Right to Information Implementation Assessment:

Comprehensive Methodology[1]

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Introduction[2]

As of today, well over 120 countries around the world have laws giving individuals the right to access information held by public authorities, often called right to information (RTI), freedom of information (FOI) or access to information (ATI) laws. These laws are widely recognised as giving effect to the international human right to information, as being key to democracy and the protection of all human rights, and as being central to sustainable development efforts.

Despite the widespread and long-standing nature of these laws, the development of internationally accepted methodologies to evaluate them remains somewhat nascent. There is a respected global methodology for assessing how strong the legal framework for this right is, in the form of the RTI Rating (www.RTI-Rating.org), launched in 2011. However, until recently, there was no established methodology for measuring how well RTI laws are being implemented in practice.

There are a number of imperative reasons for developing a solid methodology for assessing RTI implementation. A lot of effort is normally put – by both official supply-side actors and by a range of demand-side actors such as civil society, journalists and individual citizens – into making these laws work, and it is important to know what the results of these efforts have been. Equally importantly, it is only through evaluating implementation that we will be able to identify weaknesses and gaps and then address them.

The need for solid methodologies for evaluating implementation of these laws has been apparent to RTI activists for some time. However, the issue has been given significant impetus through the adoption of Sustainable Development Goals (SDG). In particular, Indicator 16.10.2 calls on States to adopt and implement RTI laws. Reliable, accepted methodologies are needed to assess the extent to which States have made progress in achieving the results called for in this Indicator.

Over the last couple of years, a number of different actors have sought to address the RTI assessment gap. This Methodology represents one of the outcomes of those efforts by providing a structured tool for assessing the quality of implementation of an RTI law. It has been developed and piloted in Pakistan over the last two years and it is now being taken global.

Others have also sought to develop methodologies in this space. FOIAnet, the leading global network of civil society activists focusing on RTI, has developed a parallel civil society assessment tool for SDG 16.10.2. This relatively simple assessment tool is designed to be able to be applied reasonably easily by civil society groups with limited resources.[3] UNESCO, which is the "custodian agency" for SDG 16.10.2 (i.e. the UN body which monitors implementation of this Indicator), has also developed two short surveys for public authorities to fill out as part of their own reporting on SDG 16.10.2.[4] The difference with this Methodology is that it allows for far deeper assessment of the complex and difficult issues relating to RTI implementation than the two other methodologies. While this means that it requires more resources, it also means that the results will be more profound and thus more reliable as a source for efforts to improve implementation efforts.

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[3] The FOIAnet tool is available at: http://foiadvocates.net/?page_id=11036.
[4] The current version of these surveys is available at:
https://unesdoc.unesco.org/ark:/48223/pf0000366967.

There were good reasons for choosing Pakistan as the country in which to develop this Methodology. It was the first country in South Asia to adopt an RTI law, in 2002. However, that law was very weak and use by citizens was extremely limited. In 2013, Khyber Pakhtunkhwa province, as part of its Good Governance Legislative Framework, initiated a renewal of the RTI movement in Pakistan. This involved adopting what was, at the time, the strongest RTI law globally (the Khyber Pakhtunkhwa Right to Information Act, 2013), appointing an independent oversight body, the Khyber Pakhtunkhwa Right to Information Commission (KP RTIC), and taking other steps to implement the law. Civil society and the media, for their part, responded by engaging heavily with the new law, making requests, appealing refusals and using the right to promote government accountability and inform citizens.

This started to reverse the long-standing culture of secrecy in Pakistani governments that went back to the British colonial period, and to forge a new relationship between government and the people based on the goal of building trust through transparency and citizen engagement in public decision-making. Azmat Hanif Orakzai, the former Chief Information Commissioner of the KP RTIC, has described this as "breaking the sound barrier".

Punjab province quickly followed suit, also in 2013, and, by 2019, all of the jurisdictions in Pakistan except Baluchistan had adopted strong RTI laws. It is now over five years since this reform process – sometimes referred to as the second-generation of RTI laws in Pakistan – started and it is time to look into the issue of how well these laws are doing. There is a respected global methodology for assessing how strong these laws are, in the form of the RTI Rating (www.RTI-Rating.org).

This Methodology was prepared through an iterative process involving several drafts and extensive consultations. It is based on a study of the main RTI laws of Pakistan and internationally; a review of attempts by other actors to develop RTI implementation assessment methodologies; extensive consultations with local stakeholders in Pakistan, including from government, from oversight bodies (information commissions), from civil society, from the media and from academia; and consultations with international RTI experts.

The Methodology has been prepared as part of the Support to Local Governance programme being run by GIZ and specifically falls within the result area State-Citizen Dialogue.

The Comprehensive Methodology was piloted in Khyber Pakhtunkhwa province of Pakistan between July and October 2019, using a sample of 11 public authorities. The pilot largely reaffirmed the validity of the Methodology but also identified some areas for improvement and the Methodology was tweaked following the pilot to address this.

The Methodology is divided into three main sections, one with four secondary headings, as follows:
1. How to Manage the Assessment Process
2. Central Measures
3. Measures by Individual Public Authorities:
    3.1 Institutional Measures
    3.2 Proactive Disclosure
    3.3 Reactive Disclosure
    3.4 Final Grading

Each of the four assessment area sections, namely sections 2 and 3.1-3.3 above, is subdivided into two sub-sections, namely substantive issues and assessment tools. The first describes the substantive issues to be assessed. For this Methodology, the substance assumes a best practice law, rather than any particular law. For example, it asks whether the oversight body has required public authorities to implement structural changes to bring themselves into compliance with the law and whether requesters are issued with a receipt upon lodging an RTI request. However, this needs to be adapted when the Methodology is actually applied, since it aims to assess the quality of implementation of the RTI law as it is and not some ideal practice. If the law in question does not provide for these features, then the Methodology should be adapted to remove them (i.e. because the oversight body could not be expected to impose structural changes on public authorities if it does not have this power). The second sub-section of each assessment area describes the assessment techniques or approaches to be used to measure the substantive issues in that assessment area of the Methodology.

For each of the four assessment areas, a grading system, leading to a red, green or yellow grade, has been developed. Sub-grades are assigned to each public authority for each of the three assessment areas relating to them – namely Institutional Measures, Proactive Disclosure and Reactive Disclosure – and then an overall grade is assigned both for each public authority and then for overall performance in the jurisdiction. This is just a very general grading exercise. It does not reflect all of the information collected during the assessment exercise and it does not claim to be a finely tuned exercise, hence the decision just to allocate a colour grade and not a (numerical) score. The purpose is not to transform this exercise into a rating, which it is not, but simply to give the oversight body, the individual public authorities which have been assessed and the jurisdiction overall a sense of how they are doing.

The focus of the Methodology is on the supply side, i.e. the performance of public actors such as the government, the oversight body and individual public authorities. We recognise that a fully functioning RTI system also needs strong demand and, in particular, a strong volume of RTI requests. However, it is supply side actors who are

the obligation bearers under RTI laws. So an assessment of the implementation of these laws must also focus on supply side actors.

1.   How to Manage the Assessment Process

The precise modalities for managing the assessment process will vary from jurisdiction to jurisdiction depending on a variety of factors, such as whether there is an oversight body which is willing and able to play a leading role, the presence of strong civil society actors, political will and support from government, and so on. The below describes what is deemed to be an ideal assessment process.

The task of leading the overall assessment process should be allocated to a steering committee with multi-stakeholder representation of at least government, the oversight body and civil society, but potentially also including representatives from the media, academia, respected citizens, local elected officials, where relevant, and commercial actors. The steering committee should oversee the work and sign off on the final report that emerges from the assessment.

Sitting underneath the steering committee will be the team leader, the actor that is directly managing the actual assessment. This should be one actor, which should ideally be the oversight body (information commission) or, failing this, a civil society organisation, an academic institute or a private sector body. In terms of actually applying the different assessment tools, different approaches could be taken, taking into account that this is a fairly major exercise (so a range of groups may need to be involved). The lead actor might directly apply some assessment tools and some might be applied by others, probably mostly civil society organisations. A key issue to note here is that if the oversight body is the lead actor, an actor which is independent of it would need to apply the assessment tools relating to the oversight body (because, obviously, it cannot assess itself).

Once the information is collected via the various assessment tools, it will need to be compiled into a unified report. Ideally, this report should be drafted by one actor so as to ensure consistency in terms of style, length and language. For this, the groups applying the various assessment tools will need to report their results in a sufficiently detailed way to the drafting actor (i.e. through preparing sub-reports on their results and presenting any raw data). In addition to presenting the results obtained from applying the various assessment tools, the report should include recommendations for reform as appropriate. Once the assessment report is complete, the steering committee should sign off on it as an accurate reflection of the assessment results. It should then be tabled before parliament for discussion, hopefully a hearing and potentially even endorsement.

There is some flexibility as to how extensive and rigorous the specific assessment activities will be. For example, where the assessment tool is key informant interviews, the number of such interviews will vary. Similarly, the assessment tool involving test RTI requests to assess reactive disclosure could involve a larger or smaller number of such requests.

The information that is needed to conduct the assessment can be classified into three categories:

a) Factual information which is on the record, such as whether members of the oversight body have been appointed. It should be possible to collect this information from the record.

b) Factual information which is not necessarily on the record, such as whether appeals are dealt with in a timely fashion. A variety of methodologies – such as key informant interviews, a review of appeals and self-assessments – may be used to gather this information.

c) Non-factual, i.e. more subjective, information, such as whether the members of the oversight body are independent. Indirect sources of information may be needed to assess these issues.

