Métrica de la transparencia

2010

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The data, findings, interpretations, and opinions expressed in this booklet do not reflect the views of CIDE or COMAIP as institutions.

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MÉTRICA DE LA TRANSPARENCIA 2010

I.- WHAT IS MÉTRICA DE TRANSPARENCIA 2010?

Métrica de transparencia is a comprehensive analysis of the transparency system in Mexico. It is an assessment performed by the Center for Research and Teaching in Economics (Centro de Investigación y Docencia Económicas, CIDE) at the request of the Mexican Conference for Access to Public Information (Conferencia Mexicana de Acceso a la Información Pública, COMAIP), which brings together 33 transparency agencies devoted to enforce the right of access to information in the Mexican states, the Federal District and the federal government.

Métrica de transparencia 2010 analyzes legal frameworks, transparency agencies, transparency websites and the process for access to public information (simulated user and statistics), in order to assess the status of the transparency system, to identify areas of opportunity and to elaborate policy recommendations for consolidating this policy in Mexico.

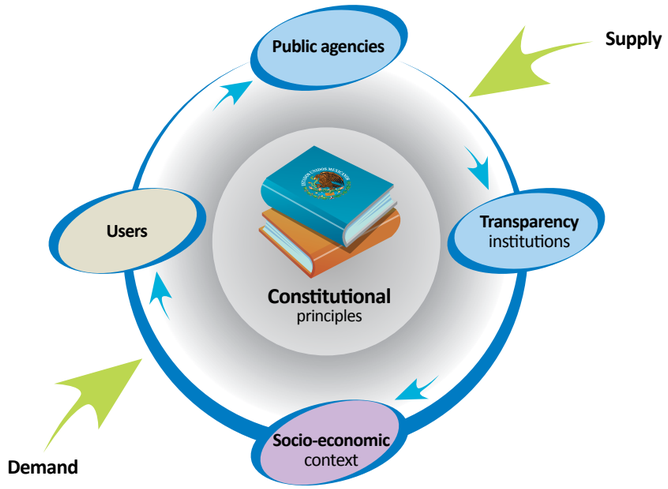
Results from the study offer a complete mapping of the functioning of the transparency system in Mexico: In the federal, state and municipal levels; in the executive, legislative and judicial branches of government; in the autonomous institutions (electoral institutions, human rights commissions, and transparency agencies); and in specialized agencies (Child and Family Develioment System (DIF) and water managing agencies).

Fulls results, along with a final report, 32 state reports, databases, and executive presentations can be found at www.metricadetransparencia.cide.edu.

II.- THE TRANSPARENCY SYSTEM

The basic premise in Métrica de transparencia is that access to governmental information in Mexico should be understood as a system, with different components that reinforce each other. The framework that gives structure to this transparency and access to information system is built on the rights and principles contained in Article 6 of the Mexican Constitution. The main component are citizens that request information, governmental institutions that respond to these requests (including all their conforming parts such as websites and transparency offices for each agency), transparency agencies, and finally, the socioeconomic environment within which they interact.

DIAGRAM 1 THE TRANSPARENCY SYSTEM



III.- DIMENSIONS IN MÉTRICA

The study is structured in four dimensions:

- Legal framework: The goal of this section is to assess the quality of access to government information laws throughout the country. We use an innovating methodology that not only disaggregates the elements necessary for solid legislation but also presents clear weighting criteria. This methodology in based on the principles set by Article 6 of the Mexican Constitution (and its 2007 reform) and the Code for Good Practices and Alternatives for the design of Transparency and Access to Public Information Laws.

- Public information in websites: In this section, we analyze the performance of government agencies regarding the use of the most important element of governmental transparency: publishing information through internet websites publishing ex officio public information through Internet websites. In this section we evaluate the level of compliance of governments in matters of transparency. 18 websites were reviewed in each State, the Federal District and the federation (592 websites in total). In all cases, we evaluate two criteria: compliance with the law and quality of information and ease of access.

- Response to information requests: In this section, we evaluate the process of requesting information and the quality of the answers to requests made by a simulated user. The objective was to assess how government agencies respond to information requests. We made 1,810 information requests (four to executive authorities, and three to the rest of the public agencies included in the study).

- Institutional capacities: The goal of this section is to assess the institutional capacity of transparency agencies, taking into account the multiple functions of these institutions (such as solving controversies, administration, overseeing, regulation and promotion of the right of access to information). We analyze managerial, operational and organizations attributes, which along with the level of autonomy and legal foundations, influence the probability of the transparency institutions successfully carrying out their responsibilities.

IV.- FINDINGS

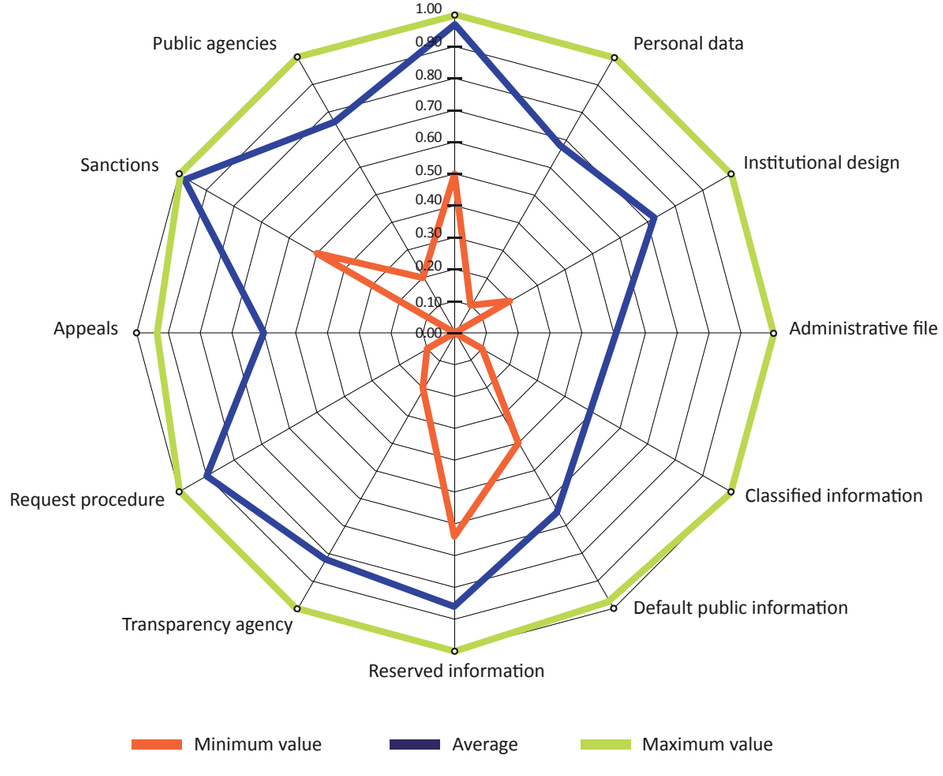
Beyond the aggregate results, the main contribution of Métrica de transparencia is an assessment of the functioning of the transparency system in Mexico. The main findings for each dimension are presented in the next sections.

