



## CASES OF MAPPING OUTCOMES

# Strengthening Implementation of Legislation on Access to Information across Latin America

Since 2011, the founding and rapid development of a Latin America network of public agencies responsible for overseeing access to information (ATI) has provided its members with the knowledge and tools to better implement legislation that improves accountability in service delivery for the region's citizens. The improved capacity of these oversight bodies was borne out of a development initiative begun by Chile's ATI oversight body and supported by the WBI's Access to Information Program.

In January–March 2013, WBI mapped the outcomes<sup>1</sup> of this initiative (Figure 1) using a customized outcome harvesting tool.<sup>2</sup> WBI team members identified and formulated outcomes, presenting an explanation of how they had contributed—directly or indirectly, in a small or big way, intentionally or not. Then, roughly

### Goal

Improve service delivery for citizens across Latin America.

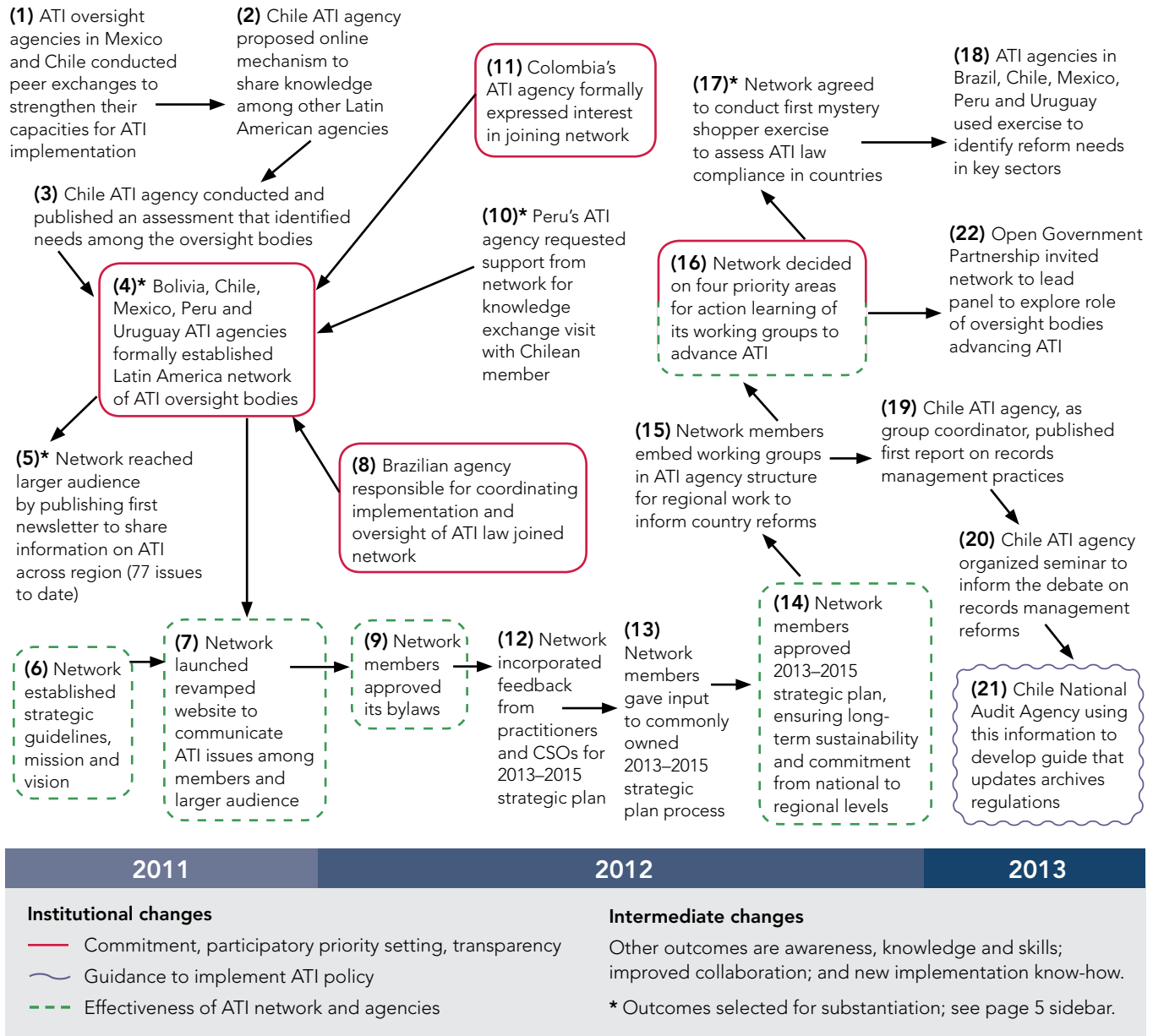
### Problem

Rising demands on public services—combined with limited information around policies and outcomes—has led many Latin American countries to adopt access to information legislation and create oversight agencies to guarantee citizens' right to information. However, in early stages these agencies have limited experience to implement, monitor and enforce these laws.

### Objective

Increase effectiveness of access to information oversight bodies to advance transparency and access in the region, which will contribute to greater accountability in service delivery.

**Figure 1. Map of outcomes showing changes linked over a three-year timeframe**



20% of the outcomes were independently substantiated for credibility in this mapping exercise.

