



MISA TRANSPARENCY ASSESSMENT

The Citizens' Analysis of Government
Openness in Southern Africa



by the Media Institute of Southern Africa



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

African Charter on Human & Peoples Rights

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

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REGIONAL OVERVIEW

This is the ninth MISA Transparency Assessment which analyses the ease or difficulty with which the public can access relevant information held by government and public institutions. The study assesses whether institutions make information proactively available via an online presence and provide helpful information upon request.

In 2017, research was carried out by eight MISA Chapters in partnership with local researches, in Botswana, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe.

Several of the researchers experienced frustration in requesting information; they had to provide reasons for their requests and some researchers were questioned as to their motives of seeking information for personal use.

Additionally, public institution personnel designated to handle information requests often lack the authority to share information without permission from a higher office. This unnecessarily complicates and delays the information-seeking process. These observations are worrisome given the impact the free flow of public information can have on individuals, communities and society at large.

Governments are normally responsible for public service delivery in areas such as education, health care, housing, sanitation and water. The availability and public accessibility of information on these services (for example, which services one is entitled to and how to receive them), is vital to enable citizens to access the services their governments provide—of which numerous can be life changing and life saving. Free access to public services can help level inequalities, decrease poverty and increase public health—examples that highlight how vital public information is for a country's development.

The establishment of a legal framework conducive to freedom of information, including laws guaranteeing and facilitating access to public information, should form the cornerstone of a country's efforts in creating an open and transparent society, ensuring meaningful public participation in the decision-making processes, transparent governance and accountability, and most importantly, strengthening people's trust in their governments.

With the adoption of access to information (ATI) legislation in Tanzania and Malawi in 2016, six countries in southern Africa now have a law guaranteeing their citizens a right to information. At the time of the launch of the MISA Transparency Assessment in September 2014, only three countries in the region had access to information laws.

This positive trend in the adoption of ATI legislation needs to be accompanied by its effective implementation. The laws in Malawi and Tanzania have not yet been operationalised and Mozambique's law, which was passed in December 2014, has not yet been fully implemented.

Political and institutional will are essential to ensuring public access to government-held information, both prior and post

adoption of a stand-alone ATI law. Zimbabwe has enacted the Access to Information and Protection of Privacy Act (AIPPA) in 2002; 15 years later some public officials still abuse the legislation to frustrate public requests for information.

A law on paper can be a crucial positive development in a country but, in itself, is not a guarantee for government openness. This is exemplified by the fact that among all the institutions assessed by the eight MISA Chapters, the only institution which did not receive a single point, because of the inexistence of a website and the refusal to respond to the information request, was the Transport, Multiplex and Transmission Enterprise in Mozambique. The institution with the highest score (a total of 35 out of 40 points), the Communications Regulatory Authority of Namibia (CRAN), is based in a country which has yet to adopt its draft Access to Information Bill.

As has been the case in previous years, the use of information and communication technologies (ICTs) to make information available is increasing, both in quality and quantity. Malawi in particular saw great improvements in the online presence of public bodies in the past year. Researchers in Malawi also had a more positive experience with regard to responses to information requests—seven out of nine institutions provided the requested information; four did so within 24 hours of receiving the request.

In contrast, all other participating countries had a response rate of 50 percent or less; in Zambia only one out of eight institutions replied to the request of information. Yet some public bodies that responded did so in an exceptionally helpful and swift manner, respecting citizens' right to access to public information.

DATA ANALYSIS

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

Category 2: In this category, information requests are submitted to government and public institutions in order to determine the ease with which public information is obtained from government and public institutions.

Description of Assessment Criteria

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

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

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

Category 1: Website Analysis

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

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

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

Category 2: Requests for Information

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

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

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



BOTSWANA

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

In 2013, the then Minister in the Office of the President, Mokgweetsi Masisi, stopped the adoption of the Freedom of Information Act - sponsored by an opposition Member of Parliament, Dumelang Saleshando- by promising to bring an improved bill from the Executive back to Parliament.

To date, four years later, with the Minister having now become the Vice President, there has not been any progress made on the new bill. Nor has there been any political will to escalate the discussion on access to information (ATI). This is despite the public will, demonstrated in both the Constitution (Section 12 under 'Freedom of Expression') and the National Vision 2016 document which explicitly recognised access to information as a right. Some state organs, notably the Ombudsman and the Directorate on Corruption and Economic Crimes (DCEC) have previously added their voices to the call for this law. However, at the same time, there have been instances of threats and persecution of conveyors of information, notably journalists, which hinders the practice of open governance.

Most cases in which journalists were detained were attempts to block the release of certain information. In the case of the Botswana Gazette raid by the DCEC for instance, security agents confiscated computer storage units—a clear indication of the desire to close down information streams. The Gazette's publisher, editor, reporter and their lawyer were briefly detained for purportedly trying to publish information that was before the DCEC. The lawyer, Joao Salbany, who had stayed in Botswana for over 20 years, was subsequently denied the renewal of his work permit.

Another case involved a whistleblower and a freelance journalist, where the former was accused of stealing state property (a file). They were detained for the weekend and subsequently discharged, however, the whistleblower who was then a government employee, had his employment terminated.

The Botswana Gazette in a landmark case, challenges the Water Utilities Corporation (WUC) before the High Court to release information regarding privately-owned dams in the vicinity of the National Dam. This is a pioneering case in Botswana where, save for the constitutional recognition of freedom of information, there is no specific law detailing or facilitating access to information. This case also illuminates the difficulty of accessing information in Botswana, since not everyone can afford the litigation expenses.

The need for access to information legislation has never been more urgent. An ATI law is expected to not only enforce the release of information but also to make access effortless and convenient with, where necessary, reasonable exemptions. With explicit timelines and turnaround times, the public will be able to seek legal assistance if and when they are denied due information. This law will also make life easier for public bodies since they will have the opportunity to support their position for classified information before proper commissioners of information.

The ATI law therefore is not necessarily a panacea for journalists' woes alone (as it is often assumed), but will also provide governance on the release of contested information. Unlike now, when journalists just have to use their intuition, notwithstanding the existing inhibiting laws, to make editorial decisions. Using the African Union Model Law on ATI, from which the bill that the government rejected in 2013 was modelled, the exemptions in the law limit journalists' natural penchant for an absolute open government and therefore provide for balance in the public interest. Government's fear of fully implementing an open ATI system is therefore irrational, unwarranted and paranoiac.

RATIONALE AND RESEARCH PARAMETERS

This research is intended to gauge the accessibility of information in government and public offices.

Eight public institutions were targeted and given written requests for information pertaining to their organisations. Four of the information requests were physically handed over to the Citizen Entrepreneurial and Development Agency (CEDA), the Office of the Ombudsman (OMB), the Ministry of Youth Empowerment, Sports and Culture Development (MYSC), and the Ministry of Health and Wellness (MOH).

The remaining four were emailed to the Companies and Intellectual Property Authority (CIPA), the Ministry of Nationality, Immigration and Gender Affairs (MNIG), the Botswana Communications Regulatory Authority (BOCRA) and the University of Botswana (UB).

The first four were handed in on 27 July 2017 and by 15 August 2017, none of them had responded, save for seeking some clarification and providing some updates. The next batch was sent on different dates between 28 July 2017 and 1 August 2017. The different dates were due to email technical errors and where necessary, requests had to be resent. However, except for one of the organisations contacted, 21 days elapsed without any response.

The websites were analysed based on a few guidelines: aesthetic, informative, effective/functional, and efficient. Social media was considered an added value.

The following public institutions were surveyed::

1. Botswana Communications Regulatory Authority (BOCRA)
2. Citizen Entrepreneurial Development Agency (CEDA)
3. Companies and Intellectual Property Authority (CIPA)
4. Ministry of Health and Wellness (MOHW)
5. Ministry of Nationality, Immigration and Gender Affairs (MNIG)
6. University of Botswana (UB)
7. Ministry of Youth Empowerment, Sports and Culture Development (MYESC)
8. Office of the Ombudsman (OMB)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Government websites are too uniform and as a result, discourage the creative potential of individual ministries or departments.
- Some ministries have not updated their new names in the government portal while in some cases both names appear.
- Some websites are incomplete with blank pages or outdated information.
- Interactive features are neither optimally functional nor utilised by most organisations.
- Parastatal websites, however, have a business outlook, are easy to navigate and appealing in looks.
- All websites provided the institution's contact details.
- The use of social media by some, especially Facebook and Twitter, has added value to their online presence.
- Some organisations, for example BOCRA, have a 'Frequently Asked Questions (FAQ)' feature on their website which can provide an instant response to queries.
- Some organisations, such as CIPA have an 'electronic complaints registration' feature which eases access to the complaints board.

Category 2: Requests for information

- First contact officers are not decision-makers in the release of information.
- In most instances, the decision-makers were at different workshops during the submission of requests.
- In one ministry, the request had to pass through two different officers before it would be taken to the public relations unit and yet a condition was still given: an official insisted on a separate cover page detailing the request and providing information on the researcher despite the introductory paragraph which was attached to the initial request.
- An official in one of the ministries blind copied the researcher into conversations to show that she was facing difficulties in getting a response from the relevant officials.
- In the end, only four information requests were answered.
- Most recipients of the requests initially showed enthusiasm in responding; but lost it along the way, seemingly having hit a snag with their colleagues who were uncooperative in providing information.

DETAILED FINDINGS

1. Botswana Communications Regulatory Authority (BOCRA)

CATEGORY 1: WEBSITE

www.bocra.org.bw

The website is professional and aesthetically appealing. All the tabs have necessary, comprehensive and up-to-date information. It has interactive features and vital information about the organisation, such as statutory documents and tender procedures. BOCRA's website has possibly set the standard of how public bodies' websites should look and function. It has a FAQ section, an interactive complaints section, as well as legal documents and policies which govern the organisation.

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

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to BOCRA:

- How many cases/complaints from service providers does BOCRA handle in a month?
- Does BOCRA disaggregate cases according to gender and age? If so, can we have access to the latest information (report)?
- How much does BOCRA get from the Ministry's annual budget?
- Which mobile service operator gets the most complaints from the public?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | The Director for Communication. |
| 2. Did the institution reply within 21 days? | • | | | They replied within 21 days. |
| 3. Did the institution respond to the request for information? | • | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | | • | No, however, the institution instead provides procedures for filing complaints and a customer satisfaction survey. |
| 5. Did the institution provide all of the information requested? | • | | | |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | As there was no refusal, reasons were not required. |

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

Total Score: 18/20

2. Citizen Entrepreneurial Development Agency (CEDA)

CATEGORY 1: WEBSITE

www.ceda.co.bw

The CEDA website is up-to-date and can be easily navigated. It contains all the necessary information about the Agency's business and mandate. The website contains several links to different newsletters which provide further information on its products. The CEDA website has a complaints section where the public is invited to register their complaints. The organisational structure is explained under the corporate profile tab.

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

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to CEDA:

1. How many applications does the CEDA handle in a month and what is the most common area applied to?
2. Does CEDA disaggregate applications according to gender, age, and departments? If so, can we be guided to such information?
3. How much does CEDA get from the Government Budget, if it does?
4. What is the relationship between CEDA and the Executive?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | Two reminders by email were not responded to. |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | | • | Since the request was hand-delivered the acknowledgement was instant but cannot be said to have been intentional, hence a partial score. |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 3/20

3. Companies and Intellectual Property Authority (CIPA)

CATEGORY 1: WEBSITE

www.cipa.org.bw

The CIPA website has the necessary information relevant to its industry. For this survey, they were first contacted through the messenger application and they responded in a reasonable period of time. The website does provide practical guidance to anyone seeking information about the organisation.

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

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to CIPA:

1. How many artists have benefited from the blank tape funds so far?
2. Does CIPA follow up funded projects and how long does it continue its monitoring post funding?
3. How much has CIPA disbursed since the inception of the blank tape fund?
4. Does CIPA consider gender in approving applications and between males and females; which are most successful in getting funding?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | | • | The contact person had earlier indicated to have completed the questionnaire but delayed in sending it. However, she immediately responded upon my reminder after the 21 days. |
| 3. Did the institution respond to the request for information? | • | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | |
| 5. Did the institution provide all of the information requested? | • | | | |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | | • | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | • | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 18/20

4. Ministry of Health and Wellness

CATEGORY 1: WEBSITE

www.gov.bw/ministryofhealth/

The Ministry has an active website. Its various organs, such as hospitals, have an independent online presence as well. This helps to mitigate the problem of a cumbersome government portal. Princess Marina Hospital, for instance, runs a Facebook page. The most senior technocrat in the Ministry, the Permanent Secretary, runs an independent yet official Twitter handle where she answers clients' queries.

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

| | | | | |
|---|---|---|--|--|
| g) The address, telephone number, and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | The Facebook page and the Permanent Secretary's Twitter handle offer responses to queries. |

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MOHW:

1. How many cases of staff negligence at medical service points does the Ministry handle in a year and what is the most common?
2. Does the Ministry disaggregate information according to districts? If so, can we have access to the latest information?
3. How much of its funding and budget does the Ministry allocate to issues of staff welfare and customer service training?
4. Does the Ministry have an internal complaints centre where issues can be handled before customers seek external interventions?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | | • | The staffer was very enthusiastic and willing to assist; she followed up with her senior and returned feedback but later went quiet. She was clearly facing resistance from her colleagues. She eventually sent in a response but way beyond the 21 days. |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | | • | |
| 6. Does the institution provide written reasons for the refusal of information? | | | • | They apologised for the delayed response. |
| 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: 10/20

5. Ministry of Nationality, Immigration and Gender Affairs (MNIG)

CATEGORY 1: WEBSITE

<http://gov.bw//ministryoflabourandhomeaffairs>

The website has links to all Ministry departments, in particular, National Registration, which was the target of this survey. Unfortunately, there was (at the time of viewing) no information under these links. The government portal is too bulky and makes searching for information cumbersome. The Ministry is listed twice in the portal, under the previous name and the current one. This could confuse an information seeker.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MNIG:

1. How many (on average) applications for national identity cards does the Office handle in a year?
2. Does the Ministry disaggregate applications according to gender, age, and ethnicity? If so can we have access to the latest information/report?
3. What is the annual cost of replacing lost national identity cards to the National Registration Office?
4. What is Botswana's average annual birth rate?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | | | Answers were only provided after the 21 days had elapsed. The officer was seemingly having a difficult time of getting responses from her colleagues. |
| 3. Did the institution respond to the request for information? | • | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | • | | | The response was comprehensive. |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | • | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | • | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 16/20

6. University of Botswana

CATEGORY 1: WEBSITE

www.mopipi.ub.bw

The University's website is functional with up-to-date and comprehensive information. There is no evidence of a social media presence, as the 'Contact Us' tab only contains traditional addresses. The FAQ section is empty.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Does this website contain up to date information? | • | | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration? | | | • | |
| b) A list of laws, Acts etc. issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | | • | |
| d) Budget and expenditure? | | | • | The information on their budget was last updated in 2015. |
| e) Information about procurement procedures, signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone number, and working hours of the institution? | • | | | |
| h) The contact details of specific public officials? | | | • | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to UB:

1. How many applications for studies does the University handle at a given year and which discipline is the most popular?
2. Does the University disaggregate applications according to gender, age, and courses? If so, can we have access to the latest information?
3. How much does the University get from the Ministry's budget?
4. How do you describe the relationship between the Ombudsman Office and the Government?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | The official responded to enquiries but as he relied on his colleagues he could not provide us with the information. |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | The information was not provided at all. |

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

Total Score: 4/20

7. Ministry of Youth Empowerment Sport and Culture Development (MYESC)

CATEGORY 1: WEBSITE

<http://www.gov.bw/en/Ministries--Authorities/Ministries/Ministry-of-Youth-Sport-and-Culture-MYSC/Tools--Services/Services--Forms/E-nnovation/>

Just like other public service institutions, the Ministry's site is in the government portal. The Ministry has not yet updated its name which was changed in 2016. Some information is very old; in fact, at the time the analysis the website was headlined by a story from 2014, a clear indication that it is rarely updated and generally neglected. The current Minister is accessible on Facebook, a positive development that should remain with the Ministry upon his departure.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MYESC:

1. How many applications does the Youth Development Fund handle at a given time and which geographic area do most of the applications coming from?
2. Does the YDF disaggregate applications according to gender and districts? If so, can we have access to such information?
3. How much does the YDF get from the Ministry's budget?
4. What is the relationship between the YDF and the Executive?

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

Total Score: 3/20

8. Office of the Ombudsman

CATEGORY 1: WEBSITE

<http://www.gov.bw/en/Ministries--Authorities/Ministries/Office-of-the-Ombudsman-of-Botswana/Tools--Services/Ministry-Directory/Departments/Office-of-the-Ombudsman/>

This site is also located in the government portal. There is little done to upgrade or improve the site. The interactive feature on the website is not responsive. There is very little information. The Office has a Facebook page where announcements and decisions on cases are posted. It carries a following of less than 1000 (891 at the time of the analysis) and this is a sign that more needs to be done by the Office to engage with the public.

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

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Office of the Ombudsman:

1. How many cases does the Ombudsman handle in a month and what is the most common?
2. Does the Ombudsman disaggregate cases according to gender, age, and departments? If so, can we have access to the latest report?
3. How much does the Ombudsman get from the Ministry's budget?
4. What is the relationship between the Ombudsman Office and the Executive?

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

Total Score: 3/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| 1. Botswana Communications Regulatory Authority (BOCRA) | 16 | 18 | 34 |
| 2. Citizen Entrepreneurial Development Agency (CEDA) | 13 | 3 | 16 |
| 3. Companies and Intellectual Property Authority (CIPA) | 14 | 18 | 32 |
| 4. Ministry of Health and Wellness (MOHW) | 10 | 10 | 20 |
| 5. Ministry of Nationality, Immigration and Gender Affairs (MNIG) | 8 | 16 | 24 |
| 6. University of Botswana (UB) | 8 | 4 | 12 |
| 7. Ministry of Youth Empowerment, Sports and Culture Development (MYESC) | 8 | 3 | 11 |
| 8. Office of the Ombudsman (OMB) | 9 | 3 | 12 |

RESEARCH CONCLUSIONS

Botswana is a very secretive country—out of eight organisations surveyed, only four responded to the information requests.

Release of information by public organs is regarded as a favour to the public. Despite the recognition of the right to information by Section 12 of the Constitution and other public policy pronouncements, government bodies view any unsolicited request for information with suspicion.

Due in part to the absence of implementation or enactment of the necessary laws, such as an access to information law, public officers use their discretion to decide whether or not to release information. This attitude is spread across public offices and made worse by the Public Service Act, which regards the unauthorised release of public information by public servants as gross misconduct. This is an indication that the absence of access to information legislation does not only obstruct information seekers but the custodians of information as well—the latter are not protected as they do not have any legal parameters to work within. In one case, the officer had to demand a cover letter to be added to the request for information, despite the fact that the identity of the requester and a reason for the request were included in the information request. The officer insisted that the cover letter must be hand-delivered.

Although there is a Government Communications Department based in the Office of the President, as well as an array of public relation officers, including ministers' private secretaries, getting information still remains difficult due to bureaucracy and a lack of urgency. These positions responsible for managing public information have become the extension of officialdom and therefore the opposite of what they were expected to be. While compiling this research, it was evident that in some cases seeking information directly from Directors was more efficient than going through the public relations offices. Most public relations officers are subjected to the same undignified and tedious process of begging for information from relevant officials, which renders them ineffective in carrying out their official duties. Government employees still believe they own public information and are doing the public a favour in releasing such information.

Public relations have become part of the problem in several ways:

- They are a buffer zone between information seekers and custodians. Instead of the public having direct access to the custodians of the information, they are left in the mercy of the PR officials. The survey identified this trend in all the selected organisations.
- The other issue with public relations offices is their helplessness when the custodians of information are not cooperative. This was evident in many cases with one officer even having to blind copy the researcher into her interaction with her colleagues. The first contact with officials was promising but enthusiasm and responses quickly dwindled out when the officers could not get the information from their colleagues.
- Except for state companies (parastatals), the first contact officers (public relations officers) were junior officers and therefore only received the request on behalf of their seniors, who would be at external workshops. The disempowered juniors could only receive the information and in some cases compile a response, but still had to await their seniors to release the information. Most of these responses never saw the light of day.
- It is also revealing that two of the three respondents were from parastatals while other government ministries did not respond at all.

THE MOST SECRETIVE PUBLIC INSTITUTION IN BOTSWANA

The Ministry of Youth Empowerment, Sports and Culture Development, like other government ministries, has several public relations officials engaged to ease access to information. The officer's refusal to forward the questionnaire to the relevant offices, and insisting that the researcher provide a cover letter displayed a blend of paranoia and ignorance. The Ministry deals with a very sensitive segment of society—the youth, and therefore has to demonstrate urgency and modernity when dealing with information.

The Ministry has empowering and positive youth programmes which need more than the traditional way of disseminating information. Policies meant to control the issuing of information must not frustrate information seekers, which unfortunately appears to be the case at MYESC.

The Ministry of Youth Empowerment, Sports and Culture Development therefore wins the Golden Padlock Award.

