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**The Use and Effects of Access to
Information Laws
A study in 14 countries**

Working paper de l'IDHEAP 6/2019
Unité Management public et marketing

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Research Report

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*“Secrecy is an instrument
of conspiracy; it ought not,
therefore, to be the system
of a regular government”*

Jeremy Bentham

Abstract

Almost undisputedly, transparency is now considered as a core component of good governance and a prerequisite to a lively democracy. One of the main features of this development is the global explosion of freedom of information laws, which provide citizens with the opportunity to request official information from administrations, excluding documents subject to exemption. These laws have attracted the attention of a growing number of scholars worldwide, with the focus on how they should be built in order to guarantee access rights to the general public. This study is based on oversight bodies' perceptions of the present state and future perspectives regarding public access to official information. It concentrates more specifically on the supposed beneficial effects of transparency, the continuity and structural changes faced by oversight bodies and the resistance displayed by administrations. The results show that although problems and barriers to access are still clearly in place, oversight bodies remain optimistic about the future of freedom of information laws and point out that beneficial effects have already been observed. Moreover, these effects are generally expected to further increase in the near future.

Keywords

Transparency, Freedom of information laws, Europe, Access to information, Comparative study

Table of Contents

1. Introduction	2
2. Freedom of information regulations: current landscape and oversight systems	5
3. Methodology	18
4. Results	21
4.1. The effects of transparency.....	21
4.1.1. <i>Current situation</i>	21
4.1.2. <i>Future perspectives</i>	24
4.1.3. <i>Added value of a regulation on transparency and priorities</i>	25
4.2. Specific aspects of jurisdictions.....	26
4.2.1 <i>Governmental priorities</i>	26
4.2.2 <i>Foreign comparison</i>	27
4.3. Requests.....	28
4.3.1. <i>Changes in the number of requests</i>	29
4.3.2. <i>Timeliness of responses</i>	30
4.3.3. <i>Future outlook</i>	30
4.4. Administrative barriers to access to information.....	31
4.5. Applicants’ profiles.....	33
4.6. Measures to increase transparency.....	34
4.7. Commissioners’ independence: current situation and developments.....	36
4.8. Link with data protection.....	38
4.9. Fears related to the development of access to information.....	39
5. Conclusion	41
References	44
Appendix 1. Table of interviews	49
Appendix 2. Questionnaire	50

1. Introduction

Transparency can be defined as “the availability of information about an organisation or actor allowing external actors to monitor the internal workings or performance of that organisation” (Cucciniello et al., 2017). Almost undisputedly, transparency is now regarded as a core component of good governance and a prerequisite to a lively democracy. One of the main features of this development is the global explosion of adoption of freedom of information (FOI) laws, which provide citizens with the opportunity to request official information from administrations, excluding documents subject to exemption. These laws have attracted the attention of a growing number of scholars worldwide, with the focus on how they should be constructed to guarantee access rights to the public. The introduction of freedom of information legislation supposedly helps solve the problems of accountability faced by most democracies (Ackerman & Sandoval-Ballesteros, 2006). Information rights are in this sense considered as an essential transformation towards more open government, that concept being meaningless in the absence of an informed populace.

Following the introductory considerations set out above, transparency in public sector organisations and means to improve it have attracted considerable attention in recent decades. Important aspects of transparency, such as the generalised recognition of a right to access public documents, consequently became key concepts in public administration research. More than that, they are now considered by many practitioners as “the bedrock” of a democratic state and a prerequisite to good administration. Transparency has thus become a central element of public action, which supposedly avoids malfunctioning and reduces corruption in administrations while simultaneously allowing well-informed citizens greater participation in political debates and decision-making processes.

As the adoption of transparency measures and regulations generalised to the point of becoming a fundamental requirement for a democratic state, the quality of national legislations attracted scholarly attention worldwide. Much work focused on how laws should be built, from a legislative perspective, in order to guarantee citizens the right to access without excessive limitations. Notably, categorisation efforts (Stubbs, 2011; Vleugels, 2012), as well as standardised indicators for rating existing regulations emerged. One of the most widely recognised rankings, the Global Right to

Information Rating (RTI Rating) was launched in 2011 with the backing of two non-governmental organisations (NGOs), Access Info and the Centre for Law and Democracy.¹

Other than the analysis of the *de jure* validity of the regulations adopted worldwide, numerous research projects have attempted to measure the actual enforcement capacities and the impact of transparency laws around the world. The responsiveness of citizens to such measures has also been considered (Hazell et al., 2010). Indeed, assessing whether adopted transparency policies are having the expected effects has been the focus of contributions from various fields and various regions of the world, while the number of contributions on transparency generally has grown exponentially². Indicators to measure implementation were also developed within international organisations, especially as the Sustainable Development Goals (SDGs) include the need for participating States to implement transparency regulations, therefore requiring the elaboration of indicators to assess progress towards the goals³.

This contribution takes a different angle. It is based on a questionnaire submitted to national Information Commissioners or people working in close contact with them. Questions focused on their opinions and perceptions regarding both the current state of affairs and future trends. The analysis of the results attempts to assess the outlook for future developments in transparency policies. We focus on jurisdictions that have chosen to set up a specific administrative office dedicated to the implementation of transparency regulations, often appointing a Commissioner. The study compares the regulations on transparency, focusing on the role and prerogatives of the Commissioners as well as the expectations of the Commissioners' offices in terms of resources, power, and barriers to the effective application of the legislation.

The results show that although oversight bodies are well aware of the challenges they face in their daily operations, and the imperfect implementation of the legislation, FOI remains a source of hope in many jurisdictions. Indeed, the data collected prove that the beneficial effects of transparency have been observed in most cases, and that they are expected to grow stronger in the next few years. Despite their sometimes weaker legislation on FOI, Nordic countries are largely regarded as models when it comes to access to information, due to their long-established tradition in this matter. Moreover, this contribution presents vital aspects related to barriers to FOI, applicants' profiles,

¹ Source: RTI Rating: <https://www.rti-rating.org/>.

² For a literature review, see Cucciniello et al. (2017).

³ See notably <https://sustainabledevelopment.un.org/sdg16>.

and measures perceived by the interviewees as having the most significant impact on the development of FOI.

This research report is divided into four parts. It will first give a brief introduction on the current landscape of transparency laws across Europe and the oversight mechanisms in place. It will then detail the methodology used in the present case to gather original data. Part three will consist in the analysis of results, divided by topic. In conclusion, the key findings will be summarised and possibilities for further analysis detailed.

2. Freedom of information regulations: current landscape and oversight systems

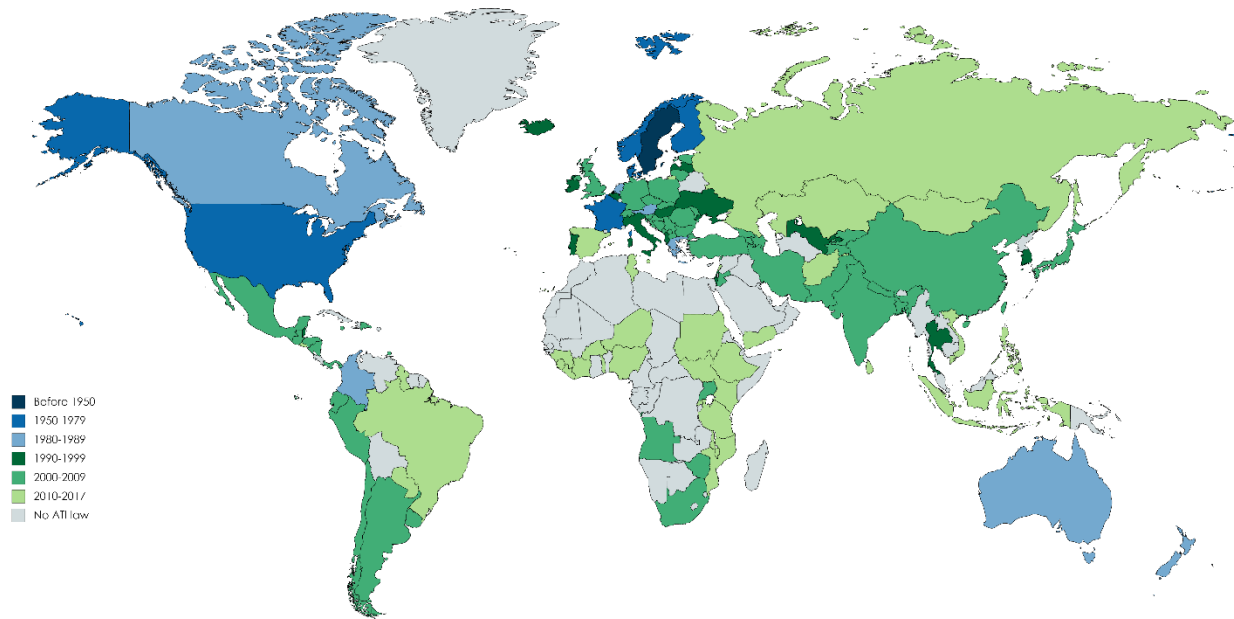
This chapter will offer a brief introduction on the considered jurisdictions' regulations in terms of access to information and how their enforcement is monitored. It focuses on the institutional forms taken by actors tasked with enforcement of access to information regulations and their powers. Access to information rights mean the “right to have access to authentic information about the activities of public bodies, their researches and bases for decisions etc., without the information being mediated or controlled by some authority or by politicians” (Jorgensen, 2014: 9). The fundamental premise of the right to access public information is that information held by governmental institutions is in principle public and may be concealed only on the basis of legitimate reasons, which should be detailed in the law. Any obstacle or barrier which cannot be shown to be based upon the reasons laid out in the law constitutes a breach of the right to access information, and citizens should be able to contest any such decision.

Although most people associate the ideal of transparency with Rousseau, for lawyers the concept dates back to Jeremy Bentham (Zoller, 2014). The ideal of truth and honesty inherent in Rousseau's writings applies first to the human being, starting with the philosopher himself. In his quest for truth, he sought transparency of the heart and soul, the ability to tell himself, without mystery and without dissimulation, to restore the original trust and combat the opacity that characterises human relationships (Starobinski, 1971). In contrast, Bentham's draft “Constitutional Code” more specifically targeted members of representative government, who must be “as transparent as possible” (Bowring, 1839). However, this requirement for transparency remained enshrined in constitutional law, Bentham preferring to speak of “advertising” when drafting his Code of Procedure. Considered one of the founding fathers of the utilitarian movement, he advocated advertising by describing the public utility of this requirement. According to Bentham, it is both a guarantee of the morality of elected officials and a source of confidence on the part of citizens in their government, and it also guarantees civil society a better expression (Baume, 2013). While all these arguments are now being reassessed in the light of new scientific contributions, they nevertheless constitute an important part of the legitimacy of the notion of advertising.

Specific regulations on freedom of information are a relatively recent phenomenon, characterised by a strong international and civil society commitment. Historically, the adoption of freedom of information laws began in northern Europe, with a very early example of regulation in 18th century Sweden. But it was in the late 20th century that freedom of information laws encountered increasing success and enthusiasm across all regions of the world (see Map 1). This enthusiasm

emerged from a general call to reinforce control over and accountability of governments and their administrations; indeed, opacity became increasingly linked to corrupt practices and barriers to the development of well-informed public opinion on state action. Numerous Central and Eastern European countries adopted a FOI law following the fall of the Soviet Union and the adoption of democratic constitutions in that part of the world.

Map 1. Evolution of FOI laws enforcement in the world per period, 1776-2017



Source: Vleugels (2011), Stubbs (2011), and Mabillard (2018)

Simultaneously, the discussion on stronger transparency practices was increasingly present in multilateral fora. International organisations as well as international advocacy groups such as *Transparency International* or *Freedom2Info* contributed to increased national and international exchanges on how freedom of information should be enforced and its fundamental character for a well-functioning democracy. A profusion of international rules and recommendations ensued, further encouraging States to adopt transparency regulations and policies. The United Nations⁴, the

⁴ The office of the UN Special Rapporteur on Freedom of Opinion and Freedom of Expression also focuses on Access to information and has supported the recognition of a right to freedom of information within the framework of the right to freedom of expression in the International Covenant on Civil and Political Rights (ICCPR). See: McDonagh, 2013. For Europe, see also the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), 25 June 1998. For a more comprehensive list of international regulations on transparency and other sources, see <https://www.right2info.org>.