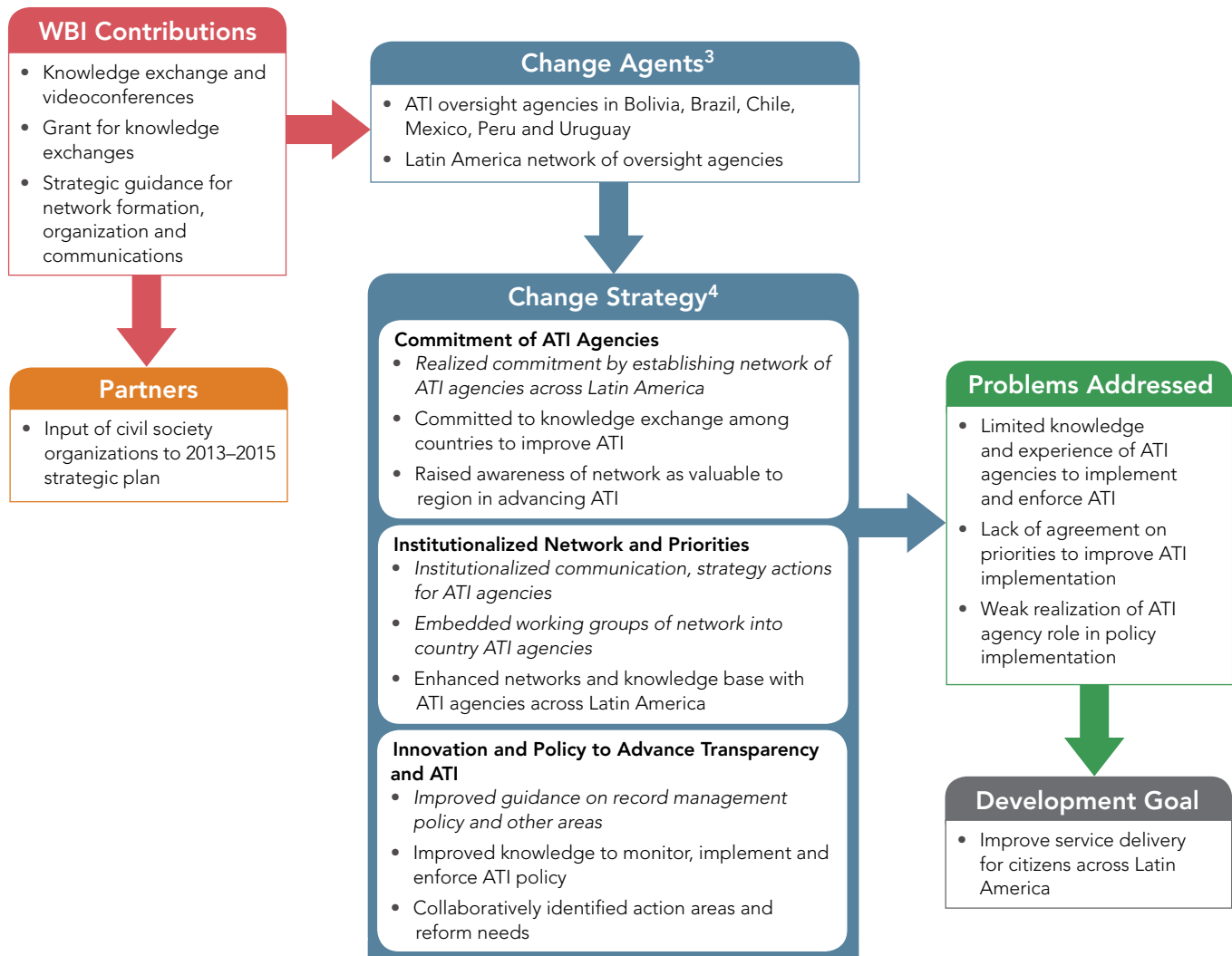
### BACKGROUND

Across Latin America during the last decade, there has been a rising demand for public services combined with limited information about policies and service delivery. This has led many countries to adopt ATI legislation and create oversight bodies to guarantee citizens' right to information. But given the swift adoption of the legislation in the region, a gap between the regulatory framework and the capacity of the countries to respond and implement these laws emerged. The

new ATI oversight bodies, or already existing ones with new responsibilities, had limited experience in the implementation, oversight and enforcement of ATI laws.

WBI facilitated bilateral peer exchanges through videoconferences in the early days of Chile's ATI oversight body, founded in 2009. Through an Institutional Development Fund (IDF) grant—in which WBI worked closely with World Bank operations—WBI provided support to Chile's ATI oversight body to develop a regional exchange platform that evolved into a regional network of ATI agencies. In less than three years, this network, with WBI's support along

Figure 2. Change strategy showing how change happened to advance progress toward goal



with other partners, has made considerable progress in strengthening the capacity of its member agencies around ATI implementation. The process of change can be seen in three streams of outcomes (Figure 2) that are detailed in the following sections.

## OUTCOME AREAS

### Commitment of ATI Agencies

In early 2011, the Chilean ATI oversight body, Consejo para la Transparencia (CPLT), and its Mexican homologue, the Instituto Federal de Acceso a la Información y Protección de Datos of Mexico, conducted peer exchanges