



Background Paper

Government 2.0 and Access to Information:

2. Recent Developments in Proactive Disclosure and Open Data in the United States and Other Countries

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**Government 2.0 and Access to Information:
2. Recent Developments in Proactive Disclosure
and Open Data in the United States and Other Countries
(Background Paper)**

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GOVERNMENT 2.0 AND ACCESS TO INFORMATION: 2. RECENT DEVELOPMENTS IN PROACTIVE DISCLOSURE AND OPEN DATA IN THE UNITED STATES AND OTHER COUNTRIES

1 INTRODUCTION

In late 2009, several countries embarked on initiatives in what is often referred to as “open government,” ranging from proactive disclosure of government data to more comprehensive attempts at interactive policymaking with citizens. This process is also referred to as “e-government,” “e-governance” or “e-participation,” whereby citizens are not only able to obtain electronic access to government documents and services, but are also able to give feedback on matters ranging from individual service problems to statistics and policy.

While some countries have had proactive disclosure of government documents for some time, the advent of an increasing number of electronic technologies is opening up new possibilities. These include open data portals that allow citizens access to raw data that they can analyze for themselves, and searchable online databases of government documents and access request mechanisms. Proactive disclosure and open data are emerging as building blocks of what is sometimes also referred to as “Government 2.0.”¹ Many municipal and local governments, including some in Canada, have also started rolling out open data web portals that provide raw government data to the public.

The government of the United States, the United Kingdom, Australia and New Zealand all made major announcements regarding the launch of open data and other proactive disclosure initiatives in late 2009. Other countries, such as Mexico, India and Finland have had some form of proactive disclosure in place for some time.

This paper will look at the development of proactive disclosure systems in the United States and selected other countries. Another paper in this series will provide examples of the proactive disclosure systems that are developing or already in place in Canada.²

2 UNITED STATES

During 2009–2010, numerous open government and proactive disclosure initiatives have taken place in the United States, beginning with President Barack Obama’s Memorandum on transparency and open government,³ and culminating with the December 2009 release of the Open Government Directive to executive departments and agencies.⁴

The principle of openness underlying the President's various initiatives over the past year is consistent with the *Freedom of Information Act* (FOIA).⁵ As noted in the US Department of Justice *Guide to the Freedom of Information Act*,⁶

Proactive disclosures – where agencies make their records publicly available without waiting for specific requests from the public – are an integral part of the *Freedom of Information Act*. All federal agencies are required to affirmatively and continuously disclose records proactively by subsection (a)(2) of the FOIA.⁷ Although this “proactive disclosure provision” has always served a vital role in achieving an “informed citizenry” – the central purpose of the FOIA⁸ – now, *proactive disclosures are in the spotlight like never before* [citations in original; emphasis added].

According to the FOIA, agencies are required to proactively disclose four categories of records:⁹ (1) “final opinions [and] ... orders” rendered in the adjudication of administrative cases,¹⁰ (2) specific agency policy statements,¹¹ (3) certain administrative staff manuals “that affect a member of the public,”¹² and (4) records which have been released under subsection (a)(3) (i.e., by way of a specific request) that “the agency determines have become, or are likely to become, the subject of subsequent requests for substantially the same records.”¹³

On his first full day in office, 21 January 2009, President Obama issued a Memorandum to the heads of all departments and agencies emphasizing that the FOIA reflects a “profound national commitment to ensuring an open Government” and directing agencies to “adopt a presumption in favor of disclosure.”¹⁴ As stated in the Memorandum:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.¹⁵

The President then directed the Attorney General to issue FOIA Guidelines for the heads of executive departments and agencies “reaffirming the commitment to accountability and transparency.” Attorney General Eric Holder issued those Guidelines on 19 March 2009, and highlighted that the FOIA “reflects our nation’s fundamental commitment to open government” and that his Guidelines are “meant to underscore that commitment and to ensure that it is realized in practice.”¹⁶ As stated in the Guidelines:

Open government requires agencies to work proactively and respond to requests promptly. The President’s memorandum instructs agencies to “use modern technology to inform citizens what is known and done by their Government.” Accordingly, agencies should readily and systematically post information online in advance of any public request. Providing more information online reduces the need for individualized requests and may help reduce existing backlogs. When information not previously disclosed is requested,

agencies should make it a priority to respond in a timely manner. Timely disclosure of information is an essential component of transparency. Long delays should not be viewed as an inevitable and insurmountable consequence of high demand.¹⁷

In May 2009 the Administration launched Data.gov,¹⁸ a website that makes economic, health care, environmental, and other information available in multiple electronic formats, providing the public with access to more government information online than ever before. Its stated purpose is “to increase public access to high value, machine readable datasets generated by the Executive Branch of the Federal Government.” It provides descriptions of the federal data sets (metadata), information about how to access the data sets, and tools that leverage government data sets. The first version of Data.gov contains federal Executive Branch data; the data catalogues will continue to grow as data sets are added. Data.gov also offers access to software tools, such as one for tracking the performance of flights.¹⁹ As noted on the website, “Data.gov strives to make government more transparent and is committed to creating an unprecedented level of openness in Government. The openness derived from Data.gov will strengthen our Nation’s democracy and promote efficiency and effectiveness in Government.”²⁰

In December 2009 the Administration took its most expansive step towards disclosure with the release of the Open Government Directive by the White House Office of Management and Budget (OMB).²¹ This policy guidance, called for in President Obama’s FOIA Memorandum, directs executive departments and agencies to take specific actions to implement the principles of transparency, participation and collaboration set forth in the President’s FOIA Memorandum. The directive comprises four main components centred on the following themes: publishing information; creating a culture of openness; improving data quality; and updating policies to allow for greater openness. Each section tasks agencies and other key offices with specific goals, complete with deadlines and clear requirements that the public be informed and permitted to participate in almost every project.

For example, the section on publishing government data online reinforces and broadens the presumption of openness discussed in Attorney General Holder’s FOIA Guidelines. Agencies are instructed to “proactively” make information available instead of waiting for specific requests under the FOIA. “With respect to information, the presumption shall be in favor of openness (to the extent permitted by law and subject to valid privacy, confidentiality, security, or other restrictions),” according to the directive. The section also instructs agencies, to the extent practicable, to publish information in open formats that can be “retrieved, downloaded, indexed, and searched by commonly used web search applications.”

