Access to Information and Open Government Data in Latin America

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1 This is a first draft of an ongoing research on 3 different countries in the Southern Cone of Latin America, including Argentina, Chile and Uruguay. This first stage is aimed to develop hypothesis and conceptual frameworks.
**GLOSSARY**

**Data:** Refers to the lowest abstract or a raw input, which when processed or arranged makes meaningful output. Examples of data can be facts, or statistics.

**Public data:** Official, non-personal data held by a public authority. This document does not comment on exempted information (related to national security, personal, commercial interests, etc).

**Raw data:** Refers to data that has not been processed for use. Also known as primary data.

**Information:** Data in a meaningful form.

**Public Information:** Official, non-personal information held by a public authority. This document does not comment on exempted information (related to national security, personal, commercial interests, etc).

*Clarification: data and information are not synonyms. However, in this document they have been used as interchangeable.*
1. INTRODUCTION

To enable citizens to contribute to the policy-making process, and thereby effectively collaborate with government, they need to have access to relevant public information. Access to government information is a powerful and crucial mechanism in ensuring government accountability and efficiency, and in promoting citizen empowerment.

Latin American countries have made significant progress in transparency and **access to information** (ATI) during recent years. ATI legislation has been passed in several countries in the region\(^2\), and it is safe to assume that Latin America is part of the Global explosion of ATI law around the world (Ackerman and Sandoval, 2006). Civil society, donors and other stakeholders have supported the implementation of programs aimed at promoting transparency in different areas. However, most of these efforts have been focused on enacting legislation to enable people to request public information, in individual bases (“reactive transparency”), and the proactive disclosure of just certain basic categories of information.

Nevertheless, some specialists are starting to support the idea that to emphasize the proactive disclosure of public information in reusable formats (**open government data**) – and not only to pay attention to the reactive side of the regime – is key to achieving a greater use of public information, and therefore a major benefit for society. This approach focuses on the idea that the use and reuse of public information strengthens citizens’ collaboration in the policymaking process, as well as creating social and economic value (Pollock, 2006).

It is worth noting that this notion of open government is driven partially by the changes experienced during the last decade in terms of information
technology and communication tools that have facilitated the access to large amounts of information, by a growing number of people.

This document is a first approach to a framework to analyze the current status of the Access to Information and Open Government Data Agenda in Latin America, showing the linkages between both agendas. It will take into account the institutional and legal constrains for this agenda in the region.

Acknowledging these constraints, the document will present some questions and issues policy-makers and policy entrepreneurs may need to take into account in Latin America in order to deal with an Open Government Data Policy. However, there are many other points that need further development and thinking across the region.

2. ACCESS TO PUBLIC INFORMATION and OPEN GOVERNMENT DATA

To enable citizens to contribute to the policy-making process, and thereby effectively collaborate with government, thus act responsibly as members of a democratic society, they need to have access to relevant public information. Members of society have the right to access government-held information, and they could use it to monitor, assess and assist the decision-making process since knowledge is widely dispersed in society. The whole idea of “active citizenship”, which is advocated in many international forums, largely depends on the citizen making decisions based on accurate information (OECD, 2003). Nevertheless, the road to secure the possibility

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3 However, it is worth noting that even though the introduction of electronic channels (whether they are for service delivery, information management, interaction, or for any other reason) alters the form of interaction between government agencies and the public (O’Neill, 2007), the respective roles need to remain clear. Governments make the decisions for which they are held accountable and on which their performance may be judged and civil society provides input for the decision-making process. Citizens and civil society groups are not supposed to take the place of government; they elect it and are served by it (Caddy, 2001).
of access to public information has been a contested one, and its advancement relies on committed activists and “enlightened” policy-makers.

There are two main civil society movements, which are campaigning for greater openness of the information, documents and datasets held by public bodies. The first is the Right to Information Movement, which promotes a public right of access to information from a human rights perspective. The second is the Open Government Data Movement, which uses social and economic arguments to encourage the opening up of government data. (Access Info & Open Knowledge Foundation, 2010)

Those two movements (and their current status in the southern cone of Latin America), and their linkages will be briefly described in the following sections.