to learn about what might work to strengthen their agencies' abilities to meet their ATI implementation and oversight responsibilities. [1]<sup>5</sup> The CPLT also reached out to Peru's Defensoría del Pueblo, Bolivia's Ministerio de Transparencia Institucio-

nal y Lucha contra la Corrupción, Uruguay's Unidad de Acceso a la Información Pública and Canada's Information Commission with a proposal that they join efforts through an online platform. [2] These initial outcomes were important because after the adoption of ATI legislation in the region in the past 10 years, ATI oversight bodies had relatively recent experience implementing these laws, and there was limited knowledge sharing among peers.

WBI encouraged this effort by arranging for a World Bank IDF grant to CPLT to develop a regional exchange platform that supported videoconference and face-to-face working meetings among these organizations.

In March and early April 2011, CPLT conducted and published a capacity needs assessment among the six oversight bodies that identified priorities, needs and areas of collaboration. [3] A regional network was

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seen as a mechanism to facilitate peer exchanges and knowledge sharing tools, learn about what worked elsewhere and identify possible solutions to strengthen ATI implementation in individual countries. On April 19, 2011, Bolivia, Chile, Mexico, Peru and Uruguay established the Red de Transparencia y Acceso a la Información (RTA) network to build the operational and management capacity of ATI oversight bodies in the region. [4]

**WBI provided** advice on the development of the assessment tool and shared information on networking models used by other regional initiatives.

