Proactive Disclosure

This section looks at proactive disclosure, or the release of information by public authorities without an RTI request.

1. Substantive Issues

Formally, the proactive publication obligations of public authorities are limited to what the RTI law requires them to do. In other words, performance should be assessed against the list of proactive publication obligations set out in the law. The types of documents that are required to be disclosed can be listed and the assessment can be conducted against that list. However, it may be necessary to ‘interpret’ what the law says where the categories of proactive publication are vague (as is often the case). In this case, the assessment should clarify exactly what information it is looking for.

For example, section 4(b) of the Punjab Transparency and Right to Information Act 2013 calls on public authorities to disclose information about the “powers and functions of its officers and employees”. The assessment should clarify whether they are expecting only general descriptions of powers or more precise descriptions for each rank and type of employee. Section 5(b) of the Khyber Pakhtunkhwa Right to Information Act, 2013, requires public authorities to publish: “Information about the public body, including its organisation, functions, duties, powers and any services it provides to the public”. Once again, the assessment should make it clear what exactly it is looking for here.

This is an area of rapid change and in many cases RTI laws are already behind better practice. It is, therefore, recommended that in this assessment area public authorities should also be assessed against a set of better practice standards. The report should make it clear that, to the extent that these go beyond legal requirements, the public authority is not required to meet them but that it is better practice for them to aim to publish this information. In terms of better practice, the types of information that should be covered are as follows:

- Information about the functions of the authority and its powers
- Information on names, positions and contacts of public officials
- Detailed information about the strategies, plans and activities of the authority
- The laws, regulations, policies and other rules governing the authority's operations
- Descriptions of services offered directly to the public, including forms required to be filled out and deadlines
• Detailed financial information, such as its proposed and adopted budget, actual income and expenditure (i.e. at year-end), and audit reports
• Detailed information on public procurement processes and criteria, outcomes of tenders, copies of contracts and reports on completion of contracts, and information about the grant of licences, permits and other formal authorisations which have been issued
• Any registers which the authority is required by law to create and/or maintain
• Information about the mechanisms and procedures for public consultation and participation
• Information disclosed in response to an RTI request where it seems likely that other people might make an RTI request for it
• Information about how to make an RTI request, including the contact details of the PIO
• Information about the costs/fees for RTI requests, such as the cost of photocopies

It is not enough for public authorities just to upload information to their websites. Where information is of particular relevance to a community – such as information about a development project taking place in or affecting that community – efforts should be made to ensure that the information is made available in an accessible manner to the members of that community (such as by posting key information on local bulletin boards, disseminating it via the media, and announcing both on bulletin boards and through the media where more information may be found online). For illiterate persons, disseminating information via radio and/or television is very important.

Information should be made available via websites in ways that are accessible for persons with disabilities, sometimes known as WCAG 2.0 (Web Content Accessibility Guidelines) compliance. There are a number of ways that this can be done, such as providing text alternatives for non-text content (for example where the search feature is represented by a symbol), providing captions and other alternatives for multimedia content, and presenting content in ways that either are or can be rendered easier to see or hear (for example by being magnified).

Furthermore, some information is so important that it should be ‘translated’ into simple language, so that it is understandable to someone who is not an expert in the particular area (a good example of this is the budget, which is normally difficult for ordinary citizens to understand). Finally, even where information is published online, it may not be easy to access. This may be because there are multiple websites with different parts of the information (for example, different hospitals providing information about their own services but no central point with a compilation of this information). Or it may be because it is hard to find the information from among the vast amount of information being published (needle in a haystack).
The key issues to be assessed here are:

- Is the public authority's website WCAG 2.0 compliant?
- What efforts does the public authority make to disseminate information other than simply via its website?
- Does the public authority use social media or smartphone apps to draw the attention of the public to its proactive publications (and to provide key information directly to the public)?
- Does the public authority take advantage of its public service points (i.e., offices to which the public has direct access) to both engage directly in proactive publication and highlight its online proactive publication efforts?
- Does the public authority make an effort to create understandable versions of at least the most important documents (such as its budget)?
- Is it reasonably easy to find specific information from among all of the information that is being published online?

2. Assessment Tools

By definition, information which is made available on a proactive basis should be relatively easy to access. As a result, the main assessment tool to be used here is:

- Other desk-based review, specifically the direct observation of what is available proactively, mainly via websites but also via other means; this should also assess: whether the website is functional and WCAG 2.0 compliant; whether it is reasonably easy to find information; whether information is available in the main local languages

The following cannot be observed just through desk-based observation: local dissemination via other means (such as publication on local bulletin boards); efforts to create accessible versions of documents; use of social media and/or smartphones to publicise proactive disclosure; and/or efforts to render information more accessible online. For these issues, the following assessment tools should be used:

- A self-assessment by the public authority
- Key information interviews, for example with PIOs, IT staff, senior staff, civil society representatives
- Visits to some of the public offices of the authority to see what information, if any, is displayed or otherwise made available there

3. Grading

The assessment of proactive disclosure involves making a list of what should be disclosed proactively (according to the law) and then seeing if it is in fact available. For each item on the list, the public authority should be given one of the following evaluations: Full, Full to Partial, Partial, Partial to None or None. Then, the following points should be given:
<table>
<thead>
<tr>
<th>Full</th>
<th>Full to Partial</th>
<th>Partial</th>
<th>Partial to None</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>0.75</td>
<td>0.50</td>
<td>0.25</td>
<td>0</td>
</tr>
</tbody>
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The point score for each public authority for this (first) part of the proactive area is the average of these points for all of the items on the list (i.e. add up the points awarded for each separate item and divide by the number of items).

Then, five other issues should be assessed, namely:

1. The extent to which the website is WCAG 2.0 compliant.
2. The extent of the efforts the public authority takes to disseminate information other than simply via its website.
3. The extent to which the public authority makes use of social media and smartphone apps to draw the attention of the public to its proactive publications and to disseminate information proactively.
4. The extent to which the public authority makes an effort to create understandable versions of at least the most important documents (such as its budget).
5. The extent to which it is reasonably easy to find specific information from among all of the information that is being published online.

For each of these issues, 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 point score by public authority for this (second) part of the proactive area is the average of these point scores (add them up and divide by three).

The final point score by public authority for proactive is calculated by taking 75% of the first point score (i.e. the points for proactive disclosure online) and 25% of the second point score (i.e. the points for the three other issues). [Note: This is done by multiplying the first point score by .75 and the second one by .25.]

The final point scores for each authority are then averaged to get a final point score for the jurisdiction as a whole.

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>
</tr>
</thead>
<tbody>
<tr>
<td>0-0.33</td>
<td>0.34-0.66</td>
<td>0.67-1.0</td>
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