2.1 RIGHT TO INFORMATION

Access to public information\(^4\) may be defined as the ability of the citizen to obtain information produced and held by the State, and it is a prerequisite to understand modern government. (Banisar, 2006 and Birckinshaw, 2006).

Mendel suggests that:

“Public bodies hold information not for themselves but as custodians of the public good. As such, this information must be accessible to members of the public in the absence of an overriding public interest in secrecy. In this respect, freedom of information laws reflect the fundamental premise that government is supposed to serve the people.” (Mendel, 2003. page iii)

\(^4\) In writing this paper, we have treated “access to information” and “freedom of information” as being synonymous.
According to Mendel (2000) freedom of information plays a key role in enabling citizens to see what is going on within government, and in exposing corruption and mismanagement. It is also essential if voters are to be able to assess the performance of elected officials and if individuals are to exercise their democratic rights effectively.

The right of freedom of information is currently recognized as a fundamental human right by a number of international bodies with responsibility for promoting and protecting human rights. These include the United Nations (UN), the Commonwealth, the Organization of American States (OAS), the Council of Europe (COE) and the African Union (AU).

### 2.1.1 Right to Information in Latin America

In the past two decades, more than 90 countries have adopted laws in order to regulate the right of access to information held by public bodies (Vleugels, 2010). The main features of these regulations are the provisions to enable people to request, in individual bases, public information (reactive transparency) and the proactive disclosure of certain basic categories of information.

Latin America is part of this trend, as a significant amount of ATI legislation has been enacted in several countries in the region. Furthermore, civil society, donors and other stakeholders have supported the implementation of programs aimed at promoting transparency in different areas.

Since 1980 to date, 12 countries\(^5\) have passed laws on Access to Public Information in Latin America. Panama, Peru and Mexico passed legislation on

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access to public information in 2002 (it is worth noting that Mexico was the
first in the region to establishment an independent administrative body
responsible to solve disputes between requesters and mandated bodies-
Federal Institute of Access to Public Information, IFAI-). Ecuador and the
Dominican Republic in 2004 joined the countries with such rules.

By 2006, a landmark decision was issued by the Inter-American Court of
Human Rights on the Reyes vs. Chile dispute. Until 19th September of that
year, no international tribunal had ever ruled that citizens of a country have
a right to access information held by their government. However, on that day
the Inter-American Court of Human Rights stated that public access to
information is essential to democratic participation and freedom of
expression (OSI, 2007).

That decision could have helped in the enactment of a new set of Latin
Chile, Guatemala and Uruguay (2008). This year, 2011, El Salvador joined
this set of Latin American countries with legal regulations to facilitate
people’s access to public information.

Michener (2009) argues that Latin America started to “surrender the secrecy”
as more Latin American Countries join the FOI club. Nevertheless, the status
of the access to information right across Latin America varies widely.
According to civil society accounts, implementation of FOI legislation in the
region has been problematic. Major issues have been identified in the
interaction between state bureaucracies and citizens, enforcement
institutions and the role of journalists in the quest to establish access to
information as a general feature of many constitutional regimes (Fumega,
Lanza y Scrollini, 2011). Even though ATI standards are relatively high in the

Law / Mexico  2002 Fed. Transparency and access to publ. govt. information law/ Nicaragua 2007 Law on
Access to Public Information/ Panama 2001 Law on transparency in public administration /Peru 2002 Law
of transparency and access to public information /Uruguay 2008 Law on the right of access to public
information /El Salvador 2011 Law of transparency and access to public information.
region it remains to be seen whether access to information regimes have been effectively implemented, and have achieved the desired outcomes. As in many other fields, Latin America is an uneven landscape.