In April 2012, although Bolivia's participation in RTA was limited, the Contraloría General de la Unión, the Brazilian government agency responsible for coordinating the implementation and oversight of ATI law, joined the network. [8] As the largest country and economy in Latin America, Brazil's membership in RTA gave greater weight and leverage to the network.

Also in April 2012, Peru's ATI oversight body deepened its collaboration with Chile through a knowledge exchange; in October 2012 a report was published on the experience of both oversight bodies. [10] For a long time Mexico's ATI oversight body was the sole source for sharing ATI knowledge in Latin America, but by 2012 Chile's agency had positioned itself as another source of knowledge for peers, which led to a richer knowledge base in the region. In November 2012, Colombia's Secretaría de Transparencia formally expressed interest in joining RTA, indicating more growing interest in the network. [11]

**WBI coordinated** with the RTA network and other World Bank teams to arrange for funding for Brazilian government representatives to attend a conference on ATI in Chile and participate in RTA meetings. Likewise, funding was arranged for a meeting of Peru's and Chile's oversight bodies in Peru. By enhancing RTA's role as regional interlocutor for ATI oversight bodies in the region, WBI contributed to strengthening its image and value proposition.

In terms of commitment, the establishment in just over a year of a growing network of ATI agencies across Latin America had focused on knowledge exchange among countries to improve ATI. During the process they raised awareness in the region for advancing ATI and positioned RTA as a leading network on ATI issues.

## **Institutionalized Network and Priorities**

In July 2011, the RTA network began publishing a biweekly e-bulletin, the first of its kind. [5] Then in September, they launched a revamped website, in which the oversight bodies post information and reports relevant to their countries, various news articles and information about ATI meetings. [7] In the past some ATI information was shared among a small group, but the website and newsletter are communication tools aimed to regularly disseminate diverse information to a larger audience. In early 2013, the newsletter had 134 subscribers who also disseminate among their local networks.

**WBI advised** and shared information to include in the newsletter and provided input on the content and design of the website.

At their second meeting in September 2011, the five members of the RTA network agreed on their mission, vision and strategic guidelines and organized working groups. [6] This formalization of the network was vital for RTA's proposed role as an interlocutor on ATI vis-à-vis other regional bodies such as civil society networks, multi-lateral agencies and the international community. In April 2012, the five network members approved statutes and selected Mexico as chair and Chile as executive secretary. [9] Chile's ATI agency developed the network's strategic plan in July in consultation with peers and civil society practitioners in the five countries. [12]

**WBI provided** strategic guidance through a consultant and facilitated videoconferences.

In August 2012, Chile's ATI agency conducted a survey among network members and other stakeholders to inform the implementation of RTA's 2013–2015 strategic plan [13], enhancing RTA's legitimacy with its stakeholders. In September, the RTA network approved the 2013–2015 strategic plan with the overarching objective of strengthening the position of the network at the regional level. [14] By defining clear objectives and a three-year strategic joint work program, the network bolstered its long-term sustainability and reinforced commitment from the national to the regional levels.

**WBI contributed** to the design of the survey. WBI contributed indirectly to results of the RTA network process by providing guidance on working groups, resources to hold face-to-face and videoconference meetings and facilitation of these meetings.

Building the RTA network represented progress in institutionalizing communication, strategy and actions

## SUBSTANTIATION OF OUTCOMES

To verify the accuracy of the outcomes and enrich WBI's understanding of them, the external consultant selected four outcomes [4, 5, 10 and 17] and asked 11 people who are independent of WBI but knowledgeable about the change to review each and record whether they agree with the outcome as described. 10 people responded. All 10 "fully agreed" with the descriptions as formulated; 1 substantiator "partially agreed" with the significance of an outcome and two substantiators "partially agreed" with WBI's contribution to two other outcomes. Excerpts of the substantiators' comments on the outcomes achieved:

"The RTA is becoming a reality because it speaks to our aspiration to develop and fully explore the principles of transparency and the right to access information in our respective countries, reflecting our shared interest in generating a learning process around specific network issues and operations."

