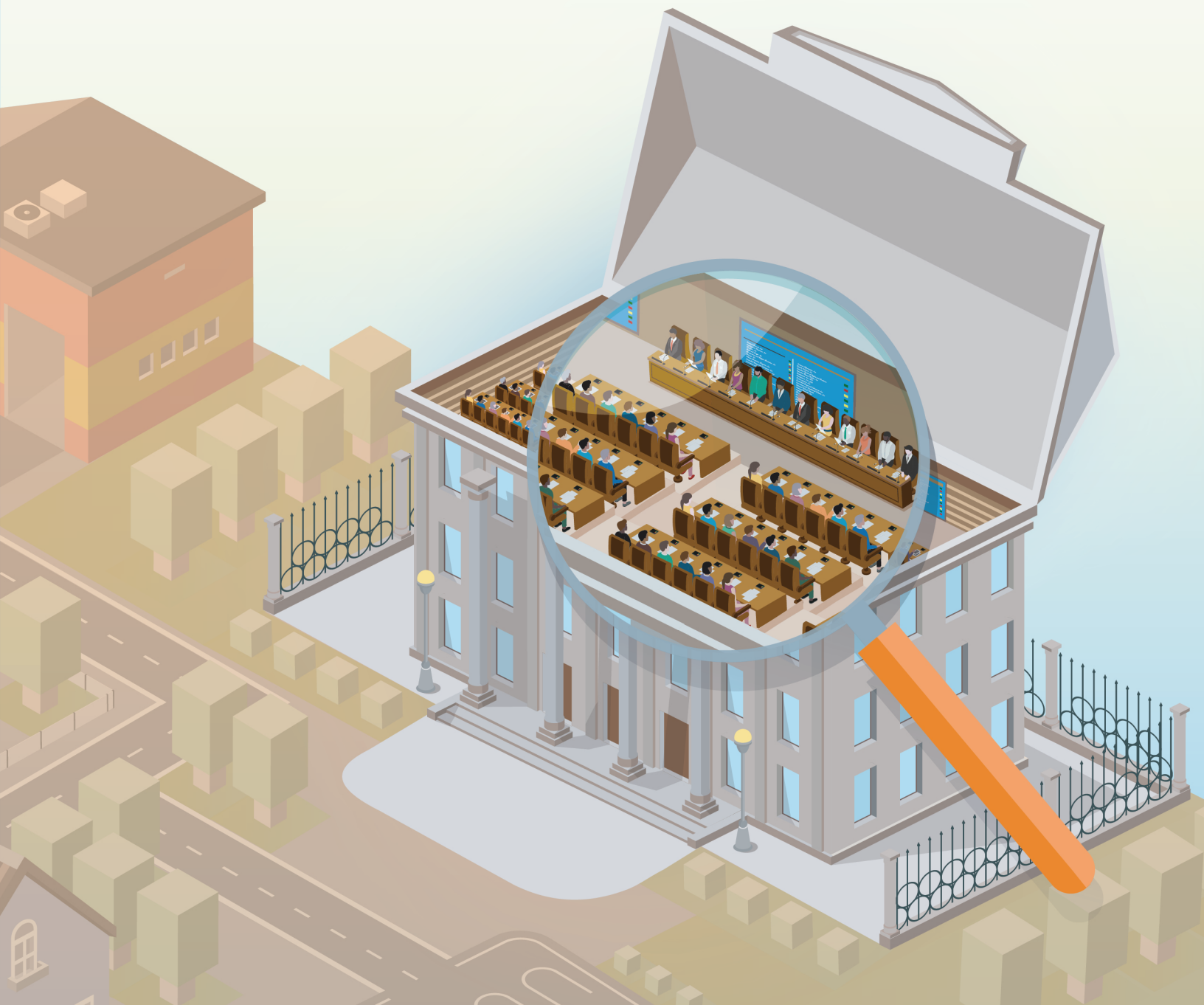


Legislative Transparency Toolkit

Concepts, Tools, and Good Practices





PROGRAMA FINANCIADO
POR LA UNIÓN EUROPEA



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Prologue

Transparency and access to information are two fundamental principles of modern democratic systems. Both pillars, which are included in various universal declarations and treaties, guide State action for the provision of public goods and services. Furthermore, they have been recognized as essential in the 2030 Agenda as part of the effort to achieve the Sustainable Development Goals.

Public institutions around the world are called upon to include transparency and access to information in their policies and programs in a comprehensive manner. In the Americas and the Caribbean, several countries already have enforcement bodies that monitor the application of transparency laws in the State apparatus, as well as among private entities. These institutions ensure that the aforementioned rights are exercised, while promoting accountability and public participation.

In turn, legislatures aim to develop policies, tools, and practices to support these principles within the framework of modernization processes. Furthermore, open parliament action plans and commitments have been implemented as part of the global movement for legislative openness that is encouraging these institutions to prioritize transparency and open access to public information.

In this context, the European Union program, EUROsociAL+, the Transparency and Access to Information Network (RTA), and ParlAmericas have collaborated on the development of a toolkit aimed at strengthening both rights in the parliaments of the Americas and the Caribbean. The purpose of this publication is to continue deepening the process toward institutional openness and to promote the adoption of good practices in the hemisphere, taking into account the processes, stages, standards, indicators, and examples that facilitate their implementation.

The tools included in this document are aimed at contributing to the work of the legislators and parliamentary staff of the Americas and the Caribbean in their efforts to continue with modernization processes and the open parliament agenda, even in complex scenarios such as the one caused by the current COVID-19 pandemic. Furthermore, we trust that this tool will serve as a point of convergence and encourage closer collaboration between parliaments and the enforcement bodies of each of the countries in the region.

We would like to reaffirm our commitment to promoting transparency and access to information, which contribute decisively to building healthy, strong, and inclusive democracies.

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Chairman of the Executive Board of the
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1. Introduction

Transparency and access to information are fundamental principles in democratic systems. They guide the management of public institutions, allow citizen empowerment and vigilance with regard to public affairs, reduce the risk of corruption within the State, and contribute to the achievement of the Sustainable Development Goals (SDGs), especially SDG 16, which is focused on promoting “Peace, Justice and Solid Institutions.” Inter-institutional and multi-level collaboration within each country, as well as cooperation between regional and international networks and organizations, are crucial to promoting these principles.

The parliament, which is characterized by democratic representation, has an essential role in furthering a development agenda focused on people and their needs, guaranteeing inclusive, gender-focused public policies and following participatory and transparent processes—key aspects to achieving sustainable development without leaving anyone behind.

Legislative transparency makes it possible to strengthen and improve democratic systems, opening their spheres of action to the public space. This is achieved by making public information available to the public for consultation in an open, accessible, and reusable way, promoting public participation in the country’s legislative process, as well as implementing accountability mechanisms as instruments for evaluating public policies, representatives, and the implementation of the global 2030 Agenda.

In this regard, EUROsociAL+, the Transparency and Access to Information Network (RTA), and ParlAmericas have embarked on a project that draws on the work and good practices promoted by these organizations to continue strengthening these principles in the legislatures of the Americas and the Caribbean through the development of a Legislative Transparency Toolkit.

EUROsociAL+, coordinated by the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP), aims to support national public policies in Latin America focused on improving social cohesion, as well as strengthening the responsible institutions through the exchange of experiences, knowledge, and good practices between public administrations of the European Union and those of Latin America addressing similar problems and political changes in pursuit of greater social cohesion.

The Democratic Governance area of EUROsociAL+ has promoted transparency and access to public information policies, first by strengthening the capabilities of its enforcement bodies, working with the RTA on the implementation of strategic projects, such as a transparency measurement model, a records management model, or the gender approach in transparency policies, among others, as well as by supporting bilateral actions with Latin American countries.

In this second stage of work, EUROsociAL+ has decided to incorporate new strategic actors to continue to strengthen transparency policies in the region, integrating legislatures as relevant actors not only with respect to the performance of their legislative functions but also as direct representatives of citizens’ interests, with an increased understanding of their role through the implementation of transparency and accountability mechanisms.

The RTA¹ is made up of the authorities responsible for guaranteeing the right of access to public information. It aims to maintain a permanent and formal space for dialogue and cooperation, as well as for the exchange of knowledge and experiences among its members. The network includes 38 institutions from 17 countries in Latin America and Spain. The RTA is currently a model for learning exchanges on matters of transparency and the right of access to public information, which contributes to greater accountability and stronger governance.

¹ For more information, click on the following link: <https://redrta.org/>

ParlAmericas² is the institution that promotes parliamentary diplomacy in the inter-American system; it is made up of the 35 national legislatures from North, Central and South America, and the Caribbean. ParlAmericas is governed by legislators representing their respective parliaments at the institutional level. It encourages cooperative political dialogue and facilitates the exchange of parliamentary good practices in order to further gender equality, foster actions and policies for climate change adaptation and mitigation, and promote open parliaments in the Americas and the Caribbean.

To this end, ParlAmericas has established parliamentary networks focused on the pillars of its work, including the Open Parliament Network (OPN). OPN encourages legislative openness through efforts that aim to translate principles of transparency and access to public information, accountability, public participation, and ethics into concrete actions by its member parliaments. Along these lines, OPN developed the *Road Map towards Legislative Openness*³ through a joint effort with legislators and civil society organizations in the hemisphere, which was approved at the first OPN gathering in 2016. This document highlights transparency and access to information as fundamental pillars for promoting open parliaments and outlines actions that national legislatures can take on the matter. ParlAmericas has also carried out study visits, annual gatherings, and inter-parliamentary meetings and provided resources to encourage the implementation of open parliament principles, especially transparency and access to information, which lays the groundwork for progress on other principles of legislative openness.

EUROsociAL+, the RTA, and ParlAmericas jointly defined and developed the “Legislative Transparency Toolkit” project, which aims to continue to promote good practices in transparency and access to information in legislatures, through the design and implementation of a *“set of management tools, developed as models, manuals, or protocols, with a detailed description of work processes, in addition to standards (criteria/indicators) for their assessment.”*

The strategic partnership between EUROsociAL+, the RTA, and ParlAmericas allows us to draw on the perspective of enforcement bodies for access to information and legislatures, in order to establish a common vision and interest in the harmonious and concrete application of transparency policies.


The process involved the direct participation of RTA representatives through the Council of Transparency and Good Governance of Spain (CTBG), the National Institute for Transparency, Access to Information and Personal Data Protection (INAI) of Mexico, the Institute for Access to Public Information (IAIP) of Honduras, and the Access to Public Information Unit (UAIP) of Uruguay. These institutions formed a working group with representatives from four Latin American legislative bodies: the Chamber of Deputies of Argentina, the Chamber of Deputies of Chile, the Legislative Assembly of Costa Rica, and the Chamber of Senators of Paraguay. This made it possible to develop tools and assess their effectiveness with respect to the demands and needs expressed by representatives of these institutions.

In addition, the project was supported by specialists in the design of various jointly developed tools, incorporating the team’s experience and taking into account the main information and governance needs of the parliaments involved. Through work meetings in Rio de Janeiro (Brazil), San José (Costa Rica), Mexico City (Mexico), and Panama City (Panama), representatives of the RTA, ParlAmericas, and EUROsociAL+ discussed and identified important aspects and shared good practices and experiences in relation to each of the tools included in this publication.

The Legislative Transparency Toolkit is presented ahead, detailing the following work areas based on the topics addressed in the *ParlAmericas Road Map towards Legislative Openness*: 1) active transparency publication; 2) handling of requests for access to public information; 3) open data; 4) communication and accessibility; and 5) records management, while mainstreaming a gender perspective and facilitating the implementation of SDG monitoring mechanisms.

2 For more information, go to the ParlAmericas website: <http://parlamericas.org/en/default.aspx>

3 For more information on the Road Map towards Legislative Openness, click on the following link: <http://parlamericas.org/uploads/documents/Roadmap-EN-SCREEN.pdf>



For each tool, the document includes related concepts, the goals pursued by its implementation, its features, a working model for its use, international good practices in addition to the guidelines provided, and performance indicators for evaluating current and expected results. In total, the document presents more than 100 international good practices for legislative transparency.

The document is supplemented by an initial chapter on concepts and terms related to transparency and access to information, which serves as a reference and standardizes key definitions to guide the readers of this publication.

2. How to use this toolkit

The aim of this publication is to inspire the parliaments of the Americas and the Caribbean, as well as the legislators and staff of these institutions, to continue to consolidate the principles of transparency and access to information through concrete actions and measures.

In this regard, the recommendations included in this Toolkit can also contribute to the process of co-creating transparency commitments so that they, in turn, can be part of future open parliament action plans in the region.

Furthermore, the measurement indicators proposed for each tool encourage the adoption of work plans by parliaments, so that actions and evaluations can be implemented at different levels—from operational stages to final results (impact)—facilitating the integration of the considerations presented throughout the publication.

Collaborative spaces for the implementation of the Toolkit can be established between enforcement bodies for access to information and legislative bodies, whether or not the latter are bound by a transparency law. These collaborative spaces have already emerged in some countries, such as Mexico⁴ and Chile,⁵ in order to strengthen public transparency policies in their respective countries.

In addition, efforts have been made to ensure that the gender perspective and an approach oriented towards the fulfilment of the SDGs are included in the tools presented in the following section, demonstrating the direct contribution of transparency and access to public information policies to these new perspectives and the contribution of parliaments to their results.

It is important to highlight that this publication is a framework of concepts and practices that can be reviewed and applied to improve legislative transparency and in no way replaces the regulatory frameworks, regulations, and provisions of each country on these matters. It is thus advisable to consider these concepts in addition to such regulatory systems and policies in a harmonious and systematic manner.

4 The National Institute for Transparency, Access to Information and Personal Data Protection (INAI), has established permanent collaboration with both the Chamber of Deputies (<http://inicio.ifai.org.mx/ConveniosInstDocs/CONV-28-2016%20C%C3%A1mara%20de%20Diputados.pdf>) and the Chamber of Senators ([http://inicio.ifai.org.mx/ConveniosInstDocs/OA-07-2015%20SENADO%20\(INAI\).pdf](http://inicio.ifai.org.mx/ConveniosInstDocs/OA-07-2015%20SENADO%20(INAI).pdf)).

5 In Chile, the Council for Transparency has established a collaboration agreement with the Congress' Bicameral Transparency Group to strengthen its transparency standards and advise the legislature on this matter. Click on the following link to see the news: <https://www.consejotransparencia.cl/cplt-firma-convenio-con-comision-bicameral-de-transparencia-del-parlamento-para-aumentar-monitoreo-y-acceso-a-informacion-de-ambas-camaras/>

3. Methodology

Specific objectives were established based on the general goal of the project, namely, “to continue to strengthen transparency and access to information in the legislatures of the Americas and the Caribbean”:

- a) To gain knowledge of and prioritize transparency and access to public information needs and key aspects, as identified by legislatures.
- b) To identify and promote good practices in transparency and access to information in the Americas and the Caribbean, as well as the European Union and internationally.
- c) To design a toolkit with management instruments to continue strengthening the right of access and transparency in parliaments in the region through dialogue and working meetings between the RTA and ParlAmericas.

The project included work with four legislatures from Latin America (Argentina, Chile, Costa Rica, and Paraguay), representing the parliaments of the 35 countries that make up ParlAmericas; four access to information enforcement bodies from Latin America (Spain, Honduras, Mexico, and Uruguay), representing the 21 members of the RTA; and contributions of civil society organizations that are part of the Latin American Network for Legislative Transparency (RLTL).⁶ The agreements and scopes were formalized in the relevant working sessions.

The project included the following work stages:



Launch of the project: Official announcement of the launch of the project, outlining its general structure, participants, deliverables, and detailed work plan. This action was carried out in May 2019 during the XVII RTA Meeting in the city of Rio de Janeiro, Brazil. The concerns and contributions of enforcement bodies for access to public information were also collected as project inputs at this time.



Needs assessment: To identify and define the tools (Toolkit) to be designed jointly with parliaments, a first workshop was carried out with participants from legislatures, enforcement bodies, and experts who shared international good practices as inputs for identifying areas of interest. This took place during the XVII RTA Meeting in the city of Rio de Janeiro, Brazil.

Based on the progress made in ParlAmericas and its Road Map, the work areas identified were: active transparency; requests for access to information; open data; communication; accessibility; records management; gender mainstreaming; and SDG monitoring mechanisms in the parliament. To apply a gender perspective and SDG monitoring tools, a decision was made to implement them across all work areas, showing their different applications in the tools analyzed and the contribution of parliaments in this regard.

⁶ The Latin American Network for Legislative Transparency (RLTL) brings together 32 civil society organizations from 15 Latin American countries working to promote legislative openness and parliamentary monitoring. It is made up of the following organizations: ACJ (Argentina), ADC (Argentina), CIPPEC (Argentina), *Fundación Directorio Legislativo* (Argentina), *Poder Ciudadano* (Argentina), *Fundación CONSTRUIR* (Bolivia), *Chile Transparente* (Chile), *Ciudadanía Inteligente* (Chile), *Congreso Visible* (Colombia), *Instituto de Ciencia Política* (Colombia), *Transparencia por Colombia* (Colombia), *Abriendo Datos Costa Rica* (Costa Rica), *Accesa* (Costa Rica), *Asociación Costa Rica Íntegra* (Costa Rica), *Instituto de Prensa y Libertad de Expresión* (Costa Rica), *Participación Ciudadana* (Dominican Republic), *Corporación Participación Ciudadana* (Ecuador), *Observatorio Legislativo- Fundación Ciudadanía y Desarrollo* (Ecuador), *Acción Ciudadana* (Guatemala), *Guatembia* (Guatemala), *Asociación para una Sociedad Más Justa - ASJ* (Honduras), *Fundar* (Mexico), *Impacto Legislativo* (Mexico), *Transparencia Mexicana* (Mexico), *Visión Legislativa* (Mexico), *Fundación para el Desarrollo de la Libertad Ciudadana* (Panama), *Semillas para la Democracia* (Paraguay), *TEDIC* (Paraguay), *Reflexión Democrática* (Peru), *Transparencia Perú* (Peru), *DATA* (Uruguay), and *Transparencia Venezuela* (Venezuela). For more information and news from the RLTL, visit its Twitter account (@RedLTL): <https://twitter.com/RedLTL?s=09> or its website: <https://www.transparencialegislativa.org/>.



C

Identification and analysis of international good practices: The design of the tools previously included the joint analysis of international good practices with ParlAmericas member parliaments and RTA representatives who participated in the project to identify preferences and make adjustments according to the circumstances of each institution. This action was carried out in a workshop format, where the experiences of the Spanish Congress of Deputies were also shared. Each participating parliament provided a progress report and shared challenges around access to information and legislative transparency, in addition to providing an overview of the levels of application of their regulatory frameworks and current results in their institutions. This took place during the XVII RTA Meeting in the city of Rio de Janeiro, Brazil.

D

Toolkit development: Once stages b) and c) were completed, the development of a toolkit began. These were described according to the format established in the workshop in Rio de Janeiro, Brazil. The first results of this work were the tools for Active Transparency and Open Data, which were sent to the team of participants and specialists for their review and validation.

