



MISA TRANSPARENCY ASSESSMENT

The Citizens' Analysis of Government
Openness in Southern Africa



by the Media Institute of Southern Africa





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“Public bodies hold information not for themselves but as custodians of the public good and everyone has the right to access information...”

African Charter on Human & Peoples Rights

The African Platform on Access to Information
www.africanplatform.org

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REGIONAL OVERVIEW

This is the 10th Transparency Assessment Report of the Media Institute of Southern Africa (MISA), which examines the openness and transparency of public institutions in southern Africa.

Between July and September 2018, research was conducted in seven countries namely, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe. In their respective countries, national researchers sent information requests to selected institutions anticipating answers to their questions within 21 days. They also assessed whether relevant information (from contact details to budgetary information) had been proactively made available by public bodies via an online presence.

MISA is a founding member of the African Platform on Access to Information (APAI), which adopted the APAI Declaration in 2011, a regional document that looks at access to information in its entirety, both as a right that is relevant to numerous sectors and one that has the potential for further development in various spheres.

In this spirit, the APAI Declaration concerns itself with, among other pertinent issues, access to information and elections, the extractives industry, health, and the rights of women and children.

Over the years, the cross-sectoral relevance of the right to information has been acknowledged in several international and regional instruments; one of them being the *Guidelines on Access to Information and Elections in Africa*, which states that:

Access to information empowers the electorate to be well-informed about political processes with due regard to their best interests: to elect political office holders, to participate in decision-making processes on the implementation of laws and policies, and to hold public officials accountable for their acts or omissions in the execution of their duties. Thus, access to information is a foundational requirement of the practice of democratic governance.

MISA therefore notes with satisfaction that the Malawi Electoral Commission has received the highest score of all institutions surveyed throughout the region. Malawi has seen great improvements in openness and transparency of public institutions and MISA Malawi's 2018 survey achieved a 100% response rate to information requests; a first in Malawi and throughout the region.

In contrast, only one public institution in Eswatini, the Municipal Council of Mbabane, replied swiftly to the request for information and provided a comprehensive response. Staff of most surveyed institutions argued that the responsible officials were too busy with the primary elections, held on 25 August, and would therefore respond in their aftermath. In the end, all of these institutions, including the Elections and Boundaries Commission, failed to respond to the information requests. The fact that elections are used as an excuse for unresponsiveness rather than an incentive for heightened transparency is concerning.

Except for Malawi and Namibia, which had a 100% and a 63% response rate respectively, all other countries saw less than half of their institutions responding to information requests in a meaningful way.

In both Zimbabwe and Namibia, although not directly providing the requested information, some institutions guided the researchers in a clear and helpful manner as to how to obtain the information.

Although not a single institution in Zimbabwe provided all the information requested, the national researcher noted that public officials, who in the past had been hostile to citizens requesting information, had become friendlier. However, it was noted that public institutions were characterised by inefficiencies and were therefore often unable to effectively respond to requests.

In Mozambique, only three institutions responded to the requests for information. However, it became clear during the research that the institutions' silence was often not due to unwillingness, but rather to a lack of organisational structures and clear delegation of responsibilities.

Steady improvements of institutions' online presence could be observed over several years. Nowadays, it is common for government and public institutions to have a web presence and many public bodies also make use of social media accounts such as Facebook and Twitter; some institutions even post videos on YouTube.

In July 2018, the government in Eswatini launched a revamped website, which hosts all ministries. The prime minister underscored that the website would be a vehicle to make the most informative and effective services easily available to citizens.

As a result of persistent advocacy, 6 countries in southern Africa have access to information legislation; the most recent ones being the Tanzanian and Malawian access to information laws, which were both adopted in 2016. While MISA Zimbabwe is advocating for the repeal of the Access to Information and Protection of Privacy Act 2002, MISA Chapters in Malawi, Tanzania, and Mozambique - where the access to information law was adopted in 2014 - are working towards the effective implementation of their respective national legislation to foster the enjoyment of the right to information by their citizens.

MISA Chapters in Eswatini, Namibia and Zambia are all faced with long, laborious processes to enact draft access to information legislation, but remain steadfast in their advocacy for increased government openness and transparency.

BACKGROUND

Since 2009, the Media Institute of Southern Africa (MISA) has evaluated the level of openness of government and public institutions in its annual Transparency Assessment. Carried out by MISA Chapters alongside local researchers, the study seeks to establish the ease or difficulty with which citizens can access public information.

The study assesses whether public institutions proactively make relevant information available via an online presence in the form of a website or social media accounts. It further evaluates to what degree information is made available to citizens upon request.

Every year, on 28 September, MISA joins the international community in commemorating the International Day for Universal Access to Information. MISA marks the occasion through:



The regional launch of the MISA Transparency Assessment



Hosting national Golden Key and Golden Padlock Awards Ceremonies

DATA ANALYSIS

Category 1:



Evaluation of government and public institution websites to determine the accessibility and presence of credible and updated public information, which includes but is not limited to: powers and functions of the institution in question, budgetary allocations, procurement procedures and contact details.

Category 2:



In this category, information requests are submitted to government and public institutions in order to determine the ease with which public information is obtained from government and public institutions.

DESCRIPTION OF ASSESSMENT CRITERIA

The total number of points allocated to categories 1 and 2 is 20 points (n = 20) each.

Points are awarded based on the researcher's answer: Yes (2 points); Partial (1 point); No (0 points).

Government ministries and institutions fell into one of the following groups in accordance with the number of points that they received:

Category 1: Website Analysis

Group 1: (0 – 6) Absence of a website or an extremely poor website containing no or almost no relevant public information.

Group 2: (7 – 13) Average website containing some relevant public information.

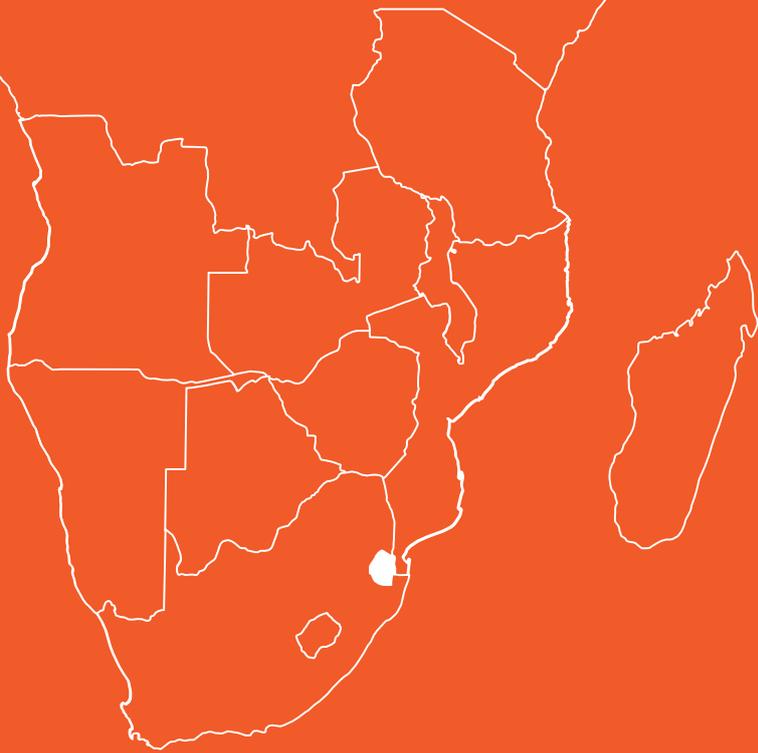
Group 3: (14 – 20) Well-organised, transparent website providing a good amount of relevant public information.

Category 2: Requests for Information

Group 1: (0 – 6) Denied access to reasonable information requested or acted with high levels of secrecy.

Group 2: (7 – 13) Displayed an average level of openness in allowing access to public information.

Group 3: (14 – 20) Displayed openness in allowing access to public information. The institution was helpful and transparent.



ESWATINI

TRANSPARENCY ASSESSMENT 2018

The Citizens' Analysis of Government Openness

INTRODUCTION

Withholding public information from information-seekers by government and public institutions appears to be the rule rather than the exception in Eswatini, formerly Swaziland. It is an open secret that a culture of secrecy still exists within the government and public institutions. As a result, public complaints of lack of access to information held by government and public entities abound. Amnesty International bears testimony to the culture of secrecy practiced and promoted by the authorities in Eswatini. In a recent Amnesty International report titled *They Don't See Us As People: Security of Tenure and Forced Evictions in Eswatini*, it is noted that there is a general lack of both public access to information and proactive disclosure of information by the authorities in Eswatini. The report further highlights the absence of national legislation promoting access to information.

Unprepared to heed calls for the enactment of the Freedom of Information and Protection of Privacy Bill, the 10th Parliament had passed the Public Service Act 2018 before its dissolution in June 2018. The law denies emaSwati their constitutional right to access information held by government. Section 8 of the Act deals with publications, interviews and use of official information, and bans public officials from releasing public information to the media without the express permission of the Secretary to the Cabinet. Subject to the provisions of the law, a public officer:

(b) whether on duty or on leave of absence shall not (except with due authority) allow oneself to be interviewed on questions of or connected with any matter affecting or relating to public policy, security or strategic economic interests or resources of Swaziland; and

(c) shall not directly or indirectly reveal, or use for private purposes, any information coming to the knowledge of the officer or acquired by the officer or the nature or the contents of any document communicated to the officer either in the course of the duties of that officer or in the capacity of that officer as an officer otherwise than in the proper discharge of the duties of that officer as authorised by law or a responsible officer.

Essentially, the Act bars public officers from entertaining requests for information from the media on behalf of citizens who need information to make informed decisions and choices.

For years, MISA Swaziland has been at the forefront of a campaign to press government to embrace a culture of openness. This

saw government making strides in e-governance by launching a revamped website (which hosts all national ministries) on 19 July 2018. The prime minister described it as a vehicle for the general public to easily access information and services. He also noted that the website will make the most informative and effective services available at the public's fingertips.

Back in 2007, the Information and Media Development Directorate drafted the Freedom of Information and Protection of Privacy Bill 2007. It sought to enable the citizens to access public information. Not tabled for debate to the 8th Parliament (2003-2008), it also missed out in the 9th Parliament (2008-2013) and 10th Parliament (2013-2018). This has thrice rendered the Bill null and void. The access to information (ATI) workshops that MISA hosted for legislators, editors, journalists and civil society actors encouraged the Information and Media Development Directorate to redraft the legislation, now called the Freedom of Information and Protection of Privacy Bill of 2016. Once again, it did not reach Parliament before its dissolution in June 2018. Notwithstanding the dilly-dallying, MISA alongside media partners and civil society actors will continue fighting for the enactment of the Freedom of Information and Protection of Privacy Bill.

RATIONALE AND RESEARCH PARAMETERS

This research set out to assess the ease with which members of the public can access information held by public institutions. Its aim was to generate credible evidence-based information to support the enactment of the Freedom of Information and Protection of Privacy law in Eswatini. Importantly, its findings will be used by MISA Swaziland and freedom of expression activists in the on-going ATI campaign targeting the incoming Members of Parliament (MPs) in the 11th Parliament (2018-2023). This research was conducted on four ministries and four public institutions/enterprises in Eswatini between July and August 2018.

The following public institutions were surveyed:

1. Elections and Boundaries Commission (EBC)
2. Ministry of Agriculture (MoA)
3. Ministry of Natural Resources and Energy (MNRE)
4. Ministry of Public Service (MPS)
5. Ministry of Tinkhundla Administration and Development (MTAD)
6. Municipal Council of Mbabane (MCM)
7. National Maize Corporation (NMC)
8. Public Service Pensions Fund (PSPF)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All four public institutions surveyed have professionally developed websites and active social media sites (ie Facebook and Twitter).
- Of the four public institutions surveyed, the MCM has the most active social media sites.
- Of the four public institutions surveyed, only three had officials designated as public relations or communications officers.
- Of the four public institutions surveyed, only two displayed their opening hours.
- All the websites of the four ministries surveyed were hosted by the government portal.
- None of the four ministries surveyed had social media sites.
- Of the four ministry websites, only one did not mention the designer of the website.
- Of the four ministries surveyed, two did not have a 'Contact Us' section and two did not have a 'News' section.

Category 2: Requests for information

- Of the eight surveyed institutions, only one managed to respond to the information requests, which were either hand-delivered or emailed.
- The MCM answered the information request within two days.
- When the first follow-up calls were made to the institutions, the office secretaries replied that the officials were too busy with the elections to respond to the information requests.
- When called for the second time, some institutions did not answer the phone, while officials of some institutions promised to provide the answers following the primary elections (held on 25 August), yet failed to do so.
- Of the four ministries surveyed, only the MNRE stated that it did not get the hand-delivered information request and asked for it to be re-sent.
- After being called four times, the seven public institutions still failed to provide answers to the requests for information.

DETAILED FINDINGS

1. Elections and Boundaries Commission (EBC)

CATEGORY 1: WEBSITE

www.elections.org.sz

As 2018 is the elections year, the EBC's website is up to date. The Commission has interactive social media sites such as Facebook and Twitter. The former has 1 587 likes and 1 599 followers. The website is powered by Computronics Systems Ltd. The 'Media Centre' section provides up-to-date information on news and events, as well as information on the role of the media during elections and accreditation processes. For inquiries, it requests one to fill out an electronic enquiry form.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | No organisational structure is provided. |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | Written 'always open', although no specific working hours are provided. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the EBC:

- How often is your website updated?
- Who is in charge of your website?
- How would you describe the relationship between the EBC and the media?
- What were the benefits of using the social media during the electoral process?
- What is the EBC's media relations strategy?
- How does the EBC handle electoral complaints?
- What is the EBC's annual budget?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | . | | | Communications Officer |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | The Communications Officer told the researcher to direct their questions to the Head of Secretariat. |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

2. Ministry of Agriculture (MoA)

CATEGORY 1: WEBSITE

www.gov.sz/index.php/ministries-departments/ministry-of-agriculture

The MoA's website is hosted by the government portal. Although each ministry is free to update its own site within the revamped portal, this website is not updated. It still contains the email address of long-retired Principal Secretary Dr Robert Thwala. The site was designed by Ironstamp.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | | | . | Standard information is provided but does not have a 'News and Events' section. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 4/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MoA:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the MoA and the media?
4. What is the MoA doing to comply with the Maputo Declaration on Agriculture and Food Security, which calls for a 10 percent national budget allocation to agricultural development?
5. What is the MoA doing to assist emaSwati farmers who want to lease farms from the MoA and put them into good use?
6. What is the MoA's annual budget allocation

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

3. Ministry of Natural Resources and Energy (MNRE)

CATEGORY 1: WEBSITE

www.gov.sz/index.php/ministries-departments/ministry-of-natural-resources

Hosted by the government portal, the MNRE's website has some up-to-date information in its 'News and Events' section. Unlike the other ministries' websites, it does not provide the name and details of a contact person, only telephone/fax numbers and an email address. It has a section on the ministry's values, which includes transparency. There is no mention of the designer or developer.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | | . | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MNRE:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the MNRE and the media?
4. How does the MNRE ensure that the high percentage of the provision of potable water to emaSwati is a true reflection that takes into account the dry boreholes in drought prone areas?
5. What is the MNRE doing to ensure that emaSwati who have paid for the drilling of boreholes many years ago finally get the service?
6. What is the reasonable waiting period for the borehole drilling service after paying for it?
7. What is the MNRE's annual budget allocation?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | • | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 2/20

4. Ministry of Public Service (MPS)

CATEGORY 1: WEBSITE

www.gov.sz/index.php/ministries-departments/ministry-of-public-service

Hosted by the government portal, the website of the MPS's does not have up-to-date information. Senior officials who left the ministry (through retirement or promotion) a long time ago are still listed as contact persons. Under the 'Documents' section, the latest available Performance Report is from 2011. The 'News and Events' section is empty.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | • | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | • | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | • | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | | | • | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MPS:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the MPS and the media?
4. How would you describe the relationship between the MPS and public service unions?
5. What is the MPS doing to decrease the public service wage bill said to be hovering around 85% for the past five years?
6. What is the MPS doing to ensure that public pension funds are not being misused by the public service pensions?
7. What is the MPS's budget allocation?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

5. Ministry of Tinkhundla Administration and Development (MTAD)

CATEGORY 1: WEBSITE

www.gov.sz/index.php/about-us-sp-356925513

Hosted by the government portal, the MTAD's website has some updated information. But its 'News and Events' section has outdated information, with the most recent information posted in 2016. Their website does not provide the contact details of senior officials and there is no 'Contact Us' section.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | | . | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MTAD:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the MTAD and the media?
4. What is the MTAD doing to ensure that struggling projects established with donor assistance benefit from the Rural Development Fund?
5. What is the Chief Development Plan all about and how many chiefdoms in the four regions have it?
6. What is the MTAD's budget allocation?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

6. Municipal Council of Mbabane (MCM)

CATEGORY 1: WEBSITE

www.mbabane.org.sz

The MCM's website has up-to-date information and is professionally designed. It has social media sites like Facebook and Twitter, although the latter was suspended due to a major upgrade. At the time of this study, the former had 1 380 likes and 1 383 followers. Its 'News' section had current news and vacancy advertisements. The only blight was the 'Publications' section, which only displayed old annual financial reports from 2010 to 2013.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | | . | |
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MCM:

- How often is your website updated?
- Who is in charge of your website?
- How would you describe the relationship between the MCM and the media?
- What improvements has the MCM made on city roads to ensure that the lives of the visually impaired are easier?
- Who has a stronger say in the running of the MCM between the ratepayers represented by elected councillors and the ministry?
- What is the MCM's annual budget?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | The institution responded within two days. |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 16/20

7. National Maize Corporation (NMC)

CATEGORY 1: WEBSITE

www.nmc.co.sz

The NMC's website has up-to-date information, especially in its 'Notices' section, which has a current press statement. It has current tenders issued for August. It has a Facebook page with had 766 likes and 778 followers. Under its 'Weekly Articles/Programmes' section, it has old articles dating back to 2017 and 2016. There is nothing in the 'Events' section except for the successful events that took place last year. Although it is professionally developed by Datanet, the spelling of *career* wrongly spelt as *carrer* was left unattended on the website. The misspelling, however, was later rectified.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the NMC:

- How often is your website updated?
- Who is in charge of your website?
- How would you describe the relationship between the NMC and the media?
- What is the improvement that the farmers might expect from the new arrangement for handling the subsidy for farming inputs?
- How is the NCM going to ensure that the farmers get their farming inputs on time so that they do not miss out on the early rains?
- How is the NMC going to ensure that there is no more shortage of tractors and fuel for the planting season?
- What is the NMC's annual budget?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

8. Public Service Pensions Fund (PSPF)

CATEGORY 1: WEBSITE

www.pspf.co.sz

Professionally developed, the PSPF's website has up-to-date information. It has a Facebook page and a Twitter account with the former having a total of 557 likes for and 564 followers. Under the 'Publications' section, it has the latest annual report of 2017 and a newsletter from June 2018. It also displays its opening hours: 8:00 am – 5:00 pm.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | | . | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the PSPF:

- How often is your website updated?
- Who is in charge of your website?
- How would you describe the relationship between the PSPF and the media?
- How does the PSPF ensure that the pensioners get maximum benefits from the investments?
- What mechanisms have been put in place to safeguard pensioners from losing their money invested with foreign investment companies, should these companies go under?
- What is the PSPF's annual budget?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

SUMMARY

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| 1. Elections and Boundaries Commission | 10 | 4 | 14 |
| 2. Ministry of Agriculture | 4 | 4 | 8 |
| 3. Ministry of Natural Resources and Energy | 8 | 2 | 10 |
| 4. Ministry of Public Service | 6 | 4 | 10 |
| 5. Ministry of Tinkhundla Administration and Development | 6 | 4 | 10 |
| 6. Municipal Council of Mbabane | 15 | 16 | 31 |
| 7. National Maize Corporation | 13 | 4 | 17 |
| 8. Public Service Pensions Fund | 9 | 4 | 13 |

RESEARCH CONCLUSIONS

Actions do not match the words of the officials designated to receive and respond to information requests in government and public institutions. This research concludes that a majority of them still find it hard to get rid of the deep-rooted culture of secrecy in the course of their duties. This becomes evident when seven out of the eight public institutions surveyed failed to respond to the researcher's information requests.