THE MOST OPEN PUBLIC INSTITUTION IN BOTSWANA

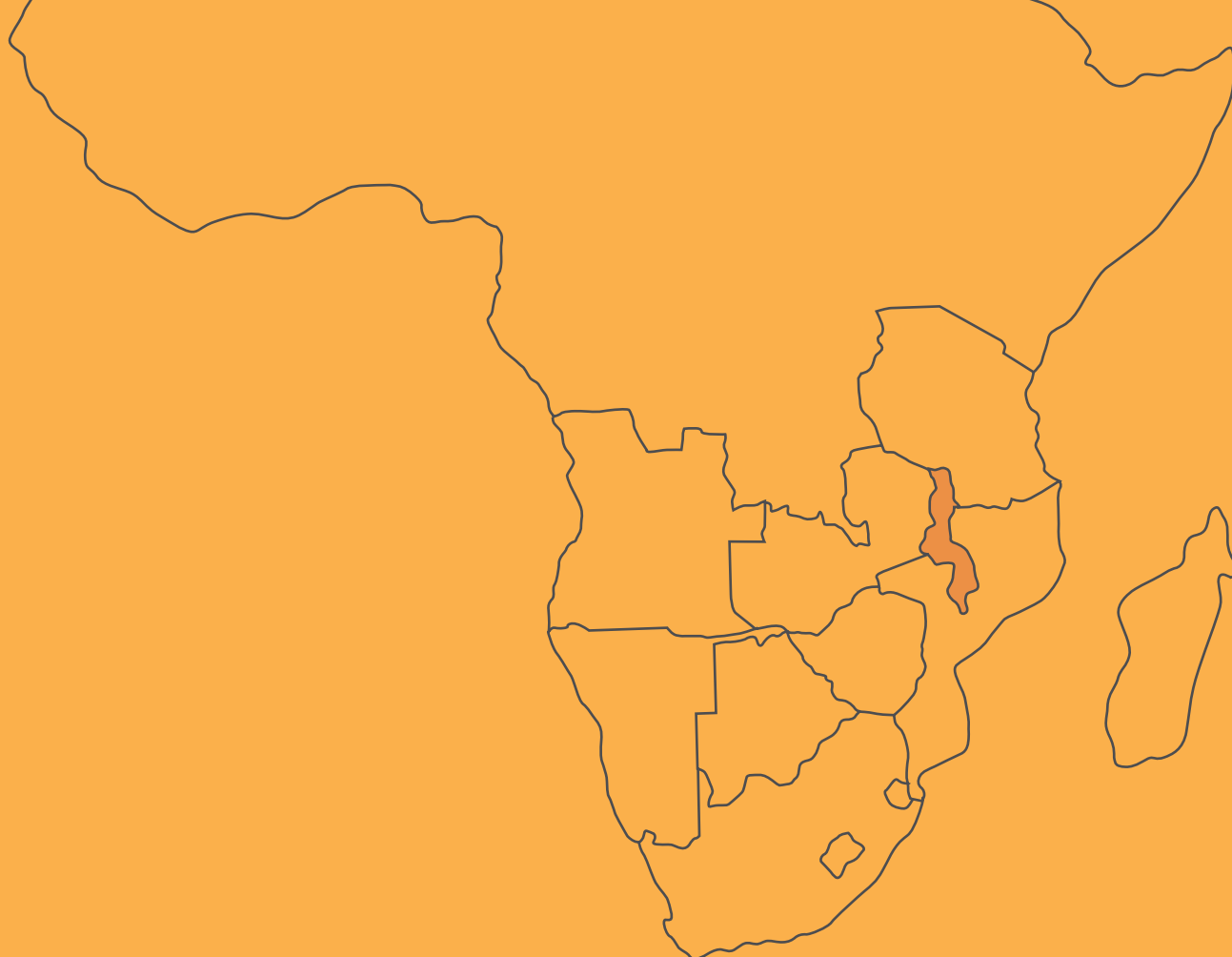
BOCRA's swift response to the request and its well-managed website makes it the most open institution in the country among those surveyed. The website is user-friendly and customer-focused. Regularly updated, it hosts almost all the policy documents of the institution as well as other vital information. On their website, BOCRA clearly explains its complaints policy and process. It further provides an electronic feature to allow registering for the complaint. This feature, together with 'Frequently Asked Questions,' makes their information easily accessible.

The **Botswana Communications Regulatory Authority** is therefore awarded the Golden Key Award.

- Public information must be open for consumption and any exemptions must be publicly and proactively stated.
- Public offices must have clearly stated whistleblowing and protection processes.
- The State must revise and modify policies and laws, such as the Public Service Act, which hinder the release of information.
- The Media Practitioners Act, which has become dormant, must be repealed and replaced by a law more conducive to access to information.

RECOMMENDATIONS

- Botswana is in urgent need of an access to information law. The law will protect the information seeker, custodians of public information (public officials) as well as the Government. The law is expected to provide legal mechanisms, guidelines and exemptions to the handling of public information.
- The first contact public relations assistants (juniors) must be empowered to release preliminary information while they are still engaging their supervisors or other relevant officials.
- Departmental policies relating to the dissemination of information need not be buffer zones between information seekers and the information.
- In the absence of an access to information law, ministries and other state organisations must have their own information commissioners, in addition to the PR departments, which will rule on controversial or sensitive information. This, in any case, is the kind of structure envisioned by an ATI law.
- Departments must compile and keep their information 'release'-ready at any given time. This means when the information is sought, all that the officer has to do is to customise the pre-packaged information to the specific request.



MALAWI

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

As far as access to information (ATI) is concerned, 2017 will be remembered as a year of triumph for media and free expression advocates in Malawi and beyond. Despite stiff resistance from Government, opposition-dominated Parliament passed the much anticipated ATI Bill and concluded a campaign MISA Malawi had spearheaded for 12 years.

As it stands, Malawi has an ATI Policy – adopted by the Malawi Cabinet on January 27, 2014, and the ATI Act (2016) which President Peter Mutharika signed into law on February 10, 2017. The ATI Policy and the ATI Act (2016) affirm access to information as a right in line with Section 37 of the Malawi Constitution which states:

“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.”

Accessing information is however still a challenge for most Malawians, as citizens enjoy or exercise this right in theory, but not in practice. Government is yet to set a date for the Act to become operational as provided for under Part 1, Section 1, of the ATI Act (2016), which states that:

“This Act may be cited as the Access to Information Act, 2016, and shall come into operation on a date appointed by the Minister and published in the Gazette.”

Most critics believe Government will capitalise on this clause to delay the legislation’s implementation. These fears are justified if Government tactics in 2015 and 2016 are anything to go by. Prior to the enactment of the legislation in November 2016, Government changed several provisions in the draft ATI Bill which was viewed as an attempt to limit rather than promote the right to information. Members of Parliament (MPs) rejected the changes when the Bill was tabled in Parliament in March 2016, following an appeal from MISA Malawi. The MPs referred the Bill to the Media and Communications Committee of Parliament for review. Of particular concern to MISA and ATI advocates was Government’s removal of the independent oversight body and whistleblower protection clauses, among others.

The Bill was re-tabled in Parliament in November 2016 after further consultations with key stakeholders, including MISA Malawi. The MPs reversed the changes Government had made and MISA Malawi believes that the current version of the law reflects the views and aspirations of stakeholders who had worked on the Bill for 12 years.

MISA Malawi considers the current Transparency Assessment in Malawi as an opportunity to pressure Government to implement the ATI legislation. The study will remind Government and all stakeholders of the need to promote transparency and fulfil guarantees on media freedom, free expression and access to information as provided for in the Malawi Constitution.

RATIONALE AND RESEARCH PARAMETERS

The right to Information is a fundamental human right which enables individuals to enjoy and exercise other rights. In this regard, the right to information is considered an enabling right. People require information to make informed decisions on health, security, and education issues as well as which candidate to vote for during elections.

It is on this basis that MISA Malawi campaigns for ATI legislation and conducts studies to determine the most open and secretive public institutions in the country. The studies highlight the relevance of legislation on ATI to eradicate poverty, promote transparency and accountability, safeguard democracy and place the country on a path to sustainable development.

The 2017 study sought to assess the level of transparency in government and public institutions and provide a basis of evidence on why the country needs ATI legislation.

Specifically, the study aimed to:

1. Assess the level of transparency in government and public institutions against international standards and principles.
2. Influence adoption of practices, laws and a culture that promotes transparency and openness in government and public institutions.
3. Encourage citizens to exercise their fundamental right to access information generated, held and under the control of government institutions, necessary for accessing other socio-economic rights.

The study, conducted between July and August 2017, focused on the following nine public bodies:

1. Blantyre City Council (BCC)
2. Department of Immigration
3. Lilongwe City Council (LCC)
4. Malawi Electoral Commission (MEC)
5. Malawi Revenue Authority (MRA)
6. Malawi Energy Regulatory Authority (MERA)
7. Ministry of Health
8. Ministry of Local Government and Rural Development
9. Mzuzu City Council

MISA Malawi has maintained the Blantyre City Council, the Ministry of Health and the Ministry of Local Government and Rural Development to ascertain if there are any changes in their performance. Blantyre City Council was the best performing public body in 2016. The Ministry of Health was the poorest performing public entity in 2016, whilst the Ministry of Local Government and Rural Development was the second worst performing public body.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- There is a great improvement in the online presence of most institutions sampled this year.
- All the nine public bodies analysed have a web presence. Three institutions have both websites and Facebook pages.
- Five of the institutions only have websites, and three only have Facebook pages.
- Most content is up-to-date and shows great improvement. The Ministry of Health, which scored 6 out of 20 points in the website analysis in 2016, has moved up the ladder to 12 out of 20 points in 2017.
- Some organisations appear to be online but it was not easy to ascertain the currency and nature of information on their sites. For example, Lilongwe City Council has a Facebook page which, due to unknown technical reasons, could not be accessed for several weeks during this study.
- It is still discouraging that some organisations continue to upload content without sufficient additional information, including the dates on which the activities took place or materials were uploaded. This is a problem as viewers cannot appreciate the currency of the information.

Category 2: Requests for information

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

DETAILED FINDINGS

1. Blantyre City Council (BCC)

CATEGORY 1: WEBSITE

www.bccmw.com

BCC has a website and a Facebook account, both with up-to-date content. The website has the following tabs: 'About BCC', 'Explore', 'Projects', 'Services', 'Media Room', 'Departments' and 'Mayor's Office.'

Under 'Mayor's Office', the page does not only provide information on BCC's structure, but also mobile phone numbers and information about the Mayor and the Councillors of Blantyre City. Each Councillor has a profile and a picture with information on the Ward the Councillors represents.

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

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Blantyre City Council:

1. What measures have you put in place to maintain Blantyre City Council's openness?
2. Would you provide MISA Malawi with the Council's budget structure?
3. Does the Council have any plans or measures to improve the city's waste disposal system?
4. How does the Council use money received from payment of city rates?
5. Can you describe your relationship with the media?
6. What are the major problems faced by the Council?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|-------------------------------|
| 1. Is there an official designated to take and respond to information requests? | • | | | The Public Relations Manager |
| 2. Did the institution reply within 21 days? | • | | | They replied within 24 hours. |
| 3. Did the institution respond to the request for information? | • | | | |

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

Total Score: 17/20

2. Department of Immigration

CATEGORY 1: WEBSITE

<http://www.immigration.gov.mw>

The Department of Immigration has the following on its website : 'About Us', 'Strategic Plan', 'Citizenship', 'Communication', 'Documents', 'Permits', 'Visa', 'Repatriation', 'Complaints & Suggestions', and 'Contact Us'.

The website has a page with contact details for all its regional offices.

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

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Department of Immigration:

1. What measures have you put in place to ensure that foreigners do not get a Malawi passport?
2. There was a case where 250 blank passports went missing, how far have you gone with the investigations?
3. How do you plan to prevent the reoccurrence of this incident?
4. How do you plan to completely eradicate illegal immigrants in Malawi?
5. Sometimes there are delays in processing of passports; how do you plan to improve on this?
6. What has the Department done to eradicate corruption by some immigration officers who ask for money for one's passport to be processed faster?

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

Total Score: 2/20

3. Lilongwe City Council

CATEGORY 1: WEBSITE

Lilongwe City Council does not have a website. However, the Council has a Facebook page and the results below are based on the Facebook page.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Does this website contain up to date information? | • | | | The Facebook page could not be opened for several weeks. The page showed content which was less than two weeks old. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration? | | | • | |
| b) A list of laws, Acts etc. issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | • | | |
| d) Budget and expenditure? | | | • | |
| e) Information about procurement procedures, signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone number, and working hours of the institution? | | | • | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | • | Messages via Facebook. |

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Lilongwe City Council:

1. How do you plan to end the problem of congestion in areas such as Mchesi?
2. Many people trade on city roadsides despite your efforts to stop the practice. What are your future plans to stop this problem?
3. How does the Council use money received from payment of city rates?
4. What plans does the Council have to improve waste disposal?
5. How can you describe your relationship with the media?

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

Total Score: 10/20

4. Malawi Electoral Commission

CATEGORY 1: WEBSITE

<http://www.mec.org.mw>

The Malawi Electoral Commission website has the following on its homepage: 'Home', 'About MEC', 'Elections', 'Downloads', 'Operations', 'News', 'Accreditation', 'Adverts', 'Publication and Reports', and 'Contacts'. These taps have drop-down menus with links to others relevant sites and documents.

The Commission also has a Facebook page with up-to-date content.

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

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

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MEC:

1. What measures have you put in place to ensure MEC's openness?
2. Would you provide MISA Malawi with MEC's budget structure for the up-coming by-elections?
3. How far has the Commission gone in planning for the 2019 Tripartite Elections?
4. The country is currently expecting some electoral law changes should Parliament approve the Law Commission's recommendations. How does the Commission view these recommendations and the prospect that they may be approved a few months before the Elections?
5. What plans does the Commission have to improve media coverage of the 2019 Elections?
6. Describe your relationship with the media.
7. What are some of the major problems the Commission is anticipating as we approach the 2019 Elections?

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

5. Malawi Revenue Authority

CATEGORY 1: WEBSITE

<http://www.mra.mw>

The website is up-to-date. It contains relevant information about customs and excise, business, large tax office and tax professionals. The website provides detailed information about the organisation's vision, mission, objectives, functions and authority.

The website also contains an application where tax can be calculated.

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

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MRA:

1. Would you provide MISA Malawi with the Authority's policies and annual budget?
2. Describe the relationship between the Authority and the media?
3. How does the Authority provide the public with information?
4. What measures have you put in place to ensure that Malawians do not evade tax?
5. What are some notable achievements MRA has registered so far?
6. What are the major problems faced by MRA?

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

Total Score: 12/20

6. Malawi Energy Regulatory Authority

CATEGORY 1: WEBSITE

<http://www.meramalawi.mw>

The Malawi Energy Regulatory Authority has a website which is up-to-date. The website has the following on its homepage: 'About us', 'Legislation', 'Licensing', 'Resource Center', 'News', 'Links', 'Customer and Consumer Services', and 'Contact Us'. The website has a list of energy prices in Malawi.

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

Total Score: 18/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to MERA:

1. Can you explain MERA's mandate?
2. Would you provide MISA Malawi with the Authority's budget structure?
3. What long-term measures has the Authority put in place to ensure there are zero fuel supply interruptions in Malawi?
4. Does MERA provide the media with information? If yes, which media platform do you prefer using?
5. What measures has MERA put in place to ensure an increased electricity generation capacity?
6. What are some of the major challenges that MERA faces?

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

Total Score: 10/20

7. Ministry of Health

CATEGORY 1: WEBSITE

<http://www.health.gov.mw>

It is commendable to note that the Ministry of Health's website was up and running during this study. The site was down during the 2016 Study. The site has the following tabs on the homepage: 'About Us', 'Directorates', 'Health Facilities', 'News & Events', 'Downloads', and 'Contact Us'.

The Ministry also has a Facebook account.

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

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Health:

1. There is a shortage of medical personnel in Malawi's public hospitals. What is the Ministry of Health doing to rectify this problem?
2. How does the Ministry plan to eradicate theft of drugs from public hospitals?
3. Would you provide MISA Malawi with the Ministry's annual budget for the 2016/17 financial year?
4. How do you plan to improve the standards of Malawi government hospitals?
5. How would you describe the Ministry's relationship with the media?

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

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

Total Score: 2/20

8. Ministry of Local Government and Rural Development

CATEGORY 1: WEBSITE

The Ministry of Local Government and Rural Development does not have a website but it has a Facebook page which is up-to-date. The analysis below is based on the Facebook page.

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

Total Score: 3/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Local Government and Rural Development:

1. How does the Ministry ensure the transparent use of resources?
2. How much money was allocated to the Ministry from 2016/2017 Budget and was this allocation enough?
3. What policies has the Ministry put in place to ensure that the Constituency Development Fund is not abused?
4. How does the Ministry involve locals in the design and implementation of development projects?
5. How would you describe the Ministry's relationship with the media?

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

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 6. Does the institution provide written reasons for the refusal of information? | • | | | |
| 7. Did the institution disclose information about its 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

9. Mzuzu City Council

CATEGORY 1: WEBSITE

Mzuzu City Council does not have a website but has an up-to-date Facebook page. The analysis below is based on the Facebook page.

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

Total Score: 4/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Mzuzu City Council:

1. How does the Council plan to end problems of congestion in areas such as Zolozolo?
2. How does the Council use the money received from the payment of city rates?
3. How does the Council ensure transparency in its use of funds?
4. Can you describe the Council's relationship with the media?
5. What plans does the Council have to improve waste disposal?

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

Total Score: 14/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|------------------------------------|---------|-------------------------|-------------|
| Blantyre City Council | 12 | 17 | 29 |
| Department of Immigration | 12 | 2 | 14 |
| Lilongwe City Council | 6 | 10 | 16 |
| Malawi Electoral Commission | 15 | 18 | 33 |
| Malawi Revenue Authority | 15 | 12 | 27 |
| Malawi Energy Regulatory Authority | 18 | 10 | 28 |
| Ministry of Health | 12 | 2 | 14 |
| Ministry of Local Government | 3 | 18 | 21 |
| Mzuzu City Council | 4 | 14 | 18 |

RESEARCH CONCLUSIONS

Overall, this study has shown that government institutions are improving their online presence and proactively providing information to the public using online platforms such as Twitter, Facebook and their websites. All the nine institutions analysed in this study have some form of an online presence.

Most government and public institutions in the country have recently put public relations officers or information managers in place as links between their respective entities and the general public. This is an important and positive development which was also noted during the 2016 study and ought to be commended.

There has been an improvement in the number of institutions that have responded to the requests for information compared to last year's study. Out of nine organisations seven responded, representing a 78% response rate. There is still room for improvement to make sure that all institutions respond to requests for information.

Another notable development is that all the institutions have updated information on their online platforms. This is also the case for those that have both websites and social media accounts. This is commendable and ought to be celebrated.

All the institutions with websites, such as the Malawi Energy Regulatory Authority, the Malawi Revenue Authority and the Malawi Electoral Commission, have relevant information on their websites which provides Malawians with important information and enables them to make informed decisions.

The Ministry of Health has improved its online presence and managed to improve its website analysis score from 6/20 in 2016 to 12/20 in 2017. This improvement needs to be maintained and built upon.

THE MOST SECRETIVE PUBLIC INSTITUTION IN MALAWI

All institutions that scored an aggregate below 20 qualify as closed institutions. Institutions that scored below 20 include Mzuzu City Council, Lilongwe City Council, the Department of Immigration and the Ministry of Health. According to the scores, both the Ministry of Health and the Department of Immigration scored a total of 14 points, having performed extremely poorly on requests for information.

It is important to note that both the Ministry of Health and the Department of Immigration hold crucial information which people should have daily access to. However, the Ministry of Health, which has scooped the Padlock Award on two occasions, is more vital for the wellbeing of the nation. The Ministry drives the health sector and should be proactive in disseminating information that directly affects Malawian lives. Although the Ministry's website has improved compared to 2016, the site still lacks some vital information. The Ministry needs to be in the forefront in proactively making health information accessible to Malawians.

As stated in 2016, the health sector continues to generate negative publicity on drug theft and shortage of drugs in public hospitals, among other issue. The Ministry should be open, transparent and readily available to provide information to citizens.

Therefore the winner of the Golden Padlock Award for the most secretive public institution in 2017 is **the Ministry of Health**.

THE MOST OPEN PUBLIC INSTITUTION IN MALAWI

Five of the institutions analysed qualify as frank and accessible in 2017; these include the Malawi Electoral Commission, Blantyre City Council, the Malawi Revenue Authority, the Ministry of Local Government and Rural Development and the Malawi Energy Regulatory Authority. All these institutions scored above 20 for both the website and information requests.

Overall, the results of the 2017 study show a great improvement in the way public bodies manage and provide information to the public. For five out of nine institutions to score above 20 sets a good standard that should be built upon.

