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Transparency, Access to Information, and Well-Being

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Abstract

In theoretical terms, individuals' willingness to request information depends, among other factors, on the perceived cost versus the usefulness that they can obtain from such data. It is clear that for one category of users such information can result in a concrete benefit, while this gain is not so evident in the case of the run-of-the-mil individuals. In theoretical terms, a sub-consumption of information can thus be expected. What must now be resolved is what elements would be involved in a positive appreciation of the information in order to be able to expect, ideally, a reduction in the margin of the sub-consumption of public information on the part of the population in general and to be able to expect a greater number of individuals to be interested in obtaining such data.

Resumen

En términos teóricos, la disposición de los individuos a solicitar información depende, entre otras cosas, del costo percibido versus la utilidad que pueda obtener de tal información. Resulta claro que para un tipo de usuarios esta información puede conllevar una ganancia concreta, mientras que esta ganancia no resulta tan evidente en el caso de los ciudadanos comunes y corrientes. En términos teóricos es esperable entonces un sub consumo de información. Queda entonces por resolver qué aspectos incidirían en una valoración positiva de la información para poder esperar, idealmente, una reducción en el margen de sub consumo de información pública por parte de los ciudadanos en general y poder esperar un mayor número de individuos interesados en obtenerla.

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1. Information as a Public Good

Ever since Nobel Prize in Economics recipient Kenneth John Arrow included the role of information in the economy in his analysis, it has become an increasingly important input in determining the achievement of effective results.[1] In this sense, information offers two characteristics that would allow it to be considered a public good, namely, its being "non exclusionary" and "not subject to rivalry". The use of a public good is "non exclusionary" if its consumption cannot be refused to anyone, for example, the protection that the state provides in terms of national defense would, in principle, cover the entire territory of the country and all its inhabitants. This implies it that if spending is to be undertaken to defend a population, the cost of adding one more individual to such protection is equal to zero, because there is not a specific additional expenditure involved for including this person. A public good, then, is defined, by its non- exclusionary character. On the other side, if a good is private, the market determines the price to be paid for it, so that that if an individual wishes to obtain it, he or she should also be willing to pay for it. This is the case, for example, with acquiring a car for personal use, where the price becomes an exclusionary mechanism, because not all the prices are within the reach of the economic possibilities of all those who wish to buy a vehicle.

The second characteristic that a public good should have is that it is "not subject to rivalry." This means that the consumption of a good on the part of an individual, does not affect another person's opportunity to also consume it. For example, returning to the case of expenditures in national defense, the fact that an individual is protected within a com-

1 Arrow, Kenneth John, "The economic implications of learning by doing", *Review of Economic Studies* 29, 1962, pp.155-173.

munity does not prevent his or her neighbor from also being protected. On the contrary, a private good does indeed involve rivalry in its consumption. For example, if an individual consumes ice cream, another person cannot consume the same ice cream, or if someone buys a car, others cannot acquire the same vehicle.

Thus, when a good fulfills the conditions of being non-exclusionary and not subject to rivalry in its consumption, it is said to be a *pure public good*, that is, it is an ideal case that usually is not found in reality. In practice, what do exist are public goods that partially meet the above-mentioned conditions and which can be termed *impure public goods.*[2] This can be examined in greater detail.

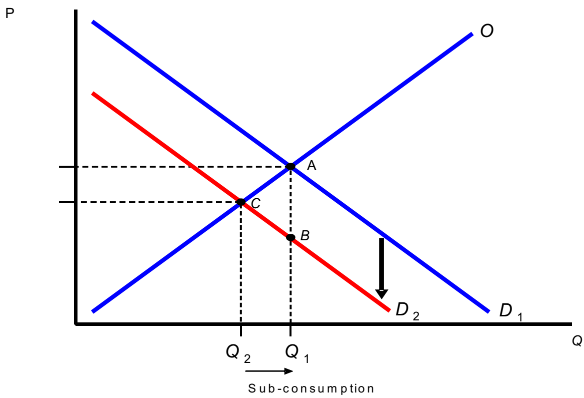
Let's suppose that public information behaves as any good and that in Chart 1, line O represents the supply of information that could exist, while line D is the demand for information. In this case, line D1 would reflect the disposition to solicit public information and there would be an equilibrium in point A, where the supply and demand for public information intersect. At the same time, Q1 would represent the amount of specific public information that would be requested in point A.

However, in practice, the search and request for and consultation of public information involves some private cost (at least in terms of the person's time that is required for such effects), but also a common benefit (for example, a possible improvement in decision making that benefits everyone), and therefore, the real line of demand would be more similar to D2. That is, among the particular individuals the willingness to demand public information decreases from D1 to D2, so that now the amount of data requested would be repre-

2 Stiglitz, Joseph, "Knowledge as global public good", in Kaul, I., Grunberg, I., and Stern, M. (eds.), *Global Public Goods*, New York, Oxford University Press, 1999, pp. 308-326.

sented by Q2. That is, compared with the ideal requirements for information represented by Q1, there would be an under-consumption of public information represented by the difference between Q1 and Q2, as shown in Graphic 1.

Gaphic 1



In reality, it is unavoidable for the individual who wishes to consult, request, or search for public information not to incur in some type of cost, without the person necessarily obtaining an exclusive or specific benefit, since, in principle, given that we are dealing precisely with public information, the expected benefit would also be for society in general.[3] Thus, for the specific individuals there are costs associated with the search or request for and consultation of public information, at least costs in terms of the time spent.

3 Later on, it will be explained that this is not necessarily the case for certain types of users, such as companies, for example.

Furthermore, two important points should be emphasized in this regard. On the one hand, it is necessary to recognize that, under ideal conditions, sufficient incentives do not exist for the private sector to become an efficient supplier of public goods. The reason is that given the characteristics of such public goods, it is not possible to establish specific pricing mechanisms that would allow for excluding those who would want to consume them or to guarantee them exclusive consumption.[4] In this sense, private parties also cannot become their suppliers, since given that the cost for someone else wanting to use the information is zero, no one could be excluded from its consumption, and therefore public information could not be provided efficiently (point A of the previous chart) by the private sector. Thus, in economic terms, it could be said that it is not efficient to exclude anyone from the consumption of public information.

At the same time, it should be pointed out that public information is not, in principle, sellable in the market and, therefore, does not have a defined price, and therefore it would be necessary to determine the disposition that individuals would have to pay for it. Due to these circumstances, information turns out to be an impure public good —specifically in implying a private cost, but also a general benefit—, in which, in theoretical terms, it is always possible to expect a lower volume of demand (point C of the previous chart) in comparison with a desired optimum level (point A on the chart). The most obvious form of reducing the under-consumption of public information is, course, by having its supply subsidized

4 In this sense, although it could be argued that some types of information could have a degree of exclusion, for example through patents, they only protect the exclusive right to exploit the generated knowledge for period of time. However, over the long term they are unable to exclude those who might wish to exploit, know, and create variations of a specific public good.

by the state.[5] However, even in this case, it is necessary that certain elements be included that define the formats for supplying information, as we will discuss in the following section.

