



USE OF AND COMPLIANCE WITH ACCESS TO PUBLIC INFORMATION LAWS: EXPERIENCES IN BRAZIL, CHILE, AND MEXICO¹

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1. INTRODUCTION

The effective oversight of government functions can only be achieved if there is adequate information to be used by the citizens who demand oversight and the institutional bodies that exercise it.² Without sufficient data on the performance of agencies that are legally bound to respond to requests for information, any oversight will be incomplete at best. This brings us to the importance of the public's right of access to information (ATI).³

BOX 1: RELEVANT QUESTIONS ON THE PERFORMANCE OF ATI LAWS

The bodies that oversee the implementation of access to information (ATI) laws collect a large volume of data (that in many cases also gets published). Notwithstanding the fact that all this information is very useful, when it comes to the implementation of ATI laws, there are a handful of questions that, when answered, provide an overview of the basic aspects of ATI laws' use and compliance (the focus of this note):

Regarding use (sections 3 and 3.1 of this note):

1. What type of information is being requested?
2. Who is requesting it?
3. What issues and public institutions generate the most requests?

Regarding compliance (sections 3.2 and 3.3):

4. What percentage of requests receive a response?
5. What percentage of requests receive a response that is satisfactory to the requester?
6. What institutions generate the largest number of denials and appeals?
7. What are the most frequent reasons for denying the release of information?
8. What percentage of resolutions by oversight bodies involve a reversal of an initial decision?
9. What is the response of those bound to the sanctions/recommendations of the oversight bodies?

The greater the amount of data available (and published), the better that the implementation of an ATI law can be understood.

A primary reason for enacting ATI laws is for citizens to obtain information on government activities so they can exercise proper oversight. Meanwhile, the entities responsible for guaranteeing the right to access public information cannot fully execute their mission if they do not have data on the performance of the mandated agencies.

Collecting and publishing data on the use of ATI laws and the compliance of mandated agencies are invaluable actions, both for holding the mandated institutions to account and also for guiding the implementation and monitoring of these laws.

To guide monitoring, oversight bodies need to have data on compliance (numbers, percentage and average time of responses, denials, types of exemptions, etc.) as well as requests (number of requests, agencies with the most requests and appeals, etc.) (See box 1). These types of data can also help social accountability efforts by revealing the quality of the data provided

² The information contained in this document was collected through a questionnaire administered to the three national institutions responsible for guaranteeing the implementation of the law in each of three countries: the CGU in Brazil, the CPLT in Chile, and the IFAI in Mexico, as well as through a review of data from Web platforms, annual reports, and materials shared by the Transparency and Access to Information Network (*Red de Transparencia y Acceso a la Información*, RTA), and interviews with key actors. The questionnaire is available at: <https://drive.google.com/file/d/0B49ZtmN-sAd2UWNJWXJMeVhmUEU/view?usp=sharing>.

³ In this document, the term "public information" is applied to government-held and -produced information. Along these lines, Brazil's CGU has developed indicators to monitor its ATI law as part of the commitments laid out in the second Open Government Partnership (OGP) action plan; see the Commitment "Monitoring Reports on the Electronic Citizen Information System (e-SIC)."

by official sources (see Fox, Haight, and Palmer-Rubin, 2012) and identifying issues relevant to public officials' training.

Furthermore, data concerning the topics of requests, format types, and requesters' demographic profiles, among others, help inform the adoption of measures to improve the overall user experience. The disclosure of such data can also contribute to promoting the proactive release of certain categories of information not required by law, the publishing of such information in specific formats, and the effective promotion and exercise of the right of ATI among specific segments of society.

To guarantee ATI, the functioning of government information systems needs to be improved. For this reason, with the support of the World Bank and the Transparency and Access to Information Network (RTA),⁴ this note examines the experiences of three countries – Brazil, Chile, and Mexico – through the generation and publication of data on their use of and compliance with ATI laws. Thus, this note aims to support the efforts of countries that are in the initial stages of implementing ATI legislation, as well as those working to improve access regimes already in place.

This note focuses on what is commonly known as “passive” or “reactive” transparency; that is, public agencies' response to their legal obligation to respond to the requests received. The “proactive” release of information, meanwhile, involves considerations that require their own analysis and, thus, will be explored in a separate note.

Following a brief summary of the process for generating use and compliance data on the ATI laws in these three countries, this note covers the types of data that are collected as well as their publication. Finally, observations are made on the use of these data to improve public information systems.

2. SYSTEMS FOR GENERATING AND COLLECTING DATA ON THE PERFORMANCE OF ATI LAWS

Latin American ATI laws are part of a second wave in the global diffusion of ATI principles (Fumega, 2015). Learning from the experiences of countries that enacted ATI legislation in the 1980s and 1990s, many countries in the region now have provisions in their ATI laws that were not considered during the first wave of this movement (provisions that include, for example, an emphasis on proactive disclosure, the development of online portals for processing requests, among others).

In this context, although some laws stipulate the submission of annual reports,⁵ the requirement for the production and/or collection of ATI data is generally incorporated into implementation regulations or subsequent guidelines after the enactment of a law. In a large number of cases, data are produced and **collected by institutions** voluntarily⁶ through the use of electronic platforms to process requests for public information.

⁴ For more information on the RTA and its members, see: <http://redrta.org>.

⁵ In some cases, the requirement to present an annual report is stipulated in laws or regulations (without any indication as to whether the report will be public).

⁶ Although countries with online platforms for processing information requests have automated data generation systems, these platforms do not centralize all requests in every country.

The three countries in this study not only produce but also publish information on the use of and compliance with ATI laws – information that is key to tracking the extent to which such laws are serving their purpose.

All three countries publish use and compliance data proactively, but only the laws in Brazil⁷ and Mexico include a reference to this obligation. Because of significant variation across the three countries (ranging from the number of mandated agencies to the category of data that each reports), this note will not conduct a comparative analysis but rather will describe the situation in each country.

TABLE 1: CHARACTERISTICS OF DATA COLLECTION, BY COUNTRY

Characteristics	Country	Brazil	Chile	Mexico
Oversight agency collects data on use and compliance		X	–	X
The obligation to collect/produce data on use and compliance is included in the ATI law		X	–	X
The data are published proactively		X	X	X

Source: Authors' compilation.

The main difference across the three countries is the type of entity in charge of collecting/producing the data, as well as its processes for gathering data. In Mexico and Brazil, the oversight body is in charge of use and compliance data, whereas in Chile the task falls to an agency of the national executive branch (the Citizen Defense and Transparency Commission [Comisión Defensora Ciudadana y Transparencia, CDCyT]), that is, of the General Secretariat within the Presidency (SEGPRES). The CDCyT oversees the performance of the ATI law and other measures aimed to improve transparency. (However, it should be noted that Chile's Council for Transparency, CPLT, is expected to start collecting data and statistics on ATI use and compliance directly from the agencies that participate in the online Transparency Portal.)

In Brazil and Mexico, the oversight body responsible for collecting data uses information systems to help automate the process; it also gathers data from the annual reports prepared by the agencies receiving requests. For example, according to **Mexico's** Federal Institute for Access to Information and Data Protection (Instituto Federal de Acceso a la Información y Protección de Datos, IFAI), data on the ATI law are obtained from a variety of sources such as the reports delivered to the institute by the agencies receiving requests⁸ and from the federal government's electronic platform INFOMEX⁹ (which is run by the IFAI itself¹⁰).

⁷ The provision stipulating that the oversight body must collect data on use and compliance applies only to the federal executive branch in Brazil.

⁸ Data are collected in accordance with Article 37 (V) of Mexico's Federal Law on Transparency and Access to Government Public Information, as well as the guidelines that agencies and entities of the Federal Public Administration must follow for the publication of the transparency obligations set out in Article 7 of that law.

⁹ These actions are carried out for the respective agencies by the executive branch, since the judicial branch, the legislative branch, constitutionally autonomous entities, and state governments are responsible for collecting and publishing their own data (similar to the situation in the other two countries), whereas the IFAI, in its report to the National Congress, merely incorporates data from the reports it receives from these other agencies. Beginning with implementation of the General Law that was recently enacted and published in the Official Gazette on May 4, 2015, the IFAI will be responsible for collecting and publishing all data.

¹⁰ IFAI's other sources of data are from the tool for communicating with the Federal Public Administration, as well as simulated user exercises and evaluations (also known as the "mystery shopper") that have been implemented to that end.