The Open Government Directive focuses attention on specific kinds of information. The directive requires that annual FOIA reports be published online in machine-readable formats, and that agencies demonstrate how they are improving records management and publishing online information about how to access declassified agency materials. It also requires agencies to solicit public input about what types of materials to prioritize for declassification in the future.²²

The Open Government Directive outlined a series of milestones that government agencies and departments were expected to meet over the four months following its release on 8 December 2009:²³

- By 22 January 2010 (within 45 days), each agency was to have published at least three new, high-value data sets on Data.gov.²⁴ The directive also called for the establishment of a federal working group on open government.²⁵ OMB Watch, a non-profit research and advocacy organization that monitors federal regulation, the budget, information collection and dissemination, proposed legislation, testimony by agencies, and more, offered the following assessment after the 22 January 2010 release of the “high-value data sets” on Data.gov: “Many transparency advocates have lauded the administration’s efforts while at the same time raising questions about how well this first initiative under the OGD actually worked. The release of the datasets has triggered discussions about the value of the data, how individual privacy rights are protected, whether the datasets being released are new, and the quality of the data that has been released.”²⁶ Despite the challenges and questions raised by the 22 January 2010 release of data, OMB Watch nonetheless took a positive view of the Obama Administration’s open government initiatives:

Overall, the effort demonstrated that if the government can push out this much data in 45 days, then what it is able to accomplish is quite promising. It should be noted that most of the datasets are only available in raw formats, and some of the files are quite large, ranging upward to several hundred megabytes. The general public will find them of limited use. The hope is that public interest groups, reporters, academics, and others will review the information, build interfaces, and report on findings. As agencies move forward with this process, it will be important for them to identify the most important and useful datasets and develop their own interfaces to allow broader public review of the information. The administration’s ongoing dialogue with partner groups and the public will likely be key in identifying these top datasets.²⁷

- By 6 February 2010 (within 60 days), each agency was to have created a web page devoted to its open government activities. Federal Chief Technology Officer Aneesh Chopra and federal Chief Information Officer Vivek Kundra created a dashboard to track agencies’ plans and progress.²⁸
- On 8 March 2010 (within 90 days), chief performance officer Jeffrey Zients issued a framework that agencies can use for incentive-backed strategies related to their open government efforts. In a memo issued on the same day,²⁹ Mr. Zients laid out guidance for how federal agencies could use challenges and prizes to further their missions, and announced that the administration would be releasing a web-based platform to manage such contests within the next 120 days. The White House is encouraging federal agencies to use challenges and prizes to crowdsource³⁰ new approaches to open government, innovation and other administration priorities.

Finally, by 7 April 2010 (within 120 days), agencies were to have published their open government plans, outlining steps for improving transparency and for promoting public participation and collaboration. As noted on the White House’s Open Government Initiative Blog, the plans “are the agencies’ strategic roadmap for making openness –

transparency, citizen participation, and collaboration – part of the way that the federal government works.”³¹ According to OMB Watch, “The agency Open Government Plans probably represent the largest single coordinated effort by the federal government to make itself more transparent, participatory and collaborative. While not everything being released is a major leap forward, this process being established provides the public with a major vehicle to achieve continual improvements. Almost all the agencies have described the plans as a first step or version 1.0 of their open government efforts, with plans to collect reactions and input and update the plans regularly.”³² For example, the Department of Justice plans to create a *Freedom of Information Act* (FOIA) dashboard to provide easy access to comprehensive data on FOIA compliance at 92 federal agencies. The goal of the dashboard is to allow the public to generate statistics on FOIA compliance across the government and from year to year. It is hoped that, in addition to promoting transparency, the Dashboard will also have the effect of encouraging FOIA offices across the government “to improve their compliance efforts and release as much information to the public under FOIA as possible.”³³

3 MEXICO

In Mexico, national legislation in effect since 2003³⁴ requires that 17 specified categories of government information be proactively disclosed to the public online in an accessible electronic format.³⁵ This legislation also imposes a positive duty to assist members of the public by providing them with access to a computer for this information if required,³⁶ an item that may have been included because of infrastructure issues. According to current statistics, only about 23 million people, approximately 20% of the population, have regular access to the Internet in Mexico.³⁷

The categories of information to be disclosed include information about public finances and debt, departmental budgets and expenses, audit results, the design and execution of subsidy programs, and a list of specific details for each government contract.³⁸ Also included is a general requirement for proactive disclosure of “any other information that may be useful or considered relevant” [translation], including statistical surveys and answers to the public’s “most frequently asked questions” [translation].³⁹

Mexico has a central portal called the *Portal de Obligaciones de Transparencia* [Transparency Portal] through which its citizens can access all of this information, with the information organized under the headings of each of the 17 categories under the law.⁴⁰ The portal itself is not run by the Mexican government, which distributes the disclosed information through its various agency (departmental) websites. It is run by the Mexican equivalent of the Office of the Information Commissioner of Canada, the Federal Institute for Access to Information (IFAI),⁴¹ an autonomous oversight agency created under the 2003 law,⁴² whose activities have been the subject of worldwide study since its inception. The aim of IFAI’s Transparency Portal is to concentrate all of the proactively disclosed information of the government in one place for easy searchable access by the public.⁴³

Use of the Transparency Portal has been high, with 18 million visits and approximately 30,000 searches per day during its first year of operation (2007).⁴⁴ Users can search for and compare information by item, category and name. The most commonly searched category of information has been the directory of government officials (25%), followed by government salaries and benefits (17%), contracts (15%), and authorizations, licences and concessions (6%).⁴⁵

IFAI has been monitoring the compliance of Mexican government agencies with proactive disclosure obligations and has found the rate of compliance to be high. Under its initial monitoring methodology, IFAI found that approximately 95% to 96% of Mexican agencies were in full compliance with the laws between 2005 and 2007.⁴⁶ This percentage dropped to 82.5% in 2008, when IFAI introduced a much more stringent monitoring methodology.⁴⁷ IFAI also issues annual ratings of individual agency proactive disclosure websites.⁴⁸

In addition, IFAI runs an online system that allows citizens to make freedom of information requests electronically, colloquially known as SISI,⁴⁹ which has been integrated into a parallel request system called INFOMEX⁵⁰ also used by many state and municipal governments in Mexico.⁵¹ The original version of SISI processed 40,000 requests in its first year of operations.⁵² (Despite the limited Internet penetration in Mexico, over 90% of Mexico's freedom of information requests are made electronically.)⁵³ IFAI is currently in negotiations with the Mexican government to have this site added to the government's "e-Mexico"⁵⁴ portal of government services,⁵⁵ which is expanding.