Before concluding, is it necessary to ask what type of users seek, consult, and request public information. In theoretical terms, two types of users could be identified. On the one hand, private users, such as companies or agencies with economic activities, for which obtaining public information has a private cost (the opportunity cost represented by their employees' time), but such a cost could be absorbed by the gains or earnings made from this information. In these cases, the social gain that would be obtained from public information for everyone else would be uncertain.[6]

5 Public information is a specific category of general information in society as a whole. In an open and democratic society, public information is part of the activities and routines of government departments and agencies, and therefore the specific costs of generating and storing such data would be absorbed as part of the normal functioning of the public administration. The cost would only exist at the time in which the information is transmitted, sent, or presented to those who request it. In this case, the "price" would be determined by the costs of generating additional formats for presenting or furnishing the data, such as CDs, copies, etc., that might be required to enable the already elaborated information to reach its destination. In Mexico, Article 27 of the Federal Law on Transparency and Access to Public Government Information (LFTAIP) stipulates that "The costs of obtaining information May not be greater than the sum of: I. The cost of the materials used in reproducing the information and II.

The cost of sending it." It also states that "those subject to the Law must endeavor to reduce the costs of delivering information." In these cases, depending on the user's specific request, the cost of gathering, ordering, transmitting, or presenting the information on the part of those subject to the law is always greater than zero, at least in terms of the time and personnel earmarked to comply with a request for data.

6 In the Aequum study (2007) for example, it is assumed that public information will resulted in a general benefit derived from its use by companies. However this could only occur in a context of perfect competition, in which companies are unable to influence the price or the quantities of the goods that they provide and, therefore, there would be a clear improvement in the population's well-being derived from the use of public information. On the contrary, in a context of imperfect competition, which is what, in fact, characterizes some important sectors of the

On the other hand, there is a second group that we will term specific individuals, that is, any person for whom the search for public information generates a private cost (the opportunity cost plus their own costs associated with the search, such as navigating the Internet, having to visit offices, paying for copies, etc.), and at the same time an uncertain personal gain, although a greater social gain.[7] Therefore, at least on the part of the specific individuals, it would be necessary to expect an under-consumption of the impure public good known as "public information". For the specific individuals, if the greatest gain is in social and not personal terms, then, what are their incentives for assuming the costs involved in consulting, searching for, of requesting public information, if another person could do it for them at another point in time?[8]

Theoretical Considerations on Public Information and Well-Being

These points have particular relevance in relation to the use of public information in the different socioeconomic strata of the population. It is not possible to conceive of the willingness to consult, search for, and request public information separately from a minimum commitment of civic par-

Mexican economy, it would be expected that the benefits from the use of public information would translate into specific earnings for the companies that use such data. That is, in economic theory we have what are known as information asymmetries, whereby an interested party takes advantage of the information for its own benefit without considerations in relation to the additional costs or reduction in well-being that this might impose on society.

7 Such as an improvement in public decision making, a reduction in the number of bribes paid to authorities, street repairs, etc., which would boost the well-being of society as a whole.

8 This situation can be characterized with the notions of "free rider" or "free loader", whose result would be, as already mentioned, an under-consumption of public information.

ticipation, although the reasons for doing so are entirely private. For example, the evidence concerning the relationship between poverty and willingness to collaborate in obtaining a public benefit, be it transparency or any other, indicates that such a disposition depends to a large extent on the conditions of trust and solidarity in the functioning of institutions on the part of the low-income population.[9] Therefore, the willingness to seek, consult, or request public information does not only imply the individual's agreement to acquire social, and not necessarily individual and concrete benefits, but also a consideration on the institutional context that frames the conditions for obtaining the public information. In this sense, individuals' willingness to seek, consult, or request this public good is subordinated to a broad evaluation of the conditions in which it is possible to obtain public information, which tends to diminish in a climate of low trust in the existing institutions.[10]

It should be pointed out that in reviewing the specialized studies, both national as well as international, on the question we do indeed find a direct relation between the use of public information and a decline in poverty. That is, the simple use of public information is not by itself a necessary or sufficient condition for reducing poverty. At least, there is no published empirical study in this regard thus far. Nevertheless, in theoretical terms, it can be argued that there is indeed an effect of the use of public information on well-being in general, which certainly could have an influence on the low-income sectors of the population.

9 Brodsky, A. E., "Resilient single mothers in risky neighborhood: negative psychological sense of community", *Journal of Community Psychology*, 24, 1996. pp. 347-363; Sampson, R. J. *et al.*, *Neighborhoods as violent crime: a multilevel study of collective efficacy*, Science, 277, 1997, 918-924.

10 Guerrero, M. A. and Rodríguez-Oreggia, E., *Participación ciudadana en México*, Universidad Iberoamericana, mimeographed edition, 2008.

Well-being can be understood is simplified form as referring to the quality of peoples' lives, either measured in terms of income, spending, access to goods, or any other standard. It should be pointed out that the definition of well-being is very broad and multidimensional, in which poverty and inequality have an important weight, but they are not the only determining factors and in addition, the context of taxes, subsidies, social programs, regulations, etc. should be considered. In other words, if we define well-being as W, we would have an equation Wi=Wi(ci, xi), where i represents the individual and c the series of multidimensional variables and x a series of other factors among which public information could be included.[11]

The direct effect of the use of public information on well-being could occur through two mechanisms derived from the use of such data, namely, a reduction in corruption and a greater efficiency resulting from better public decision making, but provided that the institutional framework also favors the existence of mechanisms of accountability, in its components of the requirement of the authorities to justify their actions and decisions, and the establishment of sanctions in response to failure to fulfill their obligations.

11 For definitions and discussions see, for example: Sen, A., *Collective choice and social welfare*, San Francisco, Holden Day, 1970; Sen , A., "On the foundations of welfare economics: Utility, capability, and practical reason", in Farina, F. and Vannucci, S. (eds.), *Ethics, rationality and economic behaviour*, Clarendon Press, Oxford, 1996; Sen, A., *Development as freedom*, New York, Anchor Books, 1999; UNDP *Human Development Report: Concepts and Measurements of Human Development*, New York, UNDP, 1990; Gran, G., *An annotated guide to global development: capacity building for effective social change*, Pittsburgh, University of Pittsburgh Economic Program, 1987; Slesnick, D. T., "Empirical approaches to the measurement of welfare", *Journal of Economic Literature*, 36(4), 1998, pp. 2108-2165; World Bank, 2000 and 2005; Dutta, B., *Welfare Economics*, Oxford University Press, 1994; Suzumura, K., "Introduction", in Arrow, K. (eds.), *Handbook of social choice and welfare*, North Holland, Elsevier Science, 2002, among others.

In this regard, the World Bank has pointed out the relation between poverty, corruption, and inefficiency in public decision making:

> The burden of petty corruption falls disproportionately on poor people …For those without money and connections, petty corruption in public health or police services can have debilitating consequences. Corruption affects the lives of poor people through many other channels as well. It biases government spending away from socially valuable goods, such as education. It diverts public resources from infrastructure investments that could benefit poor people, such as health clinics, and tends to increase public spending on capital-intensive investments that offer more opportunities for kickbacks, such as defense contracts. It lowers the quality of infrastructure, since kickbacks are more lucrative on equipment purchases. Corruption also undermines public service delivery.[12]

This can end up diminishing the willingness to search for, request, or consult public information among those who live in poverty, because if under conditions of accountability, this type of information in and of itself does not necessarily guarantee a concrete result associated with a perceived individual gain, the incentives decrease even more in a context of considerable corruption and perceived public sector inefficiency[13] find a relation between better public sector decision making and improved development indicators. With this in mind, in the following section some points are suggested concerning the value attached to public information, since as was pointed out, if less value is assigned to such data,

12 World Bank, *World Development Report 2001: Attacking Poverty*, World Bank, Washington, 2000, p. 201.

13 See Guerrero, M. A. and Rodríguez-Oreggia, E., “On the individual decisions to commit corruption: A methodological complement”, *Journal of Economic Behavior and Organization*, 65, 2008, pp. 357-372; Meanwhile, Kaufmann *et al.* (1999).

there is a reduced disposition to use these types of mechanisms, especially among sectors living in poverty.

