



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 researchers, 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.