



## INSTRUCTION MANUAL

---

# UNESCO Survey on Public Access to Information (SDG Indicator 16.10.2)



## Table of Contents

<b>I.</b>	<b>Introduction .....</b>	<b>3</b>
	<b>A. Background and objective .....</b>	<b>3</b>
	<b>B. Respondent(s) .....</b>	<b>4</b>
	<b>C. Methodology .....</b>	<b>4</b>
	<b>D. Deadline and contact .....</b>	<b>9</b>
<b>II.</b>	<b>Definition of terms .....</b>	<b>9</b>
<b>III.</b>	<b>Practical guidance: How to navigate the survey platform .....</b>	<b>18</b>
	<b>E. Access to the platform .....</b>	<b>18</b>
	<b>F. Starting the survey and navigation aspects .....</b>	<b>19</b>
	<b>G. Submitting and accessing the results .....</b>	<b>21</b>



**This manual will be made available in French and Spanish, which will be added soon in the survey platform.**

## I. Introduction

### A. Background and objective

Sustainable Development Goal (SDG) Indicator 16.10.2 looks at **“the number of countries that have adopted and implemented constitutional, statutory and/or policy guarantees for public access to Information.”**



In line with its role as the UN custodian agency for Sustainable Development Goals (SDG) Indicator 16.10.2, UNESCO, via its International Programme for the Development of Communication (IPDC), has been mandated by its Member States to monitor and report progress on this indicator worldwide. Within this context, UNESCO conducts annually the ***Survey on Public Access to Information (SDG Indicator 16.10.2)***.

The **objective** of the survey is to collect global data on the adoption of legal guarantees on Access to Information, as well as the main tendencies in the implementation of these guarantees. Upon completing this survey, countries **will not be** assigned to any level category (e.g.: low, medium or high). Results will only contribute to global analysis to illustrate the state of Access to Information implementation worldwide.

Findings of the survey will be reported to [UNESCO Member States via the IPDC Council](#) and will be included in other important reporting exercises at the international level, including the annual UN Secretary-General SDG Progress Report. Responses from countries will also enable UNESCO to develop a comprehensive online database, which will facilitate countries in tracking their progress over time.

Equally important, the data for this survey may be of value for countries at the national level to assess progress towards SDG 16 in their countries. For instance, the information collected through this exercise can feed into the preparation of Voluntary National Review (VNR) submitted to the UN High-Level Political Forum on the SDGs.

Thanks to the responses from each country, the UN General Assembly will be able to receive information about the overall global progress in ensuring public access to information that is vitally important for achieving sustainable development.

 	<p><b>Goal 16</b> Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p> <p><b>Target 16:10</b> Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements</p> <p><b>Indicator 16.10.2</b> Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information</p>
---	--

## B. Respondent(s)

This survey should be filled out by the **central oversight institution/s** that is/are responsible for Access to Information:

- For countries which have an Access to Information law and where that law creates an institution (or institutions) with dedicated responsibilities for overseeing that law, such as **Information Commission or Commissioner; Data Protection or Privacy Commission or Commissioner; Human Rights Commission; Ombudsman**, that institution (or institutions) should fill out this survey;
- Where the Access to Information law does not identify an institution that has general oversight responsibilities, another appropriate entity should be identified to fill out this survey, such as a **Department or Ministry or Agency**.

Ideally, to ensure consistency, only one person should complete the survey, although he or she may seek information from others. Therefore, the institution tasked with filling out the survey will need to task someone with leading on this work, preferably the most senior official dealing with Access to Information.

Where applicable, an invitation to participate in this survey will also be sent to **SDG focal points** in each country in order to facilitate effective coordination of data collection/sharing among relevant stakeholders. These SDG focal points, often within the national statistical office (NSO), can also make use of the data for its own reporting purposes such as to parliament or in the Voluntary National Reviews.

