



IMPLEMENTATION ASSESSMENT TOOL RESEARCHER'S GUIDE¹

Phase III

The access to information Implementation Assessment Tool (IAT) Researcher's Guide is designed to provide guidance on understanding, applying and measuring the indicators, thus more fully assuring consistency and coherence across pilot countries. To meet this objective, the Researcher's Guide will define key terms, highlight potentially problematic indicators and present instructions for completing the IAT instrument and narrative reports. For more detailed description of the overall goals of the implementation assessment tool and its architecture, please see the accompanying IAT Methodology Manual.

DEFINITION OF KEY TERMS

In the indicators and responses, a number of terms are used which have a specific meaning in the context of access to information. Below are definitions which should be applied:

Actively Participate: Active participation includes, but is not limited to, providing inputs, advice, direction or comments; engaging in discussions or meetings; and/or editing documents.

Allocate: Assign or allot specific amounts in the budget.

ATI specific policy: includes a policy for putting the right of access to information into practice, such as policy related to receiving and responding to requests; proactive publication etc.

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Guidelines: typically non-binding recommendations that set standards or determine a course of action; practices.

Effectively: Adequately/fully accomplishes purpose or produces the desired result.

Instructions for ATI implementation and/or operations: Written document(s) that serves as a general management tool for a specific policy measure. These instructions outline the actions necessary to effectuate change, providing a roadmap and framework to assist agencies in fulfilling their statutory obligations. Instructions do not have to be a self-contained or formally titled document. It could be administered by each specific agency, and could be incorporated into a general plan. Instructions for implementation could be developed during the beginning phases of putting the law into practice, while instructions for operations are provided to assure continuous implementation/application.

Information: Data presented in documents, audio, video, maps etc.

Internal Review: All forms of agency review of the original determination with relation to classification and release of documents.

Internal Oversight: A system or body responsible for auditing, inspecting and evaluating procedures, actions and performance to assure compliance of relevant laws; may also be referred to as Inspector-general, Audit Office/Audit Commission, Ombudsman, or Internal Control.

Monitoring Mechanisms: Systems or means of measuring achievement.

Organigram: Organizational chart.

Periodically: Repeated at irregular intervals of time, intermittent.

Policy: Formal statement of intention establishing goals and priorities.

Proactive Disclosure: Release of information without the need for a specific request. May also be referred to as automatic publication or affirmative disclosure. Publication schemes are often an integral part of proactive disclosure schemes. Can include many forms of proactive disclosure, electronic, notification that available, billboards etc.

Procedures: Binding policies or rules detailing how things will be handled/conducted, also could be called Standard Operating Procedures or Program Operations.

Public Outreach ATI component: This would include language that an ATI law exists, it is good for transparency, it is a fundamental human right, etc.

Public Outreach ATI procedure: This would include language on how one would seek information, one's rights, where one would go to make a request, time limits, etc.

Regularly: Occurring at regular intervals.

Regulations: Formal set of legally binding operating procedures; rule or prescribed order.

Right of Appeal: The right to appeal an agency decision beyond internal review to an administrative hearing or judicial court.

Systems: Special or regular method or plan/processes that govern agency activities.

UNDERSTANDING INDICATORS AND COLLECTING DATA

The IAT incorporates a wide variety of qualitative and quantitative indicators to assess the extent to which a Ministry/agency is capacitated and prepared to fulfill their access to information functions. As the framework illustrates, there are three main functions that will be assessed: receiving and responding to requests; proactive disclosure; and records-management. Within each of the functions, there are five identified components: leadership; rules; systems; resources; and monitoring. The specific indicators relate to the elements of these components under each functional pillar. In some cases, there are elements of implementation that are overarching (i.e. engagement of an agency official with authority over policy) or that affect more than one function (such as one or more public official responsible for ATI functions and duties). In these cases, the elements have been placed under the "fundamental functions" pillar. Thus, the fundamental functions pillar does not reflect additional functions, but rather captures elements that apply equally to more than one of the functions of receiving and responding to requests, proactive disclosure and/or records-management.

