

DECLASSIFIED

Government Secrecy

in an Information Age

2013 Report on Open & Secretive Public Institutions in Southern Africa

by the Media Institute of Southern Africa

"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

<http://www.africanplatform.org>



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FORWARD

As the media project of the Friedrich-Ebert-Stiftung in Sub-Saharan Africa, fesmedia Africa is working towards a political, legal and regulatory framework for the media, which follows regional and international standards. We support efforts to improve the state of access to information on the African continent as free access to information is not only elementary to the right of freedom of expression but also fundamental to the exercise and realization of numerous social and economic human rights.

For people to be knowledgeable about the way their countries are run, about their own rights and to enable them to participate in shaping policies and politics, they require publicly held information.

Article IV of the 2002 Declaration of Principles on Freedom of Expression in Africa of the African Commission on Human and Peoples Rights states "Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law."

And yet government efforts to make information available to citizens often culminate in employing an information officer or setting up a website. But how effective are these initiatives in facilitating access to publicly held information? How up-to date is the information on websites of public institutions for instance? Will citizens get a response when they ask for information? How long until they receive a response?

The padlock report assesses the level of transparency and efficiency of government and public institutions, highlights weaknesses and strengths and can help public institutions to address these. By providing citizens with access to publicly held information they are empowered to effectively participate in and contribute to the political, social and economic affairs of their countries and it directly benefits socioeconomic development and the efficiency of the government.

It is therefore in everyone's interest to make institutions as transparent as possible.

Sophie Haikali
fesmedia Africa
Friedrich-Ebert-Stiftung

REGIONAL OVERVIEW

This study carried out between May and June 2013, seeks to establish levels of transparency in public institution in Southern Africa. The study is currently in its fourth year, and findings highlight the difficulties faced by Southern African when trying to seek, access and receive information from public bodies.

The research, conducted by seven different MISA chapters in the region, again revealed the lack of openness, transparency and accessibility on the part of public institutions, as well as their reluctance to disclose information proactively or respond to specific requests for public information, although there has been a significant improvement with respect to the use of information communication technologies (ICTs) across the region.

In particular, when it comes to requests of information in oral or written form, the study shows that the majority of public institutions remain reluctant or unwilling to respond to inquiries.

In Malawi only three institutions responded, the presence of Information or Communications officers was observed as a mere strategy to create a positive image of the organisations and not to be proactive tools of engagement with anyone seeking information.

Following requests for information, half of the institutions surveyed responded in Swaziland and Zambia, whilst three out of eight provided relevant information in Tanzania, Malawi and Namibia. Follow-up calls and visits by the requesters were unhelpful, often resulting in empty promises to provide the information later. In addition, requests for information often resulted in referrals to another person, who was either unavailable or unhelpful, or to the public body's website, on which not all the information requested was available.

According to the survey, Botswana appears to be the country with the most secretive public institutions with only one public institution providing the information as requested, and generally appear reluctant to provide information without questioning the identity and motivation of the information seeker.

It is important to emphasise, however, that some institutions made a tremendous effort to respond quickly and answer all the questions posed by the requester. In Zambia, for instance, the researcher was called by the representatives of three institutions (Zambia Public Procurement Authority, the Ministry of Health, and the Ministry of Agriculture and Livestock Services) to provide her with the requested information, shortly after information requests had been submitted. In Namibia, two institutions (the Motor Vehicle Accident Fund, and the Ministry of Agriculture Water and Forestry) invited the researcher for an interview to discuss and elaborate on the questions posed by the requester.

Despite a general reluctance to respond to written and oral requests for information, It is important to note that there has been an increase in the use of ICTs in the provision of information, potentially providing citizens with faster access to documents,

publications and other relevant publications.

In Tanzania, Swaziland, Botswana, Namibia and Zambia, all the institutions surveyed have a website, however, the relevance of the information provided differs greatly between institutions. For example, in Namibia websites are of average standard, although most sites are user-friendly, some still lack relevant up-to date information, and in Tanzania only one Ministry had all of the relevant information sought for the purposes of this study. However, one encouraging development with respect to Tanzania is that most bodies try to provide information in both English and Swahili, which means that information can be understood by the majority of the country's population. Similarly in Swaziland, only one institution provided adequate information, leaving the potential of ICTs insufficiently utilised.

Overall improvements compared to previous years, could be observed in Botswana, where the accessibility of some relevant information is enabled through the websites of the majority of institutions surveyed. It deserves mentioning, however, that all the websites are dependent on a government portal, and hence do not have any individual online representation.

Malawi is lagging behind, with only two institutions surveyed having active websites.

Since the initiation of this study in 2010, overall improvements have been seen in both the accessibility of information held by public institutions, as well as the use of ICTs to facilitate easier access. In Tanzania, the study resulted in the winner of last year's Golden Key Award acknowledging weaknesses uncovered in the 2012 report, who in turn promised the continuous improvement of the Ministry of Finance with regard to its openness and accessibility.

RESEARCH METHODOLOGY

The research will adopt qualitative and quantitative methods of data collection, and seek to assess the level of public access to information held by government and public institutions. In order to achieve this each chapter will conduct research by evaluating the websites of government and public Institutions, along with submitting oral and written reports requesting information. This method will seek to establish the transparency and efficiency of government and public institutions in providing information to the public.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine the accessibility of public information.

Category 2: Submission of oral and written reports in order to determine the ease of which public information is obtained from government and public institutions.

INTRODUCTION

Description of Assessment Criteria

The total number of points allocated to category 1 and 2 is 20 points (n = 20) each. Ministries and institutions will fall in to one of the following groups in accordance with the number of points that they receive.

Category 1: Website analysis

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

Group 2: (7 – 13) Average website that contains some relevant public information

Group 3: (14 – 20) Well organized, transparent website that provides a good amount of relevant public information.

Category 2: Request for information

Part 1

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

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

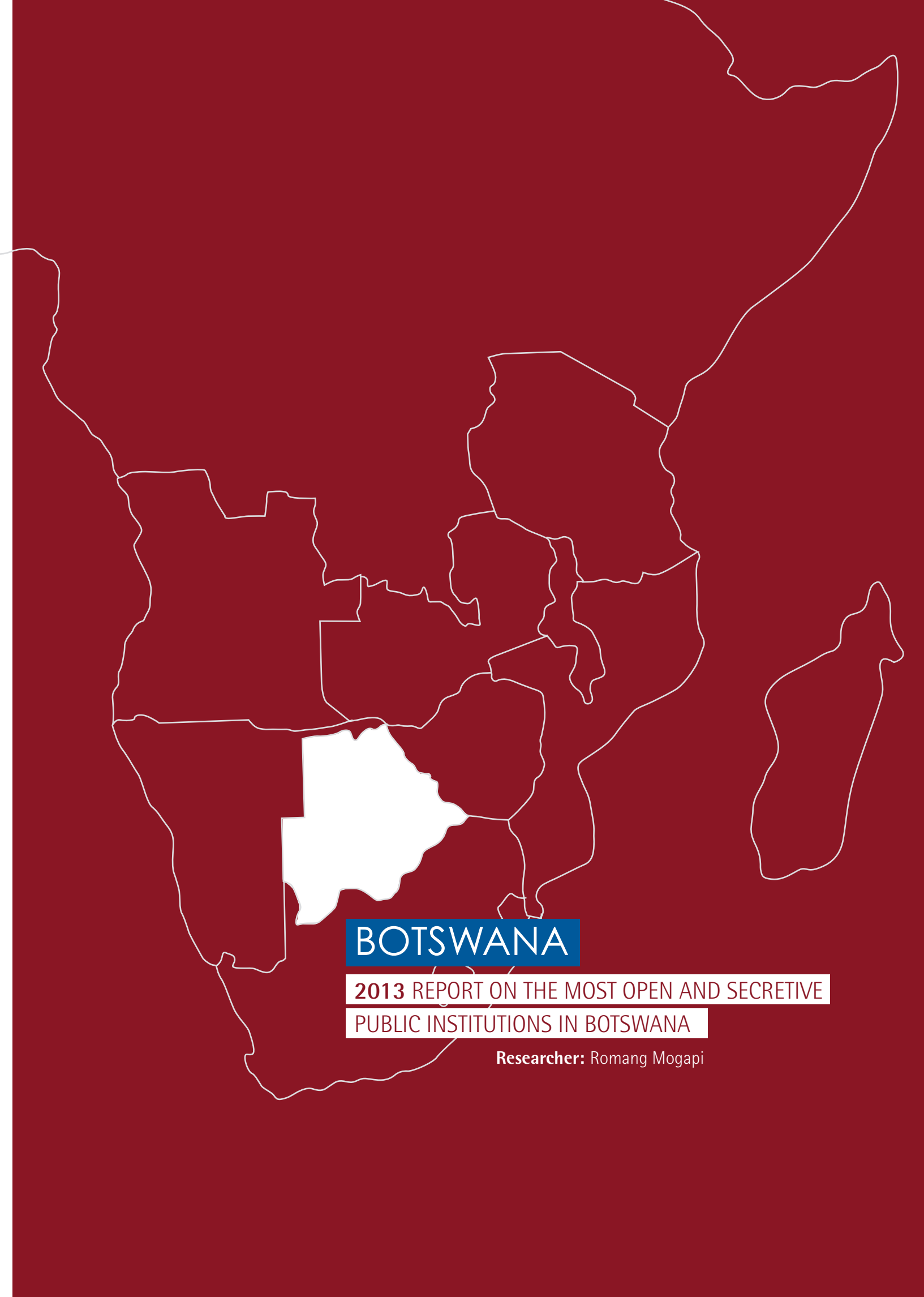
Group 3: (14 – 20) Displayed openness in allowing access to public information. Institution was helpful and transparent.

Part 2

Group 1: (0 – 6) Denied access to reasonable information request 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. Institution was helpful and transparent.



BOTSWANA

2013 REPORT ON THE MOST OPEN AND SECRETIVE
PUBLIC INSTITUTIONS IN BOTSWANA

Researcher: Romang Mogapi

INTRODUCTION

Transparency, consultation and accountability are just some of the attributes that have always found resonance in Botswana's traditional participatory democracy predating independence in 1966.

While traditional leaders were by and large born into office rather than elected, they were ultimately accountable to the people over whom they ruled. Well entrenched systems of checks and balances were deliberately put in place to guard against excesses on the part of those in power.

A traditional leader, better known as Chief, had relatives (uncles) around him whose task it was to provide the leader with advice on behalf of the tribe. While it was their official role to "advise" the Chief, it was also widely known and indeed expected that the uncles were a restraining influence against what were significant and potentially destructive powers of the Chief, especially if left unchecked. The relatives nudged on the Chief to show compassion to his subjects. They also called on the Chief to constantly share his thoughts with his people and to always seek their input and guidance before taking far-reaching decisions.

Efforts were made to enable citizens on the processes that determined the decisions taken by their leaders. Such arrangement continued long into independence, with Presidents always allowing room for public consultation, albeit to varying degrees.

However, it appears that these open and transparent practices have not found their way in to Botswana's modern form of Government, and there have been growing complaints that Government has been taking drastic decisions without consultation.

The role of the public, government critics argue, has been reduced to that of a rubber stamp. Complaints have been made that government only gives out the information it wants the public to know about. Critics claim that without the sufficient provision of information, citizens have routinely been unable to make informed decisions on critical issues that affect not just their lives but also the direction of the country as well as the national public discourse.

Many citizens in Botswana find government departments inaccessible, and claim that where information is provided, it is often provided selectively and whimsically by officials. In the absence of a law making it mandatory for the government to provide and release information on request, things are unlikely to improve in the short to medium terms.

The Media Institute of Southern Africa Botswana Chapter (MISA Botswana) has noted during its multiple awareness-raising meetings on freedom of information, that citizens' feel a Freedom of Information Act is critical for the country. Columnists, most of them respectable university professors, have often spoken out on the need for an Information Act.

MISA Botswana and other like-minded organisations continue to wait for the promised version of the ruling government's sponsored Freedom of Information Act (FOIA), in accordance with promises made by the Minister responsible for information and media, Minister Mokgweetsi Masisi. Speaking publicly over the

radio during World Press Freedom day, after the February date had elapsed, Minister Masisi promised the government sponsored Bill will be tabled in parliament in September 2013. MISA Botswana will continue advocating for legislation guaranteeing the right to access information.

RATIONALE AND RESEARCH PARAMETERS

This year's survey was carried out between the 23rd of May and 24th of June 2013. It assessed how accessible and transparent government and the public institutions of Botswana are. Eight institutions were randomly selected, based on the relevance of the respective institution's contribution to society.

The following Government and Public Institutions were surveyed:

1. Department of Information Services
2. Independent Electoral Commission
3. Ministry of Education & Skills Development
4. Ministry of Health
5. Ministry of Labour and Home Affairs
6. Ministry of Lands And Housing
7. Ministry of Minerals, Energy & Water resources
8. Ministry of Trade and Industry

AIM OF THE STUDY

The purpose of the study was to assess the level of transparency in government and public institutions in the country. From this survey it becomes evident that Botswana critically needs such a Freedom of Information law.

OBJECTIVES OF THE STUDY

- To assess the level of transparency in government and public institutions against international standards and principles of access to information.
- To influence the adoption of practices, laws and a culture that promotes transparency and openness in government and public institutions.
- To inform advocacy and interventions by MISA Botswana and civil society across the country; and
- To encourage citizens to exercise their fundamental right to access information generated, held and under the control of government institutions necessary for accessing other social economic rights.

RESEARCH METHODOLOGY

The research adopts qualitative and quantitative methods of data collection, and seeks to evaluate the level of public access to information held by government and public institutions. Each chapter conducts research by evaluating the websites of

government and public institutions, along with submitting oral and written reports requesting information. This method seeks to establish the transparency and efficiency of government and public institutions in providing information to the public.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine the access and presence of credible and updated public information, which includes but not limited to powers and functions of the institution in question; vacancy and budgetary allocations; procurement procedures and contact details and reports.

Category 2: This category was divided into two sections namely written questionnaires and oral requests for information. These instruments were adopted 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 category 1 and 2 is 20 points (n = 20) each. 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 that contains no or almost no relevant public information.

Group 2; (7 – 13): Average website that contains some relevant public information

Group 3; (14 – 20): Well organized, transparent website that provides a good amount of relevant public information.

Category 2 – Written request / Oral request

Part 1

Group 1; (0 – 6): Denied access to reasonable information request 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. Institution was helpful and transparent.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Of the eight government and public institutions surveyed, none had an individual website, as they are all dependent on a government portal.
- Of the eight institutions that were listed, one institution scored extremely low on the website assessment. The website of this institution was not user friendly and contained no relevant public information.
- Of the eight surveyed institutions, three scored high with 18, 17

and 14 points respectively. These institutions fell into assessment group 3 due to their well –organized websites with up to date and relevant public information. The website of the Ministry of Education & Skills Development was not assessed because at the time of the study the site was undergoing routine maintenance.

- Of the eight institutions listed, no website captured budget or expenditure information. (This has occurred repeatedly since the inception of the survey in 2010.)
- Finally, compared to last year, there have been significant improvements on information sharing.

Category 2: Request for written and oral information

- Out of the eight institutions surveyed, one institution managed to provide all the information requested.
- Despite follow-ups seven days after requesting information, none of the other institutions responded.
- Attempts to follow up met the response that information could not be released if we did not provide how the information was going to be used and who we are. In cases where we revealed our identity, it did not help.

Listed at the end of the document are the most secretive and most open institutions in Botswana.

DETAILED FINDINGS

1. Department of Information Services

CATEGORY 1 - WEBSITE

<http://www.gov.bw/en/Ministries--Authorities/Ministries/State-President/Office-of-the-President/Divisions/Media/Printing--Publishing1/>

This website falls into Assessment Group 1, as it scored only 3 points. The website is poorly structured and contains almost no relevant public information. It is not user-friendly, and very shallow.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Has a link leading to daily news
2. Does the website contain:				
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, programs?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?		•		
h) The contact details of public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	FAQs and a 'contact us' function are provided

Total Score: 3/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the Department of Information Services.

1. How many departments does the Department of Information Services oversee?
2. Is it true that the Permanent Secretary in the Office of the President is the Editor of the Daily News?
3. Do you have foreign writers/ reporters in your department, and how many are they?
4. Do you normally have feedback on the news from as far as Shorobe? What kind of feedback if I may ask?

n = 20	Yes	No	Additional Information
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1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		PRO (Public Relations Officer) not yet employed, we were advised to speak to the General Manager
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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. Independent Electoral Commission

CATEGORY 1 - WEBSITE

www.iec.gov.bw

The website contained current information and articles. The website looked quite good although there is room for improvement. The website failed to provide information on job opportunities, procurement procedures and budget expenditure.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Recent information on current events
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			No working hours
h) The contact details of public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Contact us function, FAQs, accessibility guidelines

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Independent Electoral Commission:

1. What are your projections regarding the next coming elections in terms of numbers of people who are eligible to vote?
2. Is the country ready for online voting? If not what is delaying the process?
3. How many political parties are likely to participate in the next coming elections?
4. Is IEC going to allow the members of public to evaluate the next coming elections after the event? If no, please explain

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		All information requested was provided
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: 18/20

3. Ministry of Education & Skills Development

CATEGORY 1 - WEBSITE

www.moe.gov.bw/

The website was undergoing routine maintenance at the time of the survey.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				
d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				
g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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 Ministry of Education and Skills Development:

1. In the last BGCSE 2012, how many students have so far been offered sponsorship/ scholarship for Tertiary education?
2. Has the 'Back to School' programme started already?
3. Who qualifies for the 'Back to School' programme?
4. In 2012 alone, how many Junior Secondary school teachers have gone to further their studies?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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?		•	No information received

Total Score: 2/20

4. Ministry of Health

CATEGORY 1 - WEBSITE

www.moh.gov.bw/

The website is user-friendly and contains relevant and useful information. In comparison to the last three years, the website has improved with more relevant information available. The site scores among the best three surveyed this year. Good work, even though the budget and expenditure is still missing.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?	•			
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			MOH directory provided no names, but did provide designations
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 18/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Health.

1. Since the establishment of rolling out of Pneumococcal vaccines by Government health care outlets, how has the vaccine impacted on the lives of the Batswana infants?
2. Presently, what do you think is lagging behind in our health sector to ensure safe and healthy children?
3. In regard to the PMTCT programme, are parents and would be parents coming forward to benefit from the programme?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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 Labour & Home Affairs

CATEGORY 1 - WEBSITE

<http://www.gov.bw/en/Ministries--Authorities/Ministries/Ministry-of-Labour--Home-Affairs-MLHA/>

The MLHA website is well organized and transparent. The website has a fair amount of relevant and useful information. There is room for improvement though.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Up to date information
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			Tenders published
f) Vacancies and employment procedures?	•			Search for vacancies available
g) The name, the address, the telephone number and the working hours of the respective institution?	•			No names but designations
h) The contact details of public officials?	•			No names
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 the Ministry of Labour & Home Affairs.

