THE CARTER CENTER

Pilot Findings from Select Agencies:
JORDAN

The Carter Center's
Access to Information Legislation
Implementation Assessment Tool

IAT
*Implementation
Assessment Tool*
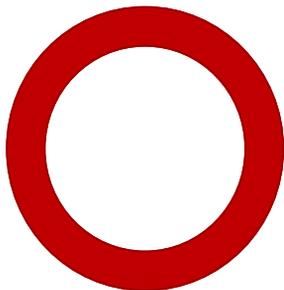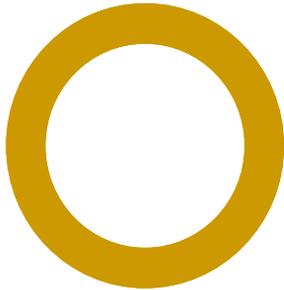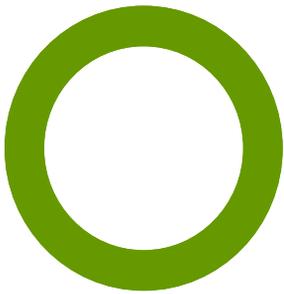
Pilot Findings in Select Agencies: Jordan

The Carter Center's Access to Information Legislation Implementation Assessment Tool

November 2014

Photo Courtesy of Eric Borda from: https://c1.staticflickr.com/9/8165/7139990075_b00dbcd76f_b.jpg

Contents

Acknowledgments

The development and pilot application of The Carter Center's access to information legislation Implementation Assessment Tool (IAT) would not have been possible without the efforts of many talented and dedicated individuals. Laura Neuman, director of The Carter Center's Global Access to Information Program, through more than 15 years of experience working in the field of access to information and good governance, identified the need to more closely focus attention on better implementation of access to information laws. Ms. Neuman was responsible for developing the IAT methodology and indicators and spent countless hours training and supporting the researchers, engaging local partners, reviewing thousands of indicators and findings for accuracy and coherence, and drafting and editing this report.

Working with the Carter Center team to develop and perfect the indicators was transparency expert Jorge Romero León; a special thank-you is extended for his time, dedication, and good humor. Moreover, during the course of the development of the IAT, the Center received ideas, advice, and encouragement from literally dozens of the world's premier experts on the right of access to information. Please see the following page for a full list of contributors.

The research in Jordan was carried out by renowned transparency expert Hilda Ajeilat. Ms. Ajeilat, Executive Director of the Jordan Transparency Center, conducted all of the interviews and input the indicators into Global Integrity's Indaba platform. Successfully engaging as the blind-peer reviewer was access to information expert, journalist and media expert Yahia Shukkeir. The knowledge and expertise of the researcher and reviewer combined with their commitment and passion helped assure the reliability of the IAT findings.

The Carter Center is privileged to have incredibly committed staff who worked to make the IAT development and piloting, as well as this report, possible. Kari Mackey, senior program associate, supported all aspects of the work from the onset of the project and provided the layout for the report. A particular thank-you is extended to former assistant project coordinator Sarah Lovatt, who worked tirelessly to draft and update training materials, budgets, and donor reports. Ms. Lovatt also helped to set up Indaba for pilot phases II and III and provided logistical coordination for trainings and validation meetings. Without her energy, the project surely would have faltered. Moreover, we would like to thank the many interns who provided research, report-drafting, and logistical support for IAT development and piloting over the past several years.

Importantly, we thank our donors, the International Development Research Centre of Canada, Irish Aid, and The William and Flora Hewlett Foundation. Their trust in this work allowed the project to advance.

Finally, we thank the many public servants who met with the researchers and civil society leaders that participated in the focal group reviews. Their enthusiasm for a meaningful right of access to information is inspiring. We are hopeful that the findings of the IAT serve to identify areas in which access to information implementation has been insufficient or is faltering and that it can focus efforts and resources to ensure full and effective implementation, thus advancing the ability of the Jordanian people to enjoy the myriad benefits of the right of access to information.

Contributors to the development and piloting of the IAT include:

Introduction

The right of access to information is a powerful tool in the fight against corruption and in achieving good governance and development. It serves both government and its citizens by increasing citizen confidence as governments become more transparent and accountable. It enables citizens to participate more fully in public life, understand public policies, and help determine public priorities. Citizens also can use the information to exercise their fundamental human rights and to hold their government accountable for responding to their needs and providing high-quality service delivery.

With approximately 110 countries with statutory legislation, more than 5 billion people around the globe are afforded some legal rights to information. However, many of these countries are failing to fully implement their access to information laws, and there remains a dearth of information about the extent and quality of legislative implementation. Furthermore, there are few evaluative tools by which to measure implementation progress. With an insufficient focus on implementation, the community of practice is failing to adequately identify and analyze the structures and procedures that produce successful transparency regimes; governments lack the necessary diagnostic information to improve their practices in order to meet citizen demands and to promote greater transparency and accountability.

Since 1999, The Carter Center has been a leader on the issue of passage, implementation, enforcement, and use of access to information regimes. Over the past 15 years, we have witnessed firsthand the difficulties that governments face in fully and effectively implementing access to information laws and the negative effects of a lack of standardized measures for developing implementation plans and evaluating their efforts. To fill this gap, The Carter Center's Global Access to Information Program developed and piloted the access to information legislation Implementation Assessment Tool.

The IAT is the first diagnostic tool of its kind to assess the specific activities/inputs that the public administration has engaged—or in some cases failed to achieve—in furtherance of a well-implemented law. It is deliberately designed not to focus on the sufficiency of the legal framework, the user side of the equation, or the overall effectiveness of the access to information regime, but rather to look at the internal "plumbing" of the administration's implementation. The IAT does not serve as a comparative index across countries but rather is constructed as an input for each public agency in which it is applied. It provides a *more surgical tool for civil society to monitor government's implementation* practice and progress.

Beginning in 2009/2010, The Carter Center's Global Access to Information Program developed the IAT methodology, including a set of indicators and a scoring system. Over the course of almost four years, the IAT was tested in three pilot phases in 11 countries (Mexico, South Africa, Bangladesh, Chile, Indonesia, Uganda, Scotland, Jordan, Georgia, Guatemala, and the United States) and 65 agencies. These pilot phases consisted of the application and review of more than 8,000 indicators. Each pilot phase concluded with a review meeting of the researchers as well as some of the blind-peer reviewers, government representatives, and access to information experts. The final piloting concluded in April 2014, and the IAT was shared with the community of practice.

Objectives and Considerations

The objectives of the access to information legislation Implementation Assessment Tool are to:

1. Establish a comprehensive set of access to information implementation benchmarks
2. Identify the extent (and in some cases quality) to which a ministry/agency has implemented its law
3. Provide a road map for improvements, based on the tool's findings
4. Contribute to scholarship on implementation and to the understanding of implementation successes and challenges

The IAT looks at "the boring bits[1]," the ingredients necessary to ensure the effectiveness of implementation and the desired outcomes. The findings from the assessment provide key stakeholders the data necessary to easily identify the extent and quality of access to information (ATI) implementation in each government agency. It also signals places where there is a need for additional input or focus, so that the public administration may overcome challenges and positively advance in their implementation efforts.

Experience has demonstrated that governments are not monolithic and that not all parts of government are as successful (or unsuccessful) as others. Thus, it is misleading to characterize a government as succeeding or failing in implementation. The IAT targets assessments to individual public administrative bodies rather than to the government as a whole. Moreover, for the IAT to meet its stated goals and be accepted and used by governments—critical as they are the primary data source and the main target audience—we have chosen not to develop the findings for an index or ranking of countries. Our methodologies were established with this philosophy in mind.

While there have been a number of important studies undertaken to review access to information laws and to assess government compliance with its law, the focus has been on the outcome of implementation, i.e. whether people are able to receive the information requested consistent with the statutory provisions. The Carter Center's IAT focuses

The IAT assesses individual public administration bodies. It is not designed as an **index or ranking** of countries.

exclusively on the central theme of government's efforts toward implementation—the "plumbing"—providing critical data and knowledge as well as spurring additional areas for research.

There is a very important difference between addressing the outcome of an agency performing ATI duties and assessing the input required for the agency to fulfill such obligations. If we look at the agency as a patient, and the lack of capacity as a virus within the system of access to information implementation, the IAT can be described as a medical tool diagnosing the extent to which the governmental body is prepared to provide information. The IAT provides government agencies with specifics on where and how to improve their capacity to implement access to information legislation.

---

[1] Professor Alan Doig coined this term in his paper "Getting the Boring Bits Right First" when discussing capacity building for anti-corruption agencies.

Developing the IAT

The Carter Center designed and created the IAT through desk research, consultant support, and periodic peer reviews. As a first step, the Center engaged in considerable research to identify the breadth of national and subnational implementation plans and to evaluate the commonalities. Remarkably, we found very few available national or agency-specific access to information implementation plans. Additionally, we did an extensive literature review related to access to information implementation and public policy and administration; again, there were relatively few articles or studies. Based on the initial research and our experience, we developed a preliminary draft matrix of similarities and unique/innovative approaches to implementation.

Following the research phase, The Carter Center convened a group of renowned experts to consider the value and efficacy of an implementation assessment instrument and to provide input into its basic design. This first meeting considered both the key issues in implementation and prospective indicators and the means by which to measure them. It was agreed that a major goal of the IAT was to create a tool that would be useful for governments, allowing them to assess the breadth and quality of their implementation efforts, rather than as a more punitive ranking or "hammer."

During this initial consultation, we modified our original design, in which we had considered implementation in a series of phases.[2] The two days of robust discussion established the importance of the IAT but also highlighted a number of potential problems and risks associated with an implementation assessment. Underlying both days of discussion were the following questions:

1. How do we make the study replicable and portable across varying countries?

2. How do we ensure that the tool also assesses quality of the implementation rather than simply falling into a "check the box" exercise showing that an input/activity occurred but not demonstrating whether it was done well?

In order to assure the tool's portability across countries and diverse legislative contexts—and to avoid substantiating a law that does not rise to the international norms—we agreed that the tool could not be an assessment of compliance with a specific law and would not directly engage the particulars of national legislation. Rather, the tool's framing question should be, "**To what extent is the agency capacitated and prepared to provide information and respond to requests?**"

Perhaps the most challenging aspect in developing the IAT was the lack of clearly agreed-upon universal best practices for access to information legislation implementation. This concern signaled the need for an increased emphasis on developing key elements for full and effective implementation and good practices and required additional time to vet these determinations with expert colleagues from government, civil society, and academia. We also were aware that the tool should work equally well when used in a mature system (where the law has existed for years) as well as in a country with a newly passed access to information law. This mandate forced us to verify that each indicator be valid in a variety of disperse contexts.