IFAI also runs a public online searchable database of government documents that have already been disclosed in response to access requests made through SISI, which is called ZOOM.⁵⁶ Users can search the documents by keyword, phrase, date or agency.⁵⁷

4 UNITED KINGDOM

In the United Kingdom, a report entitled *Putting the Frontline First: Smarter Government* was presented to Parliament in December 2009 by the Chief Secretary to the Treasury.⁵⁸ This report contains an "Action Plan" intended to save the government £12 billion a year on top of savings already projected in past efficiency plans and budgets.⁵⁹ In addition to further innovations in the area of electronic service delivery, the report recommends moving to an online proactive disclosure model for government data.

The report provides seven "commitments" that it refers to as the government's "public data principles":⁶⁰

1. Public data will be published in reusable, machine-readable form.
2. Public data will be available and easy to find through a single easy-to-use online access point (www.data.gov.uk).
3. Public data will be published using open standards and following the recommendations of the World Wide Web Consortium.

4. Any “raw” data set will be represented in linked data form.
5. More public data will be released under an open licence which enables free reuse, including commercial reuse.
6. Data underlying the Government’s websites will be published in reusable form for others to use.
7. Personal, classified, commercially sensitive and third-party data will continue to be protected.

As outlined in the first paper in this series,⁶¹ the purpose of providing access to reusable government data in open standard format is to enable citizens to do their own number crunching and information analysis, sometimes using self-designed digital tools, in order to come to their own policy-making conclusions. This is the model often referred to as full “e-government,” where the public and affected groups are given access to the same information base that the government and civil service have used to analyze a particular issue, program or service, and interested parties are invited to give feedback and/or propose their own policy ideas.

Putting the Frontline First states that the government’s aims in implementing this public data model are to make all government data accessible and provide new digital channels through which citizens may engage with government. The aim is to devolve decision-making, allowing communities a stronger say in choices of government programs and services, and providing the populace with better value for money.⁶²

The initiative appears to be part of a larger policy focused on decentralization of government decision-making and an increase in local input.⁶³ For example, the report states:

... the government will underpin streamlined performance measures with more widely available data on frontline organizations. These data will drive professionally led improvement at a local level by exposing variations in quality and cost across the public sector. It [sic] will also inform interventions from central government, so that the best-performing organizations have more freedom from central control.⁶⁴

The government has targeted five particular sectors for the release of data in reusable form, which will allow independent “mashing up”⁶⁵ and analysis of the data by individual members of the public for the purposes of policy-making. These sectors are local government, health, education, criminal justice and police forces.⁶⁶ Other types of benchmarking data relating to civil service departmental performance, as well as to government procurement, property holdings and asset management, will be released as well.⁶⁷

The report concludes with a “Forward Plan” which contains a step-by-step outline for implementation of the recommendations, the majority of which appear to have a deadline of 2010 or 2011.⁶⁸

In March 2010, the government released a “Budget progress update” which detailed the implementation steps that had been taken so far and included a section on “opening up data and public information.” The update noted that the government’s open data portal *data.gov.uk* was launched in January 2010, and that over 3,000 data sets are now available through the portal, far exceeding the initial target of 1,100 data sets. Public developers have been creating digital tools to mash up the information, including a “Research Funding Explorer” application and a “Where Does My Money Go?” application. Ordnance survey data from the British government’s mapping activities is slated to be added to the site in April 2010.⁶⁹

5 AUSTRALIA

The report of Australia’s Government 2.0 Taskforce was presented to its Special Minister of State and Cabinet Secretary, and the Minister for Finance and Deregulation, on 22 December 2009⁷⁰ and was then immediately released to the public by those ministers.⁷¹ The taskforce had been created in June 2009⁷² as an independent advisory body to provide assistance to the government in a pre-existing initiative to increase the transparency of government operations and integrate the newest generation of digital technology into how government is run.⁷³

This initiative appears to have had its origin in a larger government review and modernization process called the “Reform of Australian Government Administration,” launched in September 2009.⁷⁴ A KPMG survey initiated by the Australian government as part of this process found that Australia’s public service was one of the worst among western democracies in the provision of online access to government information and services.⁷⁵

The taskforce report recommends that the Australian government transition to a full open government model, with 12 particular recommendations on how to achieve it. A number of these recommendations, listed below, specifically relate to the creation of a proactive disclosure system for government information, documents and data:⁷⁶

- to make public sector information open, accessible and reusable;
- to address issues in the operation of copyright;⁷⁷
- to implement a proactive information publication scheme;
- to develop a best practices guide for ensuring technological security for online government portals;
- to protect personal and confidential information within the context of these portals;
- to update the definition of “Commonwealth Records” (government records⁷⁸) to accord with this system;
- to require that all government agencies conform with the World Wide Web Consortium’s *Web Content Accessibility Guidelines* (WCAG)⁷⁹ in delivering data that are accessible to users with disabilities; and

- to encourage “info-philanthropy,” i.e., the participation of NGOs and other non-profits in developing digital tools and other initiatives to improve transparency and access with respect to government information and activities.

The report contains a section entitled “Managing public sector information (PSI) as a national resource,” which outlines the taskforce’s view of the rationale behind sharing government information openly:

Government has already invested in the production of this information. It thus exists as a national asset. Internationally and nationally, there is growing recognition of the extent to which PSI is a resource that should be managed like any other valuable resource – that is to optimize its economic and social value. Of course information is “non-rival”: Unlike physical goods and most services, sharing it does not diminish its value – in fact [...] it will typically increase it.⁸⁰

The report elaborates further on the theory of free access to government information generating economic activity significant enough to offset the cost of producing it and providing it without charge:

Once it is made freely available by governments, PSI has great economic potential. According to a survey conducted by the European Commission in 2006 [...], the overall market size for PSI in the EU is estimated at EUR 27 billion. Various international studies confirm economic benefits of open PSI licensing. Often these benefits are so great that the increased corporate and individual taxes on additional economic activity outweighs [*sic*] any revenue losses from moving from charging for PSI to distributing it free of charge. Likewise the 2007 UK *Power of Information Review* estimated the amount of money generated by direct sales of information by UK trading funds to be much smaller than the wider value of PSI to the economy.⁸¹

The report also discusses how the distinctions sometimes made between differing levels of access in the ongoing debate about the use and value of information in the new economy should not, in the view of the report’s authors, apply to government information holdings:

The central finding of this project is that, under the conditions created by Web 2.0, making information effectively freely available (*libre*) generally requires that it be provided free of charge (*gratis*). As the costs of disseminating and accessing information have declined, the transactions costs associated with charging for access to information, and controlling subsequent redistribution have come to constitute a major barrier to access in themselves. As a result, the case for free (*gratis*) provision of Public Sector Information is even stronger than has already been recognized.⁸²

The taskforce took note of evidence suggesting that a zero price point greatly increases the use of the access system by citizens. The report cites the example of the Australian government’s provision of free online access to spatial (geographical) data in 2001–2002 – use increased from 75,000 downloads in 2001–2002 to 863,000 downloads in 2005–2006.⁸³ Similarly, the Australian Bureau of Statistics (ABS) saw a surge in downloads from 1 million to 4 million during the first year public access was provided free of charge to its online data.⁸⁴

Based on this evidence, the taskforce proposed that the Australian government rethink the way it currently manages permissions under its Crown copyright scheme.⁸⁵ It suggested an alternative to a reactive scheme, where permissions must be sought in advance on a request-by-request basis, since the older approach may result in developers with applications or other uses for the data losing out to competitors in another country or situation. The report proposed instead that the Australian government take advantage of the widely used Creative Commons licensing system, available on the web. Creative Commons is a collection of pre-existing templates that owners of works can use to grant various digital rights under their copyright, and it has become the default international standard for this type of copyright arrangement.⁸⁶ In fact, the final taskforce report itself and all of its associated blog and documents are governed by a Creative Commons licence.⁸⁷

In addition to releasing its report, the taskforce also ran a “MashupAustralia” contest,⁸⁸ with the aim of providing a demonstration of an open data approach to government information. The taskforce worked with 15 government agencies and several state and territorial governments to release 68 data sets for experimental re-use by the public and individual developers.⁸⁹

The taskforce also hosted a “GovHack” event, inviting 150 web designers, developers and other technical experts to build web applications and “mashups” for government data over a 24-hour period in October 2009.⁹⁰ In addition, the taskforce conducted eight open public consultation forums between August and September 2009, as well as roundtables of public and private stakeholders in each state capital and in the country’s capital, Canberra.⁹¹

The Australian government’s initial reaction to the taskforce report appears to be positive. The Minister for Finance and Deregulation wrote a February 2010 editorial in the *Sydney Morning Herald* newspaper praising the report, and recommending that the private sector review the implications of new data-sharing models for its operations as well.⁹² In the editorial, the Minister cites the example of a Canadian mining company, Goldcorp, which decided to post proprietary data about its exploration and drilling decisions online and ask for input from geologists, offering hundreds of thousands of dollars in prizes to the best suggestions for innovation, and by doing so apparently effected a turnaround of the company’s financial situation.⁹³

In April 2010, the Department of Finance and Deregulation announced via Twitter⁹⁴ and its own departmental blog that it will now allow its public servants to use social media, and it proactively disclosed online the internal guidelines that have been issued for the use of these media.⁹⁵

In addition, the Reform of Australian Government Administration initiative released a report at the end of March 2010, calling for an open government model as one of its nine recommendations for a modernized public service.⁹⁶ The summary recommendation on this point is as follows:

2. Creating more open government

2.1 Enable citizens to collaborate with government in policy and service design

- Develop and implement new approaches to collaboration and consultation with citizens on policy and service delivery issues.
- Make public sector data available to the wider public in a manner consistent with privacy principles.

2.2 Conduct a citizen survey

- Conduct a survey of citizens' views on their satisfaction with government programs, services and regulation to inform government business.
- These surveys desirably would be expanded to include all levels of government.⁹⁷

In the full report, which has been posted online by the Australian Department of the Prime Minister and Cabinet, the “Vision for the Future” associated with the open government recommendation is:

An APS⁹⁸ that captures ideas and expertise through the transformative effect of technology by:

- Citizens directly communicating their views and expertise to government through multiple channels, including Web 2.0 approaches (for example, online policy forums and blogs);
- Greater disclosure of public sector data and mechanisms to access the data so that citizens can use the data to create helpful information for all, in line with privacy and secrecy principles; and
- Citizens become active participants involved in government, rather than being passive recipients of services and policies.⁹⁹

The report has assigned the Department of the Prime Minister and Cabinet and the Department of Finance and Deregulation a joint lead role in implementing this section of the report's recommendations.¹⁰⁰

The introduction to the report on the web site of the Department of the Prime Minister and Cabinet notes that the government is currently considering the recommendations and “is expected to respond through the Budget process.”¹⁰¹

6 NEW ZEALAND

The government of New Zealand launched an open data portal¹⁰² in November 2009.¹⁰³ This is a pilot project which is scheduled to be reviewed by the government in June 2010.¹⁰⁴ The portal focuses on providing machine-readable data sets of raw government information, although currently the majority of the information online appears to be in HTML or spreadsheet format rather than re-usable XML and other open standard formats. The portal also appears to be set up to link to the information on the government departmental host websites rather than actually storing the data sets on the site itself.

The site is regularly updated with links to new data sets as they are released by government departments, and is organized into the following 21 categories:

- agriculture/forestry/fisheries
- arts/culture/heritage
- building/housing/construction
- commerce/trade/industry
- education
- employment
- energy
- environment and conservation
- fiscal, tax and economics
- health
- infrastructure
- justice
- land
- local and regional government
- Māori and Pasifika
- migration
- population and society
- science and research
- state sector performance
- tourism
- transport

The approximately 275 data sets currently available through the site cover a huge variety of topics, ranging from regional greenhouse gas inventories to the country's productivity statistics to education system outcomes.¹⁰⁵ The site features a "Discussion" section where members of the public can suggest new data sets to be added,¹⁰⁶ and it also allows third parties such as NGOs to submit data set links that they have collected.¹⁰⁷

The permissions for use for each data set listed appear to be set by the individual department which issues that set. Like several other Commonwealth countries, New Zealand has inherited the model of Crown copyright, and it has posted a "Terms of Use" agreement on the site which indicates that the site itself is governed by one of the Creative Commons licences proposed as a model in

Australia's taskforce report.¹⁰⁸ However, each data set the site links to is governed by the individual permissions listed with that set on the site under the heading "Re-use Rights."¹⁰⁹ Where no set of permissions is listed with the link, inquiries about re-use and distribution must be directed to the issuing department.¹¹⁰