Likewise, in **Brazil**, the Electronic Citizen Information System (e-SIC) – a portal for information requests, run by the Office of the Federal Comptroller General (CGU) – helps to automate the request process as well as track use of and compliance with the ATI law. Once a request for information has been submitted through the e-SIC, both the agency responsible for responding to it and the CGU can monitor the request, the response, and any appeal.

In the case of **Chile**, the CDCyT collects data on a monthly basis. The process is not automated,¹¹ despite the fact that the CPLT has information systems for this task. (Of the three countries analyzed, Chile is the only one in which the entity responsible for enforcing the ATI law does not collect data on its use and compliance; it only collects data related to appeals to the council itself.) The use and compliance data collected by the CDCyT are extracted from the Request Management System (Sistema de Gestión de Solicitudes, SGS) run by the CDCyT, as well as from reports from institutions that have the phase 2 XML plugin connected to the Request Management Observatory.¹²

TABLE 2: DATA COLLECTION MECHANISMS AND FREQUENCY, BY COUNTRY

Characteristics	Country	Brazil	Chile	Mexico
Mechanism		e-SIC (and an annual questionnaire administered to the public agencies for additional information)	CDCyT uses SGS/ not automated	INFOMEX and annual reports
Frequency		Automatically on a continual basis (and from annual reports with information gathered each year from the agencies receiving requests)	Monthly	Automatically on a continual basis (INFOMEX); statistics reports are generated weekly as well as semiannually and annually based on annual reports

Source: Authors' compilation.

3. GATHERING DATA ON REQUESTS FOR INFORMATION

The most relevant data for assessing the use of ATI laws are those related to the number of requests, the types of information requested from agencies, the types of responses to the requests, and the agencies receiving the largest numbers of requests. Both Brazil and Mexico collect these categories of information (collection of these data is mandatory by law in some cases and it is done on a voluntary basis in others).

Other important data for tracking effective ATI are those that elucidate the number of first-time users of the law, as well as the extent to which requests are concentrated among a small number of requesters. The data collected by the IFAI in **Mexico** point to a high level of concentration: as listed in table 4, 9.5 percent of all requests during the past 11 years were made by 37 users who, individually, submitted over 1,000 requests.

¹¹ Each agency is responsible for receiving and processing its requests. This notwithstanding, some agencies use centralized systems with online forms to process ATI requests, which automatically redirect the requests to the respective agencies.

¹² With respect to agencies that do not have the SGS or the phase 2 XML plugin, the information is received by other means, and because it is not automated, it is not entered into the information system from which the information has been extracted.

TABLE 3: NEW USERS OF THE LAW, 2003-14, MEXICO

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
First-time requesters	8,916	13,613	19,360	22,265	33,814	37,531	45,766	42,922	44,220	49,628	53,591	50,519
Repeat requesters		801	1,328	2,053	2,802	3,764	3,914	4,176	4,632	4,952	5,255	5,804
Total requesters	8,916	14,414	20,688	24,318	36,616	41,295	49,680	47,098	48,852	54,580	58,846	56,323

Source: INFOMEX, Coordination and Oversight Division, IFAI, 2015.

TABLE 4: NUMBER OF USERS, BASED ON THE NUMBER OF REQUESTS FOR INFORMATION FILED BETWEEN JUNE 12, 2003, AND DECEMBER 31, 2014, MEXICO

Ranges	Number of Users	Number of Requests	Percentage of Requests	Cumulative Percentage
1 request	320,451	320,451	27.7	27.7
2 requests	51,005	102,010	8.8	36.5
3-5 requests	30,938	111,483	9.6	46.1
6-20 requests	14,813	144,106	12.5	58.6
21-100 requests	4,045	164,133	14.2	72.8
101-300 requests	667	113,866	9.8	82.6
301-500 requests	126	48,329	4.2	86.8
501-1,000 requests	63	43,172	3.7	90.5
Over 1,000 requests	37	109,840	9.5	100.0
Total	422,145	1,157,390	100.0	

Source: INFOMEX, Coordination and Oversight Division, IFAI, 2015.

In the case of **Chile**, the data on the number of requests received (the total number and by agency) are compiled by the CDCyT, which conducts “ongoing monitoring and general tracking of the performance of the Transparency Law, which is reflected in monthly statistics reports on the public information requests that the central government services and agencies receive” (as stated on the CDCyT website).¹³

None of the three countries, however, collects information on the format in which the information is requested and delivered, but this is a relevant issue, given the rising importance

¹³ <http://www.cdc.gob.cl/estadisticas/estadisticas-ley-n-20-285/> (Date of access: April 10, 2015).

of initiatives to access and reuse open government data. The format should be taken into account, since it in large part decides how easy (or not) it is to re-use information.¹⁴

TABLE 5: DATA COLLECTED ON USE (REQUESTS), BY COUNTRY

Type	Country	Brazil	Chile	Mexico
Number of requests ¹⁵		86,661 (2013); 90,167 (2014) ¹⁶	61,336 (2013); 65,868 (2014)	147,148 (2013) ¹⁷
Topic of information requested		X	–	X
Response times		X	–	X
Formats in which the information is requested and delivered		–	–	–
Number of requests received by each agency		X ¹⁸	X	X
Channel of access of information		X	–	X (June 2003 – December 2010)

Source: Authors' compilation.

The respective legislation in the three countries entered into effect in different years; this note will use data corresponding to 2013 (in some cases the reports for 2014 have not yet been published). Where data for 2014 are available, the more recent information is provided to facilitate a comparison across years. As for requested topics, comparisons are difficult to make because each oversight body in the three countries uses its own classification system. This section includes topic-related information, but only for illustrative purposes.

In **Mexico**, the federal executive branch received 147,148 requests in 2013, according to the IFAI's report submitted to the National Congress.¹⁹ In addition to this aggregate figure, disaggregated data²⁰ by agency (see figure 2) and by type of information requested (see figure 1) were also published. Partial data for 2014 are available in the databases of information requests made to federal government agencies through the INFOMEX platform in different file formats that allow for reuse²¹ (SQL, XML, CSV, and JSON). In addition, Excel files are available for download.

¹⁴ It is worth noting that these data are reflected in the information provided by Brazil's CGU on the reasons for appeals filed with the agency (see section 3.3).

¹⁵ For Mexico, the total number includes both requests for public information and requests for personal data; for Brazil, this figure also includes requests for personal data.

¹⁶ In Brazil, when a request contains several subrequests, it is considered as one request by the e-SIC. But in the e-SIC, when an agency responds to a request, it must report the number of questions contained in the request. The average number of questions per request received is given in the daily report.

¹⁷ In the case of Mexico, when the liaison unit receives a request it must enter the number of questions contained in the request into INFOMEX at the time of receipt and/or response.

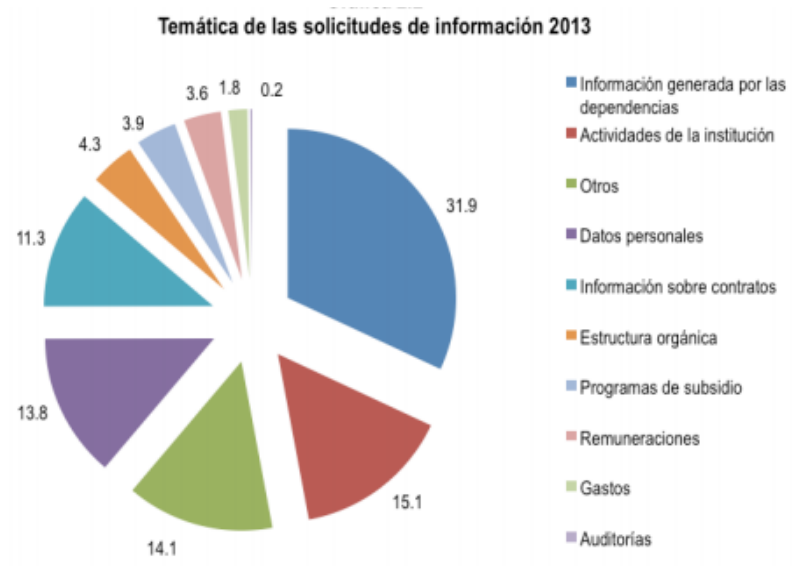
¹⁸ In Brazil, when a request is not filed with the right agency, the e-SIC routes the request to the appropriate one. The request is then captured in the report as if it had gone to the right agency. In the case of Mexico, these cases are recorded under the response category "outside the competency of the liaison unit," and the number of requests categorized as such, by agency, can be consulted at any time.

¹⁹ http://inicio.ifai.org.mx/nuevo/110_informe.pdf.

