far more than Can\$5 to process this payment not to mention the cost of engaging in the exchange asking for the second payment.
- 4) All public authorities should publish information on their ATI implementation plans. The plan should be as detailed as possible including what the public authority has yet to accomplish and what the authority is doing to achieve its goals.
- 5) All public authorities should publish guidelines on how individuals can make requests to them.
 - A number of the authorities assessed in this review did not publish any such guidelines.
 - Even where the guidelines were published and the review assessed the question at the 100 percent score, many of the guidelines were vague and standardised rather than being developed specifically for the individual authority.
- 6) All public authorities should create the opportunity for people to be notified of public consultations opportunities.
 - Often, public authorities publish information on past, ongoing, or upcoming consultations. However, other than checking the website frequently through the year, the review did not discover any way of being notified of upcoming consultations. An option to sign up for a mailing list regarding upcoming consultations would be a move toward creating more openness in the public authority.

- Often, public authorities posted information on past and ongoing public consultations, but information provided about how the public might actually participate in them was not clear.

Indonesia

Conducted by Alliance of Independent Journalists—AJI

(Data results available in Annex 2)

Background

In 2008, Indonesia adopted Law No. 14 on Public Information Disclosure that granted Indonesian citizens access to information in all public bodies. The law aims to encourage public participation in decision-making processes, to maintain good governance, and to boost service quality and management of public authorities; it supports the realization of transparent, effective, and accountable governance.

Even though more than a decade has passed since its enactment, the law remains widely unknown among citizens and journalists. This lack of awareness applies equally to the Indonesian Commission of Public Information (KIP) mandated to implement the law. As an oversight body at both national and provincial levels, KIP has three main functions:

- 1) carrying out the Public Information Disclosure law and implementing its regulations,
- 2) establishing technical information service standards on public information, and
- 3) resolving public information disputes through mediation and/or nonlitigation mechanisms.

KIP argues that the implementation of the Public Information Disclosure law is still far from perfect. Many Indonesians are unable to effectively utilise the law, and a number of public agencies lack the capacity to implement it.

Nevertheless, progress is being made. For the past few years, KIP noted that there have been encouraging developments related to the law's implementation. This can be seen by the increasing number of reports received by public agencies that actively participate in the implementation, monitoring, and evaluation of the law. In 2018, 62 percent of 400 public agencies filed implementation reports to KIP. That was an increase from the previous year's 32 percent. KIP offers assistance and supervision to public agencies facing technical difficulties in comprehending and implementing the law.

Application

AJI measured ATI in 12 public agencies in Indonesia. This evaluation together with the other countries' assessments is not fully comprehensive and provides only a first insight on its state. It measures a small fraction of the numerous public agencies, which include government institutions, higher education schools, political party organisations, CSOs, and NGOs. It will serve as a snapshot of the law's implementation and as a starting point for further and more-comprehensive research in the future. The research sample is focused on government institutions with eight at the national level and the remaining four at the provincial level. The different levels were chosen to allow for comparison between national and local governments. The sample includes the following.

- 1) Five state institutions: Ministry of Education, Ministry of Health, Ministry of Law and Human Rights, Corruption Eradication Commission (KPK), and Election Supervisory Agency (Bawaslu)
- 2) Three high-state institutions: House of Representative (DPR), Constitutional Court (MK), and Supreme Audit Agency (BPK)
- 3) Four regional institutions: City Council of Jakarta (DPRD DKI Jakarta), Jakarta District Court, Yogyakarta Provincial Health Office, and Yogyakarta Provincial Education Office.

Overall Analysis

Indonesian public agencies have medium-range scores in enacting the law; implementation has started, but there remains room for improvement. National public agencies had better average scores than their provincial colleagues did. The difference can be seen largely in proactive disclosure; this is due mainly to the lack of capacity at the provincial level to make important institutional information publicly available.

Analysis by Assessment Area

Proactive Disclosure

Most public agencies, especially ministries and state institutions at the national level, have an Information Management and Documentation Officer (PPID) in place. However, for the majority of the assessed bodies, the PPID's performance was deemed suboptimal.

In the Ministry of Law and Human Rights, the direct information request was received and processed by security officers who argued that the PPID officer was away. This happened on two consecutive days. In the Ministry of Health, the same request was handled by the public relation officer because the PPID was for some reason not available. For the Constitutional Court, the information service window was empty, and the PPID officer was available only after being called. This is further exacerbated by the lack of transparency and accountability in regard to their functions.

In addition, many public agencies do not publish information that should be regularly displayed on their official websites. According to the law, agencies are required to publish their profiles, organisational structures, programs and activities, performance, budgets, procurement of goods and services, rights, and procedures on how to obtain public information. In some of the cases where they are publicly available, information was incomplete or outdated. Some public agencies do not even have online services to accommodate information requests. Online information request services were not functioning for the Corruption Eradication Commission (KPK) and the Ministry of Law and Human Rights.

According to KIP, it is still hard to invite public agencies to be more transparent and accountable. This could stem from pervasive cultures of secrecy in which public agencies are exclusive and unprepared to answer outsiders' requests. This fact is aggravated by a lack of political will to implement the Public Information Disclosure law.

Institutional Measures

The government of Indonesia has not established an ATI nodal agency. However, there is the Open Government Indonesia⁹ (OGI), whose initiatives include these among others.

⁹ Their website can be consulted at <https://www.opengovindonesia.org/>.

- 1) LAPOR! (REPORT!),¹⁰ a channel for public aspirations and complaints
- 2) Portal Satu Data (One Data Portal),¹¹ to facilitate public institutions in providing credible data as a resource for public policy making
- 3) Initiative Satu Peta (One Map Initiative), to make available special data closely correlated to development planning
- 4) Presidential Regulation No. 95 (2018) on electronic-based government system (e-government) that ensures government institutions will proactively provide public data

So far, OGI's initiatives are still limited to the provision of data by public institutions. It has yet to target the public understanding of public access to information and how the public can request the information. KIP has been established and carries out its mandated functions, but its effectiveness still needs to be optimized especially at the regional level.

Processing of Requests

During the research, public agencies provided data in accordance with the standards of public information requests. For example, the Bantul District Health Office sent the request response the day after the information request was filed. Others, however, did not. DIY BPKD was the public agency that took the longest time to respond to a public information request, and its answers lacked details.

At the national level, apparent efforts to comply with the law are observed in a number of public agencies. One of them is the Supreme Audit Agency (BPK), which provides online services for information requests. Other institutions also provide similar services, but some have technical problems and are not functioning fully. Online services can reduce the cost of information requests and make it easier for people living in remote areas to request and receive information.

Information disputes in KIP have been decreasing. This does not mean, however, that there is an increasing awareness among public agencies that they should become more transparent and accountable; it is due mainly to people's requests for basic information already available on the public agency's official webpages.

¹⁰ Website: <https://www.lapor.go.id/>.

¹¹ Website: <https://data.go.id/>.

IDEA, a civil society organisation that regularly requests public agencies' budgets, asserts that many public agencies do not properly comply with the law since they do not provide mandated periodic information and public information lists on their websites. The noncompliance also applies to public agencies' responses.

Recommendations

- 1) Proactive disclosure should be prioritized by public authorities and should include lists of the provided information. Even though public authorities have readily available data and documentation, it remains behind closed doors. Proactive disclosure is very important to fulfil the public right to information, and it also reduces the workload of public bodies in providing that information.
- 2) Online services for public information requests should be provided by public institutions to reduce costs and support people living in remote areas.
- 3) National public agencies should support local public agencies in implementing the Public Information Disclosure law particularly in the area of proactive disclosure.
- 4) Public authorities should monitor and evaluate their progress in implementing the Public Disclosure Act including regular improvements of their services.
- 5) Through BAPPENAS (the Indonesian Ministry of National Development Planning), the Indonesian government should include ATI in the VNR. It will strengthen policies and institutions in implementing the Public Information Disclosure law by facilitating the sharing of experiences including successes, challenges, and lessons learned from multi-stakeholder participation.
- 6) The research should be followed up by applying the methodology on additional public agencies to offer a more comprehensive and general picture.

Concrete results from the spotlight report

The Indonesian Ministry of National Development Planning (BAPPENAS), responsible for drafting the Indonesian VNR, has included the importance of ATI in their VNR and specifically mentioned the efforts of AJI in this regard.

Mongolia

Conducted by Globe International Center NGO

(Data results available in Annex 3)

Background

The Constitution of Mongolia guarantees its citizens freedom of opinion and expression as well as the right to information. In 2011, the law on Information Transparency and the Right to Information (LITRI) was adopted following consistent lobbying by civil society organisations.

LITRI aims to ensure that public bodies release information about their operations, human resources, budgets, finances, and procurement activities to guarantee transparency and good governance. Any Mongolian citizen and/or legal entity have the right to request information. LITRI also outlines the procedure for requesting and releasing information, which has led to improvements among public bodies in providing information to the public. Officials are legally obliged to respond to information requests within seven working days unless there is a reasonable need for an extension of five working days. Information available on websites and other forums for public display can be accessed directly.

However, in terms of its implementation, one of the key challenges to LITRI is a lack of awareness of its existence; it has not been widely promoted by the government, and demand-led use of this law varies widely among public organisations.¹² In addition, the exceptions to the principles of maximum disclosure in the Mongolian law on ATI are excessively broad in comparison to international standards.¹³ Secrecy laws such as the Law on State Secrecy, the Law on Organisational Secrecy, and the Law on Privacy were not amended after the adoption of LITRI. Many other laws also include secrecy provisions.

In 2014, the Parliament of Mongolia adopted the law of Mongolia on Glass Accounts. It aims to ensure the efficient use of state and local government funds as well as the transparency of budget management. Many of the reporting obligations imposed on government agencies are already in

¹² For more information, consult the 2016 UNESCO publication “Assessment of Media Development in Mongolia,” <https://unesdoc.unesco.org/ark:/48223/pf0000245364>.

¹³ For more information, consult the 2015 OECD report “Anti-Corruption Reforms in Mongolia,” <http://www.oecd.org/corruption/anti-bribery/Mongolia-Round-3-Monitoring-Report-ENG.pdf>.

existence in the LITRI and the Law of Mongolia on the State Budget. Other laws ensuring the transparency and right to information are the Law of Mongolia on Anti-Corruption and laws on procurement of goods, works, and services with state and local funds.

Application

Four NGOs were involved in the collection of the data. In addition to Globe International Center NGO, three local NGOs from different provinces participated in data collection: NGO Citizens' Participation in Good Governance from the Khuvsgul aimag (province), NGO Sustainable Future from the Arkhangai aimag (province) and NGO Orkhon-21st century from the Darkhan-Uul aimag (province).

Eight public authorities were randomly selected based on the variety of their operations.

- 1) Ministry of Mining and Heavy Industry
- 2) The State General Prosecutor's Office
- 3) Social Insurance General Office
- 4) Mongolian National Audit Office
- 5) State Professional Inspection Agency
- 6) Governor's Office, Darkhan-Uul aimag (province)
- 7) Education, Culture Art Department, Arkhangai aimag (province)
- 8) Local State Property Department, Khuvsgul aimag (province)

Data collection dates were between 12 February 2019 and 1 March 2019. The period fully covers legal response time including possible extensions (7 + 5 = 12 working days). Data collection was conducted as follows: review of websites and information boards, interviews (in person, by phone, in written correspondence) with responsible or appointed officials, requests sent via official letters, and emails on behalf of legal entities and individual citizens. All data collected were backed up by screenshots, photos, and notes.

Overall Analysis

The Mongolian government has not appointed an ATI nodal agency. Public bodies have information officers, but they lack awareness of LITRI and/or formal training. In addition, there

is a strong, persistent culture of secrecy without clear instructions on how to handle matters of secrecy and confidentiality as well as information requests.

Analysis by Assessment Area

Proactive Disclosure

For the majority of the assessed institutions, information on their institutional missions, organisational structures, laws, and budgets were relatively well disclosed. On the other hand, the disclosure of public procurement and contracts was minimal; there was partial to no information on delivered activities and services and very little or no information on ATI.

Institutional Measures

Personnel responsible for providing information combine numerous other responsibilities with little awareness of LITRI and without training on ATI.

Overall, there are also no statistics on the implementation of ATI. Reports from the Monitoring, Evaluation and Internal Audit Department of the cabinet secretariat of the government of Mongolia and the Judicial General Council provide no such data. In addition, the Mongolian National Human Rights Commission received only two complaints concerning violations of ATI in 2018.

Processing of Requests

The processing of requests happened incoherently. In the majority of cases, receipts were not provided and requests for information made via email were acknowledged only partially. In six cases, the intentions behind information requests were checked, which is in violation of LITRI. In one case, the authority demanded to meet in person.

Response time, however, fell within the legal limits. The public authorities have adopted a digital platform (www.able.mn), which may have improved the speed of responses. However, their quality was poor; only 5 out of 16 responses were considered complete. Most responses were provided in written format with two responses provided via phone. No fee was charged by the authorities.

Recommendations

- 1) In regard to proactive disclosure, the quality of information in terms of completeness, accuracy, and user friendliness should be ensured. Information on the implementation of ATI with monthly, quarterly, and annual statistics should be placed and monitored by authorities.
- 2) In regard to institutional measures, a nodal agency should be appointed. All information officers should be provided with mandatory training on LITRI and related legislation prior to their assignments. All information officers should have clear and detailed TORs covering accountability and responsibility regarding the implementation of ATI. All information officers should have an annual work plan as well as reporting systems to ensure ongoing progress and monitoring of the right to information.
- 3) In regard to the processing of requests, all authorities should provide written receipts (or emails), and the quality of responses should be monitored properly.

Pakistan

Conducted by the Pakistan Press Foundation—PPF

(Data results available in Annex 4)

Background

The Freedom of Information Act was adopted in Pakistan in 2002, five years after first being promulgated by a governmental ordinance. In April 2010, the new constitutional Article 19-A was included in the country's constitution; it acknowledged citizens' right to information. Prior to that, the constitution did not explicitly grant the right to access of information. However, its full implementation has yet to be realized.

In 2017, the Right of Access to Information Act was proposed to replace the Freedom of Information Act of 2002. It aims to give citizens the right to access information held by public bodies and implement the constitutional Article 19-A. The legislation is expected to make the government more accountable in regard to corruption and inefficiency. Any Pakistani citizen can make a request for information regarding public offices, and for the first time, information cannot be withheld from the public on the excuse of national interest.

The federal government of Pakistan as well as all provincial governments are required to enact the access to information laws for their respective jurisdictions. Two provinces, Khyber Pakhtunkhwa and Punjab, introduced progressive and robust access to information laws in 2013. They are known as the Khyber Pakhtunkhwa Right to Information Act 2013, which is one of the highest rated right to information laws in the world, and the Punjab Transparency and Right to Information Act 2013.