E

Specialist panels: Once the topics and work formats were validated, production of the other tools began through a process of research and analysis carried out by the consultant responsible for the project. To enhance each of these tools, a second workshop was held in the city of San José, Costa Rica in September 2019, where each working tool was enhanced through its assessment and consultations with different specialists who analyzed the tools, shared their experiences, and identified new needs for the product under development.

During this phase, the need for a conceptual framework with working definitions was identified for greater understanding and clarity on the use of legislative transparency tools.

F

Consultation process for the toolkit: Once all the tools had been developed, two consultation processes were carried out: one with the enforcement bodies at the XVIII RTA Meeting in Mexico City in November 2019 and one with parliamentary staff at the first gathering of the ParlAmericas Parliamentary Staff Network on Open Parliament in Panama City in December 2019. In these two activities, both groups were presented with each of the tools and an online survey was conducted to confirm and identify new aspects to be considered for the toolkit. Lastly, the working document included the contributions of civil society organizations through a review of the Toolkit by the Latin American Network for Legislative Transparency.

G

Distribution of tools and project completion: Once the tools were approved and formatted according to the type of product required, they were distributed to the project participants, members of RTA, and ParlAmericas. The document has been translated into the official languages of ParlAmericas: English, French, Portuguese, and Spanish. It will also be included in the ParlAmericas Open Parliament Portal.⁷

⁷ For more information on the ParlAmericas Open Parliament Portal, click on the following link: <https://partools.org/en/>

4. Background on transparency and the right of access to public information

The purpose of this introductory chapter is to establish a conceptual basis that will facilitate the application of transparency and access to public information policies in legislatures. The content in this chapter is a compilation of international, regulatory, and academic sources outlining the concepts associated with these policies, as well as their scope.

4.1 International sources: Freedom of expression and the right of access to public information

Freedom of expression ensures that all people are able to express their opinions and points of view, which cannot be censored or repressed *ex ante* by any public or private authority. The exercise of such freedom includes the right to access timely and transparent information in relation to the management of public affairs that are directly associated with the State's daily actions.

This principle has been recognized in different international treaties and instruments:

The United Nations (UN) Universal Declaration of Human Rights. December 10, 1948.⁸

This Declaration establishes under Article 19 that *“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

The United Nations (UN) International Covenant on Civil and Political Rights. December 16, 1966.⁹

This Covenant establishes the following under Article 19: *“1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities.”*

The American Convention on Human Rights (Pact of San José, Costa Rica) of the Organization of American States (OAS). November 22, 1969.¹⁰

This Convention establishes under Article 13 that: *“everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.”*

The Charter of Fundamental Rights of the European Union. December 7, 2000.¹¹

This Charter establishes under Article 11 that: *“(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. (2) The freedom and pluralism of the media shall be respected.”*

8 United Nations, Universal Declaration of Human Rights, 1948. https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

9 United Nations, International Covenant on Civil and Political Rights, 1966. <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

10 Organization of American States, American Convention on Human Rights, 1969. https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf

11 European Union, Charter of Fundamental Rights, 2000. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

The Inter-American Democratic Charter of the General Assembly of the Organization of American States (OAS). September 11, 2001.¹²

This Charter establishes under Article 4 that: “Transparency in government activities, probity, responsible public administration on the part of governments, respect for social rights, and freedom of expression and of the press are essential components of the exercise of democracy.”

The universal declarations contained in these covenants establish a clear relationship between freedom of expression and the responsibility of countries and their governments to ensure the right of access to public information.

4.2 Basic principles

The following are the basic principles that support the exercise of the right of access to public information and that have been recognized in such systems across the world:

- **Principle of maximum disclosure:**¹³ Any information in the hands of public institutions is complete, timely, and accessible, subject to a clear and precise regime of exceptions that must be defined by law and also be legitimate and strictly necessary in a democratic society, as well as applied in a justified and proportionate manner.
- **Principle of transparency of civil service:**¹⁴ Consists of observing and protecting the disclosure of the Administration’s acts, resolutions, procedures, and documents, as well as that of its grounds, and facilitating the access of any person to such information through the means and procedures established for this purpose by law.

By virtue of the principle of transparency of civil service, the acts and resolutions of Public Administration entities, their grounds, the documents by which they are directly and essentially supported or supplemented, and the procedures used to issue them, are public, save for the exceptions established by transparency laws and those provided for in other qualified quorum laws. Likewise, information prepared with a public budget and all other information held by bodies of the Administration, regardless of its format, medium, date of creation, origin, classification, or processing status, is public, unless it is subject to the aforementioned exceptions.

- **Universal accessibility:**¹⁵ All information shall be comprehensible, easily accessible, and free of charge. It shall be made available to people living with disabilities by appropriate means or in appropriate formats to ensure that it is accessible and comprehensible, in accordance with the principle of universal accessibility and design for all.
- **Openness:**¹⁶ Information must be accessible in open electronic formats facilitating its processing by automatic means and allowing its reuse or redistribution by third parties.

12 Organization of American States, *Inter-American Democratic Charter*, 2001. http://www.oas.org/en/democratic-charter/pdf/demcharter_en.pdf

13 Working document of the OAS draft Inter-American Legal Framework. http://www.oas.org/en/sla/dil/access_to_information_model_law.asp

14 Law No. 20.285 on Transparency and Access to Information of Chile. <https://www.leychile.cl/Navegar?idNorma=276363>

15 Law No. 19/2013, of December 9, on Transparency, Access to Public Information and Good Governance of Spain. https://transparencia.gob.es/servicios-buscador/contenido/Ley.htm?id=NORMAT_E000041018546&fcAct=2016-11-17T12:35:41.007Z&lang=es

16 Law No. 27,275 on Access to Public Information of Argentina. <http://servicios.infoleg.gob.ar/infolegInternet/anexos/265000-269999/265949/norma.htm>

- **Non-discrimination:**¹⁷ Information must be provided to all persons who request it, on equal terms, excluding any form of discrimination and without requiring a statement of the cause or reason for the request.
- **Maximum promptness:**¹⁸ Information must be published as promptly as possible and within time periods that are compatible with the preservation of its value.
- **Facilitation:**¹⁹ No public authority may refuse to state whether or not a document is in its possession or deny the disclosure of a document in accordance with duly indicated exceptions, unless the damage caused to the protected interest is greater than the public interest in obtaining the information.
- **No charge:**²⁰ According to this principle, access to public information shall not result in any cost to the requesting person; only the cost required for the requested means of reproduction and delivery may be charged in accordance with the law and other applicable legal provisions.

4.3 Active and passive transparency

The right of access to public information allows any person to request and receive information from any State body, in the manner and under the conditions established by the transparency laws applicable in their jurisdiction. The right of access to information involves two mechanisms: active transparency and request for access to information (also known as passive or reactive transparency).

Active transparency:²¹ This is the obligation of State bodies to publish useful, timely, and relevant information on their respective web pages, continuously and without it being requested by citizens. This information should be updated periodically according to the country's legal framework or transparency provisions and policies, which establish the obligation to keep the information permanently available to the public.

Request for access to information (passive transparency):²² This is the right that every person has to request and receive information from any State entity. It is not necessary to state a cause or reason in order to exercise this right. In addition, this right means that State bodies are required to respond to requests for information made by individuals and deliver the information required, unless an exception applies, as established in their respective laws or general transparency provisions.

17 Idem.

18 Idem.

19 Idem.

20 Federal Law of Transparency and Access to Public Information of Mexico. http://www.diputados.gob.mx/LeyesBiblio/pdf/LFTAIP_270117.pdf

21 Consejo para la Transparencia de Chile (Council for Transparency of Chile), *Glosario de Participación Ciudadana*, 2018. <https://www.consejotransparencia.cl/glosario/>

22 Consejo para la Transparencia de Chile (Council for Transparency of Chile), *Glosario de Participación Ciudadana*, 2018. <https://www.consejotransparencia.cl/glosario/>

4.4 Associated concepts²³

Right to know: This is the right of every person to know, request, and receive the information, data, and documents that are in the possession of authorities by virtue of their functions or that are in public archives.

Right of access to information: This is the right that allows any person to request and receive information from any body of the Public Administration, in the manner and under the conditions established in its regulatory frameworks for transparency.

Datum: Minimum unit that can be used to create information when processed.

Open data: Data that can be freely used, reused, and redistributed free of charge by any person and for any lawful purpose.

Public information: The contents or documents, regardless of their format or medium, that are in the possession of any State entity and that have been prepared or acquired in the performance of their functions.

Plain language: Clear and simple language used by institutions to communicate with the recipients of their messages: citizens, customers, or the general public. Plain language emphasizes people as the recipients of the message and seeks to avoid technical or legal terminology, arcane vocabulary, or confusing wording that could hinder a lay reader's understanding. Plain language, whether verbal, visual, or written, can be understood by an audience that is not specialized in the specific subject matter as its contents are explained through concise wording and common, everyday language.

Transparency office/unit: The administrative office, within regulated bodies, responsible for publishing the information generated in the performance of their tasks, and for collecting, distributing, and processing requests for access to information in order to provide an appropriate, timely response.

Oversight body: The specialized body responsible for coordinating and supervising the implementation of access to information policies and the fulfilment of obligations in a given territory.

Regulated body/public sources: Each of the actors to whom transparency and access to information provisions (laws/executive orders/other regulatory frameworks) apply; that is, entities that can be required to classify, keep, and provide access to their information and to process requests for access to information.

Targeted transparency: The dissemination of information by public or private organizations aimed at specific audiences in order to provide them with information on a matter of specific interest that they can easily understand and use to make decisions.

²³ The concepts in this section were adapted from the *Diccionario de Transparencia y Acceso a la Información Pública* (Dictionary of Transparency and Access to Public Information) of the National Institute for Transparency, Access to Public Information and Personal Data Protection (INAI) of Mexico, and a compilation of the concepts collected from the following sources: *Glosario del Consejo para la Transparencia* (Glossary of the Council for Transparency) of Chile, the Open Data Handbook, *100 preguntas sobre Transparencia* (100 Questions on Transparency) of the Spanish CTBG, and the document *Transparencia efectiva y hoja de ruta para alcanzarla* (Effective Transparency and a Road Map for Achieving It) by Alberto Ortiz de Zárate Tercero.

Proactive transparency: Proactive transparency is part of active transparency since it is information that public institutions voluntarily make available to citizens. However, it refers to a subset of information that, although made available to the public on a voluntary basis, is not part of the set of transparency obligations established by law; it allows for the generation of useful public knowledge with a clear objective focused on the needs of sectors of society.

Collaborative transparency:²⁴ This consists of the *obligation* of the public administration to publish raw data and the *right* of citizens to process it to produce new information. Public institutions report on their activities and citizens can carry out their own assessments, which may not be consistent with the information provided by the former. It thus introduces the concepts of co-responsibility and citizen control.

Potential transparency:²⁵ The possibility of accessing and using information. Two conditions are sufficient for this purpose: disclosure—the accessibility of information—and clarity—the quality of being easily understood by interested persons.

Effective transparency:²⁶ This refers to the fact that citizens are informed, and a judgement is formed. If information is available, but not used or not understood, it has no effect. For effective transparency to occur, public administration needs to take an active role in disseminating information, adapting it to different audiences, and increasing society's ability to understand and use that information.

4.5 Transparency in the parliament

To address this matter and assess the applicability of transparency and right of access to public information policies, it is important first to clarify the objective and main functions of the parliament.

Although the functions of parliament differ according to the country, the doctrine of parliamentary law considers the legislative function (understood as the primary and most important expression of its representative character), as well as budgetary and oversight duties, to be the traditional or primary functions of the parliament. These three functions make up the essential structure of parliament and determine its unique role.²⁷

Other authors point to five central characteristics of any democratic parliament from a regulatory point of view: representativeness, transparency, accessibility, responsibility, and effectiveness. Strengthening these characteristics is necessary in order to optimize parliamentary governance at the institutional level.²⁸ The principles provided by analysts for reviewing the parliament and building bridges between the political class and citizens contribute to the search for institutional improvement and, consequently, a higher quality of democracy.

In this regard, legislative openness or transparency makes it possible to strengthen and improve democratic systems by promoting a culture of transparency and opening the spheres of power to the public space. This is achieved by making public information available to the public, so that it is managed in an open, accessible, and reusable manner, promoting public participation in the country's legislative process, as well as implementing accountability mechanisms as an instrument for evaluating policies and their representatives.

24 Ortiz de Zárate Tercero, A., *Transparencia efectiva y hoja de ruta para alcanzarla*. 2015.

25 Idem.

26 Idem.

27 Tudela Aranda, J., *Una reflexión crítica sobre el presente del Parlamento desde una Cámara Autonómica*, 2000.

28 Beetham, D. *Parliament and Democracy in the Twenty-first Century: A Guide to Good Practice*, 2006.

Finally, the following two concepts related to the principles of transparency and access to public information should be taken into account:

Legislative transparency consists of the right of citizens to be informed of the administrative and public affairs resolved by the parliament, promoting public participation. Tools of active transparency (the obligation to provide information established by law and of major relevance to citizens) and requests for access to information (by which any citizen can obtain public information by prior request and without needing to state a reason) are part of this concept.

For its part, open parliament is defined by ParlAmericas as “a new form of interaction between citizens and legislative powers that promotes parliamentary openness to ensure transparency and access to public information, accountability, public participation, and ethics and probity in parliamentary work.”²⁹ This concept, included in the ParlAmericas *Road Map towards Legislative Openness*, was developed through a co-creation process between civil society organizations and legislators from the Americas and the Caribbean; it was formally adopted during the first gathering³⁰ of the ParlAmericas Open Parliament Network in 2016.

Other authors define the above as “that which discloses all parliamentary activity and information about the institution and its members in a transparent manner and in open formats that are comprehensible by citizens; which opens spaces for participation and collaboration with citizens and officials; which, in the form of a continuous dialogue, has channels that include social networks to actively listen to what citizens need by opening deliberative forums and other instruments of participation with the capacity to influence the political agenda.”³¹

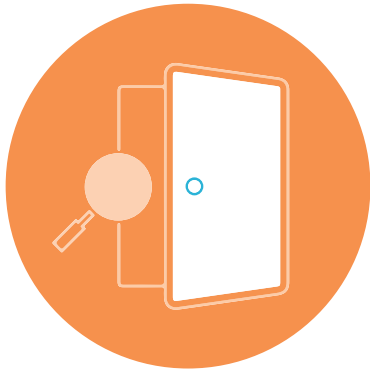
29 ParlAmericas, *Brochure - What Is Open Parliament*. <https://parlamericas.org/uploads/documents/Brochure%20-%20Que%20es%20parlamento%20abierto.pdf>

30 For more information, see the report on this meeting at the following link: <http://www.parlamericas.org/uploads/documents/OPN-Report-ES-SCREEN.pdf>

31 Rubio Núñez, R. and Vela Navarro-Rubio, R., *Parlamento Abierto. El Parlamento en el siglo XXI*, 2017.



5. Legislative transparency tools



5.1 Active transparency



Concept

Active transparency consists of making available information that is considered relevant and of public interest on the organization in general, its staff, operation, and the services it provides, among other information. This is a policy of actively providing information—rather than only providing it reactively in response to requests—and is legally mandatory for State bodies in many countries in the region, including legislatures, although it has also been adopted as a good practice by organizations not subject to this obligation, including in the private sector.

This information is usually subject to mechanisms for continuous updating and is defined as proactive³² when regulated bodies voluntarily adopt good practices when publishing and making the information available.



Objective: What is the purpose of active transparency?

- ✓ To promote broader and improved disclosure of parliamentary work regarding the performance of parliament's constitutional duties and its administration.
- ✓ To promote citizen education on parliamentary operations and the essential role of parliament in the democratic system, providing accessible and comprehensible information and data.
- ✓ To generate spaces for public participation in the work of parliament, promoting its impact on legislative processes and strengthening the accountability of this institution and of legislators.

³² Proactive transparency is a part of active transparency. However, it refers to a subset of information that, although made available to the public on a voluntary basis, is not part of the set of transparency obligations established in the laws in which this concept is addressed; it allows for the generation of useful public knowledge with a clear objective focused on the needs of sectors of society.

Attributes of information³³

To fulfill the objectives of published information, the following characteristics should be considered:

Accessible: This involves establishing a set of requirements that ensure that all people can exercise their rights of access to public information under equal conditions (with adaptations for disabilities, other languages, multiple channels, and other aspects).

Updated: The information provided to the public should be delivered in real time or, to the extent that this is not possible, it should be updated as soon as it is available internally. The date of the last update should be displayed in the different sections of parliamentary information, so that citizens can assess the relevance of the content viewed.

Clarity: Information should be provided in a way that is clear to the general public, avoiding technical terminology or complex concepts. The aim is to clearly convey information to citizens. Clarity also makes it possible to transform information into knowledge.

Complete: The information available should reflect all of the parliamentary work under review. Exceptions should be disclosed and duly justified by laws, regulations, and provisions of the parliament.

Usability: Discipline that studies how to design websites so that users can interact with these portals in the easiest, most comfortable, and intuitive way possible. This component includes, in particular: (i) comprehensive design and vision of platforms based on user profiles; (ii) usability testing of information systems to assess users' comprehension and needs; and (iii) adoption of good browsing practices (responsive sites, multiplatform, breadcrumb navigation, links to social networks, among others).

Structured and systematized: Tools that facilitate efficient searches for information are essential, through cataloguing tools or indexes and considering laws and regulations as a starting point for improved browsing of information sites by the public.

Accurate: It is important for the parliament to be able to demonstrate the accuracy of the published data, through information management rules, security systems, and/or authorized copies certifying the information.

Use of languages: In countries with more than one official language, or where a high percentage of the public uses another language, such as Indigenous languages, legislatures should make their best effort to ensure that all content on the site is provided in those languages. If only a partial version is possible, it should focus on basic information on how the parliament works, how to contact its legislators, and a periodic summary of activities, among others.

³³ Adaptation of concepts from the following documents: Guidelines for Parliamentary Websites, Inter-Parliamentary Union (2009); Declaration on Parliamentary Openness, OpeningParliament.org (2012); and *El parlamento abierto en el mundo. Evolución y buenas prácticas* (Open Parliament around the World. Evolution and Good Practices), by Rafael Rubio Núñez and Ricardo Vela Navarro-Rubio (2017).

Model for active transparency information³⁴

a) General information on the parliament

- **Access to the parliament**, with practical information on access to parliament buildings, guided tours, visiting hours, access to plenary sessions, and information services open to the public, as well as an explanation of the website organization through a map of the page (website maps).
- **History and role of the parliament**, including a brief historical description of the parliament, the role it plays, and its responsibilities in terms of legislative matters and oversight. It may include excerpts from the constitution and other foundational documents of its work.
- **Functions, membership, and activities**, with an overview of the role played by each of the parliamentary chambers (for bicameral legislatures) and non-plenary bodies (commissions, committees, etc.), using plain language.³⁵

The following is recommended for bicameral legislatures: (i) a single page introducing the two chambers to citizens, with links to the websites of each; (ii) a hyperlink on the websites of each chamber linking to the website of the other; (iii) information explaining the legislative and oversight responsibilities and procedures of each chamber, and (iv) for functions that require the intervention of both chambers, such as the approval of a bill, the relevant documentation should reflect the activities and decisions made by both.