Remarkably, at the time of this particular research, all the targeted public institutions were dealing with relevant public issues that they were supposed to explain to citizens. Assessing institution's openness and transparency, the researcher made sure that he asked them about those issues. As usual, the Principal Secretaries authorised to release information hid behind the excuse of being too busy with the elections to respond to the information requests. Surprisingly, the EBC's Communications Officer told the researcher to direct the questions to the EBC's Head of Secretariat, while the NMC's Marketing and Communications Manager did not bother to respond despite several phone calls.

This situation does not appear likely to change any time soon. A majority of officials do not understand their public service role of disseminating information to citizens who need such information in order to make informed decisions and choices on the socioeconomic and political issues that affect them. All this goes to show that there is a great need for stepping up efforts in lobbying parliamentarians to enact the Freedom of Information and Protection of Privacy Bill.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ESWATINI

Of the eight public institutions that were assessed and evaluated for this particular study, the poorest performing institution and **winner of the 2018 Golden Padlock Award for the most secretive public institution in Eswatini is the Ministry of Agriculture.**

THE MOST OPEN PUBLIC INSTITUTION IN ESWATINI

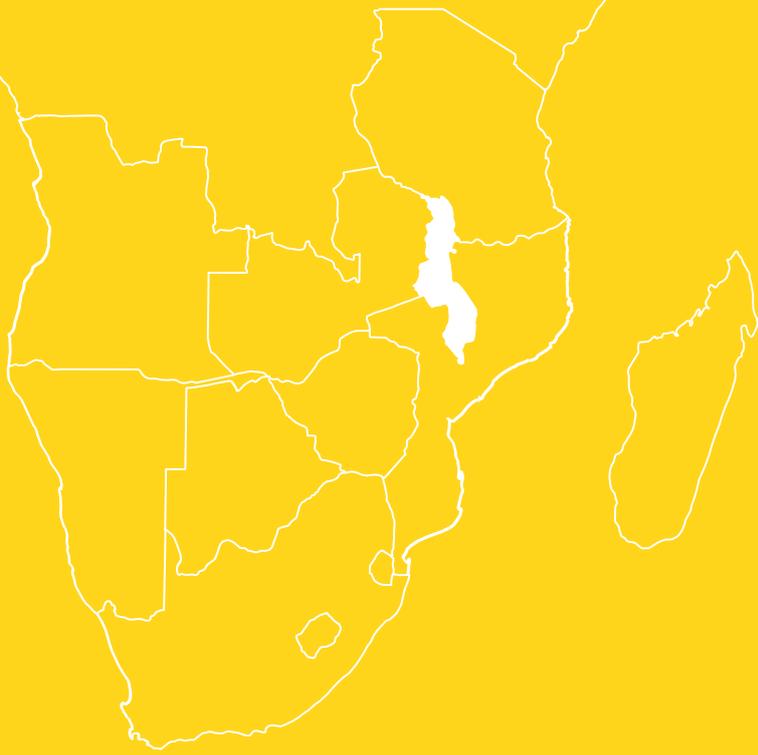
The best performing public institution and **winner of the 2018 Golden Key Award for the most open public institution in Eswatini is the Municipal Council of Mbabane.**

RECOMMENDATIONS

- As the Freedom of Information and Protection of Privacy Bill promises to be the answer to the deep-rooted culture of secrecy in Eswatini, it is long overdue.

MISA Swaziland plans to do the following as a contribution to positive developments with regard to government openness and transparency:

- Organise a media workshop on access to information for all the officials designated to receive and respond to information requests in government ministries and public companies; and
- Step up MISA's campaign for access to information by taking advantage of incoming parliamentarians, including:
 - Making efforts to lobby the parliamentarians, especially the incoming members of the Ministry of Information, Communication and Technology Portfolio Committee, to move a motion forcing the Minister of Information, Communication and Technology to table the Freedom of Information and Protection of Privacy Bill within the tenure of the 11th Parliament (2018-2023).



MALAWI

TRANSPARENCY ASSESSMENT 2018

The Citizens' Analysis of Government Openness

INTRODUCTION

Access to information is a critical element of every functioning democracy. It is widely recognised that access to information safeguards the public against abuse by officials and permits the public to play a role in shaping the policies of the state. Access to information thus forms a crucial component of genuine democratic participation and sound policy formulation.

Malawi has three main instruments that guarantee the right to information: the Republican Constitution, the National Access to Information (ATI) Policy and the Access to Information Act, 2016. The ATI Policy and ATI Act provide a framework for the actualisation of Section 37 of the Malawi Constitution which states that ‘...every person shall have the right of access to all information held by the State or any of its organs at any level of government in so far as such information is required for the exercise of his right.’

However, access to information is still a challenge for most Malawians. Few Malawians enjoy and exercise this right and government is yet to set a date for the ATI Act to become operational, as provided for under Part 1, Section 1, of the ATI Act, which states: ‘...this Act...shall come into operation on a date appointed by the Minister and published in the Gazette.’

Almost one year and seven months down the line, the Minister of Information and Communications Technology is yet to set a date for the commencement of the legislation. The Act, like the Republican Constitution, does not provide a timeframe within which the law should be operational. The MISA Malawi Chapter believes that government will exploit the gap to further delay implementation of the Act. The government has already employed various tactics to delay the process and development of a robust ATI Act by changing most of the critical provisions in the draft bill. This development was construed by MISA and most free speech advocates as an attempt by government to push for a law that limits rather than promotes the right to information. The current delay in setting the commencement date is seen as a continuation of the tactics employed during the 12-year period to have the bill passed.

MISA Malawi is currently lobbying government to start implementing the ATI legislation. The Chapter is also engaging relevant public bodies, with compliance obligations under the Act, to prepare for the implementation of the Act. The current study on the most open and secretive public institutions in Malawi provides an opportunity to pressure government to implement the Act and secondly, prepares public bodies to comply with the law once it is in force.

The study will also remind government and all stakeholders of the need to respect constitutional guarantees on access to information, which is considered key to poverty reduction, national security, transparency and a meaningful participatory democracy.

RATIONALE AND RESEARCH PARAMETERS

The importance of access to information cannot be over-emphasised. Apart from guarding against abuse of public resources, access to information builds trust and is instrumental in fighting poverty. It is on this basis that the framers of the Malawi Constitution clearly recognised the relevance of this right and guaranteed it under Section 37.

However, this constitutional provision alone is not sufficient to guarantee and ensure simple and easy access to information. In addition, government has not yet set a date for the ATI Act to become operational. The ATI Act provides a framework for the actualisation of the constitutional provision on access to information with clear penalties for non-compliance. Thus the delay in setting a date for the commencement of the Act means that there is no legal framework to compel public authorities to be proactive in releasing information to the general public, both in terms of general information on their online platforms and in responding to requests for specific information.

Apart from the gaps in the legal framework, a culture of secrecy permeates Malawian society. Transitioning from a primarily secretive society to one based on democratic values and principles requires both legal and policy reforms and a change of attitudes.

It is on this basis that MISA Malawi believes that studies on the most open and secretive public institutions are indispensable in promoting a transparent and progressive society. These studies foster a culture of openness and transparency in public institutions and entrench democratic values and beliefs in the country’s public bodies.

Aim of the Study

As with past studies of this nature, this research aimed to assess the level of openness in Malawian public institutions as a way of promoting transparency and accountability in public bodies.

Specific Objectives

Specifically, this study sought to:

1. Assess the level of transparency in public institutions against international instruments and standards on access to information.
2. Influence the adoption of laws and practices which promote a culture of openness.
3. Inform MISA Malawi advocacy interventions on access to information, media free-dom and freedom of expression.

Methodology and Timeframe

The study was done at two levels. The first level focused on the analysis of websites and online platforms of selected public bodies and the second level focused on requests for information to the same sampled institutions. MISA Malawi also made deliberate efforts to follow up on the information requests.

The study was conducted between July and September 2018. The participating institutions were randomly identified by MISA Malawi but deliberate effort was made to include institutions that play a critical role in Malawi's national development.

The following public institutions were surveyed:

1. Blantyre City Council (BCC)
2. Lilongwe City Council (LCC)
3. Malawi Energy Regulatory Authority (MERA)
4. Malawi Electoral Commission (MEC)
5. Ministry of Agriculture, Irrigation and Water Development (MOAIWD)
6. Ministry of Information and Communications Technology (MICT)
7. Ministry of Local Government and Rural Development (MLGRD)
8. Mzuzu City Council (MCC)
9. National Aids Commission (NAC)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- There is a general improvement in the online presence of public bodies; all nine public bodies sampled have online platforms.
- Five of the nine institutions have websites. Three of these five institutions have Facebook pages and are also on Twitter.
- One of the institutions has all the following: a website, Facebook page, Twitter handle and a YouTube channel.
- Four of the institutions, who do not have websites, have Facebook pages.
- Five of the institutions' websites have a mechanism for feedback, which helps institutions interact with citizens and respond to key or specific concerns and information requests.
- All but two of the institutions have up-to-date information, representing 78% of the sampled institutions that have updated information on their platforms.
- Some of the organisations that scored poorly on website analysis in 2017, such as the LCC, now have up-to-date information on their Facebook page.
- Some of the institutions are also on Instagram and LinkedIn, which was not the case in previous years.

Category 2: Requests for information

- All nine institutions surveyed responded to the written requests for information. Some of the organisations requested a telephone and/or face-to-face interview and asked for justification from the researcher as to why they needed the information.
- Two of the organisations that responded to the written requests for information initially acknowledged receiving the requests for information and promised to get back to the researcher.
- Four of the entities that responded to the requests for information did so within 24 hours of receiving the request for information.

DETAILED FINDINGS

1. Blantyre City Council (BCC)

CATEGORY 1: WEBSITE

<https://bccmw.com>

The BCC has a website, Facebook page and a Twitter account. All three platforms are up to date. The site has the following: 'About BCC,' 'Explore,' 'Projects,' 'Services,' 'Media Room,' 'Departments' and 'Mayor's Office.'

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | The website does not provide the BCC's working hours. |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the BCC:

1. What are some of the notable achievements that the BCC has registered over the last five years?
2. Industrial pollution in the Mudi River is one of the recurring challenges the BCC faces. What are you doing to deal with the issue?
3. What is the BCC doing to permanently deal with the issue of street vending in the city?
4. Encroachment is also an issue that the BCC is grappling with. What long term measures have you instituted to deal with this issue?
5. What was the budget of the BCC for the 2017-2018 financial year? How much of this money was allocated to the construction of roads in the city's townships?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its budgets? | . | | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 18/20

2. Lilongwe City Council (LCC)

CATEGORY 1: WEBSITE

The LCC does not have a website, but it has a Facebook page and the results below are based on the Facebook page.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--------------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | . | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | . | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | No working hours are provided. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 3/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the LCC:

1. What are some of the notable achievements the LCC has registered within the last five years?
2. Flooding of the Lilongwe and Lingadzi Rivers is one of the recurring challenges the LCC faces. What are you doing to deal with the issue of people building houses along the banks of these rivers?
3. What is the LCC doing to permanently deal with the issue of street vending in the city?
4. Illegal mining is also considered a challenge in the city. Are there any plans to deal with this issue?
5. What was the budget of the LCC for the 2017-2018 financial year? How much of this money was allocated to the construction of roads in the city's townships?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its budgets? | | | . | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 13/20

3. Malawi Energy Regulatory Authority (MERA)

CATEGORY 1: WEBSITE

www.meramalawi.mw

MERA's website contains updated information, with the latest post made on 12 August 2018. On the menu, the website has the following sections: 'About Us', 'Licensing', 'Legislation', and 'Resource Centre'.

The website has links to other organisations, detailed information on programs that take place at the institution, fees of various products and services, and detailed reports.

The institution also has a Facebook page, a Twitter handle and posts videos on YouTube.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | No information on working hours is provided. |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | . | The website has a 'Frequently asked Questions' segment, which gives customers the opportunity to seek clarification and find contact details. |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MERA:

1. What are some of the notable achievements that MERA has registered over the past five years?
2. How effective was your engagement with the public on the Electricity Supply Corporation of Malawi (ESCOM)'s base tariff application?
3. Malawi continues to experience limited power supply which is affecting all sectors of the economy. What long-term plans does MERA have to assist in resolving this issue, if any?
4. What is MERA's relationship with the media?
5. What is MERA's annual budget?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its budgets? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 14/20

4. Malawi Electoral Commission (MEC)

CATEGORY 1: WEBSITE

www.mec.org.mw

The MEC's website has the following on its homepage: 'Home,' 'About MEC,' 'Elections,' 'Downloads,' 'Operations,' 'News,' 'Accreditation,' 'Adverts,' 'Publication and Reports,' and 'Contacts.' These pages have drop-down menus with links to other relevant sites and documents. The website is updated. However, some press releases were not dated, which caused the researcher to have a difficult time identifying the dates. The site also has links to the commission's Facebook and Twitter accounts. There is also a blog connected to the website.

All the social media accounts are updated. There is a section on 'Elections' that provides detailed information on all electoral processes and their results.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | | . | No specific information on budgets is provided but the website has a 'Feedback' section with information on budgets. |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | . | No proper mechanism is available, but the website provides an email for the public to give feedback and ask questions on MEC's 'Chisankho' (Elections) Newsletter. |

Total Score: 18/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MEC:

1. How far has the MEC gone in preparing for the 2019 Tripartite Elections?
2. How much will the 2019 elections cost? Has the MEC secured the resources for the elections?
3. What plans does the MEC have to ensure fair coverage of the 2019 elections by the public broadcaster Malawi Broadcasting Corporation (MBC)?
4. What are some of the major problems the MEC anticipates leading up to the 2019 elections?
5. What are the nomination fees for the president, members of parliament (MP's) and councillors for the 2019 elections?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its budgets? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 18/20

5. Ministry of Agriculture, Irrigation and Water Development (MOAIWD)

CATEGORY 1: WEBSITE

www.agriculture.gov.mw

The MOAIWD's website is linked to the official government website. The website contains 'Home' 'About Us,' 'Departments,' 'Projects,' 'Services,' 'Downloads,' 'News Center' and 'Contact Us.'

Under the 'Department' section, the website lists the ministry's departments and its functions. The website contains up-to-date information about all the projects at the ministry. Unlike other governmental institutions, the website provides the ministry's mission, vision and mandate.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MOAIWD:

- Does the MOAIWD have a communications strategy?
- What is the relationship between the ministry and the media?
- What are some of the notable achievements the ministry has registered within the past five years?
- Climate change is negatively affecting crop yield in Malawi. What is the ministry doing to ensure that farmers adopt practices that help mitigate the impact of climate change?
- What is the MOAIWD's annual budget?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its budgets? | . | | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 14/20

6. Ministry of Information and Communications Technology (MICT)

CATEGORY 1: WEBSITE

www.ict.gov.mw

The MICT's website has 'Home', 'About Us', 'Services', 'Projects', 'News and Media', 'Resources', 'Check Mail' and 'Contact Us' sections. The website provides well-articulated policies and laws, unlike many other websites. The ministry also has Facebook, Twitter, Instagram and YouTube accounts, which are linked to the website.

All the social media platforms are updated with links to other websites and ministries.

Under 'Organogram,' the websites provides full details of the organisational structure and executive management.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | No working hours are provided. |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | The website has a 'Contact Form' which the public can use to request information and share feedback. |

Total Score: 17/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MICT:

1. What are some of the notable achievements the ministry has registered over the past five years?
2. The MICT has been at the forefront in driving the campaign on access to information. What is the ministry doing to ensure that a date is set for the implementation of the ATI Act, 2016?
3. What are some of the challenges the MICT is anticipating as far as implementation of the ATI Act is concerned?
4. How much of the ministry's budget is currently allocated to ATI-related activities?
5. Malawi is said to be one of the few countries in the region making commendable strides in digital migration. What are some of the challenges the country is facing in migrating from analogue to digital?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its budgets? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 16/20

7. Ministry of Local Government and Rural Development (MLGRD)

CATEGORY 1: WEBSITE

www.malawi.gov.mw/localgovernment

The MLGRD's website is connected to the Malawi Government website but the site could not be accessed during the period of this study because the website was down. However, the ministry has a social media platform – Facebook. This analysis is based on the Facebook page.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | . | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | . | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | The ministry uses its inbox to respond to requests for information. It is functional and reliable. |

Total Score: 5/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MLGRD:

1. What are some of the notable achievements the ministry has registered over the last five years?
2. How much money was allocated to the ministry from the 2017/2018 national budget and was this allocation enough?
3. What strategies has the ministry put in place to ensure that the Constituency Development Fund is not abused?
4. How does the ministry involve people at the constituency level in the design and implementation of development projects?
5. What are some of the challenges affecting the implementation of development projects at the grassroots level?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its budgets? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 14/20

8. Mzuzu City Council (MCC)

CATEGORY 1: WEBSITE

The MCC does not have a website but has a Facebook page which is not up to date. The analysis below is based on the Facebook page.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | | . | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | The Facebook page has information on the Council's mandate and functions. |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | . | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | Working hours are not provided. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 2/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MCC:

1. What are some of the notable achievements that the MCC has registered over the last five years?
2. Reports of running battles between vendors and officials of the MCC are rife in local media. What is the council doing to deal with the issue of street vendors?
3. What was the budget of the MCC for the 2017-2018 financial year? How much of this money was allocated to the construction of roads in the city's townships?
4. What is the relationship between the council and the media?
5. What are some of the measures put in place to promote transparency at the MCC?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | | | . | The Chief Executive Officer handles information requests. The council has also conducted interviews for a public relations officer. |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its budgets? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 13/20

9. National Aids Commission (NAC)

CATEGORY 1: WEBSITE

www.aidsmalawi.org.mw

NAC has a website but it was down during the research period. The commission is on LinkedIn and has a Facebook account, which is not updated as the last post was uploaded in 2014. The Facebook page has information on programs and events relevant to the commission. The below is based on the Facebook page.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | . | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | . | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| h) The contact details of specific public officials? | | | . | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 4/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to NAC:

1. What are some of the notable achievements NAC has registered over the last five years?
2. What is the current HIV/AIDS prevalence rate in the country?
3. What is the commission doing to regain the confidence of the Global Fund?
4. What is NAC's annual budget?
5. What is NAC doing to deal with the issue of anti-retroviral defaulters in the country?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its budgets? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 12/20

SUMMARY

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| 1. Blantyre City Council | 13 | 18 | 31 |
| 2. Lilongwe City Council | 3 | 13 | 16 |
| 3. Malawi Energy Regulatory Authority | 14 | 14 | 28 |
| 4. Malawi Electoral Commission | 18 | 18 | 36 |
| 5. Ministry of Agriculture, Irrigation and Water Development | 10 | 14 | 24 |
| 6. Ministry of Information and Communications Technology | 17 | 16 | 33 |
| 7. Ministry of Local Government and Rural Development | 5 | 14 | 19 |
| 8. Mzuzu City Council | 2 | 13 | 15 |
| 9. National AIDS Commission | 4 | 12 | 16 |

RESEARCH CONCLUSIONS

This study shows that public bodies are improving their level of openness, both in terms of general information on their online platforms and responding to requests for specific information. All the sampled institutions have online platforms and proactively provide information to the public. Apart from websites, some institutions are on Twitter, Facebook, YouTube, Instagram and LinkedIn.

Notably, all but two of the institutions have up-to-date information, representing 78% of the sampled institutions with updated content on their platforms. The information on these websites is relevant, which helps Malawians make informed decisions.

Another notable development is a mechanism for feedback, which helps the institutions interact with the citizens and respond to key or specific concerns and information requests from citizens. Feedback helps the institutions to stay in touch with citizens while improving performance in line with the views or input from the citizens.

It is also important to note that eight of the nine sampled public bodies have public relations officers or managers. The MCC, which did not have a public relations official at the time of this study, was in the process of recruiting one. This is a positive development that ought to be encouraged.

