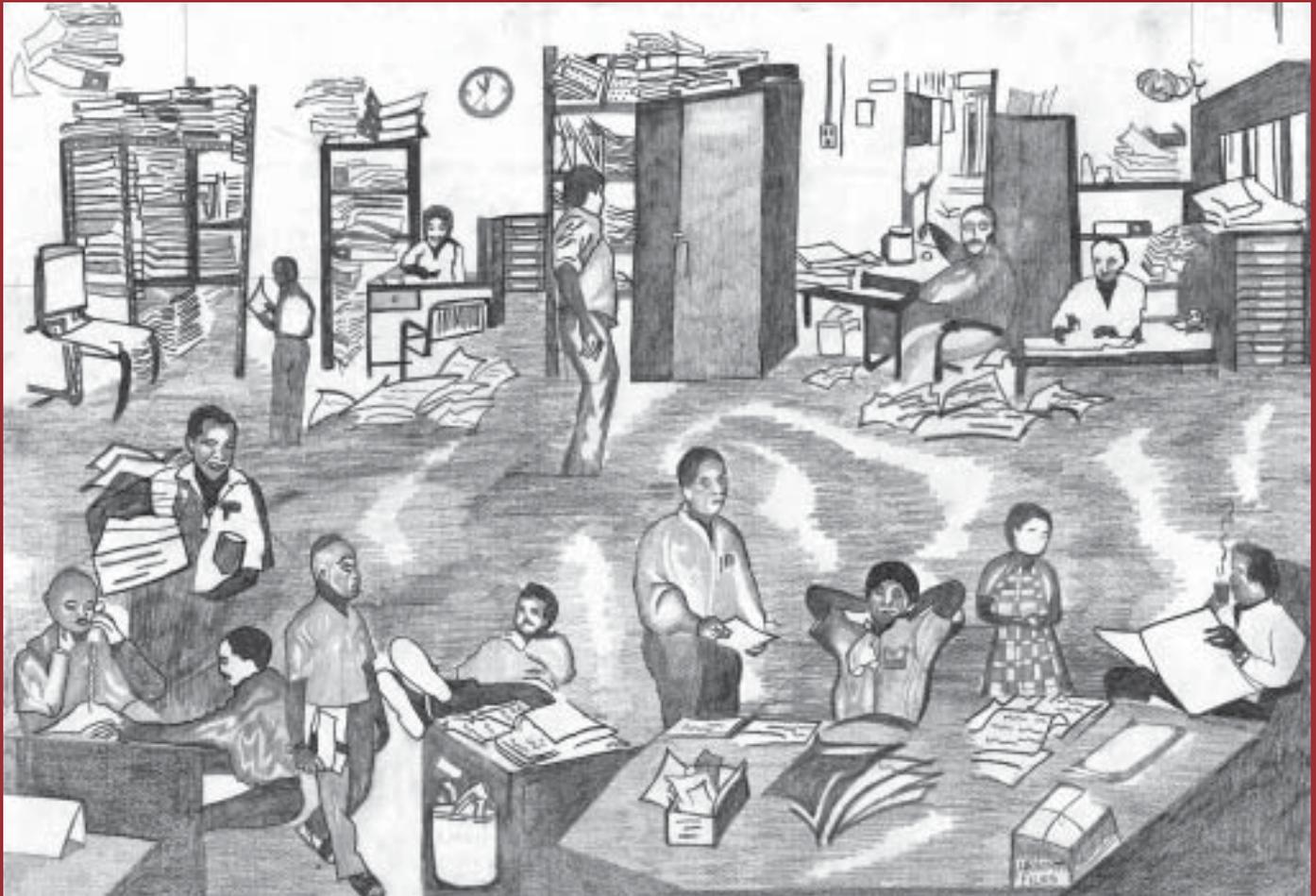


Chapter 3

Making it Work: Entrenching Openness



“Since the earliest civilised societies there has been a tug of war between the democratic and the dictatorial impulse.”

— Rick Snell, Editor FOI Review, Australia¹⁷⁵

A law on access is essential, but it is not enough. By itself, legislation will do little to transform a closed, secret, elitist governance environment into an open democracy. Strong bureaucratic resistance, inconsistent legislative frameworks, process and systems constraints and lack of understanding of the law by the bureaucracy and the public all create hurdles on the road from secrecy to openness.