This section may also include the following:

- List of regional and international parliamentary networks to which the parliament belongs.
- Annual report(s) of parliament, including plenary and non-plenary bodies.
- Statistics on the activities of current and previous parliaments, such as the number of bills discussed

and laws passed, the number of hearings and meetings held by the committees, the vote counting instruments used, the number of hours of debate in plenary sessions, etc.

- Official press releases from parliament
- **Elected leadership positions**, with biographical data and a photograph of the incumbent presiding officer of the parliament or parliamentary chambers (as applicable) and their predecessors, a brief description of their powers and prerogatives, as well as the name of and information on deputies and/or vice-presidents and other positions, according to each parliament.
- **Legislative committees and other non-plenary bodies**, with a full list of non-plenary legislative bodies, with links to the website of each (if applicable), description of the mandate and tasks of each body, and description of the activities carried out by the body since the beginning of its mandate. Members and names of the chairs and other relevant positions of each body.
- **Political parties in the parliament**, with a list of all political parties represented in parliament, and a link to the website of each party, as well as the number of parliamentarians from each party and the members and spokespersons of each group, including sections or independent legislative groups.
- **Elections and electoral systems**, with an explanation of the electoral procedure, including the voting system, electoral constituencies, who is eligible to vote, who can be elected, requirements to run as a candidate, and which institution manages and supervises voting processes, among others. It is also important to add the link to the website of the electoral body, the results of previous elections by political affiliation and constituency, the members of existing political groups and coalitions, and results of previous elections.
- **Procedures with the parliament**, with a description of the procedures that can be carried out by citizens, methods

³⁴ Adaptation based on the main structure of the Guidelines for Parliamentary Websites, Inter-Parliamentary Union (2009), and supplemented by the following documents: Declaration on Parliamentary Openness, OpeningParliament.org (2012); *El Parlamento Abierto en el Mundo, Evolución y Buenas Prácticas* (Open Parliament around the World, Evolution, and Good Practices), by Rafael Rubio Núñez and Ricardo Vela Navarro-Rubio (2017); *Parlamento abierto. El parlamento en el siglo XXI* (Open Parliament. Parliaments in the XXI Century), by Rafael Rubio Núñez and Ricardo Vela Navarro-Rubio (2017); and the *ParlAmericas Road Map towards Legislative Openness* (2016).

³⁵ Plain language, also known as layman's terms, means that state bodies convey messages to citizens in clear and simple terms, in all kinds of documents, including laws, to facilitate comprehension and the relationship between the State and society.

and channels through which to perform the procedures, the persons responsible for them and their contact details, in addition to the time frames for completion and links to the relevant platforms or forms.

- **Publications, documents, and information services**, including a description of the types and purpose of legislative publications and documents, information on how and where to obtain publications and documents issued by the parliament, either directly from the website or by other means if they are not available online, and information on the parliament library, archive, and information services.
- **Request for access to public information**, with a description of the procedure, requirements, service form, time frame for completion, contact details of the person responsible, and database with the main answers to requests for access, as well as information on complaints in cases where the information has been denied.
- **General links to other websites**, including to other State branches, self-governing bodies, state/provincial legislatures, other regional and international parliamentary organizations, national legislatures from other countries, and other links of interest to the parliament.
- **Access to historical information**, referring to the availability of parliamentary information for reuse by citizens, free of legal restrictions and costs.

b) General information on parliament administration

- **Regulatory framework**, which includes the laws, regulations, instructions, and resolutions that are applicable to the parliament, indicating the type and number of the regulation, as well as its name and publication date.
- **Organizational chart and main functions**, with information on the administrative units or bodies of the parliament, presented by an organizational chart or diagram clearly indicating all the units, offices, or departments that are part of the parliament, regardless of their type. In addition, it should describe the powers, functions, and authority assigned to each of the units or departments. It should also include a link to a document containing more

information or the background of the functions described, as well as contact details or information on how to contact such offices.

- **Staff and remuneration**, with information on the natural persons hired by the parliament, detailing the employment regulations applicable to them, in addition to their full name, professional qualifications, position or function, gross allocation and special allocations, if any, in addition to the term of the employment relationship. Furthermore, information should be included on the salaries of legislators, with an explanation of the process for increasing their salary in applicable cases according to roles and functions.
- **Public job offers**, including a general description of the jobs at the parliament, the employment policy (if any), list and details of vacancies, information on application processes, and selection of employees who were ultimately hired.
- **Acquisitions and contracting**, which may include the publication of all contracts, including their purpose, term, amount, type of award, records of evaluations and awards, and the percentage of the budget equal to the value of the contract, among others.
- **Allocated budget and execution**, including the initial budget allocated under the Budget Law, changes to the budget, if any, and a breakdown of the budget items. In a separate worksheet, information on budget implementation should be included, also indicating the total amount implemented, according to the budget structure, preferably displayed with graphics.
- **Mechanisms for public participation**, including all the actions, mechanisms, and processes that aim to promote the involvement of civil society and citizens in general with regard to a matter of interest, discussed by the parliament.³⁶

c) Information on its legislative function

- **Parliamentary agenda**, with the scheduling of legislative work and topics addressed both in legislative commissions or committees and plenary sessions, calendar of sessions, information on the items to be voted on, the agenda, and the committee hearing schedule.

³⁶ ParlAmericas has developed a Toolkit for public participation in the legislative process that includes good practices in the region. To see this publication, click on the following link: http://parlAmericas.org/uploads/documents/Toolkit_Citizen%20Participation%20in%20the%20Legislative%20Process.pdf

- **Bills**, including the date of presentation of the bills, the topics addressed, their content (what is being legislated), their objective and proposal, and additional information for the respective monitoring of any changes made.
- **Information on the progression of each phase of the legislative process**, including records of the work done by permanent legislative committees and the plenary session, including reports, documents issued and received, testimonies or presentations of witnesses or speakers in public hearings, transcripts, and records of other relevant actions in the phases of the legislative process.
- **Record of attendance and votes**, of each parliamentarian and/or group of parliamentarians, both in the plenary session and commissions or committees (as applicable).
- **Minutes of plenary and committee sessions**, including their issue date, a list of the attending parliamentarians, a summary of the discussion, voting records (if applicable), and the actions and decisions adopted at the sessions, in addition to information on other activities carried out (e.g., public hearings). These minutes should be presented online, in a reusable format and in a permanent section of the parliament website, along with a written transcription.
- **Reports made or provided to the parliament**, referring to all reports requested or required to be presented to the parliament, its offices or committees, with exceptions as established by law.
- **Glossary of legislative terms and procedures**, written in plain language, supported by infographics or audiovisual products for greater comprehension by the citizens of the legislature's work, including its stages and results.
- **Database with search device for bills and motions**, both past and current, as well as enacted laws. It is good practice for these documents to be digitized for preservation and easy access.

d) Information on its role with respect to the national budget

- **Explanation of budget approval processes and their respective sources of financing**, including constitutional authorities and their responsibilities, the

role of the government and parliament in their review, modification (depending on the political system), approval and oversight.

- **Presentation of the budget proposal**, submitted by the government to the parliament on its website, supported by documents in plain language explaining its composition, requested resources, and associated bodies/sectors.
- **Status of the parliamentary debate** on the budget proposal, including the debates carried out, presentations made by the authorities and specialists on this subject, transcripts of the discussions, as well as the requested consultations, reports, and analyses by the budget offices (if applicable), and the documents indicating the decisions made in relation to the budget. The transcripts of consultations or public hearings and contributions submitted by citizens should also be included, as applicable.
- **Records of budgets from previous years**, with open data for reuse by citizens based on their information needs.
- **Information on monitoring of national budget execution**, including data, reports, and information on oversight actions related to the spending of the public budget at the different levels of government and State sectors.
- **Database with search device** for documents on the discussion and debate of the public budget for the current year and for previous years.

e) Information on its oversight function

- **Explanation of oversight functions**, its tools, and parliamentary actions that are carried out for this purpose.
- **Documents related to oversight activity**, such as questions (written/oral); answers, ministerial replies, and declarations; reports by inquiry commissions; interpellations and special debates, among others as applicable.
- **Documents from previous years** related to oversight tasks, such as the work of investigative committees.
- **Database with a search device** for documents related to current and previous oversight activities and actions.

f) Information on legislators

- **Updated biographical data** of each parliamentarian, including their resume, party affiliation and group in parliament, roles in parliament, participation in legislative commissions and/or committees, the date on which they took office, and their term of office, as well as links to their personal websites, social media information, and photograph, among others.
- **Contact details**, such as their email address, telephone number, and the contact details of their offices, among others.
- **Record of meetings**, detailing the subject matter of each meeting and providing individual information on each of the attendees, as well as a record of telephone calls or any other type of interaction that seeks to influence the decision-making process. It should be noted that there are countries that have a law on the management of interests or lobbying that requires registration in a specific database.
- **Record of their disclosure of assets and interests**, detailing their assets, extra income, interests, and benefits in kind.
- **Information on fair and ethical conduct**, including the parliament's code of ethics (if any), resolutions of committees or parliamentary ethics offices or bodies appointed for this function, sanctions and judgements, or judicial investigation agreements.
- **Activities of each legislator**, such as bills, questions, interpellations, motions, political statements, voting record and record of attendance at plenary sessions and committees, reports on management and activities of constituencies or other regions of the country, trips made, gifts received, etc.
- **General information regarding the status of each legislator**, such as parliamentary immunity, inviolability, and salary and benefits.
- **Statistical and demographic data** (present and historical) on legislators (gender, age, education, work history, etc.).

- **List with biographical data** of former legislators and dates of their terms of office.

g) Information on other bodies and groups³⁷

- **Temporary documents prepared by non-plenary bodies**, such as calendars and meeting plans published in advance, records of meetings and measures adopted, reports and documents (including from other parliamentary offices of interest to the body's work), hearings, and other activities.
- **Documents of non-plenary bodies from previous years.**
- **Websites of non-plenary bodies.**

37 This section refers to information on committees, special commissions, parliamentary groups (such as friendship groups), and others relevant to parliament (governing council, general committee, committee of spokespersons, etc.).



Mainstreaming gender in active transparency

The Gender Model developed by the RTA recommends incorporating the following aspects in the work process:

- ✓ When establishing obligations on information that must be published to increase transparency and facilitate public access, explicitly state the informational aspects that are of interest to women and indicate the obligation that data on persons be disaggregated by sex.
- ✓ Among the concepts of active transparency, explicitly establish improvements to accessibility for vulnerable groups.
- ✓ Regarding institutional information, such as budget, staff, and policies, the entity should openly state if it has: a) a gender unit, b) an institutional gender policy, and c) gender actions included in its strategic and operational planning.

In addition to the minimum information to be published, as established by regulatory frameworks on transparency, a gender perspective should promote the publication of:

- ✓ Basic information on programs/projects aimed at women or for gender equality.
- ✓ An indication of whether the institutional policy has a gender focus.
- ✓ Whether the institutions have gender-related policies/plans and focal points.
- ✓ Information disaggregated by gender in relation to human resources, by categories or hierarchical levels.









International good practices in active transparency

To support the information model referenced in the previous section, some identified good practices and related links are indicated below:















General information on the parliament

Institution	Description
 House of Representatives of Australia  Access:	The “About Parliament” section provides information on the legislative and administrative functions of the House of Representatives; the same structure of information is used for the Australian Senate. https://www.aph.gov.au/About_Parliament/House_of_Representatives
 Chamber of Deputies of Brazil  Access:	The “Transparency Section” includes legislative and administrative information on the Chamber of Deputies with infographics. https://www.camara.leg.br/transparencia/
 Senate of Chile  Access:	The “Transparency Section” includes legislative and administrative information on the Senate. https://senado.cl/senado/site/edic/base/port/transparencia_2017.html









Institution	Description
 National Assembly of Ecuador  Access:	<p>The “Plenary Assembly Members” section presents a list of assembly members by gender and party affiliation, including biographical information and the contact details of each parliamentarian.</p> <p>https://www.asambleanacional.gob.ec/es/pleno-asambleistas</p>
 National Assembly of Suriname  Access:	<p>The “General Information” section contains general information on the National Assembly, its president, and the duties of the parliament, as well as the political groups and types of meetings.</p> <p>http://www.dna.sr/achtergrond-info/algemene-info-dna/</p>
 Parliament of Trinidad and Tobago  Access:	<p>The “Departments” section presents information on the parliament administration offices, their functions and contact details.</p> <p>http://www.ttparliament.org/about.php?mid=41</p>
 Parliament of the Cooperative Republic of Guyana  Access:	<p>The “About Parliament” section provides historical and other information on past legislatures.</p> <p>http://parliament.gov.gy/about-parliament/</p>















Information on the legislative process

Institution	Description
 Chamber of Deputies of Argentina  Access:	<p>The “Laws for You” section presents information about laws in citizens’ language and in video format.</p> <p>https://www.hcdn.gob.ar/leyes-para-vos/</p>
 Parliament of the Bahamas  Access:	<p>The “About the Parliament” section describes the functions of the parliament, the process of passing laws, and the types of existing legislation, among other information.</p> <p>https://bit.ly/3d0Pgvq</p>
 National Assembly of Belize  Access:	<p>The “National Assembly” section includes information on the parliament, how laws are passed, and the role and functions of public authorities related to legislative work.</p> <p>https://www.nationalassembly.gov.bz/national-assembly/</p>



Institution	Description
 Chamber of Deputies of Brazil  Access:	<p>The “Legislative Activity” section provides an explanation of the legislative process in plain language using an audiovisual format and an infographic.</p> <p>https://www.camara.leg.br/entenda-o-processo-legislativo/</p>
 House of Commons of Canada  Access:	<p>The “Learn about Parliament” section describes the functions of the parliament, including a description of the Canadian political system and the legislative process.</p> <p>https://lop.parl.ca/sites/Learn/default/en_CA/ParliamentaryPrimer</p>
 Parliament of the United Kingdom  Access:	<p>The “How Parliament Works” section presents information on the law-making process, including a guide explaining the steps in this process.</p> <p>https://www.parliament.uk/about/how/laws/passage-bill/</p>



Information on bills

Institution	Description
 Chamber of Deputies of Argentina  Access:	<p>The platform providing information related to voting on bills includes details of the deputies’ votes and videos of their speeches, along with a tutorial for its use.</p> <p>https://votaciones.hcdn.gob.ar/</p>
 Parliament of Barbados  Access:	<p>The “Bills and Resolutions” section presents the bills and resolutions of the parliament, as well as their respective status.</p> <p>https://www.barbadosparliament.com/bills/search</p>
 Legislative Assembly of Costa Rica  Access:	<p>The section “Lawmaking and Oversight” includes information on the status of bills and allows users to view the text of laws and follow the work of the members of the Legislative Assembly in the committees and the reports on their work.</p> <p>http://www.asamblea.go.cr/glcp/SitePages/Inicio.aspx</p>
 European Parliament  Access:	<p>The “It’s Your Parliament” platform displays the voting records of the Members of the European Parliament (MEPs) and political groups; users have the option to share their comments and cast their own votes.</p> <p>http://www.itsyourparliament.eu/</p>

Institution	Description
 Parliament of Grenada  Access:	<p>The “Bills” section presents information on bills and the dates when they were introduced.</p> <p>https://www.gov.gd/hop/bills</p>
 Parliament of Guyana  Access:	<p>The “Bill Status” section provides data on bills by subject matter and date of submission.</p> <p>http://parliament.gov.gy/chamber-business/bill-status/</p>
 Chamber of Senators of Paraguay  Access:	<p>The Paraguayan Legislative Information System includes data on the progression, associated documents, and authors of bills.</p> <p>http://silpy.congreso.gov.py/</p>
 Congress of the Republic of Peru  Access:	<p>The “Bills” section presents bills by legislative period, legislature, committee, number and proposing Member of Congress, among other categories.</p> <p>http://www.congreso.gob.pe/pley-2016-2021</p>
 Parliament of the United Kingdom  Access:	<p>The “Bills & Legislation” section includes a description of the law-making process. Explanatory notes and amendments are provided on the individual page of each bill.</p> <p>https://services.parliament.uk/bills/</p>
 National Assembly of Saint Kitts and Nevis  Access:	<p>The “Publication” section presents bills, resolutions, and laws passed.</p> <p>http://www.parliament.gov.kn/publication/</p>
 National Assembly of Suriname  Access:	<p>The “Legislation” section presents bills by subject matter and date of submission, with a summary of each.</p> <p>http://www.dna.sr/wetgeving/ontwerpvetten-bij-dna/aanhangige-wetsontwerpen/</p>



Information on the monitoring of the implementation of the national budget

Institution	Description
 Library of the National Congress of Chile  Access:	<p>Digital tool presenting the budget for services and institutions in Chile in tables, graphs, and charts, downloadable in XML, JSON, and RDF/N-Triples formats.</p> <p>https://www.bcn.cl/presupuesto</p>

Institution	Description
 Congress of the Republic of Peru  Access:	<p>The Automated Data Information Platform provides data on the progress of budget execution and public investment through downloadable charts and graphs. The information is obtained from the Ministry of Economy and Finance.</p> <p>http://www.congreso.gob.pe/Docs/DGP/didp/presupuesto/#/inicio</p>



Information on legislative action and its contribution to the 2030 Agenda

Institution	Description
 Senate of Argentina  Access:	<p>The Human Rights Observatory presents assessment reports and connections between the legislative agenda and the Senate's 2030 Agenda.</p> <p>https://www.senado.gov.ar/micrositios/observatorioDDHH/</p>

 Parliament of Australia  Access:	<p>A Senate investigation on the SDGs is presented on the website. The objective of this investigation was to understand the variety of problems that could affect national implementation and to provide recommendations.</p> <p>https://www.aph.gov.au/Help/Federated_Search_Results?q=sdg</p>
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 House of Commons of Canada  Access:	<p>The "Reports to Parliament" section contains national progress reports regarding the Federal Sustainable Development Strategy that are issued by the Commissioner of the Environment before Parliament.</p> <p>https://www.oag-bvg.gc.ca/internet/English/parl_lp_e_901.html</p>
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 CIECODE/2030 Parliament Platform of Spain  Access:	<p>The 2030 Parliament Platform is a tool for monitoring parliamentary activity related to the 2030 Agenda.</p> <p>https://www.parlamento2030.es/</p>
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 Chamber of Senators of Paraguay  Access:	<p>The "Dashboard Report" section provides oversight reports on the execution of the national budget according to project lines and their contribution to the SDGs.</p> <p>http://www.senado.gov.py/index.php/menu-contenido/listado-de-categoria-contenido/37-pggn/223-informe-de-tablero-de-control/?id_cat=460</p>
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Information on legislators

Institution	Description
 Chamber of Deputies of Brazil  Access:	The section “Who Are the Deputies” is supported by a search engine that shows the contact details, main functions, assets, and lobbying information for each legislator. https://www2.camara.leg.br/deputados/pesquisa
 House of Commons of Canada  Access:	The “Members of Parliament” section includes information on each Member of Parliament, such as their contact details, political affiliation, constituency, roles, legislative work, and spending reports. https://www.ourcommons.ca/Members/en/
 Chamber of Deputies of Chile  Access:	The “Deputies” section presents their contact details and main functions in the legislative process and a transparency section, with the support of a search engine. https://www.camara.cl/diputados/diputados.aspx#mostrarDiputados
 Parliament of Estonia  Access:	The “Members of Parliament” section provides information on each of the Members of Parliament, their contact details, and voting records. https://www.riigikogu.ee/en/parliament-of-estonia/composition/members-riigikogu/
 Parliament of Georgia  Access:	The “Members of Parliament” section presents information on each of the Members of Parliament, their contact details, competencies, income, assets, and voting records. https://www.chemiparlamenti.ge/en/node
 Parliament of the United Kingdom  Access:	The “Membership of the House of Lords” section presents the contact details, main functions, assets, and lobbying information for each Member of Parliament, supported by a search engine. https://www.parliament.uk/mps-lords-and-offices/lords/
 House of Representatives of Trinidad and Tobago  Access:	An interactive map includes information on the Members of Parliament according to the constituency they represent, their political party, and their position with respect to the government. http://www.ttparliament.org/members.php?mid=27

Compliance assessment systems - Management indicators



In order to evaluate the implementation of active transparency mechanisms in the parliament, indicators can be created to assess their establishment, operation, and results, as well as the impact achieved through the implementation of these policies. In this regard, the following metrics can be used:

Implementation indicators

- **Incorporation of transparency regulations.** Indicator showing the gradual incorporation of transparency regulations with respect to the country's mandatory legal requirements, policies and provisions or related international standards.
- **Completion of the work plan.** Indicator showing the progress of the established work plan that includes all the transparency system development components (policy and procedures, construction of information systems, formats, training, among others).

