

# The Open Gov Guide

2024

Open  
Government  
Partnership



# Open Government Foundations

*The Philippines has made notable progress in expanding access to the right to information, especially at the local level. The country [tripled](#) the number of local government units that passed “freedom of information” ordinances or executive orders in two years. Pictured: A neighborhood in Manila, the capital of the Philippines.*

## Right to Information (RTI)

The public needs access to information to hold the government to [account](#) for its decisions. [Right to information](#) (RTI) laws enable citizens to obtain this information, with [many laws](#) requiring governments to proactively publish information. While most OGP member countries now have RTI laws, many still face issues, such as implementing the required processes and managing request backlogs. In addition, data on how well agencies implement an RTI law can help measure progress in protecting this important right, aid learning and accountability, and prioritize reforms.

### Open Gov Challenge

#### Access to Information

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Access to Information.

**Challenge prompt:** Improve effectiveness of access to information legal frameworks.

Actions and reforms could include:

- Improving access to information oversight authorities independence, capacity, and integrity.
- Improving agency by agency access to information performance reporting and data (including requests, affirmative responses, response times, use of exemptions, appeals, and outcomes of appeals).

## Key Terms

- **Appeals:** If a public authority denies the release of information due to an exemption or fails to respond, requestors have the option to challenge the response. Often the first appeal will be for internal review. If still unsatisfied, most RTI legal frameworks adopt one of [four different models](#): courts, tribunals, ombudsperson, or a specialist commissioner.
- **Exemptions:** Public authorities can exempt information from disclosure when those details fall in categories such as national security, attorney-client privilege, ongoing investigations, commercial secrecy, and privacy.
- **Proactive and reactive disclosure:** [Information](#) held by public authorities can be accessed by the public via proactive disclosure, when the authority releases information without requests being filed, or via reactive disclosure, when members of the public can file requests for information.
- **RTI performance data:** Key types of data related to RTI performance are:
  - Number of requests submitted
  - Time to respond to requests
  - Number of denials and reasons for withholding information
  - Number of appeals and their results
  - Amount of money collected in costs for RTI requests
  - Disaggregated, demographic data (such as gender), where appropriate

## The Evidence

The evidence shows that information availability can improve government effectiveness.

- RTI laws have been shown to reduce corruption by [providing](#) a framework that requires public officials to act impartially and give reasons for their decisions.
- When implemented, RTI laws are associated with strengthening the impact of other open government reforms, which can make it [more likely](#) that officials will behave ethically and legally.
- Increasing access to information and enforcing RTI laws improves public service delivery by [empowering the public](#) to monitor services and advocate for change.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP’s principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. “Foundational” does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

**Pass a law to manage archive rules:** Establish a law to manage the storage and retrieval of physical and electronic government records, including requirements related to how long information can be retained and oversight authority for records management. Ensuring that information is correctly stored and easy to retrieve is necessary to implement an RTI law.

Transparency

Legislature

Foundational

**Pass an RTI law:** Establish an RTI law in line with the most current standards on RTI, as outlined in the *Guidance and Standards* section below.

Transparency

Legislature

Foundational

## RIGHT TO INFORMATION (RTI)

- Require RTI performance data collection and publication:** Require the collection and publication of RTI performance information in open data format. Efforts can include mandates to collect and publish the following data for each authority covered by the RTI law.
  - Data on the number of requests submitted and processed, how long it took the relevant government agency or agencies to respond to requests, request disposition, reasons for denial, and appeals against RTI decisions and their results.
  - Data that follows a standardized, validated reporting method in a structured data format on an open platform.
  - Disaggregated data on requestors, such as by gender, where appropriate.
  - Standardized reports summarizing each agency's RTI performance.
  - Anonymized, request-level data of the actual information requested and the disposition of those requests at regular, periodic intervals.
- Create an oversight body:** Establish a [body](#) (or give powers to existing inspectorates or ombudspersons) that can review cases, policies, and practices based on individual requests or denials, failures to report, and patterns of denial. This can also be done through an executive order or an administrative regulation.
  - Ensure appellate processes allow for individual appeals of denial of information.
  - Such bodies may publicly publish summaries of agency-level reports and make recommendations to chief administrators.
  - An oversight body can also enforce any proactive disclosure requirements that are included in the RTI law.
  - Establish criteria for composition that considers a diversity of sectors and experiences, including across gender, age, and other representative demographics.
- Ensure the RTI oversight body is appropriately resourced:** Commit regular funding to the RTI oversight body, and ensure that the body is fully staffed to fulfill its mandate and maintain independence.
- Improve civil service incentives:** Establish a professional track for RTI professionals within agencies, and create professional certificates for relevant data management (where possible) to raise the effectiveness of RTI compliance as an accountability measure.