Between the federal and provincial level, Pakistan has five independent ATI laws today: Freedom of Information Act (2002, with a replacement proposed in 2017 as the Right of Access to Information Act), Khyber Pakhtunkhwa Right to Information Act (2013), the Punjab Transparency and ATI Act (2013), Sindh Transparency and Right to Information Act (2016), and the Baluchistan Freedom of Information Act (2005).

Application

This study measured only the websites of federal ministries and did not examine information released by ministries or institutions through other means. All websites were last accessed in January 2019. The following ten public authorities were selected.

- 1) Ministry of Interior
- 2) Ministry of Foreign Affairs
- 3) Ministry of Human Rights
- 4) Ministry of Parliamentary Affairs
- 5) Inter Provincial Coordination Division
- 6) National Accountability Bureau
- 7) Supreme Court of Pakistan
- 8) Election Commission of Pakistan
- 9) Prime Minister's Office
- 10) National Assembly of Pakistan

High-profile ministries from all three branches of government were selected in order to have a broad sample of the federal level.

Overall Analysis

Public institutions showed average performance in regard to proactive disclosure. However, all ten failed and performed poorly on the availability of information about ATI. In regard to the institutional measures in place to support implementation of the ATI laws, none of the institutions demonstrated any adequate mechanism in place. In addition, ministries also failed to process ATI requests correctly. Only two authorities—the Prime Minister's Office and the Ministry of Interior—responded, but they too provided incomplete information.

Analysis by Assessment Area

Proactive Disclosure

Public institutions performed average in proactively disclosing information. Nevertheless, when it came to information related to ATI, all ten institutions failed.

Institutional Measures

Regarding institutional measures, public authorities have not taken any measures to implement the Access to Information Act. Institutions have poor presence online and insignificant proactive disclosure of information related to public matters. There is a need to ensure that the ATI Commission is effective and properly resourced.

Processing of Requests

Information requests were not appropriately processed by the majority of the assessed ministries. Only two authorities—the Prime Minister’s Office and the Ministry of Interior—responded, but they too provided incomplete information.

Recommendations

- 1) In regard to proactive disclosure, public institutions should include more-detailed information on their websites. There should be a separate ATI section on each government agency’s website where the contact information of the agency’s public information officer should be listed along with the agency’s guidelines for receiving and responding to ATI requests as well as relevant forms or information required for sending ATI requests.
- 2) In regard to institutional measures, public information officers (PIOs) should be appointed in all ministries.
- 3) In regard to processing requests, all public institutions should respect the requirements of the law and respond to ATI requests in a timely manner. Until the appointment of PIOs, capacity-building sessions should be arranged by all ministries to sensitize officials to ATI and its benefits to improve the performance and transparency as well as building trust of the general public in government institutions. Regular updates to requests should be sent.

Serbia

Conducted by the Balkan Investigative Reporting Network—BIRN

(Data results available in Annex 5)

Background

Serbia adopted the Law on Free Access to Information of Public Importance in 2004. Under this law, all information of public institutions should be available for the public; the right to request information is guaranteed to everyone including foreigners. The requestor does not have to declare why he or she needs the information, and public institutions need to respond to requests within 15 working days.

It also established the position of commissioner for the Information of Public Importance and Data Protection, an independent oversight body. However, the commissioner, who decides on appeals whenever the right is denied, has no power to rule on denials by the highest institutions of state and does not possess any power to enforce its decisions. In addition, even though punitive provisions for ATI violations were enacted, the commissioner does not have the mandate to initiate proceedings. Fines are low, which incentivizes public bodies not to reveal certain information.

Despite these downsides, the law is considered exemplary; it has received high rankings by academic and civil society experts in Serbia and beyond. However, these ATI ratings evaluate only the strength and scope of a law and the governmental structures created by the law; they do not verify its implementation by public officials or the public. In the past few years, investigative journalists and the commissioner's annual reports have indicated a deteriorating trend. The Serbian government has been unwilling to make information available to the public and to journalists when they file requests. Moreover, it has shown the same inflexibility when the commissioner acted on ATI requests that were denied.

This deteriorating trend culminated in late 2018 when a new draft law proposed changes to further undermine the state of ATI in the country. The proposed changes included a shorter list of institutions to which the law applied, the exclusion of state-owned companies, and the weakening of mechanisms for a transparent and fair appointment of a new commissioner. Sixty-four civil society organisations strongly opposed the new draft law, which has yet to enter the parliamentary floor. Furthermore, the first and only commissioner, Rodoljub Sabic, widely

praised as an independent and fierce fighter for human rights and ATI, ended his two seven-year mandates. Another worrying trend is the growing number of lawsuits filed against the commissioner's office in pushing for public disclosure of information of public importance thus paradoxically contesting the people's right to know.

On a more positive note, Serbia has committed voluntarily to the Open Government Partnership (OGP), a global network committed to more-inclusive, accountable, and transparent governance. According to the Serbia's Action Plan on the implementation of the OGP initiative, the government's obligation 2.1 cites improvement of proactive transparency meaning that all state bodies are obliged to have information booklets for each year and the commissioner has a subpage on its website with all the information booklets collected and published in one place.

Application

Ten different institutions were sampled from a list of over 11,072 institutions and bodies to which the ATI law applies. The main criteria for sampling were diversity in institutions and companies funded and/or founded by the state and those with the largest budgets among this type of institutions.

- 1) Ministry of Finances
- 2) Ministry of Education, Science and Technological Development
- 3) State-owned company—EPS (electric utility power company)
- 4) State-owned company—Telekom Srbija (telecommunications company)
- 5) Independent body—RATEL (Regulatory Agency for Telecommunications and Postal Services)
- 6) Independent body—REM (Regulatory Body for Electronic Media)
- 7) Local Self-Government—Belgrade
- 8) Local Self-Government—Niš
- 9) Provincial Secretariat for Education, Regulations, Administration, and Minorities
- 10) Provincial Secretariat for Agriculture, Water Management, and Forestry

These institutions were analysed between 25 January 2019 and 25 February 2019.

Overall Analysis

In 2004, the Law on Free Access to Information of Public Importance was received enthusiastically; the hope was to break the culture of secrecy that dominated the communist and socialist systems in the country during the previous decades. This culture of secrecy enabled mismanagement and diversion of public funds and allowed corruption to flourish. However, it is a long way from a culture of secrecy to a culture of openness and transparency.

Figures from the commissioner's annual work report for 2017 show that in 78 percent of cases, public bodies disclosed the requested information following the commissioner's appeal. This seems to be a relatively high percentage, but corrupt practices hide in the rest of this 22 percent, which forever remains hidden to the public eye. Investigative journalists claim that requests for information about corrupt practices related to big controversial projects and practices always draw a blank. In the eyes of these journalists, the Ministry of Interior, the Ministry of Finance, and the Ministry of Justice but also Telekom Srbija are considered the most secretive and nontransparent.

After 15 years of the law's implementation, many public institutions are still hiding some information and are reluctant to provide information through ATI requests. They also lack focal points, guidelines on filing ATI requests, and ATI implementation plans. State-owned companies such as Telekom Srbija still consider themselves exempt from the law citing competition rules. On the other hand, ministries have put in place focal points, have ATI guidelines on their websites, and answer within 15 working days.

Analysis by Assessment Area

Proactive Disclosure

All state institutions, local governments, regulatory bodies, and state-owned companies are obliged by the Law on State Administration and the Law on Free Access to Information on Public Importance to keep everything related to their work public on their websites. However, neither of these two laws provides detailed information on what makes their work public. The latter lists only information that must be made available proactively in a separate document on the website; it is called an information booklet.

On 5 January 2019, the “Decree on detailed conditions for the creation and maintenance of the website of state bodies” was adopted. But not even this document lists all the information that state institutions are obliged to proactively disclose. The previous decree, which was in force until the latter’s adoption, listed all the information that should have been made available without a request.

All analysed institutions have institutional information available online except for the state-owned company Telekom Srbija, the exception in most categories. Telekom Srbija features only partial information on service delivery, organisational info, and public-procurement announcements with no further details.

In general, the public-procurement section proved to be problematic with all analysed institutions: contracts were never included and only some institutions featured decisions on contracts.

Half the institutions did not provide full organisational information; names and roles were available but not contact details.

Seven out of ten institutions did not report registers, but that was due mostly to their not actually having any.

Legislative framework is lacking in half the institutions; four out of ten do not envision citizens’ participation.

When it comes to ATI information on the institutions’ websites, none of them has information on the costs of requesting information or a list of ATI requests that have been granted. The latter is a result of their not being obliged to publish them except when giving input to the commissioner’s annual report. Article 43 of the Law on Free Access to Information of Public Importance stipulates that state bodies need to prepare annual reports on ATI requests and send them to the commissioner. They are not obliged, however, to have such reports published on their websites. Only EPS published an annual report that included statistics on ATI requests.

Regulatory bodies and local governments have no information on ATI or information on how to make ATI requests available online. The Provincial Secretariat for Agriculture and Telekom Srbija also has no information in this area—not even contact details.

Institutional Measures

Only the EPS, the Ministry of Finance, the Ministry of Education, and the Provincial Secretariat for Education have appointed information officers responsible for ATI requests. Regardless, not a single institution has an ATI implementation plan or has provided ATI training to its staff recently. As the law has been in force since 2004, the training was held in the early years of its implementation.

The Ministry of Finance and the Ministry of Education are the only public entities to have guidelines for receiving and responding to information requests; they are very brief with an example of how the request should look and with an explanation of the right to know and free access to information. However, they do not provide information on the overall process and what happens when a request is submitted. Not even EPS, which had most of the information regarding ATI (focal point, contacts, and annual reports for the commissioner), available online, has developed a guideline. It has only a request form available for download.

Processing of Requests

Remaining silent or claiming that the release of information requested was not in the public interest were two of the most common responses. Nevertheless, only three out of ten institutions—City of Belgrade, EPS, and Ministry of Education—failed to provide any kind of answer to the requests. Telekom Srbija refused to provide the requested information dubbing it as information of not in the public interest. Neither of the two public companies in the sample responded to the requests even though EPS has a focal point appointed for ATI requests. REM responded briefly by saying what the contract was about and that it could be found on the portal of public procurement.

Five institutions—the Ministry of Finance, REM, both provincial secretariats, and the City of Niš—provided all the requested contracts either in electronic form or hard copy within 15 working days. The answers received corresponded to their activities listed in the annual work plans and the public procurement plan for 2018. The City of Niš, which had no information about ATI requests on its website, provided the requested information on time. The same goes for the provincial

secretariats. In general, answers can come a few months or even a year after the request has been submitted, which prompted the commissioner to react.

Recommendations

- 1) In general, ATI regulation needs to be improved by strengthening the powers of the information commissioner to rule on ATI denials by the highest institutions of state, enforce its decisions, and initiate violations proceedings. In addition, higher fines for public bodies that refuse to disclose the requested information need to be introduced. On the other hand, the latest annual report from the ATI commissioner shows that more and more people are filing ATI requests. If this trend continues with public bodies receiving more and more requests and if they are challenged when information is not released, a culture of openness will be achieved one day.
- 2) The Law on State Administration and the Law on Free Access to Information on Public Importance should provide detailed information on what kind of information and services public institutions should make public on their websites.
- 3) The bylaw called “The Decree on detailed conditions for the creation and maintenance of the website of state bodies” should list all the information state institutions are obliged to have proactively disclosed.
- 4) Public institutions must be obliged by the law to have annual reports on FOI requests published on their websites.
- 5) Institutions must be obliged to have information on the costs of providing copies of the information requested or the list of information that was granted.
- 6) The public’s right to access information should be further promoted and widely encouraged in a bid to create a culture of openness.

Sierra Leone

Conducted by the African Freedom of Information Centre—AFIC

(Data results available in Annex 6)

Background

The Right to Access Information (RAI) law of 2013 guarantees public access to information in Sierra Leone. However, during the last six years, the public has not exercised this right in full. The majority of Sierra Leoneans are not aware of their right to information and how to exercise it. Furthermore, the government has been very slow to adopt instruments complementary to the law that could encourage its full implementation and actualisation of its legal provisions.

The RAI law is among the most fundamental pieces of legislation geared toward promoting inclusive and open governance in Sierra Leone. It seeks to achieve this objective by enhancing transparency, accountability, and good governance through the facilitation of active demand and supply of information by all classes of the population whether literate or not. Nevertheless, its implementation and potential gains remain a huge challenge for the government, CSOs, and citizens across the country.

Public bodies, the private sector, and CSOs are required to provide information on demand by any member of the public when that information is necessary for the enforcement or protection of any right. However, sections 12 to 26 of the RAI law also recognize that the release of certain types of sensitive information could cause harm and are therefore exempt from being released.

The extent to which ATI is enjoyed in Sierra Leone is limited due mainly to the lack of awareness by the general public of the existence of the RAI law and how to apply it. Public officials also lack the awareness of their obligations regarding the implementation of RAI. Some efforts have been made toward its implementation, but they remain limited in scope.

Application

The choice of the entities was based on the bigger picture of SDG 16. In this context, researchers picked public bodies that directly impacted the social service delivery. The following public entities were selected.

1. Ministry of Finance, Planning, and Economic Development
2. Environment Protection Agency
3. Freetown City Council
4. Ministry Of Health
5. Ministry of Information and Communications
6. National Public Procurement Authority
7. Right to Access Information Commission
8. Sierra Leone Police
9. Statistics Sierra Leone
10. House of Parliament

Overall Analysis

At the moment, the Sierra Leone government has not established an ATI nodal agency. In 2014, the Right to Access Information Commission (RAIC) was established to facilitate ATI, and it has the mandate to enforce it in the country. However, because it is a new institution and has resource challenges, the impact of RAIC in overseeing and enforcing the implementation of the RAI law is yet to be felt by the public.

The study reveals that public institutions have yet to provide adequate and timely public access to information facilities, recruit and train public information officers, and pass robust RAI regulations. It further revealed that the RAIC is weak in coordinating ministerial departments and agencies and in facilitating training opportunities for the few public information officers who are in place.

Analysis by Assessment Area

Proactive Disclosure

Though the RAI law is very clear about proactive disclosure, it is very weak; ICTs are rarely being utilised to facilitate access. Most ministerial departments and agencies have not been proactively disclosing information due to a lack of designated or insufficiently trained public information officers as well as the requirement that approvals are always necessary before information can be published.

The administrative complexities and bureaucracy involved in the proactive release of information affects the incentive of the public to demand information. Citizens perceive access to information requests as a waste of energy and time as governments can be slow to respond adequately to queries.

Nonetheless, an average score of 68 percent for the ten assessed ministerial departments and agencies was calculated. This can be considered as a positive sign of political will. However, some are still grappling with ICT challenges such as internet connectivity and website domain issues. Almost all provided information is about the functions of the ministries or authorities and their powers, organisational structures, names of and contact information for key officials, and the laws governing the institutions' operations. Partial information was available about the projected budgets, actual incomes and expenditures, and audit reports.