Lastly, the study has also shown a notable improvement in the number of outlets that have responded to requests for information compared to both 2016 and 2017. In 2017 seven out of nine responded, representing a 78% response rate. This year, all the institutions responded, representing a 100% response rate. There is, however, room for further improvement to ensure that all institutions respond to requests for information without questioning what the information will be used for. There is also need for improvement to make sure that all websites are accessible and have up-to-date information.

THE MOST SECRETIVE PUBLIC INSTITUTION IN MALAWI

All institutions that scored an aggregate below 20 qualify as closed institutions. Institutions that scored below 20 include the LCC, the MLGRD, the MCC and NAC. According to the scores, these institutions performed poorly on web presence. They need to improve their web presence and ensure that their sites are accessible and updated.

All these institutions hold critical information. The city councils are in charge of developments in cities and need to proactively provide information to citizens. Councils also need to build trust with citizens and this can only be achieved with improved and two-way communication channels between the entities and citizens.

Although all four institutions that scored below 20 qualify for the 2018 Golden Padlock Award, it is the MCC that has the lowest score; this is largely due to lack of relevant and up-to-date information on its online platform. The MCC scored 2/20 on website analysis followed by the LCC at 3/20. Overall, however, the entity had a score of 15/40, followed by the LCC and NAC, both at 16/40.

All these institutions need to proactively make information accessible to Malawians, but **the winner of the Golden Padlock Award for the most secretive public institution of 2018 is the Mzuzu City Council.**

THE MOST OPEN PUBLIC INSTITUTION IN MALAWI

Five out of the nine institutions assessed qualify as the most transparent in 2018; these include the BCC, MERA, the MEC, the MOAIWD and the MICT. All these institutions scored above 20, which is more than half of the overall score of 40 for both the website and the request for information categories.

As noted earlier, this study shows a notable improvement in the way public bodies are managing and providing information to the public. Five out of nine institutions scoring above 20 is commendable and ought to be maintained.

Out of the five institutions, two scored above 80%, notably the MEC at 36/40, representing 90% and the MICT at 33/40, representing 83%. These institutions proactively provide information to citizens, both in terms of availing general information on their online platforms and responding to requests for specific information.

The MEC stands out as the most open and transparent institution in 2018. The body scored the highest aggregate score for both online presence and responsiveness to information requests with a total score of 36/40. The commission's public relations officer responded to the request for information in less than 24 hours and provided all relevant information requested plus statements to support the commission's position.

Therefore, the Golden Key Award for the most open public institution in 2018 goes to the **Malawi Electoral Commission**.

RECOMMENDATIONS

This study shows that public bodies are making an effort to be more proactive in releasing information to the general public, both in terms of general information on their online platforms and responding to requests for specific information. The study has also shown that some institutions do not have up-to-date information on their online sites and need to improve.

Therefore, there is a need to continue with such studies to ensure that public bodies embrace democratic principles of openness and transparency. While ATI laws and policies are crucial for encouraging governments and public bodies to be more transparent, MISA Malawi believes that transforming attitudes and behaviour is also critical. Studies on most open and secretive public bodies would make public officials and institutions more transparent, both in terms of proactive disclosure and responding to requests for specific information.



MOÇAMBIQUE

AVALIAÇÃO DA TRANSPARÊNCIA 2018

A análise dos cidadãos sobre abertura do governo

INTRODUÇÃO

Moçambique tem, desde 2014, uma Lei sobre Direito à Informação (LEDI), a Lei n.º 34/2014, de 31 de Dezembro, ao abrigo da qual se compromete a fazer uma transição de um modelo de administração fechada para um modelo de acessibilidade de informação de utilidade pública, portanto de administração aberta. Obviamente, a aprendizagem deste novo cenário de disponibilização e acesso à informação pelas instituições que detêm e gerem informação ocorre de forma progressiva. Herdeiras de um modelo burocrático fechado, a transição para novos comportamentos dos agentes gestores de informação ainda recente é uma limitação.

Para além das questões da herança, o quadro jurídico subjacente à LEDI, como é o caso de legislação sobre o segredo de Estado ou ainda relativa a classificação dos arquivos de Estado, constituem ainda instrumentos que entravam uma plena implementação. Aliás, nesta dificuldade de abertura à disponibilização de informação e, sobretudo a sua utilização pública para o exercício da cidadania e monitoria da governação, é preciso referenciar que o presente ano de 2018 foi marcado por um golpe enorme, manifestado pelo rapto e tortura do jornalista moçambicano Ericino de Salema, um dos actores que militou enormemente pela aprovação de uma legislação específica para disponibilização de informação. Os responsáveis bem como as causas ainda não são conhecidas (até à data da edição do presente relatório), mas os órgãos da comunicação social assim como a opinião pública no geral não cessam de apontar o dedo à dificuldade de abertura em partilhar e discutir matérias de interesse público detida pela administração pública. De facto, a implementação da lei do direito à informação em si está circunscrita num contexto em que tanto o gestor de informação assim como o cidadão vivem o terror da utilização da informação acedida. A democratização do acesso e da utilização da informação pública carecem de um quadro mais flexível e que proteja os direitos dos particulares.

Este relatório apresenta os resultados do estudo da acessibilidade de informação de interesse público, tanto em instituições estatais assim como privadas participadas pelo Estado que, portanto, detêm informação que se considere de interesse público. No quadro dos esforços do MISA em monitoria e advogar por uma maior transparência e abertura das instituições. Os dados empíricos do trabalho demonstram que mesmo existindo uma vontade notória dos funcionários e agentes do Estado em disponibilizar informação, a institucionalização da LEDI ainda continua baixa, ou seja, a vontade de disponibilização de informação por parte de agentes da administração pública continua sujeita ao poder discricionário e não da obrigatoriedade imposta pela legislação. Daí que o espaço administrativo continua parcialmente fechado, mesmo com uma boa legislação para o acesso à informação.

Muitas das instituições submetidas ao teste de acessibilidade à informação mostraram vontade em responder às solicitações submetidas. No entanto, estas não estão a par dos prazos nem dos princípios obrigados pela lei para produção das respostas

de disponibilização assim como de espaços de consulta de informação. E mais, quase todas as instituições dispõem de bibliotecas em que se depositam informações classificadas como de interesse público, mas estas bibliotecas são pouco exploradas como espaços de partilha de informação. Aliás, apesar de estas bibliotecas existirem, dificilmente o cidadão pode se informar sobre as actividades da instituição a partir do material lá disponibilizado. Esta situação tem como variável fundamental o desconhecimento quase total da LEDI, da força que esta pode permitir à administração e os governantes na construção da sua credibilidade e legitimidade.

A relativa acessibilidade dos funcionários para responder às solicitações de informação, sobretudo a partir do trabalho de entrevistas realizadas, pode ter alguma relação com um certo compromisso assumido pelas autoridades públicas em combater a corrupção, incitando assim, a transparência na gestão. Todavia, esta vontade não se acompanha de um esforço de socialização da administração com a LEDI.

Em todo caso, a edição 2018 do estudo de acessibilidade da transparência das instituições, caracterizou-se por um recuo na disponibilização de informação e ressentido-se ainda do fraco empenho da administração que está em um processo de recomposição autoritária e de pouca acessibilidade para o público. Disto se pode citar a persistente dificuldade em partilhar informação das dívidas públicas que colocaram o país em conflito com os cidadãos e com os doadores. Por isso mesmo, um trabalho de institucionalização da LEDI torna-se urgente para reforçar os mecanismos de transparência e assegurar que os cidadãos sejam informados devidamente sobre o que o governo faz. É urgente ainda a mudança de abordagem para incitar comportamentos de *'boa administração'*, transparência e responsabilidade, medidas pela acessibilidade de partilha proactiva da informação.

FUNDAMENTAÇÃO E PARÂMETROS DO ESTUDO

A promulgação, em 2014, da LEDI representou para Moçambique uma nova era no que concerne a partilha de informação. De uma agenda difusa e dependente da discricionariedade dos funcionários, o novo quadro jurídico incita a administração não só a disponibilizar informação ao cidadão, mas igualmente a ser proactiva e a simplificar os mecanismos de gestão e armazenamento de informações. O pressuposto básico é que a administração se torne mais democrática a partir de mecanismos abertos de disponibilização e de partilha de informação de interesse público.

O estudo de 2018 tentou acompanhar a evolução da implementação da LEDI, procurando não só analisar a flexibilidade nas respostas aos pedidos, mas também a partir do trabalho de entrevistas e observações, avaliar a tendência de mudança de comportamento dos funcionários responsáveis pela gestão e armazenamento de informação. Por isso, para além das entrevistas, a equipa de investigação visitou igualmente os locais de armazenamento de informação para conferir *in loco* as condições organizacionais de acesso

e de consulta de informação nas instituições. Os resultados colhidos neste estudo poderão, por um lado, permitir ao MISA desenhar estratégias de intervenção para assessoria na implementação de LEDI, sobretudo a partir de aproveitamento das forças e oportunidades existentes; por outro lado, ajudar a todos os actores interessados a compreenderem o quadro geral da implementação da LEDI em Moçambique.

Foram submetidas a avaliação dez (10) instituições, observando um princípio de continuidade de algumas instituições avaliadas no ano passado (2017) e algumas de 2016. A continuidade para avaliação destas instituições permitiu seguir e analisar o nível de aprendizagem, resultado não só da passagem do tempo, mas também das intervenções do MISA-Moçambique. Em alguns casos, por exemplo a Moçambique Celular, o MISA-Moçambique tinha empreendido pressão junto à empresa em resultado do estudo do ano passado. A avaliação baseou-se na legislação moçambicana no que diz respeito a classificação de informação e mais precisamente sobre o direito à informação. O prazo de resposta, a classificação, a codificação bem como a forma de partilha foram devidamente documentados nos termos do quadro jurídico moçambicano.

Metodologia

Para a realização deste trabalho foram cruzados diversos métodos aplicáveis em estudos sociais. Em primeiro lugar fez-se uma análise documental concernente a gestão e disponibilização da informação na administração pública moçambicana. A partir desta revisão, o estudo delimitou os parâmetros de avaliação de acesso à informação especificamente para o caso moçambicano. Entre os parâmetros constam o tempo de resposta, os procedimentos de classificação e arquivamento da informação.

Foram, posteriormente, seleccionadas e submetidas ao teste de acessibilidade de informação dez (10) instituições públicas, centrais e descentralizadas, assim como empresas participadas pelo Estado. Destas, a equipa de avaliação decidiu manter duas instituições (Linhas Aéreas de Moçambique e Moçambique Celular) igualmente avaliadas em 2017 e duas avaliadas em 2016 (Electricidade de Moçambique e Ministérios das Obras Públicas, Habitação e Recursos Hídricos a partir da sua Direcção Nacional de Gestão de Recursos)¹ para averiguar o nível de aprendizagem e de mudança, quanto à gestão e disponibilização de informação. Para todo o processo de análise de acessibilidade de informação, seguiram-se três fases sequenciais:

(i) A primeira consistiu no envio das cartas às instituições com um pedido ou mais de informação de interesse público. Os assuntos seleccionados para figurarem dos pedidos às instituições eram caracterizados pela sua pertinência e actualidade para o interesse público. As cartas de pedido de informação foram todas enviadas no dia 19 de Março de 2018, tendo-se controlado os 21 dias úteis para o fecho da avaliação do prazo de respostas, segundo a legislação, portanto no dia 16 de Abril de 2018.

(ii) Depois, efectuou-se a análise das páginas webs de cada instituição. De facto, a análise das páginas foi feita em simultâneo com o envio das cartas, conforme as datas indicadas anteriormente. Definiu-se como pertinente o acompanhamento da gestão das páginas durante os 21 dias de tempo regulamentar da espera das respostas às cartas.

(iii) Por fim, foram realizadas entrevistas semi-estruturadas em todas as instituições com os responsáveis de gestão de informação ou outros actores indicados. Aquando da realização das entrevistas fez-se simultaneamente um exercício de observação dos espaços de armazenamento e consulta de informação assim como simulação de procura de documentos ou informação outrora pedidos via cartas.

Foram submetidas à avaliação de acessibilidade de informação as seguintes instituições:

1. Linhas Aéreas de Moçambique (LAM)
2. Instituto de Gestão de Participações do Estado (IGEP)
3. Moçambique Celular (Mcel)
4. Electricidade de Moçambique (EDM)
5. Município da Cidade da Matola
6. Instituto Nacional de Transportes Terrestres (INATTER)
7. Ministério da Economia e Finanças
8. Serviço Nacional de Identificação Civil (SNIC)
9. Direcção Nacional de Gestão de Recursos Hídricos (DNGRH)
10. Tribunal Administrativo (TA)

Tratam-se de instituições públicas e privadas participadas pelo Estado. A concepção de base não era de generalizar o cenário, mas oferecer uma leitura diversa sobre as dinâmicas de disponibilização de informação. O tratamento de dados seguiu um instrumento base apresentado pelo proponente e complementado por uma análise de conteúdo, sobretudo das respostas aos pedidos de informação e das entrevistas efectuadas. A apresentação dos resultados segue a sequências da disposição das instituições acima apresentada.

¹ Note que a Electricidade de Moçambique, sob diferente matéria, foi igualmente submetida ao teste em 2016 podendo, portanto, permitir uma maior apreciação sob maturação da gestão e partilha de informação.

RESUMO DAS PRINCIPAIS CONCLUSÕES

Categoria 1: Análise do site

De forma geral pode-se inferir o seguinte:

- Quase todas as instituições avaliadas têm dificuldade de gestão das suas páginas webs. Uma vez criadas as páginas, as instituições não conseguem manter o pagamento aos hospedeiros das mesmas. É o caso do Município da Cidade da Matola que tem *website*, mas sem nenhuma acessibilidade. Por outro lado, existem instituições, a exemplo do Ministério das Obras Públicas, cuja página web está em manutenção e se mantém na mesma situação há dois anos. Isto é, a situação da página web do Ministério das Obras Públicas mantém-se sem informação, com referência de conteúdos em manutenção, faz dois anos consecutivos. Por isso mesmo, embora as instituições tenham um site, este está fora de serviço ou com aviso de estar 'em manutenção' continuamente.
- No caso das instituições que têm as páginas webs em funcionamento, estas contêm principalmente indicações de informações de natureza notícias gerais como eventos realizados, sem com isso apresentar os relatórios de actividades e/ ou de contas e outras informações de relevo para avaliar o desempenho do seu funcionamento.
- A maior parte destas páginas webs não é actualizada com uma agenda clara. O processo de gestão das páginas é feito de forma aleatória. Fica a ideia de que os sites das organizações não são explorados como ferramenta de interacção com o cidadão, tanto é que quase todas não têm esta componente interactiva.

Categoria 2: Pedidos de informação

Depois de formulados os pedidos, analisadas as respostas complementadas pelas entrevistas, pode-se tirar as seguintes conclusões breves:

- Quase todas as instituições têm um espaço de armazenamento de informação, seja arquivos dos departamentos ou ainda bibliotecas. No entanto, a informação armazenada é geralmente muito antiga e não é actualizada regularmente;
- As instituições não têm agentes ou funcionários especializados na classificação de informação e responsáveis por gestão de informação. Grosso modo, aproveitam o pessoal dos departamentos de comunicação e imagem para fazer parcialmente estas actividades. No entanto, estes departamentos preocupam-se muito por projectar a imagem da organização em termos de marketing e por gerir e expor as actividades internas da organização.
- Por estes motivos organizacionais, apenas três instituições responderam aos pedidos de informação, as restantes organizações mantiveram-se em silêncio. Das entrevistas, foi notório que o silêncio não se deveu à falta de vontade, mas da dificuldade organizacional e definição de responsabilidade para lidar com pedidos de informação.

- E mais, igualmente pela dificuldade organizacional, das três instituições que responderam aos pedidos, duas não apresentaram a informação solicitada. Não só em resultado de ainda prevalecer uma cultura fechada das instituições, mas sobretudo pela dificuldade organizacional em localizar e apresentar a informação solicitada.

CONCLUSÕES DETALHADAS

1. Linhas Aéreas de Moçambique

CATEGORIA 1: SITE

www.lam.co.mz

A página web das Linhas Aéreas de Moçambique oferece, em grande medida, informações úteis de carácter comercial, destacando os serviços online de reservas de voos e de serviços de carga. Do ponto de vista institucional, encontra-se depositada, de forma resumida, informação que permite compreender o âmbito da empresa, sem oferecer a devida legislação, embora se faça a referência. Por outro lado, embora tenha uma secção para o efeito, a página web é muito pobre em informação institucional que permitiria avaliar o nível de prestação de contas da empresa, como planos de actividades e relatórios. Por exemplo, o único relatório de contas apresentado é referente ao ano 2012. Esta constatação tinha sido feita pelo MISA, em 2017. Nesta edição de 2018, a página web da LAM continua a não ter nenhum relatório publicado, para além do relatório de 2017. A LAM encontra-se presente nas redes sociais (Twitter e Facebook), mostrando-se pouco activa na sua exploração – nota-se por exemplo, a última actualização até ao dia 26 de Agosto, foi feita no dia 31 de Maio, no Facebook, a última actualização é de 13 de Julho.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | | | • | As informações actualizadas estão na secção de notícias, não sendo verificáveis nas outras secções. |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | • | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | | • | Embora não apresente a legislação em formato completo, a página oferece informação atinente às competências da empresa. |
| c) Relatórios, políticas e programas? | | | • | O último relatório de contas disponível na página web é do ano 2012. |
| d) Orçamentos e despesas? | | • | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | • | | |
| f) Procedimentos relativos às vagas e contratações? | | | • | A LAM abre um espaço para que pessoas interessadas enviem os seus CV, sem especificar concursos ou procedimentos para as vagas. |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 10/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

As seguintes perguntas foram enviadas às Linhas Aéreas de Moçambique:

1. Relatórios e Contas da LAM dos exercícios económicos 2013 a 2016
2. Mapa de dívidas da LAM com terceiros

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | . | | | Os pedidos de informação geral, sobretudo sobre as questões comerciais, são respondidos pelos operadores da linha do cliente. As questões mais específicas sobre a governação da empresa são feitas a partir do Gabinete de Comunicação. |
| 2. A instituição respondeu no prazo de 21 dias? | | . | | |
| 3. A instituição respondeu ao pedido de informação? | | . | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | . | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | . | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | | . | A informação é partilhada na página web, mas com baixo nível de actualidade. E a informação de grande relevo não está exposta. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | . | | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 5/20

2. Instituto de Gestão de Participações do Estado - IGEPE

CATEGORIA 1: SITE

www.igepe.org.mz

À data de análise, o endereço www.igepe.org.mz não oferecia nenhuma ligação com uma base de dados que permitisse visualizar qualquer informação da instituição. Uma semana mais tarde, a 25 de Abril de 2018, a equipa de investigação retornou ao processo de busca do endereço, tendo verificado a mesma informação da impossibilidade de conexão com qualquer base de dados. Notar que o endereço web do IGEPE é providenciado, a partir da busca no Google, ou a partir da página institucional do Ministério das Finanças que, numa secção específica, oferece informação de contactos das instituições tuteladas e as respectivas páginas web. A nível das redes sociais, nas buscas feitas no Facebook e Twitter não foram encontradas nenhuma das contas do IGEPE.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. O site contém informações actualizadas? | | . | | |
| 2. O site contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | | . | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | . | | |
| c) Relatórios, políticas e programas? | | . | | |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | | . | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | | | . | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | Esta informação está na página geral do Ministério das Finanças. |

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | . | | |

Pontuação total: 1/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Instituto de Gestão de Participação do Estado (IGEPE):

1. Relatórios e contas da Mcel 2012-2017
2. Relatórios e contas da LAM 2013-2017

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | . | | | |
| 2. A instituição respondeu no prazo de 21 dias? | . | | | |
| 3. A instituição respondeu ao pedido de informação? | . | | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | . | | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | . | | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | . | | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 12/20