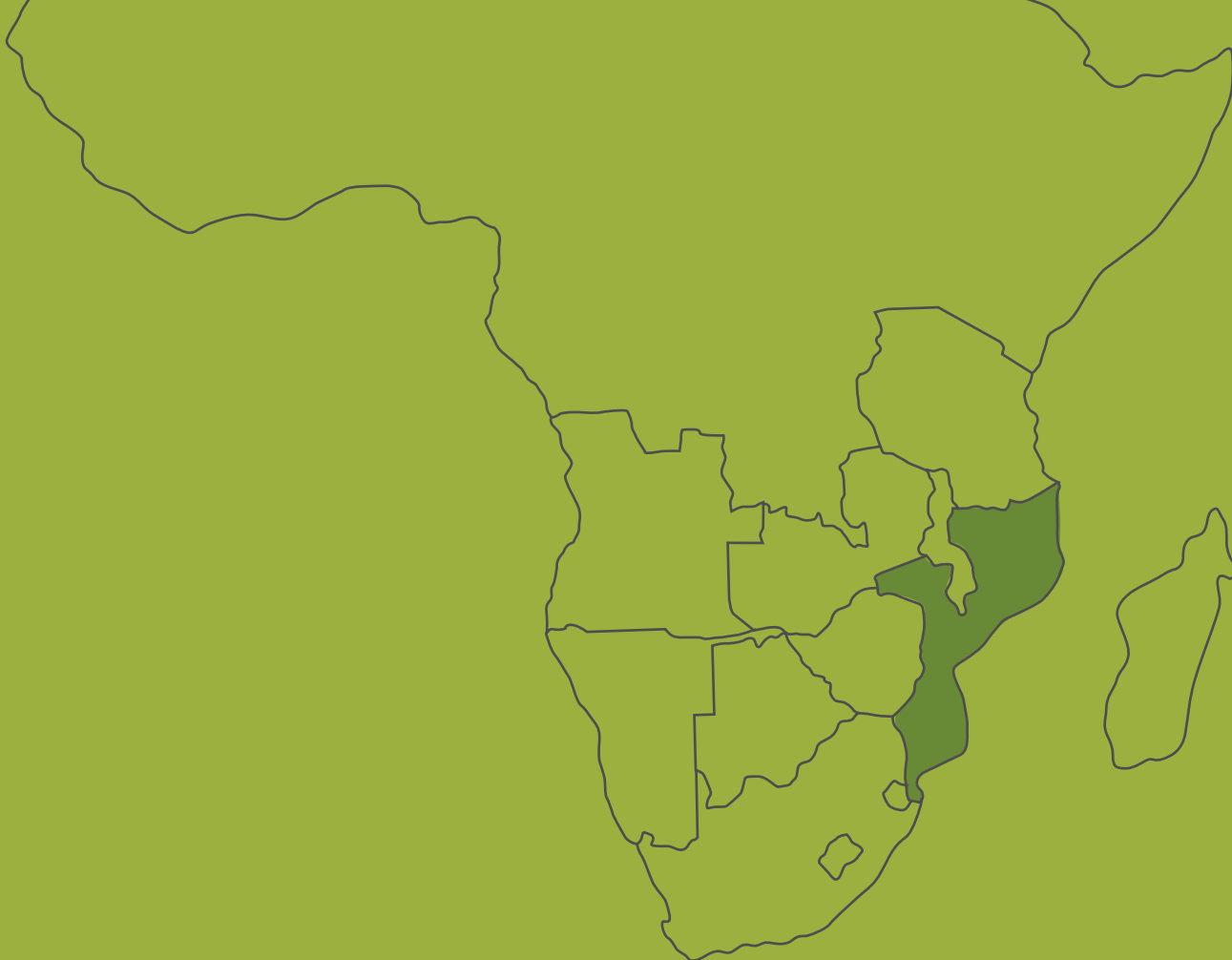
Based on the scores, the most open public institution in 2017 is the Malawi Electoral Commission. The Commission won the award in 2013 and 2014 and ought to continue this positive trend as the country prepares for the 2019 Tripartite Elections. The Commission's Public Relations Officer responded to the request for information in less than 24 hours and provided all relevant information requested plus statements to support the Commission's position. The Commission scored 15/20 in the website category and 18/20 in the request for information category.

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

RECOMMENDATIONS

This study has shown that ministries and departments are improving their online presence. All the nine institutions studied have an online presence; this is a great improvement and one way of promoting proactive disclosure.

MISA Malawi would therefore like to appeal to all public bodies to explore ways of proactively disclosing information to the public. Proactive disclosure is a key ATI principle and reduces pressure on information holders. Few people request for information when such information is already in the public domain.



MOÇAMBIQUE

AVALIAÇÃO DA TRANSPARÊNCIA 2017

A análise dos cidadãos sobre
abertura do governo

INTRODUÇÃO

A aprovação, em Novembro de 2014 pela Assembleia da República, da lei n.º 34/2014, de 31 de Dezembro, lei do direito à informação (LEDI) veio a inaugurar e renovar profundamente o sentido do acesso à informação pública. Foi o culminar de um longo processo de negociação, pressão e lobby de diversas organizações da sociedade civil (bem como de actores individuais), lideradas inicialmente pelo MISA-Moçambique para a criação de um quadro jurídico-legal que sistematizasse e consolidasse o direito à informação. Um princípio constitucionalmente previsto (vide o artigo 48 da Constituição da República de Moçambique), mas que até à altura estava imiscuido na vontade discricionária da administração e de legislação esparsa de difícil síntese e implementação.

Por este novo instrumento, a LEDI e seu respectivo regulamento aprovado pelo decreto n.º 35/2015 de 31 de Dezembro, não apenas o direito à informação se materializava numa lei consolidada, como também se relevava uma transição de um modelo de administração 'tradicional' (no sentido pejorativo de administração burocrática clássica) fechado para ele mesmo, em que reinava a 'figura de secretismo' e de incerteza na partilha e disponibilização de informação. Passava-se para um modelo em que a transparência e reforço de capacidades participativas dos cidadãos na arena pública se manifestavam, doravante, como 'pedras angulares' de uma boa governação com base em perspectivas de abertura e acessibilidade de informação de interesse público.

No entanto, se o quadro jurídico aprovado pelos instrumentos supramencionados criava pressupostos sobre abertura das instituições públicas para a disponibilização de informação de interesse público, as práticas quotidianas das suas actividades não se manifestam evidentes nas novas modalidades previstas. O MISA-Moçambique, numa actividade que se tornou de sua rotina anual tem vindo a desenvolver estudos que avaliam os níveis de implementação da legislação referente ao acesso à informação e tem, por consequência, alertado sobre a enorme dissonância entre o legalmente projectado e acção real das instituições que dispõem e gerem informação. O objectivo do presente trabalho, mais do que avaliar e alertar sobre a observância de um quadro jurídico fundamental para a participação cidadã na esfera pública, visa reforçar e aconselhar as autoridades públicas sobre os processos de disponibilização de informação pública, enquanto dispositivos de gestão pública legítima que todas as instituições devem cumprir.

As constatações que o presente estudo apresenta dão uma leitura ainda crítica da abertura das instituições que lidam com a informação de interesse público que, de forma geral, mostram ter a consciência da relevância da disponibilização da informação ao público enquanto ferramenta que permite a transparência, a prestação de contas, a credibilidade e legitimidade das suas acções. No entanto, as mesmas estão presas em dificuldades de natureza organizacional. Muitas das instituições avaliadas não dispõem ainda de uma arquitectura organizacional que permita uma troca mais flexível e simplificada da informação com os cidadãos. Por exemplo, embora muitas disponham de sites, estes não disponibilizam informação relevante para o cidadão, e mais, poucas gozam de uma rotina de actualização, o que faz com não sejam pertinentes para a circulação e acesso à informação.

De forma resumida, a aprendizagem institucional para abertura à disponibilização de informação ao público ocorre num ritmo lento e necessita por isso de acções proactivas de monitoria para a criação de uma cultura de disponibilização de informação. E é neste âmbito que o MISA-Moçambique, juntamente com diversos parceiros, está num processo de conjugação de sinergias para reforçar as capacidades organizacionais das instituições públicas para o processo de disponibilização de informação. Este relatório apresenta alguns elementos fundamentais para compreensão das nuances, desafios e limitações para o pleno direito (constitucional) à informação.

FUNDAMENTAÇÃO E PARÂMETROS DO ESTUDO

Já decorreram quase três anos da existência, em Moçambique, de uma legislação específica sobre o direito à informação. Vão surgindo alguns estudos que avaliam os indicadores iniciais da disponibilização pelas instituições que lidam com informação de interesse público. A partir destes, uma constatação geral indica que as instituições, tanto públicas quanto privadas, ainda demonstram uma resistência no que diz respeito à abertura e acesso à informação. As instituições públicas moçambicanas parecem ainda sofrer de uma *path dependency* (dependência do percurso histórico) de autoritarismo administrativo e secretismo na disponibilização de informação. Fruto de uma herança de uma administração burocrática voltada para ela mesma, a implementação da LEDI enfrenta diversos desafios para sua materialização *de facto*. Entre outros indicadores, as condições organizacionais caracterizam um ambiente hostil à abertura das instituições para a disponibilização de informação ao público.

Este estudo, a partir de indicadores fundamentais de natureza institucional, organizacional e funcional restitui empiricamente a natureza e modalidade de acessibilidade ou não das instituições para a disponibilização de informação de interesse público. Foram, para tal, submetidos à prova de abertura ou falta de abertura nove (9) instituições públicas e privadas (de acordo com as recomendações da legislação moçambicana). Constituem linhas de análise os seguintes objectivos:

Objectivo geral do Estudo

O estudo tem como objectivo geral determinar o grau de abertura das instituições no que diz respeito às condições de disponibilização de informação de interesse público.

Objectivos específicos

1. Identificar a natureza de dificuldade organizacional que as instituições enfrentam para disponibilizar a informação;
2. Medir o grau de cumprimento do tempo previsto na lei para o tratamento e resposta aos pedidos de informação de interesse público;
3. Observar os websites, o tipo de informação que dispõem e tempo de actualização da mesma;

Metodologia

A realização do trabalho observou uma triangulação de métodos:

- (i) Uma análise documental notadamente da legislação relevante sobre o direito à informação. A leitura desta serviu

sobretudo para adaptar a metodologia ao contexto específico de Moçambique, por exemplo a questão do procedimento administrativo concernente aos dias e prazos da obrigatoriedade das respostas aos pedidos de informação assim como da instrução dos recursos etc.

(ii) Foram seleccionadas nove (09) instituições públicas, de economia mista e privadas das diferentes regiões do país: norte, centro e sul. As instituições compreendem também de nível central e local. Tal abrangência tinha como fim apreender o mais objectivamente possível as variáveis em análise. Não houve um critério minucioso quanto à selecção das instituições, senão o consenso entre o investigador e a equipa do MISA-Moçambique em termos de instituições detentoras de informação de interesse público e relevantes no contexto de Moçambique.

(iii) A cada instituição foi enviada uma carta com dois pedidos de informação considerada de interesse público, fazendo referência à lei de direito à informação.

(iv) Controlou-se o grau de observância dos prazos estabelecidos pela lei (21 dias) no concernente a acusação da recepção dos pedidos e respectivo envio das respostas e da informação requerida.

(v) Em complementaridade ao pedido de informação, analisou-se os websites das instituições. Para este caso tentou-se aguardar pelas respostas das instituições antes das análises, mas no geral, grande parte das instituições tardaram em responder o que fez com que a análise dos sites coincidissem com o tempo em que se aguardava pelas respostas.

(vi) Por fim, foram feitas entrevistas complementares que visavam aferir a organização interna para tratamento e disponibilização de informação. Assim realizou-se visitas a todas as instituições seleccionadas e igualmente se realizou entrevistas com responsáveis sectoriais ou indicados para disponibilização de informação. Mesmo se os resultados das análises não podem ser generalizados, estes permitem formar uma ideia geral sobre a fase de disponibilização de informação pelas instituições detentoras. Visto que algumas instituições revelaram ter grandes dificuldades em receber a equipa do MISA, como foi o caso do Ministério do Interior e o Município da Beira, o processo de acesso para as entrevistas foi também levado em conta como elemento fundamental para avaliar o nível de acessibilidade das instituições.

Foram submetidas à prova de disponibilização de informação as seguintes instituições:

1. Moçambique Celular (mCel)
2. Conselho Municipal da Cidade de Maputo
3. Caminhos de Ferro de Moçambique (CFM)
4. Serviço Nacional de Migração
5. Conselho Municipal da Cidade de Nampula
6. Linhas Aéreas de Moçambique (LAM)
7. TRAC-Trans African Concession (TRAC)
8. Conselho Municipal da Cidade da Beira
9. Empresa de Transporte, Multiplexação e Transmissão (TMT)

Em resumo, trata-se de uma instituição da administração central do Estado, tutelada pelo Ministério do Interior (4); três dos

órgãos do poder local (2, 5 e 8); quatro empresas públicas (1, 3, 6 e 9); e uma exclusivamente privada (7). A intenção não é generalizar as conclusões, mas oferecer um panorama geral da situação da disponibilização de informação de interesse público. Todos os inquéritos assim como o trabalho de análise dos websites e as entrevistas foram realizados nos meses de Junho e Julho de 2017, tendo sido respeitado o tempo de espera das respostas aos pedidos formulados junto das instituições. A lista das instituições *supra* respeita a ordem de apresentação das conclusões detalhadas no texto que se segue.

RESUMO DAS PRINCIPAIS CONCLUSÕES

Categoria 1: Análise do site

De forma geral pode-se inferir o seguinte:

- Com a excepção da TMT, todas as instituições avaliadas dispõem de um site ou página nas redessociais em que comunicam algumas das suas actividades;
- As páginas dispõem de pouca informação, em alguns casos nenhuma, sobre actividades e despesas das entidades, tendo sobretudo informação de natureza informativa simples e geral, por vezes de natureza comercial;
- Dificilmente é possível fazer um acompanhamento das actividades ou obter uma informação de relevo sobre as instituições a partir dos seus sites.
- A actualização dos sites é deficitária, o que pode contribuir para a desmotivação no que diz respeito ao uso de websites como fontes de informação sobre as actividades das instituições.
- Certos tipos de documentos, como relatórios, estudos de interesse público, disponíveis nos sites são geralmente antigos, não constituindo bases completas para acesso à informação das instituições.

CATEGORIA 2: Pedido de informação

Depois de formulados os pedidos, analisadas as respostas complementadas pelas entrevistas, foram tiradas as seguintes breves conclusões:

- Grande parte das instituições não acusou a recepção nem respondeu aos pedidos feitos pelo MISA;
- Apenas três instituições responderam aos pedidos de informação dentro do prazo previsto por lei (21 dias úteis);
- Grande parte das instituições não dispõe de espaços de consulta de informação nem de pessoal específico para responder aos pedidos de informação;
- As instituições têm dificuldade de partilhar a informação sem pedir justificações dos pedidos;
- A figura de informação classificada como 'secreta' predomina a recusa de disponibilização de informação que por lei é de natureza pública.
- Quase todas as instituições têm dificuldade de classificação e formação de arquivos acessíveis ao público (com a excepção do Município da Cidade de Maputo).

CONCLUSÕES DETALHADAS

1. MOÇAMBIQUE CELULAR (MCEL)

CATEGORIA 1: *SITE*

http://www.mcel.co.mz/Portal_Website/

A Moçambique Celular é uma empresa pública em processo de fusão com a empresa Telecomunicações de Moçambique (TDM). Embora esteja presente no Facebook e no Twitter, não apresenta outras informações para além dos seus compromissos comerciais. Informação sobre as suas actividades, os relatórios de contas e outros documentos de interesse público não constam dos itens no site. Por exemplo, seria de relevo apresentar assuntos actuais como o processo de fusão com a TDM e outras informações actuais. O *site* serve meramente de instrumento de propaganda comercial, ademais com actualização precária.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | • | | | O site da mCel contém informação actualizada, mas esta versa mais sobre as actividades comerciais e publicitárias, não contendo informação sobre as suas actividades. |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | | | • | Embora exista alguma informação sobre a missão da mCel, não se encontra no site uma descrição geral do organigrama e outras informações de relevo organizacional. |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | • | | |
| c) Relatórios, políticas, programas? | | | • | Apresenta alguns relatórios sobre actividades comerciais e não contém elementos relevantes de avaliação da transparência do seu exercício. |
| d) Orçamento e despesas? | | • | | |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | |
| f) Procedimentos relativos a vagas e contratação? | | • | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | A informação para contacto com funcionários é referente aqui ao número de contacto da instituição não se especificando a natureza de actividades. |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 8/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Moçambique Celular:

1. Relatório e contas de auditorias da mCel dos exercícios económicos 2012;
2. Relação das empresas que prestam serviços à mCel e os valores transferidos para as mesmas no período 2011-2016
3. Mapa de valores transferidos para as mesmas empresas no mesmo período.

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | • | | Das entrevistas deu para entender que os pedidos de informação são por vezes respondidos pela direcção de responsabilidade social. |
| 2. A instituição respondeu no prazo de 21 dias? | • | | | Embora tendo respondido ao pedido de informação dentro do prazo previsto, as respostas mostram a ausência de mecanismos internos para tratamento dos pedidos de informação. |
| 3. A instituição respondeu ao pedido de informação? | • | | | A resposta foi um mero cumprimento da lei, com enorme resistência em disponibilizar a informação solicitada |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | A figura do secretismo ainda vigora no funcionamento da empresa. E mais pelo contexto de fusão com a TDM, a disponibilização de informação ficou mais complexa. |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | • | | | Um debate jurídico que não encontra justificação na lei do direito à informação. |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | • | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | Na resposta à carta de pedido, a empresa solicitou mais detalhes e motivações. |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | • | | |

Pontuação total: 6/20

2. CONSELHO MUNICIPAL DA CIDADE DE MAPUTO

CATEGORIA 1: *SITE*

<http://www.cmmmaputo.gov.mz>

Município da Cidade de Maputo, com uma personalidade jurídica autónoma, dispõe de *website* com informação de relevo sobre as suas actividades, assim como tem uma página no Facebook. A informação está relativamente actualizada e é de interesse do âmbito da gestão municipal. No entanto, apesar de um grande avanço notório, não apresenta elementos de contacto e mecanismos para solicitar informação. Dificilmente se pode instruir um pedido de informação a partir do *site*.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | • | | | O <i>site</i> está devidamente actualizado. Ademais, a página do Facebook revela uma interacção com o cidadão, embora não apresente informação de grande relevo. |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | • | | | As posturas municipais constam em geral na página. É notável a ausência da legislação nacional que define as competências dos municípios e sobretudo quais os serviços descentralizados que são da responsabilidade do município. |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | • | | | |
| c) Relatórios, políticas, programas? | • | | | |
| d) Orçamento e despesas? | • | | | De forma geral, esta informação apresenta sérias lacunas. |
| e) informação sobre procedimentos de aquisição, contratos assinados? | • | | | Embora esta informação conste da página do município, algumas informações continuam indisponíveis. |

| n = 20 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| f) Procedimentos relativos a vagas e contratação? | • | | | A actualização é muito duvidosa, mas existe alguma informação neste sentido. |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | • | | O <i>website</i> do Conselho Municipal não apresenta contactos para correspondência, nem mesmo endereços de emails. |

Pontuação total: 16/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Conselho Municipal da Cidade de Maputo:

1. Contratos (com Salcef, Brasil e China Bridge) no âmbito do Sistema combinado de Transporte (Metro, BRT) e o respectivo projecto.
2. Estudos de viabilidade realizados pela Salcef e pela JICA.
3. Ponto de situação sobre o projecto Sistema Combinado de Transporte, cuja inauguração está prevista para 2018.

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | • | | | O Conselho Municipal de Maputo aproveitou do seu departamento de comunicação para formar uma equipa de tratamento de pedidos de informação. Encontrámos uma equipa jovem e dinâmica que conhece a lei do direito de informação. |
| 2. A instituição respondeu no prazo de 21 dias? | • | | | |
| 3. A instituição respondeu ao pedido de informação? | • | | | Apesar de parte da informação não ter sido disponibilizada, o pedido de informação foi respondido com alguma explicação relevante sobre a matéria que não foi disponibilizada. |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | • | | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | Alguma informação não foi disponibilizada com justificação de limitação de competências. Foi o caso do contrato do sistema de transporte integrado que é da competência da administração directa do Estado. |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | • | | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | • | | | Existe uma divulgação razoavelmente regular da informação sobre as actividades municipais. Em termos de actualização, esta é bastante deficitária. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | • | | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | | • | A resposta ao pedido de informação, embora acompanhada de uma boa dose de explicação cabal, demonstrou que o município resiste a disponibilizar os documentos. Para além da explicação podia ter enviado os contratos solicitados. |

Pontuação total: 15/20

3. CAMINHOS DE FERRO DE MOÇAMBIQUE

CATEGORIA 1: SITE

<http://www.cfm.co.mz/index.php/pt/>

Caminhos de Ferro de Moçambique é uma das empresas públicas de grande relevo em Moçambique por dispor de uma presença em quase todo o território nacional. Tem um *website* com informação relevante sobre as suas competências, a legislação ligada ao exercício do seu âmbito, os seus relatórios e programas de actividades. No entanto, o site não apresenta informação sobre o orçamento e despesas, nem os procedimentos de aquisição e outras informações. A empresa está ausente nas redes sociais, mas estruturas sectoriais, como CFM turismo, estão presentes no Facebook.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | • | | | O site dos CFM está actualizado com informação relevante sobre as suas actividades. |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | • | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | • | | | |
| c) Relatórios, políticas, programas? | • | | | |
| d) Orçamento e despesas? | | • | | Existe alguma informação geral sobre questões orçamentais e diversas. Mas esta informação apresenta uma deficiência de detalhe. Parece não ser prática rotinizada a apresentação das contas da empresa, os relatórios anuais ou semestrais das actividades. |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | Neste aspecto, os CFM estão muito limitados. Não existe quase nenhuma informação sobre aspectos contratuais entre os CFM e outras entidades como fornecedores e parceiros de actividades. |
| f) Procedimentos relativos a vagas e contratação? | | • | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | • | | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 14/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado aos Caminhos de Ferro de Moçambique:

- Os contratos celebrados no âmbito da reabilitação da Linha de Sena e Machipanda com o consórcio IRCON, que foi objecto de arbitragem internacional;
- O contrato de concessão do Corredor Logístico Integrado de Nacala.