## C. Methodology

Based on the conception of Indicator 16.10.2, this survey is composed of two sections:

- **Section I: Adoption of Access to Information Laws:** This section looks at the adoption aspect of the legal framework(s) guaranteeing public access to information in your country. This section contains 5 main questions (Q1-Q5) with some follow-up questions.
- **Section II: Implementation of Access to Information Laws:** This section looks at the implementation aspect of the legal framework(s) guaranteeing public access to information adopted by your country. This section contains 3 main questions (Q6-Q8) with some follow-up questions.

The questions were based on what can be called “Principles of Access to Information”, and which highlight essential components for effective implementation of Access to Information at the country level. These Principles are synthesized from existing frameworks and documents recognised internationally.<sup>1</sup> For the purpose of this survey, the principles of relevance are as follows:

1. Legal frameworks for Access to Information
2. Limited exemptions
3. Oversight mechanism

---

<sup>1</sup> These include Article 10 of the United Nations Convention against Corruption; resolutions of the UN General Assembly and Human Rights Council; the Commonwealth’s Model Freedom of Information Bill; Organization of American States (OAS)’s Model Law on Access to Information; African Union’s Model Law on Access to Information and reports from the UN the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

4. Appeals mechanism
5. Record keeping and reporting

Definitions of these principles are available in Section II below.

Responses to the survey will be computed using a weighted system, where each question values between 0 and 2. There is a total of 8 key questions. 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 Access to Information implementation as per “Principles of Access to Information”, as cited above.

The table below shows the questions and scores that can be obtained.

Section I: Adoption of Access to Information Laws					
Score: 0-5					
Main questions	Score	Follow-up questions (not scored; to be used only for contextual analysis)			
1. Whether a constitutional, statutory and/or other legal guarantee that recognises Access to Information as a fundamental right exists in your country.	Yes = 1 No = 0 In progress: 0.5	YES	What are the guarantees?	<ul style="list-style-type: none"> <li>• Primary legislation _____</li> <li>• Secondary legislation/regulation _____</li> <li>• Binding policy document _____</li> <li>• Others _____</li> </ul>	
		NO	If there are any non-binding policies on ATI, please specify.	<b>Choose one or more</b> <input type="checkbox"/> Public Statement (such as Open Government Partnership Action Plan) _____ <input type="checkbox"/> Strategy (such as in Open Government/Open Data/ Open Access) _____ <input type="checkbox"/> Master or Action Plan/ SOP/ protocols/ digital or e-government policies relating to implementation of ATI _____ <input type="checkbox"/> Others _____	
		IN PROGRESS		Please explain:	
2. Whether the legal guarantee on Access to Information specifies the need of a dedicated oversight institution [or institutions].	Yes = 1 No = 0	YES	a) What is it / are they?	<b>Choose one or more</b> <input type="checkbox"/> Information Commission or Commissioner	<b>Choose one or more</b> <input type="checkbox"/> National level <input type="checkbox"/> Subnational level
				<input type="checkbox"/> Data Protection or privacy Commission or Commissioner	<input type="checkbox"/> National level <input type="checkbox"/> Subnational level
				<input type="checkbox"/> Converged body that combines data/privacy protection and Access to Information	<input type="checkbox"/> National level <input type="checkbox"/> Subnational level

				<input type="checkbox"/> Human Rights Commission <input type="checkbox"/> National level <input type="checkbox"/> Subnational level
				<input type="checkbox"/> Ombudsman <input type="checkbox"/> National level <input type="checkbox"/> Subnational level
				<input type="checkbox"/> Department or Ministry or Agency <input type="checkbox"/> National level <input type="checkbox"/> Subnational level
				<input type="checkbox"/> Other _____ <input type="checkbox"/> National level <input type="checkbox"/> Subnational level
			b) Who appointed the Head of the oversight institution/s ?	<b>Choose one or more</b> <input type="checkbox"/> Executive <input type="checkbox"/> Legislative <input type="checkbox"/> Judiciary <input type="checkbox"/> Other (e.g. a multistakeholder committee): _____ (please explain)
			c) Who approved the budget of the oversight institution/s?	<b>Choose one or more</b> <input type="checkbox"/> Executive <input type="checkbox"/> Legislative <input type="checkbox"/> Judiciary <input type="checkbox"/> Other: _____ (please explain)
			d) To whom does/do the oversight institution/s directly report about their activities?	<b>Choose one or more</b> <input type="checkbox"/> Executive <input type="checkbox"/> Legislative <input type="checkbox"/> Other: _____ (please explain)
3. Whether the legal guarantee on Access to Information specifies the need for national public bodies (Ministry/Agency/Department) to appoint public information officers or a specific unit to handle Access to Information requests from the public.	Yes, to <b>ALL</b> public bodies being required to appoint = 1  Yes, but only to <b>some</b> public bodies = 0.5  No = 0	N/A		
4. Whether the legal guarantee on Access to Information mandates the following roles for the dedicated Access to Information oversight institution/s : a) Oversight (legal responsibility to ensure	0.2 for each role selected  Total point = 1	If there are any other major roles that are not covered in this question, please provide further information:  <hr/>		