Council of Europe⁵, the World Bank⁶, and the OECD⁷ all elaborated standards, mostly in the form of soft law instruments, to promote access to administrative documents. The European Union has made transparency an important principle of legal and administrative relations by referring to it in the EU Charter of Fundamental Rights⁸. Furthermore, international human rights courts have recognised access to information as a fundamental right⁹. The right to information represents not only a negative right, meaning that States should refrain from acting in secrecy (States' duty not to interfere with the right) but also imposes on governments a positive obligation to promote and fulfil the right, to ensure that it can be exercised (Ackerman & Sandoval-Ballesteros, 2006).

As stressed above, FOI regulations have encountered major success. While in 1990, 12 jurisdictions had adopted specific FOI Laws, by 2018 more than 100 had enacted legislation on access to information (see Mabillard, 2018). Indeed, freedom of access is now regulated by a specific law in most jurisdictions. Supported by several national, international and civil society actors, these regulations are credited with reducing the asymmetric information flow between authorities and the population. According to Worthy (2017), it has become a path that is “hard to resist, and hard to escape”. Furthermore, technological developments have accompanied the generalisation of transparency measures (Pasquier & Mabillard 2018), introducing the idea that, through online public service portals and other digital instruments, administrations can now fulfil their obligation to promote transparency not only by responding to citizens' demands, but also by proactively disclosing information. The idea of “open government” has become a toolbox to keep citizens informed and ensure public participation in the design and implementation of public policies.

The application of transparency regulations and policies can take different forms and produce different outcomes. Notwithstanding international collaboration and the influence of several global actors, States have designed different institutional solutions to discharge their obligations in terms of right to access. Even prior to the advent of FOI regulations, most administrative systems had an internal review system in place for disputes between the administration and the public. In most cases, national administrative appeal procedures allow a requester to challenge a wrongdoing

⁵ Council of Europe Convention on Access to Official Documents, CETS no. 205 / 18 June 2009; Recommendation Rec (2002)2 of the Committee of Ministers to member states on access to official documents, 21 February 2002.

⁶ Lemieux, Victoria Louise; Trapnell, Stephanie E.. 2016. Public access to information for development: a guide to effective implementation of right to information laws (English). Directions in Development. Washington, D.C.: World Bank Group.

⁷ Recommendation of the Council on Open Government, 14 December 2017 - C(2017)140 - C/M(2017)22.

⁸ Art. §41 and §43, *Charter of Fundamental Rights of the European Union*, 26 October 2012, 2012/C 326/02.

⁹ For the conceptual basis for the recognition of a right to information and timelines of the developments in the recognition of a right to information in international human rights law, see McDonagh, 2013.

directly with the authority concerned (Neuman, 2009). Most regulations and policies on transparency imply that measures should be suitably promoted to ensure that citizens can make transparency actionable; furthermore, any requester receiving a negative decision on access to public documents should ideally be able to be granted a review of their decision.

Nowadays, indeed, most regulations on access to information require the decision to be further opposable, in front of an independent body able to address the issue in accordance with the right of access legislation. Such bodies are usually habilitated to receive appeals when the requester is denied full or partial access, or in case of a contestation of the procedure. They should ensure supervision and oversight of the law through mediation or another form of dispute resolution. Grounds for appeal can be vary in breadth: they may include not only refusals to provide information but also refusals to provide information in the form requested, administrative silence, breach of timelines, charging of excessive fees, or other grounds for restricted access and refusal. The oversight body can also be assigned other roles relating to transparency, such as promotion of the instruments the law provides and monitoring of the functioning of the legislation. Usually, the decisions or measures adopted by such a body, if binding, can then be grounds for a further appeal to a court of law.

International regulations and recommendations do not advocate one specific type of oversight mechanism, but often set standards for their establishment. As jurisdictions vary on how they design their enforcement bodies, it is generally agreed that such mechanisms should be independent and impartial, directly accessible to citizens without the need of legal counsel, affordable, and timely (Neuman, 2009: 2). For example, the Council of Europe Convention on Access to Official Documents states that an applicant shall always have access to an expeditious and inexpensive review procedure, involving either reconsideration by a public authority or review¹⁰. The creation of an independent, politically neutral body with appropriate expertise is also supported by several NGOs and civil society actors¹¹. An independent agency, such as an ombudsperson or commissioner, should be established to review refusals, promote awareness, and advance the right to access information. As FOI laws have become generalised, the number of works to assess the *de jure* strength of national legal frameworks for accessing information has boomed. One in particular, the Global Right to Information Rating (RTI Rating), became increasingly popular and is widely

¹⁰ Art. 8 par. 2, Council of Europe Convention on Access to Official Documents, CETS No.205.

¹¹ See for example : Access Info Europe, FOI Advocates Network, Open Society Justice Initiative, *Manchester Declaration on Access to Information*, May 24, 2006, available at: https://www.right2info.org/resources/publications/ngo-statements/ngo-statements_manchester-declaration.

used by inter-governmental organisations, FOI advocates, reformers, and legislators. It includes a number of indicators to calculate the overall score of a regulation. The existence, independence, and power of the authority in charge of freedom of information are among the indicators taken into account.

As mentioned above, the institutional forms of bodies responsible for proper application of FOI legislation can vary. Several categories of oversight bodies can be defined at a global level (Holsen, 2012). Notably, three types of institutions in charge of supervision of freedom of information can be identified:

1. Judicial review. Some regulations do not provide for an external appeal body, but only internal remedies: citizens are requested to go directly to the judiciary, usually an administrative court. This is the case in the United States (at the Federal level) and in some European jurisdictions, such as the Czech Republic, Poland, Slovakia, and Romania.
2. Ombudsperson (or another non-specialist body). In some jurisdictions, the oversight of the right to access is given to an already existing body, often an Ombudsperson. This is the case in Sweden, Norway, Bosnia, and New Zealand. Other general administrative or human rights surveillance bodies are also sometimes given oversight of the right (in South Africa or Turkey, for example). Such ombudspersons or bodies usually function according to a specific regulation, cover different roles regarding the defence of citizens' rights with regard to the jurisdiction, such as the right to good administration. They are also habilitated to receive complaints about shortcomings of unjustified refusals in application of the right to access and about lack of transparency. *Right2Info* notes that this mechanism has proven to work well, although it usually succeeds in jurisdictions with long-established traditions of democracy and access to information, which also tend to have efficient, well-organised administrations (Sweden, Denmark, Norway and New Zealand)¹².
3. Commissioner/commission. The global trend, as far as implementation of access to information regulations goes, is towards either information commissioners or information commissions. Europe especially has seen the role and importance of such offices grow (Kovač 2019; 647). The difference between the two is a question of whether one or more individuals are in charge, but apart from that their functions are similar. In some cases, the same authority or person is charged with data protection (this will be further explored in 4.8 below). The elections, functioning and budget of

¹² *Right2Info*, Information Commission/ers and Other Oversight Bodies and Mechanisms. Source: <https://www.right2info.org/information-commissioners-and-other-oversight-bodies-and-mechanisms>.

such an institution, as well as the administrative liability which can ensue from their decisions, varies from jurisdiction to jurisdiction. Commission/commissioner offices around the world largely differ in their institutional configuration, selection process, roles, functions, and powers. International standards for access to information legislation often favour this model, and generally recommend that the commissioner or commission should be given enforcement power within the FOI regulation. Some particularly suggest this form of supervision especially for newly established access to information regimes (Neuman, 2009), because a specialised office can help facilitate the introduction of procedural and cultural changes within an administration (introduction of new systems for managing and archiving information, support in transferring data into electronic format, and restructuring of internal decision-making procedures), which can be complex. A specialised institution might be able to quickly develop expertise and promote to the public a clear understanding of what information may not be released because of exemptions under the law so that legitimate refusals do not undermine public trust in the right to information. Order making powers, however, may not be sufficient to ensure compliance, as several factors, such as the legal framework, politics, institutional and bureaucratic tradition and culture, play a prominent role in defining the responsiveness to transparency regimes (Neuman, 2009: 11). The main task of the information commission/commissioner usually involves hearing appeals against failures to respect the right to information, whether these occur through a formal refusal, administrative silence or other issues that have arisen during the filing and processing of a request. Upon receiving and reviewing complaints from requesters, some bodies are given powers to issue binding rulings and sometimes they can order the release of information. Such institutions might also be tasked with monitoring compliance (for example through regular reports to parliament), educating public officials on the requirements in applying the law, or promoting awareness and understanding of such instruments to the public. An information commissioner has the mandate to evaluate the existing national legal framework as it impacts access to information and to make recommendations for reform and harmonization of laws.

Table 1 includes a selection of jurisdictions and describes the roles and power of the Commission/commissioner office¹³.

¹³ The elements presented are based on the content of the national freedom of information law, without taking into account tasks that might ensue from other regulatory or policy sources. Furthermore, the analysis is often made on the basis of informal English translation of the laws.

Table 1. Jurisdictions' characteristics regarding freedom of information laws

Jurisdiction	Date of the first specific FOI law adopted	RTI Rating	Commissioner/ Commission	Data protection: with/without	Powers regarding appeals (as defined in the legislation)	Other roles (as defined in the legislation)
Albania	1999	7	Commissioner	With	<p>Receives administrative appeals for breaches to the RTI;</p> <p>Can order the public authority to provide the required information, in full or in part (a system of fines is in place to ensure administrative liability for noncompliance).</p>	<p>Reports to the parliament or parliamentary committees (at least once a year or whenever required by them);</p> <p>Collects information from public authorities and non-profit organizations highlighting the relevant data on freedom of information.</p>
Belgium	1994	111	Commission	Without	Receives appeals on which a non-binding opinion on the case can be issued.	The commission can, upon its own initiative, give an opinion on the general application of the law.

Canada	1983	57	Commissioner	Without	Receives appeals and issues reports and recommendations on the findings of the investigation, which are not binding.	Submits an annual report (plus special reports) to parliament on the activities of the office during the financial year.
Croatia	2003	8	Commissioner	Without	Issues binding decisions.	<p>Monitors the implementation of FOI regulations and reports to the public on their implementation;</p> <p>Reports to the Croatian Parliament on the implementation of the FOI Act and participates in the activities of working bodies of the Croatian Parliament, when matters within the scope of work of the Commissioner are on the agenda;</p> <p>Can propose measures to public authorities for improving the exercise of the right of access to information (professional training of public authorities);</p> <p>Initiate the adoption or amendment of regulations to improve the RTI.</p>

Estonia	48	2000	Commissioner (Data Protection Inspectorate)	With	Issues binding precepts.	Supervises the introduction of databases in public administrations; Issues annual reports containing overviews of offences, the holders of information which committed the offences, challenges, precepts, misdemeanour proceedings initiated, punishments imposed, and other circumstances relating to the implementation of the FOI act.
Hungary	62	1992	Commission (Hungarian National Authority for Data Protection and Freedom of Information)	With	Issues non-binding recommendations and reports.	May make recommendations to elaborate or reform legislation; Supervises and promotes the enforcement of the right to access to information.
Iceland	106	1996	Commission (Information Committee)	Without	Can receive appeals and order document to be released.	Keeps records on requests.