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | • | | Embora exista uma direcção de comunicação e <i>marketing</i> , as entrevistas mostraram que esta não tem, nas suas competências, consciência de receber e tratar pedidos de informação. Está principalmente voltada para as relações comerciais da empresa, não dispondo de uma estratégia específica para a disponibilização de informação de interesse público. |

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 2. A instituição respondeu no prazo de 21 dias? | • | | | |
| 3. A instituição respondeu ao pedido de informação? | | | • | Com alguma justificação relativamente fundamentada, a empresa não disponibilizou na totalidade a informação solicitada. Nota-se ainda alguma resistência na disponibilização da informação sob alegação de classificação de 'secreta'. Mesmo que conheça o fundamento da lei do direito à informação, a empresa mostra alguma relutância na disponibilização da informação. |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | • | | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | Uma explicação parcial foi apresentada para não disponibilizar toda a informação solicitada. A relutância na disponibilização de informação de interesse público continua a reinar na organização. |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | • | | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | | • | Existe uma boa base de informação das actividades da organização, embora deficitária na actualização e apresentação de muita outra informação que julgamos de natureza pública como os contratos supra-referidos. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | Para além de questionamento, houve uma explanação da recusa de disponibilização. |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | • | | Para além da disponibilização parcial, as explicações recebidas demonstram uma atitude complexa relativa ao acesso a informação relevante. |

Pontuação total: 8/20

4. SERVIÇO NACIONAL DE MIGRAÇÃO

CATEGORIA 1: SITE

http://www.mint.gov.mz/index.php?option=com_content&view=article&id=178&Itemid=423

Serviço Nacional de Migração é um serviço de natureza paramilitar integrado no Ministério do Interior que superintende a Migração. O seu *site* estando integrado neste ministério, dificulta qualquer informação. Não existe quase nenhuma informação relevante das actividades do Serviço Nacional de Migração. Embora o site apresente as suas funções, praticamente não existem elementos relevantes para acesso público para além de não haver nada actualizado.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | • | | | O sitedo Serviço Nacional de Migração está integrado no site geral do Ministério do Interior. E este está relativamente actualizado. Mas quase que em nada tende a especificar as actividades do Serviço Nacional de Migração |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | • | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | • | | |
| c) Relatórios, políticas, programas? | | • | | |
| d) Orçamento e despesas? | | • | | |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | |

| | | | | |
|--|--|---|--|-----------------------------------|
| f) Procedimentos relativos a vagas e contratação? | | • | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | | • | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | • | | Não recebemos nenhuma informação. |

Pontuação total: 4/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Serviço Nacional de Migração:

- Os relatórios de receitas de produção dos passaportes, vistos e documentos para estrangeiros residentes(2010-2016);
- Valores investidos pela Semlex (2009-2016) no âmbito do contrato assinado para a produção de passaportes, vistos e documentos para estrangeiros residentes;
- Relatório de auditorias financeiras realizadas ao projecto no período de referência

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | • | | Não existe nenhuma informação precisa, visto que o Ministério teve dificuldades em receber a equipa do MISA |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | |
| 3. A instituição respondeu ao pedido de informação? | | • | | Com alguma justificação relativamente fundamentada, a empresa não disponibilizou na totalidade a informação solicitada. Nota-se ainda alguma resistência na disponibilização da informação sob alegação de classificação de 'secreta'. Mesmo que conheça o fundamento da lei do direito à informação, a empresa mostra alguma relutância na disponibilização da informação. |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | Uma explicação parcial foi apresentada para não disponibilizar toda a informação solicitada. A relutância na disponibilização de informação de interesse público continua a reinar na organização. |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | • | | Existe uma boa base de informação das actividades da organização, embora deficitária na actualização e apresentação de muita outra informação que julgamos de natureza pública como os contratos supra-referidos. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | Para além de questionamento, houve uma explanação da recusa de disponibilização. |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | • | | Para além da disponibilização parcial, as explicações recebidas demonstram uma atitude complexa relativa ao acesso a informação relevante. |

Pontuação total: 0/20

5. CONSELHO MUNICIPAL DE NAMPULA

CATEGORIA 1: SITE

<https://cmnampula.gov.mz/>

O site do Conselho Municipal de Nampula, embora tenha uma estrutura que permita a disponibilização de informação diversa de interesse pública, sob ponto de vista de previsão na disposição geral, essa informação não é acessível para a consulta pública. Embora o site tenha notícias, mensagens, posturas municipais, etc.; informação como relatórios de actividades, relatórios financeiros e receitas não se encontra depositada. O município de Nampula encontra-se presente no Facebook, com uma página criada por terceiros com 14.758 seguidores, onde se faz a partilha de informações actualizadas sobre eventos e actividades do município.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|---|
| 1. O site contém informações actualizadas? | • | | | |
| 2. O site contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | | • | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | • | | | |
| c) Relatórios, políticas, programas? | | | • | Embora haja uma ligação para o programa de governação, não apresenta nenhuma informação. Da mesma forma, não se encontram relatórios narrativos e financeiros do município. |
| d) Orçamento e despesas? | | | | |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | |
| f) Procedimentos relativos a vagas e contratação? | | • | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 9/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

As seguintes perguntas foram enviadas ao Conselho Municipal de Nampula:

1. Projecto de aquisição de autocarros de 30 lugares em circulação na cidade de Nampula sob gestão da empresa municipal.
2. A quantidade, e o custo de cada viatura
3. O contrato de fornecimento de viaturas

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | • | | | Existe uma linha verde para pedido de informação, o Gabinete de Comunicação e Imagem |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | Até ao fecho do relatório, a 2 de Agosto, o pedido de informação não tinha sido respondido. |
| 3. A instituição respondeu ao pedido de informação? | | • | | Até ao fecho do relatório, a 2 de Agosto, o pedido de informação, não tinha sido respondido. |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | • | | | Conforme a entrevista, os processos de pedidos de informação são em geral divulgados ao público. |
| 5. A instituição facultou toda a informação solicitada? | | • | | Até ao fecho do relatório, a 2 de Agosto, o pedido de informação não tinha sido respondido. |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | Até ao fecho do relatório, a 2 de Agosto, o pedido de informação não tinha sido respondido. |

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | • | | | Conforme a entrevista e a verificação feita, por imposições de lei, o município divulga as receitas na sua vitrina, assim como presta contas à Assembleia Municipal |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | | • | Mesmo que o município não tenha respondido à carta, foi flexível ao receber a equipa do MISA para esclarecimentos e pedidos de informações sobre a investigação, o que lhes torna, parcialmente abertos. |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | • | | | |
| 10. A informação recebida era clara e compreensível? | | • | | |

Pontuação total: 9/20

6. LINHAS AÉREAS DE MOÇAMBIQUE

CATEGORIA 1: SITE

<http://www.lam.co.mz/index.php/pt>

O *website* das Linhas Aéreas de Moçambique oferece, em grande medida, informações úteis de carácter comercial, destacando para os serviços online de reservas de voos e de serviços de carga. Sob o ponto de vista institucional, encontra-se depositada de forma resumida informação que permite compreender o âmbito da empresa, sem oferecer a devida legislação, embora se faça a referência. Por outro lado, o site é muito pobre em informação de utilidade pública, como planos de actividades, relatórios (o único relatório de contas apresentado é referente ao ano 2012). A LAM encontra-se presente nas redes sociais (Twitter e Facebook), mostrando-se pouco activa na sua exploração – até ao dia 26 de Agosto, nota-se por exemplo, a última actualização no Twitter, foi feita no dia 31 de Maio; no Facebook, a última actualização é de 13 de Julho]

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|---|
| 1. O <i>site</i> contém informações actualizadas? | | • | | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | • | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | | • | Embora não apresente a legislação em formato completo, o site oferece informação atinente às competências da empresa |
| c) Relatórios, políticas, programas? | | | • | O último relatório de contas disponível no site é do ano 2012. |
| d) Orçamento e despesas? | | • | | |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | |
| f) Procedimentos relativos a vagas e contratação? | | | • | A LAM abre um espaço para que pessoas interessadas enviem os seus currículos, sem especificar concursos ou procedimentos para as vagas. |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 9/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

As seguintes perguntas foram enviadas às Linhas Aéreas de Moçambique:

1. Relatórios e Contas da LAM dos exercícios económicos 2012-2016
2. Mapa de dívidas da LAM com terceiros

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | • | | | Os pedidos de informação geral, sobretudo sobre questões comerciais, são respondidos pelos operadores da linha de cliente. As questões mais específicas sobre a governação da empresa são respondidas a partir do Gabinete de Comunicação. |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | O pedido não foi respondido. |
| 3. A instituição respondeu ao pedido de informação? | | • | | |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | | • | A informação é partilhada no site, mas com baixo grau de actualização. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | • | | |

Pontuação total: 3/20

7. TRANS AFRICAN CONCESSION

CATEGORIA 1: SITE

<http://www.tracn4.co.za/acerca-da-trac.html>

No presente relatório voltamos a avaliar a TRAC, a única instituição privada que faz parte da análise. Recebe, do Estado, um subsídio para evitar o agravamento anual dos preços de portagem, conforme está previsto no contrato. É que o contrato entre a TRAC e o Estado prevê que as tarifas de portagem devem sofrer agravamento anual no mês de Março. Igualmente, gere importantes infra-estruturas para o país e para a região. A TRAC detém a concessão da Estrada Nacional Número 4, que liga a cidade de Maputo à região de Gauteng, na África do Sul, passando pela fronteira mais movimentada do país, Ressano Garcia. No território nacional, a concessão da TRAC é de quase 100 quilómetros de estrada e gere duas portagens (Maputo e Moamba). A concessão em modelo de Parceria Público Provada é de 30 anos, iniciada em 2007. A TRAC detém informação de grande interesse público, como o montante das receitas que obtém das portagens, os planos de manutenção e de desenvolvimento das infra-estruturas sob a sua responsabilidade, o fluxo do tráfego.

A TRAC, uma multinacional Sul-africana, tem um site geral, com uma secção sobre Moçambique (<http://www.tracn4.co.za/moz-home.html>), com informação institucional em português. Esta informação traz elementos institucionais gerais sobre responsabilidade social da empresa, actualizações sobre preços e reparações das vias, sem nenhum elemento agregado sobre os relatórios e rendimentos da empresa.

Dos contactos feitos, soube-se que a TRAC não disponibiliza informação que julga importante, como dados financeiros e documentos importantes.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|--|
| 1. O <i>site</i> contém informações actualizadas? | | | • | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | • | | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | • | | |
| c) Relatórios, políticas, programas? | | | • | Esta informação existe, mas num âmbito geral da empresa, não especificamente na secção em português nem sobre Moçambique, especificamente. |
| d) Orçamento e despesas? | | • | | |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | |
| f) Procedimentos relativos a vagas e contratação? | | • | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | • | | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | Trata-se de uma empresa privada. |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | • | | | |

Pontuação total: 8/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

À TRAC foi pedida a seguinte informação:

1. O contrato de concessão celebrado com o Governo Moçambicano há 20 anos no âmbito da Parceria Público-Privada
2. A adenda assinada no âmbito dos subsídios que o Estado transfere para a TRAC anualmente para conter o agravamento das tarifas de portagem, em Março de cada ano.
3. O Mapa de transferências efectuadas para a TRAC no período 2012-2016

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | | • | Tal como quase todas as instituições, a TRAC não tem um departamento específico para a recepção e tratamento de informação recebida, mas dispõe de um gabinete de imprensa que segundo a mesma, trata de alguma forma dos pedidos de informação. |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | |
| 3. A instituição respondeu ao pedido de informação? | | • | | |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | Não. No entanto, durante a pesquisa informaram que essas informações carecem de autorização do Presidente do Conselho de Administração da TRAC, sediado na África do Sul. Informaram ainda que este tipo de informação não é para consumo público. |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | • | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | Não recebemos qualquer informação |

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|-----------------------------------|
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | • | | Não recebemos qualquer informação |

Pontuação total: 1/20

8. CONSELHO MUNICIPAL DA BEIRA

CATEGORIA 1: *SITE*

<http://www.municipiobeira.gov.mz/>(não funciona)

O Município da Beira é a autarquia mais importante do país depois da cidade de Maputo. Gere a cidade da Beira. Por diversas ocasiões, a edilidade e o seu edil foram considerados os melhores do país. Por exemplo, em 2011, o Município da Beira foi considerado pela empresa de consultoria PMR o melhor de Moçambique nas categorias de limpeza, combate ao crime e boa administração.

Em 2016 voltou a ser considerado o melhor município na recolha de resíduos sólidos e Daviz Simango foi eleito o edil mais proactivo de Moçambique.

O Conselho Municipal da Beira dispõe de um site, mas esta não está disponível para consulta. O endereço é <http://www.municipiobeira.gov.mz/>. Quando se tenta aceder, aparece a seguinte mensagem: “Serviço temporariamente indisponível: O servidor está temporariamente indisponível e não pode atender ao seu pedido devido a sobrecarga ou manutenção do sistema. Por favor tente mais tarde”.

Além deste site, o Conselho Municipal da Beira dispõe de uma página no Facebook: <https://www.facebook.com/ConselhoMunicipalDaBeira/>. Durante o período de observação (de 3 de Junho a 3 de Julho), a informação na página do Facebook do Conselho Municipal foi actualizada uma média de duas vezes por dia.

Além de conter informação actualizada, a página do Facebook do Conselho Municipal apresenta ainda informação básica, como a morada, número de telefone e horário de funcionamento da instituição. As informações podem também ser recebidas por mensagem privada. O resto da informação não existe.

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

Pontuação total: 7/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

As seguintes perguntas foram enviadas ao Conselho Municipal da Beira:

1. Salários e regalias do presidente, do vice-presidente, vereadores e dos membros da assembleia municipal
2. Relatório do processo de transferência de competências de gestão de serviços e transporte, educação e saúde primária.
3. Relatório de gestão do fundo de combate à pobreza urbana para o período 2013-2016

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|--|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | | | Não foi possível obter esta informação junto do Conselho Municipal da Beira. |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | |
| 3. A instituição respondeu ao pedido de informação? | | • | | |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | | | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | | | Não foi possível apurar estes dados. |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | | | Não recebemos qualquer tipo de informação |

Pontuação total: 0/20

9. TMT – EMPRESA DE TRANSPORTE, MULTIPLEXAÇÃO E TRANSMISSÃO

CATEGORIA 1: SITE

[http://www.municipiobeira.gov.mz/\(não funciona\)](http://www.municipiobeira.gov.mz/(não funciona))

Uma empresa operadora pública de rede de televisão digital responsável pelos serviços de codificação, multiplexagem, transporte e difusão do sinal de radiodifusão para televisão digital terrestre no território nacional. A TMT é uma entidade formada pelas empresas públicas Televisão de Moçambique (TVM), Rádio Moçambique (RM) e Telecomunicações de Moçambique (TDM), com a finalidade de operacionalizar a rede de transporte e distribuição do sinal digital.

A TMT, embora criada em 2015 para um processo bastante importante que afecta milhares de moçambicanos, ainda não tem *website*, o que não permite acompanhar as suas actividades ou o processo de migração digital.

Até ao momento, a TMT funciona como projecto, sem *website*, nem sequer um espaço no *website* do Instituto Nacional das Comunicações de Moçambique, entidade tutelar da TMT. No mesmo modo, não tem um mecanismo de recepção e tratamento de informação de interesse público.

| n = 20 | Sim | Não | Parcial | Mais informação |
|---|-----|-----|---------|-----------------|
| 1. O <i>site</i> contém informações actualizadas? | | • | | |
| 2. O <i>site</i> contém o seguinte: | | | | |
| a) Descrição das suas competências, assim como informação sobre a estrutura organizacional, as funções e as responsabilidades da administração? | | • | | |
| b) Uma lista da legislação promulgada relativa ao âmbito das suas competências? | | • | | |
| c) Relatórios, políticas, programas? | | • | | |

| | | | | |
|--|--|---|--|--|
| d) Orçamento e despesas? | | • | | |
| e) informação sobre procedimentos de aquisição, contratos assinados? | | • | | |
| f) Procedimentos relativos a vagas e contratação? | | • | | |
| g) A morada, número de telefone e horário de funcionamento da instituição? | | • | | |
| h) Informação para contacto de específicos funcionários públicos? | | • | | |
| i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação? | | • | | |

Pontuação total: 0/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

As seguintes perguntas foram enviadas a TMT:

1. Cronograma da implementação da Migração Digital até à cessação de transmissões analógicas
2. Valores investidos e a investir até à implementação do projecto
3. Contratos de adjudicação celebrados entre o Governo e a Startimes Technologies

| n = 16 | Sim | Não | Parcial | Mais informação |
|--|-----|-----|---------|---|
| 1. Existe um funcionário designado para receber e responder a pedidos de informação? | | • | | |
| 2. A instituição respondeu no prazo de 21 dias? | | • | | |
| 3. A instituição respondeu ao pedido de informação? | | • | | |
| 4. A autoridade publica os seus procedimentos para lidar com pedidos de informação? | | • | | |
| 5. A instituição facultou toda a informação solicitada? | | • | | |
| 6. A instituição apresentou por escrito as razões da recusa de informação? | | • | | |
| 7. A instituição divulgou informações sobre as suas actividades, orçamentos, estrutura etc.? | | • | | |
| 8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente? | | • | | |
| 9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias? | | • | | |
| 10. A informação recebida era clara e compreensível? | | • | | Não recebemos qualquer tipo de informação |

Pontuação total: 0/20

RESUMO

| Instituição | Website | Pedido de informação | Pontuação total |
|--|---------|----------------------|-----------------|
| Moçambique Celular – mCel | 08 | 06 | 14 |
| Conselho Municipal de Maputo | 16 | 15 | 31 |
| Caminho de Ferros de Moçambique | 14 | 08 | 22 |
| Serviço Nacional de Migração | 04 | 00 | 04 |
| Conselho Municipal de Nampula | 09 | 09 | 18 |
| Linhas Áreas de Moçambique | 09 | 03 | 12 |
| TRAC – Trans African Concession | 08 | 01 | 09 |
| Conselho Municipal da Beira | 07 | 00 | 07 |
| TMT – Empresa de Transporte, Multiplexação e Transmissão | 00 | 00 | 00 |

CONCLUSÃO DO ESTUDO

Após uma interrupção de vários anos, pelo segundo ano consecutivo, o MISA Moçambique volta a realizar o estudo sobre Instituições Abertas e Fechadas. Tal como nos referimos na edição do ano passado, Moçambique ainda enfrenta um grande desafio no que diz respeito ao acesso à informação. Esses desafios são impostos pela prevalência da cultura de secretismo e do medo instalados naqueles que deveriam prestar mais informação ao cidadão. É uma herança do período do *'partido-Estado'* que vigorou no país entre 1975 e 1990, de gestão estava centralizada. A introdução da democracia não corrigiu os defeitos das instituições da administração pública moçambicana.

Os resultados do estudo do presente ano (2017) mostram que do ano passado para este não houve uma evolução considerável, seja na disponibilização da informação através de *websites*, como na forma como as organizações públicas ou privadas se estão a estruturar para atender aos pedidos de informação. Porém, notou-se uma ligeira melhoria na resposta a pedidos de informação, embora as respostas não sejam satisfatórias, dado que apenas responderam aos pedidos, mas sem disponibilizar a informação. Contrariamente ao ano passado (2016) em que apenas uma instituição respondeu, neste ano (2017), pelo menos três instituições responderam aos pedidos.

No que diz respeito aos *websites*, um instrumento definido como fundamental para a disponibilização proactiva da informação, notou-se que, mesmo no caso de instituições com informação actualizada, esta diz respeito a eventos, legislação e estrutura de funcionamento; não havendo informação sobre contratos e prestação de contas sobre as actividades desenvolvidas. Três das instituições públicas – incluindo o TMT e o Serviço Nacional de Migração –, pela importância e autonomia, deveriam ter *websites* próprios. O Serviço Nacional de Migração tem o *website* integrado no sítio do Ministério do Interior. Já o Conselho Municipal da Beira, o segundo município mais importante do país, tem um *website* inactivo.

No presente estudo notou-se uma particularidade: a negação de disponibilização da informação do interesse público sob argumento de que os documentos solicitados “contêm cláusulas de confidencialidade”. Este argumento é usado para não

disponibilizar informação relevante como contratos celebrados entre instituições públicas e estatais e entre estas e as privadas; e os relatórios e contas das empresas públicas. Por exemplo, a Mcel, uma empresa pública, que ao abrigo da Lei das Empresas Públicas, deve, por obrigação, publicar, anualmente, os seus relatórios e contas (ver artigo 95 da Lei 14/2014), não só negou apresentar os relatórios e contas (não publica os relatórios e contas desde 2011) como também informou que a instituição não é abrangida pela Lei do Direito à Informação. Escreve o gabinete jurídico da MCEL que: “...caso a Lei do Direito à Informação fosse aplicada à mcel (sic), a mesma encontrar-se-ia abrangida pelo conjunto de restrições e limites ao direito à Informação (...) em virtude da informação ora solicitada considerar-se restrita e confidencial, uma vez colocar em causa a vida interna da empresa, e como tal, não podendo ser divulgado nos termos solicitados”.

Esta resposta é reveladora no sentido de que o ambiente do acesso à informação é ainda muito fechado e todos os argumentos são usados para impedir o acesso a informação de interesse público. Embora as instituições ainda não disponham de salas de consultas e de pessoa específica para receber e dar resposta aos pedidos, notamos uma melhoria nalgumas instituições como é o caso do Conselho Municipal de Maputo, que atribuiu ao Gabinete de Comunicação a tarefa de tratar dos pedidos de informação. Esta pode ser uma das vias, embora não seja a mais adequada.

No cômputo geral, apenas três das nove instituições responderam aos pedidos de informação dentro do prazo previsto por lei (21 dias úteis);

Grande parte das instituições não dispõe de espaços de consulta de informação nem de pessoal específico para responder aos pedidos de informação.

AS INSTITUIÇÕES MAIS FECHADA EM MOÇAMBIQUE

Tal como no ano passado (2016), este ano o ambiente do acesso à informação continua ainda fechado. As instituições não se mostram disponíveis nem com vontade para atender pedidos ou facultar informação ao cidadão. Prevalece o medo e o secretismo.

Neste contexto, apenas uma instituição teve um resultado de zero valores. Trata-se da TMT. Esta instituição não respondeu ao pedido de informação, não tem website nem instalações próprias, estando a funcionar nas instalações da Televisão de Moçambique. Durante as visitas às instituições, o responsável máximo da TMT encontrava-se no exterior do país. Assim sendo, a **TMT** foi considerada a vencedora do Cadeado de Ouro.

Outras instituições mereciam o Cadeado de Ouro por se apresentarem bastante fechadas, não obstante prestarem serviço público de grande interesse e relevância, entre estas, o Serviço Nacional de Migração.

A INSTITUIÇÃO PÚBLICA MAIS ABERTA EM MOÇAMBIQUE

Contrariamente ao ano passado, quando nenhuma instituição recebeu o Prémio Chave de Ouro, no presente ano, notou-se que algumas instituições apresentaram resultados minimamente encorajadores. São estas, o Conselho Municipal de Maputo e os Caminhos de Ferro de Moçambique. Embora tenham respondido às solicitações fora do período estabelecido pela Lei (21 dias), e não terem disponibilizado a informação solicitada, sob argumento de que não são elas que devem disponibilizar, as duas instituições têm websites com alguma informação relevante. Ambas tiveram pontuação superior a 20 do total de 40 pontos.