<p>implementation of the guarantee)</p> <p>b) Appeals</p> <p>c) Monitoring of Access to Information implementation</p> <p>d) Enforcement of compliance with Access to Information legal guarantee</p> <p>e) Mediation</p>			
<p>5. Does the legal guarantee on Access to Information explicitly mention permissible exemptions that are elaborated in well-defined categories whereby requests for information may be legally denied?</p>	<p>Yes = 1 No = 0</p>	<p>YES</p>	<p><b>Choose one or more</b></p> <p>Which of the following exemptions is/are mentioned:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> national security;</li> <li><input type="checkbox"/> international relations;</li> <li><input type="checkbox"/> public health and safety;</li> <li><input type="checkbox"/> the prevention, investigation and prosecution of legal wrongs;</li> <li><input type="checkbox"/> privacy;</li> <li><input type="checkbox"/> legitimate commercial and other economic interests;</li> <li><input type="checkbox"/> management of the economy;</li> <li><input type="checkbox"/> fair administration of justice and legal advice privilege; conservation of the environment;</li> <li><input type="checkbox"/> legitimate policy making and other operations of public bodies.</li> </ul>
<p><b>Score for Section I</b></p>		<p><b>0-5</b></p>	
<p><b>Section II: Implementation of Access to Information Laws</b> <b>Score: 0-4</b></p>			
<p><b>Main questions</b></p>	<p><b>Score</b></p>	<p><b>Follow-up questions (not scored; to be used only for contextual analysis)</b></p>	
<p>6. Whether the dedicated Access to Information oversight institution/s in practice during the reporting year (2020) has carried out the following activities:</p> <p>a) Published an Annual Report</p> <p>b) Provided implementation guidance and/or offer training to officials from public bodies (Ministry/Agency/ Department)</p> <p>c) Raised public awareness</p> <p>d) Kept statistics on requests and/or appeals</p> <p>e) Requested public bodies to keep statistics of their activities and decisions</p>	<p>0.4 for each activity selected</p> <p>Total point: 2</p>	<p>Any other initiatives/activities that you would like to add?</p> <hr/>	