In January 2019, the RAIC facilitated a workshop for relevant ministerial departments and agencies. A proactive publication scheme was developed for ten pilot institutions to promote transparency, accountability, and good governance and to facilitate efficient delivery of services.

During a follow-up workshop in March 2019, four of the pilot institutions demonstrated progress toward proactive disclosure and were further encouraged; these were the Statistics Sierra Leone, Environment Protection Agency, Ministry of Basic and Senior Secondary Education, and the Sierra Leone Police. They completed and submitted the RAIC's scheme on the agreed date. A new deadline was set for May 2019 for the pilot institutions to comply.

Institutional Measures

The overall score for institutional measures is 50 percent. Most of the assessed institutions do not have an ATI implementation plan, nor have they developed or issued guidelines for receiving and responding to requests for information. Only some of the public bodies have public information officers, and most of them lack ATI training.

Processing of Requests

Only three of the ten assessed institutions attempted to respond to information requests—the Ministry of Planning and Economic Development, Ministry of Health and Sanitation, and

Statistics Sierra Leone. This demonstrates very weak implementation and lack of capacity in regard to ATI.

In Sierra Leone, information is released only on request and after justification for the release of the information is provided. It is against this background that some people believe information is released with restrictions and conditions on its use.

Some public authorities affirmed that citizens have the responsibility to request information by submitting information requests, which rarely happens because of the lack of public awareness. An information request needs to be made in writing in English or Krio by any medium the applicant has access to. Contact details and sufficient information on what is being requested need to be included. According to the RAI law, public authorities need to provide the applicant with a receipt documenting the request and have to maintain records of all information requests they receive.

Recommendations

- 1) Proactive disclosure should be prioritized for all ministerial departments and agencies. ICTs should be harnessed to encourage access. Proactive disclosure has the potential to provide information to the community faster and at a lower cost. It reduces time and resources in processing individual information requests and demonstrates a commitment to openness, accountability, and transparency, which in turn may increase the people's confidence in the government.
- 2) In regard to institutional measures, public information officers should be recruited and trained for every ministerial department and agency. Currently, only a few of them have public relations officers who double as public information officers with very limited knowledge of the RAI law. Once public information officers are provided with specialised training on the implementation of the law, their ability and confidence to engage the public and be effective in their role will increase.
- 3) In regard to strengthening the implementation of the RAI law, the adoption and operationalization of the RAI regulation should be fast-tracked by the government. The RAI regulation serves as a complementary instrument to guide the full implementation of the law's provisions.

- 4) To counter the lack of public awareness, efforts need to be increased in public education on ATI for citizens. The RAIC should increase sensitization of citizens and government officials on RAI law so they know how to request information and be knowledgeable about the work of the RAIC. Once there is increased awareness among the wider public, government officials will be more ready to disclose information when requested. Public lectures, town hall meetings, media, et al., are the means to achieve this.
- 5) In regard to monitoring the implementation of the RAI law, CSOs should organise and coordinate their monitoring activities. Robust advocacy strategy and monitoring tools need to be designed and implemented to benchmark progress. This can also help to assess the relevance and effectiveness of the RAIC.

South Africa

Conducted by Right 2 Know Campaign

Conducted by the Africa Freedom of Information Centre—AFIC

(Data results available in Annexes 7.1 and 7.2)

Background

After a strong civil society campaign, the right to access to information was written into the 1996 South African constitution under Article 32. Its inclusion also called for the adoption of national ATI legislation, which was passed as the Promotion of Access to Information Act (PAIA) and implemented in 2001. Under these legal provisions, all people in South Africa including non-nationals can request information from public and private bodies.

The South African Human Rights Commission (SAHRC) was the first agency with a specific mandate to promote the right of access to information and to monitor compliance with PAIA. It oversaw the training of and providing assistance to information officers and deputy information officers of public and private bodies, collected reports and manuals, provided assistance to requesters where reasonably possible, conducted research, and drafted publications among other duties.

Unfortunately, the legislation was plagued by many implementation issues. These included the failure of government departments and private bodies to develop roadmaps, a lack of training, a failure to proactively make information available, and a failure to report to the SAHRC on the implementation of PAIA. A key gap in the legislation was the absence of executive powers for the SAHRC that rendered it unable to order the release of information by the state or private bodies.

SAHRC was able to report, although incompletely as a result of uneven reporting by public bodies to them, on PAIA's implementation, and its findings further underlined the systemic challenges. As a result of this, together with a parliamentary enquiry and a vigorous civil society campaign, the South African Parliament enacted the Protection of Personal Information Act (POPIA), which created the Office of the Information Regulator. This regulator does have the power to order the release of information by the state and private sector.

The Office of the Information Regulator is subject to POPIA as well as PAIA and has a broad mandate. It consists of five members: a chair, two full-time members, and two part-time members. It has been in operation since 1 December 2016. Currently, a process is taking place to overhaul the responsibilities of SAHRC in regard to PAIA to the Office of the Information Regulator via amendments to existing legislation and other means. The goal is to establish the Office of the Information Regulator as the sole functionary apart from the courts, which can consider complaints against decisions that have been taken by public or private bodies in respect to information requests. As of now, the majority of the legislation involving the Office of the Information Regulator as the key ATI implementation agency is not in effect.

However, POPIA has not been fully brought into operation. This must be seen in the context of the presidency of Jacob Zuma between 2009 and 2018. While the government continued to participate internationally in transparency initiatives such as the Open Government Partnership, there was concern in South Africa about the lack of ATI implementation and policy.

CSOs have consistently complained about poor implementation further buoyed by the feedback and reporting on compliance from SAHRC, the former oversight entity. A group of CSOs that regularly submits requests under the law has annually released a shadow report on its implementation. These reports¹⁴ have shown that PAIA remains poor in compliance even almost twenty years after its enactment.

Application

The methodology was conducted by two separate organisations: the Right 2 Know Campaign and the Africa Freedom of Information Centre.

Right 2 Know Campaign

The Constitution of South Africa assigns the responsibility for provision of water services to local governments while oversight and performance-monitoring duties are delegated to the provincial and national governments. The Department of Water and Sanitation (DWS) is responsible for the regulation of water services. South Africa is a water-scarce country, and the availability of clean drinking water is not guaranteed.

¹⁴ These reports can be consulted at <http://foip.saha.org.za/static/paia-reports-and-submissions>.

In 2008, the concept of incentive-based regulation was introduced to the South African water sector by the Ministry of Water Affairs. It was defined by two programmes: the Blue Drop Certification Programme for drinking water quality management regulation and the Green Drop Certification Programme for wastewater quality management regulation. The former seeks to amalgamate legal requirements and best practices in the domain of drinking water quality management toward sustainable improvement, and its duties include implementing risk-management procedures.

The highly anticipated 2014 Blue Drop report was released in 2017; only 44 out of just over 1,000 systems achieved Blue Drop status. Second, one of the most important components of asset management in water treatment systems would be an appropriate asset register/inventory. A proper asset management plan requires the information of the asset register to be used in planning (life-cost cycling), operations and maintenance scheduling, and identification of critical assets.

A group of water management agencies was asked

- if they had Blue Drop Certification, and
- if they had an asset management policy for the operation and maintenance of their systems.

The following agencies were approached.

- 1) CSIR
- 2) Amatola Water
- 3) Bloem Water
- 4) Magalies Water
- 5) Water Research Commission
- 6) Mhlathuze Water
- 7) Rand Water
- 8) Umgeni Water
- 9) Sedibeng Water
- 10) Department of Water and Sanitation (national)

The Council for Scientific and Industrial Research (CSIR) is a research and development organisation established by parliament in 1945. The CSIR undertakes research and technological innovation that contributes to the improved quality of life of South Africans.

Amatola Water, Bloem Water, Magalies Water, Mhlathuze Water, Rand Water, Umgeni Water, and Sedibeng Water are essential-services utilities operating in the water sector. They were established in terms of the Water Services Act (Act 108 of 1997) and are accountable to the Minister of Water and Sanitation as its executive authority. The water boards' primary function is the provision of bulk water and sanitation services.

DWS legislative mandate seeks to ensure that the country's water resources are protected, managed, used, developed, conserved, and controlled in a sustainable manner for the benefit of all people and the environment.

The Water Research Commission was established in terms of the Water Research Act (Act 34 of 1971) following a period of serious water shortage. It was deemed to be of national importance to generate new knowledge and to promote the country's water research purposefully owing to the understanding that the lack of water would be one of South Africa's most limiting factors in the twenty-first century.

Overall Analysis

None of the water management agencies in the sample performed well in regard to ATI. Nevertheless, they did make details available on their websites about how they operated and how to access further information from them. When they were approached for information, the response was generally a mute refusal, and there is no operational agency to which an appeal could be directed. The only next option would be to go to court. The larger national agencies in the bigger municipalities had an overall better score compared to the agencies in less-populated areas of the country.

Analysis by Assessment Area

Proactive Disclosure

All the agencies and departments have websites on which they make information available. In general, the reports and plans of each agency as well as the composition of the board are available. The law governing the operations is made available though not on their websites. Descriptions of activities are made available. Information about the budget for these agencies is available in the Department of Finance Medium Term Expenditure Framework. Expenditures are made available generally in the form of annual financial reports. Detailed information on procurement and contracts are not generally available though tender information is available on some sites.

Information about opportunities for participation varies widely. No information is generally available about compliance with the ATI law or what requests have been granted. Basic information about how to make a request is generally available.

Institutional Measures

There is no nodal agency for ATI coordination, capacity building, and minimum standard-setting. There is, however, an oversight body, the Office of the Information Regulator, and it supports the implementation of ATI laws.

Many agencies have put in place formal requirements of the PAIA Act such as having an information officer, making the form for requests available on their websites, and making the contact details for their information officers available. However, there is little detail available on training, implementation, and internal guidelines, and more research would be needed to gain a comprehensive picture.

Processing of Requests

There was a very high level of mute refusals to the requests that were made for the Blue Drop status of each agency and asset management reports. In South Africa, legislation allows thirty days for an appeal regarding a decision. Given the limited time frame of the research, we were unable to lodge any appeals and consequently not able to test that aspect.

The main weakness in the implementation of access to information in South Africa is the failure of agencies to respond to correspondence. This is a widespread and systemic problem, and it is not limited to access to information requests. Despite court rulings that ignoring requests for information is unacceptable, this continues to be a widespread practice.

Recommendations

- 1) Information needs to be proactively released and not just released one record at a time. Governments should proactively publish the information they have and attend to the management of records. The norm cannot be to provide information only when requested. Some departments can be overly legalistic by demanding forms (as described in the regulations) be filled in where that is not appropriate; that limits access to information. Forms are also available only in English and Afrikaans.
- 2) A key recommendation is that the law giving the Office of the Information Regulator the power to order the release of information be brought into operation. Without that, it has no power and cannot act to order the release of information.
- 3) The lack of awareness is prevalent in public and public institutions alike. More public education is needed to tackle this across all levels of government; some departments see ATI as a threat and not as the exercise of a right. There is already a good national legal framework in place, but it is not filtering down especially to the local level, where it remains out of reach for most citizens. A first concrete step is the inclusion of POPIA in the curriculum of the National School of Governance.
- 4) Cooperation between institutions is of vital importance particularly in the current handover process. The Office of the Information Regulator needs to work closely with SAHRC to ensure this happens smoothly. Overall, government departments need to work together and break their silos open. Institutional arrangements are needed to prevent processes being left to individual ministers or personnel.
- 5) Resource allocation is also a problem; more resources committed to ATI implementation are needed.
- 6) The creation of a feedback loop will help assess progress by the government.

Africa Freedom of Information Centre (AFIC)

The sample of authorities selected was essentially random; they were selected based on the research interests of different civil society partners in South Africa. Two local authorities were included.

- 1) Department of Justice and Constitutional Development (DOJCD)
- 2) South African Police Services (SAPS)
- 3) Department of Telecommunications and Postal Services (DTPS)
- 4) Department of Basic Education (DBE)
- 5) Department of Water and Sanitation (DWAS)
- 6) Department of Health (DOH)
- 7) City of Cape Town
- 8) City of Tshwane

It is worth noting that the two local authorities selected could not be considered a representative sample of local authorities in South Africa. The City of Cape Town and Tshwane are notably well resourced local authorities making their context different from many others. The agencies were identified in collaboration with external partners and finalised with the research team on 21 March 2019.

Overall Analysis

The methodology demonstrates that while there is some strength in proactive disclosure of information, procurement information and public participation information are particular weaknesses. The national institutional support structure is weak: the Office of the Information Regulator is not yet empowered, and the SAHRC has inadequate resources especially in the context that it will be handing over the majority of its oversight functions.

A support gap negatively impacts the authorities who try to implement PAIA and the public, which has little recourse available for challenging the process. Refusals to information requests continue to be worrying. Given that there is moderate institutionalisation within authorities and strong proactive disclosure, the only remaining option is to ensure that enforcement powers by the Office of the Information Regulator are implemented while improving recourse avenues for the public.

Analysis by Assessment Area

Proactive Disclosure

South Africa's overall proactive disclosure performance is good in spite of weaknesses in the legislative prescriptions for proactive disclosure within PAIA. It is worth contextualising the strength of the proactive disclosure with South Africa's open data ranking on the international 'Open Data Barometer', which is far more moderate. However, while open data is a form of proactive disclosure, not all proactive disclosure requirements are met merely by the provision of open data.

By far, the weakest category of information across the assessed authorities was information related to public procurement and contracts and the low level of transparency after tenders were awarded in particular. Tender information was provided consistently to facilitate commercial bidders, but very seldom does the public have proactive access to contracts and implementation information after a tender has been awarded.

Public participation also scored consistently negative across authorities with notably positive examples in both of the local authorities. This can be attributed in part to the fact that given their service delivery imperatives, local authorities are closely engaged with citizens. This requires them to focus on public participation, but it also means they are probably more exposed to public pressure to ensure adequate public participation given their mandates. In general, the authorities at the local level were the top-ranking entities in terms of providing open information.

It is worth noting that the National Treasury has created an Open Budgeting Portal, named Vulekamali.¹⁵ Its next phase of development will include expenditure and performance data. This will require broadening the government departments included, and it is an exceptional opportunity for encouraging the inclusion of open contracting data sets and consequently broad public access. The development of Vulekamali is also why all except local authorities scored well in disclosing budgetary information. While it may seem unorthodox to source and score individual compliance with proactive disclosure from a centralised National Treasury initiative, in this case, national departments—given the importance of Vulekamali—may defer their proactive practice to the portal and thus should not be penalized for their participation in that collaborative effort.

¹⁵ Available at <https://vulekamali.gov.za/>.

Institutional Measures

Institutional capacity has been identified as the most severe challenge to tackle given the current transfer of institutional oversight from SAHRC to the Office of Information Regulator.