Six different assessment tools are used in this Methodology. These are described briefly below, while more detailed information on each one is provided in Annex I: Planning the Rollout of the Assessment Tools, which also provides information on how to manage and apply the different tools when conducting an assessment.

i) Desk-based literature review

These should include a review of all relevant material. Some of the key categories of information to be reviewed include: online reports and information, and published reports, including annual and any other reports by public authorities and the oversight body. Any assessments or evaluations of the RTI system, for example by civil society organisations or academics, should be included here.

ii) Other desk-based reviews

Two other desk-based reviews are included among the assessment tools. For the Central Measures assessment area, this involves a review of the decisions on appeals, which will hopefully be available on the oversight body's website. For the Proactive Publication area, this involves a review of what has been published by public authorities on their websites and in other ways.

iii) Key informant interviews

These are provided for in relation to every single assessment area in this Methodology, i.e. Central Measures, and actions by public authorities in the three areas of Institutional Measures and Proactive and Reactive Disclosure. Who, exactly, needs to be interviewed will depend on the assessment area, but some of the key types of experts include

members of the oversight body, public information officers (PIOs), senior officials, other officials, key civil society groups, journalists who make frequent RTI requests (key media users) and potentially other requesters and/or complainants (although it might be difficult to identify them).

iv)   Self-assessments

These are also provided for in relation to every single assessment area in this Methodology, reflecting their importance as a source of information. For the first (i.e. central measures), the oversight body will conduct the self-assessment, while for the others (i.e. Institutional Measures and Proactive and Reactive Disclosure) it will be public authorities.

v)   Office visits

This assessment tool is primarily designed to assess whether information is being published proactively in physical forms at the office (such as on a notice board). But it might make sense to schedule the self-assessment and any key informant interviews with staff there at the same time.

vi)   RTI request testing

This is a complex and sophisticated assessment tool for which an entire protocol and reporting format has been developed (see Annex II).

2.   Central Measures

This section looks at central institutional measures taken to implement the RTI law. These can be divided into two main areas: processing appeals and undertaking promotional measures. In almost every country where an independent oversight body (often called an information commission) exists, it bears primary responsibility for the first function. In many countries, the information commissions both process appeals and are the main official body that is responsible for promotional measures. However, in many countries, the oversight body is supported by what might be called a nodal body, or a body that operates inside of government (unlike the oversight body, which is supposed to be independent) which also undertakes promotional measures, often including providing assistance to individual public authorities. While this Methodology focuses on the oversight body, where a nodal body is active, it should also be reviewed to determine whether it is undertaking activities that deliver some of the substantive issues assessed here (in which case the country should be given credit for that because what is important is that the issues are delivered, not which body delivers them).

2.1   Substantive Issues

Two main areas are relevant here. The first is whether the necessary institutional steps have been taken to ensure that the oversight body is established and functional (effective). In most cases, the responsibility for this lies with the government and/or parliament. The second focuses on whether the oversight body is operating in an effective way, which is about whether it is discharging its responsibilities properly.

The key issues to be assessed in terms of the first issue, institutional steps, are:
- Have independent, effective governing members of the oversight body (commissioners) been appointed?
  - ➤ Sub-issues:
    - o Are these positions filled and were appointments made in accordance with the law?
    - o Are members independent in practice (this is ultimately subjective but can be assessed by their backgrounds, views of third parties, comment in the literature, a review of appeal decisions and even the views of members)?
    - o Have any been removed? Was this justified (i.e. was it in line with the conditions for this in the law)?
    - o Do they have appropriate expertise/qualifications (as provided for in the law)?
    - o How effective are the members (again this is quite subjective but can be gleaned from the views of third parties and comments in the literature)?
    - o Have they been provided with training/onboarding programmes?
    - o Are they diverse, including in terms of gender?
- Has the body been provided with funding which is reasonably sufficient to enable it to carry out its tasks?
  - ➤ Factors to consider:
    - o Views of members and civil society
    - o Changes in funding over time (i.e. does it go up or down or remain stagnant)
    - o Comparison with the level of funding for other independent bodies
    - o Range of activities the body is able to undertake as compared to its mission (i.e. is its funding enough to enable it to deliver its mission)
    - o How the budget is allocated and whether it is a separate line item in the overall budget (or just included as part of a broader budget for a ministry)
- Does the body recruit its own expert staff (as opposed to staff being allocated from the civil service whose primary loyalties tend to lie with the civil service)?
- Does it have a full complement of staff (i.e. compared to its organigram or official documents)? Are they on long-term employment contracts?
- Does the oversight body make an effort to be geographically accessible to complainants (for example by having branches or focal people in different locations, by conducting hearings in different locations, by allowing

complainants to participate via video and/or by dispensing with hearings in cases where they are not necessary)?

The key issues to be assessed in terms of whether the oversight body is operating in an effective way are:
- Does the oversight body process appeals appropriately and in accordance with the law?
  - ➢ Sub-issues:
    - o Have clear and fair procedures for processing appeals been adopted?
    - o How long does it take to process appeals (on average, longest 10%)?
    - o Are basic due process rights (including the right of the complainant to be heard) respected?
    - o Are appropriate decisions being made (this is subjective but at least it would be appropriate to comment on decisions that seem to the reviewer to be incorrect)?
    - o Are appropriate remedies being awarded (again, this is subjective but it can be assessed by looking at the remedies that are allowed under the law and whether these seem to be applied in relevant cases)?
    - o Does the body conduct follow-up to ensure that the remedies (its orders) are respected (i.e. implemented)?
    - o Does the oversight body have an appeals management system or some way of managing appeals and ensuring that they are processed quickly (within the time limits set out in the law) and appropriately?
    - o Are the decisions on appeals posted online?
- Does the oversight body take active (*suo moto*) steps to ensure that public authorities are implementing the law properly?
  - ➢ Sub-issues:
    - o Does the oversight body monitor proactive disclosure and take steps where public authorities are failing in this area?
    - o Does it monitor public authorities which are seriously failing to undertake the main institutional measures to implement the law (such as appointing PIOs or managing their records properly) and take steps to address this?
- Does the oversight body discharge its regulatory functions properly? This will depend on what the law requires/authorises it to do in terms of regulation.
  - ➢ Possible sub-issues (depending on what the law requires/authorises):
    - o Is it setting (appropriate) records management standards (whether they are appropriate is subjective but at least some comment on this can be made based on the content of any actual standards it has adopted)?
    - o Has it adopted a schedule of fees that may be charged for responding to requests?
    - o Has it adopted additional proactive publication obligations for public authorities?

- o Has it responded (quickly) to requests to extend the period of secrecy (i.e. beyond 20 or 50 years)?
- Does the oversight body take steps to raise pubic awareness about the RTI Law?
  - ➢ Sub-issues:
    - o Has it published a guide for requesters?
    - o Has it sponsored public events?
    - o Has it publicised the right, for example through media advertisements?
    - o Has it undertaken other activities?
- Has the oversight body supported the provision of training to PIOs?
  - ➢ Sub-issues:
    - o Has it prepared a training manual and/or handbook for PIOs?
    - o Has it participated in delivering training programmes?
    - o Has it trained trainers?
    - o Has it provided training on records management?
- Does the oversight body publish an annual report on overall implementation?
  - ➢ Sub-issues:
    - o Is the report comprehensive (including by providing overall statistics about RTI requests), accessible (for example online and at the offices of the body) and easy to understand?
    - o Does it include recommendations for improving the system (or just observations about how it is working)?
    - o Has it been formally submitted to whomever is tasked with reviewing it (i.e. normally a minister and/or parliament)?
- Does the oversight body actively use whatever powers it has under the law to impose appropriate sanctions on individuals/entities who obstruct access? These may include the direct imposition of fines, referring criminal cases to the courts and/or ordering public authorities to put in place structural measures to improve implementation, such as by appointing a PIO or publishing an annual report.
- Has the oversight body commented on draft laws that affect RTI?
- Does the oversight body provide advice to public authorities which ask for it? What about members of the public?
- Has the oversight body taken any other steps to improve implementation?

2.2 Assessment Tools

The following assessment tools should be used here:
- A desk-based literature review
- Key informant interviews, such as with members of the oversight body, key civil society groups, key media users, potentially with complainants (although it might be difficult to identify them)

- Other desk-based review, in this case of actual decisions on appeals (if available, for example on the website). It will normally be necessary to select a random sample of the appeal decisions from among all of them because it would not be practical to review them all. For example, every 10th or 20th decision could be selected. Decisions should also be reviewed over a period of years. The review of the decisions should look at the following issues:
  - How long it took to resolve the appeals
  - The percentage of appeals that were decided in favour of the complainant
  - Whether decisions appear to be appropriate (i.e. correct) (although this is somewhat subjective, general comment on it is legitimate where decisions seem to be odd)
  - What sorts of remedial measures were imposed and whether they were effective
- A self-assessment completed by the oversight body

2.3   Grading

Grading for this assessment area is based on five yes-no questions and eight more qualitative questions. The five yes-no questions are:
1. Has funding been allocated (i.e. to the body)?
2. Does the body recruit its own staff (as opposed to this being done by the government, for example)?
3. Are the body's appeals decisions available online?
4. Has the body produced and published an annual report for the last two years?
5. Has the body published a guide for requesters?

While there is some margin for non-binary (yes-no) answers here, assessors are asked to allocate a simply Yes (1 point) or No (0 points) score here.

The eight more qualitative questions are:
1. Have the members been appointed?
2. Are the members of the body independent and effective?
3. Is the funding provided to the body reasonably sufficient for it to discharge its functions?
4. Does the body decide appeals in a timely fashion?
5. Are the due process rights of parties respected during appeals?
6. Has the body made reasonable efforts to raise public awareness?
7. How effective are the measures taken to provide training to officials?
8. Has the body made a reasonable effort to comment on draft laws that affect the right to information?