7. Whether in practice the dedicated Access to Information oversight institution/s <b>at the national level</b> receive/s reports from public bodies (Ministry/Agency/Department) on the processing of ATI requests.	Yes = 1 No = 0	a) Reference year: data provided should be from <b>2020</b> . If data from 2020 are not yet available, please choose the most recent year. <input type="radio"/> 2020 <input type="radio"/> 2019 <input type="radio"/> 2018
		b) How many formal requests were made under the ATI guarantee(s)?  <ul style="list-style-type: none"> <li>• Received _____</li> <li>• Granted <ul style="list-style-type: none"> <li>i. Fully _____</li> <li>ii. Partially _____</li> <li>iii. In total _____</li> </ul> </li> <li>• Denied _____</li> <li>• Pending _____</li> <li>• Dismissed as ineligible _____</li> </ul>
		c) Did you keep disaggregated data on the reasons for non-disclosure and partial disclosure on the basis of the permissible exemptions as stipulated in your country's legal guarantee?  <b>Choose one only</b> <input type="radio"/> Yes <input type="radio"/> No
8. Whether the dedicated Access to Information oversight institution/s keep/s statistics of appeals <b>at the national level</b> .	Yes = 1 No = 0	a) Reference year: data provided should be from <b>2020</b> . If data from 2020 are not yet available, please choose the most recent year. <input type="radio"/> 2020 <input type="radio"/> 2019 <input type="radio"/> 2018
		b) How many appeals that your institution...  <ul style="list-style-type: none"> <li>• Received _____</li> <li>• Granted <ul style="list-style-type: none"> <li>i. Fully _____</li> <li>ii. Partially _____</li> <li>iii. In total _____</li> </ul> </li> <li>• Denied _____</li> <li>• Pending _____</li> <li>• Dismissed as ineligible _____</li> </ul>
		c) As regards monitoring of appeals, did you keep disaggregated data on the reasons for non-disclosure and partial disclosure on the basis of the permissible exemptions as stipulated in your country's legal guarantee?  <b>Choose one only</b> <input type="radio"/> Yes <input type="radio"/> No
<b>Score for Section II</b>	<b>0-4</b>	
<b>Total Score for the Survey (Section I and II)</b>	<b>0-9</b>	



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: selected three of five options provided. Each answer has 0.2 point, so it obtained 0.6 point.
- Question 5: responded 'NO' and obtained 0 point.
- Question 6: selected four of five options provided. Each answer has 0.4 point and obtained 1.6 point.
- Question 7: responded 'NO' and obtained 0 point
- Question 8: responded 'YES' and obtained 1 point

Therefore, Country X obtained a total score of 5.2. 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 overall trends.

## D. Deadline and contact

The survey is available in English, French and Spanish. The **deadline** for returning the completed survey is on **3 May 2021**.

**Section III** of this Instruction Manual provides **technical guidance** on how to navigate the survey platform, including how to access the platform and submit responses.

For any queries please contact the **Help Desk Team** at [SDG16.10.2@unesco.org](mailto:SDG16.10.2@unesco.org), copying **Ms Dian Kuswandini** ([d.kuswandini@unesco.org](mailto:d.kuswandini@unesco.org)) and **Mr Khalid Aoutail** ([k.aoutail@unesco.org](mailto:k.aoutail@unesco.org)).

## II. Definition of terms

The definitions are organized into categories of related terms.

A. General terms	
<b>Access to Information</b>	<p>“Public access to information” is based upon the established human right to the fundamental freedom of expression (FOE) and association. States are duty-bearers for this right and measuring the fulfilment of this duty allows for assessment of progress.</p> <p>In terms of defining what is being measured, Access to Information (ATI) has two principle components: the obligation for states to have a legal framework that is also implemented in practice, that:</p> <ul style="list-style-type: none"> <li>• Entitles public to request access to information (documents and other information recorded in any format) and to respond to such requests in a timely fashion.</li> </ul>

	<ul style="list-style-type: none"> <li>• Obliges authorities to ensure that information of public interest is put into the public domain proactively, without the need for requests.</li> </ul> <p>Another term used interchangeably is the Right to Information (RTI). RTI is a component of the fundamental right of freedom of expression as set forth by Article 19 of the Universal Declaration of Human Rights (1948), and the subsequent International Covenant on Civil and Political Rights. These state that the fundamental right of freedom of expression encompasses the freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers" (our italics). Seeking and receiving is the dimension of the right that is immediately relevant to SDG indicator 16.10.2, with the right to impart information and ideas constituting the other side of the coin.</p> <p>RTI is an umbrella term that refers to the legal right to access information held by public bodies. It is often used in the same way as terms such as Freedom of Information (FOI).</p>
<b>Adoption</b>	Adoption refers to the act by which a country formally pass a law, policy or regulation.
<b>Implementation</b>	Implementation refers primarily to efforts to give practical effect to the provisions of the law, policy or regulation. Implementation thus designates government bodies providing information to the public (on request as well as proactively). Implementation is important to ensure that the benefits of the law, policy or regulation are realized.
<b>Public bodies</b>	For purposes of this survey, a public body is an authority is subject to the proactive and reactive disclosure obligations set out in the Access to Information constitutional rule, law or policy. Public bodies include Ministries, agencies, and departments, including those forming part of the judicial, legislative and executive branches of government, and State owned enterprises.
<b>Public information officers or a specific unit to handle Access to Information requests from the public</b>	<p>Officials or a unit within a public body that have been formally designated (e.g. by a letter of appointment) with direct responsibilities in handling requests made by the public under the Access to Information guarantees.</p> <p><i>Relevant question in the survey: Q3</i></p>
<b>Limited exemptions</b>	Exemptions (or exceptions) allow the withholding of certain categories of information. Limited exemptions mean that such withholding must be based on narrow, proportionate, necessary and clearly defined limitations. Exceptions should apply only where there is a risk of substantial harm to the protected interest and where the harm is greater the overall public interest in having access to the information. Bodies should provide reasons for any refusal to provide access to information.

