**Ver 24 November 2020**

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**Expert Meeting on the Monitoring and Reporting on SDG Indicator 16.10.2**

**Monday, 30 November 2020**

**14:00-16:00 CET**

**Overview**

As the custodian agency for SDG indicator 16.10.2 on public access to information, UNESCO is mandated to monitor and report on the “number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.”

Under this mandate, UNESCO, via its International Programme for the Development of Communication (IPDC), has developed a methodology to measure and report on the adoption and implementation of ATI guarantees. This consists of a survey developed with the UNESCO Institute of Statistics (UIS) and in consultation with experts, which yielded valuable data through a pilot exercise in 43 statesin 20191. The survey, comprising a National Questionnaire (targeted at ATI oversight bodies) and an Institutional Questionnaire (targeted at public authorities), was further refined for submission to all Member States in 2020.

UNESCO and UIS launched the survey in February 2020, inviting all UN Member States, including their associated territories, to participate in the survey. However, in view of COVID 19, UNESCO put the focus on the National Questionnaire and responses from ATI oversight bodies as the main data holders in many countries. This helped to secure the participation of 69 countries and associated territories.

The 2020 survey yielded many insights into the main tendencies in the implementation of constitutional, statutory and/or policy guaranteesfor public access to information worldwide. The main findings of the survey has been included in UNESCO 2020 Report on SDG Indicator 16.10.2 submitted to the 32nd Session of the Intergovernmental Council of IPDC on 25-26 November 2020.2

Taking into account the experience from the data collection in 2020, as well as feedback from Member States, UNESCO is currently updating the metadata for Indicator 16.10.2. Accordingly, UNESCO is also readjusting the survey methodology for next data collection cycle

1 Powering sustainable development with access to information: highlights from the 2019 UNESCO monitoring and reporting of SDG indicator 16.10.2:

https://unesdoc.unesco.org/ark:/48223/pf0000369160?posInSet=2&queryId=6d5dfcc0-142b-46ec-a3c9- 6112fc055d6a

2 https://unesdoc.unesco.org/ark:/48223/pf0000374637.locale=en

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in 2021 (see Annex). The new metadata will be validated by the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs).

**Objectives**

The objectives of the expert meeting are:

• to inform participants about the latest development around UNESCO’s methodology for Indicator 16.10.2;

• to discuss the new metadata of Indicator 16.10.2 and obtain feedback from experts. **Programme**

The meeting will be held online via Zoom on Monday, 30 November, at 14:00-16:00 CET. Confirmed participants will receive the link before the event.

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| **Time**  | **Item**  | **Presenter** |
| **Session I** |
| 14:00-14:15  | • Welcome remarks and introduction to the meeting • Current development on UNESCO’s Monitoring and Reporting on SDG 16.10.2 | Guy Berger Director, Strategies and Policies in the Field of Communication and Information UNESCO |
| 14:15-14:25  | Introduction to the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs) | Silvia Montoya Director, UNESCO Institute of Statistics (TBC) |
| 14:25-14:35  | Q&A Session I  | Moderator: Jaco du Toit |
| **Session II** |
| 14:35-14:45  | Lessons learned from UNESCO’s 2020 Survey  | Marcos Mendiburu Independent expert  |
| 14:45-15:00  | Presentation of the new methodology of SDG 16.10.2, including questions and scoring system  | Jaco du Toit Chief, Universal Access to Information Section |
| 15:00-15:50  | Q&A Session 2 and discussion with experts  | Moderator: Guy Berger |
| 15:50-16:00  | Conclusion and closing  | Guy Berger |

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**ANNEX :**

**Draft methodology for UNESCO Survey on SDG Indicator 16.10.2**

***(For internal use only; not for distribution)***

Responses to the survey will be computed using a non-weighted system. There is a total of 9 key questions (3 for the component on “Adoption” and 6 for the component on “Implementation”). Each question values between 0 and 1. A country can obtain a total score between 0-9 points.

The total score of each country will not be assigned to any level category (e.g.: low, medium or high). However, it will contribute to global aggregates, in which data will be interpreted using the sum formula to show overall trends. The trends will illustrate the state of ATI implementation according to the “Principles of Access to Information”. The “Principles of Access to Information”, were synthetized from existing frameworks and documents recognised internationally. For the purpose of this survey, the principles selected are as follows:

1. Legal frameworks on Access to Information

2. Limited exemptions

3. Obligation of public authorities to provide information (including proactively) 4. Oversight mechanism

5. Appeals mechanism

6. Record keeping and reporting

The table below show how questions are computed.