With respect to proactive disclosure of government documents and other information, New Zealand does have a request-based system that can result in complaints to its ombudsmen regarding the withholding or delay of documents, yet it has long been fairly common practice in New Zealand for some advice to ministers and Cabinet documents to be routinely released as well.¹¹¹ For example, the Minister of Internal Affairs (who is the Minister responsible for the open data portal project), upon appointment to his ministry and several other high-level responsibilities in June 2009, posted copies of 14 internal briefing notes he was given about his role online through the New Zealand government's central repository of communications releases, the public "Beehive" website.¹¹²

The Law Commission of New Zealand, which plays an active and direct role in the modernization of legislation in New Zealand, is currently conducting a review of the country's freedom of information law, the *Official Information Act*, and related statutes. The deadline for public submissions was February 2010, and the Commission expects to first publish an issues paper, and then provide recommendations to the government, sometime later in the year.¹¹³

7 FINLAND

Finland has a full legislated proactive disclosure system. Under Finland's *Act on the Openness of Government Activities*, most recently amended in 2002, all official documents must be released into the public domain unless they fall under certain specified exemptions.¹¹⁴ A document is generally deemed to have officially entered the public domain when it is entered in the public register.¹¹⁵ Certain specified documents, including an invitation to tender, an invitation to provide comment, a proposal, a proposition, a motion, a notification or a petition, along with any appendices, enter the public domain as soon as they are signed or similarly confirmed.¹¹⁶

There are other cases where the entry into the public domain is tailored to the circumstances in which the information is likely to be created – for example, a request for information supplementary to a tender for a service or other procurement contract enters into the public domain once the contract has been awarded.¹¹⁷ Budget propositions of government ministries and agencies enter the public domain when the Ministry of Finance has signed its first position on the budget, and other propositions related to the budget enter the public domain once the budget proposal has been submitted to Parliament.¹¹⁸ There are several other specifications for when particular documents enter the public domain, including a "catch all" provision that indicates that documents not specified in these categories enter the public domain "when the consideration of the pertinent matter has been concluded by that authority."¹¹⁹

The legislation also requires that documents provided to a government authority by third parties enter the public domain also, and specifies that this occurs once the authority has received it from the third party, subject to certain exceptions.¹²⁰

Requests may also be made by the public for access to documents not yet in the public domain, and the government has discretion to grant these requests and release the document early, provided it does not fall within one of the exemptions to proactive disclosure.¹²¹

The exemptions in the Act are similar to the standard ones found in the access legislation of most countries, including the countries already discussed in this paper. The Finnish exemptions include documents involving:

- assessments of and negotiations with foreign countries, as well as international proceedings;
- criminal investigation reports and documents related to prosecution;
- police registers and crime prevention reports, as well as personal information relating to travel or identity documents;
- tactical and technical plans of the police, customs guards and other enforcement authorities;
- documents pertaining to adjudication processes that have not yet reached a conclusion;
- documents related to the security of infrastructure and persons;
- documents concerning emergency, accident preparation and civil defence if disclosure would compromise them;
- state security documents;
- military intelligence documents;
- documents relating to financial, income, monetary or foreign exchange policy if release would hamper their conduct;
- documents relating to the oversight of the financial markets and insurance operators if release would injure their credibility or functioning;
- advance statistics on the economy or operational plans if their early dissemination before normal proactive disclosure would affect the markets;
- information related to the protection of an environmental habitat if the habitat would be compromised;
- information that would interfere with inspections and other government oversight functions;
- any basic data voluntarily handed to the government for research purposes only;
- documents containing business or professional secrets; and
- several different categories of personal information that are spelled out in detail in the legislation.¹²²

All documents that fall into one or more of these categories are classified as “secret” under the legislation,¹²³ although any portions of them that do not meet the definition are to be severed and provided to the public on request where possible.¹²⁴

Certain kinds of documents are excluded from the definition of “official documents” in the Act and are therefore not in the public domain or subject to the publication requirement. These include letters sent to government officials that are not related to their official capacity, informal notes kept by a government official and draft documents that have not yet been presented or reviewed, internal documents produced for training and information retrieval purposes, documents given to a government official or authority for the performance of a task on behalf of a private party, and documents left with or handed into an authority as lost property.¹²⁵

However, members of the public who are involved in a court case or other type of government hearing or investigation that may affect their interests are allowed to have access to such documents if they are relevant to defending their interests in those proceedings.¹²⁶ The only exceptions are documents that are part of an investigation that has not yet been completed, draft decisions before they are final, court documents that are privileged or similarly restricted, documents containing business or professional secrets, or documents the release of which would be contrary to a “very important” public interest. There is an additional exception for the personal information of any party involved in a child welfare case.¹²⁷

Other features of the legislation include regulated requirements for managing information and records so as to facilitate accessibility,¹²⁸ and a duty for government authorities to document their activities.¹²⁹ There is also a duty for the government to provide information on legislative reform projects and/or “plans, accounts and decisions on pending matters of general importance,” including information about impact assessments, the alternatives considered, and the opportunities for private individuals and corporations to exercise an influence.¹³⁰

While the legislation does not mandate open data arrangements, it appears to have anticipated a possible demand for re-usable government data sets by the public. It provides that such data sets can be made public in searchable electronic format provided that secret and/or personal information under the exemption categories is not disclosed.¹³¹

The public register of proactively disclosed information appears to be online in searchable format, through an electronic government repository of its legal and preparatory documents, called HARE.¹³² Government departments also have their own websites which have been actively promoting an e-government approach in recent years,¹³³ consistent with the policies of the European Union.¹³⁴

In addition to other e-government portals that allow citizens to submit forms and access government services electronically, the Finnish government has created an interactive website that has been in operation for several years, called “Share Your Views With Us” (<http://otakantaa.fi/>). This site was designed as a one-year pilot mechanism for certain government ministries to consult citizens on policy-making,

but it was expanded to all ministries and adopted permanently in 2001.¹³⁵ The site includes background information and documents posted by the ministries to help interested citizens understand the issues and provide feedback during the development phase of various policies.¹³⁶ No registration is required for citizens to participate.¹³⁷

8 INDIA

India also has a national proactive disclosure system mandated by legislation. Under the *Right to Information Act 2005*, all public authorities, including government ministries, are required to release 17 categories of government information on a regular and updated basis.¹³⁸ These categories include an index of documents and records held by the relevant authority, decision-making procedures, instructions, manuals, records, budgets and salaries, as well as information about concessions, permits and/or authorizations issued, among other information.¹³⁹ The legislation also requires public authorities to provide reasons for decisions, and to publish “all relevant facts while formulating important policies or announcing the decisions which affect public [*sic*].”¹⁴⁰