3. Moçambique Celular (MCEL)

CATEGORIA 1: SITE

www.mcel.co.mz/Portal_Website/

A Moçambique Celular é uma empresa pública em processo de fusão com a empresa Telecomunicações de Moçambique (TDM) que se espera que se conclua em 2018. Mesmo que disponha de página web e presente nas redes sociais LinkedIn, YouTube, Google+, as mesmas não apresentam outras informações para além dos seus compromissos comerciais. A Mcel tem uma página de notícias e um único relatório de contas da Carteira Móvel (MKesh) do ano 2016; nenhum relatório de contas da Mcel, enquanto empresa no geral, está publicado na sua página web. As notícias publicadas foram actualizadas, conforme última data de consulta 25 de Abril de 2018, a 27 de Outubro de 2017.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. O site contém informações actualizadas? | | | . | O site da mCel não contém informação actualizada, sendo a última notícia publicada de 27 de Outubro de 2017; contudo existem secções de informações, como anúncios, com publicações recentes. |

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 2. O site contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | | | • | Embora exista alguma informação sobre a missão da mCel, não se encontra na página uma descrição geral do organigrama e outras informações de relevo organizacional. |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | • | | |
| c) Relatórios, políticas e programas? | | | • | Apresenta alguns relatórios sobre actividades comerciais mas não contém elementos relevantes de avaliação da transparência do seu exercício. |
| d) Orçamentos e despesas? | | • | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | • | | |
| f) Procedimentos relativos às vagas e contratações? | • | | | A página web tem uma secção com informações de concursos públicos realizados. |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | A informação de contacto com funcionário é referente aqui ao número de contacto da instituição não se especificando a natureza de actividades. |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 9/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado a Moçambique Celular:

1. Relatório e contas de 2012 a 2017.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | • | | Das entrevistas deu para entender que os pedidos de informação por vezes são respondidos pela direcção de responsabilidade social. |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | Diferentemente do ano passado, no presente ano a Mcel não respondeu sequer ao pedido de informação. |
| 3. A instituição respondeu ao pedido de informação? | • | | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | A Mcel atravessa uma crise que obrigou as autoridades públicas a agendarem uma reforma que visa fundi-la com a empresa pública TDM. |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | • | | |

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | . | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 2/20

4. Electricidade de Moçambique (EDM)

CATEGORIA 1: SITE

www.edm.co.mz

Para além da sua página web, a EDM tem uma conta de Facebook, actualizada com informação noticiosa e de utilidade pública, do ponto de vista de educação e utilização dos seus serviços. A página web da EDM mostra-se devidamente actualizada e com informações classificadas como relevantes, assim como de prestação de contas, tendo publicado os seus relatórios de conta até ao ano 2016. As informações na página da EDM apresentam-se de forma clara e bem organizada, assim como facilitada para o acesso público.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | . | | | A página apresenta notícias e informações publicadas na mesma semana de análise. |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | . | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | . | | | |
| c) Relatórios, políticas e programas? | . | | | O Site apresenta relatórios de contas de mais de 5 anos até 2016, para além de documentos importantes sobre as políticas, legislações, projectos e estratégias. |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | . | | | Existe uma página de anúncio de diversa ordem, seja para serviços e vagas. |
| g) A morada, número de telefone e horário de funcionamento da instituição? | . | | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | . | | | |

Pontuação total: 14/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Electricidade de Moçambique:

1. O relatório sobre a fase de pagamento de dívidas à Hidroeléctrica de Cahora Bassa.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | . | | | |
| 2. A instituição respondeu no prazo de 21 dias? | | . | | |
| 3. A instituição respondeu ao pedido de informação? | | . | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | . | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | . | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | Não recebemos nenhuma informação. |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | . | | No acto de apresentação do pedido de informação houve uma acusação de recepção. |
| 10. A informação recebida era clara e compreensível? | | . | | Não recebemos nenhuma informação |

Pontuação total: 2/20

5. Município da Cidade de Matola

CATEGORIA 1: SITE

www.cmcmatola.gov.mz

Embora tenha disponibilizado, nas diversas fontes, o endereço da página web, ela não se encontra em funcionamento. O Município da cidade da Matola tem uma página no Facebook (<https://www.facebook.com/municipio.matola>) através da qual são partilhadas informações de carácter noticioso sobre eventos realizados, campanhas de educação cívica, avisos e eventos.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| 1. O <i>site</i> contém informações actualizadas? | | . | | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | | . | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | . | | |
| c) Relatórios, políticas e programas? | | . | | |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | | . | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | | . | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | . | | |

Pontuação total: 0/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Conselho municipal da Matola:

1. Contrato celebrado entre o Conselho Municipal da Matola e a RLB Systems Mozambique/RLB Maurícias para a montagem do sistema de gestão de receitas.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | | . | Não foi possível uma verificação precisa porque o município nem sequer permitiu a realização da entrevista. |
| 2. A instituição respondeu no prazo de 21 dias? | | . | | |
| 3. A instituição respondeu ao pedido de informação? | | . | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | . | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | . | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | . | | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 3/20

6. Instituto Nacional de Transportes Terrestres (INATTER)

CATEGORIA 1: SITE

www.inatter.gov.mz ; www.inatter.net/Home.aspx

Foram encontrados dois endereços web do INATTER. O primeiro www.inatter.gov.mz suporta uma base de dados de gestão dos exames de condução, não possuindo nenhuma informação institucional, dando possibilidades de acesso aos alunos e escolas de condução. Por sua vez, o endereço <http://www.inatter.net/Home.aspx> encontra-se sem nenhuma informação institucional, dando espaço para a entrega de dados da carta de condução]

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| 1. O site contém informações actualizadas? | | . | | |
| 2. O site contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | | . | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | . | | |
| c) Relatórios, políticas e programas? | | . | | |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | | . | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | | . | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | . | | |

Pontuação total: 0/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Instituto Nacional dos Transportes Terrestres (INATTER):

1. As actas de adjudicação do concurso público para Melhoramento dos Sistemas Informáticos do INATTER.
2. As propostas técnicas e financeiras apresentadas por todas as empresas concorrentes
3. Os contratos assinados com entidades vencedoras do concurso

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | | • | O pedido de informação foi remetido directamente à Unidade Gestora de Aquisições, como unidade responsável pela contratação. |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | Alegadamente a instituição exarou uma resposta, mas esta nunca chegou. Das entrevistas, não foi possível saber com que funcionário ficou o documento da resposta. |
| 3. A instituição respondeu ao pedido de informação? | | • | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | • | | Na sua página web por exemplo, apenas existe uma base de dados e base de consulta sobre o estado de situação das cartas de condução. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | • | | | |
| 10. A informação recebida era clara e compreensível? | | • | | |

Pontuação total: 3/20

7. Ministério de Economia E Finanças

CATEGORIA 1: SITE

www.mef.gov.mz

O Ministério da Economia e Finanças dispõe de uma página web actualizada e que apresenta, no geral, informação relevante de utilidade pública, desde a sua estrutura institucional, as instituições tuteladas, as contas gerais do estado, assim como os principais documentos orientadores da planificação económica nacional. Pese embora esta informação, o Ministério deverá melhorar a qualidade da informação disponibilizada, tendo em conta o facto de que os relatórios sobre as dívidas e receitas do estado, por exemplo, não estarem disponibilizados de forma mais pormenorizada.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. O site contém informações actualizadas? | • | | | Apresenta notícias publicadas com actualidade, para além dos documentos importantes sobre a economia do País estarem publicados. |
| 2. O site contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | • | | | |

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | . | | | |
| c) Relatórios, políticas e programas? | . | | | |
| d) Orçamentos e despesas? | . | | | O Ministério das finanças apresenta todos os orçamentos do estado até o ano 2018. |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | | . | | Há uma série de informações de interesse público sobre as dívidas públicas, por exemplo, que não se encontra publicada na página do Ministério. |
| g) A morada, número de telefone e horário de funcionamento da instituição? | . | | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | . | | | |

Pontuação total: 14/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Ministério de Economia e Finanças:

- O ponto de situação da resposta do Governo sobre pedido de cancelamento das dívidas provenientes dos Acordos de Retrocessão?
- A 18 de Janeiro de 2016 a empresa Caminhos de Ferro de Moçambique devia pagar 35.000.000 de dólares a Rites e IRCON; e 18 de Outubro de 2016 devia pagar às mesmas empresas um total de 11.250.000 dólares. Relatórios referentes ao ponto de situação destes pagamentos.
- Quanto foi pago em 2017 à Salcef e à Rites e IRCON? E qual é o plano traçado para os próximos pagamentos?

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | . | | | No entanto o processo é controlado pela directora de comunicação e imagem. A carta enviada para pedido de informação ficou com a direcção sem nunca orientar para ser respondida. |
| 2. A instituição respondeu no prazo de 21 dias? | | . | | |
| 3. A instituição respondeu ao pedido de informação? | | . | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | . | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | . | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | . | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 2/20

8. Serviço Nacional de Identificação Civil (SNIC)

CATEGORIA 1: SITE

www.mint.gov.mz/index.php?option=com_content&view=article&id=57&Itemid=424

Serviço Nacional de Identificação Civil é um serviço de natureza paramilitar integrado no Ministério do Interior que superintende a áreas de Identificação Civil do Cidadão. O seu site estando integrado neste ministério, dificulta qualquer informação. Mesmo que o site apresente informações sobre as suas funções, planos, projectos e endereços, não existem documentos relevantes publicados que demonstrem o compromisso na divulgação proactiva de informação que permita um melhor uso de serviço, assim como a transparência na gestão da instituição.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. O <i>site</i> contém informações actualizadas? | | . | | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | . | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | . | | | |
| c) Relatórios, políticas e programas? | | | . | Somente são apresentados planos e projectos, menos relatórios de implementação |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | | . | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | . | | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | . | | |

Pontuação total: 7/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Serviço Nacional de Identificação Civil:

- Contrato celebrado entre o Governo e a Muhlbauer Mozambique Lda., para instalação e fornecimento de sistemas de produção de Documentos de Identificação Civil, de Viagem, Vistos e de Controlo do Movimento Migratório.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | . | | Não existe nenhuma informação precisa, uma vez o Ministério teve dificuldade em receber e equipa do MISA. |
| 2. A instituição respondeu no prazo de 21 dias? | . | | | |
| 3. A instituição respondeu ao pedido de informação? | . | | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | . | | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | . | | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | . | | | |

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | . | | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 12/20

9. Direcção Nacional de Gestão de Recursos Hídricos (DNGRH)

CATEGORIA 1: SITE

www.moph.gov.mz

A Direcção Nacional de Gestão de Recursos Hídricos é um órgão tutelado pelo Ministério das Obras Públicas, Habitação e Recursos Hídricos, responsável pela gestão de bacias hídricas, obras hidráulicas e rios internacionais, sendo que as informações relevantes sobre o órgão, não estando numa página independente, deverão estar na do Ministério que o tutela. No entanto, a página do Ministério de tutela encontra-se em manutenção. Note-se que esta situação da página do Ministério das Obras Públicas foi verificada na edição 2016 do mesmo relatório, indicando ainda a falta de resolução do problema até à data da edição final do relatório.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------|
| 1. O <i>site</i> contém informações actualizadas? | | . | | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | | . | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | . | | |
| c) Relatórios, políticas e programas? | | . | | |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | | . | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | | . | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | . | | |

Pontuação total: 0/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Direcção Nacional de Recursos Hídricos:

1. Contrato celebrado com o Grupo Andrade Gutierrez para a construção da Barragem Moamba Major
2. Estudo de impacto ambiental do mesmo projecto

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | . | | | Embora muito pobre no que diz respeito a documentos antigos, existe uma biblioteca e funcionários destacados que servem de interface com o cidadão que procura a informação. |
| 2. A instituição respondeu no prazo de 21 dias? | . | | | |

| | | | | |
|--|---|---|--|--|
| 3. A instituição respondeu ao pedido de informação? | | . | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | . | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | . | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | . | | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 4/20

10. Tribunal Administrativo

CATEGORIA 1: SITE

www.ta.gov.mz

O Tribunal Administrativo apresenta uma página web com informação actualizada e de interesse público, assinalando-se a publicação dos relatórios e pareceres sobre a Conta Geral de Estado. A página do TA, para além de notícias, apresenta documentos institucionais relevantes, para além de legislação sobre o sector. Embora tenha publicado o seu Plano Estratégico, a busca feita não ofereceu informação sobre os relatórios de actividades assim como de contas do próprio Tribunal.

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | . | | | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração da empresa? | . | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | . | | | |
| c) Relatórios, políticas e programas? | | | . | O TA apresenta um plano estratégico mas não foi localizado o relatório das actividades do próprio TA. É importante notar que o TA publica todos os relatórios de auditorias sobre os seus pareceres relativos às contas de algumas entidades públicas relevantes. |
| d) Orçamentos e despesas? | | . | | |
| e) Informações sobre procedimentos de aquisição e contratos assinados? | | . | | |
| f) Procedimentos relativos às vagas e contratações? | . | | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | . | | | |
| h) Informação para contacto de específicos funcionários públicos? | | . | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | . | | | |

Pontuação total: 13/20

CATEGORIA 2: PEDIDOS DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Tribunal Administrativo:

1. O visto do TA concedido ao contrato para construção da Barragem Moamba Major pelo Grupo Andrade Gutierrez

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | | . | Não existe nenhuma informação precisa, uma vez que o TA não conseguiu mesmo localizar a carta de pedido de informação depois de esta ter dado entrada e ser registada na secretaria-geral. |
| 2. A instituição respondeu no prazo de 21 dias? | | . | | |
| 3. A instituição respondeu ao pedido de informação? | | . | | |
| 4. A autoridade publica os seus procedimentos, para lidar com pedidos de informação? | | . | | |
| 5. A instituição facultou toda a informação solicitada? | | . | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | . | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | . | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | . | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | . | | | |
| 10. A informação recebida era clara e compreensível? | | . | | |

Pontuação total: 3/20

RESUMO

| Instituição | Website | Pedido de informação | Pontuação total |
|---|---------|----------------------|-----------------|
| 1. Instituto de Gestão de Participações do Estado | 1 | 12 | 13 |
| 2. Moçambique Celular | 9 | 2 | 11 |
| 3. Electricidade de Moçambique | 14 | 2 | 16 |
| 4. Município da Cidade da Matola | 0 | 3 | 3 |
| 5. Linhas Áreas de Moçambique (LAM) | 9 | 3 | 12 |
| 6. Serviço Nacional de Identificação Civil | 7 | 12 | 19 |
| 7. Instituto Nacional dos Transportes Terrestres | 0 | 3 | 3 |
| 8. Ministério da Economia e Finanças | 14 | 2 | 16 |
| 9. Direcção Nacional de Gestão de Recursos Hídricos | 0 | 4 | 4 |
| 10. Tribunal Administrativo | 13 | 3 | 16 |

CONCLUSÃO DO ESTUDO

Os resultados do estudo do ano passado (2017) mostravam que, comparado ano anterior (2016) havia uma evolução considerável, fosse na disponibilização da informação através de websites, como na forma como as organizações públicas ou privadas se estavam a estruturar para atender aos pedidos de informação. Igualmente, notara-se uma ligeira melhoria na resposta de pedidos de informação, embora fossem respostas não satisfatórias, dado que apenas responderam aos pedidos, mas sem disponibilizar a informação. Em 2017, pelo menos três instituições tinham respondido aos pedidos de informação.

A expectativa do ano passado não passou disso. Os resultados do Estudo do presente ano (2018) revelam uma tendência de retrocesso em relação aos sinais de evolução mostrados no estudo anterior. Das 10 instituições avaliadas, algumas das quais pela segunda vez, apenas três responderam. Destas, apenas uma (EDM) facultou a informação e as outras responderam não para dar a informação solicitada, mas (i) para nos remeter a outras instituições e a última (ii) para informar que o contrato pedido ainda estava em processo de assinatura².

As instituições como as Linhas Aéreas de Moçambique (LAM), Moçambique Celular (mCel), Serviço Nacional de Identificação Civil e o Ministério da Economia e Finanças foram abrangidas no estudo do ano passado (2017). Destas, apenas o Serviço Nacional de Identificação Civil respondeu que a informação solicitada, neste caso o contrato com a Muhlbauer Mozambique Lda., ainda estava em processo de assinatura. As restantes instituições, à semelhança do ano passado, não responderam. A mCel, que no ano passado respondera a negar a disponibilização da informação, este ano ficou em silêncio. Portanto, das instituições de continuidade na avaliação (mCel, Ministério das Obras Públicas, Habitação e Recursos Hídricos), apesar de um ligeiro avanço, continuam a enfrentar as mesmas dificuldades, sobretudo de natureza organizacional, para a partilha de informação que se manifestou pelo silêncio em

responder à solicitação. Cite-se aqui a excepção de EDM (igualmente avaliada em 2016) que mesmo com atraso em termos de cumprimento de prazo de resposta, disponibilizou a informação solicitada cabalmente. A maturação institucional ocorre de forma muito lenta e às vezes com tendência a retrocessos, como se referiu, no caso da mCel.

Algumas instituições como o Tribunal Administrativo perderam a carta do pedido de informação. Quando a equipa de investigação visitou a instituição, os técnicos não conseguiram localizar o documento.

No que diz respeito aos websites, um instrumento definido como sendo fundamental para a disponibilização proactiva da informação, as constatações do ano passado prevalecem:

- Há dificuldades de gestão das suas páginas webs. Uma vez criadas as páginas, as instituições não conseguem manter o pagamento aos hospedeiros das mesmas, o que faz com que estejam fora de serviço. Este é o caso do Município da Cidade da Matola.
- Informação actualizada, ela refere-se a eventos, legislação e estrutura de funcionamento; não havendo informação sobre contratos e de prestação de contas sobre as actividades desenvolvidas.
- A gestão das páginas webs é feita de forma aleatória.
- Não se notando nenhum critério de comunicação aberta com o cidadão.

Embora as instituições ainda não disponham de salas de consultas e de pessoa específica para receber e dar resposta aos pedidos, notamos que grande parte das instituições dispõe de bibliotecas e gabinetes de comunicação e imagem que possam servir de locais de disponibilização de informação.

As bibliotecas visitadas contêm apenas informação interna das instituições, publicada em boletins ou newsletters internos. A restante informação é bastante antiga. Os relatórios e contas, actas de adjudicações de serviços, incluindo contratos e outro tipo de informação continua inacessível para qualquer um. É ainda informação sob gestão de poucos técnicos a níveis sectoriais. Esta informação podia ser a base de alimentação das bibliotecas e pontos, portanto, de partilha de informação.

² As duas instituições foram o IGEPE e o Serviço Nacional de Identificação Civil, respectivamente.

A INSTITUIÇÃO PÚBLICA MAIS FECHADA

No cômputo geral, a informação continua bastante protegida e inacessível para o cidadão, não obstante a campanha de formação de funcionários públicos levada a cabo no ano passado pelo MISA e pelo Ministério da Administração Estatal em parceria com a Oxfam Ibis. Na base dos resultados concluímos que a esmagadora maioria das instituições avaliadas merece o Cadeado de Ouro.

No entanto, duas organizações obtiveram valores baixíssimos, com 0 pontos na categoria *website*. Estas são o Instituto Nacional de Transportes Terrestres e o Município da Cidade da Matola. Como muitos outros, estas duas instituições estão a enfrentar dificuldades com a sua presença *online*. No caso do Instituto Nacional de Transportes Terrestres, tem dois sites, mas estes estão a ser usados apenas para ferramentas de gestão no processo de concessão de licenças de motorista. No caso da Cidade da Matola, o website não está activo, pois não conseguem manter os pagamentos aos provedores de serviços de hospedagem. **A Cidade da Matola recebe, assim, o Prémio Cadeado de Ouro de 2018.**

A INSTITUIÇÃO PÚBLICA MAIS ABERTA

Contrariamente ao ano passado, em que duas instituições conseguiram uma nota acima dos 50%, (Conselho Municipal de Maputo e Caminhos de Ferro de Moçambique), no presente estudo nenhuma instituição conseguiu. Com 19 pontos, o **Serviço Nacional de Identificação Civil** foi então a instituição mais aberta do ano, tendo sofrido na categoria *website*, por não ter site próprio e depender para o efeito do site do órgão de tutela, o Ministério do Interior. No entanto, embora seja um resultado abaixo dos 50% e tendo também em conta que não respondeu a todas as perguntas, é a instituição galardoada com o **Prémio Chave de Ouro** em reconhecimento do esforço e a boa prática na administração pública.