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| **UNESCO Survey on Public Access to Information**  |
| **Indicator: 16.10.2** |
| **Components: Adoption + Implementation; Score: 0-9** |
| **Component 1: ADOPTION; Score: 0-3** |
| **Survey Question based on** **Principles of Access to Information** | **Score**  | **Description of the calculation for global aggregates** |
| 1. Existence of a constitutional, statutory and/or other legal guarantee | Yes = 1 No = 0 In progress: 0.5 | The sum of countries that responded “yes” and “in progress” |
| 2. Whether the legal guarantee on ATI specifies the need of a dedicated oversight institution | Yes = 1 No = 0 | The sum of countries that responded “yes” Further when applicable: the % per type of institution; the % per function and the % per entity that appointed the members |
| 3. Whether the legal guarantee on ATI specifies the need for public authorities to appoint  | Yes = 1 No = 0 | The sum of countries that responded “yes” |

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| public information officers/a specific unit to handle ATI requests from the public?  |  |  |
| **Score for Component 1**  | **0-3** |  |
| **Component 2: IMPLEMENTATION; Score: 0-6** |
| **Survey Question based on** **Principles of Access to Information** | **Score**  | **Description of the calculation for global aggregates** |
| 4. Whether the mandate of the dedicated ATI oversight institution covers the following role: 1. Monitoring of ATI implementation 2. Enforcement of compliance with ATI legal guarantee(s) | 0.5 for each role selected Total point: 1  | The sum of countries that responded “yes” Further when applicable: the % per role |
| 5. Whether the dedicated ATI oversight institution performs the following activities: 1. Provide implementation guidance 2. Offer training to officials from public authorities 3. Raise public awareness 4. Publish an Annual Report 5. Require public authorities to create records of their activities and decisions | 0.2 for each activity selected Total point: 1  | The sum of countries that responded “yes” Further when applicable: the % of type activity performed |
| 6. Whether in practice the dedicated ATI oversight institution keeps records of requests for information from the public | Yes = 1 No = 0 | The sum of countries that responded “yes”. Further when applicable: the arithmetic average of requests received/ granted (% of which are fully and partially)/ denied); and the arithmetic average of partial and non-disclosures (% of which by reason)  |
| 7. Whether the average time taken (per year) by the dedicated ATI oversight institution to respond requests falls within the time-limit specified in the legal guarantee on ATI  | Yes = 1 No = 0 | The sum of countries that responded “yes”. Further when applicable: the % of the average time taken  |

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| 8. Whether the dedicated ATI oversight institution keeps records of appeals? | Yes = 1 No = 0 | The sum of countries that responded “yes”. Further when applicable: the arithmetic average of requests received/ granted (% of which are fully and partially)/ denied); and the arithmetic average of partial and non-disclosures (% of which by reason)  |
| 9. Whether the average time taken (per year) by the dedicated ATI oversight institution to decide on appeals falls within the time-limit specified in the legal guarantee on ATI | Yes = 1 No = 0 | The sum of countries that responded “yes”. Further when applicable: the % of the average time taken |
| **Score for Component 2**  | **0-6** |  |
| **Total Score for the Survey** **(component 1 and 2)** | **0-9** |  |

The scenario below can provide an example of how a country obtains its score:

Country X responded to the survey and based on its responses, it obtained points, as in below: • Question 1: responded ‘YES’ and obtained 1 point

• Question 2: responded ‘YES’ and obtained 1 point

• Question 3: responded ‘NO’ and obtained 0 point

• Question 4: responded ‘YES’ to one of two options provided. Each answer has 0.5 point, so it obtained 0.5 point.

• Question 5: responded ‘YES’ to 3 of five options provided. Each answer has 0.2 point and obtained 0.6 point.

• Question 6: responded ‘YES’ and obtained 1 point

• Question 7: responded ‘NO’ and obtained 0 point

• Question 8: responded ‘YES’ and obtained 1 point

• Question 9: responded ‘NO’ and obtained 0 point

Therefore, Country X obtained a total score of 5.1. This score will not be assigned to any level category (e.g.: low, medium or high). However, it will contribute to global aggregates, in which data will be interpreted using the sum formula to show trends.