FJRM	21	2006	Commission	Without	Can issue binding orders, and a system of fines is in place.	<p>Compiles an annual report for the implementation of the FOI Law to submit to parliament;</p> <p>Can issue opinions on proposed laws regulating free access to information;</p> <p>Carries out activities regarding the education of public bodies and cooperates with them</p> <p>Is in charge of international cooperation free access to information of public character;</p>
Scotland ¹⁴	-	2002	Commissioner	Without	Has powers to force the public authority to release any information that is not exempt under the FOI Act.	<p>Promotes the observance by Scottish public authorities of the provisions relating to the RTI;</p> <p>Promotes good practices;</p> <p>May from time to time make proposals to Scottish ministers with regard to access to information.</p>

¹⁴ The Scottish Information Commissioner and the UK Information Commissioner's Office (ICO) have separate roles and responsibilities. The Scottish Information Commissioner is responsible for the freedom of information compliance of all public authorities in Scotland, while the ICO is responsible for public authorities in England, Wales, and Northern Ireland, and for any agencies operating in both Scotland and another part of the UK. The ICO also covers Data Protection rights (personal information) for the whole of the UK, including Scotland.

Serbia	3	2003	Commissioner	With	<p>Can issue binding decisions.</p> <p>Decisions and conclusions can be enforced by the Government of the Republic of Serbia if necessary.</p>	<p>Monitors the respect of obligations by the public authorities regulated by the FOI Law and reports to the public and National Assembly;</p> <p>Initiates the preparation or change of regulations for the implementation and promotion of the right to access information of public importance;</p> <p>Proposes to public authorities measures to be taken to improve their work;</p> <p>Undertakes necessary measures to train employees of state bodies and to inform employees of their obligations;</p> <p>Informs the public of the content of this Law and the rights regulated by this Law.</p>
Slovenia	5	2003	Commissioner	With	<p>Can issue legally binding decisions. There may be penalties for not complying with the decision.</p>	

Spain	2013	63	Commission (Consejo de Transparencia y Buen Gobierno)	Without	Can issue non-binding resolutions.	Promotes transparency in public administration; Conducts assessments on transparency; Evaluates the implementation of the law; Promotes good practices; Promotes capacity building and educational activities for increasing the knowledge of the FOI law.
Switzerland	2004	77	Commissioner	With	Can issue non-binding recommendations to the parties involved in a proceeding.	Reviews the execution and effectiveness of the FOI act and reports on a regular basis to the Federal Council; Comments on legislation regarding the right to access to information.
United Kingdom	2000	42	Commissioner	With	Can issue legally binding decision notices.	Promotes good practices by public authorities through recommendations; Reports to parliament on the FOI regulation.
France	1987	105	Commission (Commission d'accès aux documents administratifs)	Without	Can issue non-binding opinions.	

Germany	2005	116	Commissioner	With	Can give non-binding comments and can pronounce objections against federal agencies and the ministries in cases of severe violations.	The Federal Government reports to the German Bundestag on application of the FOI act.
Portugal	1993	86	Commission (Comissão de Acesso aos Documentos Administrativos) independent Parliamentary agency	Without	Can issue a non-binding formal opinion	

3. Methodology

Due to the exploratory character of the research, a mostly qualitative approach has been preferred. As mentioned above, information commissioners were contacted in order to schedule face-to-face meetings. These interviews were prepared and conducted through a semi-directed questionnaire. The latter was in the first place developed with a team from the Unit of Public Management and Marketing (Swiss Graduate School of Public Administration – IDHEAP – University of Lausanne, Switzerland). It was then discussed and pre-tested with experts in the field, including Sarah Holsen, who holds a PhD from the same institution (2012). Also used as a pre-test, or rather as a test on the field”, a first interview was conducted with the deputy Federal Data Protection and Information Commissioner and the official in charge of transparency in 2015. As a result, a few questions were clarified and some optional answers were added to the questionnaire.

The final version of the questionnaire is divided into different sections, to be used in the data analysis. The first section deals with the jurisdiction’s profile, including the type and function of the interviewee’s position, and whether it includes data protection with transparency. The second section relates to the expected benefits of increased transparency. This matters enormously since freedom of information is often regarded as a key aspect of transparency. Thus, five questions are asked about the levels of trust and participation, the efficiency of political processes, and the reduction of corruption. The third section allows comparison of the various jurisdictions’ evolution in terms of transparency in an international perspective, and highlights which jurisdiction has the highest level of transparency. The fourth section focuses on the issues requests, and also helps to provide a better understanding of the profile of requesters. The fifth section concentrates on barriers to transparency used by administrations. The sixth section asks about the link between transparency and data protection, and observes to what extent the two are linked (or should be linked in the interviewee’s perception). The last section deals with management issues: what measures should be adopted to increase transparency? And what do the interviewees most fear regarding implementation of the legislation in the next few years?

This study explores a rather specific field, still largely uncharted, and raises technical issues with potentially deep impacts on society. This being so, it seemed essential to survey the individuals who are at the core of the right to information mechanisms, the information commissioners. To do so, we have preferred the *expert interview* method, which has strongly developed since the 1990s (Meuser & Nagel, 2009). It is here combined with the fact that the interviewees are internal actors,

directly concerned with the implementation, functioning, and development of the right to information in their jurisdiction. We are aware that the expert question is a hotly debated one (what / who is an expert?), so we would like to clarify this point early on. We are here facing internal experts, people with the relevant expertise in the field but who work “for” it, and not “about” it. In this sense, they might not have enough distance from the study object, but compensate in a way with an extensive knowledge of it “from the inside”. Therefore, we call them here “internal experts”, who can be easily identified, and who will be used as surveyed experts. Their perceptions will enable us to better grasp the situation in all the jurisdictions of our sample: what are the priorities? What are the main concerns? And what is expected from the development of freedom of information laws?

The *expert interview* method offers several advantages. First of all, according to Bogner et al. (2009), “talking to experts in the exploratory phase of a project is a more efficient and concentrated way of gathering data” (p. 2). It can also serve as a “crystallization” point, yielding practical insider knowledge. Moreover, it offers a good starting point in cases where it remains difficult or impossible to address the issue in another way (for instance to identify the people who submitted requests). Here, we chose the “systematizing expert interview” form of the method, which targets the systematic retrieval of information (Bogner & Menz, 2009). However, different interviewing channels represent different challenges. For instance, qualitative telephone interviews involve much more coordination due to the lack of visual contact (Christmann, 2009). According to Noelle-Neumann and Petersen (2000), they are considered less interesting, and generate more stress and disturbance. We therefore decided to schedule meetings and conduct face-to-face interviews with the selected experts. Invitations to organise these face-to-face interviews were sent to all information commissioners in Europe; only a few failed to respond or declined the invitation. Among the 14 jurisdictions contacted, 11 responded favourably (almost 80%). Moreover, one commissioner sent us the completed questionnaire in 2018, since it was impossible to arrange a meeting with their office. In order to extend the study and compare with a non-European perspective, the Canadian Information Commissioner was also surveyed. Thus, our sample included in total 13 jurisdictions, in addition to Switzerland.

These interviews were mainly used to collect data about under-investigated issues, which will be analysed through the development of predictions or trends, especially when there are no expected theoretical outcomes and much uncertainty. This can be defined as a structured survey method, gathering experts’ perception about present and future developments of the study object.

Consequently, trends and future development can be estimated by experts in a subjective way. The method uses both a qualitative and quantitative approach, since interviewees are asked to quantify the estimated trends according to their expertise. The sample is not representative of the population, unlike that of a traditional survey. This approach enables us to gather interesting data about developments in access to information (implementation, trends, and obstacles) through interviews with our sample of experts, which consists mostly of information commissioners throughout Europe.

4. Results

The results presented in the next sections have been divided into subsections. For each of them, a short conceptualisation of the main issues addressed is conducted in order to introduce the topic while simultaneously giving the reader a short summary on the current scholarship and literature on the issue. Next, the data gathered during the interviews are presented, discussed and interpreted in the wake of existing developments in this field of study.

4.1. The effects of transparency

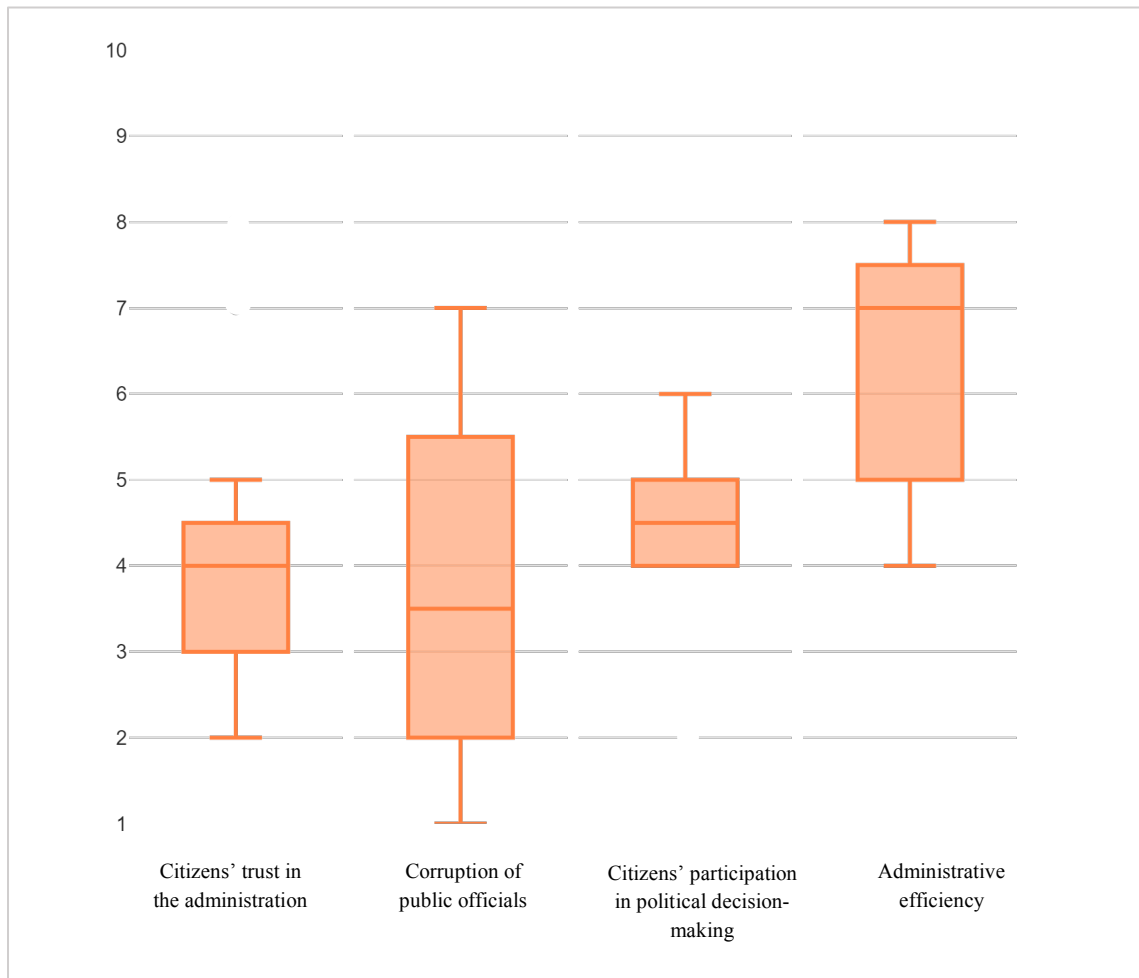
The instrumental value of transparency is often hailed in contemporary governance. Increased openness in the public sector and the adoption and implementation of a freedom of access regulation supposedly boosts citizens' trust in administration and their participation in decision making, reduces the likelihood of corruption, and improves the efficiency of the administration overall (Grimmelikhuijsen & Meijer, 2014). In addition to these expected benefits, the blooming of transparency has been driven by several factors, including pressures from civil society groups and technological developments. As a result, it has topped policymakers' agendas since the 1990s. Although empirical analyses have shown mixed results (Cucciniello et al., 2017), trust remains a strong expected benefit from higher levels of transparency. Furthermore, the increased availability of governmental information is supposed to allow citizens greater participation in the political process (Cain et al. 2003: 116). Much attention has been devoted to the question of what impacts freedom of information policies have actually had, with several studies pointing out that systematic evidence and precise conceptual instruments to assess actual impact are needed (Diallo & Calland, 2013). Evidence-based research on the effects of transparency is still in its infancy (Dragos et al., 2019; Grimmelikhuijsen et al., 2013; Lindstedt & Naurin, 2010). After the success in passing laws around the world, challenges in implementation and enforcement quickly revealed the limits of such measures. This has given rise to a growing body of literature that attempts to conceptualise and provide instruments to assess the effects of freedom of information on a range of governance and accountability elements.