—Eduardo Gonzalez, Director for Operations and Systems, Consejo para la Transparencia Chile

"It's important to note that cooperation among the members of the ATI network contributes directly to the work of persuading and overseeing the state administration, as the Office of the Ombudsman does in Peru."

—Fernando Castañeda, Deputy on Constitutional Affairs Defensoría del Pueblo de Peru

"In Mexico, the IFAI has found the 'mystery shopper' technique to be very useful since the start of its operations as the agency responsible for upholding the Transparency Act, and to this day it continues to emphasize using the technique as a mechanism for evaluating the attention given to the requests from the public and application of the process."

—Gabriela Segovia, General Director for Access to Information Policies Coordination, Instituto Federal de Acceso a la Información y Protección de Datos of Mexico

"WBI not only shared information on the various network models but also participated actively in their creation—dialoguing with the various stakeholders, offering input and advice on the analysis, which defined the network's scope, and consistently supporting the network in its early stages. It not only arranged for an IDF grant; it gave totally 'demand-driven' support, consistently fostering its sustainability above and beyond the assistance offered by the Bank."

—Ana Bellver, Senior Public Sector Specialist, World Bank

for the six ATI agencies. The individual agencies have gone beyond participating in the network—they have embedded working groups of the network into their own agencies and are thus becoming national networks. [15]

### Innovation and Policy to Advance Transparency and ATI

Throughout 2012, the RTA network continued to consolidate its operation and reach outwards. The 2013–2015 strategic plan included concrete projects for the four thematic working groups with responsibility for documenting and disseminating good practices on records management, gathering jurisprudence criteria on ATI, promoting knowledge on good practices and lessons learned on capacity building and developing ATI indicators. [16]

In October 2012, Chile's agency, as coordinator of the network, published the first report on records management practices of the five RTA members that also included information from similar bodies in Australia,

France and the United Kingdom. [19] Chile's agency subsequently used the information to organize a seminar that proposed reforms of records management. [20] Informed by this report, Chile's National Audit Agency is developing a guide that updates existent archives regulations. And the Minister Secretary-General will set up a working group to promote legal improvements to the archives regulations. [21]

**WBI facilitated** an IDF grant that provided support for the initial stages of the records management report.

Between December 2012 and February 2013, the five ATI oversight bodies of Brazil, Chile, Mexico, Peru and Uruguay conducted a mystery shopper exercise to test compliance regarding information access in health, education, taxes and housing. The exercise aimed to assess obstacles, compliance with deadlines and the accuracy of information disclosed by government agencies. [17,18] Implementing a common ATI measuring tool across the region would generate indicators that identify gaps and weaknesses at the



national level of the different targeted sectors. At the same time, other countries that performed better in those areas could collaborate with peers to address those gaps and increase the capacity of agencies to respond.

**WBI supported** the RTA network by facilitating two sessions through videoconferences to discuss methodology and protocols for the mystery shopper exercise.

Finally, the regional organizers of the Open Government Partnership Regional Meeting held in Santiago, Chile on January 2013 invited the RTA network to lead a panel to explore the role of oversight bodies advancing ATI within the partnership. [22] RTA's participation permitted ATI oversight bodies to showcase their role within the Open Government Partnership agenda and the implementation of its action plans. The RTA network is being recognized as a valuable interlocutor in the region to advance ATI, playing a key role among other stakeholders in various agendas.

In sum, in 2012 the RTA network members collaboratively identified new action areas and reform needs. Continuing into 2013, they began to advise others on areas such as records management policy and experimented with new ways for the region to monitor, implement and enforce ATI policy.

## CONCLUSION

The RTA was originally envisioned to create an online knowledge sharing mechanism and evolved to become a regional network of oversight bodies. The activities carried by the network are now embedded within the internal structures of the ATI oversight bodies, which ensures continuity and further development. Also, by establishing thematic working groups, the RTA goes one step ahead—finding innovative solutions that address knowledge gaps and implementation weaknesses through products tailored to support ATI in the region.