In South Africa, the Department of Justice and Constitutional Development is the ministry charged with oversight of PAIA. It has advanced public knowledge of the law as well as the training of judicial officials etc. In addition, the SAHRC currently has oversight and monitoring functions of the law. It can even receive complaints in relation to PAIA if consistent with its processes for human rights complaints, but it cannot be considered an independent ATI oversight mechanism as it is not empowered to make decisions on a PAIA appeal as an alternative to the magistrates' court (see below). The transfer of power over time means the entity is currently under-resourced for its functions. This has negatively impacted SAHRC's capability to conduct ATI training sessions, to fulfil its promotional mandate, and to ensure compliance with public bodies via reporting.

In December 2017, the South African president appointed Pansy Tlakula as South Africa's information regulator. However, as of April 2019, the Office of Information Regulator has still not had all its sections put into effect. As such, the SAHRC still has oversight of the PAIA but does not have full enforcement powers or human and institutional capacity given its preparation activities for the handover of its current functions to the Office of the Information Regulator.

When it came to applying the methodology, contact numbers provided in the PAIA manual itself were used to contact deputy information officers on the state of ATI implementation. This in itself was a measure of implementation—assessing the accuracy and substantive input given in the generation of the manuals and going some way toward testing the user experience of first-time requesters.

The results, however, were inconclusive in terms of assessing formal compliance. In most cases, the lowest score was received only because there were no responses to the calls made (in some cases, this was because the wrong number was provided; in other cases, it was simply the result of an officer being busy). Currently, the results show only the accessibility of the information officers, which is an important indication.

Nevertheless, whenever responses were received, institutional compliance was always 100 percent. Formal compliance cannot of course be equated with effective compliance, which continues to be a challenge. The institutional compliance at the authority level is also challenging to assess from an implementation perspective. Even though the methodology asks whether ATI guidelines and plans are used in practice, asking information officers and deputy information officers will not necessarily yield accurate responses.

Turning to the contextual challenges of implementation, in 2012, the SAHRC reported that fewer than 15 percent of audited institutions had specifically budgeted for PAIA implementation and compliance requirements since 2008. This result is noteworthy in two respects. First, it goes to the real challenge of institutional implementation, which is an issue of capacity and resource provision that makes actually implementing the formal requirements very difficult. Second, this particular survey was carried out several years ago, and there are no recent statistics on the topic given this shift of the institutional mandate. Authorities are trying to implement PAIA in a context of restricted resources and little external institutional support.

Processing of Requests

The process of requesting information in South Africa is commonly viewed as challenging given its rather bureaucratic nature. The results were moderate, but the differences between superficial and substantive compliance are noteworthy.

PAIA gives an information officer 30 days (with a further 30-day extension if certain grounds exist) to respond. There is no mechanism for urgent requests. This time frame raises two issues: most authorities count those days as working days rather than calendar days. Second, PAIA also prescribes the payment of a fee that has to be paid before the 30-day period commences. Though there are strong legal challenges to this interpretation, the reality remains that this is the practice. When applying the methodology, the selection of authorities happened on 21 March, which meant requests were sent only on 25 March. Three institutions consequently applied the above practice—the City of Cape Town, SAPS, and the DOJCD—which indicated this interpretation in their communications.

Requests were sent to each authority for either its current procurement plan (prescribed by supply-chain management rules) or its previous year's procurement plan if the most current was not available. Although procurement plans are required by law to be proactively disclosed, they

were rarely available as the previous segment on proactive disclosure demonstrated. By phrasing the request that way, we had the benefit of requesting both something slightly more controversial (as the most recent procurement plans had not yet been formally submitted to the National Treasury as they are due by the end of April) and less controversial as they could instead merely provide the older version. Interestingly, all the authorities that granted the requests released records that reflected the most recent version of the plans (DOJCD, DBE, and DOH released their 2018/2019 plans, and the City of Cape Town and SAPS indicated they would release the 2018/2019 version).

In terms of responsiveness, only 50 percent of authorities acknowledged receipt of our requests for information. Interestingly, the DBE and the DOH failed to acknowledge receipt of our requests but provided the information requested.

Requested fees were paid to SAPS and DOJCD. In addition, SAPS decided to charge the prescribed access fees as well. While the law permits the charging of these fees, they were so nominal that it is interesting they were required at all; it is an important indication of how important the drafting of a law is to its implementation. The DBE and DOH released the records without requesting a fee; that was the best practice among all authorities in relation to charges.

At the local level, the City of Cape Town sent a response stating that a request fee was payable (and as mentioned that they would not process the request until it was paid), but it did not provide the information necessary for the requester to pay the fee. This is a result of automated messaging; in non-automated communication, the City of Cape Town did not require it. This once again indicates the need for the days in which a response should come should start from the point that the request was received and not from when the fee was paid.

On timeliness, most of the authorities were within the allocated time frame for providing a response but only if calculated by the working days involved; the DTPS and the DWAS were outside the time limits if calculated based on working days. Even though this report cannot conclusively comment on timeliness in responding, it provides some comparison; the DOJCD and DBE performed in an exemplary fashion.

In terms of the methodology, a first draft of the research saw only 25 percent of the authorities releasing records. However, the following week—the final week for the authorities to respond

within the time limit—saw the release rate shoot up to 50 percent with a further 25 percent requesting justifiable extensions. This means the request process scores differed drastically within a seven-day period, which points to two possibilities: one is that 30 days is essentially how long a request takes to process in South Africa. The other possibility is that authorities may be technically but not substantively implementing the law. This could provide support for the inclusion of an emergency request process; if either explanation is correct, urgent requests will in practice not be able to be provided without a required procedure.

Recommendations

- 1) In regard to proactive disclosure, the provision of better procurement related data should be prioritised across agencies. Regarding capacity building, the Office of the Information Regulator should become fully operational in the immediate term.
- 2) In terms of institutional measures, authorities should ensure that formal compliance with PAIA extends to substantive compliance, for instance, ensuring the accuracy of PAIA manuals and developing access procedures consistent with the experience of ATI requests. Public departments should ensure sufficient funding for ATI implementation.
- 3) In regard to awareness raising, civil society advocacy should focus on ensuring that citizens can navigate the bureaucratic process of requesting information and are empowered to access recourse given the challenges to the requesting process.

Tanzania

Conducted by the Tanzania Media Foundation—TMF

(Data results available in Annex 8)

Background

Although liberalisation in the 1990s led to an increase in collecting, generating, analysing, and distributing information to the public in Tanzania, the country did not have an ATI law until 2016. When the 2016 Access to Information law was passed, it was the result of over ten years of advocacy efforts mainly by the Coalition on the Right to Information and its members. The passing of the law was a significant step forward, but challenges remain. For instance, there are other laws restricting access to information, and these take precedence in situations when they are in conflict with the ATI law. In addition, the penalties for releasing information incorrectly are significant—three to five years’ imprisonment—whereas withholding information does not lead to punitive measures. The ATI law also does not establish an independent information commission.

At the same time, there has been a public outcry and concern locally and internationally about the state of rights to information, freedom of expression, and freedom of the press in Tanzania. This is due in part to clauses in other laws such as the 2015 Cyber Crimes Act, the 2015 Statistics Act and its 2018 amendment, and the 2018 online content regulations of the 2010 Electronic and Post Communications Act. These have the potential to undermine efforts to promote access to information. While these laws attempt to address the related problems of misinformation and disinformation, which have become more prevalent, they have also created uncertainty about what information can and cannot be published and distributed and by whom.

On the positive side, there are procedures now in place to treat information requests. More than 50 percent of all government institutions and agencies have set up online platforms and use social media to provide information to the public. Through the Tanzania Association of Government Communicators, the central government has made efforts to change perceptions among public officials on how to share information. Civil society must therefore continue to lobby, engage with, and support government to ensure that more steps are taken in the right direction.

Application

In April 2019, the Tanzania Media Foundation identified ten public authorities to which to apply the methodology. Due to time constraints, only one aspect—proactive disclosure—was assessed. The following ten institutions were selected.

- 1) Ministry of Finance and Planning. It oversees information about the country's economy, and national CSOs have been engaging with the ministry to increase transparency of budget information.
- 2) Ministry of Education and Vocational Training. It is one of the key ministries that the public engages with directly because of its oversight role in all the country's schools.
- 3) The Ministry of Agriculture. Agriculture is a key economic driver for the country with rural, smallholder farms dominating the sector. Access to information from the ministry about this particular group of stakeholders has a large effect on Tanzanian society.
- 4) Tanzania Bureau of Standards. The bureau aims to strengthen quality control of products and promote standardisation in industry and commerce. Given the uncertain quality of products and the influx of fake or counterfeit goods, the bureau has an important role to play in informing and educating the public.
- 5) Tanzania Food and Drugs Authority (TFDA). As an agency under the Ministry of Health, TFDA is responsible for regulating the safety, quality, and effectiveness of food, medicines, cosmetics, medical devices, and diagnostics. TFDA has an equally important role to play in ensuring the public is protected from substandard consumable products.
- 6) Tanzania Revenue Authority. As the government agency that oversees the administration of various taxes, the Tanzania Revenue Authority is of interest to local and international businesses, individuals, and most members of the public. Clarity and understanding of tax information and tax compliance are priorities for the public.
- 7) National Bureau of Statistics. The National Bureau of Statistics is the source of all official statistics. Given the key role that statistics play in development efforts, it is important that the bureau provide different sections of the public in Tanzania with access to information to meet their objectives.
- 8) Bank of Tanzania. The Bank of Tanzania oversees the country's monetary policy to protect the national economy. Its stakeholders include public and private financial institutions as well as the public.

- 9) The National Audit Office of Tanzania. The National Audit Office of Tanzania is highly significant to the public in regard to government accountability.
- 10) Higher Education Student Loans Board (HESLB). The HESLB provides loans and grants to Tanzanian students for higher education. Because of the key role it plays in providing educational opportunities to students who could not otherwise afford them, it has always been critically scrutinised by the public, and there is a lot of interest in the information that it holds.

For each authority, applying the methodology to assess proactive disclosure involved examining its websites for availability of information about the authority itself and its functions, structures, plans, strategies, activities, budgets, procurements, and mechanisms for consultation and public participation.

Analysis by Assessment Area

Proactive Disclosure

Most of the public authorities provided information on their functions, organisational structures, and governing legislation. To some extent, they also provided information about plans and strategies. However, none published information about procurement or on ATI implementation. This is likely due to the fact that the ATI law is hardly three years old and many public authorities have not been significantly pushed to implement it. Civil society and government should work together to address this. Given the establishment of the Tanzania Association of Government Communicators, it is possible for instance for all public authorities to put in place plans to work toward more-proactive disclosure.

Due to the constraints regarding the move of some government bodies from Dar es Salaam to Dodoma, TMF faced significant challenges when it came to reaching public bodies, and it was therefore not able to scrutinize the second (Institutional Measures) and third dimensions (Processing of Requests) of the FOIANet methodology. Following up across cities was further encumbered by the requirement of public offices for hard-copy letters or face-to-face meetings. Furthermore, it was noted by Tanzanian CSOs that there are a lot of new requirements by the state to regulate the efforts more effectively. As a result, the assessment of the state of ATI in Tanzania could be only partially completed.

Recommendations

In regard to proactive disclosure,

- 1) All public authorities should develop and publish their strategies, plans, and policies. While some of the authorities did provide some of this information, it was not sufficient. Often, the published strategies and plans were from a sectoral perspective and not from the perspective of the authority itself.
- 2) Information about the projected budget, actual income and expenditures, and/or audit reports should be published. While budget books are published on the Ministry of Finance's website and contain budget projections and the past year's income and expenditures, every authority should publish its own information.
- 3) Most authorities do not publish detailed information on public-procurement processes, criteria, outcomes of tenders, copies of contracts, and reports on completion of contracts. They should publish an annual procurement report with all this information as well as inform the public about contracts and their progress toward accountability.
- 4) Information about the mechanisms and procedures for consultation and public participation is not published. If published, it would enhance public participation in processes that public authorities oversee. Public authorities should develop and publish when and how people can engage with them.
- 5) None of the ten authorities publishes an annual report on the implementation status of the ATI law including the number of requests granted and refused and the time taken to respond to them. If public authorities began analysing this information for themselves, they would be able to respond more effectively to public requests and demonstrate transparency. Civil society organisations can offer support in this area.
- 6) Information on how to make an ATI request and the costs and fees for photocopies of information should be published alongside information related to granted ATI requests. With such information, the public will be able to monitor progress in ATI implementation.

Tunisia

Conducted by the Africa Freedom of Information Centre—AFIC

(Data results available in Annex 9)

Background

The right to access public information is enshrined in Article 32 of the 2014 Constitution of the Tunisia Republic, which states, “The state guarantees the right to information and the right of access to information and communication networks.” In accordance with the constitution, the Right to Access Information Law No. 22/2016 was enacted in March 2016. The law conforms to international standards and most notably for exceptions now subject to the injury and general interest tests. It also complies perfectly with the African Union Model law.

The Right to Access Information Law

The ATI law provides practical mechanisms to ensure the implementation of access to information including recourse to justice and the setup of the National Authority on Access to Information (INAI). Its scope is no longer limited; it protects the right of access to information for all Tunisian citizens. The law requires all governmental bodies, public institutions, and any other institution receiving state funds to make public upon request a wide range of information including their organisational charts, legal texts, their agreements with states, their policies and programmes that concern the public, their procurement processes, and statistics as well as “any information relating to public finances, including detailed data related to the budget at the central, regional and local levels.” By law, a state agent who deliberately blocks access to information is liable to a fine of 500 to 5,000 dinars (\$170 to \$1,700) and disciplinary sanctions. However, it is unclear what the exact legal proceedings are in this regard.

The law further identifies certain types of information that institutions are not obliged to provide including information on security or national defence, international relations, intellectual property, and personal and private data. However, the law explicitly emphasizes that these exceptions “do not apply to information that is necessary for disclosure in order to disclose serious violations of human rights or war crimes or investigations which are related or the pursuit of their authors.” Any case in which an institution would invoke such an exception is subject to the public-interest test for each application. The public body may refuse to grant information only when doing so could potentially jeopardize national security, defence, international relations, or the rights of a third party in regard to its privacy, intellectual property, and personal data. These

exceptions are not considered absolute, however; each application is subject to the injury test as well as the public-interest test. The proportionality between the denial and the granting of the information request will be considered.

Last, the right of access to information does not include data on the identity of persons who have submitted information to denounce abuses or cases of corruption.

Each institution needs to publish the granted information online and update it at least once every three months following any changes and mention the date of the last update. The websites must contain the legal and regulatory framework governing access to information, the forms to submit information requests, the procedures of appeal, the service responsible for receiving information requests, and reports relating to the implementation of the ATI law.

Any natural or legal person may submit a written request to access information. In case of refusal, the requesting party will be informed via a letter listing the reasons. The exception automatically ends when these reasons are no longer valid. The law considers that a failure to respond to a request within 20 days is tantamount to refusal and constitutes an appeal to INAI.