A.- LAWS

The legal framework regulating the right of access to information has significantly improved in the last years. The constitutional reform to Article 6 fostered amendments to most of the States' laws. In almost every case, the constitutional principles are already incorporated, as is the definition of public agencies subject to these laws, procedures for accessing government information, criteria and time periods for classifying information, as well as the design of transparency agencies. In contrast, there are still certain areas in which laws can be substantially improved, particularly in matters of personal data protection, criteria for classifying information, administrative files, appeals of refusal of information, and ex officio public information.

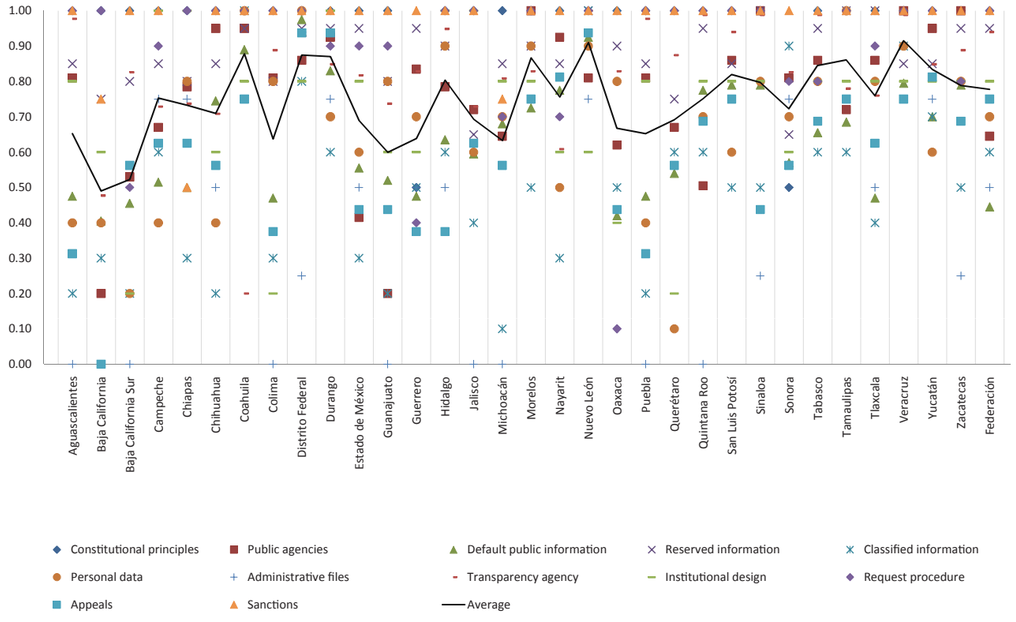
Figure 1 illustrates the asymmetries in legislation by category, based on national averages. The definition of principles is the category with highest average score, while the regulation of confidential information has the lowest. The figure also shows maximum and minimum values per category. We can see that, for ten of the twelve categories, at least one law obtained the maximum possible score (1), while two variables (administrative files and revision appeals) had, at least in one law, a value of zero.

FIGURE 1 VALUES PER CATEGORY OF ANALYSIS



When analyzing the data disaggregated by category for each one of the state laws analyzed, we identify broad asymmetries, as well as asymmetries within each law. Figure 2 shows the individual score for each category (markers), as well as the average for all categories per state (solid line). These data indicate that the values per category can vary significantly within each of the laws analyzed, and among them. This results show that there are significant areas of opportunity for improving law quality and for reducing divergence.

FIGURE 2 VALUE DISPERSION PER CATEGORY AND STATE



B.- WEBSITES

Regarding the transparency websites, we found that their quality and the information they contain vary significantly, although this variation is not related to the level of government, the branch of government, or the state, since the quality of websites can vary substantially in the same state from one agency to another. However, we did find that there is a relationship between the quality of the regulating framework with regards to the quality of websites. Figure 3 compares values obtained in the websites dimension and public information category in the legal dimension.

There is some uniformity in some of the elements in every website, as part of the ex officio public information, such as legal framework, directories and organizational structure. However, there is lower quality in the information related to contracts, audits and budgetary data. Moreover, information about performance indicators is practically absent (despite the fact that this information must be public by constitutional mandate). Finally, we also found that, in most of the cases, websites constitute mere information holders focused on complying with obligations that FOI laws have imposed in terms of ex officio public information. There is little or no connection with the demand for information; morevover, information tends to be presented in a opaque bureaucratic language and structure that makes it harder for citizens to find and fully understand the information provided.

FIGURE 3 CROSS GRADING WEBSITES AND EX OFFICIO PUBLIC INFORMATION
(LEGAL FRAMEWORK)