Here, assessors are asked to determine whether the system performs Strongly (1 point); Partially (0.5 points) or Weakly (0 points).

The overall point score is calculated by taking the 13 individual scores and averaging them. Finally, a colour grade should be awarded based on the final point score as follows:

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

3. Measures by Individual Public Authorities

This section looks at what individual public authorities have done to implement the law.

A crosscutting methodological issue here is the fact that, in any particular jurisdiction, there will always be a great number, normally hundreds and sometimes thousands, of different public authorities. Furthermore, there will normally be many different kinds of public authorities. These may include ministries/departments – which could be further sub-divided into different types (providing services, like health, overseeing sectors, such as the environment, developing the budget, i.e. finance) – the courts, the legislature(s), State owned enterprises, oversight bodies – like the information commission – arms length bodies – which may be owned or controlled by ministries or other public bodies – private bodies which come within the ambit of the law (for example because they are funded by public bodies or undertake public functions), and potentially authorities operating at different levels of government (such as provincial, municipal and local).

It is not realistic to review the performance of every single authority. Instead, the Methodology calls for assessors to identify a sub-set of public authorities for purposes of the three assessment areas falling within this section of the assessment. This requires initial decisions to be made as to how many public authorities will be reviewed (which will depend, among other things, on resources) and how should they be selected. A first point to make here is that since one of the three assessment areas under this category is Reactive Disclosure (i.e. responding to RTI requests), only public authorities that have had a reasonable volume of RTI requests should be included. It should be possible to glean this information from either their own annual reports or the consolidated annual report prepared by the oversight body, from the record of appeals to the oversight body and, if necessary, from interviews with members of the oversight body and civil society organisations.

A cross-section of different types of public authorities should be selected. This should be based on the types of authorities the law covers (i.e. courts, ministries and so on).

Certain categories, such as State owned enterprises and arms length bodies, may comprise a very wide range of bodies, so that more than one could be selected. Considerations in choosing from among them include size, urban/rural focus and function. For the more important types of authorities – such as ministries – more than one should probably be selected (because otherwise one might happen to select a top or worst performer and get a skewed picture).

The same public authorities should be reviewed across all three assessment areas, namely Institutional Measures, Proactive Disclosure and Reactive Disclosure.

3.1   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.

3.1.1 Substantive Issues

The key issues to be assessed here are:
- Has the authority appointed a PIO?
  - ➢ Sub-issues:
    - o Was the appointment done in a formal way (i.e. through a written notice)?
    - o Were terms of reference or a job description provided to the person? Were these formally approved?
    - o 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)?
    - o Has appropriate equipment (such as a photocopier) been made available to the PIO?
    - o 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:
    - o 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)?
    - o Does it set clear targets for what will be done?
    - o 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

- 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?

3.1.2 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

3.1.3 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 PIOI 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:

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

3.2   Proactive Disclosure

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

3.2.1 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 pubic 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?

3.2.2 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

3.2.3 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:

Full	Full to Partial	Partial	Partial to None	None
1.0	0.75	0.50	0.25	0

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:

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

3.3   Reactive Disclosure

Whereas proactive disclosure looks at whether public authorities make information available even in the absence of a request for it, reactive disclosure is about how public authorities respond to RTI requests.

3.3.1 Substantive Issues

The key issues to be assessed here are:
- Is it easy to submit RTI requests (electronically, in other ways)? Do you need to use the form? Is the form easily available? Do you need to prove citizenship? If so, is this easy to do?
- Is only the minimum information required by the law demanded when making an RTI request or is other (additional) information demanded?

- Can RTI requests be made in commonly used local languages or only official languages?
- Is assistance provided when needed?
- Is a receipt provided when an RTI request is lodged?
- If the public authority does not hold the information, do they transfer the RTI request to the authority which does hold it (or at least refer the requester to another public authority)? In a timely manner? Are transfers made which the law does not authorise (i.e. where the request should not be transferred because the original public authority holds the information)?
- How long does it take to process RTI requests: are responses provided as soon as possible? within the maximum time limits? are any extensions legitimate in terms of the rules in the law for this? are responses provided within the period set for any extensions?
- Is information provided in the format stipulated by the requester? If not, are reasons for this given? Are these reasons in line with the law (i.e. in line with the conditions regarding not respecting the requester's preferred format set out in the law)?
- Are only reasonable fees charged for RTI requests (i.e. in line with what the law and any rules on this allow, including no fee for lodging the request)?
- If an RTI request is refused, is appropriate notice in line with the legal requirements provided?
- Are claims for exceptions reasonable or overbroad (this is a subjective issue but can be assessed both directly by reviewing these claims and also by looking at the percentage of the appeals which are based on refusals that the authority loses, if that information is available)?
- Are any guidelines adopted by the public authority followed when RTI requests are processed?

3.3.2 Assessment Tools

The primary assessment tool here is to test responses to RTI requests by making a number of actual RTI requests. Such requests should be put to all of the public authorities which are being covered by the assessment. Some issues to consider here:
- How many RTI requests are to be put to each public authority. It is important for the public authority not to suspect that this is a test, or it may make a particular effort to respond well to these RTI requests. To avoid this, thought should be given to who will make these requests (not well known people) and how many such requests will be put to each authority (if an authority suddenly receives several requests it might become suspicious).
- The RTI requests should range in terms of how 'challenging' they are, with at least some being very simple and easy. There are different ways an RTI request

can be challenging. One is when it is difficult to decide whether or not the information is exempt. Another is when an RTI request generates a lot of responsive information. A third is when responding to the request will require consultations with other public authorities and/or with third parties.

- From among the range of possible responses, the following rules apply:
  - Only one response – full disclosure of the information – is always valid.
  - Three responses may or may not be valid depending on the circumstances, namely: a written refusal (in whole or in part, in which case partial information should be provided); transfer of the RTI request or referral of the requester to another authority; and indicating that the information is not held.
  - Three responses are never valid, namely: oral refusals; mute refusals (failures to respond at all within the time limits); and providing only part of the information (without indicating that the rest is either exempt or not held). Obviously where it is not even possible to lodge an RTI request in the first place this is not a valid 'response'.
- The requesting exercise should seek to assess all of the substantive issues listed above.
- Depending on the time available for the requesting exercise, three approaches may be employed:
  - Just lodge the RTI requests and do not do anything else
  - Lodge the RTI requests and then follow-up with the PIO and/or lodge an internal complaint (as needed)
  - Lodge the RTI requests and then lodge an appeal with the oversight body (as needed)
- The requesting exercise is by far the most time consuming of all of the assessment tools. Consideration should be given to ways to reduce this burden, for example by getting interns or students to help with making the RTI requests.
- The requesting exercise also takes by far the longest of all of the assessment tools, so it should be started first.

The following additional assessment tools should be used here:
- A desk-based literature review, including of any annual reports prepared by the public authority and of any requesting exercises which have been done by others
- Key informant interviews, including with the PIO and individuals who have made repeated RTI requests
- A self-assessment by the public authority

3.3.3 Grading

Two types of scores are calculated for each request. The first type of score – a processing score – is made up of three Yes (1 point)-No (0 points) sub-scores, as follows:

1. A receipt score (based on whether a receipt was provided)
2. A timeliness score, based on whether the request was answered within the statutory time limits, with any extensions being assessed for reasonableness
3. A fee score, based on whether any fee charged was in line with the legal requirements

These three yes (1)-no (0) scores are averaged to obtain the processing score for each request.

Then, each request is given its own result score based on the following:

1. For full disclosure of the information, which is always valid, one point is given.

2. For oral refusals or mute refusals (failures to respond at all within the time limits), as well as for cases in which it was not even possible to lodge the RTI request in the first place, all of which are never valid, zero points are given.

3. Four other responses – a written refusal (in whole or in part, with partial information having been provided), transfer of the RTI request or referral of the requester to another authority, providing only part of the information, and indicating that the information is not held – may be more or less valid, depending on the circumstances. The assessor should decide whether the response is LIKELY, MAY BE or is UNLIKELY to be valid, based on all of the circumstances. One point is given for LIKELY, one-half point for MAY BE and zero points for UNLIKELY.

The total points for each request are calculated by adding up one-third of the processing score and two-thirds of the result score. Then, the final point score for each public authority is calculated by averaging its points from each request (i.e. adding up the points for each request and dividing by the number of requests).

The final point score for the jurisdiction should be calculated by averaging the points for each request (not the points for each public authority because a different number of requests might have been lodged with different public authorities).

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:

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

3.4 Final Grading

Final grades may be assigned both to each individual public authority for purposes of feedback and to the jurisdiction as a whole.

For each public authority, it should have been assigned three final point scores, one for Institutional Measures, one for Proactive Disclosure and one for Reactive Disclosure. The overall final point score for each authority should be calculated by averaging the three final point scores from each assessment area. This should then be converted to a final grade using the following table:

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

For the jurisdiction overall, there should have been four final point scores, one for Central Measures, one for Institutional Measures, one for Proactive Disclosure and one for Reactive Disclosure. The overall final point score should be calculated by averaging the four final point scores from each assessment area. This should then be converted to a final grade using the following table:

Red	Yellow	Green
0-0.33	0.34-0.66	0.67-1.0

Annex I: Planning the Rollout of Assessment Tools

As noted in the text of the Methodology, there are six different assessment tools, namely desk-based literature reviews, other desk-based reviews, key informant interviews, self-assessments, office visits and RTI request testing. This planning document aims to help those running the assessment to plan the application of these different tools, given their cross-cutting use in different assessment areas (Central Measures, Public Bodies: Institutional Measures, Public Bodies: Proactive Disclosure and Public Bodies: Reactive Disclosure).

a)   Desk-based literature review

Desk-based literature review is used for all four assessment areas. Given the nature of this work, it would make sense to have one actor do all of the desk-based literature review work. This is because information relevant to various assessment areas may be found in the same document (such as the annual reports of the oversight body and public authorities). It would be very inefficient for different actors to go through the same documents looking for different information. At the same time, this will require the actor to have a strong overview of all of the substantive issues that are being assessed, so that all of the relevant information in the literature is captured.

