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Table of Contents

Editor's Note

Glocal FOI: Local Government Transparency Across the World	i-ii
David Cuillier, University of Arizona	

Social Science

Determinants of Fiscal Information and Right to Information Reforms: A Study of Provincial Governments in Argentina	1-39
Julia Amerikaner, London School of Economics and Political Science	

United Kingdom Freedom of Information Act 2000, Local Government and Everyday Regimes of Practice	40-70
Lynn Wyeth, De Montfort University	

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Editor's Note

Glocal FOI: Local Government Transparency Across the World

David Cuillier, Ph.D., Editor, *University of Arizona*

This issue of *The Journal of Civic Information* focuses on the big and small.

Both articles are entirely worldly, one delving into access to government information in Argentina and the other in the United Kingdom. We can learn so much across cultures and nations, especially now that 134 countries have adopted freedom of information laws.¹

Comparative research is growing in the civic information realm, driven in part by increased sharing through the [Global Conference on Transparency Research](#), launched at Rutgers University in 2011 by Dr. Suzanne Piotrowski. The next conference is scheduled for May in Copenhagen, provided the pandemic doesn't get in the way.

Also, scholars from throughout the planet have shared their findings through a previous online open-access journal called *Open Government: A Journal on Freedom of Information*, which operated 2005-2010, and now through scores of venues across disciplines, such as *Government Information Quarterly*, *Communication Law & Policy*, *Public Administration*, and law reviews.

Initially, much research focused on picking apart the laws, or focusing on case studies of individual countries. Methodologies have expanded into experiments and sophisticated data analysis, and attempts at developing theory will help explain, predict, and improve the flow of civic information.

While much research has examined national-level transparency, more and more focus is being applied to local governments, where people are most likely to interact with information critical to fostering effective self-government. For decades, legal scholars have pointed out the similarities and differences of state public records laws, for example. But it's only recently that researchers have tried to measure actual compliance with the laws, and factors that lead to more or less transparency.

That is precisely what the two articles in this issue attempt to get at.

¹ See the entire list at the Global Right to Information Rating Map, <https://www.rti-rating.org/>, produced by the Centre for Law and Democracy and Access Info Europe. Note that U.S. FOIA ranks 74th on the list, as far as the strength of law on paper.

Julia Amerikaner, from the London School of Economics and Political Science, examines some unique secondary data to find determinants of transparency among the 24 provinces in Argentina. The data indicate some interesting findings regarding the importance of electoral competition, population size, and media influence.

Lynn Wyeth, from De Montfort University, interviewed 17 freedom of information officers at local government jurisdictions in the United Kingdom about constraints that they face in disseminating information, and opportunities for making the system work better. The findings are relevant to local jurisdictions across the globe, including in the United States.

Both authors presented their work at the National Freedom of Information Coalition summit Sept. 28, 2021, for the annual [FOI Research Competition](#), Amerikaner earning second place.

We encourage more researchers to examine the ability for average people to engage with civic information at the local level, whether in Topeka or Tokyo.

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Determinants of Fiscal Transparency and Right to Information Reforms: A Study of Provincial Governments in Argentina

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Abstract

Using a novel dataset and conducting a multiple linear regression analysis, this study aims to answer the following research question: What explains the variation in the level of provincial government transparency in Argentina? This article examines two policy areas—fiscal transparency and right to information (RTI)—and tests five hypotheses related to democracy (electoral competition and turnover), government digital capacity, citizens’ internet access, and press visibility. Fiscal transparency is positively associated with electoral competition and population size; RTI law strength appears to be positively associated with gubernatorial turnover and development. However, government digital capacity, citizens’ internet access and press visibility do not appear to significantly influence transparency levels.

* Julia Amerikaner, London School of Economics and Political Science. Please send correspondence about this article to Julie Amerikaner at julia.amerikaner@gmail.com. An earlier version of this work earned second place at the [National Freedom of Information Coalition summit FOI Research Competition](#), Sept. 28, 2021. The author would like to thank Daniel Berliner, Luis Bosshart, Edward Page, Jill Stuart, Kieran Nelson, Catalina Sempere, Victoria Gasparutti, and Agustin Cavallo for their guidance, valuable insight, and advice.

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Introduction

“Open government” encompasses a wide variety of practices and principles, including transparency, accountability, and participation (Wirtz & Birkmeyer, 2015). The Obama administration visibly championed open government initiatives—most notably the Public Law 113-101 Digital Accountability and Transparency (DATA) Act of 2014. Likewise, the Labour government led by Tony Blair introduced the Freedom of Information Act in 2000, which legislated access to public information. Similar initiatives have become increasingly popular around the world in recent years. The emergence of the open data movement and the rise of Information and Communication Technologies (ICTs) further contributed to this momentum (Council of Europe, 2018).

In September 2011, the United Nations General Assembly launched the global Open Government Partnership (OGP) as a voluntary, multi-stakeholder international initiative (OGP, 2020). The OGP started with a membership of eight governments and now includes 78 countries, a growing number of local governments and thousands of civil society organizations. Transparency and openness have since become important principles of the “good governance” agenda and open government reforms are now a central feature of contemporary policy research.

This upsurge of commitments to open government and transparency has been studied primarily at the national level—to a higher degree in developing countries, where it is usually central governments that commit to OGP national action plans (Canares & Shekhar, 2015; Araujo & Tejedo-Romero, 2016). However, this seems to disregard the political, economic and social differences that exist within a single country. At the subnational level, transparency practices may vary substantially from one state to another, yet the current literature is still nascent in shedding light on the reasons behind these fluctuations.

In addition, local governments are increasingly playing a larger role in delivering key public services and, thus, should be the topic of further research. It is at the subnational level where citizens and the government interact most regularly (CIPPEC, 2019). Still, systematic subnational studies are comparatively rare (Piotrowski, 2011). This study aims to fill this gap in the literature. In this regard, the World Bank recently published the first subnational index measuring the strength of current right to information (RTI) laws in Argentine provinces. In addition, the Centre for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC) constructed an index to gauge the level of online fiscal disclosure of provincial governments. These represent pioneering efforts to measure and rank the implementation of transparency initiatives at the subnational level. In both cases, the results reveal major differences among provinces. For instance, while some display robust RTI legal frameworks, others have no formal laws or decrees regulating access to public information. Similarly, some governments display a higher degree of online fiscal transparency than others. Thus, this article seeks to explore the factors that potentially account for this variation.

This study uses this novel data to answer the following research question: What explains the variation in the level of provincial government transparency in Argentina? Following Tavares and da Cruz (2017), this study applies a political market framework in order to answer this question. According to this framework, policy outcomes are shaped by both supply and demand factors. It has mostly been applied to study climate protection policies (Feiock et al., 2014) and land use regulation (Lubell et al., 2009). It is the first time this framework is used to analyze provincial government transparency.

This study explores two groups of hypotheses: 1) “supply-side” factors, including electoral competition, gubernatorial turnover, and government digital capacity; and 2) “demand-side” determinants, including citizens’ internet access and press visibility. The results suggest that each policy area is associated with different factors. On the one hand, online fiscal disclosure seems to be associated primarily with electoral competition and population size. On the other hand, a stronger RTI legal framework seems to be associated with gubernatorial turnover and level of development. In this way, provincial government transparency appears to be primarily associated to supply-side determinants rather than demand-side factors.

As a decentralized and heterogeneous country, Argentina is a particularly interesting case for studying transparency at the subnational level. In terms of population size and income, the difference across provinces is very large: for instance, the City of Buenos Aires (CABA) accounts for 7% of the total population and has a GDP per capita of USD 37,804, whereas Formosa has a GDP per capita of USD 4,816 and accounts for less than 1% (INDEC, 2010; World Bank, 2018). In this sense, this study represents an opportunity to examine the effect of these factors on transparency while holding national-level factors constant.

Prior research shows that the timely disclosure of public information brings many benefits. In this sense, empirical studies suggest that transparency can reduce levels of corruption (Reinikka & Svensson, 2005), enhance fiscal performance (Alt & Lassen, 2006), and improve governance (Islam, 2003). Thus, it is important to explore the factors that may influence transparency.

The first section of this article presents a review of the recent literature on transparency. It defines core concepts, such as fiscal transparency and right to information, and introduces three theories commonly used by scholars to explain the adoption of transparency reforms: agency, legitimacy, and neo-institutional. Next, the article applies these theoretical approaches and prior empirical findings to develop the main research hypotheses and briefly reviews the Argentine provincial government context. The article then presents the research method, variables, and research models selected to test the main hypotheses. The subsequent sections present the results, discussion of the findings, policy implications, and suggestions for future research.

Literature review and hypotheses

Core concepts: Fiscal transparency and right to information

Transparency represents one of the key principles of open government (Council of Europe, 2018). Although transparency remains a contested concept, for the purposes of this study it can be understood as “the disclosure of information by an organization that enables external actors to monitor and assess its internal workings and performance” (Grimmelikhuijsen & Welch, 2012, p. 563). This study focuses on two policy areas: fiscal transparency and right to information (RTI).

Fiscal transparency has been described as “one of the mainstays of the open government movement” (OGP, 2020, para. 3). While different standards and best practices exist, there is no unequivocal definition (Stanić, 2018). Thus, this study interprets fiscal transparency as the “full disclosure of all relevant fiscal information in a timely and systematic manner” (OECD, 2002, p. 7). It specifically examines the online disclosure of financial information.

Right to information laws (also called freedom of information, public record laws, or access to information laws) provide “the right to access documents held by the government without being obliged to demonstrate any legal interest” (Ackerman & Sandoval-Ballesteros, 2006, p. 93). These

seek to guarantee transparency by allowing any interested parties to request public information and requiring bureaucrats to respond (Berliner, 2014).

Theoretical framework

Currently, no single theoretical framework explains why some governments embrace transparency initiatives and others do not (Bearfield & Bowman, 2017). Nonetheless, scholars generally base their studies on three principal—and often complementary—theories to explain the adoption of transparency reforms: agency, legitimacy, and neo-institutional (Zimmerman, 1977; Laswad et al., 2005; Cárcaba García & García-García, 2010; Pina et al., 2020; Rodríguez Bolívar et al., 2013).

In a principal-agent relationship, a “principal” (for example, voters) delegates authority to an “agent” (elected officials) (Zimmerman, 1977). Agency theory assumes that the principal and agent do not share the same interests, and that agents have more information than the principals, thereby leading to an information asymmetry. An inherent challenge of delegation is agency loss, whereby agents might shirk, abuse their privileges of perquisite consumption, or even engage in illicit acts. Thus, principals have incentives to monitor their agents and hold them accountable for their actions. In this context, governments are encouraged to adopt transparency practices that will reduce this information asymmetry and enable accountability (Cárcaba García & García-García, 2010).

Voters are not the only societal actors with incentives to monitor incumbent governments. Another important source of control of political behavior is political challengers (Zimmerman, 1977). In this sense, political competition can reduce agency costs by encouraging candidates to act in the voters’ interests—or risk losing the next election. Similarly, the press is also involved in the agency relationship and can pressure governments to supply information in order to demonstrate that they are honoring transparency commitments (Laswad et al., 2005).

According to legitimacy theory, governments may adopt transparency reforms as a way to appear more legitimate to their stakeholders (Serrano-Cinca et al., 2009). Legitimacy represents “a generalized perception or assumption that the actions of any entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (Suchman, 1995, p. 574). Thus, governments may implement transparency initiatives to gain citizens’ trust and change negative perceptions (Curtin & Meijer, 2006; Araujo & Tejedo-Romero, 2016).

In recent years, the neo-institutional theory has also been applied to explain the adoption of transparency reforms (Pina et al., 2010; Rodríguez Bolívar et al., 2013; Tejedo-Romero & Araujo, 2020). According to this theory, organizations respond to external pressures by adopting socially acceptable practices (DiMaggio & Powell, 1983). In this sense, transparency initiatives represent trust, modernity, and good governance. Thus, governments may use reform as an organizational strategy to respond to external demands, such as pressure from media or citizens (Pina et al., 2010). Ultimately, this leads to homogeneity among organizations, as they tend to conform to predominant norms and structures.

Determinants of government transparency

This section reviews the relevant literature on the determinants of both national and subnational government transparency. Taking into account prior empirical research, this article applies these findings to develop research hypotheses.

Following Tavares and da Cruz (2017), this article applies a political market framework to study the determinants of subnational government transparency. This framework conceptualizes public sector reform as the result of a dynamic process between policy suppliers and demanders of change (Kim & Lim, 2018). Thus, hypotheses are divided into two groups: supply-side and demand-side. On the one hand, supply-side determinants refer to the political environment and the government's technical resources. On the other hand, demand-side determinants relate to the influence that citizens and the media may have to foster change. Table 1 presents and summarizes these hypotheses. Lastly, the article also considers the effect of socioeconomic factors such as income level, education, and development.

Supply-side determinants

Subnational democracy. In earlier studies, democratization was mainly examined at the national level. In recent years more research has been devoted to studying and explaining the persistence of less democratic subnational units within democratic countries (Behrend, 2011; Benton, 2012, 2016; Gervasoni, 2010, 2018). This phenomenon seems fairly common in large and heterogeneous federations, such as Brazil, Mexico, and the United States (Mickey, 2015). While some authors describe these local regimes as “authoritarian enclaves” and “subnational authoritarianisms” (Cornelius, 1999; Gibson, 2005; Benton, 2012), it would be misleading to classify less democratic Argentine provinces as authoritarian. Even the least democratic provinces—such as Formosa, where the current governor, Gildo Insfrán, has been in power since 1995—do not meet the accepted criteria. Some authoritarian elements certainly persist, yet elections are reasonably free, there are real opposition parties, and citizens can exercise their right to free speech (Gervasoni, 2018). Instead, they may be characterized as “hybrid regimes” (Karl, 1995) or simply “less democratic.”

While acknowledging the complexity and multidimensionality of a contested concept such as democracy, this study adopts a minimalist definition in order to examine whether the level of subnational democracy across Argentine provinces affects transparency (Schumpeter, 1942; Przeworski, 1999). Thus, democracy is defined as “a system in which parties lose elections” (Przeworski, 1999, p. 10). Based on this conception, this article identifies two dimensions of subnational democracy: electoral competition and gubernatorial turnover. These reflect the notion that provinces with a competitive political environment and alternation in power are likely to be more democratic than provinces controlled by the same party over two decades.

Two theoretical mechanisms—“re-election” and “insurance”—help explain the positive relationship between democracy and transparency (Wehner & de Renzio, 2013; Berliner, 2014, 2017; Berliner & Erlich, 2015). First, a higher level of electoral competition and turnover means that the incumbent faces a real chance of losing power in the next electoral cycle. Incumbents seeking re-election in this context will have the incentive to secure as much support as possible and appeal to voters who favor transparency, competence, and sound financial management (Cuadrado-Ballesteros, 2014). As agency and legitimacy theories predict, implementing transparency initiatives—such as strengthening RTI laws or disclosing financial information—

reduces the information asymmetry between citizens and governments and can demonstrate a credible commitment to principles of good governance. In this way, a highly competitive environment can increase the incentives for incumbents to introduce changes in the status quo, thereby leading to greater transparency.

Second, if leaders of the ruling party think they are likely to lose the next election, they may have incentives to “tie their own hands in order to tie the hands of future parties in power” (Berliner & Erlich, 2015, p. 117). By promoting transparency reforms, incumbents can ensure their own access to government information, particularly if they are voted out of office, and secure the tools to monitor opposition parties and make them accountable for their actions. This means that future ruling parties will find it harder to use state resources for patronage and clientelism, and shut other parties out of government (Nyblade & Reed, 2008). Lastly, if incumbents do lose power, it is likely that their successors will have to bear the brunt of strong RTI laws and financial disclosure (Berliner & Erlich, 2015).

Most of the previous empirical studies show a significant and positive association between the degree of political competition and transparency (Alt et al., 2006; Gandía & Archidona, 2008; Hollyer et al., 2011; Esteller-Moré & Polo Otero, 2012; Wehner & de Renzio, 2013; Berliner, 2014, 2017; Berliner & Erlich, 2015; Tavares & da Cruz, 2017; Bearfield & Bowman, 2017; Chen & Han, 2019; Kraah & Mertens, 2020). For instance, Alt et al. (2006) used unique panel data on the evolution of budget transparency in U.S. states between 1972 and 2002. They found that more equal political competition and power sharing are associated with greater levels of transparency. In terms of the adoption of RTI laws, Berliner (2014) and Berliner and Erlich (2015) found that the passage of RTI laws is more likely—in both national governments and Mexican state governments—when the political environment is more competitive.

