

## Editor's Note

### A Need for Longitudinal Research in Information Access

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Does “freedom of information” actually work?  
Time will tell.

Researchers have made great strides in examining freedom of information, particularly over the past decade or two, in a variety of disciplines. But there is much work to be done, especially in examining changes in citizen access to public information over time.

The article in this issue of the *Journal of Civic Information* takes an initial stab at this topic. Bilguundari Enkhtugs and Dr. Kevin Walby, from the University of Winnipeg, examine public writings about the effectiveness of FOI in 25 nations that adopted public record laws since 2010. Not surprisingly, they found a lot of disgruntled record requesters, and lay out key areas of contention.

This qualitative approach is a good start, and it builds on previous studies that have tried to get at how access really works, regardless of the laws.

For example, a variety of scholars have taken snapshots in time – getting a picture of how well FOI laws work on the street, whether it’s an examination of audits,<sup>1</sup> a field experiment in nine U.S. states,<sup>2</sup> or across 14 countries.<sup>3</sup> Those studies, and many more, are extremely important.

Some research, as well, has attempted to examine FOI compliance over time.

For example, Dr. A.Jay Wagner gathered compliance data for the U.S. Freedom of Information Act from 1975 through 2018, finding a general decline in record disclosure over time.<sup>4</sup> Dr. Lindita Camaj interviewed journalists after public record laws were instituted in Albania,

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<sup>1</sup> Kevin Walby & Jeff Yaremko, *Freedom of Information Audits as Access Advocacy*, 2 J. CIVIC INFO. 2, 22-42 (2020).

<sup>2</sup> A.Jay Wagner, *Piercing the Veil: Examining Demographic and Political Variables in State FOI Law Administration*, 38 GOV'T INFO. Q. 1 (2021).

<sup>3</sup> Helen Darbishire & Thomas Carson, *Transparency and Silence: A Survey of Access to Information Laws and Practices in 14 Countries*, OPEN SOCIETY JUSTICE INITIATIVE (2006), <https://www.issuelab.org/resources/7736/7736.pdf>.

<sup>4</sup> A.Jay Wagner, *Pandering, Priority or Political Weapon: Presidencies, Political Parties & the Freedom of Information Act*, 26 COMM. L. & POL'Y 1, 53-102 (2021).

Kosovo, and Montenegro, to get their impressions of transparency, finding a mixed bag and some disappointment.<sup>5</sup>

This area of research is still nascent, though, and the next step requires a) coming up with a systemic and accurate method for measuring compliance with public record laws across varying jurisdictions, and then b) measuring over a span of years.

With such longitudinal data, we could examine how changes to the law impact on-the-ground access to information.

We could see if changes in process and technology, such as implementing online portals or machine-learning systems for record retrieval and redaction, could make a difference.

We could see if training government officials or launching public education campaigns could make a difference.

We could see if cultural shifts and societal upheaval affects access to government information.

Basically, we could figure out what matters – what enhances the ability of citizens to acquire information, and what impedes it.

This is no easy task, for sure.

First, to accomplish just one cross-jurisdictional study is hard enough, whether across 50 states or the 136 nations that currently have right to know laws. If the effort requires people physically visiting government offices and asking for the same equivalent information in the same way, that is a lot of people power, and expense. Perhaps postal service or email might work. Even then, a lot of human time involved, not to mention in coordination.

Then do that every year.

Countries in Latin America have made attempts at gathering information across countries, which is admirable, through the [Network of Transparency and Access to Information](#). The United Nations' UNESCO has the opportunity to lead such an effort among its 193 member states.

That's just across the world. Acquiring solid longitudinal compliance data within one country, such as the United States, can be just as difficult, where each state creates its own set of rules.<sup>6</sup>

Perhaps, with enough funding and support, this will happen. The world's foundations and billionaire tycoons might someday, with our nudging, see government transparency as the essential backbone to the body of democracy.

In the meantime, we will continue to depend on researchers like Enkhtugs and Walby to find economical approaches to examining changes in freedom of information over time.

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<sup>5</sup> Lindita Camaj, *Governments' Uses and Misuses of Freedom of Information Laws in Emerging European Democracies: FOI Laws' Impact on News Agenda-Building in Albania, Kosovo, and Montenegro*, 93 MASS COM Q. 4, 923-945 (2016).

<sup>6</sup> Various attempts have been made to compare transparency across the U.S. states, including the U.S. Public Interest Research Group's ratings of state websites for proactive posting of financial records, <https://uspirgedfund.org/reports/usf/following-money-2018>, and the Center for Public Integrity rating of states in FOI compliance by surveying journalists, <https://publicintegrity.org/accountability/how-does-your-state-rank-for-integrity/>.