Some of the key documents to review here include:
- The annual reports of the oversight body and the public authorities which are being reviewed
- Any other reports issued by the oversight body and the public authorities which are being reviewed
- Reports by civil society organisations, whether local or international, about implementation, including any testing they may have done (for example by making RTI requests)
- Any relevant reports by inter-governmental organisations
- Any relevant official reports which may have been issued (i.e. by the government)
- Relevant media reports, including blogs
- Relevant records of parliamentary discussions

b)   Other desk-based reviews

There are two 'other desk-based reviews'. The first, in the Central Measures assessment area, is a desk review of the decisions on appeals. These decisions should be available on the oversight body's website. If not, they may be available directly from the oversight body (including, where necessary, through making an RTI request for them). In many cases, oversight bodies decide a great many appeals every year. In this case, it may not be realistic to review them all. Instead, it might make sense to review a random selection, say one in ten or twenty decisions. Decisions should also be reviewed over a period of years.

The key types of information that are being assessed through this review are:
- how long does it take to process appeals (on average, longest 10%)?

- do the decisions suggest that the system is geographically accessible (i.e. are they coming from different parts of the jurisdiction)?
- are appropriate decisions being made (based on what the facts of the case suggest would be an appropriate outcome)?
- are appropriate remedies being awarded (again based on what is allowed and what seems appropriate based on the facts of each case)?
- do the decisions suggest that appropriate due process protections have been respected (for example because it is clear that both parties have been given a chance to make representations)?

The second 'other desk-based review', in the Proactive Publication assessment area, is a desk review of what has been published by public authorities on their websites. This is the primary assessment tool for this area.

The key types of information that are being assessed through this review are:
- are all of the documents that the law requires being disclosed proactively? Does the public authority interpret the legal requirements narrowly or more generously?
- is it reasonably easy to find these documents?
- are the documents available in different languages?
- are disclosures and the websites containing them SCAG 2.0 compliant?
- has any complex information been 'translated' into simpler language so that citizens can understand it?

c)   Key informant interviews

This is a key assessment tool which is provided for in relation to every single assessment area. But different types of experts (officials, civil society representatives, etc.) need to be interviewed for different assessment areas. Given that it does not make sense for different actors to interview the same experts (i.e. to ask experts to participate in more than one interview), this is again an area where it would make sense for one actor to do all of the interviews (or at least all with one category of expert).

Breaking the assessment areas down in terms of the type of expert gives the following picture:

Type of Expert	Assessment Areas
Members of the oversight body	Central Measures
PIOs	Institutional Measures, Proactive Disclosure, Reactive Disclosure
Senior officials	Central Measures, Institutional Measures, Proactive Disclosure, Reactive Disclosure
Other officials (IT staff)	Proactive Disclosure
Civil society representatives	Central Measures, Institutional Measures, Proactive Disclosure, Reactive Disclosure
Key media users	Central Measures, Institutional Measures, Reactive Disclosure
Requesters	Institutional Measures, Reactive Disclosure

Complainants	Central Measures

Sample key informant interview questionnaires for each type of expert are provided in Annex III.

d) Self-assessments

This is another assessment tool which is provided for in relation to every single assessment area. The breakdown of who needs to undertake the self-assessment is as follows:

- Central Measures: Oversight body
- Institutional Measures: Public Authorities
- Proactive Disclosure: Public Authorities
- Reactive Disclosure: Public Authorities

Only one self-assessment exercise should be directed at public authorities, which should cover the three relevant assessment areas. In most cases, it will make sense to provide the self-assessment to the PIO and then let him or her decide, in consultation with others at the public authority, how it will be done. For the oversight body, the self-assessment should probably be provided to the chief commissioner.

Sample self-assessment questionnaires for both the oversight body and individual public authorities are provided in Annex IV.

e) Office visits

This assessment tool is designed to assess whether information is being published proactively in physical forms at the office (such as on a notice board). But it might make sense to schedule any key informant interviews with staff there at the same time and perhaps also the self-assessments.

f) RTI request testing

This is a complex and sophisticated assessment tool for which an entire protocol and reporting format has been developed (see Annex II). The requesting exercise takes by far the longest of all of the assessment tools, so it should be started first.

Annex II: The Protocol for RTI Request Testing

This assessment tool involves making one or more RTI requests for information to each of the public authorities which have been selected for review. The first issue to be decided here is what information to ask for from the various public authorities. The following considerations should be taken into account when deciding on what information to request:

- Avoid lodging too many RTI requests with the same authority as this may make them suspicious that a test of some sort is going on. Where more than one RTI request is made, it might be a good idea to have different people submit them.
- Try to submit at least some RTI requests without using the form for this to see how the public authority reacts. When doing this, only provide the information required by the law, even if the form asks for more information.
- Most of the RTI requests (at least 75%) should be for information which is clearly not exempt and which it is not difficult for the authority to provide. These requests demonstrate most obviously whether or not the system is basically functional.
- Some RTI requests should be more difficult in the sense that they engage the exceptions (i.e. represent borderline cases). This will give some indication of how authorities go about interpreting exceptions. At least some RTI requests should also engage public interest issues, to see if the public interest override is applied.
- Some RTI requests should relate to a larger volume of information, again to see how public authorities deal with this.
- Some RTI requests should also relate to information which requires consultation with third parties (either other public authorities or private third parties), again to see how public authorities deal with this.
- Some RTI requests should be made in a way that demands that assistance be provided, for example because the information sought is not described clearly or because the requester either is or pretends to be illiterate.
- For at least some of the RTI requests, a specific format for provision of the information should be indicated, again to assess whether public authorities respect the rules on this.

Given that this is one of the most burdensome assessment tools to apply, in terms of the amount of time it takes, consideration should be given to trying to get interns or students to help with the process. This can also be helpful in terms of preventing the public authority from realising that the RTI request is part of a testing exercise.

This Protocol is designed just for making RTI requests and not following up with internal complaints or appeals to the oversight body. At the same time, it does not preclude following up with the PIO to see what is happening with the requests. If that is done, it should be recorded, along with the date, in the data on the RTI request (i.e. in the comments part of the table below).

Information about making the RTI request and how it was responded to should be recorded, ideally in a table along the lines of the one below (an excel form for recording these results has been prepared as part of the Methodology). A brief note on whether the response was legitimate (for example, whether the receipt was provided in time

according to the rules in the law) should also be recorded. Where the Result might be legitimate (see below), a view as to whether it was in fact legitimate or not should be recorded. For example, in the case of a written refusal, the record should indicate whether it met the notice requirements under the law (i.e. by providing clear reasons for the refusal and notice about the right to appeal against the refusal) and also whether or not the grounds for the refusal seemed to be legitimate.

	Date Request Submitted	How Request was Filed	Date, if any, of receipt	Date, if any, of response	Format in which information provided	Fee charged, if any	Result
Authority 1, Question 1	(i)	(ii)	(iii)		(iv)	(v)	(vi)
Authority 1, Question 2							
Authority 2, Question 1							
…							

(i)   If you were unable to submit the request for any reason, this should be recorded under "Result"
(ii)   Post, e-mail, fax, hand delivered, etc.
(iii)   The date, if any, you receive a formal acknowledgement of the request
(iv)   Electronic copy, hard copy, right to inspect, and so on
(v)   This should indicate not only the fee but also the items (such as number of pages or disks or cost of postage) upon which the fee was based
(vi)   See the list below

As noted in the main part of the methodology, two types of outcomes are used for scoring here. The first is a set of four "Processing" outcomes, namely: i) whether a receipt was provided and in time (according to the rules in the law); ii) whether the response was in time (again, according to the law); iii) whether the rules in the law regarding format in which the information was provided were respected; and iv) whether any fee charged was in line with the rules in the law.

The second in the main "Result" outcome (i.e. what the end outcome of the process was). The Result will be one of the following (explanations are provided below):
1. Oral Refusal
2. Written Refusal, in Whole or in Part
3. Transferred/Referred
4. Mute Refusal
5. Information Received
6. Incomplete Answer
7. Information Not Held
8. Unable to Submit

From among these Results, (5) is always a legitimate result, (2), (3) and (7) might be legitimate results and (1), (4), (6) and (8) are never legitimate.

In addition to recording information in the table, a short written report analysing the outcomes should be provided. Here, more details than can be easily recorded in the table can be provided, such as the exact reasons given for any written refusals. More explanation can also be given here of why a Result of (2), (3) or (7) is deemed to be legitimate or not. An explanation of whether or not assistance was provided when it should have been can also be given here.

1. Oral Refusal

This is where an official from the authority informs you orally (spoken word or telephone) that they refuse to provide the information. In this case, reasons for the refusal may or may not be given.

2. Written Refusal, in Whole or in Part

This is where a refusal to provide the information, in whole or in part, is given in any written form (for example in a letter, e-mail or fax). In the case of a partial refusal, information may be blacked-out or "severed" or you may be provided with only some of the relevant documents. In this case, notice should be provided for the information which is not provided.

3. Transferred/Referred

'Transferred' is where the authority transfers the RTI request to another authority, in which case the authority should inform you about the transfer and ideally also the reasons for it. "Referred' is where the authority informs you that you should lodge the request with another authority (as opposed to transferring the request itself). Normally, a transfer/referral is legitimate normally only where the body does not hold the information.

