

Implementing a Freedom of Information Law

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Why is Freedom to Information Relevant?

- ✓ **Fundamental human right**
- ✓ **Necessary to exercise other rights, eg health care, education, environment**
- ✓ **Makes government more efficient and effective**
- ✓ **Increases trust between governed and governors**
- ✓ **Fosters public participation**
- ✓ **Accountability and tool to fight corruption**
- ✓ **Allows better use of scarce resources**
- ✓ **Increases public investment**

What is happening in the world?

- ✓ **Article 19 Universal Declaration of Human Rights**
- ✓ **Almost 70 countries have comprehensive laws**
- ✓ **5th Annual Right to Know Day**
- ✓ **12 countries in region**

“Why is it relevant to me?”

- ✓ **Helps to order and organize documents and information**
- ✓ **Helps increase personal efficiency**
- ✓ **Reduces bureaucracy and minimizes discretionality**
- ✓ **Allows you to more clearly show your own work and achievements**
- ✓ **Diminishes political pressures**
- ✓ **Identifies bottlenecks**
- ✓ **Better customer service**

“Why is it relevant to me?”

- ✓ Know what information exists and can use this to make better decisions in own work
- ✓ Better coordination among Ministries and agencies, as know what information everyone holds
- ✓ Utilize information generated by others so less duplication of effort
- ✓ Helps improve institutional image to users
- ✓ Increase knowledge base in and out of government

Phases of Law

- ✓ **Passage**
- ✓ **Implementation**
- ✓ **Enforcement**
- ✓ **Use**

The Implementation Challenges

- ✓ Culture of secrecy on part of state and citizens
- ✓ Lack of political will and commitment
- ✓ Inadequate systems and procedures
- ✓ Poor recordkeeping and archiving
- ✓ Lack of capacity and training

Example: Weak Recordkeeping and Archiving Systems



Example: Disorganization of Documents



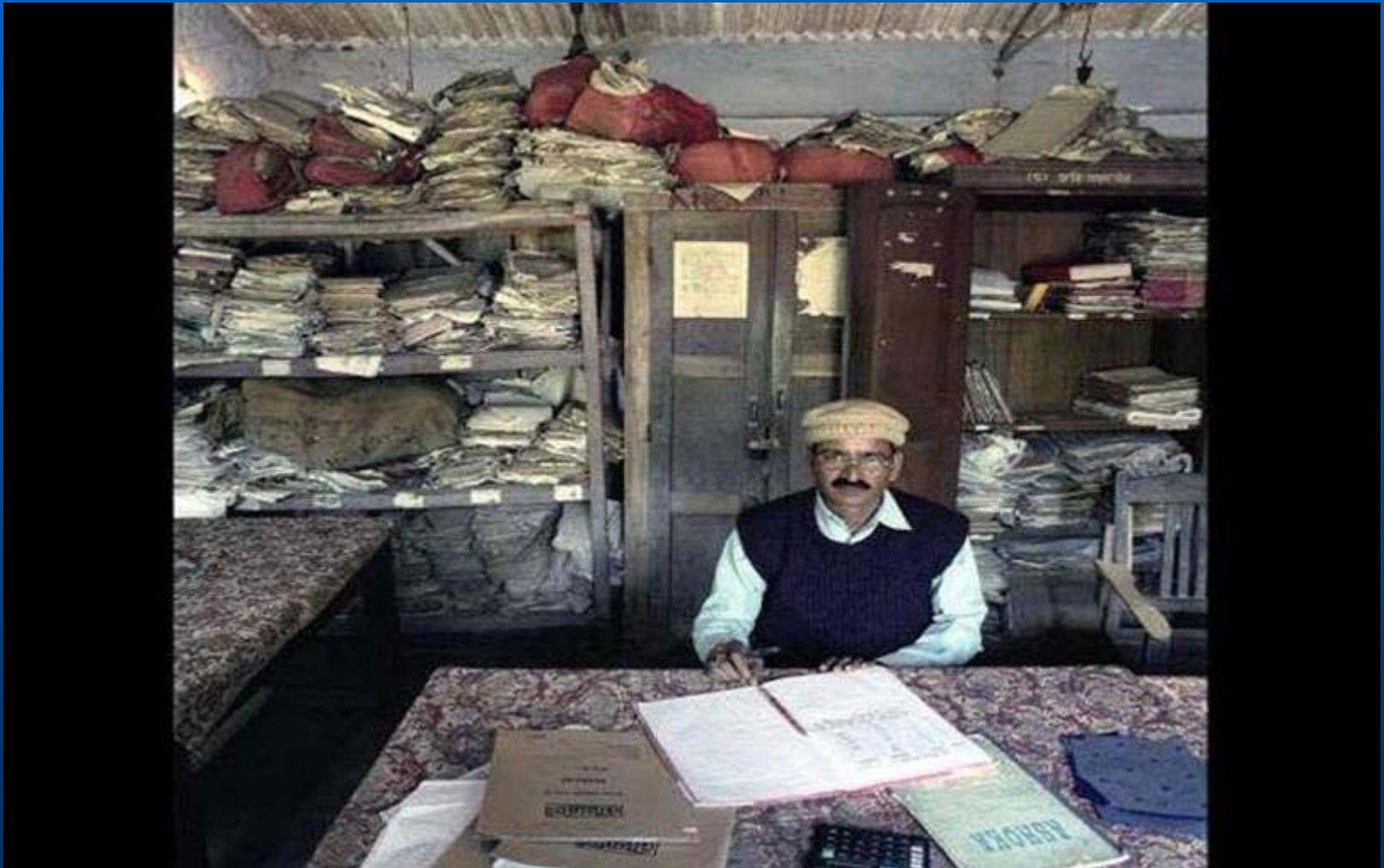
The Challenges (cont.)