Still, some local government studies contradict these findings. Tejedo-Romero and Araujo (2020) find that political competition and political strength are not relevant determinants of e-government-enabled transparency in Portuguese municipalities. Similarly, Zuccolotto and Teixeira (2014) find no relationship between the level of competition in Brazilian gubernatorial elections and the level of transparency of subnational states.

Considering the positive association found by the majority previous empirical studies, the research hypotheses for subnational democracy are as follows:

H1: A higher level of electoral competition is positively associated with the level of transparency.

H2: A higher turnover is positively associated with the level of transparency.

Government digital capacity. Technology can be an important driver of open government and transparency reforms (Wirtz & Birkmeyer, 2015). A large digital capacity is associated with better financial and technical resources, which are necessary to improve online transparency (Tavares & da Cruz, 2014). As García-Tabuyo et al. (2015) observe: “the online disclosure of public information requires not only political will but also technological resources” (p. 1203). In this sense, a local government with a higher digital capacity will find it easier to disclose financial information through its website.

Moreover, the lack of a proper technological infrastructure may inhibit transparency efforts. For instance, Dodd (2019) concludes that one of the factors hindering the advancement and effectiveness of RTI programs in the U.S. is outdated technology. Similarly, Roberts and Roberts (2010) examined some of the RTI’s challenges in India—these included insufficient human and infrastructural capacity. As Michener (2011) notes, technological trends show promise

for transparency advocates by “speeding the acceptance of the right to access public information and helping to encourage stronger measures and greater compliance” (p. 158).

Results from prior research indicate a positive relationship between the overall development of digital government and online fiscal transparency (Chen et al., 2019). For instance, Xiao et al. (2004) suggest that an organization’s familiarity with technology can promote internet-based disclosure. Likewise, Serrano-Cinca et al. (2009) find a positive association between a local government’s technological infrastructure and levels of transparency. On the other hand, previous studies by Justice and McNutt (2013) and Tavares and da Cruz (2017) do not find a statistically significant relationship.

Based on the above discussion, this study proposes the following hypothesis:

H3: Government digital capacity is positively associated with the level of transparency.

Demand-side determinants

Citizens’ internet access. The increasing level of internet pervasiveness may be driving transparency levels in local governments. The effect of internet penetration is twofold: on the one hand, it creates domestic stakeholders that demand for more government information to be published online (Debreceeny et al., 2002). Ma and Wu (2011) suggest that internet users are more politically engaged and more likely to push for the release of information due to the “anonymity, interactivity, and convenience of the internet” (p. 13). Similarly, previous studies find a positive association between internet use and the public’s interest in government information: those who gather information through the internet—rather than through newspapers or television—are more likely to support transparency and the right to request public records (Cuillier & Piotrowski, 2009; Jaeger & Bertot, 2010).

Moreover, as internet access increases and more industries adopt new technologies, citizens will come to expect digital services similar to those offered by private firms (Pina et al., 2007). Neo-institutional theory suggests that this expectation will lead to more “bottom-up” pressure for disclosure and stronger RTI laws (Tejedo-Romero & Araujo, 2020). On the other hand, from the government’s perspective, the internet makes public information more accessible, visible, and easier to disseminate, thereby fostering transparency (Debreceeny et al., 2002).

The empirical evidence suggests a positive and significant relationship between citizens’ access to internet and transparency (Debreceeny et al., 2002; Gandía & Archidona, 2008; Caba Pérez et al., 2008; García-Tabuyo et al., 2015; Ortiz-Rodríguez et al., 2018; Tejedo-Romero & Araujo, 2020; Shin et al., 2020). For instance, Caba Pérez et al. (2008) studied the relationship between access to the internet in households and online fiscal transparency in Spanish municipalities. They found that internet penetration was a determining factor: councils were more likely to introduce financial information in regions with higher rates of internet use. Still, some authors do not find a significant relationship (Pina et al., 2007; Pina et al., 2010). Based on prior research, this study presents the following hypothesis:

H4: Citizens’ internet access is positively associated with the level of transparency.

Press visibility. According to prior research, the demand for financial disclosure and robust RTI laws may be partly driven by local media (Laswad et al., 2005; Michener, 2010; Worthy, 2015; Bearfield & Bowman, 2017). Press visibility refers to the level of media attention on government activities (Cuadrado-Ballesteros et al., 2017). A high number of news items that mention the government represent a high press visibility.

Media plays an agenda-setting role: the press can highlight certain topics while excluding others, thereby determining the importance that people assign to them. The literature finds a strong relationship between the issues covered by the media and the issues citizens think are important (Cobb & Elder, 1971; McCombs & Shaw, 1972; Kingdon, 1984). In this way, the media can put transparency on the public agenda through sustained news coverage. We naturally expect the press to support stronger RTI laws: after all, many journalists use them to access public information in a timely, reliable, and cost-effective way (Worthy, 2010). This support has been used to explain the adoption of robust RTI laws in advanced democracies (Michener, 2010).

A strong, independent media can also play an intermediary role in the agency relationship between governments and citizens. Local newspapers, television, and digital media provide information to citizens and can familiarize them with various aspects of local government (Bearfield & Bowman, 2017). Agency and legitimacy theories suggest that highly visible governments will disclose more information in response to the pressure exerted by the media and general public (Serrano-Cinca et al., 2009). Governments may also publish information as a defensive mechanism to control the data that the press will eventually use and publish (Cárcaba García & García-García, 2010).

Previous empirical studies carried out in New Zealand, Spain, and the Netherlands suggest a positive association between press visibility and local transparency. For instance, Laswad et al. (2005) analyzed the websites of 61 New Zealand local authorities and found that only 49% provided online financial information. To explain this variation, the authors examined the number of news items in which the local authorities appeared, and concluded that highly visible governments were more likely to proactively disclose financial information on their websites. Gandía and Archidona (2008) observed a similar pattern in large Spanish city councils. They found a positive association between voluntary disclosure and the frequency of local government references in digital and print media. Other studies carried out by Serrano-Cinca et al. (2009) and Cuadrado-Ballesteros et al. (2017) in Spain and Grimmelikhuijsen and Welch (2012) in Dutch municipalities corroborate these results.

However, media pressure can have a negative effect on transparency. According to Cuadrado-Ballesteros et al. (2017), “media coverage has risen from healthy skepticism to automatic negativity about governments” (p. 25). Local media stories increasingly feature negative or controversial aspects of government, such as corruption scandals, in order to grab the readers’ attention. In this way, some U.K. government officials feel that the media sometimes “distorts” public information or overemphasizes policy failures (Worthy, 2010). Governments might decide that the risks outweigh the benefits; they may face a backlash or risk losing their reputation if they disclose too much information (Grimmelikhuijsen & Welch, 2012). Thus, as Ingram (1984) and Cárcaba García and García-García (2010) have found empirically, high press visibility may be negatively associated with disclosure. Taking into consideration the mixed empirical evidence, this study proposes the following hypothesis:

H5: Higher press visibility is associated with the level of transparency.

Socioeconomic factors

Other empirical studies suggest a relationship between transparency and socioeconomic factors, such as population size, per capita income, education levels, and development. These will be examined in turn in the following section.

Population size is expected to drive levels of local transparency. On the one hand, open government reforms can be costly and, thus, we expect larger governments to have a comparative advantage over smaller jurisdictions in terms of tools, budget, and human resources to carry out these changes. Neo-institutional theory can also help explain this relation: larger jurisdictions may be subject to pressure from various stakeholders, and thus may be compelled to enhance their reputation through open government reforms (Pina et al., 2010). In addition, agency theory suggests that information asymmetry between citizens and their government is higher in larger jurisdictions (Baldissera et al., 2020). In these contexts, citizens will demand more information to monitor government activity. Thus, transparency becomes a tool to reduce agency costs and information asymmetry.

While some studies do not find a relationship between population size and transparency (see Laswad et al., 2005; Alt et al., 2006; Tavares & da Cruz, 2014), the empirical evidence demonstrates a positive and statistically significant association (Serrano-Cinca et al., 2009; Guillamón et al., 2011; Esteller-Moré & Polo Otero, 2012; Albalade del Sol, 2013; Baldissera et al., 2020). For instance, Serrano-Cinca et al. (2009) analyzed the determinants of voluntary internet financial reporting (“e-disclosure”) in a sample of 92 Spanish municipalities and found a positive association between size and e-disclosure. Thus, there is a strong theoretical and empirical rationale for controlling for population size.

In terms of income and economic development, Hameed (2006) notes that countries with higher levels of fiscal transparency tend to also have the most advanced economies. Similarly, Bastida and Benito (2007) assess a sample of 41 countries and find that transparency in budget practices is positively correlated with economic development. In this line, prior studies show that when the economic level increases, the population tends to call for better and more efficient public services and is able to mobilize and express this desire politically (Ingram, 1984). In this way, citizens will be more interested in monitoring how public finances are managed and push for more disclosure. However, Pina et al. (2010) tested various hypotheses to understand the drivers of financial reporting practices of 75 city governments within the European Union. They did not find a statistically significant relationship between income level and transparency.

Regarding education levels, agency theory predicts that as the middle class expands and citizens become more prosperous and educated, the demand for transparency and accountability will go up. For instance, Piotrowski and Van Ryzin (2007) suggest that a university degree may give citizens the skills and confidence to navigate through a bureaucratic system and request public information. In this sense, a Pew Research Center survey carried out in the United States shows that individuals with higher levels of income and education are more likely to access government websites to obtain information (Smith, 2010). Nonetheless, in other cases the empirical evidence is still mixed: while some studies confirm a positive and statistically significant association between education levels and information transparency (Chan & Rubin, 1987; Piotrowski & Bertelli, 2010; Tehou & Sharaf, 2015; Saez-Martin et al., 2017), others have not found a significant influence (Caba Pérez et al., 2008; Deng et al., 2013).

Lastly, Kaufmann and Bellver (2005) find that transparency is associated with better socioeconomic and human development indicators. Countries with higher transparency index scores tend to display higher rates of female literacy, child immunization and life expectancy, even after controlling for differences in per capita income. Zuccolotto and Teixeira (2014) analyzed the determinants of fiscal transparency at the subnational level and confirmed this association: Brazilian states with better development indicators (such as health and employment) displayed greater transparency.

Context: provincial government in Argentina

Argentina is a federal country comprising 23 provinces and the autonomous City of Buenos Aires. There are three levels of government: national, provincial, and municipal. The Argentine Constitution delegates significant power and autonomy to the provincial governments, which are composed of an elected governor, a legislative body, and a locally designated judicial power (Benton, 2003). Moreover, provinces can write their own constitutions and establish their own electoral systems (Gervasoni, 2018).

Recent literature on Argentine federalism suggests that the governors are key players in both provincial and national politics (Ardanaz et al., 2012). For instance, Gervasoni and Nazareno (2017) carried out an empirical study and found that most governors exercise a considerable level of influence over legislators from their same party. Moreover, Argentine governors tend to display unusually high levels of success in moving their legislative agendas: over the period 1983–2015, governors reported an average legislative success rate of 76% (Barrientos, 2019). This means that for every 100 bills a governor introduces, 76 will pass. Conversely, provincial legislators display lower success rates. Lastly, all governors have total and partial veto power (González, 2013). Thus, provincial governments command considerable power and resources and the governor's support is crucial for the adoption of transparency initiatives.

Argentina has been a member of the OGP since 2012 and recently introduced its Fourth Action Plan (2019–2021). In fact, open government was a priority for the incoming Macri administration in 2016. These early efforts resulted in the publication of the 117/2016 Executive Decree establishing a government-wide open data policy (OECD, 2018). In 2016, Argentina also adopted Law 27.275 on the Right of Access to Public Information. This represented an important milestone for the development of national transparency initiatives. Prior to this, access to public information was regulated through a decree (OECD, 2019).

Due to the country's federal structure, legislation passed at a national level does not apply directly to the provincial level. Nonetheless, the Constitution equips provinces with the tools to apply a federal law in their jurisdiction. To promote compliance at the subnational level, Article 29 of the national RTI law additionally created the Federal Council for Transparency, comprised of high-level representatives of all 23 provinces and the City of Buenos Aires. This inter-jurisdictional body aimed to strengthen the RTI legal framework at the subnational level while increasing homogenization (OECD, 2019). Despite these efforts, the development of transparency reforms has been unequal across jurisdictions.

Research design

This section presents the method, variables, and research models selected to test the hypotheses. This study aims to gauge the fiscal transparency and strength of the RTI legal framework of Argentine provinces and explain the variation.

This study defines provinces—rather than municipalities or central governments—as the unit of analysis for several reasons. First, subnational agencies are understudied, as compared to central governments (Albalade del Sol, 2013). Second, by analyzing subnational data from provinces within a single country, it is possible to hold national-level factors constant. This is a problem often faced by cross-national studies (Berliner & Erlich, 2015).

Moreover, as discussed in previous sections, the provincial level in Argentina is very important—both substantively and politically. Provincial governments execute more than 40% of

total public spending and provide essential services, such as education, security, and housing (CIPPEC, 2019). Argentine governors hold a significant amount of power, thereby increasing the probability that they will uphold their transparency obligations, at least compared to other subunits, such as cities and municipalities. Lastly, studying transparency at the provincial level is particularly interesting because national transparency legislation is not binding. Therefore, why some governments would choose to promote transparency reforms (and some would not) represents an interesting puzzle worth exploring.

Method

In line with similar research, this study applies a linear regression method (see Guillamón et al., 2011; Caamaño-Alegre et al., 2013; Tavares & da Cruz, 2014; Araujo & Tejedo-Romero, 2016; Ribeiro et al., 2018; Baldissera et al., 2020). As a statistical technique, linear regression is typically used to explain the relationship between the expected value of a variable and the value of an explanatory variable (Ortiz-Rodríguez et al., 2018). The use of linear regression analysis provides several advantages: the method is robust, widely used in transparency studies, and produces quantifiable models with easier to interpret coefficients.

The multiple linear regression model is applied by running the ordinary least squares method (OLS), given that various variables may explain different levels of transparency (Ribeiro et al., 2018). Before performing the regressions, this study checks the assumptions of normality, linearity, and homoscedasticity. The results indicate that the residuals (error terms) are normally distributed and homoscedastic, and the relationship between dependent and independent variables is linear.

Including excessive terms in a regression model would decrease the degrees of freedom available, thereby reducing the precision of the estimates. Since the model will be limited to only 24 observations, the study selects five independent variables identified in prior research as potentially important for understanding provincial transparency in Argentina: electoral competition, gubernatorial turnover, government digital capacity, citizens' internet access, and press visibility. In addition, empirical research suggests that population size and development may be associated with local transparency (Kaufman & Bellver, 2005; Serrano-Cinca et al., 2009; Albalade del Sol, 2013; Zuccolotto & Teixeira, 2014). Thus, the study also controls for these variables. Table 2 displays the variables and measurements used.

Due to the relatively small sample size, the study adopts a 10% level of statistical significance, rather than the conventional 5% significance level. This reduces the probability of making a Type II error (also known as a “false negative”), not detecting relevant associations between variables when they actually exist. Lastly, the data will be processed using the statistical software SPSS in order to test the hypotheses.

Operationalization

Dependent variables

This study explores provincial transparency reforms through two dependent variables: fiscal transparency and RTI law strength. Breaking down the generic notion of transparency into distinct policy areas serves to better understand the drivers of different transparency reforms (Kaufmann & Bellver, 2005; Albalade del Sol, 2013).

Da Cruz et al. (2016) note that many indexes used in prior research suffer from two limitations. First, some are simple evaluation models that assign equal weights for all dimensions—which may be an unsound assumption. Second, many indexes are based on surveys, which may introduce bias into the dataset. The measures chosen for this study avoid these difficulties: on the one hand, the indexes assign different weights to each category; on the other hand, the measures do not rely on surveys, since the information used to construct them is collected from provincial websites, thereby removing response biases.

Fiscal transparency. CIPPEC¹ developed the Provincial Fiscal Transparency Index (ITPP, for its name in Spanish) to measure the level of online fiscal disclosure of provincial governments in Argentina. This index evaluates the public availability and timely online publication of government budget documents. The data was collected in November 2019. The index groups 18 indicators into four blocks or categories (see Figure 1). Scores are assigned based on the presence of the following items: (i) budget information for the last three years (2017, 2018 and 2019) and the budget proposal for the upcoming year (2020); (ii) draft budget dossier with relevant information; (iii) budget execution overview; (iv) tax expenditures; (v) government investment spending for previous fiscal year (2018); (vi) provincial public debt stock; (vii) provincial tax collection; (viii) information on transfers made to municipalities; (ix) regulations related to financial and budgetary management; (x) published citizen budget. The scores for each province range from 0 to 10, with 0 meaning the lowest level of online financial disclosure and 10 the highest. The four categories laid out in Figure 1 are weighted 26% for Budget, 34% for Execution and Accountability, 36% for Resources, and 5% for Disclosure.