RECOMENDAÇÕES

Face aos resultados, recomendamos:

- Ampliar a formação dos funcionários públicos em matéria da Lei do Direito à Informação a detentores de cargos públicos, principais detentores e gestores de informação relevante como contratos, Actas de Adjudicações de serviços, relatórios e contas;
- A capacitação de gestores públicos e de chefes de gabinetes jurídicos das empresas públicas de modo a dominarem a Lei do Direito à Informação;
- Continuar com a capacitação de funcionários sobre gestão de websites, assim como sobre a priorização da informação de interesse público para a actualização nos websites, mais do que o depósito de notícias institucionais;
- Divulgar, a todos os níveis, a directiva produzida pelo MISA que orienta os funcionários no processo de disponibilização da informação através das páginas web;
- Elaborar um plano para sensibilização das instituições detentoras de informação pública de modo a abandonar a cultura do secretismo e do medo;
- Transformar bibliotecas e arquivos em salas de consultas de informação, com auxílio dos gabinetes de comunicação;
- Auxiliar o Governo na divulgação da Lei do Direito à Informação e da informação que deve ser acessível ao público;
- Rever a Lei de forma a definir mecanismos claros de responsabilização dos agentes que negam a informação;
- Continuar a sensibilizar os jornalistas e o público para a necessidade de fazer o uso da lei para o pedido de informação.



MOZAMBIQUE

ENGLISH SUMMARY

INTRODUCTION

Since 2014, Mozambique has had the Right to Information Law (LEDI), Law No. 34/2014, under which it commits itself to make the transition from a closed to an open administration and a model of access to information that is in the public interest. However, inheriting much from a closed bureaucratic model, the learning curve is steep and changing habits at institutions that hold and manage information is slow. In addition to a question of legacy, the legal framework still includes instruments that hamper full implementation, such as the law on state secrecy or the classification of state information. It would be remiss of us to omit the fact that Mozambican journalist Ericino de Salema, one of the key players who fought for the approval of specific legislation to make information available, was abducted and tortured in March 2018.

OBJECTIVE

The 2018 study attempted to track the evolution of the implementation of LEDI, looking at the approach to responding to information requests as well as trends in behavioural changes among public officials responsible for the management and storage of information. To this end, the MISA team carried out site visits to the premises of selected institutions to assess conditions and enable MISA to develop strategies to assist with the implementation of the law.

Specific Objectives:

1. Ascertain whether the willingness of public officials to make information available is still determined by a belief in discretionary power rather than compliance with the law.
2. Assess the degree of awareness of the obligations imposed by the law in respect to the timeframe provided for the handling of requests, the underlying principles, and the conditions under which they are obliged to serve the public.
3. Appraise the eagerness for transparency in the scope of the national commitment to fight corruption and how this is countered by an intransigence in sharing information relating to questions of debt.

The institutions assessed were a mix of central and decentralised public institutions. The team decided to approach two institutions that had been assessed in the previous study to evaluate changes and uncover indicators of learning with respect to the management and release of information. Institutions were evaluated in terms of two main categories, namely an analysis of their use of online platforms to make information available and their responses to requests for information.

FINDINGS

The present study points to a state of flux that mirrors the economic woes the country is going through, with compelling forces tugging from different directions in terms of increasing or reducing transparency. While the push for transparency as a weapon in the fight against corruption is apparent, willingness aside, there are no clear signs of a serious commitment to bring the spirit of the law to fruition.

During the site visits, the team carried out interviews and mock searches for the information previously requested through formal requests for information sent to each institution. From the interviews, it was clear that the problem was not a lack of willingness but rather organisational challenges and a lack of structure in terms of who should be responsible for handling requests for information.

Most institutions lack an organisational structure for receiving members of the public and the handling of information requests. Most have libraries or similar spaces that contain information for public consumption, but they have no system to assist in locating the information. At the same time, it was found that the institutions have very little information that would allow the public to form an idea of the activities the institutions carry out.

This points to a near total lack of knowledge of the LEDI and of the power that it confers on public officials in building their credibility and legitimacy.

SUMMARY OF THE MAIN FINDINGS

Category 1: Online Presence

- Most of the institutions have a weak or limited online presence.
- Websites mostly have general information and news but very little information on the activities and the financial affairs of the institution.
- There is no process in place to govern the updating of information, which is done in an ad hoc manner.
- The impression is that the institutions do not see their websites as a tool to interact with the public.

Category 2: Response to requests for information

- Most institutions have an area for the archiving and storage of information, however, the information is usually very old and is not regularly updated.
- Most institutions do not have dedicated staff to respond to requests for information. In most cases, it is the communications and public relations staff that are roped in to handle these activities.
- Although only three institutions responded to the requests for information, it was clear from the interviews that the silence was not due to unwillingness, but rather to a lack of organisational structures and clear delegation of responsibilities.
- A culture of secrecy still exists and, more importantly, an inability to locate and present the requested information.

THE MOST OPEN PUBLIC INSTITUTION IN MOZAMBIQUE

Contrary to last year's assessment, in which two institutions reached 50% of the possible maximum score, in this year's study, not a single institution managed to reach 50% or more. With 19 points (47%), the **Serviço Nacional de Identificação Civil** was this year's most open institution. It was handicapped in the website category, as it does not have its own online presence and depends on the website of the Ministry of the Interior. Nonetheless, even though it scored below 50% and did not respond to all questions, it is bestowed with the **Golden Key Award 2018**, in recognition of its effort and best practices in the public service.

THE MOST SECRETIVE PUBLIC INSTITUTION IN MOZAMBIQUE

On the basis of the results, we conclude that the overwhelming majority of the institutions evaluated deserve **the Golden Padlock Award**. However, two organisations in particular scored extremely low attaining 0 points for the website section of the study. These are the Instituto Nacional de Transportes Terrestres (National Institute of Land Transport) and the Município da Cidade da Matola (Matola City Municipality). Like many others, these two institutions lack a strong web presence. The National Institute of Land Transport has two sites, but these are being used only for management tools for drivers' licences. The Matola City Municipality's website is not live, as it did not keep up with payments for its web hosting services.

All things considered, the **Matola City Municipality** is thus awarded the **2018 Golden Padlock Award**.



NAMIBIA

TRANSPARENCY ASSESSMENT 2018

The Citizens' Analysis of Government Openness

INTRODUCTION

Sadly, we have to issue yet another annual transparency report lamenting the lack of an access to information (ATI) law in Namibia. Each year, the Ministry of Information and Communication Technology (MICT) issues promise after promise that a bill will be tabled, but it never happens. It has now become difficult to believe government's public commitment to legislating the right of access to information, because it persistently fails to do so. The ministry's failure to table a bill is further intensified by the fact that ministry officials are unable to provide a plausible reason for their inability to do so.

It is important to note that government and civil society have been partners in this journey towards greater transparency since the launch of the ACTION Campaign in July 2012. Aimed at raising awareness on ATI as an enabling human right, and lobbying for a legislative and policy environment that fosters ATI, the campaign was successful in fostering a partnership between government, civil society, the media and development partners.

In as much as this is an annual assessment of how citizens experience accessing information from public institutions, it also serves as civil society's reflection on the ATI environment. Since 2013, the Transparency Assessment has been an overview of all the work that has been done towards achieving the goals set by the ACTION Campaign. Thanks to the commendable work by the African Platform on ATI (APAI), the goal to have 28 September recognised as International Day for Universal Access to Information by the international community was achieved in 2015. Namibia is one of the few countries that officially commemorates this day. A major objective, which was for more Namibians to be aware of their human right of access to information and how it can enable them to access other human rights, was also achieved.

Further, with the support of development partners, government has made good strides in capacitating public institutions' understanding and performance with regard to their respect of the public's right to know. As development partners, UNESCO Namibia and *fesmedia* Africa have been instrumental in this journey, and for that we are thankful. However, it is time to achieve the ultimate goal, which is an access to information law, now – no more excuses. Greater pressure must be placed on government for the tabling of an access to information law.

The disappointment that comes with writing yet another report that does not celebrate the passing of an ATI law is assuaged by the fact that we can once again report an improvement in public institutions' performance with regard to their accessibility and responsiveness to the public's demand for information.

We re-assessed the best and worst performers of last year. The Ministry of Justice improved its performance, while the Communications Regulatory Association of Namibia (CRAN) scored a lot lower this year. This highlights the fact that

a citizen's experience with a public institution can differ, depending on various factors, and that an institution can improve its performance once it is held accountable. It is important that public institutions do not lower their standards or quality of work once a good precedent has been set.

It is an undeniable fact that the lack of access to information is an impediment to media freedom. This was highlighted when the weekly *The Patriot* newspaper had to defend an urgent court action by the Namibian Central Intelligence Service (NCIS) in April, to prevent them from publishing an article on corruption at the institution. The High Court dismissed the bid with costs, arguing that the NCIS was established to serve the state and thus remains accountable to the judiciary. However, the NCIS thereafter lodged an appeal with the Supreme Court, arguing that the High Court erred when it found that government was trying to get an interdict that would have prevented *The Patriot* from publishing allegations about corrupt activities. They also argued that the High Court did not take into account the purpose of the 1982 Protection of Information Act and the Namibia Central Intelligence Service Act of 1997. Government's legal team argued that the presiding judge, Harald Geier, did not make a judicial interpretation of the provisions of these laws, on which government relied in their bid to prevent the publication of the article. The case was still sub-judice at the time of going to press.

It does not happen often but, as with this court case, government relies on outdated laws that do not adhere to the free expression principles espoused by our Constitution. Hence our consistent calls for the repeal of these and other laws that do not serve the best interest of the Namibian people and their right to free expression, access to information and media freedom.

Presidential and National Assembly elections will be held next year, during which tensions will be heightened and, as with previous years, we can expect an increase in attempts to censor or threaten media freedom. Another law that may be more explicitly applied during this time is the Namibian Broadcasting Act (No. 9 of 1991), which grants the information minister wide discretion and powers to interfere with the broadcaster's independence. The NBC is already censored in regard to how they provide news and information. During election periods, it becomes a clear proponent of the ruling party through the way it provides coverage. NBC has an equal free airtime policy for all participating political parties, however, a lot of the election coverage happens outside of these allocated slots and this is when the discrepancy becomes glaringly obvious.

Citizens deserve unbiased information about all participating parties, in addition to analyses provided by experts from various stakeholder and interest groups. Just as important, the citizen's voice should be at the forefront of the discourse.

Information and communication technology (ICT) continue to enhance the public's access to information. Thanks to the establishment of the Internet Society of Namibia Chapter, Namibian youth now have a platform where they can articulate their views and realise their dream internet.

RATIONALE AND RESEARCH PARAMETERS

The consistent work of stakeholder groups towards the realisation of a Namibian society in which citizens can fully enjoy their right to access information is paying off. Public officials are more engaging, friendly and responsive to public requests for information, and all surveyed institutions have websites and social media accounts.

The research was conducted from 26 July to 17 August 2018. Institutions were given 21 days to respond to requests for information. Eight institutions were studied, including the Golden Padlock and Golden Key recipients of 2017. The research included the study of their responses to requests for information and evaluated websites and social media platforms, in particular Facebook and Twitter.

The objective of the study was to measure the openness as well as the difficulties faced by public institutions in providing information to the public. The study looked at whether the sampled offices made available the information without questioning the intentions of those requesting it.

The following public institutions were surveyed:

1. Communications Regulatory Association of Namibia (CRAN)
2. Ministry of Justice (MoJ)
3. Ministry of Health and Social Services (MHSS)
4. National Assembly (NA)
5. Ministry of Fisheries and Marine Resources (MFMR)
6. Road Fund Administration (RFA)
7. NamPower
8. Ministry of Labour, Industrial Relations and Employment Creation (MLIREC)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Most websites were updated, well-maintained and user-friendly.
- Most institutions have active social media accounts.
- Most institutions and their followers are not very interactive, there is limited two-way communication.

Category 2: Requests for information

- Most institutions displayed openness in allowing access to public information.
- Most institutions were helpful and transparent.
- Most institutions acknowledged the receipt of the request for information. There were quite a number of same-day responses.
- The NA called the researcher to ensure their response was received and was sufficient.

DETAILED FINDINGS

1. Communications Regulatory Association of Namibia (CRAN)

CATEGORY 1: WEBSITE

www.cran.na/index.php

CRAN's website is up to date, informative, and well-organised. They have active Facebook and Twitter accounts, with which, however, their followers seldom interact.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to CRAN:

- How does CRAN's mandate contribute to the achievement of Vision 2030?
- Access to the internet is increasingly regarded as a human right; who are CRAN's main partners in working towards achieving access to the internet for all Namibians?
- Which CRAN programmes are aimed at ensuring public awareness of the various options available for access to the internet, e.g. community networks?
- What is CRAN's 2018 budget for internet-related projects?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | . | | | Public Relations Officer (PRO) |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | | . | The PRO indicated that he was out of the country. |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 5/20

2. Ministry of Justice (MoJ)

CATEGORY 1: WEBSITE

www.moj.gov.na/home

The website contains up-to-date information and is informative with relevant content. The MoJ has an active Facebook account but their followers seldom interact with their posts.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | | . | The website provides law reforms, but not acts. |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | Working hours are not displayed. |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | There is a Government Communication System on the website. |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MoJ:

1. Does the ministry collaborate with peer ministries in other SADC member states and if so, in what way?
2. What are some of the relevant regional instruments that speak to regional collaboration in the area of justice?
3. What are some of the challenges faced by the ministry in the execution of this area of work?
4. What is the ministry's 2018 budget for regional cooperation and how is this determined?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---------------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | Senior Public Relations Officer |
| 2. Did the institution reply within 21 days? | . | | | Same-day response |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 6. Does the institution provide written reasons for the refusal of information? | | | • | At first, the MoJ refused to give information because they requested further details. The information was made available after the researcher's affiliation with Media Institute of Southern Africa (MISA) was indicated. |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | • | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 15/20

3. Ministry of Health and Social Services (MHSS)

CATEGORY 1: WEBSITE

www.mhss.gov.na

The MHSS has a comprehensive, updated and informative website. They have an active Facebook account that is updated regularly with low correspondence from followers. They do not have a Twitter account.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---------------------------------------|
| 1. Does this website contain up-to-date information? | • | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | | | • | Information about funds are provided. |
| e) Information about procurement procedures and/or signed contracts? | | | • | No signed contracts provided. |
| f) Vacancy and employment procedures? | • | | | |
| g) The address, telephone numbers and working hours of the institution? | | | • | Working hours are not displayed. |
| h) The contact details of specific public officials? | • | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MHSS:

1. What is the ministry's mandate and how does it relate to Vision 2030?
2. How important is community health to the ministry and what measures are implemented to ensure that communities have access to health services?
3. Sexual reproductive health of the youth continues to be a challenge, in particular with matters relating to teenage pregnancy. Is there a sexual and reproductive rights component to the ministry's programmes?
4. What is the ministry's 2018 budget for sexual and reproductive health and what are the factors that influence this year's budget allocation?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | . | | | Acting Public Relations Officer |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | | . | The institution responded on the 7th day after researcher sent a reminder. |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 17/20

4. National Assembly (NA)

CATEGORY 1: WEBSITE

www.parliament.na

The NA's website has relatively useful content. It has been updated, although information that is more useful could be added. They fall under the Parliament of Namibia, which has active Facebook and Twitter accounts with which they correspond with followers.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--------------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | No working hours are provided. |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | Contact form |

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the NA:

1. Is there a body/organ that allows for the NA and the National Council to collaborate on matters of common interest?
2. What capacity-building initiatives are available for MPs?
3. Who are the NA's main partners in this regard?
4. What is the NA's annual operations budget and do MPs have influence on it?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | Public Relations Officer |
| 2. Did the institution reply within 21 days? | . | | | Same-day response |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 20/20

5. Ministry of Fisheries and Marine Resources (MFMR)

CATEGORY 1: WEBSITE

www.mfmr.gov.na

The MFMR's website has regulations, policies, and laws relevant in the operations of the Ministry, however, there is room for improvement. They have a Facebook account that is not very active and no Twitter account.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|----------------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | Working hours are not displayed. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MFMR:

1. What is the ministry's mandate and how does it fit into Vision 2030?
2. The fishing quota continues to be a controversial issue; how does the ministry ensure that the public's views are considered during policy-making processes?
3. Access to information is an important aspect of democratic governance; what measures does the ministry have to ensure that the public has access to information on its programmes?
4. What is the ministry's 2018 budget for external communication and what are the factors that influence this year's budget allocation?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | Public Relations Officer |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

6. Road Fund Administration (RFA)

CATEGORY 1: WEBSITE

www.rfanam.com.na

The RFA's website is relatively efficient, updated and informative. They have a Facebook account but do not interact much with their followers and do not have a Twitter account.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | Contact form |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the RFA:

1. What is the RFA's mandate and how does it fit into HPP?
2. How does the RFA work together with the RA? Is there a collaborative body which meets on a regular basis?
3. What measures are implemented to ensure accountability and transparency at the RFA?
4. What is the RFA's budget for road construction in 2018 and which regions received the biggest budget allocation?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | Public Relations Officer |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | Same-day response |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 4/20

7. NamPower

CATEGORY 1: WEBSITE

www.nampower.com.na

The website will not open on some computers or devices as it has security listings. The website, however, is well-maintained, informative and user-friendly. They do not have any social media accounts except for a NamPower Convention page.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|----------------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | Working hours are not displayed. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | Contact form |

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to NamPower:

1. What is NamPower's mandate and how does it fit into Vision 2030?
2. Rural electrification is one of NamPower's major projects; what are some of the challenges you face in this regard?
3. Who are NamPower's most important stakeholders in the rural electrification project?
4. What is NamPower's 2018 budget for rural electrification?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | Public Relations Officer |
| 2. Did the institution reply within 21 days? | • | | | Same-day response |
| 3. Did the institution respond to the request for information? | • | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | |
| 5. Did the institution provide all of the information requested? | | • | | The researcher was referred to the website and to the Head of Rural Electricity. |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | | • | Not all questions were answered. |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 15/20

8. Ministry of Labour, Industrial Relations and Employment Creation (MLIREC)

CATEGORY 1: WEBSITE

www.mol.gov.na

The website is up to date, useful and helpful. They do not have a Twitter account and their Facebook account is dormant.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|----------------------------------|
| 1. Does this website contain up-to-date information? | • | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | • | | | |
| g) The address, telephone numbers and working hours of the institution? | | | • | Working hours are not displayed. |
| h) The contact details of specific public officials? | • | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MLIREC:

1. What is the ministry's mandate and how does it fit into Vision 2030?
2. Does the ministry share the 'Social Welfare' mandate with the Ministry of Health and Social Services? Which programmes overlap and how?
3. What are some of the challenges faced by the ministry in ensuring social welfare?
4. What is the ministry's 2018 budget for social welfare?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | Public Relations Officer |
| 2. Did the institution reply within 21 days? | | | • | The institution responded the next day with feedback on where to find the information. |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | | • | Referred the researcher to another institution regarding some of the questions. |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | • | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | | | • | The researcher was referred to the website and to the Ministry of Poverty Eradication and Social Welfare. |

Total Score: 9/20

SUMMARY

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| 1. Communication Regulatory Association of Namibia | 16 | 5 | 21 |
| 2. Ministry of Justice | 14 | 15 | 29 |
| 3. Ministry of Health and Social Services | 15 | 17 | 32 |
| 4. National Assembly | 13 | 20 | 33 |
| 5. Ministry of Fisheries and Marine Resources | 9 | 2 | 11 |
| 6. Road Fund Administration | 14 | 4 | 18 |
| 7. NamPower | 15 | 15 | 30 |
| 8. Ministry of Labour, Industrial Relation and Employment Creation | 13 | 9 | 22 |

RESEARCH CONCLUSIONS

There is definite improvement in the performance of public institutions concerning the provision of access to information to citizens. This is evident in the quality and efficiency of their websites and the level of their social media interaction, even though there is very little two-way communication. The improvement is most notable in their responses to requests for information.