Now we should consider what elements would influence a positive value being assigned to information —in which the benefits are viewed as outweighing the costs— in order to be able to expect, ideally, a reduction in the margin of sub consumption of public information on the part of the population and to be able to anticipate a higher number of individuals being interested in obtaining such data.

2. Conditions for Valuating Public Information

This section of the study poses, based on the value that individuals assign to public information, some of the main theoretical factors that could have an effect, positive or negatively, on reducing the margin of the sub-consumption of public information. In this sense, its starting point is the idea that the "valuation" on a public good, as an economic concept, is the result of a calculation between the usefulness and the cost perceived by the individual when estimating a situation, a course of action, or a decision.[14] Ideally, a positive value assigned to public information —in which the usefulness could have greater weight than the cost— could even motivate the individual to seek, consult, or request the data from the government departments and agencies and those subject to the law.

One of the important questions to analyze within the requirements and use of public information is the value that individuals could assign to such data. In speaking of the valuation that individuals could have in relation to the information, this should be understood, according to the theory of public finances, as the ratio between the benefit and the cost

14 Gruber, J., *Public Finance and Public Policy*, New York, Worth Publisher, 2005.

derived from the use of such data. When the population sees that there is an implicit cost in the search for or obtaining information and it is not able to directly relate it with a benefit, then people will tend to perceive the benefit to cost ratio as being low. This occurs in political questions that imply, for example, the redistribution of wealth and combating poverty.[15] Meanwhile, when individuals clearly identify a benefit in obtaining or requesting information, then they perceive that the benefit to cost ratio is greater. For example, this is the case with infrastructure construction in specific places, such as where the interested party resides.[16]

In the case of public information, the benefits perceived by the population cannot be related directly to their well-being, and therefore the benefit to cost would be low, and would discourage the search for or use of the corresponding mechanisms to request existing public information. A way of stimulating greater citizen participation in filing requests for information would be to try to increase the perceived benefit of public information and to attempt to link it more directly to the daily life of the population.

In the previous section of this study, public information was defined as an impure public good, since for the parties involved there would be an individual cost and an uncertain personal gain from obtaining it, which would lead to the assumption that for such persons it would be more profitable to wait for others to attain it and to thus benefit from the non-exclusionary conditions that allow for the disclosure and

15 In this case, the valuation is different by income brackets. The poorest income brackets will, obviously, place a greater value on re-distributional policies than those who are not poor. It should be pointed out, however, that a specific impact on the poorest strata cannot be expected if the law on access to public information is not specifically focused on that sector.

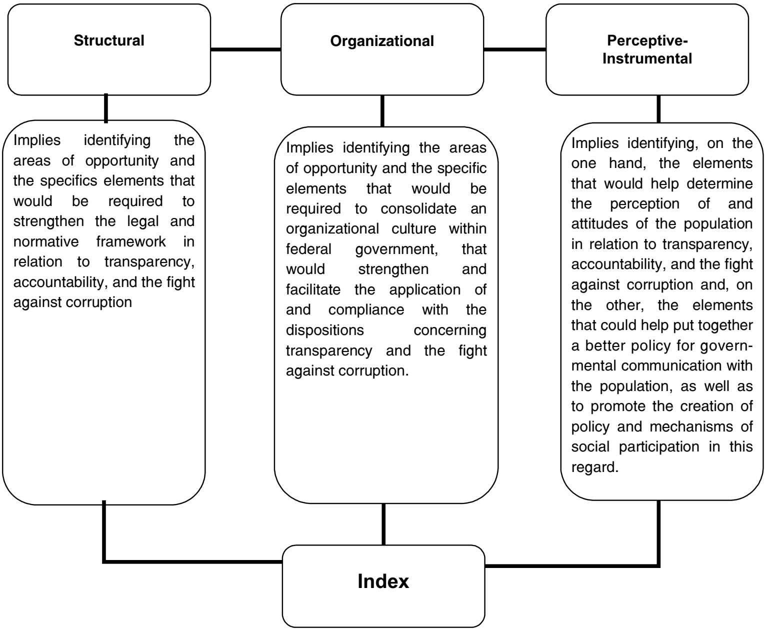
16 To mention an example: Garro, Meléndez and Rodríguez-Oreggia (2005) find a low valuation of employed workers for their having social security benefits, which implies that they view their fees as a tax and are less willing to pay into the system.

circulation of such data. This means, then, operating like "free loaders", unless as part of their valuation there is a modification of the perception concerning the usefulness of the information that would motivate the individual to search, consult, or request it. In theoretical terms we should raise the question at this point of what type of factors would favor such a change in valuation.

In this essay, we will propose some of the main factors that could influence individuals' perception of the usefulness of information and, if this is positive, would even favor increasing their search for, consultation of, or requests for such data, since this would increase the value they place on public information. These factors fall into three categories:

A. Structural;
B. Organizational; and,
C. Perceptive-instrumental.

The following sections explain in detail each of these elements and define some of the criteria that could be used to make them operational, perhaps in the construction of a possible index of the efficiency of public information, whose impact could be established in the different domains of public life. This would, of course, include those relative to well-being, as will be subsequently explained, and thus it would give a practical purpose to the theoretical basis presented here, so that the schema would be as follows:


Structural
Organizational
Perceptive-Instrumental
Implies identifying the areas of opportunity and the specifics elements that would be required to strengthen the legal and normative framework in relation to transparency, accountability, and the fight against corruption
Implies identifying the areas of opportunity and the specific elements that would be required to consolidate an organizational culture within federal government, that would strengthen and facilitate the application of and compliance with the dispositions concerning transparency and the fight against corruption.
Implies identifying, on the one hand, the elements that would help determine the perception of and attitudes of the population in relation to transparency, accountability, and the fight against corruption and, on the other, the elements that could help put together a better policy for govern-mental communication with the population, as well as to promote the creation of policy and mechanisms of social participation in this regard.
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It is important to point out that, given that this is a conceptual and not an empirical study, it does not within its confines to establish the weight of each of the criteria that corresponds to each of the elements that would comprise the index. Nevertheless, in the following section, it does specify the characteristics of such criteria that comprise the structural, organizational and perceptive-instrumental aspects.

A. Structural Aspects

The structural aspects refer to all those elements that, in some way, guarantee and help make effective individuals' access to public information. Therefore, these aspects are of two categories: legal, in that a normative framework is required that grants a series of guarantees to individuals concerning access to public information and technical, in that a series of mechanisms that facilitate and contribute to effective access to information are required.

In terms of the aspects of a legal nature, some of the main indicators clearly have to do with the existence of juridical standards that guarantee individuals the right to access information and with the establishment of the principle of disclosure of public information. This can be codified in standards that explicitly deal with these guarantees and precepts, or, in a series of laws, regulations, and other types of legal stipulations that indirectly guarantee such rights and principles to individuals.