²⁰ Some data are available in open formats through INFOMEX; the report to Congress is available in PDF format. In 2013, in Mexico, majority of requests were submitted through the INFOMEX platform – 142,390 out of 147,148 total requests (96.8 percent).

²¹ <https://www.infomex.org.mx/gobiernofederal/homeOpenData.action>.

FIGURE 1: TOPICS FOR INFORMATION REQUESTS, 2013



Source: IFAI—11th Activity Report to the National Congress. http://inicio.ifai.org.mx/nuevo/11o_informe.pdf Date of access: 10 April 2015.

FIGURE 2: TWENTY AGENCIES RECEIVING THE MOST REQUESTS FOR INFORMATION, MEXICO, 2013

Las 20 dependencias y entidades con mayor número de solicitudes de información
Cifras al 31 de diciembre de 2013

Dependencia / Entidad	Número de solicitudes 2003-2008	Número de solicitudes 2009	Número de solicitudes 2010	Número de solicitudes 2011	Número de solicitudes 2012	Número de solicitudes 2013	Total acumulado	Porcentaje de solicitudes con respuesta terminal ²
Instituto Mexicano del Seguro Social	44,689	22,315	23,739	28,261	34,512	36,344	189,860	88.3
Secretaría de Educación Pública	17,812	5,398	5,294	5,085	5,378	5,396	44,363	83.5
Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado	8,226	4,243	3,930	4,305	4,333	6,651	31,688	75.0
Secretaría de Hacienda y Crédito Público	14,361	3,267	3,393	3,398	3,146	3,384	30,949	92.5
Secretaría de Salud	11,044	3,393	3,994	4,084	3,941	4,006	30,462	85.4
Secretaría de Medio Ambiente y Recursos Naturales	11,732	3,277	3,288	3,200	3,113	3,466	28,076	82.8
Secretaría de Comunicaciones y Transportes	9,489	3,442	3,463	3,254	2,815	2,725	25,188	85.1
Secretaría de la Función Pública	10,752	2,589	2,925	3,042	2,774	2,662	24,744	81.9
Secretaría de Gobernación (incluye a la Secretaría de Seguridad Pública)	9,022	2,548	2,384	2,407	2,161	3,322	21,844	83.7
Procuraduría General de la República	9,075	2,499	2,309	2,448	2,544	2,800	21,675	87.6
Comisión Federal de Electricidad	6,741	2,018	2,467	2,004	2,510	2,442	18,182	80.0
Servicio de Administración Tributaria	7,408	1,828	1,893	2,143	1,954	2,327	17,553	87.7
Comisión Nacional del Agua	6,654	1,919	2,460	2,156	1,795	2,153	17,137	88.6
Secretaría de la Defensa Nacional	6,954	1,874	1,996	2,138	1,787	2,121	16,870	89.2
Secretaría de Relaciones Exteriores	6,797	1,595	1,777	1,984	1,787	1,941	15,881	79.1
Instituto Federal de Acceso a la Información Pública y Protección de Datos	5,965	2,065	1,720	1,512	1,456	2,050	14,768	92.2
Secretaría de Economía	5,925	1,728	1,989	1,550	1,717	1,843	14,752	91.0
Petróleos Mexicanos	6,083	1,396	1,825	1,512	1,703	2,118	14,637	91.0
Presidencia de la República	6,778	1,380	1,310	1,323	1,395	1,952	14,138	93.1
Secretaría de Desarrollo Social	6,165	1,789	1,426	1,267	1,369	1,709	13,725	86.5

Source: IFAI, 11th Activity Report to the National Congress (http://inicio.ifai.org.mx/nuevo/11o_informe.pdf), date of access: April 10, 2015.

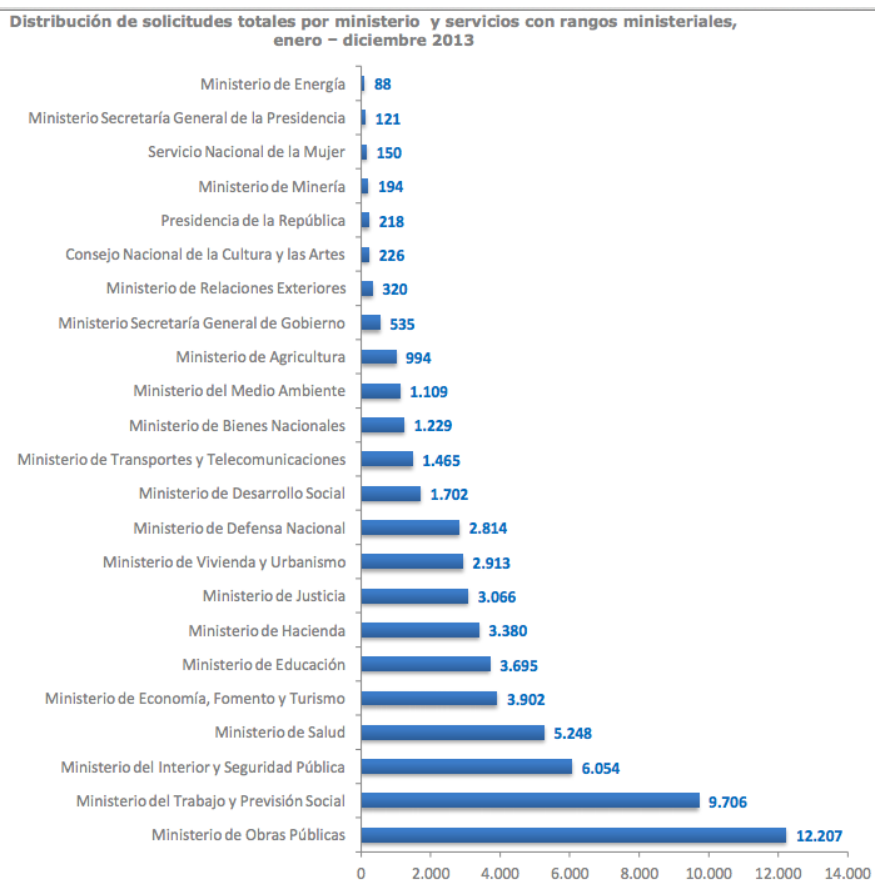
In **Mexico**, with respect to the type of information demanded, requests for “information generated by the agencies, including procedures, concessions, statistics, and survey findings” accounted for 31.9 percent of total requests filed in 2013 (IFAI Report to Congress, 2013). The Mexican Social Security Institute (IMSS) received the largest share of requests filed in 2013 – a total of 36,344 requests.²²

In **Chile**, according to the CDCyT reports, 61,336 requests were filed in 2013, a number that increased slightly to reach 65,868 requests in 2014. The 2013 report found that a high percentage of requests were addressed to the Ministry of Public Works, whereas in 2014 there was a significant increase in requests to the Ministry of Health.²³ In both years, the Ministry of Labor and Social Welfare received a large number of requests.

²² Of these requests, 25,726 were for personal data (70 percent), not public information. Source: IFAI—11th activity report to the National Congress. http://inicio.ifai.org.mx/nuevo/11o_informe.pdf. Date of access: 10 April 2015.

²³ <http://www.cdc.gob.cl/estadisticas/estadisticas-ley-n-20-285/>.

FIGURE 3: DISTRIBUTION OF REQUESTS, BY MINISTRY, CHILE, 2013



Source: Citizen Defense and Transparency Commission (2013), Monthly Statistical Report on Requests – Law 20,285 on Access to Public Information. December 2013. Available at: http://www.cdc.gob.cl/wp-content/uploads/documents/informes_estadisticos/Informe_estadistico-12.pdf. Date of access: 10 April 2015.

FIGURE 4: DISTRIBUTION OF REQUESTS, BY MINISTRY, CHILE, 2014



Source: Citizen Defense and Transparency Commission (2014), Monthly Statistical Report on Requests – Law 20,285 on Access to Public Information. December 2014. Available at: http://www.cdc.gob.cl/wp-content/uploads/documentos/informes_estadisticos/Informe_estadistico-24.pdf. Date of access: 10 April 2015.

In the case of **Brazil**, the e-SIC recorded 86,661 requests²⁴ for information filed with the federal government in 2013, followed by a slight increase (to 90,167 requests) in 2014. As in Mexico, Brazil's Ministry of Social Welfare was the largest recipient of information requests (8.76 percent) in 2013. As for the type of information, according to the CGU, the most requested topics in 2013 were as follows: (i) policy and government – public administration, 10,501 requests (12.12 percent); (ii) economy and finance – finance, 10,372 requests (11.97 percent); and (iii) individuals, family, and society – social security, 7,841 requests (9.05 percent).