Operation indicators

- **Update level.** Indicator showing the percentage or number of items that are updated according to the nature of the process or defined frequency.
- **Timeliness of updates.** Indicator that compares the update time with the standard established in the procedure/regulation.
- **Control of nonconforming product.** Indicator showing the time required to implement corrective actions when errors are detected and/or their reduction over time (prevention of recurrence).
- **Implementation of good practices.** Indicator showing the capacity of the parliament to incorporate good practices in its transparency system, beyond the implementation of passive transparency.

Performance indicators

- **Compliance with legal standards.** Indicator showing the level of compliance of the parliament with the incorporation of legal requirements (established by law) into its transparency system.
- **Transparency model compliance.** Indicator showing the parliament's level of compliance with the incorporation of the requirements (established by law) and good practices (identified and formalized) in its transparency system.
- **User satisfaction.** Indicator showing the levels of satisfaction of transparency platform users/visitors based on the information posted and the attributes to be assessed.

- **Level of public knowledge.** Indicator showing the level of the public's knowledge of the institution and main functions of the parliament.
- **Perception of public confidence.** Indicator showing the level of public confidence in the actions of the parliament. This section can be evaluated using the index of confidence in public institutions published by Latinobarómetro.³⁸
- **Institutional legislative transparency index.** Indicator combining parameters of institutionalization, work processes, results and impact, to interpret the advancement of policy and the transparency system.

One example of these measurement models is the evaluation carried out by the Latin American Network for Legislative Transparency based on four dimensions: Regulations, Work of the Congress or Assembly, Budget and Administrative Management, and Citizen Participation.³⁹

38 For more information, click on the following link: <http://www.latinobarometro.org/latContents.jsp>

39 For more information, click on the following link: <https://www.transparencialegislativa.org/>



5.2 Requests for access to public information



Concept

This refers to the submission of a request for information to any public body, which is required to respond (it is understood that it is a body regulated by transparency law) within a previously established time period. The purpose of this requirement is to exercise the right of access to public information in a way that is documented.

According to Rafael Rubio and Ricardo Vela,⁴⁰ regulations requiring the parliament to respond to requests for information must be established. Such regulations can be established either with a general approach (by a law on access to public information that applies to the rest of the State agencies) or with a sectoral approach (by provisions that apply only to specific sectors or areas of intervention). The latter is the approach used with the parliament; namely, the application of specific regulations, policies, or provisions on free access to parliamentary information.



Objective: What is the purpose of access request mechanisms?

- ✓ To guarantee the right of access to public information for every person, through simple, expedited, free, accessible, and timely procedures, determining the foundations and compliance with minimum requirements for its application.
- ✓ To manage and gain first-hand knowledge of citizens' information needs, raising the standards of publication of active transparency platforms and relevant databases in open data formats allowing accountability of public departments.

⁴⁰ Rubio Núñez, R. and Vela Navarro-Rubio, R., *El Parlamento Abierto en el Mundo: Evolución y Buenas Prácticas*. 2017.

Attributes of the process for access to information requests⁴¹

In order to meet the objectives indicated for the process of requests for information from legislatures, the following aspects, at a minimum, should be considered:

Recognition of a human right: The right of access to information is a human right, as stated in the OAS American Convention on Human Rights: *“Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.”*⁴²

Active legitimization:⁴³ Every human or legal person, public or private, has the right to request and receive public information, and the requesting person cannot be required to state a reason for the request, provide proof of a subjective right or legitimate interest, or be assisted by legal counsel.

Public information:⁴⁴ All the information generated, obtained, acquired, transformed, administered, or in the possession of public departments is public and permanently accessible to every person. This information must be complete, truthful, reliable, timely, consistent, comprehensive, updated, accessible, comprehensible, and verifiable, with the aim of guaranteeing its quality as accurate information for people.

Non-discrimination:⁴⁵ Information must be provided to all persons by whom it may be requested, on equal terms, excluding any form of discrimination and without requiring a statement of the cause or reason for the request.

Maximum promptness:⁴⁶ Information must be provided as promptly as possible and within time periods that are compatible with the preservation of its value.

Limited scope of exceptions:⁴⁷ Limits to the right of access to public information must be exceptional, previously established in accordance with the provisions of the transparency law, legal or political provisions depending on the country, and established in clear and precise terms. The public department from which the information is requested shall be responsible for demonstrating the validity of any restrictions on access to information.

Dissociation:⁴⁸ In cases in which part of the information is subject to exceptions established by the transparency law, the information not exempt from disclosure must be published in a version of the document in which parts subject to the exception are redacted, concealed, or dissociated.

41 La definición de los atributos del proceso de solicitudes de acceso a la información se realiza a través del análisis de tratados internacionales, documentos de trabajo sobre la propuesta de ley marco interamericana de la OEA, y leyes de transparencia de países de hispano américa, y publicaciones relacionadas a transparencia parlamentaria.

42 Organization of American States, *American Convention on Human Rights*, 1969 (Article 13. Freedom of Thought and Expression). https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf

43 Law 27275, Right of Access to Public Information, Argentina (Article 4).

44 Instituto Nacional de Transparencia y Acceso a la Información Pública y Protección de Datos Personales y Cejudo, G., *Diccionario de Transparencia y Acceso a la Información Pública*, 2019.

45 Law 27275, Right of Access to Public Information, Argentina (Article 1).

46 Idem.

47 Idem.

48 Idem.

No charge:⁴⁹ Access to information must be free, or at a cost that does not exceed the reproduction value of the documents, without prejudice to the provisions of the country's transparency law and regulations or policies.

Oversight:⁵⁰ Compliance with the regulations governing the right of access to information shall be subject to permanent oversight. An appeal may be filed with the competent body against resolutions denying requests for access to information, for example, by a lack of response from the regulated body from which the information is requested, by the ambiguity, non-existence, or inaccuracy of their response and by the process, costs, and methods of their actions, as well as in the event of any disagreement with the response provided.

Liability:⁵¹ Failure to comply with the obligations established by the transparency law or provisions, according to the country, shall result in liabilities and give rise to the relevant sanctions.

In dubio pro petitor:⁵² In case of doubt, the provisions of the transparency law or any regulation of the right of access to information should always be interpreted as establishing the more extensive validity and scope of the right to information.

Pro homine:⁵³ According to this principle, the interpretation that is most favourable to the individual shall always apply for provisions that recognize or grant rights. In the same spirit, the standard that applies the least restrictions on human rights should be given precedence in the case of conventions imposing restrictions or limitations.

Facilitation:⁵⁴ No public authority may refuse to state whether or not a document is in its possession or deny the disclosure of a document in accordance with exceptions established in the country's laws or provisions, unless the damage caused to the protected interest is greater than the public interest in obtaining the information.

Good faith:⁵⁵ To guarantee the effective exercise of the right of access to information, it is essential that regulated bodies act in good faith; i.e. that they interpret the law in a manner that fulfils the purposes pursued by the right of access to information, ensure the strict application of the law, provide the necessary means of assistance to requesting persons, promote a culture of transparency, and act with diligence, professionalism, and institutional loyalty.

49 Law on Transparency and Access to Information of the State of Mexico and Municipalities.

50 Law 27275, Right of Access to Public Information, Argentina (Article 1).

51 Idem.

52 Idem.

53 *Diccionario Jurídico*. <http://diccionariojuridico.org/definicion/principio-pro-persona-pro-homine/>

54 Law 27275, Right of Access to Public Information, Argentina (Article 1).

55 Idem.

Model for processing access to information requests⁵⁶

The procedure for handling requests for access to information within legislatures considers the stages, actions, and requirements of this process, regardless of the operational structure of the corresponding parliament. The structure and responsible parties supporting this process should be established in official documents in order to safeguard its institutionalization.

In this publication, the entity responsible for managing the process of requests for access to information within the parliament will be referred to as the “Transparency Unit.”

Submission and receipt of requests for access to information⁵⁷

The parliament should make its services for attending and responding to requests for access to public information publicly available.

It is key that service platforms—as well as the minimum submission requirements and other standardized information related to the service (methods, hours, forms, requested data, time frames, and reproduction costs, among other information)—be previously detailed on parliament websites.⁵⁸

The use of modern computerized systems for the submission of requests through a single channel is promoted as a good practice. In many countries in the region, bodies guaranteeing access to information have developed transparency portals,⁵⁹ which provide the public with a single channel for submitting their requests. This good practice takes into account the attributes of accessibility and facilitation, allowing individuals to enter their requests digitally and manually, among other methods.

Internal management, referral, and response times

It is important for the parliament to define the organizational structure and work processes aimed at obtaining and delivering requested public information. The entire work process flow should consider the minimum and maximum delivery times for compliance, according to the nature of the request and the principle of promptness. It is recommended that these definitions be regulated in order to record and draw attention to new functions and responsibilities in this process.

To optimize its operation, the parliament may turn to its oversight body or responsible office for guidance and advice on actions aimed at:

- ✓ promoting and guiding the digitization of public information, as well as the use of agile and modern information and communication technologies;
- ✓ ensuring that key information is progressively disclosed in open data format;
- ✓ generating and updating a record of responses issued as a platform for public knowledge by the public;
- ✓ resolving disputes related to the classification and declassification of reserved or confidential information, applying the principle of maximum disclosure;
- ✓ promoting and implementing training and awareness programs aimed at legislators, committees, and administrative staff and providing the technical support they require on transparency issues related to their responsibilities;
- ✓ holding workshops, conferences, seminars, and other similar activities to raise awareness on the importance of the right of access to public information as a tool for guaranteeing transparency.

56 The content proposal is based on the analysis of the draft document of the OAS Inter-American Legal Framework and regulations on access to information of the Spanish Congress of Deputies, the European Parliament and the Access to Information Regulations of the Chamber of the Deputies of Brazil. Links available in the good practices section of this document.

57 También denominados pedidos de acceso a la información.

58 Some parliaments have implemented the Charter of Citizens' Rights to report on the conditions of service. One example of this are the measures implemented by the Brazilian Chamber of Deputies: <https://www2.camara.leg.br/transparencia/servicos-ao-cidadao>

59 For more information on this topic, see the good practices section.

Types of responses

The response given to the requesting person will vary depending on the scope of the request; namely, the type of information requested and the entity responsible for its management. The answer provided may have the following characteristics:

- ✓ **Delivery of information:** The information related to the performance of the duties, activities, or functions of the parliament with respect to its chambers (as applicable) is provided, as it meets all of the requirements made by the requesting person.
- ✓ **Delivery of partial information (reserved or confidential):** In circumstances in which not all of the information contained in a document is exempt from disclosure in accordance with the exceptions established in applicable regulatory frameworks, it is essential that a version of the document be provided in which only the parts of the document subject to the exception are redacted or covered. Non-exempt information should be made public and provided to the requesting person in a version authorized by the parliament.
- ✓ **Non-delivery of information (totally reserved or confidential):** The parliament may deny the request for access to information, depending on whether the request is subject to the exceptions established in the country's transparency law or provisions and policies.
- ✓ **Not the responsibility of the public body:** This refers to situations where the parliament has no authority to possess the requested information; that is, it is a matter of law, insofar as it has no powers to obtain the requested information. Transparency laws generally require referral mechanisms to the corresponding institution by informing the requesting party of this circumstance.
- ✓ **Publicly available information:** If the information has already been published, the Transparency Unit of the parliament may limit its response to informing the requesting party, in a thorough and detailed way, how to access said information.

- ✓ **Non-existent information:** If the requested information is not found in public files or in reserved or classified files, due to an omission or loss of documentation in the institution's records and other similar cases, the Transparency Unit should confirm the lack of information. In addition, in cases where the documentation should exist, the Transparency Unit will be responsible for restoring it and delivering it within the time periods established by the country's transparency law or provisions, as regulated bodies must document all actions resulting from their authority, responsibilities, or functions.

For each type of response and in cases where there are different characteristics specified in the country's transparency law or other regulatory frameworks, this information should be provided to the applicant so that they are continuously aware of the process and its resolution.

Regime of exceptions⁶⁰

The exceptions indicated by the parliament regarding the exercise of the right of access to public information should be exhaustive and not include any generic clause extending their application, such as "and as indicated in related laws," and the principle of maximum disclosure should be favoured. Disclosure of the following categories of information may be denied:

- ✓ **Reserved information:** Public information that is temporarily excluded from public knowledge due to a clear, probable, and specific risk of harm to public interests and in compliance with the requirements established in applicable regulatory frameworks.
- ✓ **Confidential information:** Private information held by public bodies to which public access is prohibited by constitutional or legal mandate due to a legally protected interest.

The working document of the OAS draft Inter-American Legal Framework states that:

⁶⁰ The proposal made in this section is in reference to the working document of the OAS draft Inter-American Legal Framework 2.0, which is currently in the stages of review and validation by its members.

On invoking the existence of grounds of confidentiality in response to a request for information, public bodies should apply the public interest test.⁶¹ The public interest test is carried out on the basis of attributes of suitability, necessity and proportionality, when there is a collision of rights. The confidentiality of the information held by the regulated bodies shall be declared by means of an administrative act.

Likewise, on invoking grounds for reservation in response to a request for information, public bodies should apply the harm test.⁶² In the harm test, it must be established that the potential harm from the dissemination of the information is real, demonstrable, and identifiable. Reserved information shall be classified on the basis of a case-by-case analysis by applying the harm test and the respective declaration of reservation.

Classification of information. A permanent and updated record of this information should be generated. For this action, the working document of the OAS draft Inter-American Legal Framework states that:

- ✓ The standards and procedures that regulate the classification of information should undergo an open consultation process before their adoption, in which people have the opportunity to submit their proposals and observations.
- ✓ The approved standards and procedures regulating classification must be widely disseminated.
- ✓ When the information contains reserved or confidential parts or sections, in responding to a request for information, regulated bodies should prepare a public version in which the classified parts or sections are redacted, indicating their content in a generic manner and providing grounds and justification for their classification.

Declassification of information. *Confidential information* shall be indefinitely confidential unless it is declassified by the oversight body. The same applies to personal data when the consent of the data subject is provided or when expressly determined by law.

For their part, documents classified as *reserved* will be made public when: i) the causes that gave rise to their classification cease to exist; ii) the classification period expires; iii) a resolution is issued by the oversight body or the judiciary determining that there is a cause of public interest that prevails over the reservation of information; and iv) the highest authority of the relevant administrative unit of the regulated body determines that it is relevant to declassify the information, in accordance with the provisions of its regulations.

Legislatures may submit to the oversight body or relevant public agency, through their Transparency Unit, an index of information classified as reserved or confidential for their information and management, which should be updated at least every six months.

Reports on results

It is important that the Transparency Units of parliament keep a record of the performance of the process of requests for access to information, including time periods, results, types of response, and main type of information requested, among other information.

The Model Law on Access to Information, states that “*public authorities shall report annually to the Information Commission on the activities of the public authority pursuant to or to promote compliance with this Law.*”

61 This test is the standard for determining whether information on assets or private lives held by the State should be published in the public interest. It is an assessment in which the public relevance of the information and its publication, in terms of the impact on the private life or rights of the owner of the information, is weighed against the benefit it would provide to a specific public interest.

62 The harm test is a guarantee of effective access to information and of the principle of maximum disclosure, as it submits to strict scrutiny the decision to reserve information that, in principle, should be public. The harm test limits the inevitable discretion in the decision to reserve information and ensures that it is indeed exceptional, subjecting it to compliance with certain standards, which consist of: a) proving that it is one of the cases in which the law allows the reservation of information due to the possibility of affecting interests valued by all, b) demonstrating the potential harm to or impact on such interest and c) proving that the impact is greater than the benefit obtained by publishing the information.

This report should include, at least, the following information:

- ✓ The number of requests for information granted, in whole or in part, and the number denied, disaggregated by gender when possible, as well as any other information related to Indigenous groups, people in unfavourable economic situations, women, people living with disabilities, and people of African descent, among others, for the purposes of evaluating the implementation of the transparency law or related provisions or policies. In order to collect this information, regulated bodies may use information request forms with a set of minimum items to be completed by the persons requesting information.
- ✓ The number of requests answered outside of the time frames established by law, including the reasons for any delay.
- ✓ Details of the sections of the Transparency Law or other provisions that were invoked to deny requests for information, in whole or in part, and the frequency with which they were invoked.
- ✓ The response time for requests for information.
- ✓ The number of appeals filed against the refusal to provide information, disaggregated by gender.
- ✓ The costs charged for the reproduction and delivery of the requested information.
- ✓ Activities carried out to implement the obligation to disclose key information and those carried out to implement the open state policy, as appropriate in each country.
- ✓ Activities carried out to implement adequate records management.
- ✓ Activities for the education and training of officials.
- ✓ Statistics and information disaggregated by gender demonstrating compliance with this law or other transparency provisions and policies of the country.
- ✓ Difficulties encountered in the performance of activities aimed at complying with the transparency law or other provisions.

Guarantee mechanisms (right to challenge)

In guaranteeing the right of access to information for citizens, legislatures should consider the provision of information on the mechanisms applicable in the event of complaints for denial of access. Most of these mechanisms are established by the transparency law, and the person requesting information must be informed of them as part of the service offer and in the response itself to ensure that they are aware of the process, possible outcomes, and responsible institutions.

Relationship with active transparency

Active transparency platforms are aimed at keeping citizens informed of the activities of institutions and, in this specific case, of the administrative operations and legislative actions of legislatures. This platform, which is established by the transparency law or other provisions regarding information, may be supplemented by new information on a permanent basis, taking into account the needs for publication through access requests from citizens. This may be carried out at the most reasonable frequency for parliaments. It is important to note that an increase in the disclosure of legislative actions and

the performance of legislative duties may result in a reduction in official requests for information.

