

## Area 4: Accountability

<b>Principle 2</b>	<b>The right to access public information is enacted in legislation and consistently applied in practice</b>		
<b>Principle approach</b>	The approach to monitoring this principle tackles both the reactive and proactive information by the government. For the former, the approach is embedded in the CSOs' experience with the enforcement of the legislation on access to public information, considering that the civil society is among the largest "consumers" of this right. The analysis of the proactive information is based on direct analysis of the websites of government institutions. Monitoring is done through 2 indicators.		
<b>INDICATOR 1</b>	<b>Civil society perception of the quality of legislation and practice of access to public information</b>		
<b>Indicator focus and general methodological remarks</b>	This indicator focuses on the scope of right to access public information and if enforcement is enabling civil society to exercise this right in a meaningful manner. The entire indicator is based on an online perception survey which is conducted widely among the civil society in each country, given that civil society organisations have vast experience in the application of the freedom of information legislation and rely on it strongly in their work. As representativeness of the sample is almost impossible to achieve, researchers ensure wide dissemination to various sectors and types of organisations, nation-wide. WeBER Platform members will be asked to support survey dissemination.		
<b>INDICATOR ELEMENTS</b>			
<b>Element #</b>	<b>Element formulation</b>	<b>Weight</b>	<b>Element data source</b>
<b>E.1</b>	CSOs consider that the information recorded and documented by public authorities is sufficient for the proper application of the right to access public information <sup>1</sup>	2	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	<b>Element methodology</b>		<b>Point allocation</b>
	For this element, the extent of agreement with statement " <i>In exercising their activities, public authorities record sufficient information to enable the public to fulfil the right to free access of information of public importance</i> " is analysed. The percentage		0 points for 0 - 29.9% 1 point for 30 - 59.9% 2 points for 60 - 100%

<sup>1</sup> FOI requests can only be sent for information which already exists in some recorded format (written, audio, video, etc.). Hence, if certain information is not recorded, the right to access that information cannot be fulfilled. This element looks at whether the administration records the information to an extent which allows for this right to be fulfilled.

	of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured.  Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.		<b>Maximum points: 4</b>
Element #	Element formulation	Weight	Element data source
E.2	CSOs consider exceptions to the presumption of public character of information to be adequately defined	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	Element methodology		Point allocation
	For this element, the extent of agreement with statement " <i>The legislation prescribes adequate exceptions to the public character of information produced by public authorities</i> " is analysed. The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured.  Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.		0 points for 0 - 29.9% 1 point for 30 - 59.9% 2 points for 60 - 100%  <b>Maximum points: 2</b>
Element #	Element formulation	Weight	Element data source
E.3	CSOs consider exceptions to the presumption of public character of information to be adequately applied	2	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	Element methodology		Point allocation
	For this element, the extent of agreement with statement " <i>Exceptions to the public character of information produced by public authorities are adequately applied in practice</i> " is analysed. The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured.  Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.		0 points for 0 - 29.9% 1 point for 30 - 59.9% 2 points for 60 - 100%  <b>Maximum points: 4</b>
Element #	Element formulation	Weight	Element data source
E.4	CSOs confirm that information is provided in the requested format	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	Element methodology		Point allocation
	For this element, the reported frequency at which the following statement occurs " <i>When my organisation requests free access to information, provided information is in the requested format</i> " is analysed.		0 points for 0 - 29.9% 1 point for 30 - 59.9%

	The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured.		2 points for 60 - 100%
	Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		<b>Maximum points: 2</b>
Element #	Element formulation	Weight	Element data source
E.5	CSOs confirm that information is provided within prescribed deadlines	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	<b>Element methodology</b>		<b>Point allocation</b>
	For this element, the reported frequency at which the following statement occurs " <i>When my organisation requests free access to information, information is provided within prescribed deadlines</i> " is analysed.		0 points for 0 - 29.9%
			1 point for 30 - 59.9%
			2 points for 60 - 100%
	The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured.		<b>Maximum points: 2</b>
	Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		
Element #	Element formulation	Weight	Element data source
E.6	CSOs confirm that information is provided free of charge	1	Survey of CSOs
	<b>Element methodology</b>		<b>Point allocation</b>
	For this element, the reported frequency at which the following statement occurs " <i>When my organisation requests free access to information, information is provided free of charge</i> " is analysed.		0 points for 0 - 29.9%
			1 point for 30 - 59.9%
			2 points for 60 - 100%
	The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured.		<b>Maximum points: 2</b>
	Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		
Element #	Element formulation	Weight	Element data source
E.7	CSOs confirm that the person requesting access is not obliged to provide reasons for requests for public information	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	<b>Element methodology</b>		<b>Point allocation</b>
	For this element, the reported frequency at which the following statement occurs " <i>When my organisation requests free access to information, the person requesting access is asked to provide reasons for such a request</i> " is analysed.		0 points for 0 - 29.9%
			1 point for 30 - 59.9%
			2 points for 60 - 100%