RTI law strength. The World Bank constructed for the first time in 2019 a Public Access to Provincial Information Index (IAIPP, for its name in Spanish), which provides a snapshot of the strength of current RTI laws across provinces. The index was adapted from the Centre for Law and Democracy Global Right to Information Rating. It is composed of 13 indicators divided into seven categories, including the legal scope, requesting procedures, and promotional measures (see Figure 2). The indicators were constructed through the collaboration of World Bank experts and members of the Access to Public Information Agency. Scores are assigned based on how well current provincial laws and decrees enable access to public information. The scores for each province range from 0 to 13 (with 0 meaning that there is no regulatory framework and 13 indicating the strongest RTI legal framework). The categories are weighted as: Right of Access 8%, Scope 15%, Procedures 15%, Exceptions 15%, Appeals 8%, Promotional Measures 23%, and Active Transparency 15%.

¹ CIPPEC is an independent non-governmental organization, which lends robustness to the analysis.

Figure 1. Provincial Fiscal Transparency Index (ITPP) Scoring System

Category	Description	Score
1. Budget	1.a. Laws and budget plan	1.60
	1.b. Multi-year program	0.50
	1.c. Budget presentation and approval	0.50
2. Execution & Accountability	2.a. Budget execution reports	2.15
	2.b. Tax expenses	0.50
	2.c. Investment account	0.75
3. Resources	3.a. Provincial tax collection	1.25
	3.b. Public debt	1.50
	3.c. Transfers to municipalities	0.80
4. Disclosure	4.a. Regulations	0.20
	4.b. Citizen budget	0.25
Total		10

Figure 2. Public Access to Provincial Information Index (IAIPP) Scoring System

Category	Description	Score
1. Right of access	1. Legal framework	1
2. Scope	2.a. Legal scope	1
	2.b. Institutional bodies covered	1
3. Procedures for requests	3.a. Time limits for compliance	1
	3.b. Fees	1
4. Exceptions & refusals	4.a. Exceptions	1
	4.b. Refusals	1
5. Appeals	5. Appeals	1
6. Promotional measures	6.a. Oversight body	1
	6.b. Budget	1
	6.c. Public authorities	1
7. Active transparency	7.a. Active transparency	1
	7.b. Minimum obligations	1
Total		13

Independent variables

Based on the literature review, the study selected the following variables that could potentially account for the varying levels of transparency in Argentine provinces:

Electoral competition. This is a numeric variable that captures one dimension of subnational democracy. It represents the electoral margin of victory, measured by the difference between the percentage of votes cast for the winning candidate and the second-place candidate. Several studies employ margins of victory to determine the level of electoral competitiveness

(Cuadrado-Ballesteros, 2014; Berliner & Erlich, 2015; Tavares & da Cruz, 2017; Tejedo-Romero & Araujo, 2020). In this case, the measure captures the average margins of victory in the last four gubernatorial elections, held between 2003 and 2017.² The sign of the regression coefficient is expected to be negative: a lower margin of victory indicates greater competition and, therefore, implies that the province is more democratic.

Some districts—like CABA, Corrientes, Chaco and Tierra del Fuego—conduct elections under a two-round voting system (ballotage), requiring candidates to win at least 50% of the vote in order to avoid a second round (CIPPEC, 2015). Over the last two decades, 8 out of 96 gubernatorial elections have been won in the second round. For these cases, this study compiles the margins of victory of the first round only. This better captures the logic of the mechanisms associated with political competition, discussed in the previous section: incumbents that face strong political competition (and might, therefore, lose in the first round) are more likely to enact transparency reform.

Gubernatorial turnover. This is a dummy variable representing the second dimension of subnational democracy. It is given the value of 1 if the party in government has changed at least once over the previous four election cycles and 0 otherwise (indicating no turnover). Unlike electoral competition, where lower values reflect greater competition, in this case a higher value (i.e. at least one turnover) indicates greater competition. Thus, the sign of the regression coefficient is expected to be positive.

The latter two independent variables (electoral competition and gubernatorial turnover) are calculated based on the results of gubernatorial elections only. Due to the previously discussed relevance and power of governors, it makes sense to leave out legislative elections and, instead, focus on competition in gubernatorial elections and gubernatorial turnover.

Governmental digital capacity. This is a numeric variable that represents provincial governments' technical capacity to enable and support digital services for their citizens. The measure ranges from 0 to 1 and is based on an index developed by Grimmelikhuijsen and Feeney (2017). They gauge technological capacity by analyzing official website content, particularly in relation to the presence of e-services. These entail, for example, digital transactions (e.g., paying taxes or traffic fines) or online interactions, such as filling out electronic forms (Kvasnicova et al., 2016). According to Grimmelikhuijsen and Feeney (2017), governments with higher technological capacity usually exhibit well-developed e-services.

In order to construct the dataset, this study analyzed the information published in each official provincial government website. The final score represents the average of six items: (1) citizen access to an online reporting tool (such as police reports); (2) citizen access to any online transaction that involves the electronic transfer of money; (3) the ability to book online appointments for basic services (such as applying for social assistance programs); (4) the ability to contact the government directly through the website; (5) access to personal user account for government digital services; (6) the ability to download official mobile application (if available). Each item was coded 1 if the feature was present and 0 otherwise. The sign of the regression coefficient of this variable is expected to be positive.

Citizens' internet access. This is a numeric variable calculated as the number of fixed internet access connections per 100 households in 2019. Data was collected from the National

² Elections in Argentina are held every four years; most provinces held their last four elections in 2015, 2011, 2007, and 2003. Santiago del Estero and Corrientes represent the only exception with elections held in 2017, 2013, 2009, and 2005.

Communications Entity (ENACOM), Argentina’s communications and media regulator. The sign of the regression coefficient is expected to be positive.

Press visibility. This is a numeric variable measured by counting the number of online articles, blog posts and press releases that refer to each provincial government. A high number of news items represents a high press visibility.

The past two decades have seen an upsurge in the number of people using the internet, giving rise to new digital news sources and changing traditional patterns of media consumption. Thus, most print publications now have an online edition. According to the Reuters Institute Digital News Report (2020), online and social media are the most popular news sources in Argentina, while weekly print consumption has fallen from 45% to 23% over the last four years. For this reason, this study measured online press visibility instead of print.

To construct the dataset, the study used the Google News search engine for the following keywords (in Spanish): “government” + “province” + “[province name]” + “Argentina” (see Appendix B). This study checked results for relevance and excluded certain words from the search in order to avoid bias. Lastly, the study used both google.com and google.com.ar and obtained the same results, thereby confirming the validity of this measure. While this technique presents some limitations (for instance, not all news reports can be found online), it provides many advantages: it displays the visibility of provincial governments for any online newspaper or blog and can be easily replicated. Prior studies have also applied similar techniques (Laswad et al., 2005; Gandía & Archidona, 2008; Cárcaba García & García-García, 2010; Grimmelikhuijsen & Welch, 2012; Cuadrado-Ballesteros et al., 2017).

Control variables

This study included two control variables—population size and development—capturing socioeconomic differences across Argentine provinces. The literature suggests that these factors may influence transparency levels. If not properly controlled, the effects of population size and development could be confounded with the effects of the independent variables, thereby compromising the internal validity of the study (Flannelly et al., 2018).

Population size. This is a numeric variable representing the logged number of inhabitants per province, based on the most recent census data (2010). Data was collected from the National Institute of Statistics and Censuses (INDEC), a decentralized public agency dependent on the National Ministry of Economy. The sign of the regression coefficient is expected to be positive.

Development. This is a numeric variable that ranges from 0 to 1, measured by the Provincial Sustainable Development Index (IDSP, for its name in Spanish). This index was developed in 2017 by the Argentine chapter of the United Nations Development Programme (UNDP). It captures three dimensions: (1) economic growth (human capital and per capita income), (2) social inclusion (formal and informal employment, health and level of education) and (3) environmental sustainability (greenhouse gas emissions and waste disposal) (UNDP, 2017). The sign of the coefficient is expected to be positive.

See Table 1, below, for the list of key variables analyzed in this study.

Table 1. Variables and measurements

Variable	Measurement	Data source
<i>Dependent variables</i>		
Fiscal transparency	Provincial Fiscal Transparency Index	Carciofi et al. (2020)
RTI law strength	Public Access to Provincial Information Index	World Bank (2019)
<i>Independent variables</i>		
Electoral competition	Average margin of victory in last four gubernatorial elections (2003-2017)	Provincial election commissions; media
Gubernatorial turnover	Coded as 1 if party in government has changed at least once; 0 otherwise (2002-2017)	Provincial election commissions; media
Government digital capacity	E-services index based on six items; Coded as 1 if present on website, 0 otherwise	Provincial websites
Citizens' internet access	Fixed internet access connections per 100 households	ENACOM
Press visibility	Number of news items mentioning the provincial government	Google News search
<i>Control variables</i>		
Population size	Number of inhabitants (2010)	INDEC
Development	Provincial Sustainable Development Index (IDSP, 2017)	UN Development Programme (UNDP)

Research models

The econometric models for fiscal transparency and RTI law strength can be expressed by equations (1) and (2) respectively. It is tested by cross-sectional analysis—since the dependent variables do not include a time variation, it would not be useful to apply panel data analysis.

Equation 1

$$\text{Fiscal transparency}_i = \alpha_1 + \beta_1 \text{ Electoral competition}_i + \beta_2 \text{ Gubernatorial turnover}_i + \beta_3 \text{ Government digital capacity}_i + \beta_4 \text{ Citizens' internet access}_i + \beta_5 \text{ Press visibility}_i + \beta_6 \text{ Population size}_i + \beta_7 \text{ Development}_i + \varepsilon_1$$

Equation 2

$$\text{RTI law strength}_i = \alpha_1 + \beta_1 \text{ Electoral competition}_i + \beta_2 \text{ Gubernatorial turnover}_i + \beta_3 \text{ Government digital capacity}_i + \beta_4 \text{ Citizens' internet access}_i + \beta_5 \text{ Press visibility}_i + \beta_6 \text{ Population size}_i + \beta_7 \text{ Development}_i + \varepsilon_1$$

Where fiscal transparency and RTI law strength depend on a linear combination of a number of explanatory variables (electoral competition, gubernatorial turnover, government digital capacity, citizens’ internet access, and press visibility) and the control variables (population size and development); α is the constant; β is the coefficient; i represents the province and ε represents the error (or disturbance) term.

Results

This section provides the main descriptive statistics for the variables and the results of the multivariate regression models.

Descriptive analysis

Table 2 summarizes the main descriptive statistics for subnational fiscal transparency, measured by the Provincial Fiscal Transparency Index (ITPP):

Table 2. Descriptive statistics for fiscal transparency

Variable	<i>N</i>	Min.	Max.	Mean	<i>SD</i>
Fiscal transparency	24	3.70	10.00	7.827	1.662

The data suggests that most provinces tend to score fairly high, thereby indicating high levels of fiscal transparency. The mean score is 7.827, a notable value, considering that the

minimum score is 3.70 and the maximum is 10. In addition, the relatively low standard deviation (1.662) indicates that most scores are close to the mean.

Figure 3 shows the provincial ranking and geographical distribution of the Provincial Fiscal Transparency Index scores. The bar chart indicates that Entre Ríos (ITPP score of 10) and Córdoba (9.90) display the highest levels of fiscal transparency, whereas Chubut (3.70) and San Luis (3.85) represent the worst-performing provinces. It is also interesting to note that some clusters of neighboring provinces tend to share similar scores. For instance, the central region of Argentina—Entre Ríos, Córdoba and Santa Fe—displays consistently high scores (between 9.85 and 10). The northwest (including provinces like Salta, Catamarca, La Rioja and Tucumán) exhibits similar levels of fiscal transparency, ranging from a score of 7.55 to 8.

Next, Table 3 summarizes the main descriptive statistics for the second dependent variable: the strength of the provincial RTI legal framework, measured by the Public Access to Provincial Information Index (IAIPP):

Table 3. Descriptive statistics for RTI law strength

Variable	<i>N</i>	Min.	Max.	Mean	<i>SD</i>
RTI strength	24	0	11.63	5.088	3.170

Unlike fiscal transparency, the IAIPP scores are lower, overall. The average score is 5.088 out of 13. This means that subnational entities tend to have weaker RTI legal frameworks. In fact, five provinces scored 0, the minimum, and only the City of Buenos Aires achieved a high score, of 11.63. Figure 4, below, further illustrates these differences by showing the ranking and geographical distribution of the Public Access to Provincial Information Index scores. The top-scoring provinces are CABA and Mendoza (IAIPP score of 9.53). Out of the 19 provinces that do have a regulatory framework for access to public information, Corrientes (3.60), Santiago del Estero (3.90) and Río Negro (3.90) display the lowest scores.

Based on the descriptive statistics presented thus far, there is reason to believe that fiscal transparency and RTI law strength are not correlated with each other. For example, even though the province of Río Negro has one of the weakest regulatory frameworks, it has been ranked fourth in the Provincial Fiscal Transparency Index. The study uses a bivariate Pearson's correlation to test whether there is a statistically significant association between the two dependent variables. The correlation coefficient is 0.073, suggesting a very weak positive linear relationship. This implies that RTI laws and fiscal transparency may be shaped by different dynamics.

Figure 3. Ranking and geographical distribution from the Provincial Fiscal Transparency Index

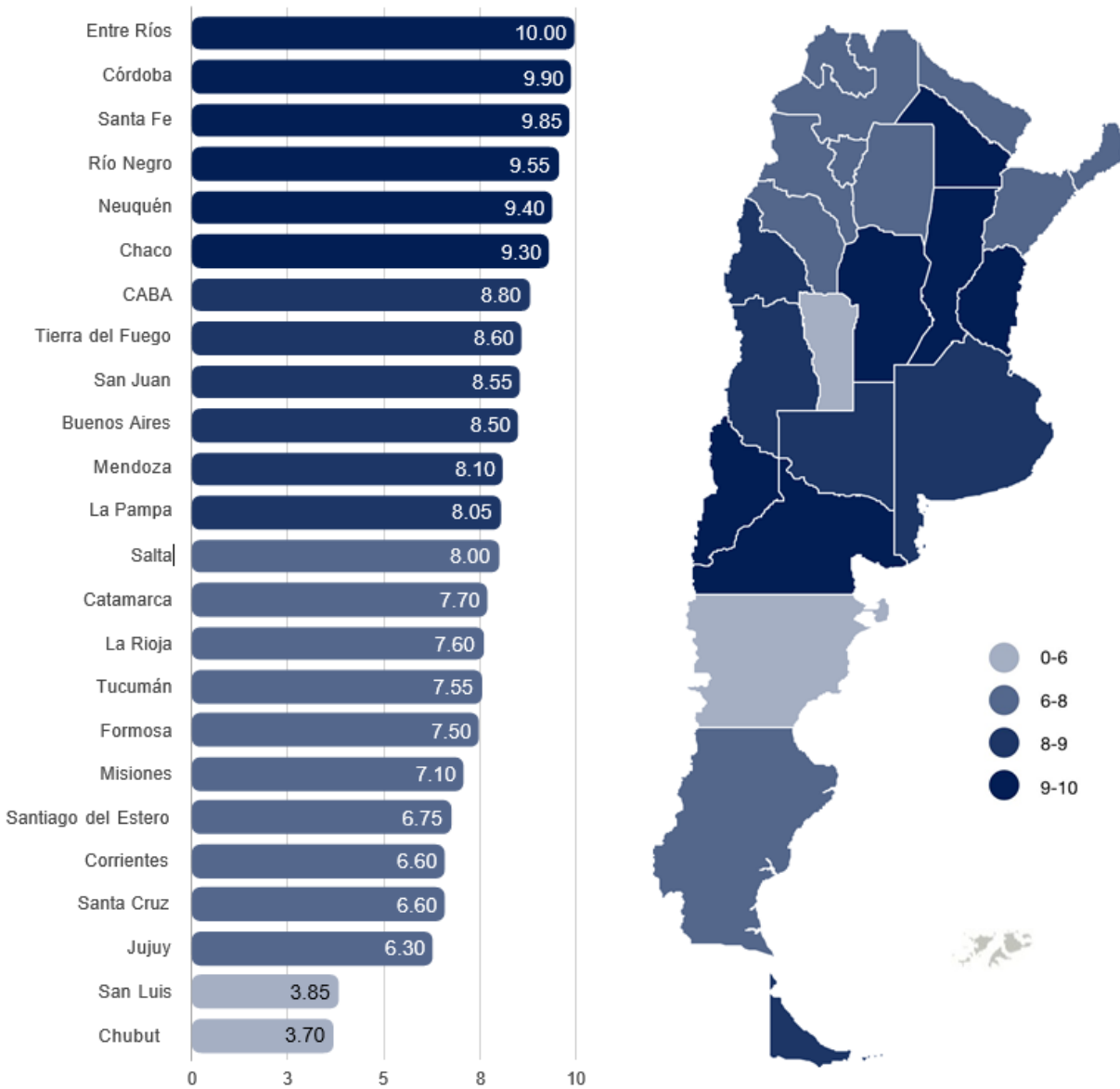


Figure 4. Ranking and geographical distribution from the Public Access to Provincial Information Index