4. Mute Refusal

This is where the authority simply fails to respond at all to an RTI request or where answers are provided which are so vague or irrelevant that they cannot be classified in any other category listed here. A mute refusal is deemed to apply when the period in the access to information law for responding to an RTI request has expired.

5. Information Received

This is where access is granted and relatively complete information which responds to an RTI request is provided.

6. Incomplete Answer

This is where information is provided but it is incomplete, irrelevant or in some other way unsatisfactory. This is different from Partial Access inasmuch as the authority is

treating this as a complete response (even though it is not) and it has not indicated that it is refusing (all or part of the) information.

7. Information Not Held

This is where the authority responds claiming that it does not hold the information.

8. Unable to Submit

This is where, for whatever reason, it was simply not possible to get the authority to accept a request. For example, it may simply have refused to allow the requester to leave the request with it or even to let the requester in the door.

Annex III: Key Informant Interview Questionnaires

Notes for Interviewers

In some cases, notes are provided among the questions for the person conducting the questionnaire (interviewer). These notes are between [ ] and start with "NOTE:". For the first four questionnaires – aimed at Members of the Oversight Body, PIOs, Senior Officials and Other Officials (IT Staff) – the respondents will only be expected to discuss their own public authority, whereas for the last four – Civil Society Representatives, Key Media Users, Requesters and Complainants – they will be responding more generally based on their experience with potentially multiple public authorities.

Note that these questionnaires are only to guide the interviewer. Sometimes the conversation will range beyond the questions posed here and in other cases, it may be obvious that there is little point in asking a particular question, so the interviewer might skip it over. The point is mostly to ensure that the interviewer at least thinks of asking all relevant questions to different types of interviewees.

Some types of interviewees – namely Members of the Oversight Body, PIOs, Senior Officials, Civil Society Representatives and Key Media Users – have more questions and for these you will likely need 1 ½ hours for these interviews. For other types of interviewees – namely Other Officials (IT Staff), Requesters and Complainants – one hour or even less should be enough.

Questionnaire 1: Members of the Oversight Body

Areas Assessed: Central Measures

A. Independence

1. Do you feel overall that the oversight body is independent? Why or why not? Could its independence be improved? If so, how?
2. Were appointments made in accordance with the law? If not, in what way did the process deviate from the law?
3. Have any members been removed? If so, was this in accordance with the law?
4. Have members been provided with appropriate training or onboarding programmes?
5. Is the membership as a whole diverse and representative, including in terms of gender?
6. Does the oversight body receive a sufficient allocation of funding (is it able to undertake all of the activities assigned to it)? If not, by what amount (e.g. percentage) do you feel it needs to increase? Has funding ever been decreased year over year?
7. Does the oversight body recruit its own staff or are these allocated to it by government? Are they on long-term or short-term contracts?

8. Does the oversight body have a full or nearly full complement of staff? Do they have appropriate qualifications and training?

B. Appeals

9. Does the oversight body make an effort to be geographically accessible? If so, how?
10. Have procedures for processing appeals been adopted? If so, what protection for the basic due process rights of complainants do they provide for?
11. How long, on average, does it take to process appeals? What about the longer appeals?
12. Does the oversight body conduct follow-up to assess whether its decisions have been implemented? If so, what sort of follow-up?
13. Does the oversight body have an official system for managing appeals (including to ensure that they are getting processed in a timely fashion)? If so, describe briefly how this works.
14. Are appeal decisions posted online? If so, within how long after they were adopted?
15. Beyond formal appeals, does the oversight body take steps of its own (*suo moto* steps) to ensure that public authorities are respecting the law? If so, what sorts of steps? Do these apply to both proactive and reactive disclosure or just one of these? What about structural measures (such as whether or not a PIO has been appointed or how records are managed)?

C. Other Functions

16. What regulatory powers/functions does the oversight body have (e.g. to set fees or records management standards, to discipline officials, and so on)? Has the body taken steps to use these powers/undertake its regulatory functions? If it has powers to discipline officials, has it used these? If so, how many times and imposing what sorts of sanctions?
17. Has the oversight body taken steps to raise awareness about RTI? If so, what sorts of steps?
18. Has the oversight body participated in providing training for PIOs? For other officials? If so, what sorts of activities has it undertaken in this regard?
19. Does the oversight body produce an annual report each year? If so, where is this available? What is included in the annual report?
20. Has the oversight body provided comments on draft laws? If so, which laws?
21. Has the oversight body provided direct advice to public authorities? If so, how many times and to which public authorities? What about to members of the public? If so, about how many times?
22. Has the oversight body taken any other steps to improve implementation?

Questionnaire 2: PIOs

Areas Assessed: Institutional Measures, Proactive Disclosure, Reactive Disclosure

A. Institutional Measures

1. Was your appointment done in a formal way (i.e. in writing and with written terms of reference (ToRs) or a job description setting out your responsibilities and powers)? Were you allocated time for this task (i.e. were your other duties reduced)? Do you have access to the equipment you need (such as a photocopier/scanner)? What is your rank? Have other staff been asked to cooperate with you? Do they, in practice?
2. Have you been provided with any training? If so, describe it briefly.
3. Do you face any institutional resistance to doing your job (whether formal or informal)? If yes, describe it briefly.
4. Does your public authority have a formal plan of action, standard operating procedures or similar document for RTI? If so, is it effective (i.e. does it cover the main issues, set reasonable timeframes for delivering work and so on)?
5. Has your public authority adopted formal internal procedures for receiving and responding to RTI requests? Is it easy to lodge a request with your public authority? Can this be done electronically as well as in person and by post? Are your contact details posted online? At your public offices?
6. Has your public authority appointed someone to receive and process internal complaints (who is different from you)? Has it adopted procedures for these complaints? In practice, are they dealt with in a timely manner?
7. Does your public authority publish annual reports on RTI? If so, when was the last report published? Describe briefly the information in the report.
8. Has your public authority done anything to raise public awareness about the RTI law? If so, what?
9. Has your public authority done anything to improve its records management practices? If so, what?

B. Proactive Disclosure

10. Are you responsible for proactive disclosure within your public authority? If not, who is? [NOTE: in this case, it might make sense to do an interview with this other person].
11. In your opinion, does your public authority disclose all or most of the types of information on the list for proactive disclosure in the RTI law? Where could it do better? Does it go beyond the minimum requirements in any respect?
12. Is your website WCAG 2.0 compliant (i.e. disabled accessible)? If so, what features does it have in this respect?
13. How do you disseminate information other than over the website? [NOTE: You can prompt them on the use of social media and/or information posted at their offices if they do not mention it but try not to ask leading questions].
14. Are there documents for which you create simple versions that people can understand (i.e. in addition to the main, formal document)? If so, which ones?

C. Reactive Disclosure

15. Can citizens submit requests electronically? In person? By mail? Do they have to use a form? Is the form easily accessible? Do they need to prove citizenship? If so, how is this done in practice?
16. When making a request, what information does a requester need to provide?
17. What languages may requests be made in?
18. Do you provide assistance where the requester appears to need this? How often do you provide assistance (e.g. as a percentage of all requests)? What sorts of assistance do you provide?
19. Do you provide a receipt when a request is lodged? If so, how do you provide it?
20. When your public authority does not hold the information, what do you do? [NOTE: if they say they transfer it or inform the requester that they do not hold the information, ask how long this takes and under what conditions they do this]?
21. How long, in practice and on average, does it take you to process requests? What standards do you apply in terms of timeliness [NOTE: you are looking here for things like 'as soon as we can but in any case normally within the maximum time limit']? Do you sometimes claim extensions beyond the initial time limit? If so, how do you do that? Do it sometimes take you even longer than any formal extension to respond to requests?
22. Do requester sometimes ask for information in a particular format? If so, do you provide it in this format? Is this sometimes impossible? If so, in what sorts of circumstances?
23. What fees do you charge when providing information? Do you charge a fee when a requester first lodges a request?
24. How often do you refuse requests (e.g. as a percentage of all requests)? When this happens, do you inform the requester? If so, how? What is included in the notice?
25. What is the most common exception used when refusing requests? What other exceptions are common?
26. [NOTE: only ask this question if the answer to the first part of Question 5 was positive]. Do you sometimes fail to comply with the formal internal rules on processing requests? If so, what are the most common problems?

Questionnaire 3: Senior Officials

Areas Assessed: Central Measures, Institutional Measures, Proactive Disclosure, Reactive Disclosure

A. Central Measures

1. Do you overall feel that the oversight body is independent? Why or why not? What about the independence of the members as individuals? Do they have appropriate expertise for this position? Are they effective in their work? Have any members been removed? If so, what were the grounds for this? Is the membership as a whole diverse and representative, including in terms of gender?

2. Does the oversight body receive a sufficient allocation of funding (is it able to undertake all of the activities assigned to it)? If not, by what amount do you feel it needs to increase (e.g. as a percentage)?

3. Have procedures for processing appeals been adopted? How long, on average, does it take to process appeals?

4. Do you feel that the decisions of the body are appropriate? What about their awards of remedies?

5. Does the oversight body conduct follow-up to assess whether its decisions have been implemented? If so, what sort of follow-up?

6. Beyond formal appeals, does the oversight body take steps of its own (*suo moto* steps) to ensure that public authorities are respecting the law? If so, what sorts of steps? Do these apply to both proactive and reactive disclosure or just one of these? What about structural measures (such as whether or not a PIO has been appointed or how records are managed)?

7. What regulatory powers/functions does the oversight body have (e.g. to set fees or records management standards, to discipline officials, and so on)? Has the body taken steps to use these powers/undertake its regulatory functions? If it has powers to discipline officials, has it used these? If so, how many times and imposing what sorts of sanctions?