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Below is an example of how responses to the survey are used in the interpretation of a global aggregate that illustrate a trend in the “Record keeping and reporting” principle:

*Out of 100 countries that responded to UNESCO Survey on Public Access to Information (SDG Indicator 16.10.2), 80% have oversight institutions on Access to Information (ATI). However, only 50% of them keep records of requests for information. This flags the need for improvement, as good record-keeping is vital for evidence-based reporting, which can provide many advantages for improving ATI. Without adequate and reliable records of the requests received and how they are processed, it is difficult to produce evidence and measure progress.*

**Follow-up questions**

In addition, where applicable, supplementary data will be collected through follow-up questions, which will not be scored and will be used to contextualize UNESCO’s analysis.

The follow-up questions are as follows:

• **Question 1**

o If responded ‘YES’:

a) What are the guarantees (by type – primary legislation, secondary

legislation/regulation, binding policy document, etc)?

b) Are there any non-binding policies on ATI (Public Statement such Open Government Partnership Action Plan; Strategy such as in Open

Government/Open Data/ Open Access; Master or Action Plan/ SOP/

protocols/ digital or e-government policies relating to implementation of ATI; or Others).

o If responded ‘IN PROGRESS’: Please explain - then ‘End survey’

o If responded ‘NO’: Are there still any non-binding policies on ATI (Public Statement such Open Government Partnership Action Plan; Strategy such as in Open Government/Open Data/ Open Access; Master or Action Plan/ SOP/ protocols/ digital or e-government policies relating to implementation of ATI; or Others) - then ‘End survey’.

• **Question 2**, if responded ‘YES’:

a) What is it (by type: Information Commission or Commissioner/ Data Protection or privacy Commission or Commissioner/ Human Rights Commission/ Ombudsman/ Department or Ministry or/ Agency or Other)?

b) What are the functions (Oversight and/or Appeals)?

c) Who appointed the members? (Executive/Legislative/Judiciary)

• Question 6, if responded ‘YES’:

a) Enter reference year

b) How many formal requests made under the ATI guarantee(s)… Received; Granted (fully; partially; total); Denied?

c) How many of partial and/or non-disclosure due to the following reasons… National security?; Privacy concerns?; Commercial confidentiality?; Other?

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• **Question 7**, if responded ‘YES’:

a) What is the average time taken (per year) to respond requests? (enter reference year and choose one: 1-30 days; 31-60 days; More than 60 days)

b) What is the time-limit specified in the legal guarantee?

• **Question 8**, if responded ‘YES’:

a) How many appeals that your institution… Received?; Granted (fully; partially; total)?; Denied?

b) How many of partial and/or non-disclosure due to the following reasons… National security?; Privacy concerns?; Commercial confidentiality?; Other?

• **Question 9**, if responded ‘YES’:

a) What is the average time taken (per year) to decide on appeals? (enter reference year and choose one: 1-30 days; 31-60 days; More than 60 days)

b) What is the time-limit specified in the legal guarantee to decide on appeals?

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**Annex II: List of invitees**

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| **No**  | **Name**  | **Organization** |
| 1.  | Gilbert Sendugwa  | Africa Freedom of Information Centre |
| 2.  | Marcos Mendiburu  | Independent expert |
| 3.  | Toby Mendel  | Centre for Law and Democracy |
| 4.  | Helen Darbishire  | Access Info Europe & Open Government Partnership |
| 5.  | Paula Martins  | Independent expert |
| 6.  | Emma Cantera  | Organisation for Economic Co-operation and Development (OECD) |
| 7.  | Leon Willems  | Free Press Unlimited |
| 8.  | Mira Milosevic  | Global Forum for Media Development |
| 9.  | Ilaria Fevola  | Article 19 |
| 10.  | Elizabeth Andersen  | World Justice Project |
| 11.  | Laura Neuman  | The Carter Center |
| 12.  | Stephen Wyber  | International Federation of Library Associations and Institutions |
| 13.  | Andrew Ecclestone  | Institute for Governance and Policy Studies, Victoria University of Wellington, New Zealand |
| 14.  | Javier González Gómez  | National Institute for Transparency, Access to Information and Personal Data Protection (INAI Mexico) |
| 15.  | Adnene Lassoued  | Instance nationale d'accès à l'information (INAI Tunisia) |
| 16.  | Sara Frankl  | Statistics Sweden |
| 17.  | Yongyi Min  | UN Statistics Division |
| 18.  | Carlos Cortés Zea  | UN RCO Mexico, Data Office |

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