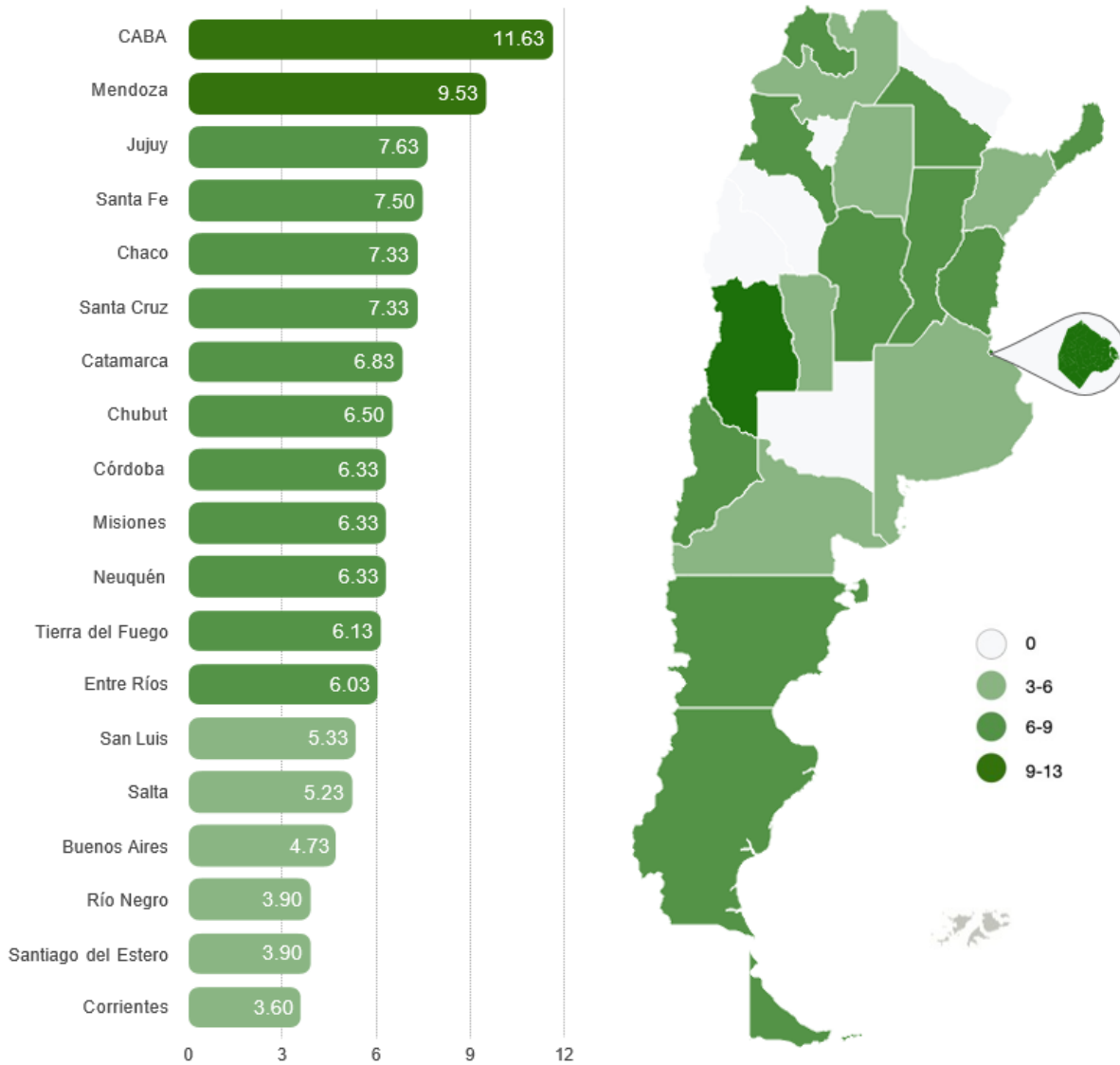


Table 4, below, summarizes the main descriptive statistics for the independent and control variables employed in the regression models. Some results deserve mention. In terms of electoral competition, the average margin of victory ranges from -3.34% to 56.89% . The negative sign for the minimum value is surprising; it corresponds to elections in Tierra del Fuego, where in three out of four elections, the winning candidate actually lost in the first round. The mean government digital capacity (0.431) reveals that, in general terms, provincial governments do not show high technological capabilities. Similarly, overall levels of development remain well below the

theoretical maximum (1). Lastly, in most provinces (62.50%) there has been no turnover—in other words, the same party has remained in power over the last two decades.

Table 4. Descriptive statistics for the independent and control variables

<i>Continuous variables</i>					
Variable	<i>N</i>	Min.	Max.	Mean	<i>SD</i>
Electoral competition	24	-3.34	56.89	12.270	14.743
Government digital capacity	24	0	1	0.431	0.333
Citizens' internet access	24	30.17	109.66	53.669	20.506
Press visibility	24	56,000	7,760,000	1,515,033	2,710,753
Population (log)	24	11.75	16.56	13.688	1.011
Development	24	0.31	0.79	0.537	0.082
<i>Binary variable</i>					
Variable	<i>N</i>	Turnover	No Turnover		
Turnover (%)	24	37.50	62.50		

The study proceeds to test whether any variables are affected by multicollinearity. Multicollinearity occurs when independent variables in a regression model are highly correlated with each other. This can potentially weaken the statistical power of the models. Thus, the study constructs a correlation matrix to visualize Pearson's correlation coefficients (r). Predictor variables that display coefficients with magnitudes of 0.80 or higher are strongly correlated and, therefore, can be considered multicollinear (Gujarati, 1995). I additionally test for multicollinearity through the variance inflation factor (VIF). As a rule of thumb, VIF values between 1 and 5 suggest a moderate correlation. Values greater than 10 represent critical levels of multicollinearity, thereby affecting the coefficients and p -values in the regression models (Myers, 1990).

The correlations displayed in Table 5 behave in theoretically expected ways. Government digital capacity, citizens' internet access and press visibility are correlated and strongly significant, as these variables are all related to technology. The same pattern of correlation between development and technology variables is observed and consistent with prior research (Fagerberg & Srholec, 2009). As expected, electoral competition and turnover are also strongly correlated, since they represent dimensions of subnational democracy. The coefficients display magnitudes below 0.80 and the average VIF value is 1.95. Therefore, it is unlikely that multicollinearity is affecting the regression models.

Table 5. Correlation matrix (Pearson's correlation coefficients between independent and control variables)

	1	2	3	4	5	6	7	VIF
1. Electoral competition	1							1.804
2. Turnover	-0.505*	1						1.595
3. Government digital capacity	-0.128	0.034	1					2.151
4. Citizen internet access	-0.216	0.268	0.518**	1				1.885
5. Press visibility	0.148	0.041	0.664**	0.528*	1			2.996
6. Population (log)	0.000	0.245	0.299	0.147	0.437*	1		1.393
7. Development	-0.313	0.270	0.413*	0.553**	0.484*	0.159	1	1.794

+ = $p < 0.10$; * = $p < 0.05$; ** = $p < 0.01$. VIF = variance inflation factor

Multivariate regression analysis

Six different models were run for each dependent variable: Model 1 corresponds to Equations (1) and (2), presented in the previous section. In line with Tavares and da Cruz (2017), Model 2 includes only the demand-side variables (electoral competition, turnover, and government digital capacity) and Model 3 the supply-side variables (citizens' internet access and press visibility). Models 4 and 5 each use one dimension of subnational democracy to further explore its effect on transparency. Finally, Model 6 presents only the most statistically significant variables, thereby improving the model's precision. All models (except Model 6) control for population size and development.

Table 6, below, shows the results of the regression models for fiscal transparency. Most of the coefficients display the expected signs, except for development: the results seem to indicate a negative association between the level of development and financial disclosure. Still, the coefficient for development is not statistically significant in any of the models. Next, a demand-side perspective (Model 2) would suggest that there is an association between subnational democracy (electoral competition and turnover), government digital capacity and fiscal transparency. Nonetheless, the results of both Model 1 and Model 2 show that only the coefficient for electoral competition is statistically significant at a 10% level. The sign of the coefficient is negative, as expected: the larger the margin of victory (and the less competitive elections are), the higher the score on the Provincial Financial Transparency Index. The coefficients for turnover and government digital capacity are not statistically significant. Thus far, the results do not confirm hypothesis 3: there appears to be no association between technological capacity and transparency.

A supply-side perspective (Model 3) proposes that citizens' internet access and high press visibility can influence fiscal transparency levels. However, there is no significant relationship between the explanatory variables and financial disclosure. The coefficient for citizens' internet access, while positive, is not statistically significant ($\beta_4 = 0.026$). Thus, the results do not confirm hypothesis 4: there appears to be no association between citizens' internet access and fiscal transparency. Interestingly, the sign of the coefficient for press visibility is negative, although the effect of press visibility on transparency, while holding the other variables constant, is negligible ($\beta_5 = -2.110E-7$). Therefore, the results do not support hypothesis 5: there appears to be no association between press visibility and fiscal transparency.

Regarding the control variables, only population size has a significant positive relationship with transparency at a 90% confidence level ($\beta_6 = 0.743$). In general, the empirical evidence suggests that supply-side factors ($R^2 = 0.239$) are more important than demand-side determinants ($R^2 = 0.053$). Model 4 shows that the coefficients for electoral competition ($\beta_1 = -0.061$) and population ($\beta_6 = 0.612$) are statistically significant at a 1% and 5% level, respectively. In contrast, the coefficient for turnover in Model 5 is not significant; thus, there is no evidence to support hypothesis 2. In other words, there seems to be no association between turnover and fiscal transparency. Finally, Model 6 suggests that the most important (and significant) independent variable is electoral competition, thereby supporting hypothesis 1: more competitive provinces are more likely to score higher in the Provincial Fiscal Transparency Index. In addition, there is a positive association between population size and fiscal transparency. The adjusted R^2 in Model 6 shows that the model explains 31% of the variability in the Provincial Fiscal Transparency Index scores. While this value might not appear high, many empirical models that study the determinants

of local transparency display similar results: 21.4% for Ribeiro et al. (2018); 29% for Guillamón et al. (2011); 25% for Tavares and da Cruz (2014).

Table 6. Multivariate regression results for fiscal transparency

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Constant	1.746 (5.948)	3.522 (4.791)	-3.411 (5.722)	2.339 (4.241)	1.385 (4.955)	1.164 (3.932)
Electoral comp	-0.054+ (0.029)	-0.059* (0.025)		-0.061** (0.021)		-0.056** (0.020)
Turnover	0.036 (0.805)	0.116 (0.755)			0.907 (0.720)	
Gov digital cap.	0.826 (1.389)	0.725 (1.050)				
Citizen internet	0.013 (0.021)		0.026 (0.021)			
Press visibility	-1.036E-7 (0.000)		-2.110E-7 (0.000)			
Population (log)	0.624 (0.368)	0.542 (0.330)	0.743+ (0.373)	0.612* (0.292)	0.474 (0.344)	0.574* (0.285)
Development	-4.193 (5.131)	-4.109 (4.269)	-0.057 (5.109)	-2.962 (3.769)	-0.730 (4.248)	
<i>R</i> ²	0.424	0.404	0.217	0.389	0.187	0.370
Adjusted <i>R</i> ²	0.172	0.239	0.053	0.297	0.065	0.310
<i>N</i>	24					

+ = $p < 0.10$; * = $p < 0.05$; ** = $p < 0.01$. Standard errors shown in parentheses.

Next, Table 7, below, shows the results of the regression models for RTI law strength. In this case, most of the coefficients display the expected signs, except for the negative but not statistically significant coefficient of citizens' internet access in Model 1 ($\beta_4 = -0.010$). Nonetheless, this time, the coefficient for development is positive, as the literature originally predicted ($\beta_7 = 12.166$). As with fiscal transparency, supply-side factors ($R^2 = 0.273$) seem more relevant than demand-side determinants ($R^2 = 0.053$). Model 2 shows that the coefficient for turnover is positive and significant at a 90% confidence level ($\beta_2 = 2.474$): a change in the ruling party seems to be associated with stronger RTI laws. In contrast, the coefficient for government digital capacity is not statistically significant ($\beta_3 = 1.445$) and, thus, does not confirm hypothesis 3.

None of the coefficients for the variables in Model 3 and Model 4 are statistically significant. In this way, the results do not support hypotheses 4, 5, or 1. Nonetheless, in Model 5, the coefficients for turnover and development are positive and significant at a 95% and 90% confidence level, respectively. Model 6 confirms these results. In other words, turnover has a positive and significant relationship with RTI law strength on a 90% confidence interval, thus

confirming hypothesis 2 ($\beta_2 = 2.884$). In addition, the coefficient for development is positive and significant at a 95% confidence level ($\beta_7 = 12.628$). Therefore, a province's level of development seems to be strongly associated with RTI law strength. The adjusted R^2 in Model 6 shows that the model explains 33.1% of the variability in the Public Access to Provincial Information Index scores for Argentine provinces.

In sum, these findings suggest that each policy area is associated with different factors: on the one hand, online fiscal disclosure seems to be associated primarily with electoral competition and population size. On the other hand, a stronger RTI legal framework seems to be associated with gubernatorial turnover and level of development. The following section discusses these results in the context of the literature.

Table 7. Multivariate regression results for RTI law strength

Variable	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Constant	-7.369 (11.099)	-4.019 (8.934)	-16.329 (10.557)	-8.859 (8.485)	-6.834 (8.127)	-2.778 (3.611)
Electoral comp	-0.013 (0.054)	-0.028 (0.046)		-0.068 (0.042)		
Turnover	2.623+ (1.503)	2.474+ (1.407)			2.743* (1.181)	2.884** (1.135)
<u>Gov digital cap.</u>	2.591 (2.592)	1.445 (1.958)				
Citizen internet	-0.010 (0.039)		0.019 (0.039)			
Press visibility	-2.208E-7 (0.000)		-2.712E-7 (0.000)			
Population (log)	0.364 (0.687)	0.250 (0.615)	0.839 (0.689)	0.645 (0.584)	0.315 (0.564)	
Development	12.166 (9.574)	8.816 (7.960)	17.325 (9.426)	12.221 (7.541)	12.239+ (6.968)	12.628* (6.819)
R^2	0.449	0.431	0.268	0.327	0.399	0.390
Adjusted R^2	0.208	0.273	0.114	0.227	0.309	0.331
N	24					

+ = $p < 0.10$; * = $p < 0.05$; ** = $p < 0.01$. Standard errors shown in parentheses.

Discussion

The results of this study show that political and socioeconomic factors seem to be associated with higher levels of fiscal transparency and stronger RTI laws in Argentine provinces. Specifically, the findings suggest that fiscal transparency is positively related to electoral competition, thereby supporting H1. In addition, there is a positive and statistically significant relation between RTI law strength and gubernatorial turnover, thus supporting H2. Regarding the control variables, population size and development appear to be positively associated with fiscal transparency and stronger RTI laws respectively. Surprisingly, the study did not capture a significant relationship between transparency and government digital capacity (H3), citizens' internet access (H4) or press visibility (H5).

Regarding the influence of subnational democracy, the positive association between electoral competition and fiscal transparency is consistent with prior empirical studies (Alt et al., 2006; Gandía & Archidona, 2008; Esteller-Moré & Polo Otero, 2012; Cicatiello et al., 2017; Chen & Han, 2019). The positive association between turnover and RTI law strength is also consistent with the international literature (Berliner & Erlich, 2015). According to the agency and legitimacy theories, a competitive political environment can create the political incentives that lead to increased levels of government transparency (Curtin & Meijer, 2006). Conversely, the absence of contested elections is likely to produce a complacent government where governors find little reason—other than an idiosyncratic commitment to transparency—to enact reform (Bearfield & Bowman, 2017).

The results did not reveal a significant association between government digital capacity (H3) and transparency. This is contrary to the results obtained by Chen et al. (2019) and Serrano-Cinca et al. (2009). Perhaps the indicator used was not appropriate to capture the provincial governments' technological capacity. Nonetheless, Justice and McNutt (2013) reported a similar finding in their study of fiscal transparency in the United States. They suggest that differences in technological capacity may not translate into variations in transparency.