The ATI law does not charge for filing an information request or for appealing a refusal to INAI. A standard application form is available, but its use is not mandatory. Only basic information such as name, address, and details of the application and its addressee are required for submitting an information request. It can be submitted by email, mail, fax, or in person to the institution where the information is requested.

The National Authority on Access to Information (INAI)

INAI was created to protect the right of access to information and oversee the implementation of the ATI law. It is an independent public body with financial autonomy. Its board is composed of a council elected by the People's Congress. In compliance with the ATI law, the INAI is tasked with investigating complaints against public institutions in relation to access to information. It may if necessary carry out the required investigations on the spot, perform all review procedures, and interview relevant persons. INAI decisions may be appealed in administrative tribunals. Since its inception to mid-March 2019, INAI has received 750 appeals.

With its law on the right of access to information, Tunisia is at the forefront of the Arab world in promoting transparency in public institutions. State agencies are obliged to provide a wider range of information and limit what information can be kept confidential.

Application

The following entities were assessed.

1. Ministry of Gender
2. Ministry of Justice
3. Ministry of Health
4. Procurement Regulatory Authority
5. Ministry of Finance
6. Parliament
7. Ministry of Interior

Overall Analysis

Despite strong provisions in the ATI law, there is a clear quantitative and qualitative lack of information proactively published. Institutions are slow to respond to citizens' requests. Public authorities are gradually adapting, but there is still resistance.

Although the law lays out procedures for obtaining public information, the reality is that obtaining it is quite complicated. Public access to information is hindered by administrative burdens and bureaucratic inertia. As stipulated by the ATI law, officials in charge are appointed and the mechanisms for receiving applications are well established. Nevertheless, it is difficult to get an answer to the request (one time out of seven): public servants do not respond to emails or telephone calls, and websites' contents are not regularly updated. The problem sometimes arose from the fact that within a government agency, the officer responsible for answering requests fails himself to obtain information from the colleagues who hold it.

Analysis by Assessment Area

Proactive Disclosure

A majority of the seven assessed public entities use their websites to fully or partially publish descriptions of their main activities and services. This includes the functions and responsibilities of the authorities, the organisational structure, and the names and contact information of key officials. Laws governing the authorities' operations also appear on their specific websites. However, updates are not being done systematically.

Many public institutions fail to provide information on budget allocations including detailed data of the budget at central, regional, and local levels; on public debt and national accounts; on the distribution of public expenditure and the main indicators of public finances as well as public contract information; on oversight entities; on the conventions that the state intends to accede to or ratify; and on census data. Information about mechanisms and procedures to consult and request information is also partially published or absent.

Last, the Tunisian government is also late in meeting its reporting obligations.

Institutional Measures

Access to information implementation by the Tunisian authorities has been inconsistent; institutional measures are present but are not fully functional. With the exception of the Procurement Regulatory Authority, which refers to the general system put in place by the Ministry of Finance, all the prospected authorities have public information officers who are responsible for ATI implementation and are appointed by the head and deputy of the internal entity subject to the provisions of the ATI law. In particular, they are to receive, process, and respond to information requests and ensure coordination.

Their duties also include the preparation of action plans and annual activity reports. The reports should contain suggestions and recommendations necessary to reinforce access to information. They should also include statistical data on the number of submitted requests as well as replies, refusals, and appeals among others complemented by the measures taken in relation to ATI at the initiative of the authority concerned, document management, and training sessions. The public information officers need to ensure follow-up on the implementation of the action plan and

update it accordingly. However, we found that apart from the Ministry of Interior, no such reports have been published to date.

A single form to request information is available on the authorities' specific websites, and in some cases, they still refer to the 2011 ATI law, which was replaced by the 2016 ATI law. This indicates a lack of interest in implementing ATI consistently.

ATI training sessions also do not seem to be a priority. The public authority did not provide ATI training to its information officers but nevertheless allowed them when there was an opportunity to take part in training sessions organised by other institutions.

Processing of Requests

In principle, the process of submitting information requests is very simple. Information requests can be submitted by natural or legal persons by hand, registered letter, fax, or email in accordance with an established model or on free paper. The request needs to include the applicant's name and address and the necessary details concerning the information requested, but it does not need to offer any justification.

Though the prescribed process may be simple, the reality is more complicated due to administrative burdens and bureaucratic inertia. Emails or telephone calls remain not responded to, and websites are not regularly updated. It sometimes arose in a government agency that the public information officer responsible for answering requests was not able to obtain the requested information from colleagues.

As a result, many information requests are submitted in person at the institution itself. Others go through INAI mediation to retrieve information. Advocates for ATI have expressed concerns about the shortcomings in the implementation of the ATI law. One of these concerns is that the executive bodies do not always respond to requests even after they have been ordered to do so by INAI and administrative tribunals.

Recommendations

- 1) A focus must be placed on enhancing the capacities of institutions and society to identify, publish, and disseminate useful information. Training and capacity building of public

- agencies is needed to better implement the ATI law. INAI should receive increased funding and strengthen its human-resource capacity for timely consideration and disposal of cases.
- 2) A culture of transparency needs to be developed and implemented through advocacy and awareness campaigns. Public officials and citizens must recognize that information belongs to the public. Civil society activists, journalists, and all citizens should play an effective role in the use of the ATI through debates among all stakeholders (journalists, media organisations, trade unions, and the government). Partnerships between INAI and universities should organise awareness campaigns about ATI.
 - 3) The development of progressive national indicators and targets about public access to information are needed to achieve the 2030 Agenda.

Ukraine

Conducted by CLD with the support of UNDP Ukraine by Tetyana Oleksiyuk, UNDP Ukraine expert on ATI

(Data results available in Annex 10)

Background

The Ukraine law On Access to Public Information (OAPI) was adopted in 2011 and was based on the international standards developed by NGO Article 19. The adoption of this well-structured, comprehensible, and qualitative legislation dealing with ATI became an essential step toward developing transparent and accountable state government, countering corruption, and ensuring progress on achieving the SDGs in Ukraine.

Civil society and NGOs made an important contribution to the process of ATI implementation. The mechanisms provided by the OAPI were timely, and their implementation was widely supported by donor organisations. Investigative journalists, activists, and citizens were able to quickly exercise their right to information and counter corruption by identifying and controlling proper spending of budget funds, revealing abuse of authority in land-resources distribution, and accessing information about revenues of public servants through access to their declarations.

Up until now, numerous training sessions and educational courses for activists, journalists, and responsible officials are in great demand. Combined with good coordination of stakeholders' efforts, this resulted in further progress in ATI implementation. During 2011–2015, the efforts of activists were directed more toward the development of court practices in interpreting the specifics and provisions of the ATI law.

Progress on ATI implementation for the years 2011–2019 was tangible; it made a powerful impact by strengthening anticorruption activities and processes and contributing to transparent and democratic governance. However, several challenges still need to be addressed to transform an ad hoc success into a sustainable achievement. One of the most important challenges of the implementation of OAPI remains unsolved until now—the existence of an institutionally capable, powerful, and independent body that can provide effective control over ATI implementation and its requirements by the public information administrators.

Application

For the purpose of this assessment, these nine public authorities of Ukraine were selected.

1. President Administration of Ukraine (PAU)
2. Verkhovna Rada (Parliament) of Ukraine (VRU)
3. Cabinet of Ministers of Ukraine (CMU)
4. Ministry of Justice of Ukraine (MJU)
5. Supreme Court of Ukraine (SCU)
6. State Property Fund of Ukraine (SPFU)
7. Ministry of Economic Development and Trade of Ukraine (MEDTU)
8. National Bank of Ukraine (NBU)
9. Ministry of Education and Science of Ukraine (MESU)

Data collection dates were between 1 February 2019 and 26 March 2019.

Overall Analysis

Ukraine is generally performing well in meeting the standards mandated by the OAPI law. In general, public authorities performed more strongly in assessment areas 1 (Proactive Disclosure) and 3 (Processing of Requests), while performance in assessment area 2 (Institutional Measures) was weaker. A better level of observing the right to access to public information can be achieved by improving the responsible officials' knowledge in this sphere and by measures aimed at reducing the number of information requests for example by publishing different categories of information in the respective ways envisaged by the legislation.

Analysis by Assessment Area

Proactive Disclosure

The requirement to publish certain categories of information is provided by the OAPI law. At the same time, the provisions of that law prohibit the responsible officials from rejecting information requests due to the reason that the information requested by the applicant is freely available (for example, published on the public authority's official website). However, this does not encourage

responsible officials to direct their efforts to complete and prompt publication of the information in their control.

For the majority of the assessed institutions, information on their institutional missions, organisational structures, legislation, and budgets is well disclosed. On the other hand, the level of disclosure of public procurement and contracts was low.

Institutional Measures

There is no special ATI implementation plan in all of the authorities. However, in accordance with the rules of the OAPI law, all public authorities have to take regular measures to implement the law, for example, to prepare and publish regular reports on responses to information requests and publish some types of information about the public authorities' activities.

The main disadvantage is that there is no unified and officially approved education plan for the officials responsible for ATI implementation. Public authorities do not provide regular ATI trainings for their officers. Lectures on ATI are occasionally conducted by specialized state centres for the training of civil servants or by NGOs.

The establishment of a new, capable, powerful, and independent oversight authority on ATI would be an important step in remedying this. In accordance with the Law of Ukraine on the Ombudsperson, this oversight body can exercise parliamentary control. Parliamentary control is a special type of power when compared to traditional types of state control; therefore, neither the position in the state hierarchy nor the authority of the ombudsperson characterizes it as a state power enforcement body.

The main argument in favour of establishing a new independent body is its prompt and free-of-charge work. The protection of the right to information currently provided by the ombudsperson does not require any additional expenses for the applicant, but the efficiency and effectiveness of the ombudsperson's control suffers from a defective mechanism to establish administrative liability.

Processing of Requests

The majority of the responsible authorities processes requests and provides responses of sufficient quality. The most widespread and influential problem is poor communication via email.

The OAPI law states that the requester can file a request for information in any way—in words, by post, or by email. However, as the assessment found, the electronic mailboxes of the responsible officials are not always properly and timely checked, and that results in the state authority not processing requests.

In addition, the OAPI law does not require the responsible official to send a receipt confirming the reception of a request. In such a circumstance, for a long time after sending a request, a requester does not know if the state authority has received his or her request or is processing it.

Recommendations

Progress on ATI implementation in Ukraine is tangible; it made a powerful impact on strengthening anticorruption activities and processes and contributing to transparent and democratic governance. However, several challenges still need to be addressed to transform an ad hoc success into a sustainable achievement. The progress of the previous years should be implemented in the state policy along with the further development supported and coordinated by state authorities at all levels and ensured by effective supervisory authority.

The following recommendations to improve ATI implementation can be offered.

- 1) Ensure full ATI on the part of state bodies and responsible authorities by raising awareness of responsible officials, preparing and executing ATI implementation plans, and complying with the requirements for full disclosure of public information to reduce the burden on responsible officials and the controlling authority. Conduct extensive educational and explanatory work among public responsible officials and requesters on the issues that cause the majority of violations.
- 2) Introduce mechanisms for effective control and rapid elimination of violations in the ATI sphere including the establishment of an independent and competent institution able to exercise such control and protect the right to information in a way accessible for everyone. The main challenge related to establishing a new specialized body dealing with ATI (either individually or collectively, for example, the information commissioner or the Information Commission) and to ensuring its effective work is to find a method of their election or appointment that would ensure the independence of this body.
- 3) Improve the current legislation by making the necessary amendments. Such changes relate to both fundamental transformations (the introduction of a new oversight body) and

procedural improvements (the introduction of receipts sent to requestors). A wide range of stakeholders should be involved in developing the law including state authorities, NGOs, donors, and civic activists.

Overall Recommendations

The three dimensions assessed by the FOIANet methodology—proactive disclosure, institutional measures, and processing of requests—represent the full implementation of public access to information laws and how this is experienced by citizens, journalists, and researchers among others. Based on the results of the country assessments, the following overall recommendations were identified.

1) Proactive Disclosure

Public authorities should proactively make information available. The broad majority of public authorities assessed fail to make information readily available to the public proactively. Official online channels often do not mention any information related to their structure and processes or the formal mechanism to request information, and when the information is provided, it is sometimes incomprehensible.

Given that proactive disclosure is the first step for most citizens to inquire about governance (and can be considered the most cost-effective in terms of disseminating information), public authorities should view this as a priority. It also lowers the threshold for the public to exercise their ATI, which in turn will increase demand and is conducive to ATI implementation.

2) Institutional Measures

The implementation of ATI legislation is largely dependent on the ability of public authorities to receive and deliver on information requests. Without appropriate or poorly implemented internal mechanisms to process requests, the public remains deprived of its fundamental right to access information even with an ATI law. **Two main takeaways arose during the assessments: the importance of both a nodal agency on ATI¹⁶ and an oversight body, and the need for both the appointment as well as adequate training of public information officers in public institutions.**

¹⁶ A nodal agency on ATI is a central authority that supports the implementation of ATI in terms of coordination, capacity building, and standards setting. It is not an oversight body, which is the body that receives complaints about information requests. It is normally part of the government though it can also be an independent body.

Given the fact that ATI is applied across all public authorities, a nodal agency can help provide the needed guidance by taking the lead in ATI implementation and management. It can ensure capacity building of public information officers and foster a culture of transparency in public authorities. In some of the assessed countries, nodal agencies were not present, and that had a negative effect on their ATI performance.

A key part of the successful implementation of any ATI law is the presence of an effective oversight body that can entertain complaints about failures to process requests for information. This helps ensure that citizens can access some form of redress when public authorities do not follow the ATI law. For this to be the case, these bodies need to be independent of government and have binding and effective order-making powers.¹⁷

Additionally, for the majority of assessed countries, it became apparent that there is a severe lack of human resources dedicated to ATI implementation. Public information officers are often not appointed, and even when they are, their specific roles are not well defined or they are not available. Furthermore, it was unclear to the public how information requests are to be submitted as well as processed. As public information officers can be considered the backbone of ATI implementation, improvement in this area leverages further efforts.

On a separate note, **national information commissions or ATI oversight bodies need to have the ability to enforce (effective) penalties on those who violate national ATI legislation and/or deny or poorly process information requests.** Statements and directives from national information commissioners or oversight bodies should also be binding. Without such a mandate, ATI violations go unpunished, and that leads to less governmental transparency.

¹⁷ From among the ten countries assessed here, Tanzania is the only one that does not have any such oversight body. These bodies in Pakistan and South Africa have just been newly appointed, so it is premature to assess them. In Mongolia and Ukraine, the complaints role was given to a pre-existing body—respectively a human rights commission and the ombudsman—which has led to less than optimal performance as the body tends to focus on its main tasks rather than ATI.