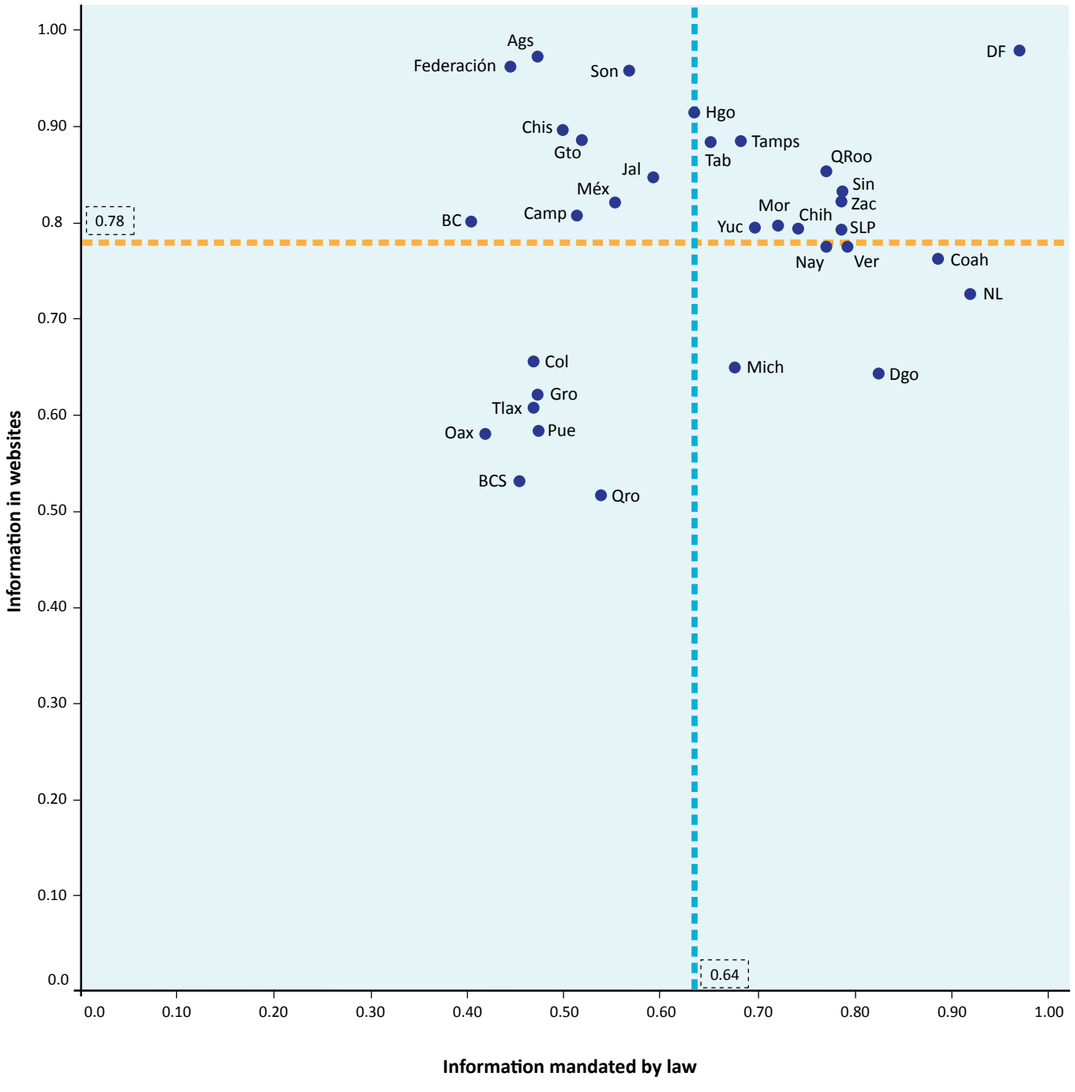
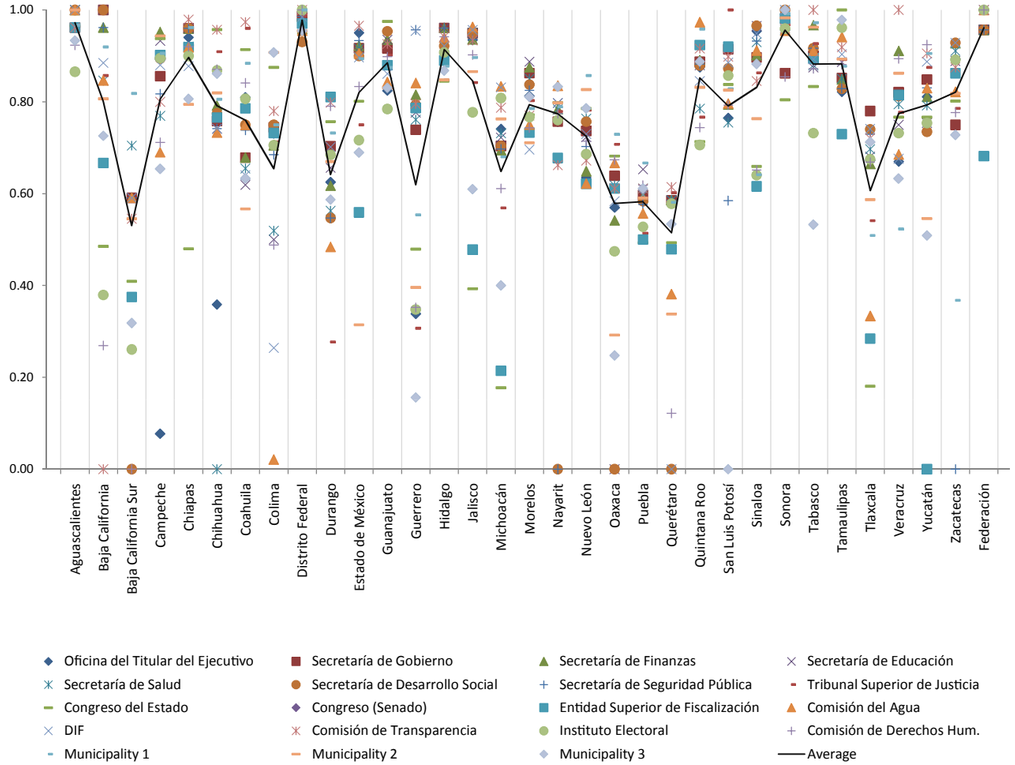


Figure 4 shows the dispersion of data regarding the quality of the websites in each state and among them. Our data shows states with consistently high values, such as Aguascalientes, Distrito Federal, Guanajuato, Hidalgo and Sonora. On the other hand, there are states that have great variation in the values obtained; for example, Baja California Sur, Colima and Yucatán. We find something similar when comparing the average values obtained for each state (see the solid line on Figure 6).

FIGURE 4 DISPERSION PER PUBLIC AGENCY AND STATE



C.- THE CITIZEN'S EXPERIENCE

By simulating 1,810 citizen's information requests, we can assess the way in which a citizen experiences the process of requesting information from the government and the quality of the response. The most relevant finding is that, in matters of access to public information, there is already a fully functioning system that, despite being made up of multiple actors, different laws, diverse technological platforms, etc., it provides a reasonable level of access to governmental public information.

Other relevant finding in this study, which coincides with what was found in the analysis of other dimensions, is heterogeneity: Two citizens may have very different experiences when exercising their right of access to information, both in the process (from electronic mechanisms that are friendly and efficient, to mechanisms based on in person requests or through informal instruments such as an official's private email address), in the time-frame (from responses that are virtually immediate to others that took more than fifty days), and in the quality of responses (from detailed and full responses to the lack of response).

Figure 5 compares the two variables measured: time-frame and quality of the answer. As can be seen, there are states that respond with information above the national average and under the average period of time (see the upper left quadrant), while there are others that do it below the average values in both variables (see the lower right quadrant).