The instrument has grouped the indicators by functional pillars. Indicators 1-26 address the overarching elements of implementation or those elements that apply to more than one function (the fundamental functions pillar). Indicators 27-38 are targeted at implementation elements related to receiving and responding to requests; indicators 39-48 apply to proactive disclosure; and indicators 49-65 are associated with elements of records-management. It will be noted that the greatest number of indicators falls within the "fundamental functions" section, as many implementation activities serve more than one specific function. Moreover, within these functional groupings, the indicators are subdivided by component. In other words, for each function, the indicators flow through leadership questions, to rules, then systems, resources and finally questions related to monitoring.

Types of Questions

The indicators include a mix of different types of questions. A number of the questions are “yes” or “no” or simple multiple choice. Other indicators include compound answers. For example, for questions related to rules and systems the answer often calls for a number of components to be present. In order to mark “a,” the agency must have meet all of the components. If the agency has done some of the actions listed or the documents include some of the parts but not all, then the researcher will mark “b” as the answer. In these cases, when the answer is “b,” researchers will be specifically instructed to indicate in the “comments” box (a box below each indicator) which of the components is present and which is missing.

Indicator 27: Has the agency created or adopted written guidelines for receiving requests?

- ☐ a. The agency has created or adopted written guidelines for receiving requests that include **all** of the following:
 - i. determining what constitutes a request;
 - ii. providing an acknowledgement of receipt; and
 - iii. assisting the requester
- ☐ b. The agency has created or adopted written guidelines that include some but not all of the above
- ☐ c. The agency has not created or adopted written guidelines for receiving requests

For the example above, if selecting “b”, the researcher might note in the comments box that the agency has created or adopted a written guideline for determining what constitutes a request and for providing a date stamped acknowledgement, but that there are no written guidelines relating to assisting the requester. For a more detailed explanation of why the researcher selected “b”, the researcher may also upload any document as an attachment into Indaba. For more information on how to upload findings onto Indaba, please refer to the Indaba User’s Guide.

In rare cases, there will be a question that includes a response of “not applicable.” In these cases, the response choices include an explanation of why the indicator is not applicable (ie acceptable reasons for marking “not applicable”). In most instances, it is either because the law is too new to have necessitated reviews/revisions or the administrative structure does not apply. For example, in Mexico agencies do not have the authority to create/amend their own ATI regulations or policies. This authority has been centralized in one specific ministry; as such, the agency cannot legally act on the indicator and so it is “not applicable.” Indicator 1 is an example of an indicator where the agency may not have the authority to create, adopt, or

review ATI specific policy, necessitating a “not applicable” answer choice; indicator 5 is an example where the researcher may indicate “not applicable” because the law is too new (less than 2 years old) to have necessitated a review.

Indicator 49. Does an agency official with authority over policy actively participate in the creation, adoption, or review of records management policy?

- ☐ a. Yes
- ☐ b. No
- ☐ c. Not applicable, agency official does not have authority to create, adopt, or review records management policy

Indicator 5. How often are ATI guidelines reviewed by an agency official with authority over policy?

- ☐ a. ATI guidelines are reviewed at least every two years
- ☐ b. ATI guidelines are reviewed periodically
- ☐ c. ATI guidelines have not been reviewed
- ☐ d. Not applicable, the guidelines are less than two years old

In the event that the researcher comes across an indicator that does not provide for an answer choice of “not applicable” when one is merited, it should be noted in the comments box.

Preferred Data Points

For each of the indicators, a preferred data point has been provided. The identified “preferred data point” is the evidence which we consider will allow the researcher to most fully and accurately provide the measurement. As one of the objectives of the piloting phase is to test all of the components of the tool, we also are testing whether the identified preferred data point for each indicator is the best means of identifying and justifying the response. Because of the design template of Indaba, the preferred data point along with any additional instructions is located in the “hint” box. To see the preferred data point, open the “hint” icon.

Indicator 44. Is the public official(s) tasked/appointed responsible for proactive disclosure trained to comply with their duties?