Change happens only when there is unequivocal political commitment to tearing down all barriers to access and well-crafted and deliberate strategies are developed that support each element of a new access regime. Upholding transparency, accountability and participation requires governments to break bureaucratic resistance; remove restrictive laws from the books; enact supporting legislation; and put in place effective records management and information delivery systems.

Changing Mindsets

Battling The Dictatorial Impulse

Entrenched cultures of secrecy in the political and bureaucratic hierarchies hinder the drive towards openness. The dictatorial impulse, which is often given free rein in environments where secrecy allows public officials to remain unaccountable, can be difficult to combat.

Political will: the foremost obstacle

Foremost amongst the obstacles to effective change is uncertain political will. Governments may give in to demands for enacting freedom of information laws, but then have little genuine commitment to their effective functioning. Drafted behind closed doors, the laws are feeble. They do not include core components necessary to make access to information effective, with the result that implementation is made more difficult from the very start.

Lack of political will undermines the entrenchment of openness by sending conflicting messages to those responsible for administering the law and manifests itself in many different ways. For example, in many Commonwealth countries public officials are routinely required to take pledges of loyalty or oaths of secrecy. Though there is value in a proper level of confidentiality in the workplace, a blanket ban on information disclosure can confuse people about their duties: is their duty solely to their superiors or are they governed by a more general duty to serve the public interest? In modern democracies, oaths of secrecy to government need to give way to oaths of openness to the public. Otherwise, the very existence of an oath to maintain secrecy reinforces the message that public officials are expected to resist all disclosure.

Government delays in putting laws into practice also send mixed signals and pander to the bureaucratic penchant for secrecy. Often justified on the ground that time is needed to put in place systems that enable efficient information disclosure, delays often mask

the battle against openness being waged within the bureaucracy. Delays in implementation can range from the reasonable – such as in Australia and Canada which operationalised their laws within a year of enactment – to the unreasonable, such as the United Kingdom, which has insisted on a five year gap following enactment to get its house in order. In India, the Government has gone one step further and refused to put a date on when it will operationalise the law passed by Parliament in 2002. It excuses itself on the ground that “in the UK, a more efficient system has already taken many years. India will take time and is not setting any time limit for implementation.”¹⁷⁶ In a country notoriously slow to force bureaucratic change, these comments do not augur well for open democracy.

Bureaucratic resistance

Even when political leadership supports change, the steel frame of the bureaucracy can inhibit the sure transition toward openness. For example, before India passed its access law, a member of the Indian Cabinet, the Minister of Urban Affairs and Employment, decided of his own volition to allow anyone to inspect any file in the department on payment of a small fee, only to have the Cabinet Secretary, who reportedly kept the file containing the Minister’s order in his custody, swiftly suspend this exemplary decision.¹⁷⁷ Even in countries which have had laws for years, bureaucratic resistance remains a problem. For example, in 1995 the Australian Law Reform Commission review of the Australian *Freedom of Information Act 1982* found that, despite being in place for thirteen years, “it is clear that the Act is not yet accepted universally throughout the bureaucracy as an integral part of the way democracy in Australia operates...[T]here still appears to be a certain level of discomfort within the bureaucracy with the concept of open government. Some observers consider it may well take a generational change before there is a good working relationship with the FOI Act in the public sector generally.”¹⁷⁸

Every request for information has the potential to cause a disruption in a process, expose a scam or put a roadblock on a possible policy direction.¹⁸⁰ The response of public servants therefore, ranges from proactively providing information, to blaming poor implementation on technical constraints, such as poor record-keeping and inadequate resources, to avoiding requests through harassment. Sometimes bureaucrats even cross the line of what is legal, removing information from files, manipulating information and destroying records. Citizens asking for uncontroversial information about land records, the quality of construction work or available food stocks have been known to be turned away with abuse and even violence. In some cases, persistent information seekers have had to deal with complaints filed with the police on the ground that the requester was obstructing public works.¹⁸¹

There can be no significant and lasting improvement of access to information without the...understanding, co-operation and support [of public servants]. Prescriptive legislation and coercive measures are useful for defining rights and deterring non-compliance. They are less effective, however, in encouraging public servants to act, day in and day out, in ways that further the objectives of the [Freedom of Information] Act. This should be the ultimate goal.¹⁷⁹

In the Indian state of Rajasthan, activists instrumental in the state's access law being passed, and therefore well known to officials, nevertheless have had to visit the offices of civil servants no less than sixty times before being able to get hold of important expenditure information.¹⁸²