1. How much does the Ministry spend on transporting illegal immigrants to Zimbabwe in a year alone?
2. How are you going to monitor companies on whether they will implement the new regulations on the minimum wage?
3. How many complaints have you received from aggrieved industrial workers; that is in 2012 alone?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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. Ministry of Lands & Housing

CATEGORY 1 - WEBSITE

www.mlh.gov.bw/

Although the website looks well organized, some relevant information is missing, for instance, the organisational structure and the responsibilities of the Ministry remain unclear to the user. The website also contains old information, there are articles from 2012 but nothing on 2013.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Last published on 9th July 2012
2. Does the website contain:				
a) A description of its powers as well as data on the organisational structure, the functions, and the responsibilities of the administration?			•	Unclear
b) A list of laws, acts etc. issued within the scope of its powers.	•			
c) Reports, policies, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?			•	
g) The name, the address, the telephone number and the working hours of the respective institution?	•			No working hours
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Contact us function

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Lands & Housing

1. It is on record that citizens do not receive acknowledgement of receipt for their land applications. What is the process of applying for land allocation/ plots?
2. Does the Ministry have any plans to minimise the waiting period especially that some people have waited for over 12 years for land allocation?
3. Who is responsible for monitoring how landlords charge his/her tenants on a rental basis?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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. Ministry of Minerals, Energy & Water Resources

CATEGORY 1 - WEBSITE

www.mmewr.gov.bw/

The Ministry of Minerals, Energy & Water Resources has been evaluated by MISA for the first time. The website is well presented, up to date, very useful and contains relevant information.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?			•	
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			No names given
h) The contact details of public officials?	•			No names given
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Contact us function, FAQs

Total Score: 18/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Minerals Energy and Water Resources

1. Every Motswana acknowledges that we have power shortages, but when exactly are we going to have sufficient supply?
2. What is delaying the Morupule project, what is happening exactly?
3. I have reservations on the card usage, probably because the Botswana Power Corporation network is so unreliable. Are there any measures in place to rectify this?
4. There was a report recently by the American Embassy stating that Botswana water was unsafe for consumption. If what this report states was true, how do you then as the Ministry of Water explain the American Embassy's report, what is different about the Americans report?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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 Trade and Industry

CATEGORY 1 - WEBSITE

www.mti.gov.bw/

Also a newcomer to the MISA study, the website excelled in terms of timeliness of information, relevancy and user friendliness. The functions were well placed and expressed.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			No names
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 18/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Trade & Industry

1. How many Botswana based companies have benefitted from inter-country trade in 2012 alone?
2. What is the story behind the glass plant in Palapye, where are we now?
3. How much has our country spent overall in the glass plant in Palapye so far?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer, but the researcher was asked to contact the Permanent Secretary
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

RESEARCH CONCLUSIONS

Having recorded this data for three consecutive years, the 2013 study has clearly shown that government ministries and departments are still not freely providing public information. If the authorities continue to consider it acceptable to starve its citizens of information, there will be no further development. Information held by government, that is not classified should be freely and willingly provided to the information seeker. Even though we have managed to identify the most open institution, it still remains alarming that of the eight government institutions surveyed, only one managed to respond to a mere request for information.

Moreover, if authorities assume the people of Botswana should be self-sustainable, the same authorities have to acknowledge that putting an access to information act in place is pivotal for development and its absence is intolerable at this point in time. If one argues that many government aid schemes are provided and shared via the radio, then why do we still have only one state radio and no community radios, which would subsequently close the information divide, language barriers and all sorts of inequalities in this country? Arguably the majority of Botswana who stay in rural areas do not even understand the Setswana language that is used by broadcasters. Botswana needs to look at this and take access to information talks seriously, and as a matter of priority. People would feel empowered by having information on the important issues taking place in their country.

Citizens need an access to information law to empower themselves and to prepare themselves for the dynamics that come with national and global developments. MISA Botswana and like-minded organisations need the support the authorities to enact the freedom of information act.

THE MOST SECRETIVE PUBLIC INSTITUTION IN BOTSWANA

It is disheartening to get the same results year after year without any noticeable improvement. It demonstrates Botswana is in critical need of a Freedom of Information Act. This year though, it has been very easy to decide upon the most secretive public institution. In accordance with the assessment criteria, the most secretive institution, is the one which has 'denied access to reasonable information requested or acted with high levels of secrecy', and the 'absence of a website or an extremely poor website that contains no or almost no relevant public information.

This year, the Department of Information Services is Botswana's most secretive Government Institution, once again.

The Institution's website was very uninformative. While one thought one was retrieving the contacts of the Department of Information Services, surprisingly, he would get the Office of the President. The website contained few or no relevant information. Like last year, this department failed to make an impression concerning the website as well as the request for information. Information is treated as top secret. The Department of Information Services is a vital department in the sense that citizens and visitors frequently contact this department for information requests. There is no room

for excuses, if an institution's mandate is to provide information, it should truthfully and gladly do so.

Compared to other government institutions surveyed, some institutions have outdone themselves in providing relevant, up to date and useful information to the user.

THE MOST OPEN PUBLIC INSTITUTION IN BOTSWANA

Most institutions have done well, providing relevant information and manning their websites. The most worrying factor is that public institutions do not want to respond to questions or requests for information. MISA Botswana had tried to keep its identity secret in order to fish out the information, but it seems the secretive culture is well cultivated within the government enclave. A culture of secrecy is dominating our government institutions while members of the public are tirelessly thirsty for service delivery and information dissemination. With respect to website assessments, three Ministries have done very well, namely, the Ministry of Trade and Industry, the Ministry of Health and the Ministry of Minerals, Energy and Water Affairs. One would agree the Ministry of Trade looks attractive to an outsider who would want to invest in the country. The website covered in length very important aspects of what you are required to do when looking for, for instance, a trading license. The Ministry of Health continues to excel, it now ranks number one in terms of the provision of very useful, relevant and up to date information for its users. Information on health programmes that are currently running in the country can be found on the website.

One thing, which remains uncovered and untouched by websites, is the budget and expenditure of institutions. No Ministry has ever provided this kind of information on their website. It is critical for Ministries to share such information with members of the public, due to the fact that the money spent is taxpayers' money.

Reverting to the most open and transparent institution, this year we were able to identify one institution, which has met all the requirements of the study. The Independent Electoral Commission is the most open and transparent public institution in Botswana in 2013. The institution provides up to date information, though it did not score the highest in the website assessment. The institution further managed to answer and respond to the request for information from MISA Botswana.

RECOMMENDATIONS

- MISA Botswana received the same responses from Public Relations Officers as in the previous years, as they wanted to know how the information is going to be used. MISA Botswana is of the opinion that Government PROs should be trained with the aim to educate them on the importance of access to information. The issue of Public Officers having to sign non-disclosure forms should also be revisited, especially when it comes to employees who hold information of public interest.
- MISA Botswana should additionally continue with its efforts to influence legislators to enact a Freedom of Information Act, which has become a necessity for this country.



MALAWI

2013 REPORT ON THE MOST OPEN AND SECRETIVE PUBLIC INSTITUTIONS IN MALAWI

Researcher: Patience Mfuné

INTRODUCTION

Malawi's democracy dates back to 1993 following a governance transition from single to multiparty system of Government and adoption of a new liberal constitution with explicit provisions of human rights, including the right to access information held by public bodies. The adoption of the new Constitution made it imperative for government to undertake legal, social and political changes necessary to transform Malawi into a democracy with respect for human rights, the rule of law and popular participation in public decision-making. Achieving this goal required a complete transformation of national institutions, values and attitudes as well as new governance institutions as provided for by the new constitution.

Twenty years down the line, however, Malawi is still struggling to consolidate the new governance system, respect human rights and adhere to the rule of law and has over 37 pieces of archaic laws that limit free speech and undermine the new democratic constitutional order. Accessing public information is also problematic as few public officials are willing to provide information despite the new constitution clearly guaranteeing this right under section 37, which states:

"Subject to any Act of Parliament, 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."

Many local and international human rights defenders including media freedom and freedom of expression advocates, including MISA Malawi, considered the ascension to the high office of president by Mrs Joyce Banda in April 2012 as an opportunity for Malawi to consolidate its democratic stature by adopting necessary structures in line with the constitution including enactment of legislation on Access to Information. To a great extent, however, Malawi experienced a mere change without transformation. President Banda has done little to change and improve the legal, policy and general operating environment for the media and accessing public information remains a serious challenge and repressive laws that negate on the constitutional guarantees on free speech and Access to Information still lurk in the statutes.

It is on this basis that MISA Malawi continues to campaign and advocate for the repeal of insult laws and enactment of Access to Information to create a more conducive environment for participatory democracy and development. This report provides results of "The Most Transparent and Most Secretive public institutions in Malawi for 2013," which is an annual research aimed at promoting transparency and accountability in government institutions and a way of grounding our ATI campaign in research. This is the fifth time MISA Malawi has conducted a study of this nature. The first study was conducted in 2009 and revealed that accessing information in the country remains a challenge despite section 37 of the Constitution guaranteeing this right. The studies on the 'Most Secretive and Most Open Public Institutions,' conclude with the Golden Padlock and Golden Key awards respectively.

In 2009, only two out of six institutions responded to written requests for information by MISA Malawi; in 2010 only three out of ten government institutions provided the chapter with responses. In 2011 only two responded, while in 2012 only three out of eight institutions sampled responded to written requests for information. The study also revealed that most public institutions in Malawi either ignore or entirely refuse to provide information upon request. These public institutions fail to take a proactive approach in disseminating information periodically or upon request.

RATIONALE AND RESEARCH PARAMETERS

Access to Information is a fundamental human right and one that underpins all other rights. The importance of access to information cannot be overemphasised. Other rights such as the right to health, safety, education as well as life cannot be fully enjoyed or realised without access to relevant and accurate information. The Malawi Constitution clearly recognises the critical role that access to information plays in not only building and promoting transparency in public institutions but participatory democracy and decision making as well.

It is important to note, however, that access to information remains a serious challenge in Malawi despite the fact that the Malawi Constitution clearly guarantees access to information as a right. Public Institutions rarely value the public's right to know and they are not willing and ready to make information accessible.

In addition, Malawi has no law on ATI to compel public officials to provide people with information to make informed decisions. The absence of such a law basically means that citizens cannot easily access information as provided for in the constitution. It is on this basis that civil society organisations in Malawi, led by MISA Malawi, embarked on a campaign to push for legislation on ATI in 2004 to help facilitate the development and implementation of an effective legislation on ATI. In 2009, however, the campaign stalled as government indicated that the process could not proceed without an enabling policy on access to information. Since 2009, MISA Malawi has been working hand in hand with the Ministry of Information to develop a policy on ATI and we have managed to develop one with support from the Open Society Initiative for Southern Africa (OSISA). At the moment, the process has stalled again as Principal Secretaries are yet to meet to recommend the draft policy to Cabinet for approval.

Building and sustaining pressure on government to enact legislation on ATI is critical. Fostering a culture of openness and transparency in public institutions as one way of entrenching democratic values and beliefs in public officials is also paramount. Therefore, MISA Malawi joined other MISA Chapters in conducting the Right To Know research in June 2013. The main aim of the study was to "Asses level of openness in public institutions in Malawi".

The following government and public institutions were picked for the study:

1. Lilongwe City Council
2. Ministry of Energy and Mines
3. Blantyre City Council
4. National Audit Office
5. Ministry of Information and Civic Education
6. Ministry of Health
7. Ministry of Agriculture and Food Security formerly known as Ministry of Agriculture, Irrigation and Water Development
8. The Malawi National Assembly

AIM OF THE STUDY

The main purpose of this study was to assess the level of openness in government and public institutions in the country. The results of the study will continue to inform MISA Malawi's campaign for legislation on Access to Information.

OBJECTIVES OF THE STUDY

- To assess the level of transparency in government and public institutions against international standards and principals on Access to Information
- To influence the adoption of practices, laws and a culture that promotes transparency and openness in government and public institutions.
- To inform advocacy and interventions by MISA Malawi and civil society across the country.
- To encourage citizens to exercise their fundamental right to access information generated, held and under the control of government institutions necessary for accessing other social economic rights.

RESEARCH METHODOLOGY

This study adopted both quantitative and qualitative methods of data collection and specifically designed to assess level of public access to information held by government and public institutions. To achieve this, MISA Malawi analysed and evaluated websites of government and public bodies, along with telephone and written requests for information. As indicated earlier, the approach aimed at establishing the level of transparency and efficiency of government and public institutions in providing information to the public.

Data analysis

The data generated in this study was analysed under two categories in line with the data collection approach used, namely website analysis and telephonic and written requests for information.

Category 1: Evaluation of government and public institution websites to determine the access and presence of credible and updated public information, which includes but not limited to powers and functions of the institution in question; vacancy and budgetary allocations; procurement procedures and contact details and reports.

Category 2: This category was divided into two sections. The first section looked at written and the second at oral requests for information. These two approaches were designed to establish the ease with which public information is obtained from government and public institutions.

Description of Assessment Criteria

The total number of points allocated to category 1 and 2 is 20 (n=20) each. The sampled institutions fall into one of the following groups in accordance with the number of points, which they accumulated.

Category 1: Website analysis

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

Group 2; (7 – 13): Average website that contains some relevant public information.

Group 3; (14 – 20): Well organized, transparent website that provides a good amount of relevant public information.

Category 2: Requests for information

Part 1: Written request for information

Group 1; (0 – 6): Denied access to reasonable information request 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. Institution was helpful and transparent.

Part 2: Oral request for information

Group 1; (0 – 6): Denied access to reasonable Information request 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 Institution was helpful and transparent.

Limitations of the Study

The selected government and public service institutions analysed in this study were identified by MISA Malawi. These institutions may not be priority public bodies to Malawians at large but we believe that the results can still be generalised to apply to government entities generally as far as level of openness and efficiency in granting access to information is concerned. We also believe that the selected institutions play an important role in the operations of the country; they hold strategic powers, link the government to its people and use taxpayer's money.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Out of the eight institutions sampled only two of them had websites namely Ministry of Agriculture and Food Security and The Malawi National Assembly. The rest of the sampled institutions have brief sections under the Malawi Government Website, which has a summary of almost every government entity and public body.

- The website analysis also showed that only the Malawi National Assembly had updated information on its website.

Category 2: Request for written and oral information

Part 1: Written request for information

- MISA Malawi sent written requests (questionnaires) for information to all the eight government ministries and departments sampled for this study.
- Out of the eight government ministries and departments only the Ministry of Energy and Mines responded to the written request for information. The response came after five days.
- National Audit Office (NAO) acknowledged receipt of the questionnaire sent but did not respond; NAO further requested MISA Malawi to write a letter of justification stating reasons for requesting the information.
- The Ministry of Information and Civic Education preferred an electronic copy of the questionnaire addressed to the Director of Information. The Principal Secretary is the one that asked MISA Malawi to send the questionnaire to the Director of Information. The Director of Information did not respond to the request.
- Lilongwe City Council, Blantyre City Council, Ministry of Health, Ministry of Agriculture and Food Security and the Malawi National Assembly did either not respond or acknowledge receipt of the questionnaire after fourteen days.
- MISA Malawi also hand delivered the requests for information already sent by either fax or email to all the eight government ministries and departments sampled.

Part 2: Oral request for information

- Out of the eight sampled institutions only Lilongwe City Council and Blantyre City Council responded to oral requests for information.
- National Audit Office, Ministry of Information and Civic Education, Ministry of Health, Ministry of Agriculture and Food Security, the Malawi National Assembly kept referring MISA Malawi from one official to another or requested for an electronic copy or asked MISA to call them later. All these alternatives did not provide the information requested.
- Ministry of Energy and Mines already responded to written request for information and the oral request was merely procedural and to seek clarity on some information.

DETAILED FINDINGS

1. Lilongwe City Council

CATEGORY 1 - WEBSITE

The Lilongwe City Council does not have its own website.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				
d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				
g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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 Lilongwe City Council:

1. What type of permits do people often seek from Lilongwe City Council (LCC)?
2. Do you grant these permits to everyone who seeks them?
3. If No/Yes; what are some of the reasons that motivate the Council to either decline or grant these permits? Give at least two examples in each category?
4. Does LCC have specific ways of giving out permits? Would you list down these ways?
5. What are some of the challenges that LCC faces with regard to permits?
6. Would you provide us LCC's policies and budget structures?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		PRO (Public Relations Officer)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	They did not respond to the written request for information
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	The information about the budget and expenditure as well as procurement procedures was not provided. The Public Relations Officer was on holiday and the person we were talking to (Administrative Officer) did not have the information.

6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	Everyone who requests information should go through the Chief Executive Officer who directs the request to the person responsible – i.e. the PRO
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Council has a Public Relations Officer (PRO). However, at the time of research the official was on holiday.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		In absentia of the PRO; the Administrative Officer responded to the questions instantly.
3. Did the institution respond to your oral request for information?	•		
4. Did the person dealing with your request have a friendly and helpful attitude?	•		Yes, he handled all the questions in an open and fair way and even gave examples of situations
5. Did officials provide reasonable advice and assistance when seeking information	•		All the communication should be directed to the Chief Executive who then directs it to the person responsible
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
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 Energy and Mines – Department of Energy Affairs

CATEGORY 1 - WEBSITE

The Ministry of Energy and Mines had no website at the time of the research.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				

d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				
g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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 request for information that was sent to Ministry of Energy and Mines had the following questions:

1. How would you describe the relationship between the media and the Ministry of Energy and Mines in Malawi?
2. Do you periodically provide the media with information?
3. If yes, which media people or institutions do you share information with? Give at least two examples?
4. Does the Ministry of Energy and Mines have a specific way of giving out information? Kindly list down these ways?
5. Which way mentioned in Q4 above is most effective or mostly used when giving out information? And why?
6. What are some of the challenges that the Ministry of Energy and Mines face when disseminating or giving out information to the media or any other stakeholder?
7. Would you provide MISA Malawi with the Ministry's policies and budget structures?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Director of Energy Affairs
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		The institution responded within 6 days.
3. Did the Institution respond to a request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	The request for information is directed to the Director of Mines who responds to all requests for information. The institution does not have an established Public Relations Desk.
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?	•		No questions were asked and the response came within 6 days without any follow up
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?	•		

Total Score: 14/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Director of Energy Affairs – from the written request for information
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		The Ministry had already replied to the written request for information. The oral request was made to clarify certain information.
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	

Total Score: 10/20**3. Blantyre City Council****CATEGORY 1 - WEBSITE****At the time of the research the Council did not have a website.**

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				
d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				
g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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

MISA Malawi asked the Blantyre City Council to respond to the following questions:

1. What type of permits do people often seek from Blantyre City Council (BCC)?
2. Do you grant these permits to everyone who seeks them?
3. If No/Yes; what are some of the reasons that motivate you to either decline or grant these permits? Give at least two examples in each category?
4. Does BCC have specific ways of giving out permits? Would you list down these ways?
5. Which way mentioned in Q4 above is most effective or mostly used? And why?
6. What are some of the challenges that BCC faces with regard to permits?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	BCC did not reply to the written request for information
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	The information about the budget and expenditure as well as procurement procedures was not provided. The Public Relations Officer was not in the office and the person we were talking to (Personal Assistant to the Chief Executive) did not have that kind of information.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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?	•		They only asked for the name of the organisations 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: 4/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Director of Energy Affairs – from the written request for information.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		The Ministry had already replied to the written request for information. The oral request was made to clarify certain information.
3. Did the institution respond to your oral request for information?	•		
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	

10. Was the information received clear and understandable?	•		
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Total Score: 12/20

4. National Audit Office (NAO)

CATEGORY 1 - WEBSITE

During the research period the National Audit Office (NAO) had no website.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				
d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				
g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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 researcher sent a written request for the following information:

1. Reports indicate that the National Audit Office misappropriated funds from DFID and Norway. What is your position on these reports?
2. What measures has the NAO put in place to check abuse of donor funds?
3. What are some of the challenges that the National Audit Office faces in its operations?
4. What is the current staff compliment at NAO?
5. Does NAO have any vacancies that require immediate address to ensure effective operation of the organisation?
6. Would you provide MISA Malawi with NAO's policies and budget structures?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	BCC did not reply to the written request for information
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	The institution neither replied to the written nor oral request for information.