3) Processing of Requests

A key goal of ATI legislation is the timely processing of information requests. This requires sufficient resources and commitment, which is currently lacking in most of the assessed countries. Adherence to ATI laws and the processing of requests is also often done haphazardly, which most likely stems from a lack of awareness of what the ATI laws say. This demonstrates once again the need for internal capacity building with a special focus on information officers.

The designation of ATI as a priority at all levels of government followed by sufficient resources and commitment is an evident first step in improving the overall situation.

4) Raising awareness of the public and government officials

As mentioned in the introduction, the knowledge gap is a significant obstacle to ensuring proper implementation of ATI laws. Lack of awareness is prevalent among the public and in public authorities, and the assessment we conducted in different countries confirmed this. As ATI is a fundamental right that can actively be exercised by members of the public, it can be considered demand-driven. With this understanding, **raising awareness in the public is crucial to achieving better ATI implementation. Independent media and investigative journalism play a vital role in this regard.**

In some countries, the process toward adoption of ATI legislation was accompanied by significant awareness-raising campaigns led by civil society and the media and directed at leading decision makers whether in government or among members of parliament. Often, however, once the ATI law has been adopted, these actors consider that the main goal has been achieved and momentum decreases. Full implementation of and adherence to ATI laws require constant public attention and in particular broad public awareness-raising efforts.

5) Monitoring of ATI implementation by civil society and public bodies

Oversight of ATI is a public responsibility that needs to be monitored independently. Governmental and nongovernmental actors alike play a role in this regard. **Keeping track of granted and denied information requests allows for the identification of pressing**

needs and bottlenecks in the system. The development and application of national systems for monitoring ATI can provide an important part of the framework for fostering further improvement.

6) Additional Research

The knowledge gap does not relate only to a lack of awareness among the public and officials; there is also a severe lack of data on ATI implementation, and this global report is part of a first wave of an effort to bolster ATI research. Data collection on ATI is rendered more complex due to the large number of discrete public authorities that undertake implementation efforts as well as the absence of a universally agreed-upon methodology for assessing this. In this context, CSO-driven methodologies are extremely useful tools for gaining insight into the main issues of ATI implementation.¹⁸ They demonstrate the potential of data collection to strengthen the fundamental right to public access to information. **Additional data collection on ATI implementation via robust and universally accepted methodologies is a very important way to close the current knowledge gap.**

¹⁸ The FOIANet methodology is available at http://foiadvocates.net/?page_id=11036.

Overall Conclusion

ATI is a fundamental human right, part of the wider right to freedom of expression. ATI is also a public policy measure, and public authorities are the primary implementers with the wider public acting as a catalyst. ATI benefits not only the public but also the public authorities themselves as it counters corruption, prevents violations of the law, improves government accountability, and builds public trust.

All levels of government should be able to ensure ATI; all it requires is an appropriate allocation of resources and sufficient political will. To this extent, implementation does not depend on other stakeholders and actors though in practice, demand for information is also essential for strong implementation.¹⁹ Despite this, the current state of affairs shows that there is much to be done in terms of improving implementation of ATI.

The implementation of ATI laws is hampered by several obstacles including a persistent knowledge gap, lack of political will, cultures of secrecy, and a scarcity of resources and capacity. Though the results of this exercise and its recommendations imply that the way forward will be difficult, the challenges are in fact not that difficult to surmount. Raising awareness about ATI is the first step in tackling all three, which should be buttressed by broader data collection. The latter further advances ATI implementation by identifying problems as well as solutions or ways forward.

Lessons Learnt

The combined approach of data collection and the consultative multi-stakeholder meetings was broadly welcomed by state actors. Although ATI is often not perceived as a priority, there is willingness to improve implementation and monitoring alike. State actors showed a keen interest in the methodology used; it presented a valid opportunity to include nonofficial data sources on SDG Indicator 16.10.2 in official reporting. In addition, via this kind of direct engagement, the impact of ATI on good governance was highlighted at the policy level. Such relationship building helps ensure that efforts achieve their intended goals and reach their target groups. This approach is quite unique; other media development actors expressed interest in the project's implementation.

¹⁹ Data collected and held by private actors and companies should, however, not be ignored. Public access to corporate information is also a pressing issue.

On a more practical note, participants at the meetings would need to be appropriately briefed beforehand to ensure that the discussions remain focused and that a clear follow-up strategy can be developed in unison.

ATI cannot be decoupled from its mother right—freedom of expression. Both have a great impact on society by facilitating the free flow of information and ideas. Without ATI, media are unable to keep the public informed and speak truth to power. Without freedom of expression and an enabling environment for independent media, the public cannot fully exercise its right to ATI. This close interconnection explains why independent media need to be closely involved in activities that support ATI.

ATI should be seen as a way to provide journalists and media with an additional tool to carry out their jobs. It enables each member of the public to hold his or her government to account. Together with freedom of expression, ATI contributes to a more peaceful, inclusive, and accountable society and protects human rights as a whole.

Next Steps

Data collection and raising awareness about ATI need to be prioritised to ensure compliance with the various ATI laws in different countries and close the current knowledge gap. The argument that ATI is conducive to the overall achievement of the 2030 Agenda will be accepted only if there is data actually confirming it. Independent media, civil society, and citizens exercising their right to ATI to enable positive change further support this. The more ATI is exercised, the stronger its impact will be in supporting the achievement of the 2030 Agenda.

Policymakers should be made aware of the significance of ATI for good governance, the importance of multi-stakeholder monitoring, and the relatively low threshold for improving ATI implementation. The upcoming HLPF in July 2019 and the subsequent SDG Summit in September 2019 are important opportunities to promote this. The outcomes and recommendations of this report provide building blocks for all stakeholders in developing additional strategies to strengthen ATI worldwide.

Annex 1 – Canada

The overall results for Canada based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	88.89	86.51	83.75	86.38
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Department of Justice (DOJ)	95.83	100	Q1: 93.75	Q2: 93.75	96.57
			TOTAL: 93.75		
Department of Finance (DOF)	93.75	100	Q1: 100	Q2: 100	97.92
			TOTAL: 100		
Employment and Social Development Canada (ESDC)	91.67	100	Q1: 93.75	Q2: 93.75	95.14
			TOTAL: 93.75		
Canadian Heritage (CH)	93.75	100	Q1: 100	Q2: 100	97.92
			TOTAL: 100		
Department of Fisheries and Oceans (DFO)	93.75	80	Q1: 25	Q2: 25	66.25
			TOTAL: 25		
Military Grievances External Review Committee (MGERC)	72.92	60	Q1: 100	Q2: 100	77.64
			TOTAL: 100		
Statistics Canada (StatsC)	93.75	60	Q1: 87.50	Q2: 87.50	81.81
			Q3: 100		
			TOTAL: 91.67		
Canada Post (CP)	81.25	60	Q1: 81.25	Q2: 12.50	62.71
			TOTAL: 46.88		

CBC/Radio-Canada (CBC)	83.33	70	Q1: 93.75	Q2: 87.50	81.32
			TOTAL: 90.63		

Assessment Area 1: Proactive Disclosure (9 public authorities)

Type of information	DOJ	DOF	ESDC	CH	DFO	MGERC	StatsC	CP	CBC
Institutional	100	100	100	100	100	100	100	100	50
Organisational	100	100	100	100	100	75	100	100	75
Operational	100	100	100	100	100	75	100	100	100
Legislation	100	100	100	100	100	100	100	100	100
Activities and Service Delivery	75	75	75	75	100	75	75	75	100
Budget	100	100	100	100	100	50	100	100	100
Public Procurement and Contracts	75	75	75	75	75	75	75	50	50
Participation	100	75	75	75	75	0	100	25	50
RTI information	100	100	100	100	100	50	100	50	100
How to make an RTI request	100	100	100	100	100	100	100	100	100
Costs for publications	100	100	75	100	75	75	75	75	75
List of information requested	100	100	100	100	100	100	100	100	100
Total	95.83	93.75	91.67	93.75	93.75	72.92	93.75	81.25	83.33

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	Yes	100	
Has government established an independent RTI oversight body, such as an information commission?	Yes	100	

Type of information	DOJ	DOF	ESDC	CH	DFO	MGERC	StatsC	CP	CBC
Has the authority appointed an Information Officer for RTI?	100	100	100	100	100	100	100	100	100
RTI implementation plan?	100	100	100	100	0	0	0	0	0
Guidelines for receiving and responding to information requests?	100	100	100	100	100	0	0	0	50
Information for making requests (online and in paper form) and contact details for the Information Officers?	100	100	100	100	100	100	100	100	100
RTI training to information officers?	100	100	100	100	100	100	100	100	100
Total	100	100	100	100	80	60	60	60	70

Assessment Area 3: Processing of Requests (9 public authorities, 20 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
DOJ1	100	100	50	100	87.5	100	93.75
DOJ2	100	100	50	100	87.5	100	93.75
DOF1	100	100	100	100	100	100	100
DOF2	100	100	100	100	100	100	100

DOF3	100	100	100	100	100	100	100
ESDC1	100	50	100	100	87.5	100	93.75
ESDC2	100	50	100	100	87.5	100	93.75
CH1	100	100	100	100	100	100	100
CH2	100	100	100	100	100	100	100
DFO1	100	0	0	100	50	0	25
DFO2	100	0	0	100	50	0	25
MGERC1	100	100	100	100	100	100	100
MGERC2	100	100	100	100	100	100	100
StatsC1	100	100	0	100	75	100	87.5
StatsC2	100	100	0	100	75	100	87.5
StatsC3	100	100	100	100	100	100	100
CP1	100	50	0	100	62.5	100	81.25
CP2	0	0	0	100	25	0	12.5
CBC1	50	100	100	100	87.5	100	93.75
CBC2	50	50	100	100	75	100	87.5

Annex 2 – Indonesia

The overall results for Indonesia based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score Grade	68.75	70	58.33	65.69

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Ministry of Education (ME)	89.58	100	Q1: 0	Q2: 0	63,19
			TOTAL: 0		
Ministry of Health (MH)	81.25	80	Q1: 100	Q2: 100	87,08
			TOTAL: 100		
Ministry of Law & Human Rights (MLHR)	85.42	30	Q1: 0	Q2: 0	38,47
			TOTAL: 0		
Supreme Audit Agency (BPK)	83.33	80	Q1: 100	Q2: 100	87,78
			TOTAL: 100		
Corruption Eradication Commission (KPK)	93.75	100	Q1: 0	Q2: 0	64,58
			TOTAL: 0		
Constitutional Court (MK)	72.92	90	Q1: 100	Q2: 100	87,64
			TOTAL: 100		
Indonesian House of Representative (DPR)	95.83	100	Q1: 100	Q2: 100	98,61
			TOTAL: 100		
Election Supervisory Agency (Bawaslu)	91.67	100	Q1: 100		97,22
			TOTAL: 100		
City Council of Jakarta (DPRD DKI Jakarta)	39.58	0	Q1: 0	Q2: 0	13,19
			TOTAL: 0		

Jakarta District Court (JDC)	56.25	10	Q1: 0	Q2: 0	22,08
			TOTAL: 0		
Yogyakarta Provincial Health Office (YPHO)	14.58	70	Q1: 100		61,53
			TOTAL: 100		
Yogyakarta Provincial Education Office (YPEO)	20.83	80	Q1: 100		66,94
			TOTAL: 100		

Assessment Area 1: Proactive Disclosure (12 public authorities)

Type of information	ME	MH	MLHR	BPK	KPK	MK	DPR	Bawaslu	DPRD	JDC	YPHO	YPEO
Institutional	100	100	100	100	100	100	100	100	100	100	25	0
Organisational	75	100	100	75	100	75	100	100	100	100	25	75
Operational	100	100	100	100	100	100	100	100	100	100	0	75
Legislation	700	75	100	100	100	100	100	100	25	25	25	0
Activities and Service Delivery	100	75	100	75	100	100	100	100	25	100	0	50
Budget	100	100	100	100	100	100	75	100	50	50	25	0
Public Procurement and Contracts	50	50	25	25	25	25	75	0	50	25	0	0
Participation	100	100	100	100	100	100	100	100	25	100	25	50
RTI information	75	75	75	100	100	25	100	100	0	0	25	0
How to make an RTI request	100	100	100	100	100	100	100	100	0	75	0	0

Costs for publications	100	25	25	25	100	25	100	100	0	0	0	0
List of information requested	75	75	100	100	100	25	100	100	0	0	25	0
Total	89.58	81.25	85.42	83.33	93.75	72.92	95.83	91.67	39.58	56.25	14.58	20.83

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	Partially	50	
Has government established an independent RTI oversight body, such as an information commission?	Partially	75	

Type of information	ME	MH	MLHR	BPK	KPK	MK	DPR	Bawaslu	DPRD	JDC	YPHO	YPEO
Has the authority appointed an Information Officer for RTI?	100	100	50	100	100	50	100	100	0	50	100	100
RTI implementation plan?	100	100	0	100	100	100	100	100	0	0	100	100
Guidelines for receiving and responding to information requests?	100	100	50	100	100	100	100	100	0	0	0	100
Information for making requests (online and in paper form) and contact details for the Information Officers?	100	100	50	100	100	100	100	100	0	0	50	0
RTI training to information officers?	100	0	0	0	100	100	100	100	0	0	100	100
Total	100	80	30	80	100	90	100	100	0	10	70	80

Assessment Area 3: Processing of Requests (12 public authorities, 21 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
ME1	No	No	None	None		0	0
ME2	No	No	None	None		0	0
MH1	No	No	E-mail	None		100	100
MH2	No	No	E-mail	None		100	100
MLHR1	No	No	None	None		0	0
MLHR2	No	No	None	None		0	0
BPK1	Yes	No	E-mail	None		100	100
BPK2	Yes	No	E-mail	None		100	100
KPK1	Yes	No	None	None		0	0
KPK2	Yes	No	None	None		0	0
MK1	Yes	Yes	E-mail	None		100	100
MK2	Yes	Yes	E-mail	None		100	100
DPR1	Yes	Yes	Digital Link	None		100	100
DPR2	Yes	Yes	Digital Link	None		100	100
Bawaslu1	No	Yes	Hotline	None		100	100
DPRD1	No	No	None	None		0	0
DPRD2	No	No	None	None		0	0
JDC1	Yes	No	None	None		0	0
JDC2	Yes	No	None	None		0	0
YPHO1	Yes	Yes	Hardcopy	None		100	100
YPEO1	Yes	No	E-mail	None		100	100

Annex 3 – Mongolia

The overall results for Mongolia based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score Grade	35.42	25.89	58.20	39.84