With the initial design of the IAT completed, The Carter Center convened a broader based group of access to information and transparency experts to peer review the first draft indicators, application methodology, and sampling (country and ministry/agency) determinations. After long discussions and considerations, the Center decided to retain

---

[2] As there is no agreement on sequencing implementation efforts, and this would be more descriptive than substantive, we removed sequencing from the IAT methodology.

the initial design to focus on administrative input ("the plumbing"), rather than assessing the quality of the outputs, i.e., compliance with the law/user satisfaction. We also made the decision to include internal reconsideration but not go further to include indicators related to judicial or quasi-judicial enforcement in the assessment.

Over the course of the next months, the design of the IAT was modified to allow for assessment on both the x- and y-axis and a series of indicators was developed. Finally, to validate the defined indicators and measurements/scaling, The Carter Center again undertook an extensive analysis of existing implementation plans and practice.

The IAT is designed to address the question, **"To what extent is the agency capacitated and prepared to provide information and respond to requests?"**

Methodology

The IAT is intended to assess the specific activities/inputs that the public administration has engaged in furtherance of a well-implemented access to information regime. A series of indicators is used to assess the extent to which the agency is capacitated and prepared to provide information and respond to requests, proactively disclose information, and assure quality records management. These inputs/activities are similar to what others might call "good practices." At present, there is no universal consensus or norm on what constitutes access to information implementation "best/good practices." This fact is useful in understanding the limitations of the tool.

The tool is designed not to focus on the sufficiency of the legal framework, the user side of the equation or the overall effectiveness of the country's access to information regime. Because the IAT is not designed to measure outputs/compliance, its methodology does not include the systematic filling of information requests.

Moreover, the IAT is constructed as an "open instrument," carried out with the collaboration of public authorities. Its success does not depend on the level of confidentiality held during its application. On the contrary, it is crucial for governments to welcome the tool's application, as gathering many of the key data points requires access to documents and information in the ministries'/agencies' possession.

The Architecture

The IAT is designed as a matrix, with indicators related to government functions/responsibilities on the x-axis and baskets of components/elements on the y-axis. Regardless of the type of information an agency possesses, there are universal components that allow public officials to fulfill their functions of managing information properly, handling requests for information adequately, and making information available to the public efficiently. These functions and elements were identified and serve as the framework for the IAT.

Functions

All access to information regimes rely on the public agencies' capacity to fulfill three main functions: 1) receiving and responding to requests; 2) automatically publishing certain information; and 3) managing records. There are a number of initiatives/efforts specific to these functions while others apply to more than one of the functions. For those initiatives/efforts that apply more broadly—for example, the designation of a responsible officer or the agency's strategic plan—we have created the category "fundamental functions."

Components

In order to successfully implement a comprehensive access to information law, government needs a number of verifiable components. These elements are assessed by a set of indicators that can be observed through different data-points or sources of information. The elements are the bone and marrow of access to information implementation, and include leadership, rules, systems, resources, and monitoring.

Key Elements

The components are comprised of key elements that have been identified as necessary for supporting successful implementation. When properly combined, these elements provide government with the capacity to successfully perform all access to information duties and obligations. The elements that comprise the assessment, among others, included whether the agency has established, reviewed, and

This instrument **will not** tell whether public agencies are in compliance with established laws. It **will** tell you if the agencies have the necessary components to implement a vibrant access to information regime.

revised access to information policies, regulations, and guidelines; the issuance of plans/instructions for the implementation and institutionalization of the access to information regime; the identification of responsible officers for overseeing the application of the law; sufficient training and capacity-building; determination of necessary financial resources; infrastructure; and, awareness-raising within the agency and for the public.

Assessment Results and Output

The IAT indicators engage both quantitative and qualitative assessments of the comprehensiveness and quality of a ministries'/agencies' access to information implementation. The indicators are scored on the "stoplight method," with a scale that includes green, yellow, red, and black and white stripes (for those rare cases in which the indicator will not apply). In using the stoplight method, we easily display the extent and quality of implementation while dissuading the potential for indexing/ranking countries. The stoplight colors signify the following:

- **Green**: The administration has done well and has met the defined good practice.

- **Yellow**: There has been some activity/engagement, but the administration does not meet the defined good practice.
- **Red**: The administration has either not engaged or done very little to advance on this part of its implementation.
- **Black and white stripes**: The indicator is not applicable.

Data are acquired through both desk research and interviews and then input into Indaba, an online software platform that allows The Carter Center to manage the researchers and data and review the inputs. The data is then reviewed by a blind-peer reviewer and, subsequently, the preliminary findings are validated through focal group review. In addition to quantitative data, we include a narrative that provides supplementary qualitative information and accompanying explanations for the measurements.

Types of Indicators

The IAT utilizes two types of indicators: 1) self-reporting indicators that are addressed through an interview (questionnaire) with the head of the agency/ministry, general director, public officials tasked to oversee ATI functions and duties, or other relevant public officers;[3] and 2) document-based indicators that require desk research or onsite verification of different documents and/or sources of information.

---

[3] As these indicators have the greatest potential for bias, we have limited their use in the IAT and they will rarely serve as the preferred data point.

Piloting the IAT

To assure the efficacy and value of the IAT, the Center decided to apply the tool in a phased approach in more than 10 countries. Pilot phase I assessed three countries, pilot phase II assessed four countries and pilot phase III assessed an additional four countries. While the initial intent was to assess each country once, we decided to include the initial countries in the subsequent phases in light of the modifications of the indicators following each phase. In pilot phase III, we applied the revised indicators in all 11 countries.

Selection of Countries/Agencies

In preparation for selecting the pilot countries to test the IAT, The Carter Center created a list of criteria and variables. For the pilot selection, we considered the following conditions:

- Regional diversity
- Variety in length of time that the ATI law/regulation has been in effect
- Distinct legal system/framework (common law versus civil);
- Types of civil service (professionalized versus more partisan)
- Development status/income level
- Availability of social scientists/civil society leaders to undertake the study
- Existing data sets or studies related to access to information
- Political will/interest
- Divergent participation in the Open Government Partnership

Bangladesh, Mexico, and South Africa were chosen as pilot phase I countries, while Chile, Indonesia, Scotland, and Uganda served as the pilot phase II countries. Pilot phase III included all of the above countries as well as Georgia, Jordan, Guatemala, and the United States.

The IAT was applied in seven ministries and/or agencies in each country. For uniformity, we decided to engage the same ministries/agencies in each of the countries. Criteria used in determining the specific ministries/agencies included:

- Those ministries or agencies that held information critical for fundamental human and socioeconomic rights
- Ministries and agencies that play a role in poverty reduction and in fulfillment of the Millennium Development Goals
- Ministries and agencies that are key in the overseeing or promoting the ATI regime
- A mix of ministries and agencies, in particular public agencies of varying size and resources

Ultimately, the ministries/agencies selected were: Finance, Education, Health, Justice, Agriculture, Customs, and, Statistics (or another small/less-resourced agency). In some cases, the specified ministry did not exist or was combined with another ministry or agency. In those cases, we substituted an equivalent ministry/agency.

Pilot Phases

In 2011, The Carter Center completed pilot phase I of the tool in three countries—Bangladesh, Mexico, and South Africa, followed by an expert review and extensive modifications to the methodology and indicators. Pilot phase II was completed in the spring of 2013 and included application of the indicators in the original three countries as well as Chile, Indonesia, Scotland, and Uganda. Once again, The Carter Center conducted a review meeting to refine the tool and methodology. In the fall of 2013, pilot phase III commenced and included four new countries: Georgia, Jordan, Guatemala, and the United States. The researchers in these

countries applied all revised IAT indicators and were joined by the researchers from pilot phase I and pilot phase II who applied all new or modified indicators in their respective countries.

Pilot Phase I

Pilot phase I included 72 indicators. During this phase, we were still considering whether we could identify universally applicable best practices. However, during the review discussion, it became clear that this would be too prescriptive and not capture the nuances of each country context. Moreover, it would not reflect the terminology utilized by leading oversight practitioners, who use the term "good practice." The participants recommended, and we concurred, that the implementation assessment tool should serve to develop and measure "good practice" and in this way more meaningfully reflect the reality that there may be multiple good practices, depending on country circumstances and administrative dynamics. Methodological changes were made following this phase, including adding a blind-peer review in addition to the focus group, assessing a smaller, less-resourced agency, and using the Indaba platform for data collection.

Pilot Phase II

With the revisions and refinements based on the pilot phase I review, the IAT now included 75 indicators to test in pilot phase I and II countries: Chile, Indonesia, Scotland, and Uganda joined South Africa, Bangladesh, and Mexico. The local researchers tested the tool in the original six ministries as well as in the seventh smaller agency, and in this phase we engaged the Indaba platform. During the two-day review meeting following data collection, analysis, findings, and validations, the experts actively revised the indicators, removing any indicator deemed repetitive and making necessary language changes to accommodate a variety of government contexts. One of the main modifications made for the final pilot phase was to

include indicators that looked more specifically at implementation in practice, which was accomplished through the use of four "wild cards." We also reduced the indicators to a more manageable 65, and strengthened the indicators related to records management.

Pilot Phase III

Pilot phase III was the final testing of the indicators. For this phase, we retained the same methodology and workflow, including the blind peer reviewer and the focal groups. As with the other phases, Carter Center staff reviewed each finding, submitted questions to both the researchers and the blind peer reviewers, and assured the quality and consistency of each finding. At the conclusion of pilot phase III, we held the final expert review to make any necessary last adjustments to the indicators (researchers felt there were still too many) and presented the IAT to the community of practice.

For a more comprehensive explanation of the IAT methodology and piloting, please see:

http://www.carter center.org/ peace/ati/IAT/ index.html

Country Context[4]

I n 2007, Jordan became the first Arab country to enact an access to information (ATI) law. The process of passing the Law of Access to Information No. 47/2007 was fairly quick. The government acted without any significant demands from members of civil society, whose input was minimal.[5] Some organizations, such as the Arab Archives Institute and the Jordanian Transparency Forum, were asked to comment on draft legislation, but many of their recommendations were not included in the final law.[6] According to a 2007 report by the Amman Center for Human Rights, the law passed rapidly through the legislative process; the House of Representatives approved it within 30 minutes of debate.