	<p>Several permissible exemptions include:</p> <ul style="list-style-type: none"> <li>• national security;</li> <li>• international relations;</li> <li>• public health and safety;</li> <li>• the prevention, investigation and prosecution of legal wrongs;</li> <li>• privacy;</li> <li>• legitimate commercial and other economic interests;</li> <li>• management of the economy;</li> <li>• fair administration of justice and legal advice privilege;</li> <li>• conservation of the environment; and</li> <li>• legitimate policy making and other operations of public bodies.</li> </ul> <p><i>Relevant question in the survey: Q5</i></p>
<p><b>B. Legal instruments</b></p>	
<p><b>Constitutional guarantees for access to information</b></p>	<p>These refer to rules in the constitution which specifically guarantee individuals (or sometimes just citizens) the right to access information held by public bodies (right to information). General guarantees for freedom of expression do not qualify here unless they have been specifically held by senior courts to include the right to access information.</p> <p>These guarantees are binding, which means they are enforceable by a court.</p> <p><i>Relevant question in the survey: Q1</i></p>
<p><b>Statutory guarantees for access to information</b></p>	<p>These refer to primary legislation covering the right to access information, such as FOI, RTI or ATI law. Such guarantees may also be embedded in more general laws, such as administrative laws covering a range of information issues. However, laws on other matters, such as press laws, which include only a small number of very general rules on access to information are not included here.</p> <p>These guarantees are binding, which means they are enforceable by a court.</p> <p><i>Relevant question in the survey: Q1</i></p>
<p><b>Policy guarantees for access to information</b></p>	<p>These refer to legally binding rules that are of a policy or sub-primary legal level. This might include, for example, an executive order, presidential ordinance or internal government rule which executive bodies were legally obliged to follow.</p>

	<p>These guarantees are binding, which means they are enforceable by a court.</p> <p><i>Relevant question in the survey: Q1</i></p>
<b>Primary legislation</b>	<p>It refers to legislation made by the legislative branch of government.</p> <p><i>Relevant question in the survey: Q1 (follow-up)</i></p>
<b>Secondary legislation/regulation</b>	<p>It refers to regulation and administrative rules made by executive authority (e.g. an authority that has the power to enforce laws). These are based on primary legislation.</p> <p><i>Relevant question in the survey: Q1 (follow-up)</i></p>
<b>Non-binding policies</b>	<p>These refer to policies that are not enforceable by a court.</p> <p>Examples of non-binding policies:</p> <ul style="list-style-type: none"> <li>▪ <b>Public statement:</b> e.g. policy papers, government announcement, Open Government action plan.</li> <li>▪ <b>Strategy</b> (e.g. political statements about public domain information; Open Government strategy and Open Data/ Open Access)</li> </ul> <p><i>Relevant question in the survey: Q1 (follow-up)</i></p>
<b>C. Oversight institutions for Access to Information: types and roles</b>	
<b>Dedicated Oversight</b>	<p>An oversight institution refers to the institution charged with ensuring the process of supervision, monitoring, evaluation of performance and review, to ensure compliance with laws, regulations and policies. It therefore ensures accountability for the implementation of ATI. The same body or another may also do appeals, although appeals is a distinct function from oversight and are sometimes done by a separate body. This is why some countries, there exists more than one oversight institution, depending on the different tasks performed.</p> <p>The oversight function can be exercised by the following (indicative) institutions:</p> <ul style="list-style-type: none"> <li>• Information Commission/ Commissioner;</li> <li>• Data Protection or Privacy Commission / Commissioner</li> <li>• Human Rights Commission</li> <li>• Ombudsman</li> <li>• Department/ Ministry/ Agency</li> </ul>