FIGURE 5 AVERAGE IN SCORE AND RESPONSE TIME PER STATE

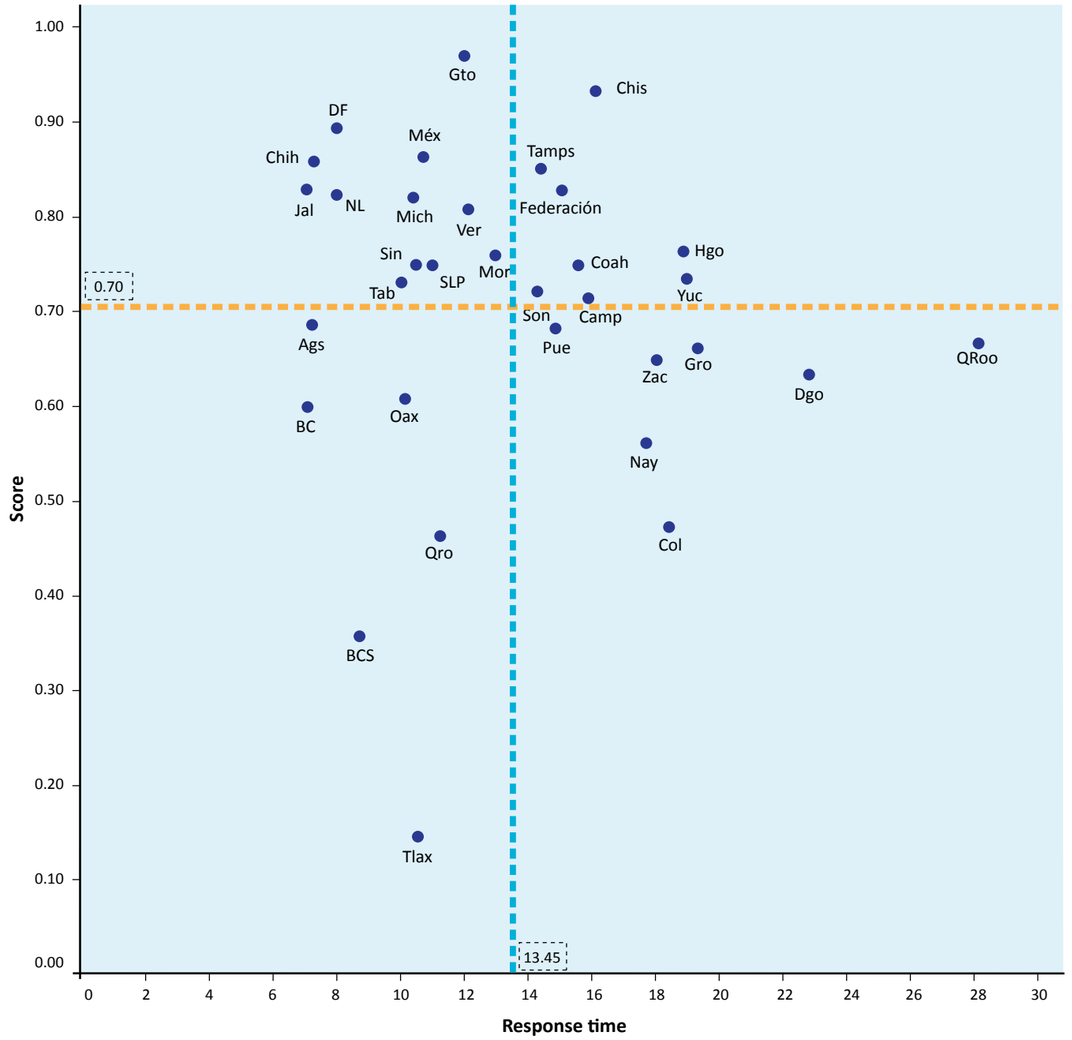
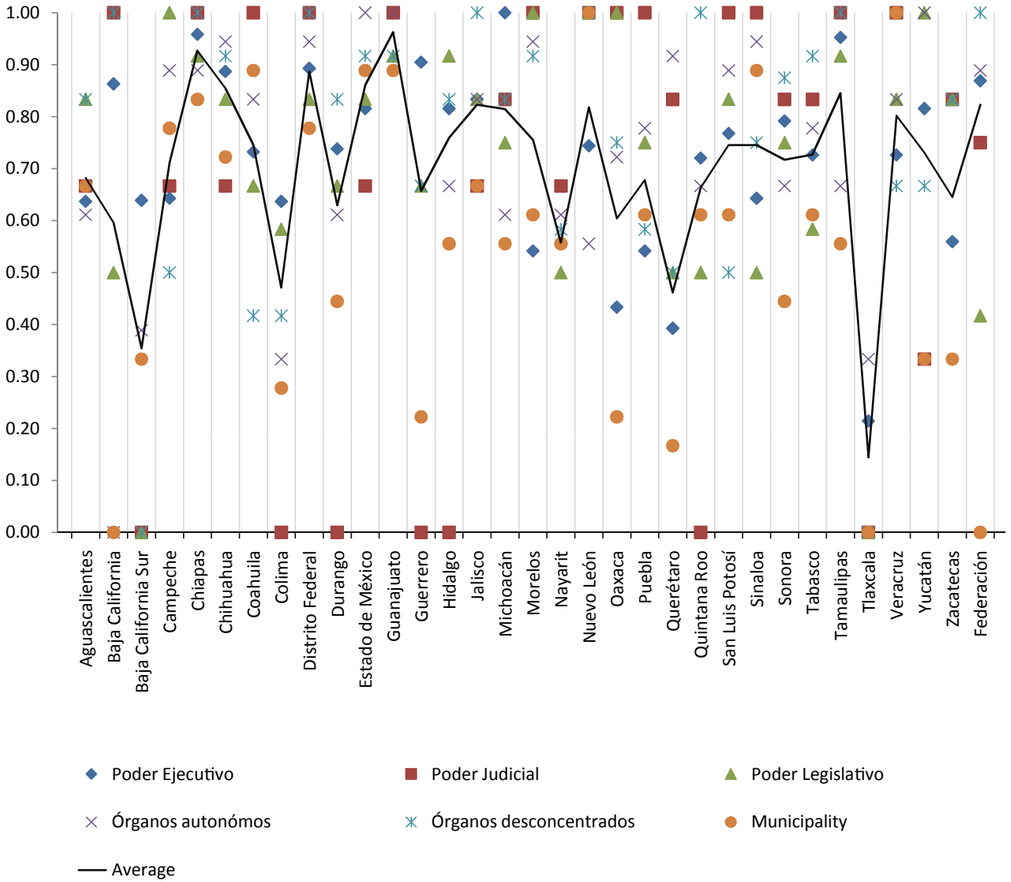


FIGURE 6 SCORES BY CATEGORY OF PUBLIC AGENCY AND STATE



This information reinforces the underlying disparity in the system. Figure 6 shows the average scores obtained for each category of the analyzed agencies. As can be seen, and as it happens in other dimensions, there is great variation when comparing the results by category or by state.

Finally, this exercise led us to identifying a series of practices used by public agencies (be it inadvertently or deliberately), which limit the full access of citizens to public information, beyond fulfilling time-frames and complying with procedures. These practices undermine the right of access to information by hindering the request and delivery of governmental public information.