While Jordan led the region in ensuring the right of access to information, their ATI law fails to meet many international standards. It ranks 96 out of 100 on the Access Info/Centre for Law and Democracy Global Right to Information Rating.[7] While the scope of the law meets international standards of including the executive, legislative and judiciary branches of government, as well as some limited coverage of private companies, the Jordanian access to information law is only accessible to Jordanian citizens. Moreover, the law does not provide for a simple request process. For example, requesters may need to provide a reason for asking for the information and submit their request on a specified form. The Global Right to Information Rating found that the request process was vague and the exemptions lacked a public interest override. The law does have one important strength in that it established an Information Commission (called the Information Council) responsible

for implementing and enforcing the law. However, several points were missed in the rating because of the manner in which it is comprised/established and its limited powers.

According to a 2012 World Bank Report, Jordan's law is limited by its "vagueness, exceptions regime, and its relationship with the larger legal framework." The report also calls attention to problems associated with requesting procedures, namely the requirement that citizens must provide justification for their requests.[8] The ATI law does not supersede existing secrecy laws, despite calls for it to do so from Article 19 during the drafting process.[9] The Arab Archives Institute and the Jordanian Transparency Forum identified 13 laws that have the potential to interfere with the ATI law.[10] It also fails to grant the right of access to information to non-Jordanian citizens and does not apply to private institutions that receive government funding.[11]

Jordan has made several strides to improve its ATI law. In 2011, it began the process of joining the Open Government Partnership (OGP), which has prompted a review of the ATI regime.[12] In their first national action plan, released in 2012, Jordan committed to amending its ATI law to better align with international standards.[13] Later that year, a draft amendment to the law was submitted to increase the presence of civil society on the Information Commission, grant non-Jordanians the right of access to information, introduce a 15-day window in which officers must

---

[4] The country context was largely drawn from the narrative drafted by researcher Hilda Ajeilat
[5] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[6] http://www.lob.gov.jo/ui/laws/search_no.jsp?year=2007&no=47
[7] http://www.rti-rating.org/view_country.php?country_name=Jordan

[8] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[9] http://www.article19.org/pdfs/analysis/jordan-foi.pdf
[10] http://right2info.org/resources/publications/Overview%20of%20FOI%20legislation%20in%20the%20Arab%20World%20-%20SA%20-%2002-06-2010.doc
[11] http://www.freedominfo.org/2012/10/jordan-council-approves-modifications-to-foi-law/
[12] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[13] http://www.opengovpartnership.org/country/jordan/action-plan
[14] http://www.freedominfo.org/2012/10/jordan-council-approves-modifications-to-foi-law/

respond to requests, and improve the appeals process.[14] Unfortunately, these amendments have not been approved.

Implementation

The Information Council is responsible for supporting implementation of the ATI law and the National Library serves as its head, with nine members from government agencies and one civil society organization. Despite great effort on their part, many experts agree that implementation of the law has not been very strong due to structural and cultural limitations.[15]

Guidelines for implementing the law have not been developed across agency lines. As a result, systems of organizing, maintaining, and dispensing information are not consistent. A 2010 study by the Arab Reporters for Investigative Journalism (ARIJ) looked at the standards that 16 different government agencies used to classify information and found that each agency used varying methods.[16] The Center for Defending Freedom of Journalists has highlighted this inconsistent classification as a major barrier to implementation.[17]

The Information Council has undertaken efforts to train officials and improve implementation, but according to the World Bank report, these efforts have been limited by the longstanding and pervasive culture of secrecy in Jordan. Many government officials have not responded well to the formal mechanisms of the law and may be more likely to disclose information when approached informally. This problem has been exacerbated because Jordan's ATI law does not supplant or override existing secrecy laws.[18]

Another major barrier to implementation is a lack of human and financial resources. The law did not provide for any additional funding to finance the ATI regime. Thus, the Information Council has been severely limited in its ability to oversee implementation of the law, as have the individual agencies responsible for institutionalizing the right. In fact, some agencies have yet to appoint their information officers, an important first step in implementation.[19] And while the government publishes some information on their website, jordan.gov.jo, according to a survey of Jordanian journalists by the World Bank much of this information is not useful or regularly updated and some is of poor quality.[20]

Jordan's efforts under the OGP to improve its ATI regime and the resulting reforms brought it more in line with international standards, but despite improvements to the structure of the Information Council, the requested and still pending legal amendments did not directly address these problems of implementation. Insufficient resources, absent guidelines in many of the agencies, and a political culture predicated on secrecy pose substantial barriers to further improving implementation of the access to information law.

Use of the Right

Use of Jordan's ATI law has not been very substantial. Some experts attribute this to the way in which the law was enacted. Yahia Shukkeir, who helped draft the legislation, has said that "the law was not the outcome of national dialogue. Neither journalists nor citizens demanded the law." As a result, neither the passing nor implementation of the law has been covered extensively by the media. In fact, a 2009 survey

---

[15]http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[16]http://arij.net/
[17]http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[18] Ibid.

[19] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[20] Ibid.

found that 42 percent of journalists were unaware of the law. This lack of publicity has translated to low levels of awareness among the general public as well.[21] While the Information Council is vested in the law with the responsibility to "issue bulletins and undertake appropriate activities to explain and enhance the right of knowledge and a culture of access to information," their initial ambitious plans have not resulted in a great number of requests.

One major problem associated with use of the law is the time that it takes agencies to respond to information requests. By the time some requests are answered, the information is no longer valuable. This has a particularly strong impact on journalists' use of the law since they rarely receive information in time to meet their deadlines.[22] A 2010 ARIJ survey found that only five percent of journalists had ever made an information request.[23] Potential requesters also may be dissuaded by the requirement that they provide written justification for any request, and thus may be more comfortable approaching officials informally.[24]

Civil society organizations in Jordan have undertaken significant efforts to improve awareness of the law. For example, the Al-Urdun Al-Jadid Research Center (UJRC) and the International Research and Exchanges Board hosted a series of training sessions in 2009 targeting journalists and businesses that could benefit from using the law.[25] Yet, again, with the obstacles as described above and the continuing culture of secrecy, the use of the law remains limited.

Women and children, in particular, have much to gain from making information requests, but their use of the law is very low, according to the World Bank report.[26] Experts perceive a lack of interest within the Jordanian public to making requests. According to one expert, Jordan's political culture is "marked by political apathy, widespread cynicism to the official reform-lingo and disillusion about the possibility of making changes through the official political institutions."[27] This lack of enthusiasm with political engagement certainly limits the potential for more widespread use of the law.

Importantly, reports of requester satisfaction are seemingly lacking; many people who have made requests indicate negative experiences. For example, after demonstrators were beaten and detained without any investigation of police abuse, the Public Security Directorate ignored a request for information regarding the number of people that were being detained and the extent of their injuries.[28] Similarly, when Mohamed Khateeb, a journalist, requested information in 2010 from the Central Bank of Jordan regarding housing loan default, the request was denied based on confidentiality.[29]

Experts say that use of the ATI law in Jordan has improved over time, but the Information Council did not track and release data reflecting the number of requests made until 2011 and still does not do so for most agencies.[30]

Enforcement and Compliance of the Right

Enforcement of Jordan's ATI law has not been strong enough to ensure compliance. Requesters can appeal to the Information Council within 15 days of a

[21] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[22] Ibid.
[23] http://arij.net/en/node/4795/page/0/1%3Fpage%3D0?qtreport=0
[24] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[25] Ibid.
[26] Ibid.
[27] http://www.oasiscenter.eu/press-review/2010/06/22/post-democratization-lessons-from-the-jordanian-success-story
[28] http://www.hrw.org/world-report-2012/world-report-2012-jordan
[29] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[30] http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1343934891414/8787489-1344020463266/8788935-1399321576201/Requests_and_Appeals_RTI_Working_Paper.pdf

denied request. Alternatively, requesters can appeal a decision to the courts within 60 days of receiving a denial. While these avenues of appeal exist, they have not proven to be effective or widely utilized.[31]

As of 2010, only ten appeals were lodged with the Information Council.[32] This number has improved, but only marginally. In 2013, 15 such appeals were filed. The Information Council has not released detailed information regarding the ways in which these appeals are resolved, but anecdotal evidence indicates that when the Information Council over-turns a denied request, it lacks the power to compel an agency to release the information in question. In the aforementioned case involving Mr. Khateeb, the Information Council ruled that the Central Bank had to release the requested information. The Central Bank continued to refuse and the Information Council was unable to force it to do so.

If the Information Council upholds a denial, the requester can lodge a second appeal with the High Court of Justice. According to a 2014 World Bank working paper, this avenue of appeal has been scarcely utilized due to the high financial cost and procedural hurdles involved in doing so.[33] After his request for information related to a property sale was denied and the Information Council upheld the decision in 2010, journalist Majdoleen Allan filed an appeal with the High Court of Justice. She filed three separate appeals, one as the Arab Investigators for Investigative Journalism, one as a journalist, and one as an independent citizen. All three were dismissed on the grounds that Ms. Allan did not have a legiti-mate interest in the information.[34] Jordan's law also

fails to impose sanctions on agencies or officers who fail to comply with the ATI provisions.