	<p><i>Relevant question in the survey: Q2</i></p>
<p><b>Types of oversight institutions</b></p>	
<p><b>Information Commission/ Commissioner</b></p>	<p>An Information Commission/ Commissioner refers to an institution with dedicated powers in relation to oversight of the right to information. In almost all cases, these institutions have the power to decide on complaints about failures by public bodies to process requests for information. In many cases, they also have a mandate to promote the right to information, for example, by raising public awareness or training officials.</p> <p>In some jurisdictions, these institutions have a dual mandate (see box below) over both the right to information and the right to privacy (and/or personal data protection).</p> <p><i>Relevant question in the survey: Q2</i></p>
<p><b>Data Protection or Privacy Commission / Commissioner</b></p>	<p>A Data Protection or Privacy Commission / Commissioner is an institution that has a mandate to address data protection and/or privacy issues. In some cases, these bodies, while not holding a dual mandate over information, do also address some right to information issues.</p> <p><i>Relevant question in the survey: Q2</i></p>
<p><b>Human Rights Commission</b></p>	<p>A Human Rights Commission has general powers to review the performance of public bodies in relation to human rights. The exact powers and mandate of these bodies varies considerably, from having binding powers to investigate and resolve human rights issues, whether in response to a complaints or on its own motion, to merely having the power to make recommendations in this regard.</p> <p>In some countries, instead of creating a dedicated information commission, the right to information law allocates oversight functions in relation to the right to information to a Human Rights Commission.</p> <p><i>Relevant question in the survey: Q2</i></p>
<p><b>Ombudsman</b></p>	<p>An Ombudsman is an officer or office which addresses problems in the way the administration operates. In most cases, an Ombudsman has the power, among others, to respond to complaints from individuals about administrative behaviour, such as unfair treatment, a failure to provide a service or any other issue.</p> <p>In some countries, instead of creating a dedicated information commission, the right to information law allocates oversight functions</p>

	<p>in relation to the right to information to an Ombudsman. Where this is the case, relevant questions in the survey should be answered in relation to this body, but only to the extent that it deals with right to information issues.</p> <p><i>Relevant question in the survey: Q2</i></p>
<p><b>Department/Ministry/ Agency</b></p>	<p>For the purpose of this survey, the term Department/Ministry/Agency refers to the institution that has general oversight responsibilities, in a context where the Access to Information law does not identify an institution (or institutions) with dedicated responsibilities for overseeing that law.</p> <p><i>Relevant question in the survey: Q2</i></p>
<p><b>Roles of oversight institutions</b></p>	
<p><b>Oversight (legal responsibility to ensure implementation of the guarantee)</b></p>	<p>This roles covers the process of supervision, monitoring, evaluation of performance and review, to ensure compliance with laws, regulations and policies. It entails assessing and enforcing implementation. Oversight of implementation is thus different to executing the actual implementation itself in regard to the direct provision of information.</p> <p><i>Relevant question in the survey: Q4</i></p>
<p><b>Appeals</b></p>	<p>This role refers to reviewing applications of appeals relating to a request for information.</p> <p>By definition, an appeal is an application for a decision (or lack of a decision), which normally involves a request to reconsider failures by duty-bearers to provide information. Ideally, an independent and impartial review body will be established with the power to compel disclosure. While in some jurisdictions, courts may be an effective alternative to a review body, they can be slow and expensive, and therefore may prevent many people from seeking review.</p> <p><i>Relevant question in the survey: Q4</i></p>
<p><b>Monitoring of Access to Information implementation</b></p>	<p>Monitoring the implementation of access to information refers to the supervision and examination conducted by the dedicated Access to Information oversight institution to ensure effective application of the legal guarantee(s). This includes a role in assessing efforts made by public bodies with a view to advance access to information in the country.</p> <p><i>Relevant question in the survey: Q4</i></p>