Preferred data source: Interview with relevant public official(s) and training materials. Instructions: Verify dates materials were created and/or distributed and when specific training(s) occurred.

For a few of the indicators, you may need to provide TWO data points/sources. For these unique indicators, the need to provide two indicators will be clearly noted under the instructions. In some cases, the data point may not be available, would take an inordinate amount of time to find/gather, or is not the most appropriate in your context. In these cases, the researcher should select the next best data point from the illustrative list of data points listed below each indicator (Indaba calls these “sources”). If the preferred data point is reviewed, but the researcher does not feel that it is sufficient to complete the indicator, the researcher should select another data point that more completely and accurately allows them to determine the response.

In general, the IAT asks for only one data point in order to select a response. However, researchers are encouraged to validate their responses by exploring additional corroborating data points/evidence. If there is conflicting data, researchers should note this in the comments box and confer with The Carter Center Project Manager. In the event that a preferred data point is not used, researchers should note which data points were used and why in the description of sources box.

There are a few indicators where the only data point/source will be through an interview with the relevant public official. Researchers will note that these are subjective indicators. See for example Indicator #60:

Indicator 60. Does the public official(s) tasked/appointed responsible for records management functions and duties have the time and staff resources needed to fulfill his/her responsibilities?

Although an organizational chart could be reviewed to determine whether there are staff responsible for records-management, in the case above, an interview is the most appropriate data point as only the persons actually tasked with records-management will know whether in practice he/she has sufficient time/staff to fulfill all of his/her responsibilities.

The illustrative list provided for each indicator contains a number of other potential data points beyond the preferred data but is not comprehensive, and the researcher is not to be bound to only these data points.

Example of Illustrative Data Points/ Sources of information

For all Leadership and Guidance indicators:

- ☐ Interview with agency official with authority over policy
- ☐ Interview with public official responsible for ATI functions and duties
- ☐ Strategic planning documents
- ☐ Policy documents
- ☐ Other

For all Rules indicators:

- ☐ Dates of previous and current document(s)/regulations and/or policies
- ☐ Designated office
- ☐ Document(s) detailing instructions for ATI implementation and/or operation (ex. standard operating procedures and processes, identifying responsible public official, template form letters etc.)
- ☐ Emails
- ☐ Guideline(s)
- ☐ Internal/agency circulars
- ☐ Interview with public official responsible for ATI functions and duties
- ☐ Interview with agency official with authority over policy
- ☐ Printed plans/hard-copies
- ☐ Policies and/or regulations
- ☐ Reference center
- ☐ Website
- ☐ Other

For all Systems indicators:

- ☐ Classified documents stamped
- ☐ Classification index
- ☐ Communications
- ☐ Computer
- ☐ Designated office
- ☐ Electronic records management system
- ☐ Electronic records retrieval system
- ☐ Electronic system for issuing and serving responses
- ☐ Flowcharts
- ☐ Interview with relevant public official(s)
- ☐ Interview with public official responsible for ATI functions and duties
- ☐ Log Book
- ☐ Online newsletter(s)
- ☐ Paper records management system
- ☐ Paper records retrieval system

- ☐ Publications
- ☐ Publication scheme
- ☐ Website
- ☐ Other

For all Resources indicators:

- ☐ Agency budget
- ☐ Archives
- ☐ Emails
- ☐ Internal/Agency circulars
- ☐ Internal memos
- ☐ Interview with public official with authority over policy
- ☐ Interview with public official(s) tasked/appointed responsible for ATI functions and duties
- ☐ Interview with public official tasked/appointed responsible for proactive disclosure
- ☐ Interview with public official(s) tasked/appointed responsible for records management functions and duties
- ☐ Interview with relevant public official(s)
- ☐ Newsletter
- ☐ Organizational chart
- ☐ Physical equipment
- ☐ Physical space(s)
- ☐ Posting(s)/billboard in the agency
- ☐ Reference Center
- ☐ Storage spaces
- ☐ Training materials
- ☐ Written document
- ☐ Website
- ☐ Other

For all Monitoring indicators:

- ☐ Auditor report
- ☐ Employment evaluation form/instructions
- ☐ Interview with relevant public official
- ☐ Interview with public official with authority over policy
- ☐ Monitoring reports
- ☐ Online annual report
- ☐ Performance assessment form
- ☐ Physical/hard copy annual report
- ☐ Statistics
- ☐ Other

Please note that there is the potential to mark “other” as the data point for each indicator, should the researcher identify a better source than those found in the list.