Partially due to the lack of effective recourse and sanction mechanisms, agencies have not been forced to comply with the ATI law. Compliance has improved over time, though. A 2010 study by ARIJ found that just one out of ten requests received a timely and complete response.[35] In 2013, by contrast, data reflecting the response rates of 15 agencies shows that 95.6 percent of requests were granted in full. This demonstrates not only a marked improve-ment but also places Jordan among the top performers in terms of responding to and approving requests. While encouraging, experts warn that this figure should be put in context, as it includes just 15 out of over 120 agencies.[36]

[31] http://www.freedominfo.org/2012/10/jordan-council-approves-modifications-to-foi-law/
[32] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[33] http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1343934891414/8787489-1344020463266/8788935-1399321576201/Requests_and_Appeals_RTI_Working_Paper.pdf
[34] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf

[35] http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/Almadhoun-ATI_in_MNA_Region_ENGLISH.pdf
[36] http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/285741-1343934891414/8787489-1344020463266/8788935-1399321576201/Requests_and_Appeals_RTI_Working_Paper.pdf

Pilot III Findings for Jordan

Aggregated Findings by Indicator

Table 1. Key for Findings

Key:	
color	**significance:**
🟩 Green	Green: administration has done well and has met the defined good practice
🟨 Yellow	Yellow: there has been some activity/engagement, but does not meet the defined good practice
🟥 Red	Red: administration has either not engaged or done very little to advance on this part of its implementation
▨ Stripes	Black and white stripes: indicator is not applicable (n/a) in this agency

Table 2. Jordan Pilot Phase III Findings

Fundamental functions, Leadership

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
1	Does an agency official with authority over policy actively participate in the creation, adoption, or review of ATI specific policy?	Finding: green	A	Finding: green	A	Finding: n/a	C	Finding: n/a	C	Finding: green	A	Finding: green	A
2	How often does agency official with authority over policy participate in meetings with public officials responsible for ATI activities?	Finding: red	C	Finding: red	C	Finding: red	C	Finding: red	C	Finding: yellow	B	Finding: green	A
3	Does the agency's strategic plan incorporate ATI, such as by including principles of access to information in goals, objectives, and/or outcomes?	Finding: red	B	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A

Fundamental functions, Rules

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
4	Does the agency create or adopt specific guidelines on ATI?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
5	How often are ATI guidelines reviewed by an agency official with authority over policy?	Finding: red	C	Finding: yellow	B	Finding: red	C	Finding: yellow	B	Finding: yellow	B	Finding: n/a	D
6	How often are ATI guidelines revised by an agency official with authority over policy?	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
7	Does the agency make all guidelines available for reference?	Finding: red	C	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: green	A
8	Does the agency have a document(s) that establishes instructions for ATI implementation and/or operation?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
9	Does the document(s) detailing instructions for ATI implementation and/or operation currently reflect the agency's ATI policy?	Finding: red	B	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
10	Has the agency internally disseminated the document(s) detailing instructions for ATI implementation and/or operation?	Finding: red	C	Finding: green	A	Finding: red	C	Finding: red	C	Finding: green	A	Finding: green	A

Fundamental functions, Systems

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
11	Does the agency's public outreach specifically include a component regarding ATI?	Finding: red	B	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
12	Does the agency's public outreach specifically include information on ATI procedures?	Finding: red	B	Finding: red	B	Finding: green	A	Finding: green	A	Finding: red	B	Finding: green	A

Fundamental functions, Resources

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
13	Has one or more public official been formally tasked/appointed responsible for ATI functions and duties?	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
14	Has the name of the public official(s) tasked/appointed responsible for ATI functions and duties been made known to the public?	Finding: red	B	Finding: red	B	Finding: green	A	Finding: red	B	Finding: green	A	Finding: green	A
15	Does the public official(s) tasked/appointed responsible for ATI functions and duties have the authority needed to comply with ATI mandate?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
16	Does the public official(s) tasked/appointed responsible for ATI functions and duties have the time and staff needed to fulfill his/her ATI responsibilities?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
17	Does the public official(s) tasked/appointed responsible for ATI functions and duties and his/her staff receive specialized training on ATI?	Finding: yellow	B	Finding: yellow	B	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A
18	Are all public officials made aware of basic ATI principles?	Finding: red	D	Finding: yellow	C	Finding: green	A	Finding: red	D	Finding: green	A	Finding: green	A

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
19	Are training materials related to ATI created and maintained for future reference by public officials?	Finding: red	C	Finding: green	A	Finding: yellow	B	Finding: red	C	Finding: green	A	Finding: green	A
20	Does the public official(s) tasked/appointed responsible for ATI functions and duties have regular access to necessary equipment?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
21	Does the agency specifically allocate the financial resources necessary for fulfilling its ATI functions and duties?	Finding: red	B	Finding: red	B	Finding: green	A	Finding: red	B	Finding: green	A	Finding: red	B
Fundamental functions, Monitoring													
22	Does the agency monitor its ATI functions and duties?	Finding: red	C	Finding: yellow	B	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
23	Is an agency report on its ATI functions and duties prepared and released annually to the public?	Finding: red	D	Finding: green	A	Finding: green	A	Finding: red	D	Finding: green	A	Finding: green	A
24	Does the agency's internal oversight body/auditing mechanism take into account ATI functions and duties?	Finding: red	B	Finding: green	A	Finding: green	A	Finding: red	B	Finding: green	A	Finding: green	A
25	Does the agency's performance review take into account ATI?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A
Fundamental functions, Wild Card													
26	In your expert opinion, in practice does the agency effectively fulfill its fundamental function related to access to information?	Finding: red	C	Finding: green	A	Finding: yellow	B	Finding: yellow	B	Finding: green	A	Finding: green	A
Receive and Respond to Requests, Rules													
27	Has the agency created or adopted written guidelines for receiving requests?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
28	Has the agency created or adopted written guidelines for processing requests?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
29	Has the agency created or adopted written guidelines for responding (release or deny) to requests?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
30	Has the agency created or adopted written guidelines for internal review?	Finding: n/a	D	Finding: green	A	Finding: green	A	Finding: n/a	D	Finding: green	A	Finding: green	A

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
31	Does the document(s) detailing instructions for implementation and/or operations have the necessary components for receiving and responding to requests?	Finding: red	C	Finding: yellow	B	Finding: yellow	B	Finding: yellow	B	Finding: green	A	Finding: green	A

Receive and Respond to Requests, Systems

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
32	Has the agency created or adopted a system for logging and tracking requests and responses?	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
33	Has the agency created or adopted a system for processing a request?	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
34	Has the agency created or adopted a system for transferring requests to other agencies?	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
35	Has the agency created or adopted a system for issuing and serving responses?	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A

Receive and Respond to Requests, Resources

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
36	Is there a designated space, physical or virtual, for receiving and responding to requests?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A

Receive and Respond to Requests, Monitoring

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
37	Does the agency capture statistics related to receiving and responding to requests?	Finding: red	C	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A	Finding: green	A

Receive and Respond to Requests, Wild Card

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
38	In your expert opinion, in practice does the agency effectively fulfill its function related to receiving and responding to requests?	Finding: yellow	B	Finding: yellow	B	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: green	A

Proactive Disclosure, Rules

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
39	Has the agency created or adopted written guidelines for proactive disclosure?	Finding: red	C	Finding: green	A	Finding: red	C	Finding: yellow	B	Finding: green	A	Finding: green	A
40	Does the document(s) detailing instructions for implementation and/or operations have the components necessary for proactive disclosure?	Finding: red	C	Finding: green	A	Finding: red	C	Finding: red	C	Finding: green	A	Finding: red	C

Proactive Disclosure, Systems

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
41	Has the agency created or adopted a system for proactive disclosure?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A

Proactive Disclosure, Resources

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
42	Has one or more public official been formally tasked/appointed responsible for proactive disclosure functions and duties?	Finding: red	C	Finding: green	A	Finding: red	C	Finding: red	C	Finding: green	A	Finding: yellow	B
43	Does the public official(s) tasked/appointed responsible for proactive disclosure have the time and staff necessary to effectively fulfill his/her functions and duties?	Finding: red	D	Finding: green	A	Finding: yellow	C	Finding: red	D	Finding: green	A	Finding: green	A
44	Is the public official(s) responsible for proactive disclosure trained to comply with their duties?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A
45	Has the agency established space, physical or virtual, for public viewing of information proactively disclosed?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A

Proactive Disclosure, Monitoring

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
46	Does the agency capture statistics related to proactive disclosure?	Finding: red	C	Finding: yellow	B	Finding: yellow	B	Finding: red	C	Finding: green	A	Finding: green	A
47	Does the agency monitor its proactive disclosure?	Finding: red	C	Finding: yellow	B	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A

Proactive Disclosure, Wild Card

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
48	In your expert opinion, in practice does the agency effectively fulfill its function related to proactive disclosure?	Finding: red	C	Finding: green	A	Finding: yellow	B	Finding: red	C	Finding: green	A	Finding: green	A

Records Management, Leadership

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
49	Does an agency official with authority over policy actively participate in creation, adoption, or review of records management policy?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: red	B	Finding: green	A	Finding: green	A
50	Has the agency created or adopted an information policy for managing paper based and electronic information?	Finding: red	B	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A

Records Management, Rules

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
51	Has the agency created or adopted written guidelines for records management, regardless of format (including electronic records, maps etc.)?	Finding: yellow	B	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
52	Has the agency created or adopted written guidelines for classification of documents?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
53	Does the document(s) detailing instructions for implementation and/or operations for a records-management system have the necessary components?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A

Records Management, Systems

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
54	Has the agency created or adopted a system for classifying documents?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
55	Has the agency created or adopted a system to manage its paper records?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
56	Has the agency created or adopted a system to manage its electronic records?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: red	C	Finding: green	A
57	Has the agency created or adopted a system to retrieve and access paper records?	Finding: yellow	B	Finding: green	A	Finding: yellow	B	Finding: red	C	Finding: green	A	Finding: green	A
58	Has the agency created or adopted a system to retrieve and access electronic records?	Finding: red	C	Finding: green	A	Finding: green	A	Finding: red	C	Finding: red	C	Finding: green	A

Records Management, Resources

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
59	Has one or more public official been formally tasked/appointed responsible for records management?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A	Finding: green	A
60	Does the public official(s) tasked/appointed responsible for records management functions and duties have the time and staff needed to fulfill his/her responsibilities?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A
61	Does the public official(s) tasked/appointed responsible for records management and his/her staff receive specialized training on records management?	Finding: yellow	B	Finding: yellow	B	Finding: yellow	B	Finding: yellow	B	Finding: green	A	Finding: green	A
62	Are all public officials made aware of basic records management procedures?	Finding: red	D	Finding: yellow	C	Finding: yellow	C	Finding: red	D	Finding: green	A	Finding: green	A
63	Has the agency created space for storage (including electronic records) and archives of records?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A

Records Management, Monitoring

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
64	Does the agency monitor its records management system?	Finding: yellow	B	Finding: yellow	B	Finding: green	A	Finding: red	C	Finding: green	A	Finding: green	A

Records Management, Wild Card

#	Indicator question:	Jordan Agriculture		Jordan Education		Jordan Finance		Jordan Health		Jordan Justice		Jordan Statistics	
65	In your expert opinion, in practice does the agency effectively fulfill its function related to records management?	Finding: green	A	Finding: green	A	Finding: green	A	Finding: yellow	B	Finding: green	A	Finding: green	A