In the case of Mexico, although the political reform of 1977 established the guarantee of the right to information in Article 6 of the Constitution, 20 more years would have to transpire before a series of reforms began to be enacted that would guarantee the right to access information and the modalities in which such data could be accessed.[17] In 2002, the Federal Law on Transparency and Access to Public Government Information (LFTAIP) was adopted and one year later its regulatory decree was approved, which contained the fundamental juridical regulations to guarantee access to public information. Article 6 of the Law establishes, for example, the principle of disclosure of public information, stating:

> In the interpretation of this Law and its Regulatory Decree, as well as of the norms of a general character referred to in Article 61, the principle of maximum disclosure and the availability of information held by those subject to the law will be favored.
>
> The right to access public information will be interpreted in conformity with the Mexican Constitution, the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the American Convention on Human Rights; the Convention on the Elimination of all forms of Discrimination against Women, and the other international instruments ratified by Mexico and the interpretation given to them by specialized international institutions

Thanks to the 2007 reform, this principle of disclosure has also been guaranteed in Constitutional Article 6, second paragraph, section, which states the following: “Any information held by any authority, entity, or federal, state, and municipal bodies, is public, and can only be temporarily reserved for reasons of public interest in the terms established in the laws. A principle of maximum disclosure will prevail in any interpretations of this right”. Furthermore, Chapter II of Title One of the LFTAIP, articles 7 through 12, establishes the guidelines that those subject to the law should follow to present and place data at the disposal of those requesting

17 Villanueva, Ernesto, *Derecho de acceso a la información pública en Latinoamérica*, Mexico City, UNAM, 2006.

public information. Chapter III of Title One, articles 13 through 19, establishes the criteria that information classified as reserved and confidential must meet and also stipulates its temporary character, thus prioritizing the principle of disclosure.

Thus, in terms of the legal aspects, the LFTAIP guarantees the right to access information, the principle of disclosure of public information, the limits that those subject to the law must follow in placing information at the disposal of individuals, and criteria that define the temporary exceptions to the principle of disclosure, namely, that the information be reserved and confidential.

In terms of technical type aspects, some of the main indicators have to do with either the existence of mechanisms that facilitate individuals' access to seek, consult, or request information or the efficient availability of such mechanisms. That is, these are criteria that favor the effectiveness of access to information. In relation to the mechanisms that facilitate the access of individual applicants to public information, Constitutional Article 6 in its second paragraph, section IV, stipulates that "Expeditious mechanisms of access to public information will be established..." In addition, the LFTAIP itself states in article 4, section I, that it is an objective of the law to "provide whatever is necessary so that anyone can have access to information through simple and expeditious procedures." In this sense, article 7 of the LFTAIP contains a listing of the minimum information that should be at the disposal of those requesting it and which should be updated periodically by those subject to the law. This information should include data on the organizational structure of government departments and agencies, pay scales, budgetary information, and the procedures —if there are any— to be followed in bidding processes and for permits and concessions. The idea, then, is to create, maintain, and update mechanisms of easy access to information through which data is available to all who seek it, such as web pages, e-mail, addresses, phone numbers, etc.

At the same time, for those who request greater information or data that is not available in such places, Chapter III of Title Two, articles 40 through 48 establish the ways in which individuals can proceed to request information and the way in which the government departments and agencies have to act to provide it. In this regard it should be pointed out that Article 40, third paragraph, section IV, establishes three ways of facilitating access of individual applicant's to information: 1. "The Liaison Units will assist the petitioners in drawing up requests for access to information"; 2. If the request is filed with an administrative unit different from Liaison Unit, the former will be required to indicate the location of the Liaison Unit to the interested party"; 3. "When the requested information does not correspond to the domain of the government department or agency to which the request for access was filed, the Liaison Unit will properly orient the interested party to the proper authority." Thus, when someone wishes to request additional information that the government departments and agencies already placed at the population's disposal, clear criteria exist on the responsibilities of government departments and agencies —in this case the Liaison Units— to orient the individuals in their search for data.

In terms of the indicators on publicizing access to public information, it should be pointed out that this falls into two categories. On the one hand, publicizing the exercise of the right to access public information, which in accordance with article 33 of the LFTAIP is one of the obligations of the Federal Institute on Access to Public Information (IFAI); on the other, publicizing the mechanisms that facilitate individuals effective access to public information. That is, the idea of publicizing the fact that individuals have the right to access information and to indicate what can be requested, searched for, and consulted, but at the same time, to divulge the mechanisms through which the practical exercise of this right is carried out. In this sense, advertising campaigns, for example, should not only inform the population that it has the right to access information, but also report on the means and mechanisms through which it is possible to acquire such data.

To conclude this section, it should be specified that the structural aspects that affect the value that individuals assign to public information are of two types: legal —the entire structure that guarantees the right to access information— and technical, all the means and mechanisms that effectively favor such access. One of the technical indicators that helps generate a positive valuation of information is publicizing both the right to access information and the principle of disclosure, as well as the mechanisms that can make them effective for the population.

B. Organizational Aspects

This involves aspects concerning the degree of internalization of the principle of disclosure of information and the willingness of public servants to fulfill the requirements of divulging public information. To do so, the institutional context as well as the component that explains the behavior of individuals and organizations is considered, including the perceptions that the government functionaries have concerning the operation of the federal public administration in relation to access to information as valid elements for the analysis.

Using as a base the survey conducted by Probalística, CETA, and IFAI, entitled *La cultura de los servidores* *públicos alrededor de los temas de transparencia y acceso a la información*, (The culture of public servants on the issues of transparency and access to information)[18] and Cesar Vladimir Juárez Aldana's study entitled *Análisis de las percepciones sobre instituciones, corrupción y transparencia. Una perspectiva desde la función pública de México* (Analysis of the perceptions on institutions, corruption and transparency. A view from the perspective of public functionaries in Mexico*)*,[19] some points were raised concerning the basis for the perception and attitudes that public officials have in relation to access to public information. According to these studies, such perceptions are formed based on the considerations that the public officials make on the effects that the transparency processes have had on the federal public administration, the use that individual applicants make of information, and the costs, time, and work earmarked for complying with the regulations on access to information, among others.[20]

Thus, the results of the Probabilística-CETA-IFAI survey indicate that for a majority of public servants (55 percent of those interviewed) the federal public administration has become more transparent (Chart I). That is, the opinions expressed coincide in pointing out that since 2003, the implementation of the Federal Law on Transparency and Access to Public Government Information (LFTAIPG) has brought about more positive effects —in promoting transparency

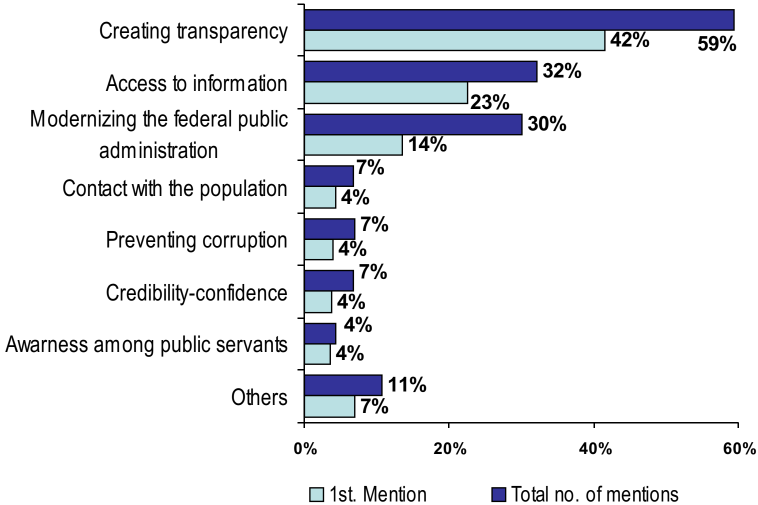
18 Interviews conducted among 1,221 currently serving middle layer government officials between March and May 2007, in the 150 government departments or agencies that have received more than 20 requests for information between 2003 and 2006, and that represent 90 percent of the previously mentioned requests.

