

## Implementation of access to information laws

Transparency is a key principle of open government and a core foundational element of a functioning democracy. It enables citizens to exercise their voice and contribute to setting priorities, monitoring government actions and having an informed dialogue about – and participating in – decisions that affect their lives. In addition, transparency is crucial for good governance and contributes to the fight against corruption, clientelism and policy capture, all of which are imperative for restoring citizens' trust in government. Most initiatives to promote transparency have focused on access to information (ATI) laws, and more than 120 countries, including all OECD countries, have enacted ATI laws, with varying levels of maturity.

An important factor in the implementation of ATI laws is the existence of institutional arrangements for oversight of their application. The responsibilities of these bodies vary but often include enforcement, monitoring and the promotion of the law. They can be an independent information commission (or agency or other body) with a mandate purely to oversee the implementation of ATI laws or they could be a body like an ombudsman with an ATI mandate as part of a wider remit (e.g. human rights, discrimination or gender). In the Survey on Open Government, 18 OECD countries out of 32 (56%) and Brazil have an independent information body with a specific ATI mandate, while for 9 countries (28%), such as Finland and Norway, the implementation of ATI laws is overseen by a body with a wider remit. Finally, 17 OECD countries (53%) and 3 other economies (Brazil, Costa Rica and Romania) assign this mandate to a central government body, which is not independent from the executive branch. Some countries have complex systems in which two or more public bodies oversee the implementation of access to information laws. For example, Chile has a Council for Transparency and a Transparency Commission within the Ministry General Secretariat of the Presidency (Figure 9.6).

Countries can often struggle with their ATI obligations due to a lack of a dedicated office or official to advise on the implementation of such laws. Several ATI laws require the establishment of an information office or officer responsible for ensuring compliance with the law. These officers are appointed to guarantee both proactive and reactive disclosure of information. Currently, the law stipulates such a role only in 15 out of 30 OECD countries (50%) as well as in Brazil, Costa Rica and Romania (Figure 9.7). For example, Canada enables the head of each government institution to delegate their powers, duties and functions under the law to dedicated officers. However, countries without this provision can still create similar positions.

Improving the implementation of ATI laws also requires good practice at the sub-national level with many national governments undertaking initiatives to promote this. Fifteen out of 31 OECD countries (48%) and 3 other economies run capacity-building programmes for public officials at sub-national levels while 11 OECD countries (35%) as well as Brazil, Costa Rica and Romania also host

regular information sessions for stakeholders on accessing information. Furthermore, 12 OECD countries (39%) and the 3 other economies have created local guidelines on ATI. Nine OECD countries (29%) and Brazil are pursuing other innovative ways of improving implementation. For example, Lithuania offers training on digital skills and services for stakeholders on locating information and making online ATI requests. In federal countries, the federal government can also assist the sub-national levels of government; for example, the Time Brazil programme supports officials in the implementation of open government initiatives, including ATI obligations (Table 9.8).

### Methodology and definitions

Data were collected through the Survey on Open Government, which was conducted between November 2020 and March 2021. Thirty-two OECD countries and three other economies (Brazil, Costa Rica and Romania) participated. Respondents were the delegates to the OECD Working Party on Open Government, who co-ordinated the response across their respective governments. The section on access to information is based on responses by senior public officials across government with expertise and oversight on the subject of transparency and access to information.

Access to information refers to the ability of an individual to seek, receive, impart and use information effectively. In public administration, access to information refers to the existence of a robust system through which government information is made available to individuals and organisations.