According to García-Tabuyo et al. (2015), technological developments should promote online information disclosure, since internet access makes information more accessible and easier to circulate. In addition, Ma and Wu (2011) proposed that internet users are more politically engaged and may push governments to increase transparency. However, there appears to be no association between transparency and citizens' internet access (H4). These results are surprising, since most studies find a positive association (Gandía & Archidona, 2008; Caba Pérez et al., 2008; Ortiz-Rodríguez et al., 2018; Tejedo-Romero & Araujo, 2020; Shin et al., 2020). Despite internet access, there might not be enough “bottom-up” pressure for governments to promote public access to information. In this way, higher levels of internet penetration have not led to higher political engagement or government responsiveness.

Similarly, there is no evidence that press visibility (H5) has a statistically significant impact on levels of transparency. Conversely, previous research found a strong association—both positive and negative—between press visibility and transparency (Ingram, 1984; Laswad et al., 2005; Gandía & Archidona, 2008; Cárcaba García & García-García, 2010; Cuadrado-Ballesteros et al., 2017). This may be due to country-specific dynamics. For media to play an intermediary role between governments and citizens, it has to be fairly strong and independent. However, the media market in Argentina is relatively uncompetitive (Michener, 2010). This may undermine efforts to put transparency on the public agenda.

Regarding the control variables, the study shows that population size has a significant positive relationship with fiscal transparency, thereby supporting prior research (Serrano- Cinca et al., 2009; Guillamón et al., 2011; Esteller-Moré & Polo Otero, 2012; Baldissera et al., 2020). The literature on technology adoption suggests that states with large populations tend to have large governments and, thus, are better equipped with the financial resources necessary to increase transparency (Moon, 2002). In addition, larger governments may be more responsive to external pressure (Berliner, 2017).

Moreover, there is evidence that RTI law strength is associated with better human development indicators, in line with other studies (Kaufmann & Bellver, 2005; Zuccolotto & Teixeira, 2014). In this way, the relative differences in provincial levels of development may be driving transparency levels. According to agency theory, a population with higher per capita income and levels of education may demand more information from the provincial government, thereby leading to more transparency.

Lastly, the results suggest that provincial government transparency in Argentina is primarily associated with supply-side determinants rather than demand-side factors, such as pressure from citizens and the media. These results seem consistent with the strong governor model characterizing the Argentine provincial government system. Tavares and da Cruz (2017) noted a similar pattern in a local transparency study in Portugal.

Conclusion

As Hood (2006) observes, transparency has achieved a “quasi-religious” significance in modern debates about governance and institutional quality (p. 3). Much research has been devoted to analyzing transparency initiatives in national settings. Less is known about the factors that drive subnational government transparency. To fill this gap in the literature, this study examined the determinants of fiscal transparency and RTI law strength in Argentine provinces by using the multiple linear regression technique. The results suggest that fiscal transparency is positively associated with electoral competition and population size. RTI law strength appears to be positively associated with gubernatorial turnover and development. However, government digital capacity, citizens’ internet access, and press visibility did not appear to significantly influence transparency levels.

This study makes several contributions to the transparency literature. First, it provides evidence that subnational political factors might promote or hinder efforts to improve transparency. If political competition is diminished or the same party stays in power for a long period of time, transparency initiatives are more likely to be blocked due to the absence of any real political incentives. Second, it analyzes the determinants of subnational transparency in Argentina for the first time. In this way, it presents new evidence in the ongoing debate regarding the factors that drive subnational transparency in developing countries.

Furthermore, these findings might enable policy practitioners to better understand the drivers of transparency at the local level, thus leading to the design and implementation of more effective rules and guidelines for transparency. Based on this study’s results, if policymakers and advocacy groups seek to enact stronger RTI laws, they should focus on fostering political competition and alternation. In this way, enacting laws to limit gubernatorial terms may be more cost-effective and beneficial than “demand-side” factors, such as increasing press visibility or citizens’ internet access.

Despite the study's contributions to the literature, some limitations persist. On the one hand, as a cross-sectional study, this paper analyzed transparency at a specific point in time—that is, only one year was examined. This means that the results should not be interpreted as conclusive evidence of causal relationships. Still, these are the only transparency indexes currently available for Argentine provinces.

Similarly, the relatively small number of observations means that the findings should be interpreted with caution. The reduced sample size also limited the number of relevant determinants that could be tested. In this way, it is possible that other factors, not discussed in this study, may better explain the different levels of transparency. Nonetheless, the study was based on previous empirical work and the results seem to be consistent with other research that found a positive association between political competition and transparency (Alt et al., 2006; Gandía & Archidona, 2008; Esteller-Moré & Polo Otero, 2012; Berliner, 2014; Berliner & Erlich, 2015).

Further research could study transparency in provincial governments over time in order to learn more about the causal relationships and confirm the validity of the theoretical mechanisms. A longitudinal study could also incorporate additional variables not studied here, such as the effect of partisan alignment between provincial and central governments on transparency.

This study also noted that some clusters of neighboring Argentine provinces tended to share similar index scores. Da Cruz et al. (2016) measured transparency practices in Portuguese municipalities and observed that, in some cases, municipalities with the worst (and best) performance were territorially adjacent. This may be due to diffusion effects: policy diffusion typically exhibits a distinct geographic pattern, since “proximity prompts imitation” (Weyland, 2015, p. 266). Further studies could provide more evidence about the potential impact of diffusion mechanisms in the implementation of subnational transparency reforms.

Perhaps future research could expand this model by incorporating municipalities as the units of analysis. There are over 2,200 municipalities in Argentina. By increasing the sample size, more variables could be considered, such as fiscal factors, or qualitative measures such as citizens' and elected officials' perceptions. This would contribute to a deeper understanding of the determinants of transparency at the local level. Finally, it would also be interesting to apply this model to analyze the subnational transparency levels in other federal and heterogeneous states such as Brazil, Mexico, or the United States.

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Appendices

Appendix A. Data collection for government digital capacity (H3)

Province	Website	Online reporting tool	Online transaction tool	Online appointments	Contact	Personal <small>uaca</small> account	Mobile app	Final score
Buenos Aires	gba.gob.ar	0	1	1	1	1	0	0.67
CABA	buenosaires.gob.ar	1	1	1	1	1	1	1.00
Catamarca	portal.catamarca.gob.ar	0	0	0	0	0	0	0.00
Chaco	chaco.gov.ar	0	0	1	0	1	0	0.33
Chubut	chubut.gov.ar	0	0	1	1	0	0	0.33
Córdoba	cba.gov.ar	1	1	1	1	1	1	1.00
Corrientes	corrientes.gob.ar	0	0	0	1	0	0	0.17
Entre Ríos	entrierios.gov.ar	0	0	1	1	0	1	0.50
Formosa	formosa.gob.ar	0	0	0	1	1	0	0.33
Jujuy	jujuy.gob.ar	0	0	0	1	0	0	0.17
La Pampa	lapampa.gob.ar	0	0	0	0	0	0	0.00
La Rioja	web.larioja.org	0	1	1	1	1	0	0.67
Mendoza	mendoza.gov.ar	0	1	1	1	0	1	0.67
Misiones	misiones.gob.ar	0	0	0	0	0	0	0.00
Neuquén	neuquen.gov.ar	1	1	1	0	1	1	0.83
Río Negro	rionegro.gov.ar	0	0	0	0	0	0	0.00
Salta	salta.gov.ar	1	0	1	1	0	1	0.67
San Juan	sanjuan.gov.ar	0	0	1	1	1	1	0.67
San Luis	sanluis.gov.ar	1	1	1	0	1	1	0.83
Santa Cruz	santacruz.gob.ar	0	0	1	0	0	0	0.17
Santa Fe	santafe.gov.ar	0	1	1	1	0	0	0.50
Santiago del Estero	sde.gov.ar	0	0	1	0	0	0	0.17
Tierra del Fuego	tierradelfuego.gob.ar	1	1	1	0	1	0	0.67
Tucumán	tucuman.gob.ar	0	0	0	0	0	0	0.00

Source: own elaboration.

Note: Grimmelikhuijsen and Feeney (2017) consider whether users can access online employment information or submit job applications through official government websites in the United States. Since this is not a customary practice in Argentina, these items were replaced with suitable alternatives (e.g. access to personal user account or ability to download mobile application).

Appendix B. Data collection for press visibility (H5)

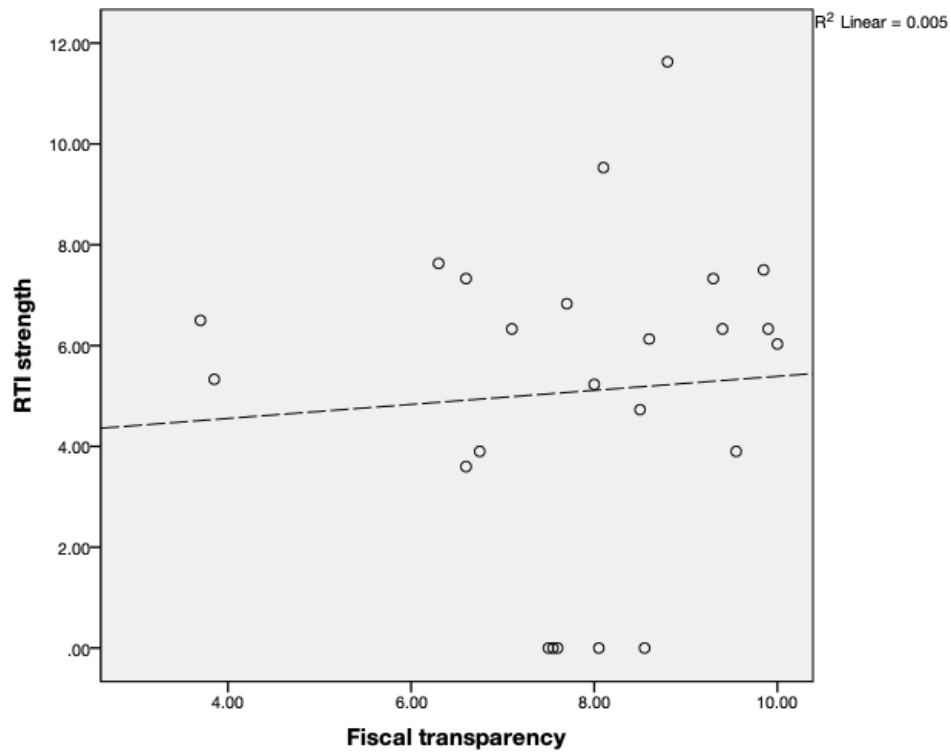
Province	Number of news items	Keywords
Buenos Aires	5,180,000	Gobierno + provincia + Buenos Aires + Argentina
CABA	7,760,000	Gobierno + ciudad + Buenos Aires + Argentina
Catamarca	66,600	Gobierno + provincia + Catamarca + Argentina
Chaco	61,900	Gobierno + provincia + Chaco + Argentina
Chubut	114,000	Gobierno + provincia + Chubut + Argentina
Córdoba	6,840,000	Gobierno + provincia + Córdoba + Argentina
Corrientes	95,100	Gobierno + provincia + Corrientes + Argentina
Entre Ríos	231,000	Gobierno + provincia + Entre Ríos + Argentina
Formosa	68,300	Gobierno + provincia + Formosa + Argentina
Jujuy	102,000	Gobierno + provincia + Jujuy + Argentina
La Pampa	56,000	Gobierno + provincia + La Pampa + Argentina
La Rioja	85,200	Gobierno + provincia + La Rioja + Argentina
Mendoza	152,000	Gobierno + provincia + Mendoza + Argentina
Misiones	77,300	Gobierno + provincia + Misiones + Argentina
Neuquén	136,000	Gobierno + provincia + Neuquén + Argentina
Río Negro	178,000	Gobierno + provincia + Río Negro + Argentina
Salta	163,000	Gobierno + provincia + Salta + Argentina
San Juan	5,740,000	Gobierno + provincia + San Juan + Argentina – submarino
San Luis	7,440,000	Gobierno + provincia + San Luis + Argentina
Santa Cruz	206,000	Gobierno + provincia + Santa Cruz + Argentina
Santa Fe	1,290,000	Gobierno + provincia + Santa Fe + Argentina
Santiago del Estero	56,400	Gobierno + provincia + Santiago del Estero + Argentina
Tierra del Fuego	119,000	Gobierno + provincia + Tierra del Fuego + Argentina
Tucumán	143,000	Gobierno + provincia + Tucumán + Argentina

Source: own elaboration based on Google News search engine.

Note: In the case of the San Juan province, the keyword ‘submarine’ was excluded from the search. Many news articles refer to the ARA San Juan submarine, which disappeared off the Argentine coast in November 2017. In all cases, Google ‘incognito’ search results were applied in order to reduce algorithmic bias and personalisation.

Appendix C. Pearson’s correlation coefficient and scatterplot for dependent variables ($N = 24$)

		<i>RTI law strength</i>
<i>Fiscal transparency</i>	Pearson correlation	0.073
	Sig (2-tailed)	0.734



Note: Dashed line represents linear regression trend line.



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United Kingdom Freedom of Information Act 2000, Local Government and Everyday Regimes of Practice

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Abstract

The United Kingdom's Freedom of Information Act 2000 commenced in 2005 with the objectives of openness and transparency, accountability, better decision making and public involvement in decision making. However, there have been limited studies of its long-term impacts on government practices and how far the Act has delivered on its stated objectives, and even fewer studies into how Freedom of Information works in practice, especially at local government level. Addressing these gaps in existing knowledge, this research seeks to critically evaluate existing regimes of practices across local authorities. It seeks to identify the multiple practices surrounding the implementation of the 2000 Act, evaluate how these practices are reproduced, and generate lessons for practice and alternative modes of delivering Freedom of Information.

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Introduction

The Freedom of Information Act has been on the statute books for a little over 15 years in the United Kingdom, arguably sufficient time to identify the embedded impacts of the legislation into policy and practice (Sabatier, 2007).

A handful of studies after the initial adoption of the Act analyzed policy documents, scrutiny inquiries, and reports into the impact of the freedom of information (FOI) requests on national and local government (Holsen & Worthy, 2010; Worthy et al., 2011; Worthy, 2013). The Constitution Unit at University College London examined how FOI affected local political leadership, local accountability, partnership working and local service provision (Amos et al., 2008). The study addressed staffing in local government, but only in terms of the numbers of staff. A study of local authorities focused primarily on the impact of the Freedom of Information Act on records management services in public authorities (Shepherd, Stevenson, & Flinn, 2020).

Since these initial studies, little research has been carried out in the United Kingdom specific to local government, despite the large percentage of requests made to local authorities. The long-term impacts of the Act thus remain only partially evaluated and understood. This study is the first of its kind to explore and describe regimes of practice in English local government and those regimes' impact on the success of FOI practice.

Previous research has tended to focus on metrics (numbers of requests received, requests answered in time, type of requesters); the overarching aims of the legislation; or the broad impact of the Freedom of Information Act across central government and the link with transparency. There appears to be a lack of research in evaluating the regimes of practice that have come into being across local government and that answers what it is that officers do when they “do Freedom of Information” (to paraphrase Wagenaar, 2004).

This study addresses this gap in knowledge. It identifies and evaluates embedded FOI regimes of practice across English local authorities, exploring how these have come into being, how they have evolved and been reproduced. In so doing, it seeks to characterize the political (both with a capital P and a smaller p) reasons of these regimes, engaging with their dynamics to draw lessons that contribute to the improvement of practice.

In order to identify the multiple practices surrounding the implementation of the 2000 Act, this study explores the particular community of practice of FOI officers, engaging initially via fora/ mailing lists and email, and then through semi-qualitative recorded interviews to hear their experiences and to understand how and why they have adopted the regime of practice that they have, if these regimes of practice result in effective management of the FOI legislation, and how management practices have developed in response to the challenges they faced in adopting new legislation and current budget constraints and priorities in local government. The findings provide lessons for the practice and alternative modes of delivering FOI, and the influence of policy making.

History of the United Kingdom's Freedom of Information law

During the 89 years between the adoption of the Official Secrets Act 1911 and the Freedom of Information Act 2000, the United Kingdom government reluctantly incrementally increased access to information under political pressure, often at election times. Similarly evolving in parallel was an international backdrop that was also influential during this passage of time.