In terms of supply of public information, there is not only a need for a legal framework consistent with international principles\(^6\), like the laws enacted in Uruguay, Chile in the southern cone, as well as other countries in the region. There is also a pressing need to develop mechanisms by which all non-personal data\(^7\) is proactively published. This remains a challenge not only for Latin American public administrations but also to most public administrations worldwide. Therefore, there is a clear linkage between the OGD movement and the ATI movement as well as the relationship between provisions on proactive transparency duty established in each ATI law together and how information should be disclosed in order to be reused (Scrollini 2010).

It is worth noting that even though the proactive side of the ATI regimes has not been at the centre of civil society campaigns nor legislative initiatives (Darbishire, 2010), some specialists are starting to support the idea that to emphasize the proactive disclosure of public information in reusable formats\(^8\) – and not only to pay attention to the reactive side of the regime – is key to

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\(^6\) In November 1999, a non-governmental organization known as Article 19, invited the three special mandates on freedom of expression to participate on a seminar titled "International Mechanisms for Promoting Freedom of Expression". At the conclusion of the meeting, Abid Hussain, United Nations Special Rapporteur on Freedom of Opinion and Expression (UN); Freimut Duve, Representative on Freedom of the Media for the Organization for Security and Co-operation in Europe (OSCE); and Santiago A. Canton, Special Rapporteur for Freedom of Expression of the Organization of American States (OAS), issued a joint statement. In 2000, the UN Special Rapporteur on Freedom of Opinion and Expression added to his Annual Report to the Commission on Human Rights, standards on Freedom of Information. According to the UN, there are some international and comparative standards that should underpin freedom of information legislation. They are: Maximum Disclosure, Obligation to Publish, Promotion of Open Government, Limited Scope of Exceptions, Processes to Facilitate Access, Costs, Open meetings, Disclosure Takes Precedence and Protection for Whistleblowers.

\(^7\) It refers to the lowest abstract or a raw input which when processed or arranged makes meaningful output.

\(^8\) In recent years, international demand has increased towards governments in order to facilitate the reuse of information held by public bodies, increasing the benefits and the creation of products, and value added services. Examples of that are the documents of the Organization for Economic Cooperation and Development (OECD) and the Recommendation for the Best Access and Effective Use of Public Information and Digital Content Policy Guidance on and directives European Union (EU) on the Reuse of Public Sector Information.
achieving a greater use of public information and therefore a major benefit for society. This approach focuses on the idea that the use and reuse of public information strengths citizens’ collaboration in the policymaking process.

This disclosure of information should follow some principles\(^9\) to facilitate its reuse by the public for a wide range of purposes. According to these principles, the data given by public bodies should be:

1. **Complete.** All public data must be available. All data should be published without special privileges or limitations.
2. **Primary.** Data should be available at the highest possible level of granularity, non-clustered or modified.
3. **Timely.** The data should be available as soon as possible to preserve its value.
4. **Accessible.** Data should be available to the widest range of users for the widest range of purposes.
5. **Machine processable.** Data should be reasonably structured to allow automated processing.
6. **Non-discriminatory.** Data should be available to every person with no requirement of registration. Anonymous access to data, including access through anonymous proxies, should be allowed.
7. **Non-proprietary.** Data should be available in a format over which no entity has exclusive control.
8. **License free.** Data should not be subject to any copyright, patent, trademark or trade secret regulation. There can be only reasonable restrictions on confidentiality and security (OpenGovData, 2007).

\(^9\) In December 2007, 30 open-government advocates met in Sebastopol, California to develop a more robust understanding of why open government data is essential to democracy. They spelled key requirements for government data which emphasized the need for easily accessible, machine-processable and highly reusable data. http://wiki.opengovdata.org/
2.2 OPEN GOVERNMENT DATA

While all those developments, in terms of ATI, took place in Latin American, during the last decades of the 20th century, there have been also significant changes in technology, particularly in relation to the development of the "Web". Those changes were important in the development of the open government data movement.

The first generation of Web technology, called Web 1.0, had focused on static environments, with HTML pages, and few updates without user interaction. After almost 20 years, this technology has evolved into dynamic applications that allow users to perform all types of online transactions and collaborate in content generation, and share information in a variety of ways, creating new forms of social interaction (Web 2.0).