Regulation of procedure

One of the most commonly adopted practices in legislatures is to regulate the structure, persons responsible, and mechanisms for the application of the transparency law or related policies as applicable. This act of institutionalization allows these new requirements and functions to be incorporated into the regular work of the parliament, promoting greater citizen access with respect to their management.

Main functions of the Transparency Unit

It is advisable to establish the following as the main functions of the Transparency Unit of the parliament and its chambers (as applicable), regarding the handling of requests for access to public information and transparency:

- ✓ Advising the competent administrative authority of parliament on transparency and access to public information.

- ✓ Handling and providing information on the status of requests for access to information.
- ✓ Preparing a report on the proposals for the resolution of requests for access to information that may be exempt from disclosure.
- ✓ Proposing the adoption of criteria, recommendations, directives, or good practice guidelines in terms of transparency and access to information.
- ✓ Promoting training activities for parliamentary staff in matters of transparency and access to information.
- ✓ Preparing reports and periodically reporting the status of requests for access to public information from the parliament.

Mainstreaming gender in the process for access to information requests

The Gender Model developed by the RTA recommends incorporating the following aspects in the work process:

- ✓ Requests for information must be received with a cultural- and gender-sensitive approach, especially when they are made in person. It is important that parliament advise the person requesting information from a gender-sensitive perspective, especially if that person is a woman living in vulnerable conditions.
- ✓ Request records must be disaggregated by sex in the different categories, without affecting the confidentiality of the persons requesting information.
- ✓ It is important that persons processing requests for information have some gender training in order to perform this task appropriately, especially in cases in which the information refers to an issue of concern to women.
- ✓ The record of responses should include reports disaggregated by sex, while maintaining confidentiality.

5 GENDER
EQUALITY



International good practices in the process for access to information requests









The following section presents good practices (and links to more information) that support the information model referenced in the previous section:

Regulations on access to public information







Institution	Description
 Federal Senate of Brazil  Access:	<p>The Governing Board rule regulates, within the scope of the Federal Senate, Law No. 12,527 of November 18, 2011, establishing access to data, information, and documents of interest to society and the State.</p> <p>https://www12.senado.leg.br/transparencia/leg/pdf/normas/ATC92012_compilado.pdf</p>
 Legislative Assembly of Costa Rica  Access:	<p>The Protocol for access to public information, located in the “Our Commitments” section, is used to manage the process for requests for information, indicating applicable limits and the stages of the process.</p> <p>http://www.asamblea.go.cr/pa/SitePages/Inicio.aspx</p>
 Congress of Deputies of Spain  Access:	<p>The Regulation of the Spanish Congress of Deputies establishes the provisions for the application of Law No. 19/2013, on Transparency, Access to Public Information, and Good Governance to the Chamber, in relation to its activity subject to administrative law.</p> <p>http://www.congreso.es/portal/page/portal/Congreso/Congreso/Transparencia/transp/NormTransp</p>
 European Parliament  Access:	<p>Regulation No. 1049/2001 of the European Parliament of 2001 on public access to European Parliament, Council, and Commission documents establishes the process for requests for information, including the principles, exceptions, and handling of such requests.</p> <p>https://www.europarl.europa.eu/RegData/PDF/r1049_es.pdf</p>

Information on the process of access to information

Institution	Description
 Chamber of Deputies of Brazil  Access:	<p>The Citizen’s Manual provides information on the main provisions of the regulations and presents the different mechanisms related to access to information in line with the Transparency Law.</p> <p>https://www2.camara.leg.br/transparencia/acesso-a-informacao/cartilha-do-cidadao-2019</p>









Institution	Description
 Council of Transparency and Good Governance of Spain  Access:	<p>The Citizen's Manual includes frequently asked questions regarding active transparency and the exercise of the right of access to public information.</p> <p>https://www.consejodetransparencia.es/ct_Home/Actividad/documentacion/100preguntas.html</p>
 Senate of the Republic of Mexico  Access:	<p>The Guide on Requests for Access to Information provides guidance on the procedure to be followed in order to exercise the right of access to information in the Senate.</p> <p>https://transparencia.senado.gob.mx/documentos/Guia_en_materia_.pdf</p>

State transparency portals





Institution	Description
 Government of Canada  Access:	<p>The Portal for Access to Information is the channel for submitting requests for access to information from bodies subject to Canada's Access to Information Act and contains a repository of answered requests.</p> <p>https://open.canada.ca/en/access-to-information</p>
 Council for Transparency of Chile  Access:	<p>The State Transparency Portal is a technological platform used as a single channel for the submission of requests for access to information from bodies subject to the Transparency Law of Chile.</p> <p>https://www.portaltransparencia.cl/PortalPdT/</p>
 National Institute for Transparency, Access to Public Information and Personal Data Protection of Mexico  Access:	<p>The National Transparency Platform is the single channel for the submission of requests for access to information from bodies subject to Mexico's Federal Transparency Law.</p> <p>https://www.plataformadetransparencia.org.mx/web/guest/inicio</p>

Monitoring platforms and access request statistics

Institution	Institution
 Council for Transparency of Chile  Access:	<p>The statistics on requests for access to information from all public departments are published on the State Transparency Portal. The Tableau tool allows users to interact with the data.</p> <p>https://www.consejotransparencia.cl/tableau/datos-de-solicitudes-de-acceso-a-la-informacion-sai/</p>

Institution	Institution
 Institute for Access to Public Information of El Salvador  Access:	<p>The Request Management System has an online record of the total number of requests for access to public information submitted and their status.</p> <p>https://sgs.transparencia.gob.sv/information_requests/</p>
 Senate of the Republic of Mexico  Access:	<p>The Senate's Transparency Portal presents both periodic reports on the handling of requests for access to information, as well as statistics on the requests made.</p> <p>https://transparencia.senado.gob.mx/estadisticas</p>
 Chamber of Senators of Paraguay  Access:	<p>All records of requests for access to information and the responses given are displayed on the online platform.</p> <p>http://www.senado.gov.py/index.php/menu-contenido/listado-de-categoria-contenido/26-transparencia/acceso-a-la-informacion-publica/163-solicitudes-y-respuestas-de-aip</p>
 National Government of Paraguay  Access:	<p>The Unified Public Information Portal includes a section of statistics on the implementation of the transparency law with regard to the handling of requests and user satisfaction.</p> <p>http://informacionpublica.paraguay.gov.py/portal/#!/estadisticas</p>

Exceptions Classification Record

Institution	Institution
 Legislative Assembly of El Salvador  Access:	<p>The Transparency Portal includes an index of information reserved from public knowledge.</p> <p>https://transparencia.asamblea.gob.sv/documentacion-transparencia/indices-de-reserva</p>
 Chamber of Deputies of Mexico  Access:	<p>The Transparency Portal includes an annual record of the index of reserved files.</p> <p>http://pot.diputados.gob.mx/Unidad-de-Transparencia/Indice-de-expedientes-reservados</p>

Compliance assessment systems - Management indicators



Indicators should be used to evaluate the implementation of the access request process in the parliament and contribute to the establishment of national and regional policies on the right of access to information.⁶³ In this regard, the following metrics can be used:

Institutionalization indicators

- **Protocol for addressing requests for access to information.** Regulations, procedures, or manuals allowing the establishment and communication of standards for handling requests for access to information in parliament.
- **Integration of technological platforms for access to information.** Technological system utilized by the parliament to track the submission of requests for access to information through a single channel and provide a record of results. It may be included on platforms promoted by enforcement bodies for access to country information.

Promotion and dissemination indicators

- **Training program for teams and staff of the parliament.** Plan and actions for training in transparency and access to information aimed at different target audiences in parliament.
- **Actions to raise public awareness on the right of access.** Promotion plan and actions to raise public awareness on the right of access and the mechanisms in place to ensure that it is exercised.

Management results indicators

- **Total requests received.** Total requests for access to information received by parliament (or each chamber, as applicable) according to the established period.
- **Total requests answered.** Total requests for access to information answered by the parliament (or each chamber, as applicable).
- **Response time for requests.** Handling time (submission and response) for requests for access to information from the parliament (or each chamber, as applicable).
- **Compliance with time periods established by law.** Number of requests answered within the legally established time frame.
- **Total satisfactory responses (information was provided).** Number of requests that received the requested information from the parliament (or each chamber, as applicable).

⁶³ This section takes into account the reports in the process of requests for access to public information, requested in the draft document of the OAS Inter-American Legal Framework, the Transparency and Access to Information Index of the Transparency and Access to Information Network (RTA), and the Legislative Transparency Index.

- **Total appeals filed/dismisssed.** Number of complaints filed with the parliament related to requests for access to information.
- **User satisfaction index.** Percentage of general user satisfaction with the services providing access to public information from the parliament. One good practice could be to conduct a user survey once the information has been delivered.
- **Statistics disaggregated by gender.** Periodic generation of data on results disaggregated by gender.

Reporting indicators

- **Online statistics of requests for access to information.** Periodic reports on the management of access to information by the parliament and each chamber, as applicable.
- **Accountability report.** Established mechanism for accountability of the parliament, including the publication of results achieved with the policy of access to public information.



5.3 Open data

Concept

The concept of open data refers to data⁶⁴ that can be freely used, reused, and redistributed by anyone, and that are subject, at most, to the requirement of attribution and to be shared in the same way in which they appear.⁶⁵ It is a widely disseminated and accepted concept. From the multilateral perspective, provided by the UN Economic Commission for Latin America and the Caribbean, ECLAC, it is stated that “the idea of open data is based on the fact that data must be freely available to everyone in terms of the ability to access, use, and republish such data, without copyright restrictions, patents, or any other mechanisms of control or ownership.”⁶⁶

Open data thus refers to a publication format that allows anyone to reuse data without any restriction. For this purpose, Tim Berners-Lee, inventor of the World Wide Web, developed a model known as the Five Stars of Open Linked Data,⁶⁷ proposing a classification of how open and usable the data offered by an institution is.

Finally, the concept of open data is directly linked to active, targeted, and proactive transparency, as information is actively published in open data formats, without requiring a request, and is downloadable from the Internet and available to all without any kind of discrimination.

Objectives: What is the purpose of open data?

- ✓ To generate knowledge and new solutions, of an individual or collective nature, collaboratively with civil society.⁶⁸
- ✓ To generate wealth and social value (transactions, uses, and reuses). The release of open data contributes to the generation of an ecosystem of actors mainly made up of civil society, entrepreneurs, academia, the media, state organizations, and citizens, allowing the development of applications, displays, research, and information of value to the public.⁶⁹
- ✓ To monitor the performance of public entities, based on primary and official sources.⁷⁰

64 From the Latin *datum* (what is given); it is a symbolic (numerical, alphabetic, algorithmic, spatial, etc.) representation of a quantitative or qualitative attribute or variable. Data describe empirical facts, events and entities.

65 Open Data Handbook, *What Is Open Data?* <http://opendatahandbook.org/guide/es/what-is-open-data/>

66 Comisión Económica para América Latina, *¿Qué son los Datos Abiertos?* <https://biblioguias.cepal.org/EstadoAbierto/datospublicos>

67 5-star Open Data. <https://5stardata.info/es/>

68 One example of this is the “At Your Service” Portal: <http://atuservicio.uy/>. For more information, see the good practices section.

69 One example of this is the Fiscal Observatory Portal: <https://observatoriofiscal.cl/>. For more information, see the good practices section.

70 The heads of state who attended the 8th Summit of the Americas pledged to promote an open data program to enable government and citizen surveillance. The phrase “more data, less corruption” was coined at that summit.



✓ To make informed decisions, using a data-driven government approach.⁷¹

Open data principles

The following principles are presented in accordance with the International Open Data Charter, an initiative of Open Data Charter, a joint effort between governments and organizations working to open up data⁷²:

- 1. Open by default.** This represents a real shift in how government operates and how it interacts with citizens. Open by default means that there should be a presumption of publication of all information administered and managed by State agencies. Legislatures need to justify data that is kept closed, for example for security or data protection reasons. To make this work, citizens must also feel confident that accessing open data will not compromise their right to privacy.
- 2. Timely and comprehensive.** Open data is only valuable if it is still relevant. Getting information published quickly and in a comprehensive way is central to its potential for success. As much as possible, governments should provide data in its original, unmodified form.
- 3. Accessible and usable.** Ensuring that data is machine readable and easy to find will make data more useful. Open data portals are one way of achieving this. It is also important to think about the user experience of those accessing data, including the file formats in which information is provided. Data should be free of charge and available under an open license, such as those developed by Creative Commons.⁷³
- 4. Comparable and interoperable.** Data has a multiplier effect. The more quality datasets you have access to, and the easier it is for them to interact, the more potential value you can get from them. A commonly-agreed upon set of data standards plays a crucial role in making this happen.
- 5. For improved governance and public engagement.** Open data has the capacity to let the public (and others in government) have a better idea of what officials and politicians are doing. This transparency can improve public services and help hold government bodies effectively to account, including legislatures.

⁷¹ When a company uses a data-driven approach, it means that it makes strategic decisions based on data analysis and interpretation. To promote the use of Big Data and Data Science in the design and implementation of public policies in Latin America and the Caribbean, IDB sector teams carried out three exploratory studies in the areas of company productivity, sustainable urban mobility, and smart presented in the following publication: <https://publications.iadb.org/en/publication/el-uso-de-datos-masivos-y-sus-tecnicas-analiticas-para-el-diseno-e-implementacion-de>

⁷² This is an adaptation of the International Open Data Charter, according to the audience and scope of the document. <https://opendatacharter.net/principles/>

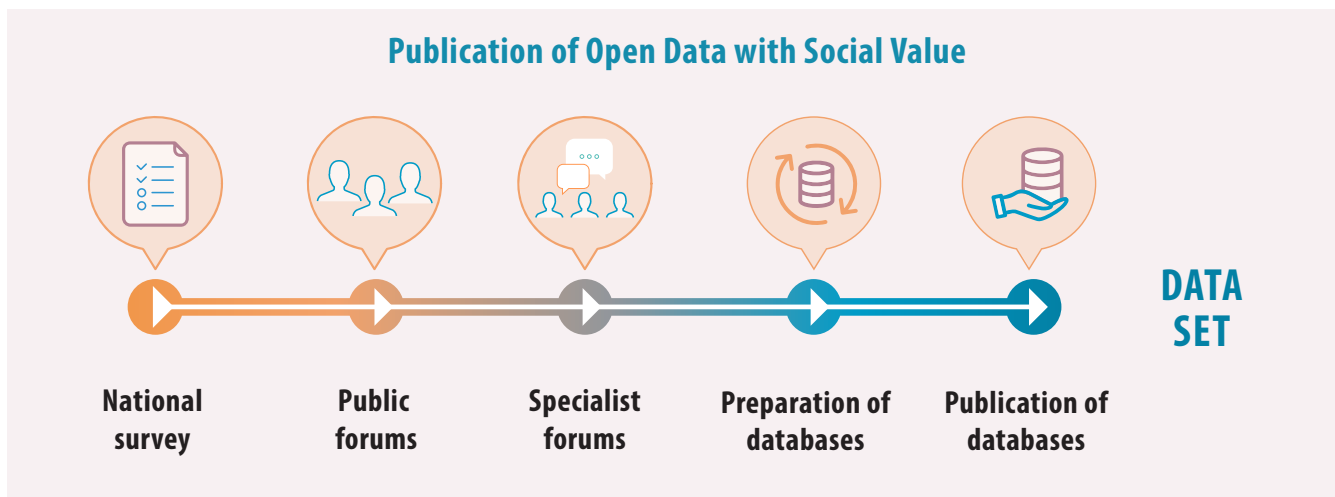
⁷³ Creative Commons is a non-profit organization dedicated to promoting access and cultural sharing. It develops a set of free legal instruments that facilitate the use and sharing of both creativity and knowledge. The legal instruments developed by the organization consist of a set of “model licensing agreements” or copyright licenses (Creative Commons licenses or CC licenses) that provide the author of a work with a simple and standardized way to grant permission to the public to share and use their creative work under the terms and conditions of their choice. Creative Commons licenses thus allow the author to easily change the copyright terms and conditions of their work from “All Rights Reserved” to “some rights reserved.” Creative Commons licenses do not replace copyright, but rather rely on it to allow rights holders to choose the most satisfactory terms and conditions of the license to a work. These licenses have been understood by many as a way in which authors can take control of how they wish to share their intellectual property. For more information, click on the following link: <https://creativecommons.org/>

6. For inclusive development and innovation. Finally, open data can help spur inclusive economic development. For example, greater access to data can make farming more efficient, or it can be used to tackle climate change or boost the businesses of entrepreneurs. Open data facilitates improvements in the performance of public entities, as well as providing benefits to citizens, who can use it in their daily lives.

Methodology for publishing open data in legislatures

The process of publishing open data has been a common component among the different commitments established in the framework of the Open Government Partnership action plans presented by countries in the region. In effect, the emergence of the open government and open state movement and policies strongly promotes the release of open data, understanding it

as an enabling resource for transparency, public participation, and collaboration. However, subsequent evaluations have indicated that the publication of data has not been followed by the effective use of data by the public. To partially mitigate this risk, a data release process is proposed below that is focused on demand and on the social relevance and value of the data to be published. This methodology is an adaptation of the tool used in the Municipal Transparency Management Model prepared collaboratively by the Council for Transparency of Chile.



General diagram of the process of publishing open data with social value

The following stages outline general considerations for the preparation of databases:

Stage 1: Awareness of technical standards and good practices for open data

1

One aspect to consider when releasing information is the need to prepare and display public data in accordance with the technical standards for publishing open data in the corresponding country. It is also highly advisable to use good national and international practices.⁷⁴

Stage 2: Database prioritization

2

The parliament needs to establish which databases will be published in open data format, considering the public interest and the transparency of parliamentary management as relevant criteria. The databases that have been requested most frequently by the public should thus be considered relevant for publishing. Studies and surveys in the parliament's possession with information on public requests for parliamentary information may also inform database priority-setting. Another indicator for prioritization may be the most visited sections on the institutional website. Finally, examining the comparative experiences of parliaments that have made progress in this area should also guide the prioritization of databases to be published. The entire process of opening up data is iterative. Thus, the Open Knowledge Foundation⁷⁵ Open Data Handbook emphasizes that during this process it may be necessary to return to the prioritization stage if any issues are encountered.

The following activities are suggested for the prioritization process:

2.1 List nominated databases

In this step, the team in charge of the open data publishing initiative identifies the nominated databases. According to the Open Knowledge

Foundation, the objective of this stage is to have a general idea of the demand for the data to be provided in open format. To this end, it is advisable to review open data catalogues of legislative and executive branches from different countries as a reference for the selection of data or datasets to prioritize.

2.2 Relevance of database publication

In this step, the relevance of the information to the public should be reviewed and validated, including by organizing spaces for public participation, such as public forums, to validate the prioritization. These spaces should be leveraged to identify specific content areas that are of public interest. The Open Knowledge Foundation also suggests creating a space on the web page for public comments or requests for open data or datasets. To do this, it recommends providing simple ways to submit opinions on this matter and avoiding the creation of a record of who or what organization participates in this space, as this could reduce the number of queries or requests.