Resistance is often not so publicly demonstrated. Bureaucrats can be passively aggressive in their refusal to comply, employing tactics such as waiting for the last possible moment to provide information, rejecting requests on flimsy grounds and relying on endless appeals or court approaches to block disclosure. Behind closed doors, the tricks of the trade are many, for instance: using removable sticky labels to make important notes and comments rather than writing directly on a file; or folding over the top corner of a document and writing comments on its back, so that when a request is made only the front is copied and provided.¹⁸³ Canada, in fact, has had to amend its access law to deal with such activities and now imposes penalties for officers caught destroying, mutilating, falsifying, altering and concealing records.¹⁸⁴

Information: Worth Its Weight In Gold

Ironically, even a good law can provide shelter to bureaucrats determined to resist openness. In most countries, a small charge is attached to making a request for information, but high fees can be an effective means of frustrating access attempts, along with delays – especially for groups such as the media who inevitably work to very short deadlines. In Australia, the *Herald Sun* newspaper was quoted \$1.25 million for the 62,840 hours it was told it would take to process a request about federal politicians' travel. After trying to revise the request and litigating for two years, the paper gave up the hunt.¹⁸⁵ If the costs were too high for a wealthy media company, what chance does an ordinary citizen have?

Manipulation

Anyone denying information should have to justify their action, but practice shows that the inveterate rule maker can defeat the purpose of access laws by developing practical regulations which put the onus back on the public. For example, in the state of Karnataka in India the application forms developed under the legislation ask for the "purpose for which information is being sought" – even though there is nothing in the law that requires this. Inquiries suggest that leaving the column blank or giving an 'unsatisfactory' reason will not result in outright refusal, but might result in the application being returned in order to get a 'satisfactory' reason. Such practices sneak in restrictions on access through the backdoor, as laws meant to create habits of transparency and openness are twisted to make citizens feel that they must justify their need for information.

Access to information laws usually have time limits within which information must be given, but officials often defeat the intent of the law by waiting until the last date to reply and then providing incomplete or inadequate information. Seemingly reasonable time limits can be stretched inordinately by determined officials intent on avoiding disclosure. The Canadian Information Commissioner identified a worrying trend of departments taking extensions of several years beyond the 30-day time limit prescribed by the law to respond to requests.¹⁸⁶



Lack of awareness of new access laws

Lack of awareness about the law among public officials is another hurdle and points to the need for constant training. A year after the South African access law came into force, one study found that 54% of public bodies contacted were unaware of the law, 16% were aware but not implementing it and only 30% were aware and implementing it.¹⁸⁷ Even these modest levels of awareness may not be matched in other similarly placed jurisdictions with more recent laws. In the state of Karnataka, India, one particular government agency refused to accept requests for information simply because it did not have a copy of the relevant legislation. Another, with nearly fifty requests for information pending, did not respond to even one, either because officers did not know what was expected of them under the law or perhaps just did not care.¹⁸⁸

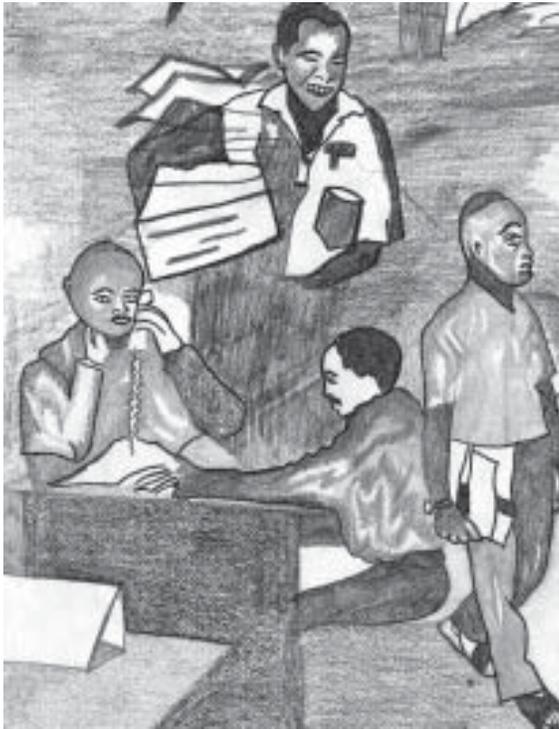
Nurturing The Democratic Desire...

The first step towards breaking down bureaucratic resistance is for high-level political leadership to send a clear message down the line that the government takes transparency seriously and that providing information is an integral part of every public official's job.