4.1.1. *Current situation*

In the light of the above it was particularly interesting to assess the effects of transparency by interviewing practitioners on their perceptions. Interviews focused on the supposed beneficial effects of transparency in their respective jurisdictions: citizen trust in the administration,

corruption of public officials, citizen participation in political decision-making, and administrative efficiency. The interviewees were then asked to quantify the impact of administrative transparency over the last 20 years on the same issues (see Figure 1). The median values represented in the figure separate the higher half from the lower half of the data sample, on a scale ranging from 1 (lowest impact) to 10 (highest impact).

Figure 1. Assessment of the current situation regarding citizens’ trust and participation, corruption and efficiency (n=12)

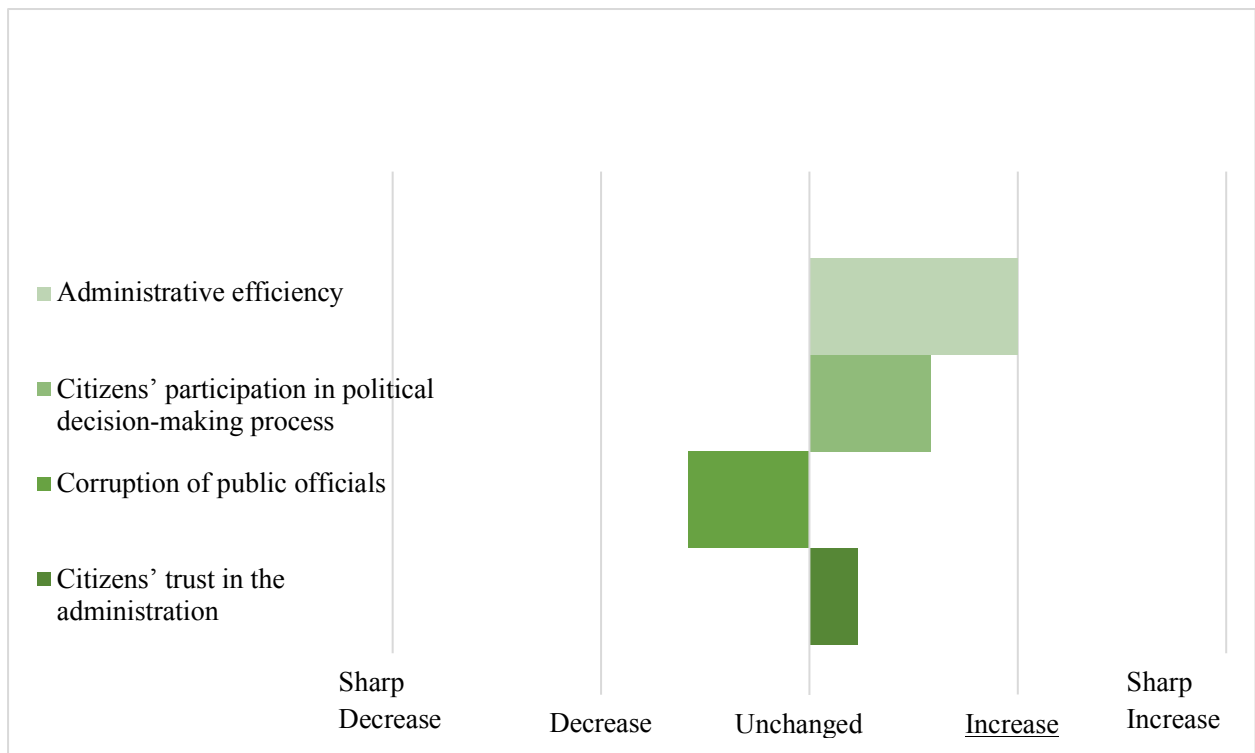


Median values. Min. = 1; Max. = 10.

Table 2 shows the assessment of the current situation by the interviewees. As stated earlier, citizens’ trust in the administration, citizens’ participation in political decision-making and administrative efficiency are supposed to increase, while corruption of public officials is supposed to decrease as a result of better transparency policies. Figure 2 shows data on interviewees’ assessment of the same issues over the last 10 years.

Although two participants indicated higher levels of trust, trust was generally indicated as relatively low. Several interviewees pointed out the adverse effect of the 2008 financial crisis on citizens' trust. Corruption of public officials was generally estimated to be quite low, with only one participant estimating it at a higher rate (7). Furthermore, participants also stressed that corruption was varied greatly depending on the level of the administration, with local public officials being indicated as much more likely to be involved in corruption than national-level public officials, or sometimes politicians being more often involved in corruption scandals than civil servants. In smaller jurisdictions, emphasis was given to the fact that corruption (bribery of public officials and politicians) was not a concern; a greater fear was of nepotism or conflict of interest in public procurement, which was also indicated as being the element having the strongest influence on public perception. The participation of citizens in the decision-making process was generally indicated to be on the lower side. Several interviewees indicated that it could differ considerably depending on the administrative level: in this sense, local policies and the possibility of more active involvement in municipal decision-making processes may lead to increased citizen participation.

Figure 2. Assessment of the impact of transparency over the last 10 years



Administrative efficiency was indicated, on average, as having benefitted the most from transparency policies. Citizens' trust in the administration was also said to have grown following

the advent of transparency in the last decade. For example, in smaller jurisdictions, more open procurement procedures have been pointed as having contributed to lower perceptions of nepotism or conflict of interest in public procurement. The data detailed above, all based on the interviewees' professional experience and their perceptions on the matter, seem to confirm the assumptions generally made about transparency: it reinforces institutional efficiency, citizen trust and participation, while reducing corruption.

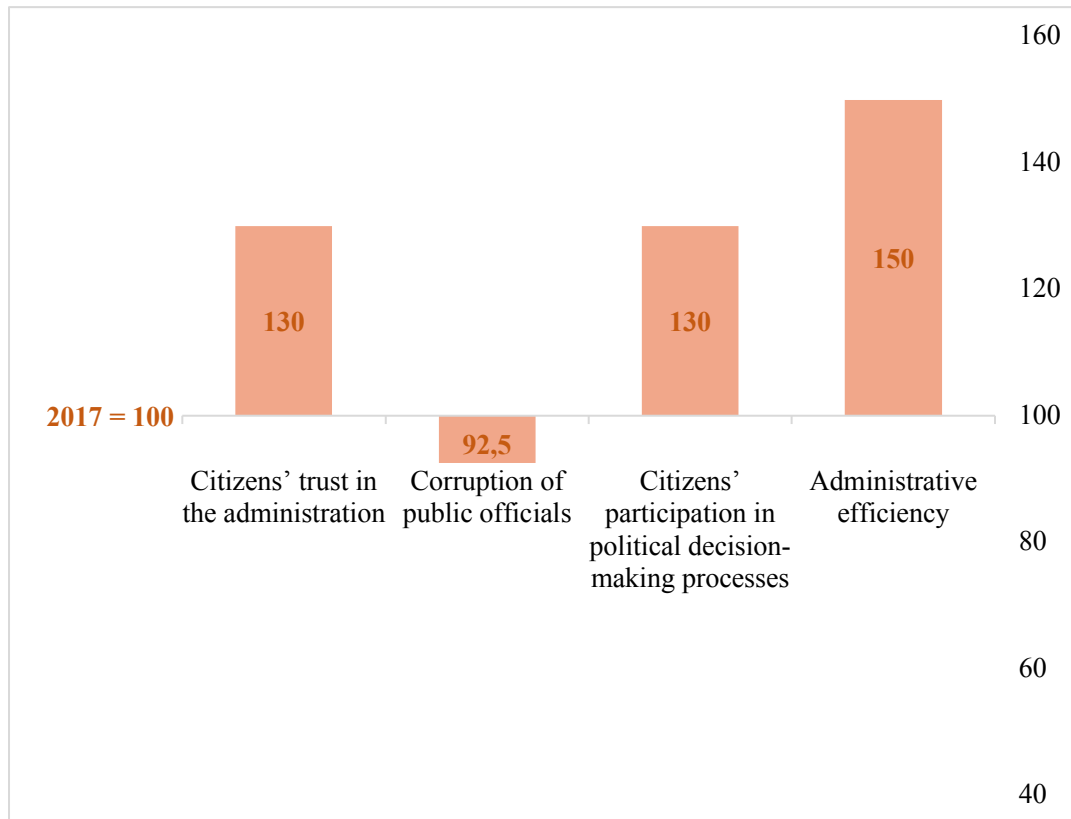
4.1.2. Future perspectives

The results analysis in the previous subsection confirmed general assumptions on transparency, namely that the introduction of FOI laws delivers beneficial effects on citizens' trust and participation, and on administrative efficiency, while curbing corruption. This subsection presents answers to the question of whether such tendencies are expected to continue in the future. To assess future perspectives, we asked the interviewed experts, assuming a baseline of 100 in 2017, to estimate the level of citizens' trust, corruption, citizens' participation and administrative efficiency, and the development of the same elements touched upon in the previous section over a span of 10 years.

The table below shows the average response of the interviewees. According to their perceptions, tendencies observed in the past are likely to continue in the next decade: administrative efficiency, citizens' trust in the administration, and citizens' participation will continue to grow, mirroring exactly the results obtained in the previous chapter.

Regarding public participation, many interviewees stressed that their respective administrations have devoted considerable efforts to the establishment of new systems, notably through innovative technology. They highlighted the efforts their governments are making to increase participation, notably through the use of information technologies (for example: access to draft legislation through the internet, increased digitisation of public administration, increased use of social media to foster debate with the citizens); this also, according to a number of respondents, reflects the increased responsiveness of the new generation of citizens to technology.

Figure 3. Assessment of the impact of transparency in the next 10 years



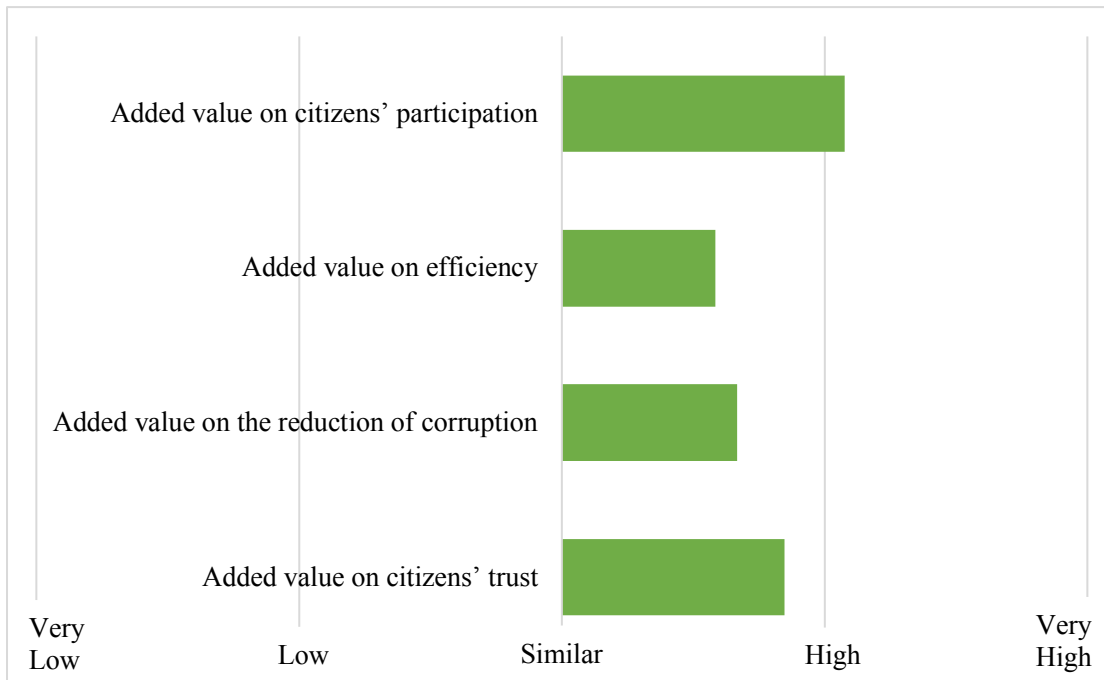
Mean values. Baseline value for 2017 = 100.