19 The work was conducted through a questionnaire submitted to all public servants employed in the 10 Liaison Units on a federal level (SAGARPA, SCT, SEP, YOU, SRA, SEMARNAT, SRE, Ministry of Health, SECTUR and STPS) between January and Axzcugust 2006. Juárez, 2006.

20 *Ibidem*, pp. 105-110. Probabilística-CETA-IFAI, 2006.

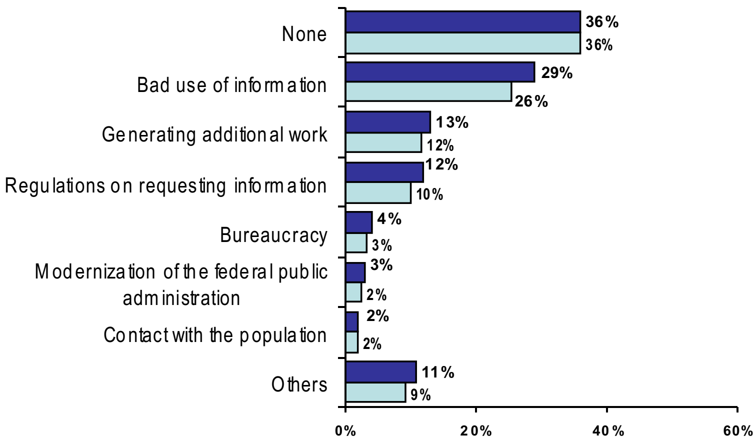
and access to public information— than negative results (Chart 2), with 36 percent agreeing, as opposed to the opinions of those who feel such results to be nonexistent.[21]

Chart 1. What do you think are the most important *positive* effects of the application of this Law?



21 It should be pointed out that only the opinions of those surveyed were considered and that the answers are not based on any type of evaluation that might sustain their statements.

Chart 2. What do you think are the most important *negative* effects of the application of this Law?



To a lesser extent, but also within the effects considered by public officials, the latter felt that including transparency regulations has had a positive impact on the functioning of the federal public administration, with the procedures on this point having been modernized. The spontaneous responses from the survey place them in third place, just below the creation of transparency and access to information.

Almost one hundred percent of those interviewed declared that in their area they file the most common work-related documents (communiqués, reports, informational bulletins, work programs, goals, minutes of meetings, memorandums, and notes); and 20 percent indicated that they do not know if rules are used to archive such materials or they do not know the regulations.

We can say thus affirm, based on the Probabilística-CETA-IFAI survey, that the application of the LFTAIP is viewed positively by public servants and is considered to be a factor of change and modernization of the structures and processes of the federal public administration. However, it is important to note that such a perception is dominant in the government apparatus in cases where functionaries have finished their BA degree studies, but this is not so in sectors where high school is the educational level.[22]

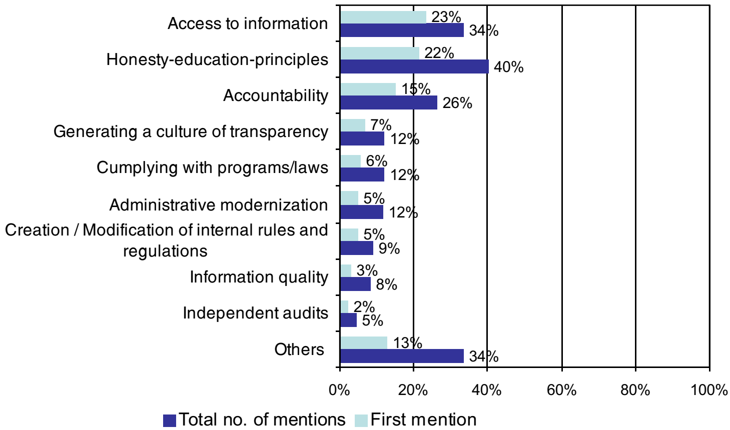
Such results contrast with the analysis made by Juárez Aldana, in which 80 percent of the public officials interviewed who only had a high school level education felt that the federal public administration continues to be "not very transparent" or that it is less transparent than prior to 2003.[23] This situation indicates that education and the hierarchy in the workplace —based on the supposition that the better educated are those who occupy the middle and top level positions— are factors that to some extent determine the perception of public servants on transparency.

Therefore, it should come as no surprise that in the survey the combined category of honesty-education-principles and the creation of a transparency culture (29 percent of the total number of first mentions), are the elements that are ranked in first place as being generators of transparency followed by access to information (23 percent), accountability (15 percent), and the enactment-modification of regulatory legislation (Chart 3).

22 Of those interviewed in the survey, 88 percent had completed their BA or have higher educational levels.

23 Juárez Aldana, C. V., *Análisis de las percepciones sobre instituciones, corrupción y transparencia. Una perspectiva desde la función pública de México*, Thesis for obtaining Master's Degree in Political Sociology, Mexico City, Dr. José María Luis Mora Research Institute, 2006, p. 100.

Chart 3



Furthermore, most of public servants believe that access to information has resulted in improvements in the handling of information and the political culture of public officials, in addition to the possibility of promoting a civil society that is aware of its rights, although it might not be considered to be very active or demanding of them.

However, such an attitude contrasts with the opinion, also held by the majority of those surveyed, that such access has generated unnecessary expenses and work based on the consideration that most of the requests that are processed involve information that is used for personal purposes (economic gain), as shown in Chart 4 and 5. This attitude is contrary to what is stipulated in article 40, fifth paragraph of section IV: "Under no circumstances can furnishing the information be conditioned on its use being motivated or justified, nor shall it be necessary to demonstrate any interest in it". Of the total number of those surveyed, 62 percent tended to feel that information could become a business; 58 percent believe that undue advantages are given to the applicant; 58 percent fear that the information can be used to attack the government department or agency that furnished it; and 47 percent say that it generates greater costs for their department or agency (Chart 6).

Chart 4. How much do you agree with the following statements?