THE MOST SECRETIVE PUBLIC INSTITUTION IN NAMIBIA

The Ministry of Fisheries and Marine Resources receives the 2018 Golden Padlock Award. Even though they have a well-functioning website, not all sections are regularly updated. This was particularly concerning as this is the year during which new fishing rights applications were received. They also did not respond to our request for information and displayed no interest in doing so.

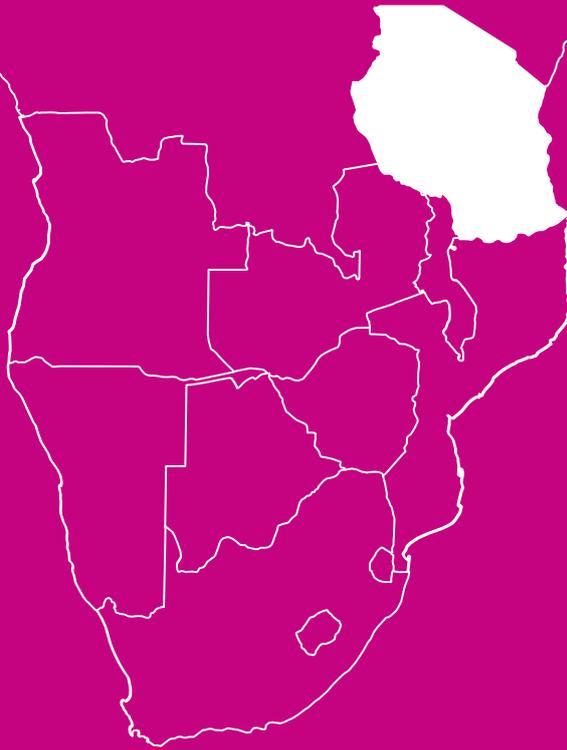
THE MOST OPEN PUBLIC INSTITUTION IN NAMIBIA

The National Assembly receives the 2018 Golden Key Award. It out-performed last year's recipient, CRAN, with 12 points. Their website has relatively useful content and is updated regularly. The public relations officer at the National Assembly was helpful and friendly; he even called the researcher to ensure that the information provided was accurate and sufficient.

RECOMMENDATIONS

Government must continue its drive to build the capacity of its institutions to best serve the public's right to know as it is having a positive impact. For the first time since the start of this study, only one public institution ignored our request for information. That is this year's Golden Padlock recipient, the Ministry of Fisheries and Marine Resources.

We call upon stakeholders to continue playing their part in creating an environment that is responsive to the public's human right to access information. Most importantly, we need a law that will enhance the right of access to information of the public, the media, civil society and academia. Civil society needs to step-up its advocacy and lobbying efforts so that the 2019 Transparency Assessment can finally tell the world that Namibia has an ATI law.



TANZANIA

TRANSPARENCY ASSESSMENT 2018

The Citizens' Analysis of Government Openness

INTRODUCTION

‘While other countries in the world aim to reach the moon, we must aim – for the time being at any rate – to reach the villages by providing them with necessary information.’

This famous quote by Mwalimu Julius Nyerere, the founding father of the nation, was recorded in 1967. It describes the importance of providing information to villagers. The idea behind this statement was that once villagers are adequately supplied with relevant information, they would be able to make informed decisions, especially with regard to farming and livestock keeping. Additionally, providing citizens with vital information would enable them to participate in the development and building of the nation.

People also need information to exercise other crucial rights, such as the right to vote, the right to a clean and healthy environment and the right to associate. Communities need to coordinate themselves; activities surrounding wars, elections, emergency responses to natural calamities and even community celebrations only succeed if the community knows where to be, when, and what role to play. This required a system of information collection and exchange. Information is the central resource in creating economic and social connections that build a community’s capacity for action.

Today, accessing information has been made a fundamental right and is recognised in many countries’ constitutions, and specific laws have been established to make sure this right is attained. Since Mwalimu gave that statement, it has taken Tanzania 49 years to develop a law that guarantees public access to information. The Access to Information (ATI) Act in Tanzania was enacted in 2016, after a series of decade-long discussions and deliberations between the government and stakeholders.

Stakeholders believe that this is a step in the right direction as the world is moving towards a more open society, especially with the advent of new technology. However, the ATI law and other legislation, such as the Media Services Act of 2016, the Media Services Act Regulations 2017, the Cybercrimes Act and the Statistics Act both of 2015, and the Electronic and Postal Communications (Online Content) Regulations of 2018 came with daunting challenges and even bigger threats to the entire information sector, triggering a national outcry from media, human rights defenders and the public.

Certain preconditions are necessary for the adequate implementation of the ATI law, one of them being raising the capacity of government information officers, which has not yet taken place.

According to findings in a recent study conducted by MISA Tanzania, the culture of secrecy among public officials in Tanzania, at both central and local government levels, is interfering with the work of journalists. This is hindering access to information that is necessary for media reporting,

increased civic participation, transparency and accountability in governance.

The study, which was conducted by the MISA Tanzania Chapter in partnership with the Collaboration on International ICT Policy for East and Southern Africa (CIPESA), assessed the responsiveness of local government authorities (LGAs) and some central government offices to citizens’ information requests.

The study found widespread laxity amongst officials in the handling and processing of information requests, poor customer care services, lack of knowledge of the ATI law and reluctance of government officials to share public information.

The study was conducted as part of the Information and Communications Technologies (ICT) 4 Democracy Network in East Africa’s objective to realise access to information by documenting and publicising the utility and effectiveness of ICT for government-citizen interaction, proactive information disclosure, and the level of responsiveness to information requests.

RATIONALE AND RESEARCH PARAMETERS

MISA Tanzania joined other MISA Chapters in the region to participate in a study that aimed at establishing the most open and secretive government and public institutions. The study was conducted between 16 July and 17 August 2018.

Four of the eight participating institutions were picked based on the relevance of the work the institutions are mandated to carry out for the country. The other four surveyed institutions are ministries.

Selected public institutions include:

1. Workers Compensation Fund (WCF)
2. Public Service Pensions Fund (PSPF)
3. Tanzania Tourist Board (TTB)
4. Tanzania Electric Supply Company Limited (TANESCO)

Selected ministries include:

5. Ministry of Agriculture (MoA)
6. Ministry of Livestock and Fisheries (MoLF)
7. Ministry of Water and Irrigation (MWI)
8. Ministry of Industry, Trade and Investment (MIT)

Research Methodology

The research adopted qualitative and quantitative methods of data collection, and sought to assess the level of public access to information held by government and public institutions. In order to achieve this, websites of government and public institutions were evaluated, along with their responsiveness to submitted information requests. This method sought to establish the transparency and efficiency of government and public institutions in providing information to the public.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All eight institutional websites have different information depending on the nature of their work.
- All government ministries' websites have the same structure, template and contain similar information.
- There are common features between the websites of institutions and ministries: they have addresses, most have updated news and use two languages, namely Kiswahili and English. This makes the information available to most Tanzanians.
- The PSPF has unique features on its website that facilitate easy communication with customers.
- The TTB's website lacks information on expenditure, budgets and procurement processes, among others.
- For most of the research period, the website of the MoJ was offline.
- The WCF's website has a system with which a client can get help online without having to physically visit the office.
- The surveyed ministries provided detailed budget information, which informs citizens about incomes and expenditures.

Category 2: Requests for information

- The requests to the four public institutions were emailed and hand-delivered and the institutions acknowledged their receipt.
- The requests for information to the ministries were emailed and posted. Only two ministries acknowledged receipt: the MWI and the MTI.
- The PSPF responded just one day after the information was requested. The request was sent on 16 July, and they responded on 17 July 2018.
- The TTB acknowledged having received the information request on time. They replied within nine days, on 25 July 2018. They provided clear and understandable answers without questioning or doubting the researcher's motives.
- The WCF's answers were comprehensive. They provided clear and detailed explanations, however, they replied after the end of the research period and their answers therefore could not be counted towards this research.
- During the follow-up for the requested information (emails and phone calls), TANESCO and the MoA never fully responded, despite being reminded via email and phone on 4 August 2018.

DETAILED FINDINGS

1. Workers Compensation Fund (WCF)

CATEGORY 1: WEBSITE

www.wcf.go.tz

The WCF's website has a clear template that is easy to navigate. Some important information is available on the website, such as contacts, information about the WCF's services, their partners and news. The WCF also provides an online enquiry form.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the WCF:

- How do you compensate public and private sector employees?
- How do you make sure that both public and private sector employees join this fund?
- Do you have offices all over Tanzania? If not, are there any plans for expansion?
- Your website has a "Customer Service" section; how effective and user-friendly is it?
- I understand that this is a relatively new fund in the country; do you have enough knowledgeable and experienced staff?
- I have been closely following your fund's activities; do you believe the WCF generates enough income to run its activities?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | The respective person who was supposed to provide the answers was not around, but they called the researcher several times to say that they will answer soon, which they eventually did, but only after the end of the research period. |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 2/20

2. Public Service Pension Fund (PSPF)

CATEGORY 1: WEBSITE

www.pspf.go.tz

The PSPF's website is updated regularly and navigation is easy. It has current news and the services the PSPF offers are explained in detail. The website provides contact details, links to other websites and social media accounts (Twitter, Instagram and Facebook). The website uses two languages, namely Kiswahili and English, and it features an online customer service platform.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | • | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | | • | No employment procedures are provided. It is stated that there are no current vacancies. |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | • | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | |

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the PSPF:

1. There are plans to merge all pensions funds in the country into one fund. As the PSPF is a voluntary-based contribution fund, especially by the private sector, how do you see yourself fairing?
2. There are complaints by retirees concerning their benefits not being accrued on time once they are out of service. What does your fund do to make sure they get their dues on time?
3. We understand that you provide housing projects for low and middle income earners; how do they fair?
4. Currently, the government's priority is industrial development. Do you have any plans to move in this direction?
5. If someone wants to get information from your organisation, how soon can he/she obtain it?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | . | | | The Information Officer |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | The institution questioned the researcher about his reason for requesting the information. |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 18/20

3. Tanzania Tourist Board (TTB)

CATEGORY 1: WEBSITE

www.tanzaniatouristboard.go.tz

The TTB's website is promotional and up to date, displaying a lot of information on tourism activities. The TTB provides detailed information on their services as well as their contact details. One can download tourism-related application forms, brochures, posters and more. The website is in Kiswahili and English, which makes it easy for non-English speakers to understand its content. The website links to the TTB's social media and online accounts, such as Twitter, Instagram, YouTube, Facebook, Trip Advisor, Flickr and Skype.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | The website is primarily focused on promoting tourism; they don't provide policies and reports. |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the TTB:

1. There has been information that many tourists are now visiting our attractions countrywide. If someone wants statistics of both domestic and foreign tourists, can he/she obtain it?
2. In the world, Tanzania is second when it comes to tourist attractions but it seems the income generated isn't commensurate with that. What could be the problem?
3. Organisations such as the Tanzania Wildlife Association (TAWA), Tanzania National Parks (TANAPA) and Ngorongoro Conservation Area Authority (NCAA) compete in promoting domestic tourism. How exactly does your Board contribute to this promotion?
4. What strategies are in place to make sure the tourism sector is sufficiently promoted?
5. What strategies does your Board have to make sure domestic tourism is extensively promoted in the country?
6. The tourism sector is a major foreign exchange earner in many countries. What plans do you have to widely promote the available attractions?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | . | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 20/20

4. Tanzania Electric Supply Company Limited (TANESCO)

CATEGORY 1: WEBSITE

www.tanesco.co.tz

The website is well-organised and has important information about TANESCO's services. A map provides directions to all branch offices in Tanzania. The "News" section is up to date.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | | . | Expenditure for projects, including government and donor-funded projects is provided. |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | | . | | The "Career" section is empty. |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | . | A customer support mechanism with a complaints option is available to customers. |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TANESCO:

1. Out-of-service electric posts pose a security concern to many neighbourhoods around the country. How are you addressing this problem?
2. Local customers are complaining about exorbitant rates; they claim they are being charged the same fees as major consumers of electricity, such as factories and industries. How do you address these matters?
3. Potential customers pay for service lines as well as meters, but there have been complaints that it takes a long time to get connected. What plans do you have to get this sorted out?
4. To what extent (in percentage) can your company solve the power outage crisis that seems to be a norm in the country?
5. Despite the fact that you have the international certificate for service delivery (ISO), how much can you boast when it comes to service delivery?
6. How much of the 2018/19 budget has been allocated to improve the quality of service delivery across the country?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

5. Ministry of Agriculture (MoA)

CATEGORY 1: WEBSITE

www.kilimo.go.tz

The MoA's website provides all of the ministry's programmes, projects, agencies, boards and contact details. The website has statements from the Minister and Deputy Minister of Agriculture; it also features agricultural maps. The website has up-to-date news and provides information in both Kiswahili and English.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--------------------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | . | | | |
| e) Information about procurement procedures and/or signed contracts? | | | . | |
| f) Vacancy and employment procedures? | | . | | These are provided but are outdated. |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MoA:

1. We are aware that the National Agricultural Input Voucher Scheme (NAIVS) was launched as a smart-market subsidy that aims to provide small-scale farmers with access to critical agricultural inputs, such as fertilizers and improved seeds, at a 50% subsidy. How is this plan fairing today?
2. The Kilimo Kwanza Plan was aimed at helping farmers with affordable technology, such as tractors. How have you made this available to most villages in the country?
3. The agricultural sector employs more than 75% of the country's population. How does your ministry help them in accessing markets for their produce?
4. One of the challenges facing rural farmers is the availability of agricultural extension and veterinary officers. What does your ministry do to address this?
5. What prompted the reduction of your budget from Tshs 214 billion in the 2017/18 budget to as low as Tshs 170 billion in the 2018/19 financial year? Will this reduction not affect your plans?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 0/20

6. Ministry of Livestock and Fisheries (MoLF)

CATEGORY 1: WEBSITE

www.mifugouvuvu.go.tz

The MoLF's website is current but contains little information. It has contacts and the current budget, and the information is provided in two languages, namely Kiswahili and English.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | • | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | | | • | |
| d) Budget and expenditure? | • | | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | | • | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MoLF:

1. What strategies do you have in place to solve the crises of farmers and pastoralists in many parts of the country?
2. Encroachment of livestock keepers into restricted (reserved forests) areas creates problems between them and the state, and it is also a major concern for human rights defenders. When will you offer lasting solutions to this matter?
3. There is a shortage of slaughter houses and dipping centres for livestock. How are you addressing these shortages?
4. To what extent has the ministry succeeded in curbing illegal fishing in our coastline, lakes and rivers?
5. There is a concern over the increase of imported fish in the country; does this mean that we have a shortage?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | • | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 0/20

7. Ministry of Water and Irrigation (MWI)

CATEGORY 1: WEBSITE

www.maji.go.tz

The MWI's website features a tool that allows for the submissions of comments on the usability of the website. The website is in Kiswahili and English. It shows live views and the total number of daily website visits. The website contains important information on the budget, programs, current news, contacts and social media accounts, i.e. Twitter and Facebook.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | • | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | • | | | |
| e) Information about procurement procedures and/or signed contracts? | | | • | No signed contracts |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | | • | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MWI:

1. There is a widespread problem of dilapidation and destruction of clean water and sewage infrastructure in many parts of the country; the issue is even bigger in Dar es Salaam and its neighbouring towns. How are you addressing this?
2. What sustainable strategies do you have in place to save water sources and catchment areas from destruction as a result of human activities?
3. How do you solve the problem of industries remitting sewage into rivers and human settlements?
4. There have been concerns by the public over clean water and sewage charges and yet the problem of sewage is rampant in many neighbourhoods. What does it take to solve this problem?
5. What plans are in place to make sure the ministry's irrigation plans benefit those in rural areas?
6. How much money is allocated in this year's (2018/19) budget to make sure there is availability of safe and clean water countrywide?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

8. Ministry of Industry, Trade and Investment (MIT)

CATEGORY 1: WEBSITE

www.mit.go.tz

The MIT's website has a feedback form providing visitors the option of leaving comments. Recent news, publications, the directions to their office and detailed contact information are available. The website has two language options, namely Kiswahili and English.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | . | | | |
| e) Information about procurement procedures and/or signed contracts? | | | . | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | |

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MIT:

1. To what extent have you implemented the industrialisation policy?
2. How can youth be supported when it comes to investment and entrepreneurship?
3. What is the ratio of foreign to domestic investors?
4. How has the Dar es Salaam International Trade Fair contributed to the income of the ministry?
5. During the 2018/19 financial year, how much money was allocated to support young and upcoming entrepreneurs with establishing small businesses?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 2/20

SUMMARY

| Institution | Website | Request for information | Total score |
|---|---------|-------------------------|-------------|
| 1. Workers Compensation Fund (WCF) | 14 | 2 | 16 |
| 2. Public Service Pensions Fund (PSPF) | 15 | 18 | 33 |
| 3. Tanzania Tourist Board (TTB) | 11 | 20 | 31 |
| 4. Tanzania Electric Supply Company Limited (TANESCO) | 14 | 2 | 16 |
| 5. Ministry of Agriculture | 15 | 0 | 15 |
| 6. Ministry of Livestock and Fisheries | 12 | 0 | 12 |
| 7. Ministry of Water and Irrigation | 14 | 2 | 16 |
| 8. Ministry of Industry, Trade and Investment | 15 | 2 | 17 |

RESEARCH CONCLUSIONS

Effective communication and reliable customer service are key components of the success of any organisation/institution. However, gaps in the execution of these important services abound, such that the progress of institutions is frustrated and, most importantly, the country's pace of progress is stalled. On the other hand, access to information is a fundamental human right which promotes transparency and accountability, without which people cannot make informed choices.

It is clear that most government institutions still have problems disclosing public information, especially when other organisations, institutions or individuals ask for it.

Information has been recognised as a fundamental human right and since the emergence of new democracies, its promulgation has recently increased. Information is a necessity in all areas of human existence and states are moving away from a culture of secrecy to one of openness.

Our simple but relevant studies have helped shape how leaders and public offices operate. In the same vein, we believe that these findings will contribute to the development of a culture of openness.

THE MOST SECRETIVE PUBLIC INSTITUTION IN TANZANIA

The MLF lacked relevant information on their website, which was offline for weeks, and neither acknowledged the receipt of the information request nor responded to it. The ministry's office cellphone was not reachable for follow-ups.

Given the criteria set by the study, **the most secretive public institution and winner of the 2018 Golden Padlock Award is the Ministry of Livestock and Fisheries.**

THE MOST OPEN PUBLIC INSTITUTION IN TANZANIA

The PSPF has the highest overall score as it responded within one day of the submission of the request. The institution acknowledged receipt of the information request by signing a copy of the letter. They also responded to the email and made a phone call to acknowledge receipt of it. The PSPF responded with detailed, clear answers and their website was well-organised and user-friendly, containing relevant information.

The most open public institution in Tanzania and winner of the 2018 Golden Key Award is the Public Service Pensions Fund.