Getting bureaucrats ready and raring to go

Insisting on compliance and raising awareness is a work in progress and requires long-term commitment. As long as government employees believe that providing information to the public is an inconvenience and of little value to their careers, openness will never take root. Training begun even before an access to information law is enacted demonstrates government commitment to openness. For example, before the law came into force in Trinidad and Tobago in 2001, sensitisation sessions were held for the Cabinet, Permanent Secretaries, Heads of Divisions of Ministries and the media. In the period between enactment and implementation of the new law, the United Kingdom has been steadily designing codes of practice on various topics like 'publication schemes' and 'records management' to equip government agencies to deal with requests.

Since access laws are meant to bring about such a radical change to prevailing norms, capacity-building needs to encompass public officials in all departments and at all



levels. Training cannot be a mere cosmetic, ad hoc exercise, limited to specifically designated 'information officers'. Beyond the mechanics of knowing what the law says, what records management systems hold and how information is to be provided, holistic training emphasises the role of public servants in implementing 'openness' as a core value of public service.¹⁸⁹ Training needs to focus on changing the attitudes that distance government from people and must aim at mitigating the disquiet that changes in institutional culture always create.¹⁹⁰

Keeping a watch on implementation

With habits of secrecy so deeply entrenched, access laws require strong monitors to oversee the process of change, evaluate the performance of public bodies and promote bureaucratic and public knowledge of the law. Specific positions can be created to fill this role or existing oversight mechanisms, such as Ombudsmen, can be given these responsibilities. In the United Kingdom, this role is performed by an Information Commissioner.¹⁹² In South Africa, the

Human Rights Commission has the duty to create user guides on access to information, train public officials, act as a repository for the manuals containing lists of records and information held by public and private bodies which are required by law, conduct educational programmes, assist members of the public with requests, monitor the implementation of the law and report to parliament.¹⁹³

Timely Training Lays Strong Foundations

The Jamaican *Access to Information Act* was passed in 2002. Although the legislation is still not yet in force, with the date for implementation postponed again, the Jamaican government has created an Access to Information Unit attached to the Prime Minister's office with a mandate to spearhead and guide implementation and administration of the law. The Unit's training agenda includes exposing officials to the fundamentals of change management, the details of the law and information management. The first phase of training of about 400 officials to prepare them to handle requests for information efficiently and effectively began in early 2003 and included NGOs as resource people.¹⁹¹

Sometimes special units created by the government perform these functions, as in Jamaica and Trinidad and Tobago. These regularly scrutinise departments to measure levels of compliance year by year, identify roadblocks to access, make assessments of the best and worst practices, provide guidelines and training, disseminate judgments clarifying the parameters of the law, make recommendations for reform, create literature for public education and run public education campaigns.

In the case of Trinidad and Tobago, the Freedom of Information Unit facilitates the implementation process by educating members of the public about

Delays – A “Silent, Festering Scandal”

Successive Information Commissioners in Canada have battled the endemic problem of bureaucratic delays in responding to requests. Identified by the first Commissioner as a grave threat to the public’s right of access, the second Commissioner called the propensity to routinely delay disclosure a “silent, festering scandal.”¹⁹⁴ To address the problem, the current Commissioner instituted a system of ‘report cards’ to measure the performance of specific departments, identify specific causes of delay, make suggestions for change and track action taken. Since 1998, 26 report cards have been placed before Parliament.

In the early days of the Act, the Information Commissioner would generally investigate complaints about delay, negotiate a revised deadline and then negotiate further if this was also missed. Only when even that deadline was missed would the aid of the Federal Court be sought to force a decision. Inevitably however, a final determination was eventually made before the court process could wend its way to a hearing. In 1998, the Commissioner adopted the ‘one-chance-to-correct’ approach. Failure to commit to a fixed response date or failure to meet the revised response date negotiated with the Commissioner now triggers a ‘deemed refusal’ investigation. Senior officials of the department must then justify, in formal proceedings, the legal basis for the deemed refusal to grant access. Complaints of delay to the Commissioner, which regularly ran to almost 45 percent of all complaints, in 2001-2002 had dropped by a third to 28.8 percent.¹⁹⁵

their rights and public authorities about their responsibilities under the Act. Since it was established in 2001, the Unit has:

- Conducted seminars for key officials;
- Established a freedom of information website;
- Produced a manual on CD for public authorities;
- Distributed 224,000 brochures explaining the law to national households by post;
- Produced radio and television features, newspaper advertisements on various aspects of the law and posters for members of the public (on rights and responsibilities) and officers in public authorities (on responsibilities);
- Undertaken Community Outreach through the “FOI Caravan”: with assistance from the Ministry of Community Development, the Unit conducted sessions to sensitise members of the public in communities throughout the country; and
- Upon request, conducted sensitisation sessions for management/staff members at public authorities (93 such sessions have been carried out so far).¹⁹⁶

Crafting a Supportive Legislative Regime

Access laws do not exist in isolation. Rather, they are part of a suite of legislative and policy measures designed to secure openness. Thus, once an access law is passed, it is imperative that all inconsistent legal provisions are repealed or, at the very least, amended to comply with the spirit of open government. Supplementary laws and regulations may also need to be enacted.

Overriding Inconsistent Legislation

The uncertainty created by the continued existence of restrictive legislation sometimes makes it hard for public officials to know exactly how much to disclose under the new access law. Undoubtedly in today's world, many of these laws cannot withstand scrutiny and while they remain on the books, they cumulatively create a level of chill that freezes out information-sharing as a routine bureaucratic activity.

Old Official Secrets Acts can undermine openness

Many countries of the Commonwealth have official secrets acts which are designed to keep government closed. They often contain sweeping clauses that appear to forbid the disclosure of every kind of information. They allow for presumptions of guilt, often cover a multitude of bewildering circumstances in which any communication could be punishable and create serious offences that can ground accusations of traitorous behavior and espionage that could bring down harsh prison sentences. The basis on which documents are categorised as 'public', 'restricted', 'confidential' or 'top secret' is often left to the discretion of officials, and how classification criteria are developed and applied is neither well-known nor questioned.

While there is a place for official secrets acts, they must be very tightly drafted such that their provisions are invoked only sparingly, in very specifically-defined circumstances.

Unfortunately, old official secrets acts remain largely unaltered in most post-colonial jurisdictions in the Commonwealth. Laws that are meant to cover only documents that contain 'official secrets' are stretched to cover any 'official' document. In Bangladesh, newspaper editors have been arrested under the Official Secrets Act for nothing more than reproducing already 'leaked' secondary school examination questions which were published to expose corrupt officials who routinely sold such questions before the examination period.¹⁹⁸ In Malaysia, an opposition politician was jailed in 2002 for two years after being found guilty of revealing to the press the contents of two anti-corruption agency reports on a minister and a chief minister.¹⁹⁹

Civil service rules can inhibit bureaucrats

Myriad rules that curb disclosure by prohibiting government servants from 'unauthorised' communication of information are also to be found buried in civil service manuals. These are sometimes so widely cast that it is not entirely surprising that many bureaucrats decide it is safer to err on the side of discretion than disclosure. In Bangladesh, civil service conduct rules prohibit officials from communicating any



The Continuing Tussle Between Secrecy and Access

When the Jamaican Government passed its Access to Information Act in 2002, it still refused to repeal the ancient Official Secrets Act of 1911 that gags public servants from disclosing government-held information. The Attorney-General specifically clarified that the new law overrode the Official Secrets Act and that any disclosure made under the new law would not be an offence under the Official Secrets Act. However, the decision to retain it runs counter to the spirit of the new access legislation and may well stifle the system of open government that is struggling to be born. The resistance to scrapping a law well-known to be anachronistic demonstrates once again the difficulties of changing deeply rooted government attitudes.¹⁹⁷

information of an official nature to non-officials and the press.²⁰⁰ In Malaysia, administrative guidelines prevent officials from revealing any information in any form to the public or the media without prior written approval from their superiors. Common to too many countries across the Commonwealth, these rules can prevent disclosure of the most uncontroversial information without requiring consideration of the merits of such strict secrecy. In Kenya, for example, a file full of nothing more than newspaper cuttings was marked 'very confidential' and access to it denied without the permission of the Permanent Secretary.²⁰¹

All other laws need to comply

Difficulties in harmonising data protection, privacy and access regimes also create easy excuses for refusing requests. Data protection and privacy laws are designed to protect rights with regard to information held on individuals. At times, privacy rights may compete with public disclosure rights. But where they conflict, privacy rights should not automatically be preferred. Rather, the pros and cons of disclosure and the competing merits of the public and private rights need to be balanced according to the public interest. Unfortunately though, privacy laws are too easily invoked to deny information on the ground that the information is protected and may not legally be released. In this vein, the Privacy Commissioner for New Zealand has received complaints that the government unjustifiably refuses requests "because of the Privacy Act."²⁰²

Provisions in evidence acts also sometimes protect "unpublished official records relating to any affairs of State" and can leave wide discretion with officials "who shall give or withhold such permission as [they] think fit". In many cases, public officers can also not be "compelled to disclose communications made to them in official confidence, when they consider that public interests would suffer by the disclosure."²⁰³ Such provisions need to be amended to accord with the new environment of openness.