Assim, o **Conselho Municipal de Maputo** foi considerado o vencedor da Chave de Ouro, edição 2017.

RECOMENDAÇÕES

Face às constatações recomenda-se:

1. A capacitação de gestores públicos e gabinetes jurídicos das empresas públicas de modo a terem domínio sobre a Lei do Direito à Informação;
2. Auxiliar o Governo na divulgação da Lei do Direito à Informação e da informação que deve ser acessível ao público;
3. Rever a Lei de forma a definir mecanismos claros de responsabilização dos agentes que negam a informação;
4. Acelerar o processo de instalação de salas de consulta e pessoa responsável pela recepção, tratamento e respostas aos pedidos de informação;
5. Elaborar um plano para sensibilização das instituições detentoras de informação pública de modo a abandonar a cultura do secretismo e do medo;
6. Sensibilizar os jornalistas e o público para a necessidade de fazer o uso da lei para o pedido de informação.



MOZAMBIQUE

English Summary

THE STATE OF ACCESS TO INFORMATION IN MOZAMBIQUE

Mozambique approved a new Constitution in 2004, which in its Article 48 provides for the right to information. Though such a right was already provided for in the 1990 Constitution, the promulgation of the new Constitution inspired MISA Mozambique to submit a draft proposing a law on the right to information to Parliament.

After laying dormant for nine years, intense lobbying by civil society finally drove the proposal to the National Assembly, which set in motion a process of public hearings on the matter. Under pressure from civil society, a bill was eventually tabled and the law was finally promulgated on 31 December 2014. However, it remained unimplemented for a year until the regulations were approved on 31 December 2015.

This study was conducted 20 months into the implementation process of legislation aimed at facilitating public access to information held by public institutions. The introduction of the law does not yet seem to have changed the access to information environment in Mozambique. The perception among civil society organisations, journalists and research institutions is that the law is not yet fully implemented, which makes it difficult to exercise the right of access to information.

OBJECTIVE

The objective of this study was to determine the level of openness of institutions in terms of making information publicly available.

Specific objectives:

1. Identify the nature of institutional difficulty faced by institutions in making information available;
2. Assess the degree of compliance with the time provided by law for the handling and response to requests for information of public interest;
3. Monitor websites, the information they provide and the frequency with which they are updated.

The institutions assessed were a mix of: one (1) institution of the Central State Administration under the supervision of the Ministry of the Interior; three (3) local authorities; four (4) public enterprises; and one (1) private company. These were evaluated in terms of two main categories of criteria, namely an analysis of their use of online platforms and the response to requests for information.

FINDINGS

The 2017 study paints a critical picture of the institutions that hold information of public interest. In general, they demonstrate an awareness of the importance of making information available to the public, as a tool for transparency, accountability, credibility and legitimacy of their actions. However, they are mired in technical and institutional difficulties, many still do not have the appropriate structures to enable a more flexible and simplified exchange of information with citizens. As a case in point, many of the institutions have websites, these do not provide relevant information and few are routinely updated, diminishing their relevance in the flow and access to information.

The learning process is unfolding at a slow pace, which means that the creation of a culture of openness with respect to the provision of information to the public will require proactive monitoring actions to arrive at a point where making information available becomes second nature. It is within this framework that MISA-Mozambique, together with several partners, is working to strengthen the institutional capacities of public bodies to equip them for the task of making information available.

The results show that there has been little improvement compared to last year, in both categories. However, there has been a slight improvement in the institutions' responses to requests for information, although responses are not always satisfactory.

A new phenomenon was the denial of access to information on the grounds that the requested documents are protected by confidentiality clauses. This argument was used specifically in connection with contracts between public and state institutions and between public and private institutions; as well as the reports and accounts of public companies.

Some institutions revealed great difficulties in receiving the MISA Team, as was the case with the Ministry of the Interior and the Municipality of Beira. This experience served as a reminder that the process to secure interviews should also be taken into account as essential for assessing the level of accessibility of institutions in making information available to the public.

There are a number of obstacles to the full implementation of the Right to Information Law, including the State's inability to rapidly provide human and financial resources. These include information officers to deal with requests for information in each institution holding public information. Other factors are the poor state of archives at these institutions as well as the lack of political will to fully implement the law.

Although institutions do not yet have a dedicated space and personnel to receive and handle requests, a marked improvement was noted at some institutions, such as the Maputo City Council, which assigned the Communications Office the task of dealing with requests for information.

In conclusion, it would appear that Mozambique still has a long way to go. This is in part seen as a legacy of the 24 years of one-party rule, which has left a deeply entrenched culture of secrecy and controlling.

Category 1: Online Presence

- With the exception of Empresa de Transporte, Multiplexação e Transmissão (TMT), all institutions have an online presence, in the form of either a website, social media or both.
- Websites have little information, in some cases nothing on the activities and financials of the entities can be found, with only information of a general nature.
- It is near impossible to use the websites to monitor the activities of the institutions or obtain relevant information about them.
- Updating of information is inadequate, which can further discourage people from consulting the websites.
- Certain types of documents, such as reports and public interest studies, are generally old and incomplete in terms of making available relevant information held by the institutions.

Category 2: Requests for information

- Most institutions did not acknowledge receipt of requests for information or provide responses to questions posed.
- Only three institutions responded to the request for information within the period established by law (21 working days).
- Most institutions do not have the information or dedicated staff to respond to requests for information.
- Institutions have difficulty sharing information without asking for justification for the requests.

- The pretext of information being classified as 'secret' is a ready tool to refuse the provision of information.
- Almost all institutions have difficulty in cataloguing information and organising archives accessible to the public (with the exception of the Maputo City Council).

THE MOST OPEN PUBLIC INSTITUTIONS

Unlike last year, when no institution met the requirements to be awarded the Golden Key Award, this year, it was noted that a number of institutions presented minimally encouraging results; specifically the Maputo City Council and the Railways of Mozambique.

Although both responded to requests outside the period established by the law (21 days), and did not provide the requested information, on the grounds that they are not required to do so, both institutions have functioning websites with relevant information. Both scored more than 20 points on the 40-point scale.

The **Maputo City Council** is the recipient of the 2017 Golden Key Award.

THE MOST SECRETIVE PUBLIC INSTITUTIONS

One institution in Mozambique, namely the Empresa de Transporte, Multiplexação e Transmissão (TMT) (Transport, Multiplex and Transmission Enterprise) had a zero score. TMT is a public digital television network operator responsible for encoding, multiplexing, transporting and broadcasting the digital terrestrial television signal countrywide. Created in 2015 in a joint effort by the public broadcasting and telecommunications corporations, TMT is still in the project phase. It does not have a website, nor a mechanism for receiving and processing information of public interest. TMT failed to respond to the request for information.

All considered, the recipient of the Golden Padlock Award for 2017 is the **Empresa de Transporte, Multiplexação e Transmissão (TMT)**.



NAMIBIA

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

It is unfortunate that we have to release yet another assessment of Namibia's access to information environment, without the country actually having a law that legislates the public's right to access to information. Government on several occasions has indicated its intention to have this law passed by 28 September 2017, but sadly this does not seem to be the case.

It is highly questionable as to why this was not achieved, considering the amount of advocacy work done in 2016 by the media and civil society, in partnership with the Ministry of Information and Communication Technology (MICT).

The first draft of an Access to Information (ATI) Bill was developed during a consultation meeting. In addition to that, civil servants, civil society and media representatives revised the National Information Policy. Most recommendations related to updating Government's methods of sharing and receiving information in the age of the Internet and social media. The revised National Information Policy was adopted this year, and quite rightly, received very little criticism from the media, civil society and the public at large. We also set the foundation for a Communications Strategy for Government during this consultation, which, as far as we know, has not yet been adopted. It is important to note that the consultation was initiated by the MICT, for which they must be commended.

However, it is now more than a year later, and we are anxiously waiting for the ATI Bill to be tabled in Parliament. After the Bill's first tabling, it will go through a public consultation process. It is our hope that this will be broad-based and take place across the country. Historically, Namibians are not very engaged in the public consultation process. This can be ascribed to the fact that there is not sufficient public notification of when and where it will take place. The level of the public's engagement is dependent on how much awareness is raised on the issue through the media, and whether civil society has capacitated the public to understand the issue at hand. In this case, can we as media and civil society organisations confidently state that we have done our best in ensuring that citizens understand what access to information entails, as well as how its lack negatively affects the realisation of basic human rights?

We are also awaiting the repeal of several secrecy laws. These include the Protection of Information Act (1982), the Defence Act (2002), the National Security Act (1997) and the Public Service Act (1997). These laws limit citizens' ability to access information, as well as making the disclosure of public information without the permission of the Permanent Secretary a disciplinary offence. Additionally, the Communications Act (2009) permits the interception of e-mail, text messages, Internet banking transactions, and telephone calls without a warrant. This law threatens the media's independence and ability to conduct effective investigative journalism. Civil society and the media need to renew their efforts in calling for the repeal of these aforementioned laws and/or their problematic clauses.

Namibia also needs to ratify and domesticate the African Charter on Democracy, Elections and Governance and the African Statistics Charter. These instruments promote access to

information, accountability and transparency.

The Electronic Transactions and Communications Bill has been on the shelves for a number of years. When first tabled, the Bill received considerable resistance from civil society because, if passed, it would have resulted in Government legally violating citizens' right to privacy. The law gave Government the right to conduct search and seizure operations of databases and computers, intercept data and communications, and remotely monitor them for a period of up to three months. It also obliged telecommunications service providers, or any other entity that may have information relating to a matter of interest to Government, to cooperate and provide all relevant data. The Bill was referred back to the line ministry and we hope that legal drafters have in the meantime found a way to navigate between legislating surveillance and the seizure of personal data in the interest of national security, and constitutional provisions relating to freedom of expression and the right to privacy.

A major concern in regard to access to information, particularly for the media, is a November 2016 Cabinet Resolution directing all government departments to prioritise the dissemination of information and advertisement through the state-owned New Era Publication Corporation and Namibia Broadcasting Corporation (NBC). The resolution negatively affects the public's right to information, as not all citizens regularly access state-owned media, and because a reduction in advertising revenue will result in a decline of independent media's financial sustainability.

However, this year saw the passing of the Witness Protection Act and the Whistleblower Protection Bill. Government has to be commended for removing problematic clauses from the Whistleblower Protection Bill after intense lobbying by civil society. It is in such instances that one is reminded of the importance of a vibrant and responsive civil society, as well as a free and independent media for a thriving democracy. It is our hope that these sectors will remain committed and able to uphold their mandate, and that Government remains open and responsive to broad-based consultation.

RATIONALE AND RESEARCH PARAMETERS

This year's study focused on four government ministries and four government departments. The study's aim was to assess their accessibility and responsiveness to the public's demand for information. Research was conducted from July to September 2017. The study indicates how transparent each public institution is by applying prescribed tools that measure the level of responsiveness of each chosen institution within a specific period of time. The study's results will inform MISA's work in regard to the promotion and protection of freedom of expression, which cannot be realised without access to information.

The following public institutions were surveyed:

1. Ministry of Poverty Eradication and Social Welfare (MPESW)
2. Ministry of Environment and Tourism (MET)
3. Ministry of Industrialisation, Trade and SME Development (MTI)

4. Namibia Financial Institutions Supervisory Authority (NAMFISA)
5. Communications Regulatory Authority of Namibia (CRAN)
6. Namibia Statistics Agency (NSA)
7. Electoral Commission of Namibia (ECN)
8. Ministry of Justice (MoJ)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Of the eight institutions surveyed, six have fully functional websites. Two institutions have no websites.
- Six institutions have Facebook accounts, of which three are also active on Twitter. In addition to social media accounts, the Namibia Statistics Agency also has YouTube, LinkedIn and Google Plus accounts. The Electoral Commission of Namibia also has a YouTube account.
- Most of the information on the surveyed websites were not dated, this made it difficult to determine the exact date the information was uploaded.

Category 2: Requests for information

- All institutions had designated official(s) for information dissemination. The researcher had no face-to-face interviews.
- The majority of the institutions took their time to respond. As in previous years, some did not provide the information requested, although they did acknowledge receipt of the request for information.
- The institutions most willing to assist were the Ministry of Industrialisation, Trade and SME Development (MTI) and the Communications Regulatory Authority of Namibia (CRAN).

DETAILED FINDINGS

1. Ministry of Poverty Eradication and Social Welfare (MPESW)

CATEGORY 1: WEBSITE

Not available

The Ministry of Poverty Eradication and Social Welfare still does not have a website. It no longer has a Facebook account and has no Twitter presence either.

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

Total Score: 0/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Poverty Eradication and Social Welfare:

1. What is the Ministry of Poverty Eradication and Social Welfare's mandate and how does it tie into Vision 2030?
2. What are some of the challenges the Ministry faced in the implementation of the Food Bank?
3. What were some of the Ministry's major achievements in 2016?
4. How can citizens contribute to the success of your Ministry's programmes?

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

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

Total Score: 14/20

2. Ministry of Environment and Tourism (MET)

CATEGORY 1: WEBSITE

www.met.gov.na

The website is finally up and running. It is well-organised, easy to navigate, and contains relevant, albeit outdated information. The MET has an active Facebook account, but it does not have a Twitter account.

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

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Environment and Tourism (MET):

- How many cases of protected wildlife poaching have been recorded in Namibia for the past three years?
- Does Namibia have agreements with neighboring countries to curb poaching?
- How involved is the Ministry with regards to tourism and environmental protection at community level? Please provide examples to support your case.
- What environmental regulation tool is in place to monitor the environmental pollution of various sectors, in particular the mining and manufacturing sectors, even after they have passed an EIA?

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

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

Total Score: 2/20

3. Ministry of Industrialisation, Trade and SME Development (MTI)

CATEGORY 1: WEBSITE

www.mti.gov.na

The Ministry of Industrialisation, Trade and SME Development's website is well-organised and informative, although the information provided is not current. The Ministry's Facebook page is also not updated and it does not have a Twitter account.

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

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Industrialisation, Trade and SME Development (MTI):

1. SMEs continue to lament the fact that they do not receive support from the formal financial sector; what is the Ministry doing to ensure that SMEs receive much-needed support from the financial sector?
2. How does Namibia benefit from agreements that allow for the ease of movement of goods across SADC member countries?
3. What are the Ministry's main focus areas to ensure the realisation of its mission?
4. What are some of the Ministry's major achievements over the last two years?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | Chief Corporate Communication |
| 2. Did the institution reply within 21 days? | • | | | |
| 3. Did the institution respond to the request for information? | • | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | • | | | |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | The public can acquire information via the new and helpful MTI website which provides email addresses of various section personnel, their telephone numbers and the address for in-person visits. |
| 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? | • | | | Responded on the first day |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 18/20

4. Namibia Financial Institutions Supervisory Authority (NAMFISA)

CATEGORY 1: WEBSITE

www.namfisa.com.na

NAMFISA has a comprehensive and resourceful website with updated and relevant information. Its Facebook account is updated regularly. NAMFISA does not have a Twitter account.

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

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Namibia Financial Institutions Supervisory Authority (NAMFISA)

1. NAMFISA is slated as an independent institution, but it was established by an Act of Parliament and is accountable to the Minister of Finance, how do you maintain your independence from commercial and political influence?
2. How does NAMFISA hold transgressors of the Financial Intelligence Act accountable?
3. How does your institution balance supporting a stable, sustainable financial sector operating within a struggling economy, while ensuring that consumers are protected from malpractice?
4. Who are NAMFISA's most important partners/stakeholders, and why?

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

Total Score: 4/20

5. Communications Regulatory Authority of Namibia (CRAN)

CATEGORY 1: WEBSITE

www.cran.na

CRAN's website is up-to-date, helpful and well-organised. It also has active Facebook and Twitter accounts.

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

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

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Communication Regulatory Authority of Namibia (CRAN)

1. In 2016, CRAN introduced a proposed Broadcasting Code, which was resisted by the media and civil society; has the idea been completely scrapped, or are you still working on having it implemented? If yes, why? If not, why not?
2. Do you find that the industry you are responsible for regulating is responsive to disciplinary action taken by the Authority? Please give an example of one industry player that adhered to disciplinary action taken by CRAN?
3. Is CRAN involved in the promotion and strengthening of community radio, considering the financial and capacity challenges that this sector faces?
4. What are some of the main challenges CRAN faces with regards to the execution of its duties?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | Public Relations Officer (PRO) |
| 2. Did the institution reply within 21 days? | • | | | |
| 3. Did the institution respond to the request for information? | • | | | |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | |
| 5. Did the institution provide all of the information requested? | • | | | |
| 6. Does the institution provide written reasons for the refusal of information? | • | | | The public can acquire information via the helpful CRAN website which provides e-mail addresses of various section personnel, their telephone numbers and the address for in-person visits. |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | • | | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | • | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | The institution responded on the first day. |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 20/20

6. Namibia Statistics Agency (NSA)

CATEGORY 1: WEBSITE

www.nsa.org.na

The NSA's website is updated with recent and pertinent information. It is user friendly and resourceful. It has active social media accounts which include Facebook, Twitter, YouTube, LinkedIn and Google Plus.

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

Total Score: 17/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Namibia Statistics Agency (NSA):

1. What are the main challenges faced by the NSA in the achievement of its mandate?
2. Are there strategies to promote the use of NSA data by the public, private and civil society sectors, as well as citizens, for sustainable development?
3. What are the NSA's most significant projects/programmes?
4. How can citizens contribute to the success of the NSA's projects/ programmes?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | • | | | The Communications Officer |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | • | | | The institution has a resourceful website with an electronic mailing mechanism for complaints, suggestions and queries. |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |

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

Total Score: 4/20

7. Electoral Commission of Namibia (ECN)

CATEGORY 1: WEBSITE

www.ecn.na

The ECN website contains relevant information regarding its mandate, but the remaining information is outdated. It however has active Facebook, Twitter and YouTube accounts.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Electoral Commission of Namibia (ECN):

1. What are your projections in terms of the number of people eligible to vote during the next elections?
2. Is the country ready for online voting? If not, what is delaying the process?
3. How does the ECN ensure that all citizens, regardless of whether or not they are old enough to vote, are informed on the role of regular elections in a democracy?
4. How will the ECN ensure that there are less questions regarding the credibility of election results in 2019?

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

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

Total Score: 2/20

8. Ministry of Justice

CATEGORY 1: WEBSITE

Not available

The Ministry of Justice does not have a website, nor does it have a social media presence. Overall, it has a very minimal online presence.

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

Total Score: 0/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Justice:

1. How has the establishment of the Office of the Judiciary affected the workings of the Ministry of Justice?
2. What role has the Ministry played in ensuring a reduction in the delay of court case/trial conclusions?
3. Besides ensuring that citizens have access to justice, what else does the Ministry focus on?
4. The courts have received a lot of criticism for their handling of cases involving violence against women and children, what has been done to ensure that survivors have access to improved service?

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

Total Score: 2/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|---|---------|-------------------------|-------------|
| 1. Ministry of Poverty Eradication and Social Welfare (MPESW) | 0 | 14 | 14 |
| 2. Ministry of Environment and Tourism (MET) | 13 | 2 | 15 |
| 3. Ministry of Industrialisation, Trade and SME Development (MTI) | 12 | 18 | 30 |
| 4. Namibia Financial Institutions Supervisory Authority (NAMFISA) | 15 | 4 | 19 |
| 5. Communication Regulatory Association of Namibia (CRAN) | 15 | 20 | 35 |
| 6. Namibia Statistics Agency (NSA) | 17 | 4 | 21 |
| 7. Electoral Commission of Namibia (ECN) | 8 | 2 | 10 |
| 8. Ministry of Justice (MoJ) | 0 | 2 | 2 |

THE MOST SECRETIVE PUBLIC INSTITUTION IN NAMIBIA

The 2017 recipient of the Golden Padlock Award for the most secretive public institution is the Ministry of Justice. The Ministry is the poorest performer with a score of 2, which is the lowest score any institution has received in the past five years.

THE MOST OPEN PUBLIC INSTITUTION IN NAMIBIA

The 2017 recipient of the Golden Padlock Award for the most open public institution is the Communications Regulatory Authority of Namibia. CRAN scored 35 points, which equal 85% of the total possible score and is the highest percentage of points an institution has received in the past five years.

2020; and 100% coverage by digital TV and radio broadcast to all households by 2020.

These are ambitious yet achievable targets which require a commitment from all public institutions to build their capacity on the Internet of things.

Further, we reiterate our call to Government for the appointment of competent individuals as communication officers. Apart from one exception, the institutions that have scored the highest since this project's inception have individuals who have the education and work experience in the areas of communication or public relations, and media or journalism.

Also, Government, civil society and the media need to continue working together as partners, as they have over the last few years. This can surely only result in an informed and empowered citizen who participates in the strengthening of the Namibian state and its democracy.

RECOMMENDATIONS

Some of the ICT targets set out in the Harambee Prosperity Plan include: covering 80% of the population with broadband services by 2020; 80% broadband connections and usage to all primary and secondary schools to allow e-learning by 2020; broadband connections and usage to 70% of health facilities to allow e-health by 2020; 100% broadband connections and usage to all public sector agencies to allow for e-governance by



SWAZILAND

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

Following the promulgation of the Constitution of the Kingdom of Swaziland, including a Bill of Rights, in 2005, the onus is now on the Swazi Government to create an enabling environment within which all citizens can fully enjoy the inalienable human rights of the constitutional dispensation. From a media perspective, this involves reforming a battery of 32 media-restrictive laws which a 2003 Media Law Audit found to be inconsistent with the Constitution. This also involves enacting new media laws to easily and faultlessly implement the provisions of the supreme law of the land.

