

Access to Government Information

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Introduction

Freedom of Information Laws, Access to Information Regulations, Transparency Policies, Ordinances on Openness of Government Information – while the name of the provisions may vary from place to place, the core of the matter does not. Almost all have in common that they cover two principles through which information can be released to the public:

- **Request-driven information release**, following a procedure of information request, checking against exemptions from the rule of openness, internal bureaucratic approval, identification and preparation (possibly modification, e.g. redaction) of documents, billing, etc.
- **Proactive publication**, also following procedures or at least guidelines described in the respective laws, bylaws, and regulations, often on the basis of a “publication scheme” that gives clear indication to any public sector agency what kind of documents are supposed to be published at what times and through which channels.

Whether a government system is open or not, whether “transparency” is a serious element of good governance cannot be judged on the sheer existence of a Freedom of Information Law, an individual right to request public sector information, or the sheer existence of proactive information publication obligations. The most transparent law could limit itself to a casual sentence like “all public sector information is available to anybody, unless there is an important reason for it not to be.” This would work if public and private sector had a common understanding about the need for transparency, its benefits, and its necessary limitations.

In reality, this is not the case. Governments tend to see more confidentiality requirements about their own deliberation processes, as evidenced for instance in the long-lasting debate about whether documents related to governmental decision-making processes should be made public, and at what time, and to what extent this might affect the outcome of these decision-making processes. The administrations tend to base their publication strategy on “what the public needs to know”, while transparency advocates rather believe that the “need” can only be assessed once the information is actually made available for public scrutiny. There seems to be a fundamental difference in perception of state and non-state actors as to what the ideal level of transparency should be.

Because of these diverging positions, the legal provisions on transparency are more complex than the idealized one-sentence Access to Information Law mentioned above: The German Freedom of Information Law needs eight pages to define scope and limitations of its transparency provisions, the US FOIA is about 20 pages long, and the UK law may be the most detailed example with its almost 80 pages. Of the EU member states that have some form of legal provision on the right to access government information, no two are the same: the

Freedom of Information Laws, Freedom of Press Acts, Constitutional Provisions, Transparency Laws vary in

- general thrust: with focus on either request-based information disclosure or proactive information publication
- institutional setting: some provide for an Information Commissioner with executive authority, some add Information tribunals for decisions about information release, some establish a Commissioner with merely Ombudsman-like function, some solely rely on the general administrative court proceedings,
- range of exemptions to the rule of transparency: personal data protection, national security, business secrets,
- or whether they provide for a “public interest test” to decide whether information can be disclosed despite falling under an exemption.

There is no one “best practice” way of establishing an Access to Government Information regime, but there are many years of experience with various forms in the context of various administrative and legal traditions. These laws are never static. Very recently, the German city-state of Hamburg modernized its own state-level provisions. While the previous Freedom of Information Law only obliged the administration to disclose information upon request, the new “Transparency Law” that came into effect on 1 October 2012 now provides that by principle, *all* documents must be proactively published. The UK Freedom of Information Law is currently going through a process of parliamentary review, identifying the successes and flaws of the UK FOIA of 2000 in order to initiate revisions to make it more efficient.

One of the key elements of these revisions was the input of non-state actors, of NGOs, media representatives and academic researchers in particular, who are among the key users of the access rights. For them, accessing comprehensive information held by government is of vital importance to their activities. They rely on primary government information and data to build their arguments and strategies, and they need to supply their own stakeholders and members to become as well informed about their respective special interest as possible, in order to make relevant contributions to the public policy design process.

This “information flow relationship” between government and non-government stakeholders is what decides on the success of Access to Information regimes: civil society actors that can rely on being provided with timely information on public sector activities and initiatives can better fulfil their role of contributing constructively in government’s decision-making processes. Government departments that are able to trust civil society with using the released information competently will benefit from the input these individuals and organizations provide, supporting more sustainable decisions, representing a wider range of the population, creating a broader consensus and avoiding the frictions that are typical when new laws or policies are being developed in secret, allowing the public only to react to decisions that are almost or completely final. This role of civil society as informed and competent commentators and contributors does not only require comprehensive information flowing from one side (the public sector) to the

other (civil society). It also requires civil society and individuals to understand what public sector information is: raw material that needs to be assessed, contextualized, processed. The fact that a document exists within public sector does not necessarily mean that it represents a “government opinion”, or is even necessarily an indication of its accuracy. The trust that needs to be established in an open and transparent government-citizens information relationship is mutual and requires capacity building and practice on both ends.

