

TRANSPARENCY IN GOVERNMENT DECISION MAKING

Ensuring that government decision making is not compromised by conflicts of interest is key to maintaining trust in government. Transparency is therefore essential to hold governments to account and maintain confidence in public institutions. It improves policy outcomes by minimising the risk of fraud, corruption and mismanagement of public funds, and supports a level playing field for business.

Definition

Laws on access to information (FOI laws) grant and regulate the right of individuals to access information held by government. Proactive disclosure (also known as “affirmative

publication”) ensures that information seekers get immediate access to public information and avoid the costs of filing a request or engaging in administrative procedures. For public organisations, proactive disclosure can reduce the burden of complying with Freedom of Information (FOI) requests. In some cases, governments are compelled by law (either FOI laws or others) to proactively disclose certain types of information.

Comparability

Data were collected through the 2010 OECD Open Government Survey. This survey focused on collecting data on the scope and the implementation of freedom of (or access to) information laws at the central level of government. A section of the survey explored the extent to which information is proactively disseminated and is available electronically. Respondents to the survey were central government officials responsible for implementing open government initiatives. The survey was completed by 32 OECD countries as well as Brazil and the Russian Federation. Data are not available for Germany and Greece, although these countries do have freedom of information legislation in place. Luxembourg and Brazil are currently drafting laws on access to information. Freedom of information procedures in Austria are required to be published by the general law for administrative procedures.

Overview

All OECD countries are proactively publishing public information, and in 72% of them, proactive disclosure is required by FOI laws for certain categories of information. The type of information proactively disclosed varies across countries. While a majority of countries proactively disclose budget documents (94%), annual Ministry reports (84%), and audit reports (72%), only a smaller number (28%) proactively publish lists of public servants and their salaries. Chile, Estonia and Israel publish information on the salaries of all public servants, whereas Hungary, Italy, Mexico, the Netherlands, Turkey and the United Kingdom publish salary information for some public servants, such as managers at the top of salary scales.

Applying the principle of proactive disclosure is facilitated by the use of information and communication technologies (ICTs). Some 81% of OECD countries have developed central portals as a means of proactively disseminating information from a single location. In addition, ICTs provide opportunities to create new added-value services through the re-use of government-held information (such as geo-spatial data). Some 63% of OECD countries publish administrative data sets, and a majority have established provisions in laws or policies requiring electronic information to be published in formats that allow for re-use and manipulation of the information (e.g. open formats). Countries like Australia, New Zealand, the United Kingdom and the United States are providing access to public data in a reusable format through a central website (e.g. *data.gov*), and other countries (such as Chile and Spain) have taken steps in this direction.

Freedom of information laws—also referred to as access to information laws—allow the public to access information that is not proactively made available by governments. These laws contribute to strengthening transparency, enhancing government accountability and promoting informed participation in policy making. Today, all OECD member countries except Luxembourg have FOI legislation that covers the actions of at least the central government. However, the scope of these laws varies in terms of the institutions covered, reflecting different institutional and legal systems across countries. In about half of OECD countries, the laws extend to all branches of central government (legislative, judicial and executive) and in the majority of countries, all bodies that form the executive branch of the central government (e.g. Ministries/Departments and executive agencies) are subject to FOI legislation. Private entities managing public funds, such as those contracted by the government to provide services to citizens, are subject to FOI laws in over half of member countries.

Sources

- OECD (2011), *Government at a Glance*, OECD Publishing.

Further information

Analytical publications

- OECD (2011), *The Call for Innovative and Open Government: An Overview of Country Initiatives*, OECD Publishing.
- OECD (2009), *Focus on Citizens: Public Engagement for Better Policies and Services*, OECD Studies on Public Engagement, OECD Publishing.
- OECD (2005), “Public Sector Modernisation: Open Government”, Policy Brief, OECD Publishing.
- OECD (2003), *Open Government: Fostering Dialogue with Civil Society*, OECD Publishing.

Websites

- Public Engagement, www.oecd.org/gov/publicengagement.
- Fighting Corruption in the Public Sector, www.oecd.org/gov/ethics.
- Government at a Glance (supplementary material), www.oecd.org/gov/indicators/govataglance.



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Proactive disclosure of information by central government