Subjective Indicators

A number of the IAT indicators may prove more difficult due to their subjective nature. These indicators are characterized by a reliance on interviews and/or more abstract measurements for determining the correct response. Below are some examples and guidance for addressing these distinct types of indicators.

Indicator 1: Does agency official with authority over policy actively participate in the creation, adoption, or review of ATI specific policy?



Preferred data point: Interview with agency official with authority over policy

As noted, the researcher will be asking the official for a subjective determination on his or her “active” participation (see definition above). However, for this indicator, the more critical information will not be the answer – which is “yes or no” – but rather the explanation of the type and extent of involvement. Researchers should seek a dialogue with the agency official, and are instructed to capture this conversation in the comments box and to include in the country narrative.

Another common example of subjective indicators with interview data points are those which ask whether the official has sufficient time/staff to fulfill their responsibilities. These are clearly subjective indicators based on the officials own experience and perception, and follow on discussions of examples where there was insufficient time or staff should be included in the comments box.

In the indicator below, the difficulty lies in assessing “easy” access. One might consider “easily accessible” to be available automatically in an accessible space; while another might deem easy access to be the ability to request the guidelines *sans* the usual formality. To determine easy access, the researcher might see whether he/she is given timely access to review the guidelines as well as identifying what security or other measures are in place that may limit or hinder accessibility. If the documents are stored in private offices unavailable to other civil servants or persons from the public or there are a number of administrative hurdles including wait times, then the document should not be considered “easily accessible.” Regardless of the response, the researcher should provide a brief narrative in the comments box to further substantiate their scoring/response.

Indicator 7: Does the agency make all guidelines available for reference?

- ☐ a. The guidelines are kept online or in an **easily accessible** reference center . . .

For a number of the systems indicators, in order to complete them, the researcher will need to verify that the system exists and is in practice.

Indicator 35. Has the agency created or adopted a system for issuing and serving responses?

- ☐ a. The agency has created or adopted a system for issuing and serving responses that includes all of the following:
- i. provision of requested documents
 - ii. notice and collection of fees, where applicable and
 - iii. sending notice of denial and right of review/appeal
- ☐ b. The agency has created or adopted a system for issuing and serving responses that includes some but not all of the above
- ☐ c. The agency has not created or adopted a system for issuing and serving requests

In this case, the preferred data source indicates that the system must be “verified”, ie seen/reviewed by the researcher.

Wild cards

Following each indicator grouping (fundamental functions, receive and respond to requests, proactive disclosure, and records management), the researcher has an opportunity to answer an indicator based on his/her expertise/experience of the function being assessed. For this indicator, the researcher should not use any formal data point or engage in any interviews with the public officials. These “wild card” indicators are assessing the overall practice of each of these functions, and serve as another check to support accurate findings. If the information they are receiving through interviews, on-site visits, and desk research is not consistent with their experience of the public administration’s implementation practice, the researcher will now have the opportunity to communicate this discrepancy through their answer choices.

Indicator 26: In your expert opinion, in practice does the agency effectively fulfill its fundamental function related to access to information?

- a. In practice, the agency fulfills its fundamental function related to access to information by effectively incorporating **all** of the following components:
- i. leadership;
 - ii. rules;
 - iii. systems;
 - iv. resources; and
 - v. monitoring
- b. In practice, the agency partly fulfills its fundamental function by effectively incorporating some of the components but not all
- c. In practice, the agency does not effectively fulfill its fundamental function related to

COMPLETING THE INSTRUMENT

To facilitate the measurement and scaling of the IAT indicators, we have developed an instrument through the Indaba platform. This platform allows the researchers to note their answers for each indicator and to provide a narrative with relation to the data points used and a more comprehensive explanation of the answer. Through the Indaba platform, a questionnaire has been provided for each Ministry/agency, i.e. 7 questionnaires in total. Each questionnaire must be completed in its entirety in order to complete the Indaba assignment.