At the end of the day, a law is not even important - the willingness of government to open up to its citizen is. It can be argued, however, that those governments that really want to signal to their own administration and to their citizens that they take the challenge of transparency seriously will work particularly hard on laying out the principles and mechanisms of information dissemination. It can also be argued that between the two key mechanisms of request-based information disclosure and proactive information disclosure, defining the task of proactive information dissemination is the more significant one.

Establishing and following the rules and procedures about specific requests is relatively straightforward for an administration, yet full of complex legal and administrative questions: The exemptions from the principle of openness need to be defined and interpreted; decisions on the levels of fees for compiling and releasing information need to be made; procedures for escalating rejections and complaints within the administration and judicial system need to be defined.

On the other hand, the task of establishing a system of proactive information dissemination is more vague, and it provides challenges of a different nature. Not publishing information no one asked about (yet) does not create any attention unless somebody inside the government or from the outside happens to check whether all the requirements of the Freedom of Information provisions have been completed, or whether important pieces of information are absent. Defining in advance what kind of documents should be proactively published can be very complicated (as a look into practical examples of publication schemes shows). It is also frequently perceived to be a burden on part of the public sector agencies required to define it, and to screen and sort the documents accordingly.

Request-based information disclosure

The process of information requests is relatively straightforward in principle, and handled very similarly in most international access to information regimes. Put in generic terms, it goes like:

- A citizen (often also a legal person, sometimes – as in the Georgian or German provisions – “anybody”) can request ...
- ... a government (or “public sector”) body to hand over ...
- ... in any form requested (electronically or in paper) ...
- ... a document (or “file”, or “information”) that this body possesses.

Details vary, such as the need to identify oneself in person, state the purpose of the request or mention that fact that this is a request under the Freedom of Information Law.

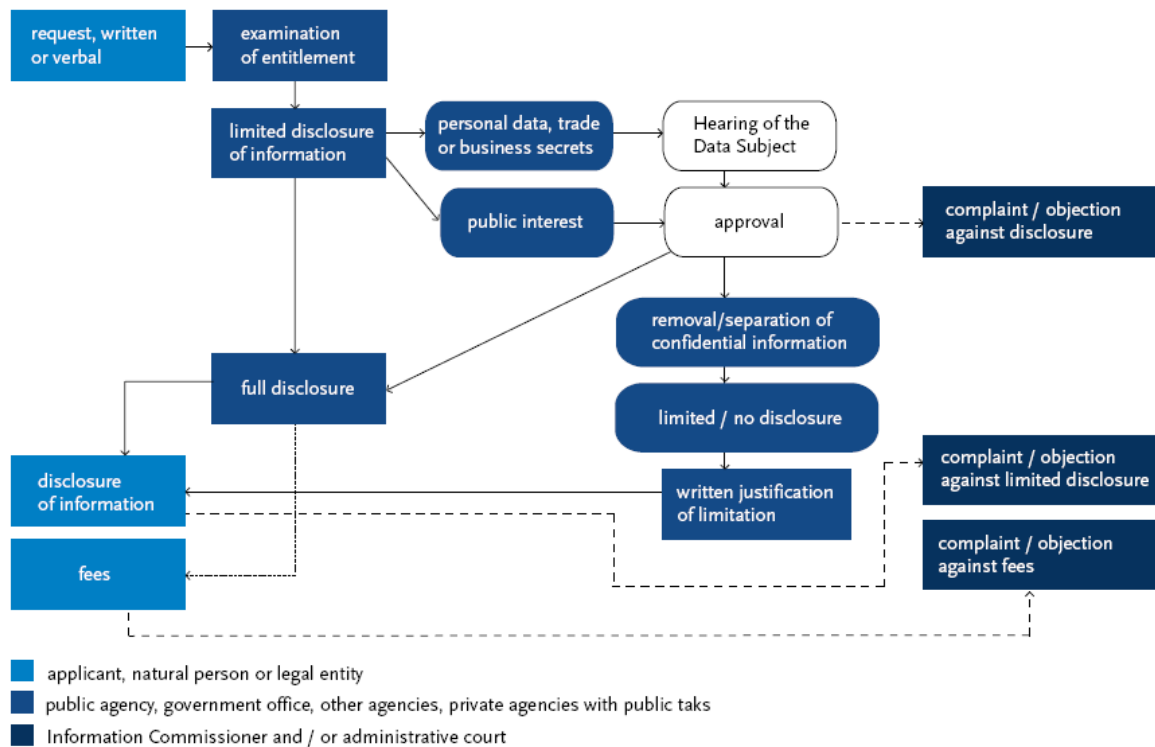
What is more complicated than making a request is responding to it:

Assessing suitability for publication: The public sector department needs to assess whether the information requested falls under one of the exemptions to the principle of openness as stated in the Access to Information Law or other legislative provisions (such as Personal Data Protection or State Secrecy Laws). This can also involve the hearing of third parties, e.g. if they are the source of this information (as in an environmental audit report submitted by a company to a government department) and if the law or regulation allows for this third party to contradict a publication decision. In some countries (such as the UK, but also for publication of information held by EU institutions), a public-interest test may be required to assess whether the public’s interest in the disclosure of a document may outweigh the arguments favouring non-disclosure.

Processing of Information: These considerations frequently lead to the assessment that while the publication of the complete set of documents may infringe upon privacy rights or breach business secrets, the documents could be released after such critical information has been removed (blacked out or “redacted”). It is important for information requesters to understand these processes. Especially in the case of information that is deemed controversial (pollution data, plant security reports, etc.), the government department in charge has the complex task at hand of balancing all these necessities and obligations. Releasing information that is ineligible for release can have severe legal and financial consequences for an administration.

Publication of information: Most Access to Information regimes includes the possibility of a government department to charge fees for the additional effort it put into compiling the requested information. Sometimes fees are waived if they would be very low, or if the requester can prove financial hardship. If compiling the information requested is expected to entail considerable effort, and consequently high fees, the departments will ideally get back to the requester before putting in effort, seeking to clarify the request, explaining the required effort, identifying simplified approaches, and ensuring that the requester is not in for a bad surprise when receiving information and invoice.

The chart below shows the typical process of receiving and processing an information request, as described by the Office of the Information Commissioner of Berlin, Germany:



The benefits of a comprehensive information disclosure policy

Producing and handling information and documents is an integral part of the everyday work of government. Handling it in a way that makes government work better, more efficiently, producing better results for all members of society, is a natural goal in this.

The argument of pro-transparency advocates is that publishing as large a part of this information as possible, while maintaining a necessary level of protection for aspects like personal privacy, business secrets or national security, yields the best results. What are the arguments?

- **Government is tasked by citizens to act on their behalf:** On a very fundamental level, the citizens have tasked the public sector with fulfilling joint tasks on their behalf. If public sector is understood in this way to work for and on behalf of the people, it consequently has to be transparent about their tasks and efforts. It has reporting obligations and keep the public well-informed about how it is performing its duty.
- **Citizens own the information:** Tax revenues are collected to pay for the operations of the public sector. While there may be reasons that not all information produced within public sector is divulged to citizens (in the same way that not all information available in a company is best released to all of its shareholders / owners), this leads to the principles of transparency and accountability, with exceptions requiring justification.

While many would agree to the principle and importance of this relationship, it is hard to base enthusiasm on part of the administration on these perceived obligations. A mere obligation hardly ever yields strong commitment. There are more practical benefits to the administration, however, that should provide specific incentives to further the efforts towards transparency, aspects that show how a proactive transparency regime can make government work better and more efficient:

Government needs qualified citizen input:

Government bodies need input from all parts of society to base their decisions and administrative acts on as solid a foundation as possible. There is no possibly way a government body could know who may be affected by or have a useful opinion on a matter of policy or administration. If the aim is to base government decision-making on as large a part of society's know-how and intelligence, the wider the information about this decision-making process is available to society, the better feedback will there be. Based on better feedback about all the possible aspects of a new infrastructure project or a new policy package, government policy becomes more substantial – “better”.