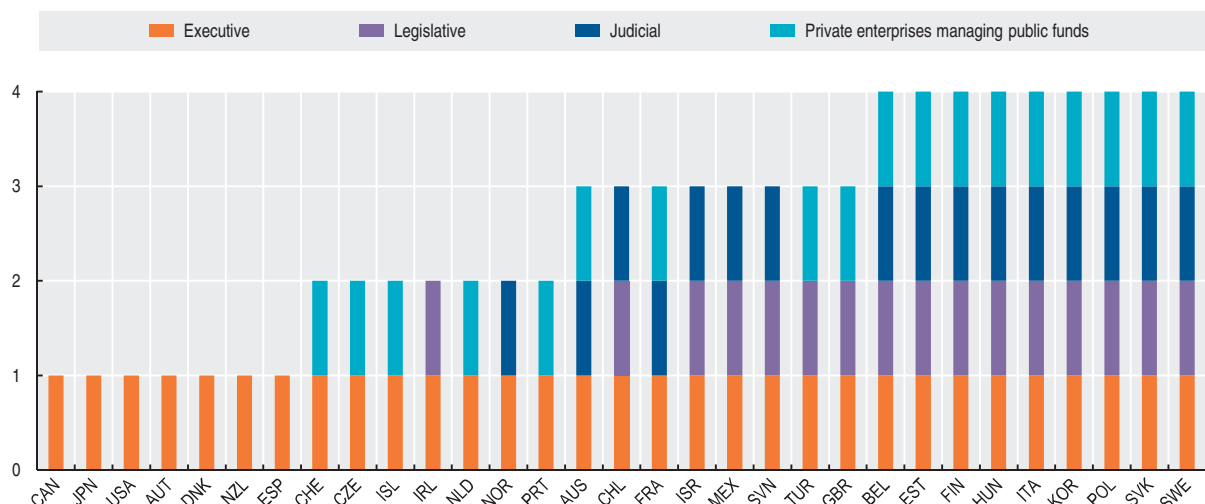
2010

	Budget documents	Annual ministry reports, including accounts	Audit reports	All government policy reports	Commercial contracts over a stipulated threshold	List of public servants and their salaries	Administrative data sets	Information describing the types of records systems and their contents and uses	Information on internal procedures, manuals and guidelines	Description of the structure and function of government institutions	Annual report on freedom of information law	Freedom of information procedural information
Australia	⊙	●	⊙	○	⊙	○	⊙	●	●	●	⊙	●
Austria	⊙	○	⊙	○	○	○	⊙	○	⊙	⊙	○	⊙
Belgium	⊙	○	○	⊙	○	○	⊙	○	○	●	⊙	⊙
Canada	●	●	●	○	●	○	⊙	●	●	●	●	⊙
Chile	●	⊙	●	○	●	●	○	○	○	●	⊙	⊙
Czech Republic	●	●	○	○	○	○	○	○	●	●	●	●
Denmark	⊙	⊙	⊙	⊙	○	○	⊙	⊙	⊙	⊙	○	○
Estonia	●	●	●	●	●	●	●	●	●	●	●	●
Finland	●	●	●	●	●	○	●	●	⊙	⊙	○	●
France	●	●	○	⊙	○	○	○	○	○	●	●	●
Hungary	●	●	●	●	●	○	●	●	●	●	●	●
Iceland	⊙	⊙	⊙	⊙	○	○	⊙	○	⊙	⊙	⊙	⊙
Ireland	○	⊙	○	○	⊙	○	⊙	⊙	⊙	●	●	⊙
Israel	●	●	⊙	○	○	○	⊙	⊙	●	●	●	●
Italy	●	●	●	●	●	●	⊙	⊙	⊙	●	●	●
Japan	⊙	○	⊙	○	⊙	○	○	⊙	○	⊙	⊙	⊙
Korea	●	●	●	●	●	○	●	●	●	●	●	●
Luxembourg	⊙	⊙	○	○	○	○	○	⊙	○	⊙	○	○
Mexico	●	●	●	●	●	●	⊙	●	●	●	●	⊙
Netherlands	⊙	⊙	⊙	⊙	○	○	⊙	○	⊙	⊙	⊙	⊙
New Zealand	●	●	○	○	●	○	⊙	○	○	○	○	●
Norway	⊙	○	○	⊙	○	○	○	⊙	⊙	⊙	○	⊙
Poland	○	●	○	○	○	○	●	○	○	○	○	●
Portugal	●	●	●	⊙	●	○	○	●	●	●	●	○
Slovak Republic	●	○	○	●	○	○	⊙	⊙	⊙	●	○	●
Slovenia	●	●	●	●	○	○	●	●	●	●	○	●
Spain	●	●	●	○	●	○	⊙	⊙	●	●	○	○
Sweden	⊙	⊙	⊙	⊙	○	○	⊙	⊙	○	⊙	○	⊙
Switzerland	⊙	⊙	⊙	○	○	○	○	○	⊙	⊙	⊙	⊙
Turkey	●	●	●	○	○	●	○	●	○	●	●	●
United Kingdom	⊙	⊙	⊙	○	⊙	⊙	⊙	⊙	○	⊙	●	●
United States	⊙	⊙	⊙	⊙	⊙	○	⊙	●	●	●	●	●
OECD total												
● Required to be proactively published by FOI law	17	17	12	8	11	5	6	11	12	19	16	16
⊙ Not required by FOI law, but routinely published	13	10	11	10	5	4	15	11	10	11	7	12
○ Neither required nor routinely published	2	5	9	14	16	23	11	10	10	2	9	4
Brazil	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	⊙	○	○
Russian Federation	●	○	○	●	○	●	●	●	●	○	●	●

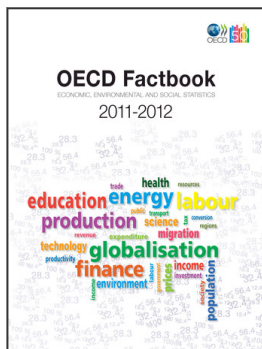
StatLink <http://dx.doi.org/10.1787/888932507065>

Breadth of central government freedom of information laws

2010



StatLink <http://dx.doi.org/10.1787/888932507084>



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