In addition, the legislation specifies that proactive disclosure is intended to be the primary method of information dissemination by the government, with access requests to be used only as a last resort:

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information *suo motu* to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.¹⁴¹

The Act requires that the dissemination be in a format easily accessible to the public, but allows public officials discretion to choose a format based on cost effectiveness, local language, and the most appropriate form of dissemination in a given region.¹⁴²

However, compliance with proactive disclosure requirements is not yet very high – according to a study by the Right to Information Assessment and Analysis Group, an independent non-governmental organization (NGO), the majority of Indian government ministries appear to be reporting only approximately 30% of the information required to be disclosed under the law.¹⁴³

However, the availability of new technologies for online disclosure may help to facilitate compliance. The Act requires that public authorities organize and index their records in computerized format so as to facilitate proactive disclosure.¹⁴⁴ Various government ministries disseminate information through their individual websites and other outlets,¹⁴⁵ and an online government directory of these websites and lists of policies and budget plans are also available.¹⁴⁶

The Indian government also has a searchable public database of documents and reports published by several levels of government, available online through the National Portal of India.¹⁴⁷ This database was created as a collaborative effort

under a national “E-Governance Plan” by various government ministries at the central, state and district levels, and is run by the central government’s National Information Centre.¹⁴⁸

The documents in it, which date mainly from 2000 onwards and number over 6,000,¹⁴⁹ can be searched by level of government, ministry, type, and/or keyword.¹⁵⁰

The categories of documents available include policy documents, annual reports, guidelines, census information, statistics, plan documents, report surveys, and circulars/office orders.¹⁵¹ However, the compilation appears to take place on a voluntary basis, and is not complete or comprehensive for any of the government entities listed.¹⁵² The portal includes a feature on “Recently Added Documents,” divided by relevant state or ministry.¹⁵³

The government of India also runs a major leading publication shop, which produces books and journals on a wide variety of cultural and scientific topics of general interest, ranging from Indian literature to geography.¹⁵⁴ Monthly indexes of its new publications are available online through the National Portal of India.

The department responsible for administering the *Right to Information Act 2005* in India is the national Ministry of Personnel, Public Grievances and Pensions.¹⁵⁵ Oversight and enforcement are the responsibility of the Central Information Commission,¹⁵⁶ which held an October 2009 conference that included presentations on the low rates of compliance with the proactive disclosure requirements in the Act. One presentation noted in particular the difficulties posed by the lack of a culture of transparency, by computer illiteracy among government employees and by technical problems related to centralization of web updates. The presenter, who was one of India’s current panel of nine Information Commissioners, recommended more extensive technological training and a “default” government culture of disclosure as part of the solution.¹⁵⁷

NOTES

1. This term is a play on the nickname for the second generation of Internet technologies, “Web 2.0,” and was coined by William D. Eggers in his book *Government 2.0: Using Technology to Improve Education, Cut Red Tape, Reduce Gridlock, and Enhance Democracy*, Rowman & Littlefield Publishers, Lanham, Md., 2005.
2. Alysia Davies and Dara Lithwick, *Government 2.0 and Access to Information: 1. Recent Developments in Proactive Disclosure and Open Data in Canada*, Publication no. 2010-14-E, Parliamentary Information and Research Service, Library of Parliament, 15 April 2010.
3. Barack Obama, “[Memorandum for the Heads of Executive Departments and Agencies](#)” (Re: *Freedom of Information Act*), Office of the President of the United States [Obama Memorandum], 21 January 2009.
4. Peter R. Orszag, “[Memorandum for the Heads of Executive Departments and Agencies](#)” (Re: *Open Government Directive*), Executive Office of the President, Office of Management and Budget [Orszag, *Open Government Directive*], 8 December 2009.

5. [Freedom of Information Act](#), 5 U.S.C. § 552 (2006), as amended by the *OPEN Government Act of 2007*, Pub. L. No. 110-175, 121 Stat. 2524.
6. The Department of Justice Guide to the Freedom of Information Act (2009 edition), "[Proactive Disclosures](#)."
7. [Freedom of Information Act](#) (2006). See also [Jordan v. DOJ](#), 591 F.2d 753, 756 (D.C. Cir. 1978) (en banc) (observing that subsection (a)(2) records must be made "automatically available for public inspection; no demand is necessary").
8. [NLRB v. Robbins Tire & Rubber Co.](#), 437 U.S. 214, 242 (1978); see also [NARA v. Favish](#), 541 U.S. 157, 171-72 (2004) (explaining that the FOIA is a means for "citizens to know 'what their government is up to'" (quoting *DOJ v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989))).
9. See *FOIA Post*, "[Guidance on Submitting Certification of Agency Compliance with FOIA's Reading Room Requirements](#)," 27 June 2008 (describing four categories of records required to be proactively disclosed under subsection (a)(2)).
10. *Freedom of Information Act* (2006), (a)(2)(A).
11. *Ibid.*, (a)(2)(B).
12. *Ibid.*, (a)(2)(C).
13. *Ibid.*, (a)(2)(D).
14. Obama Memorandum (2009).
15. *Ibid.*
16. Attorney General Eric Holder, "[Memorandum for Heads of Executive Departments and Agencies](#)" (Re: *Freedom of Information Act*), Office of the Attorney General of the United States, 19 March 2009.
17. *Ibid.*
18. See [Data.gov](#).
19. Office of the President of the United States, [Open Government: A Progress Report to the American People](#) [Office of the President, Open Government Progress Report], December 2009.
20. See "[About](#)," [Data.gov](#).
21. Orszag, [Open Government Directive](#) (2009).
22. Office of the President, [Open Government Progress Report](#) (2009).
23. See The White House, "[Open Government Milestones](#)," *Open Government Initiative*.
24. See Government of the United States, "[Open Government Directive Agency Datasets](#)," [Data.gov](#).
25. See The White House, "[Open Government Working Group](#)," *Open Government Initiative*.
26. "[Agencies Make Data More Widely Available Through Data.gov](#)," OMB Watch, 27 January 2010.
27. *Ibid.*
28. See The White House, "[Around the Government](#)," *Open Government Initiative*.
29. Chief Performance Officer Jeffrey Zients, "[Memorandum for the Heads of Executive Departments and Agencies](#)" (Re: Guidance on the Use of Challenges and Prizes to Promote Open Government), Office of Management and Budget, 8 March 2010.