6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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 PRO requested MISA-Malawi to put in writing justifying the reasons for requesting information stating the aim and how MISA intends to use the information.
9. Did the institution acknowledge your request for information within 7 days?	•		They did not respond to the written requests for information, though the PRO acknowledged receipt of the written request for information.
10. Was the information received clear and understandable?		•	

Total Score: 4/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The person is known as the Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The PRO was so defensive because NAO was reported to have misappropriated funds from DFID and Norway. The PRO therefore, took this regard and responded with a negative attitude in an attempt to defend NAO's position. We were referred from one person to the other and at the end of the research we did not get the response.
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information	•		They wanted a letter explaining the reasons MISA is seeking the information.
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	

Total Score: 6/20

5. Ministry of Information and Civic Education

CATEGORY 1 - WEBSITE

The Ministry of Information and Civic Education had no website at the time of the research. However, the ministry's department of information has an online publication called Malawi News Agency found on the URL:<http://www.manaonline.gov.mw/> which acts as a tool to publicise some developments in the Ministry and any other news. This online publication however does not provide the information the study was looking for.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				
d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				
g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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 Ministry of Information and Civic Education:

1. To what extent is the Ministry of Information and Civic Education ready for the 2014 Tripartite Elections?
2. Do you have any special programs planned for the elections?
3. If yes, would you list them down? Give at least two examples in each category?
4. Would you list down the outlets that the ministry is using to civic educate Malawians on the 2014 elections?
5. Which outlet mentioned in Q4 above is most effective in rural communities?
6. What are some of the challenges that your institution faces when disseminating or giving out information to the public?
7. Would you provide MISA Malawi with the Ministry's policies and budget structures?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		MISA Malawi was directed to talk to the Director of Information (DIO).
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The ministry did not respond to the written request for information.
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	The Ministry kept on referring MISA-Malawi from one person to another until the study period expired without accessing the information required.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	There is no policy directing the request for 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 did not provide the information requested. However when MISA talked to the Director of Information she asked for the reasons MISA was seeking the information, which she later on did not respond to.
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	

Total Score: 4/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The person MISA Malawi was referred to is the Director of Information
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The Director of Information asked for a soft copy of the questionnaire, which was not completed up to the end of the study.
3. Did the institution respond to your oral request for information?		•	The PRO was busy and advised MISA Malawi to call later, unfortunately she did not attend to the call when MISA called again
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	

Total Score: 6/20

6. Ministry of Health

CATEGORY 1 - WEBSITE

The Ministry of Health did not have a website at the time of the research, except for its HIV and AIDS Unit website <http://www.hivunitmohmw.org> which does not provide the information searched for. Rather the HIV and AIDS Unit website only provides HIV related stories, policies, reports etc. concerning the HIV and AIDS Unit and not the Ministry of Health as a whole.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?				
2. Does the website contain:				
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, programs?				
d) Budget and expenditure?				
e) Information about procurement procedures, signed contracts?				
f) Vacancies and employment procedures?				

g) The name, the address, the telephone number and the working hours of the respective institution?				
h) The contact details of 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 questions which were sent to the Ministry of Health were as follows:

1. What types of outbreaks are common in Malawi?
2. During outbreaks mentioned in Q1 above; do you see the media playing any critical role to mitigate the outbreaks?
3. If yes, how does that help Malawians and the ministry? Give at least two reasons?
4. Does the Ministry of Health have specific ways of giving out information about outbreaks? If yes list down these approaches/ways.
5. Which way mentioned in Q4 above is most effective or mostly used when giving out information about outbreaks? And why?
6. What are some of the challenges that the Ministry of Health faces when giving out information about outbreaks?
7. Do you have any possible solutions put in place to solve these challenges (mentioned in Q6)?
8. Would you provide MISA Malawi with the Ministry's policies and budget structures

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The institution did not respond to the request for information.
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	There is no policy directing the request 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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		We talked to the person at the switchboard, the person responsible is called the Public Relations Officer.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	We were being referred from one person to another and we did not get a response.
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		

6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 6/20

7. Ministry of Agriculture and Food Security formerly known as Ministry of Agriculture, Irrigation and Water Development (Maid)

CATEGORY 1 - WEBSITE

<http://www.moafsmw.org/>

During the time of the research the Ministry for Agriculture and Food Security had its website set up and updated to a certain extent. The website, however, lacked budget and procurement documents, vacancy and employment procedures.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	The latest information posted on the website were 'the monthly retail prices for May 2013'. This means that there is no new information updated for over a month.
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?			•	There are budgets and expenditures of projects in the ministry but not for the whole ministry.
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?		•		
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			There is space provided for feedback.

Total Score: 8/20

CATEGORY 2- REQUESTS FOR INFORMATION

The questions that were sent to Ministry of Agriculture and Food Security were as follows:

1. What is your view on large-scale irrigation farming in Malawi as one way of promoting food sufficiency?
2. Is Malawi currently showing any signs of being affected by global warming?
3. What are some of the worst features of global warming?
4. Do the media capture these features when writing about the environment or agriculture stories?
5. What can the media do to help raise this awareness about global warming among Malawians?
6. Would you provide MISA Malawi with the Ministry's policies and budget structures?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The PRO did not respond to the request for information
3. Did the Institution respond to a request for information?		•	They wanted a soft copy of the questionnaire, though MISA Malawi had sent a hard copy.
4. Does the authority publish its procedures for dealing with information requests?	•		The Ministry has its own official website (http://www.moafsmw.org/) where it publishes all other relevant information and the procedure of requesting information from the institution.
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	The Ministry did not respond to both written and oral request for information. This happened after MISA-Malawi called the ministry and the Public Relations Officer several times.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	There is no specific policy.
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 PRO did not demand an explanation or justification from MISA-Malawi but kept on promising MISA that he will respond to the requests until the study period ended.
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 4/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The Ministry of Agriculture preferred a soft copy but there was no response at the end of the day.
3. Did the institution respond to your oral request for information?		•	The PRO asked for an electronic copy that she never responded to.
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	

8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 6/20

8. The Malawi National Assembly

CATEGORY 1 - WEBSITE

<http://www.parliament.gov.mw/index.php>

At the time when this research was being conducted, the Malawi National Assembly had its website running. Some of the information on the website was out of date i.e. the latest hansard on the website was the one for the 39th Session, 3rd Meeting, Monday, May 2007. The National Assembly website, however, had good information on policies, contact details, institutional structure, laws, and some reports. Budgets and information about procurement procedures and contracts were not available on the website.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		There are no reports or banner on the current sitting of parliament.
2. Does the website contain:				
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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			They use a webmaster outlook – a facility that facilitates interactivity with stakeholders.

Total Score: 14/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the Malawi National Assembly:

1. Parliament was recently in the limelight after its Chief Security Officer attacked a reporter for allegedly taking pictures of the officer without permission. What measures has the assembly put in place to check a repeat of what happened?
2. Does Parliament have any in house policies outlining how the body handles or engages the media?
3. If yes. Would you be in a position to share the policy with MISA Malawi?
4. What are some of the challenges that hamper Parliaments' effective engagement with the media?
5. What is the current budget for Parliament?
6. Is the money enough for the body's operations?
7. Would you provide MISA Malawi with the Assembly's policies and budget structures?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer (PRO).
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The National Assembly asked for an electronic copy of the questionnaire, which was not responded to.
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?	•		The National Assembly is one of the two institutions sampled in the 2013 study within website. And all procedures about requesting information is found on http://www.parliament.gov.mw/index.php
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	The Assembly's PRO did not respond to neither the written nor the oral request for information until the study period ended. And there is no policy that directs the requests for information.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	The procedure for accessing information at the Assembly is through the PRO, but during the study period the PRO kept on promising that he would respond to the questionnaire until the study period elapsed.
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**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The National Assembly wanted a soft copy to respond to and not the oral interview.
3. Did the institution respond to your oral request for information?			
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 6/20

RESEARCH CONCLUSIONS

The 2013 Right to Know study shows that ministries and departments are still not open and are indeed not free to give information to Malawians. This is despite the fact that each of these institutions has either a Public Relations Officer (PRO) or a Communications Officer or a Director responsible for public affairs and engagement with the general public. Only one out of the eight sampled institutions responded to the written requests for information and only two out of the eight institutions responded to the oral requests for information. The ministries and departments sampled either gave excuses that they did not see the requests or told MISA to call back. To some extent, this proved to be a mere strategy to deny access.

Going through websites for these government ministries and departments; it is only the Malawi National Assembly and the Ministry of Agriculture and Food security that have active websites with relevant information.

The presence of Information or Communications officers appears to be a mere strategy to create a positive image of the organisations and not to be proactive tools of engagement with the media and other stakeholders. These officers are turned into tools to merely defend the institutions and not a conduit of relevant information with the general public and other stakeholders.

in Malawi is mostly released by the Minister of Information, who works in the Ministry of Information and Civic Education; therefore being secretive is extremely worrisome.

The Ministry of Health is a pillar in promoting a health nation and promoting access to information is key in this endeavour. The ministry scored poorly under both the website analysis and the written and oral requests for information.

The study therefore finds the Ministry of Health as the recipient of the 2013 Golden Padlock Award.

THE MOST OPEN PUBLIC INSTITUTION IN MALAWI

The Ministry of Agriculture and Food Security, Ministry of Energy and Mines and the Malawi National Assembly qualify as the most open public institutions in 2013. Although the Ministry of Energy and Mines does not have websites, the institution demonstrated a level of openness by responding to the written request for information within seven days after the request was made.

No	Government Ministry or Department	Website analysis	Written request for Information	Oral request for Information	Total Scores
1	Lilongwe City Council	0	2	14	16
2	Ministry of Energy and Mines	0	14	10	24
3	Blantyre City Council	0	4	12	16
4	National Audit Office	0	4	6	10
5	Ministry of Information and Civic Education	0	4	6	10
6	Ministry of Health	0	2	6	8
7	Ministry of Agriculture and Food Security	8	4	6	18
8	The Malawi National Assembly	14	4	6	24

THE MOST SECRETIVE PUBLIC INSTITUTION IN MALAWI

The National Audit Office, Ministry of Information and the Ministry of Health qualify as the most secretive public institutions in 2013. These institutions scored poorly under the written requests for information and did not have websites at the time of this study.

The National Audit Office plays a critical role in ensuring transparency and accountability of government funds but kept asking MISA to justify why it needed the information requested from the organisation and never released the information requested.

The Ministry of Information and Civic Education is responsible for giving out information about government and therefore it should be in the forefront when it comes to promoting access to information and the public's right to know. News on developments

The Malawi National Assembly did well on the website analysis 14/20 but poorly under both the written and oral requests for information.

The Malawi National Assembly is a place where all matters of national interest are discussed by Members of Parliament; therefore it is pertinent that the information about this organisation should be made public.

The Ministry of Energy and Mines and the Ministry of Agriculture also play a pivotal role in promoting the country's national development and ought to be in the forefront promoting access to information so Malawians can make informed decisions.

Based on the scores and criteria employed in this study, the Malawi National Assembly and the Ministry of Energy and Mines qualify as this year's most open public institutions. The 2013 Golden Key Award goes to the Malawi National Assembly because it is one of the few public bodies with a functional and accessible website and the institution has a Public Information Officer (PRO) designated to deal with information requests.

We, however, request the institutions be proactive and readily make information available to the public, especially the National Assembly, which scored highly under website analysis but poorly under the written and oral requests for information.

RECOMMENDATIONS

We suggest MISA Chapters broaden the criteria used to assess openness in public institutions, by for example including an overview of how the media perceive the organisations sampled. We made a similar recommendation during the 2012 study.



NAMIBIA

2013 REPORT ON THE MOST OPEN AND SECRETIVE
PUBLIC INSTITUTIONS IN NAMIBIA

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INTRODUCTION

In Namibia, access to information (ATI) is limited by the lack of an ATI law. The Constitution, guarantees the right to freedom of expression, but does not expressly enshrine the right to access to information. Namibia's legal environment is also predominantly skewed in favor of promoting secrecy, with apartheid legislation, such as the Protection of Information Act 1982, still awaiting repeal.

Namibia further lacks a protection of whistleblowers legislation, which can be seen as a barrier to citizens reporting corruption, as they will not receive any protection from the state.

RESEARCH METHODOLOGY

The study was conducted between May and July 2013 by MISA Namibia to assess the level of transparency in Government and Public Institutions.

The research adopted both qualitative and quantitative methods of data collection. Questionnaires were sent out to eight selected institutions, inclusive of four ministries and four parastatals. The aim was to establish the transparency and accessibility of information of the chosen Government and Public institutions.

Websites were critiqued on the usefulness and relevance of their information and how well they were organized. Written requests primarily entailed sending e-mails requesting information from the selected institutions seeking specific information. Oral requests were done telephonically.

DATA ANALYSIS

The total number of points allocated to category 1 and 2 is 20 points (n = 20) each. Ministries and institutions will fall in to one of the following groups in accordance with the number of points that they receive.

Category 1 – Websites

Here the websites of Government and Public Institutions are evaluated to establish accessibility, data credibility and relevance given on the website.

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

Group 2; (7 – 13): Average website that contains some relevant public information

Group 3; (14 – 20): Well organized, transparent website that provides a good amount of relevant public information.

Category 2 – Requests for information

This category was divided into two parts, written questionnaires and oral request. This was done to determine how easily the public could access information of Government and Public Institutes by means of written or oral requests.

Part 1: Written request for information

Group 1; (0 – 6): Denied access to reasonable information request 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. Institution was helpful and transparent.

Part 2: Oral request for information

Group 1; (0 – 6): Denied access to reasonable Information request 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. Institution was helpful and transparent.

The following Government Ministries and Public Institutions were chosen at random to be surveyed:

1. Road Fund Administration
2. National Housing Enterprise
3. Ministry of Youth National Service, Sport and Culture
4. Ministry of Safety And Security
5. Ministry of Agriculture, Water and Forestry
6. Motor Vehicle Accident Fund
7. National Planning Commission
8. NamWater

SUMMARY OF KEY FINDINGS

Overall, MISA Namibia found that there is not necessarily resistance from public institutions to provide information to the public. It is mainly dependent on whether there is a communication person employed, and how professional or committed to their work this individual is. Special mention must be made of the MVA Fund's public relations officer, Catherine Shipushu, who paid special attention to our researcher by giving him tips on punctuality and even giving him an assignment on improved internet research.

The Ministry of Safety and Security as well as the Ministry of Youth National Service, Sport and Culture both lack a communication's person, which is not unique to them. Government departments still have to recognise the importance of ensuring that the public are informed about issues that directly or indirectly affect them.

DETAILED FINDINGS

1. Road Fund Administration

CATEGORY 1 - WEBSITE

www.rfanam.com.na

The Road Fund Administration's website features updated information, which is easily accessible. The website answered all questions posed in the request for information, except for one: Are there any plans to introduce e-tolls in Namibia?

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?			•	It indicates revenue sources, beneficiaries and how funds are utilized.
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	All the above with the exception of working hours.
h) The contact details of 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 out to the Roads Fund Administration:

1. Briefly describe the RFA's road user charging system, and why these are being charged?
2. What are your main forms of income?
3. Who are the main beneficiaries of funding from the RFA and why?
4. Are there any plans to introduce e-tolls in Namibia?
5. Who has the final say if the RFA is not satisfied with annual plans and requests for a budget from the RA? And how is this process negotiated?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	They did not respond to the email but when contacted telephonically, they referred us to the webpage, as they do not have a Communications person.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	They did not respond to the email but when contacted telephonically they referred us to the website.
3. Did the institution respond to a request for information?	•		They wanted a soft copy of the questionnaire, though MISA Malawi had sent a hard copy.
4. Does the authority publish their procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		The website has sufficient information.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	They referred us to their website.
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?		•	They did not respond to our e-mail, but when contacted telephonically they referred us to the website.
10. Was the information received clear and understandable?	•		

Total Score: 10/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	They referred us to their website.
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information		•	They referred us to their website.
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	They referred us to their website.
8. Did the institution disclose information about its operations, budgets, structure etc?	•		
9. Did the institution acknowledge your request for information within 7 days?		•	They did not respond to our e-mail, but when contacted telephonically they referred us to the website.
10. Was the information received clear and understandable?	•		

Total Score: 8/20

2. National Housing Enterprise

CATEGORY 1 - WEBSITE

<http://www.nhe.com.na>

At the time of this research the National Housing Enterprise website was under construction. It had descriptions of their products and services but lacked information regarding the institutions' budget and expenditure.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	The website is incomplete.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?			•	The website lists the services they offer.
b) A list of laws, acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	
h) The contact details of public officials?			•	Contact details of the head office and regional offices, but no names of 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 National Housing:

1. What is your budget for 2013/14?
2. How much of this is used for salaries and board fees?
3. What are the cheapest and most expensive housing options available in Windhoek? Please describe the design and location of the house?
4. How many people are on your waiting list for Windhoek?
5. How long has the 10th person on the list waited for a house?
6. What are some of the challenges faced by NHE to provide affordable housing?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	They referred us to their website (http://www.nhe.com.na) when we called.
3. Did the institution respond to a request for information?		•	They referred us to their website.
4. Does the authority publish their procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	The website lacked sufficient data as it was under construction.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	They referred us to their website.
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?	•		They did not ask why we required the information.
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	No relevant information was received.

Total Score: 4/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	Contact was made telephonically and they referred us to their website
3. Did the institution respond to your oral request for information?	•		Contact was made telephonically, and they referred us to their website
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	Unfriendly and unhelpful
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	They referred us to their website
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	They referred us to their website.
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	There was no relevant information on their website, neither was it provided for telephonically

Total Score: 2/20

3. Ministry of Youth National Service, Sport and Culture

CATEGORY 1 - WEBSITE

<http://209.88.21.36/opencms/opencms/grnnet/MYNSC/>

It is important to note that the ministry has a webpage and not a website, which makes it less accessible to someone who does not have a good search engine.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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

A request for written information was sent to the permanent secretary (ps.secretary@mynssc.gov.na). But there was no reply.

The following questions were sent to the Ministry of Youth, National Service, Sport and Culture:

1. How does the ministry aim to reduce youth unemployment during the 2013/14 budget year?
2. How do you involve the youth when developing strategic plans, policies and action plans?
3. Who is your main target for youth programs - urban or rural youth?
4. What are the main youth development projects?
5. How do you ensure that gender equality measures are understood and implemented by project coordinators?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The permanent secretary (ps.secretary@mynssc.gov.na).
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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?		•	No information was received
10. Was the information received clear and understandable?		•	

Total Score: 2/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		A request for written information was sent to the permanent secretary (ps.secretary@mynssc.gov.na). But there was no reply. Dr Pengeondjabi Shipoh.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	No information was received.
10. Was the information received clear and understandable?		•	

Total Score: 2/20

4. Ministry of Safety and Security

CATEGORY 1 - WEBSITE

<http://www.mss.gov.na/>

The website is very difficult to find. When typed into a search engine, it does not immediately appear. The website is divided into two departments, the Namibian Police and the Namibian Prison Services.

The Namibian Police: <http://www.nampol.gov.na/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?			•	Current Affairs
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?			•	Vacancy
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 12/20

The Namibian Prisons Service: <http://www.mpcs.gov.na/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 that were sent out to the Ministry of Safety and Security:

1. What is the ministry's policy with regards to statistics? How regularly are they provided, where, and to whom?
2. Why does the ministry not have a website?
3. What is the ministry mission and vision?
4. Does the ministry ensure that gender equality is mainstreamed in all its work?
5. There were serious concerns that the Prevention and Combating of Terrorist Activities Act 2012 was passed without due consideration. Have you had any challenges in its implementation? If so, what were these?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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?		•	No information was received
10. Was the information received clear and understandable?		•	

Total Score: 0/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	No information was received.