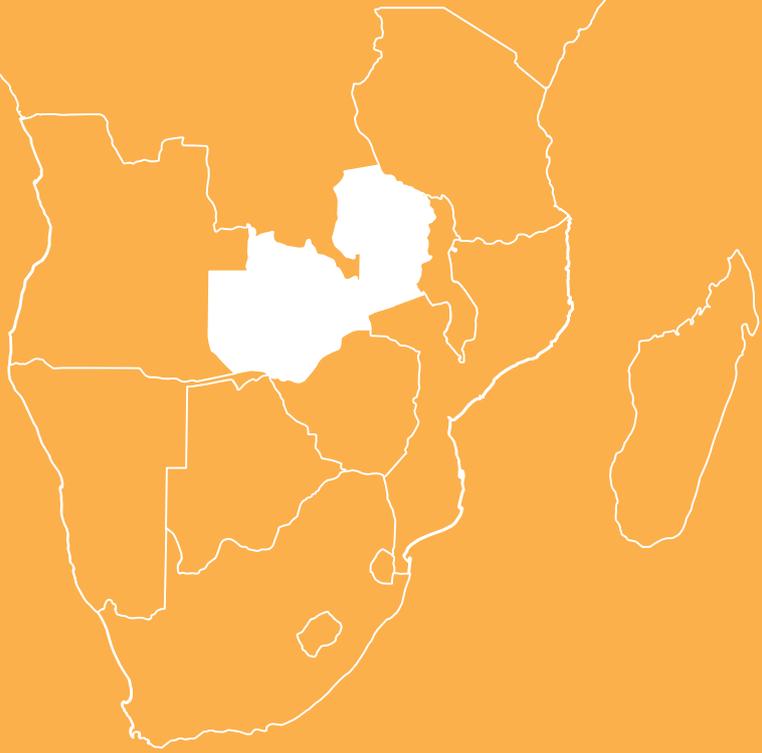
RECOMMENDATIONS

In order to improve the ATI landscape, especially with regard to the accessibility of information held by government and public institutions, the following issues should be addressed:

- Raising awareness of the Access to Information Act of 2016 and its regulations to public officials in order to accelerate its implementation.
- Public awareness of the ATI law so that people can exercise their fundamental right to access information.
- Creating sophisticated online systems, which will help any person who requires information to easily access it.
- Public offices should employ information officers who possess the relevant skills, including digital know-how.
- Capacity-building and the development of strategic plans to improve understanding and competence in customer service delivery and public access to information.
- Improve systems of communication as a way of gaining public confidence and trust.
- Establish by-laws that will guarantee public's access to information at every level as provided for by the 2016 ATI Act.
- Knowledge-sharing and skills-transfer by regularly exchanging staff as one way of improving quality of service delivery.

OBSERVATIONS

- Some public institutions and ministries lack understanding of the importance of access to information.
- Lack of awareness of the ATI law, which hinders its adequate implementation.



ZAMBIA

TRANSPARENCY ASSESSMENT 2018

The Citizens' Analysis of Government Openness

INTRODUCTION

It is said that information is the oxygen of democracy, so meaningful and effective citizen participation in the affairs of their society can only be actualised if adequate access to information is guaranteed.

Access to information is an essential part of good government. Conversely, bad governments thrive on a culture of secrecy. Ironically, most governments prefer to conduct their business in secret, away from the eyes of the public. In this respect, governments usually advance many reasons for maintaining secrecy. These reasons typically include national security, public order and public interest.

Zambia has no access to information law. On the contrary, the Official Secrets Act of 1923 criminalises unlawful access and possession of government information with a minimum sentence of 25 years' imprisonment. The Zambian Constitution does not expressly guarantee the right to access public information; however, the current draft constitution has a provision guaranteeing access to information: Article 72(1)(a) states that "every citizen has the right of access to information held by the State." The adoption of this clause will not only guarantee citizens the right to information, but will end the 12-year process and resulting failure by government to enact an access to information law.

Earlier this year (26 June 2018), President Edgar C. Lungu stated that his administration will remain open so that citizens can easily access information on matters of national interest in order to help enhance Zambia's democratic credentials. However, prospects of Zambia ever enacting the Access to Information (ATI) Bill seemed bleak as the year progressed.

This did not deter ATI Activist, Lloyd Bwalya of the Jesuits Centre for Theological Reflection (JCTR), from demanding the enactment of the ATI Bill. He further observed the need for public input before the ATI Bill's enactment into law.

Similar calls were made by Transparency International Zambia (TIZ) President, Ruben Lifuka. He stated that ATI legislation would enhance the fight against corruption. Mr Lifuka called for the urgent enactment of the ATI Bill to ensure that the fight against corruption was not mere rhetoric.

RATIONALE AND RESEARCH PARAMETERS

The objective of this research was to determine the transparency and openness of public institutions with regards to how they handle and respond to requests for information from the public. It is believed that public and government institutions hold information on behalf of citizens, and when citizens request such information, it should be provided to them.

This study is meant to encourage transparency and openness in government and public institutions.

For this research, eight public institutions were randomly selected. The study was conducted from 16 July to 17 August 2018 in Lusaka, Zambia.

Written requests for information were submitted to all selected institutions and their online platforms, including their websites and social media pages, were assessed.

The following public institutions were surveyed:

1. National Road Fund Agency (NRFA)
2. Ministry of Agriculture and Livestock (MAL)
3. Ministry of Community Development and Social Welfare (MCDSW)
4. Ministry of Gender (MoG)
5. Ministry of Information and Broadcasting Services (MIBS)
6. Ministry of Lands and Natural Resources (MLNR)
7. Zambia Public Procurement Authority (ZPPA)
8. Zambia Revenue Authority (ZRA)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All institutions except for the MCDSW have working websites.
- All the institutions except for the MCDSW have Facebook pages with several of them containing up-to date content, but most have little-to-no interaction with their audience.
- None of the websites analysed provide information on budgets and expenditures.
- None of the websites analysed indicate their institution's working hours.
- Several of the websites analysed do not have a mechanism for requesting and receiving responses to elec-tronic messages or requests for information.

Category 2: Requests for information

- Of the eight surveyed institutions, only the NRFA and the ZPPA provided the requested information.
- All institutions acknowledged receipt of the requests and promised to get back to the researcher.
- The public relations officer of the MLNR met the researcher and promised to provide the requested information as soon as possible, yet failed to do so by the end of the research period.
- Generally, few institutions have a designated person to receive and respond to requests for information; all queries are usually addressed to the Permanent Secretary or the Director General, who then decides upon the response to the specific request for information.

DETAILED FINDINGS

1. National Road Fund Agency (NRFA)

CATEGORY 1: WEBSITE

www.nrfa.org.zm

The NRFA's website is not up to date; it was last updated in 2017. The institution has an up-to-date Facebook page with over 32,000 followers, although it has little interaction with its audience.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | | . | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | | | . | The website provides little information, which is also outdated. |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | | . | The website has a tender section, which does not explicitly explain the procurement procedure and signed contracts. |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | . | | |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to NRFA:

- How widespread are your offices countrywide?
- How many toll gates has the Agency put up countrywide since June 2018?
- How much revenue did the Agency collect last year and how was the money spent?
- Are there any deliberate policies that have been put in place to provide for transparency and accountability, especially with regards to how money collected from the toll gates is spent? If yes, kindly describe these policies.
- There have been calls from the public for government to speed up the process of rehabilitating the Kafue-Mazabuka Road to decrease the number of accidents that occur there. I would like to find out the criteria that NRFA uses in selecting roads that require immediate maintenance.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 14/20

2. Ministry of Agriculture and Livestock (MAL)

CATEGORY 1: WEBSITE

www.agriculture.gov.zm

The MAL's website is up to date with its most recent update made in July 2018. It has Facebook and Twitter pages with 6,378 followers on Facebook and 162 followers on Twitter. Both the Facebook and Twitter pages are up to date but have little interaction with their audience.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | The website only contains the address but does not provide telephone numbers or working hours. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MAL:

- How widespread are your offices countrywide?
- Following the recent pronouncements by the Head of State to diversify Zambia's economy by moving from a copper-dependent to an agriculture-dependent economy; have there been any deliberate policies that the Ministry has put in place to try to achieve this?
- Did the Ministry do enough to inform the public about the Farmers Input Support Programme (FISP) in the previous farming season?
- What major challenges did the Ministry face in trying to implement FISP in last year's farming season?
- What mechanisms has the Ministry put in place in readiness for this farming season to help avoid what transpired in the previous farming season, especially with regards to the implementation of FISP?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

3. Ministry of Community Development and Social Welfare (MCDSW)

CATEGORY 1: WEBSITE

www.mcdss.gov.zm

The MCDSW's website is under maintenance. The Ministry has no social media pages.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | . | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | . | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | . | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | . | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 0/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MCDSW:

1. How many capacity-building centres does the Ministry have countrywide?
2. How much money does government allocate to each district in terms of the social cash transfer?
3. What criteria do you use in identifying potential recipients of the social cash transfer?
4. What major challenges has the Ministry faced in trying to help improve the distribution of social welfare services?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | | . | The institution called the researcher and explained that the information could only be made available if it was to be used for academic purposes. The institution refused to share information because the institution deemed the researcher's motives to be unclear. |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 7/20

4. Ministry of Gender (MoG)

CATEGORY 1: WEBSITE

www.mgcd.gov.zm

The MoG's website has up-to-date information with its most recent update made in July 2018. The website provides contact details of public officials, however, their contact list is yet to be updated.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | The website provides the institution's address and telephone numbers, however, it does not indicate the working hours. |
| h) The contact details of specific public officials? | . | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | The website has a tool under the 'Contact Us' section, which can be used to send an email and request information. |

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MoG:

1. How many capacity-building centres does the Ministry have countrywide?
2. Does the Ministry provide assistance to women-led SME's? If yes, what conditions allow them to access this assistance?
3. Are there any deliberate policies that have been put in place to encourage the participation of women in de-velopmental issues, especially where governance of this country is concerned? If yes, kindly highlight these policies.
4. What major challenges has the Ministry faced in trying to help improve the participation of women in the developmental issues of this country?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | • | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 0/20

5. Ministry of Information and Broadcasting Services (MIBS)

CATEGORY 1: WEBSITE

www.mibs.gov.zm

The website of the MIBS does not contain up-to-date information. Its last update was made in January 2018. The Ministry has two Facebook pages with a combined following of over 8000 followers. However, only one of the Facebook pages is updated and has little interaction with its audience.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | | • | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | • | | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | | | • | The website provides the institution's address and telephone number but does not display the institution's working hours. |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | There is a tool under the 'Contact Us' section that allows electronic messages to be sent. |

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MIBS:

1. How many capacity-building centres does the Ministry have countrywide?
2. We have recently heard top government officials in the news stating that the Zambian media industry has been flooded with quack journalists. I would like to find out if the Ministry has put up any deliberate policies to provide for the regulation of the journalism profession in Zambia. If it has, kindly highlight these policies.
3. What major challenges has the Ministry faced in trying to help improve the practice of journalism in Zambia?
4. Lately, there have been calls from the public about the government's intention to enact cyber laws. It is understood that these laws are meant to regulate the use of the internet. On the other hand, the internet has proven to be an important tool for democracy as it provides people with a platform to express their opinions freely. I would like to find out whether or not these laws, once enacted, will impede on people's right to freedom of expression.
5. Access to information is key to any functioning democracy and its enactment has been a cry from most Zambians for over 12 years. What is the Ministry doing to ensure that ATI is enacted into law.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 0/20

6. Ministry of Lands and Natural Resources (MLNR)

CATEGORY 1: WEBSITE

www.mlrep.gov.zm

Several pages on the MLNR's website could not be opened at the time of the writing of this report. Therefore, functions such as "e-services" and "survey services" could not be evaluated.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | | . | | The latest news update was made in February 2018. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | ? | | . | The website has a "Procurement Unit" page, which could not be opened at the time the research was conducted. |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | The institution's working hours are not provided. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | . | | |

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MLNR:

- How widespread are your offices countrywide?
- What major challenges has the Ministry faced when allocating land?
- I would like to find out if there are any deliberate policies that have been put in place to provide for the allocation of land. If yes, kindly highlight these policies.
- What criteria does your Ministry use in issuing land to foreigners?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

7. Zambia Public Procurement Authority (ZPPA)

CATEGORY 1: WEBSITE

www.zppa.org.zm

The ZPPA has a functioning website with up-to-date information, and its last update was made in July 2018. It also has a up-to-date Facebook page with over 4000 followers, however, it has little interaction with its audience.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | . | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | | . | The website provides information on the procurement procedures but does not provide signed contracts. |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | All contact information is provided, but not the institution's working hours. |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | The website has a "Feedback" section with a feedback form, which can be filled out to send a message and request information. |

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the ZPPA:

- How widespread are your offices across the country?
- ICT is the way to go in terms of development for this country and ZPPA recently launched the Electronic Government Procurement (e-GP) System. What benefits do Zambians stand to gain from the e-GP System?
- Does the new system provide for transparency and accountability in the way government contracts are awarded? If yes, kindly provide details on how this is done.
- What major challenges has the ZPPA faced since the e-GP System was launched?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | . | | | |
| 3. Did the institution respond to the request for information? | . | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | . | | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 7. Did the institution disclose information about its operations, budgets, structure etc? | . | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | . | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | . | | | |

Total Score: 12/20

8. Zambia Revenue Authority (ZRA)

CATEGORY 1: WEBSITE

www.zra.org.zm

The ZRA's website has up-to-date information with its last update made in July 2018. The Authority also has a Facebook page with over 29,000 followers. The Facebook page contains up-to-date information but has little interaction with its audience.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | The website only contains information on the organisation's powers. It does not provide the organisational structure nor the functions and responsibilities of the administration. |
| b) A list of laws, Acts etc issued within the scope of its powers? | . | | | |
| c) Reports, policies, programmes? | . | | | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | . | | | |
| f) Vacancy and employment procedures? | . | | | |
| g) The address, telephone numbers and working hours of the institution? | | | . | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | The website contains a "Feedback" section under which a form to provide feedback or request information can be filled out. |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the ZRA:

- How widespread are your offices across the country?
- How many taxpayers has the ZRA registered under the Tax Payer Identification Number (TPIN) System since June 2018?
- Is there any deliberate mechanism that has been put in place to allow for the quick registration of TPIN? If yes, kindly provide information its effectiveness.
- What benefits do Zambians stand to gain from TPIN?
- What major challenges is the ZRA facing in trying to implement TPIN?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | | . | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | . | | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

SUMMARY

| Institution | Website | Request for information | Total score |
|---|---------|-------------------------|-------------|
| 1. National Road Fund Agency (NRFA) | 10 | 14 | 24 |
| 2. Ministry of Agriculture and Livestock (MAL) | 7 | 2 | 9 |
| 3. Ministry of Community Development and Social Welfare (MCDSW) | 0 | 7 | 7 |
| 4. Ministry of Gender (MoG) | 11 | 0 | 11 |
| 5. Ministry of Information and Broadcasting Services (MIBS) | 11 | 0 | 11 |
| 6. Ministry of Lands and Natural Resources (MLNR) | 6 | 2 | 8 |
| 7. Zambia Public Procurement Authority (ZPPA) | 12 | 12 | 24 |
| 8. Zambia Revenue Authority (ZRA) | 14 | 2 | 16 |

RESEARCH CONCLUSIONS

It is a fundamental human right to ask for and receive information held by public institutions and bodies. It is critically important to make sure that information held by public and, in some cases, private institutions is made available and accessible to citizens.

The right to seek, receive and impart information has been guaranteed by Article 19 of the Universal Declaration of Human Rights, Article 9 of the African Charter on Human and People's Rights, and Article 4 of the Declaration of Principles on Freedom of Expression in Africa.

However, this research concludes that a culture of secrecy dominates government and public institutions in Zambia making them among the most secretive in the Southern African Region. This makes it almost impossible for Zambian citizens to access relevant information. While the institutions fared well in the utilisation of ICTs to provide information to the public, their handling of information requests was dismal and a threat to the people's right to know.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZAMBIA

Based on this research, the most secretive institution is the Ministry of Community Development and Social Welfare (MCDSW). The Ministry is critical to the welfare of Zambians and thus should be at the forefront of making relevant information proactively available to citizens using any available means, including its website.

The MCDSW would do well to invest in its social media presence as well as work on responding to requests for information. The institution urgently needs to evaluate its role as a public institution and determine how it can serve citizens better. In its current state, it is difficult to take the Ministry seriously as custodian of the country's social welfare services.

Therefore the recipient of the 2018 Golden Padlock Award, for being the most secretive and non-transparent public institution of those reviewed, is the Ministry of Community Development and Social Welfare.

THE MOST OPEN PUBLIC INSTITUTION IN ZAMBIA

Both the Zambia Public Procurement Authority (ZPPA) and the National Road Fund Agency (NRFA) scored a total of 24 points. Although the ZPPA has a more informative website, the NRFA scored better in the information request category.

The NRFA was helpful; they acknowledged receipt of the information request and asked the researcher to collect a written response, which was submitted to their offices eight days earlier. The institution also scheduled an appointment with the Public Relations Manager so that the researcher could discuss the information request in more detail.

The NRFA is therefore the most open and transparent government institution in Zambia. Using international standards and principles on access to information and the criteria set for this research, this institution fared well. The institution responded to the request for information within a few days. The NRFA could improve its standing by regularly updating its website, which nevertheless contains useful information.

The National Road Fund Agency is the recipient of the 2018 Golden Key Award for being the most open and transparent government institution of those reviewed.

The Zambia Public Procurement Authority came in a close second.

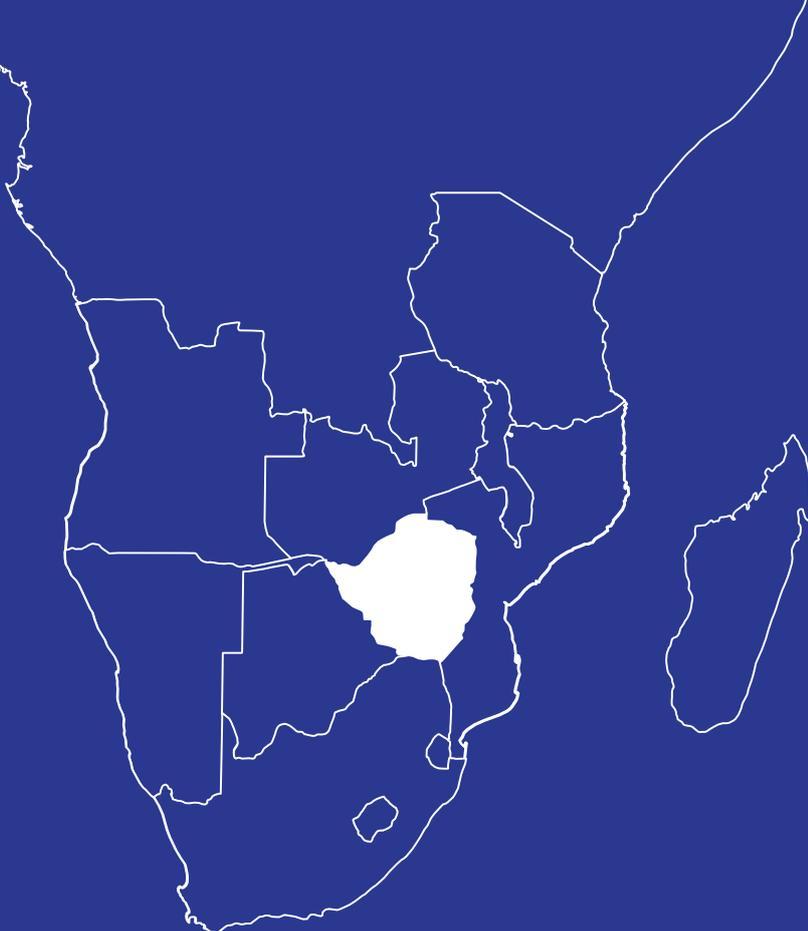
RECOMMENDATIONS

ATI is important because:

- Access to information is fundamental and a right for every citizen.
- Access to information allows citizens to participate in the governance process.
- Access to information enables the public to be active citizens rather than passive subjects of those in power.
- Access to information is a proven tool for fighting corruption. Corruption thrives where there is no information because people cannot question what they do not know.

This is why:

- Zambia urgently requires an access to information legislation, not only to counter a culture of secrecy, but to impose a legal obligation on government and public institutions to provide information.
- Public institutions should work on strengthening their communication and information strategies to ensure that the public has swift and easy access to information.
- Institutions should also use social media platforms to communicate programmes, policies and other vital information, rather than using it predominantly for publicity and information-sharing on events, as is often the case.



ZIMBABWE

TRANSPARENCY ASSESSMENT 2018

The Citizens' Analysis of Government Openness

INTRODUCTION

Zimbabwe has been attempting to chart a new way forward under the mantra of the ‘new dispensation’ geared towards respecting the Constitution and the rights of its citizens.

Since the military-assisted transition in November 2017, the governing party Zanu PF and the government, particularly the Office of the President, has been on a new trajectory of projecting an image of transparency by issuing out frequent press statements on some issues of national importance.

The new president, Emmerson Mnangagwa, is active on social media, which was unheard of under the former Zimbabwean leader Robert Mugabe. During the election period, the government did not switch off the internet even at the height of gross human rights abuses, when six people were shot by the military during the violent demonstrations that rocked Harare on 1 August 2018.