D.- SPECIALIZED INSTITUTIONS

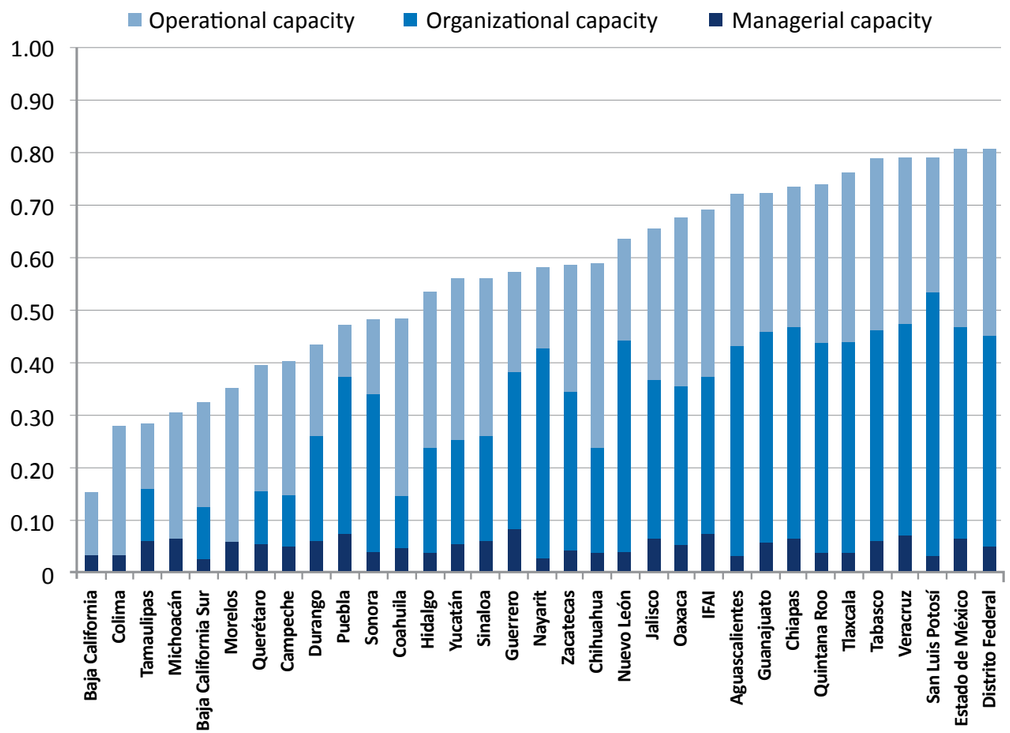
The fourth dimension in Métrica consisted in the analysis of institutional capacities of transparency agencies. For this exercise, the assumption is that the right of access to public information is effectively guaranteed only if, in addition to mechanisms to generate and preserve information, there are mechanisms to respond to information requests, and this right is protected by a specialized organization legally entitled and organizationally fit for the task.

In order to assess the institutional capacity of transparency agencies, we analyze three aspects of institutional capacity: the managerial, operational, and organizational features.

Our analysis suggests the need of strengthening institutional capacities of these organizations, through creative investment in technology, the reduction of opportunities for discretion and uncertainty in the daily operation of transparency, and assistance to citizens that request information.

The heterogeneity observed in administrative capacities of transparency agencies and public agencies is high. Here, the challenge is more complex than simply fine-tuning the laws and increasing the resources. There is a complex administrative task ahead, in building operational capacity (improving human resource processes, developing better technological instruments) and organizational structures (with rules and processes that better articulate the performance of officers, limit bureaucratic discretion and guide decision-making).

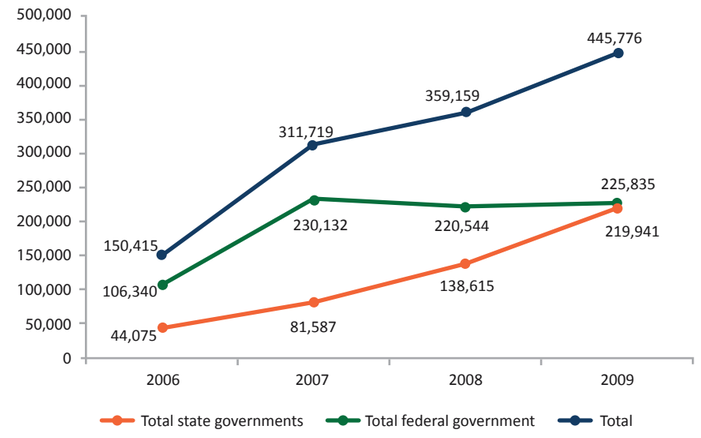
FIGURE 7 INDEX OF INSTITUTIONAL CAPACITIES
(DISAGGREGATED BY CATEGORY)



E.- DESCRIPTIVE STATISTICS

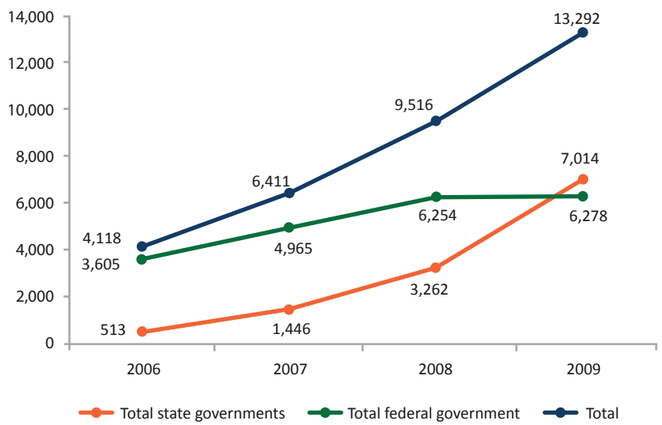
Nationally, the total number of access to information requests (petitions) shows an upward trend, with an increase of almost 70%, in a period of only two years (2007-2009). This expansion of requests is due to the rise in the number of requests at the state level, for in the same period requests in this level of government grew 270%. In contrast, requests at the federal level were stabilized since 2007, undergoing slight drawbacks in 2008 and 2009, but within an apparently stable range between 220 and 226 thousand requests. The following graph summarizes these figures.

FIGURE 8 TOTAL ACCESS TO INFORMATION REQUESTS PRESENTED



Data about appeals presented before transparency agency in the local and federal levels have increased in proportion to the increase in total requests for both categories. Figure 9 presents the evolution of the number of appeals presented.

FIGURE 9 TOTAL APPEALS



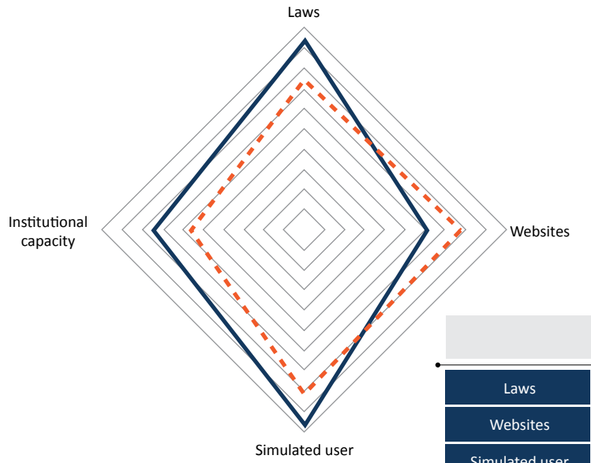
Although it is true that in the period analyzed the total number of appeals at the national level went from 4,118 to 13,292, when we compare the number of appeals for every 10,000 requests, the total number goes from 273.78 to 298.18. In other words, 2.98% of all requests presented are appealed.