Joint decision-making creates more sustainable decisions:

Public sector activities by their very nature always affect non-government: citizens, companies, NGOs... Decisions made by government behind closed doors and revealed only at a stage when changes are hard or impossible, or at least very costly. Too often, this kind of confidential decision-making leads to citizens feeling like second-class members of society. Individual complaints, sometimes larger-scale protests, project and policy delays and a general feeling of dissatisfaction and mistrust is the result. Involving citizens at early stages in the decision-making process by supplying them with as much information as possible creates understanding, trust and commitment. Only well-informed citizens can make qualified contributions.

This requires more than traditional “public consultation processes” achieve. Having the plans for a new highway route published on a website or at the city hall reading room for public

scrutiny may comply with fundamental obligations for public participation. A modern and participatory strategy looks different: it actively seeks public comments, creates a set of documents that are concise and understandable to the public, establishes feedback channels where citizens and organizations can voice their opinions and concerns. It makes promises about what will happen to citizens' feedback, where and when these will be consolidated and fed into the next stages of decision-making. And it sticks to these promises of making active use of these opinions rather than being satisfied with a website where hundreds of individual opinions are documented, without anybody knowing whether any decision-maker will ever see or process them.

Creating a productive system of public participation in public sector decision making requires very profound considerations about the depth and intensity public feedback is useful and desired in each stage. Every policy reform or infrastructure project has a different reach, different stakeholder group and different level of public interest. In consequence, each public consultation requires a tailor-made way of collecting public opinion and engaging in an exchange between public and private sector. What all situations have in common, though, is the fact that citizens can make the most beneficial contributions when having access to as much information as possible. Transparency in general and access to public sector information in particular is a crucial cornerstone for any society that wants to seriously engage in public participation processes. New technologies and online media can help in this, but it should be stressed that most societies are still far from being populated by "online natives" alone. Information provision and public consultation always needs to find the best mix between online and offline communication channels so as to not exclude important parts of society.

Proactive Information Strategies yield better information management:

In the Information Society, it is not just the individual user who is flooded with an abundance of available information. Governments, too, have to deal with the fact that they are subjected to information coming in from all directions. Government is not just handling commissioned research or reports, but also citizen communication, lobby group comments, documents sent by other departments or governments, emails, faxes, text messages, meeting protocols, letters, phone calls... the list has no end, and neither has the volume of information streaming in and out of every government office every day. Independent of the transparency obligations, the public sector needs to create systems of handling and sorting this information.

Transparency obligations are of great help in this, as they establish the need to develop a framework for information management by forcing the offices to develop information and document categories, and applying these categories to whatever bit or byte crosses a civil servant's desk. If the proactive publication strategy goes hand in hand with the parallel efforts

to introduce new e-government platforms (websites, citizen information and transaction kiosks, integrated online transaction services), such a transparency strategy can actually be convincingly called a relief for the administration that needs to implement it.

It is important to note (and the UK Information Commissioner's Office points this out in their "Guidelines for Preparing Publication Schemes") that proactive information disclosure is **not** about creating new documents, thus adding to the workload of the administration. It is about arranging the existing information in a way that is most useful and efficient to both public and private sector.

Proactive information dissemination is less work than reacting to individual requests:

Proactive information disclosure also has very practical advantages in the everyday work flow of an administration. Especially today, with governments all around the globe being in a process of modernization and digitization, the introduction of comprehensive systems for proactive information dissemination is a natural step and integrates smoothly with the general systems introduced for content and information management. These systems, often referred to under the generic term "e-government", facilitate the screening and tagging of documents according to content, date, and also the level of confidentiality. Given that most government offices already have content management systems and electronic record management of one form or the other in place (or are in the process of introducing them), it is a relatively straightforward task to ask the offices to flag some information that is being handled as "for public release," others as "not to be released." This would seem less obtrusive for the everyday office work than having a focus on responding to specific citizen requests.

This benefit of proactive information release is even more important in administrations that are dominated by strong hierarchies. As these bureaucracies generally require more hierarchical coordination for decision-making about secrecy of documents, conflict with other legal provisions or exemptions, with comparatively little individual discretion on part of the individual administrator, each mechanism to avoid decision-making is beneficial to the overall efficiency of procedures. Proactive publication systems are a way of automatizing release decisions. They support a top-down decision on the information release by way of initial decision on publication categories (by the department leaders), and minimize the need of the individual to assess the eligibility of every piece of information.