The instrument is a comprehensive document that includes the indicators, preferred data points, specific instructions for researchers, and a space for explanation of the answers and data points/sources. Indaba pages are not printable, so we also will provide the instrument as a separate document with all indicators, data points and instructions for researchers to take along as they engage the various sources of information and to complete concurrently with their research. The findings will be input electronically by the researcher, analyzed by The Carter Center, and then returned to the researcher for additional analysis and peer review. Following the completion of the questionnaire and narratives, The Carter Center will provide each ministry with a “stoplight” score per indicator.

When filling in the “Description of Source” or “Comments” boxes, the researcher should include the following information:

Description of sources box:

- Data point(s): which data point was used, if the preferred data point was not used an explanation of why, any difficulties or comments regarding capturing the data, including thoughts on what might constitute the most appropriate data source

Comments box:

- In compound questions where the answer is “b” (containing multiple elements), researcher should indicate which elements exist and which are missing
- For subjective indicators, any additional details provided during the interviews should be captured in the comments box
- Any specific narrative/comments regarding the answer or findings
- Any specific comment/recommendation regarding the actual indicator, including difficulties with the indicators and suggestions for modification

Please see the example below: (note: this is not exactly how it will appear in Indaba)

Indicator 35: Has the agency created or adopted a system for issuing and serving responses?



Preferred Data Point: Verify the system through flowcharts, electronic system etc.
Instructions: If the answer is “B” please indicate in the “Comments” box which components are present and which is missing.

- ☐ a. The agency has created or adopted a system for issuing and serving responses that includes **all** of the following:
- i. provision of requested documents;
 - ii. notice of collection fees, where applicable; and
 - iii. sending notice of denial and right of review or appeal
- ☒ b. The agency has created or adopted a system for issuing and serving responses that includes some but not all of the above
- ☐ c. The agency has not created or adopted a system for issuing and serving requests

DESCRIPTION OF SOURCES: I was not able to verify the entire system through flow charts, but did speak to the public official tasked in charge of ATI functions and duties who talked me through the system and demonstrated how it works. He showed me a number of forms that the officers complete when they provide the information and also explained orally how it all works and who is responsible.

COMMENTS: In my discussion with the public official, he said that when the agency does not have possession of the document they send it to the correct Ministry/agency. He said that there is no system for notifying the requester of their right to appeal if their request has been denied.

There was some confusion with the public official in charge of ATI functions and duties about the systems and whether all of the relevant public officials are aware. Would recommend they capture more of the process/system in writing for clarity and consistency.

REVIEWS

The main objective of peer reviewing the indicator responses after the application of the tool is to validate the findings as well as the indicators themselves. Validating the findings will require two types of review:

1. Expert blind peer review, including comparing the IAT findings with pre-existing country-specific access to information studies, monitoring exercises, research and/or analysis; and
2. Focal group, including discussing the findings with civil society colleagues that are sufficiently familiarized with the state of access to information and government's capabilities to fulfill access to information responsibilities.

Blind Peer Review

The first review will be a blind peer review, and will be coordinated by the Carter Center. The Center, with some inputs from the researchers, will identify country-specific civil society experts and/or stakeholders to serve as the blind peer reviewer. Using Indaba the blind peer reviewer will assess the researcher's findings and make comments or suggest changes to answers as they see fit. When the peer reviewer recommends a change to the response or seeks additional clarifications, the Carter Center will contact the researcher to discuss the initial response and whether a change in answer is merited. Where there is discord, the answer selection will default to the researcher's findings.