User communities, and the presence of a set of services that encourage collaboration and information exchange among the users of a community or social network play a central role in this second generation, or Web 2.0 (O'Reilly, 2005). Furthermore, this new generation of Web technology is based on the use of databases, which can be modified by users, either in content or in the way the information is presented, or both content and form (Ribes, 2007). In this sense, these technologies and applications allow the reuse of data and information in ways that were unthinkable a few years ago.

In this context, it is worth clarifying that open government data is about getting access to data held by government bodies in formats which allow it to be freely copied, shared, combined with other material, or republished as part of websites which allow users to explore, analyze, visually represent, or
comment on the material, as well as transform it into other formats\textsuperscript{10}. (Access Info & Open Knowledge Foundation, 2010)

\textbf{2.2.1 State of Affairs in terms of Open Government Data in the region}

In several countries such as the UK, the USA, Australia and New Zealand, the demand created by civil society has encouraged governments to demonstrate their commitment to promoting to the public their right of access to public information as well as taking measures so that civil society can access information held in reusable formats. (Fumega, 2010) Latin America is still far away from these scenarios, as the demand side of open public data has just started to develop in the region\textsuperscript{11}.

In terms of proactive supply of open public data, the Municipality of Montevideo, \textbf{Uruguay} is the only Latin American government – as seen in the map of Open Government Data initiatives – that has published an open government dataset \texttt{www.montevideo.gub.uy/institucional/datos-abiertos}. In their website they make specific reference to the Open Government Data Principles and provide the first data sets for people to use.

\textsuperscript{10} In the UK the agenda was particularly high profile, and was quickly developed thanks to the centralised and flexible nature of the Whitehall-Westminster bureaucracy. While it is still early days in the UK, most public servants and agencies are very aware of the new requirements of the government. The United States seems to be taking similar steps, but there has been a recent debate about closing down important flag ships of the Open Government Agenda in place.

\textsuperscript{11} A few examples of a growing movement- but still in early stages- in Latin America: \texttt{http://gastopublicobahiense.org/} \texttt{http://www.tusdiputados.com/} among others.
In **Chile**, there are currently no examples of the proactive disclosure of open data, however there are some first steps that could, in the near future, go in that same direction. Even though it is not enough, the Chilean government disclose a large amount of information through its website `<gobiernotransparencechile.cl>`, however, the information provided is not presented in reusable formats. There is also an incipient effort from Consejo para la Transparencia (Transparency Council), with their Open Data catalogue `<www.consejotransparencia.cl/consejo/site/edic/base/port/pcatalogo.html>`, where citizens can find data from the Council’s daily work, such as complaints and decisions.

There are also indications of early attempts to collect public datasets.

Little progress has been made in the region in terms of the proactive publication of public data, therefore in the following sections a first approach to the institutional and legal constraints for this agenda in the region will be developed.
3. POLICY-MAKING, ACCESS TO INFORMATION AND OPEN GOVERNMENT DATA.

In this paper it is argued that Open Government Data (OGD) and Access to Information (ATI) are indeed deeply related and complementary. This paper also noted that there is scope to introduce this agenda in Latin America and that is already happening to a limited extent, largely due to policy transfer processes and the role of international networks. Nevertheless, as with other policy transfer processes in the region (Weyland, 2005) OGD initiatives pose challenges for the actors involved. “Carbon copy” policies may not work from one place to another as policy transfer usually depends on broader factors, such as political culture, state capacity and the role of civil society. Policy entrepreneurs, political actors who promote policy ideas, play a critical role “selling ideas” in the market place, and they need to find interested counterparts in the government. This is particularly among politicians and senior civil servants, which are usually involved in their own institutional dynamics. Policy entrepreneurs need to have key understanding of “world views” around government in order to promote their agenda and credibility (Minstrom, 1997, Kingdon, 1984).