4.1.3. Added value of a regulation on transparency and priorities

Freedom of information laws have been pushed as a key driver for improving government transparency and accountability, promoting more open cultures within public bodies and, it is hoped, increasing public participation and trust (Worthy 2010). With the spread of transparency regulations, it is legitimate to wonder whether a specific text has a specific added value or whether its scope could easily be covered by other regulations, notably administrative codes or other measures, such as anti-corruption or whistle-blower protection regulations, whose aim is also to improve governance, fight corruption and boost administrative efficiency. And in fact freedom of information regulations often coexist with other regulations, containing standards on the openness of public administration (although freedom of information laws are most frequently the measures that give concrete expression to the right to information and define the bodies, procedures, and legal protection to enforce it).

We therefore asked participants to assess whether a freedom of information act presents any specific advantages compared to other regulations. The answers have to be considered more as an abstract evaluation on the added value of transparency: other measures such as whistle-blower protection or anti-corruption regulations are not necessarily in place in the jurisdictions examined.

Figure 4. Added value of transparency regulations compared to other existing regulations



Mean values. Min. = very low; max. = very high.

As we can see from Figure 4, generally, interviewees generally agree that specific transparency regulations have an added value. Especially for citizen participation and trust, where it emerges that transparency is considered to have a high to very high impact. Several experts have put forward the idea that transparency *per se* is not sufficient: the accessible information must be actionable by citizens in order to increase their trust and their participation in the democratic process. The data collected here confirm that the actors of transparency consider freedom of information to be not only a measure against government secrecy but a positive instrument which can increase citizens' participation.

4.2. Specific aspects of jurisdictions

4.2.1 Governmental priorities

The governance aspects mentioned above might be of varying importance for the surveyed jurisdictions, depending on the key governance objectives promoted by their respective

Since instruments such as the RTI rating have strong benchmarking potential, we asked the interviewees which jurisdiction, in their opinion, had the highest level of transparency. Eight out of the total (67%) indicated Scandinavian jurisdictions (Sweden, Finland and Norway having been cited as specific examples, others simply referring to “Nordic jurisdictions” or “Scandinavia”). It is interesting to note that the jurisdictions mentioned are not those ranked highest in terms of legislation according to the RTI, and the existence of formalised bodies to review respect of the right to access appears to be less relevant there (Kovač 2019; 640). Indeed, two participants stressed that the gaps between actual transparency and the evaluation of the legislation is, according to their perception, sometimes misleading.

Sweden, during its EU presidencies in 2001 and 2009, made the promotion of government transparency one of its top priorities¹⁵, which helps to explain the country’s standing as an example of transparency among European Union member States. Furthermore, two participants pointed out that although Sweden had a long-established tradition of openness and transparency, it was not a model to follow from an institutional point of view. The United Kingdom was also indicated by several participants (3) as a good example. The focus, therefore, was put on jurisdictions with a culture of openness and automatic disclosure, despite their not being the States with the most powerful oversight bodies.

Following this question, participants were asked to evaluate the level of transparency in their own jurisdiction, compared with the jurisdiction mentioned as having the highest level of transparency. On average, their perceptions were generally quite positive since, if the jurisdiction indicated as being most transparent was considered as 100% transparent, participants evaluated their own level, on average, at around 70%.

4.3. Requests

The possibility for citizens and organisations to request unpublished information from national, regional, and municipal government agencies represents a central aspect of freedom of information regimes. Freedom of information laws generally set out how requests should be formulated, and provide details regarding timeliness, costs and limitations. Official requests — as opposed to informal requests for information — supposedly increase responsiveness to the individual requester and also engender transparency for the broader public (Worthy et al., 2017). The number of FOI

¹⁵ For more information see: <https://web.archive.org/web/20010617112105/http://eu2001.se/static/eng/sweden/prioritet.asp>.

requests is usually considered an indicator of the implementation efficiency of the law (Mabillard & Pasquier, 2016).

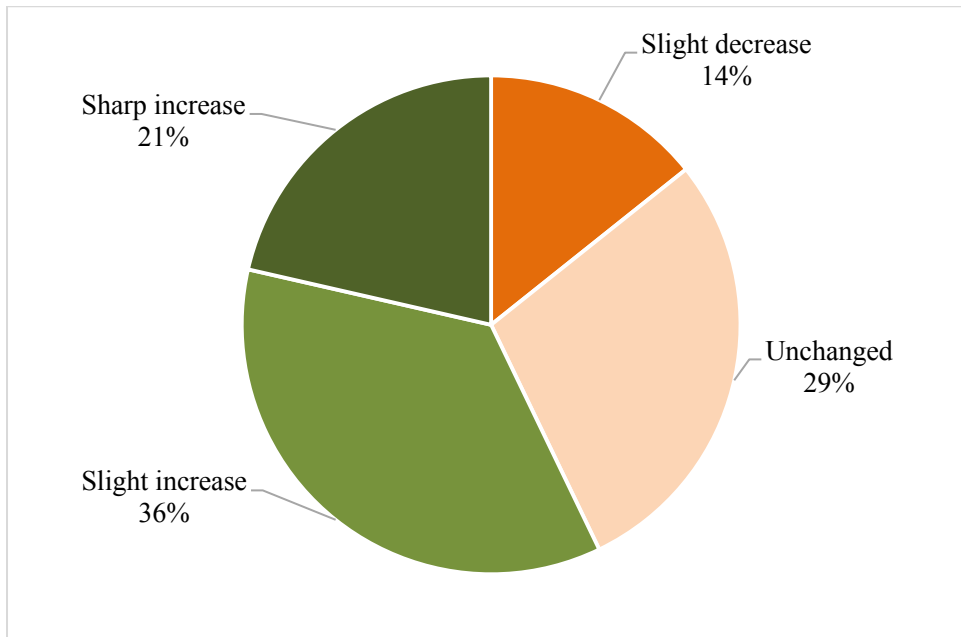
However, freedom of information laws and their request systems exhibit significant differences, depending on where they are implemented and practiced (Holsen, 2007). Data on requests, especially, remain extremely difficult to address in a comparative way. National institutional characteristics can greatly influence the number of requests filed: for example, a deferral system, where a regional freedom of information law is in force, will mean a lower number of requests at the national level (Holsen & Pasquier, 2012). Furthermore, hard data on requests gathered at the national level are sometimes not comparable: not all jurisdictions maintain a record of the request, while some count all requests received, and others only processed requests. Therefore, it was particularly useful to obtain answers on numbers of requests and procedures based on the interviewees' perceptions.

4.3.1. Changes in the number of requests

Given the lack of comparable hard data on the number of freedom of information requests, it was particularly interesting to survey interviewees' perceptions about the number of requests, both in the past and in the near future. The first question concerned the volume of requests made in the jurisdiction under the FOI law (answered and not answered) and changes over the last five years. Although many referred to yearly reports on requests, the answer below is not based on hard data, but on perceptions. Moreover, the periods for registering vary from country to country, depending on how the fiscal or civil year is determined¹⁶. The vast majority of the participants (12 out of 14) noted an increase in the volume of requests in recent years. According to 6 of them (43%), the increase was sharp. Some participants indicated that their jurisdictions had encountered a political crisis or a period of economic or financial instability; they noted that generally such crises were marked by a sudden increase in requests. These crises were sometimes related to expenses and created a "transparency crisis", as it could be seen in the case of the UK (Kelso, 2009).

¹⁶ For more detail, see Mabillard (2016): "Much Variation Seen in FOI Request Volumes in 11 Countries". <http://www.freedominfo.org/2016/09/much-variation-seen-in-foi-request-volumes-in-11-countries/>.

Figure 6. Changes in the number of requests



4.3.2. Timeliness of responses

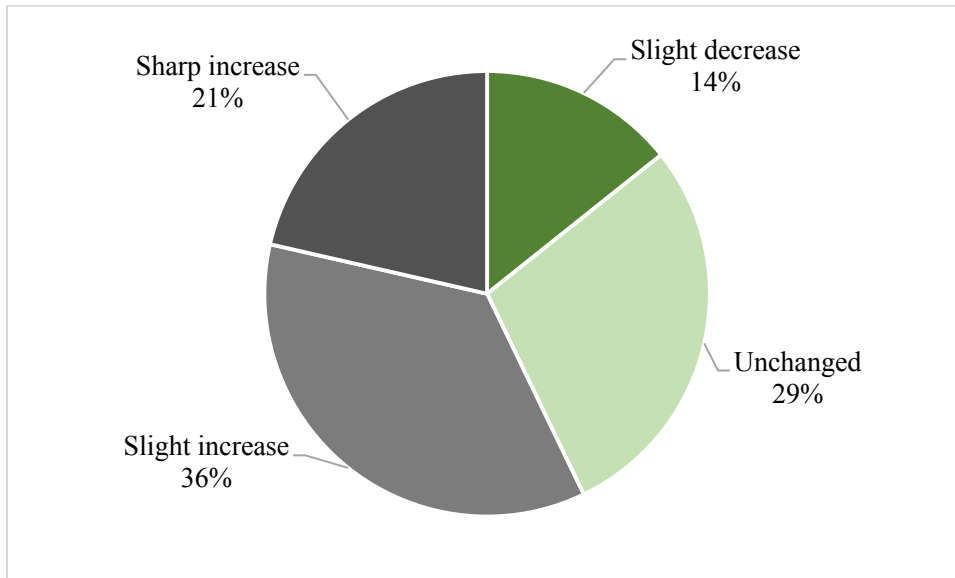
Most legislations set time limits, on average between 10 and 20 days, for the administration to provide a response to a freedom of information request. The time elapsed since the adoption of the FOI law can influence the time the administration takes to respond to requests (Mabillard & Pasquier, 2016). A certain period is needed to train civil servants to respond to requests. This was confirmed in the interviews conducted for the present study. Most interviewees indicated that the time to respond to requests has slightly decreased in the last five years (6 out of 14 – 43%). Furthermore, they often pointed to an increase in efficiency in processing requests by civil servants, which was achieved through the education and training and was also the result of the increase in the number of cases. This led to less legal insecurity regarding how the requests were handled, and how the exception regime was applied, for example.

4.3.3. Future outlook

Regarding the future outlook on transparency requests, we asked interviewees to estimate whether the number of requests would change in the future. Most experts indicated that the number would either stay similar or slightly increase. Better knowledge of the law, as well as proactive disclosure of information, might lead to a diminishing number of requests, but at the same time, the effort to

be proactive might lead to greater participation, and thereby more requests. Another possible reason for an increase in the number of requests that was mentioned is the introduction of online portals for filing requests, which some of the surveyed jurisdictions are planning.

Figure 7. Forecast of changes in the number of requests in the 10 next years



4.4. Administrative barriers to access to information

The question of administrative barriers to access to information remains essential. Implementation problems are often related to administrative capacity on the one hand, and perceptions of access difficulties from the citizen's standpoint, on the other hand (Holsen & Pasquier, 2012). Problems regarding insufficient administrative capacity are often linked with a culture of secrecy and the lack of leadership, as shown after the passage of the freedom of information law in several jurisdictions, for example Canada (Hazell, 1989) and the United Kingdom (Hazell & al., 2010). Additional shortcomings include a lack of technical, human and/or financial resources, insufficient training, or bad record management in certain administrations, making it impossible for outsiders to locate information. Barriers imposed by the administration can in some cases take the form of deliberate strategies to constrain or refuse access to information, sometimes reinforcing the shortcomings mentioned just above. Exemptions, delays or high fees are just a few examples that may be cited. Low levels of awareness about the legislation or the processes and additional problems of dissemination and understanding may also threaten the implementation of freedom of information laws. From the administration perspective, Villeneuve and Pasquier (2007) have developed a typology focusing on barriers to access to information. As a results, five "forms" of documentary

transparency are presented: a) non-transparency, when the activities of the administration are legally exempt from the obligation to disclose information; b) adverted transparency, when access to information is actively and illegally prevented by an organisation; c) obstructed transparency, when access to information is limited by the organisation's use of all legal means to restrict it; d) strained transparency, when lack of resources impedes access to information; and e) maximised transparency, which corresponds to the situation where all information is made available by an organisation.