²⁴ <http://www.acessoinformacao.gov.br/>.

FIGURE 5: AGENCIES WITH THE MOST REQUESTS RECEIVED, BRAZIL, 2013

Órgãos mais demandados em 2013		
Órgãos	Pedidos	Percentual do total
INSS	7594	8,76%
SUSEP	4682	5,40%
Ministério da Fazenda	2924	3,37%
BACEN	2885	3,33%
INEP	2771	3,20%
Ministério do Trabalho	2490	2,87%
Ministério da Educação	2278	2,63%
Ministério da Saúde	2223	2,57%
Caixa	2196	2,53%
Banco do Brasil	1876	2,16%

Source: Office of the Federal Comptroller General (CGU) (2013), Report on Implementation of Law 12,527 on Access to Information. Federal Executive Branch, 2013. Available at: <http://www.acessoainformacao.gov.br/central-de-conteudo/publicacoes/relatorio-2-anos-lai-web.pdf>. Date of access: 10 April 2015.

Both **Brazil and Mexico** (again, countries where ATI data collection is handled by oversight bodies) provide data on request response times. In Mexico, the average response time is 13.7 business days; in Brazil, 13 days.

In summary, the volume of requests, despite being an important data point, is related to the population of each country and the number of agencies that receive these requests. Most requests are routine (e.g., for information on a social welfare service); however, it should be noted that requests at the local/subnational level are not calculated.

3.1 TYPES OF DATA COLLECTED ON REQUESTERS

The ATI laws in Chile and Mexico do not require the production and/or collection of sociodemographic data on public information requesters, yet this type of data is collected and published in these countries.

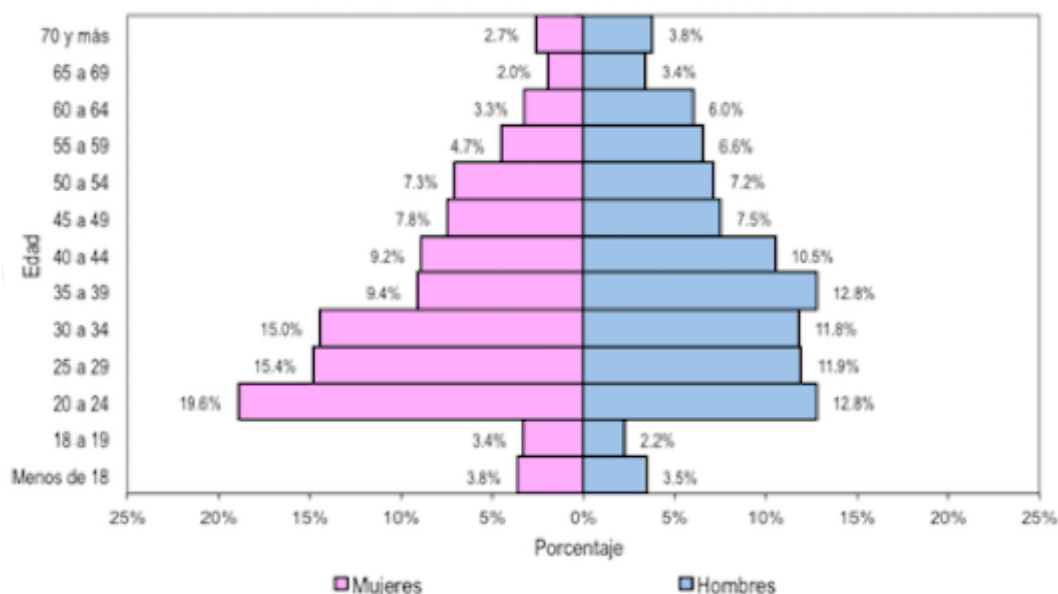
TABLE 6: DATA COLLECTED ON REQUESTERS, BY COUNTRY

Type	Country	Brazil	Chile	Mexico
Profile of requester				
1. Age		X (data not included in report)	X	X
2. Gender		X	X	X
3. Occupation		X	X	X
4. Education		X	X	X
Percentage of concentration of requesters		X	–	X (since 2004)
Geographical location		X	X	X (since 2004)

Source: Authors' compilation.

Mexico generates statistical data on the age, gender, educational level, and occupation of requesters and publishes these in its annual report to the National Congress. In 2013, 55 percent of requesters identified themselves as male. With regards to age, 40 percent of women were concentrated in the 20-34 year age group; the age distribution among men was more disperse (the largest percentage of requesters – 49.3 percent – were between the ages of 20 and 44).

FIGURE 6: AGE AND GENDER REPORTED BY REQUESTERS OF INFORMATION IN MEXICO, 2013



Source: IFAI—11th activity report to the National Congress. http://inicio.ifai.org.mx/nuevo/11o_informe.pdf. Date of access: 10 April 2015.

FIGURE 7: OCCUPATION REPORTED BY REQUESTERS OF INFORMATION IN MEXICO, 2013

Ocupación	2003-2009		2010		2011		2012		2013		Total	
	Núm.	%*	Núm.	%*	Núm.	%*	Núm.	%*	Núm.	%*	Núm.	%*
Ámbito empresarial	59,093	18.2	15,409	17.1	16,010	17.9	16,916	17.0	21,174	18.9	128,602	18.0
Ámbito académico	100,807	31.0	28,247	31.4	29,624	33.0	31,780	32.0	35,893	32.0	226,351	31.6
Ámbito gubernamental	37,666	11.6	9,929	11	10,530	11.7	10,482	10.6	11,998	10.7	80,605	11.3
Medios de comunicación	28,075	8.6	6,620	7.4	6,604	7.4	7,253	7.3	7,674	6.9	56,226	7.9
Otros	99,337	30.6	29,825	33.1	26,905	30.0	32,870	33.1	35,270	31.5	224,207	31.3
No especificado	164,761		32,108		33,620		31,853		35,139		297,481	
Total	489,739	100	122,138	100	123,293	100	131,154	100	147,148	100	1,013,472	100

* Respecto al total de solicitudes en las que el solicitante reportó su ocupación en el periodo

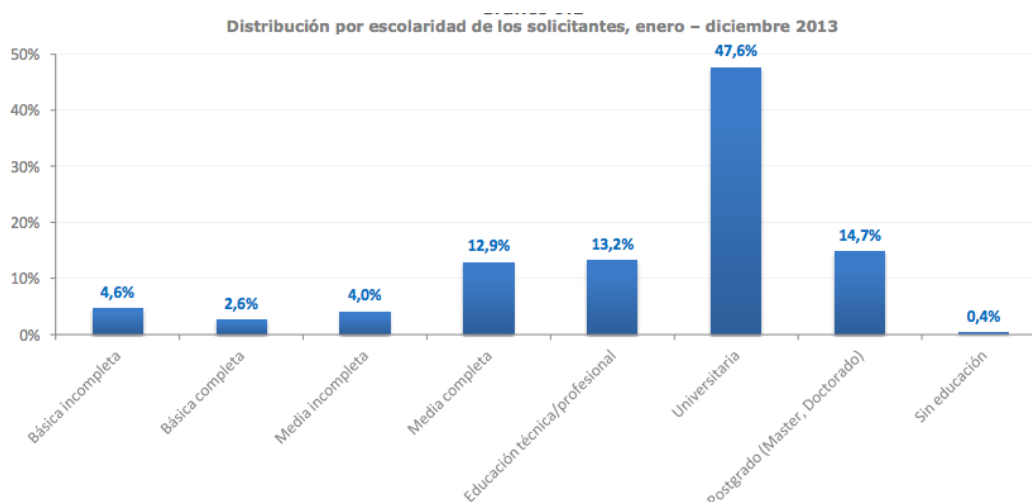
Source: IFAI—11th activity report to the National Congress. http://inicio.ifai.org.mx/nuevo/11o_informe.pdf. Date of access: 10 April 2015.

In terms of occupation, the academic sector generates the highest percentage of reported requests (31.6 percent), along with the category “other” (31.3 percent). A large share of requesters reported having attended university (56.4 percent had a university degree in 2013). Lastly, 48.2 percent of requests originated in the Federal District in 2013.

In **Chile**, the largest percentage (44.2 percent) of requesters in 2014 were in the 30-49 year age group, a higher percentage than 2013 (30.91 percent). In 2014, 65 percent of requesters were male, against 67 percent in 2013. In both periods, a large percentage of requesters indicated that they had attended university (over 45 percent). As for occupation, a large percentage were in the category “other” (31.1 percent in 2013 and 32 percent in 2014), followed by “wage worker” (14 percent in 2013 and 19.6 percent in 2014) and “student” (13.3 percent in 2013 and 10.9 percent in 2014).