Total Score: 0/20

5. Ministry of Agriculture Water and Forestry (MAWF)

CATEGORY 1 - WEBSITE

www.mawf.gov.na

The Ministry of Agriculture Water and Forestry's website was partially updated.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 were sent to the Ministry of Agriculture Water and Forestry:

1. What monitoring and evaluation mechanisms does the ministry implement to ensure all products and services reach the intended beneficiaries?
2. Water and sanitation is pivotal for human development, how far is the ministry from achieving the MDG's that speak to these?
3. What are some of the main services provided to commercial, communal and subsistence farmers?
4. How does the Ministry ensure that gender equality measures are understood and implemented by project coordinators?
5. How does the Ministry balance Namwater and local authorities' commercial aims (profit) with citizens' human right to have access to water?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		(PRO) Ms Constance Mwilima,(MAWF)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	They gave answers to four questions and referred us to Namwater for an answer to the 5th question.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		(PRO) Ms Constance Mwilima,(MAWF)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?	•		I had interview with the official.
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?	•		
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?	•		

Total Score: 18/20

6. Motor Vehicle Accident Fund (MVA Fund)

CATEGORY 1 - WEBSITE

www.mvafund.com.na

The MVA Fund website contained updated information including news on upcoming events. The information was relevant and informative including a list of relevant Acts and Policies, institutional structure and crash statistics.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?	•			
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 were sent to the Ministry of Agriculture Water and Forestry:

1. How do you calculate how much you give to a survivor, as well the beneficiaries of a victim of a motor vehicle accident in Namibia?
2. How do you ensure that the correct beneficiaries receive the funds?
3. What are your various sources of income?
4. Besides your website, what other forms of communication do you use to communicate with the public?
5. What is your budget for 2013/14 ?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		(PRO) Ms Catherine Shipushu (MVA Fund)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	They provided answers to the majority questions and referred us to their website for the remaining questions.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		(PRO) Ms Catherine Shipushu (MVA Fund)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?	•		I had an interview with the official
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?	•		
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?	•		

Total Score: 14/20

7. National Planning Commission (NPC)

CATEGORY 1 - WEBSITE

www.npc.gov.na

The NPC website contained updated information, including reports, policies and programs.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 were sent to the Ministry of Agriculture Water and Forestry:

1. Which stakeholders were involved in the development of NDP4?
2. The NPC's mission is "the undertaking, designing, implementation and monitoring of development plans, projects and programmes in conformity with national development goals and objectives with a view to ensure sustainable economic growth, equity, social harmony and balanced development." How is this achieved in partnership with the various ministries and other stakeholders? Consultation meetings? How regularly and at which stage of development?
3. Who is the NPC accountable to ultimately? It's board, the President or Parliament?
4. Does the NPC have a relationship with civil society? If so, for what reason, and how do you involve the sector?
5. NDP4 is more focused than previous national development plans, but what are the monitoring and evaluation mechanisms are there to ensure proper implementation?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		(PRO) Mr. Johannes Aipanda (NPC)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		They provided answers to the majority questions and referred us to their website for the remaining questions.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		(PRO) Mr. Johannes Aipanda (NPC)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?		•	He referred me to the website
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?	•		
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. Namwater

CATEGORY 1 - WEBSITE

www.namwater.com.na

The NPC website contained updated information, including reports, policies and programs.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?			•	
d) Budget and expenditure?	•			
e) Information about procurement procedures, signed contracts?			•	
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 were sent to the Namwater:

1. What is Namwater's budget for 2013/14?
2. How much of this is provided by Government?
3. How much of your annual budget is used to pay salaries and board fees?
4. How does Namwater balance its commercial aims (profit) with the citizen's human right to have access to water?
5. Does Namwater require environmental impact assessments for all its projects?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Communication officer Johannes. K. Shigwedha
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Communication officer Johannes. K. Shigwedha
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc?		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 2/20

RESEARCH CONCLUSIONS

The Motor Vehicle Accident (MVA) Fund is the most open public institution closely followed by the Ministry of Agriculture Water and Forestry (MAWF) and the National Planning Commission (NPC). The National Housing Enterprise (NHE) ranks the lowest, the Ministry of and Security and the Ministry of Youth National Service and Culture rank only marginally better.

THE MOST SECRETIVE PUBLIC INSTITUTION IN NAMIBIA

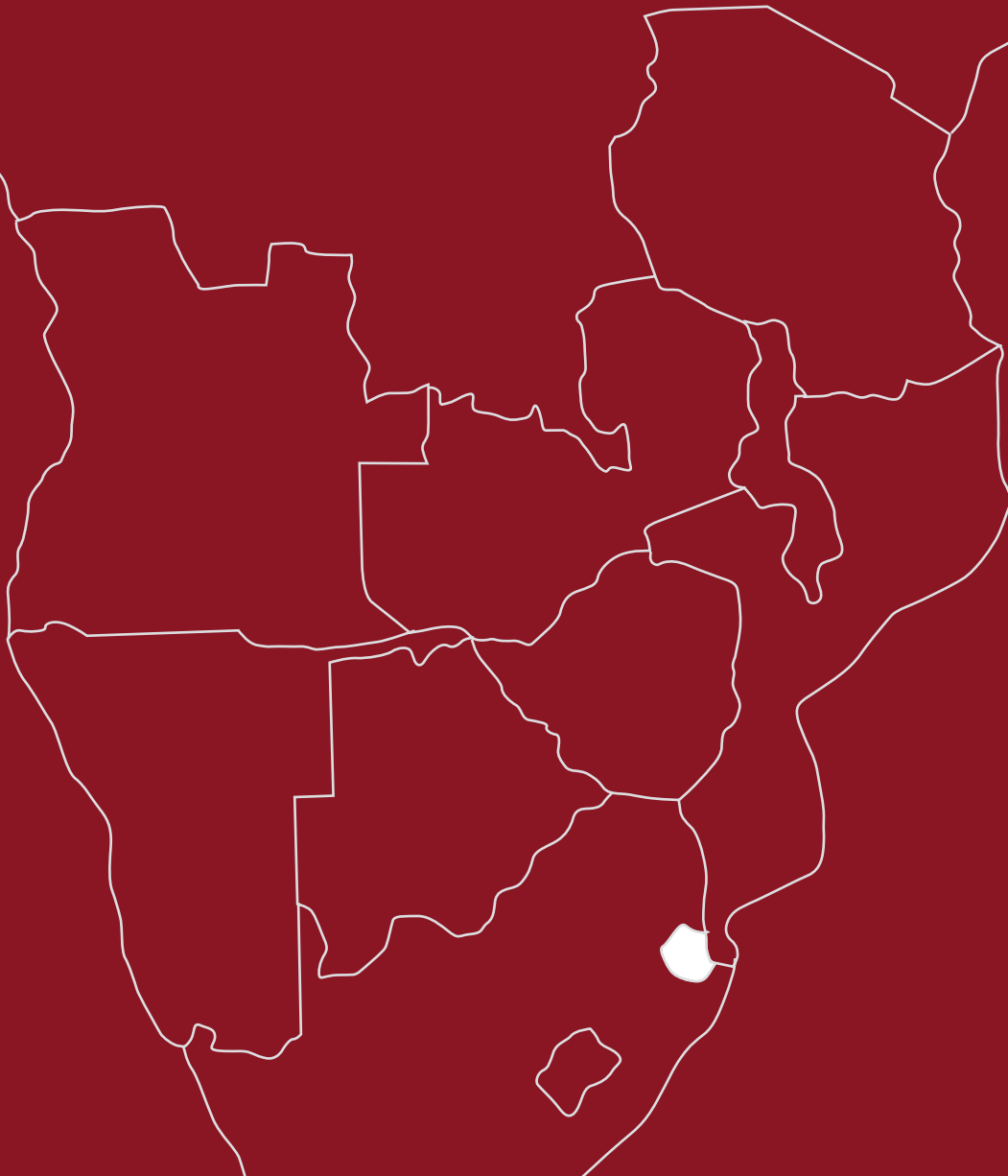
The most secretive public institution was found to be the National Housing Enterprise (NHE).

THE MOST OPEN PUBLIC INSTITUTION IN NAMIBIA

The most open public institution was found to be the Motor Vehicle Accident (MVA) Fund.

RECOMMENDATIONS

The Government of the Republic of Namibia has to prioritise access to information for its citizens, and this can be realized through the adoption and efficient implementation of legislation that facilitates and guarantees citizens' right to access to information. The important role Access to Information can play in combating corruption, as well as advancing the socio economic rights of Namibia's citizens is also of utmost importance. MISA Namibia as part of the ACTION Coalition will continue to lobby government and policy makers to act on the development of such legislation, while at the same time raise awareness that access to information is a fundamental human right.



SWAZILAND

2013 REPORT ON THE MOST OPEN AND SECRETIVE
PUBLIC INSTITUTIONS IN SWAZILAND

Researcher: Patrick Myeni

INTRODUCTION

Swaziland adopted a new Constitution in 2005, recognising the critical role openness and access to public information play in building a transparent and accountable government.

Swaziland has no legislation on access to public information. The absence of such an Act means citizens cannot easily access information held by government and public institutions. In other words, there is no legislation to compel public officials to provide people with the necessary information to make informed decisions.

Access to information includes the right to receive information held by public structures, also called the Right to Know, as well as the duty of such structures to make information accessible. It is on this basis that the Media Institute of Southern Africa Swaziland (MISA Swaziland) has been conducting studies on the level of openness in public institutions in the country, as one way to instil a culture of transparency amongst public officials.

This report provides the results of 'The Most Open and Secretive Public Institutions in Swaziland in 2013'.

Most public institutions in Swaziland either ignore or entirely refuse to provide information upon request. Very few take a proactive approach in disseminating information by periodically giving out information even when it has not been asked for.

This research affirms MISA's mandate to campaign for legislation on access to information.

RATIONALE AND RESEARCH PARAMETERS

Access to information is a fundamental human right and one of the underpinning of all other rights.

MISA Swaziland selected these following government and public institutions for the study:

1. The Deputy Prime Minister's Office (DPM)
2. Ministry of Education
3. Ministry of Justice and Constitutional Affairs
4. Ministry of Sports, Culture and Youth Affairs
5. The Elections and Boundaries Elections (EBC)
6. The Human Rights Commission (HRC)
7. Swaziland Revenue Authority (SRA)
8. Ministry of Foreign Affairs

AIM OF THE STUDY

The purpose of the study was to assess the level of transparency in government and public institutions in the country to back MISA Swaziland's campaign on access to information legislation with empirical evidence.

Objectives of the study

- To assess the level of transparency in the government and public institutions against international standards and principles on access to information
- To influence the adoption of practices, laws and a culture that promotes transparency and openness in government and public institutions
- To inform advocacy and interventions by MISA Swaziland and civil society across the country
- To encourage citizens to exercise their fundamental right to access information generated, and help society understand the control of government institutions necessary for accessing other social economic rights study.

RESEARCH METHODOLOGY

The research adopted quantitative and qualitative 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, MISA Swaziland analyzed and evaluated websites of government and public institutions, along with telephonic and written requests for information. This method sought to establish the level of transparency and efficiency of government and public institutions in providing information to the public.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine access and presence of credible and updated public information including, but not limited to, powers and functions of the institutions in question; vacancy and budgetary allocations; procurement procedures and contacts details and reports.

Category 2: This category was divided into two sections namely written questionnaires and oral requests for information. These instruments were adopted 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 category 1 and 2 was 20 points (n = 20) each. Government ministries and departments fell into one of the following groups in accordance with the number of points that they received:

Category 1 – Websites

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

Group 2; (7 – 13): Average website that contains some relevant public information.

Group 3; (14 – 20): Well organized, transparent website that provides a good amount of relevant public information.

Category 2: Requests for information

Part 1: Written request for information

Group 1; (0 – 6): Denied access to reasonable information request 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. Institution was helpful and transparent.

Part 2: Oral request for information

Group 1; (0 – 6): Denied access to reasonable Information request 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 Institution was helpful and transparent.

1.5 Limitations of the study

The selected government and public institutions were identified randomly by MISA Swaziland. However, the government ministries and departments that were selected play an extremely important role in the running of the country.

SUMMARY OF KEY FINDINGS

Website Analysis (Category 1)

- All eight institutions that were selected for this study had websites. All except one (the Swaziland Revenue Authority) website are hosted on the website of the government.
- The site for the Elections and Boundaries Commission contained the least practical information.
- The websites of three institutions were not updated (Ministry of Education; Ministry of Sports, Culture and Youth Affairs; & Human Rights Commission – HRC); three were partially updated (DPM's office; EBC; & Ministry of Foreign Affairs); and only two were updated on a regular basis (Ministry of Justice and Swaziland Revenue Authority – SRA).

Written Requests for Information (Category 2)

Access Denied

- All ministries and departments selected by MISA Swaziland for the study asked for questionnaires.
- Out of eight institutions written requests were sent, only four replied, namely the DPM's office, SRA, Ministry of Sports, Culture and Youth Affairs and the Ministry of Justice.
- Two bodies (the HRC and Ministry of Foreign Affairs) asked for a second written request to be submitted -both via email. The ministries requested that electronic messages be re-directed to the most senior officials of the respective institution – i.e. the Commissioner of the Commission for Human Rights, and the Information Officer for the Ministry of Foreign Affairs. Despite four visits, neither Ministry replied.
- The EBC orally stated that a written request has been prepared, however, as dictated by their internal protocol, prior approval by

the Chairman of the Commission is necessary before the release of information.

- The website of the SRA ranked best out of the institutions evaluated, with the most valid public information available.

DETAILED FINDINGS

1. Deputy Prime Minister's Office

CATEGORY 1 - WEBSITE

www.gov.sz

Some information can be found on the website, it contains, for example, the government's plan of action and budget speech. Specifically, it has the mission statement and services rendered (Gender and Families Unit, National Disaster Management Agency, Department of Social Welfare, and the National Children's Coordinating Unit). The information is not current, and some links to pages have technical problems when opening, suggesting the need for IT response. It is rarely updated, with an average of once a month; last two consecutive updates are dated 15th May and 12th June 2013.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Last updated on 12th June 2013
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			Organizational structure, functions and responsibilities of the ministry's departments.
b) A list of laws, acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programs?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	working hours are not mentioned
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Telephone numbers and facsimile

Total Score: 8/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the DPM's office:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. There is a concern that children with disabilities are still unable to enrol in our tertiary institutions, what is the DPM's office doing to address the needs of these vulnerable young people?
5. What measures is the DPM's office taking to ensure that people with disabilities can access public institutions? E.g. How easy is it for people in wheelchairs to enter public buildings such as the inter-ministerial buildings?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		Jane Mkhonta
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')	•		After 5 days
3. Did the institution respond to your request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?	•		
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	Answers to questions were brief and incomplete
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	

Total Score: 10/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		Official is the Under Secretary (US), standing in for the Principal Secretary (PS)
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')	•		The official replied, promising to keep records of the interview in case he would be wrongly quoted
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?	•		The researcher was informed that an appointment is to be made, and that the official was on leave during the period of the study
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	The oral interview could not be completed as the official was said to be in a hurry, and later on could not be found
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	No response

Total Score: 10/20

2. Ministry of Education

CATEGORY 1 - WEBSITE

www.gov.sz

The website is fairly furnished. The information is usable. However, there is no current information. The website is the most detailed one of the government's ministries and departments. It contains the functions, and implementation of international programmes within its mandate, such as the Education for All (EFA) and Millennium Development Goals (MDGs). It also contains statistics and some information on budget allocations.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		The news and events page does not provide any information
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			
b) A list of laws, acts etc. issued within the scope of its powers?	•			The Ministry does list laws and policies it issued within its cope. Such include the review of the Education Act and the Teaching Services Commission Act and Regulations. Also, it says, The Education Rules Act of 1977 still to be reviewed.
c) Reports, policies, programs?			•	Only programs and policies
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	No information on working hours
h) The contact details of 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 Ministry of Education's office:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. There have been widespread complaints regarding the declining standards of education in the nation, especially in high school. What is the ministry doing about this?
5. Is the education system adequately preparing young people (all graduating young people from all learning institutions) with the skills required to enter the modern job market?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}		•	
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	No response.
3. Did the institution respond to your request for information?		•	No response.
4. Did the person dealing with your request have a friendly and helpful attitude?	•		The secretary was friendly. Through phone calls and face-to-face discussions throughout the study, the secretary gave assurance of the PS's receipt of the questionnaire.
5. Did the official provide reasonable advice and assistance when seeking information?		•	The secretary said to keep on checking.
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	There was no reply on information requested.
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	Information was not received

Total Score: 4/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}		•	There was no response
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did the official provide reasonable advice and assistance when seeking information?		•	
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information was supplied
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	No information was received

Total Score: 0/20

3. Ministry of Foreign Affairs

CATEGORY 1 - WEBSITE

www.gov.sz

The website has nothing more than contact numbers of officials, services rendered, mission statement and responsibilities, which is standard for all ministries and department featured on the government's website. Before the request for information was given, the website had not been updated for the last 30 days; however, 7 days after having sent the questionnaire, there was an update on the website (submitted on the 3rd June; updated on the 10th of June).

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	By the time of compiling this study, the website has been updated. However, there are random differences of between 30 days, 4 months, and 8 months up to a year.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			There is information on portfolio responsibilities, mission and functions, and the departmental structure
b) A list of laws, acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programs?		•		No reports published
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	Information does not reveal the working hours.
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			There are emails and faxes.

Total Score: 8/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Foreign Affairs:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. According to the Constitution, *Tinkhundla* is a participatory, democratic system. Why therefore, does the government of Swaziland refuse outsiders (South African MPs) from coming here to assess our system of governance?
5. What is the ministry doing to project the good image of Swaziland in the international community in order to attract foreign investment?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The Information Directions Officer
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	
3. Did the institution respond to your request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?		•	The official said the questionnaire received was missing and asked for a second one to be emailed directly to him
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No response
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	No response to the emailed request
10. Was the information received clear and understandable?		•	No information was received

Total Score: 4/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The Information Directions Officer
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?		•	
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	None
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	Information not received.

Total Score: 4/20

4. Ministry of Sports, Culture and Youth Affairs

CATEGORY 1 - WEBSITE

www.gov.sz

A standard government website: mission statements, responsibilities, objectives and contacts details. There is no recent information. Some pages/ links could not be opened.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?			•	Functions and responsibilities of administration
b) A list of laws, acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programs?			•	Only programs
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	No information on working hours
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Email addresses and fax numbers of officials

Total Score: 7/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Sports, Culture and Youth Affairs:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. How is the ministry supporting all the youth in the country, including those who support or sympathise proscribed entities?
5. What does the ministry do to empower the youth economically?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		Permanent Secretary
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')	•		After 5 days
3. Did the institution respond to your request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	No oral interview conducted
5. Did the official provide reasonable advice and assistance when seeking information?		•	The official said the questionnaire received was missing and asked for a second one to be emailed directly to him
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	Question 3 & 5 were not answered clearly
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	The official said over phone that they could not give answers to a person they have not identified. Whether he meant in his personal capacity or official, he did not clarify.
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	Two answers were not specific, one on the website, and glory talk of achievements with no tangible results for question 5

Total Score: 6/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The Principal Secretary
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	When called, the official, PS, could not answer. During a further follow up, the researcher went to the office immediately after a telephone call. The PS was not in office despite saying he was.
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did the official provide reasonable advice and assistance when seeking information?		•	
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	None
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	Reasons were given orally, over the phone.
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	There was no response.

Total Score: 2/20

5. Swaziland Revenue Authority (SRA)

CATEGORY 1 - WEBSITE

www.sra.org.sz

The website has helpful information about the SRA; it has a call centre and a toll free number for fraud related matters as well as useful links to online payment mechanisms, and public announcements. However, information on budget and expenditure is missing.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website is updated weekly, monthly and sometimes daily
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	No signed contracts
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?			•	
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			There is a toll free number and Email

Total Score: 16/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the SRA:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. There have been a number of complaints with the SRA employees. What is the SRA doing to solve that problem?

5. How do people lodge their complaints with SRA? Please briefly outline your complaints procedure that could be followed by ordinary Swazi citizens.

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		Director of Communications
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')	•		Replied after 12 days
3. Did the institution respond to your request for information?		•	The official was reportedly out of office in the 1st and 2nd week
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?	•		The official gave a toll free number for reporting fraud
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	Question 4 - the official disputed receiving any complaints
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.	•		
9. Did the institution acknowledge your request for information within 7 days?	•		Official was said to be out of the country within the first week
10. Was the information received clear and understandable?	•		

Total Score: 14/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		Director of Communications
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	The official's secretary could not answer
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?	•		The secretary recommended to keep on trying when the official is less busy
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	There were questions the secretary could not respond to
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	Reasons were given orally, over the phone.
8. Did the institution disclose information about its operations, budget, structure etc.	•		Except of the budget
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?	•		

Total Score: 12/20

6. Ministry of Justice and Constitutional Affairs

CATEGORY 1 - WEBSITE

www.gov.sz

There are only contact details of one official, the Principal Secretary, who is the ministry's spokesperson. The website contains updated information. The website is reported to be non-functional at times.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			By the time of compiling this report, it was updated.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	No information on working hours.
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Telephone numbers and a fax number.