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Ministry of Mining and Heavy Industry (MMHI)	45.83	20	Q1: 100	Q2: 87.50	53.19
			TOTAL: 93.75		
The State General Prosecutor's Office (SGPO)	29.17	0	Q1: 37.50	Q2: 37.50	22.22
			TOTAL: 37.50		
Social Insurance General Office (SIGO)	41.67	60	Q1: 87.50	Q2: 100	65.14
			TOTAL: 93.75		
Mongolian National Audit Office (MNAO)	37.50	40	Q1: 62.50	Q2: 37.50	42.50
			TOTAL: 50		
State Professional Inspection Agency (SPIA)	43.75	30	Q1: 50	Q2: 25	37.08
			TOTAL: 37.50		
Governor's Office, Darkhan-Uul aimag (DARK)	33.33	20	Q1: 50	Q2: 25	30.28
			TOTAL: 37.50		
Education, Culture Art Department, Arkhangai aimag (ARKH)	16.67	10	Q1: 93.75	Q2: 75	37.01
			TOTAL: 84.37		
Local State Property Department, Khuvsgul aimag (KHUV)	35.42	30	Q1: 87.50	Q2: 25	34.31
			TOTAL: 37.50		

Assessment Area 1: Proactive Disclosure (8 public authorities)

Type of information	MMHI	SGPO	SIGO	MNAO	SPIA	DARK	ARKH	KHUV
Institutional	100	100	100	75	75	100	25	75
Organisational	100	0	100	25	75	50	0	100
Operational	50	25	0	25	75	100	50	25
Legislation	75	75	75	75	75	50	50	50
Activities and Service Delivery	25	0	100	50	50	0	0	0
Budget	100	100	50	75	100	25	50	100
Public Procurement and Contracts	25	25	50	50	50	50	0	50
Participation	25	25	0	25	0	0	0	0
RTI information	25	0	0	25	0	0	0	0
How to make an RTI request	25	0	25	25	25	25	25	25
Costs for publications	0	0	0	0	0	0	0	0
List of information requested	0	0	0	0	0	0	0	0
Total	45.83	29.17	41.67	37.50	43.75	33.33	16.67	35.42

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	No	0	
Has government established an independent RTI oversight body, such as an information commission?	Partially	50	

Type of information	MMHI	SGPO	SIGO	MNAO	SPIA	DARK	ARKH	KHUV
Has the authority appointed an Information Officer for RTI?	50	0	50	50	50	0	50	0
RTI implementation plan?	0	0	50	50	0	0	0	100
Guidelines for receiving and responding to information requests?	50	0	50	50	50	0	0	0
Information for making requests (online and in paper form) and contact details for the Information Officers?	0	0	100	50	50	100	0	50
RTI training to information officers?	0	0	50	0	0	0	0	0
Total	20	0	60	40	30	20	10	30

Assessment Area 3: Processing of Requests (8 public authorities, 16 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
MMHI1	100	100	100	100	100	0	100
MMHI2	100	100	0	100	75	100	87.50
SGPO1	100	100	0	100	75	0	37.50
SGPO2	100	100	0	100	75	0	37.50
SIGO1	100	100	0	100	75	100	87.50
SIGO2	100	100	100	100	100	100	100
MNAO1	100	0	100	100	75	50	62.50
MNAO2	100	100	0	100	75	0	37.50
SPIA1	100	100	100	100	100	0	50
SPIA2	100	0	0	100	50	0	25

DARK1	100	100	100	100	100	0	50
DARK2	100	0	0	100	50	0	25
ARKH1	100	50	100	100	87.50	100	93.75
ARKH2	100	100	100	100	100	50	75
KHUV1	50	50	100	100	75	100	87.50
KHUV2	50	50	0	100	50	0	25

Annex 4 – Pakistan

The overall results for Pakistan based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	48.96	0	2.5	17.15
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Ministry of Interior (MI)	52.08	0	Q1: 0	Q2: 0	17,36
			TOTAL: 0		
Ministry of Foreign Affairs (MFA)	54.17	0	Q1: 0	Q2: 0	18,06
			TOTAL: 0		
Ministry of Human Rights (MHR)	54.17	0	Q1: 0	Q2: 0	18,06
			TOTAL: 0		
Ministry of Parliamentary Affairs (MPA)	39.58	0	Q1: 0	Q2: 0	18,75
			TOTAL: 0		
Inter Provincial Coordination Division (IPCD)	54.17	0	Q1: 0	Q2: 0	16,67
			TOTAL: 0		
National Accountability Bureau (NAB)	56.25	0	Q1: 0	Q2: 0	17,36
			TOTAL: 0		
Supreme Court of Pakistan (SCP)	56.25	0	Q1: 0	Q2: 0	18,06
			Q3: 0		
			TOTAL: 0		
Election Commission of Pakistan (ECP)	50	0	Q1: 0	Q2: 0	18,75
			TOTAL: 0		
Prime Minister's Office	25	0	Q1: 0	Q2: 50	16,67

(PMO)			TOTAL: 25	15.97
National Assembly of Pakistan (NAP)	47.92	0	Q1: 0 Q2: 0	
			TOTAL: 0	

Assessment Area 1: Proactive Disclosure (10 public authorities)

Type of information	MI	MFA	MHR	MPA	IPCD	NAB	SCP	ECP	PMO	NAP
Institutional	75	100	100	25	100	75	100	100	25	100
Organisational	75	75	100	100	100	75	100	100	50	100
Operational	100	75	100	50	50	100	100	100	25	75
Legislation	100	100	100	100	75	100	100	100	25	100
Activities and Service Delivery	100	75	100	50	75	75	75	75	25	75
Budget	75	75	75	75	100	50	75	75	75	75
Public Procurement and Contracts	75	75	0	0	75	100	75	0	50	0
Participation	25	75	75	75	75	100	50	50	25	50
RTI information	0	0	0	0	0	0	0	0	0	0
How to make an RTI request	0	0	0	0	0	0	0	0	0	0
Costs for publications	0	0	0	0	0	0	0	0	0	0
List of information requested	0	0	0	0	0	0	0	0	0	0
Total	52.08	54.17	54.17	39.58	54.17	56.25	56.25	50	25	47.92

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	No	0	
Has government established an independent RTI oversight body, such as an information commission?	No	0	

Type of information	MI	MFA	MHR	MPA	IPCD	NAB	SCP	ECP	PMO	NAP
Has the authority appointed an Information Officer for RTI?	0	0	0	0	0	0	0	0	0	0
RTI implementation plan?	0	0	0	0	0	0	0	0	0	0
Guidelines for receiving and responding to information requests?	0	0	0	0	0	0	0	0	0	0
Information for making requests (online and in paper form) and contact details for the Information Officers?	0	0	0	0	0	0	0	0	0	0
RTI training to information officers?	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Assessment Area 3: Processing of Requests (10 public authorities, 20 requests)

Only the Prime Minister’s Office (PMO) responded to one of the information requests that were sent, however the response was incomplete and not delivered in a timely manner. This gives it a score of 50. All the other public authorities did not respond to any information request, making their scores equal to 0.

Annex 5 – Serbia

The overall results for Serbia based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score Grade	45.33	12	50	35.78

Public authority	Proactive disclosure	Institutional measures	Processing of requests	Overall Average
Ministry of Finance (MF)	57.60	20	Q1: 100	59.20
			TOTAL: 100	
Ministry of Education (ME)	53.80	40	Q1: 0	31.27
			TOTAL: 0	
EPS	53.80	40	Q1: 0	31.27
			TOTAL: 0	
Telekom Srbija (TelSrb)	11.50	0	Q1: 0	3.83
			TOTAL: 0	
RATEL	57.60	0	Q1: 0	19.20
			TOTAL: 0	
REM	53.80	0	Q1: 100	51.27
			TOTAL: 100	
Belgrade	42.30	0	Q1: 0	14.10
			TOTAL: 0	
Niš	38.40	0	Q1: 100	46.13
			TOTAL: 100	
Provincial Secretariat for Education (PSE)	46.10	20	Q1: 100	55.37
			TOTAL: 100	

Provincial Secretariat for Agriculture (PSA)	38.40	0	Q1: 100	46.13
			TOTAL: 100	

Assessment Area 1: Proactive Disclosure (10 public authorities)

Type of information	MF	ME	EPS	TelSrb	RATEL	REM	Belgrade	Niš	PSE	PSA
Institutional	Full	Full	Full	None	Full	Full	Full	Full	Full	Full
Organisational	Full	Full	Full	Partial	Partial	Partial	Full	Partial	Partial	Full
Operational	Partial	None	Partial	None	Full	Full	Partial	Full	Full	Full
Legislation	None	Full	Full	None	Full	Full	Full	None	None	None
Activities and Service Delivery	Partial	Full	None	Partial	Full	Partial	Partial	Full	Full	Partial
Budget	Full	Full	Partial	None	Full	Full	None	Full	Full	Full
Public Procurement and Contracts	Partial	Partial	Partial	Partial	Partial	None	Partial	Partial	Partial	Partial
Participation	Full	Full	Full	None	Partial	Full	Full	None	None	None
RTI information	None	None	Full	None	None	None	None	None	None	None
How to make an RTI request	Full	Partial	Partial	None	None	None	None	None	Full	None
Costs for publications	None	None	None	None	None	None	None	None	None	None
List of information requested	None	None	None	None	None	None	None	None	None	None

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	Yes	100	
Has government established an independent RTI oversight body, such as an information commission?	Yes	100	

Type of information	MF	ME	EPS	TelSrb	RATEL	REM	Belgrade	Niš	PSE	PSA
Has the authority appointed an Information Officer for RTI?	0	100	100	0	0	0	0	0	100	0
RTI implementation plan?	0	0	0	0	0	0	0	0	0	0
Guidelines for receiving and responding to information requests?	100	100	0	0	0	0	0	0	0	0
Information for making requests (online and in paper form) and contact details for the Information Officers?	0	0	100	0	0	0	0	0	0	0
RTI training to information officers?	0	0	0	0	0	0	0	0	0	0
Total	20	40	40	0	0	0	0	0	20	0

Assessment Area 3: Processing of Requests (10 public authorities, 10 requests)

	Date of receipt (if any)	Date of response (if any)	Format of provided information	Fee	Comments	Result
MF	06-02-19	N/A	Hard copy	Free	They provided copies of two requested contracts which corresponds to the number of contracts in their Annual Work Plan.	100
ME	N/A	N/A	N/A	N/A	N/A	0
EPS	N/A	N/A	N/A	N/A	N/A	0
TelSrb	11-02-19	N/A	Electronic copy	Free	The response stated that the requested information was not of public importance.	0
RATEL	04-02-19	N/A	Hard copy	Free	The response cited one requested contract, but instead of providing a copy, it referred to the web portal where it can be found.	0
REM	05-02-19	N/A	Electronic copy	Free	According to their annual Public Procurement Plan, no funds related to advertising are envisioned, which means that the provided information should be correct.	100
Belgrade	N/A	N/A	N/A	N/A	The institution never replied to the request in any form.	0
Niš	05-02-19	N/A	Electronic copy	Free	They provided copies of three requested contracts which corresponds to the number of contracts in their Annual Work Plan.	100
PSE	11-02-19	N/A	Electronic copy	Free	They provided copies of three requested contracts which corresponds to the number of contracts in their Annual Work Plan.	100
PSA	06-02-19	N/A	Hard copy	Free	They provided copies of five requested contracts which corresponds to the number of contracts in their Annual Work Plan.	100

Annex 6 - Sierra Leone

The overall results for Sierra Leone based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	68.12	50		
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Ministry of Finance, Planning, and Economic Development (MFPED)	70.83	80	Q1: 100 TOTAL: 100	Q2: 100	83.61
Environment Protection Agency (EPA)	77.08	90	Q1: N/A TOTAL: N/A	Q2: N/A	
Freetown City Council (FCC)	70.83	20	Q1: N/A TOTAL: N/A	Q2: N/A	
Ministry Of Health (MH)	60.42	60	Q1: 43.75 TOTAL: 43.75	Q2: N/A	54.72
Ministry of Information and Communications (MIC)	54.17	40	Q1: N/A TOTAL: N/A	Q2: N/A	
National Public Procurement Authority (NPPA)	64.58	0	Q1: N/A TOTAL: N/A	Q2: N/A	
Right to Access Information Commission (RAIC)	79.17	80	Q1: N/A TOTAL: N/A	Q2: N/A	
Sierra Leone Police (SLP)	56.25	60	Q1: N/A TOTAL: N/A	Q2: N/A	

Statistics Sierra Leone (SSL)	77.08	40	Q1: 18.75	Q2: N/A	45.28
			TOTAL: 18.75		
House of Parliament (HOP)	70.83	30	Q1: N/A	Q2: N/A	
			TOTAL: N/A		

Assessment Area 1: Proactive Disclosure (10 public authorities)

Type of information	MFPEd	EPA	FCC	MH	MIC	NPPA	RAIC	SLP	SSL	HOP
Institutional	100	100	100	100	100	100	100	100	100	100
Organisational	100	100	100	100	50	100	100	50	100	100
Operational	100	100	100	100	25	100	100	100	100	100
Legislation	100	100	100	100	25	100	100	100	100	100
Activities and Service Delivery	100	100	100	100	50	100	100	50	100	50
Budget	75	100	100	50	25	50	50	50	100	50
Public Procurement and Contracts	75	75	50	50	100	25	50	25	50	100
Participation	100	100	100	25	100	100	100	100	100	100
RTI information	25	25	25	25	25	25	50	25	25	50
How to make an RTI request	25	50	25	25	25	25	75	25	75	50
Costs for publications	25	25	25	25	100	25	75	25	25	25
List of information requested	25	50	25	25	25	25	50	25	50	25
Total	70.83	77.08	70.83	60.42	54.17	64.58	79.17	56.25	77.08	70.83

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	No	0	
Has government established an independent RTI oversight body, such as an information commission?	Yes	100	

Type of information	MFPED	EPA	FCC	MH	MIC	NPPA	RAIC	SLP	SSL	HOP
Has the authority appointed an Information Officer for RTI?	100	100	100	100	100	0	100	100	0	0
RTI implementation plan?	100	100	0	100	50	0	100	100	50	50
Guidelines for receiving and responding to information requests?	100	50	0	50	50	0	100	100	0	50
Information for making requests (online and in paper form) and contact details for the Information Officers?	50	100	0	0	0	0	50	0	100	0
RTI training to information officers?	50	100	0	50	0	0	50	0	50	50
Total	80	90	20	60	40	0	80	60	40	30

Assessment Area 3: Processing of Requests (10 public authorities, 4 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
MFPED1	100	100	100	100	100	100	100
MFPED2	100	100	100	100	100	100	100
MH1	100	50	0	0	37.50	50	43.75
SSL1	100	50	0	0	37.50	0	18.75

Annex 7.1 - South Africa (Right 2 Know Campaign)