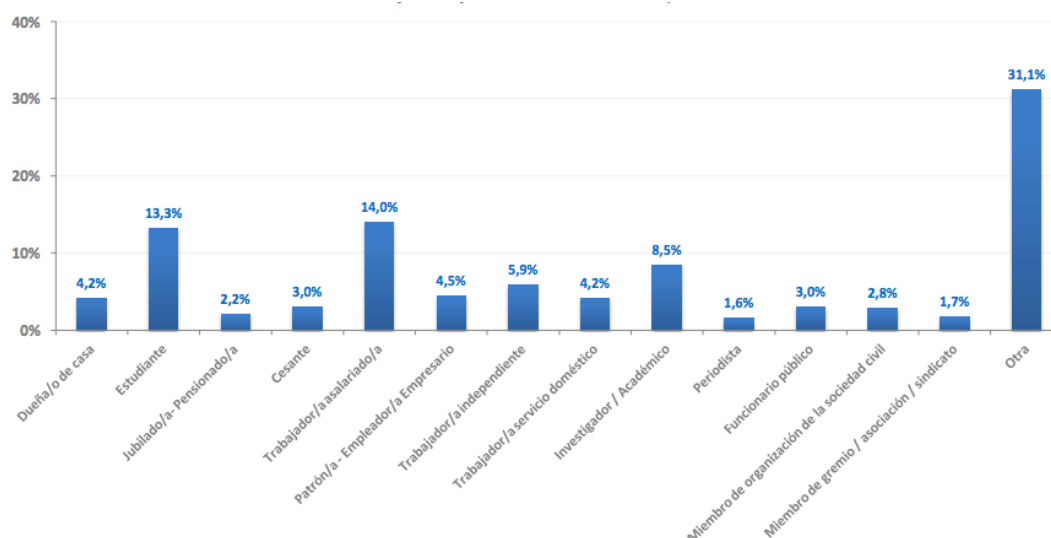
In terms of geographic location, a large percentage of requesters resided in Santiago (also known as the Metropolitan Region of Santiago) – 51.1 percent in 2013 and 53.3 percent in 2014.

FIGURE 8: EDUCATIONAL DISTRIBUTION OF REQUESTERS, CHILE, 2013



Source: Citizen Defense and Transparency Commission (2013), Monthly Statistical Report on Requests – Law 20,285 on Access to Public Information. December 2013. Available at: http://www.cdc.gob.cl/wp-content/uploads/documentos/informes_estadisticos/Informe_estadistico-12.pdf. Date of access: 10 April 2015.

FIGURE 9: OCCUPATIONAL DISTRIBUTION OF REQUESTERS, CHILE, 2013



Source: Citizen Defense and Transparency Commission (2013), Monthly Statistical Report on Requests – Law 20,285 on Access to Public Information. December 2013. Available at: http://www.cdc.gob.cl/wp-content/uploads/documentos/informes_estadisticos/Informe_estadistico-12.pdf. Date of access: 10 April 2015.

In the case of **Brazil**, which operates a centralized system through the e-SIC, all requests received by the agencies (whether in person, by e-mail, or via another channel) are entered into the online platform, which helps to facilitate the monitoring of the ATI law’s implementation (see [Note RTA #1, 2014](#), p. 9). Requesters in Brazil who register on the e-SIC platform can enter their profile information, which helps the CGU and other agencies receiving requests develop better strategies for promoting the right to information.

Thus, in 2013, 55 percent of requesters in Brazil who entered profile data identified themselves as male, and around 38 percent as female (the remaining 7 percent did not provide this information). Meanwhile, over half of these requesters reported having a university or advanced degree. Among those reporting their employment status, around 15 percent worked in the private sector and about 9 percent in the public sector; roughly 10 percent were students.

As for the geographic concentration of these requests, the districts originating the most requests were San Pablo (18.42 percent), the Brasilia (13 percent), and Rio de Janeiro (10.4 percent).

FIGURE 10: OCCUPATION OF REQUESTERS, BRAZIL, 2013

Profissão	
Não informado	18,79%
Outra	17,77%
Empregado - setor privado	15,35%
Estudante	9,67%
Servidor público federal	8,75%
Profis. Liberal/autônomo	7,02%
Empresário/empreendedor	5,01%
Servidor público estadual	4,87%
Professor	4,79%
Servidor público municipal	4,44%
Pesquisador	1,66%
Jornalista	1,27%
Membro de ONG nacional	0,33%
Representante de sindicato	0,13%
Membro de partido político	0,10%
Membro de ONG internacional	0,05%

Source: e-SIC. <http://www.acessoinformacao.gov.br/sistema/Relatorios/Anual/RelatorioAnualPedidos.aspx> (date of access: April 10, 2015).

An interesting fact published by Brazil's CGU is related to the requests originating outside the country. Of the total number of requests from other countries in 2013, 19.03 percent came from Germany, 15.57 percent from the United States, and 15.05 percent from Portugal.

FIGURE 11: ORIGIN OF COUNTRY WITH MOST REQUESTS FROM ABROAD FILED IN BRAZIL

Dez países com maior número de pedidos	
Percentual de pedidos do total no exterior	
Alemanha	19,03%
EUA	15,57%
Portugal	15,05%
Espanha	10,38%
Itália	7,27%
Japão	4,67%
França	4,33%
Argentina	2,25%
Chile	2,08%
Holanda	1,90%

Source: Office of the Federal Comptroller General (CGU) (2013), Report on Implementation of Law 12,527 on Access to Information. Federal Executive Branch, 2013. Available at: <http://www.acessoinformacao.gov.br/central-de-conteudo/publicacoes/relatorio-2-anos-lai-web.pdf>. Date of access: 10 April 2015.

In summary, ATI laws are used the most by professionals, young people, men, and urban dwellers in large cities. These profile data on requesters could be used by oversight institutions to fine-tune their efforts to raise awareness about the laws and ensure that the right to information is exercised by the most vulnerable groups and rural communities.

It is worth noting that, in the case of Chile, in addition to the data collected by the CDCyT, data are generated by the online portal managed by the CPLT. Since its creation, the portal has processed over 15,000 requests, which means that demographic data on those requesters can also be accessed through the portal.

3.2 GATHERING DATA ON COMPLIANCE WITH THE LAW

As mentioned, to effectively monitor the implementation of ATI laws, data on the performance of the agencies that handle requests are needed. These types of data are essential to the work of oversight bodies. Furthermore, publication of such data facilitates the monitoring of the civil society actors that collaborate on transparency and accountability activities.

TABLE 7: DATA GATHERING ON COMPLIANCE, BY COUNTRY

Type	Country	Brazil	Chile	Mexico
Number and percentage of denials of requests for information		X May 2012/December 2013: 141,873 requests filed; 140,860 were processed and completed (99.29%). For 78.69%, the information was delivered (in full or part); 10.26% were denied; and 11.04% of the requests were found to be inadmissible (duplicate request, outside the scope of the agency's work, etc.).	–	X 2013: 147,148 requests filed. By end of 2013, 91.8% of information requests had been answered; 6.5% were in the process of being answered; and the remaining 1.7% were pending further action by the requester, either to provide more information, choose the form of delivery, or make payment for the costs of copies and delivery.
	Type of exemptions used	X	–	–
Number of exemptions used		X ²⁵	–	X

Source: Authors' compilation.

In the case of **Brazil**, the number of requests that were accepted and/or denied in 2013 is available in the CGU's report, based on information from the e-SIC. As indicated in this report and a study by [Worker and Excell](#) (2014), in the first full year of the implementation of Brazil's ATI law – that is, 2013 – 86,661 requests were filed with 285 agencies. Of these requests, the vast majority (71.06 percent) were granted in full, while 4 percent were granted in part. Nearly 18 percent of the requests were denied for reasons unrelated to exemptions allowed under the law (nonexistent information, unintelligible request, duplicate request, etc.), while 6.4 percent were denied²⁶ pursuant to an exemption (the most frequently invoked exemption in 2013 was for “information declared confidential by law,” followed by “unreasonable requests” and “classified information”).