Total Score: 10/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Justice and Constitutional Affairs:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. What is the ministry doing to decentralize its legal services?
5. There's a perception that Swazis have lost confidence in the judiciary. What is the ministry doing to restore confidence in the judiciary?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	<input checked="" type="radio"/>	<input type="radio"/>	The Principal Secretary
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')	<input checked="" type="radio"/>	<input type="radio"/>	After 9 days
3. Did the institution respond to your request for information?	<input type="radio"/>	<input checked="" type="radio"/>	The official was reportedly out of office in the 1st and 2nd week
4. Did the person dealing with your request have a friendly and helpful attitude?	<input checked="" type="radio"/>	<input type="radio"/>	Secretary to the PS
5. Did the official provide reasonable advice and assistance when seeking information?	<input type="radio"/>	<input checked="" type="radio"/>	The secretary said the information is not accessible by the public
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	<input checked="" type="radio"/>	<input type="radio"/>	Question 4 - the official disputed receiving any complaints
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard - if the institution supplies written reasons for refusal mark 'Yes')	<input type="radio"/>	<input checked="" type="radio"/>	
8. Did the institution disclose information about its operations, budget, structure etc.	<input type="radio"/>	<input checked="" type="radio"/>	
9. Did the institution acknowledge your request for information within 7 days?	<input checked="" type="radio"/>	<input type="radio"/>	
10. Was the information received clear and understandable?	<input checked="" type="radio"/>	<input type="radio"/>	Though brief

Total Score: 12/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	<input checked="" type="radio"/>	<input type="radio"/>	The PS.
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')	<input type="radio"/>	<input checked="" type="radio"/>	
3. Did the institution respond to your oral request for information?	<input type="radio"/>	<input checked="" type="radio"/>	The secretary to the PS said that they have responded in writing
4. Did the person dealing with your request have a friendly and helpful attitude?	<input checked="" type="radio"/>	<input type="radio"/>	
5. Did the official provide reasonable advice and assistance when seeking information?	<input type="radio"/>	<input checked="" type="radio"/>	
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	<input type="radio"/>	<input checked="" type="radio"/>	None
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard - if the institution supplies written reasons for refusal mark 'Yes')	<input type="radio"/>	<input checked="" type="radio"/>	
8. Did the institution disclose information about its operations, budget, structure etc.	<input type="radio"/>	<input checked="" type="radio"/>	
9. Did the institution acknowledge your request for information within 7 days?	<input checked="" type="radio"/>	<input type="radio"/>	
10. Was the information received clear and understandable?	<input type="radio"/>	<input checked="" type="radio"/>	No information received

Total Score: 6/20

7. Elections and Boundaries Commission (EBC)

CATEGORY 1 - WEBSITE

www.gov.sz

There is no current information on the website. There is some information on elections, such as the latest elections report, however there is no recent information or news on the elections that were conducted by the time of compiling this study.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Such information has to do with the rules and conduct of elections but not current news on the elections.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?			•	
g) The name, the address, the telephone number and the working hours of the respective institution?			•	No information on working hours
h) The contact details of 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 are the questions that were sent to EBC:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. How does the EBC handle people's complaints? Please briefly outline your complaints procedure.
5. After the last elections in 2008, the observers' report was released immediately, outlining several suggestions in order to improve the elections process. What, therefore, has caused the delay in the tabling of elections bill, which might have included these recommendations?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The Principal Elections Officer
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	
3. Did the institution respond to your request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?	•		The officer said the written request had already been answered but was awaiting approval by the chairperson
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information provided
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	But reasons were given orally.
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	No information received

Total Score: 8/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The Principal Elections Officer
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	The official said they had already answered the written request
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did the official provide reasonable advice and assistance when seeking information?		•	
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information received
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	No information received

Total Score: 4/20

8. Commission for Human Rights and Public Administration

CATEGORY 1 - WEBSITE

www.gov.sz

The Commission's website has relevant descriptive information of what it is about. However, the information presented is very shallow, and there are no updates on it.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?			•	A brief description of the institution.
b) A list of laws, acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programs?			•	It contains an annual report.
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			No working hours mentioned.
h) The contact details of public officials?			•	
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			Telephone and fax numbers.

Total Score: 7/20

CATEGORY 2- REQUESTS FOR INFORMATION

The following are the questions sent to the Ministry of Education's office:

1. Does your office have an information desk or officer?
2. Does your office have a website?
3. If so, how often is your website updated, and who is in charge of your website?
4. There seems to be a lot of ignorance of human rights amongst Swazis. What is the HRC doing to inform Swazis of these rights so they might be able to protect themselves from violations?
5. Since it began operating, it seems as if HRC had done very little to assist people whose rights have been violated. What exactly is the HRC doing on a daily basis to promote and protect human rights of Swazis?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The PS
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	No information received
3. Did the institution respond to your request for information?		•	The secretary could not provide any answers
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did the official provide reasonable advice and assistance when seeking information?	•		The secretary called to say that the questionnaire must be directed to the commissioner via email
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information provided
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	But reasons were given orally.
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?		•	No information received

Total Score: 6/20**Part 2: Oral request for information**

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information request? {Please state the title of the official in 'Additional Information'}	•		The PS
2. Did the institution reply within 21 days? (If less than seven please state in 'Additional Information')		•	There was no response
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		The secretary found at the office was not kind
5. Did the official provide reasonable advice and assistance when seeking information?		•	
6. Did officials provide all of the information requested? (If partial please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information provided
7. Did the institution provide written reasons for refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard – if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budget, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 4/20

RESEARCH CONCLUSIONS

This study has shown government ministries and departments are not open and do not freely give out information to the Swazi public. Out of eight institutions asked for information, only half cared to respond. There is either a lack of knowledge or too much control of information in government institutions as only two of them returned the questionnaires within the first week of the 21 days limit, and the two others did so the following week.

The Deputy Prime Minister's Office (DPM) immediately responded to the written letter, however, they were later asked to return the questionnaire sent to them in a clearer form. Also, the Ministry of Sports, Culture and Youth Affairs replied after five days. The Ministry of Justice and SRA responded in the second week.

On websites, all the institutions, except for SRA, did not provide adequate information about the Institutions. The government's website, which all seven ministries and departments share, is relatively standard. While the standard is maintained by the government's website, it still lacks relevant information to describe the functions and what a particular institution is all about. While the EBC's website had descriptive information about the institution, it was the least updated one, while the SRA's site proved to be the most regularly fed.

THE MOST SECREIVE PUBLIC INSTITUTION IN SWAZILAND

Half of the institutions did not reply to a written request for information: the Ministry of Education; Ministry of Foreign Affairs; Elections and Boundaries Commission (EBC); and the Human Rights Commission, they thus qualify for the category of most secretive institution. Despite responding to the written request for information, the Ministry of Sports, Culture and Youth Affairs fell behind the Elections and Boundaries Commission, which did not respond at all. The respective ministry scored little on the oral interview, which it denied to give. However, EBC's website was the most poorly organized. In the oral section, the Ministry of Education scored the lowest, with a total score of zero. With 2 out of 20, Foreign Affairs scored last in the written request category. Both the latter and the Ministry of Education rank lowest overall for the survey.

The Ministry of Education receives the 2013 Golden Padlock award for being the most secretive government department, as identified in this study.

THE MOST OPEN PUBLIC INSTITUTION IN SWAZILAND

Four of the eight institutions replied to the written request for information, and can hence qualify for the section of open institutions.

Although the DPM's office's website is poorly furnished, the government department proved to be responsive to written and

oral responses. The official who responded did so on the first day within an hour following the request.

The Ministry of Justice also responded to a written request, but did not agree to the oral interview. The Ministry received 10 out of 20 points, which is half the requirement. Favourable marks were obtained for the good attitude and clarity of the responses given.

The newly formed parastatal SRA proved to be organizationally exceptional, as well as transparent. The parastatal has a toll free number on its website as well as application forms for different taxes to be paid by the public. It is proactive in the sense that most of the services provided as well as answers to what to do, and how to go about it, can be accessed through the net.

The SRA receives the 2013 Golden Key award for being the most open public institution in Swaziland

RECOMMENDATIONS

MISA-Swaziland suggests government staff be friendly and have public relations personnel to improve handling requests for information. Such personnel should be equipped to talk to the public and the media. We also suggest that government departments update their websites to be more relevant and user-friendly.

TANZANIA

2013 REPORT ON THE MOST OPEN AND SECRETIVE PUBLIC INSTITUTIONS IN TANZANIA

Researcher: Gasirigwa Sengiyumva



INTRODUCTION

A right of access to information held by government institutions is usually justified as an instrument for promoting development and political participation. It has been argued that access to information is necessary for the realization of the basic rights to freedom of opinion and expression that are guaranteed in the United Nations Declaration of Human Rights, subsequent human rights declarations, and many national constitutions.

The right of access to information is also guaranteed by Article 9 of the African Charter, which has been further elaborated by the Declaration of Principles on Freedom of Expression in Africa, as a fundamental and inalienable human right and an indispensable component of democracy and development, including socio-economic development.

A related but even stronger argument is that access is essential for persons to realize their basic right to participate in the governing of their country, and live under a system based on the informed consent of the citizenry.

In any state, and particularly in states where policy-analysis capabilities of civil society are poorly developed, political participation rights cannot be exercised effectively without access to government information.

Government's obligation to proactively publish information was stressed recently at an important international forum. Part of the deliberations of the 2013 G8 Lough Erne Declaration, emanating from the Summit on June 18, in Northern Ireland, United Kingdom, states, "Governments should publish information on laws, budgets, spending, national statistics, elections and government contracts in a way that is easy to read and re-use, so that citizens can hold them to account".

Continently, March 2013 witnessed the adoption of the African Union's "Model Law on Access to Information for Africa" by the African Commission on Human and Peoples' Rights (ACHPR). The Model Law is intended to guide African States on the adoption of Access to Information legislation, as well as provide benchmarks for their 'effective implementation'.

2013 has also witnessed Rwanda becoming the 11th country in Africa to adopt an Access to Information law, indicating the increasing significance of Access to Information on the African continent.

In Tanzania, the right to be informed and to access and disseminate information, is recognized in Articles 18(1) and 18(2) of the Constitution of the United Republic of Tanzania of 1977:

Without prejudice to expression the laws of the land, every person has the right to freedom of opinion and expression, and to seek, receive and impart or disseminate information and ideas through any media regardless of national frontiers, and also has the right of freedom from interference with his communications.

Every citizen has the right to be informed at all times of various events in the country and in the world at large which are of

importance to the lives and activities of the people and also of issues of importance to society (URT 1998).

Against this background the Media Institute of Southern Africa's Tanzania Chapter (MISA-TAN) is emphasising extending access to information campaigns so civil society organizations and organized communities can access government information to better their socio-economic conditions.

However, freedom of expression and right to information, as enshrined in Article 18 of the Constitution of the United Republic of Tanzania, is not fully enjoyed by many. It is within this context that MISA-TAN is advocating for an independent and pluralistic citizenry.

Access to information means to report and comment on issues of local interest, which are recognized as critical enablers for empowerment of the poor and for social accountability. An improved information flow and a greater range of communication channels are needed to meet the information needs of the poor and to advance pro-poor perspectives in policy dialogue.

Despite the constitutional mandate, the government often neglects to inform the public about decisions and projects that could potentially be of benefit to them. Once they do, it is always too late. When the public does learn of such government acts through unofficial channels, inquiries often fall on deaf ears, that is why the public often remains unaware of possible hazards or potential benefits of many government decisions and projects.

Despite promises from the Tanzanian government, the parliament has not witnessed the tabling of the Freedom of Information (FOI) Bill since 2006, when stakeholders made the first draft public.

Various Ministers under whose mandate the FOI Bill falls have made several comments. In 2010 for example, when asked in a parliamentary session to clarify the procedures for accessing information (for MPs in this case), then Minister of State in the Prime Minister's Office, Phillip Marmo, stated the following:

"The conditions include the ones I enlisted as part of my supplementary answer, but let it be reminded here that there are huge demands and worldwide, where there is a huge public demand, including parliamentarians to access information from government offices, there have been some processes including laws providing greater details. Such is normally called Freedom of Information Act. In our country, for all this time, we have not received any such demand for such a Law from the general public, parliamentarians or even from the media. This is why we have continued to use the current practice".

It was during the era of former Minister of Information and Culture, Dr. Emmanuel Nchimbi, that the media fraternity and FOI stakeholders were optimistic the Bill would become a reality, but to no avail. Over the past number of years, Nchimbi made a number of comments regarding the Bill. For example, in January of 2011 he said to a meeting of media stakeholders;

"The government will do everything possible to make sure that the bill is enacted and implemented accordingly".

Still there is nothing much to be proud of.

The Bill has been shifted from one Ministry to another; currently it falls under the Ministry of Legal and Constitutional Affairs (MOCLA).

"Rights, duties and sanctions of both the government and the general public will be included in the new Access to Information Law to be drafted soon", promises another Minister, Mathias Chikawe. "There must be sanctions to those who refuse to give information and we will make sure this appears clearly in the new law", he once affirmed when speaking to the members of the Coalition on Right to Information (RTI), at his offices in Dar es Salaam earlier this year.

Chikawe agreed to the fact that the government has heaps of information that need to reach to the general public, but due to one reason or another, this information does not get to the intended audience, and thus deters public participation in the activities and decisions geared to the development of the country." We need the Access to Information (ATI) Law to help us with this and it is the idea behind the government signing the Open Government Partnership initiative. We want public information to reach the grassroots, and not just reach the public but it must be done in a transparent manner all the way", Chikawe said.

He further stated that for the Law to be a reality, government participation and involvement of the general public is very crucial. According to Chikawe, commentaries made by Civil Society, and especially the Draft Bill by the Coalition, are on his table for deliberation. However, without the inclusion of the public in the drafting process, the draft bill will be finalised lacking the input of the general public.

It is the hope of Tanzanian FOI stakeholders that positive examples such as Rwanda, can serve as a benchmark for our country's establishment of a much-awaited Law, which will act as a catalyst for transparency and accountability.

RATIONALE AND RESEARCH PARAMETERS

MISA Tanzania joined other MISA chapters in participating in a study to establish the most open and secretive government institutions. The study started on the 28th May and was concluded on 19th of June 2013.

Four of the eight participating institutions were randomly picked depending on the relevance of the work the institutions are mandated to do for the country.

Selected Ministries included:

1. Ministry of Health and Social Welfare
2. Ministry of Energy and Minerals
3. Ministry of Food and Agriculture
4. Ministry of Water and Irrigation

Selected agencies included:

5. Social Security Regulatory Authority (SSRA)
6. Public Procurement Regulatory Authority (PPRA)
7. Tanzania Foods and Drugs Authority (TFDA)
8. Medical Stores Department (MSD)

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, a research was conducted by evaluating the websites of government and public Institutions, along with submitting oral and written reports requesting information. This method sought to establish the transparency and efficiency of government and public institutions in providing information to the public.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine the accessibility of public information.

Category 2: Submission of oral and written reports in order to determine the ease of which public information is obtained from government and public institutions.

Description of Assessment Criteria

The total number of points allocated to category 1 and 2 is 20 points (n = 20) each. Ministries and institutions will fall in to one of the following groups in accordance with the number of points that they receive.

Category 1 – Websites

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

Group 2; (7 – 13): Average website that contains some relevant public information.

Group 3; (14 – 20): Well organized, transparent website that provides a good amount of relevant public information.

Category 2 – Written request / Oral request

Part 1

Group 1; (0 – 6): Denied access to reasonable information request 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. Institution was helpful and transparent.

COMMENTS ON THE RESEARCH PROCESS

- After the request letters were sent to the ministries and agencies, a follow up was made after one week. Some ministries, such as the Ministry of Health and Social Welfare, communicated that the person responsible for information was away attending a parliamentary session. But even after the session was over he/she never replied to the letter.
- In some ministries, such as the Ministry of Food and Agriculture, no one answered the phone even after repeated attempts on different occasions. Where the call was answered, the researcher was asked to call back at another time, a request we followed up without success.
- In other agencies, such as the Medical Stores Department, after several telephone follow up efforts, the researcher was asked to pay a physical visit to the office in order to meet the person responsible for handling the requests. Upon arrival at the office, the receptionist called the Public Relations Officer (PRO) to inform her of the researcher's arrival. The PRO however, refused to receive the researcher because he did not have an appointment and because he identified himself as an independent researcher and the PRO, according to her statement, only deals with journalists. The official further informed the researcher that a request in writing would be answered in writing. Written feedback has never been received.
- Another challenge regarding government offices is that when requests are made by phone in the morning, the receptionist will probably inform the requester that the person asked for is "currently in a meeting". When calling back in the afternoon, the phone will most likely not be answered because staff will be out for lunch. This has been experienced on several occasions; one example is the Tanzania Foods and Drugs Authority (TFDA). Unfortunately, even when delivering the request letter to this agency, the MISA staff had to wait for more than 40 minutes to hand over the letter, because the receptionist was out for lunch. Follow-up calls were equally unsuccessful.
- The habit of some agencies and ministries of not acknowledging receipt of letters constituted a challenge.
- On several of the websites, some of the information is not provided for directly, links to other pages (e.g. Facebook) are given, or information has to be downloaded. For example, with the Medical Stores Department (MSD), information on procurement needs to be downloaded, which poses a challenge to someone with limited IT knowledge.
- For any research to be successful, one cannot neglect the provision of adequate manpower and funding. This was a problem last year and still is a problem this year. The office has few staff members; therefore, it was challenging to handle all the office activities whilst at the same time conducting this kind of research.

on the questionnaire is available.

- Ample time was scheduled for a detailed and thorough examination of the websites. We were very cautious and keen in awarding scores for every question. When enough or satisfactory information was provided on a particular question, two marks were awarded but if the answer was half way, we awarded only one mark. When information was lacking, a mark of zero was given.
- Many organizations are trying as much as possible to have information in both Swahili and English, but a number of them present information exclusively in English.
- Unlike previous years, many organisations are updating their pages, though not on a daily basis. Current 2013 budget speeches could be found on some of them. In 2012 Information on budgets and procurement issues were rarely available, but now they are easily accessible on websites.
- Some of the websites were particularly useful as good sources of information. They contained details that cannot be found easily on other websites. The Energy and Mineral's website for example, contains information on names, addresses and telephone numbers of the staff, and working hours of respective institution. In addition emails can be monitored outside regular office hours.

Written Requests for Information (Category 2) Access Denied

- Letters with questions on specific topics for particular institutions were prepared and hand-delivered to the respective offices on the 28th of May. The staff that delivered the letters made sure every person who received the letter signed the dispatch form.
- The institutions were given 21 days to reply, upon which time the information was considered denied.
- After seven days, the institutions were supposed to have acknowledged the receipt of the letters. Only two ministries acknowledged within the given time, the Ministry of Water and Irrigation and the Ministry of Energy and Minerals.
- MISA-TAN made several follow up calls to the other six institutions, on different occasions, reminding them of the letters. There were positive replies from some of them and discouraging ones from others, yet others did not respond to our calls.
- In some of the offices we were told that those responsible were out of office, either on leave, safari or attending the tabling of their ministry's budgets at parliament. Some of them, such as the Social Security Regulatory Authority, called after the 21 days were expired. Even then this was not followed up by the submission of a reply.
- When following up on the Ministry of Food and Agriculture, phone calls were not answered; no written response was received.

SUMMARY OF KEY FINDINGS

Website Analysis (Category 1)

- Of the eight government and public institutions surveyed all had websites, of which some were updated on a regular basis. The website of the Ministry of Agriculture, Food Security and Cooperatives is the only one where all the information requested

DETAILED FINDINGS

1. Ministry of Health and Social Welfare

CATEGORY 1 - WEBSITE

www.rfanam.com.nawwww.moh.go.tz

One of the most updated sites with a visitors' counter to check how many people view it in a day. Information is found in both Swahili and English.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website contains updated information, e.g. News and Press Releases of 2013
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			No power description is shown in the website rather the page shows structure, functions and responsibilities for each department.
b) A list of laws, acts etc. issued within the scope of its powers?		•		No list of laws or Acts issued within the scope of organization power.
c) Reports, policies, programs?			•	The website only contains policies and programs that are not current and no reports.
d) Budget and expenditure?			•	The website shows only expenditure of 2012, no budget provided for
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		No vacancy and employment procedures shown on the website. Only application for studies and sponsorship.
g) The name, the address, the telephone number and the working hours of the respective institution?		•		The website contains neither address or telephone number nor working hours of respective institution.
h) The contact details of public officials?		•		No contact details of public officials.
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		The website does not show any mechanism to request and receive a response to electronic messages and requests for information.