8. Has the oversight body taken steps to raise awareness about RTI? If so, what sorts of steps?

9. Has the oversight body participated in providing training for PIOs? For other officials? If so, what sorts of activities has it undertaken in this regard?

10. Has the oversight body produced an annual report each year? If so, where is this available? What is included in the annual report?

11. Has the oversight body taken any other steps to improve implementation?

B. Institutional Measures

12. Was the appointment of the PIO done in a formal way (i.e. in writing and with written terms of reference (ToRs) or a job description setting out his or her responsibilities and powers)? Was the PIO allocated time for this task (i.e. were his or her other duties reduced)? What is the rank of the PIO? Have other staff been asked to cooperate with the PIO? Do they, in practice?

13. Has the PIO been provided with any training? If so, describe it briefly.

14. Does the public authority have a formal plan of action, standard operating procedures or similar document for RTI? If so, is it effective (i.e. does it cover the main issues, set reasonable timeframes for delivering work and so on)?

15. Has the public authority adopted formal internal procedures for receiving and responding to RTI requests? Can requests be lodged with the public authority electronically as well as in person and by post? Are the contact details of the PIO posted online? At the public offices of the authority?

16. Has the public authority appointed someone to receive and process internal complaints (who is different from the PIO)? Has it adopted procedures for these complaints? In practice, are they dealt with in a timely manner?

17. Does the public authority publish annual reports on RTI? If so, when was the last report published? Describe briefly the information in the report.

18. Has the public authority done anything to raise public awareness about the RTI law? If so, what?
19. Has the public authority done anything to improve its records management practices? If so, what?

C. Proactive Disclosure

20. Who is responsible for proactive disclosure within the public authority?
21. In your opinion, does the public authority disclose all or most of the types of information on the list for proactive disclosure in the RTI law? Where could it do better? Does it go beyond the minimum requirements in any respect?
22. Is the website WCAG 2.0 compliant (i.e. disabled accessible)? If so, what features does it have in this respect?
23. How does the public authority disseminate information other than over the website? [NOTE: You can prompt them on the use of social media and/or information posted at their offices if they do not mention it but try not to ask leading questions].
24. Are there documents for which the public authority creates simple versions that people can understand (i.e. in addition to the main, formal document)? If so, which ones?

D. Reactive Disclosure

25. Can citizens submit requests electronically? In person? By mail? Do they have to use a form? Is the form easily accessible? Do they need to prove citizenship? If so, how is this done in practice?
26. When making a request, what information does a requester need to provide?
27. What languages may requests be made in?
28. Is assistance provided where the requester appears to need this? How often does this happen (e.g. as a percentage of all requests)? What sorts of assistance are provided?
29. Is a receipt provided when a request is lodged? If so, how is it provided?
30. When your public authority does not hold the information, what happens? [NOTE: if they say the request is transfers or the requester is informed that they do not hold the information, ask how long this takes and under what conditions they do this]?
31. How long, in practice and on average, does it take the public authority to process requests? What standards are applied in terms of timeliness [NOTE: you are looking here for things like 'as soon as we can but in any case normally within the maximum time limit']? Are extensions beyond the initial time limit sometimes claimed? If so, how is that done? Does it sometimes take even longer than the extension to provide information?
32. What fees does the public authority charge when providing information? Is a fee charged when a requester first lodges a request?
33. How often are requests refused (e.g. as a percentage of all requests)? When this happens, is the requester informed? If so, how? What is included in the notice?

34. What is the most common exception used when refusing requests? What other exceptions are common?

Questionnaire 4: Other Officials (IT Staff)

Areas Assessed: Proactive Disclosure

A. Proactive Disclosure

1. What responsibilities, if any, do you have for the proactive disclosure of information by the public authority?
2. Can you describe briefly what sorts of information are available on the website?
3. Are you aware of the provisions in the RTI law on proactive disclosure? If so, in your opinion, does the public authority disclose all or most of the types of information on the list for proactive disclosure in the RTI law? Where could it do better? Does it go beyond the minimum requirements in any respect? Please describe them briefly.
4. Is the website WCAG 2.0 compliant (i.e. disabled accessible)? If so, what features does it have in this respect?
5. How does the public authority disseminate information other than over the website? [NOTE: You can prompt them on the use of social media and/or information posted at their offices if they do not mention it but try not to ask leading questions].
6. Are there documents for which the public authority creates simple versions that people can understand (i.e. in addition to the main, formal document)? If so, which ones?

Questionnaire 5: Civil Society Representatives

Areas Assessed: Central Measures, Institutional Measures, Proactive Disclosure, Reactive Disclosure

A. Central Measures

1. Do you feel overall that the oversight body is independent? Why or why not? Could its independence be improved? If so, how? What about the members as individuals? What reasons justify your answer? Do they have appropriate expertise for this position? Are they effective in their work? How were they appointed? Have any members been removed? If so, how was this done? Have members been provided with appropriate training or onboarding programmes? Is the membership as a whole diverse and representative, including in terms of gender?
2. Does the oversight body receive a sufficient allocation of funding (is it able to undertake all of the activities assigned to it)? If not, by what amount (e.g.

percentage) do you feel it needs to increase? Has funding ever been decreased year over year?

3. Does the oversight body recruit its own staff or are these allocated to it by government? Are they on long-term or short-term contracts? Does it have a full or nearly full complement of staff? Do they have appropriate qualifications and training?

4. Does the oversight body make an effort to be geographically accessible (e.g. by holding hearings outside of the capital or by making videoconference facilities available)? If so, how?

5. Have clear procedures for processing appeals been adopted? If so, what procedures do they provide for? How long, on average, does it take to process appeals? What about longer appeals?

6. Are appropriate decisions being made on appeal? Are appropriate remedies being awarded? If your answer to either question is no, in what way are the decisions or remedies inappropriate?

7. Does the oversight body conduct follow up to assess whether its decisions have been implemented? If so, what sort of follow up?

8. Are appeal decisions posted online?

9. Beyond formal appeals, does the oversight body take steps of its own (*suo moto* steps) to ensure that public authorities are respecting the law? What sorts of steps?

10. Has the oversight body undertaken any regulatory steps to implement the law (e.g. to set fees or records management standards, to discipline officials, and so on)? If it has powers to discipline officials, has it used these? If so, how many times and imposing what sorts of sanctions?

11. Has the oversight body taken steps to raise public awareness about RTI? If so, what sorts of steps?

12. Has the oversight body participated in providing training for PIOs? For other officials? If so, what sorts of activities has it undertaken in this regard?

13. Does the oversight body produce an annual report each year? If so, where is this available? What is included in the annual report?

14. Has the oversight body provided comments on draft laws? If so, which laws?

15. Has the oversight body taken any other steps to improve implementation?

B. Institutional Measures

16. In general, are PIOs appointed in a formal way (i.e. in writing and with written terms of reference (ToRs) or a job description setting out their responsibilities and powers)? What is the normal rank of PIOs? Do other staff tend to cooperate with or obstruct PIOs in practice?

17. Are PIOs generally provided with training? If so, describe it briefly.

18. Do PIOs tend to face any institutional (political) resistance to doing their jobs (whether formal or informal)? If yes, describe briefly the forms this takes.

19. Do most public authorities have formal plans of action, standard operating procedures or similar documents for RTI?

20. Is it generally easy to lodge requests with public authorities? Can this be done electronically? In person? By post? Are the contact details of the PIOs generally posted online? At the public offices of the authorities?

21. Have most public authorities appointed individuals to receive and process internal complaints (who is different from the PIOs)? In practice, are complaints mostly dealt with in a timely manner?

22. Do most public authorities publish annual reports on RTI which include statistics on requests? If so, describe briefly the types of information included in these reports.

23. Have many public authorities taken action to raise public awareness about the RTI law? If so, what sorts of action do they take?

C.   Proactive Disclosure

24. In your opinion, and taking into account the list of types of information subject to proactive publication in the RTI law, do most public authorities disclose all or most of the types of information on the list? If not, how would you assess their performance? Where could they do better? Do they tend to go beyond the minimum requirements in any respect?

25. Are most websites WCAG 2.0 compliant (i.e. disabled accessible)? If so, what features do they tend to have in this respect?

26. How do public authorities disseminate information other than over their websites? Do they use social media for this purpose? Do they post information at their offices?

27. Do many public authorities create simple versions of certain complex documents so that people can understand them (i.e. in addition to the main, formal document)? If so, which documents is this done for?

D.   Reactive Disclosure

28. Is it generally easy to submit requests? Can this be done electronically? In person? By mail? Do you have to use the form? Is the form generally easily accessible? Do you need to prove citizenship? If so, is this generally easy to do in practice?

29. When making a request, what information do you normally need to provide?

30. Can requests be made local languages or only official languages? If so, which languages?

31. If a requester needs assistance to make a request – for example because he or she cannot write – is assistance normally provided?

32. Is a receipt normally provided when a request is lodged? How long does this usually take?

33. When a public authority does not hold the information, do they normally transfer it to another authority or at least refer you to another public authority? Is this usually done in a timely manner? In what circumstances are requests transferred?

34. How long, on average, does it take to process requests? Are responses normally provided as soon as possible? Within the maximum time limits [NOTE: you

should specify what this is in case the interviewee does not know]? Are extensions beyond the time limit often formally claimed? Are responses sometimes provided after the time limit or a claimed extension?

35. Where you ask for information in a particular format, is it normally given in that format? If not, are appropriate reasons for this normally given?

36. What is the practice regarding fees? What sorts of things are you normally charged for? Are any pages commonly provided for free? Do you normally need to pay for staff time or only photocopying? Is a fee sometimes charged simply for lodging a request?

37. How often are requests refused (e.g. as a percentage of all requests)? When this happens, is written notice normally given? What type of information is usually included in the notice?