The issue of barriers is also central since it helps to better interpret the potential gap between the strength of the legislation (as reflected in the RTI rating for instance) and effective implementation in practice. Insufficient resources and/or deliberate attempts to obfuscate access to information can negatively affect the proper implementation of the law and significantly subvert the initial objectives of the law. Moreover, FOI regimes are subject to constant changes with conflicting pressures to grow or to be weakened (Worthy, 2016). In this sense, evaluations have proven to be essential to assess these differences, identify the existing problems, and make recommendations in order to make it work more efficiently. Evaluations serve to “test” whether the aims of the law have succeeded, and to reveal shortcomings and dysfunctions in current practice (e.g. request process, appeal process, treatment of requests, specific training, awareness, etc.). Despite the fact that FOI rapidly spread around the world, few studies have actually proposed an evaluation of the implementation of national legislations on transparency (Hazell et al., 2010). The following results may bring food for thought by identifying the barriers and resistance strategies deployed by administrations, as perceived by our sample of experts.

In our study, interviewees were asked to respond to a series of questions about barriers to access to information (What ways do you believe the administration uses to resist transparency?). Response items focused on possible resistance behaviour from the administration, including for instance insufficient goodwill or delays. A Lickert scale (1 – “never” to 10 – “always”) was used. Barriers identified by the interviewees mainly concerned the use of exemptions, insufficient resources, extension of the time limit to respond to requests, and a certain lack of goodwill as well. Moreover, strengthening of political control was also raised by a majority of respondents. Some additional aspects include fees, poor record-keeping, the use of private accounts, “silence” of the administration and in the worst cases hidden information. Unsurprisingly, the use or abuse of exemptions appears to be the main barrier to information release, although extension of the time limit also plays a major inhibiting role. The lack of goodwill remains important, while the other

barriers mentioned seem less detrimental to the public's access to official documents. Results are summarized in Table 2 below.

Table 2. Type of barriers to the disclosure of information

Type of barrier	Number of occurrences
Exemptions	14
Insufficient resources	14
Extension of time limit	13
Lack of goodwill	13
Release of too much information	13
Strengthening of the political control	12
“Silence” of the administration	3
Fees	2
Poor record-keeping	2
Requested clarification of the demand	1
Hide information	1
Use of private accounts	1

4.5. Applicants' profiles

The actors able to submit freedom of information requests are usually described in the relevant legislation. Generally, freedom of information laws define the requester widely, stating that “any person” might submit a request (this is the case, for example, in Croatia¹⁷ or Macedonia¹⁸). This means that all citizens, foreign nationals, and natural or legal persons can use the law to request information from government bodies. A request can also be made in the name of a corporation or other private entity, such as a public interest group or NGO. The result is that requesters are the least visible actor in the access to information process, as hard data on the origins of requests are scarce (Hazell et al., 2010: 64). The overall impression is that requests are often submitted by legal or natural persons who have a special interest in public information due to their professional occupation, such as journalists or NGOs (Dragos, 2019; Pasquier 2019). Furthermore, the political

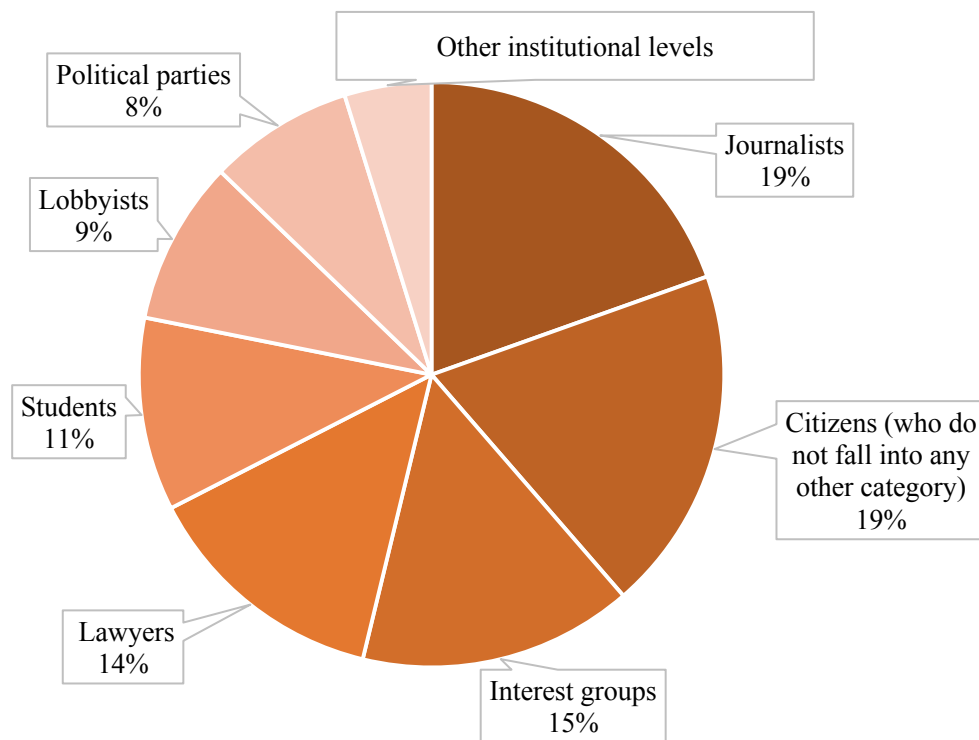
¹⁷ Art. 5 of the Right of Access to Information Act refers to “any local or foreign natural and legal person”.

¹⁸ Art. 4 of the Law on Free Access to Information of Public Character reads: “Free access to information shall be enjoyed by all legal and natural persons”.

landscape of the jurisdiction can significantly influence the origin of requests. For example, often where the governing party holds a majority, many requests will originate from the opposition party (Pasquier 2019: 235). Some experiments have been used to probe how the identity of the sender of a freedom of information request affects whether and how governments respond (Lagunes, 2009; Michener & Rodriguez, 2015; Lagunes & Pocasangre, 2017; Grohs & Knill, 2017).

It was therefore particularly interesting to analyse the perceptions of experts with regard to the origins of requests. Officers interviewed for this study had similar conceptions about the identity and professions of requesters. Requests were indicated as originating mostly from journalists or private individuals, with quasi-identical ratios, followed by interest groups (NGOs). Categories of interest groups mentioned in particular were environmental defence groups and transparency advocates.

Figure 8. Origins of requests (in %)



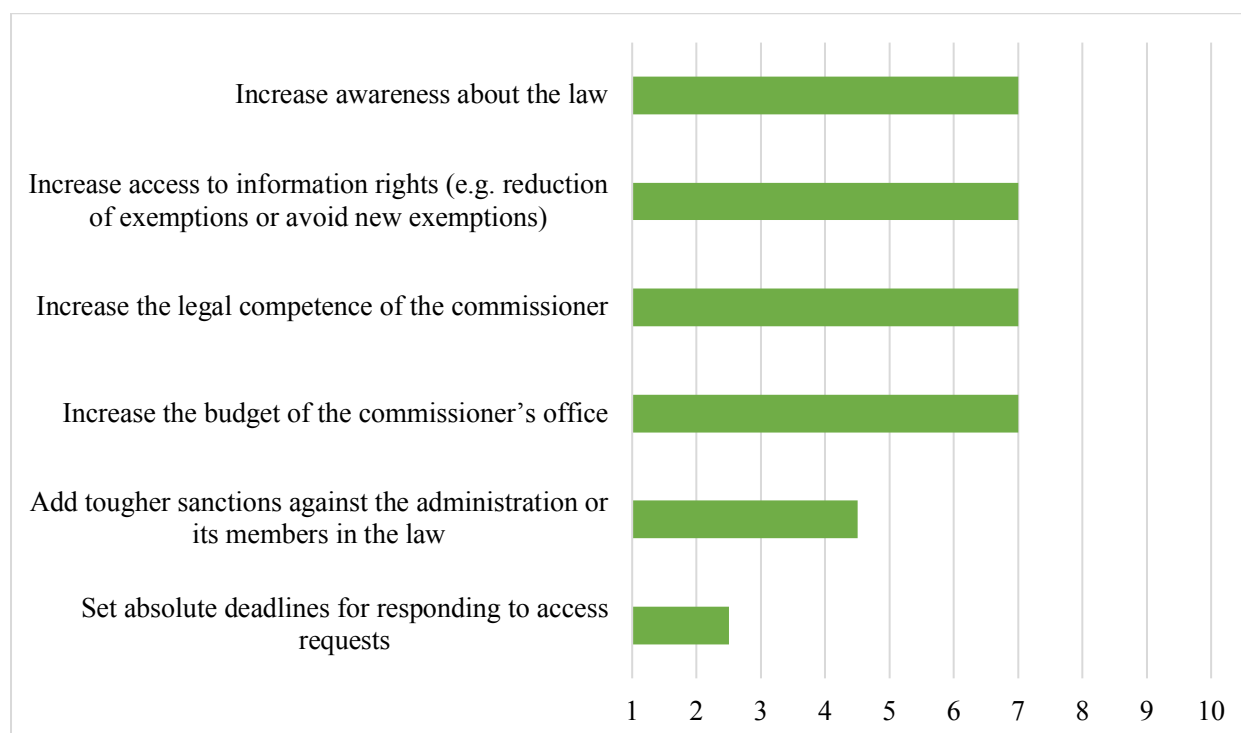
4.6. Measures to increase transparency

Most jurisdictions having now adopted a legal instrument to ensure the right of access to information, the implementation of transparency raises a number of policy issues: how can regulations be actioned effectively, and how can it be ensured that the regulations reach their goals?

As already mentioned, not all FOI laws appoint an oversight body with the power to issue binding decisions. Although an oversight body is commonly considered an important tool for implementing transparency, matters should be analysed in context, because the outcome of a decision can be significantly impacted by the meaning of the power to make binding decisions, whether the oversight body can actually use it, and what happens when it is used. An oversight body empowered only to make recommendations is not necessarily less effective, and efficient application of the right of access can be the result of several factors (Holsen and Pasquier 2012).

Since many obstacles are still encountered when it comes to transparency, we asked the interviewees what measures (legal or organisational) they considered important to guarantee successful implementation of the regulation. We asked them to rate the following possible measures to increase transparency from “not important” to “very important”: increasing the budget of the office of the commission or commissioner, add tougher sanctions against the administration or its members in case of non-compliance with the law, increase access to information rights (e.g. reduction of exemptions or avoid new exemptions), or set absolute deadlines to respond to requests. Elements identified as important to very important by the interviewees were an increase in budget for the commissioner’s office, strengthening of the legal competences of the commission or commissioner, increasing access to information rights in the legislation and promoting awareness of the law. Another measure put forward by several participants was the promotion of a change in regime to favour measures of active transparency (ranked from important to very important by four participants). An increase in the use of new technologies to respond to requests was also indicated as very important by one participant. Increasing access to information rights from a legal perspective was generally indicated as being of lower importance, indicating that current legal provisions in terms of access and exemptions are considered satisfactory.

Figure 9. Measures to increase transparency



Median values. Min. = 1; max. = 10.