Total Score: 6/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the ministry of Health and Social Welfare:

1. Fistula, the condition that women face with pregnancy - that is easily preventable and treatable, is still a challenge in rural Tanzania. What is the government doing to make sure the problem is averted?
2. How does the ministry implement the education surrounding nutrition for families and children in the country?
3. There have been issues between the government and the doctors in the national, referral and regional hospitals. The consequences have been severe especially to ordinary citizens. What steps has your ministry taken to sort out this problem?
4. There have been complaints from communities and even Members of Parliament concerning the Medical Stores Department (MSD) supplying outdated medical supplies, and other supplies expire before they are distributed from the agency. What has your ministry done to solve that problem?
5. There is a shortage in medical supplies and medical personnel in most of the public hospitals and health centres. What are the steps taken by the government to find solutions to this problem?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Registry Department is responsible for receiving and responding to information requests. It then channels the requests to the respective departments.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	Made follow up calls and they promised to reply but only one question was answered and it was emailed to us after the deadline of 21 days.
3. Did the institution respond to a request for information?		•	A person responsible for giving out such information was not available. They advised to call back after a week.
4. Does the authority publish their procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	Only one question out of the five that were submitted was replied to; the question on Fistula. Comprehensive information was given on this subject, however, it took over three weeks.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	The institution did not provide any written reasons for refusal of information.
7. Did the institution disclose information about its operations, budgets, structure etc.		•	They did not disclose information about its operations, budget and structure.
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•	The authority required the requester to provide an explanation on why such kind of information was needed.
9. Did the institution acknowledge your request for information within 7 days?		•	The institution delayed to acknowledge the request of information in time.
10. Was the information received clear and understandable?	•		Except that the request for information took long.

Total Score: 4/20

2. Ministry of Energy and Minerals

CATEGORY 1 - WEBSITE

www.mem.go.tz

This is one of the most resourceful, updated and very current websites. Information is found in both Swahili and English.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website shows updated information such as the 2013/2014 budget speech for the Ministry as well as other information about the institution.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?			•	The webpage shows power descriptions from top to bottom according to hierarchy, and data of the organizational structure. However, the functions and responsibilities of the administration are not shown.
b) A list of laws, acts etc. issued within the scope of its powers?	•			Acts and Regulations are provided
c) Reports, policies, programs?			•	Outdated reports, policies and programs.
d) Budget and expenditure?	•			This year's budget.
e) Information about procurement procedures, signed contracts?		•		Not any information about procurement procedures, signed contracts.
f) Vacancies and employment procedures?			•	Few and outdated vacancies and employment procedures. Also the vacancy posts cannot be found on the Ministry website directly. A person first has to log in Facebook/Twitter to view such post.

g) The name, the address, the telephone number and the working hours of the respective institution?	•			The website shows name and address, telephone number, and working hours of respective institution. They can also monitor emails outside regular office hours.
h) The contact details of public officials?			•	No contact details of public official, just the details of the ministry in general.
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			The website provided a community category where one can registered and log in to access different information about the Ministry. Information service is also provided by means of monitoring emails outside regular office hours.

Total Score: 14/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the Ministry of Energy and Minerals:

1. Rural electrification is one of key indicators for the country's development. To what extent has this been done in the country?
2. What are the strategies in place to make sure the country does not solely depend on water for electricity production?
3. To what extent are the local populations involved in deciding or implementing energy-based projects established in their areas?
4. How easily available is information on energy-based projects to those who need it?
5. About the gas industry: is there going to be a gas plant in Mtwara so that Dar is one of the markets or the plant will be in Dar so that Mtwara is an external market for gas? Maybe this is what brings up all the issues, as it is not clear to many of the locals. Is there no way of establishing everything in Mtwara, and to only create the pipes leading to other regions, including Dar es Salaam, as customers and thereby creating employment opportunities to the natives? Like GAZPROM in Russia (if I am not mistaken) whose gas is taken to Western Europe for sale.

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Registry department is responsible for taking and responding to a request for information.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		The institution replied on time. On the fourth day after they received the letter. The requester was called to the ministry for an interview.
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		The institution provided all of information requested.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		The administration officer said all letters/requests addressed to the ministry must be replied to regardless of whether the questions are good or bad.
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 authority provided information without questioning the aims and motives of the applicant.
9. Did the institution acknowledge your request for information within 7 days?	•		The institution acknowledged my request on time (within 7 days).
10. Was the information received clear and understandable?	•		Due to the fact that it was a one to one interview, I had the chance to ask extra questions for more clarification.

Total Score: 20/20

3. Ministry of Water and Irrigation

CATEGORY 1 - WEBSITE

www.maji.go.tz

The current website contains resourceful information. It is updated and provides information in both Swahili and English.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website contains current information. E.g. The 2013/2014 budget speech for Ministry of Water.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			The webpage defines powers from top to bottom, according to the position; data of organization structure, functions and responsibilities.
b) A list of laws, acts etc. issued within the scope of its powers?		•		No laws, Acts or regulations shown on the website.
c) Reports, policies, programs?			•	Policies, programs and reports are available, however the reports have not been updated since 2010.
d) Budget and expenditure?	•			The website contains budget and expenditure by showing a summary of the annual and forward budget revenue as well as current and development expenditure.
e) Information about procurement procedures, signed contracts?		•		No information about procurement, only activities of the procurement Department.
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	The website contains full addresses but does not state the institution's working hours .
h) The contact details of public officials?	•			The website contains all contact details of public officials, including phone and fax number, postal and email address.
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			"Ask the Ministry" is a tool provided for on the website, which can be used to submit a question and receive a response via email.

Total Score: 12/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the Ministry of Water and Irrigation:

1. Availability of water in rural areas: People still travel long distances to fetch water for domestic and animal use. What is the government doing to solve this problem?
2. Lower and Upper Ruvu basins still can't produce enough water for domestic and industrial use in Dar es Salaam. What is the ministry's strategy to make sure water woes become history in the city?
3. There are water authorities in the cities and towns, but they seem to be one. In one way or another there is no competition and as a result they offer poor services most times. Is there any plan to register more providers (independent) to improve services and water availability?
4. It is evident that most big water users are industries and government agencies and they seem to be biggest debtors of these water authorities. This renders many of these authorities financially incapable and thus offers poor services to smaller clients. What is the government doing to solve this problem?
5. Water is a human right, what are the strategies in place to make sure every citizen enjoys this right?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		The institution replied on time. On the sixth day after submission the researcher received a telephone call for a one to one interview concerning the questions sent.
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		The institution provided all of information requested.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		As long as a request is formally delivered it will be replied to, according to the administration personnel.
7. Did the institution disclose information about its operations, budgets, structure etc.	•		The institution released all the information about operations, budget and structure.
8. Did the authority provide information without questioning the aims and motivations of the applicant?	•		The authority provided information without questioning the aims and motives of the applicant.
9. Did the institution acknowledge your request for information within 7 days?	•		The authority accepted the request within 7 days.
10. Was the information received clear and understandable?	•		The information received was clear and understandable.

Total Score: 18/20

4. Public Procurement Regulatory Authority (PPRA)

CATEGORY 1 - WEBSITE

www.ppra.go.tz

The website for PPRA is www.ppra.go.tz and it is one of the most updated and current websites amongst all the ministries and agencies surveyed. It also has a visitors' counter, however only in English.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website provides updated information and recent news and press releases (June, 2013).
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			The website shows power, structure, functions and responsibilities of administration.
b) A list of laws, acts etc. issued within the scope of its powers?	•			The website contains Acts and regulations issued within the scope of the institution's power.
c) Reports, policies, programs?			•	The website contains different reports of the authority but there is no policy program provided on the website.
d) Budget and expenditure?		•		No information about budget and expenditure is shown on the website.
e) Information about procurement procedures, signed contracts?	•			The website shows information about procurement procedures signed contracts.
f) Vacancies and employment procedures?		•		No vacancy and employment procedures provided for on the institution's website.

g) The name, the address, the telephone number and the working hours of the respective institution?			•	The website contains name, address and telephone number of the institution, but does not state the working hours.
h) The contact details of public officials?		•		No contact details of public officials provided on the website.
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			The website has a PMIS (Project Management Information System) Portal and a procurement forum as the mechanisms to request, receive and respond to information.

Total Score: 12/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the PPRA:

1. What can you say is the status of the procurement industry/sector/profession in the country?
2. What sort of procurement disputes do you handle at your agency?
3. How many cases are brought to the authority every year and how many have you successfully solved, ever since your were established?
4. How do you make yourself -as an organisation and what you do- known to the general public?
5. How independent is the PPRA?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		Call reception is good. All correspondence received is kept in a system. Once the letter is in the process it takes five working days to be processed. The reply letter was received on the 11th of June.
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		In cases of extra explanations demanded, the institution directed us to the relevant resources, mainly their website.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•		But upon additional request
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

5. Medical Stores Department (MSD)

CATEGORY 1 - WEBSITE

www.msd.or.tz

The website is current and updated but lacks some basic information such as contact address, telephone numbers of the organization. The only way to access these is by emailing them or login in as a member.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website provides updated information (up to June, 2013).
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			The website shows power, structure, function and responsibilities of administration.
b) A list of laws, acts etc. issued within the scope of its powers?	•			The website provides Acts, and the terms and conditions.
c) Reports, policies, programs?		•		No report or policies program shown on the website.
d) Budget and expenditure?		•		No information about budget and expenditure provided on the website.
e) Information about procurement procedures, signed contracts?	•			The website shows information about procurement procedures signed contracts. Eg. General Procurement Notice (GPN) 2012/2013.
f) Vacancies and employment procedures?		•		No vacancy and employment procedures.
g) The name, the address, the telephone number and the working hours of the respective institution?		•		The website does not provide for address, telephone number and working hours.
h) The contact details of public officials?		•		No contact details of public official provided on the website.
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	There is a mechanism to request and receive and responding to the electronic messages for more information

Total Score: 9/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the Medical Stores Department:

- MSD has a near monopoly on the national medical supply chain for Tanzania's public facilities. You purchase medicines and supplies using government funding. Could you please tell me your budget line for every year? Is it adequate to meet patients' demand?
- Apart from the government, where else does the MSD get funding? What are the policies guiding these funds?
- There have been complaints from some communities of getting expired medical supplies from the agency, even reports by the Controller and Auditor General [CAG] showed that medicines worth 8bn/- had expired while in the hands of the department. How can you explain these issues?
- According to the reports by the CAG, part of the problem was discovered in your inventory management system. What have you done so far to make sure the system provides greater internal stock management and fraud controls?
- What have been the department's success stories?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations department is responsible for receiving and responding to all information requests. The reception was not good. It was indicated that the researcher has to go to their office if he needed information; because they receive a lot of correspondence within a day it is difficult to handle all issues and meet deadlines
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	The researcher made a call and they said that he should make an appointment with the responsible person. However, this person was not there.
3. Did the institution respond to a request for information?		•	The institution failed to respond when requesting for information.
4. Does the authority publish their procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	The institution did not provide all the information requested.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	The institution did not provide any 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 requester was requested to state the reason for the information request, and from which institution he is coming from.
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. Social Security Regulatory Authority (SSRA)

CATEGORY 1 - WEBSITE

www.ssra.go.tz

The website is current and resourceful but information is only available in English

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website provides updated information. E.g. General Procurement Notice (GPN) for financial year 2012/2013.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			The website shows power, structure, functions and responsibilities of administration to all departments and board members.
b) A list of laws, acts etc. issued within the scope of its powers?	•			The website provides Acts and regulations about all issues concerning Social Security.
c) Reports, policies, programs?			•	The website contains reports which are outdated. No policy program provided on the website.
d) Budget and expenditure?		•		No information about budget and expenditure.
e) Information about procurement procedures, signed contracts?	•			It provides information about procurement procedures signed contracts. Eg. Procurement Notice (GPN) for financial year 2012/2013.
f) Vacancies and employment procedures?		•		No vacancy and employment procedures.

g) The name, the address, the telephone number and the working hours of the respective institution?			•	The website show name and address and telephone number. No working hours of respective institution
h) The contact details of public officials?		•		No contact details of public officials provided on the website.
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	There is a mechanism to request, receive and responding to the electronic messages for more information. Unlike MEM where monitoring of emails is done even outside normal office hours, SSRA does it only during office hours.

Total Score: 11/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the Social Security Regulatory Authority:

1. What can you say is the status of the social security industry/sector/ is in the country?
2. What sort of disputes or issues do you handle at your agency?
3. How many cases are brought to the authority every year and how many have you successfully solved ever since your were established?
4. How do you make yourself -as an organisation and what you do- known to the general public?
5. How independent is the SSRA?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		The Registry Department is responsible for receiving and delivering the information. All correspondence received are kept in a system for follow-up purposes.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		Once the request is in the process it normally takes the institution 5 working days to respond. The person in charge, however, was occupied by the ongoing parliamentary session. The researcher was asked to call the institution on July 3, 2013 to follow up on the request.
3. Did the institution respond to a request for information?		•	A responsible person was not available.
4. Does the authority publish their procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	The institution did not provide all the information requested.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	The institution did not provide any written reasons for the refusal of information.
7. Did the institution disclose information about its operations, budgets, structure etc.		•	The institution did not disclose the information about its operations, budget and structure.
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•	The requester was requested to state the reason for the information request, and from which institution he is coming from.
9. Did the institution acknowledge your request for information within 7 days?		•	After 21 days the institution called the researcher to acknowledge receipt and consideration of the request. The researcher was informed that the institution would call back once its response is ready for pick up. However, the institution did not call back
10. Was the information received clear and understandable?		•	

Total Score: 4/20

7. Tanzania Food and Drugs Authority (TFDA)

CATEGORY 1 - WEBSITE

www.tfda.or.tz

The website is current and updated; it has a visitors' counter; information can only be accessed in English

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The website contains updated and current information based on press releases and news of 2013.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational structure, the functions, and the responsibilities of the administration?	•			The website shows power, structure, functions and responsibilities of the administration.
b) A list of laws, acts etc. issued within the scope of its powers?	•			The website provides laws and Acts issued within the scope of its power.
c) Reports, policies, programs?			•	The website only contains outdated reports form 2012. No policies or program shown.
d) Budget and expenditure?		•		No information about budget and expenditure provided on the website.
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	The website contains full contact details including email address for each zone and department, but it does not state the working hours of the institution.
h) The contact details of public officials?		•		
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 10/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to Tanzania Foods and Drugs Authority:

1. In reality, is TFDA capable to protect public health particularly in villages? If YES, how? If NOT why?
2. What have been the success stories when it comes to dealing with importation of substandard products?
3. What could you cite as the main challenges with regard to the above question?
4. There is a widespread consumption of unregulated drinks and herbs especially among citizens who are semi-illiterate and poor. How does your organization address such an issue?
5. In most cases, it is the big business people who import substandard drugs, how strong and independent is your agency in dealing with these people?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	When several follow up calls were made, the answer was that, "we are working on it".
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	

6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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 Agriculture, Food Security and Cooperatives

CATEGORY 1 - WEBSITE

www.agriculture.go.tz

The website is current and contains updated information. The site is in both languages (Swahili and English). This is probably the best site the study has ever gone through in terms of resourcefulness.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Each time an update has been made, a red 'new' signal alerts visitors.
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?	•			The current budget speech and its supporting documents can be accessed on the page.
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			There are telephone numbers and email addresses for almost every official in the ministry.
i) A mechanism to request and receive a response to electronic messages and requests for information?		•		

Total Score: 18/20

CATEGORY 2- REQUEST FOR INFORMATION

The following questions were sent to the Ministry of Food and Agriculture:

1. Widespread use of fertilizers has rendered arable land infertile in most places in this country. Farmers are complaining that after two to five years, it becomes difficult to raise crops in the same pieces of land as before. What does the ministry say to these claims?
2. After several years on implementing KILIMO KWANZA, can the government confidently say it has brought about changes in the food production and economies of the rural population?
3. Stakeholders in the Wine industry testify that the vineyards of Dodoma produce some of the best grapes in the World. Does your ministry know this? And if so, what does it do to capitalize on this fact and create employment opportunities for many Tanzanians as a result?
4. Many of the biggest retail outlets operating in the country, such as Shoprite, are flooded with South African farm produce. What does your ministry do to promote local farmers and consolidate the horticultural industry in the country?
5. How does the common farmer get information relevant to him/her on such issues as markets, farm implements, pesticides etc? Is there an information portal, public programmes or publications that could be of use to them?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Registry Department was responsible for receiving and responding to information requested. After delivery the written request was misplaced internally. The researcher was assured that they will try to recover the request and get back to the requester, this did not materialise.
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to a 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? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	The institution did not provide any written reasons for the refusal of information.
7. Did the institution disclose information about its operations, budgets, structure etc.		•	They did not disclose information about its operations, budget and structure.
8. Did the authority provide information without questioning the aims and motivations of the applicant?		•	No information was provided.
9. Did the institution acknowledge your request for information within 7 days?		•	The institution did not acknowledge a request for information within 7 days.
10. Was the information received clear and understandable?		•	No information received

Total Score: 2/20

RESEARCH CONCLUSIONS

The recognition of freedom of information as a fundamental human right advances the effective promotion of justice, the rule of law and equality, and has therefore gained prominence in the recent past, being regarded as the cornerstone of democracy. Access to information is a necessity in all spheres of human activity, and is exemplified by the way states are shifting away from the culture of secrecy to openness.

Our organisation conducts simple but relevant studies that have helped to shape how leaders and public offices operate. These studies have had some interesting stories, which serve as success stories.

Last year, the Ministry of Finance won the Golden Key Award as the most open public institution; however, no representative was in attendance during the ceremony. After the Minister learned about the ceremony, he received the institution's award and summoned a meeting of the department where he informed staff that despite winning, the research also revealed weaknesses in the institution's performance with regard to the provision of information. The Minister requested work on those areas; the website underwent major changes since then.

On the same occasion, the Ministry of Legal and Constitutional Affairs (MOCLA) got the Golden Padlock Award for being the most secretive public institution. No representative attended the award ceremony, despite invitation. When one of our staff delivered the padlock to the Ministry, it did not take more than 20 minutes before the award was returned to our office.

MISA-TAN met the Minister, Hon. Mathias Chikawe, in February 2013. At the meeting the Minister acknowledged what had happened the previous year and stated it has changed the way the Ministry operates. "Next year, I promise you we will not get this trophy again. We have pumped funding into our IT department and now they are making major renovations", he was quoted saying.

This year we have noticed another significant improvement with regard to the communication of some public institutions. Previously, if information was asked for, a written request had to be forwarded to the Permanent Secretary (PS) of the Ministry. If the PS was not available, the requester had to wait for his availability to receive a response. This year, information officers are responsible for the handling of information requests. The two Ministries that called the researcher for interviews (Ministries of Water and Irrigation and Energy and Minerals) were represented by information officers during the interviews.

In the same vein, we believe that these findings will contribute to a culture of openness, especially with regard to those institutions surveyed for this study.

THE MOST SECRETIVE PUBLIC INSTITUTION IN TANZANIA

Interestingly, two institutions that are linked closely in terms of functions came last in this study. The Ministry of Health and Social Welfare, which scored 10 out of 40, and the Medical Stores Department scoring 11 out of 40.

Thus according to the findings and the score attained, this year's recipient of the Golden Padlock Award for the Most Secretive Public Institution in Tanzania is the Ministry of Health and Social Welfare.

THE MOST OPEN PUBLIC INSTITUTION IN TANZANIA

Two Ministries have done an amazing job towards being transparent and opening up to the general public. These are the Ministry of Water and Irrigation, which scooped the award in 2010 as well as the Ministry of Energy and Minerals, which scored the highest in the ranking.

We are proud to announce that the 2013 recipient of the Golden Key Award for the Most Open Public institution in Tanzania is the Ministry of Energy and Minerals.

RECOMMENDATIONS

Like previous years, we suggest the methodology used in the research should be strengthened by including interviews with media houses and journalists to get their views on the level of openness of the institutions sampled.