The RTA has grown to become an emerging independent network governed by its own members. It builds the capacity of its members by facilitating dialogue, collaboration and knowledge exchanges among peers. The initial assessment helped to align members' expectations, assess comparative strengths and weaknesses and identify shared interest and concern for undertaking joint work. The participatory



process adopted for the RTA network's institutionalization and planning process proved beneficial for gener-

ating ownership of RTA's activities by all members.

One of the most important lessons learned in this initiative was the importance of sharing knowledge and experience to design collaborative regional products that could help ATI implementation at the national level—this has attracted the interest of other oversight institutions in the region. The RTA network demonstrates how regional support can impact national efforts.

Further, the RTA has not only positioned itself in the transparency agenda at the national and regional level, but it has also become a model to advance transparency and ATI in other agendas such as Open Government Partnership. The network is institutionalized in the member countries for knowledge sharing and access to peer knowledge for ATI authorities and staff. Further, the network will be carrying various activities throughout 2013 that go beyond the initial support provided by the World Bank, which proves the network has built its capacity for continuing this initiative independently.

## NEXT STEPS

A World Bank IDF grant supported the RTA network with operation costs and some product costs. Since the grant has come to an end the network needs to develop a funding strategy to ensure sustainability. It has taken initial steps such as a membership-fee requirement established by its bylaws, and Chile's ATI agency, as executive secretary, has agreed to cover operation costs for the next three years. The network still needs to develop a funding strategy that will help guarantee long-term sustainability. Another challenge for the network is the need to define an outreach strategy for oversight bodies in the region to become members. An emerging issue that the network needs to further explore is how to collaborate with other horizontal accountability mechanisms to strengthen the overall accountability framework.

In its last meeting, the RTA approved its 2013–2015 strategic plan, which included feedback from members and civil society organizations and reflected the network's plan to scale up not only by identifying short-term projects but also by refining long-term strategy. The strategic plan builds upon what

has already been achieved and sets higher goals to advance transparency and ATI, including expanding the network to increase membership, reaching larger audiences by sharing products widely and increasing visibility to the network's initiatives and collaborating with regional civil society networks.

As a result of the strategic plan, RTA members foresee the elaboration of a common transparency indicator based on the results of the mystery shopper exercise and the development of a training approach for oversight bodies based on best practices. Moreover, the RTA has gained greater weight with relation to other stakeholders, and it is expected that it will play a key role in advancing transparency and ATI not only in the region but also at the international level.

It is also expected that interest from peers in the region to join the network will grow as the RTA continues to gain experience and develop products on ATI implementation. The network has developed working relations with international initiatives and organizations, incorporating new activities related to the Organization of American States' model law on ATI, contributing to the Open Government Partnership by undertaking an assessment of ATI initiatives within

the partnership's country action plans and exploring potential opportunities for collaborating with civil society. ■

## NOTES

<sup>1</sup> Outcomes refer to significant changes in the behavior, relationships, actions, policies or practices of a change agent that WBI has influenced, directly or indirectly, partially or wholly, intended or not. Outcomes are identified at two levels in relation to the goal: *institutional changes* relate to improvements in ownership, policy and/or organizations; *intermediate changes* relate to improvements in awareness, knowledge and skills; collaborative processes; and implementation experience.

<sup>2</sup> Outcome harvesting gathers information about what changed, for whom, when and where, the significance of the change and how WBI contributed.

<sup>3</sup> Change agents are leaders, groups or organizations from government or non-state that drive change.

<sup>4</sup> Change strategy is how change happened to advance progress toward the goal and objectives—the development problems addressed, types of outcomes achieved, WBI contributions and partners involved.

<sup>5</sup> The numbers in brackets correspond to the 22 outcomes in Figure 1. The text that usually follows each outcome refers to its significance. The process of change the outcomes represent can be seen in Figure 2.

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