It also suggests the creation of spaces for participation through forums with specialists who can contribute new information and collaborate by developing applications based on the datasets to be published.

Stage 3: Database preparation

The dataset preparation work should consider the csv (comma-separated values) format as a minimum standard, which corresponds with publishing in three-star format. The 5-star model represented in the following diagram should be taken into consideration during preparation:⁷⁶

74 For example, the methodological tool for evaluating the degree of readiness of open data (ODRA) developed by the World Bank may be consulted: <http://opendatatoolkit.worldbank.org/es/odra.html>

75 For more information, click on the following link: <https://opendatahandbook.org/guide/en/how-to-open-up-data/>

76 5-star Open Data. <https://5stardata.info>

3



One star: provide data in any format, even if it is difficult to process, such as a pdf document or a scanned image



Two stars: provide structured data, as in an Excel file with an xls extension.



Three stars: make data available in a non-proprietary format (e.g., CSV instead of Excel)



Four stars: use URIs (i.e. a data web address that is used to link it to other data) to denote things and properties, so that the data can be pointed to. Requires the use of an RDF standard.



Five stars: link your data to other people's data to provide context. In practice, the information provided also points to other data sources. For example, if I publish information about a book in my data, link book descriptions belonging to other publishers (for example DBPedia or Amazon).

In addition, a description catalogue should be included for each dataset published, describing the database content, the name of the unit responsible for its publication, the update frequency, the number of times it was viewed, the technical information to connect it with computer applications, and a space for comments from users (feedback channel).

Another line of work is to facilitate the use of content in open data formats. To do this, it is advisable to include data displays based on the user's perspective.

4

Finally, the creation of a community of open data users, mainly with organized civil society, should be supported for the development of applications or other resources that add public value to the data.

In the preparation process, include a thorough review to ensure proper protection of personal data, using anonymity techniques when appropriate.

Stage 4: Database publication

The publication of open data should be accompanied by a dissemination strategy to create awareness around the parliament's efforts to make information available in formats that are suitable for its reuse.

In order to promote its use, activities such as hackathons,⁷⁷ ideathons, or displayathons, among others, with academia, the media, and civil society, should be organized to collaboratively develop applications based on the released data. It is important to note that these activities require resources (material and monetary) allowing their sustainability over time.

The designed feedback channel should make it possible to assess the database's operation and facilitate the introduction of a process of continuous improvement of the published data.

⁷⁷ For more information, see the Inter-American Development Bank's Blog: <https://blogs.iadb.org/conocimiento-abierto/es/especial-de-innovacion-abierta-que-es-un-hackaton-y-como-organizarlo/>

Other working models for the development of open datasets









It is advisable to review and analyze the methodologies suggested by the Akoma Ntoso international standard,⁷⁸ which defines a set of technologically neutral, simple electronic representations in XML format of parliamentary, legislative, and judicial documents. These Akoma Ntoso XML schemas make the structure and semantic components of digital documents explicit to support the creation of high value information services and increase efficiency and accountability in legislative and judicial contexts.

The Latin American Open Data Initiative (ILDA)⁷⁹ also seeks to promote the policies and use of open data in Latin America to foster inclusive development in the region. To this end, in its various projects, ILDA has established the Open Data CANVAS model⁸⁰ —a work canvas allowing the identification of datasets and their structures, based on available data, requests for information, and the value of their reuse.



International good practices in open data

Good practices identified in open data publication are described below for review and analysis:



Institution	Description
 Chamber of Deputies of Argentina  Access: https://datos.hcdn.gob.ar/	The Public Data Portal in open format contains various datasets related to parliamentary work published in CSV and JSON formats, including a preview and a catalogue for each dataset.
 Chamber of Deputies of Brazil  Access: https://dadosabertos.camara.leg.br/	The Open Data Portal provides information on how to use the platform, the available data and its formats, and the projects that have been carried out with this data.
 House of Commons of Canada  Access: https://www.ourcommons.ca/en/open-data	The “Open Data” section provides access to open data on the Members of Parliament, bills, spending and petitions, among other information.
 Library of the National Congress of Chile  Access: http://datos.bcn.cl/es	The linked Open Data Portal allows users to combine the Library’s datasets with data from other sources of information. This makes it possible to create new information and correlate and analyze data from new perspectives.

78 For more information, click on the following link: <http://www.akomantoso.org/>


79 For more information, go to the ILDA website: <https://idatosabiertos.org/en/>

80 For more information, click on the following link: <https://idatosabiertos.org/en/proyectos/>

Institution	Description
 National Congress of Chile  Access:	<p>The Legislative Open Data Portal provides access to background information from the law-making process and information on legislators and published laws in an open format.</p> <p>The publishing mechanism is the extraction of data through web services.</p> <p>http://opendata.congreso.cl/</p>
 Senate of Spain  Access:	<p>The “Open Data” section provides information on what open data is, what it is for, and how to benefit from it.</p> <p>http://www.senado.es/web/relacionesciudadanos/datosabiertos/informaciondatosabiertos/index.html</p>
 Parliament of Estonia  Access:	<p>The Open Data platform provides information on how to use open data related to the Parliament’s website.</p> <p>https://www.riigikogu.ee/avaandmed/</p>
 European Parliament  Access:	<p>The EU Open Data Portal presents information on the computer datasets by the most viewed and downloaded sets, publication date and alphabetical order. A channel is also provided where users can indicate the open data they wish to find.</p> <p>https://data.europa.eu/euodp/es/data/publisher/ep</p>
 Senate of Italy  Access:	<p>The Open Data platform provides information on bills and lawmaking, electronic votes, committees and parliamentary groups, among other items, in open and freely reusable formats. It also has a GitHub repository where legislative documents are provided under the Akoma Ntoso XML standard.</p> <p>http://dati.senato.it/sito/home</p>
 National Assembly of France  Access:	<p>The Open Data platform of the National Assembly of France provides information on deputies and parliamentary documents, among other information, in an open and reusable format.</p> <p>http://data.assemblee-nationale.fr/</p>
 Parliament of Norway  Access:	<p>The Open Data platform provides extracts from databases used in parliamentary procedures.</p> <p>https://data.stortinget.no/</p>

Institution	Description
 Congress of Paraguay  Access:	<p>The Open Data Portal includes a list of data, with its respective catalogue, published in various open data formats. It also provides applications and displays generated from legislative open data. In addition, it has an API for developers, allowing access to application programming interfaces.</p> <p>http://datos.congreso.gov.py/</p>



Additional experiences at the level of other State agencies, civil society, and international organizations:



Institution	Description
 Government of Canada  Access:	<p>The Government of Canada's Open Data Portal displays the different datasets provided by the government to the public in a structured way and through a search engine.</p> <p>https://open.canada.ca/en</p>

 Fiscal Observatory Foundation of Chile  Access:	<p>This platform promotes the analysis of public spending data to increase the transparency of Chilean public institutions.</p> <p>https://observatoriofiscal.cl/</p>
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 Budget Office of the Chilean Ministry of Finance  Access:	<p>The Open Budget platform provides detailed information on allocated funds and their monthly execution at the transactional level of the departments of the Central Government of Chile. This is a beta version website.</p> <p>https://presupuestoabierto.gob.cl/</p>
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 Government of Mexico  Access:	<p>The unified Open Data Portal of the Government of Mexico makes the databases of the different branches of Government available to users.</p> <p>https://datos.gob.mx/</p>
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 Inter-Parliamentary Union  Access:	<p>The Inter-Parliamentary Open Data Cloud is a platform that allows access to legislative information from various jurisdictions in open data. This project is part of the Open Data Hub for parliaments of the Inter-Parliamentary Union, which is hosted by the Brazilian Chamber of Deputies.</p> <p>https://ipuopendata.camara.leg.br/</p>
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Institution	Description
 Ministry of Health of Uruguay	<p>The “At Your Service” website provides users with a dataset on the institutions that are part of the National Health Insurance. This portal serves as a communication channel between users and the Ministry of Public Health, including through a function that allows for direct communication and feedback. This project is the result of a joint effort between the MSP and Data Uruguay, a civil society organization that promotes participation and public debate through transparency, open data, and access to information.</p>
 Access:	https://atuservicio.msp.gub.uy/



Compliance assessment systems - Management indicators

In order to evaluate the proper implementation of mechanisms for open data publication in the parliament, indicators can be created to assess their establishment and operation and the results achieved through the implementation of these initiatives. In this regard, the following metrics can be used:

Implementation indicators

- **Dataset publication.** Indicator showing the process of publication of the selected data to be published in open format.
- **Completion of work plan.** Indicator showing the progress of the established work plan.
- **Number of collaborative actions.** Indicator showing collaborative actions with civil society, the media, and academia, among others, to promote the use of open data.

Operation indicators

- **Update frequency.** Rate at which datasets are updated, according to an established frequency.
- **Usage rate.** Rate of usage and number of downloads of datasets.

Performance indicators

- **Development of applications and displays.** Number of products generated from published datasets: Apps, displays, press releases, etc.
- **User satisfaction.** Indicator that shows user and visitor satisfaction with the parliament’s open data site.



Another internationally recognized index is the Open Data Barometer,⁸¹ developed by the World Wide Web Foundation. This instrument measures the prevalence and impact of open data initiatives by governments around the world and analyzes global trends, providing comparative data on countries and regions to rank governments on open data availability, implementation, and impact.

81 For more information, click on the following link: https://opendatabarometer.org/?_year=2017&indicator=ODB



5.4 Communication and accessibility



Concept

To ensure legislative transparency, parliaments should disseminate and facilitate information through their information channels; interaction with the media; social media; as well as through the sustained provision of accessible and usable content, to the public, allowing interaction with its representatives.

Based on the above, this chapter addresses the following concepts:

Parliamentary disclosure:⁸² The responsibility of legislatures to provide and disseminate information to the public on their work, budgets, and proposals from legislators and the participating political parties, so that citizens can form an opinion and, consequently, influence decision-making during the legislative process and through their participation in the electoral process.

Communication strategies: This refers to interrelated processes aimed at providing information and a message from a sender to a recipient. Communication is understood to be effective when the recipient (target audience) is able to interpret the message as intended by the sender (source of information).

Accessibility: Accessibility or universal accessibility is the degree to which all people can use an object, visit a place, or access a service, regardless of their technical, cognitive, or physical abilities. It is essential and indispensable, as it is a necessary condition for the participation of all people regardless of any functional limitations they may have.⁸³



Objective: What is the purpose of communication and accessibility?

- ✓ To keep the public informed about the work of legislatures, so that they can influence their actions and evaluate them through oversight and accountability.
- ✓ To educate the public on the legislative process and inform it of spaces for participation and collaboration for its effective engagement.
- ✓ To promote interaction and continuous dialogue between representatives and constituents, so as to strengthen public confidence in parliament.

82 Fundación Manuel Giménez Abad, de Estudios Parlamentarios. Tudela Aranda, J., *La Función Parlamentaria de Información Política*, 2008.

83 Presentation on Communication and Accessibility Tools for Transparency in Legislatures by Miguel Ángel Gonzalo, Congress of Deputies of Spain, 2019.

Attributes of communication and accessibility

Attributes of public information are incorporated to achieve communication and accessibility objectives, since this is the basis where these concepts are applied:

Information⁸⁴

- **Updated:** The information provided to the public should be delivered in real time or, to the extent that this is not possible, it should be updated as soon as it is available internally. The date of the last update should be displayed in the different sections of parliamentary information, so that citizens can assess the relevance of the content viewed.
- **Clarity:** Clarity is understood to mean that information must be provided in a form that is understandable to the general public, avoiding technical terminology or complex concepts. The aim is the effective comprehension of the information by the public. Clarity also makes it possible to transform information into knowledge.
- **Complete:** The information available should reflect all the parliamentary work under review. Exceptions should be disclosed and duly justified by laws, regulations, and provisions of the parliament.
- **Accurate:** It is important for parliament to be able to demonstrate the accuracy of the published data through information management rules, security systems, and/or authorized copies certifying the information.

Communication

- **Audience segmentation:** Identification of the various target audiences, their main characteristics, and their information needs regarding the different functions of parliaments.
- **Channel segmentation:** Establishment of communication strategies through various contact channels with users, considering the general characteristics of the communication channel and the type of user.
- **Networking with other actors:** Promotion of the multiplication and transfer of information and messages through collaborative work with other internal/external actors, maximizing the reach of the information provided.
- **Tools for interaction with citizens:** Introduction of tools and techniques to promote ongoing dialogue between citizens and legislators, highlighting and safeguarding the responsibility of active listening among citizens.
- **Clear language:** Also referred to as plain language, it is a simple and efficient style aimed at generating information that can be comprehended by a wide range of audiences (i.e. in different situations and with different experiences) and that allows for easy comprehension of what is said or written.
- **Information time frames:** The management of time frames for the provision of information will determine the ability of legislatures to be useful sources of information.
- **Media access:**⁸⁵ The parliament should ensure that the media and independent observers have full access to its meetings and regulations, and that they can follow the legislative process at any of its stages, in accordance with the rules established by parliaments.

⁸⁴ These principles are the same as those of active transparency since they refer to the disclosure of information.

⁸⁵ Declaration on Parliamentary Openness (principle 29). <http://openingparliament.s3.amazonaws.com/docs/declaration/1.0/spanish.pdf>

Accessibility

- **International accessibility standards:**⁸⁶ World Wide Web Consortium (W3C) standards or other applicable standards ensuring that the website can be used by people living with disabilities.
- **Languages:** In countries with more than one official language, or where a high percentage of the population uses another language, such as Indigenous languages, legislatures should use their best efforts to ensure that all content on the site is provided in those languages. If only a partial version is possible, it should focus on basic information on how the parliament works, how to contact its legislators, and a periodic summary of activities, among others.
- **Usability:**⁸⁷ Ensuring that different user segments access content and are able to understand it with minimal effort.
- **Display:** Instead of written texts, which reach few people, information can be presented graphically for quick comprehension. Displaying information on a map is one of the best examples.
- **Interactivity:** Each user should be able to choose the level of detail in the information they wish to access and submit individual queries.

Communication and accessibility tools

An “open” parliament means that deliberations are materially open to the public. To facilitate this action, parliaments should incorporate strategies utilizing the media, platforms, social networks, and other internet tools to support their dissemination and access strategies.

The main tools used to achieve the goal mentioned above are set out below:

a) Accessibility on parliamentary web pages

With regard to accessibility and usability, the World e-Parliament Report 2018 of the Inter-Parliamentary Union⁸⁸ indicates that parliaments have implemented a series of good practices and standards that ensure the usability of a website, in order make it intuitively easier to browse and more accessible to users with different needs. These good practices include:

- ✓ application of IPU Guidelines for Parliamentary Websites;⁸⁹

- ✓ adoption of official standards, such as those of the WWW Consortium (W3C),⁹⁰ an international community that develops open standards to ensure the growth of the Web;
- ✓ design and content according to the needs of users;
- ✓ implementation of improvements through user tests and usability methods;
- ✓ periodic evaluation of website content to improve usability and compliance with established standards;
- ✓ publication of bilingual content, at least in the sections that are most relevant to users;
- ✓ use of “adaptable” designs that are compatible across devices;
- ✓ use of open data and open publications through new website application architecture.

86 Inter-Parliamentary Union, *Guidelines for Parliamentary Websites*, 2009.

87 Ortiz de Zárate Tercero, A., *Transparencia efectiva y hoja de ruta para alcanzarla*.

88 For more information, click on the following link: <https://www.ipu.org/resources/publications/reports/2018-11/world-e-parliament-report-2018>

89 For more information, click on the following link: <http://archive.ipu.org/PDF/publications/web-e.pdf>

90 For more information, click on the following link: <https://www.w3.org/>

b) Relationship with the media

For the dissemination of parliamentary information, it is important for legislatures to maintain close ties with the media in their country. Thus, transparency and access to information are key to providing resources and sources of information to contribute to the news imparted by the media.

Parliaments in the region and in the world have not only provided spaces in their institutions for the national and international press, but have also held workshops with journalists on the work of parliament and existing mechanisms for searching for legislative information. For this reason, it is very important to have a plan for engagement with the media that encourages collaboration.

c) Social media

Social media are a set of internet-based tools used to contact, share, and interact with other actors in a convenient manner and time. The main characteristic of these applications is their interaction-oriented design; that is, users of these tools seek conversations, stories, and entertainment, but above all, personal contact. There are various social media communication tools, including social networking sites; blogs and weblogs; microblogs, such as Twitter; video and photo sharing websites and applications; instant messaging, such as SMS and WhatsApp; Wikis and spaces for online participation; forums; round tables; and discussion groups, among others.

Social media tools can be used by parliaments to achieve the following objectives:⁹¹

- ✓ **Information and disclosure:** These tools are used to provide the public with material, background information, and general information, etc. For example, they can be used to disseminate information on parliamentary activities (such as bills, motions, debates, committee meetings, etc.). Furthermore, social media can be used to create connections and associations with civil society and business groups, among others, and facilitate public access to the parliament.

- ✓ **Education:** Social media can also be used to educate citizens about the parliament. In this regard, it allows the dissemination of activities, educational materials, and other resources for students and teachers. At the same time, it should be noted that the general public does not usually understand the difference between parliament, legislators, and the government, and in their messages, they often do not identify the recipients, but rather explain and report a problem to be solved. In this respect, social media outreach can be effective for communicating with the public on how the legislative process works and how the government and parliament are organized.

- ✓ **Interaction and listening:** Although it is common to use these tools for publishing, sharing, and interacting, it is important to remember how useful they are for collecting feedback from the public and evaluating public sentiment on the issues being addressed in the parliament. In this regard, social media can be used for interaction, allowing the creation of active communication channels with the public.

Information provided on social media by a parliament often includes the following:⁹² individual items on plenary session agendas; individual and selected legislative proposals; urgent and current information; extraordinary events: cancellation or postponement of sessions or meetings; technical problems related to live broadcasts; general calendar or calendar of current and future activities and events taking place in parliament; selected conferences and press releases; visits to parliament both in person and virtually (e.g. links to the parliament's website); access to plenary sessions and information services available to the public; history of parliament (e.g. anniversaries, special occasions, etc.); publications and parliamentary material, with description and/or links; access (on demand) to session recordings; events in parliament, such as formal sessions, receptions, celebrations, and exhibitions; explanations of terms for understanding the work and activities of the parliament (e.g. legislature, bill, standing committee, etc.); statistics, such as how many motions have been presented, the number of interpellations per session and women in parliament, among others; dates and topics of the next relevant votes.

91 Rubio Núñez, R. and Vela Navarro-Rubio, R., *El Parlamento Abierto en el Mundo, Evolución y Buenas Prácticas*, 2017.

92 Presentation on Communication and Accessibility Tools for Transparency in Legislatures by Miguel Ángel Gonzalo, Congress of Deputies of Spain (2019).