In this section, the paper aims to outline the challenges and contribute to a discussion towards “policy success” or “policy failure” (Wolfowitz and Marsh, 2000) in terms of Open Government Data – as the proactive side of a broader access to information regime – in Latin America.

**Institutions and Policy Making**

There is an extensive literature that argues that the institution matters (March and Olsen, 1989; North, 1991; and Goodin, 1996). Institutions structure the relationships between actors and determine social and economic outcomes of a given society (North, 1990). A possible way to
understand institutions is as “rules of the game”, which enable actors to develop different strategies to achieve their goals.

When governments adopt policies they usually do not act in a vacuum, this is to say there is a set of determinants of government policy-making capabilities (Weaver and Rockman, 1993). These determinants are the institutional constraints that could encourage, or not, certain types of decision making processes, and in turn influence policy making capabilities in the government that in turn affect government’s policy choices and outcomes.

One particular state capacity is the one to innovate, which implies the ability to change the current patterns of behaviour and develop new ones. This is particularly challenging for state organizations as they face legal constraints and asymmetries of information, due to the existence of “silos”. To change, information is needed in order to develop better policy analysis that could actually help the government to reframe its own policies. (Islam, 2003)

Weaver and Rockman (1993) develop a complex framework including multiple levels of analysis, but for the purposes of this paper it will adapted to an Open Government Data policy. Assuming this as a starting point, the analysis framework considers:

- Institutional constraints
- Decision making processes
- Policy Making Capabilities
- Policy Choice
- Policy Outcomes

*Institutional constraints*: They refer to the boundaries that policy entrepreneurs and government may face in terms of policy-making processes. In this analysis, limitations that may come from the constitutional arrangements, or from “informal rules of the game”, are included as these could play a significant part in the adoption of any policy.
**Decision making process:** This includes a brief description of to what extent the executive has discretion to adopt a policy, as well as the degree of collaboration with other units or agencies outside the Executive. Potential veto points to the proposed policy from within government are also included.

**Policy Making Capabilities:** Institutional capability that governments in the region have in order to address open government data policies; in particular, the existence of e-government agencies and implementation units of ATI regulations.

**Policy Choice:** It refers to the possible policy-mix governments in the region can implement in an open government data policy.

**Policy Outcomes:** Linkages of the Open Government Data policies to specific policy outcomes of other policies in the region will be provided. Linking outputs and outcomes is usually a complex task, and not many governments use this kind of framework, yet we argue that OGD policies may well help specific sectors in the region.

### 3.1 Institutional Constraints: The environment of ATI regulation and Open Government initiatives.

The Latin American political landscape is dominated by presidential regimes. Presidential regimes are based on the strict separation of powers and usually tend to have conflicting priorities between the executive and the legislature, unless the ruling party also presents a clear majority in the Congress. In this way the legislature has the power to block some of the presidential initiatives while the President can also “amend” or block legislation using veto power. The President can also use the constitutional decree authority to legislate where the Parliament may not be willing to do so due to different reasons. Other constraints include the federal or unitary characteristic of the regime, the political party system, the role of the judiciary and the civil service.
An important aspect to take into consideration in Latin America is low trust in public institutions and low stability in institutional systems (Phillips, 2003), which creates problems in policy-making and standard setting, but mainly in the implementation of policies.

Another important caveat when dealing with Latin America is to which extent rules are enforced. Institutions and rules in Latin America are usually well designed, but implementation and execution can be informal (Phillips, 2003). Informal institutions are present in Latin America and they are probably as important as any formal institution. Informal institutions should be understood as rules that are created, sanctioned and enforced outside the official channels of authority (Hemlske and Levistky, 2006). The former have obvious implications for public information in terms of availability, reliability and enforcement of current legislation in the continent.

3.2 Decision-Making processes: Degree of control over policy

Most of the ODG initiatives around the world have central public administration as their main source of information. Much of this information has the potential to help citizens to reshape daily activities (e.g. transport) or to get better information about issues they care about (e.g. tax cuts). Nevertheless, public administration is not at all a unified front, and actually inter-government cooperation (and competence processes) is largely documented in management and policy making literature (Niskanen, 1975, Nicholson-Crotty 2005, Downs 1967), but the nature of this competition process is far from agreed. One expects, however, that as more information becomes available the nature of the game could change.