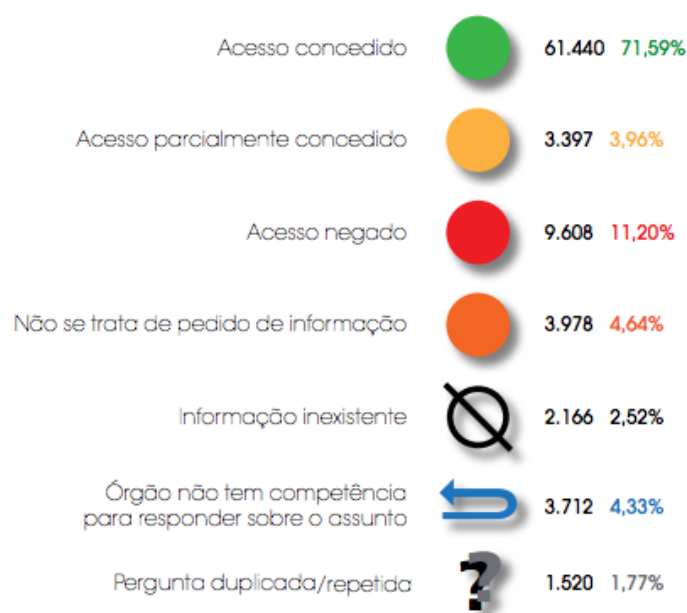
²⁵ In Brazil, responses to requests are grouped into two categories:

Request denied: personal data; confidential information classified under Law 12, 527/2011; confidential information in accordance with specific legislation; disproportionate or unreasonable request; request requiring additional processing of data; generic request; unintelligible request; and decision pending.

Request partially granted: part of the information contains personal data; part of the information will require more time to be produced; part of the information falls within the competency of a different entity/agency; part of the information is confidential in accordance with specific legislation; part of the information is confidential and classified under Law 12, 527/2011; part of the information is nonexistent; part of the request is disproportionate or unreasonable; part of the request is generic; part of the request is unintelligible; and decision pending.

²⁶ In Brazil, requests that are denied pursuant to an exemption are categorized as attended.

FIGURE 12: RESPONSES TO REQUESTS FOR INFORMATION, BRAZIL, 2013



Source: Office of the Federal Comptroller General (CGU) (2013), Report on Implementation of Law 12,527 on Access to Information. Federal Executive Branch, 2013. Available at: <http://www.acessoinformacao.gov.br/central-de-conteudo/publicacoes/relatorio-2-anos-lai-web.pdf>. Date of access: 10 April 2015.

Mexico has systematically collected data on the compliance of public agencies since its ATI law came into effect in 2003. In 2013, the IFAI reported that 71.7 percent of the requests filed were granted the information requested, or the information was already available to the public. That same year, 15.5 percent of the requests were denied for reasons unrelated to the exemptions provided by law (nonexistent information, duplicate requests, etc.), whereas 3.7 percent were refused pursuant to an exemption (Worker and Excell, 2014). ¹

In Chile, the monthly and annual reports prepared by the CDCyT do not provide information on how the requests received had been handled or processed – they only present statistics such as the requests’ main characteristics, distribution by area of government, and topics that received considerable attention. According to information provided by the CPLT, since the entry into force of Law 20.285 in 2009, every agency must publish “an index of records and documents declared secret and confidential” in the event that information is refused. Agencies are responsible on an individual basis, meaning that the resulting information is not centralized.

3.3 GATHERING DATA ON APPEALS AND DECISIONS

The oversight bodies in the three countries reviewed in this note provide rich data on the appeals handled and their corresponding decisions.

TABLE 8: INFORMATION COLLECTED ON APPEALS AND SANCTIONS, BY COUNTRY

Type	Country	Brazil	Chile ²⁷	Mexico
Topic of appeals		X	X	X
Number of appeals		X	X	X
Number of decisions made by oversight bodies		X	X	X
Decisions finding against the initial determination		X	X	X
Actions on recommendations		–	–	X

Source: Authors' compilation.

In **Mexico**, pursuant to Article 51 of the ATI law, responses to information requests cannot be challenged by addressing the entity or agency that fielded the request in accordance with Article 83 of the Federal Administrative Procedure Law. Instead, requesters must appeal to the IFAI if they wish to challenge a response to an information request they have filed, as provided by Article 49 of the ATI law.

Since 2012, appeals have been classified as (i) appeals concerning access to public information and (ii) appeals for access to and the correction of personal data. In 2013, the IFAI received 7,390 appeals in both categories (66 percent of the total number of requests for information that had been denied that year) (Worker and Excell, 2014). According to data provided by the IFAI, of the 4,046 merit-based decisions made in 2013, it upheld the original agency's response in 1,143 cases, amended it in 1,735 cases, and overturned it in 1,168 cases.

The IFAI developed a series of indicators to assess the alignment of criteria, decisions, and compliance;²⁸ results are published on its website twice a year.²⁹ According to the 2013 annual report, the IFAI “[. . .] received 159 complaints³⁰ related to compliance with decisions issued by the IFAI. Based on the complexity and nature of each case, various actions were taken to satisfactorily resolve 151 cases, with 8 still in the verification stage (see annex 5.4). As for the 22 complaints that were reported as pending in the 2012 report to Congress, all have been satisfactorily resolved (IFAI, 2013, p. 64).

²⁷ In the case of Chile, the CPLT publishes all “records and resolutions with effects on third parties” that include instructions and sanctions. See <http://www.portaltransparencia.cl/PortalPdT/pdttta/-/ta/CT001/AR/AREST/189677> and <http://www.portaltransparencia.cl/PortalPdT/pdttta/-/ta/CT001/AR/AREST/189676>.

²⁸ The purpose of the indicator is to align the criteria used by the agencies mandated by the ATI law to respond to information requests with the criteria that the IFAI establishes in its appellate decisions.

²⁹ See <http://inicio.ifai.org.mx/Estadisticas/A3C2013-I.pdf>.

³⁰ The regulatory framework for ATI does not establish a legal instrument for the appellant to file appeals with the IFAI claiming failures or noncompliance in the execution of decisions. However, its decisions state that the appellant shall report any noncompliance via e-mail or by calling the toll-free line 01 800 TELIFA.

FIGURE 13. NUMBER OF APPEALS DECIDED BY THE IFAI, BY TYPE OF DECISION

Cuadro 3.2 Número de recursos resueltos por el IFAI por tipo de resolución* Cifras al 31 de diciembre de 2013							
Año	Recursos de fondo				Procedimientos de verificación de falta de respuesta**	Recursos de forma***	Total de recursos resueltos
	Confirma	Modifica	Revoca	Total			
2003	70	92	91	253	8	188	441
2004	201	278	315	794	10	514	1,308
2005	347	480	521	1,348	2	979	2,327
2006	536	653	579	1,768	14	1,614	3,382
2007	823	1,161	689	2,673	86	2,073	4,746
2008	1,171	1,164	722	3,057	189	2,711	5,768
2009	1,152	1,108	707	2,967	9	3,346	6,313
2010	2,176	1,514	858	4,548	10	3,682	8,230
2011	1,276	1,417	750	3,443	7	2,937	6,380
2012	866	1,036	904	2,806	148	3,119	5,925
2013	1,143	1,735	1,168	4,046	123	3,490	7,536
Total	9,761	10,638	7,304	27,703	606	24,653	52,356

* Debido a una depuración reciente realizada a la base de datos de recursos del Instituto, algunas cifras de este cuadro no coinciden con cifras de informes anteriores.

** Se refiere a los procedimientos de verificación de falta de respuesta procedentes.

*** Se refiere a los recursos considerados como desechados, no presentados, incompetencia del IFAI y sobreesidos.

Source: IFAI—11th activity report to the National Congress. http://inicio.ifai.org.mx/nuevo/11o_informe.pdf. Date of access: 10 April 2015.

FIGURE 14: STATISTICS ON COMPLIANCE WITH APPELLATE DECISIONS BY YEAR, MEXICO, 2003-13

Año	Número de resoluciones con instrucción*	En trámite	Incumplimientos denunciados		Cumplimientos pendientes en virtud de la interposición de un amparo	Total de resoluciones cumplidas	Porcentaje
			Cumplidos después de la denuncia	Incumplidos a pesar de la denuncia			
2003	166	0	0	0	0	166	100.0%
2004	446	0	4	3	0	443	99.3%
2005	1,125	0	5	3	0	1,122	99.7%
2006	1,310	0	2	3	3	1,304	99.5%
2007	1,782	0	6	2	4	1,776	99.7%
2008	2,003	0	8	13	3	1,987	99.2%
2009	2,070	0	7	8	12	2,050	99.0%
2010	2,018	0	2	2	16	2,000	99.1%
2011	1,684	0	1	8	19	1,657	98.4%
2012	1,857	0	0	1	7	1,849	99.6%
2013	2,498	5	0	7	6	2,480	99.3%
Total	16,959	5	35	50	70	16,834	99.3%

* Las resoluciones "con instrucción" son aquellas que implican un cumplimiento por parte de los sujetos obligados.