Enacting Complementary Laws To Promote Openness

Access laws focus primarily on getting information out of government. They are not always entirely comprehensive, such that other aspects of open government may need to be addressed through separate legislation. This can be beneficial, as it can ensure that the issues are given proper treatment and due importance. It also allows public participation in the legislative process to be more targeted and avoids disparate issues being combined by government and pushed through parliament without sufficient research and input.

Opening up government meetings

To bolster open government, encourage informed participation and inspire confidence, progressive governments are putting in place laws that make participation and consultation with the public a legal requirement. South Africa values this so highly that

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it is mentioned in the Constitution²⁰⁴ and New Zealand has had its so-called ‘sunshine law’ in place for more than 15 years.²⁰⁵ ‘Sunshine laws’ legally require government meetings to be open except in certain specified cases. These laws habituate government to functioning under the public’s gaze. Sunshine laws increase public understanding of government actions; build effective citizenship at the grassroots level; make both elected and appointed officials more accountable; foster a free press able to acquire information without currying favour; and improve procedural and record-keeping standards of governmental bodies.²⁰⁶

Protecting whistleblowers

A properly functioning open governance regime is also aided by complementary legislation that makes it safe and acceptable for people to raise concerns about illegality and corruption plaguing organisations with which they are involved. Honest folk, constrained by employment contracts or public service secrecy rules and without legal protection or clear pathways through which to raise concerns, are often legally unable or too intimidated to speak out or ‘blow the whistle’ against wrongdoing.

Public interest disclosure laws, also known as ‘whistleblower protection’ laws, are designed to encourage reporting of wrongdoing and provide protection from subsequent victimisation. Whistleblowing is a means to promote organisational accountability, maintain public confidence and encourage responsible management. Australia does not have a federal public interest disclosure law, but most of its states do and these laws protect *all* persons reporting wrongdoing, not just employees or workers. South Africa passed whistleblower legislation simultaneously with its access law.²⁰⁷ The United

Kingdom passed legislation prior to its access to information law after a number of investigations into disasters showed that early disclosure might have had a preventive effect.²⁰⁸ For example, investigations into the collapse of the Bank of Credit and Commerce International found that a corporate climate of fear and intimidation stopped employees from saying anything about corrupt practices. Similarly, after the Clapham rail disaster that killed 35 people, investigations found that workers did not feel safe voicing their concerns even though they were aware of the hazard posed by unsafe wiring systems.²⁰⁹

The Challenge of Records Management

The right to information means having access to *full and accurate* information. This rests on the ability of governments to create and maintain reliable records because even the most well-meaning officials can be defeated by their working environments. Financial constraints, insufficient hardware and filing systems, poor categorisation procedures and difficulties in information delivery are all common ills that bedevil governments’ efforts to open up their functioning.

Any Freedom of Information legislation is only as good as the quality of the records to which it provides access. Such rights are of little use if reliable records are not created in the first place, if they cannot be found when needed or if arrangements for their eventual archiving or destruction are inadequate.

— Draft UK Code of Practice on the Management of Records²¹⁰

Records are a government, as well as a public, asset. They contain the evidence that helps citizens understand the 'how' of governmental actions and the 'why' of official decisions. They are the means by which governments can answer queries ranging from a parent asking about the basis for their child's examination results, to investigations by parliament, the auditor-general or the ombudsman about multi-billion dollar defence deals. Accurate records beget accurate answers.