In some Latin-American countries such as Argentina, Chile and Uruguay, central administration (Executive Power) has the capability to release information in reusable formats, but there are some issues that should be addressed:
Availability of information based on executive preferences: It could be tempting for members of the executive power to provide information only in cases where it is actually favourable to do so, and hide (or not highlight) information that can actually be damaging for the government.

This risk is partially mitigated by the fact that there are normative frameworks, with different degrees of strength (Michener, 2009), in place to get access to information. Nevertheless, even assuming that requesters have a mechanism to access information, it is by no means guaranteed that this information could be in reusable formats, as Open Government Data standards would require.

E-Government and Access to Information: In most of Latin America, countries set up e-government strategies and have similar units in the executive to deal with e-government, currently understood as government activities delivered by ICTs. These agencies are usually quite influential in setting standards across the executive, but there are different degrees of compliance among countries in the region.

Role of the Civil Service: Much of the implementation task of releasing information in reusable format relies on the state bureaucracy. The civil service plays a crucial role in implementing policies as noted by Lipsky (1980) and there are different degrees in which civil servants may choose to cooperate (or not) with an Open Government Data agenda. This item will be discussed in the next sub-section.

3.3 Policy Making Capabilities and State Capacity: the role of the civil service

State capabilities are indeed one of the most important issues in order to implement policies in the region. Capabilities are largely situational and involve a series of relationships between objectives, efforts and perceived
problems. The civil service in Latin America – whose recruitment, selection and evaluation processes usually do not classify as a “typical” Weberian civil service - plays a key role. Furthermore, the constant construction and deconstruction of many civil services in Latin America, indicates that merit based and neutral civil service is an exception not a rule (Grindle, 2010)

There are at least four issues in terms of policy-making capabilities and state capacity that an Open Government Agenda should face in the region

a) Assuming the existence of specialized agencies (like in the case of Chile and Uruguay) there is a need for “champions” and civil servants that are able to understand the subtleties of Open Government data policy. It is fair to assume that civil servants may not wish to share information for two different set of reasons:
1) Traditionally civil servants may see information as their source of power (Weber, 1950), and in context of heavy politicization this may be an obstacle to sharing data with other external parties.
2) On a second level, civil servants may not want to share information with other State agencies, which in a politicised environment may well be identified with political rivals or with agencies with competing jurisdiction.

b) In a politically responsive civil service, it is highly difficult to find public servants that understand the value of disclosing information so citizen can use them. There is evidence from the US and the UK that public servants (particularly the ones placed in middle management) are supportive of an open government agenda as a way to promote much desired changes inside the administration (Hodge, 2010). In politically responsive civil servants, this behaviour might not be found.

c) Depending on the setting, public organisations may find themselves wanting to compete for the agenda of Open Government Data, as with other policy-making decisions. Nevertheless, this can happen in the case that there is actually a state capacity (resources and technical
ability) and incentives to do so, which is not very common across Latin America.

d) Finally there is an issue in terms of reliability of public information, particularly the digitalisation of archives and storage of public information in digital formats. The National Archives in Latin America, unlike their equivalents in some developed countries, tend not to have the budget, the technology and the people to run sophisticated IT projects.

3.4 The Policy Mix: Design and Implementation

It is commonplace in documents on Open Government Data to refer to the Tim Berners-Lee expression “It has to start at the top, it has to start at the middle, and it has to start at the bottom” (Berners Lee, 2009). This phrase aims clearly towards an “all out” assault to implement Open Data standards and to release and harness the power of information. It is assumed that the synergies will eventually develop among actors, thus creating enough critical mass to experience the benefits of the new approach, driving change and reinforcing it. It is tempting to agree, and it is certainly a very influential advocate’s point of view, but Latin America may prove more challenging than for example, the UK public administration.