While these might appear as good indicators for the enjoyment of access to information in the country, does this in reality mean the access to information environment has improved? Is the image of an open environment constructed or real?

This might not be the case as requests for information from various public institutions by the Media Institute of Southern Africa, Zimbabwe Chapter (MISA Zimbabwe) pointed to a culture of inefficiency and entrenched secrecy in public institutions.

At the point of finalising this report, President Mnangagwa had filed papers against MISA Zimbabwe’s application to allow broadcasters to live-stream the hearing of the 2018 Election Constitutional Court challenge by opposition MDC-Alliance leader Nelson Chamisa. President Mnangagwa and the Zimbabwe Broadcasting Corporation (ZBC), opposed MISA Zimbabwe’s efforts. This points towards an administration that is still trying to stifle access to information and transparency.

It is poignant to note that the pre-30 July 2018 election period increased demand for information, notably from institutions such as the Zimbabwe Electoral Commission (ZEC) and Zimbabwe Republic Police (ZRP) who were supposed to release information that citizens needed to be able to exercise their rights.

Political parties were not happy with the ZEC’s low levels of transparency; for example, there were delays in making the voters’ roll public. The elections body also delayed publishing names of election officers as well as availing other information such as who would be responsible for printing the ballot papers.

The ZEC also refused to release a voters’ roll that had photographs of citizens. However, the body did eventually release the voters’ roll in electronic form at a fee of \$2. However, there were complaints that the information was not easily accessible nor usable, especially for people with disabilities, such as blind citizens, who also have a right to access to information.

Meanwhile, while a substantial amount of the information requests sought by MISA Zimbabwe during the period under review were not denied, these requests were not fully met. Requests for information were referred to other offices in the respective institutions. The trend seemed to be that information deemed as not being ‘sensitive,’ was not granted. Determining what is deemed ‘sensitive’ information is often the arbitrary prerogative of the officials involved.

The election also saw foreign journalists being allowed to operate in the country. There were, however, reports of attacks on journalists by the military as well as the disruption of an MDC-Alliance press conference by the police. Police interference with the press conference only stopped with the intervention of the Acting Minister of Information Khaya Moyo. Generally, however, the environment was safe for journalists.

There were price reductions for online data, which is a positive step towards improving access to information on the internet. Despite increasing connectivity among Zimbabweans, especially in urban areas, public institutions still have poorly managed websites as well as inefficient mechanisms to provide information online.

The Access to Information and Protection of Privacy Act 2002 (AIPPA), which also outlines a lengthy period in which public officials may respond to information requests, has become outdated and does not reflect the current reality and context of high connectivity. The AIPPA must be reviewed to reflect the realities of evolving information communities.

Under the veil of ‘good soundbites’ and ‘change’ in the new dispensation, very little has changed in terms of how public institutions process information requests. While the attitudes of some public officials have improved compared to previous years, websites remain poorly managed. Almost all public institutions that were studied remain inefficient; none of them were able to provide the requested information.

MISA was involved in campaigns and advocacy efforts with the Parliament of Zimbabwe (PoZ) and the ZRP, which yielded fruits as the ZRP in particular, improved its operations by establishing a WhatsApp group (ZRP Media Desk) with local journalists as well as opening a Twitter account. The ZRP also has a television programme that provides updates on the state of policing in the country.

Access to information was also tested during the election campaign period as opposition parties demanded that the ZEC release photographs of registered voters on the voters’ roll. The political parties contented that provision of the voters’ roll in such a format would enhance transparency, which had been a fiercely contested issue in previous elections, thereby undermining the credibility of the outcome of past elections.

However, the High Court ruled that there was no need to release the photographs to people who did not need them. In another case yet to be decided, a citizen took the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), Zanu PF and the ZEC to court after he received

unsolicited text messages from Zanu PF asking him to vote for the party.

In a case in which the applicant wanted the ZEC to be ordered to release the voters' roll, the court ruled in favour of the Election Resource Centre, stating that the elections management body must make the voters' roll available to anyone who pays the stipulated fee in a reasonable amount of time and in the preferred format. All these cases have the potential to shape the access to information environment in the country.

Under the Constitution, the following rights are explicitly guaranteed:

61 Freedom of expression and freedom of the media

(1) Every person has the right to freedom of expression, which includes—

- (a) freedom to seek, receive and communicate ideas and other information;
- (b) freedom of artistic expression and scientific research and creativity; and
- (c) academic freedom.

(2) Every person is entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists' sources of information.

(3) Broadcasting and other electronic media of communication have freedom of establishment, subject only to State licensing procedures that—

- (a) are necessary to regulate the airwaves and other forms of signal distribution; and
- (b) are independent of control by government or by political or commercial interests.

(4) All State-owned media of communication must—

- (a) be free to determine independently the editorial content of their broadcasts or other communications;
- (b) be impartial; and
- (c) afford fair opportunity for the presentation of divergent views and dissenting opinions.

(5) Freedom of expression and freedom of the media do not include—

- (a) incitement to violence;
- (b) advocacy of hatred or hate speech;
- (c) malicious injury to a person's reputation or dignity; or
- (d) malicious or unwarranted breach of a person's right to privacy.

62 Access to information

(1) Every Zimbabwean citizen or permanent resident, including the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.

(2) Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.

(3) Every person has a right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the State or

any institution or agency of the government at any level, and which relates to that person.

(4) Legislation must be enacted to give effect to this right, but may restrict access to information in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.

Subsidiary legislation that is clearly inconsistent with these provisions still exists. Notable among such laws is the Official Secrets Act 1970, which makes it difficult for citizens and media to access some information held by government and public institutions. Another law is the Public Order and Security Act 2002 (POSA), which restricts freedom of association and freedom of assembly. The law was recently invoked by government and used to prevent public gatherings.

In the face of changing digital trends, questions remain about the relevance of the AIPPA legislation. In its preamble, the Act states that it will provide members of the public with the right to access to records and information held by public bodies. It further pledges to make public bodies accountable by allowing the public the right to request correction of misrepresented personal information.

However, in effect the opposite is true, as the law takes away more than it gives. Under the AIPPA, applicants seeking records or information held by a public body should request the information in writing and, where possible, pay a reasonable fee. The head of the public body is given up to 30 days to respond. He/she is allowed to refuse the granting of the requested information if deemed to not be in the public's interest. What is in the public's interest has been left for the official to arbitrarily decide. If the information involves a third party, the head of the public institution is allowed 30 more days to consult the third party before responding to the request. However, the head of a public body may also refuse all or part of a request for access to information, in which case he/she has to give the applicant reasons for such refusal.

In the event the applicant feels aggrieved by the decision not to grant information, he/she may ask the Zimbabwe Media Commission to review the public body's decision. In essence, this constitutes a mere review process that does not guarantee the applicant access to information. In fact, it actually makes the process of accessing information more cumbersome and complex. The process is unnecessarily bureaucratized, as it may take more than 60 days before a final decision is made on whether an applicant can have access to a record or requested information. This is a typical scenario in which the AIPPA begins to act as an impediment to access to information rather than foster the spirit of openness and transparency within public bodies. The process contradicts the law's intended principle of encouraging openness and accountability in public institutions.

EXPERIENCES FROM THE RESEARCH

Public officials, who in past years had been hostile to citizens when they requested information, have become friendlier but still place barriers to citizens trying to access information. For example, in some instances, there were no public relations departments to deal with information request; citizens are referred from one department to another before they are handled by the appropriate department. In the past, however, they would even refuse to entertain letters or telephone calls requesting for information. At present, letters are accepted and sent to the Registry Department, which will forward requests to the permanent secretary or CEO for consideration.

Public institutions were characterised by inefficiencies and were therefore unable to respond timeously to handwritten letters. This is unacceptable considering that most of the Zimbabwean population is rural and not necessarily connected to the internet. Some institutions did not even see the handwritten letters, which were submitted to their offices, and only responded to questions after follow-up phone calls. The institutions then requested an electronic letter with the same questions before they referred us to other departments to receive the information.

In some instances, public institutions made requests to citizens that are not provided for by the AIPPA. These were arbitrary requests whose effect was to frustrate the citizen. The Ministry of Information, Media and Broadcasting Services for example, requested for the citizen's background information before they would respond to the letter. The law does not provide for such questioning before an information request is granted.

The information request process was therefore characterised by inefficiency and frustrating tactics. However, there was no hostility.

RATIONALE AND RESEARCH PARAMETERS

Aim of the Study

The aim of this study was to assess the state of access to information in the country. Citizens require information to make choices and decisions and this study sought to determine whether such information held by public institutions is available to citizens in a usable format upon request.

Objectives of the Study

1. To determine which public institutions provide information to citizens upon request timeously and with relative ease.
2. To determine which institutions are utilising online platforms to promote access to information.

RESEARCH METHODOLOGY

The research adopts both qualitative and quantitative methods of data collection, while evaluating the level of public access to

information held by government and public institutions. Each MISA Chapter conducts research by evaluating the websites of government and public institutions along with responses to submitted requests for information. This method seeks to establish the transparency and efficiency of government and public institutions in providing information to the public.

The following public institutions were surveyed:

1. The Office of the President and Cabinet (OPC)
2. The Public Service Commission (PSC)
3. The Broadcasting Authority of Zimbabwe (BAZ)
4. The Zimbabwe Republic Police (ZRP)
5. The Zimbabwe Electoral Commission (ZEC)
6. The Zimbabwe Broadcasting Corporation (ZBC)
7. The Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ)
8. The Ministry of Information, Media and Broadcasting Services (MIMBS)
9. The Harare City Council (HCC)
10. The Parliament of Zimbabwe (PoZ)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Most websites were poorly managed.
- The content was not regularly updated.
- Critical information, such as explanations of procedures on how to obtain information, was not available.
- Some websites generated error messages at times (BAZ, POTRAZ).
- Some websites were not mobile-friendly.
- Messages sent through the websites were not replied to.

Category 2: Requests for information

- Most institutions failed to provide written responses.
- The BAZ moved from their premises but the address left at the Media Commission of Zimbabwe is not valid.
- The MIMBS made demands that are not provided for in the AIPPA.
- Entry to the OPC was restricted.
- Most institutions responded only to telephone questions after failing to respond to letters.
- Researchers were asked by both the PSC and the PoZ to rewrite letters or to seek the information elsewhere.
- Departments are ill-equipped to receive hard copies of information requests. The ZEC asked the researcher to email the request.
- None of the institutions responded to electronic messages submitted via their websites.
- In several instances, the lack of clear structures of responsibility led to the researcher being referred from one office to another in some instances. At the ZRP and the PoZ, the researcher was asked to address the letter to other offices in order to obtain the information.

DETAILED FINDINGS

1. Office of the President and Cabinet (OPC)

CATEGORY 1: WEBSITE

www.theopc.gov.zw

The OPC has an updated website and the President is active on social media, particularly on Facebook and Twitter, where he regularly interacts with citizens.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | . | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | . | | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | Feedback form |

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the OPC:

1. What is the budget allocation for the OPC for the current year?
2. Can I have more details on the economic deals secured by the OPC?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | . | | | |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

2. The Public Service Commission (PSC)

CATEGORY 1: WEBSITE

www.psc.gov.zw

The website is poorly managed and has no up-to-date information. The institution is not present on social media.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|--|
| 1. Does this website contain up-to-date information? | | | • | Some information is up to date, while some is from years back. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | • | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | | • | |
| c) Reports, policies, programmes? | | • | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | | • | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | Live-chat mechanism |

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the PSC:

1. What is the budget allocation for the PSC for the current year?
2. What is the current number of civil servants in service?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | Public Relations Department |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | | • | The institution referred the citizen to where they can obtain information. |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 3/20

3. The Broadcasting Authority of Zimbabwe (BAZ)

CATEGORY 1: WEBSITE

www.baz.co.zw

The website is not up to date and the BAZ is not on social media.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | | | • | Reports are outdated but vacancies and projects underway are updated. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | | • | |
| c) Reports, policies, programmes? | | | • | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | • | | | |
| f) Vacancy and employment procedures? | | | • | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | Contact form |

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the BAZ:

1. What is the budget allocation for the BAZ for the current year?
2. I would also like to request for the Authority's policy on community radios.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|-----------------------------|
| 1. Is there an official designated to take and respond to information requests? | • | | | Public Relations Department |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 2/20

4. The Zimbabwe Republic Police (ZRP)

CATEGORY 1: WEBSITE

www.zrp.gov.zw

The website is relatively up to date. The ZRP is on the social media platform Twitter and runs a WhatsApp group with local journalists.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|-------------------------------------|
| 1. Does this website contain up-to-date information? | | | • | Not all the information is updated. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | • | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | | • | |
| c) Reports, policies, programmes? | | | • | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | |

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the ZRP:

1. What is the budget allocation for the ZRP for the current year?
2. What are the current crime statistics?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | Public Relations and National Police Spokesperson |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | | • | The institution responded with further instructions to obtain the requested information. |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 3/20

5. The Zimbabwe Electoral Commission (ZEC)

CATEGORY 1: WEBSITE

www.zec.org.zw

The ZEC has an updated website and the Commission is also active on Twitter.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | . | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | | . | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | | . | |
| f) Vacancy and employment procedures? | | | . | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | Email form |

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the ZEC:

1. What was the budget allocation for the ZEC for the current year?
2. Can I request a copy of the voters' roll?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | . | | | The name of a responsible person was provided. |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | | . | The institution explained how we can get the information. |
| 4. Does the authority publish their procedures for dealing with information requests? | . | | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | | . | The official clearly explained the procedure to obtain the voters' roll. |

Total Score: 6/20

6. The Zimbabwe Broadcasting Corporation (ZBC)

CATEGORY 1: WEBSITE

www.zbc.co.zw

The institution's website is mainly populated with news and current affairs. The broadcaster is also active on Twitter and Facebook to convey the latest news.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | . | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | . | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | . | | |
| c) Reports, policies, programmes? | | | . | |
| d) Budget and expenditure? | | . | | |
| e) Information about procurement procedures and/or signed contracts? | | . | | |
| f) Vacancy and employment procedures? | | | . | |
| g) The address, telephone numbers and working hours of the institution? | . | | | |
| h) The contact details of specific public officials? | | . | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | . | | | Contact form |

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to ZBC:

1. What was the revenue collected through radio and TV licences in 2017?
2. Why did the broadcaster only provide live coverage of the MDC Alliance and the Zanu PF rallies across the country?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | . | | | Registry and Public Relations Department |
| 2. Did the institution reply within 21 days? | | . | | |
| 3. Did the institution respond to the request for information? | | . | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | . | | |
| 5. Did the institution provide all of the information requested? | | . | | |
| 6. Does the institution provide written reasons for the refusal of information? | | . | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | . | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | . | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | . | | |
| 10. Was the information received clear and understandable? | | . | | |

Total Score: 2/20

7. The Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ)

CATEGORY 1: WEBSITE

No functioning website

POTRAZ is on LinkedIn as well as on Twitter, although they do not regularly interact on that platform.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | • | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | • | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | • | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | | • | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 0/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to POTRAZ:

1. How much money in the current budget did government allocate to POTRAZ?
2. How has the money collected from the Universal Fund been utilised so far?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | • | | | Registry Department |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 2/20

8. The Ministry of Information, Media and Broadcasting Services (MIMBS)

CATEGORY 1: WEBSITE

www.zim.gov.zw/government-ministries/ministry-media-information-and-broadcasting-services

The ZRA's website has up-to-date information with its last update made in July 2018. The Authority also has a Facebook page with over 29,000 followers. The Facebook page contains up-to-date information but has little interaction with its audience.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|------------------------|
| 1. Does this website contain up-to-date information? | | • | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | • | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | • | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 2/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the MIMBS:

1. What was the budget allocation for the MIMBS for the current year?
2. I would also like to request for the president's inauguration and the list of foreign currency externalisers.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | Permanent Secretary |
| 2. Did the institution reply within 21 days? | | • | | The institution replied immediately by asking about the background of the requester, but did not share the requested information. |
| 3. Did the institution respond to the request for information? | | • | | The institution asked the requester to provide more information. |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | They requested more information from the citizen. |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 6/20

9. The Harare City Council (HCC)

CATEGORY 1: WEBSITE

www.hararecity.co.zw

The institution's website is relatively up to date compared to most of the other sites analysed, although it is still lagging behind in some areas. It contains information about council meetings and budgets.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 1. Does this website contain up-to-date information? | | | • | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | | | • | |
| b) A list of laws, Acts etc issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | | • | |
| d) Budget and expenditure? | • | | | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | • | | | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | A message and a live chat mechanism is provided on the website, but no responses were received. |

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the HCC:

1. How much was set aside for the current budget?
2. How much money was allocated in the current budget for the Council's health facilities?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 4/20

10. The Parliament of Zimbabwe (PoZ)

CATEGORY 1: WEBSITE

www.parlzim.gov.zw

The PoZ has a website which is mostly updated and informative. Parliament is not active on social media.

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|-------------------------------------|
| 1. Does this website contain up-to-date information? | | | • | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | | | • | |
| e) Information about procurement procedures and/or signed contracts? | | • | | |
| f) Vacancy and employment procedures? | • | | | |
| g) The address, telephone numbers and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | Contact form to write to Parliament |

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the PoZ:

1. What was the budget allocation for the PoZ for the current year?
2. How much was spent on MP expenses in the year 2017?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | All letters must be addressed to the Clerk of Parliament. |
| 2. Did the institution reply within 21 days? | | • | | The institution claimed that they did not receive the letter. |
| 3. Did the institution respond to the request for information? | | | • | The institution responded with an explanation as to what the researcher must do to obtain the information. |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc? | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | Instructions on how to receive the information were clear. |

Total Score: 5/20

SUMMARY

| Institution | Website | Request for information | Total score |
|---|---------|-------------------------|-------------|
| 1. Office of the President and Cabinet | 7 | 2 | 9 |
| 2. Public Service Commission | 7 | 3 | 10 |
| 3. Broadcasting Authority of Zimbabwe | 12 | 2 | 14 |
| 4. Zimbabwe Republic Police | 8 | 3 | 11 |
| 5. Zimbabwe Electoral Commission | 12 | 6 | 18 |
| 6. Zimbabwe Broadcasting Corporation | 9 | 2 | 11 |
| 7. Postal and Telecommunications Regulatory Authority of Zimbabwe | 0 | 2 | 2 |
| 8. Ministry of Information, Media and Broadcasting Services | 2 | 6 | 8 |
| 9. Harare City Council | 11 | 4 | 15 |
| 10. Parliament of Zimbabwe | 14 | 5 | 19 |

RESEARCH CONCLUSIONS

All the surveyed public institutions scored badly, which points towards a culture of secrecy. While suspicion against those requesting information was not evident, a culture of inefficiency in processing information requests remains. Handwritten information requests were not responded to, meaning that the majority of rural citizens are far from enjoying their right to access information. Generally, websites were badly run with little current information.

The AIPPA was enacted before public institutions were online and may no longer be relevant in the current context. The Act still places unnecessary burdens on the information request process, which results in delays even though some of the information is readily available and can be conveyed at the click of a button.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZIMBABWE

The most secretive public institution is POTRAZ which did not have a functioning website at the time the research was conducted. Despite receiving a letter with a phone number and email address to respond to, the institution failed to acknowledge the receipt of the information request.

Therefore, the 2018 Golden Padlock Award goes to the Postal and Telecommunications Regulatory Authority of Zimbabwe.

THE MOST OPEN PUBLIC INSTITUTION IN ZIMBABWE

The most open institution is the PoZ, which runs a current website and responded well to some parts of the information requests.

A lot still needs to be done in terms of removing unnecessary bureaucratic hurdles to make Parliament truly transparent, such as addressing all letters to the Clerk of Parliament.

The 2018 Golden Key Award goes to the Parliament of Zimbabwe.

RECOMMENDATIONS

- The establishment of a Department of Communications in Zimbabwe that coordinates and handles all communications on behalf of the government.
- More access to information movements and awareness campaigns to improve awareness in public institutions of their duty to provide the public with information.
- Repeal or review of AIPPA to align it with the new Constitution.

