

## 4.4 Improving the implementation of access to information laws

Transparency in public decision making is foundational to functioning democracy. It offers citizens and stakeholders insight into the public institutions that serve their interests and ensures that citizens are aware of government activities and can scrutinise them as needed. Strong access to information (ATI) laws, covering both the proactive and reactive disclosure of information, coupled with clear responsibilities for the implementation of ATI laws, ensure greater transparency across the public administration. They can also act as a bulwark against corruption and mismanagement. Promoting access to information with strong institutional oversight can support democracy at the national and regional level in Latin America and the Caribbean (LAC) (OECD, 2022).

ATI laws, applicable to all government branches and levels are vital for enabling citizens' access to documents and data, fostering informed participation in public life. ATI laws apply to a wide range of public institutions across the surveyed LAC countries. The executive, legislative and judicial branches, as well as state-owned enterprises, are subject to national ATI laws in 13 of the 14 countries with data available. The exception is Costa Rica, where each institution has its own ATI legal framework. In 12 of the surveyed countries (86%), the reach of these laws extends to the subnational level, while they encompass private entities handling public funds in 11 countries (79%), and independent institutions in 10 (71%) (Figure 4.10).

ATI laws also require implementation and oversight frameworks. The surveyed LAC countries have various institutions administering ATI laws. In 8 out of 14 countries (57%) there is an independent information commission or agency with a specific mandate for ATI. In seven countries (50%), responsibility for ATI lies with a central government authority, while four countries (29%) have ombudsmen who include it as part of a wider mandate. Responsibility is shared by multiple institutions in 6 out of 14 countries (43%), showing how differently countries approach the implementation and oversight of ATI laws (Figure 4.11). Having a dedicated access to information office or officer can also streamline processes and shows a strong commitment to information disclosure. This is required by law in 12 out of 14 surveyed LAC countries (86%), compared to only half of OECD countries (Online Figure F.2.2).

The proactive disclosure of information by governments has many benefits. It minimises administrative burdens, boosts efficiency and provides citizens with timely access to information. All the LAC countries surveyed proactively disclose at least two types of information, with all of them releasing information on the salaries or salary scales of public officials. In

contrast, policy proposals are only proactively disclosed in 6 out of 14 surveyed countries (43%). Colombia, the Dominican Republic, Ecuador, Mexico and Uruguay proactively disclose all information covered by the survey (Figure 4.12).

Where information is not proactively disclosed, there should be clear guidelines on how citizens and stakeholders can make a request for information. The accessibility of information can be significantly enhanced by support for requesters with specific needs, such as those with disabilities, with low levels of literacy, or who speak a minority language. Notably, 11 out of 14 countries provide additional support for such requesters (79%), which makes access to information much more inclusive. In contrast, only 16 out of 32 OECD countries (50%) extend such support (Online Figure F.2.3).

### Methodology and definitions

Data were collected through the OECD Survey on Open Government, conducted between November 2020 and March 2021, and the OECD-IDB Survey on Open Government, conducted in 2022 in 15 Latin American and Caribbean countries. Respondents were delegates to the OECD Working Party on Open Government, who co-ordinated the response across their respective governments.

Citizens refers to individuals, regardless of their age, gender, sexual orientation, or religious and political affiliations. The term is meant in the wider sense of "an inhabitant of a particular place". It is not meant in the narrower sense of "a legally recognised national of a state".

### Further reading

OECD (2022), *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance*, OECD Publishing, Paris, <https://doi.org/10.1787/d234e975-en>.

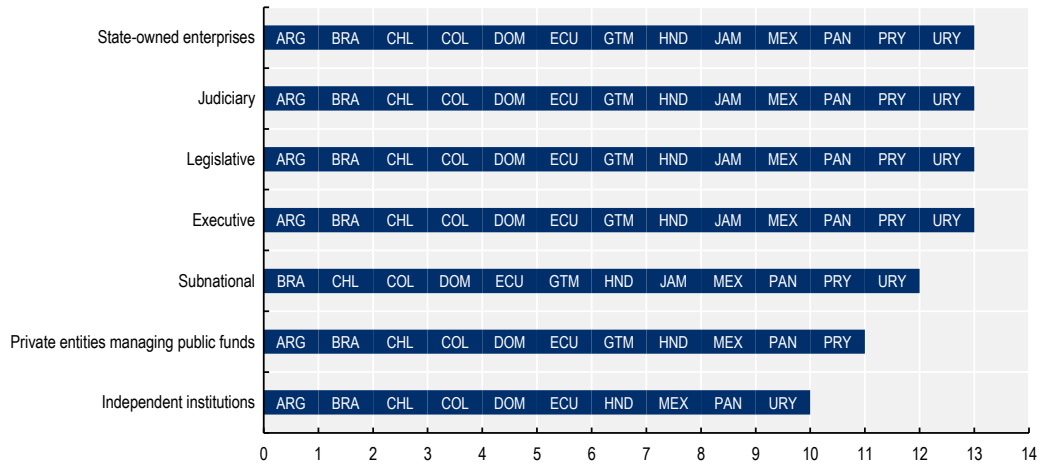
OECD (2019), *Institutions Guaranteeing Access to Information: OECD and MENA Region*, OECD Publishing, Paris, <https://doi.org/10.1787/e6d58b52-en>.