Following Hood’s framework governments can essentially use four instruments:

- Nodality: Giving the government the ability to have the “whole picture” (Simon et al, 1950). This assumes that the government is actually a centre or a clearinghouse of information.
- Authority: Gives the government the ability to determine the legal or official sense, using tokens of official authority.
- Treasure: Gives government the ability to exchange good and services for money.
• Organization: The physical ability to use its own force or other’s to achieve the goals.

In terms of information the key role of the government will be to provide it in its raw data format, so others can reuse it. In this sense, the government should become in most versions of OGD movement, a provider by excellence, exercising authority only to promote openness of standards. Yet the point about how “open” information should be, has not yet been fully addressed. For example should government information obtained for free, be used for commercial purposes charging the end user? This is an issue of debate amongst Open Data activists, but yet it is clear that the government should play the role of a provider and regulator.

In terms of Treasure (using public money) governments may well encourage competition on Open Data application. There is a relatively good experience in terms of promoting this competition in Latin America\textsuperscript{12}, yet if the aim is to engage civil society these competitions should be broadened to target developers and civil society activists. The region has relatively good regulation in terms of “user charge”, as legislation prevents overcharging users for information resources. However it is unlikely that most administrations developed some sort of cost-benefit analysis framework in the case of charges being made, which could pose a risk for Open Government Data Agenda.

Regarding organization, it could be tempting for most of them to design new media solutions for their websites. This could be helpful, but it would not be the primary role of government. Much synergies and crucial savings can probably be made if interaction with the voluntary and private sector is achieved in a regulated and concerted way, with clear rules of the game established. Yet the question is how to engage different publics to “create” demand for this topic. Will civic hackers emerge as they have done in the UK

\textsuperscript{12} Programmes such as “Fondos Concursables” from AGESIC Uruguay promote competitions among public service unit to run IT projects. Similar approaches are followed in Chile.
or the United States? What is the critical mass needed to push for this agenda?

Also it asks for a certain degree of cooperation between civil servants and the community and grassroots “digital movement” that may not yet be present. It is fair to assume that public servants would be defensive about releasing information, or could also argue that releasing it in open formats costs time, effort and resources which are usually scarce. Furthermore public servant organisation may come under fire for releasing data that may not make the government look “good” in the face of the electorate.

3.5 Outcomes and Outputs: A difficult association

In terms of public management, the outcomes-output model for public services came under the influence of New Public Management (Hughes, 1996). In a nutshell, outcomes are supposed to represent the government “grand objectives”, usually associated with “public value” (Moore, 1995) that certain government actions and deliverables (outputs) are supposed to create. Most of the models assume some sort of intervention logic between outputs and outcomes, which in turn help to achieve the desired outputs. As many observers pointed out, this sort of rational logic is difficult to follow.

On a more pragmatic level, this model has not actually permeated the public discussion and decision-making process in Argentina and Uruguay, as in most of the other countries in Latin America. In Chile, however, there have been several attempts to introduce the output budgeting model, and it is fair to say that the government has a framework with clear objectives and products, regardless of if those are achievable or not. Open Government Data initiatives can indeed create synergies to positively affect most of government objectives, as they are supposed to dramatically reduce the asymmetry of information. Having said this, the focus should be on releasing the data, not trying to find out how people may use or guess the priorities of
the government. It is unlikely that at early stages the impact of OGD data policies could be measured.

4. OPEN ENDED QUESTIONS AND FURTHER RESEARCH

This paper presented some advances on a set of questions and some issues policy-makers and policy entrepreneurs may need to take into account in Latin America in order to deal with an Open Government Data Policy. However, there are many other points that need further development and thinking across the region:

1) Recent backlashes in the United States of America suggest that the open government data agenda may need to come a long way in order to change “the rules of the game” in terms of government transparency. This is to say, the agenda is promising and is already delivering important changes, but it should not be taken for granted.