Ministry/Agency Summary of Findings

Table 3. Ministry of Agriculture

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement (green, red) Strategic Planning (red)			Engagement (green, red)
Rules (guide)	Guidelines (green, red, gray, red) Instructions/plans (red, red, red)	Guidelines for receiving/processing (yellow, red) Guidelines for responding (red) Guidelines for internal review (gray) Instructions/plans (red)	Guidelines (red) Instructions/plans (red)	Guidelines (yellow, green) Instructions/plans (red)
Systems (order)	Public awareness raising (red, red)	System for receiving/processing (yellow, yellow) System for transfer/responding (yellow, yellow)	System for proactive disclosure (yellow)	Classification (green) Manage Records (green, red) Retrieve Records (yellow, red)
Resources (enable)	Staffing (yellow, red, green, green) Training (yellow, red, red) Infrastructure (green) Budget (red)	Infrastructure (green)	Staffing (red, red) Training (red) Infrastructure (green)	Staffing (green, green) Training (yellow, red) Infrastructure (green)
Monitoring (adjust)	Internal oversight (red) Reporting (red, red) Performance monitoring (red)	Capturing of statistics (red)	Capturing of statistics (red) Reporting (red)	Reporting (yellow)
Wildcard	Researcher (red) Blind Peer Reviewer (red)	Researcher (yellow) Blind Peer Reviewer (yellow)	Researcher (red) Blind Peer Reviewer (yellow)	Researcher (green) Blind Peer Reviewer (green)

Table 4. Ministry of Education

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement (green, red) Strategic Planning (green)			Engagement (green, green)
Rules (guide)	Guidelines (green, yellow, hatched, green) Instructions/plans (green, green, green)	Guidelines for receiving/processing (green, green) Guidelines for responding (green) Guidelines for internal review (green) Instructions/plans (yellow)	Guidelines (green) Instructions/plans (green)	Guidelines (green, green) Instructions/plans (green)
Systems (order)	Public awareness raising (green, red)	System for receiving/processing (green, green) System for transfer/responding (green, green)	System for proactive disclosure (green)	Classification (green) Manage Records (green, green) Retrieve Records (green, green)
Resources (enable)	Staffing (green, red, green, green) Training (yellow, yellow, green) Infrastructure (green) Budget (red)	Infrastructure (green)	Staffing (green, green) Training (green) Infrastructure (green)	Staffing (green, green) Training (yellow, yellow) Infrastructure (green)
Monitoring (adjust)	Internal oversight (yellow) Reporting (green, green) Performance monitoring (green)	Capturing of statistics (green)	Capturing of statistics (yellow) Reporting (yellow)	Reporting (yellow)
Wildcard	Researcher (green) Blind Peer Reviewer (green)	Researcher (yellow) Blind Peer Reviewer (yellow)	Researcher (green) Blind Peer Reviewer (green)	Researcher (green) Blind Peer Reviewer (green)

Table 5. Ministry of Finance

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement ⊘🔴 Strategic Planning 🟢			Engagement 🟢🟢
Rules (guide)	Guidelines 🟢🔴⊘🟡 Instructions/plans 🟢🟢🔴	Guidelines for receiving/processing 🟢🟢 Guidelines for responding 🟢 Guidelines for internal review 🟢 Instructions/plans 🟡	Guidelines 🔴 Instructions/plans 🔴	Guidelines 🟢🟢 Instructions/plans 🟢
Systems (order)	Public awareness raising 🟢🟢	System for receiving/processing 🟢🟢 System for transfer/responding 🟢🔴	System for proactive disclosure 🟢	Classification 🟢 Manage Records 🟢🟢 Retrieve Records 🟡🟢
Resources (enable)	Staffing 🟢🟢🟢🟢 Training 🟢🟢🟡 Infrastructure 🟢 Budget 🟢	Infrastructure 🟢	Staffing 🔴🟢🟡 Training 🟡 Infrastructure 🟢	Staffing 🟢🟢 Training 🟢🟡 Infrastructure 🟢
Monitoring (adjust)	Internal oversight 🟢 Reporting 🟢🟢 Performance monitoring 🟢	Capturing of statistics 🔴	Capturing of statistics 🟡 Reporting 🟢	Reporting 🟢
Wildcard	Researcher 🟡 Blind Peer Reviewer 🟡	Researcher 🟡 Blind Peer Reviewer 🟡	Researcher 🟡 Blind Peer Reviewer 🟡	Researcher 🟢 Blind Peer Reviewer 🟢

Table 6. Ministry of Health

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement [hatched] [red] Strategic Planning [green]			Engagement [red] [green]
Rules (guide)	Guidelines [green] [green] [hatched] [green] Instructions/plans [yellow] [green] [red]	Guidelines for receiving/processing [green] [yellow] Guidelines for responding [green] Guidelines for internal review [hatched] Instructions/plans [yellow]	Guidelines [yellow] Instructions/plans [red]	Guidelines [green] [green] Instructions/plans [green]
Systems (order)	Public awareness raising [green] [green]	System for receiving/processing [yellow] [yellow] System for transfer/responding [green] [red]	System for proactive disclosure [red] [green]	Classification [green] Manage Records [green] [yellow] Retrieve Records [yellow] [red]
Resources (enable)	Staffing [green] [red] [green] [green] Training [red] [red] [red] Infrastructure [green] Budget [red]	Infrastructure [green]	Staffing [red] [red] Training [red] Infrastructure [green]	Staffing [green] [yellow] Training [yellow] [red] Infrastructure
Monitoring (adjust)	Internal oversight [yellow] Reporting [red] [red] Performance monitoring [red]	Capturing of statistics [green]	Capturing of statistics [red] Reporting [red]	Reporting [red]
Wildcard	Researcher [yellow] Blind Peer Reviewer [yellow]	Researcher [green] Blind Peer Reviewer [green]	Researcher [red] Blind Peer Reviewer [red]	Researcher [yellow] Blind Peer Reviewer [yellow]

Table 7. Ministry of Justice

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement 🟢🟡 Strategic Planning 🟢			Engagement 🟢🟢
Rules (guide)	Guidelines 🟢🟢🟡◍🟢 Instructions/plans 🟢🟢🟢	Guidelines for receiving/processing 🟢🟢 Guidelines for responding 🟢 Guidelines for internal review 🟢 Instructions/plans 🟢	Guidelines 🟢 Instructions/plans 🟢	Guidelines 🟢🟢 Instructions/plans 🟢
Systems (order)	Public awareness raising 🟢🔴	System for receiving/processing 🟢🟢 System for transfer/responding 🟢🟢	System for proactive disclosure 🟢	Classification 🟢 Manage Records 🟢🔴 Retrieve Records 🟢🔴
Resources (enable)	Staffing 🟢🟢🟢🟢 Training 🟢🟢🟢 Infrastructure 🟢 Budget 🟢	Infrastructure 🟢	Staffing 🟢🟢 Training 🟢 Infrastructure 🟢	Staffing 🟢🟢 Training 🟢🟢 Infrastructure 🟢
Monitoring (adjust)	Internal oversight 🟢 Reporting 🟢🟢 Performance monitoring 🟢	Capturing of statistics 🟢	Capturing of statistics 🟢 Reporting 🟢	Reporting 🟢
Wildcard	Researcher 🟢 Blind Peer Reviewer 🟢	Researcher 🟢 Blind Peer Reviewer 🟢	Researcher 🟢 Blind Peer Reviewer 🟢	Researcher 🟢 Blind Peer Reviewer 🟢

Table 8. Statistics Agency

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
Leadership (directs)	Engagement ●● Strategic Planning ●			Engagement ●●
Rules (guide)	Guidelines ●◐◐● Instructions/plans ●●●	Guidelines for receiving/processing ●● Guidelines for responding ● Guidelines for internal review ● Instructions/plans ●	Guidelines ● Instructions/plans ● (red)	Guidelines ●● Instructions/plans ●
Systems (order)	Public awareness raising ●●	System for receiving/processing ●● System for transfer/responding ●●	System for proactive disclosure ●	Classification ● Manage Records ●● Retrieve Records ●●
Resources (enable)	Staffing ●●●● Training ●●● Infrastructure ● Budget ● (red)	Infrastructure ●	Staffing ●(yellow)● Training ● Infrastructure ●	Staffing ●● Training ●● Infrastructure ●
Monitoring (adjust)	Internal oversight ● Reporting ●● Performance monitoring ●	Capturing of statistics ●	Capturing of statistics ● Reporting ●	Reporting ●
Wildcard	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●

Focal Group Narrative[37]

A focus group meeting comprised of 21 persons was held on March 8, 2014 at the Elderly Pioneers Forum in Amman. Participants included a mix of stakeholders including legal experts, researchers, academics, civil society activists, media, and representatives from the national library. During the meeting, the IAT indicators and methodology were introduced to the participants, who then discussed the overall findings of the surveys conducted within five ministries and one agency in the government of Jordan. The issues, obstacles, and opportunities faced during the researcher visits and meetings were highlighted. A prior meeting was held with the general director of the National Library of Jordan, during which the director shared his concerns with us regarding the pending ATI law amendments and the inconsistency in agencies implementation.

In discussing the nature of specific obstacles faced throughout the assessment, it was noted that in some departments a contact person responsible for ATI functions and duties was not identified; in other cases, it was difficult to conduct the interview. For example, the vice president of the Information Council (also the general director of the National Library) indicated that the Information Council had sent out invitations to 200 departments requesting that they nominate a focal point with whom to liaise and that they provide ATI forms and classify the data within their departments. Only 58 of these agencies responded by providing a liaison officer and the necessary information request forms. To date, only 50 agencies have classified the data that they possess.

The vice president explained that some issues arose because the law is still newly adopted; there also is a lack of awareness of the law among citizens and judges. He noticed that the information seekers are coming mainly from the three categories including academic researchers, Parliament, and the media, but that most come from the latter. Most of these requests are being used for investigative journalism, but the vice president had hoped that more requests would come from academic researchers.

During the focal group meeting, in response to the IAT findings, the journalists and civil society activists discussed the problems and obstacles that they faced when trying to access to information. In addition to the IAT results, the focal group participants noted the

"During the meeting, the IAT indicators and methodology were introduced to the participants, who then discussed the overall findings."

---

[37] The focal group findings were drawn from the narrative drafted by researcher Hilda Ajeilat

absence of sanctions on employees or departments that do not respond to ATI requests, as well as the expensive fees for filing a complaint against the agency at the High Court of Justice. Each claim can cost upwards of 7,000 Dinar (approx. $9500USD) to file. Consequently, the judicial solution is difficult, expensive, and frustrating as there are no sanctions imposed on agencies that do not respond.