	The percentage of respondents that answered "Never" or "Rarely" on a verbal five-point scale is measured.  Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		<b>Maximum points: 2</b>
Element #	Element formulation	Weight	Element data source
E.8	CSOs confirm that in practice the non-classified portions of otherwise classified materials are released;	2	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	Element methodology		Point allocation
	For this element, the reported frequency at which the following statement occurs " <i>When requesting access to information that contains classified materials, non-classified portions of these materials are released</i> " is analysed.  The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured.  Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		0 points for 0 - 29.9% 1 point for 30 - 59.9% 2 points for 60 - 100%  <b>Maximum points: 4</b>
Element #	Element formulation	Weight	Element data source
E.9	CSOs consider that requested information is released without portions containing personal data	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	Element methodology		Point allocation
	For this element, the reported frequency at which the following statement occurs " <i>When requesting access to information that contains personal data materials, portions not containing personal data of these materials are released</i> " is analysed.  The percentage of respondents that answered "Always" or "Often" on a verbal five-point scale is measured.  Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.		0 points for 0 - 29.9% 1 point for 30 - 59.9% 2 points for 60 - 100%  <b>Maximum points: 2</b>
Element #	Element formulation	Weight	Element data source
E.10	CSOs consider that when only portions of classified materials are released, it is not done to mislead the requesting person with only bits of information	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>
	Element methodology		Point allocation

	<p>For this element, the reported frequency at which the following statement occurs "<i>When only portions of requested materials are released, it is done so as to mislead the requesting person with only partial information</i>" is analysed.</p> <p>The percentage of respondents that answered "Never" or "Rarely" on a verbal five-point scale is measured.</p> <p>Scale: 1 – Never; 2 – Rarely; 3 – Sometimes (in about half of the situations); 4 – Often; 5 – Always.</p>		<p>0 points for 0 - 29.9%</p> <p>1 point for 30 - 59.9%</p> <p>2 points for 60 - 100%</p> <p><b>Maximum points: 2</b></p>
Element #	Element formulation	Weight	Element data source
E.11	<p>CSOs consider that the designated supervisory body<sup>2</sup> has, through its practice, set sufficiently high standards of the right to access public information</p> <p><b>Element methodology</b></p> <p>For this element, the extent of agreement with statement "<i>The designated supervisory body (name it) sets, through its practice, sufficiently high standards of the right to access public information</i>" is analysed.</p> <p>The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured.</p> <p>Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.</p>	2	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul> <p><b>Point allocation</b></p> <p>0 points for 0 - 29.9%</p> <p>1 point for 30 - 59.9%</p> <p>2 points for 60 - 100%</p> <p><b>Maximum points: 4</b></p>
Element #	Element formulation	Weight	Element data source
E.12	<p>CSOs consider the soft measures<sup>3</sup> issued by the supervisory authority to public authorities to be effective</p> <p><b>Element methodology</b></p> <p>For this element, the extent of agreement with statement "<i>Soft measures issued by the supervisory authority (name it) to public authorities are effective in protecting access to information</i>" is analysed.</p> <p>The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured.</p> <p>Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.</p>	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul> <p><b>Point allocation</b></p> <p>0 points for 0 - 29.9%</p> <p>1 point for 30 - 59.9%</p> <p>2 points for 60 - 100%</p> <p><b>Maximum points: 2</b></p>

<sup>2</sup> By "designated supervisory authority" is meant an institution set up by the FOIA to supervise the application of the law and issue recommendations and other measures pertaining to its application by public authorities.

<sup>3</sup> Prescriptions, recommendations and other non-binding measures

Element #	Element formulation	Weight	Element data source			
E.13	CSOs consider that the supervisory authority's power to impose sanctions leads to sufficiently grave consequences for the responsible persons in the noncompliant authority	1	<ul style="list-style-type: none"> <li>Survey of CSOs</li> </ul>			
Element methodology			Point allocation			
<p>For this element, the extent of agreement with statement "<i>The sanctions prescribed for the violation of right to free access of information lead to sufficiently grave consequences for the responsible persons in the non-compliant authorities</i>" is analysed.</p> <p>The percentage of respondents that answered "Strongly agree" or "Agree" on a verbal five-point scale is measured.</p> <p>Scale used: 1 – Strongly disagree; 2 – Disagree; 3 – Neutral; 4 – Agree; 5 – Strongly agree.</p>			<p>0 points for 0 - 29.9%</p> <p>1 point for 30 - 59.9%</p> <p>2 points for 60 - 100%</p> <p><b>Maximum points: 2</b></p>			
<b>TOTAL POINTS</b>	0-6	7-11	12-17	18-23	24-28	29-34
<b>FINAL INDICATOR VALUE</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>