Public sector information is a source for growth and wealth:

Public sector information is the single largest source of information. The European Commission has calculated the overall direct and indirect economic gains from using this information commercially to be around Euros 140bn. Information such as digital maps, meteorological, legal, traffic, financial, or economic data can be used by private entrepreneurs to build a wide range of useful and profitable business models on. Often, this information is generated by the public sector, but then lays dormant within government archives, inaccessible to those who would have use for it.

Making this information systematically widely available benefits the development of a service society, where entrepreneurs can use, repackage, integrate this information in their weather forecast services, route planners, location-based entertainment services, or financial forecasts. There have been reservations about allowing entrepreneurs to make commercial use of public-sector information (to the point where individual Freedom of Information Acts explicitly outruled the commercial use). However, current international approaches to this kind of “commercial re-use of government information” show that there is no contradiction between openness and commercial interests. Government can even create additional revenue streams from contractual partnerships, for example by preparing geodata in a way so that it can be smoothly integrated into a company’s commercial application (by providing tailor-made APIs). The raw data would still be available to anybody, while government would generate revenues from serving the specific needs of its commercial counterparts.

The EU Directive 2003/98/EG of 2003 on the re-use of public sector information established a set of minimum conditions to enable the (commercial) re-use of public information within the EU Member States. The Directive does not allow for additional access rights, it is not intended to discriminate between private citizens and commercial enterprises using the same information at different conditions. It is intended to facilitate special contractual relations between public sector information providers and private sector users. Recent revisions to the Directive included new bodies in the scope of application of the Directive (e.g. libraries, museums, archives); limits on the fees that can be charged by the public authorities at the marginal costs as a rule; requirements on machine-readable formats for information held by public authorities.

Similar efforts take place in other regions of the world: Natural Resources Canada (a government ministry) provides raw geodata on road networks, topographic maps to geographical researchers. Special license agreements grant non-exclusive usage rights, allowing the licensees to use and process the data, build their own services on them, with templates and guidelines for secure IPR, distribution agreements, etc. available.

This economic aspect of transparency has been taken on for example by the Open Government Partnership Initiative (OGP), which starts from the assumption that transparency drives economic growth, well-being and prosperity through efficient use of resources, citizen engagement and inclusive development. Showing quantitative evidence of this assumption will provide a key success factor in governments' dedication to the transparency goal. One line of OGP action consequently consists of showing how open data can be harnessed to foster better governance and provide better services (<http://www.opendataresearch.org/>). For developing countries in particular, this can provide a substantial boost to development through greater efficiency in the use of resources, such as more accountable public spending, better urban governance and better sanitation and education, among other topics.

The efficiency gains argument does, however, apply to all public sectors, developing or developed. Advanced predictive data analytics are used for crime prevention, health inspection, building safety (as documented by the City of New York). The World Bank has documented the use of open data in participatory budgeting, considerably increasing the tax discipline and revenue in Congo. McKinsey has assessed that each government employee spends around 19% of his / her work time just looking for documents. The more such cases of direct economic benefits are document for the benefit of others looking for good practice and good arguments, the more likely it is that Open Data will soon become a key priority for every government around the world.

The task of creating an Open Data system goes beyond the mere provision of public sector information. It is a next step and requires additional efforts of compiling and providing especially raw data that businesses and citizens can use to further process. Data interfaces, applications, visualizations are important to develop in order to allow the users to draw on the information and further process it in whichever way is necessary for their purposes. Some portals such as the US's data.gov or the UK's data.gov.uk are efforts in this direction and can serve as important examples for other countries to follow, without the need to go through the complete trial-and-error process on their own.

Proactive Information Dissemination Strategy in Practice

As with the Access to Government Information provisions in general, the way proactive information disclosure is established and organized varies from country to country:

- The **US FOIA** opens with the obligation for federal agencies to make public information available out of its own accord. This was reiterated in the Presidential Memorandum on "Transparency and Open Government", in which the US federal administration commits to an "unprecedented level of openness" and to the utilization especially of

new technologies to put this promise into practice. The practical provisions are laid out in the U.S. Administrative Procedure Act. Following up on the Presidential Memorandum, the US federal government set up the Data.gov portal. It provides access to health care, economic, environmental data and information generated by departments and agencies in the Federal government. The data is offered in various formats, offers advice on how to process it, including software tools.