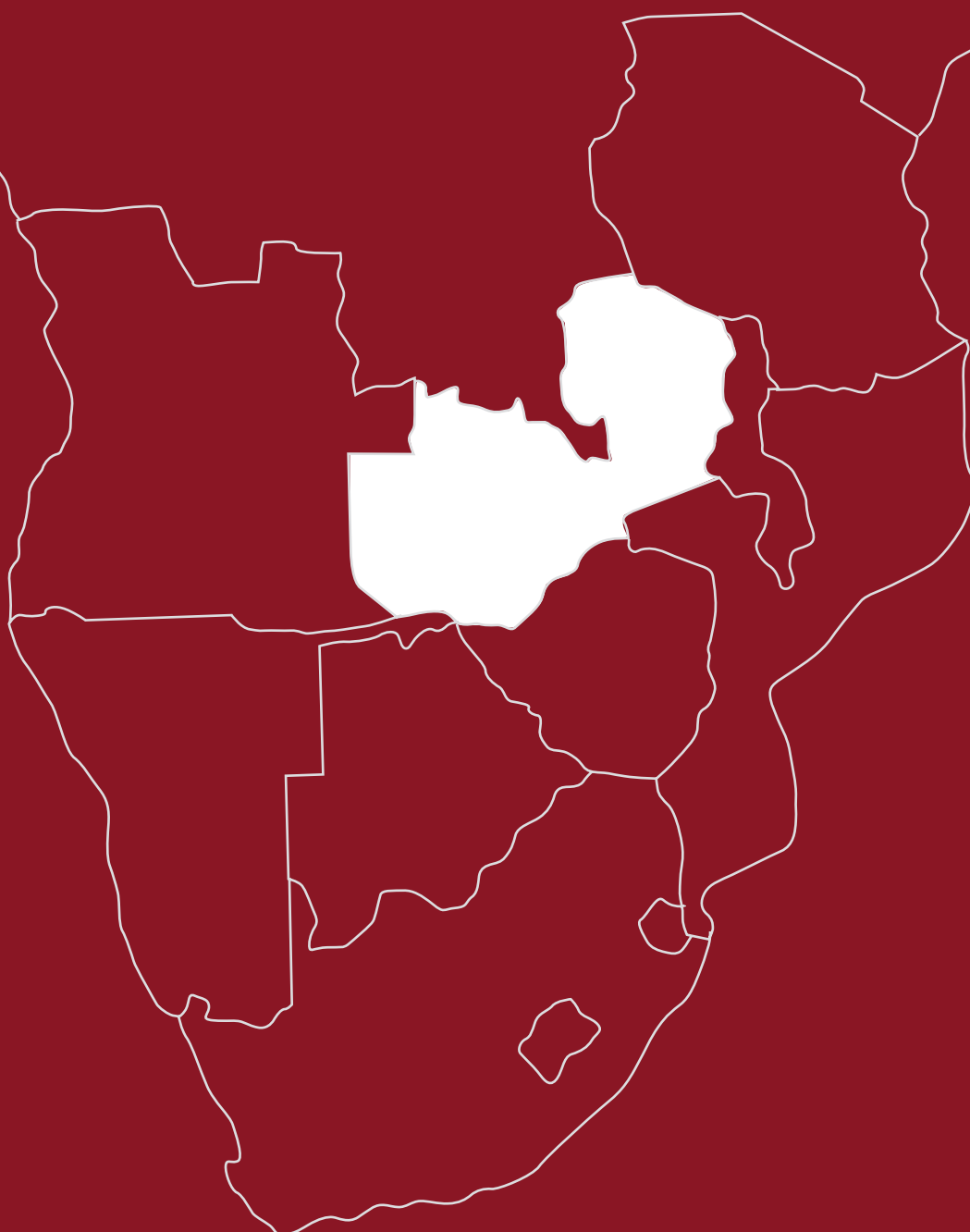
Including views from members of the public and other organizations on which ministries or departments are considered secretive or transparent would also be vital.

In addition, the research should include private bodies that utilise public funds. It is important to create awareness and encourage openness in the private sector.

ZAMBIA

2013 REPORT ON THE MOST OPEN AND SECRETIVE PUBLIC INSTITUTIONS IN ZAMBIA

Researcher: Jane Cheraw



INTRODUCTION

The current Zambian Constitution is inadequate with regard to provisions on the right of citizens to access public information. Article 20 (1) states, 'Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and opinions without interference, freedom to impart and communicate information without interference, whether the communication is to the public generally or to any other person or class of persons, and freedom from interference with his correspondence.'

It is clear that access to information (ATI) held by government institutions is not expressly provided for in the Constitution. Further, the constitutional provision does not give adequate instruction or direction to both civil servants and citizens on what type of information they can give or demand, hence the need for a clear ATI Law. The Zambian ATI Draft Bill has been pending since 2002, even though calls for the law to be enacted started as early as the 1990s, when government set up the Media Reform Committee. This was three years after Zambia had been re-democratised.

Several governments, including the one that re-introduced democracy in Zambia, have made attempts to overhaul legal provisions around ATI, but have failed to enact a law. The ATI Bill was presented for a second reading in the Zambian Parliament in 2002, after which the Bill was withdrawn for 'further consultation'. Since then, the draft has undergone two processes of redrafting, in 2007 and 2012 respectively.

With the coming into power of a new political party, following the 2011 general elections, hope was reinvigorated. In its manifesto the ruling party outlined the need to enact the ATI Bill and addressed sections in the Official Secrets Act that conflict with the requirements of an ATI law. Several promises to enact legislation have been made. Most of them were announced in the year 2012, while in 2013, government assured the public on several occasions that the law would be enacted by June. However, government subsequently pronounced the ATI Bill would be tabled before Cabinet as part of the implementation process. However, this was only stated weeks after Parliament had resumed sitting.

While the Constitution-drafting process presents a chance for Zambia to expressively provide for the right of access to information, it remains to be seen whether the initial provisions in the First Draft Constitution, launched in April 2012, will be maintained. The first draft explicitly provides for ATI under Article 37(1a), which provides, 'A citizen has the right of access to information held by the state'. While this sounds promising, Zambia has undergone several constitutional review attempts, resulting in draft constitutions containing ATI provisions, none of which have been adopted to date. It is important to point out that about five attempts have been made to review the constitution. Therefore, the effort that re-commenced in early 2011, and produced a 2012 Draft, is being closely followed, but with certain degree of mistrust – as the saying goes 'once beaten twice shy'.

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, the researcher was required to evaluate the websites of government and public institutions, along with submitting oral and written reports requesting information. This method sought to establish the transparency and efficiency of government and public institutions in providing information to the public.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine the accessibility of public information.

Category 2: Submission of oral and written reports in order to determine the ease of which public information is obtained from government and public institutions.

Description of Assessment Criteria

The total number of points allocated to category 1 and 2 is 20 and 18 points respectively ($n = 20$, $n = 18$). Please note that MISA Zambia only marked respondents on 9 criteria instead of 10 so category 2 is marked out of 18 instead of 20 in line with the regionally applied methodology. Ministries and institutions will fall in to one of the following groups in accordance with the number of points that they receive.

Category 1: Websites

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

Group 2; (7 – 13): Average website that contains some relevant public information

Group 3; (14 – 20): Well organized, transparent website that provides a good amount of relevant public information.

Category 2: Written request / Oral request

(group bands have been changed to account for MISA Zambia's marking of category 2 out of 18 instead of 20)

Part 1

Group 1; (0 – 5): Denied access to reasonable information request or acted with high levels of secrecy.

Group 2; (6– 12): Displayed an average level of openness in allowing access to public information.

Group 3; (13 – 18): Displayed openness in allowing access to public information. Institution was helpful and transparent.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

All the institutions selected for this research had websites. Of the eight institutions evaluated, the Lusaka City Council (LCC) website was the only website that was under reconstruction – a message appeared on the site that it was undergoing 'a facelift'. The other websites were fully functional and contained updated information. Most sites included a description of the institution's powers, contacts, reports, programmes undertaken, information on procurement, and mechanisms to request and receive responses to electronic messages and requests. Generally, the government institutions in Zambia have embraced the use of websites as a tool for the dissemination of public information. Most of the sites visited contained relevant information in areas of the respective institution's expertise. For instance, the Electoral Commission of Zambia (ECZ) website contained all the latest election results, while the Ministry of Health provided information on recent programmes, possible disease outbreaks, as well as its latest campaigns. However, one negative finding is the fact that of the eight websites, only the Zambia Revenue Authority (ZRA) site provided information on its 2013 budget.

Category 2: Request for written and oral information

Of the eight institutions written to, three responded verbally in less than seven days after receiving an information request. These were the Zambia Public Procurement Authority (ZPPA), the Ministry of Health (MOH) and the Ministry of Agriculture and Livestock Services. What was impressive is that the Permanent Secretary of the Ministry of Agriculture, Mr Sizing Siakalenge, called early in the morning at 07:30 hours. A few days after the request was submitted. The researcher, who at that time was at the office, requested that he called back later, which he did. This was striking because the PS is the highest technocrat in any ministry in Zambia. However, this is not to take away from the Ministry of Health, who called on 30 May 2013 at 11:44hrs and provided all the information requested. Mr Yothum Chikuta Mbewe from the Ministry provided the information. The ZPPA provided the information through Mr Victor Mutande, who was very helpful and provided the researcher with his contact details in case she wished to contact him for further information. The researcher made follow-up calls to the five institutions that had not responded but only managed to obtain a verbal response from PACRA. Grace Mululu from PACRA provided all the information requested, even though she was sitting in for a colleague. For the other four institutions follow-ups were made but no response was received and no written reasons for the refusal of information were given, although the researcher provided both postal and email addresses for written responses.

DETAILED FINDINGS

1. Citizens' Economic Empowerment Commission (CEEC)

CATEGORY 1 - WEBSITE

<http://www.ceec.org.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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

Part 1: Requests for written information

CEEC: The following Information Request was sent to CEEC

I write to request for information on how I can access funding from CEEC. I will be grateful if this information was provided to me on the address provided above. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

Part 1: Requests for written information

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Acting Director Corporate Services
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')		•	
3. Did the Institution request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	There was no response despite follow-up calls to the Executive Director's office, while the Public Relations Officer's (PRO) line remained unanswered.
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	When the researcher called, CEEC to follow-up on her written query, the immediate question was which institution she was calling from and the purpose for which the information was been obtained.
8. Did the institution acknowledge your request for information within 7 days?		•	
9. Was the information received clear and understandable?		•	

Total Score: 4/18

* The total number of questions is 9, the maximum score is therefore 18.

2. Patents and Companies Registration Agency (PACRA)

CATEGORY 1 - WEBSITE

<http://www.pacra.org.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 18/20

CATEGORY 2- REQUESTS FOR INFORMATION

Part 1: Requests for written information

PACRA: The following Information Request was sent to PACRA

I write to request information on the registration process with PACRA. I will be grateful if this information was provided to me on the address provided above. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Public Relations Officer
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')	•		After a follow-up call
3. Did the Institution request for information?	•		Information was provided verbally when the researcher made a follow-up call
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	The researcher was asked which institution she was calling from
8. Did the institution acknowledge your request for information within 7 days?		•	
9. Was the information received clear and understandable?	•		The lady, Grace Mululu, was very prompt although she was acting in the position and gave all the information requested

Total Score: 14/18

* The total number of questions is 9, the maximum score is therefore 18.

3. Ministry of Health

CATEGORY 1 - WEBSITE

<http://www.moh.gov.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Very well updated. Provides information on disease outbreaks, health campaigns and projects being undertaken
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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

Part 1: Requests for written information

MOH: The following Information Request was sent to MOH

I write to request for information on the stocks of ARVs in the country following rumours of shortages. I will be grateful if this information was provided to me on the address provided above. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Spokesperson- Director technical support services
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')	•		A verbal response was received on 30 May 2013 through a telephone call from MOH Deputy Director of Pharmaceuticals Services, Mr Mbewe Yotham Chikuta, to respond to all the questions posed by the researcher
3. Did the Institution request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	The official wanted to know which institution the researcher was from
8. Did the institution acknowledge your request for information within 7 days?	•		On 30 May 2013 the institution called
9. Was the information received clear and understandable?	•		

Total Score: 16/18

* The total number of questions is 9, the maximum score is therefore 18.

4. Lusaka City Council (LLC)

CATEGORY 1 - WEBSITE

<http://www.lcc.gov.zm/>

Message: Site off-line. "Lusaka city council website is currently undergoing a facelift in order to serve you better. Please come back later."

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?		•		
h) The contact details of 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

Part 1: Requests for written information

LCC: The following Information Request was sent to LCC

I write to request for information on what the council is doing to enhance transparency in land allocation in Lusaka. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Public Relations Manager
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')		•	Not even after the researcher made calls to the LCC
3. Did the Institution request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	
8. Did the institution acknowledge your request for information within 7 days?		•	
9. Was the information received clear and understandable?		•	

Total Score: 4/18

* The total number of questions is 9, the maximum score is therefore 18.

5. Electoral Commission of Zambia (ECZ)

CATEGORY 1 - WEBSITE

<http://www.elections.org.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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

Part 1: Requests for written information

ECZ: The Following Information Request was sent to ECZ

I write to request for information on the cost of one by-election in Zambia. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Public Relations Manager
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')		•	
3. Did the Institution request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	
8. Did the institution acknowledge your request for information within 7 days?		•	
9. Was the information received clear and understandable?		•	

Total Score: 4/18

* The total number of questions is 9, the maximum score is therefore 18.

6. Zambia Revenue Authority (ZRA)

CATEGORY 1 - WEBSITE

<http://www.zra.org.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?			•	They have posted the 2013 budget speech
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 19/20

CATEGORY 2- REQUESTS FOR INFORMATION

Part 1: Requests for written information

ZRA: The following Information Request was sent to ZRA

I write to request information on how much tax is charged for an imported car. I will be grateful if this information was provided to me on the address provided above. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Director Research and Planning
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')		•	
3. Did the Institution request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	No, reason was given despite a number of follow-up calls made, but the registry seemed to have a problem with locating the letter
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	
8. Did the institution acknowledge your request for information within 7 days?		•	
9. Was the information received clear and understandable?		•	

Total Score: 2/18

* The total number of questions is 9, the maximum score is therefore 18.

7. Zambia Public Procurement Authority (ZPPA)

CATEGORY 1 - WEBSITE

<http://www.ppa.org.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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

Part 1: Requests for written information

ZPPA: The following Information Request was sent to ZPPA

I write to request for information on how I can become a supplier of goods to government. I will be grateful if this information was provided to me on the address provided above. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Manager
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		The researcher received a verbal response from Mr Victor Mutande who phoned her on the mobile number provided in the letter. He gave all the information verbally and made further elaboration. He also availed his cellular contacts as outlined: 260 977 960532/ 260 955 960532 Date of call was 27 May 2013 at 09:35 hrs
3. Did the Institution respond to a request for information?	•		Only verbally
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		Though the institution responded verbally on 27 May, 2013, no written response was sent to the researcher
7. Did the institution disclose information about its operations, budgets, structure etc.	•		Three days after the request
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: 18/18

* The total number of questions is 9, the maximum score is therefore 18.

8. Ministry of Agriculture and Livestock Services

CATEGORY 1 - WEBSITE

<http://www.agriculture.gov.zm/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of public officials?	•			
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			

Total Score: 18/20

CATEGORY 2- REQUESTS FOR INFORMATION

Part 1: Requests for written information

MALS: The following Information Request was sent to MALS

I write to request for information on what the government is doing to ensure timely supply of farming inputs countrywide. My number is 0977 261361 while my email address is janechirwa79@yahoo.com.

n = 18*	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'additional information')	•		Permanent Secretary
2. Did the institution reply within 21 days? (If less than 7 please state in 'additional information')	•		The Permanent Secretary called first at 07:30 hrs and later 08:25 hrs to provide the researcher with all the information requested
3. Did the Institution request for information?	•		Just after five days of receiving the letter, the PS called the researcher
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		A verbal response was given
7. Did the authority provide information without questioning the aims and motivations of the applicant?		•	The researcher was asked which institution she was calling from
8. Did the institution acknowledge your request for information within 7 days?	•		
9. Was the information received clear and understandable?	•		

Total Score: 16/18

* The total number of questions is 9, the maximum score is therefore 18.

RESEARCH CONCLUSIONS

This research reveals the need for Zambia to enact legislation to enhance the right of citizens to access public information. According to the findings, 50% of public institutions were able to respond to the questions, while seven of the eight institutions had well-functioning websites containing very useful information. Even though this seems to be encouraging, none of the four institutions that provided the information responded in writing, and according to the grading of this research, information was denied. The desired levels of transparency and efficiency in government and public institutions in providing information to the public are yet to reach the desired levels although there is a great improvement in the website quality and information.

A change of mindset amongst civil servants is another aspect that this research established, 50% of the institutions responded to a request for information via telephonic communication meaning the culture of secrecy is slowly fading away. The officers were helpful and friendly and provided contact information in cases where clarification was necessary. This trend of government officials to embrace a culture of openness should be further encouraged, but freedom of information can only be guaranteed with the enactment of the ATI Bill.

Further the increased use of websites and other ICT tools such as Facebook and Twitter by government institution shows efforts are being made to provide information, however, this is not enough, as less than half of the Zambian population has access to the internet. Thus, the need for government institutions to respond in writing is still required.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZAMBIA

Of the eight surveyed institutions, four did not respond to a written request for information. The ECZ despite having a very well updated website, failed to provide a response even after follow-up calls were made. Likewise, the ZRA did not respond to written requests for information, but also had a very well updated website, including job opportunities and budgets. While the CEEC did not respond to the written request, its website was well updated, outlining its mandate, funding opportunities and procurement procedures. The CEEC's website has also significantly improved compared to last year, being more user-friendly. The Lusaka City Council's (LCC) website underwent a facelift, hence no information was accessible. The LCC did not send a response to the written information request either.

Based on the above, the Lusaka City Council has been awarded the most Secretive Public Institution in Zambia for the year 2013.

THE MOST OPEN PUBLIC INSTITUTION IN ZAMBIA

Four organizations verbally responded to requests for information while none made an effort to respond in writing, neither by email nor post, even though the contact details were provided in the written requests.

Of the four institutions, three responded within less than seven days. However, PACRA only responded after a follow-up call was made. Based on the improvements of the quality of information provided on the websites of these public institutions, the research concludes that the Zambia Public Procurement Authority is the Most Open Government Institutions in Zambia in 2013, and the Ministry of Agriculture is this year's runner-up.