38. When requests are refused and written notice is given, do the reasons for refusing the request (the exceptions cited) usually seem reasonable or excessive?

39. Do those public authorities which have adopted guidelines on how process requests usually follow those guidelines when requests are made? If not, in what ways do they fail to respect their own guidelines?

Questionnaire 6: Key Media Users

Areas Assessed: Central Measures, Institutional Measures, Reactive Disclosure

A. Central Measures

1. Do you feel overall that the oversight body is independent? Why or why not? Could its independence be improved? If so, how? What about the members as individuals? What reasons justify your answer? Do they have appropriate expertise for this position? Are they effective in their work? Have any members been removed? Is the membership as a whole diverse and representative, including in terms of gender?

2. Does the oversight body receive a sufficient allocation of funding (does it seem to be able to undertake all of the activities assigned to it)?

3. Do the staff of the oversight body have appropriate qualifications and training?

4. Does the oversight body make an effort to be geographically accessible (e.g. by holding hearings outside of the capital or by making videoconference facilities available)? If so, how?

5. How long, on average, does it take to process appeals? What about longer appeals?

6. Are appropriate decisions being made on appeal? Are appropriate remedies being awarded? If your answer to either question is no, in what way are the decisions or remedies inappropriate?

7. Are appeal decisions posted online?

8. Has the oversight body taken steps to raise public awareness about RTI? If so, what sorts of steps?

9. Does the oversight body produce an annual report each year? If so, where is this available? What is included in the annual report?

10. Has the oversight body taken any other steps to improve implementation?

B. Institutional Measures

11. Is it generally easy to lodge requests with public authorities? Can this be done electronically? In person? By post? Are the contact details of the PIOs posted online? At the public offices of the authorities?
12. Have most public authorities appointed individuals to receive and process internal complaints (who is different from the PIOs)? In practice, are complaints mostly dealt with in a timely manner?
13. Do most public authorities publish annual reports on RTI which include statistics on requests? If so, describe briefly the types of information included in these reports.
14. Have many public authorities taken action to raise public awareness about the RTI law? If so, what sorts of action do they take?

C. Reactive Disclosure

15. Is it generally easy to submit requests? Can this be done electronically? In person? By mail? Do you have to use the form? Is the form generally easily accessible? Do you need to prove citizenship? If so, is this generally easy to do in practice?
16. When making a request, what information do you normally need to provide?
17. Can requests be made local languages or only official languages? If so, which languages?
18. If a requester needs assistance to make a request – for example because he or she cannot write – is assistance normally provided?
19. Is a receipt normally provided when a request is lodged? How long does this usually take?
20. When a public authority does not hold the information, do they normally transfer it to another authority or at least refer you to another public authority? Is this usually done in a timely manner? In what circumstances are requests transferred?
21. How long, on average, does it take to process requests? Are responses normally provided as soon as possible? Within the maximum time limits [NOTE: you should specify what this is in case the interviewee does not know]? Are extensions beyond the time limit often formally claimed? Are responses sometimes provided after the time limit or a claimed extension?
22. Where you ask for information in a particular format, is it normally given in that format? If not, are appropriate reasons for this normally given?
23. What is the practice regarding fees? What sorts of things are you normally charged for? Are any pages commonly provided for free? Do you normally need to pay for staff time or only photocopying? Is a fee sometimes charged simply for lodging a request?
24. How often are requests refused (e.g. as a percentage of all requests)? When this happens, is written notice normally given? What type of information is usually included in the notice?

25. When requests are refused and written notice is given, do the reasons for refusing the request (the exceptions cited) usually seem reasonable or excessive?
26. Do those public authorities which have adopted guidelines on how process requests usually follow those guidelines when requests are made? If not, in what ways do they fail to respect their own guidelines?

Questionnaire 7: Requesters

Areas Assessed: Institutional Measures, Reactive Disclosure

A. Institutional Measures

1. Is it generally easy to lodge requests with public authorities? Can this be done electronically? In person? By post? Are the contact details of the PIOs posted online? At the public offices of the authorities?
2. Have most public authorities appointed individuals to receive and process internal complaints (who is different from the PIOs)? In practice, are complaints mostly dealt with in a timely manner?
3. Do most public authorities publish annual reports on RTI which include statistics on requests? If so, describe briefly the types of information included in these reports.
4. Have many public authorities taken action to raise public awareness about the RTI law? If so, what sorts of action do they take?

B. Reactive Disclosure

5. Is it generally easy to submit requests? Can this be done electronically? In person? By mail? Do you have to use the form? Is the form generally easily accessible? Do you need to prove citizenship? If so, is this generally easy to do in practice?
6. When making a request, what information do you normally need to provide?
7. Can requests be made local languages or only official languages? If so, which languages?
8. If a requester needs assistance to make a request – for example because he or she cannot write – is assistance normally provided?
9. Is a receipt normally provided when a request is lodged? How long does this usually take?
10. When a public authority does not hold the information, do they normally transfer it to another authority or at least refer you to another public authority? Is this usually done in a timely manner? In what circumstances are requests transferred?
11. How long, on average, does it take to process requests? Are responses normally provided as soon as possible? Within the maximum time limits [NOTE: you should specify what this is in case the interviewee does not know]? Are extensions beyond the time limit often formally claimed? Are responses sometimes provided after the time limit or a claimed extension?

12. Where you ask for information in a particular format, is it normally given in that format? If not, are appropriate reasons for this normally given?
13. What is the practice regarding fees? What sorts of things are you normally charged for? Are any pages commonly provided for free? Do you normally need to pay for staff time or only photocopying? Is a fee sometimes charged simply for lodging a request?
14. How often are requests refused (e.g. as a percentage of all requests)? When this happens, is written notice normally given? What type of information is usually included in the notice?
15. When requests are refused and written notice is given, do the reasons for refusing the request (the exceptions cited) usually seem reasonable or excessive?
16. Do those public authorities which have adopted guidelines on how process requests usually follow those guidelines when requests are made? If not, in what ways do they fail to respect their own guidelines?

Questionnaire 8: Complainants

Areas Assessed: Central Measures

A. <u>Central Measures</u>

1. Do you feel overall that the oversight body is independent? Why or why not? Could its independence be improved? If so, how? What about the members as individuals? What reasons justify your answer? Do they have appropriate expertise for this position? Are they effective in their work? Have any members been removed? Is the membership as a whole diverse and representative, including in terms of gender?
2. Does the oversight body receive a sufficient allocation of funding (does it seem to be able to undertake all of the activities assigned to it)?
3. Do the staff of the oversight body have appropriate qualifications and training?
4. Does the oversight body make an effort to be geographically accessible (e.g. by holding hearings outside of the capital or by making videoconference facilities available)? If so, how?
5. How long, on average, does it take to process appeals? What about longer appeals?
6. Are appropriate decisions being made on appeal? Are appropriate remedies being awarded? If your answer to either question is no, in what way are the decisions or remedies inappropriate?
7. Are appeal decisions posted online?
8. Has the oversight body taken steps to raise public awareness about RTI? If so, what sorts of steps?
9. Does the oversight body produce an annual report each year? If so, where is this available? What is included in the annual report?
10. Has the oversight body taken any other steps to improve implementation?

Annex IV: Self-Assessment Questionnaires

Note to Surveyors:

Note that the questions in these self-assessment questionnaires are very similar to the KII questions for members of the oversight body and PIOs/senior officials. If this self-assessment is likely to go to the same person again (instead of another person at the oversight body or public authority), it might make sense just to do one or the other (i.e. either the KII or the self-assessment but not both).

Self-Assessment 1:   Oversight body

Please fill in this survey according to your best ability, providing as much detail as possible. If you need more space at any point, please feel free to continue on another page.

 D. Independence

    1. (a) Do you feel that overall the oversight body is independent?

☐ Yes ☐ No   ☐ Partially

(b) If NO or PARTIALLY, why not?

_____

_____

_____

(c) Could its independence be improved? ☐ Yes   ☐ No

(d) If YES, how?

_____

_____

_____

    2. (a) Were appointments made in accordance with the law?

☐ Yes ☐ No   ☐ Partially

(b) If NO or PARTIALLY, what were the differences?

_____

_____

_____

3. (a) Have any members been removed? ☐ Yes   ☐ No

(b) If YES, was this in accordance with the law? ☐ Yes   ☐ No

4. (a) Have members been provided with appropriate training or onboarding programmes?

☐ Yes ☐ No   ☐ Partially

(b) If YES or PARTIALLY, please describe the programme briefly:

_____

_____

_____

5. (a) Is the membership as a whole diverse and representative, including in terms of gender?

☐ Yes ☐ No   ☐ Partially

(b) If NO or PARTIALLY, please explain:

_____

_____

_____

6. (a) Does the oversight body receive a sufficient allocation of funding (is it able to undertake all of the activities assigned to it)?

☐ Yes ☐ No

(b) If NO, by what amount (e.g. percentage) do you feel it needs to increase? _____

(c) Please explain your answer:

_____

_____

_____

(d) Has funding ever been decreased year over year? ☐ Yes   ☐ No

7. (a) Does the oversight body (i) recruit its own staff or (ii) are these allocated to it by government? ☐ (i)   ☐ (ii)

(b) Are they on (i) long-term or (ii) short-term contracts? ☐ (i) ☐ (ii)

8. (a) Does the oversight body have a full or nearly full complement of staff?

☐ Yes ☐ No

(b) Do they have appropriate qualifications and training?

☐ Yes ☐ No ☐ Partially

(b) If NO or PARTIALLY, please explain:

_____

_____

_____

E. Appeals

9. (a) Does the oversight body make an effort to be geographically accessible?