Access to information laws grant the right to obtain records from government agencies, but often fail to impose a *duty to create and maintain* these records in any specific manner. This is a problem because, although record-keeping is an essential part of any access regime, it is often a low priority for governments. In many countries, even where official transactions are noted and filed, they soon become unknown and unavailable as filing clerks and archivists change and move on, and records continue to pile up endlessly. In one country, the records centre held 10,000 linear feet of departmental files for more than fifteen years in no discernable order, with cabinet minutes lying alongside copies of dog licenses and extra copies of government publications.²¹¹

Without proper systems, records can be manipulated, deleted or destroyed and the public can never be sure of their integrity. The methods of manipulations are as varied as human ingenuity but increasingly sophisticated technologies are making verification easier. Recently in India, a highly-placed government official had to resign when forensic tests revealed he was guilty of fudging files and back-dating notes to cover up a scam.²¹² The human cost of poor record-keeping is often seriously under-estimated. Across the Commonwealth, newspapers regularly tell the stories of life-long tragedies caused by careless record keeping: some poor ticketless traveller is imprisoned awaiting trial for years beyond the maximum sentence, or a long cured young woman is abandoned in a mental institution for decades because the system has misplaced a file.

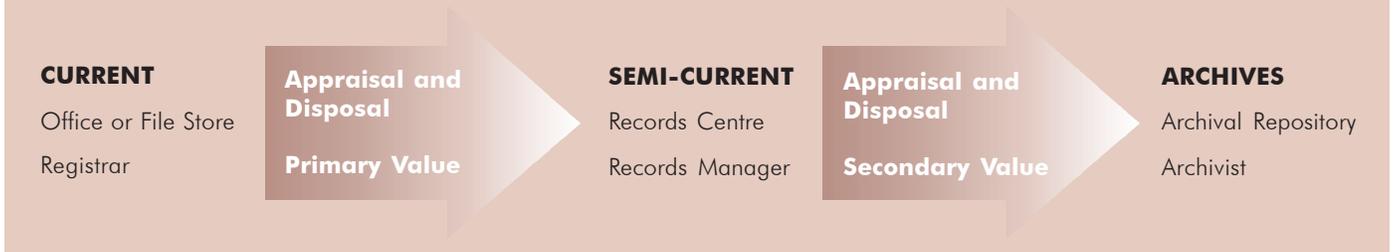
Conversely, good record-keeping benefits both government and citizen alike. For example, in The Gambia, the National Records Service worked with the Accountant-General's Department to ensure that accounting records were properly arranged, listed and stored for easy access. A records centre was built specifically to enable the Department to gain control over a huge mass of financial information that in the past had been left to degenerate into disorder. This had direct benefits for the country's ability to effectively manage its economic affairs. Similar efforts with the Department of State for Justice helped retrieve records that provided evidence of property title, marital status and company and trademark registrations which would otherwise have been lost forever.²¹³

RECORDS INCLUDE



Life Cycle of a Record

Record-keeping is the process of creating, capturing, organising and maintaining the records of an individual or agency.²¹⁴



Compounding poor departmental record-keeping is the fact that the laws that govern the national archives in many Commonwealth countries are inadequate to provide for good records management. The priority of archivists, which is to preserve historic documents, does not serve the aim of active record management, which is to ensure that records are systematically maintained through their entire life cycle and systematically destroyed. New legislative provisions – either in the access law itself or in a separate act – that mandate the use of uniform procedures and systems to manage a variety of records, whether paper-based or electronic, help ensure that the public’s information needs are met.

The Challenge of Information Delivery

The very volume of information generated in a modern world, low literacy rates, a proliferation of languages and remote habitations pose challenges to information delivery, even where there is a right to access it. In poorer countries in particular, ensuring that information reaches the masses can be difficult. For example, important government information is often in writing, but this form of communication is inaccessible for unlettered citizens for whom verbal communications are their main source of information. Information must be made easily digestible. It must also be comprehensible to populations that are linguistically diverse.

Countries have innovated to meet challenges of remoteness and illiteracy by: holding regular community level meetings in rural areas; using wall newspapers posted at local council centres, schools, post offices and community centres to disseminate key messages; using the official ‘beating of drums’ through villages to inform citizens of development projects in their local area; driving vans with loud speakers through the countryside; and even sending up smoke signals to keep people abreast of important happenings.

Mass media, of course, provides a singularly effective means for information dissemination. Accurate, reliable broadcasting bridges the distance between government and citizenry. In the Commonwealth’s developed countries, modern information

technology, a high level of connectivity and the reach and competitiveness of mass media usually ensures that well-targeted messages regularly get out to the vast majority of people. Even in developing countries, the penetration of radio and television is considerable and provides an inexpensive means of getting government-held information out to the public. In a great many countries, large portions of the media are under government control; this imposes a greater responsibility on government to maximise the use of media for sending useful information to the public in a timely fashion. Talk back radio shows in Jamaica, for instance, have helped educate citizens about regulatory systems.²¹⁵ In South Africa, community radio is bringing unprecedented amounts of information to remote areas.