Source: IFAI—11th activity report to the National Congress. http://inicio.ifai.org.mx/nuevo/11o_informe.pdf. Date of access: 10 April 2015.

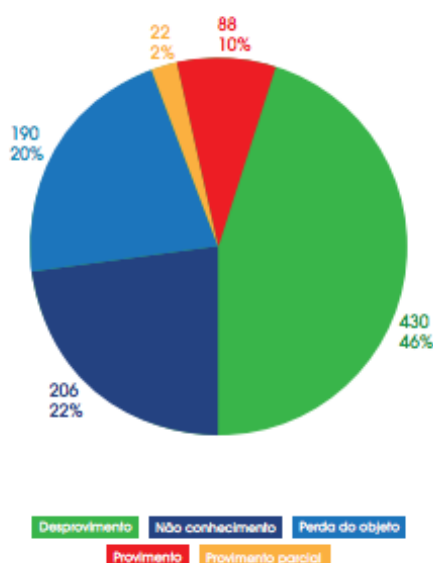
In **Brazil**, requesters can appeal the agencies' responses internally before a senior official and/or the highest authority of the agency in question,³¹ or they can file an appeal with the CGU. Pursuant to that they can appeal to the Joint Commission on the Reevaluation of Information (CMRI) for a final decision.

³¹ The CGU is the third appeals level, and the Joint Commission on the Reevaluation of Information (CMRI) is the fourth appeals level.

During the first full year of implementation of the law (2013), the CGU received 1,219 appeals and issued resolutions in 936 cases. Those 936 decisions were categorized as follows (figure 15):

- Three hundred cases were resolved in favor of the requester. In 190 of those cases, the agency whose decision had been challenged reconsidered its response, whereas in the remaining 110, the agency responses were reviewed and the original requests were granted in full or in part.
- In 430 cases, the CGU upheld the original agency's response (the reasons for rejecting the appeal were based on legal grounds).
- The remaining 206 cases did not comply with basic appeals requirements (time, relevance, falling within the scope of law) (CGU, 2013).

FIGURE 15: DISTRIBUTION OF APPEALS BY TYPE OF DECISION, BRAZIL, 2013



Source: Office of the Federal Comptroller General (CGU) (2013), Report on Implementation of Law 12,527 on Access to Information. Federal Executive Branch, 2013. Available at: <http://www.acessoinformacao.gov.br/central-de-conteudo/publicacoes/relatorio-2-anos-lai-web.pdf>. Date of access: 10 April 2015.

It should be noted that Brazil's CGU gathers and publishes information on the reasons why requesters appeal agencies' decisions (this includes all agencies of Brazil's federal executive branch). The CGU data cite the following reasons in 2013:

- Incomplete information: 2,436 (39.42 percent)
- Information received which is not related to the information requested: 1,610 (26.05 percent)
- Other: 1,202 (19.45 percent)
- Rationale for confidentiality unsatisfactory/not reported: 486 (7.86 percent)
- Absence of legal rationale for classification: 271 (4.39 percent)
- Information received by means other than requested: 68 (1.1 percent)
- Information classified by authority without jurisdiction: 35 (0.57 percent)
- Unspecified level of confidentiality: 33 (0.53 percent)
- Classifying authority not reported: 15 (0.24 percent)
- Nonexistent degree of classification: 11 (0.18 percent)
- Inappropriate period of classification for level of confidentiality: 8 (0.13 percent)
- Date of classification (initial or final) not reported: 5 (0.08 percent)

These data shed some light on the problems of access to government-held information. For example, the 68 appeals that were filed because the requesters received the information “by means other than requested” point to the importance of digital formats, and open formats in particular. The notion of requesting and receiving information in a certain format shows the influence of information technologies in all realms, including those related to public information.

In **Chile**, the CPLT provides data on the appeals received. The council received 2,321 appeals in 2013 and 2,820 appeals in 2014, out of which it resolved 2,150 and 2,442 cases, respectively.

FIGURE 16: TYPE OF CPLT DECISIONS, BY ZONE AND YEAR

ZONA	TIPO DE DECISIÓN	GRUPO	2009	2010	2011	2012	2013	2014	TOTAL
Zona Norte	Aprueba desistimiento	Municipalidades	0	7	3	1	4	5	20
		Otras Instituciones	0	4	8	1	1	2	16
	Decisión de Fondo	Municipalidades	13	16	26	25	40	48	168
		Otras Instituciones	5	28	18	28	33	40	152
	Decisión de inadmisibilidad	Municipalidades	2	17	30	19	45	53	166
		Otras Instituciones	4	24	31	24	33	30	146
Total			24	96	116	98	156	178	668
Zona Centro	Aprueba desistimiento	Municipalidades	3	18	31	43	64	45	204
		Otras Instituciones	7	59	79	105	103	84	437
	Decisión de Fondo	Municipalidades	22	179	243	286	224	319	1273
		Otras Instituciones	93	409	430	663	621	718	2934
	Decisión de inadmisibilidad	Municipalidades	15	71	138	131	270	305	930
		Otras Instituciones	83	269	318	421	565	626	2282
Total			223	1005	1239	1649	1847	2097	8060
Zona Sur	Aprueba desistimiento	Municipalidades	0	0	7	2	3	8	20
		Otras Instituciones	0	3	2	1	7	2	15
	Decisión de Fondo	Municipalidades	3	19	25	31	36	50	164
		Otras Instituciones	10	26	40	20	18	36	150
	Decisión de inadmisibilidad	Municipalidades	4	4	16	28	45	34	131
		Otras Instituciones	11	19	31	20	38	37	156
Total			28	71	121	102	147	167	636
TOTAL			275	1172	1476	1849	2150	2442	9364

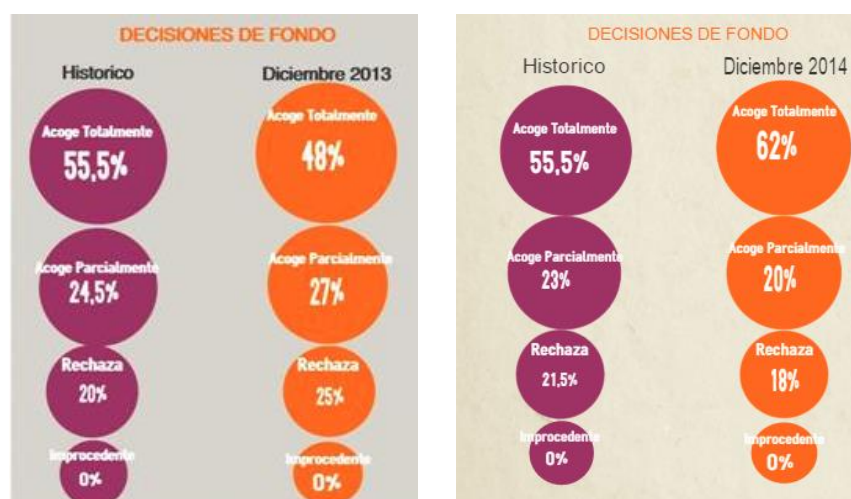
Elaborado por: Unidad de Reportes y Estadísticas-CPLT

Source: Reports and Statistics Unit (CPLT, 2015).

Since it began operating, the CPLT has issued merit-based decisions in 51.7 percent of cases in 2013 and 39.5 percent of cases in 2014. In 2013, the council decided in full favor of the requester in 48 percent of cases, partly in favor in 27 percent, and rejected 24 percent of the requesters’ cases. In 2014, the council decided fully in favor of 62 percent of the appeals, partly in favor of 20 percent, and rejected 18 percent of the cases.³²

³² See information on the CPLT decisions and resolutions with effects on third parties: <http://www.consejotransparencia.cl/actos-y-resoluciones-con-efectos-sobre-terceros/consejo/2012-12-18/195924.html#T10>.

FIGURE 17: PERCENTAGE OF MERIT-BASED DECISIONS BY THE CPLT, 2013-14



Source: Reports and Statistics Unit (CPLT, 2015).

