CENTRE FOR LAW AND DEMOCRACY

Comprehensive Right to Information Assessment Methodology
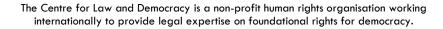
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Guide to Grading

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Introduction

This Guide to Grading Procedures used in the Right to Information Implementation Assessment: Comprehensive Methodology is meant to be used as a reference tool for those tasked with managing an assessment process. It should be used in conjunction with the Handbook on Assessment Tools and Issues, as well as the online training course and the full Methodology. This Guide begins with an overview of the grading process before detailing how the grades are calculated for each assessment area.

1. Background on Grading

The assessment process under the Methodology involves collecting significant amounts of information using the seven assessment tools in relation to each of the four assessment areas, namely Central Measures and (for individual public authorities) Institutional Measures, Proactive Disclosure and Reactive Disclosure. Only part of this information will be used in the grading process, but the rest should still inform the analysis contained in the final report.

The grading process involves generating different numerical scores and then converting them to a red-yellow-green colour grade. This conversion is done to reflect the approximate nature of the assessment process which can vary depending on who is conducting the assessment, the public authorities selected for assessment, the types of requests for information that are put to them and other factors. It is not intended to be a precise ranking exercise but, rather, a means to give an approximate understanding of performance in terms of implementation of RTI obligations and areas of weakness.

The conversion of scores into colour grades in every instance should be based on the following table:

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

A number of different grades can be calculated, as follows:

1. Separate grades can be assigned to each of the different public authority which have been selected for review in relation to each of the three assessment areas that

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pertain to individual public authorities, namely Institutional Measures, Proactive Disclosure and Reactive Disclosure.

2. An overall grade for each authority can be assigned by averaging their scores in relation to each of the three assessment areas which relate them (i.e. by averaging each authority's scores on Institutional Measures, Proactive Disclosure and Reactive Disclosure).

3. An overall grade for the jurisdiction can be calculated for each of the four assessment areas. Central Measures has its own calculation. For the three assessment areas which pertain to public authorities, the scores of each authority selected for assessment in relation to each assessment area are averaged. For example, the grade for the jurisdiction's performance on Institutional Measures is assigned based on the score which represents an average of the scores of all of the assessed public authorities in this assessment area.

4. A final grade can be calculated for the jurisdiction as a whole from the score which represents the average of the scores for all four assessment areas (Central Measures, Institutional Measures, Proactive Disclosure and Reactive Disclosure).

While a final grade for the jurisdiction can be calculated, the other grades are in themselves important reference points that should be reflected in the report. They give a sense of performance broken down in different ways, such as how individual authorities are doing as compared to each other, and how the jurisdiction as a whole is doing in relation to each assessment area.

Data entry spreadsheets for each assessment area have been prepared to assist with the grading process, which are available for download as a consolidated ZIP file on the Resources Page. These spreadsheets should be used for data entry and score calculation purposes.

The remainder of this Guide details how to calculate grades in relation to each assessment area. As part of this, the Guide lists each criterion for which points are to be awarded in each assessment area. However, in order to actually assign numerical values, assessors will have to understand which issues and sub-issues are relevant to each of these criteria. To do so, assessors should consult the list of issues and sub-issues found in the full Methodology and reproduced in the Handbook on Assessment Tools and Issues.

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2. Central Measures

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 both of 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 simply a YES (1 point) or NO (0 points) score here.

The eight more qualitative questions are:

1. Have the members of the body 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. Have effective measures been taken by the body to provide training to officials?
8. Has the body made a reasonable effort to comment on draft laws which 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).

Please note that for these qualitative questions, assessors should carefully consider the sub-issues that are listed in the Methodology when allocating a score here.

The overall point score is calculated by taking the 13 individual scores and averaging them. The relevant data entry spreadsheet is available for download from the Resources

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Page as part of a ZIP file containing all of the data entry spreadsheets. This is a useful tool for computing the numerical grade.

A colour grade should then be awarded based on the final point score as described above.