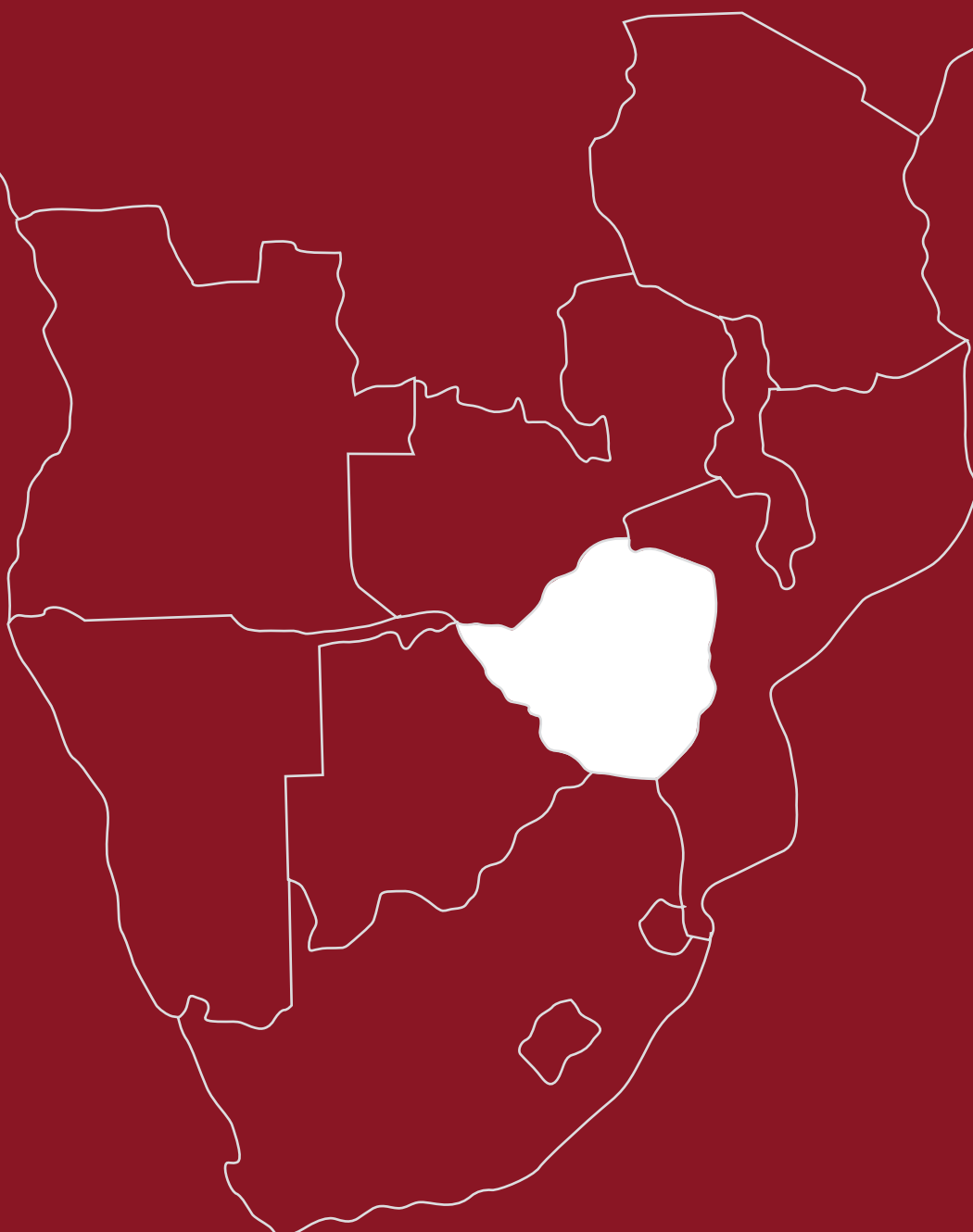
RECOMMENDATIONS

It is highly recommended that government officials continuously prioritise the provision of information on request. Simultaneously, the ATI Bill needs to be enacted, providing Civil Servants with the confidence to provide information without fear. It was clear from the research that most government institutions do not expect a private citizen to request for information from them. This researcher was asked this question by almost all the institutions surveyed. Moreover there is a need for the right to information to be expressly provided for in the Zambian Constitution, which constitutes the supreme law of the country.

ZIMBABWE

2013 REPORT ON THE MOST OPEN AND SECRETIVE PUBLIC INSTITUTIONS IN ZIMBABWE

Researcher: Farai Nhende



INTRODUCTION

This research comes at a particularly interesting time, especially given the political developments within Zimbabwe that has given rise to the enactment of a new Constitution. The new Constitution unlike the former actually does provide for fairly progressive provisions. While the old Constitution of Zimbabwe provided for an express guarantee on freedom of expression, the same did not hold true for the right to freedom of information. Section 20 stated:

Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

However, the right to freedom of expression was characterised by broad claw back clauses that had the effect of taking away the same right. On the other hand, media freedom was also not expressly guaranteed by the constitution. Section 20 (2) (a) of the Constitution arguably abridged the exercise of freedom of expression by its numerous exceptions. It stated in part:

Nothing contained in or done under the authority of any law shall be held to be in contravention of subsection (1) to the extent that the law in question makes provision -

- (a) In the interests of defence, public safety, public order, the economic interests of the State, public morality or public health;*
- (c) That imposes restrictions upon public officers: except so far as that provisions or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.*

These provisions have been abused to enact laws that make it difficult for the public to obtain information from organisations, particularly public institutions, under the guise of protecting defence, economic and other interests of the nation. Some of the laws were adopted from the colonial regime unaltered, while some have been simply changed in name, in a classic tale of old wine in new bottles.

However, the same cannot be said for the new constitution whose provisions on freedom of expression and access to information are clearly more comprehensive and progressive as compared to those in the previous constitution. In terms of s.62 of the new constitution:

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.*

The problem is there is a plethora of existing subsidiary legislation that is clearly inconsistent with these new provisions. Notable among such laws is the Official Secrets Act of 1970, which makes it difficult for the citizens and media to access some information held by government and public institutions. Another law is the Public Order and Security Act (POSA), which restricts freedom of association and freedom of assembly. Sections of the Criminal Law (Codification and Reform) Act also make it a criminal offence to communicate in any way any statement that undermines the president, his/her office or his/her personal capacity, among other offences.

Then there is also the infamous Access to Information and Protection of Privacy Act (AIPPA). In its pre-ambule, the Act states it will provide members of the public with a right of 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, the opposite is true as the law takes away more than it gives.

Under 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 to grant the requested information where it is deemed the information sought is not in the public interest. 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 a request for access to information or part of the 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 Commissioner to review the public body's decision. In essence, this constitutes a mere review process that does not guarantee access to information by the applicant. 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 one of those typical scenarios in which 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 the work of the public institutions.

However, it is clearly imperative these laws are realigned to the constitution so they are in sync with the country's supreme law.

RATIONALE AND RESEARCH PARAMETERS

Governments and public institutions are responsible for facilitating the right to access to information and there are two key aspects to this responsibility: enabling citizens to access information upon request; and proactively disseminating important information. In July 2013, the Media Institute of South Africa Zimbabwe Chapter (MISA-Zimbabwe) assessed the level of accessibility to information held by government and public institutions in Zimbabwe. The public institutions assessed were randomly selected with particular attention paid to the relevance and nature of information these institutions hold.

The public institutions assessed include the following;

1. The Zimbabwe Schools Examination Council (ZIMSEC)
2. The Zimbabwe United Passenger Company (ZUPCO)
3. The Sports and Recreation Commission (SRC)
4. The Zimbabwe Revenue Authority (ZIMRA)
5. Ministry of Tourism and Hospitality
6. The Zimbabwe Electricity Supply Authority (ZESA)
7. The Ministry of Women's Affairs, Gender and Community Development (WAG)
8. The Ministry of Home Affairs (HO)
9. The Ministry of Media and Information Publicity
10. The Ministry of Education
11. Ministry of Higher and Tertiary Education
12. Ministry of Youth Development, Indigenization and Empowerment

In addition, MISA-Zimbabwe assessed the websites of these institutions to establish the nature, relevance and organisation of the information uploaded on the respective websites.

RESEARCH METHODOLOGY

The research adopted both the qualitative and quantitative methods of data collection. MISA-Zimbabwe sent written requests to the twelve chosen institutions. The research data was divided into two categories. Using clearly defined evaluation criteria, Category 1 entailed assessing the websites for the chosen public institutions to establish which among them has the most or least efficiently organized provision of public information. Category 2 entailed sending written requests for information to the same public institutions seeking specific information.

DATA ANALYSIS

Category 1: Evaluation of government and public institution websites to determine the accessibility of public information.

Category 2: Submission of oral and written reports 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 category 1 and 2 is 20 points (n = 20) each. Ministries and institutions will fall into one of the following groups in accordance with the number of points that they score.

Category 1: Websites

Group 1: (0 – 6) Absence of a website or an extremely poor website that contains nothing or almost no relevant public information.

Group 2: (7 – 13) Average website that contains some relevant public information

Group 3: (14 – 20) Well organized, transparent website that provides a good amount of relevant public information.

Category 2: Requests for information

Part 1: Written request for information

Group 1: (0 – 6) Denied access to reasonable information request 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. Institution was helpful and transparent.

Part 2: Written request for information

Group 1: (0 – 6) Denied access to reasonable information request 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. Institution was helpful and transparent.

Limitations of study

Given the limited timeframe that was set aside for the survey it was not feasible to put to test the openness of more government and public institutions.

Qualitative data: It is subject to personal interpretation.

SUMMARY OF KEY FINDINGS

Category 1: Websites

Of the twelve public institutions surveyed, eleven of the institutions had websites although the effectiveness in terms of content management differed. The only public institution without an accessible website was the Zimbabwe United Passenger Company (ZUPCO).

Eight of the eleven bodies surveyed had websites with relatively updated and organised information. These included the Zimbabwe Schools Examination Council, Zimbabwe Revenue Authority, Zimbabwe Electricity Supply Authority, Sports and Recreation Commission, the Ministry of Women's Affairs, Ministry of Higher and Tertiary Education and Ministry of Youth Development, Indigenisation and Empowerment.

Although the websites of the Ministry of Home Affairs, the Ministry of Tourism and the Ministry of Education, Sports and Culture were functional, they had clear content management problems, such as poor website structuring and inadequate information.

None of the eleven websites provided incisive information on budgets and expenditure. One can therefore plausibly argue that the failure to provide comprehensive budgets, as well as failure to respond to written requests for information within the legally prescribed period by the various institutions only cemented the impression of secrecy and non- transparency of public institutions in Zimbabwe.

Category 2: Written and oral requests

Access Denied

Out of the twelve public institutions that were surveyed, only four responded to the written requests for specific information. These were the ZIMSEC, Ministry of Information and Publicity, Ministry of Tourism and the Sports and Recreation Commission (SRC). The Ministry of Information and Publicity, SRC, the Zimbabwe Schools Examination Council (ZIMSEC), the Zimbabwe Revenue Authority (ZIMRA), and the Ministry of Tourism responded telephonically acknowledging receipt of correspondence before undertaking to respond to the requests in writing. Of these, only ZIMRA failed to subsequently furnish its written response.

All the four institutions that responded in writing comprehensively answered the questions proffered.

In conclusion, the ratio of those public bodies that obliged to provide information in juxtaposition to those that did not generally reveals difficulties in accessing information held by public institutions in Zimbabwe. It shows that these institutions are overly secretive and not forthcoming with information, making it very difficult for citizens to exercise their constitutional right to access to information held by public bodies.

The most secretive and most open institutions in Zimbabwe are named at the end of this document after a comparative survey of all the institutions.

DETAILED FINDINGS

1. The Zimbabwe Schools Examination Council (ZIMSEC)

CATEGORY 1 - WEBSITE

<http://www.zimsec.co.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Zimbabwe Schools Examination Council (ZIMSEC):

1. What measures are you taking to reduce risk of exam leaking, which has become more of a perennial problem?
2. How many candidates registered for this year's November seating?
3. When did you last update your website?
4. If a candidate is not happy about his or her results or suspects that he might have been given wrong results how does he or she launches his/her complaints with you?
5. Where can the public get information on examination statistics such as pass rates for the past years?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?	•		
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
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. The Zimbabwe United Passenger Company (ZUPCO)

CATEGORY 1 - WEBSITE

None

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?		•		
h) The contact details of 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 Zimbabwe United Passenger Company (ZUPCO):

1. What is the total number of buses that are still running presently?
2. How much profit did the company realise in the preceding year?
3. How many people does the company employ currently?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 0/20

3. The Sports and Recreation Commission (SRC)

CATEGORY 1 - WEBSITE

<http://www.src.org.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?	•			
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 the Sports and Recreation Commission (SRC):

1. Where can one access an annual calendar of SRC programmes?
2. What is the relationship between SRC and ZIFA? How can one differentiate the two?
3. Where can we get an audited statement of SRC's finances?
4. How much funding did SRC get from government and how much goes through operational costs annually?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
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: 18/20

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?	•		
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.	•		
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?	•		

Total Score: 18/20**4. The Zimbabwe Revenue Authority (ZIMRA)****CATEGORY 1 - WEBSITE**<http://www.zimra.co.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Zimbabwe Revenue Authority (ZIMRA):

1. What measures are you taking to reduce risk of exam leaking, which has become more of a perennial problem?
2. How many candidates registered for this year's November seating?
3. When did you last update your website?
4. If a candidate is not happy about his or her results or suspects that he might have been given wrong results how does he or she launches his/her complaints with you?
5. Where can the public get information on examination statistics such as pass rates for the past years?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
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 Tourism and Hospitality

CATEGORY 1 - WEBSITE

www.tourism.gov.zw

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Ministry of Tourism and Hospitality:

1. Will the upcoming elections going to affect the hosting of the United Nations World Tourism Organisation (UNWTO)
2. How has the media coverage managed to advertise the UNWTO
3. How does the current situation of Air Zimbabwe affect the tourism sector in general in the preparations for the UNWTO

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
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. The Zimbabwe Electricity Supply Authority (ZESA)****CATEGORY 1 - WEBSITE**<http://www.zesa.co.zw/htdocs/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Zimbabwe Electricity Supply Authority (ZESA):

1. Is the load shedding timetable being followed?
2. Is the load shedding being experienced by every citizen equally in Zimbabwe?
3. What does Zimbabwe have to gain by using prepaid meters?
4. Where can the public get an audited statement of ZESA's finances?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Public Relations Officer (PRO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 4/20

7. Ministry of Education, Sports, Arts and Culture

CATEGORY 1 - WEBSITE

<http://www.moesac.gov.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?		•		
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Ministry of Education, Sports, Arts and Culture:

1. How has the ministry ensured that students are not affected by the upcoming elections?
2. What procedure has the ministry taken to motivate the poorly paid teachers?
3. How is the ministry coming up with strategies of ensure that student who finish school become entrepreneurs rather than employees?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Information Officer (IO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Information Officer (IO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
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 Women Affairs, Gender and Community Development (WAG)****CATEGORY 1 - WEBSITE**<http://www.women.gov.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Ministry of Women Affairs, Gender and Community Development

(WAG):

1. How has the ministry achieved the Millenium Development Goals (MDG) of ensuring the equality between men and women been effectively achieved by your ministry?
2. Do you think the current provision of 60 seats for women in parliament will enhance women participation in politics, considering that these women have been inadequately funded?
3. What community initiatives has the ministry set to adequately assist the under-privileged women in rural and urban areas?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	No information supplied.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information supplied.
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 4/20

9. The Ministry of Home Affairs (HO)

CATEGORY 1 - WEBSITE

<http://www.moha.gov.zw>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?		•		
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?			•	
h) The contact details of 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 Ministry of Home Affairs (HO):

1. What is role is the ministry playing in ensuring that citizens are registered for elections?
2. What procedure is the Ministry taking in ensuring that citizens have the freedom of association, expression and access?
3. What measures has the ministry taken in making sure that the citizens formally referred to as 'aliens' get proper documents to vote?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	No information supplied.
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information supplied.
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 0/20**10. Ministry of Media, Information and Publicity****CATEGORY 1 - WEBSITE****<http://www.zim.gov.zw>**

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?			•	
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Ministry of Media, Information and Publicity:

1. How will the ministry ensure that the current media laws are aligned with the new constitution, which explicitly guarantees the access to information as a fundamental human right?
2. What role will the ministry play to ensure that there is equal coverage of all political parties in the public service broadcaster as directed by the Zimbabwe Electoral Commission and the Constitution of Zimbabwe?
3. What is the role being played by your ministry in ensuring that media organisation do not spread hate speech, as a recent research by Media Monitoring project of Zimbabwe (MMPZ) has shown that of all the media organisation that are spreading hate language ZBC (a public service broadcaster) the chief culprit. What has been done by your ministry to avert this problem?
4. Will there be any further licensing of broadcasting players before the elections so that access to information is spread by private players?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Information Officer (IO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the Institution respond to a request for information?	•		
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)	•		
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')	•		Information Officer (IO)
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')	•		
3. Did the institution respond to your oral request for information?	•		
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information	•		
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)	•		
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')	•		
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?	•		
10. Was the information received clear and understandable?	•		

Total Score: 18/20

11. Ministry of Higher and Tertiary Education

CATEGORY 1 - WEBSITE

<http://www.mhet.gov.zw/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?		•		
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 Ministry of Higher and Tertiary Education:

1. What are the criteria for attaining a scholarship?
2. What is the ministry doing for the under-privileged students to get tertiary education since the cadetship programme has been closed?
3. Will the quality of education be compromised with the introduction of many universities in the country?
4. When did you last update your website?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?	•		
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?	•		
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 2/20

12. Ministry of Youth Development, Indigenisation and Empowerment

CATEGORY 1 - WEBSITE<http://www.mydie.gov.zw/index.php/en/>

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			
2. Does the website contain:				
a) A description of its powers as well as data on the organizational 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, programs?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?		•		
f) Vacancies and employment procedures?	•			
g) The name, the address, the telephone number and the working hours of the respective institution?	•			
h) The contact details of 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 the Ministry of Youth Development, Indigenisation and Empowerment:

1. What has the Ministry done in enhancing youth empowerment?
2. How have the Community Share ownership scheme benefited different communities?
3. What measures is the ministry playing in ensuring transparency and accountability in the disbursements of ownership funds?

Part 1: Requests for written information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the Institution respond to a request for information?		•	
4. Does the authority publish its procedures for dealing with information requests?		•	
5. Did the institution provide all of the information requested? (If partially please mark 'No', indicate in 'Additional Information' how much of the information requested was supplied)		•	No information supplied
6. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
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

Part 2: Oral request for information

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests? (Please state title of officials in 'Additional Information')		•	
2. Did the institution reply within 21 days? (If less than 7 please state in 'Additional Information')		•	
3. Did the institution respond to your oral request for information?		•	
4. Did the person dealing with your request have a friendly and helpful attitude?		•	
5. Did officials provide reasonable advice and assistance when seeking information		•	
6. Did the institution provide all of the information requested? (If partially please mark 'No' and indicate in 'Additional Information' how much of the information requested was supplied)		•	No information supplied
7. Did the institution provide written reasons for the refusal of information? (If information was not refused, please contact the institution to find out what the policy is in this regard –if the institution supplies written reasons for refusal mark 'Yes')		•	
8. Did the institution disclose information about its operations, budgets, structure etc.		•	
9. Did the institution acknowledge your request for information within 7 days?		•	
10. Was the information received clear and understandable?		•	

Total Score: 2/20

RESEARCH CONCLUSIONS

It appears from the sampling method employed in this research that the majority of institutions remain rather closed when it comes to placing information in the public domain. Although eleven of the twelve sampled institutions had functional websites, only eight of these had relatively up-to-date information.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZIMBABWE

Most of the public institutions under review can easily be qualified as being secretive especially in light of their failure to respond to written requests for information that were made during the research period.

However, for the second year running, the Zimbabwe United Passenger Company (ZUPCO), which also performed dismally in the 2012 survey, has not improved and finds itself firmly anchored at the bottom of the log as the most secretive of the surveyed institutions. This is primarily so because it has no functional website from which information about its operations can be accessed. It also failed to respond to written requests for information.

Given the mandate and public interest nature of ZUPCO, it is inexcusable for such an institution to have no website, as its operations are a matter of national interest given the fact that it is a national passenger ferrying company.

THE MOST OPEN PUBLIC INSTITUTION IN ZIMBABWE

The Sports and Recreation Commission (SRC) is arguably this year's most open and transparent institution in Zimbabwe after it responded to all the information requested, while the Zimbabwe Schools Examination Council (ZIMSEC) is the most improved. Given the standard principles on Access to Information as well as the criteria set for this research, these institutions fared significantly better than the other institutions surveyed.

Therefore, based on this survey's methodology and findings, the SRC proved itself to be a deserving candidate for the 2013 Golden Key Award for the Most Open and Transparent Government Institution in Zimbabwe while the ZIMSEC qualifies as runner-up.

RECOMMENDATIONS

In light of the foregoing, MISA welcomes the provision of an express constitutional guarantee on access to information. MISA-Zimbabwe is thus strongly encouraged by the spirit of the new constitution with the fervent hope this will foster a new era of openness and transparency amongst public institutions. This legal paradigm shift should now begin to manifest itself through a marked change in the attitude of public institutions on the matter of access to information.

The foregoing survey also shows there is an imperative need to either repeal or at least realign repeal provisions of AIPPA (that make access to information held by public bodies a cumbersome process) with the spirit and letter of the new constitution. These should be replaced with new ATI provisions that compel public institutions to periodically release information about their operations, establish monitoring mechanisms on public bodies' compliance, and create penalties for the breach of the law, among other provisions that are in sync with international instruments on freedom of expression and access to information.

These tenets are central to a culture of transparency and good governance.

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