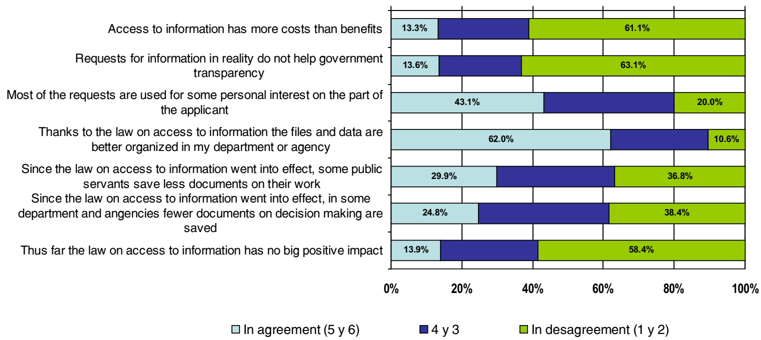


Chart 5. How much do you think that…

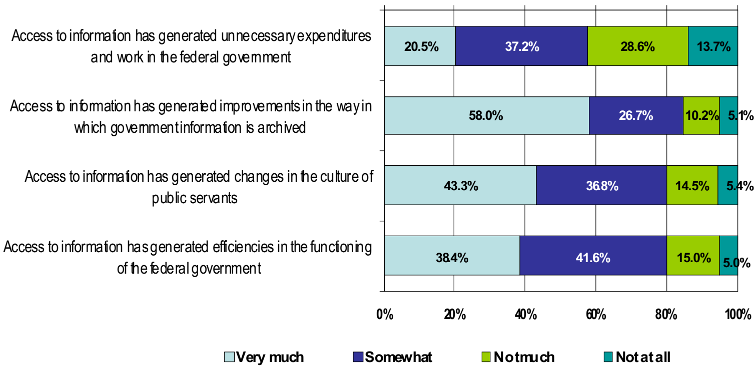
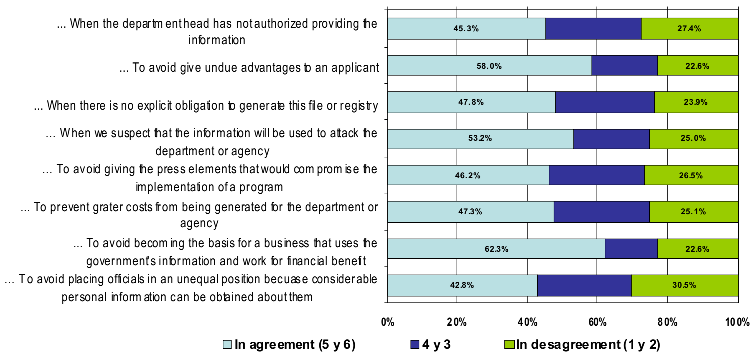


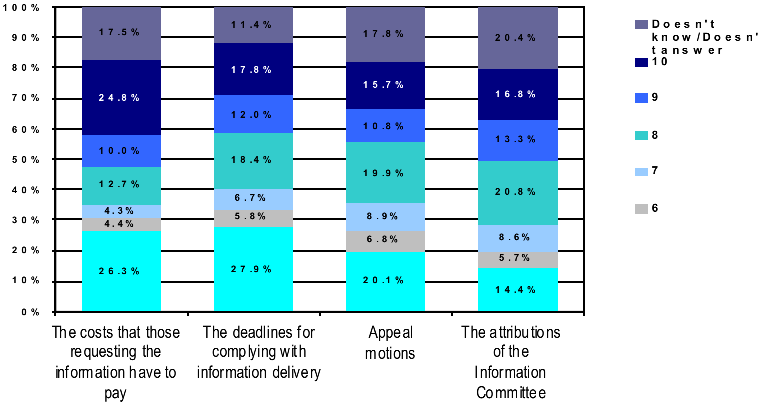
Chart 6. How much do you agree that *information should be protected*…



So it is possible to affirm that although a positive attitude exists in relation to the idea of access to information and the effects that it has generated, public servants have their doubts, considering that the individual who requests such data has a private stake (economic) more than a really social interest in mind. In addition, it should be kept in mind that only 15 percent of the total number of public servants who noticed a request that was incorrectly formulated or poorly written provided any explanation to the applicant. This implies that although in general terms the idea of the right to information is currently very extended among public servants and that they even, in principle, identify the benefits that accompany it, contrary attitudes still persist in providing data.

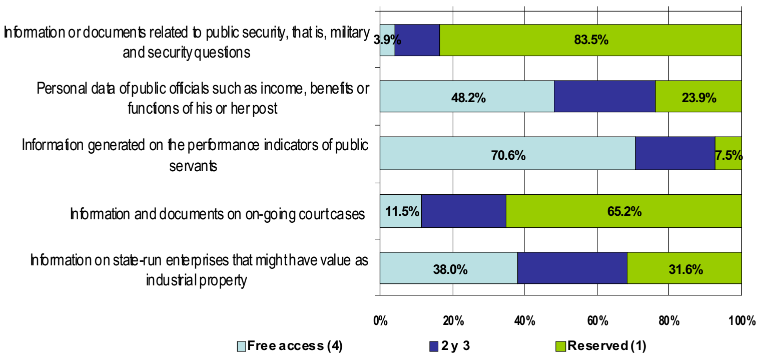
The public servants surveyed feel that the costs that those requesting information must pay and the timeframe to furnish the data are reprehensible (Chart 7). That is, although the public servants recognize that there have been improvements in the handling of information, their perceptions on the legal procedures indicate that they consider them to be expensive and inefficient, as illustrated in the following chart:

Chart 7



Coupled with the perceptions on costs and timeframes, there is the negative view of the appeal procedures, which is linked to the justification that public servants feel that they have “to protect information” and therefore, to deny the request that it be provided to the applicant. Nevertheless, in these attitudes we also have to take into account perceptions related to reserved information. In this sense, in cases of documents related to public security, 84 percent feel that they should continue to be considered classified or reserved, as they have been maintained up until then. However, on the question of restricting information, the following chart emphasizes the concern of public servants for their personal data and information on their income, workplace related benefits or responsibilities, in which only 48 percent support free access to such files.

Chart 8. How reserved or free should access be…



In conclusion, it should be emphasized that there is a favorable perception toward policies on transparency and access to information on the part of public servants, particularly in the case of those with higher educational levels, who feel that the effects of the application of such measures have been positive for the functioning of the federal public administration and who are aware of the deficiencies in costs and timeframes involved in processing requests for information. However, there are still some specific negative perceptions. For example, the judgment of a good number of public servants that the requests for information respond more to personal, economic interests, involving financial gain, etc., than to authentic intentions to make the operations and institutions of the federal public administration transparent. This leads to the idea that processing such requests ends up generating unnecessary work and expenditures for the government departments and agencies. It is precisely these elements that help to generate a negative perception toward the applicants, to judge their intentions, and to fail to display a complete willingness to painstakingly furnish the information. These attitudes could well end up encouraging the idea of the perceived costs on the part of the individuals at the time of seeking and requesting information, thereby increasing the cost to benefit ratio for obtaining such data.

C. Perceptive-Instrumental Aspects

This is the perception that the individual has on three aspects: accessibility, proximity, and trust in the information. In relation to accessibility, the reference has nothing to do with the existence of mechanisms that favor access to information —such as web pages, e-mail, addresses, phone numbers, etc.—, since such data is already contained in the second category of the above-mentioned structural aspects, but rather with the individual's perception on certain characteristics of the information that he or she requests, seeks, consults, and obtains. The criteria or characteristics of the information referred to in these cases are already established in the LFTAIP and in its Regulatory Decree.