V- SPECIFICITIES IN EVERY STATE

Our aggregate indicators shows trends that, however, should be taken with caution, since the functioning of the transparency system in each state show specific features. The assessment would not be complete without a detailed look at the behavior of each dimension, in each department or agency analyzed in order to fully understand the particular dynamics in each state. Thus, we prepared a detailed report for each state, available at the internet website for this study (www.metricadetransparencia.cide.edu), with information regarding:

- The legal history in matters of transparency and access to information
- The number of public agencies
- The scores that the state had in each one of the dimensions in the Métrica compared with the national average
- Scoring by category in the legal dimension
- Scoring by each agency in the website dimension
- Scoring by each agency in the simulated user dimension (quality of responses)
- Response times per question per agency
- Scoring and average response time by type of agency
- Values of the institutional capacities dimension
- Statistics for access to information requests per year (state total and type of public agency)
- Number of requests and appeals presented

FIGURE 10 EXAMPLE OF SCORES OF A STATE BY DIMENSION



	State	Average
Laws	0.950	0.762
Websites	0.615	0.778
Simulated user	0.975	0.821
Institutional capacity	0.750	0.566

VI.- CHALLENGES

Beyond these specific findings, Métrica de transparencia identified three general challenges for the years to come:

1. The challenge of heterogeneity. One of the recurring findings of Métrica is heterogeneity: laws of different quality, with differentiated components. Websites with more or less information and with more or less ease of access, depending on the state or type of agency. Transparency agencies with enough organizational sophistication, human and financial resources –and with current and complete management manuals– that coexist with agencies with few resources and low institutionalization. Citizens that may receive full responses to their requests through a simple and timely process of access to information, in contrast to citizens who must get around complex and time-consuming procedures that do not always culminate with the delivery of full and truthful information. There is no satisfying explanation to these asymmetries. In fact, correlations with the structural characteristics of the states (human development index, gross domestic product or population) were not significant or conclusive.

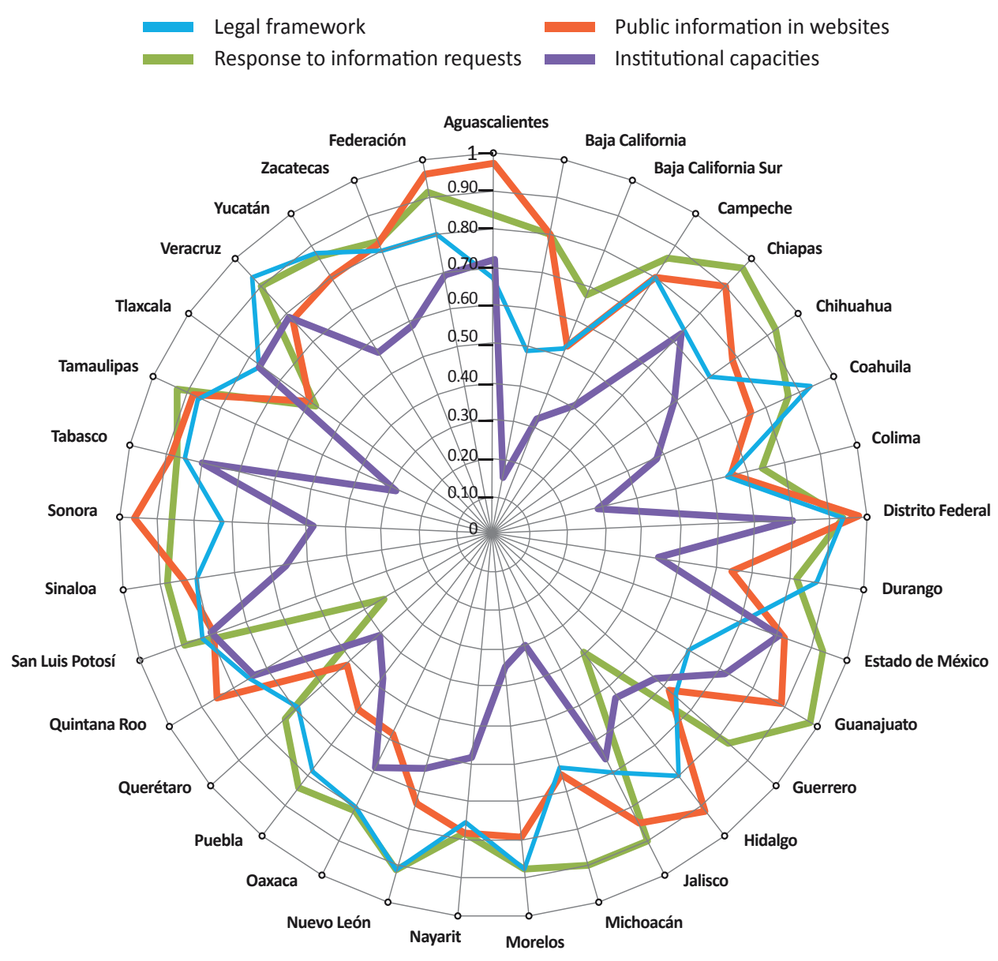
2. The challenge of information quality. Métrica de transparencia showed that, beyond the difficulties in the process of access to public information (outdated or incomplete websites, delays in response periods for information requests, and a series of practices that go against transparency), there is a serious problem with regards to the content of public information. First, there is still a deficit of public information. Second, the exercise of simulated user alerted us of a deeper problem with critical consequences: the idea is not only to guarantee for information to exist, but also that this information is complete, truthful and updated. Finally, there is much work to be done in order to guarantee that information be delivered to the citizen in and accessible format and language.

3. The challenge of strengthening access to information. Métrica de transparencia point out to a practical agenda of broadening the coverage of advertising campaigns for the right of access to information and promotion of a transparency culture. Many transparency agencies already have an extensive portfolio of instruments directed at this goal, but it is necessary to study the different effects of each instrument, in order to prioritize efforts and disseminate findings. It is also necessary to focus on strategic target populations, both in terms of their multiplying effect (for example, when working with university students, with beneficiaries of public programs, or in basic education schools), and of special characteristics of the population that make a priority their inclusion in exercises to promote and use the right of access to information (for example, marginalized people, vulnerable groups, etc.).

VII.- RESULTS

The results from each one of these dimensions gave way to four indexes that compare among states, the Federal District and the federal government in matters of laws, websites, process of request, and institutional capacities. The following graph incorporates the score obtained by each state by dimension. The ideal scenario would be one where the four lines ran along the external part of the circumference. The distance from the current lines to this ideal point represent existing opportunity areas. As can be understood from figure 11, great asymmetries were identified both intra and inter dimensions; that is, data present a significant variation between states and between dimensions.