In accordance with Chapter 3 of the Constitution, which provides for the Protection and Promotion of Fundamental Rights and Freedoms, the then Ministry of Public Service and Information, (now the Ministry of Information, Communications and Technology) went on to formulate an Information and Media Policy aimed at eradicating information poverty within the estimated 1.2 million Swazi population. Only a free flow of information enables citizens to make informed choices and decisions about critical social, economic, political and cultural development issues.

Following the introduction of the 2005 Information and Media Policy, another important legislative development occurred aimed at easing access to public information- information in the custody of public officials who often withhold it, forgetting they hold such information on behalf of the public. To this end, the then Ministry of Public Service and Information crafted six media bills. One of them was the 2007 Freedom of Information and Protection of Privacy Bill which sought to foster openness and transparency through access to information. It was well received by media practitioners.

However, ten years down the line, accessing public information remains extremely difficult in the Kingdom. Worse still, the 2007 Freedom of Information and Protection of Privacy Bill is collecting dust on the shelves in an office in the ICT Ministry. There seems to be no political will whatsoever to promulgate a freedom of information legislation even before the dissolution of Parliament¹ in the build up to the 2018 Elections.

Swazi citizens continue to be deprived of critical information through the lack of a right to access public information. This state of affairs is in gross violation of Article 24 of the Constitution which states that a person has the 'freedom to receive ideas and information'. MISA Swaziland has mounted an access to information campaign in a strong bid to push for the passage of the Freedom of Information and Protection of Privacy Bill into law.

RATIONALE AND RESEARCH PARAMETERS

The aim of this particular study is to evaluate the openness and transparency of Swazi public institutions since the adoption of

the Constitution in 2005. It is hoped that this will support an on-going access to information campaign which MISA Swaziland has embarked upon for the last three years.

Its findings are expected to convince the lawmakers to enact the Freedom of Information and Protection of Privacy Law, which allows access to public information. Conducted between July and August 2017, this study focused on four ministries and four public companies in the Kingdom.

The following public institutions were surveyed:

1. Ministry of Home Affairs
2. Ministry of Information, Communications and Technology
3. Ministry of Justice and Constitutional Affairs
4. Ministry of Tourism and Environmental Affairs
5. Small Enterprises Development Company
6. Swaziland Energy Regulatory Authority
7. Swaziland Railway
8. Swaziland Tourism Authority

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All four ministry websites surveyed are hosted by the government website (gov.sz) and the only distinguishing factor is the set of pictures shown in the upper section.
- Of the eight institutions surveyed, only three public institutions have social media pages such as Facebook and Twitter.
- Of the eight websites surveyed, only one had a professional organisational structure (Swaziland Railway).
- All the eight websites did not feature their budgets; their budgets are found in the National Budget.
- Only the Swaziland Tourism Authority's website did not focus on its internal operations but served as a marketing tool.

Category 2: Requests for information

- Of the eight surveyed public institutions, only three managed to answer the information requests which were hand delivered.
- Two ministries and one public institution provided answers to the questions.
- Despite re-submitting the request for information to Swaziland Railway upon request, the institution failed to answer the questions.
- None of the eight public institutions acknowledged receipt of the information requests.
- When called three times, five public institutions promised to give answers to the questions at a later stage but claimed to be busy with other things in the meantime. All of these institutions failed to provide answers to the requests for information.

¹ The King dissolves the Parliament prior to the parliamentary elections held every 5 years.

DETAILED FINDINGS

1. Ministry of Home Affairs

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=220&Itemid=95

Like most ministry websites hosted by the main government website, the Ministry of Home Affairs' website is up-to-date in as far as information on its operations is concerned. But the section of news and events is not frequently updated.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Does this website contain up to date information? | | | • | Its news and events section has stale news. |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration? | | | • | Administrative details not available on website |
| b) A list of laws, Acts etc. issued within the scope of its powers? | | • | | |
| c) Reports, policies, programmes? | | | • | |
| d) Budget and expenditure? | | | • | Budget is available in the National Budget |
| e) Information about procurement procedures, signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone number, and working hours of the institution? | | | • | Opening hours of border posts made available |
| h) The contact details of specific public officials? | • | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | • | No email address provided |

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Home Affairs:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. Who are eligible for Swazi identity cards and diplomatic passports?
5. What is the Ministry doing to ensure that there is no more shortage of passports?

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

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

Total Score: 0/20

2. Ministry of Information, Communications and Technology

CATEGORY 1: WEBSITE

[http://www.gov.sz/index.php?option=com_content&view=article&id=213 &Itemid=303](http://www.gov.sz/index.php?option=com_content&view=article&id=213&Itemid=303)

Linked to the government website, the website of the Ministry of Information, Communications and Technology has, to a certain extent, up-to-date information on its operations. Worth noting is the updated information on the appointment of the Acting Principal Secretary. However, the major let down for this Ministry, which is responsible for ICT, is that the news and events section is not updated and its latest story is from 2014 but still has old stories dating back to 2014.

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

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Information, Communications and Technology:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. Following the public outcry about poor standards of journalism, what is the Ministry really doing to address this problem?
5. What are benefits of having a Royal Technology Park in the country?

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

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

Total Score: 2/20

3. Ministry of Justice and Constitutional Affairs

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=337&Itemid=323

The website of the Ministry of Justice and Constitutional Affairs is up-to-date and covers each department and its functions. However, unlike other sites, the website does not have a news and events section.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

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

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. What makes it difficult for the legal fraternity to take some cases of the indigent on a pro bono basis?
5. Prohibitive legal costs continue to deny the poor access to justice. Who regulates legal fees?

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

Total Score: 12/20

4. Ministry of Tourism and Environmental Affairs

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=257&Itemid=207

The website of the Ministry of Tourism and Environmental Affairs has up-to-date information on its operations. But it does not have the contact numbers and email address of the incumbent Minister.

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

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Tourism and Environmental Affairs:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Ministry and media?
4. What is the Ministry doing to ensure that rural communities understand the effects of climate change?

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

Total Score: 10/20

5. Small Enterprises Development Company

CATEGORY 1: WEBSITE

<http://www.sedco.bz>

The Small Enterprises Development Company's website has very up-to-date information and a section of the latest news. It also has a social media account, Facebook, as well as a map to guide its customers to its location.

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

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Small Enterprises Development Company:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between SEDCO and media?
4. What is SEDCO doing to promote entrepreneurship nationwide?
5. What is SEDCO doing to encourage small and medium enterprises to graduate to the level of big business?

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

Total Score: 0/20

6. Swaziland Energy Regulatory Authority

CATEGORY 1: WEBSITE

<http://www.sera.org.sz/index.php/licensing-and-compliance>

The Swaziland Energy Regulatory Authority's website is not only attractive with its flashing slides, but it is also the most informative with its up-to-date information detailing its operations. In terms of social media sites, it has both Facebook and Twitter. It also has an electronic form for enquiries.

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

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

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Energy Regulatory Authority:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between SERA and media?
4. What can be done to bring down the high tariffs in order to make electricity more affordable for the poor?
5. What is SERA doing to ensure that Swaziland abides by the Paris Agreement, by not generating power from coal?

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

Total Score: 0/20

7. Swaziland Railway

CATEGORY 1: WEBSITE

<http://www.swazirail.co.sz>

The Swaziland Railway website is up-to-date and informative; it contains relevant and comprehensive information, however, it does not display its budget. Its news and events section has the latest news and press releases; the latest dated July 2017. It also has social media pages on Facebook and Twitter.

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

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

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Railway:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between the Swaziland Railway and media?
4. What is the Swaziland Railway doing to reduce the number of railway accidents?
5. Why is it taking longer than expected to start building the rail link between Swaziland and South Africa?

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

Total Score: 0/20

8. Swaziland Tourism Authority

CATEGORY 1: WEBSITE

<http://www.thekingdomofswaziland.com>

The Swaziland Tourism Authority's website does not provide any information on its internal operations but serves as the marketing tool of the organisation. It has up-to-date information on tourism in the Kingdom targeting tourists. It is also the only website that has a blog.

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

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Swaziland Tourism Authority:

1. How often is your website updated?
2. Who is in charge of your website?
3. How would you describe the relationship between STA and media?
4. What is being done to help the communities provide limited accommodation facilities to meet the demand from the ever increasing number of tourists?
5. What measures are being put in place by the STA to ensure that the enforcement of the law against drunk-driving does not kill the tourism industry?

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

Total Score: 14/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| Ministry of Home Affairs | 8 | 0 | 8 |
| Ministry of Information, Communications and Technology | 11 | 2 | 13 |
| Ministry of Justice and Constitutional Affairs | 8 | 12 | 20 |
| Ministry of Tourism and Environmental Affairs | 9 | 10 | 19 |
| Small Enterprises Development Company | 9 | 0 | 9 |
| Swaziland Energy Regulatory Authority | 16 | 0 | 16 |
| Swaziland Railway | 14 | 0 | 14 |
| Swaziland Tourism Authority | 7 | 14 | 21 |

RESEARCH CONCLUSIONS

Results of this 2017 study are little different from those of the previous years. There is still a lot of reluctance from officials responsible for providing public information to both members of the public and media practitioners. Worse still, there are no clear lines of communication in most of these public institutions. Government ministries have hired information or communication officers but these public officers are paid for doing little in terms of providing information; they do not have the authority to respond to the queries brought to them. Only the Principal Secretaries in the government ministries are authorised to respond to the questions directed at the ministries. Unfortunately, these people seem to have no time for information seekers as they always claim to be busy with national duties.

Information on the officials designated to liaise with the public and the media is not even communicated through the websites. The situation is the same in public institutions—they do not have officials designated to provide information to information seekers.

It takes a lot of perseverance and time to get public information from public institutions. All this underscores the urgent need for the promulgation of the Freedom of Information and Protection of Privacy Bill which is going to encourage public institutions to timeously release information to the public and media.

THE MOST SECRETIVE PUBLIC INSTITUTION IN SWAZILAND

Of the eight public institutions that were assessed and evaluated for this particular study, the poorest performing institution and hence the winner of the 2017 Golden Padlock Award for the most secretive public institution in Swaziland is the **Ministry of Home Affairs**.

THE MOST OPEN PUBLIC INSTITUTION IN SWAZILAND

The best performing institution and winner of the 2017 Golden Key Award for the most open public institution in Swaziland is the **Swaziland Tourism Authority**.

RECOMMENDATIONS

The study results underscore the need for easing access to public information. It is high time that public institutions go an extra mile and prioritise information dissemination to the public and through the media. Government ministries should give the information and communication officers the authority to communicate information to the public and media because access to information is key to social, economic, political and cultural development.

There should be a reasonable turnaround time for answering questions considering the public need for information to make informed decisions on issues affecting their lives, while the media has deadlines to meet. Ministries should be allowed to have independent websites and social media pages which they can update in-house. Names and contact details of the officials occupying the position of public relations officers should be provided on the website to facilitate contact.



TANZANIA

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

The right of access to information is recognised as a fundamental human right in the Universal Declaration of Human Rights, Article 9 of the African Charter on Human and Peoples' Rights and is legally binding under Article 19 of the International Covenant on Civil and Political Rights. More importantly, Article 18 of the Constitution of the United Republic of Tanzania guarantees the right to access to information. In 2016, Parliament passed an Access to Information Act which is intended to ensure the enforcement of this right.

The right to information is essential as it facilitates the exercise of the full range of other human rights. In particular, the right underscores the essence of an informed public through guaranteeing citizens' access to public information, empowering people to call their governments to account for their actions. However, it is feared that the Tanzanian Access to Information Act may actually limit access.

The restriction of access to information may take the form of limiting access to governmental or official information, as well as harassment of the press, which may lead to censorship. Such restrictions may be imposed by political authorities or by private organisations.

In Tanzania, efforts to legislate access to information can be dated back to the early 1990s. Notable forward progress was made in the 2000s—firstly with policy reforms in the broadcasting sector, followed by the Government introducing a draft Freedom of Information Bill in 2006. The process of developing access to information legislation stalled until 2015, when the Access to Information Act and the Media Services Act were issued by Government.

However, concerns were raised about both Acts which, according to stakeholders' analysis, carried some provisions which were likely to infringe on principles of freedom of speech, media freedom and free flow of information. In fact, both Bills were deemed by some critics as being more draconian than the 2015 Cybercrimes and Statistics Acts. These two laws, which influence how Tanzanians access and share information, were widely opposed by stakeholders for their potential of curtailing people's rights to access to information and freedom of expression.

The Media Services Act, for instance, contains provisions that would weaken the independence of the media and subsequently limit citizens' access to information. Under the Access to information Act, the wrongful release of information is punishable by 3 – 5 years imprisonment. In contrast, wrongful withholding of information is not punishable, providing information holders with an incentive to refuse the provision of information.

The Access to Information Act was ideally meant to operationalise and enforce provisions of Article 18 of the country's Constitution, however no regulations have been gazetted as of mid-July this year.

Little has been done with respect to publicly promoting the Access to Information Act (neither its contents nor its implementation), neither by the government nor by civil society. This may be the reason why most public servants behave in the manner this study reports, and probably why the general public does not know that they have a right to access information on the activities of both the Government and private bodies which utilise public funds.

RATIONALE AND RESEARCH PARAMETERS

MISA Tanzania joined other MISA Chapters to participate in the study which seeks to establish the most open and most secretive public institutions in Southern Africa. The study was conducted from 11th July to 10th August 2017. All eight institutions were picked randomly, depending on the relevance of their mandated work. Most were surveyed for the first time since their establishment. Information request letters were hand-delivered and emails were sent to the selected institutions. The study also assessed the quality of these institutions' websites—whether they contain relevant and useful information for the public.

The following public institutions were surveyed:

1. National Health Insurance Fund (NHIF)
2. Bank of Tanzania (BOT)
3. Prevention and Combating Corruption Bureau (PCCB)
4. Tanzania National Parks (TANAPA)
5. Tanzania Commission for Universities (TCU)
6. Tanzania Forest Services Agency (TFS)
7. Tanzania Investment Centre (TIC)
8. Tanzania Insurance Regulatory Authority (TIRA)

Limitations of the Study

- Limited financial and manpower resources.
- Time: 21 days were allocated for the study which seems to be too little time for some busy organisations; regardless of the fact that several public officials seemed inattentive.
- Lack of understanding of the importance of access to information by some public officials.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- It is impressive to see that all eight government institutions surveyed have websites which contain useful information such as their policies, areas of expertise, regulations, and news.
- Not all the information provided is up-to-date.
- It was interesting to find language diversity:
 - BOT, TIC and TIRA use two languages, namely Swahili and English.
 - TCU, NHIF and TFS mix English and Swahili on their websites.
 - TANAPA's website is exceptionally multilingual, displaying its information in more than 57 national languages.
- BOT updates some of the information on their website every day.
- TANAPA, TIRA and PCCB had current information on their websites.
- Most sites look old fashioned and boring.
- On some websites, e.g. TCU and BOT, the 'Contact Us' feature was faulty, therefore there is no guarantee that a request sent via the website will reach the targeted institution. The fact that not one institution acknowledged receipt of the emails sent to them via their respective websites is a clear indicator of a defective contact mechanism.

Category 2: Requests for information

- Letters were hand-delivered and emailed to the respective organisations.
- Only two organisations, NHIF and TANAPA, acknowledged receipt of the letters.
- Even after three follow up attempts with other institutions, some still did not respond.
- Only five organisations responded.
- BOT, TIC and TANAPA did not provide the required information.
- Different reasons were given as to why information was not shared:
 - TIC claimed that the person assigned the job was at a funeral.
 - TANAPA failed to respond because they were unable to locate the person who received the letter. A second letter was sent and additional follow-up attempts made without resulting in the receipt of information.
- Some public officials found it questionable that a citizen would request information for personal use and knowledge, and did not take our information requests seriously.
- Staff at other institutions remained friendly and seemingly cooperative; yet assistance was only forthcoming upon repeated and consistent follow-ups.

- There appears to be challenges with some tasked with the handling of information requests. The researcher had to resubmit emails and letters because the staff at various institutions was unable to locate the letters/emails.

DETAILED FINDINGS

1. National Health Insurance Fund [NHIF]

CATEGORY 1: WEBSITE

<http://www.nhif.or.tz/>

The website contains some important information on their services, location, contact details, organisational structure, etc. The information is displayed in Swahili which makes it easy for non-English speaking Tanzanians to understand. The organisation has linked their Twitter and Facebook to their website.

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

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to NHIF:

1. Why should someone choose NHIF as his/her health insurance fund? What is it that you offer over other funds?
2. Are non public servants allowed to join the Fund? If yes, what are the membership enrolment procedures?
3. A lot of citizens, especially those from rural areas, don't understand the importance of having health insurance; as a government agency, what do you do to get the importance of health insurance across to them?
4. As a public institution set to help citizens, how cost-friendlier are your services for the average citizen compared to private funds?
5. Are public servants bound to only join NHIF?
6. Many government servants that are members of NHIF, such as the police, prison wardens, and fire fighters have minimum salary/wages; what do you do to make sure the amount cut from their salaries them doesn't negatively affect their finances?

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

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

Total Score: 14/20

2. Bank of Tanzania (BOT)

CATEGORY 1: WEBSITE

<http://www.bot.go.tz>

The website contains up-to-date information and details on their area of work, including the currency exchange rate. It displays budget reports, financial statements and other important information such as vacancies, tenders and so forth. The style of the site seems old fashioned, meaning it has not been improved for some time. The website displays information in two languages: Swahili and English, and they have a Facebook account.

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

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to BOT:

- Who is responsible for setting bank charges; for example, the amount charged to withdraw money from the ATM; and is it BOT's responsibility to ensure charges are fair?
- What are the procedures of microfinance registration versus commercial bank registration?
- What does BOT do when our currency rate drops?
- What are the procedures for opening a bureau de change? Which organisation sets the exchange rate amount for bureaux de change, the TRA and banks?
- Is it BOT's task to stop/control fake notes? If yes, how do you do it? What are the legal procedures to follow if one receives a fake note?
- What are the reasons for changing a note to a coin or a coin to a note?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | | • | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | No information was provided because the institution could not trace the letter. The person to whom the letter was hand-delivered to was on holiday. |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 0/20

3. Prevention and Combating Corruption Bureau (PCCB)

CATEGORY 1: WEBSITE

<http://www.pccb.go.tz>

Compared to other websites, PCCB's website has less information and uses one language: Swahili. No links to any social media accounts are displayed.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to PCCB:

1. What do you do to make sure PCCB is free from corruption?
2. Why has PCCB become inactive compared to previous years?
3. During my O-Level school years, there were PCCB clubs in schools and they were very helpful and educational; are school PCCB clubs still alive? If not, why? And if yes, how many are still active and what do you do to help the clubs survive?
4. Is there a process to follow if a person needs your help/services? And to what extent do you prove that you are trustworthy?

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

Total Score: 14/20

4. Tanzania National Parks (TANAPA)

CATEGORY 1: WEBSITE

<http://www.tanzaniaparks.go.tz>

This website stands out among all the eight organisations surveyed in this study; it is very appealing with a lot of information on their area of work. However, some vital information such as their budget and expenditure reports is not available. The information on this website can be obtained in more than 57 languages, including Swahili. The website provides links to their Facebook and Twitter accounts.

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

| | | | | |
|---|---|--|--|--|
| h) The contact details of specific public officials? | • | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | • | | | |

Total Score: 17/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TANAPA:

1. Tanzania's tourism sector depends highly on foreign visitors, and thus their safety is of paramount importance. What does your organisation do to ensure safety of tourists and their properties?
2. There have been campaigns to encourage and promote local tourism; to what extent have these campaigns been successful?
3. What are the main challenges to local tourism in the country?
4. What is TANAPA doing to promote and take Tanzania's national parks worldwide?
5. Tourism is an important sector in our country, and it contributes significantly to the national economy. But to what extent? And in which way?
6. How big is poaching in Tanzania? And what do you do to combat it?

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

Total Score: 0/20

5. Tanzania Commission for Universities (TCU)

CATEGORY 1: WEBSITE

<http://www.tcu.go.tz/>

Most of the information is displayed in English, which might be a challenge for many locals who do not understand the language. The website has some incorrect details such as their email address as well as some links. The website provides a link to their Instagram and Facebook accounts.

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

| | | | | |
|---|---|---|---|--|
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures, signed contracts? | | • | | |
| f) Vacancy and employment procedures? | • | | | |
| g) The address, telephone number, and working hours of the institution? | | | • | No information on working hours is provided. |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | • | | |

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TCU:

1. What criteria do you use when admitting students into a particular university?
2. There has recently been a mushrooming of colleges and universities in Tanzania. However, some of them don't seem to have what it takes. What are the requirements for registering a University?
3. There have been several cases of students from private universities to postponing their studies by a year/ semester, with some even dropping out of college due to challenges such as tuition fees. Considering that not every student receives government loans, how does TCU ensure private universities set and provide affordable university education?
4. There have been claims by employers that many university graduates in recent years are "half-cooked," in other words, they are not well prepared. Does your office have a mechanism to check and recheck the curriculum or the skill levels of university lecturers?

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

Total Score: 15/20

6. Tanzania Forest Services (TFS) Agency

CATEGORY 1: WEBSITE

<http://www.tfs.go.tz>

The website links to the organisation's Facebook and Twitter accounts and contains current information about the institution. It uses more English than Swahili which might be a challenge for most Tanzanians.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TCU:

1. How many forests are under your care?
2. What do you do to maintain our forests despite issues which force people to cut trees?
3. How much bee resources do we have and how much do they contribute to our economy?
4. What do you do as TFS to encourage bee-keeping in our country?
5. What are procedures for selling raw materials from tree farms that are government-owned?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | | • | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | | • | Only three out of five questions were answered. Some questions were not answered because no one could be found to answer them—they were busy attending other important matters, while others who were available to do it simply refused to. |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | | • | Some questions were not answered. |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | • | | | |
| 9. Did the institution acknowledge your request for information within 7 days? | | • | | |
| 10. Was the information received clear and understandable? | • | | | |

Total Score: 6/20

7. Tanzania Investment Centre (TIC)

CATEGORY 1: WEBSITE

<http://www.tic.co.tz/>

The information on the website can be obtained in several local languages, including Swahili. No social media details are displayed on the website. The website provides useful but not comprehensive information, such as signed contracts, the budget and financial reports.