E-governance is also an increasingly useful tool for information-sharing. E-governance uses information and communication technologies to engage citizens in dialogue and feedback and thereby promote greater participation in the processes of governance. E-governance aids in streamlining procedures, standardising rules and improving service delivery to citizens.²¹⁶ The Commonwealth Centre for Electronic Governance is currently working to develop sets of best practice on using technologies to implement the goals and objectives of public administration.

The Challenges Of Electronic Record-Keeping

New technology poses opportunities for managing records well and making information readily available to larger numbers of people than ever before, but electronic record-creation and storage also throws up complex challenges. Paper-based systems are tangible and relatively easily centralised. Increasingly though, official communication is becoming virtual and being done via email. Communication is faster, but more records are created and more are stored in personal spaces rather than common work areas. Details of sequencing, opinions and decisions can be easily distorted or lost unless modern systems of storage and retrieval are in place.

The authenticity of records can be seriously compromised if electronic records and paper records do not correlate. If not managed carefully, institutional memory will be severely harmed and governments' ability to remain accountable to the public can disintegrate. Electronic records are increasingly being accepted in courts as evidence. Therefore, if systems are not in place to guarantee integrity of these documents, justice could be the casualty.

In cash-strapped developing countries, installing comprehensive record-keeping systems is seldom a priority and often appears financially unviable. Lack of equipment, space, staff and know-how are common concerns. In particular, many governments fear that electronic systems are beyond their reach, because installing hardware is seen as expensive, requiring frequent upgrading and needing specialist personnel for maintenance and operation. Yet, equipment is becoming cheaper over time, and today there are a number of international programmes directed at ensuring that developing countries can affordably access the benefits of information technology.

E-Governance Demonstrates The Power Of Information-Sharing

Accessing land records

'eLandjamaica', a state-run service of Jamaica's National Land Agency, brings together detailed information on a broad range of land-related issues previously scattered across various departments, including land titles, surveys, maps and land valuations. Basic information relating to volume and folio numbers for plots of land is freely available to the public, while more detailed information is provided at a cost. This data is particularly useful to land surveyors, real estate developers, planners, engineers, lawyers and buyers who can make sure of title and land usage all at one place.

Networking for development

In Solomon Islands, which has nine different provinces comprised of many smaller islands scattered across almost 1000 kilometres, information technology is being harnessed for the benefit of remote populations to combat the tyranny of distance. The People First Network, set up in 2001, is a rural email network aimed at facilitating sustainable rural development and peace-building by enabling better information-sharing among and across communities.

Exposing corruption

The Central Vigilance Commission of India is the watchdog set up to investigate corruption in public office. Its website includes instructions on how a citizen can lodge a complaint against corruption without fear of reprisal. In an effort to focus media attention on corruption, the Chief Vigilance Commissioner uses the website to publish the names of officers from the elite administrative and revenue services against whom investigations have been ordered or penalties imposed for corruption. The media has picked up this information and used it to further highlight corruption. Newspaper polls report that 83 percent of respondents believed that publishing the names of charged officers on the website has a deterrent effect.²¹⁷

Connecting with citizens

The City of Johannesburg in South Africa has put all its information on its website, with the exception only of personal information about staff and Councillors. Citizens can now obtain on the website the minutes of all committees, even the Mayoral (Executive) Committee, as well as policies and a range of other documents. The "Joburg Connect" call centre has also been trained to accept, record and process citizen inquiries and requests in terms of South Africa's *Promotion of Access to Information Act*. Officials in the "People's Centres" ('one stop shops' in each of Johannesburg's 10 regions which provide easy access to the municipality) have also been trained on the Act and how to process requests, and they log any such requests made to them through Joburg Connect.²¹⁸

Civil Society Must be the Driving Force

Working towards more open governance – whether at the international level, within government or in the private sector – is an ongoing process. Even in the best of circumstances, removing obstacles is slow and improvements are hard won. The political will to create an open regime is maintained only through consistent push from citizens. If the public does not energetically ask for information, there is unlikely to be any effort by government to provide it. It is this dynamic relationship between citizen and state that ensures that laws serve public needs. In fact, it is the demand for information and transparency from the public that has brought the notion of a guaranteed right to information as far as it has come today. To wear down age-old opposition, civil society must consistently engage where it can and confront where it must.