FIGURE 11 VALUES OF MÉTRICA DE TRANSPARENCIA



The asymmetries identified can be verified when analyzing the minimum, average and maximum values. The following graph illustrates the variation between values in each dimension. As can be observed, the differential between the minimum and maximum value is large for every case analyzed. The greatest distance (0.65) is found in institutional capacities, while the smallest (0.45) in laws.

FIGURE 12 ASYMMETRIES AMONG DIMENSIONS

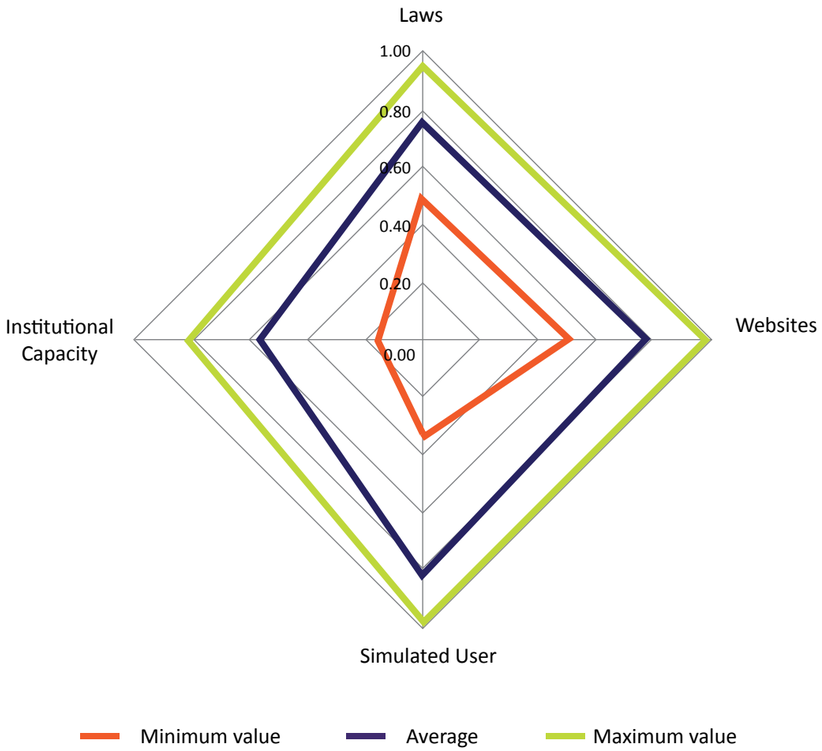


Table 1 reports overall results, as well as the position of every state in each one of the Métrica dimensions.

TABLE 1 VALUE AND POSITION PER DIMENSION

States	Legal framework		Public information in websites		Response to information requests		Institutional capacities	
	Score	Position	Score	Position	Score	Position	Score	Position
Aguascalientes	0.673	27	0.972	2	0.841	20	0.721	9
Baja California	0.49	33	0.801	16	0.798	26	0.153	33
Baja California Sur	0.523	32	0.531	32	0.677	30	0.325	29
Campeche	0.802	13	0.806	15	0.856	19	0.403	26
Chiapas	0.733	21	0.897	6	0.964	2	0.734	8
Chihuahua	0.71	23	0.791	19	0.927	5	0.589	15
Coahuila	0.941	2	0.76	23	0.873	13	0.485	22
Colima	0.637	29	0.654	25	0.736	28	0.281	32
Distrito Federal	0.944	1	0.978	1	0.943	3	0.808	1
Durango	0.87	6	0.642	27	0.815	24	0.436	25
Estado de México	0.69	26	0.821	14	0.931	4	0.807	2
Guanajuato	0.6	31	0.885	7	0.981	1	0.721	10
Guerrero	0.639	28	0.619	28	0.829	22	0.573	18
Hidalgo	0.804	12	0.914	5	0.380*	32*	0.536	21
Jalisco	0.693	24	0.846	11	0.911	7	0.654	13
Michoacán	0.633	30	0.648	26	0.907	10	0.304	30
Morelos	0.867	7	0.794	17	0.878	12	0.351	28
Nayarit	0.756	19	0.774	22	0.779	27	0.581	17
Nuevo León	0.91	4	0.725	24	0.909	9	0.636	14
Oaxaca	0.799	14	0.579	31	0.802	25	0.676	12
Puebla	0.784	17	0.582	30	0.839	21	0.47	24
Querétaro	0.691	25	0.515	33	0.731	29	0.396	27
Quintana Roo	0.751	20	0.852	10	0.332	33	0.739	7
San Luis Potosí	0.82	10	0.791	20	0.873	14	0.791	3
Sinaloa	0.797	15	0.832	12	0.873	15	0.561	19
Sonora	0.722	22	0.956	4	0.858	18	0.482	23
Tabasco	0.845	9	0.882	9	0.864	17	0.789	5
Tamaulipas	0.861	8	0.883	8	0.923	6	0.284	31
Tlaxcala	0.76	18	0.606	29	0.572	31	0.761	6
Veracruz	0.926	3	0.774	21	0.901	11	0.79	4
Yucatán	0.873	5	0.793	18	0.865	16	0.561	20
Zacatecas	0.789	16	0.821	13	0.823	23	0.587	16
Federación	0.806	11	0.961	3	0.911	8	0.693	11
Average	**0.762**		**0.778**		**0.821**		**0.566**	

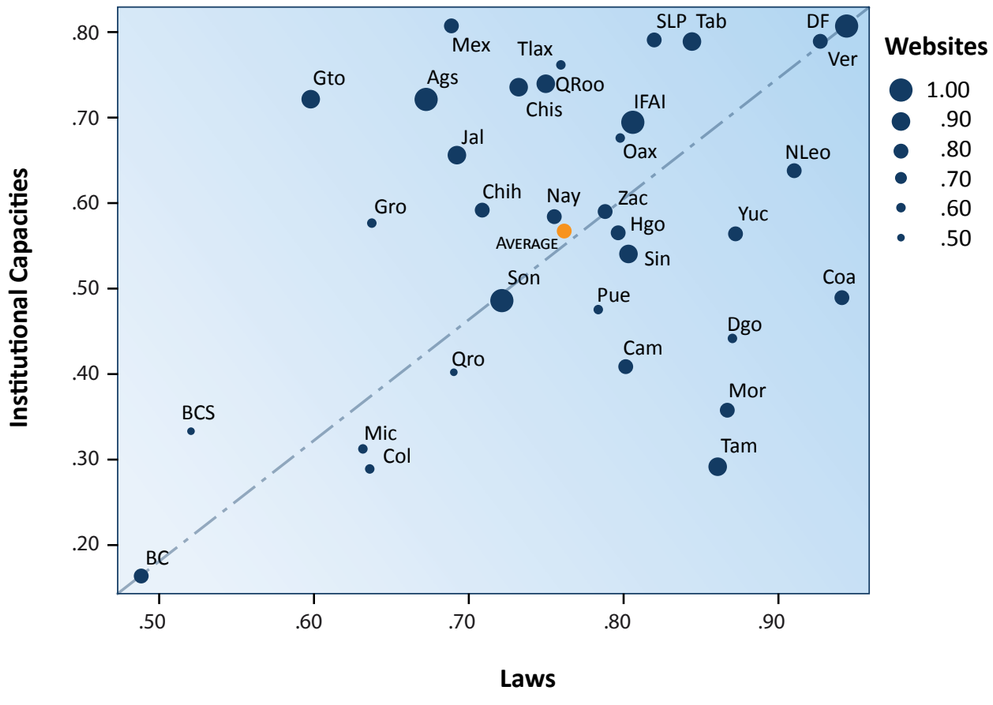
*Because of an interpretation error, Hidalgo received a score of 0 in the response time, although the day count is correct (the average response time was 18.90 days). It should be mentioned that Article 67 of the state's Transparency Law establishes a maximum response time-frame of 30 business days. When recalculating, with a score of 1 in the response time, the final value is 0.879, placing the state in position 12.