The Fulton Commission launched in 1965 to examine the structure and management of the

civil service (Committee on the Civil Service, 1968). The Fulton Report proposed that an investigation be undertaken into eliminating unnecessary government secrecy. The report was critical of the civil service in many ways, and made numerous recommendations to modernize the officialdom so that it was fit for the 20th century. The report acknowledged the need for safe space for officials and politicians to discuss policy making freely, but also the public interest in decision-making, thus setting out some of the cornerstones of the Freedom of Information Act that was eventually passed into UK legislation.

The following year, in response to the report, Prime Minister Harold Wilson introduced a 30-year rule on the release of records, in the Public Records Act (1967), reducing it from 50 years. Despite a change of government in 1970, the issue was now on the public agenda. This was not welcomed by the then Conservative government and this reform would take until 1989 to be implemented.

In 1972, new legislation allowed public access to meetings and some documents of specific national committees (Local Government Act, 1972). The Labour Party promised in their 1974 manifesto to introduce some form of a Freedom of Information Act, which promised to “replace the Official Secrets Act by a measure to put the burden on the public authorities to justify withholding information” (Labour Party, 1974).

Home Secretary Roy Jenkins in 1975 undertook a visit to the United States to look at the Freedom of Information law in place there, adopted in 1966. The United Kingdom Freedom of Information Act, once eventually enacted, would look quite different to the U.S. version, and its big difference was that in the United Kingdom, it would apply to *all* public sector organizations in exactly the same way. U.S. FOIA applies just to the federal government, and local jurisdictions are subject to each state’s public records law.

The appointment of Margaret Thatcher as Prime Minister in 1979 meant further frustration for supporters of transparency, as despite her previous desire to increase openness in local government, Thatcher was not interested in similar concessions at a national level. In response, January 1984 saw the launch of The Campaign for Freedom of Information in the U.K., founded by Des Wilson. The Campaign for Freedom of Information initially had the support of the leaders of the three main opposition parties and over 150 cross-party Members of Parliament (Secrets Newspaper, 1984).

Members of Parliament continued to force the issue via repeated Private Members Bills; Frank Hole of the Labour Party in 1981 and David Steel of the Liberal Party in 1984. In response to increasingly visible pressure in Parliament and by public campaigners, Thatcher paid lip service to openness with the introduction of The Data Protection Act 1984 and expansion of the Local Government Act in 1985. Local government had concerns that the Local Government (Access to Information) Act 1985 would cause administrative burden and resource implications (Lister, 1988). Awareness of rights under the Act was, on the whole, found to be extremely low among the members of the local press, but many still benefited from the Act’s rights by receiving copies of committee papers and attending certain meetings of the Council or its committee, as still happens today (Steele, 1995).

Thanks to developments in the European Union there came a breakthrough in 1992 with the introduction of the first Environmental Information Regulations (1992), which allowed access to some environmental information, although they were not well publicized.

Des Wilson, Maurice Frankel and the Campaign for Freedom of Information continued to put pressure on the Government via the press. In April 1994, an article was published in the Observer supplement on Censorship entitled *Addicted to Secrecy, Lies and Distortion*, in which

Frankel posed the question “If secrecy is the British disease, is it curable? Over recent decades many classic secrecy battles have been fought – yet the same issues remain sources of conflict.” (Campaign for Freedom of Information, 1994).

Both the Labour Party and the Liberal Democrat Party promised a Freedom of Information Act as part of their 1997 manifestos. Tony Blair appeared supportive of the idea, and whilst presenting awards at the Campaign for Freedom of Information’s annual Awards ceremony on 25th March 1996 said:

“Our commitment to a Freedom of Information Act is clear, and I reaffirm it here tonight. We want to end the obsessive and unnecessary secrecy which surrounds government activity and make government information available to the public unless there are good reasons not to do so. So, the presumption is that information should be, rather than should not be, released. In fact, we want to open up the quango state and the appointed bodies, which will of course exist under any government, but which should operate in a manner which exposes their actions to proper public scrutiny.” (Campaign for Freedom of Information, 1996)¹

The election of Tony Blair’s Labour Party in 1997, with a considerable majority, gave hope to freedom of information campaigners in the United Kingdom that an Act would be adopted at last. Instead of publishing a bill however, the new government chose to publish a white paper, which was delayed until December of 1997 (*Your Right to Know*, 1997).

In 2001, the Campaign for Freedom of Information issued a press release berating the four-year delay in implementing the Freedom of Information Act, as totally unjustifiable (Campaign for Freedom of Information, 2001). The United Kingdom Freedom of Information Act finally became law on January 1, 2005. From the very first year, local authorities were in receipt of the majority of FOI requests.

FOI at the local level

There are 343 local authorities (also known as councils) in England. They vary in type and have different responsibilities. Metropolitan districts, London boroughs, and unitary authorities undertake all local services for their citizens. County councils are an upper tier authority and undertake services such as education, social care, and transport, whereas district councils (sometimes also called borough councils) are lower tier authorities and provide services such as housing and waste management. Metropolitan districts, London boroughs, and unitary authorities, covering all services, can receive many requests, as do county councils, who despite offering fewer services, serve many more people in their geographical area. District councils, although still receiving many requests, are often much smaller in size and numbers of staff, presenting resourcing issues. The make-up of local authorities in England is as follows:

- Metropolitan districts (36)
- London boroughs (32) plus the City of London

¹ After Blair left office, he had a far different perspective of public and press access to government records, according to his memoir (2010): “Freedom of Information Act. Three harmless words. I look at those words as I write them, and feel like shaking my head ‘til it drops off. You idiot. You naive, foolish, irresponsible nincompoop. There is really no description of stupidity, no matter how vivid, that is adequate. I quake at the imbecility of it.”

- Unitary authorities (55) plus the Isles of Scilly
- County councils (26)
- District councils (192)

Research by mySociety² indicates that a substantial 63% of FOI requests in the United Kingdom are submitted to local governmental agencies (mySociety, 2021). The research estimates that approximately 468,780 Freedom of Information requests were sent to local government in 2017, including England, Wales, and Northern Ireland. Scotland has its own Freedom of Information (Scotland) Act 2002. By 2017, numbers of requests to local government dwarfed any other public authority sector. As the mySociety reports states:

Based on the data collected for this report, the estimate for English councils only, is 388,736 FOI Requests in 2017. This represents a 97% increase on the 2010 figure of 197,000 estimated by the Constitution Unit. In the same period FOI Requests sent to audited central government only increased by 6%. Whether this represents a historical under-count or a growth over time (10% a year), the current volume of FOI is nearly double the previously available estimate.

Using previous data from the Constitution Unit (2011) and this new research, mySociety estimates that over 300,000 requests are sent every year to English councils.

Despite the millions of FOI requests that have been submitted to local authorities since 2005, throughout the last 15 years there has been little data produced centrally on the performance of public authorities at local authority level. This is in contrast to central government where departments have been required to publish performance statistics online (<https://www.gov.uk/government/collections/government-foi-statistics>).

The Cabinet Office has responsibility for Freedom of Information policy in England, Wales, and Northern Ireland, and publishes information on the handling of requests by individual government departments quarterly. Freedom of Information statistics are designated National Statistics in accordance with the Statistics and Registration Service Act 2007. Performance data is available online from 2010 showing numbers of requests received by central government departmental breakdown, how many were answered, how many were answered within the legal timeframe, whether information was released and which exemptions applied if the information was withheld.

In contrast, local authorities in England, until 2018, were under no obligation to proactively report on their performance under the FOI legislation. The only way to establish comparable datasets is to submit a FOI request to several hundred local authorities. Not all authorities record all of the data. This reflects similar issues in other countries such as the United States, where the 50 states, the District of Columbia, and territories all have their own public access laws that can be consulted for access to state and local records (as opposed to the national U.S. FOIA statute, which applies only to federal agencies). Whilst websites provide links to all of the 50 states and

² The United Kingdom nonprofit organization mySociety tracks how many FOI requests are made to local government each year. The group works with partners internationally to build and share digital technologies that help people be active citizens, using software by Alaveteli (<https://alaveteli.org/>). Alaveteli has helped citizens make over 800,000 requests in 25 jurisdictions. In the United Kingdom, mySociety runs and promotes the website www.whatdotheyknow.com, an online tool that allows the public to easily make FOI requests to all public sector organizations covered by the Act. Similar sites are available in other countries such as AccessInfo in Hong Kong (<https://accessinfo.hk>) or MuckRock (www.muckrock.com) in the United States.

the District of Columbia, and many states are now developing state-level open data portals, there is still a dearth of centrally collated data to compare FOI performance across states, giving a very similar situation to the United Kingdom's inability to compare performance at local or state levels, other than in Scotland (Scottish Information Commissioner, 2021).

Ten years after the implementation of the Freedom of Information Act, The United Kingdom's Cabinet Office established the Independent Commission on Freedom of Information. The Commission was tasked with evaluating how well the Act was operating. It determined that in the main the Act was operating well, but did make 21 recommendations to further the original aims of the legislation (Independent Commission, 2017). As a result of these recommendations, the Cabinet Office proceeded to undertake a consultation exercise on updating the section 45 Code of Practice. This code provides guidance to public authorities on the discharge of their functions and responsibilities under Part I (Access to information held by public authorities) of the Freedom of Information Act. The review resulted in an update to the code, which mandated many more public authorities to proactively report their FOI compliance:

The government agreed to implement the Commission's recommendation that public authorities with over 100 full time equivalent employees should publish statistics on the operation of the FOI Act. Central government departments already publish these statistics on a quarterly and annual basis, but it is important that other public authorities achieve a similar level of transparency. The publication of this data will provide greater accountability to both the public and the Information Commissioner. (Information Commission, 2017, p. 9)

The revised section 45 Code of Practice, therefore requires all local authorities to publish performance statistics, but not in the same details as central government. The Cabinet Office justified this as not wanting to place a burden on smaller public authorities. The revised code requires that:

Public authorities with over 100 Full Time Equivalent (FTE) employees should, as a matter of best practice, publish details of their performance on handling requests for information under the Act. The information should include:

- The number of requests received during the period;
- The number of the received requests that have not yet been processed (you may also wish to show how many of these outstanding requests have extended deadlines or a stopped clock, e.g. because a fee notice has been issued);
- The number of the received requests that were processed in full (including numbers for those that were met within the statutory deadline, those where the deadline was extended and those where the processing took longer than the statutory deadline);
- The number of requests where the information was granted in full;
- The number of requests where the information was refused in full (you may wish to separately identify those where this was because the information was not held);

- The number of requests where the information was granted in part and refused in part;
- The number of requests received that have been referred for internal review (this needs only reporting annually).

It is for individual public authorities to decide whether they wish to publish more detailed information than that set out above (they may, for example, wish to show a breakdown of the exemptions they have used for refusing requests or to show a breakdown of the outcomes for their internal reviews). When public authorities publish their statistics, they should do so on a quarterly basis, in line with central government.” (Information Commission, 2018, p. 29)

Three years on and many public authorities, including local authorities, are still not complying with this requirement. Further research is required to identify the barriers, but this could be through lack of awareness of the requirements (there has been no central notification from the United Kingdom government to other public sector organizations about a change in FOI legislation or Code of Practice updates).

There is also no requirement for the data to be deposited centrally with the United Kingdom government or the national regulator for Freedom of Information, the Information Commissioner. Where local authorities do publish data, there is no fixed or comparable format, and the datasets are not always updated regularly.

With so little data available, how can taxpayers be confident that the hundreds of local authorities are meeting their compliance requirements under the Freedom of Information Act 2000? How do they know which local authorities are performing poorly other than those appearing in media stories or the Information Commissioner’s enforcement listings? This study attempts to answer those questions.

Methodology

In order to meet the aims of the study, it was decided to adopt a qualitative research and interpretive approach. This was a choice to explore the decision-making processes and to identify and explore FOI officers’ actions. Semi-structured interviews were considered to be the most appropriate method for exploring these aims.

Interview selection and process

The research consisted of interviews with 17 FOI officers from different English local authorities. Study participants that were selected included local authority officers who appeared to be employed in teams that may be processing FOI requests on a regular basis. Freedom of Information often sits within the area of work termed “Information Governance” in the United Kingdom and this can include the field of data protection as well as FOI. In order to widen the scope to reach local government officers engaged in FOI, information governance, data protection and FOI staff were included.

Information governance and FOI officers were identified through those officers posting publicly online in FOI communities of practice, and national mailing lists and fora, including relevant information governance mailing lists on the academic mailing list resource,

Jiscmail.ac.uk, and relevant information governance groups on the collaboration website Knowledge Hub, www.khub.net. The sampling strategy assumed that that these officers were most likely to be engaged in debates about FOI, and are actively engaged in communities of practice. The most recent two years' worth of interventions on the above name fora were analyzed to identify those FOI officers to initiate contact with, choosing a range of contributors from sporadic to persistent and those that appeared to be still in post and whose contact details were readily available in the public domain.

A variety of different councils were approached, including county, unitary, borough, and metropolitan in order to obtain a range of councils of varying sizes. Some authorities who are seen in the sector as promoting good practice via posts on the mailing list were approached, as were those that have had coverage for weaker compliance (via media stories or the Information Commissioner's Office interventions in poor performing authorities). One of the limitations in the research to date is that the poorer performing local authorities were less inclined to take part in the research.

The researcher is herself an experienced FOI officer and was conscious of her own anecdotal experiences, previous connections with other FOI officers and potential bias whilst obtaining the participants and conducting the interviews.

Recruitment of the study participants took place in October, 2020, and 32 potential study participants were contacted. Initial concerns that the impact of the COVID-19 pandemic may result in reduced participation was partially unfounded. Despite pressure on local authorities during the pandemic, a sufficient number of information governance officers who were contacted found time to engage in the study, with more than half of those contacted responding positively. More would have engaged in the project if it had not been for COVID-19 impacting disproportionately on local authorities. Local authorities were at the forefront of the response to COVID-19 in England, with many staff redeployed onto unusual duties such as running food banks, administering emergency grants (personal and business), and running COVID-19 testing centers. The researcher herself was redeployed to deliver door-to-door COVID-19 tests to residents at the height of the prolonged lockdown in her city. Several of the candidates who were approached declined to take part, indicating that they would have liked to have participated but simply did not have the time due to the priorities of their local authority during the pandemic.

Seventeen agreed to participate in the study and all interviews were carried out in November, 2020 (see general descriptions of each participant in Appendix A). Interviews were conducted online over Microsoft Teams and lasted between 30-60 minutes, with the majority lasting the full hour. The transcripts were coded using NVivo software. Using thematic analysis as an iterative process, preliminary codes were attributed and common themes were established (see Appendix B for coding terms).

Question topics

The findings from the interviews undertaken with the FOI practitioners were split into two areas of focus, first on structure and process, and secondly the spaces of agency.

The first area of focus, on structure and process, included a focus on job titles, employment backgrounds, experience, location within an organization, resources provided to carry out the work, staff support, workload, and technological tools.

The second area of focus, on spaces of agency, examining the power of FOI officers to assess the risk of requests, monitor performance, apply exemptions, ensure quality, handle sensitive requests, and become involved in policy change.

Findings

After synthesizing the interviews, common themes were clustered into the two main areas: 1) Structure and process and 2) Spaces of agency. Actual quotations are provided to illustrate the key findings.

Structure and process

Staff and job titles

From speaking with the study participants, it is clear that there is not a conventional and universally recognized title for the officer responsible for responding to FOI requests within a local authority. From the 17 interviews conducted, the participants had a total of 13 different job titles as follows:

- Information Officer
- Data Protection Officer x 2
- Data Protection Officer and Corporate Information Governance Officer
- Information Governance Manager x 3
- Information Governance Officer x 2
- Data Protection Officer and Corporate Compliance Manager
- Information Governance Lawyer
- Information and Records Manager
- Information Governance Manager and Data Protection Officer
- Freelance FOI consultant
- Senior Complaints Practitioner
- Senior Information Officer
- Information Governance & Risk Manager

It is striking that not one of the job titles other than the freelance consultant has “freedom of information” in the title. All roles involve work other than FOI, many with an equal or larger focus on data protection, or the role is merged with complaints, information management, risk management, or records management. The mySociety report into local government discovered that “based on the survey of FOI officers, most respondents (93.4%) reported that they had freedom of information as a primary responsibility, with data protection also being a significant responsibility for most (67.6%)” (Parsons & Rumbul, 2019, p. 7). Freedom of information appears not to be given any prominence in the job titles of those custodians trusted to ensure the local authority is compliant with the Freedom of Information Act.

Employment backgrounds

Identified from the interviews was the different professional backgrounds that local government officers undertaking FOI tasks originated from. This gives insight into the knowledge and skills they held before acquiring the role. Historical employment experience included a wide variety of professions including two of the study participants previously working in libraries. Others included a government civil servant who specialized in IT and cyber security, a school administrator, a secretary, a solicitor with previous family law experience, and a tree surgeon. Transferable skills rather than FOI knowledge appears to be key.