In some countries, studies and analysis related to the right of access to information already have been undertaken. In these cases, we will ask that the Blind Peer Reviewer to compare the IAT findings in light of these existing studies. These studies may relate more to compliance or user satisfaction, which would serve as a good complement to the IAT findings. For instance, as above, IAT findings might suggest that the agency has guidelines and well established systems for receiving and responding to requests. However, by looking at previous studies, we might find that the agency fails to provide information to the public more than 50% of the time and has the highest moot refusal rate. Thus, we might conclude that either there is something amiss with the IAT or that well-established systems do not necessarily equate to good practice.

Focal Group

The focal group review will be managed by the researcher and the findings captured in a short narrative report. The methodology for reviewing the findings with civil society experts and key stakeholders will largely be driven by the particulars of the country and preference of the

researcher. Researchers must conduct a focal group session or sufficient number of individual interviews. In each case, researchers should seek at least 5 persons representing distinct types of organizations or stakeholder groups. Researchers should share the objectives of the IAT, methodology and overall findings. The Carter Center will provide researchers with power point presentations, documents and the stoplight scaling of findings, as requested.

During the focal group session or individual interviews, civil society representatives could be asked to share their experiences with specific aspects of the indicators, such as with requesting and receiving information or with proactive disclosure. These experiences can be juxtaposed with the findings to identify coherence or potential conflicts. For example, the researcher's findings might indicate that a ministry has a comprehensive public outreach strategy and the focal group participants validate this finding by their own experiences of receiving newsletters, hearing radio ads etc. On the other hand, the indicators might demonstrate that the same ministry has well established systems in place for automatically publishing information, while the relevant stakeholders indicate that there is little data available online and that it is outdated.

GUIDELINES FOR NARRATIVE REPORTS

As part of the IAT pilot, researchers will be completing three short reports and uploading them onto Indaba. We recommend uploading the narrative as an attachment for easier reading and editing. Below are some guidelines for each of the reports:

Focal Group/Interviews Narrative (minimum of 500 and maximum of 1000 words)

The researcher will be required to include the narrative of findings of the focal group, and the participant list either directly onto Indaba, or as an attachment.

Country Context (minimum of 500 words and maximum of 1000 words)

Recognizing that the country context may play a critical role in the implementation of an ATI law, researchers are asked to provide an approximate one page narrative on the history of the law (including the length of time in existence) and anything unique about the legislation or its subsequent use that would impact implementation.

Key Findings/Highlights (5 - 10 pages)

The Key Findings narrative will serve to identify overall conclusions related to the seven ministries and agencies assessed, including comments received during the interview with the agency personnel. Researchers should provide specific findings per Ministry, with some overarching comments and recommendations, including reflections by

function and component. In general, this narrative should reflect the researcher's analysis of the extent to which the Ministries/agencies are capacitated and prepared to provide information, respond to requests and manage records.

Assessing the IAT (no more than 5 pages)

The final narrative will focus exclusively on the efficacy, functioning and value of the IAT. As the IAT is being applied in pilot phases, the Carter Center will use each phase to amend and perfect the indicators, methodology manual and researcher's guide. The report on the IAT should present any obstacles that researchers faced in applying the tool and collecting the data points; recommendations for changes to indicators (including additions and deletions) and information sources, and any other suggested area for improvement/adjustment.

Suggested Sequencing for Researchers

- ✓ Contact agency official with authority over policy to make appointment. Where appropriate, researcher may also choose to contact the Information Commission(er) or relevant oversight body to inform on the IAT, its objectives, methodology and indicators.
- ✓ Identify indicators that have data points which can be completed through desk research and do as much desk research as possible
- ✓ Meet with agency official with authority over policy
- ✓ Review documents and relevant office space to complete a number of the indicators (ex. policies, implementation plan, organigram etc.)
- ✓ Meet with public official tasked in charge of ATI functions and duties
- ✓ Meet with the agency official with authority over policy to go over collected data points, missing data and any questions/doubts
- ✓ Meet with Information Commissioner or equivalent to share IAT findings
- ✓ Complete entry of data points and comments re: data collection and value of the indicator (see Indaba training manual for more specifics on workflow)
- ✓ Conduct focal group review/individual interviews
- ✓ Draft all narratives/ summary reports
- ✓ Participate in IAT Pilot Phase III video conference or review meeting to review findings