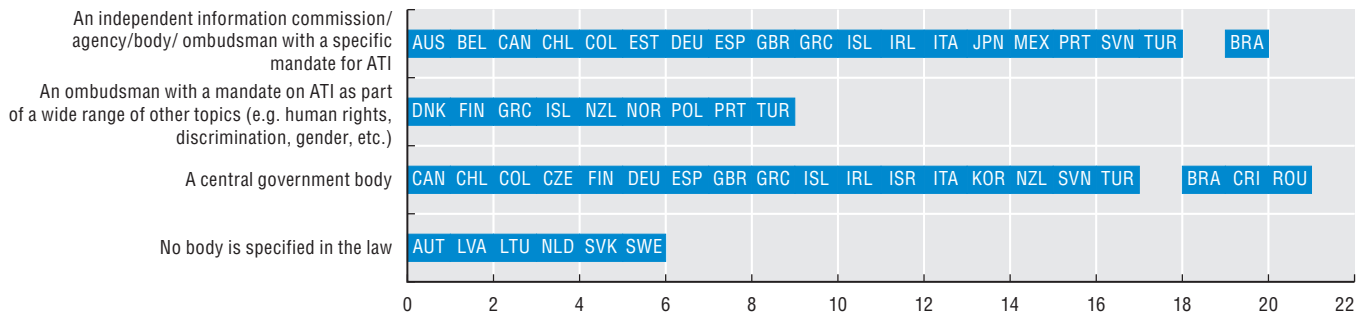
### Further reading

- OECD (2017), *Recommendation of the Council on Open Government*, OECD, Paris, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0438>.
- OECD (2016), *Open Government: The Global Context and the Way Forward*, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264268104-en>.
- Zuegel, K., E. Cantera and A. Bellantoni (2018), "The role of ombudsman institutions in open government", *OECD Working Paper on Public Governance*, No. 29, OECD Publishing, Paris, <https://doi.org/10.1787/7353965f-en>.

### Figure notes

- Data for France, Hungary, Luxembourg, Switzerland and the United States are not available.
- 9.7. Data for Greece and Poland are not available.
- 9.8. Data for Slovenia are not available.

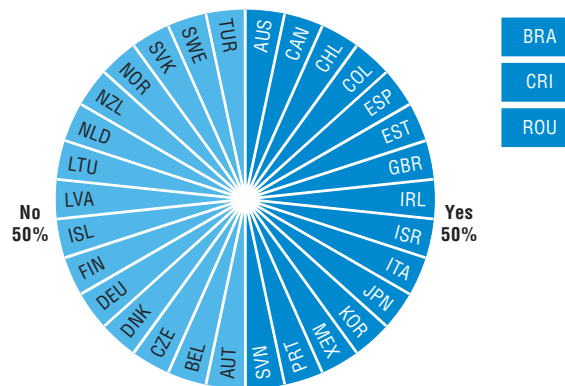
9.6. Bodies responsible for the enforcement, monitoring and/or promotion of the ATI law, 2020



Source: OECD (2021), Survey on Open Government.

StatLink <https://doi.org/10.1787/888934258686>

9.7. Requirement for an access to information office or officer stipulated by law, 2020



Source: OECD (2021), Survey on Open Government.

StatLink <https://doi.org/10.1787/888934258705>

9.8. Central/federal government initiatives to improve access to information at the sub-national level, 2020

Country	Capacity-building programmes for public officials	Information sessions for stakeholders	Local guides on accessing information	Other	No initiatives have been implemented at the sub-national level
Australia					•
Austria	•				
Belgium					•
Canada				•	
Chile	•	•			
Colombia	•	•	•		
Czech Republic				•	
Denmark					•
Estonia	•		•		
Finland		•	•		
Germany					•
Greece	•	•			
Iceland				•	
Ireland	•	•	•	•	
Israel		•			
Italy	•	•			
Japan					•
Korea	•	•	•		
Latvia					•
Lithuania				•	
Mexico	•		•		
Netherlands	•	•		•	
New Zealand	•		•		
Norway					•
Poland	•		•	•	
Portugal	•	•		•	
Slovak Republic					•
Spain	•		•	•	
Sweden					•
Turkey			•		
United Kingdom	•	•	•		
<b>OECD Total</b>	15	11	12	9	9
Brazil	•	•	•	•	
Costa Rica	•	•	•	•	
Romania	•	•	•	•	

Source: OECD (2021), Survey on Open Government.

StatLink <https://doi.org/10.1787/888934258724>