Information on the CPLT’s decisions and resolutions with effects on third parties has been published on the Transparency Portal.³³

4. SPECIFICATIONS OF DATA RELEASE

It is worth noting that the proactive release of data on the use of and compliance with ATI laws in these three countries is not clearly stipulated in the legislation. In all cases, an oversight body has referred to the need for publishing “useful” or “relevant” information, but it is up to the oversight body to define these descriptors.

TABLE 9: CHARACTERISTICS OF THE PUBLICATION OF USE AND COMPLIANCE DATA, BY COUNTRY

Characteristics	Country	Brazil	Chile	Mexico
Mechanism		e-SiC (annual report)	CDCyT website	INFOMEX / IFAI website (annual report)
Frequency		Daily (and annually in the report)	Monthly	Article 10 of the Regulations of the Federal Law on Transparency and Access to Government Public Information establishes that information on transparency obligations will be updated at least every three months, except as otherwise indicated. In addition, Articles 8 and 9 of the regulations stipulate the terms by

³³ <http://www.consejotransparencia.cl/actos-y-resoluciones-con-efectos-sobre-terceros/consejo/2012-12-18/195924.html#T12>.

			which information held by entities and agencies of the federal public administration must be published.
Formats	Open and reusable formats as well as proprietary formats (although the annual report is published in PDF format).	Proprietary, for data provided by the executive branch. Open formats for data generated by the portal.	N/A

Source: Authors' compilation.

Only in Brazil, the law establishes that the statistical report must contain “the number of requests received, answered, and un-answered, as well as general information on the requesters.” In **Brazil**, these data can be accessed via the e-SIC,³⁴ as well as in the CGU annual report.³⁵ Likewise, in **Mexico**, Article 39 of the respective law establishes the obligation to publish the data in an annual report to the National Congress. Meanwhile, the IFAI publishes information twice a year³⁶ on requests; the number of processed requests, by agency; types of responses, and (if applicable) the appeals to those responses.

Estadísticas e Indicadores

Indicadores

- » Indicador de "Tiempo de respuesta a solicitudes de información y calidad de las mismas" (TICQ) de la estrategia "Gobierno Cercano y Moderno" del PND.
- » **Estadísticas**

Estadísticas

Entérese de cuántas solicitudes de información son dirigidas a la Administración Pública Federal, el tipo de respuestas emitidas y cuántos recursos son interpuestos ante el IFAI.

- [Estadísticas Semanales 19 de marzo 2015.xlsx\(927 KB\)](#) • [Estadísticas Semanales 19 de marzo 2015.pdf\(927 KB\)](#)

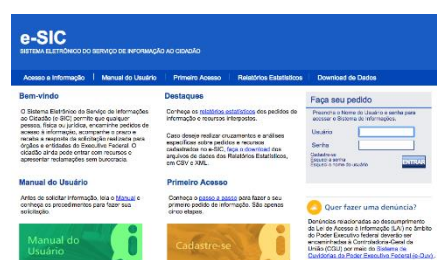
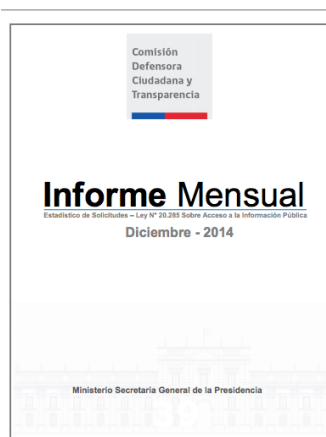


In **Chile**, the ATI law does not mandate the production and/or release of these types of data. Nevertheless, the CDCyT regularly publishes, on a voluntary basis, statistics on the use of the right to information, while the CPLT publishes an annual report (and through the Transparency Portal also makes updated data available).

³⁴ <http://www.acessoinformacao.gov.br/sistema/Relatorios/Anual/RelatorioAnualPedidos.aspx>.

³⁵ <http://www.acessoinformacao.gov.br/central-de-conteudo/publicacoes/relatorio-2-anos-lai-web.pdf>.

³⁶ <http://inicio.ifai.org.mx/SitePages/AIP-Estadisticas.aspx>.



5. USE OF INFORMATION COLLECTED BY OVERSIGHT AGENCIES

There are numerous benefits related to the collection of data on ATI law use and compliance, particularly for bodies overseeing the implementation of these laws. However, data alone do not produce knowledge or bring about change. Understanding the value of collecting and publishing use and compliance data is key to improving information systems in the public sector, and in turn, to increasing the ability of individuals to exercise their right to information.

In **Brazil**, the CGU has identified numerous benefits associated with the collection of these types of data, which help it to detect future problems, delays, and inefficiencies as well as areas in need of improvement, public satisfaction levels, and good management practices. For example, it has helped the CGU team take action against federal agencies that had not responded to any information requests, or had presented a low response rate. In 2012, it was verified through the e-SIC that 28 federal agencies in the executive branch had not yet responded to any information request. In addition, 486 of the 985 cases of failure to respond were related to universities and educational institutes. After discovering this pattern of failure to respond, measures were implemented to improve the response rates of these agencies. As a result, the percentage of unattended requests was reduced by approximately 30 percent.³⁷

In 2015, the CGU noted that there was still a considerable number of unattended requests within the statutory period. Given the large number of federal agencies involved, the CGU decided to prioritize those that had a nonresponse rate equal to, or greater than, 10 percent. The CGU sent letters to 18 agencies and contact was made with 6 agencies through the regional units of the CGU in Brazil, requesting that they take steps to respond to the unattended requests.

³⁷ E-mail communication with Camila Augusto Martins Alves at the CGU on March 25, 2015.

Data on the performance of ATI laws are also important as inputs for further research. Further studies could delve into the quality of the official data collected and/or made public by the oversight bodies and mandated by public agencies in order to understand the implementation of ATI policies (see Fox, Haight, and Palmer-Rubin, 2012).

The data generated by the e-SIC platform will enable the CGU to comply with its obligation to report annually to the National Congress on the implementation of the Transparency Law (as stipulated in Decree 7,724). Likewise, in Mexico, the IFAI has used these data for strategic studies prepared by its research and studies unit. Also, having data on requests, as well as requesters, has enabled the IFAI to formulate proactive transparency policies,³⁸ as well as publish targeted information online on microsites.

In the case of **Chile**, as reported by the CPLT, use and compliance data have been used to design campaigns to promote the right to information. These types of data have also helped in the selection of entities to receive training on ATI topics.

It is important to point out that having data on how the agencies comply with the legal mandate, as well as the preferences of the requesters, enables oversight bodies to develop strategies that enhance citizens' ability to exercise the right to government-held information. Also, if these types of data are proactively disclosed and published, this allows other actors to participate in monitoring efforts, as well as generate value by reusing the data (if the formats so permit).

6. SOME FINAL THOUGHTS

Establishing an ATI regime is much more than a legislative or constitutional act; it entails a profound change. And like all real changes, it sparks resistance and requires time for implementation and acceptance. With this in mind, in order for oversight bodies to be able to fulfill their role of assessing the implementation of ATI legislation, they must collect data on the performance of the mandated bodies as well as on the profiles and preferences of the requesters (if requesters are willing to provide such information).

Albeit with differences, all three countries in this study produce and publish data on both use and compliance. Of the three cases, Chile is the only country in which the oversight body does not collect data on the information requests; instead, an agency of the executive branch collects the information. The Chilean CPLT only gathers information on the requests submitted through the Transparency Portal, as well as data on appeals, but has announced plans to gather information on use and compliance in the future.

Electronic portals (all three countries have platforms for submitting requests and filing appeals electronically) have given the oversight bodies' access to automatically generated data that are continually updated. Using these tools, oversight bodies are able to present the

³⁸ This mechanism for identifying demand was developed by the IFAI using a methodology to identify the topics of most interest to the public, based on requests for information filed by individuals. Demand for information is assessed by categorizing a sample of requests from specific agencies. This methodology consists of a set of techniques that include the following:

- Statistical analysis of the database containing all requests for access to public information.
- Identification of the main topics based on the categorization of a representative sample of information requests from the universe analyzed (agency, entity, or the federal public administration as a whole).
- A georeferenced analysis of the requesters, with the generation of demand profiles that reveal the most important characteristics in terms of demand, population, education, geography, and occupation of the average user.

These analyses were run for 36 agencies, and one was conducted for the Federal Public Administration.

information in an attractive format to the mandated agencies, as well as the national congresses to which they are accountable, and the general public.

The data that the digital platforms provide to the oversight bodies, as well as the information that is manually gathered, support oversight activities. Thus, it is key that oversight bodies collect the necessary data to effectively perform their duties, and thereby contribute to the exercise of the right to information among all individuals.

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