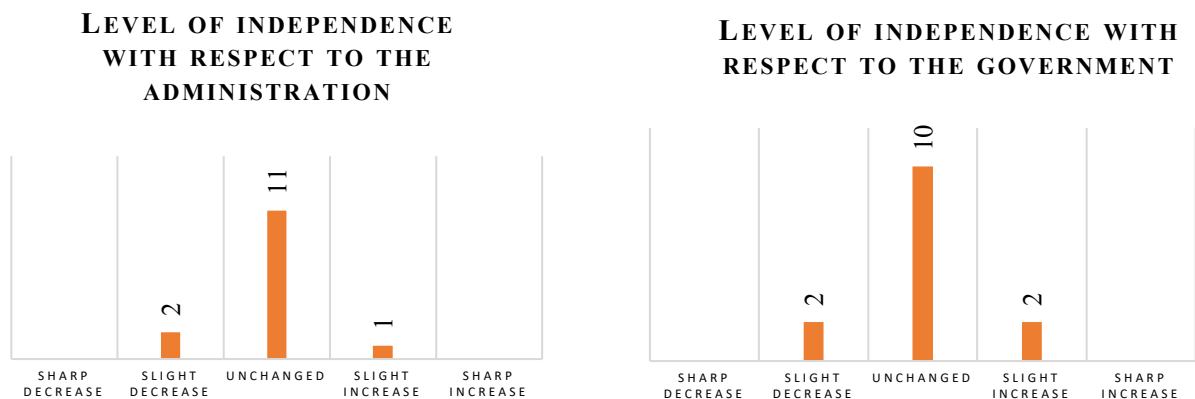
4.7. Commissioners' independence: current situation and developments

Holsen and Pasquier (2012) argue that “an information commissioner’s independence is [...] considered crucial to the organisation’s capacity to carry out its mandate”. In the light of this, it was important to take independence into account in our analysis, and – more interestingly – ongoing changes in this independence as perceived by commissioners and commissions. The independence of regulatory bodies is usually measured through five categories: “the status of the head of the regulator, the status of its management board, the relationship with government and parliament, financial autonomy, and the extent of regulatory powers” (Gilardi, 2005). In the view of Mendel (2008), three further categories must be added regarding ATI commissioners: characteristics of the oversight body’s director, moral reputation, and the absence of significant political links. Criteria to assess independence can thus be reduced to four main factors, as described in the contribution of Holsen and Pasquier (2012): appointment of the commissioner, length of appointment, conditions of dismissal, and decisions about funding. In the Swiss case, it has been mentioned that budgetary independence particularly matters to the general independence of the regulatory body, and in a way reflects the position of the federal government and parliament.

Here, we distinguish between independence with respect to the administration and with respect to the government. Independence from the administration refers to “real” independence in day-to-day activity, if oversight bodies do not deviate from statutory prescriptions (if they do not include subordinate relationships with public administrations). Regarding independence of regulatory authorities from the administration in general, Maggetti (2012) asks: “Are [the regulatory agencies] really independent in their routine? – Or are they operating in the shadow of the administrative hierarchy?” (p. 29). In the context of FOI, oversight bodies should have sufficient resources to conduct independent reviews of appeals and should not face obstruction from administrations while carrying out their duty. The level of independence is in this sense a prerequisite to their efficient functioning, usually based on regulatory competencies. With respect to the government, independence typically relates to relationships with elected politicians, funding, external influences, etc. (Gilardi & Maggetti, 2011). The subject of independence was raised many times in our interviews, revealing that it is importance matter of considerable importance to the interviewees. It remains a core component of an efficient FOI law regime and should be regarded as such.

Our results show that, although it remains a primary concern, the independence of the oversight bodies in the jurisdictions studied is not under immediate threat. In fact, most interviewees considered that independence with respect both to the administration and to the government would remain unchanged in the next few years, since it was often guaranteed in the establishment of the oversight body. This being so, only a structural change, elections and more importantly a strong incentive towards less transparency from the government would modify the current situation.

Figure 10. Perceived changes in the level of independence from oversight bodies



Number of mentions. Min. = sharp decrease; max. = sharp increase.

4.8. Link with data protection

There is a clear link between access to information and data protection. In some sense, the two are at opposite ends of a spectrum: while one promotes openness and transparency, the other seeks to restrict access in order to protect privacy (Turle, 2007). Therefore, the right to privacy can either complement or must be balanced against the right of access to information. The two can also be considered complementary in the sense that individuals have a right to request and obtain copies of information that contains their personal data and, subsequently, the right to request modification or removal of such data¹⁹. Transparency and privacy can also be in conflict, as a request made under FOI law can seek information that contains personal data. The public body holding this information must examine the interests of the subjects of the data subjects and those of the applicant, and decide whether the information should be withheld or whether a greater public interest is served by disclosing it, in the scope of the freedom of information regulation in place (consider the difference, for example, between the disclosure of the salary or benefits of a private person and that of a civil servant or politician).

There is a clear trend in Europe to combine the functions of data protection commissioner (which all EU members have put in place, for the scope of the implementation of the Data Protection Directive²⁰) with that of the information commissioner or commission. Examples of jurisdictions which have established such joint bodies include Germany, Hungary, Ireland, the UK, Switzerland and Slovenia (see Table 1).

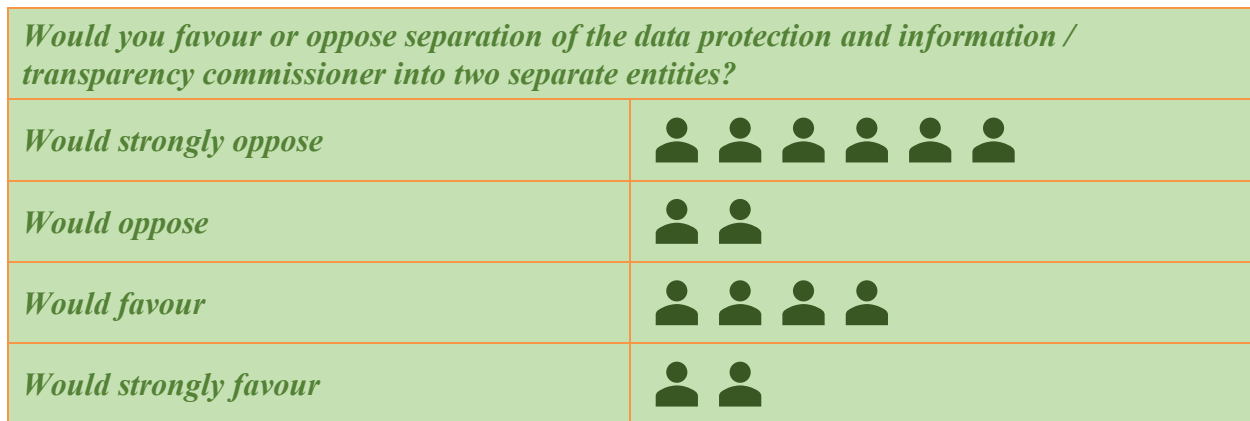
We therefore asked the participants in our study whether they would support or oppose the separation of the transparency and data protection authorities. From answers to our questionnaire, it emerges that more jurisdictions are opposed to a separation of the two, in conformity with European trends. Reasons mentioned by the interviewees concerned smooth communication and good balance between the two entities and the interests they serve (2), while reasons for supporting the division into two entities were linked to the existence of distinct legislations (2), or the success of systems where two separate bodies were created (1). Another interviewee mentioned the dangers

¹⁹ Freedom2Info, Information Commission/ers and Other Oversight Bodies and Mechanisms, note 11.

²⁰ Data protection is regulated by Article 8 of the EU Charter of Fundamental Rights, and, through the EU General Data Protection Regulation (GDPR), EU law requires each member state to “provide for one or more independent public authorities to be responsible for monitoring the application of this Regulation, in order to protect the fundamental rights and freedoms of natural persons in relation to processing and to facilitate the free flow of personal data within the Union (‘supervisory authority’)” (Art. 51(1) EU General Data Protection Regulation (GDPR): Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, OJ 2016 L 119/1).

of the increasing role of data protection in working against transparency (1) as an argument in favour of two separate entities. In general, several interviewees stated that the focus on data protection was not beneficial to the establishment of more transparency (3). An element of tension between data protection and transparency was introduced in European Union member States with the entry into force of the General Data Protection Regulation (GDPR). Indeed, the GDPR not only requires the creation of a data protection surveillance authority but demands that such authorities are given the ability to give fines, a power not always possessed by the information commissioner²¹.

Figure 11. Link with data protection



4.9. Fears related to the development of access to information

After the success of openness policies and the large-scale adoption of freedom of information legislations in the last decades, Western democracies have witnessed frequent counterattacks against open government ideology, and attempts to reduce the scope of freedom of information laws (Felle, 2016). Apart from general denigration of the system, criticism has involved, for example, condemnation of the inefficiency of some transparency measures, or the idea that the release of large amounts of information would prevent citizens from locating specific, actionable data. Restrictions can come from the judiciary (unfavourable rulings concerning transparency, for example), or from the legislator (reduced scope of freedom of information laws).

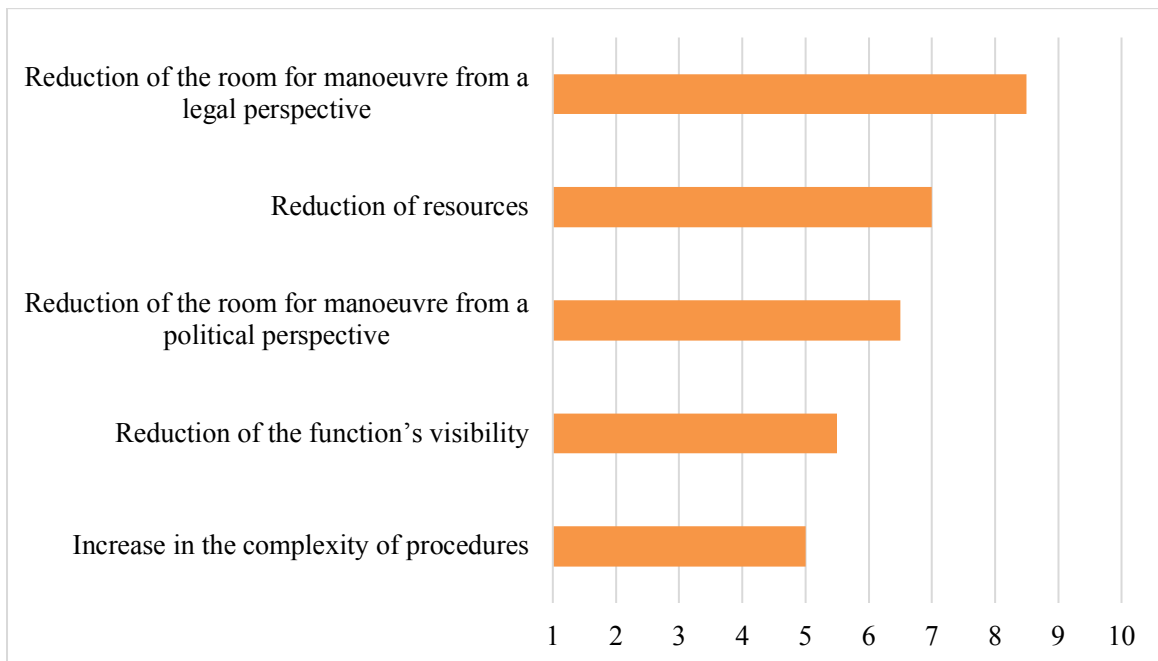
We asked interviewees, on a 1 to 10 scale (1 = “not important” and 10 = “of great importance”) to rate the following possible threats to the implementation of transparency: reduction of resources, reduction of the room for manoeuvre from a legal perspective, reduction of the room for manoeuvre

²¹ Art 58 , Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1–88.

from a political perspective, reduction of the function’s visibility, and the increase in the complexity of procedures.

From the table below it can be seen that the most feared elements, on average, the reduction of manoeuvre from a legal perspective and reduction of resources for the commissioner’s office. Other fears mentioned relate to the reduction of funding for public bodies to handle requests themselves, the introduction of a flat fee for requests (rated important with a score of 8), and the predominance of data protection in the developments of the Court of Justice of the European Union, rated as important/very important by two participants. This was mainly linked to the different powers of data protection agencies compared to the commissioner’s office.