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

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TIC:

1. Is TIC responsible for all investment activities, including entering into agreements with different companies?
2. What are the procedures for investing in our country and how do you make sure all agreements are in our country's favour?
3. Are procedures the same for local and international investors? If not, what are the differences?
4. There have been complaints by local investors that they are not being given priority, especially when it comes to large scale investments such as minerals and gas. How do you ensure that there is an equal playing field for both potential local and international investors?
5. What do you consider to be the main challenges to local investors and how do you address them?

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

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

Total Score: 0/20

8. Tanzania Insurance Regulatory Authority (TIRA):

CATEGORY 1: WEBSITE

<http://www.tira.go.tz/>

The website uses both English and Swahili. It displays current information. There are no social network links displayed.

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

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TIRA:

1. What are the procedures for registering an insurance company and what qualifications must one have?
2. As insurance is very important, whether it's health or property; how does TIRA to ensure that insurance companies operate for citizens' best interest?
3. How safe are certain insurance company members in terms of their invested funds in case something goes wrong with the company?
4. How does TIRA monitor and ensure members of the insurance industry follow orders, laws and ethics?
5. How important is TIRA to citizens and Government?

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

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

Total Score: 12/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| 1. National Health Insurance Fund [NHIF] | 13 | 14 | 27 |
| 2. Bank of Tanzania (BOT) | 16 | 0 | 16 |
| 3. Prevention and Combating Corruption Bureau (PCCB) | 8 | 14 | 22 |
| 4. Tanzania National Parks (TANAPA) | 17 | 0 | 17 |
| 5. Tanzania Commission for Universities (TCU) | 11 | 15 | 26 |
| 6. Tanzania Forest Services (TFS) Agency | 8 | 6 | 14 |
| 7. Tanzania Investment Centre (TIC) | 13 | 0 | 13 |
| 8. Tanzania Insurance Regulatory Authority (TIRA): | 11 | 12 | 23 |

RESEARCH CONCLUSIONS

It is undeniable that poor governance, by defeating the objective of inclusion, retards economic growth and mostly hurts the poor.

In a democracy, the principle of accountability holds that government officials — whether elected or appointed by those who have been elected — are accountable to the citizenry for their decisions and actions. The principle of transparency requires that the decisions and actions of those in government are open to public scrutiny and that the public has a right to access government information.

Global trends reveal a growing commitment by states to embrace the ideals of transparent and democratic governance. This has been reflected in the increasing adoption of various instruments, policies and declarations by state parties aimed at strengthening transparency and openness, such as the Access to Information Act of 2016 in Tanzania.

THE MOST SECRETIVE PUBLIC INSTITUTION IN TANZANIA

Given the lack of information on its website and the fact that they did not do well in the information request category, the most secretive public institution in Tanzania in 2017 is the **Tanzania Investment Centre (TIC)**.

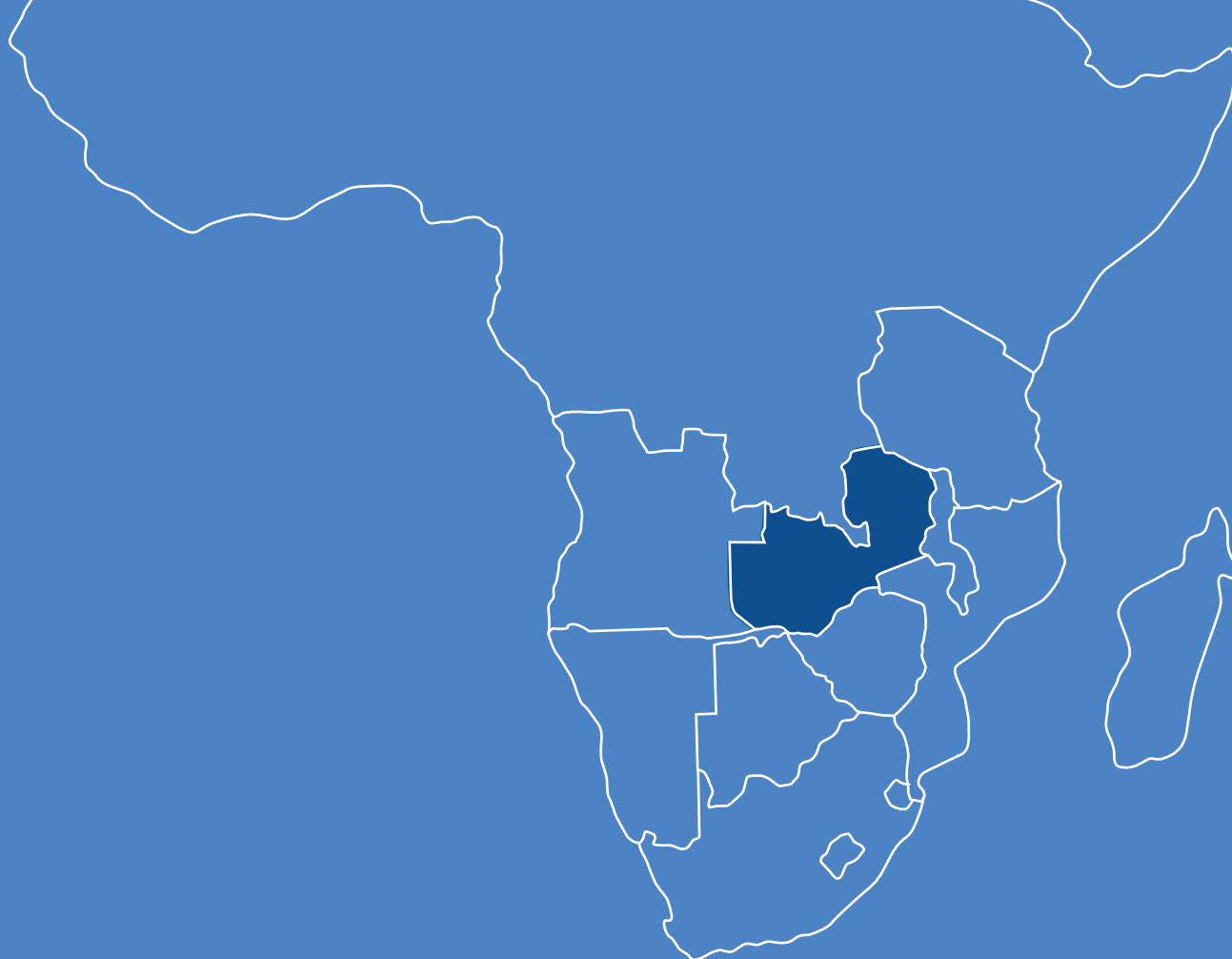
THE MOST OPEN PUBLIC INSTITUTION IN TANZANIA

Due not only to the scores but also considering how they acted during the process of conducting this study, the most open public institution in Tanzania in 2017 is the **National Health Insurance Fund (NHIF)**.

RECOMMENDATIONS

For both the Access to Information Act and the laws which in one way or another impact the public's ability to access information, to be progressively useful to this country, the study makes the following recommendations:

- There is a need for an awareness of the Access to Information Act among public servants. It is in public offices where most information is generated. It is important that public servants know what the law entails in order for them to be able to fully enforce it.
- There is a need for specialised trainings/seminars/workshops for public officials on freedom of information issues and the public's right to access to publicly-held information vis-à-vis its importance to their country's development.
- There is an urgent need for information desks/offices/resource centres at government offices, which would play a big role in information dissemination to the general public.
- Monitoring and evaluation tools for access to information held by public offices and/or private firms that use public funds or perform public functions should be developed.
- There is a need for public awareness of the Access to Information Act. This will encourage citizens to demand information that is necessary for their personal or their community's development.
- Encourage and promote the use of ICTs in public service; it is very discouraging, for example, when an email sent to the email address displayed on an institution's website bounces back or will be completely ignored. For a country as large as Tanzania, physical follow-ups of every request are a luxury many cannot afford.
- A move to modern filing systems is needed to encourage accountability in public servants. It is embarrassing to receive someone's letter and it gets lost after a week.
- Most importantly, the need for regulations for the Access to Information Act cannot be overemphasised.



ZAMBIA

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

In a functioning democracy, openness and transparency are key ingredients of accountability and trust. Ideally, open governments encourage the public participation in decision-making.

The existence of appropriate and effective legislation can facilitate an environment of openness; legislation such as an access to information law which guarantees open and accountable government and public institutions. The access to information environment in Zambia however, has not changed significantly as the process of enacting the draft Access to Information (ATI) Bill is still limited to vain assurances from government officials.

In August 2016, Zambia held a national referendum alongside its general elections which gave hope to many champions of access to information. A positive vote would have led to an amendment of the Constitution to expand the Bill of Rights to include civil, political, economic, social, cultural, environmental, and special rights. Under civil and political rights, the expanded Bill of Rights provided for access to information.

The referendum however failed as the threshold requiring a minimum of 50 percent of eligible voters to participate in the referendum was not met. Many attributed this failure to a lack of public awareness about the referendum as well as the fact that it ran concurrently with the general elections.

The Civil Society Coalition on Access to Information urged the Minister of Information and Broadcasting, Chishimba Kambwili, to speed up the adoption of the ATI Bill and to avoid tying the tabling of the Bill in Parliament to the failed referendum.

In February 2017, the Minister of Justice, Given Lubinda announced that the draft ATI Bill was ready to be shared with the public and that it would be re-tabled in Parliament. When the announcement was made, many civil society organisations commended Government on this move but cautioned that the passing of the Bill should be speedy as it was long overdue.

MISA Zambia also added its voice by welcoming the pronouncement of the Ministry of Justice, but implored the Minister to provide a roadmap for the enactment of the Bill as a concrete sign of commitment.

The Jesuit Centre for Theological Reflections (JCTR) expressed delight at the government's decision to re-table the ATI Bill, adding that JCTR will keep supporting the ATI Bill as part of a well-run democratic governance system.

Unfortunately, Government later announced that the Bill could not be tabled in Parliament as during its current session, there were already too many items on the agenda.

As it stands, many Zambians and civil society organisations are hoping the Minister of Justice will fulfil his promise to table and enact the ATI Bill. However, the ATI Bill was not even mentioned in the last sitting of Parliament. Nonetheless, MISA Zambia remains hopeful and continues to push for the enactment of the Bill.

RATIONALE AND RESEARCH PARAMETERS

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

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

For this particular research eight (8) public institutions were randomly selected. The study was conducted from 4 July – 7 August 2017 in Lusaka, Zambia.

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

The following public institutions were surveyed:

1. Disaster Management and Mitigation Unit (DMMU)
2. National Housing Authority (NHA)
3. Ministry of Education (MoE)
4. Ministry of Finance (MoF)
5. Ministry of Local Government and Housing (MLGH)
6. Ministry of Tourism and Arts (MoTA)
7. Ministry of Transport and Communications (MoTC)
8. Zambia Development Agency (ZDA)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All institutions, except for the National Housing Authority, whose website was under maintenance, have working websites.
- All the institutions have Facebook pages although most public bodies do not update their content regularly and have little to no interaction with their audience.
- Budgets and expenditures were unavailable on all of the websites analysed.
- Most of the websites did not indicate working hours.

Category 2: Requests for information

- Of the eight selected institutions, only the Ministry of Transport and Communications provided the requested information.
- The Ministry of Tourism and Arts acknowledged receipt of the request for information and scheduled a meeting with the researcher. When the researcher arrived for the meeting, the person assigned to attend to her had gone to another meeting. Even after several follow-up attempts, she was told that the Ministry would get back to her—which has yet to happen.
- Generally, few institutions have a designated person to receive and respond to requests for information; usually all queries have to be addressed to the Permanent Secretary, who then decides upon the response to the specific request for information.
- All organisations acknowledged receipt of the request and promised to get back to the researcher.
- The National Housing Authority asked the researcher to resend the request for information and address it to the Chief Executive Officer.

DETAILED FINDINGS

1. Disaster Management and Mitigation Unit (DMMU)

CATEGORY 1: WEBSITE

<http://www.dmmu-ovp.gov.zm/>

The DMMU's website is not up-to-date; it was last updated in 2014. The institution has a Facebook page with over 400 followers, which is not up-to-date either; it was last updated four months ago. The institution has little to no interaction with its audience through the Facebook page.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Does this website contain up to date information? | | • | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration? | • | | | |
| b) A list of laws, Acts etc. issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | | | • | The website only has a little information which is outdated. |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures, signed contracts? | | | • | It only has a tenders section under the Media Centre which has no posts. |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone number, and working hours of the institution? | | | • | The website contains the address and telephone number but has no working hours of the institution. |
| h) The contact details of specific public officials? | • | | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | • | The website has a response mechanism but no addresses have been provided especially for electronic requests of information. |

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Disaster Management and Mitigation Unit:

1. His Excellency President Edgar Chagwa Lungu announced that a committee had been set up to assist those that lost their items and money in the unfortunate fire at City Market; is the DMMU working with this Committee?
2. How is your institution assisting those that have been affected?
3. There have been other fire disasters in various parts of the country since the newly instituted Committee is Lusaka-based, is the DMMU able to work with the Committee (as the DMMU has been in existence longer and thereby could give technical know-how)?
4. What are some of the challenges that the DMMU has faced in the last two years and how has it been able to handle them? What is the current human resource capacity of the DMMU and how widespread are your offices?

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

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its 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. National Housing Authority (NHA)

CATEGORY 1: WEBSITE

<http://www.nha.co.zm/>

The website of the National Housing Authority is not functional. The institution has a Facebook page with over 3000 followers, even though it rarely updates the page. Using the messaging option on Facebook, the researcher requested the NHA to provide the link to a working website. The institution replied after 7 days stating that the website was under maintenance.

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

Total Score: 2/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the National Housing Authority:

- How many housing units has the National Housing Authority constructed in the last two years?
- There are some housing units near the stadium which have been unoccupied for many years, even after completion; is this because they are too expensive and cannot cater for the ordinary Zambians?
- What is the state of affairs with regards to the Macgor Project which was signed with Magcor International, and what progress has been made so far?
- What policies does your institution have to help bridge the housing infrastructure deficit and how best can the nation address the housing deficit?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 1. Is there an official designated to take and respond to information requests? | | • | | |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | When doing follow-ups, the researcher was asked to explain the reasons for requesting the information and was asked to resend and address the request for information to the Chief Executive Officer (CEO). |
| 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 researcher was not given information as the CEO questioned the researcher's motives. |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 2/20

3. Ministry of Education

CATEGORY 1: WEBSITE

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

The Ministry of Education's website is up-to-date with its last update having been on July 2017. It also has two Facebook pages with a combined following of over twenty-five thousand (25,000) followers. However, only one of the Facebook pages is updated and has interaction with the audience.

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

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Education:

1. How many institutions of higher learning are registered under your Ministry?
2. What criteria are used in the issuing of practicing licences to higher learning institutions considering that Zambia has a lot of them?
3. What measures have you put in place to further cushion the teacher-pupil ratio in public schools?
4. Recently TEVETA suspended some higher learning institutions and Cavendish issued a press release disputing this. What is your position on this?

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

Total Score: 2/20

4. Ministry of Finance

CATEGORY 1: WEBSITE

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

The website of the Ministry of Finance is active with the last update made in July 2017. It also has a Facebook page with over forty-nine thousand (49,000) followers. The Facebook page is up-to-date and interactive.

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

| | | | | |
|---|--|---|---|--|
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | • | The website only has information on procurement procedures but no signed contracts. This information is only available on the Facebook page. |

Total Score: 9/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Finance:

1. What is the current official debt position and revenue performance of the nation?
2. The Kwacha has been performing relatively well and has been quite bullish against the major currencies even with the invocation of Article 31. What measures has the Ministry put in place to ensure that this performance continues?
3. How far has the implementation of the e-voucher system gone and when should we expect it to be fully operational?
4. What policies have been put in order to achieve financial inclusion for the youth and women?
5. What benefits does Government expect from engagements with the International Monetary Fund (IMF)?

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

Total Score: 2/20

5. Ministry of Local Government and Housing

CATEGORY 1: WEBSITE

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

The website of the Ministry of Local Government and Housing is not updated. The Ministry has no social media accounts.

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|------------------------|
| 1. Does this website contain up to date information? | | • | | |
| 2. Does the website contain the following: | | | | |
| a) A description of its powers, as well as data on the organisational structure, the functions, and the responsibilities of the administration? | | • | | |

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| b) A list of laws, Acts etc. issued within the scope of its powers? | • | | | |
| c) Reports, policies, programmes? | • | | | |
| d) Budget and expenditure? | | • | | |
| e) Information about procurement procedures, signed contracts? | | • | | |
| f) Vacancy and employment procedures? | | • | | |
| g) The address, telephone number, and working hours of the institution? | | | • | |
| h) The contact details of specific public officials? | | • | | |
| i) A mechanism to request and receive a response to electronic messages and requests for information? | | | • | The website has the Ministry's email address which can be used as alternative. |

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Local Government and Housing:

1. How many local authorities does the country have as of January 2017?
2. How much revenue did the Ministry of Local Government collect from city councils last year?
3. Are there any policies that have been put in place to provide for accountability especially for constituency projects, such as the building of feeder roads? If yes, kindly highlight the policies.
4. What criteria does your Ministry use in issuing out liquor licences considering that most groceries sell liquor in their stores?

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

Total Score: 2/20

6. Ministry of Tourism and Arts

CATEGORY 1: WEBSITE

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

The Ministry of Tourism and Arts has a website which is up-to-date. Their Facebook page has 1000 active followers.

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

Total Score: 8/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Tourism and Arts:

1. How widespread are your offices across the nation?
2. I once visited a Zambian embassy abroad and found no information on tourism in Zambia. Is there any new material provided as a way of selling the country's tourism?
3. Minister Charles Banda has been working towards making local tourism affordable for ordinary Zambian; what progress has been made thus far? Have the numbers improved since then?
4. What major challenges has the Ministry faced in marketing tourism to both local and foreign tourists?

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

| n = 20 | Yes | No | Partial | Additional Information |
|--|-----|----|---------|---|
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | The institution scheduled a meeting with the researcher three (3) days after receiving the request for information. The meeting did not take place. |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 4/20

7. Ministry of Transport and Communications

CATEGORY 1: WEBSITE

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

The Ministry of Transport and Communications has an updated website with its last update in June 2017. It has a relatively active Facebook page with over two thousand (2,000) followers.

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

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Transport and Communications:

1. What measures has the Ministry put in place to curb the nation's cyber threat?
2. What benefits do Zambians stand to gain from facilities such as the Zambia National Data Centre (ZNDC)?
3. Are there policies that have been put in place by the Ministry to encourage private sector to help in the development of Information Communication Technology's (ICTs) in the country? If yes, kindly outline.
4. ICTs is the way to go in terms of development for the country; does the Ministry have any plans to build a local "Silicon Valley" to encourage use of innovation technology in the country?

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

Total Score: 12/20

8. Zambia Development Agency (ZDA)

CATEGORY 1: WEBSITE

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

The website of the Zambia Development Agency (ZDA) is up-to-date. It has a Facebook page with over nine thousand (9,000) followers.

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

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Zambia Development Agency:

1. How many capacity-building centres does the Zambia Development Agency (ZDA) have countrywide?
2. What is ZDA doing to allow Micro Small enterprises (MSEs) to access available market opportunities?
3. Does ZDA provide financial assistance to MSEs? If yes, what conditions allow for them to access the assistance?
4. What challenges has the ZDA faced in trying to help SMEs?

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

Total Score: 2/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|--|---------|-------------------------|-------------|
| 1. Disaster Management and Mitigation Unit (DMMU) | 10 | 2 | 12 |
| 2. National Housing Authority (NHA) | 2 | 2 | 4 |
| 3. Ministry of Education (MoE) | 10 | 2 | 12 |
| 4. Ministry of Finance(MoF) | 9 | 2 | 11 |
| 5. Ministry of Local Government and Housing(MLGH) | 6 | 2 | 8 |
| 6. Ministry of Tourism and Arts (MoTA) | 8 | 4 | 12 |
| 7. Ministry of Transport and Communications (MoTC) | 10 | 12 | 22 |
| 8. Zambia Development Agency (ZDA) | 12 | 2 | 14 |

RESEARCH CONCLUSIONS

From this year's study, it appears, most public institutions in the country still lack transparency and openness as they do not place sufficient public information into the public domain, despite having websites and social media pages.

However, the effort some of these public institutions make cannot be overlooked. The majority of institutions have websites and social media pages, although these are not always updated or lack relevant information. This year's study also brought to light an undesirable centralised authority in public institutions, especially with regards to availability and accessibility of public information. For instance, some public institutions acknowledged the receipt of the information request but were hesitant to give out information until they received authorisation from a higher office.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZAMBIA

The National Housing Authority (NHA) had the lowest score in this survey which makes them the most secretive public institution in Zambia in 2017. The NHA neither has a functional website nor any active social media pages. The researcher was told that the institution has no public relations officer.

Housing is a basic human need and as the NHA is an authority for the regulation and development of housing for Zambians, this institution should open and receptive to public requests. Due to their lack of openness, the average Zambian is reluctant to approach the NHA for information as they deem the organisation to be accessible only by the wealthy.

Considering that the institution's website is under maintenance, it should have kept its social media pages active so that citizens can easily reach them and receive the necessary information they may need.

The winner of the 2017 Golden Padlock Award is the **National Housing Authority**.