2) The second point needs to take into consideration that Latin America is an uneven field. While this is only an exploratory paper, a plausible hypothesis is that OGD initiatives succeed earlier in countries with high Human Index Development and good performance in terms of “voice” and E-Government. These proxies could indicate that there is a good degree of coverage of Internet and Cell Phone network and enough civic liberties to pursue the agenda.

3) Another hypothesis is that it is also likely that OGD initiatives will succeed in countries where a bare minimum of respect to the rule of law in terms of access to information and proactive disclosure is guaranteed. This hypothesis is based on the idea that access to government information needs to have a

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13 A possible closure of the data.gov site has been reported at http://sunlightfoundation.com/blog/2011/03/23/transparency-technopocalypse-proposed-congressional-budgets-slash-funding-for-data-transparency/
minimum guarantee in terms of accessibility and reliability. In the UK context this debate led some advocates and the government to guarantee the “right to data”\textsuperscript{14}, which is essentially the right of access to datasets or a specification of the proactive disclosure. Initial accounts suggest that activists in the region have concerns about this issue. \textsuperscript{15}

4) Latin America has proven to be quite successful in the past in not complying with standards and regulations, particularly in the public sector. This is to say that public bureaucracies in Latin America are not particularly well developed (Phillips, 2003), and inefficiencies and inefficacies in data collection and data storage are in place. Archives and National Archives are probably one of the most neglected areas in public administration in the region and will play a key role in an information society. This goes to the core of one of the key problems of Latin American bureaucracy in general: informality. Much of the data is known through personal connections and not necessarily shared, thus affecting the reliability of the sources.

5) There is not yet the institutional capacity, or that institutional capacity is very low to deal with this agenda. As matter of fact, electronic government in the region is advancing but may not be a priority for various countries.

6) A very obscure issue in Latin America is use and reuse of public information. Unlike other countries where public copyrights are heavily regulated and constitute a part of the problem (the UK, New Zealand, and Australia) in Latin America this is quite a vague area. Chile and Uruguay have been developing standards according to international regulation, but the public sector role in them is at it very best “sketchy”. With no rules available, civil society may well need to advocate for a framework once applications and websites start running.


7) Regarding online participation and Open Data, initiatives in Latin America are still in their early days and much effort will be needed to scale them up. Accountability initiatives will probably be welcomed in certain countries and polities, but in order to get “traction” civil society may need to go for basic things like fixmystreet.org, or where is my bus stop\textsuperscript{16}. In this way public servants could be probably “lured” into open data.

8) As previously mentioned, there are two main civil society movements, which are campaigning for greater openness of the information: \textbf{Right to Information Movement} and the \textbf{Open Government Data Movement}. However, there seems to be a lack of communication between both movements (Access Info & Open Knowledge Foundation, 2010). This is reproduced at the Latin American level where this topic is now discussed. Without activists this agenda is unlikely to take off. Yet, activists may find that the use of tools in particularly “hot topics” could be helpful for their case. As an example, an increasing hot topic in the region is “safety” and crime. In fact in Chile, Uruguay and Argentina this is constantly in the press.

If ATI activists and civic hackers manage to target particular topics adding “value” to the discussion, demand for open data could eventually increase in the region. One key point of the Open Government Data movement seems to be tying people’s lives with specific open data initiatives. Thus, the framing “Open Data” may be needed to be associated to substantive problems. This will then involve an alliance of journalists, open data enthusiasts, likeminded public servants and activists to proceed.

In terms of nodality there are obvious reservoirs of information in the executive, the legislative and local government, but how information is released or accessed is a problem to be solved.

\textsuperscript{16} http://blog.okfn.org/2009/08/20/where-is-the-nearest-bus-stop-uk-department-for-transport-adds-naptan-data-to-open-street-map/
To sum up, this paper argues for the promotion of open government data initiatives in a “muddling through” (Lindblom, 1953) spirit, as it is still early days for ATI and Open Government Data in the region. An incremental and strategic approach to OGD could be the best strategy in the current Latin America institutional landscape.
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