The participants' career progress into the field of FOI can be categorized into three different areas. The first area is those staff who were existing local authority or government employees who were subject to redeployment and had recognizable transferable skills or some basic knowledge of information governance, for example, data protection in their role, or they were returning from maternity leave or retirement and required a role in the same authority offering reduced hours of working and no evening work. Despite the statutory deadlines and firefighting required by the FOI legislation, organizations see it as a 9-to-5 Monday-to-Friday job.

Second, some study participants were relocating geographically and were looking for anything in the area that they had transferable skills for. These participants did not necessarily have any previous FOI knowledge or experience.

Third, and quite commonly, the FOI role was appended onto an existing role in a) 2005 when the Freedom of Information Act came into force or b) in an internal organizational restructure within the local authority, or c) existing staff left the authority. Freedom of Information officers repeatedly spoke of "being dumped with it" or it "being tagged onto their job." One said:

"Our person in our legal team who was dealing with data protection, I think, was preparing to retire and they wanted to pass it on and I was the lucky, or unlucky person, who ended up with it."

Jobs included those not advertised as an FOI officer role, but incorporated that work or grew to include it. Participants talked about the following situations:

"No Freedom of Information experience and they didn't really know what they were looking for. Freedom of Information crept in to the job."

"Started off as records officer, quickly was given Freedom of Information and policies to look at."

"Formerly a complaints manager. Freedom of Information was tagged on."

"I took a role...working as what was then called a programmes assistant but essentially my role was dealing with Freedom of Information requests."

From the interviews undertaken it appears that there is no clear professional employment route into the role of FOI officer.

Experience and qualifications

The lack of knowledge about FOI in 2005 could, of course, be understood as it was new legislation, but it appears that jobs advertised more recently are still not requiring applicants to have that experience or knowledge. Participants gave the following examples:

“I knew nothing about Freedom of Information. I had to Google it before I went for my interview.”

“Legal background but no FoI experience.”

“Previously in Revenues and Benefits, potential reduction of funding, redeployed internal application in 2014. Bit of knowledge of data protection, no Freedom of Information.”

“Had previously had to answer some requests and heard of it but not the details of Freedom of Information.”

Local authorities appear to have rarely asked that prospective candidates for FOI employment roles have experience in that area as an essential requirement, with it often only being a desirable criterium, if mentioned at all. As well as previous experience not being essential, a legal background is not required despite the role interpreting complex legislation on a daily basis. It appears to be seen by many as an administrative back-office type function, as opposed to a statutory frontline service interpreting complex legislation and case law. It is often allocated to lower paid administrative staff or complaints officers due to the nature of the procedures involved, as opposed to acknowledging that it is a frontline statutory highly skilled profession.

Despite the recognition by those who work in the field that FOI officers do actually require many different skills, as well as knowledge of the law, there appears to have been no real professionalization since 2005. This is unlike data protection work that now sees the statutory post of the Data Protection Officer and the requirement of expertise enshrined in the United Kingdom General Data Protection Regulation and Data Protection Act 2018.

It is also notable there has been no national apprenticeship for the FOI role to date. Apprentices have had to undertake general administration/business studies or public sector apprenticeship, which does not enable the apprentice to demonstrate the skills and knowledge they have gained in relation to the FOI legislation. An information governance apprenticeship is being developed nationally, driven by former and current information governance officers.

There is little planned career progression, and often no succession planning within authorities. There is evidence that some officers move from FOI officer to senior FOI officer to FOI manager. Other officers move from district councils to county councils, which is seen as a promotion due to the size of the local authority. There appears to be little route to progress higher within the authority once one has become manager or head of the information governance service, and long-serving FOI officers and managers do not often progress to become heads of service and there is no evidence they become service directors.

There are very few nationally recognized qualifications specifically for FOI officers. Various training companies delivering training to the information governance sector have developed four-day FOI practitioners' certificates but there is nothing formally recognized by the Information Commissioner's Office to date. Freedom of Information officers wishing to continue

their professional development seek out such training courses and other daylong courses themselves and some even self-fund such training.

Location within the organization

It was clear from the job title evidence that there was not a conventional and universally recognized title for a local authority officer undertaking the FOI officer role. Similarly, when the study participants were asked which department or division of the local authority the FOI function was located in, a similar pattern appeared. From the 16 interviews conducted with study participants that currently worked in a local authority, the 11 different directorates or divisions that hosted the FOI function were as follows:

- Legal Services x 6
- Corporate Services
- Information Technology
- Customer Services
- Resources
- Strategy and Communication
- Legal and Democratic Services
- Governance & Risk
- Chief Executive's
- Legal and Governance
- Corporate Governance

Legal Services, Legal and Democratic Services, Governance & Risk, Legal and Governance, and Corporate Governance, can all be brought under one umbrella showing 10 of the 17 study participants see their FOI functions positioned in the Legal/Governance arena.

From the study participants' further context, there is evidence that the FOI function has been regularly moved within local authorities from one department to another or should be moved as follows:

“Information Governance Lawyer in Customer Services feels that it should sit in Legal Services.”

“Currently in the Resources Dept, but it has moved around, previously it was hosted by the Assistant Chief Executive's Office.”

“It moved to internal audit and then we had to restructure and it came back to Legal Services.”

“Now in in Strategy and Communication, it was once in Legal Services. Multiple hats in a small council give strange bedfellows.”

“...in Governance & Risk under Chief Finance Officer. It was previously in Legal Services and will be moving back to Legal Services.”

“Weirdly, Freedom of Information was originally, I think, contained within the elections team.”

The FOI role itself was often seen as an add-on to existing roles, and similarly the positioning of FOI function in the local authority has seen it added in to an existing department without ever completely fitting in and having a true and obvious home of its own. After 15 years, local authorities are still moving it from one department or service to another.

From the study participants interviewed, there is evidence that the FOI function is now more commonly finding its place positioned in the Legal Services/Governance divisions within local authorities in England, possibly indicating that it is beginning to have more purchase when located there and there is a growing realization about the legal expertise needed. This insight from a study participant noted the relevance of where the role was positioned:

“I think I probably have less autonomy in the job I have here than I did when I worked for the County Council and I think that comes from being sat within Legal Services, previously we weren't part of Legal Services. Each individual service department has their own team that dealt with FOIs and I think being part of Legal brings a bit of a different viewpoint because obviously my manager is a legal professional and perhaps has a different eye on how things are done, and I think sometimes that's quite good because it means they try and follow things according to the legislation rather than trying perhaps to get round things that people with less knowledge of FOI might have.”

Resources

The study participants were asked if they believed that there was sufficient resource (e.g., numbers of staff, appropriate IT systems) to manage the FOI function adequately. Responses were mixed, with half of the respondents relatively satisfied that resourcing was usually adequate in normal circumstances (pre-COVID-19). Half of the participants expressed concerns about the levels of adequacy of resourcing. The lack of staffing resource was the issue raised the greatest number of times. This was predominantly within the smaller borough and district councils. Many of these smaller authorities only allocated one officer to undertake the day-to-day processing of Freedom of Information requests. On occasions, this was supplemented by limited administrative support, but this support was often a non-specialist on FOI.

Lack of staff

The majority of study participants that cited staffing resource as an issue said that they needed extra staff to aid them in answering FOI requests. A recurring theme was that these needed to be permanent staff. There was evidence that vacant posts were not filled, or were not filled permanently with the following comments made:

“There was one and a half information officers, which was held by three part time people, and they all left. The latest half time has left too. They were going to get an admin role, and that's not been replaced.”

“We couldn’t cope with the workload, so they have now appointed, on a temporary six-month basis, a replacement information officer.”

“I would like more resource and like permanent resource.”

“I could have really done with just another full-time member of staff quite frankly, and there wasn’t the budget for it, so I just got on with it then. But you just do, don’t you?”

“It just became a very, very poor second-class citizen because of GDPR... they needed a second member of staff.”

Support staff

Study participants spoke of the challenges of a lack of administrative support if they, solely, had to process FOI requests. Where some administrative support was in place, a theme emerged around the fact that this support was not necessarily knowledgeable about FOI legislation. Some management teams in authorities saw it as simply a process, similar to the logging of any service request and complaint that could be handled by any administration assistant or clerk, many on low levels of pay. One study participant said:

“I don’t think they are appropriately trained or appropriately qualified, knowledgeable, experienced individuals and nobody’s asking them for it, they will just move somebody from general customer service.”

Another study participant said they wanted their support staff to have “more insight than just logging them” (the requests).

Study participants also acknowledged that this lack of knowledge in other staff led to additional negative outcomes longer term such as succession planning, with one stating:

“I am conscious that there’s no one really in the organization with anything like the experience and knowledge that I’ve got so I’m aware of the succession planning.”

Workload

Several study participants raised the issue of being unable to cope with the demands of the role due to the heavy workloads. As discussed earlier in this article, local government receives the most amount of FOI requests by sector by far (63%). Even the smaller borough and district councils receive hundreds of requests every year, with unitary and county councils averaging over 1,000 per year, and some can receive anything up to 2,000 requests. The number of requests to local government has increased year on year.

Despite this increase, there is no evidence from this study to demonstrate that resources have increased in order to manage the increase in demand. Local authorities have never been awarded ring-fenced funding from central government in order to meet this statutory requirement. Study participants said:

“We have the same number of staff now as when we started...in that first year we had 250 requests...will be around 2,000 this year plus all the other services that we have provided.”

“We can’t cope with the number of requests that we’re getting.”

Study participants also raised the concern that this under-resourcing of staffing levels required lead to a negative impact on performance when any staff were on leave or away due to sickness.

Covering of leave

In those local authorities where study participants said there was only one key member of staff responding to FOI requests, it appears that there are pressures when that individual is absent for work.

“We have small team. It’s one full time officer whose primary role is receiving, distributing, logging, and responding to FOIs. I support the officer when they are absent.”

“If I’m on leave, nobody does anything, so no requests get logged.”

From the above quotes it can be seen that this absence is dealt with differently by those two authorities. One tried to cover it, pulling in a more senior officer who normally focusses on data protection to temporary cover, but expecting that member of staff to effectively carry out two jobs at once. Similarly, another study participant said “there’s one person and then it’s just a member of another team will step in while they're on leave.” The second example shows that some authorities will not log any requests and deal with them until the FOI officer returns running the risk of non-compliance with the requirements of the Act.

IT systems

All study participants worked in local authorities that had some type of logging system in order to capture and monitor the FOI requests it received. This ranged from a simple Excel spreadsheet to a specially procured FOI-friendly customer relationship management system. The majority of local authorities taking part in the study had, however, not procured a specialist FOI logging system, many of which appear to be prohibitively expensive in the current financial climate. The authorities that had procured a customer relationship management system had done so for another service and adapted it to also record FOI requests. Systems discussed that fall under this category included IKEN (usually used in legal services case management), InCase Intelligence (usually used in fraud case management), Respond and Civica Icasework (both usually used in complaints case management). This results in a system that is not completely fit for purpose and cannot offer all of the benefits as a bespoke FOI system can to enable officers to save time. In use by the study participants were:

Excel control sheets x 3

Internally developed bespoke system x 3
CycFreedom *
ECase *
Civica Icasework x 2
Respond x 2
Firmstep x 2
IKEN
InCase Intelligence (FOI module)

** Specialist Freedom of Information case management systems*

One study participant said that “sometimes they throw officer time at it and not technology” and he was particularly supportive of the need for a system to support the FOI officer. One study participant, who had procured a specialist FOI system said, “I honestly don't know how organizations run without one.” Some of the study participants worked in local authorities that had recently procured systems to help them. In contrast, one authority will be removing its logging system due to budgetary constraints, saying:

“We're looking to change from this database to just using spreadsheets due to financial pressures on the local authority.”

Spaces of agency

Managerialism

The decisions made personally by the FOI officer with no other input from any senior officer in the authority can have a dramatic impact on the effectiveness of the FOI function in a local authority, although they themselves rarely acknowledge it in those terms. From the study participants, several themes emerged which demonstrate that the FOI officers were making independent decisions outside of basic administration tasks in order to achieve positive results for the requesters and minimize risk of enforcement action for their organization.

Assigning of requests

Local authorities are made up of hundreds of different services, staffed by thousands of officers. The FOI officer has to learn where to send all of the many different requests quickly so as not to lose time by sending them to the wrong service areas. Many of the study participants have developed “cheat sheets” or databases over the years listing which officers in their authority deal with specific types of information and requests, for example:

“I then assign it to the relevant department, so I will work out who in the authority will potentially hold the information.”

“We have a list of coordinators and a list of sign off managers.”

“We’ve got a lead officers in every business area, so we would then assign the request to as many different areas as we think are appropriate... from their knowledge of the organization, they would determine who they think holds the information. You can search for cases so you could search by topic to see who that request was assigned to before.”

“We have a document spreadsheet. It’s a living document. It gets updated as and when it’s needed, but essentially it’s been built up since I think we started it.... You’re constantly updating it. We constantly remove stuff because teams no longer exist or you have been reformed and do a slightly different thing, but essentially we call it our requests library.”

The FOI officer also decides what to inform the service area. The FOI officer makes the decision to tell them who the request has been received from or not, and if in his or her opinion it is deemed a sensitive, high risk or controversial request. They may decide to reveal it is from the media, and may decide to escalate to senior managers or politicians if it is deemed sensitive.

Assessing risk

One of the recurring themes from the study related to the FOI officer’s role in assessing whether a request should be recorded or treated any differently, particularly if it was deemed “contentious” in any way. This could include requests from the media that could result in coverage for the authority, requests from politicians or pressure groups, or requests that are seen as a “hot topic” in the local area (e.g., a local campaign or current media coverage). The FOI officer would proactively and often unaided, recognize such requests through their local general and political knowledge and appreciate the potential media coverage that could follow any release into the public domain of the information. One participant said:

“When we receive the request, one of the initial things that we do is we also look at the risk to the authority as well. So, we consider who it’s coming from and whether it’s got the potential to have any, I guess, adverse effects on the authority.”

A second participant explained when they decide to send the request to their communications team for information.

“If we get any requests which are from the media or on any particularly hot topic. You know, things in the local area that we know maybe of. If any concern, we will copy our corporate comms team in.”

Performance monitoring

Many of the study participants run a centralized system and expect the devolved service areas to provide the requested information back to the central team who then release it to the requester. They spoke of the time they allow the service areas to respond back within. The United Kingdom Freedom of Information legislation requires, unless there is an extension to consider the public interest test as a result of some potential exemptions, that the information is released within

20 working days from receipt of the valid request. Several participants initially pursue the request after 15 days, allowing a further 5 days for it to be compiled and released. Other timescales ranged from expecting the service area to respond in only 10 days through to letting them go up to the 20-day deadline. Participants explained their processes as follows:

“Initially we say we need to respond back to me within the next 15 days and that just gives us enough time then to turn it round when we get the information back.”

“On the spreadsheet we set up the reminder dates so we have a system of reminders two weeks before it’s due, a week before it’s due, and then three days before it’s due. If we get to the day it’s due, it’s escalated to the director.”

“So, we’ll give them their five days and if we haven’t heard back from them in five days, then my part time lady will be chasing that up and then, you know, every couple of days thereafter.”

“We have a reminder automated reminder process through our IT system after 10 days. If we haven’t gone into the back-office system and marked as complete, it would automatically send a reminder to the same team. Then we take manual action which will involve one of the officers ringing.”

Applying Exemptions

The FOI officers are often instrumental in applying any exemptions and deciding what information should or should not be released by the authority in response to a request. It is unusual that this expertise and knowledge of complex exemptions is retained in the service areas that hold the information. In some authorities, their advice is considered and the service area makes the ultimate decision, but in most authorities, the FOI officer takes the ultimate decision on what to release. Participants said:

“I will have seen the information and thought that potentially this should have an exemption applied to it and then I’ll discuss that with the Department.”

“If we think immediately a request comes in, we might be looking at exemptions. We will say so.”

“We will make the decision as to whether that information gets disclosed.”

“They will then check whether the appropriate public interest test or prejudice test has been done with a good balance in the argument.”

Quality assurance

The move to a centralized system by the majority of local authorities over the years seems to have been driven by the need for performance management and quality assurance. Participants

were committed to ensuring the correct responses of good quality were released in compliance with the legislation, stating:

“We double check that every question has been answered and that the answer actually makes some sense and the answer is actually an answer to the question that's been asked. You'd be surprised how often it isn't. If they've used any hyperlinks that they actually work, and that if they've used acronyms we push back and say no, we don't use acronyms.”

“Anything that goes in the public domain I want to make sure is consistent with everything else.”

