RIGHT TO INFORMATION (RTI) & OPEN GOVERNMENT DATA (OGD)

Some considerations on assessments of these two initiatives
Some basic definitions:

- **RTI**: right to access information (in most cases in documents but not exclusively) held and/or produced by the public sector

- **OGD**: Data in reusable digital format, held and/or produced by governments or by other parts of the public sector
## Differences between both fields
*(general features)*

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<th>FOI /RTI</th>
<th>OGD/RTD</th>
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| **Object of the field is conceived as:** | • Information (in most cases in documents but not exclusively) held and/or produced by public sector  
• Requester has, in most cases, the right to express a desired format | • Data in reusable digital format, held and/or produced by public sector.  
• Open format is inherent to the initiative |
| **Key element inside that conception of the object: Copyright licensing** | • Varies between countries:  
• Some (like USA) have no restrictions on republication  
• Other FOI laws do not alter copyright laws, so rights to reuse may be limited | • Inherent in OGD is that a license is granted to the user to reuse, republish the data |
| **Focus: re: info/data**          | • Reducing information asymmetry (focus on access)                        | • Focus on re-use (added value)                                          |
## Differences between both fields
(through the lenses of civil society actors)

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<tbody>
<tr>
<td><strong>Approach</strong></td>
<td>• Legalistic (mostly)</td>
<td>• Technical + policy (mostly)</td>
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<td><strong>Goal</strong></td>
<td>• Transparency towards accountability, mostly</td>
<td>• Broad range of goals (innovation, economic growth, etc)</td>
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<td><strong>Relationship w/ public sector (govt.)</strong></td>
<td>• adversarialism</td>
<td>• utilitarianism (collaboration)</td>
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<td><strong>Philosophical background</strong></td>
<td>• Classic liberalism (theory of democracy)</td>
<td>• Liberal utilitarianism, libertarian socialism</td>
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OGD initiatives or “Right to Data” = RTI + open formats + reuse
Different initiatives (shared similar resources) +
Different goals + Different scope =
Different assessments (assessing different elements)
Access to Government-held Information (RTI/FOI)
Assessments on reactive and/or proactive disclosure of government held information - Overview
Open Government Data - Right to Data

Assessments on reactive and/or proactive disclosure of government data - Overview

- Single-country assessment
- International/Global assessment
- Legal analysis
- Implementation/performance
- Legal Analysis
- Implementation/performance
Some comments on the available assessment exercises:

“We are in the midst of an explosion in the measurement of government openness and the accessibility of information to the public” (Sheila S. Coronel, Columbia Journalism School)

“Assessments, done right, can be an entry-point for learning and reflection”

(Alan Hudson, Global Integrity)

“Hitherto, FOI advocates have been hesitant to look beyond greater transparency (as measured by access to disclosed information) towards questions of the impact this may have on a range of socio-economic matters.” (Richard Calland, University of Cape Town)
Overview of assessments
(some variables to help us group the numerous initiatives - both fields)

**Scope:**
- One Country (government and civil society)
- Global (international). Mostly from INGOs and/or IGOs

**Object:**
- Information
- Open Data
- Proactive disclosure
- Reactive disclosure
- Public information
- Personal information

**Types of Assessment:**
- Performance/implementation
- Legal assessment
Recommendation for future assessments combining both fields:

Baseline:

Regulation
- FOI: law (international standards)
- OGD: FOI+ formats +reuse (licensing and copyright)

So,
- Guaranteed right to access government-held information (legislation)
- Following international standards ("ley modelo", international conventions)
- Guaranteed access to preferable format

Implementation
- Statistics on compliance (appeals, etc.)

Results
- Statistics on use (users, formats, time, topics, etc.)
Recommendation for future assessments combining both fields:

In the process:

- Clear goals (what do we want to measure and what for?)

- Clear methodology according to the goals (don’t follow established practices just because everybody is doing the same thing but don’t try to reinvent the wheel if it is not necessary either)

- If you are not adding value, don’t waste resources. In some cases, “the existing ratings differ only in the countries they cover and some of the indicators they use. There is already much overlap in this field”

- Acknowledgment of the particularities of each initiative (different types of disclosure, scope, etc.)

- Acknowledgment of the particularities of each reality (context matters)