3. Public Authorities

3.1 Institutional Measures

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 an information officer (IO) been appointed?
2. Has the IO formally been given terms of reference or a job description?
3. Has the IO been provided with training?
4. Has an overall implementation plan or set of standard operating procedures (SOPs) been adopted by the public authority?
5. Has a set of guidelines for how to process RTI requests been adopted by the public authority?
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 IO? (YES is given for two or more positive answers, NO for one or fewer)
7. Has a person who is different from the IO been appointed to deal with internal complaints or appeals?
8. Did the public authority publish an annual report for both of the last two years?
9. Has the public authority conducted awareness-raising activities over the last year?
10. Does the public authority have a records management system or has it taken steps 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. In some cases, these questions may not generate simple YES-NO answers but the assessor should nevertheless allocate binary scores here.

The six qualitative evaluations are:

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1. Does the IO have appropriate qualifications for the job and has he or she been allocated time to do the job?
2. Is there any political pressure on the IO which 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 assessment 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. There is no precise formula for awarding these scores. Assessors should use common sense and the information available to make a decision.

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. As with the other assessment areas, the relevant data entry spreadsheet is available on the Resources Page and is a useful tool for computing the numerical grade.

A colour grade (whether for individual public authorities or the jurisdiction as a whole) is then awarded based on the final point scores.

3.2   Proactive Disclosure

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 assessments: FULL, FULL to PARTIAL, PARTIAL, PARTIAL to NONE, or NONE. It is not possible to provide precise instructions as to how to allocate assessments here, given the wide range of different types of information covered.

Care should be taken to be sufficiently stringent in allocating evaluations. Thus, a FULL assessment should only be given if all of the factors are met strongly. If even a small part of the information is missing or is not up-to-date, the assessment should immediately

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drop to FULL to PARTIAL or even PARTIAL. The way in which the website(s) is organised should also be taken into account here. If you have to search hard to find the information, the assessment should also take that into account. Although public authorities do sometimes perform better in this assessment area than the other two which relate to them, this assessment area is intended to be just as strict as the others.

Factors to consider here include:

- Is the information which is available complete, in the sense of including everything in the relevant category?
- Is the information easy to find?
- Is the information up-to-date, taking into account how frequently that type of information changes?

Points should be assigned based on the following conversion table:

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 Disclosure 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 2.1 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 other means 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.

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For each of these issues, an assessment 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 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 five).

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 five other issues). Note: This is done by multiplying the first point score by .75 and the second one by .25 and then adding them up.

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) is then awarded based on the final point scores.

As with the other assessment areas, the relevant Excel spreadsheet is available for download from the Resources Page. This particular spreadsheet will have to be customised in order to list in cells A6-A17 the specific proactive disclosure requirements, to be taken from the law, against which authorities are being assessed. The next column, cells B6-B17, should set out what exactly assessors are looking for beyond this (i.e. a more precise interpretation of the relevant legal requirement). Below is a screenshot of the spreadsheet.

	A	B	PUBLIC AUTHORITY 1				PUBLIC AUTHORITY 2			
1	PROACTIVE DISCLOSURE									
2										
3										
4		What We are Looking For	What is Present Online	What is present Offline	Missing Both Online	Points	What is Present Online	What is present Offline	Missing Both Online	Points
5	SUBSTANTIVE ISSUES									
6	"These should be taken from the provisions of the law"	"Unpack the issue into what exactly you are looking for"								
7										
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18	Average Substantive Issues					0				0
19	OTHER ISSUES									
20	Is the public authority's website WCAG 2.1 compliant?									
21	What efforts does the public authority make to disseminate information other than simply via									
22	Does the public authority use social media or other means to draw the attention of the public to its proactive publications (and to provide key information directly to									
23	Does the public authority make an effort to create understandable versions of at least the most important									
24	Is it reasonably easy to find specific information from among all of the information that is being									
25	Average Other Issues					0				0
26	Total Score by Authority					0				0
27	Grade by Authority					R/Y/G				R/Y/G

The Excel sheet provides cells to insert notes on what is present online, what is present offline and what is missing from both (See cells C6-E17 in the above screenshot for the first public authority). It may be necessary to adjust the number of rows here (i.e. rows 6-17 in the template version) to account for laws which have more or fewer requirements for proactive disclosure. The lower rows in the spreadsheet (rows 20-24) concern other issues, for which only the points column has to be filled out.