- The **UK FOIA** is rather rigid and detailed in that it requires each agency to adopt a publication scheme, in which it must list the classes / categories of published information, say where the information is published, and inform whether the information is free of charge or whether a fee is charged. The UK publication schemes are subject to review and approval by the Information Commissioner before they can come into effect.
- The **German FOIA** makes no reference to publication schemes in the sense as understood by the UK FOIA 2000, but encourages all government departments to produce an overview over all the files, documents and collections available, and publish all of them unless the publication would conflict with personal data protection regulations. The provisions in the German FOIA requires the departments to add the information why a specific file or file collection has been compiled.

Establishing a system of proactive and comprehensive information dissemination often constitutes a considerable change for administrations that start out from a position of confidentiality or secrecy of government action. Not so much in terms of the actual work process (as mentioned above, any government seeking efficiency needs to sort and file its information in a systematic way anyway, even if this information is then kept under lock), but initially in terms of civil servants' attitude towards openness and visibility.

It cannot be denied that the introduction of new transparency obligations often is also triggered by the suspicion that secrecy of office plays a role in abuse of office power and fosters corruption. This is true - transparency limits the possibility of abuse. However, the vast majority of government officials are not under such suspicion, and they would actually benefit not only from the specific improvements of their work environment listed above, but also from the stronger limits on their less ethically inclined colleagues' behavior. As any institution, public or private, being subjected to change, it is necessary to pick up the staff from where they are, identifying the existing concerns and preconceptions, and explain the implications of the new regime, including the reasons behind the change and the procedures that come with it.

It is an important step in the implementation process to use existing international examples on guidelines, samples, training materials and publication schemes as a mere orientation, and develop tailor-made information management and publication processes based on the specific situation and needs of the respective government agency.

It should also be based on the needs of the potential "customers". These customers, the citizens and organizations that want or need to access and use the information, will have a

focus on certain topics: Typically, most information is requested on infrastructure development and environmental issues (where people are individually affected, e.g. through concerns about their living environment). Through initial and continuing discussions with civil society groups, government can facilitate both the work of these organizations and its own workload: information that when published is already arranged according to relevant thematic headlines minimizes future individual requests, and consequently the need to compile information based on these requests.

The interest and activity of civil society can in this way help government departments to streamline its processes and become more efficient in managing and handling the available information: The dialogue with potential information recipients in non-state sectors supports government's reflection of their own work flow and structures. It is also vital to help identify flaws and inefficiencies that still exist and that can be streamlined before new information management processes (and technologies) are applied. In this way, preparing for proactive information disclosure becomes an important input for the further improvement of government's work.

Publication Channels

The current trend to make websites the key tool for information dissemination does not need to be criticized, but a note of caution is called for. Especially in the very developing and transition countries that are currently working on government modernization programs (including making government more accessible and transparent), a large portion of the population does not have the technical access to online media, or still lacks the skills to make best use of it. Because of this, the implementation plan for improved government transparency should focus on creating a multi-channel distribution strategy, reaching as wide a range of the population as possible. This can include channels such as:

- government websites,
- bulletins,
- press conferences,
- town hall meetings,
- public mass media,
- government gazettes,
- public archives,
- public libraries.

With the increasing availability of e-government contact points, additional options come in, such public information screens or online kiosks, service hotlines, public reading rooms (including electronic reading rooms). The more remote areas exist in a constituency, the more

creativity needs to go into the development of the communication and information channels for information dissemination and for gathering citizen feedback, or providing services. Mobile government applications for cellphones are suitable for regions where mobile penetration exceeds fixed online availability. Malta myAlerts, for instance, provides citizens with a one-stop-shop for all notifications by email and SMS, allowing citizens to be notified about various government developments and services instantly. These services are updated continuously to provide the latest information on governmental notifications. The Maltese example is typical in that the country had a mobile penetration rate of ca. 110 per cent when the system was introduced in 2010, but an internet penetration rate of only 63 per cent. Some regions have experimented with “travelling government”, public officials frequently visiting remote areas, equipped with satellite communication technology, offering information and interactive government services on the spot during their frequent visits.