Article 7, section XVII, of the LFTAIP stipulates that "the information to which this article refers must be made public in such a form as to facilitate its use and comprehension by individuals, and ensure its quality, veracity, timeliness, and reliability". In turn, Article 8, section III, of the LFTAIP Regulatory Decree states that "the information should be presented clearly and completely, so that it ensures its quality, veracity, timeliness, and reliability". The question here is how to make sure that for the individuals involved these informational characteristics as stipulated in the LFTAIP and its Regulatory Decree are being fulfilled. It is clear that a survey would be required to be able to obtain reliable data in this regard. However, given the absence at this time of such a survey some indirect indicators could be used to be able to find out more about the perceived accessibility of information. Two documents are relevant in this regard. There is the study entitled "Percepciones del Acceso a la Información Pública" (Perceptions on Access to Public information), prepared by LIMAC between November 2005 and ruary 2006 that pinpoints the perceptions held by different social sectors (businessmen, students, academics, and public servants) on access to information in different regions of the country (central, northern, and southern Mexico).[24] Even though this study does not offer data on the perceptions held by broader groups in society, nor, given its qualitative character, can its results be generalized to the rest of the population, it is interesting to note that the different participants conclude that public information can serve "to evaluate public officials and facilitate accountability".[25]

Furthermore, those surveyed indicated that they are satisfied with "the information received from the IFAI or the data

24 LIMAC, *Percepciones del acceso a la información pública*, Mexico City, LIMAC, 2006.

25 *Ibidem*, p. 8.

that they consult in the different web pages", as well as with "the formats and procedures to request information".[26]

Thus, according to the data from this study, at least those individuals who have used some of the mechanisms to search, consult, or request information seem to be "satisfied" or have a degree of relative satisfaction with the information received. This consideration could also be strengthened if we use the number of appeal motions filed with the IFAI in relation to the total number of responses to requests for information as another indicator of the "perceived accessibility" of information, as shown in Chart 9. In this chart we can see that the number of appeal motions filed with the IFAI as a percentage of the total number of responses to requests for information, although it shows a very slight increase every year, has remained low: in 2003 it was 2.98%; in 2004, it was 4.1%; in 2005, it was 5.9%; in 2006, it was 6.6%; and through October 2007 it was 5.9%.

26 *Ibidem,* p. 23. It should be pointed out that the survey does not confirm if those interviewed in fact used the mechanisms for requesting information. It just asked if the individual surveyed had requested public information, without confirming whether it was in fact public information that was being sought.

Chart 9. Summary Through October 18, 2007

Requests received, responses, consultations via the web page on Transparency Obligations and Appeal Motions presented through October 18, 2007						
ITEM	2003	2004	2005	2006	2007	TOTAL
Electronic requests	22,488	35,055	47,874	57,739	77,964	241,120
Manual Requests	1,609	2,677	2,253	2,474	2,120	11,133
Total no. of requests	24,097	37,732	50,127	60,213	80,084	252,253
Electronic Responses	19,831	31,744	42,673	51,169	67,274	212,691
Manual Responses	1,445	2,369	1,925	1,929	1,643	9,311
Total no. of responses	21,276	34,113	44,598	53,098	68,917	222,002
Requests that Concluded due to Lack of Response to the Requirement of Additional Information	1,156	2,374	3,688	5,140	6,572	18,930
Requests that Concluded due to Lack of Payment of the Costs for Reproducing the Information	92	277	418	740	714	2,241

Total no. of requests that concluded due to lack of payment or response to the requirement of additional information	1,248	2,651	4,106	5,880	7,286	21,171
Consultations to the Transparency Obligations Web Page	No data	No data	No data	No data	3,202,187	3,202,187
Appeal Motions Filed with the IFAI	635	1,431	2,639	3,533	4,102	12,340

The data presented both in the LIMAC study as well as the number of appeal motions filed with the IFAI, serve as indicators on the perceived accessibility of information among those who search, request, and consult such data. Thus, the accessibility aspects, at least based on the data presented on the users referred to in the studies, would indeed favor greater searches, consultations, and requests for information. If this is the case, greater efforts would be required on the level of publicizing access to information. However, we do not have data about how close or far these results are from the perception of the general population, and therefore it is recommended that a survey in this regard be carried out.

In connection with points concerning the proximity of information, these are related to the type of information that is provided or consulted on the part of the individual in terms of the corresponding governmental level, that is, federal, state or municipal. According to some studies on information consumption in the media, individuals are usually more attentive to, interested in, and more receptive when the type of information that is presented has to do with their immediate environment, with their daily life, or with data that can be used in day-to-day decision making.[27] In principle, then, individuals would be more interested in consulting, searching for, or requesting information that is relevant in their most immediate environment. This would assume, in principle, that individuals would place a greater value on information that is perceived as being closer to home. It would be expected that there would be greater interest to obtain information first of all, concerning issues that affect the individual directly and

27 McQuail, Dennis, *Audience Analysis*. Thousand Oaks, CA, Sage, 1997; Mindich, David, *Tuned out: Why Americans under 40 don't Follow the News*, New York, Oxford University Press, 2004; Rogers, *La cultura de los servidores públicos alrededor de los temas de transparencia y acceso a la información*, Mexico City, Probabilística, CETA, IFAI, 2006.

immediately (such as their taxes, for example), followed by data on the closest authorities, that is, on the municipal level, although this would also be the case in relation to state or federal programs that are carried out in and directly impact their communities. In this latter case, this would include, for example, the use of federal government resources that are directly earmarked for the municipalities, such as some programs in Budget Item 33, or state programs for infrastructure development.

In this sense, the division of information in federal, state, or municipal domains, does not have to do with the level of authority that grants or presents the data for individual consultation, search, or request, but with the environment in which it has its application. Thus, certain information from the federal government can be perceived, for example, as being less close to the bulk of the population's immediate environment, such as, for example, data on the president's salary or the number of trade agreements that Mexico has, while another type of federal information can be considered to be closer to home, such as in the case of health or disaster prevention programs. In theory, then, it could be expected that individuals would request a type of information that is more useful to them and more important in their immediate environment. On the federal level, the IFAI presents some data on the types of government departments and agencies that receive more visits to their web pages and it appears to be in accordance with what we have discussed in terms of the aspects of informational proximity.

According to IFAI's statistics from ruary 12 to October 18 2007, the first four government ministries and agencies clearly offer information that is important in individuals' immediate and direct environment, these are: the Tax Administration Service, Public Education Ministry, Mexican Social

Security Institute, Health Ministry.[28] It should also be emphasized that the questions that are most often consulted in the web pages of these government ministries and agencies concern issues related to individuals' daily environment, such as those dealing with organic structure and the office directories. Nevertheless, at the same time there are consultations on other topics that would perhaps not necessarily have a direct impact on this level, such as those related to the monthly salaries of public servants. In relation to these latter types of consultations, as a hypothesis it could be said that some possible reasons to seek information could have to do with the search for employment opportunities, in which case this would correspond to a type of consultation useful for the daily life of the individuals concerned.

Finally, the points relative to trust in the information have to do with individuals' perception of three criteria: who presents/grants the information; what issues does the information that is presented/granted deal with; and, the sources of available alternative information that support or contradict what the public sources offer, which in considering public information in the theory of public goods is known as "crowding out."[29] Let's have a detailed look at this.

The theory tells us that a better circulation of public information always increases well-being, given a scenario in which this type of information simply would not have been available.[30] However, in a context where private information

28 IFAI's statistics available at the link *http://www.ifai.org.mx/Gobierno/#estadisticas.*

29 That is, the public information and other types of information on the same question tend to displace each other, which would affect the population's perceptions. If the information from other sources comes from what people know, then it is probable that a negative perception will be generated.