The challenge for legislatures in using these communication channels is to maintain fluid, spontaneous, and effective communication regarding the purpose of the interaction, and at the same time to ensure minimum standards of formality and objectivity in dialogues and on providing information. Some considerations for its regulation in this regard are the following:

Organic and functional structure integrated into parliamentary activity. Formalizing the responsibility for the development, implementation, and coordination of social media, as part of the general (internal/external) communication plan of legislatures, with their respective financing plan, processes, responsibilities, and adequate infrastructure. This means clearly defining the internal use of these media and providing clear guidelines to the parliament's management staff.⁹³

Establish procedures for defining responsible staff and main functions. The staff authorized to use social media on behalf of parliament should be established, as well as the scope of their responsibilities, the types of information they can make public, and the time frames for providing information. Additionally, training should be provided in social media skills and expected ethical conduct.

Other procedures for using social media are related to the daily administration of social networks, including quick and efficient verification of information for responses to events that may arise and rules for moderating debates, retweeting, sharing, following other users, rejecting "friend requests," as well as topics of interaction with users, principles of crisis communication when necessary, and guidelines for applying the provisions established for data protection, as the most relevant aspects.

Promotion of social media tools for communication among legislators and their training in interactions with the public. In addition, the public should be encouraged to use such tools and be provided with the means to access and select the most suitable social media platforms to follow their representatives and contact them.

Social media implementation strategy for parliament's use of these tools, establishing short, medium, and long-term strategies. In this regard, debates, public consultations or

other participation processes can be promoted, in order to improve the quality of the proposed laws and their long-term application.

Different international organizations have already worked on formalizing the work of legislatures and social networks. The Inter-Parliamentary Union published the document "Social Media Guidelines for Parliaments,"⁹⁴ to guide legislators in the use of these tools. Similarly, ParlAmericas developed a document on good practices in the use of networks called "Best Practices for the Use of Social Networks by Parliamentarians."⁹⁵

d) Educational platforms

One specific role that has been assigned to the processes of disclosing and disseminating information is the educational role. It has been repeatedly pointed out that since the right of access to public information seeks to "bring the State closer to citizens," it should result in the generation of educational information for better comprehension by the public. In addition, it is necessary to develop content for diverse target audiences, in simple and effective language in terms of message delivery.

In this regard, parliaments primarily carry out an *educational mission* by preparing and delivering information appropriately, taking into account that citizens are not familiar with their actions. The authors of the book "*El Parlamento Abierto en el Mundo. Evolución y Buenas Prácticas*" (Open Parliament around the World. Evolution and Good Practices) suggest that three aspects should be analyzed when applying the principle of transparency to parliament: 1) How information is customized (in order to accommodate all of the actors involved in parliament); 2) How content is generated (it is important to remember that transparency means generating information that adds value); and 3) How a true dialogue is achieved (effective two-way communication between representatives and constituents).

Legislatures that take these requirements into account, with the aim of providing tools that allow the public to better understand their work, their organic structure, and other specific characteristics, have developed educational platforms to deliver content and educational tools that support civic learning.

93 The policies and measures included here do not apply to legislators, who may present their political positions and fulfil their duties of representation as they see fit.

94 To access this publication, click on this link: <https://www.ipu.org/resources/publications/reference/2016-07/social-media-guidelines-parliaments>

95 For more information, click on the following link: <https://parlAmericas.org/uploads/documents/Mejores%20pr%C3%A1cticas%20para%20el%20uso%20de%20redes%20sociales%20para%20las%20y%20los%20parlamentarios.pdf>

These platforms have educational resources for children and teachers, understanding that teachers play a necessary and integral role in imparting knowledge to children and young people. In addition, continuing education is promoted for teachers, allowing them to upgrade their skills with regard to the legislative institution and actions, and then replicate what they learned in the classroom.









It is relevant to consider the identification, design, and implementation of strategic partnerships with other actors in the field of education. The main purpose of this condition is to strengthen the mechanisms for the transfer of learning (work with academia), to find the right incentives for working with teachers (work with the Ministry of Education, promoting the alignment of curricula), and to multiply the processes for delivering knowledge (work with civil society).











International good practices in communication and accessibility

To support the use of the communication and accessibility tools referred to in the previous section, identified good practices and related links are presented below:

Operating regulations and other resources for the media



Institution	Description
 House of Commons of Canada  Access:	The “Information for Media” section includes a centralized repository with precise information and resources on the House and its members to support the work of the media. https://www.ourcommons.ca/en/info-for-media
 European Parliament  Access:	The European Parliament website provides access to media accreditation requirements, among other established requirements, such as the rules of conduct to be followed by the media. https://ec.europa.eu/info/about-european-commission/contact/press-services/media-accreditation/annual-media-accreditation-eu-institutions_en
 National Assembly of France  Access:	The section dedicated to work with the press provides information on the regulations governing work with the media and access to parliamentary information. http://www2.assemblee-nationale.fr/decouvrir-l-assemblee/role-et-pouvoirs-de-l-assemblee-nationale/la-communication/les-relations-avec-la-presse
 Senate of Italy  Access:	The Senate’s regulations for radio and television broadcasting include guidelines for broadcasting parliamentary work. http://www.senato.it/1063

Accessibility and multilingualism

Institution	Description
 Chamber of Deputies of Brazil	The Accessibility Coordination Office provides multimedia content and other information resources to disseminate its standards for accessibility from the Chamber of Deputies.
 Access:	https://www2.camara.leg.br/a-camara/estruturaadm/gestao-na-camara-dos-deputados/responsabilidade-social-e-ambiental/accessibilidade
 House of Representatives of the United States	The Office of Accessibility Services offers services for people living with disabilities, including adaptive tours of the Capitol building, wheelchair loans, and sign language interpreting services for people with hearing impairments.
 Access:	https://www.aoc.gov/accessibility-services
 European Parliament	The “Multilingualism” section contains the treaties and regulations for parliament activity in the 24 official languages.
 Access:	https://www.europarl.europa.eu/about-parliament/es/organisation-and-rules/multilingualism
 House of Commons of the United Kingdom	The “Accessibility” section presents information on standards of accessibility through virtual and physical spaces and a link to related documents (access statement, digital strategy).
 Access:	https://www.parliament.uk/site-information/accessibility/



Social networks



Institution	Description
 Senate of Canada	The “Social Media” section of the online magazine “SenCa plus” includes the Senate’s posts on social media by session.
 Access:	https://sencanada.ca/en/sencaplus/social-media
 European Parliament	The NewsHub Platform provides information on MEPs, political groups, the Parliament president, and the European Parliament news services.
 Access:	https://www.epnewshub.eu/#/?_k=w1cmud

Institution	Description
 Chamber of Deputies of Italy  Access:	<p>The “Quick Access” section presents the social media policy, which includes aspects related to content, moderation, and privacy.</p> <p>https://www.camera.it/leg18/69?testostrumenti=10</p>



Educational platforms

Institution	Description
 Chamber of Deputies of Argentina  Access:	<p>The Children’s Congress platform provides material, videos, games, and virtual visits to Congress, bringing the legislative institution closer to the classrooms of the country’s schools.</p> <p>https://chicos.congreso.gob.ar/</p>

 Chamber of Deputies of Brazil  Access:	<p>The Plenarinho portal presents information on the parliament, such as the law-making process and the parliamentary and political action, democracy and organization of the State of Brazil, using accessible and playful language. This is a program to promote engagement between the Chamber and the community, of which the target audience is children and adolescents between the ages of 7 and 14, as well as parents and teachers.</p> <p>https://plenarinho.leg.br/</p>
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 House of Commons of Canada  Access:	<p>The “Learn about Parliament” section provides teaching and dissemination materials, manuals, and publications for understanding how the parliament is structured and how it works. This includes educational resources for children and teachers.</p> <p>https://lop.parl.ca/sites/Learn/default/en_CA</p> <p>https://lop.parl.ca/About/Parliament/Education/classroom-activities-e.html</p> <p>https://lop.parl.ca/About/Parliament/Education/teacher-resources-e.html</p>
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 National Assembly of France  Access:	<p>The Children’s Parliament portal focuses on working with children, guided by their teachers through school projects.</p> <p>https://www.parlementdesenfants.fr/</p>
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 Parliament of Jamaica  Access:	<p>The “Resources for Students” section presents educational resources on the parliament and the legislative process focused on students.</p> <p>https://japarliament.gov.jm/index.php/resources-for-students</p>
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Compliance assessment systems - Management indicators



To assess the effectiveness of communication processes and accessibility actions aimed at enhancing the delivery of complete information in a timely manner and in clear language that maximizes the comprehension of the information received, indicators should aim to measure the knowledge obtained by the public regarding the legislative institution, its work, and mechanisms for participation. It is also possible to measure the operation and performance of communication actions with respect to their reach and frequency.

Operation indicators

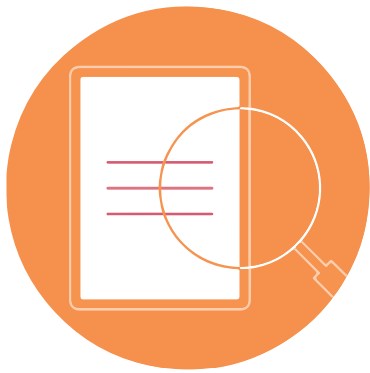
- **Communication plan.** Percentage of completion of communication activities planned for a given period.
- **Reach of communication actions.** Number of communication actions carried out for the different target audiences identified.

Performance indicators

- **Level of public knowledge of legislative work.** Indicator showing the level of public knowledge of legislative work.
- **Level of public knowledge of mechanisms of public participation.** Indicator showing the level of knowledge of mechanisms of public participation acquired by citizens.

Impact or public perception indicators

- **Positive public perception of legislative work.** Public perception survey showing a positive trend in the public's perception of the parliament.
- **Public perception of parliament transparency.** Survey showing a positive trend in the public's perception of transparency in parliament.



5.5 Records management



Concept⁹⁶

For the International Council on Archives, records management is the “*field of administrative management responsible for achieving efficiency and economy in the creation, maintenance, use and disposal of records.*”⁹⁷ The ISO 15489-1:2001 standard titled *Information and documentation. Records management. Part 1: General*, defines records management as the “*field of management responsible for the efficient and systematic control of the creation, receipt, maintenance, use and disposition of records, including processes for capturing, and maintaining evidence of and information about business activities and transactions in the form of records.*”

Technical standards and good practices define records management as a comprehensive and integrated management tool in the administrative management of the different areas of an organization, promoting efficient processes, transparency, and accountability, insofar as records and archives are relevant instruments for the review, analysis, and verification of the activity of organizations (social monitoring). Furthermore, it provides considerable support for processes of continuous institutional improvement, ensuring better response times and, consequently, higher quality services, in addition to increasing confidence in institutions.

It is essential that transparency laws incorporate high standards in records management, requiring administrative bodies to ensure access to all administrative actions, the grounds for such actions, and all other information in their possession, regardless of its format, medium, date of creation, origin, classification, or processing status.



Objective: What is the purpose of records management?⁹⁸


- ✓ “To facilitate the identification, management, classification, organization, preservation and disposal of the public information of parliaments, throughout its entire life cycle,”⁹⁹ from its creation to its final disposal, for the purposes

⁹⁶ Description based on an analysis of the following documents: Dictionary of Archival Terminology of the International Council on Archives, Records Management and Archives Administration Model of the Transparency and Access to Public Information Network, ISO 15489-1, ISO 15489-2, ISO 30300, ISO 30301: 2011 and ISO 30302: 2015.

⁹⁷ *Dictionary of Archival Terminology*, 1988.

⁹⁸ It should be noted that records management objectives are specific to each organization (based on a contextual analysis, for further reference see Chapter 4, ISO 30302: 2015) and risk analysis (see 6.1), in line with its goals and strategies, as well as measurement capabilities.

⁹⁹ These are the successive stages undergone by records from the time they are produced in the management file and go through the central and/or intermediate file, until they are disposed of or kept in an archive.



of permanent preservation or disposal, according to the general principles of “provenance”¹⁰⁰ and “original order”¹⁰¹ of records in archival organization.

- ✓ To support and document policy making and decision making at a managerial level.
- ✓ To ensure the safekeeping, conservation, preservation, and dissemination of the documentary heritage of the parliament.
- ✓ To facilitate access to parliamentary information, through the implementation of policies and good practices for records management and archives, in the terms established in the Law on Transparency and the Right of Access to Public Information or other provisions or policies of the country.
- ✓ To optimize the quality of services provided to the public by having public information held by parliament readily available.

Attributes for records, document, and archive management¹⁰²

According to ISO 15489,¹⁰³ all records management systems should serve as support for documents and should have the following characteristics:

Reliability: They should work regularly and continuously using reliable procedures, as follows:

- ✓ Regularly incorporate all records related to the organization’s activities;
- ✓ Organize records in a way that reflects the context in which they were produced;
- ✓ Protect records against unauthorized changes, deletions or access;
- ✓ Be a primary source of information for the organization and in relation to its actions documented in the records;
- ✓ Provide immediate access to records and their metadata;
- ✓ Changes in the needs of the organization and, thus, in the management system should not affect the characteristics of the records; and
- ✓ Physical transfers or transfers of custody will be carried out without affecting the characteristics of the records.

Integrity: Measures must be developed for access control, user identification, and authorized destruction. These control measures may be part of the records management system or may be external to it. This is especially relevant for electronic records.

100 The principle of provenance in archival organization refers to the fact that each record must be filed in the collection of records in which it originated, taking into account that the unity and independence of each collection must be maintained, as well as the integrity and serial organization of the sections, series, and records in each collection.

101 Original order refers to the order in which documents are kept within each folder or file, i.e. consecutively in accordance with the administrative actions that gave rise to their production.

102 Description based on an analysis of the following documents: Records Management and Archives Administration Model of the Transparency and Access to Public Information Network, ISO 15489-1, ISO 15489-2, ISO 30300, ISO 30301: 2011, and ISO 30302: 2015.

103 It should be noted that although ISO 15489 provides a methodology for implementation, national standards, legislation, and regulations may require other records management factors and conditions for legal compliance.

Compliance: The records management system should comply with the requirements resulting from the organization's functions and activities and with its previously examined regulatory framework. It should also meet the expectations of society and comply with the accountability process. The records management system's compliance with the requirements should be periodically evaluated.

Comprehensiveness: The records management system should include records from all the organization's activities or from the part of it, where it has been implemented.

Systematic: Records should be systematically created, maintained, and preserved in the management system.

Records management in parliaments¹⁰⁴

Guidelines for records management in parliaments¹⁰⁵

The following are suggested guidelines for meeting the objectives mentioned in this tool:

- *Establishment of a records and archive management policy.* The parliament should establish and document records management policies and ensure that they are implemented and maintained at all levels and agencies of the institution.

The objective of this policy is the creation and management of authentic, reliable, and usable archive records to support the functions and activities of parliament for as long as necessary.

The declaration of this policy should reference other information related policies, e.g. information security, asset management, etc. In addition, it should be supported by procedures and guidelines, strategic plans, record keeping, and disposal schedules and other documents that are part of the records management system. Furthermore, it is essential to ensure that the policy is in line with policies on access to public information, transparency, open government, and open data.¹⁰⁶

Establishment of duties and responsibilities within parliament. It is crucial to establish the duties and responsibilities¹⁰⁷ of the different categories of staff involved in records management. The designation of an authority or body directing the implementation of the records management policy is essential.

Strategy, design, and implementation of a Records Management System (RMS).¹⁰⁸ Records and archive management must function as a system that allows the systematic tracking of archival records, from their incorporation into the Records Management System until their final disposal, through the establishment of parliament procedures regulating their safekeeping, storage, access, use, transfer, or disposal. In this context, it is necessary to manage all the components included in this process, such as human resources, technology, procedures, infrastructure, the organizational structure, and information flows, to name a few.

The establishment of a Records Management System assumes that all existing filing stages work in a coordinated manner, requiring the establishment of its structure and functions, the relationship between its different components and how the flow of records between them will be managed, considering their life cycle.

¹⁰⁴ The following documents were reviewed for this proposal of sections: ISO 15489-1 and 15489-2, ISO 30300, ISO 30301, ISO 30302, Proposal of Guide for Implementation of the Inter-American Model Records Management Law (2018); and the RTA Records Management Model.

¹⁰⁵ These guidelines are based on international standards and are applicable to all kinds of organizations, such as corporations, government agencies, and non-profit organizations of any size.

¹⁰⁶ It is recommended as good practice to publish the policy in a visible place on the parliament's website and in open format, as well as to keep it updated. It is highly advisable for the policy to be approved by a high-level body in order to provide it with institutional support and ensure its implementation and sustainability.

¹⁰⁷ This is applicable both at a strategic level and at an operational level.

¹⁰⁸ ISO 15489-1 proposes the methodology used by the National Archives of Australia and the State Archives of New South Wales.

The following flowchart shows the stages of the Designing and Implementing Record/Keeping systems (DIRKS) methodology for the implementation of a Records Management System, according to ISO 15489:1.

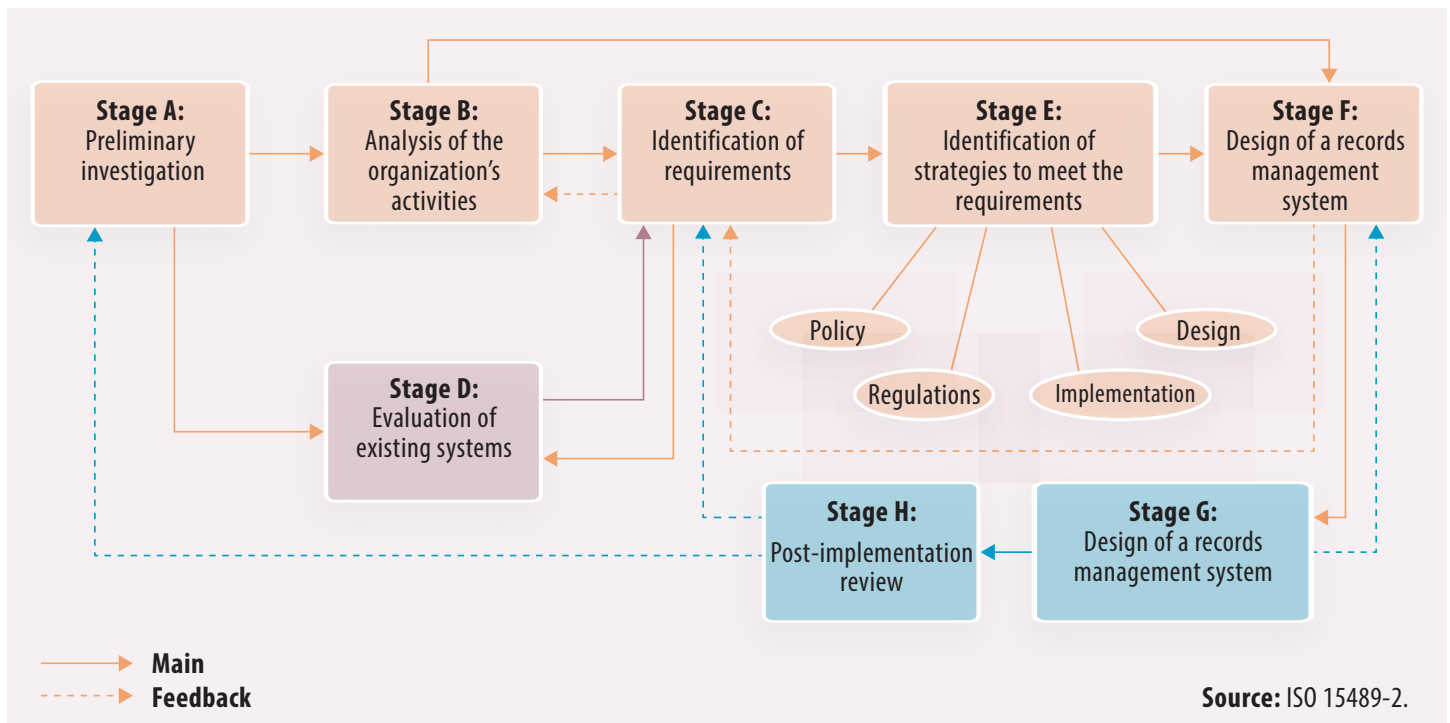


Figure No. 1. Stages of the “Designing and Implementing Record/Keeping Systems” (DIRKS) methodology.”