The legal researchers and academics who attended the focal group meeting mentioned that in the Arab world there are only three countries that have ATI laws: Jordan, Tunisia, and Yemen. While Jordan's law has existed since 2007, the right of access to information is still rather new in Tunisia and Yemen. In this context, it worth noting that Jordan has been implementing its ATI law in its current status, without any reviews or improvements. Even though hundreds of thousands of dollars have been spent on the ATI law, it was noted by the participants that implementation remains insufficient. After the discussions, the vice president of the Information Council noted that there are a few amendments that the government has recently introduced to Parliament, which could be a potential step forward for improvement if approved by the Parliament, and then fully adopted.

At the end of the meeting, participants identified the following recommendations to improve ATI implementation in Jordan:

- To ensure independence of the Information Council (financially and administratively)
- To have an ATI committee in the Information Council that includes members from international agencies and CSOs
- To appoint a contact person for ATI at each ministry, agency, and department, to be linked directly with the Information Council
- To raise awareness for citizens and judges about the ATI law

"Even though hundreds of thousands of dollars have been spent on the ATI law, it was noted by participants that implementation remains insufficient."

- To follow up on the discussions on the amendments with the Legal Committee of Parliament
- To follow up on the agencies' implementation of ATI in collaboration with the information council

Summary of Findings[38]

After several interviews and meetings with the concerned parties at the designated five ministries and one agency, it was noted that a common issue continued to arise. Many of these public agencies have sought to implement the legal provisions without adopting, forming, or creating policies or mechanisms. Consequently, in several of the agencies assessed the main concern/focus has been on the technical implementation of the law without amending or revising complementary (or conflicting) agency policies or seeking to change the predominant culture of secrecy.

The contact person for ATI functions and duties with whom the researches met in all of the assessed agencies was either the media spokesman, head of public relations, customer services officer, or head of the legal department (as in the case of the Ministry of Justice). There is no designated employee in any of these ministries to solely handle ATI functions and duties. In all the assessed agencies, ATI tasks and responsibilities are added to the main work of the designated employee. However, most of the heads of the agencies do not see a need to assign a full-time employee for ATI due to what they consider to be a small workload, given the low number of information requests and the general lack of awareness of ATI. Rather, they believe that any employee can be responsible and have ATI tasks merged within his or her original tasks.

There is no proactive disclosure obligation in Jordan's ATI law. Nevertheless, in a few of the agencies there were systems for sharing information with the public, including posting information on the websites. While agencies and ministries produce annual reports in which they publish their administrative status and achievements, a number of the heads of these agencies do not see a need to highlight access to information in these reports.

Overall, the assessment demonstrated that many of the agencies assessed do not apply ATI functions and duties in a highly professional and systematized manner as is outlined by the IAT indicators. Rather, these agencies implement the ATI law as they see suitable, only working to guarantee the execution of the law. This practice is both an advantage and a disadvantage—an advantage in that cooperative agencies and ministries are responding to ATI requests in all possible ways, and a disadvantage because uncooperative agencies and are not providing information smoothly and relying on lack of systems and past cultures of secrecy. Therefore, the full and effective implementation of the access to information law in the more uncooperative bodies should be a priority.

Finally, the Customs Department was originally included for application of the implementation assessment tool. Unfortunately, the survey could not be completed due to a lack of knowledge and training on the ATI law and implementation. Initially, the problem was in identifying a contact person with ATI functions and duties; and nobody seemed to know about the ATI law or its implementation. The researcher tried several times to reach the department by phone to set up an appointment, but failed. With persistence, she managed to meet with the customer service officer, but he did not have any knowledge of ATI functions and duties and had never heard about the ATI law. The customer service officer directed the researcher to the media spokesman, where a complex procedure for meeting with the official was explained, including the delivery of an official letter. After delivering the official letter previously, the IAT researcher waited over three-hours and was then redirected back to the original customer service officer, who directed the team back to the spokesperson. When the researcher finally met with the media spokesperson,

---

[38] The summary of findings was largely drawn from the narrative drafted by researcher Hilda Ajeilat.

he noted that he was insufficiently knowledgeable about access to information and the department's implementation efforts. Following the researcher's fifth unsuccessful visit to the agency, the Customs Department was removed from the pilot application of the IAT for unresponsiveness.

Specific Findings by Agency

Ministry of Agriculture

The Ministry of Agriculture does not have a system in place for access to information. They respond to information requests as they see fit; there are no forms for information requests and when anyone needs information, they can directly approach the ministry by phone, fax, email, or official letter. The ministry has developed few rules, guidelines or process to ensure full and effective implementation. We concluded that the ministry has no systems in place regarding access to information, and the tasks are tackled randomly at the discretion of the employee or depending on whether the current minister approves of the mechanism. The ministry does have classifications for documents, but there is no record or tracking of access to information requests largely because they lack the official form that would indicate a request had formally been submitted. As there is no designated or specially trained public official responsible for these duties, anyone can respond to the requests for information in the way that he or she sees appropriate, with neither a certain system in place nor a set policy to follow.

Ministry of Education

At the Ministry of Education, the media spokesman is the employee responsible for access to information functions and duties. The ministry has participated in workshops organized by relevant civil society organizations to help build the capacity of agency employees that work on ATI functions and duties.

The ministry also provides a printed ATI request form that is available at the customer service section within the ministry. Additionally, the ministry responds to ATI requests filed through various means, such as by fax, phone, or in-person.

Since 2007, the Ministry of Education has received only one ATI request on the official form, as they are likely to respond verbally or via other informal methods. The ministry also has a special center for electronic services—the Queen Rania Center for Information and Technology—that is responsible for archiving information according to its classification. Additionally, the center tracks and monitors responses to ATI requests made at the ministry.

Ministry of Finance

The Ministry of Finance houses the Departments of Customs, Lands, and Taxes. The media spokesman within the ministry is responsible for ATI functions and duties. While the Ministry of Finance does have a request system, it has not been formalized through writing and is more so a custom or habit within the ministry. The ministry does make available and uses ATI request forms and has adopted some minimal forms of proactive disclosure. However, the Ministry of Finance, like many of the other ministries, does not have sufficient systems or personnel for proactive disclosure. While a website exists, it is not utilized as a robust mechanism for sharing and disseminating information held by the agency.

An interview with the media spokesman revealed his preference for a specialized person who is responsible for ATI functions and duties. Currently, the customer service department receives the requests and transfers them to the media spokesperson, and he is required to handle them in addition to his media responsibilities. While he believes he can fulfill the ATI duties, he feels that it would be better if a dedicated and specially trained person handled all requests.

Ministry of Health

As with the Ministries of Education and Finance, the Ministry of Health's media spokesman has been tasked as the person responsible for ATI functions and duties. The Ministry of Health has been particularly effective in its awareness raising campaigns regarding access to information, including the placement of posters on the ministry premises that outline ATI procedures. Additionally, the ministry has electronic and printed forms available for filing ATI requests, and the ministry's health outreach campaigns include a component on ATI's value and procedures. Further, the ministry carries out simple monitoring through its media department since the ministry is not overloaded with ATI requests.

However, the systems for receiving and responding to requests and proactive disclosure have not been fully established and implemented. There are insufficient trained personnel to fulfill these access to information responsibilities, and minimal monitoring and oversight of performance.

Ministry of Justice

The specialized person who has been tasked responsible for ATI implementation within the Ministry of Justice, including receiving, responding, and transferring ATI requests, is the head of the ministry's legal department and a senior judge. The seniority of this person and his commitment to advancing access to information is reflected in the progress that the ministry has made in implementing the access to information law. In an interview with this official, he indicated that the Ministry of Justice received around 18 ATI requests in 2013 and that he has sufficient time to respond to the requests. He explained that the ministry makes both electronic and printed ATI request forms available. Further, he believes that the Ministry of Justice may have been the first ministry to employ such forms and mechanisms.

The Ministry of Justice discloses the number of requests that have been received during the year within their annual report. Also, the ministry proactively discloses information without the need for a request. Hence, there is a constant flow of information provided to the citizens in Jordan by the Ministry of Justice. The head of the legal department also indicated that the ministry has implemented a good system for classifying documents and that a full-time employee is responsible for carrying out this mission.

The head of the legal department transfers information requests to the appropriate department and then follows up on the requests within 30 days, if not earlier depending on the urgency and kind of information requested. Also, the ministry's department of legal issues capacitates employees and judges using specialized training curricula that is developed by the judicial council and covers several topics which include the access to information law. The training materials are specialized enough that they can be used as a reference for the future.

Statistics Department

The Statistics Department has advanced in its implementation and application of ATI, with clear guidelines for access to information requests and procedures for processing, including a specific guideline book for ATI processes. Most of the department's work focuses on access to information since the nature of its work is in statistics. The department has specialized officials who have been trained on access to information. Further, the agency has a specialized place to receive in-person access to information requests (the customer service desk), and can receive requests electronically via fax and email. For journalists, the department also will respond to requests by phone. While there is a lack of specific budget for implementation and operationalization of the right of access to information, the Statistics Department has demonstrated important progress in institutionalizing the right of access to information.

Indicators

Fundamental Functions: Leadership

1. Does an agency official with authority over policy actively participate in the creation, adoption, or review of ATI specific policy?
    a. Yes
    b. No
    c. Not applicable, agency official does not have authority to create, adopt or review ATI specific policy

2. How often does agency official with authority over policy participate in meetings with public officials responsible for ATI activities?
    a. Twice a year
    b. Once a year
    c. Rarely or never

3. Does the agency's strategic plan incorporate ATI, such as by including principles of access to information in goals, objectives, and/or outcomes?
    a. Yes
    b. No

Fundamental Functions: Rules

4. Does the agency create or adopt specific guidelines on ATI?
    a. Yes
    b. No

5. How often are ATI guidelines reviewed by an agency official with authority over policy?
    a. ATI guidelines are reviewed at least every two years
    b. ATI guidelines are reviewed periodically
    c. ATI guidelines have not been reviewed
    d. Not applicable, the guidelines are less than two years old

6. How often are ATI guidelines revised by an agency official with authority over policy?
    a. ATI guidelines are revised following a change in policy
    b. ATI guidelines have not been revised following a change in policy
    c. Not applicable, the policy has not been changed or agency does not have authority to revise

7. Does the agency make all guidelines available for reference?
    a. The guidelines are kept online or in an easily accessible reference center for consultation by civil servants and the public
    b. The guidelines are kept online or in an easily accessible reference center but are only available to civil servants
    c. The guidelines are not easily available for reference or do not exist

8. Does the agency have a document(s) that establishes instructions for ATI implementation and/or operation?
    a. The document(s) incorporates **all** of the following:
        i. actions;
        ii. timeframe;
        iii. responsible person; and
        iv. monitoring mechanism
    b. The document(s) incorporates some but not all of the above
    c. There is no document(s) that establishes instructions for ATI implementation and/or operation.