The overall results for South Africa based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	56.49	53.57	15	41.69
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Council for Scientific and Industrial Research (CSIR)	72.92	65	Q1: 0	TOTAL: 0	45.97
Amatola Water	54.17	25	Q1: 0	Q2: 0	26.39
			TOTAL: 0		
Bloem Water	50	25	Q1: 0	Q2: 0	25
			TOTAL: 0		
Magalies Water	50	25	Q1: 0	Q2: 0	25
			TOTAL: 0		
Water Research Commission	37.50	25	Q1: 0	Q2: 0	20.83
			TOTAL: 0		
Mhlathuze Water	56.25	85	Q1: 0	Q2: 0	47.08
			TOTAL: 0		
Rand Water	66.67	85	Q1: 0	Q2: 0	50.56
			TOTAL: 0		
Umgeni Water	66.67	85	Q1: 0	Q2: 0	50.56
			TOTAL: 0		
Sedibeng Water	45.83	30	Q1: 50	Q2: 50	41.94

			TOTAL: 50	
Department of Water and Sanitation (national)	64.58	100	Q1: 100	Q2: 100
			TOTAL: 100	

Assessment Area 1: Proactive Disclosure (10 public authorities)

Type of information	CSIR	Amatola	Bloem	Magalies	WRC	Mhlathuze	Rand	Umgeni	Sedibeng	DWS
Institutional	100	100	75	75	25	75	100	75	75	100
Organisational	100	100	100	100	25	75	100	100	100	100
Operational	100	50	75	75	50	75	75	75	75	75
Legislation	100	75	75	75	75	75	100	100	100	100
Activities and Service Delivery	100	75	50	50	50	50	75	75	75	75
Budget	75	100	75	75	75	25	75	75	75	75
Public Procurement and Contracts	25	25	25	25	25	25	50	75	25	25
Participation	25	25	25	25	25	25	25	25	25	25
RTI information	25	25	25	25	25	25	25	25	25	25
How to make an RTI request	100	25	25	25	25	100	75	75	25	75
Costs for publications	100	25	25	25	25	100	75	75	25	75

List of information requested	25	25	25	25	25	25	25	25	25	25
Total	72.92	54.17	50	50	37.50	56.25	66.67	66.67	45.83	64.58

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	No	0	
Has government established an independent RTI oversight body, such as an information commission?	Yes	100	

Type of information	CSIR	Amatola	Bloem	Magalies	WRC	Mhlathuze	Rand	Umgeni	Sedibeng	DWS
Has the authority appointed an Information Officer for RTI?	100	25	25	25	25	100	100	100	50	100
RTI implementation plan?	25	25	25	25	25	100	100	100	25	100
Guidelines for receiving and responding to information requests?	100	25	25	25	25	100	100	100	25	100
Information for making requests (online and in paper form) and contact details for the Information Officers?	75	25	25	25	25	100	100	100	25	100
RTI training to information officers?	25	25	25	25	25	25	25	25	25	100
Total	65	25	25	25	25	85	85	85	30	100

Assessment Area 3: Processing of Requests (10 public authorities, 19 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
CSIR1	0	0	0		0	0	0
Amatola1	100	0	0		0	0	0
Amatola2	100	0	0		0	0	0
Bloem1	0	0	0		0	0	0
Bloem2	0	0	0		0	0	0
Magalies1	0	0	0		0	0	0
Magalies2	0	0	0		0	0	0
WRC1	0	0	0		0	0	0
WRC2	0	0	0		0	0	0
Mhlathuze1	0	0	0		0	0	0
Mhlathuze2	0	0	0		0	0	0
Rand1	0	0	0		0	0	0
Rand2	0	0	0		0	0	0
Umgeni1	0	0	0		0	0	0
Umgeni2	0	0	0		0	0	0
Sedibeng1	100	100	50		50	50	50
Sedibeng2	100	100	50		50	50	50
DWS1	100	100	100		100	100	100
DWS2	100	100	100		100	100	100

Annex 7.2 - South Africa (Africa Freedom of Information Centre)

The overall results for South Africa based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	86.72	57.14		
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests	Overall Average
Department of Justice and Constitutional Development (DOJCD)	87.50	100	Q1: 100	95.83
			TOTAL: 100	
South African Police Services (SAPS)	87.50	100	Q1: 62.50	83.33
			TOTAL: 62.50	
Department of Telecommunications and Postal Services (DTPS)	70.83	40	Q1: N/A	
			TOTAL: N/A	
Department of Basic Education (DBE)	89.58	40	Q1: 87.50	72.36
			TOTAL: 87.50	
Department of Water and Sanitation (DWAS)	79.17	40	Q1: N/A	
			TOTAL: N/A	
Department of Health (DOH)	85.42	40	Q1: 87.50	70.97
			TOTAL: 87.50	
City of Cape Town (CiCaTo)	95.83	100	Q1: 50	81.94
			TOTAL: 50	
City of Tshwane (CiTs)	97.92	40	Q1: N/A	
			TOTAL: N/A	

Assessment Area 1: Proactive Disclosure (8 public authorities)

Type of information	DOJCD	SAPS	DTPS	DBE	DWAS	DOH	CiCaTo	CiTs
Institutional	100	100	100	100	75	75	100	100
Organisational	100	100	100	100	100	100	100	100
Operational	75	100	100	100	100	100	100	100
Legislation	100	100	100	100	100	100	100	100
Activities and Service Delivery	100	75	25	100	100	100	100	100
Budget	100	100	100	100	100	100	100	100
Public Procurement and Contracts	25	50	50	25	50	25	50	75
Participation	50	25	25	50	75	25	100	100
RTI information	100	100	25	100	25	100	100	100
How to make an RTI request	100	100	100	100	100	100	100	100
Costs for publications	100	100	100	100	100	100	100	100
List of information requested	100	100	25	100	25	100	100	100
Total	87.50	87.50	70.83	89.58	79.17	85.42	95.83	97.92

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	Yes	100	
Has government established an independent RTI oversight body, such as an information commission?	Partially	50	

Type of information	DOJCD	SAPS	DTPS	DBE	DWAS	DOH	CiCaTo	CiTs
Has the authority appointed an Information Officer for RTI?	100	100	100	100	100	100	100	100
RTI implementation plan?	100	100	0	0	0	0	100	0
Guidelines for receiving and responding to information requests?	100	100	0	0	0	0	100	0
Information for making requests (online and in paper form) and contact details for the Information Officers?	100	100	100	100	100	100	100	100
RTI training to information officers?	100	100	0	0	0	0	100	0
Total	100	100	40	40	40	40	100	40

Assessment Area 3: Processing of Requests (8 public authorities, 8 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
DOJCD ₁	100	100	100	100	100	100	100
SAPS ₁	100	100		100	75	50	62.50
DTPS ₁	100	100			25		
DBE ₁	0	100	100	100	75	100	87.50
DWAS ₁	0	100			0		
DOH ₁	0	100	100	100	75	100	87.50
CiCaTo	100	100	0	0	50	50	50
CiTs	0	100			25		

Annex 8 – Tanzania

The overall results for Tanzania based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	27.90			
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests	Overall Average
Ministry of Finance and Planning	35.40	N/A	N/A	N/A
Ministry of Education and Vocational Training	35.40	N/A	N/A	N/A
Ministry of Agriculture	37.50	N/A	N/A	N/A
Tanzania Bureau of Standards	29.20	N/A	N/A	N/A
Tanzania Revenue Authority	33.30	N/A	N/A	N/A
National Audit Office of Tanzania	37.50	N/A	N/A	N/A
Higher Education Student Loans Board	37.50	N/A	N/A	N/A
Tanzania Food and Drugs Authority	33.30	N/A	N/A	N/A
National Bureau of Statistics	31.30	N/A	N/A	N/A
Bank of Tanzania	31.30	N/A	N/A	N/A

Annex 9 – Tunisia

The overall results for Tunisia based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	31.87	37.14	16.25	28.42
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
Ministry of Women, Family, Childhood and the Elderly (MWFCE)	50	50	Q1: 0	Q2: 0	33.33
			TOTAL: 0		
Assembly of People's Representatives (ARP)	29.17	50	Q1: 87.50	Q2: 87.50	55.56
			TOTAL: 87.50		
Ministry of Finances (MF)	64.58	40	Q1: 0	Q2: 0	34.86
			TOTAL: 0		
Ministry of Interior (Police)	64.58	90	Q1: 75	Q2: 75	76.53
			TOTAL: 75		
Ministry of Health (MH)	54.17	40	Q1: 0	Q2: 0	31.39
			TOTAL: 0		
Ministry of Justice (MJ)	37.50	50	Q1: 0	Q2: 0	29.17
			TOTAL: 0		
Procurement Regulatory Authority (PRA)	18.75	0	Q1: 0	Q2: 0	6.25
			TOTAL: 0		

Assessment Area 1: Proactive Disclosure (7 public authorities)

Type of information	MWFCE	ARP	MF	Police	MH	MJ	PRA
Institutional	100	100	100	100	100	100	25
Organisational	100	100	100	100	100	100	25
Operational	100	0	75	25	75	25	0
Legislation	100	100	100	100	100	75	75
Activities and Service Delivery	75	25	75	100	75	25	25
Budget	25	0	75	25	100	0	0
Public Procurement and Contracts	25	0	75	0	0	0	25
Participation	75	25	75	75	25	25	25
RTI information	0	0	0	75	0	0	0
How to make an RTI request		0	100	100	75	100	25
Costs for publications	0	0	0	0	0	0	0
List of information requested	0	0	0	75	0	0	0
Total	50	29.17	64.58	64.58	54.17	37.50	18.75

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	No	0	
Has government established an independent RTI oversight body, such as an information commission?	Yes	100	

Type of information	MWFCE	ARP	MF	Police	MH	MJ	PRA
Has the authority appointed an Information Officer for RTI?	100	100	100	100	100	100	0
RTI implementation plan?	0	100	0	100	0	0	0
Guidelines for receiving and responding to information requests?	50	0	0	100	0	0	0
Information for making requests (online and in paper form) and contact details for the Information Officers?	50	50	50	100	50	100	0
RTI training to information officers?	50	0	50	50	50	50	0
Total	50	50	40	90	40	50	0

Assessment Area 3: Processing of Requests (7 public authorities, 14 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
MWFCE1	0	0	0		0	0	0
MWFCE2	0	0	0		0	0	0
ARP1	0	100	100	100	75	100	87.50
ARP2	0	100	100	100	75	100	87.50
MF1	0	0	0		0	0	0
MF2	0	0	0		0	0	0
Police1	0	0	100	100	50	100	75
Police2	0	0	100	100	50	100	75
MH1	0	0	0		0	0	0
MH2	0	0	0		0	0	0
MJ1	0	0	0		0	0	0

MJ2	0	0	0		0	0	0
PRA1	0	0	0		0	0	0
PRA2	0	0	0		0	0	0

Annex 10 - Ukraine

The overall results for Ukraine based on this exercise are:

	Assessment Area 1	Assessment Area 2	Assessment Area 3	Final
Score	87.50	61.90	80.46	76.62
Grade				

Public authority	Proactive disclosure	Institutional measures	Processing of requests		Overall Average
President Administration of Ukraine (PAU)	83.33	70	Q1: 100	Q2: 100	84.44
			TOTAL: 100		
Verkhovna Rada (Parliament) of Ukraine (VRU)	83.33	60	Q1: 100	Q2: 0	64.44
			TOTAL: 50		
Cabinet of Ministers of Ukraine (CMU)	95.83	70	Q1: 100	Q2: 100	88.61
			TOTAL: 100		
Ministry of Justice of Ukraine (MJU)	81.25	70	Q1: 0	Q2: 100	67.08
			TOTAL: 50		
Supreme Court of Ukraine (SCU)	85.41	60	Q1: 100	Q2: 100	81.80
			TOTAL: 100		
State Property Fund of Ukraine (SPFU)	89.58	70	Q1: 100	Q2: 100	86.52
			TOTAL: 100		
Ministry of Economic Development and Trade of Ukraine (MEDTU)	87.50	70	Q1: 100	Q2: 0	69.16
			TOTAL: 50		
National Bank of Ukraine (NBU)	89.58	70	Q1: 40	Q2: 100	76.52
			TOTAL: 70		

Ministry of Education and Science of Ukraine (MESU)	91.66	70	Q1: 100	Q2: 100	87.22
			TOTAL: 100		

Assessment Area 1: Proactive Disclosure (9 public authorities)

Type of information	PAU	VRU	CMU	MJU	SCU	SPFU	MEDTU	NBU	MESU
Institutional	100	100	100	100	100	100	75	100	100
Organisational	100	100	100	100	100	100	100	100	100
Operational	50	50	100	100	75	100	100	100	50
Legislation	100	100	100	100	100	100	100	100	100
Activities and Service Delivery	100	75	100	75	100	75	75	100	100
Budget	50	75	100	75	75	75	75	50	100
Public Procurement and Contracts	50	50	100	75	75	100	100	100	100
Participation	100	100	100	50	75	75	75	100	100
RTI information	100	100	100	50	100	100	100	100	100
How to make an RTI request	100	100	100	100	100	100	100	100	100
Costs for publications	100	100	100	100	100	100	100	75	100
List of information requested	50	50	50	50	50	50	50	50	50
Total	83.33	83.33	95.83	81.25	85.41	89.58	87.50	89.58	91.66

Assessment Area 2: Institutional Measures

Question/ Issue	Yes/No/Partially	Mark	Grade
Has government established an RTI Nodal Agency?	Partially	50	
Has government established an independent RTI oversight body, such as an information commission?	Partially	50	

Type of information	PAU	VRU	CMU	MJU	SCU	SPFU	MEDTU	NBU	MESU
Has the authority appointed an Information Officer for RTI?	100	100	100	100	50	100	100	100	100
RTI implementation plan?	50	50	50	50	50	50	50	50	50
Guidelines for receiving and responding to information requests?	100	50	100	100	50	100	100	100	100
Information for making requests (online and in paper form) and contact details for the Information Officers?	100	100	100	100	100	100	100	100	100
RTI training to information officers?	0	0	0	0	0	0	0	0	0
Total	70	60	70	70	60	70	70	70	70

Assessment Area 3: Processing of Requests (9 public authorities, 18 requests)

	Receipt	Timely	Format	Fee	Processing	Result	Average
PAU1	N/A	100	100	100	100	100	100
PAU2	N/A	100	100	100	100	100	100
VRU1	N/A	100	100	100	100	100	100
VRU2	N/A	0	0	0	0	0	0
CMU1	N/A	100	100	100	100	100	100

CMU2	N/A	100	100	100	100	100	100
MJU1	N/A	0	0	0	0	0	0
MJU2	N/A	100	100	100	100	100	100
SCU1	N/A	100	100	100	100	100	100
SCU2	N/A	100	100	100	100	100	100
SPFU1	N/A	100	100	100	100	100	100
SPFU 2	N/A	100	100	100	100	100	100
MEDTU1	N/A	100	100	100	100	100	100
MEDTU2	N/A	0	0	0	0	0	0
NBU1	N/A	100	0	0	66.67	30.33	40
NBU2	N/A	100	100	100	100	100	100
MESU1	N/A	100	100	100	100	100	100
MESU2	N/A	100	100	100	100	100	100