Records management processes and controls. It is important that the following instruments used in records management operations be developed:

- ✓ Parliamentary Documentation Classification Chart,¹⁰⁹ based on the activities of the parliament at the institutional level;
- ✓ Record keeping and disposal schedule;
- ✓ Access and security chart;
- ✓ Thesaurus of accepted terms;¹¹⁰ and
- ✓ Glossary of terms or other controlled vocabulary.

¹⁰⁹ For the Classification Chart, it is an essential prerequisite to have extensive knowledge of the responsibilities and functions of the body or department generating the archival records. Therefore, the persons responsible for its preparation should consider cross-referencing the information obtained in the preliminary study—generally indicating the functions and activities performed at the institution and the context in which they are carried out—with the information collected in the Record Typology Analysis, which provides the context of the records generated by such functions and activities and groups them into series of records. For more information, see the Model Parliamentary Documentation Classification Chart of the Spanish Group of Parliamentary Archivists SPP/ICA, at the following link: <http://archivosparlamentarios.blogspot.com/2012/01/modelo-de-cuadro-de-clasificacion.html>

¹¹⁰ It is advisable to consider the EU multilingual and multidisciplinary “EuroVoc” thesaurus, which contains keywords organized in 21 thematic fields and 127 subfields, describing the contents of the documents in EUR-Lex. This resource is available at the following link: <https://eur-lex.europa.eu/browse/eurovoc.html?locale=es>

The processes¹¹¹ to be implemented to ensure adequate records management throughout the life cycle of the records are: (a) *Incorporation*; (b) *Registration*; (c) *Classification*; (d) *Access and security assignment*; (e) *Definition of disposal*; (f) *Storage*; (g) *Use and traceability of actions and location*; and (h) *Disposal*.

Preservation of records and contingency management.

To ensure the safeguarding of parliamentary documentation, a comprehensive records preservation plan should be implemented, as well as environmental and facility monitoring measures, a contingency plan, and risk assessment.

Electronic records management. It is essential for legislatures to implement an electronic records management policy with an interdisciplinary perspective, regulating interoperability, metadata management, digitization, and the preservation of digital documents.

Records management work plan.¹¹² This defines the strategic and operational guidelines for the development of the records management project to be implemented. The work plan is intended to be a road map provided to people managing projects, clearly defining tasks, responsibilities, work products, tracking milestones, etc.

Training in records management. It is important that parliaments implement a training program for all staff involved in the creation of records and the records management system to ensure that all staff receive the information they need to fulfil their responsibilities.

User services.¹¹³ Legislative archives should include dissemination mechanisms to promote their documentary heritage (historical collections), the reuse of information, archival services for the administration (internal user), services for the public, and an archival information query service.¹¹⁴

Monitoring and auditing of records management systems. The proper design of any records management system requires evidence of the proper operation of the records management system, that the organization complies with the established standards, that it safeguards the records and applies security measures for this purpose, and that it properly uses and implements the relevant technologies.¹¹⁵

Implementation of a Records Management System (RMS), with a systematic and verifiable approach

Considering that records and archive management involves all areas within an organization and that, in addition, it substantially supports compliance with other ISO management systems, it is advisable to ensure the implementation of *Records Management System (RMS)*.

ISO 30302 provides a practical guide on how to implement a records management system (RMS) in line with ISO 30301. The guide includes the following activities to be carried out and how to document them:¹¹⁶

- **Context of the organization**, including an understanding of the organization and its context; business, legal and other requirements; and a definition of the scope of the RMS.

¹¹¹ The processes established by ISO 15489-1, although presented sequentially, are important to take into account in many records management systems, especially electronic systems, which can be organized simultaneously or in a different order.

¹¹² For more information on this aspect, see the "Records Management Program" of the National Archive of Colombia: https://www.archivogeneral.gov.co/sites/default/files/Estructura_Web/2_Politica_archivistica/Instrumentos_Archivisticos/PGD/PGD_AGN_2018.pdf

¹¹³ For more information on this topic, see the example of the "User Services" section of the National Archive of Peru: <http://agn.gob.pe/portal/servicios/1522690924-servicios-al-usuario>, and the "Service Notices" section of the National Archive of Mexico: <https://www.gob.mx/agn/articulos/el-lunes-26-de-marzo-los-servicios-proporcionados-por-el-agnmex-se-suspenderan-a-las-12-00-horas?state=published>.

¹¹⁴ It is good practice to record in writing information such as the conditions of access to and reproduction of records, costs (if applicable) of their reproduction, opening hours of consultation rooms, assistance to researchers, etc., and for such information to be published in a records management services letter that can be accessed by the public. For an example of this, see AENOR-Service Letters UNE 93200.

¹¹⁵ Performance monitoring requires the parliament in general and/or department responsible for the archiving system to establish pre-agreed or required indicators on matters such as responsibilities for procedures, the quantity and quality of work produced, and the security and integrity of the system and processes.

¹¹⁶ The use of this guide is necessarily flexible. It depends on the size, nature, and complexity of the organization and the level of maturity of the RMS, if one has already been established.

- **Leadership**, including the commitment of management, the establishment of a records management policy, and the assignment of managerial and operational responsibilities.
- **Planning of RMS implementation**, including actions for addressing risks and opportunities, and the objectives of records management and plans for achieving them.
- **Support**, including available resources, training, education, communication, and documentation of effective planning, operation, and monitoring of the RMS.
- **Operation**, including operational planning and monitoring, design of records management processes, and implementation of records management systems.
- **RMS performance assessment**, including supervision, measurement, analysis, and assessment, as well as management review.
- **Improvement**, including monitoring of nonconformities, corrective actions, and continuous improvement.

Cooperation between legislative archives¹¹⁷





For an effective exchange of experiences and good archival and records management practices, it is essential to ensure coordination, cooperation, and collaboration between national parliaments, as well as the legislatures of other territories, national libraries, and relevant national archives.





International good practices in records management and archiving

To support the proposal referenced in the previous section, identified good practices and related links are presented below:



Records management policies

Institution	Description
 General Accounting Office of the Nation (CGN) of Colombia  Access:	The Records Management Policy establishes the scope, objectives and process of records management, among other aspects, and is in line with the Records Management Program and the General Archive of the Nation (AGN). https://bit.ly/2BcFOay
 Cortes of Castile and León, Spain  Access:	The Archive of the Cortes of Castile and León provides information regarding Archiving Regulations and the Records Management System. https://www.ccyl.es/Actividad/Archivo



¹¹⁷ Para ahondar más en este tema, se sugiere revisar la página web de la Asociación Latinoamericana de Archivos (ALA), sección: *Cooperación, Asociaciones, instituciones y sociedades* en el siguiente enlace: <http://www.alaarchivos.org/cooperacion/>

Institution	Description
 Barcelona Provincial Council, Spain	<p>The Archive of the Barcelona Provincial Council includes documentation in different formats and on different media. The site includes the Records Management Policy, Records Classification Chart, Digitization Policy, and Catalogue of Record Types, among other information.</p>
 Access:	https://www.diba.cat/web/arxiu/gestio-documental

Records management regulations

Institution	Description
 Parliament of the Canary Islands, Spain	<p>The Documentation, Library and Archive Service has regulations that provide details on its units, functions, and documents and their classification, among other information.</p>
 Access:	https://www.parcn.es/normativa/biblioteca.py

Records management procedures

Institution	Description
 Parliament of La Rioja, Spain	<p>The procedures and instructions for records management in the La Rioja Parliament Archive include information on record collections, classification, access to and documentation of records and record transfers, among other information.</p>
 Access:	https://www.parlamento-larioja.org/recursos-de-informacion/archivo/GestiondocumentalParlamentodeLaRioja.pdf





Disposal of records

Institution	Description
 Girona Provincial Council, Spain	<p>The General Archive presents information on the procedure for disposing of records, including a record of historical disposals from 1999 to 2014.</p>
 Access:	http://arxiugeneral.ddgi.cat/wp-content/uploads/2014/09/REG_ELIM_DOCS_1999_20141.pdf



Archive search engine

Institution	Description
 Community of Madrid, Spain	<p>The Archives of the Community of Madrid portal allows user to consult freely accessible filed documents using a search engine.</p>
 Access:	http://www.madrid.org/archivos/



Historical archive

Institution	Description
 Chamber of Deputies of Brazil  Access:	The “History and Archive” section contains records created since the establishment of the Brazilian Congress in 1823. The collection comes in various formats, such as paper files, audio, video, manuscripts, maps, microfilm, and photographs. https://www.camara.leg.br/historia-e-arquivo/
 Congress of Deputies of Spain  Access:	The “Congress Archive” section provides the official records of the parliamentary and administrative activity of each of its bodies and agencies from 1808 to date. It also includes all documents produced or received by Congress in order to preserve and organize them scientifically for potential use in legislative work, administrative management, and research. http://www.congreso.es/portal/page/portal/Congreso/Congreso/SDocum/ArchCon









Requests for record removal

Institution	Description
 General Archive of the Nation of Mexico  Access:	The General Archive of the Nation has created a schedule for the receipt of requests for the removal of records, allowing the management of requests for removal by sector and regulating the process in order to make the record assessment procedure more efficient. https://www.gob.mx/agn/articulos/calendario-de-recepcion-de-solicitudes-de-baja-documental?idiom=es



Archival tools

Institution	Description
 General Archive of the Nation of Colombia  Access:	The general archive includes the records management policy, record classification chart, policy for disposing of records, system for publishing information, inventory of records in the central file, the Institutional Archives Plan (PINAR), record retention charts, record assessment charts, and the index of classified and reserved information, among other information. https://www.funcionpublica.gov.co/gestion-documental

Electronic records management

Institution	Description
 General Junta of the Principality of Asturias, Spain	The e-Parliament Implementation Rules establish guidelines for the management, creation, and preservation of electronic records to ensure that they are authentic, complete, reliable, and accessible. https://www.jgpa.es/documents/11156/194456/Pol%c3%adtica+de+gesti%c3%b3n+de+documentos+electr%c3%b3nicos+de+la+Junta+General/0bfd7c35-d25a-4966-96a2-7bc0cece0feb
 Access:	
 Saltillo Municipality, Mexico	The portal of the Municipal Archive of Saltillo is a project aimed at making the collections of the City Council's historical documentary heritage available to current and potential users, with images and detailed references to documents containing information related to collective memory.
 Access:	http://portal.archivomunicipaldesalttillo.info/#/Home
 General Archive of the Nation of Peru	In the Digital Repository of the General Archive of the Nation, users can access resolutions and documents from the various departments and authorities of this public entity.
 Access:	http://agn.gob.pe/portal/repositorio_digital
 Parliament of the United Kingdom	The "Digital Preservation in Parliament" section presents the policy and strategy for continuing to provide access to digital resources in the future.
 Access:	https://www.parliament.uk/business/publications/parliamentary-archives/who-we-are/preservation-and-access/digitalpreservation/

Inter-institutional and international cooperation networks and initiatives

Institution	Description
 International Council on Archives	The International Council on Archives (ICA) is a neutral, non-governmental, member-funded organization dedicated to archival development worldwide. It brings together archival and professional institutions from around the world to promote the effective management of archives and the material protection of written heritage, to produce standards and good practices, fostering dialogue and exchanges among its members.
 Access:	https://www.ica.org/en/espa%C3%B1ol

Institution	Description
 Spanish Group of the Section of Archives and Archivists of Parliaments and Political Parties of the International Council on Archives  Access:	<p>The blog of the Spanish Group of the Section of Archives and Archivists of Parliaments and Political Parties of the International Council on Archives (SPP) presents downloadable articles of interest, working documents of the group, and the organization's internal regulations.</p> <p>http://archivosparlamentarios.blogspot.com/</p>
 InterPARES Trust  Access:	<p>The “<i>InterPARES Trust</i>” research project is a multinational and interdisciplinary initiative that explores issues related to trust and the reliability of records and data in online environments. Its objective is to generate theoretical and methodological frameworks to develop policies, procedures, regulations, standards, and legislation at the local, national, and international levels in order to ensure public trust based on evidence of good governance, a solid digital economy and persistent digital memory.</p> <p>https://interparestrust.org/</p>
 European Network of Information and Documentation on Latin America and European Council for Social Research on Latin America  Access:	<p>The European Network of Information and Documentation on Latin America (REDIAL) and the European Council for Social Research on Latin America (CEISAL) specialize in humanities and social sciences in relation to Latin America. CEISAL promotes knowledge about Latin America in Europe and around the world through interdisciplinary academic research and by organizing triennial seminars and conferences. REDIAL is a platform that brings together researchers, librarians, and documentalists working in the field of Latin American humanities and social sciences in Europe, fostering exchanges between libraries and documentation centres in Europe and Latin America that specialize in social sciences and humanities.</p> <p>https://rediceisal.hypotheses.org/</p>
 ParlAmericas Open Parliament Network  Access:	<p>The ParlAmericas Open Parliament Network (OPN) promotes legislative openness in parliaments of the Americas and the Caribbean through workshops, annual gatherings, peer-to-peer exchanges, and resources and tools for legislators with the objective of combating corruption, increasing public confidence, and strengthening democratic institutions. The OPN is governed by an elected Executive Committee, composed of the President (who also serves as 2nd Vice-President on ParlAmericas' Board of Directors) and sub-regional Vice-Presidents representing North, Central, and South America, and the Caribbean. In addition, the Parliamentary Staff Network on Open Parliament has been established in this space as a meeting point for parliamentary staff.</p> <p>https://www.parlamericas.org/es/default.aspx</p>

Institution	Description
<ul style="list-style-type: none"> Documentary Services Cooperation Network of the Autonomous Parliaments <p>Access: https://www.redparlamentaria.com/</p>	<p>The Documentary Services Cooperation Network of the Autonomous Parliaments (Red_Parlamentaria) collaborates and shares documentation from 17 autonomous parliaments. Its website presents documents relating to parliamentary activity, documentary products, information resources, and other content related to the activity of the legislative documentary services. It also includes links to the parliamentary activity of all parliaments, such as parliamentary process search engines, parliamentary regulations and resolutions, or subsidiarity opinions.</p>
<ul style="list-style-type: none"> Transparency and Access to Information Network <p>Access: http://mgd.redrta.org/mgd/site/edic/base/port/inicio.html</p>	<p>The Transparency and Access to Information Network (RTA) is a space for exchanges between public bodies and entities that carry out supervisory duties in matters of transparency and the right of access to public information. The RTA launched a website that contains all the documents of the Records Management and Archives Administration Model, which is the result of a joint effort with EUROsocial, in the framework of the RTA Archives Project, with the collaboration of the Organization of American States (OAS).</p>
<ul style="list-style-type: none"> Spanish Archives Portal <p>Access: http://pares.culturaydeporte.gob.es/inicio.html</p>	<p>The <i>Portal de Archivos Españoles</i> (PARES) is a project of the Spanish Ministry of Education, Culture and Sport aimed at the online dissemination of the Spanish Historical Documentary Heritage preserved in its network of centres. This portal serves as a space for the dissemination of other public or private archival projects, previously established in a framework of cooperation with the Ministry of Education, Culture and Sport. It also provides free and open access, not only for researchers, but also for anyone interested in accessing documents through digitized images from the Spanish Archives.</p>

Compliance assessment systems - Management indicators

Indicators for evaluating the proper implementation, operation, results, and impact of records management standards in the parliament include the following metrics:



Implementation indicators

- Completion of work plan.** Indicator showing the progress of the work plan that includes all the Records Management System development components (policy and procedures, designation of responsibilities, design and implementation of Records Management Systems, training plan and training sessions, among others).

Performance indicators

- **Indicators of good practices implemented.** Indicator showing the parliament's ability to incorporate good records management practices, in areas such as responsibilities over procedures, the quantity and quality of the work produced, and the security and integrity of the system and processes.
- **Process indicators.** Related to essential services for the development of the records management and archiving function in any organization, including:
 - Records management processes, including the entry or filing of records in the archive for their safekeeping and service, identification, evaluation, selection, disposal, and description.
 - Processes for the provision of services, including the consultation of records, record loans, and record reproduction.
 - Processes for user training and dissemination, making it possible to determine the progress made in archive planning and its impact, and to evaluate users' interest in the proposed activities.

Performance indicators

- **Compliance with legal standards.** Indicator showing the level of compliance of the parliament with the incorporation of legal requirements (established by law) in the design and implementation of the Records Management System.
- **User satisfaction.** Indicator showing the levels of user satisfaction with the Records Management System and the services provided by the parliamentary archive.

Impact indicators

- **Level of public knowledge.** Indicator showing public knowledge of the parliament records and the services provided by the archive.

The Transparency and Access to Information Network proposes the use of a self-assessment instrument or check-list¹¹⁸ allowing each archive or organization to determine its level in each of the processes, as a *self-assessment tool* for a Records Management and Archives Administration Model¹¹⁹. The self-assessment survey is divided into three chapters or levels: *initial, intermediate, and advanced*, which are divided into sections and each of them represents one of the implementation guidelines developed in the model. It is understood that this tool is only a framework of good practices, aimed at showing deficiencies and opportunities for improvement, for gradual, flexible, and modular implementation.¹²⁰

¹¹⁸ For more information, see the Self-Assessment Questionnaire in Annex II of the Records Management and Archives Administration Model of the Transparency and Access to Public Information Network (MGD-RTA) at the following link: <http://mgd.redrta.org/anexo-i-informe-de-diagnostico/mgd/2015-01-19/100247.html>

¹¹⁹ A Records Management Model is understood as the theoretical framework that facilitates the comprehension and standardized implementation of records management in an organization. For more information, see the Framework Document for the Records Management and Archives Administration Model of the Transparency and Access to Public Information Network at the following link: <http://mgd.redrta.org/modelo-de-gestion-de-documentos-y-administracion-de-archivos-para-la-red-de-transparencia-y-acceso-a-la-informacion/mgd/2015-01-23/093820.html>

¹²⁰ All products generated from the Records Management and Archives Administration Model of the Transparency and Access to Public Information Network (MGD-RTA), must be included under the same copyright protection regime.

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