9. Does the document(s) detailing instructions for ATI implementation and/or operation currently reflect the agency's ATI policy?
    a. Yes
    b. No

10. Has the agency internally disseminated the document(s) detailing instructions for ATI implementation and/or operation?
    a. The document(s) has been disseminated electronically and/or in print to all public officials who handle and manage information
    b. The document(s) has only been disseminated to some public officials
    c. The document(s) has only been referenced and not disseminated or there is no document(s)

Fundamental Functions: Systems

11. Does the agency's public outreach specifically include a component regarding ATI?
    a. Yes
    b. No

12. Does the agency's public outreach specifically include information on ATI procedures?
    a. Yes

b. No

Fundamental Functions: Resources

13. Has one or more public official been formally tasked/appointed responsible for ATI functions and duties?

    a. One or more public official(s) has been formally tasked/appointed with ATI functions and duties

    b. One or more public official(s) has been informally tasked/appointed with ATI functions and duties

    c. There is no specific tasking of ATI functions and duties

14. Has the name of the public official(s) tasked/appointed responsible for ATI functions and duties been made known to the public?

    a. Yes

    b. No

15. Does the public official(s) tasked/appointed responsible for ATI functions and duties have the authority needed to comply with ATI mandate?

    a. Yes

    b. No

16. Does the public official(s) tasked/appointed responsible for ATI functions and duties have the time and staff needed to fulfill his/her ATI responsibilities?

    a. The public official(s) tasked/appointed responsible for ATI functions and duties has both the time and staff needed to fulfill his/her ATI responsibilities

    b. The public official(s) tasked/appointed responsible for ATI functions and duties has the time but not the staff needed to fulfill his/her ATI responsibilities

    c. The public official(s) tasked/appointed responsible for ATI functions and duties does not have the time but does have the staff needed to fulfill his/her ATI responsibilities

    d. The public official(s) tasked/appointed responsible for ATI functions and duties does not have the time or the staff needed to fulfill his/her ATI responsibilities

17. Does the public official(s) tasked/appointed responsible for ATI functions and duties and his/her staff receive **specialized** training on ATI?

    a. The public official(s) tasked/appointed responsible for ATI functions and duties and his/her staff receive specialized training on ATI in order to effectively do their job

    b. The public official(s) tasked/appointed responsible for ATI functions and duties and his/her staff receive specialized training on ATI but not sufficient in order to effectively do their job

    c. The public official(s) tasked/appointed responsible for ATI functions and duties and his/her staff do not receive specialized training on ATI

18. Are all public officials made aware of basic ATI principles?

    a. All public officials are periodically made aware of basic ATI principles through formal institutional mechanisms

    b. All public officials receive periodic communication regarding basic ATI principles but not formally

    c. All public officials receive formal communication regarding basic ATI principles but not periodically

    d. No systematized formal mechanisms are undertaken by the agency to periodically make public officials aware of basic ATI principles

19. Are training materials related to ATI created and maintained for future reference by public officials?

    a. All training materials related to ATI are kept online or in an easily accessible reference center for consultation by public officials

    b. Some but not all training materials related to ATI are made available for consultation

    c. Training materials related to ATI are not created or they are not made available

20. Does the public official(s) responsible for ATI functions and duties have regular access to necessary equipment?

    a. The responsible public official(s) has dedicated or regular access to **all** of the following:

        i. computers with internet;

        ii. scanners; and

        iii. photocopy machines

    b. The responsible public official(s) has dedicated or regular access to some but not all of the above

    c. The responsible public official(s) has no access or irregular access

21. Does the agency specifically allocate the financial resources necessary for fulfilling its ATI functions and duties?

    a. Yes

    b. No

Fundamental Functions: Monitoring

22. Does the agency monitor its ATI functions and duties?

    a. The agency regularly monitors its ATI functions and duties and written reports with findings and recommendations are issued

    b. The agency regularly monitors its ATI functions but

written reports with findings and recommendations are not issued

c. The agency does not regularly monitor its ATI functions

23. Is an agency report on its ATI functions and duties prepared and released annually to the public?

a. A report on the agency's ATI functions and duties is prepared and released annually to the public, including qualitative and quantitative information and user end data

b. A report with general information on the agency's ATI functions and duties is prepared and released annually to the public

c. A report related to the agency's ATI functions and duties is prepared but not released annually to the public

d. A report on the agency's ATI functions and duties is not prepared annually

24. Does the agency's internal oversight body/auditing mechanism take into account ATI functions and duties?

a. Yes

b. No

25. Does the agency's performance review take into account ATI?

a. The agency's performance review takes into account ATI for all public official(s) who handle and manage information

b. The agency's performance review takes into account ATI for public official(s) tasked with specific ATI functions and duties

c. The agency's performance review does not take into account ATI

Fundamental Functions: Wildcard

26. In your expert opinion, in practice does the agency effectively fulfill its fundamental function related to access to information?

a. In practice, the agency fulfills its fundamental function related to access to information by effectively incorporating **all** of the following components:

   i. leadership
   ii. rules;
   iii. systems;
   iv. resources; and
   v. monitoring

b. In practice, the agency partly fulfills its fundamental function by effectively incorporating some of the components but not all

c. In practice, the agency does not effectively fulfill its fundamental function related to access to information

Receive and respond to requests: Rules

27. Has the agency created or adopted written guidelines for receiving requests?

a. The agency has created or adopted written guidelines for receiving requests that include **all** of the following:

   i. determining what constitutes a request;
   ii. providing an acknowledgment of receipt; and
   iii. assisting the requester

b. The agency has created or adopted written guidelines that include some but not all of the above

c. The agency has not created or adopted written guidelines for receiving requests

28. Has the agency created or adopted written guidelines for processing requests?

a. The agency has created or adopted written guidelines for processing requests that include **all** of the following:

   i. coordination within the agency;
   ii. timeframes;
   iii. cost determination;
   iv. fee collection; and
   v. transfer (where applicable)

b. The agency has created or adopted written guidelines that include some but not all of the above

c. The agency has not created or adopted written guidelines for processing requests

29. Has the agency created or adopted written guidelines for responding (release or deny) to requests?

a. The agency has created or adopted written guidelines for responding to requests that include **all** of the following:

   i. process for determining release;
   ii. means for providing requested information;
   iii. means for providing notice of denial; and
   iv. reason for denial of information requested

b. The agency has created or adopted written guidelines that include some but not all of the above

c. The agency has not created or adopted written guidelines for responding to requests

30. Has the agency created or adopted written guidelines for internal review?

a. The agency has created or adopted written guidelines for internal review that include **all** of the following:

   i. receiving requests for review;
   ii. reviewing agency's motives for initial decisions; and
   iii. issuing findings and decisions

b. The agency has created or adopted written guidelines that include some but not all of the above

c. The agency has not created or adopted guidelines for

internal review

d. Not applicable, if the law does not mandate/provide for internal review

31. Does the document(s) detailing instructions for implementation and/or operations have the necessary components for receiving and responding to requests?

a. The document(s) detailing instructions for implementation and/or operations includes **all** of the following:

i. developing or adjusting procedures (receiving requests, redaction, transfer, responding, internal review);

ii. training for key personnel;

iii. assigning functions and responsibilities; and

iv. developing/operationalizing systems and forms

b. The document(s) detailing instructions for implementation and/or operations includes some but not all of the above

c. There is no document(s) that details instructions for implementing and/or operations for receiving and responding to requests

Receive and respond to requests: Systems

32. Has the agency created or adopted a system for logging and tracking requests and responses?

a. The agency has created a logging and tracking system that includes **all** of the following:

i. is kept current;

ii. tracks a request in one place; and

iii. details the request from submission through resolution, including processing agent(s), transfers, and internal reviews

b. The agency has created or adopted a logging and tracking system that includes some but not all of the above

c. The agency has not created or adopted a logging and tracking system

33. Has the agency created or adopted a system for processing a request?

a. The agency has created or adopted a system for processing a request that includes **all** of the following:

i. identifying who in the agency holds the information

ii. searching and finding information; and

iii. determining release, redaction, or denial

b. The agency has created or adopted a system for processing a request that includes some but not all of the above

c. The agency has not created or adopted a system for processing a request

34. Has the agency created or adopted a system for transferring requests to other agencies?

a. The agency has created or adopted a system for transfer of requests that includes **all** of the following:

i. identifying the correct agency;

ii. transferring requests; and

iii. providing notice of transfer to the requester

b. The agency has created or adopted a system that includes some but not all of the above

c. The agency has not created or adopted a system for transferring requests

d. Not applicable, if the law does not provide for transfers

35. Has the agency created or adopted a system for issuing and serving responses?

a. The agency has created or adopted a system for issuing and serving responses that includes **all** of the following:

i. provision of requested documents;

ii. notice and collection of fees, where applicable; and

iii. sending notice of denial and right of review or appeal

b. The agency has created or adopted a system for issuing and serving responses that includes some but not all of the above

c. The agency has not created or adopted a system for issuing and serving responses

Receiving and Responding to Requests: Resources

36. Is there a designated space, physical or virtual, for receiving and responding to requests?

a. Yes

b. No

Receiving and Responding to Requests: Monitoring

37. Does the agency capture statistics related to receiving and responding to requests?

a. The agency systematically captures statistics including **all** of the following:

i. number of requests;

ii. number of transfers (if applicable);

iii. number of denials;

iv. reasons for denial; and

v. number of days to respond to requests

b. Some of the statistics are systematically captured but not all of the above

c. The agency does not systematically capture statistics

Receive and respond to requests: Wildcard

38. In your expert opinion, in practice does the agency ef-

fectively fulfill its function related to receiving and responding to requests?

    a. In practice, the agency fulfills its function related to receiving and responding to requests by effectively incorporating **all** of the following components:
        i. rules;
        ii. systems ;
        iii. resources; and
        iv. monitoring
    b. In practice, the agency partly fulfills its function related to receiving and responding to requests by effectively incorporating some of the components but not all
    c. In practice, the agency does not effectively fulfill its function related to receiving and responding to requests

Proactive Disclosure: Rules

39. Has the agency created or adopted written guidelines for proactive disclosure?

    a. The agency has created or adopted written guidelines for proactive disclosure that includes **all** of the following:
        i. development of the publication scheme;
        ii. updating and maintaining the scheme;
        iii. guidance for clearly identifying/listing classes of documents to be proactively disclosed; and
        iv. how documents will be disclosed
    b. The agency has created or adopted written guidelines for proactive disclosure that includes some but not all of the above
    c. The agency has not created or adopted written guidelines for proactive disclosure