Escalation

The officers interviewed had no nervousness about escalating the outstanding FOI requests to more senior managers across the authority if the information was not forthcoming in a timely manner. Even where they were not senior managers, they had the confidence to escalate the delays up the management chain:

“...and then we escalate that so if they don't respond to the first email we send an email that goes to their manager, and then there's a final one that goes to the director with responsibility for that area and all of that's before the 20 day deadline.”

“If we get to the day it's due, it's escalated to the director.”

“We'd escalate it to a more senior member of staff.”

Policy involvement

The study wished to determine if the FOI officer had any involvement in or responsibility for the development of FOI policy. The results were split into almost two very distinct groups.

Firstly, several of the officers interviewed in the study acknowledged there had been little or no policy development in FOI for several years. There was an assumption that the law would be followed, guided by procedures and guidance, and staff would just “do it.” Some study participants saw little need to update any policy if the main FOI legislation had not been updated. Few of these officers acknowledged the Protection of Freedoms Act 2012, or the revised Freedom of Information 2000 section 45 Code of Practice in 2018, which may have initiated policy reviews. Interesting comments referred to policies that no one reads, with one participant admitting even they had not read their organization's FOI policy. There was little buy-in from management in those authorities, with the FOI policy not being ratified at committees, full council, or in any management setting. Those participants agreed that there was little policy development and adoption as follows:

“It's just trundled along the way it has from day one.”

“We don’t particularly develop... I mean obviously Freedom of Information was implemented and it’s run... Most of the developments recently tend to be that should be driven by myself. Change tends to be driven by information officers and to some extent now the senior solicitor because she takes a more active interest in Freedom of Information.”

“I know one exists, I expect it is just the very kind of basic policy, this is what we’re required to do this is how we do it. I doubt anyone’s read it. I don’t think I’ve ever read it.”

“Where it’s a council policy versus something that’s guidance, the full Council has to sign it off, but only the data protection policy has gone to a full council and the records management policy has gone to full council sign off, not the FOI policy, so it is really guidance. We had a big work on that five or six years ago because there’s too many saying that it was a policy when in reality policies could only be things that had been approved by the full Council. So, there’s been a huge effort over the years to say look, what’s guidance or our internal procedures versus a Council policy, so that’s done through me. We try and do it every three years for our review period for all those policies, I have responsibility for data protection policy, as well as records management policy and the Freedom of Information guidance.”

“That would be presuming that the Freedom of Information policy has changed and it hasn’t.”

“I may be the first person to read it for 15 years.”

”I would say probably have procedures rather than a policy... I don’t think we actually have ever had a policy... Freedom of Information is very important business stream. I can't see the reason for having a policy.”

The second group, the remaining study participants, acknowledged their responsibility for proposing updates to policies and use local fora, networks and the Information Commissioner’s Office’s website as sources for information that informs them if a policy review is needed as follows:

“My task to review the policy every two years.”

“I changed the system because I wasn’t happy with how it was working. I write the policy. I decide how we work it as long as it follows the legislation.”

“If there were any updates to legislation, so that that would be me, as the manager. I would update the Freedom of Information policy. I tend to look at it every year or every two years. I can’t remember when I last did that, it will be on my log somewhere but I should get a ping when I’m due to look at the policy.”

“If it was a major change it would have to be agreed by committee, but the original Freedom of Information policy and information governance policies were agreed. So, if it’s just minor updates, then that’s just down to me.”

“There is a policy, an internal policy. The published policy was reviewed not that long ago, it’s down to me to do. It’s exactly the same as complaints. With the Freedom of Information policy, I’d review it myself and change it. With the complaints policy I need to go to a committee, I need to go to the Council policy committee.”

Several study participants downplayed or denied their input into any policy making. However, some are policy writers at unusually junior levels of the authority, and this is sometimes not reflected in job descriptions and job evaluation scoring.

In addition, when policy is presented to managers or committees for approval, there is often not the expertise at that level to appreciate if the policy is compliant with the legislation, placing all of the responsibility for the public authority’s compliance onto the shoulders of the FOI officer proposing the changes.

“They’re just looking for, is it in the right format and is it grammatically correct, really. I’m the expert on the content. So, actually making sure the content is legally correct would be up to me.”

“I could say the moon is made of green cheese and probably chances are no one would notice that. I am responsible though. I do take it seriously!”

One study participant did assert that the FOI policy was checked by the senior information risk owner (SIRO), the executive board and finally a committee of elected members. Another refreshed the policy herself every three years and presents it to a corporate governance committee to get approval from elected members. A further two study participants refreshed the policy (one annually, one less regularly) but only needed sign off from their service directors after consulting their managers.

Discussion

One of the dominant themes emerging from the study participants’ explanation of process is that a very similar standard procedure has embedded in the majority of local authorities taking part in this study, often at the behest of the FOI officers driving the process. That procedure involves a centralized process where requests are logged and overseen by a knowledgeable FOI officer, with elements of performance management and quality assurance applicable. Requests are then sent out to individual service areas, a hub and spoke system, with the information being returned to the central team to be checked and issued.

This is the typically adopted process despite local authorities’ autonomy and many disparate cultures, sizes, and budgets. There are slight differences in some parts of the process in some authorities, for example, who signs off the release, or is it shared with the press office prior to release, but on the whole a similar regime of practice has emerged in English local authorities

in response to the FOI officers finding the most efficient way to deal with the many FOI requests they receive.

In addition, many of the FOI officers are making similar key decisions regardless of their position in the staffing hierarchy. The FOI officers see themselves as the manager or coordinator of the process, and can often be seen as the lubricant of the procedure, making sure it becomes a well-oiled machine whenever there are obstacles and sticking points preventing the release of the information in a timely manner. They are also aware of current events and knowledgeable about current affairs and hot topics in their organization, recognizing, and flagging where expedient through risk assessment, requests that could be contentious, attract media attention or are political in nature. They also are responsible for policy but often downplay all of their responsibilities and deny their agency.

It is common for FOI officers in local authorities to be only adequately or poorly resourced, with many having inadequate administrative support, a lack of appropriate IT support and little or no adequate cover during periods of leave or sickness.

Many of those that are performing the FOI officer role are not recognized in title as undertaking the role; it is often seen as a secondary role or one that has been tagged onto their work, there is little recognition from senior management about how knowledgeable about law the role has to be (although as it has located more regularly in legal service department this perception is changing), and potential employees rarely even have to demonstrate any previous knowledge or experience in the field. Transferable skills are key to those that make a success of the role.

Despite English local authorities having the autonomy to decide how to manage the processing of FOI requests, the key findings of this study demonstrate that similar regimes of practice have evolved over the initial 15 years of the legislation. The key findings on the dominance of process have identified multiple and similar practices surrounding the implementation of the 2000 Act.

These practices are reproduced through on the job experience, FOI officers moving between councils, sharing ideas and best practice through word of mouth and communities of practice, and limited training courses by a select number of specialist companies in a vacuum of national training opportunities.

Key areas of focus

Multiple practices surrounding the implementation of the 2000 Act can be identified but recurring regimes of practice appear repeatedly, and predominantly in successful organizations as follows:

The People. Driving most successful FOI regimes is a passionate FOI officer. They can improve performance even when resources are scarce. They have the necessary skills and knowledge to drive improvement and, most importantly, the desire to do so. They learn on the job, often with no legal background, but often deny their abilities and agency.

The Place. Where does FOI sit within an organization? It's often moved around departments and no one seems quite sure where it should be. We see it in Legal Services, Customer Services, the Chief Executive's Office, Communications or IT. Where is the best fit and does it actually matter where it sits for it to be a success?

The Process. Over the years, many local authorities have moved from a decentralized model where individual service areas dealt with their own requests, with varying levels of compliance, to centralization of request management. The central performance management

system not only helps with timeliness compliance but also quality of responses and correct application of exemptions.

The Technology. Different local authorities use different systems for managing requests. Ranging from a simple Excel spreadsheet to an all-singing, all-dancing specialist FOI service that automatically reminds people when responses are due and even redacts requests and publishes to a disclosure log, technology can definitely help manage the process and make it more efficient... if it is used well.

The Reporting. Freedom of Information is often overlooked whilst things are going well. Very often reports go up to senior management, but nothing comes down. There is little or no feedback, unless there is a problem. Regular reporting can, however, raise the profile of the service, get buy in from management, and highlight risks before it goes wrong.

So how are these regimes of practices reproduced throughout so many diverse and decentralized local authorities? The Communities of Practice. Some communities of practice have emerged through regional support groups or national mailing lists and online fora, usually driven by FOI officers themselves, but new FOI officers may struggle to find these networks, which can often be invaluable support to them.

Recommendations

This research generates lessons for successful practice and alternative modes of delivering FOI for those organizations performing poorly. The national regulator, the Information Commissioner's Office and relevant government departments (for example, The Ministry of Housing, Communities and Local Government or Cabinet Office) could use the outcomes from this research to issue national guidance, advice on best practice, and create a recognized national fora for FOI officers. Recognition of the professionalization of the FOI officer would be a welcome advance, placing it on an equal footing with data protection officers, with recognized qualifications introduced nationally.

As with many challenges facing local authorities, there is no central coordination and all of the councils are "re-inventing the wheel" in isolation. As the United Kingdom Freedom of Information Act applies equitably to all local authorities, the research could lead to the realization that every council needs an affordable logging system that is fit for purpose. Could an organization such as the Local Government Association, which represents local authorities, create such a system through existing IT systems that all local authorities could use?

It would be useful for researchers to have a central repository for local authority (and other public sectors) FOI performance statistics as there is for central government department. This is something that would be useful in all countries, regardless of the way local or state legislation works in that jurisdiction.

The research has also identified that there is a weakness in policy development due to the lack of central notification from the United Kingdom government to public sector organizations about any changes in FOI legislation or Code of Practice updates. Policy development and practice improvement often relies completely on the individual FOI officer being competent in horizon scanning and recognizing changes relevant to FOI law and practice.

Limitations

The study did have some limitations, as the majority of participants were the more enthusiastic FOI officers and in the main represented the more successful organizations. Further research is needed with those organizations that perform poorly who did not engage with the research in order to establish if there are key aspects of the regimes of practice that lead to poorer performance. Further research is also needed with a more diverse set of stakeholders such as policymakers, senior managers, and bureaucrats to obtain a more holistic appraisal as to the regime of practice in an authority.

The resourcing of FOI requests could be compared between central government departments and local government. Local authorities receive many more requests but often only have one FOI officer. Comparing staffing and budgets against request numbers could also give an insight into regimes of practice and how to manage requests efficiently and effectively. All of the research carried out to date could be replicated in different jurisdictions across the world to investigate if similar regimes have proven successful elsewhere, or do different access to information regimes result in different regimes of practice and different bureaucracies.

Despite the limitations, this study provides a glimpse into the organizations structures and constraints that affect FOI administration at the local level, and potential areas for making it better.

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Appendices

Appendix A. Participants' portraits

Participant 1

Participant 1 works as an Information Officer located in the Legal Services department of a district council. They have day-to-day dealings with Freedom of Information and Environmental Information Regulations requests and also deals with issues relating to the Data Protection Act. They see the request process through from the receiving of the request through to the release of the information, as well as dealing with internal reviews and correspondence from the Information Commissioner's Office.

Participant 2

The second participant is a Data Protection Officer at a borough council whose role involves managing data protection, Freedom of Information, Environmental Information Regulations and the Regulation of Investigatory Powers Act for their local authority. Coming from a secretarial background, and subsequently involved in performance management, they inherited the responsibility for Freedom of Information when the then current incumbent in Legal Services was due to retire, over ten years ago.

Participant 3

Participant 3 is a Data Protection Officer and Corporate Information Governance Officer at a unitary authority, managing the information governance team. They are responsible for all information rights requests under the Data Protection Act, Freedom of Information and Environmental Information Regulations, and also give advice to the rest of the authority and local schools. Participant 3 also acts as the data protection officer for a local partnership related to the local authority.

Participant 4

The fourth participant is the Information Governance Manager at a large county council who has managed a transparency team who handle subject access requests under the Data Protection Act 2018, and the statutory requests team that focus on Freedom of Information and Environmental Information Regulations requests for the last five years. They also manage a traded service providing services to schools.

Participant 5

Participant 5 is an Information Governance Officer at a borough council with responsibility for Freedom of Information and all data protection related matters. Their previous background was in organisational development, equalities and performance management but in addition they dealt with Freedom of Information requests.

Participant 6

Participant 6 is a former civil servant who took on the Information Governance Manager role for a district council. They are also the local authority's Data Protection Officer. Their previous role in the civil service saw them responsible for answering many Freedom of Information requests

from about 2007 onwards so they were familiar with the legislation when applying for their current role.

Participant 7

The seventh participant Data Protection Officer and Corporate Compliance Manager who manages the small team of 1.5 members of staff that deal regularly with the Freedom of Information requests and other information rights requests. They themselves spent time being the Freedom of Information officer for just over two years before taking on the manager role.

Participant 8

Participant 8 is an Information Governance Lawyer at a County Council. They were mainly aware and interested in data protection law and did not have experience in Freedom of Information originally. They advise the local authority, as well as other public bodies within the county, in relation to information requests.

Participant 9

The ninth participant is an Information and Records Manager for a county council with responsibility for Freedom of Information and data protection as well as data breaches and records management for the Council and a strategic overview for record archives. They have held their current post since 2009 but they have been involved in Freedom of Information since its inception. They took on the management role when the two councils merged.

Participant 10

Participant 10 is an Information Governance Officer and the Data Protection Officer at a borough council. They are responsible for Freedom of Information and some degree of cybersecurity matters, as well as a data protection which includes due diligence and general information compliance. They have been in that role for four years but have been working in the Freedom of Information and data protection field for over ten years after the work being added to their original job role.

Participant 11

The eleventh participant is an Information Governance Officer at a borough council. They advise on Freedom of Information when colleagues need to apply exemptions, and on data protection matters. They have been working in the Freedom of Information area for the last 15 years. Their background was in committee administration but they moved to help with the implementation of Freedom of Information.

Participant 12

Participant 12 is a Data Protection Officer at a borough council who oversees two members of staff, quality assures the Freedom of Information responses and gives advice on applying exemptions. They have been in role since implementing Freedom of Information whilst they were a Records Officer.

Participant 13

Participant 13 brings a more unique perspective to Freedom of Information in local authorities as a freelance data protection and Freedom of Information consultant. They often go into a local

authority on a fixed term contract to improve one aspect of the process but identify other issues whilst there.

Participant 14

Participant 14 is a Senior Complaints Practitioner at a county council. They are the senior practitioner and manage Freedom of Information requests, subject access requests, and Police disclosure requests. They have been in post for approximately ten years, previously working just on complaints. The Freedom of Information part of the role was placed alongside the complaints work when it was recognised central oversight of Freedom of Information was needed.

Participant 15

Participant 15 has the title of Senior Information Officer in Freedom of Information and works in a Unitary authority. They have worked in the area of Freedom of Information for the past six years and were previously in various different role at the authority which was at risk due to funding issues. They deal with all aspects of Freedom of Information.

Participant 16

Participant 16 has been an Information Governance Manager in a District Council for the last three years. They ended up in the team after a restructure within the authority due to lack of budget, and more resources were required in the information governance area to ready the council for the General Data Protection Regulation. Their existing skills and knowledge were deemed a good fit. They support the main Freedom of Information officer on requests.

Participant 17

The final participant is an Information Governance and Risk Manager in a unitary Council. They manage the day-to-day operations of the team that deals with Freedom of Information, data protection and information security, and deal with appeals. They have been in their current role since October 2016, but have been working in the information governance field in local authorities since the early 2000s.

Appendix B. Coding

Accountability

Advice

Applicant Blind

Applying exemptions

Assign the request

Authorization process

case management system

Chief Executive

Code of Practice

Compliance rates

Contentious or sensitive requests

Council teams

Dark art

data protection

day-to-day

Decision making by FOI officer

Disclosure log

drafting responses

EIRs

Elected members

Escalation process

Experience & knowledge

FOI

FOI Officers VIEWS on FOI

Follow up or chase

Horizon scanning

ICO

ICO complaints

Improvement

Information Governance

Information officer

Internal review

Legal Service
Local Groups
Logging the request
Management involvement
Media requests
Members of parliament
Monitoring Officer
Other roles of the FOI officer
Policy development
Political requests
Previous profession
Prioritization
Proactive publication
Public Interest Test
Qualifications
Reason for working in FOI
Release of response
Reporting of data
Reporting structure
Request arrival
Requester identity
Resourcing
Return to central team
Risk assessment
Template responses
Time for responses
Time in FOI
Training
Type of requester
Unique reference number
WhatDoTheyKnow.com