30. “Crowdsourcing” describes an Internet-age problem-solving model whereby an open call for solutions is put out by a person or organization to members of the public at large, and they respond with their own voluntary proposals and designs, often working through remote on-line collaboration where they have a common idea. For more information, see Jeff Howe, [“The Rise of Crowdsourcing,”](#) *Wired Magazine*, Issue 14.06, June 2006.
31. Beth Noveck, [“Open Government Plans: A Tour of the Horizon,”](#) 8 April 2010. To find a list of all the plans, go to The White House, [“Around the Government,”](#) *Open Government Initiative*. To read highlights of the plans, go to The White House, [“Fact Sheet: Open Government Flagship Initiatives,”](#) *Open Government Initiative*.
32. Sean Moulton, [“Open Government Plans Arrive,”](#) OMB Watch, 7 April 2010.
33. See the summary of the Department of Justice’s Open Government Plan at The White House, [“Fact Sheet: Open Government Flagship Initiatives,”](#) *Open Government Initiative*. See the Open Government Plan of the Department of Justice, [“Fact Sheet: Open Government Flagship Initiatives,”](#) *Open Government Initiative*.
34. David Banisar, *Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws*, Privacy International, 2006, p. 106.
35. [Mexico – Federal Transparency and Access to Public Government Information Law](#), Carlota McAllister, trans., articles 7 and 9.
36. *Ibid.*, Article 9.
37. Juan Pablo Guerrero Amparan and Zachary Bookman, [“Two Steps Forward, One Step Back: Assessing the Implementation of Mexico’s Freedom of Information Act,”](#) *Mexican Law Review*, New Series (2009), Vol. 1, No. 2, p. 44.
38. [Mexico – Federal Transparency and Access to Public Government Information Law](#), Article 7.
39. *Ibid.*
40. See [Portal de Obligaciones de Transparencia](#).
41. The acronym IFAI, by which this organization is internationally known, stands for “Instituto Federal de Acceso a la Información Pública.” See Amparan and Bookman (2009), p. 6.
42. Mandakini Devasher Surie, [“Proactive Disclosure – Best Practices from Mexico,”](#) *RTI Briefs*, Accountability Initiative Centre for Policy Research, Vol. 1, No. 1, December 2009, pp. 2 and 5.
43. *Ibid.*
44. *Ibid.*, p. 3 and 4. See also Amparan and Bookman (2009), p. 44.
45. Amparan and Bookman (2009), p. 44.
46. Surie (2009).
47. *Ibid.*
48. David L. Sobel, Bethany A. Davis Noll, Benjamin Fernandez Bogado, and Monroe E. Price, [The Federal Institute for Access to Public Information in Mexico and a Culture of Transparency](#), Project for Global Communications Studies at the Annenberg School for Communications, University of Pennsylvania, February 2006, pp. 41–42.
49. SISI stands for “Sistema de Solicitudes de Información.” For more information on SISI, see Amparan and Bookman (2009), p. 42.
50. [INFOMEX Gobierno Federal](#), to which all users of the former SISI are now re-directed from the former SISI site.

51. Amparan and Bookman, (2009), p. 43.
52. Sobel et al. (2006), p. 8.
53. Ibid., p. 49; see also Amparan and Bookman (2009), p. 43.
54. See [National e-Mexico System](#).
55. Sobel et al. (2006), p. 50.
56. See [ZOOM: Buscador de Solicitudes de Información y Recursos de Revisión](#).
57. Amparan and Bookman (2009).
58. Her Majesty's Government (United Kingdom), [Putting the Frontline First: smarter government](#), December 2009.
59. Ibid., p. 6.
60. Ibid., p. 26.
61. Davies and Lithwick (2010).
62. Her Majesty's Government (2009), p. 33.
63. Ibid., pp. 35–46.
64. Ibid., p. 42.
65. “Mashing up” is an increasingly popular form of simple programming where users with some technical skills can combine available data sets with existing computer applications to create their own customized digital tools for particular purposes. For more information, see the definition of “[mash-up](#)” on Internet.com’s “Webopedia.” See also “[How to Make Your Own Web Mashup](#),” *ProgrammableWeb.com*.
66. Her Majesty's Government (2009), p. 44.
67. Ibid., pp. 50–51, 56, 58 and 59–60.
68. Ibid., pp. 63–65.
69. Her Majesty's Government (United Kingdom), “Action 1: Strengthen the Role of Citizens and Civic Society,” *Budget Progress Update: March 2010*. [Material removed from the website subsequent to the 6 May 2010 UK general election, while this publication was in production.]
70. Australian Government, [Engage: Getting on with Government 2.0](#), Report of the Government 2.0 Taskforce, 22 December 2009.
71. Peter Alexander, “[Final Taskforce Report released](#),” *Government 2.0 Taskforce Blog*, 22 December 2009.
72. The Honourable Lindsay Tanner, MP, Minister for Finance and Deregulation, “[Launch of the Government 2.0 Taskforce](#)” (Speech), *Government 2.0 Taskforce Blog*, 22 June 2009.
73. Australian Government (2009), Appendix A – Terms of Reference, p. 87.
74. Australian Government, Department of the Prime Minister and Cabinet, “[Reform of Australian Government Administration](#).”
75. Australian Government (2009), p. xiii.
76. Government 2.0 Taskforce (Australia), [Engage: Getting on with Government 2.0](#) (Report of the Government 2.0 Taskforce), 22 December 2009, pp. xvii–xxiii.
77. Australia, as a Commonwealth country with a system that originally emanates from the British Crown, has a law of Crown copyright similar to that of Canada.