30 Hellwig, C., *Heterogeneous information and the welfare effects of public information disclosure*, UCLA mimeographed edition, 2005; Woodford, M., "Imperfect common knowledge and the effects of monetary policy", in Aghion, P. *et al.*,

also exists on different public questions, public information is not enough to generate positive results. For example, according to Morris and Shin, public information has attributes that also make it a two-edged sword.[31] On the one hand, it transmits information about key questions before the public, such as handling of resources, types of public programs, organizational structure of government departments and agencies, bidding processes, etc., which undeniably helps make government activities and efforts transparent. However, on the other hand, it can also serve to reinforce ideas and prejudices —what we could call, conventional beliefs, in the words of Galbraith—,[32] such as those associated with levels of corruption or public security. Furthermore, if these conventional beliefs —for example, assuming that "all politicians are corrupt" based on the corruption problems of an important public figure— were to affect the population's decision-making, the result would be that, paradoxically, a greater availability of public information could serve to reinforce prejudices and beliefs concerning public life. Thus, this common knowledge is "what everyone knows, what one knows that the other knows that the other knows...".[33] This is the case even though this type of knowledge might not be more than a fallacy, since even though the majority knows about something this does not necessarily make it certain,

(eds.), *Knowledge, information and expectations in modern macroeconomics*. Princeton, Princeton University Press, 2002.

31 Morrison, S. and Song Shin, H., "The social value of public information", *American Economic Review*, 92, 2002, pp. 1521-1534.

32 Economist John Kenneth Galbraith used the term "convention wisdom" to refer to this same problem, mentioning that the enemy of convention wisdom is not ideas but facts. See Galbraith, 1958.

33 *Idem.*

the reality is that it can generate a negative impact on individuals' decisions.[34]

As a complement, the studies on journalism, on persuasion, and on the effects of the media offer a wide base of experience on the way in which information that is possible to take advantage of is interpreted. Herbert Gans, in his book *What's News?*, argues that the response to the classic question "who says what" is key to understanding the degree of credibility that consumers of information grant to a media outlet when it presents data as news.[35] Other authors, such as Tuchman, sustain that the presentation of data as information becomes believable and its source reliable for individuals to the extent that this information is corroborated over time through several channels.[36] Guerrero and Corduneanu, in a study on the consumption of television information among youth in Mexico, found that at the time of receiving or obtaining news data, people are able to distinguish between the credibility assigned to a specific story —for example, when it is accompanied by images and hard data— and the trust that is granted to the media outlet that presents this particular report.[37] In this sense, a specific news story can enjoy credibility —for example, an article on a flood—, while the news program as a whole can lack reliability among viewers who might feel that on certain issues the media outlet "hides" information or does not present all the different points of view on the issues of public life.[38]

34 Common knowledge is not only transmitted through communication but also through historical precedents on the same question that forge beliefs or ideas and through the collective action of the population on different common issues. See: Chwe, 2001.

35 Gans, Herbert, *Deciding What's News*, Northwestern University Press, 2005.

36 Tuchman, Gaye, *Making news. A study in the Construction of Reality*, New York, Free Press, 1980.

37 Guerrero and Corduneanu, 2008.

38 *Idem.*

In this sense, sources of information alternative to the official sources can also play an important role in relation to building up credibility. Already in 1955, Paul Lazarsfeld and Elihu Katz showed that in relation to information consumption, individuals not only depend on the media or on what the government reports, but rather they build their perception of the issues based on interpersonal communication and the exchange with their peers, which is not necessarily free of prejudices and biases.[39]

Therefore, it is possible to sustain that with delicate or complex issues, such as programs to reduce poverty, and fighting crime and corruption, perceptions are difficult to modify, since there are too many sources alternative to the sources of public consultation that can always present contradictory information. For example, although some measures could make committing irregularities more difficult in, let's say, federal bidding processes, if locally corrupt practices continue, it is very probable that the general perception will remain negative on that question without distinguishing between the results on the different levels of government. In this sense, Corduneanu, Guerrero, and Rodríguez-Oreggia show how the campaign "Cineminutes against Corruption" sponsored by the Public Administration Ministry in 2003, despite having being recognized by the public as the government's first effort for "to raise awareness" on the issue of corruption, also had an unexpectedly negative effect for having coincided with the "video scandals" at the time.[40] This negative effect is reflected in the degree to which the public rejected the contents of this campaign, since while the publicity spoke of values opposed to corruption, the news broad-

39 Katz, Elihu and Lazarsfeld, Paul, *Personal Influence: The Part Played by People in the Flow of Mass Commutations,* Glencoe, Ill, The Free Press, 1955.

40 Corduneanu, Isabela, Manuel Alejandro Guerrero and Eduardo Rodríguez Oreggia, "Actitudes y Percepciones sobre Corrupción a través de los 'Cineminutos por la Tranparencia'." CIE Consulting & Research, 2004.

casts presented the video scandals, whose leading players, according to the perception of the participants in the study, would not receive an appropriate punishment, which already speaks of a certain degree of general distrust toward a somewhat broader phenomenon, namely, the system of administering justice.[41]

Thus, it could be assumed that a factor that inhibits a greater number of requests, searches, and consultations of public information could perhaps correspond to the confidence on the data in an environment marked by low levels of trust in public sector institutions and figures, which once again has a downside impact on the cost to benefit ratio of the use of public information.

3. Final Considerations

In this study we emphasized the characteristics of public information as a public good. In this sense, there is no price mechanism that helps to determine the individual's preference in relation to its use. We know, then, that in terms of the search for, consultation of, and request for public information there is a sub-consumption of such data. At the same time, a series of aspects and main indicators are proposed that would have an impact on the value that is assigned in using time and resources in searching, consulting, and requesting information. These aspects fall within three categories: structural, organizational and perceptive-instrumental. Each one of these aspects is subdivided and, each subdivi-

41 *Idem.* In addition, in relation with the low degrees of confidence in the system of administering justice and on some of the most important public institutions —political parties, Congress, and certain federal government departments and agencies— we can consult the National Survey on Political Culture and Civic Practices (ENCUP), a survey conducted on three occasions, in 2001, 2003 and 2005, and that does not show important changes in the responses given by those polled in this regard.

sion has several indicators. If the combination of these elements, in weighing them in a methodological instrument, result in a positive valuation —in which the benefits are considered to outweigh the costs— then both a reduction in the margin of sub-consumption of public information on the part of the population as a whole as well as a greater number of individuals interested in obtaining such data could be —ideally— expected. Of particular importance is the need to increase the value assigned by the strata of the population living in poverty who not necessarily consider it a direct benefit derived from the use of public information, and therefore it would help to attend to the points mentioned in this essay.

An appropriate weighing of these aspects could result in a public information efficiency index and attending to its components would lead to greater well-being for society. Only considering the aspects relative to accessing information —both legal as well as technical— limits the possibility of identifying possibilities for more searches, consultations, and requests for public information. Therefore, the mere existence of a right to information or the availability of a type of such data in the web pages, offices, and liaison units, does not necessarily generate a greater interest in obtaining it. Thus, the most important final reflection suggests considering the elaboration of an index based on the theoretical terms presented here and conducting an adequate survey focused on the points indicated in the study.

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