It may also be necessary to adjust the number of columns to take into account the number of public authorities being assessed. In either case, assessors will need to update the formulas to ensure that averages are computed correctly (i.e. that the formulas are based on the right number of types of information and number of public authorities).

3.3   Reactive Disclosure

The primary assessment tool for Reactive Disclosure is the making of test RTI requests, for which there are special scoring rules.

Two types of outcomes are used for scoring here. The first is a set of three "Processing" outcomes, namely: i) whether a receipt was provided; ii) whether the response was in time (according to the rules set out in the law); and iii) whether any fee charged was in line with the rules in the law.

The second is the main "Result" outcome (i.e. what the end response to the request was). The Result will be one of the following:

1. Oral Refusal
2. Written Refusal, in Whole or in Part
3. Transferred/Referred
4. Mute Refusal
5. Information Received
6. Incomplete Answer

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7. Information Not Held
8. Unable to Submit

Definitions for each of these results are found in the Glossary at the end of this Guide. From among these results, (5) is always a legitimate result, (2), (3), (6) and (7) might be legitimate or partly legitimate, depending on the circumstances (although (6) is always partly illegitimate), and (1), (4) and (8) are never legitimate.

Information about making the RTI request and how the authority responded to it should be recorded, for example in a table along the lines of the one below. In addition, an Excel sheet for recording the main results along with columns for the scores is found in a ZIP file available for download on our [Resources Page]). A brief note on whether each entry represents a legitimate processing step (for example whether the date of the response was timely) should also be recorded. Where the Result is one of those which may or may not be legitimate, a view as to whether it was in fact legitimate or not should be recorded (see below). For example, in the case of a written refusal, the record should indicate whether the notice requirements under the law were respected (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)
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

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(iv)   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

(v)   See the list below

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 both compliance with the legal rules and reasonableness

3. A fee score, based on whether any fee charged was in line with the legal requirements

These three scores are averaged to obtain the processing score for each request.

Then, each request is given a 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. The 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, indicating that the information is not held and an incomplete answer – may be more or less valid, depending on the circumstances. The assessor should decide whether these responses are LIKELY, MAYBE or is UNLIKELY to be valid, based on all of the circumstances. Note that an incomplete answer cannot be entirely valid so in this case the assessment will be MAYBE or UNLIKELY. Where such a response is deemed to be more in error than a deliberate strategy to deny access to the rest of the information, one-half point may be awarded. One point is given for LIKELY, one-half point for MAYBE 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

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authority is calculated by averaging its score for each request (i.e. adding up the scores for each request and dividing by the number of requests).

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

As with the other assessment areas, the relevant data entry spreadsheet is available on the Resources Page. Note that this sheet focuses on scoring issues but has a comment box for further observations and can of course be customised to provide room for further information by adding additional columns.

A colour grade (whether for individual public authorities or the jurisdiction as a whole) is then awarded based on the final score.

4. Final Grade

As noted above, final grades may be assigned in a number of different areas including to the jurisdiction as a whole, to each individual public authority overall, overall in each of the four assessment areas and to each public authority in each assessment area. How to calculate the latter two has already been described in the grading sections for each assessment area.

Each public authority should have been assigned three final scores, one for Institutional Measures, one for Proactive Disclosure and one for Reactive Disclosure. To calculate the overall grade for each authority, simply average the three final scores from each assessment area and then convert to a final grade.

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

5. Glossary of Reactive Disclosure Terms

Oral Refusal

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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.

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, you should receive an appropriate notice for the information which is not provided.

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 directly). Normally, a transfer/referral is legitimate only where the original authority does not hold the information.

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 if no response has been received by the time the period in the law for responding to an RTI request has expired.

Information Received

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

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.

Information Not Held

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

Unable to Submit

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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.