Table 13: Fears regarding future developments of freedom of information laws



Median values. Min. = 1; max. = 10.

5. Conclusion

The present study provided an opportunity to obtain valuable insights into the current situation and future outlook regarding transparency laws in Europe and beyond. The results summarised in this report were achieved through expert interviews with information commissioners or people working in close contact with them. Conducting face-to-face interviews allowed us to gather qualitative information, often based on perceptions, on topics which are still relatively unexplored, and where quantitative data often remain missing. In this sense, the current report contributes to a better understanding of the development of freedom of information laws, whose evaluation remains difficult due to the absence of counterfactuals and the potential need to conduct longitudinal studies (Mueller, 2019).

Globally, the outlook for the future of transparency measures is positive. Looking more deeply into the current situation, most interviewees consider increased access to information as real progress towards more participative, trusting citizens. They also agree on the fact that most administrations now work in a more efficient manner, and that transparency reforms have helped curb corruption. Hence, all four expected benefits identified in the literature are positively regarded in this study. However, these effects are here based on the perceptions of specific stakeholders and remain greatly debated in the literature. Causes for these debates are to be found in the varied nature of the disclosed information and the way studies are carried out – using diverse methods in different contexts (Cucciniello et al., 2017). Moreover, the general low levels of awareness in the population reinforce the difficulty of accurately assessing the situation. Our report shows that journalists, members of interest groups, and lawyers are quite active in submitting requests. This is particularly marked in the media, where freedom of information is often considered as a sign of great progress by journalists, who contend that many cases would not have been revealed without the use of access to information laws (see for example Rosenbaum, 2015).

Rather unsurprisingly, efficiency emerges from the study as the most important goal for administrations where transparency reforms are concerned. This point of view can be supported by the fact that such reforms may be motivated by the desire to improve administrative operations, in line with other progress resulting from more open governments. While efficiency is cited by almost half of the interviewees as the top priority pursued by their public authorities, trust comes a close second. Again, this result can be explained by the crucial need expressed by numerous governments across the globe to restore citizen's trust in their actions. Although participation could in this sense

be regarded as a correlated effect of transparency, and possibly a remedy to the lack of trust, it is ranked by most interviewees as the lowest priority. Nevertheless, relationships with citizens have evolved since transparency laws give the public a concrete opportunity to access official information upon request. Although there is no reliable way of determining the origin of these requests, interviewees reported a slight to sharp increase in demands for information submitted during the past few years, a tendency which they expect to grow in the near future.

Despite these improvements, interviewees acknowledged that several barriers present a challenge to the full exercise of the public's right to access official information. Here, (ab)use of exemptions was regularly indicated as a source of problems from the requesters' point of view. In the same vein, most interviewees explained that administrations remained "silent" on multiple occasions. In both cases, requesters may be discouraged and abandon their effort to collect information, with the result that these practices (whether intentional or not) greatly risk undermining the efficacy of the law. At the same time, coping with an increasing number of requests requires sufficient resources, which is not always the case according to a large number of interviewees. In addition to this structural problem, it should also be noted that fees have a strong negative impact, as already shown in previous studies (McDonagh, 2006). On the positive side, interviewees also identified a series of measures which, if properly implemented, could substantially increase transparency. Regarding the public, an increase of awareness among the population could lead to a more intensive use of the law, reinforcing perceptions of public sector transparency. To encourage such perceptions, which could then lead to higher levels of citizen trust, the operational budget of the commissioner's office should be increased in order to cope with the rising number of requests received. More legal competence may also increase transparency according to the interviewees, since too much power in the hands of administrations can significantly slow or block the response process.

In line with the issues mentioned just above, some interviewees also voiced worries regarding the future development of access to information. The first point of concern was the reduction of room for manoeuvre from a legal perspective. Moreover, the increasing complexity of procedures, sometimes added to a reduction of available resources, was seen as weakening the functioning of access to information and therefore putting information rights in danger. In addition to these fears, there was also a difference of opinion among the interviewees as to whether or not the functions of information commissioner/transparency and data protection should be combined. This is a reflection of administrative and cultural traditions, but also of recent thinking about the manner of organising both policies. All in all, a slight majority of the respondents would prefer to have the

same entity in charge of transparency and data protection, as is already the case in many jurisdictions, mainly due to the balance required between the two. Supporters of a separation into two entities, however, argue that data protection might override transparency due to the extended powers of the person in charge, an expanding phenomenon following the enforcement of the GDPR (in force since 2018).

Based on the descriptive results observed in this study, we can identify several paths for further research. An empirical, quantitative analysis would particularly rely on the reflections made by Mueller (2019) about the construction of a longitudinal study. Although it is difficult to assess the effects of these laws on trust, participation, efficiency, and corruption due to the existence of numerous alternative factors, the path indicated by Mueller remains interesting. Interest would be particularly strong for countries or regions where there is no freedom of information law, and more especially where there are plans to adopt such legislation in the future. Another possibility would be to conduct a prospective study on developments in transparency and access to information, for example using the Delphi method. However, this approach remains relatively costly and would ideally include additional countries not taken into account here, especially large European countries with a comparatively recent history regarding freedom of information. Finally, there is a need for better understanding of how transparency works at the subnational level, which would lead to additional studies in various regional and local contexts. At the national level, the identification of potential parallel development courses may help design clusters of countries and thus lead to a deeper analysis based on similar patterns.

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Appendix 1. Table of interviews

Date	Jurisdiction	Function of interviewee
23.03.2015	Switzerland	Deputy commissioner / Legal adviser
12.04.2017	Estonia	Director-General of the Data Protection Inspectorate
18.04.2017	Albania	Information Commissioner
21.04.2017	Scotland	Information Commissioner
04.05.2017	UK	Head of International Strategy and Intelligence
16.05.2017	Canada	Information Commissioner
16.05.2017	North Macedonia	President of the Commission for Protection of the Right to Free Access to Public Information
14.06.2017	Belgium	Secretary of the Commission on Access to and Reuse of administrative documents
10.04.2017	Spain	Deputy Director of Transparency and Good Governance / Deputy Director of Complaints
02.08.2017	Slovenia	Head of Department, Transparency, Integrity and Political System Department
05.09.2017	Serbia	Assistant Secretary General, Sector for Harmonization / Senior Advisor, Sector for Harmonization
27.04.2017	Iceland	Adviser, Legal secretary Information Committee
17.10.2017	Hungary	Head of Unit, Freedom of Information Unit, Department of Audit and Freedom of Information
17.04.2018	Croatia	Information Commissioner

Appendix 2. Questionnaire

Study on the impact of administrative transparency

This study, conducted by the Unit of Public Management and Marketing of the Swiss Graduate School of Public Administration (IDHEAP, University of Lausanne), intends to identify the impact of administrative transparency from a particular perspective. As opposed to most existing contributions, based on citizens' perceptions, this study focuses on a particular form of administrative transparency: Access to Information laws. It aims to explore the past, current and future trends of the use of Access to Information laws from an administrative perspective.

To do so, all European Information Commissioners will be asked about the volume and type of requests received, and their evolution over the past few years. Moreover, transparency is expected to increase administrative efficiency, citizens' trust and participation in political processes, as well as to reduce corruption. This study aims at testing whether and how these objectives can be reached from a comparative perspective. The final part is dedicated to the main opportunities and challenges faced by the Commissioners' offices. Each of the questions consists of a quantitative section followed by a qualitative section.

The data gathered from the study will help identify common or different trends in Europe, see how priorities diverge according to the different systems and degree of enforcement of the law, and most importantly analyse how the impact of administrative transparency is perceived from the Commissioners' point of view. The data are only to be used for the present study. A published version of the study will be made available to the interviewees.

Country	
Type (commissioner/ombudsman)	
Data protection (with/without)	
Interviewed person	
Function (if not in charge)	
Since when?	
Date and place of meeting	

1. In your country, how would you assess the level of:

	Very low										Very high									
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10
a) Citizens' trust in the administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Corruption of public officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Citizens' participation in political decision-making processes, for example, public meetings, referenda, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Administrative efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. How would you assess **the impact of administrative transparency** (only) on the following benefits in your country over the last 10 years? (If no impact = unchanged).

	Sharp decrease	Slight decrease	Unchanged	Slight increase	Sharp increase
a) Citizens' trust in the administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Corruption of public officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Citizens' participation in political decision-making processes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Administrative efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Assuming a baseline of 100 in 2017, where do you see the transparency of your government administration developing in the next 10 years? Please give us your professional experience / perception (not based on hard data).

	2017	2027
a) Citizens' trust in the administration	100	
b) Corruption of public officials	100	
c) Citizens' participation in political decision-making processes	100	
d) Administrative efficiency	100	

4. What is the added value of transparency laws (FOI) compared to other measures or other laws (anti-corruption, whistle-blowers, etc.) on:

	Very low	Low	Similar	High	Very high
a) ... Citizens' trust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) ... Corruption	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) ... Efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) ... Citizens' participation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Please rank the following benefits of administrative transparency in terms of how you believe the authorities in your country prioritize their importance. Please classify according to the order of priorities:

a) Reduction of public officials' corruption	
b) Increase of citizens' trust in the administration	
c) Increase of the citizens' participation in decision-making processes	
d) Increase of the administrative efficiency	

6. Among European countries that have already adopted Access to information laws:

- a) Which country has the highest level of transparency **in your opinion**?
- b) If index base 100 = the country you have mentioned, where would you put **your country** on the following scale in terms of administrative transparency **in comparison to this country**?

--	--	--	--	--	--	--	--	--	--	--

0 10 20 30 40 50 60 70 80 90 100

7. How has the percentage of requests accepted by the administration (answered and not answered) evolved in your country **in the last 5 years** (requests made under the Access to information law)?

Sharp decrease	Slight decrease	Unchanged	Slight increase	Sharp increase
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. How has the amount of time needed to respond to complaints evolved in your country **in the last 5 years** (requests made under the Access to information law)?

Sharp decrease	Slight decrease	Unchanged	Slight increase	Sharp increase
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. How do you think the number of requests (under the Access to information law) will evolve in your country in the 10 next years?

Sharp decrease	Slight decrease	Unchanged	Slight increase	Sharp increase
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. Which ways do you believe the administration uses to resist transparency?

	Never										Always									
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10
a) Cites exemptions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Claims insufficient resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Extends the time limit to respond	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Shows a lack of goodwill by, for example, delaying the transfer of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Releases too much information in order to hide relevant information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Strengthens political control of the process of disclosing information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Other: not enough resources involved to ensure good record keeping and training of staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Use of personal accounts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. To the best of your knowledge, which of the following groups submit access to information complaints **in your country**?

	Never	Rarely	Sometimes	Often	Very often
a) Political parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Journalists	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Lobbyists	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Interest groups (please specify), i.e. NGOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Citizens (who do not fall into any other category)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Lawyers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Other institutional levels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) O: Commercial companies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. In your opinion, which of the following measures should be adopted to increase the level of transparency in your country in the next few years?

	No importance										Very important									
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10
a) Increase the budget of the commissioner's office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Increase the legal competence of the commissioner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Add tougher sanctions against the administration or its members in the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Increase access to information rights (e.g. reduction of exemptions or avoid new exemptions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Set absolute deadlines for responding to access requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Increase awareness about the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. In your opinion, how will your **level of independence** with regard to the administration and the executive authorities (government) evolve in the next few years?

	Sharp decrease	Slight decrease	Unchanged	Slight increase	Sharp increase
a) With respect to the administration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) With respect to the government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. Would you favour or oppose a separation of the data protection and information / transparency commissioner into **two separate entities**?

Would strongly oppose	Would oppose	Is not important	Would favour	Would strongly favour
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. Regarding the implementation of Access to information legislation, what do you fear the most in the next few years?

	No importance										Very important									
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10
a) Reduction of resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduction of the room for manoeuvre from a legal perspective	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Reduction of the room for manoeuvre from a political perspective	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Reduction of the function's visibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Increase in the complexity of procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Reduction of funding for public bodies to handle requests themselves	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Introduction of a flat fee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