☐ Yes ☐ No

(b) If so, how?

10. (a) Have clear procedures for processing appeals been adopted?

☐ Yes ☐ No

(b) If YES, what protections for the basic due process rights of complainants do they provide for?

_____

_____

_____

11. (a) How long, on average, does it take to process appeals? _____ days

(b) What about the longer appeals? _____ days

12. (a) Does the oversight body conduct follow up to assess whether its decisions have been implemented? ☐ Yes ☐ No

(b) If YES, what sort of follow up?

_____

_____

_____

13. (a) Does the oversight body have an official system for managing appeals (including to ensure that they are getting processed in a timely fashion)?

☐ Yes ☐ No

(b) If YES, describe briefly how this works.

_____

_____

_____

14. (a) Are appeal decisions posted online? ☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, within how long after they were adopted? _____ days

15. (a) Beyond formal appeals, does the oversight body take steps of its own (*suo moto* steps) to ensure that public authorities are respecting the law?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, what sorts of steps?

_____

_____

_____

(c) Do these apply to both proactive and reactive disclosure or just one of these (check all that apply)?

☐ Proactive ☐ Reactive

(d) What about structural measures (such as whether or not a PIO has been appointed or how records are managed)?

☐ Yes   ☐ No

(e) If YES, describe briefly how this works:

_____

_____

_____

F.   Other Functions

16. (a) Describe briefly the regulatory powers/functions the oversight body has (e.g. to set fees or records management standards, to discipline officials, and so on):

_____

_____

_____

(b) Has the body taken steps to use these powers/undertake its regulatory functions?

☐ Yes   ☐ No

(c) If YES, describe briefly how this works:

_____

_____

_____

(d) Does it have the power to discipline officials? ☐ Yes   ☐ No

(e) If YES, describe briefly how many times it has used these powers and what sorts of sanctions it has imposed:

_____

_____

_____

17. (a) Has the oversight body taken steps to raise awareness about RTI?

☐ Yes   ☐ No

(b) If YES, describe briefly what it has done:

_____

_____

_____

18. (a) Has the oversight body participated in providing training for PIOs?

☐ Yes ☐ No

(b) For other officials? ☐ Yes ☐ No

(c) If the answer to either of these questions is YES, briefly describe what sorts of training activities it has undertaken:

_____

_____

_____

19. (a) Has the oversight body produced an annual report for each of the last two years? ☐ Yes ☐ No ☐ Partially

(b) If YES or PARTIALLY, please indicate which years and where to find the reports, and describe briefly what is included in them:

_____

_____

_____

20. (a) Has the oversight body provided comments on draft laws?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, indicate which laws it has commented on and where to find these comments:

_____

_____

_____

21. (a) Has the oversight body provided direct advice to public authorities?

☐ Yes ☐ No ☐ Sometimes

(b) If YES or SOMETIMES, indicate how many times and which public authorities:

_____

_____

_____

(c) What about to members of the public?

☐ Yes ☐ No ☐ Sometimes

(d) If YES or SOMETIMES, indicate how many times and what sort of advice:

_____

_____

_____

22. (a) Has the oversight body taken any other steps to improve implementation?

☐ Yes ☐ No

(b) If YES, indicate what sorts of steps:

_____

_____

_____

Self-Assessment 2:　　Public Authorities

Please fill in this survey according to your best ability, providing as much detail as possible. If you need more space at any point, please feel free to continue on another page.

A. Institutional Measures

1. (a) Was the appointment of the PIO done in a formal way (i.e. in writing and with a written terms of reference (ToRs) setting out the responsibilities and powers of the post)? ☐ Yes　☐ No

(b) Was time for this task allocated to the PIO (i.e. were his or her other duties reduced)?

☐ Yes ☐ No

(c) Does the PIO have access to the equipment needed for this job (such as a photocopier/scanner)?

☐ Yes ☐ No

(d) What is the rank of the PIO? _____

(e) Have other staff been asked to cooperate with the PIO? ☐ Yes ☐ No

(f) Do they, in practice? ☐ Yes ☐ No

2. (a) Has the PIO been provided with any training? ☐ Yes ☐ No

(b) If YES, describe it briefly:

_____

_____

_____

3. (a) Does the PIO face any institutional resistance relating to the job (whether formal or informal)? ☐ Yes ☐ No

(b) If YES, describe it briefly.

_____

_____

_____

4. (a) Does the public authority have a formal plan of action, standard operating procedures or similar document for RTI? ☐ Yes ☐ No

(b) If YES, is it effective? ☐ Yes ☐ No

(c) Please describe briefly what it contains:

_____

_____

_____

5. (a) Has the public authority adopted formal internal procedures for receiving and responding to RTI requests? ☐ Yes ☐ No

(b) Is it easy to lodge a request with the public authority? ☐ Yes ☐ No

(c) Can this be done electronically? ☐ Yes ☐ No

(d) In person? ☐ Yes ☐ No

(e) By post? ☐ Yes ☐ No

(f) Are the contact details of the PIO posted online? ☐ Yes ☐ No

(g) At the public offices of the authority? ☐ Yes ☐ No

6. (a) Has the public authority appointed someone to receive and process internal complaints (who is different from the PIO)? ☐ Yes ☐ No

(b) Has the public authority adopted procedures for these complaints?

☐ Yes ☐ No

(c) In practice, are they dealt with in a timely manner? ☐ Yes ☐ No

7. (a) Does the public authority publish annual reports on RTI which include statistics on requests? ☐ Yes ☐ No

(b) If YES, indicate when last report was published and describe briefly the information in that report:

_____

_____

_____

8. (a) Has the public authority done anything to raise public awareness about the RTI law? ☐ Yes ☐ No

(b) If YES, please describe briefly what it has done:

_____

_____

_____

9. (a) Has the public authority done anything to improve its records management standards? ☐ Yes   ☐ No

(b) If YES, please describe briefly what it has done:

_____

_____

_____

B. <u>Proactive Disclosure</u>

10. (a) Taking into account the list of types of information subject to proactive publication in the RTI law,, does the public authority disclose all or most of the types of information on the list?

☐ Yes ☐ No   ☐ Partially

(b) If NO or PARTIALLY, how could it do better?

_____

_____

_____

(c) Does it go beyond the minimum requirements in any respect? ☐ Yes   ☐ No

(d) If YES, please describe briefly:

_____

_____

_____

11. (a) Is your website WCAG 2.0 compliant (i.e. disabled accessible)?

☐ Yes ☐ No   ☐ Partially

(b) If YES or PARTIALLY, what features does it have in this respect?

_____

_____

_____

12. (a) Do you disseminate information other than over the website?

☐ Yes ☐ No

(b) If YES, please describe briefly how:

_____

_____

_____

13. (a) Are there documents for which you create simple versions that people can understand (i.e. in addition to the main, formal document)? ☐ Yes ☐ No

(b) If YES, please describe which ones?

_____

_____

_____

C.   Reactive Disclosure

14. (a) Can citizens submit requests electronically? ☐ Yes ☐ No

(b) In person? ☐ Yes ☐ No

(c) By mail? ☐ Yes ☐ No

(d) Do they have to use a form? ☐ Yes ☐ No

(e) Is the form easily accessible? ☐ Yes ☐ No

(f) Do they need to prove citizenship? ☐ Yes ☐ No

(g) If so, how is this done in practice?

_____

_____

_____

15. (a) When making a request, what information does a requester need to provide?

_____

_____

_____

16. (a) What languages may requests be made in?

_____

_____

_____

17. (a) Where the requester appears to need assistance, is this provided?

☐ Yes ☐ No   ☐ Sometimes

(b) If YES or SOMETIMES, how often is such assistance provided (e.g. as a percentage of all requests)? _____

(c) What sorts of assistance are provided?

_____

_____

_____

18. (a) When a request is lodged, is a receipt provided to the requester?

☐ Yes ☐ No   ☐ Sometimes

(b) If YES or SOMETIMES, how is it provided?

_____

_____

_____

19. (a) When the public authority does not hold the information, what does it do?

_____

_____

_____

(b) If, in this situation, requests are transferred or the requester is informed that the authority does not hold the information, how long on average does this take?

_____ days

20. (a) How long on average does it take the public authority to respond to requests?
_____ days

(b) What standards are applied in terms of timeliness?

_____

_____

_____

(c) Are extensions to the time limit sometimes imposed? ☐ Yes ☐ No

(d) If YES, how and when is that done?

_____

_____

_____

(e) Are there cases where it takes longer than the time limit or any formal extension to respond to a request? ☐ Yes   ☐ No

(f) If YES, how often does this happen as a percentage of all requests?

_____

_____

_____

21. (a) Do requesters sometimes ask for information in a particular format?

☐ Yes ☐ No

(b) If YES, is it normally provided in this format? ☐ Yes   ☐ No

(c) If NO, what conditions are used to justify providing it in a different format?

_____

_____

_____

22. (a) What fees does the public authority charge when providing information?

_____

_____

_____

(b) Does the public authority charge a fee when a requester first lodges a request?

☐ Yes ☐ No

23. (a) How often does the public authority refuse requests (e.g. as a percentage of all requests)? _____ percentage

(b) When this happens, is the requester informed about it? ☐ Yes   ☐ No

(c) If YES, how and what is included in the notice?

_____

_____

_____

24. (a) What is the most common exception used when refusing requests?

_____

_____

_____

(b) What other exceptions are common?

_____

_____

_____

25. (a) If the answer to the first part of Question 5 about having adopted formal internal rules on processing requests was YES, does the authority comply with the formal internal rules on processing requests?

☐ The answer to Question 5 was no   ☐ Yes ☐ No ☐ Sometimes

(b) If NO or SOMETIMES, what are the most common ways the rules are not followed?