Access to Information: Implementation Assessment Tool

Assessing Extent & Quality of Implementation

Over 115 countries currently enjoy a statutory right to information. However, many of these are failing to fully and effectively implement their law, and there are few objective means of analyzing and addressing this critical problem. While there have been some studies on quality of laws and compliance, there remains a dearth of information regarding the law's implementation. With an insufficient focus on implementation, we are failing to adequately identify and consider the structures and procedures that produce successful transparency regimes, limiting the ability to understand and replicate good implementation practice.

To fill this gap, The Carter Center has developed the Access to Information Legislation Implementation Assessment Tool (IAT),* which serves to diagnose the extent and in some cases the quality to which the public administration is capacitated to respond to requests and disseminate information. The IAT is designed to assess the specific activities/inputs that the public administration has engaged, or failed to achieve, in furtherance of a well-implemented law. It is deliberately designed not to focus on the sufficiency of the legal framework, the user side of the equation, or the overall effectiveness of the access to information regime. Rather, it isolates and concentrates solely on efforts necessary for effective implementation.

The IAT uses "good practice" as its measurement, with an understanding that country contexts and administrative dynamics differ. Critically, the IAT does not serve as a comparative index or ranking across countries, but instead it provides a positive input for each public agency in which it is applied to help them better identify where there has been progress and where additional efforts may be necessary. Importantly, the IAT provides an implementation roadmap for Ministries and agencies.

Key IAT users include:

- Government Agencies
- Information Commissioners and Oversight Bodies
- Civil Society
- Scholars
- Donors
- International Community

IAT Objectives:

- Establish the first comprehensive set of implementation benchmarks

- Identify the extent and in some cases the quality to which a government agency has implemented its law

- Provide a roadmap for improvements, based on the tool's findings

- Contribute to scholarship on implementation and the right of access to information
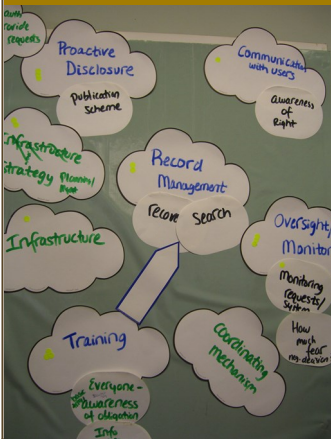
Methodology

After significant research and extensive consultations and collaboration with international access to information and governance experts, The Carter Center developed the IAT methodology and indicators for assessing implementation. The tool is designed as a matrix, with indicators related to government functions/ responsibilities and baskets of components/elements. In total there are 60 indicators. These indicators are scored using a "stoplight method," with a scale including green to demonstrate that the agency has met good practice; yellow to show that there has been some progress but insufficient; red to demonstrate that there has been no or very little progress; and black/white for indicators that do not apply. The indicators were developed to be portable across various country contexts.

The IAT methodology consists of an assessment of Ministries and agencies by trained independent researchers utilizing the developed and tested indicators. The researcher engages in desk research, on-site visits, and interviews with relevant government officials. In addition to the application of the indicators, the methodology calls for a blind peer review of the data, a focus group to validate the findings, accompanying narratives on country context and the findings, and continual Carter Center review of the data to assure consistency and quality. Finally, the findings are generated and shared publicly with a facilitated discussion of the key stakeholders.

The Carter Center developed the IAT in three stages:

Stage I: Development of the IAT framework, indicators, and measurements

Stage 2: "Roll-out" of the IAT, including three phases to test tool's efficacy

Stage 3: Dissemination and institutionalization of the finalized IAT and methodology

In advance of starting the pilot phase, the Center researched, developed, and validated the IAT methodology and indicators. In 2011, we initiated the first phase of testing the IAT in select ministries and agencies in three pilot countries. Pilot Phase II began in 2012, assessing similar ministries and agencies in an additional four countries. The final phase of piloting commenced in 2013 and added four more countries. After each pilot phase of the IAT, with support from experts, the Center evaluated the substantive findings and efficacy of the IAT. At the conclusion of the "roll-out" phase, the IAT had been applied in six to seven agencies in more than ten countries, with many of the countries assessed more than once, resulting in the review of over 8,000 individual indicators.

Structure of the IAT

The IAT is designed as a matrix of 60 indicators covering:

- Overarching fundamental functions
- Elements related to receiving and responding to requests
- Proactive disclosure
- Records management

The IAT assesses these government functions through the following components:

- Leadership
- Rules
- Procedures
- Resources
- Monitoring

Example of IAT Findings

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement / Strategic Planning			Engagement / Policy
Rules (guide)	Guidelines / Instructions/plans	Guidelines for receiving/processing / Guidelines for responding / Guidelines for internal review	Guidelines	Guidelines / Instructions/plans
Procedures (order)	Public awareness raising	Procedures for receiving/processing / Procedures for transfer/responding	Procedures for proactive disclosure	Classification / Manage Records / Retrieve Records
Resources (enable)	Staffing / Training / Infrastructure / Budget		Staffing / Training	Staffing / Training / Infrastructure
Monitoring (adjust)	Internal oversight / Performance monitoring	Capturing of statistics	Capturing of statistics / Reporting	Reporting
Wildcard	Researcher / Blind Peer Reviewer	Researcher / Blind Peer Reviewer	Researcher / Blind Peer Reviewer	Researcher / Blind Peer Reviewer

Engaging the IAT

With the finalized indicators, The Carter Center is now engaging the IAT in interested countries. Presently, we are applying the finalized indicators and methodology in new countries, as well as expanding application in former pilot countries. To be eligible for IAT application, countries need to have an existing access to information law and demonstrate an interest in serving as an IAT adopter. Utilizing the Carter Center methodology, assessments of ten agencies takes approximately six months. Interested parties may contact The Carter Center to discuss application, timelines, and costs.

Findings From Select Agencies: LIBERIA
The Carter Center's Access to Information Legislation Implementation Assessment Tool

The Rule of Law Program
Advancing information, accountability and justice

Access to information (ATI) is a fundamental human right that is essential to good governance, meaningful participation, and increasing transparency. Since 1999, The Carter Center has served as a leader on the right of access to information. We work in partnership with governments and civil society groups to pass, implement, and enforce ATI laws in focus countries; collaborate closely with regional and international bodies; explore gender asymmetries in the exercise of the right; and serve as a resource to advance access to information globally.

For more information, please contact Rule of Law Program Director Laura Neuman at 404-420-5146 or laura.neuman@cartercenter.org

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