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Making Access to Information a Meaningful Right: The FOI Program One Year On

Manila, 5-6 December 2017

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Session 6-Preparing for FOI: Processing Requests, Proactive Disclosure, Records and Information Management

3:50-5:10, 5 December 2017

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Institutional Structures: IOs

- Information officers: higher grade
 - Very different role than press officers
 - Range of functions: internal and external
 - Need clear TORs and time allocation and obligation on others to cooperate
- Roles of Information Officers:
 - Public awareness, annual report, action plan
 - Processing requests and proactive publication
 - Records management?
 - Networking?

Institutional Structures: Nodal Point

- Internal Office – not like oversight body
 - India: DoPT; Canada: MoJ; Tunisia: Comité de Pilotage
 - PCOO?
- Central internal coordination body
 - Models: not reinvent the wheel
 - Training
 - Central request tracking tool
 - Record management standards and systems
- Relationship with oversight body?

Training

- ▶ Huge task: everyone needs to be trained
- ▶ Need to prioritise: start with IOs (special role) – at least 2-3 days
- ▶ ToT
- ▶ Modules in ongoing training (different types - pre- and in-service)
- ▶ IOs doing internal training
- ▶ Need a plan to reach everyone
- ▶ External - outreach: school, university

Systems



- ▶ Proactive Disclosure
- ▶ Requests
- ▶ Internal appeals
- ▶ Records management
- ▶ Reporting (annually)
- ▶ FOI Manual

Proactive - Overview

- Key attributes under international law:
 - Ensure that the required information is published
 - Make sure it reaches the people concerned
 - Update the information as needed
 - Make sure key information (e.g. the budget) is provided in a form that people can understand
- Challenge: policy practice gap
 - Indian study: after 5 years, only 5% of overall information was being published

Main Types of Proactive Disclosure

- 1) Information that comes periodically
 - E.g. budget (annually)
 - Need to make sure it gets updated
- 2) Ongoing (as it arrives)
 - E.g. contracts, decisions, licences, programmes
 - Far more difficult to update because it is *ad hoc* in nature
 - You need to develop a system that will work in your context
- Mostly via website but not everyone online

Processing Requests

- Complicated – just note some key issues
- Where to receive: centrally, at some key locations, anywhere (schools, clinics) – relationship to IOs
- Assistance: what triggers?
 - Disability/illiteracy
 - Trouble describing information
- Need to register and allocate unique number
 - Better practice to have central, electronic registration/tracking system – can also be used to make requests and even appeals (Mexico)
- 2) Ongoing (as it arrives)
 - You need to develop a system that will work in your context
- Mostly via website but not everyone online

Processing Requests cont'd

- Need a system for this to respect time limits
 - 15 working days + maximum another 20
 - Tight deadlines – need a good system to respect
 - Challenges:
 - Need to find the information
 - May need to look through many documents
 - May need cooperation from other officials
 - May need to consult third parties
 - need to assess information (for exceptions)
 - May need to compile information (e.g. \$ spent on midwives during last 5 years)

Processing Requests cont'd

- 6 Question campaign: 62 days average, only 3 countries met timelines for all 6 requests
- Need to assess the applicability of any exceptions: who is going to decide on this?
- System for severing exempt information (how to do this? how to indicate what has been removed?)
- Form of access
 - Inspect (need a place for this)
 - Electronic or physical copy
 - Transcript from audio or visual medium
 - What if not possible?

Processing Requests cont'd

- Notice
 - Form of access, fees, where to inspect
 - If refused (in whole or in part): reasons; right to appeal
- Fees
 - Only for reproduction and sending
 - Systems for calculation/collection/providing receipt?

Internal Appeals

- ▶ Procedure needs to be spelt out in FOI Manual
- ▶ Needs to be to a higher authority than IO but could be filed with IO
- ▶ Needs to provide a real review

Records Management



- Huge and complicated task
 - Need to develop standards; ideally at central level
 - Forward vs. backward looking
 - Digital standards

Annual Report

- ▶ Invaluable information about how system is working
- ▶ IO should be responsible for this
- ▶ Requirements for the Report:
 - ▶ Requests
 - ▶ Steps taken to develop systems for requests
 - ▶ Plan of Action
 - ▶ Guide for requesters
 - ▶ Proactive publication: website, systems, other means
 - ▶ Main problems and recommendations for reform

Annual Report, cont'd

- ▶ Need to think what you need re. requests
 - ▶ Number received, assistance, responses, how many urgent, timeline for responding, fees, transferred, rejected/accepted, exceptions used, complaints
 - ▶ Central tracking (Mexico, Canada)
- ▶ Cannot do this post facto (need to collect information as you go)

FOI Manual

- ▶ List of information to be included in s. 8 of the Executive Order
- ▶ Should also place an obligation on other officials to cooperation with the IO



Thank you

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