### Figure notes

Data for Peru are not available.

F.2.2 (Requirement for an access to information office or officer established in law, 2021) and F.2.3 (Support for access to information requests by people with specific needs, 2021) are available online in Annex F.

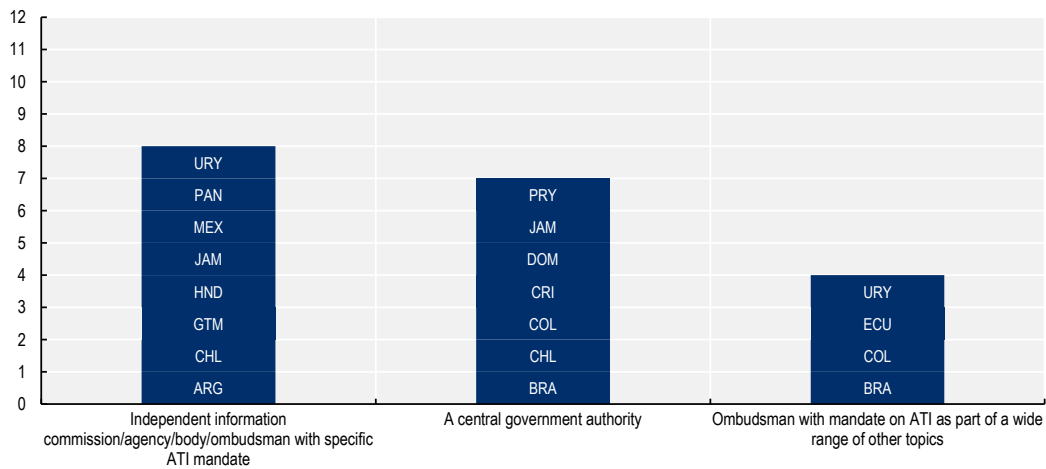
**Figure 4.10. Scope of national access to information legal frameworks across levels of governments and public institutions, 2021**



Source: OECD-IDB (2022), Survey on Open Government; OECD (2021), Survey on Open Government.

StatLink <https://stat.link/fm481k>

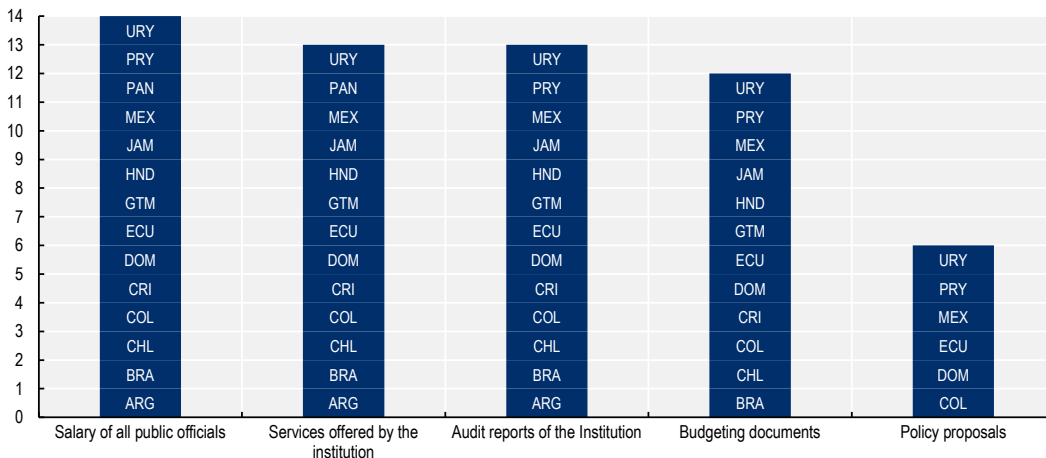
**Figure 4.11. Public institutions responsible for implementing access to information legislation, 2021**



Source: OECD-IDB (2022), Survey on Open Government; OECD (2021), Survey on Open Government.

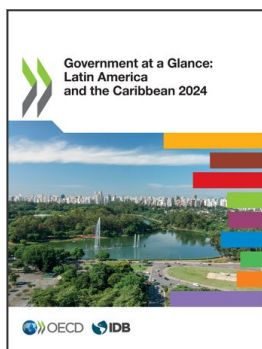
StatLink <https://stat.link/web0y2>

**Figure 4.12. Information proactively disclosed by the central / federal government, 2021**



Source: OECD-IDB (2022), Survey on Open Government; OECD (2021), Survey on Open Government.

StatLink <https://stat.link/lyuegt>



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