78. “Commonwealth records” are defined under the *Australian Archives Act 1983*.
79. W3C, “[Web Content Accessibility Guidelines 1.0](#),” W3C Recommendation 5 May 1999.
80. Australian Government (2009), p. 40.
81. *Ibid.*, p. 43.
82. *Ibid.*, p. 44.
83. *Ibid.*, pp. 44–45.
84. *Ibid.*, p. 45.
85. *Ibid.*, pp. 53–57, and Appendix H.
86. Creative Commons describes itself as follows: “Our tools give everyone from individual creators to large companies and institutions a simple, standardized way to grant copyright permissions to their creative work. The Creative Commons licenses enable people to easily change their copyright terms from the default of ‘all rights reserved’ to ‘some rights reserved.’” See Creative Commons, “[What is CC?](#)”
87. Australian Government (2009), p. 84.
88. *Ibid.*, p. 83.
89. The data sets can be seen at data.australia.gov.au.
90. Australian Government (2009), pp. 83.
91. *Ibid.*, p. 84.
92. Lindsay Tanner, “[The Government wants to blog](#),” *Sydney Morning Herald*, 11 February 2010.
93. The Goldcorp story has been well-documented in various publications. See, for example, the following articles: Linda Tischler, “[He Struck Gold on the Net \(Really\)](#),” *Fast Company*, 31 May 2002; Mary Gooderham, “[Golden challenge unearths new ideas](#),” *The Globe and Mail* [Toronto], 24 April 2007, Last updated 31 March 2009; and Don Tapscott and Anthony D. Williams, “[Innovation in the Age of Mass Collaboration](#),” *Business Week*, 1 February 2007. The story has also been featured in a book: Don Tapscott and Anthony D. Williams, *Wikinomics: How Mass Collaboration Changes Everything*, Portfolio, New York, 2006.
94. Peter Alexander, “[We have published the Dept of Finance’s social media guidelines](#),” *Twitter*, 6 April 2010.
95. Australian Government, Department of Finance and Deregulation, “[Social Media 101: A beginner’s guide for Finance employees](#),” *Web Publishing Guide Review Project Blog*, 7 April 2010.
96. Advisory Group on Reform of Australian Government Administration [Australian Government Advisory Group], [Ahead of the Game: Blueprint for the Reform of Australian Government Administration](#), March 2010.
97. *Ibid.*, Appendix 4, p. 80.
98. This is an abbreviation for the “Australian Public Service.”
99. Australian Government Advisory Group (2010), Part 4, “The Blueprint for Reform,” p. 38.
100. *Ibid.*, p. 39.
101. Australian Government, Department of the Prime Minister and the Cabinet, “[Ahead of the Game: Blueprint for the Reform of Australian Government Administration](#).”
102. See data.govt.nz.

103. Nathan Guy, Minister of Internal Affairs (New Zealand), "[Government takes steps to demystify data](#)," News release, *Beehive.govt.nz*, 4 November 2009.
104. "[About this site](#)," *data.govt.nz*.
105. "[Browse entire catalog](#)," *data.govt.nz*.
106. "[Discussion forum](#)," *data.govt.nz*.
107. "[data.govt.nz launches](#)," *Open New Zealand*, 4 November 2009.
108. "[Terms of Use](#)," *data.govt.nz*, ss. 3, 4, 5 and 6.
109. For example, the data in sets such as the government's "Pharmaceutical Schedule Database," the Reserve Bank of New Zealand's balance sheet, and the Treasury's fiscal strategy model are listed on the site as "Other licensing (check with source agency)."
110. *Ibid.*, sections 5 and 6.
111. Banisar (2006), pp. 112–15.
112. The Minister released internal notes from his departments that briefed him on his various ministerial roles and the independent commissions and offices over which he has oversight. See "[Minister releases Internal Affairs and Justice Briefings](#)," *Beehive.govt.nz*, 24 July 2009; and "[Minister releases Transport Briefings](#)," *Beehive.govt.nz*, 28 July 2009.
113. "[Access to Official Information – What are your views?](#)" *TalkLaw* (Law Commission of New Zealand official consultation website).
114. [Act on the Openness of Government Activities](#), 621/1999, amendments up to 1060/2002 included, Ministry of Justice Finland [Unofficial translation], Section 1.
115. *Ibid.*, Section 6(1)(1).
116. *Ibid.*, Section 6(1)(2).
117. *Ibid.*, Section 6(1)(3).
118. *Ibid.*, Section 6(1)(4).
119. *Ibid.*, Section 6(1)(9).
120. *Ibid.*, Section 7.
121. *Ibid.*, Section 9(2).
122. *Ibid.*, Sections 24(1)(1) to 24(1)(32).
123. *Ibid.*, Sections 22, 23 and 24.
124. *Ibid.*, Section 10.
125. *Ibid.*, Section 5(3).
126. *Ibid.*, Section 11(1).
127. *Ibid.*, Sections 11(2)(1) to 11(2)(7).
128. *Ibid.*, Sections 17 and 18.
129. *Ibid.*, Section 20.
130. *Ibid.*, Section 19.
131. *Ibid.*, Section 21.

132. Katju Holkeri, Ministry of Finance (Finland), "[A Case Study from Finland](#)," Draft Paper for the Organization for Economic Co-operation and Development and Organization of American States Forum on Ensuring Accountability and Transparency in the Public Sector, December 2001, Brasília, Brazil, p. 7. See also [HARE](#).
133. Banisar, (2006), p. 71.
134. Maija Jussilainen, "[Knowledge Management at the Finnish Government](#)," Presentation at the OECD Learning Government Symposium, February 2003.
135. Holkeri (2001), pp. 12–13.
136. Ibid.
137. Ibid.
138. [Right to Information Act 2005](#), No. 22 of 2005, Indian Ministry of Law and Justice translation of version published in the official *Gazette of India Extraordinary*, Part II, Section 1, New Delhi, 21 June 2005, s. 4.
139. Ibid., ss. 4(1)(b)(i) to (xvii).
140. Ibid., ss. 4(1)(c) and (d).
141. Ibid., s. 4(2).
142. Ibid., sections 4(3) and (4).
143. Surie (2009).
144. [Right to Information Act 2005](#) [India], s. 4(1)(a).
145. Paramjeet K. Walia, University of Delhi, "[Access to government information in India in the digital environment](#)," Paper for the World Library and Information Congress: 75th IFLA General Conference and Assembly, Milan, Italy, 28 May 2009, p. 4.
146. Government of India, [GOI Directory](#). The lists of policies and budget plans are found under a "Documents" link.
147. See [National Portal of India](#).
148. Walia (2009), p. 4.
149. Ibid., p. 5.
150. "[Documents](#)," *National Portal of India*.
151. Ibid.
152. Ibid.
153. Ibid.
154. Walia (2009), pp. 7–8.
155. Government of India, Department of Personnel and Training, [Ministry of Personnel, Public Grievances and Pensions](#).
156. [Central Information Commission](#) [India].
157. Shri Shailesh Gandhi (Information Commissioner), "[Section 4](#)," Presentation to the Central Information Commission Convention 2009, 12 October 2009.