40. Does the document(s) detailing instructions for implementation and/or operations have the components necessary for proactive disclosure?

    a. The document(s) detailing instructions for implementation and/or operations for proactive disclosure includes **all** of the following:
        i. public official responsible for developing and maintaining publication scheme;
        ii. public official responsible for gathering, systematizing, and placing the documents in the public realm;
        iii. timeframes;
        iv. actions necessary to proactively disclose the documents; and
        v. actions for maintaining current the automatic publication and disclosure of documents
    b. The document(s) detailing instructions for implementation and/or operations for proactive disclosure includes some but not all of the above

c. There is no document(s) detailing instructions for implementation and/or operations for proactive disclosure

Proactive Disclosure: Systems

41. Has the agency created or adopted a system for proactive disclosure?

    a. The agency has created or adopted a system for proactive disclosure that includes **all** of following:
        i. creating and maintaining publication scheme;
        ii. placing documents in public realm;
        iii. updating and adding document(s) for proactive disclosure; and
        iv. publishing previously requested document(s)
    b. The agency has created or adopted a system for proactive disclosure that includes some but not all of the above
    c. The agency has not created or adopted a system for proactive disclosure

Proactive Disclosure: Resources

42. Has one or more public official been formally tasked/appointed responsible for proactive disclosure functions and duties?

    a. One or more public official has been formally tasked/appointed responsible for proactive disclosure functions and duties
    b. One or more public official has been informally tasked/appointed responsible for proactive disclosure functions and duties
    c. There is no specific tasking of proactive disclosure functions and duties

43. Does the public official(s) responsible for proactive disclosure have the time and staff necessary to effectively fulfill his/her functions and duties?

    a. The public official(s) tasked/appointed responsible for proactive disclosure has both the time and staff needed to fulfill his/her functions and duties
    b. The public official(s) tasked/appointed responsible for proactive disclosure has the time but not the staff needed to fulfill his/her functions and duties
    c. The public official(s) tasked/appointed responsible for proactive disclosure does not have the time but does have the staff needed to fulfill his/her functions and duties
    d. The public official(s) tasked/appointed responsible for proactive disclosure does not have the time or the staff needed to fulfill his/her functions and duties

44. Is the public official(s) responsible for proactive disclosure trained to comply with their duties?

    a. The public official(s) responsible for proactive disclo-

sure receives specialized training in order to effectively do their job

b. The public official(s) responsible for proactive disclosure receives some specialized training but not sufficient in order to effectively do their job

c. The public official(s) responsible for proactive disclosure does not receive specialized training

45. Has the agency established space, physical or virtual, for public viewing of information proactively disclosed?
    a. Yes
    b. No

Proactive Disclosure: Monitoring

46. Does the agency capture statistics related to proactive disclosure?
    a. The agency captures statistics on proactive disclosure that include **all** of the following:
        i. the number of documents placed in the public realm;
        ii. how often documents are published proactively; and
        iii. the number of documents automatically disclosed following a specific request
    b. The agency systematically captures some statistics related to proactive disclosure but not all of the above
    c. The agency does not systematically capture statistics related to proactive disclosure

47. Does the agency monitor its proactive disclosure?
    a. The agency regularly monitors its proactive disclosure and written reports with findings and recommendations are issued
    b. The agency regularly monitors its proactive disclosure but written reports with findings and recommendations are not issued
    c. The agency does not regularly monitor its proactive disclosure

Proactive Disclosure: Wildcard

48. In your expert opinion, in practice does the agency effectively fulfill its function related to proactive disclosure?
    a. In practice, the agency fulfills its function related to proactive disclosure by effectively incorporating **all** of the following components:
        i. rules;
        ii. systems ;
        iii. resources; and
        iv. monitoring;
    b. In practice, the agency partly fulfills its function related to proactive disclosure by effectively incorporating some of the components but not all

c. In practice, the agency does not effectively fulfill its functions related to proactive disclosure

Records Management: Leadership

49. Does an agency official with authority over policy actively participate in creation, adoption, or review of records management policy?
    a. Yes
    b. No
    c. Not applicable, agency official does not have authority to create, adopt or review records management policy

50. Has the agency created or adopted an information policy for managing paper based and electronic information?
    a. Yes
    b. No

Records Management: Rules

51. Has the agency created or adopted written guidelines for records management, regardless of format (including electronic records, maps etc.)?
    a. The agency has created or adopted written guidelines for records management that include **all** of the following:
        i. obligations and procedures for creating records;
        ii. organizing records;
        iii. storing/preserving;
        iv. retention scheme;
        v. security; and
        vi. retrieval and access
    b. The agency has created or adopted some written guidelines for records management but do not include all of the above
    c. The agency has not created or adopted written guidelines for records management

52. Has the agency created or adopted written guidelines for classification of documents?
    a. The agency has created or adopted written guidelines for classification of documents that includes **all** of the following:
        i. determining classification and periods of classification (reserve);
        ii. access and internal transmission of classified documents; and
        iii. creation of index of classified documents
    b. The agency has created or adopted some written guidelines for classification of documents but do not include all of the above
    c. The agency has not created or adopted written guidelines for classification of documents

53. Does the document(s) detailing instructions for imple-

mentation and/or operations for a records-management system have the necessary components?

a. The document(s)detailing instructions for implementation and /or operations for a records management system incorporates **all** of the following:

i. reference to public officials responsible for establishing or maintaining records management system;

ii. actions necessary to establish or maintain records management system, including inventory; and

iii. a timeframe for completion of action to establish or maintain records management system

b. The document(s) detailing instructions for implementation and/or operations include some but not all of the above

c. There are no document(s) detailing instructions for implementation and/or operations of records management system

Records Management: Systems

54. Has the agency created or adopted a system for classifying documents?

a. The agency has created or adopted a system for classifying documents that includes **all** of the following:

i. assessing documents for classification when created, received, transmitted and/or requested;

ii. security measures and timelines for classification when archiving; and

iii. creating and disseminating an index of classified documents

b. The agency has created or adopted a system for classifying documents that includes some but not all of the above

c. The agency has not created or adopted a system for classifying documents

55. Has the agency created or adopted a system to manage its paper records?

a. The agency has created or adopted a system to manage paper records that includes **all** of the following:

i. creation and classification;

ii. survey and inventory;

iii. indexes and circulation logs;

iv. security rights and access permission; and

v. retention and disposal

b. The agency has created or adopted a system for managing paper records but it does not include all of the above

c. The agency has not created or adopted a paper records management system

56. Has the agency created or adopted a system to manage its electronic records?

a. The agency has created or adopted a system to manage electronic records that includes **all** of the following:

i. creation;

ii. survey and inventory;

iii. organization;

iv. security rights and access permissions; and

v. retention and disposal

b. The agency has created or adopted a system for managing electronic records but it does not include all of the above

c. The agency has not created or adopted an electronic records management system

57. Has the agency created or adopted a system to retrieve and access paper records?

a. The agency has created or adopted a system to retrieve and access paper records, which includes **all** of the following:

i. a classification structure;

ii. indexes;

iii. scheme to physically locate records; and

iv. a log that tracks circulation and retrieval

b. The agency has created or adopted a system for retrieving and accessing paper records, but does not include all of the above

c. The agency has not created or adopted a paper records retrieval and access system

58. Has the agency created or adopted a system to retrieve and access electronic records?

a. The agency has created or adopted a system to retrieve and access electronic records that includes **all** of the following:

i. a classification structure;

ii. naming conventions for records in shared drives; and

iii. location of systems holding electronic records

b. The agency has created or adopted a system to retrieve and access electronic records but does not include all of the above

c. The agency has not created or adopted an electronic records retrieval and access system

Records Management: Resources

59. Has one or more public official been formally tasked/appointed responsible for records management?

a. One or more public official(s) has been formally tasked/appointed with records management functions and duties

b. One or more public official(s) has been informally tasked/appointed with records management functions and duties

c. There is no specific tasking of records management function and duties

60. Does the public official(s) tasked/appointed responsible for records management functions and duties have the time and staff needed to fulfill his/her responsibilities?

a. The public official(s) tasked/appointed responsible for records management functions and duties has both the time and staff needed to fulfill his/her responsibilities

b. The public official(s) tasked/appointed responsible for records management functions and duties has the time but not the staff needed to fulfill his/her responsibilities

c. The public official(s) tasked/appointed responsible for records management functions and duties does not have the time but does have the staff needed to fulfill his/her responsibilities

d. The public official(s) tasked/appointed responsible for records management functions and duties does not have the time or the staff needed to fulfill his/her responsibilities

61. Does the public official(s) tasked/appointed responsible for records management and his/her staff receive specialized training on records management?

a. The public official(s) tasked/appointed responsible for records management and his/her staff receive specialized and formal training on records management

b. The public official(s) tasked/appointed responsible for records management and his/her staff receives only formal basic records management training

c. The public official(s) tasked/appointed responsible for records management and his/her staff receives no formal training

62. Are all public officials made aware of basic records management procedures?

a. All public officials are periodically made aware of basic records management procedures through formal institutional mechanisms

b. All public officials receive periodic communication regarding basic records management procedures but not formally

c. All public officials receive formal communication regarding basic records management procedures but not periodically

d. No systematized formal mechanisms are undertaken by the agency to make public officials aware of basic records management procedures

63. Has the agency created space for storage (including electronic records) and archives of records?

a. The agency has created space (physical and electronic) to store and preserve all relevant documents

b. The agency has created space (physical and electronic) to store and preserve all relevant documents but it is not sufficient

c. The agency has not created space to store all relevant documents

Records Management: Monitoring

64. Does the agency monitor its records management system?

a. The agency regularly monitors its records management system and written reports with findings and recommendations are issued

b. The agency regularly monitors its records management system but written reports with findings and recommendations are not issued

c. The agency does not regularly monitor its records management system

Records Management: Wildcard

65. In your expert opinion, in practice does the agency effectively fulfill its function related to records management?

a. In practice, the agency fulfills its function related to records management by effectively incorporating all of the following components:

i. leadership;
ii. rules;
iii. systems;
iv. resources; and
v. monitoring;

b. In practice, the agency partly fulfills its function related to records management by effectively incorporating some of the components but not all

c. In practice, the agency does not effectively fulfill its functions related to records management