Transparency

Legislature

Inclusion

Foundational

Public Accountability

Executive

Legislature

Inclusion

Foundational

Public Accountability

Legislature

Intermediate

Public Accountability

Executive

Intermediate

### TRANSPARENCY

- Regularly report on compliance:** Regularly report to the public and the legislative branch on agency or department compliance with the RTI law.
- Create request-sharing requirements and systems:** Create request-sharing requirements and systems. In some cases, people make legitimate requests, but to the wrong authority. Governments can establish standardized request-forwarding processes to ensure that requests arrive in the right place.
  - These systems will allow for common rerouting of requests filed to the wrong authority, and more standardized tracking and reporting. Doing so would lessen the administrative burden and make the final release of RTI performance data much easier.
- Require data on RTI performance to be accessible and usable:** Require the following elements to ensure data is accessible and usable by the general public. Successful examples include RTI performance databases in the [Dominican Republic](#) and [Uruguay](#).
  - Proactive and frequent disclosure of RTI performance data that is published online, free of charge, and in a timely manner.
  - Machine-readable data published in non-proprietary formats that is also bulk-downloadable, so the public can access data for monitoring and accountability purposes.
  - Public validation function to allow the public to [flag data](#) that may need further validation or correction.
  - Gender-disaggregated data on requests and appeals, as appropriate.
- Standardize data, including for interoperability:** Standardize data and introduce common identifiers for key elements (such as agency names) that may be used in other important data, such as budgeting or spending data. Common identifiers can reduce the administrative burden of tracking RTI by relying on other validated databases and can allow for comparison across time and levels of government.
  - Across time: Make performance data consistent and comparable across requests and over the years by ensuring continuity of key indicators across years. This can help identify major changes in performance over time.
  - Across localities and agencies: Encourage (or mandate, if possible) government entities to use similar fields where comparison is possible through the production of guidance, appropriate validation methods, and incentives for standardization.

Transparency

Public Accountability

Executive

Legislature

Intermediate

Transparency

Public Accountability

Legislature

Intermediate

Transparency

Civic Participation

Public Accountability

Legislature

Inclusion

Intermediate

Transparency

Executive

Advanced

CIVIC PARTICIPATION

- Ensure equal access to the RTI request process:** Create and enforce special measures to ensure that all persons, particularly the most vulnerable or marginalized, can benefit from the right to information. Such measures include accommodations for those who may have trouble accessing online systems, such as people living in rural areas with limited internet access or people with disabilities. For example, the [Philippines](#) focused on increasing RTI ordinances at the local level, which led to a considerable expansion of public access to information, including in rural areas.
- Create a public advisory panel:** Establish or enhance an advisory group to include RTI users (including journalists, industry, and civil society organizations) and government information producers. Ensure that the advisory group solicits, combines, and gives feedback on the quality of compliance reporting and recommends solutions revealed by data from agencies.
- Train public officials:** Provide adequate training to all relevant public officials, especially information officers, on record-keeping practices, how to respond in a proper and timely manner, the use of standardized data, and the timely provision of information and appropriate use of exemptions.
- Conduct public education campaigns:** Create a campaign to increase the public’s awareness of the right to information, including guidance on how to submit information requests.
  - Raise awareness of the [benefits](#) of RTI performance data through public education campaigns, especially where there is a high level of understanding and use of the right to information.
- Increase financial support to information intermediaries:** [Provide](#) education opportunities, grants, and support to data intermediaries (such as CSOs or local legal clinics) that use the RTI system.

Civic Participation

Executive    Legislature

Inclusion    Intermediate

Civic Participation

Executive    Legislature

Intermediate

Civic Participation

Executive    Intermediate

Civic Participation

Executive

Advanced

Civic Participation

Executive    Legislature

Advanced



## PUBLIC ACCOUNTABILITY

- Strengthen the RTI oversight body's powers of oversight and investigation:** Establish or strengthen the right to information commission, including by assuring funding, to ensure independence and maximal disclosure, especially in high-value areas of government activity.
  - Empower RTI commissions (or their equivalent) to investigate irregularities and patterns of practice as reflected in performance data and to independently report their findings to the legislature and the public.
  - Allow [independent oversight](#) to conduct on-site inspections and impose sanctions for non-compliance.
  - Create tribunals with the mandate and capacity to review irregularities and patterns of practice.
- Create a process for judicial or quasi-judicial review:** Ensure that non-reporting, falsification, and misrepresentation of data has adequate, publicly accessible avenues of redress and remedy, if they do not already exist.
- Create a process for parliamentary oversight:** Hold standing or ad hoc committees and legislative hearings to oversee the performance of the RTI law and ensure agencies are complying with the RTI law.

Public Accountability

Legislature

Foundational

Public Accountability

Legislature

Foundational

Public Accountability

Legislature

Intermediate

## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. RTI has historically been one of the most popular policy areas for reform among OGP members, with over 80 percent of members making RTI commitments overall.