A natural information outlet can be the system of archives and libraries – institutions designed to handle and distribute information, often with decentralized structures allowing them to reach out to a group of citizens otherwise not easily reached. Making these institutions an integral part of the proactive information dissemination strategy requires some initial planning to identify the best information handover form and frequency, but adds considerable gains in outreach in exchange.

Civil Society organizations can play a similar role: they are competent in their respective field of work, can assess and judge the abundance of raw data and information that often overwhelms individuals, and can serve as intermediary between the flood of government information and the specific interest and concern of the citizens. By using government-based information to compile dossiers and summaries, they can support a better understanding of government activities – and also make sure that civil action is based on better knowledge and more profound arguments.

Some civil society organizations take this to the source: a number of websites (sometimes with government support) have been established to document the information flow between government and citizens, documenting information requests made, the responses they received (the information, or the rejection, including the reasons, if provided). The most popular example is the Alaveteli system, which has been adjusted to the needs of information requests in the UK (www.whatdotheyknow.com) or Germany (www.fragdenstaat.de), among others. As an open platform, it can in very few steps be adopted to the specific structure and language(s) of any government, either by civil society organizations or by government itself. While there is typical hesitation on part of governments to “outsource” the information request and dissemination procedure to a civil society platform, this system can still serve as a good example of some core principles of information disclosure: convenience of use, comprehensiveness of documentation (of requests and responses), highlighting of previous and

popular requests to avoid duplication, among others. Apart from being a useful instrument, such platforms are also highly educational in providing inspiration for civil society to learn more about requesting and retrieving government information, to learn more about the topics showing up in these requests, and to practice putting the data provided into the context of larger social or policy developments.

Challenges

Around 100 countries around the world already have established some form of Access to Public Sector Information regime on a national level. None are alike, none is finished. Creating transparency and accountability is not a project that will ever be completed. It is better compared with the process of government modernization, the perennial search for the next better solution and process.

It still is a project, and needs to be planned like one. Especially the first step is arduous: assessing what information exists within the public sector, which can be made easily available, which needs to be processed or redacted, who has the right to respond to information requests, what happens in case of conflict between information requester and public sector agency, etc. While this is a process that – as was stated above – is beneficial to government efficiency on a very fundamental level, it requires a strong impulse to get started. New government leadership often helps trigger this, as does commitment to external obligations such as the Open Government Partnership provides.

The most essential part is maybe to be very clear about the answer to question: “why transparency?” If there is only a vague answer to this, or answers that are irrelevant to most administrators creating and processing information on an everyday basis, there is a very high probability that the project will lose its dynamics halfway through. It does not help to create the illusion that most civil servants would have an intrinsic desire to be more transparent. Their job description is different, they have to develop employment policies, handle tax declarations, process business applications or plan road repairs. Transparency is not on the minds of most people on an everyday basis. This applies both ways: It can fairly be assumed that the average public sector employee is agnostic about transparency, happy to comply with provisions that are easily implemented, opposed to procedures that appear to distract from their “actual work”.

It is therefore imperative to modernize public sector in a way that making information publicly available (unless there is a very good reason not to) is a no-effort part of everyday life. This is why intelligent information management design is so important, it removes the need to think about transparency and exemptions from those who have other things on their mind, and moves it into the strategic center of the public sector. This (maybe oddly) makes public sector

openness a top-down task, to be championed and managed by the highest possible authorities. Practical transparency is the easiest to achieve when it applies to everybody, when it is a construction principle of how public sector agencies operate. In order to achieve this, many arguments need to be compiled, many guidelines, templates and check lists developed, and the frictions that are inevitable in the early stages of turning around a fundamentally secretive system into a fundamentally transparent system endured and dealt with. Fortunately, there are many good examples around the world on how this can be practically approached, ranging from the earliest predecessors to Freedom of Information Law in Sweden in the 18th century to the most recent wave of FOIAs and implementation strategies in emerging and newly-democratic economies.

After all analysis of legal wording, institutional design or publication schemes, it still, however, comes down to the one truth to be found in a country's transparency policy: If there is true belief that openness and open state-citizen interaction will benefit a society, it will work. If this belief is just faked, and transparency policies only introduced to satisfy the pressure from domestic or international groups, it will not.