- ✓ Insufficient human and financial resource
- ✓ Outdated or inadequate infrastructure
- ✓ Lack of communication and coordination within and among agencies
- ✓ Inconsistency of policies and laws
- ✓ Poorly drafted regulations

Example: Inadequate Infrastructure



Example: Lack of Capacity and Training



Key components to success

- ✓ **Political will**
- ✓ **Information management**
- ✓ **Coordination (FOI Implementation Unit)**

Possible Solutions

Political Commitment

- ✓ Sufficient time and resources
- ✓ Dedicated implementation officers
- ✓ Involve the leaders
- ✓ Frequent meetings

Planning and Reports

- ✓ Clear implementation plans open to public review
- ✓ Start with the establishment of internal procedures and systems
- ✓ Regular reporting requirements related to implementation

Possible Solutions (cont.)

Recordkeeping

- ✓ Internal diagnosis of documents held
- ✓ Creation of a “roadmap”
- ✓ Organization of records, starting with the most recent and working backwards
- ✓ Automatic Publication

Public Servants

- ✓ Capacity building and training for ALL personal
- ✓ Incentives are as important as sanctions

Possible Solutions (cont.)

Communication

- ✓ Communication strategy – internal and external

Mechanisms for Compliance:

- ✓ Promote public awareness
- ✓ Reports from each covered entity
- ✓ FOI Unit to provide advice and support
- ✓ Preparation of manuals and materials
- ✓ Share implementation reports across agencies
- ✓ Publish implementation reports

Possible Solutions (cont.)

Work with Civil Society:

- ✓ Involve civil society in monitoring implementation efforts
- ✓ Stakeholder Committees and/or Focal Groups
- ✓ Consultation about regulations
- ✓ Support communication campaigns
- ✓ Promote use of the right to information

Role of Chief Officers

- ✓ **Leadership**
- ✓ **Ensure compliance and accountability with implementation plan**
- ✓ **Enforcement – internal review**



Thank You

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