- **Brazil Increased Effectiveness of Information Requests:** [Instituted](#) a time limit for government agencies to respond to information requests and created stricter rules to deny access to classified information in partnership with civil society organizations.
- **Dominican Republic Database of Information Requests:** [Made](#) data available online related to [statistics](#) for over 200 government agencies on levels of compliance with freedom of information requests.
- **Kenya National and County-Level RTI Laws:** [Drafted](#) RTI regulations in collaboration with civil society (finalization pending at time of writing) and created a toolkit and model RTI law for the county level. By the end of the implementation period, counties had begun to adopt RTI laws.
- **Morocco Increased RTI Capacity Building and Access:** [Conducted](#) public awareness campaigns, [appointed and trained](#) RTI officers, [increased](#) archive units across government bodies, and [created](#) an online portal where requests are publicly tracked. Also [committed](#) to expanding access to the portal to local governments.

## RIGHT TO INFORMATION (RTI)

- **Philippines Increase in Local RTI Ordinances:** [Tripled](#) the number of local government units that passed “freedom of information” ordinances or executive orders in two years, which [led to](#) strong early results in expanding the public’s access to information at the local level.
- **Spain Right to Information Law Reforms:** [Committed](#) to approving regulations that will strengthen transparency and access to public information. Spain has also signed the Council of Europe’s [Convention on Access to Official Documents](#)—ratification is pending.
- **Uruguay Index to Measure Compliance with Information Requests:** [Created](#) a National Transparency Index that [measures](#) agency-level compliance with the RTI law, such as the proactive sharing of information. Builds on a previous pilot by the Central Bank to [make](#) data available online on RTI requests, which other public institutions adopted.

## BEYOND OGP ACTION PLANS

- **Bangladesh Expanded Access to RTI for Vulnerable Groups:** [Working](#) to ensure that women and Dalit communities can request information through its [Information Commission](#), in collaboration with The Carter Center and other agencies. Activities included raising awareness among these groups and training local officials to better support these groups in requesting information.
- **Paraguay Online Tool to Explore RTI Request Data:** [Created](#) an accessible, open tool to help users explore data on RTI requests, such as statistics measuring the degree of agency compliance.

### The Role of Local Governments

Local governments often have their own RTI laws. They may administer these rules independently in a fully federal system, in coordination with the national government (as in Mexico), or they may operate according to a unified national system of RTI.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Access Info Europe](#)
- [Article 19](#)
- [Centre for Law and Democracy](#)
- [Programme d’Appui aux Gouvernements Ouverts Francophones \(PAGOF\)](#)
- [Red de Transparencia y Acceso a la Información](#)
- [The Carter Center](#)
- [United Nations Educational, Social and Cultural Organization \(UNESCO\)](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- RTI-Rating.org, maintained by the **Centre for Law and Democracy**, has [tracked and cataloged](#) the detailed characteristics of all RTI laws, including amendments thereto and whether through legislation or by decree.
- In collaboration with the **OGP Support Unit** and **Transparency International**, the **Data for Development Network's** Global Data Barometer collects information on whether company RTI administrative data is available in open formats. Visualizations of this data are available on the [OGP website](#).
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The 2022 **OGP Support Unit** report [Broken Links: Open Data to Advance Accountability and Combat Corruption](#) includes a chapter on RTI performance and the need for interoperability with other key political data.
- The right to seek information is recognized under [Article 19](#) of the **Universal Declaration of Human Rights** and [Article 19](#) of the **International Covenant on Civil and Political Rights** as an element of freedom of expression.
- Sustainable Development Goal [16.10.2](#), part of the **United Nations Agenda 2030**, encourages the adoption and implementation of constitutional, statutory, and/or policy guarantees for public access to information.
- The [joint declaration](#) published by the three special mandates on freedom of expression at the **United Nations**, the **Organization for Security and Co-operation in Europe**, and the **Organization of American States** (OAS) recognized the right to access information held by public authorities as a fundamental human right, as well as the requirement for governments to ensure effective implementation of RTI legislation.
- In October 2020, the **OAS** approved the [Inter-American Model Law 2.0 on Access to Public Information](#) as a follow-up to the Model Inter-American Law on Access to Public Information of 2010, which, at the time, was promptly embraced in the region as a reference for the development of this right.

## RIGHT TO INFORMATION (RTI)

- The **African Commission on Human and Peoples' Rights'** [Model Law on Access to Information for Africa](#) (also referenced as a source for further guidance in the Commission's [2019](#) update to the Declaration of Principles on Freedom of Expression in Africa) requires public bodies and relevant private bodies to submit annual reports on RTI performance to the relevant oversight mechanism, which is in turn directed to review and publish these reports.
- **The Carter Center** created an [Implementation Assessment Tool \(IAT\)](#) to protect the right to information. The IAT diagnoses the extent to which the public administration can respond to requests for information and provides an implementation guide for government ministries and agencies to better fulfill their duty to deliver information to the public.
- The **European Public Accountability Mechanisms'** [database](#) has a set of RTI indicators that includes a question regarding whether frameworks require the release of data on requests and appeals to the public.
- Additionally, **RTI-Rating.org** has [tracked and cataloged](#) the detailed characteristics of all RTI laws, including amendments thereto and whether through legislation or by decree.