THE MOST OPEN PUBLIC INSTITUTION IN ZAMBIA

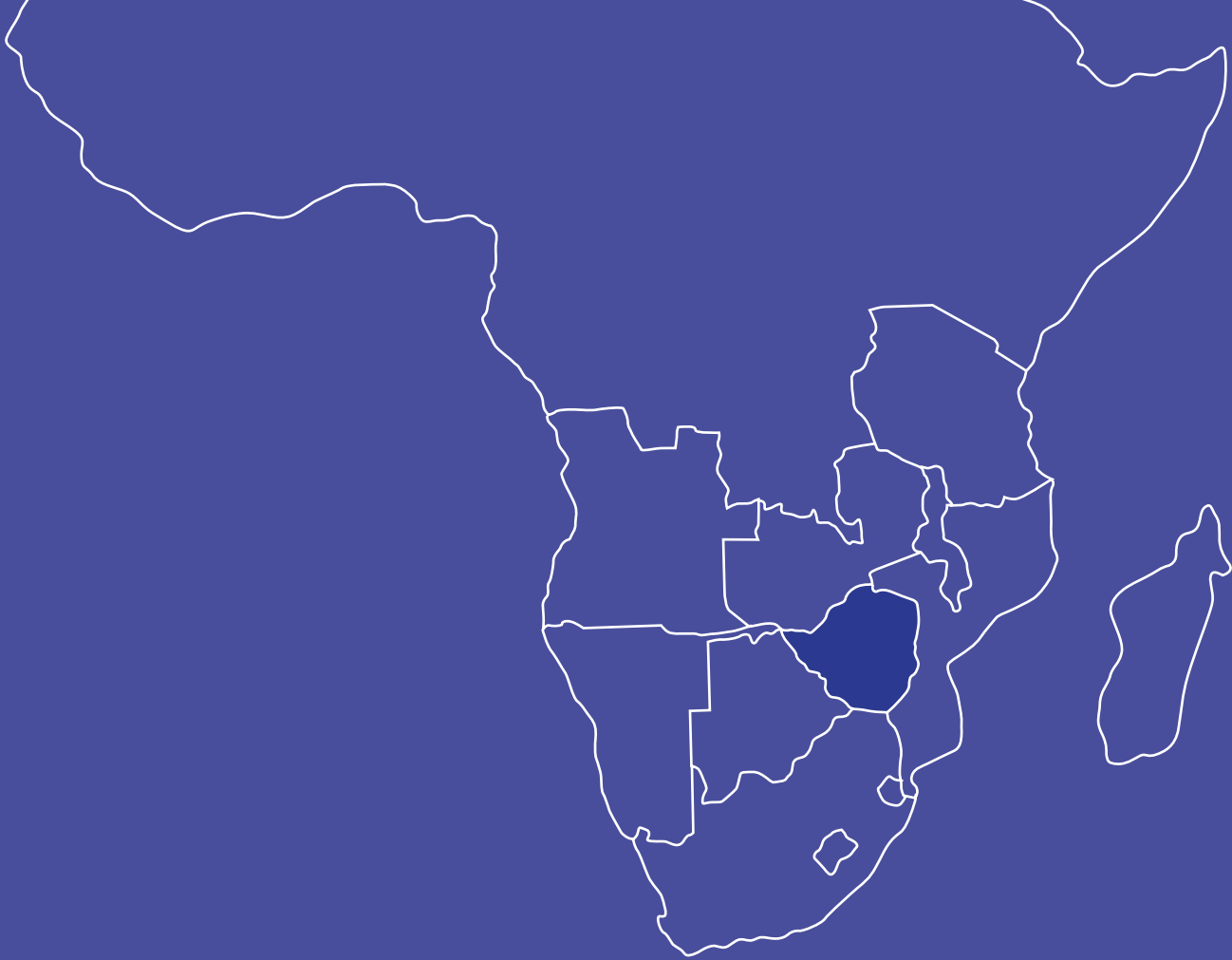
The Ministry of Transport and Communications was the most open institution during the study. Even though there is room for improvement regarding their website, their Facebook page is relatively active providing regular updates and engagement with their followers.

This institution was helpful; they acknowledged the receipt of the request and called to ask the researcher to collect a written response to the information request submitted to their offices eight days earlier.

The winner of the 2017 Golden Key Award is the **Ministry of Transport and Communications**.

RECOMMENDATIONS

- Yet again, public institutions have not considered the importance of having public relations or information officers who are ready to receive and answer requests for information from the public. The institutions should train staff or employ qualified information and public relations officers to make information available. Otherwise, organisations should at least consider creating a communications and documentation department.
- Public institutions should train their staff or employ qualified officers to manage their online presence to guarantee effective, timely and relevant online communication.
- Organisations should invest more in their social media pages and engage more often with the public.



ZIMBABWE

TRANSPARENCY ASSESSMENT 2017

The Citizens' Analysis of
Government Openness

INTRODUCTION

Zimbabwe is currently undergoing a process of implementing its newly-enacted 2013 Constitution. However, very little appears to have been done to synchronise the new Constitution with laws impacting access to information.

Government has drafted a Cyber Crimes Bill to purportedly curb 'Cyber terrorism.' However, the government has ostensibly been responding to the recent spate of civil disobedience, which was spearheaded by government-critical social movements such as the #thisflag movement and the Tajamuka Campaign; both of which were online campaigns relying on Facebook to convey their message.

During 2017, the access to information and freedom of the media situation in the country has generally remained rather gloom, with at least 5 journalists having been caught up in violent skirmishes with the police; with the most recent case involving Newsday journalist Obey Manayiti and a fellow photo-journalist who were assaulted by police while taking pictures in the central business district.

This heavy-handed action against journalists is seemingly aimed at blocking wayward police and enforcement practices from entering into the public domain. This is not the only case of the police's use of unwarranted force against journalists. Similar cases were reported in 2016.

These efforts have been subtle yet deliberate measures of ensuring that the media remains contained, in flagrant violation of Sections 61 and 62 of the Constitution.

Under the Constitution the following rights are explicitly guaranteed:

61 Freedom of expression and freedom of the media

- (1) *Every person has the right to freedom of expression, which includes—*
 - (a) *freedom to seek, receive and communicate ideas and other information;*
 - (b) *freedom of artistic expression and scientific research and creativity; and*
 - (c) *academic freedom.*
- (2) *Every person is entitled to freedom of the media, which freedom includes protection of the confidentiality of journalists' sources of information.*
- (3) *Broadcasting and other electronic media of communication have freedom of establishment, subject only to State licensing procedures that—*
 - (a) *are necessary to regulate the airwaves and other forms of signal distribution; and*
 - (b) *are independent of control by government or by political or commercial interests.*
- (4) *All State-owned media of communication must—*
 - (a) *be free to determine independently the editorial content of their broadcasts or other communications;*
 - (b) *be impartial; and*
 - (c) *afford fair opportunity for the presentation of divergent views*

and dissenting opinions.

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

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

62 Access to information

- (1) *Every Zimbabwean citizen or permanent resident, including the Zimbabwean media, has the right of access to any information held by the State or by any institution or agency of government at every level, in so far as the information is required in the interests of public accountability.*
- (2) *Every person, including the Zimbabwean media, has the right of access to any information held by any person, including the State, in so far as the information is required for the exercise or protection of a right.*
- (3) *Every person has a right to the correction of information, or the deletion of untrue, erroneous or misleading information, which is held by the State or any institution or agency of the government at any level, and which relates to that person.*
- (4) *Legislation must be enacted to give effect to this right, but may restrict access to information in the interests of defence, public security or professional confidentiality, to the extent that the restriction is fair, reasonable, necessary and justifiable in a democratic society based on openness, justice, human dignity, equality and freedom.*

However, there still exists a plethora of subsidiary legislation that is inconsistent with these constitutional provisions. Notable among such laws is the Official Secrets Act 1970, which makes it difficult for the public and media to access information held by government and public institutions. Another constitutionally inconsistent law is the Public Order and Security Act 2002 (POSA), which restricts freedom of association and freedom of assembly.

Furthermore, the preamble of the Access to Information and Protection of Privacy Act 2002 (AIPPA) provides 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 granting the public the right to request correction of misrepresented personal information. The Preamble reads:

To provide members of the public with a right of access to records and information held by public bodies; to make public bodies accountable by giving the public a right to request correction of misrepresented personal information; to prevent the unauthorised collection, use or disclosure of personal information by public bodies; to protect personal privacy; to provide for the regulation of the mass media; to establish a Media and Information Commission and to provide for matters connected therewith or incidental to the foregoing.

However, in effect 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 information in writing as provided by Section 6 and where possible, pay a reasonable fee as outlined Section 7 of the Act.

Section 5 of AIPPA provides for the right to information and stipulates the following:

(1) Subject to Section ten, every person shall have a right of access to any record, including a record containing personal information, that is in the custody or under the control of a public body: Provided that such access shall not extend to excluded information.

(2) Where information can be extracted from a record that contains excluded information, an applicant may have access to the part of the record that is not excluded information.

(3) Nothing contained in this Act shall confer any rights to information or to a record to— (a) a person who is not a citizen of Zimbabwe, or is not regarded as permanently resident in Zimbabwe by virtue of the Immigration Act [Chapter 4:02], or is not the holder of a temporary employment or residence permit or students permit issued in terms of that Act; (b) any mass media service which is not registered in terms of this Act, or to a broadcaster who is not registered in terms of the Broadcasting Services Act [Chapter 12:06]; and (c) any foreign state or agency thereof.

While seemingly straightforward, the practical exercise of this right is in essence ridden with latent bottlenecks that make the right difficult to enjoy.

For example, according to Section 8 (1) the head of a public body is given up to 30 days to respond. Section 8 (1) reads:

The head of a public body shall take every reasonable step to assist an applicant and shall, subject to Section eleven or twelve, respond as soon as is reasonably possible in the circumstances, but not later than thirty days, to each request for access to a record.

In circumstances where a written request for information has been made in terms of Section 6, the head of a public body shall be obliged to respond to the request outlining the following:

(a) whether or not he is entitled to access to the record or a part of the record; and

(b) the place where, time when and manner in which such access will be given.

(2) Where the head of a public body refuses access to a record or part of a record, he shall inform the applicant of the reasons therefor.

Further, the head of a public body may refuse to grant the requested information where the information is deemed to not be in the public's interest.

If the information involves a third party, the head of the public institution is allowed to extend the response time by an additional 30 days in order to consult the third party before responding to the request, as stipulated under Section 11, which reads:

(1) The head of a public body may extend the time for responding to a request by a further period not exceeding thirty days or, with the Commission's permission, for a longer period if-

(a) the applicant does not give sufficient detail to enable the public body to identify the requested record; or

(b) a large number of records is requested or is required to be searched, and meeting the time limit will unreasonably interfere with the operations of the public body; or

(c) more time is needed to consult with a third party affected by the request or another public body before the head of the public body can decide whether or not to give the applicant access to the requested record.

However, the head of a public body may also refuse all or part of a request for access to information, in which case he/she has to give the applicant reasons for such refusal in accordance with Section 11 (2), which states:

(2) Where the time is extended in terms of subsection (1), the head of the public body shall inform the applicant-

(a) of the reason for such extension; and

(b) when he should expect a response

In the event the applicant feels aggrieved by the decision not to grant information, he/she may ask the Commission to review the public institution's decision as provided for under Section 9 (3), which reads:

An applicant whose request for a record or part of a record has been refused by the head of a public body may request the Commission to review the public body's decision.

In essence, this constitutes a mere review process that does not guarantee access to information to the applicant. In fact, it makes the process of accessing information more cumbersome and complex.

Sections 15-34 deal with various categories of protected information which cannot be disclosed.

The process is unnecessarily bureaucratised, as it may take 60 days or more (if the Commission deems it fit) before a final decision is made on whether or not an applicant can have access to a record or requested information. This is a typical scenario in which AIPPA is an impediment to access to information, instead of fostering the spirit of openness and transparency within public bodies. This process contradicts the law's intended principle of encouraging openness and accountability of public institutions. In practice, some public officials take advantage of the bureaucratic nature of the legislation to frustrate requests for public information. The law has also disempowered junior public officials, who are now fearful of disclosing any information to citizens or the media.

It is therefore not surprising that a culture of fear and unnecessary bureaucratic obstacles remains. Organisations that have public relations/communications officers still asked the researchers to contact the Chief Executive Officer in order to access information, a clear sign that these officers do not have full autonomy to disclose public information.

One is likely to get a somewhat better response from institutions if it is mentioned that the request was made by a journalist as opposed to an ordinary citizen seeking information. This has also been the case in past studies.

RATIONALE AND RESEARCH PARAMETERS

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

Objectives of the study:

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

The following public institutions were surveyed:

1. National Arts Council of Zimbabwe (NACZ)
2. TelOne
3. The Ministry of Primary and Secondary Education (MPSE)
4. The Public Service Commission (PSC)
5. The Tobacco Industry Marketing Board (TIMB)
6. The Zimbabwe Human Rights Commission (ZHRC)
7. The Judicial Service Commission (JSC)
8. The Zimbabwe Media Commission (ZMC)
9. The Sports and Recreation Commission (SRC)
10. The Zimbabwe National Road Administration (ZINARA)

SUMMARY OF KEY FINDINGS

Category 1: Website Analysis

- Although there were a few exceptionally good websites, most were of mediocre to poor calibre.
- Content was not regularly updated
- Lack of critical information, such as the procedure of obtaining information
- Some websites generated error messages.
- Some websites were difficult to navigate when using cell phones.

Category 2: Requests for Information

- Most institutions failed to provide written responses.
- The Zimbabwe Human Rights Commission, the Judicial Services Commission and the Zimbabwe Media Commission responded promptly and in full detail to the information requests.
- The National Arts Council responded telephonically and provided answers to all questions.
- The Sports and Recreation Commission acknowledged receipt of the information request but expressed suspicion of the researcher's motive, therefore requesting further justification for the reason why information was sought.
- Oral requests for information were mostly declined and the researchers were asked to request information in writing.

DETAILED FINDINGS

1. Zimbabwe National Arts Council

CATEGORY 1: WEBSITE

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

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

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the National Arts Council:

- 1) What is the primary source of funding for the Zimbabwe National Arts Council for its operations?
- 2) Where can we obtain the 2016 abridged audited statement for the organisation

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

Total Score: 16/20

2. TELONE

CATEGORY 1: WEBSITE

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

The website is very informative and is regularly updated. Their online client support service is equally superb.

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

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TELONE:

- 1) What is the source of Tel One's funds for its operations?
- 2) Where can we obtain the 2016 abridged audited statement for Tel One?

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

Total Score: 2/20

3. Ministry of Primary and Secondary Education

CATEGORY 1: WEBSITE

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

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

Total Score: 4/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Primary and Secondary Education:

- 1) How much money was allocated to your Ministry in the current National Budget?
- 2) What is the total number of primary and secondary schools in rural areas?
- 3) How many teachers are currently employed by the Ministry?

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

Total Score: 2/20

4. Public Service Commission

CATEGORY 1: WEBSITE

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

The website has regulations, policies and other laws relevant for the operations of the institution. The website is not regularly updated. There is room for improvement on how content is managed.

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

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Public Service Commission:

- 1 How many civil servants are under government's payroll?
- 2 How does one apply to be in service of the government?

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|--|
| 1. Is there an official designated to take and respond to information requests? | • | | | The letter was left at the reception. The receptionist asked a lot of questions before taking the letter and throwing it in the trash. |
| 2. Did the institution reply within 21 days? | | • | | |
| 3. Did the institution respond to the request for information? | | • | | |
| 4. Does the authority publish their procedures for dealing with information requests? | | • | | |
| 5. Did the institution provide all of the information requested? | | • | | |
| 6. Does the institution provide written reasons for the refusal of information? | | • | | |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |

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

Total Score: 2/20

5. Tobacco Industry Marketing Board (TIMB)

CATEGORY 1: WEBSITE

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

The website is well-managed and regularly updated. It has useful information for different stakeholders including the media. It has contact details and other useful information on policies and regulations.

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

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to TIMB:

- 1) What is the amount of revenue realised from the 2016 tobacco season?
- 2) What is the Board doing to decrease the rate of deforestation by farmers in order to cure their tobacco?

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

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

Total Score: 2/20

6. Zimbabwe Human Rights Commission

CATEGORY 1: WEBSITE

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

The website is relatively efficient, providing vital information on human rights in the country. The website has contact details and reports on the operations of the Commission.

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

Total Score: 11/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Zimbabwe Human Rights Commission:

1. How many cases of human rights violations did you process in 2016?
2. How is the Commission funded?

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

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

Total Score: 18/20

7. Judicial Services Commission

CATEGORY 1: WEBSITE

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

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

Total Score: 10/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to JSC:

- 1) What are the primary sources of funding for the Commission?
- 2) Where can we obtain the Commission's abridged and audited 2016 statements?

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

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

Total Score: 16/20

8. Zimbabwe Media Commission

CATEGORY 1: WEBSITE

<http://mediacommission.co.zw/>

The website is relatively informative. It has information on policies and regulations. There are contact details for relevant company authorities. The website is not regularly updated.

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

Total Score: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the ZMC:

- 1) What are the primary sources of funding for the Commission?
- 2) Where can we obtain the Commission's abridged and audited 2016 statement?
- 3) Is the Commission currently fully constituted, given the fact that the tenure of the sitting commissioners has already ended?

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

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

Total Score: 18/20

9. Sports and Recreation Commission

CATEGORY 1: WEBSITE

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

The website lacked contact details for the Public Relations Department. Although its information was relatively up-to-date, more can be done to add relevant information on tenders and other important issues.

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

Total Score: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the SRC:

- 1) What are the primary sources of funding for the Commission?
- 2) Where can we obtain the Commission's abridged and audited 2016 statement?

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

| n = 20 | Yes | No | Partial | Additional Information |
|---|-----|----|---------|---|
| 6. Does the institution provide written reasons for the refusal of information? | • | | | A representative of the Commission called, asked the purpose for which the information was sought and requested that a letter of justification be written to the same effect. |
| 7. Did the institution disclose information about its operations, budgets, structure etc. | | • | | |
| 8. Did the authority provide information without questioning the aims and motivations of the applicant? | | • | | |
| 9. Did the institution acknowledge your request for information within 7 days? | • | | | |
| 10. Was the information received clear and understandable? | | • | | |

Total Score: 6/20

10. Zimbabwe National Road Administration

CATEGORY 1: WEBSITE

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

The website is generally well resourced and managed.

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

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to ZINARA:

- 1) How much money, if any, was allocated to ZINARA by the Treasury?
- 2) How much was realised through the Road Tolling System during 2016?

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

Total Score: 2/20

SUMMARY IN NUMBERS

| Institution | Website | Request for information | Total score |
|---|---------|-------------------------|-------------|
| 1. National Arts Council of Zimbabwe | 11 | 16 | 27 |
| 2. TELONE | 14 | 2 | 16 |
| 3. The Ministry of Primary and Secondary Education (MPSE) | 4 | 2 | 6 |
| 4. The Public Service Commission(PSC) | 10 | 2 | 12 |
| 5. The Tobacco Industry Marketing Board (TIMB) | 14 | 2 | 16 |
| 6. The Zimbabwe Human Rights Commission (ZHRC) | 11 | 18 | 29 |
| 7. The Judicial Service Commission (JSC) | 10 | 16 | 26 |
| 8. The Zimbabwe Media Commission (ZMC) | 7 | 18 | 25 |
| 9. The Sports and Recreation Commission (SRC) | 12 | 6 | 18 |
| 10. The Zimbabwe National Road Administration (ZINARA) | 14 | 2 | 16 |

RESEARCH CONCLUSIONS

Given the above findings, one is inclined to conclude that the majority of institutions remain rather closed and averse to placing information in the public domain. Compared to previous studies where websites were poorly administered, this year, a number of institutions had better-managed websites. However, most still fall far below expected standards in terms of information accessibility.

It is also clear that the information management and dissemination systems of some public bodies remain erratic and inconsistent. For example, the SRC and the TIMB were rated the most open institutions in 2015 and 2016 respectively, but under the present survey they performed rather dismally, rating 5th and 6th respectively.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZIMBABWE

Most (60%) of the public institutions surveyed can easily be classified as secretive since 6 out of 10 public bodies failed to respond to written requests for information.

However, for the second year running the **Ministry of Primary and Secondary Education** was the most secretive institution with a total score of 6 points. The Ministry did not respond to written requests for information and the website remains badly managed. The Public Service Commission closely trailed behind, scoring 12 out of 40, displaying a similar reluctance in responding to information requests.

THE MOST OPEN PUBLIC INSTITUTION IN ZIMBABWE

Some organisations promptly responded to information requests electronically or called the researcher to provide the answers to questions posed in the request.

The Zimbabwe Human Rights Commission had a functioning, interactive website and promptly responded to questions furnished by the researcher, through a designated Communications Officer.

The National Arts Council also had a relatively good website with relevant information about its work, and efficiently responded to the information request sent to their office, albeit by telephone. The response was quick and came within a week of their receipt of the request.

Based on this, the **Zimbabwe Human Rights Commission** is the most open public institution; it scored a total of 29 points. The National Arts Council of Zimbabwe came in second place with 27 overall points.

RECOMMENDATIONS

Public institutions need to seriously invest in information management and dissemination systems. This service should not be an ad hoc one, because for the regular person accessing information should never be viewed as a privilege but a right.

In line with this thinking, the Government must ensure that the existing access to information legislation is aligned with the new Constitution. Furthermore, they must take deliberate action towards ensuring that freedom of information rights accorded by law are not taken away by the promulgation of other laws

which stifle access to information, as would appear to be the case with the proposed Cyber Crimes Bill.

Government could also improve simple administrative procedures in its institutions by providing clarity on how information requests should be handled. There should be clear guidelines on how to obtain public information.

In conclusion, laws like AIPPA must fall, or at least be amended so that they are infused with provisions that compel public bodies to regularly and proactively release public information. In addition, national laws related to freedom of information, freedom of the media and freedom of expression must be consistent with the provisions of the Zimbabwean Constitution, as well as regional and international instruments on access to information and freedom of expression.

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