VIII. CONCLUSION: GOOD NEWS WITH PENDING TASKS

Métrica de transparencia documented that, after slightly over five years of functioning, there is now a consolidated transparency system in all areas of the Mexican state. Citizens' right to request and obtain information about what their governments do is recognized in the federal Constitution. In addition, a broader legal framework has been built, from laws to regulations and guidelines. This framework, in turn, has generated new institutions –institutes and commissions that act as specialized agencies for this right in the federation and the states– and organizational adaptations –since virtually all governmental agencies now have an office devoted to the issue. All this has given rise to changes in the routines and behaviors of public officers in all the levels and branches of government.

Despite these advances, the persistence of imbalances is notable. Data from Métrica de transparencia led us to two central arguments. First, having solid laws is no guarantee of positive results in websites and citizen requests. Second, a good law and a solid transparency agency do have an impact on these results. For example, a state with a good score in the legal index does not necessarily obtain a high score in the website dimension; however, the coincidence of a good performance in websites is more frequent in those states that also have a good score in institutional capacities (this can be explained by the transparency institution's ability to monitor, see figure 13).

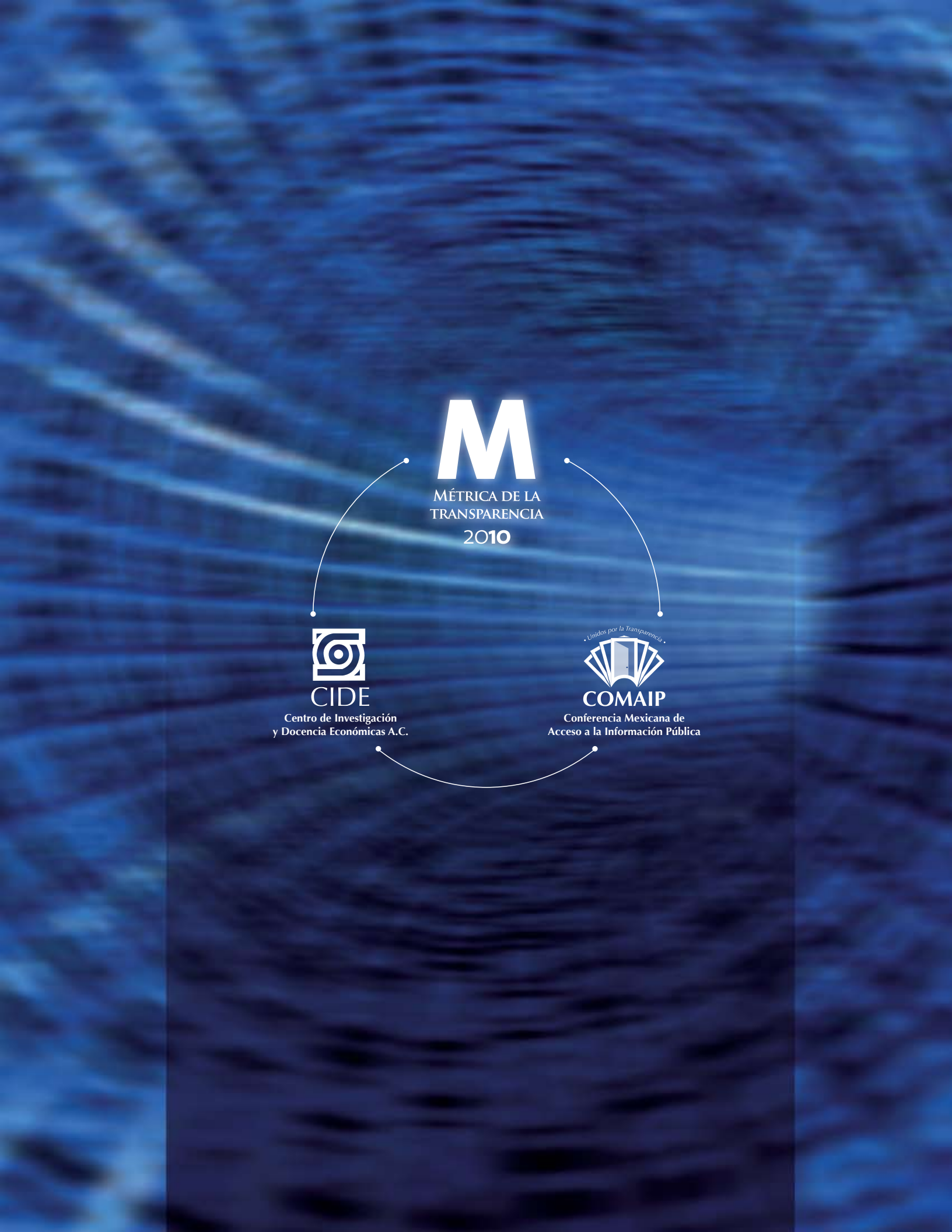
FIGURE 13 INDEXES FOR LAWS, INSTITUTIONAL CAPACITIES AND WEBSITES



The previous graph indicates the potential positive effect of interaction between different elements in the transparency system, and the need to pay attention to a balanced development of it.

At the same time, we identify good and bad practices, and a set of problematic areas that pose a risk to the full exercise of the citizen right of access to public information. It is already clear that this is not only an issue of legal actualization (although there are also notable pending tasks in this area), but of institutional development in areas ranging from those as apparently trivial as the way in which decisions are documented and official documents are filed, to budgetary, technological and organizational strengthening of specialized agencies.

Métrica de transparencia is much more than a ranking or score: it is a detailed analytical assessment of the functioning of the transparency system in Mexico. Databases, state reports and the final report offer inputs for decision making in practically any public office, regarding how to strengthen governmental transparency and how to contribute to the constitutional right of access to public information becoming a useful daily practice to build citizenship, develop accountability and consolidate the democratic regime.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