Institutional Measures

This section looks at the institutional measures that have been taken by individual public authorities as part of their implementation of the RTI Law.

1. Substantive Issues

The key issues to be assessed here are:

- Has the authority appointed a PIO?
  - Sub-issues:
    - Was the appointment done in a formal way (i.e. through a written notice)?
    - Were terms of reference or a job description provided to the person? Were these formally approved?
    - Was the person allocated time to do this job (i.e. have his or her other duties been reduced to make way for this function)?
    - Has appropriate equipment (such as a photocopier) been made available to the PIO?
    - Does the person meet any legal conditions for being appointed to this position (for example as to the minimum civil service rank required)?

- Has the PIO been provided with RTI training? If so, how long was the training and who provided it? Was it just a one-off or has upgrade training been provided?

- Have other staff been formally instructed to cooperate with the PIO in discharging his or her functions, in particular in relation to the processing of RTI requests?

- Are there political pressures that make it difficult for the PIO to do his or her job? Is he or she treated as a sort of “spy in the office”; are there institutional incentives or just disincentives (most of this is quite subjective but it can be assessed in various ways, such as by asking the PIO and civil society representatives)?

- Does the authority have an overall implementation plan or standard operating procedure (SOP) for RTI? If so, is the plan or SOP reasonably detailed and does it seem realistic?
  - Sub-issues:
    - Does the plan cover the main issues that need to be addressed, namely proactive and reactive disclosure, internal complaints, records management, annual reports, training and public outreach)?
    - Does it set clear targets for what will be done?
    - Does it indicate clearly who is responsible for delivering the targets?

- Has the authority developed/issued internal guidelines for receiving and responding to RTI requests?
• Is it easy to lodge RTI requests with the authority?
  ➢ Sub-issues:
    o Is it possible to lodge RTI requests electronically?
    o Is it easy to obtain an RTI request form from the authority (electronically and in paper form)?
    o Is it easy to find the contact details of the PIO (online and at the public offices of the authority)?
• Has the authority appointed someone to receive and process internal complaints?
  ➢ Sub-issues:
    o Is the process independent from the initial processing of an RTI request (i.e., are different people involved, is the substance of the complaint decision at least sometimes different from the original decision)?
    o Has the authority adopted any procedures for internal complaints?
    o As a matter of practice, are complaints dealt with in a timely fashion?
• Does the authority prepare and publish annual reports, including statistics on RTI requests? If so, when was the last report published? How detailed is it (for example, how many types of information does it provide about RTI requests)?
  ➢ Sub-issues (issues to be covered in the report):
    o Information about RTI requests (number received; number of times assistance was provided; number which were granted, in full or in part, and refused; the average time taken and the number of times the initial time limit was extended; data on the format in which access was provided (i.e. electronically, paper copy, inspection); data about fees charged; data about exceptions relied on to refuse access; the number of RTI requests transferred to other authorities; the number of internal complaints and their outcome; the number of appeals to the oversight body)
    o Overview of proactive publication efforts including website development work
    o Any steps taken to improve records management
    o A description of any training provided to staff on RTI
    o A description of the challenges faced in implementing the law and any recommendations for reform
• Has the authority undertaken any public awareness raising efforts? If so, what?
• Has the authority put in place any systems or standards to improve its records management? Are these monitored, applied or enforced in any way?

2. Assessment Tools

The following assessment tools should be used here:
• Key informant interviews (for example with the PIO, with requesters, if they can be identified, with senior officials at the authority, with civil society groups)
• A self-assessment by the public authority
• A desk-based literature review

3. Grading

Grading for each public authority for this assessment area is based on ten objective (yes-no) evaluations and six more qualitative evaluations. The ten objective evaluations are:

1. Has a PIO been appointed?
2. Has the PIO formally been given terms of reference or a job description?
3. Has the PIO been provided with training?
4. Has an overall implementation plan or set of standard operating procedures (SOPs) been adopted?
5. Has a set of guidelines for how to process RTI requests been adopted?
6. Is it possible to lodge requests electronically? Is it easy to obtain an RTI request form? Is it easy to find the contact details of the PIO? (YES is given for two or more positive answers, NO for one or less)
7. Has a person who is different from the PIO been appointed to deal with internal complaints?
8. Did the public authority publish an annual report for the last two years?
9. Has the public authority conducted awareness-raising activities over the last year?
10. Has the public authority put in place any system or taken any action to improve its records management?

For each of these evaluations, one point is given for a YES and zero points are given for a NO.

The six qualitative evaluations are:

1. Does the PIO have appropriate qualifications for the job and has he or she been allocated time to do the job?
2. There is no political pressure on the PIO that makes it difficult for him or her to do the job properly.
3. How strong is the overall implementation plan or SOP?
4. How strong is the annual report?
5. How extensive are the awareness-raising activities?
6. How effective are the measures taken to improve records management?

For each of these evaluations, an evaluation of STRONGLY, PARTIALLY or WEAKLY is awarded, depending on how well the assessor believes the public authority has
done. One point is awarded for STRONGLY, one-half point for PARTIALLY, and zero points for WEAKLY.

The 16 point scores for each public authority are then averaged (added up and divided by 16) to get a final point score for each authority. These averages by public authority are then averaged again to get the final point score for the jurisdiction. A colour grade (whether for individual public authorities or the jurisdiction as a whole) should be awarded based on the final point scores as follows:

<table>
<thead>
<tr>
<th>Red</th>
<th>Yellow</th>
<th>Green</th>
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</thead>
<tbody>
<tr>
<td>0-0.33</td>
<td>0.34-0.66</td>
<td>0.67-1.0</td>
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