

Overview of RTI Implementation Assessment Comprehensive Methodology

June 2024



Centre for Law and Democracy
info@law-democracy.org
+1 902 431-3686
www.law-democracy.org

The Right to Information Implementation Assessment Comprehensive Methodology (Comprehensive Methodology) was developed by the Centre for Law and Democracy (CLD) as an in-depth tool to assess how well right to information (RTI) laws are being implemented. The need for such tools has long been apparent and the inclusion of implementation of RTI in Sustainable Development Goal (SDG) Indicator 16.10.2 has further highlighted this need. The Comprehensive Methodology provides a deep assessment of the state of implementation, including both strengths and areas for improvement, and is designed to complement other methodologies in this area, such as the FOIANet Methodology and the UNESCO questionnaires.

Managing the Implementation Process

Primary responsibility for overseeing the Comprehensive Methodology will normally be assumed by the RTI oversight body (such as an information commission), often in partnership with a civil society organisation. It is also possible, but not necessary, to establish a steering committee with multi-stakeholder representation, for example from government, the oversight body and civil society, and potentially also the media, academia, respected citizens, elected officials and commercial actors. Having a Steering Committee can engage different actors in the assessment and follow-up process.

One individual or a small team should be primarily responsible for the application of the assessment. It is important to bear in mind that the Comprehensive Methodology also assesses the oversight body, so it will be necessary for an independent actor to be responsible for that part of the assessment.

The Assessment Areas and Process

The approach taken by the Methodology is to select a diverse set of at least ten public authorities which are covered by the RTI law to assess since the sheer number of such authorities means that it is not practical to assess them all. Ten is the minimum, but selecting more authorities will result in a more in-depth, albeit more resource-intensive, assessment.

The Comprehensive Methodology covers four different assessment areas. Central Measures focuses on the oversight body and consists mainly of assessing the processing of appeals/complaints and the undertaking of promotional measures. The other three assessment areas are applicable to each of the public authorities which have been selected. They consist of Institutional Measures, which looks at issues like whether an information officer has been appointed and if the officer has been provided with training, and then a direct assessment of Proactive Disclosure and Reactive Disclosure.

For each assessment area, the Comprehensive Methodology provides a long list of key substantive issues to be assessed. These are based on an ideal RTI law so, before beginning the assessment, it is necessary to review these issues and adapt them as needed to what is required under the RTI law being assessed.

Seven different assessment tools are used in the Comprehensive Methodology: a desk-based literature review, a desk-based review of appeal decisions, a desk-based review of proactive disclosure (focusing on online publication), key informant interviews, self-assessment surveys, office visits (to check physical proactive disclosure) and RTI test requests.

Before applying the assessment, an implementation plan should be developed. For example, doing the RTI test requests is the most time-intensive of the tools because it involves drafting and sending test requests and assessing the responses (or non-responses). As a result, assessors should begin the assessment with this. Once the assessment process is completed, the results should be compiled into a final, public report, for which CLD has a template.

The Comprehensive Methodology does not result in a score being allocated but we do provide a red-yellow-green grading. This can be calculated for each public authority, for each of the four assessment areas and for the jurisdiction as a whole, among others. CLD has Excel spreadsheets for calculating the grades. Not all of the information collected through the assessment is used for this grading, but all important observations should be reflected in the final report.