<b>Enforcement of compliance with Access to Information</b>	<p>Enforcement of compliance with Access to Information legal guarantee(s) refers to the actions of obliging adherence by duty-bearers to the respective requirements and the implementation of sanctions when violations are found. Enforcement is a disciplinary function that seeks to ensure that there are consequences to the violation of rules, involving a set of tools used to punish breaches of laws and regulations, and to deter future violations. For the purpose of this survey, enforcement includes activities related to investigation and audit.</p> <p><i>Relevant question in the survey: Q4</i></p>
<b>Mediation</b>	<p>Mediation is a negotiation facilitated by a neutral third party (a mediator). Mediation does not involve decision making by the neutral third party. Unlike a judge or an arbitrator, therefore, the mediator is not a decision-maker. In mediation, the disputing parties work with the mediator to resolve their disputes. The mediator assists the parties in reaching their own decision on a settlement of the dispute by supervising the exchange of information and the bargaining process. In some countries, appeals process may lead to this mediation.</p> <p><i>Relevant question in the survey: Q4</i></p>
<b>D. Requests</b>	
<p>A request for information is a formal request under the Access to Information law by an individual or legal entity, which seeks to obtain specific information from a public body.</p>	
<b>Received</b>	<p>This refers to the total number of requests made under the Access to Information law received during reporting year.</p> <p><i>Relevant question in the survey: Q7 (follow-up)</i></p>
<b>Granted</b>	<ul style="list-style-type: none"> <li>• <b>Fully:</b> refers to when the information is provided in whole.</li> <li>• <b>Partially:</b> refers to when the information is provided but it is incomplete.</li> <li>• <b>In total:</b> refers the total number of requests that are granted, both fully and partially.</li> </ul> <p><i>Relevant question in the survey: Q7 (follow-up)</i></p>
<b>Denied</b>	<p>Refers to when a request for information is rejected/refused. For example, in some instances the request can be denied if revealing it</p>

	<p>would have a negative impact on right to privacy, on the administration of justice or on public security.</p> <p><i>Relevant question in the survey: Q7 (follow-up)</i></p>
<b>Pending</b>	<p>This refers to when a request for information is still awaiting decision for disclosure.</p> <p><i>Relevant question in the survey: Q7 (follow-up)</i></p>
<b>Dismissed as ineligible</b>	<p>In some countries, a request for information could not be upheld due to reasons <b>other than</b> “legal exemptions/exceptions”. This can therefore be categorised as “Dismissed as ineligible”, and could include the following:</p> <ul style="list-style-type: none"> <li>- incomplete applications;</li> <li>- vexatious or repeated requests;</li> <li>- information not in possession;</li> <li>- information already in the public domain;</li> <li>- requests submitted to entities other than public bodies or other bodies as permissible by law.</li> </ul> <p>Note that if the request cannot be upheld on the basis of legal exemptions, it should be included in the category of “Denied”, not “Dismissed as ineligible”.</p> <p><i>Relevant question in the survey: Q7 (follow-up)</i></p>
<b>E. Appeals</b>	
<p>An appeal is an application for a decision (or lack of a decision), which normally involves a request to reconsider failures by duty-bearers to provide information. For the purpose of this survey, statistics on appeals <b>do not include those that were decided by courts.</b></p>	
<b>Received</b>	<p>This refers to the total number of appeals received during reporting year.</p> <p><i>Relevant question in the survey: Q8 (follow-up)</i></p>
<b>Granted</b>	<ul style="list-style-type: none"> <li>• <b>Fully:</b> an appeal is fully granted when the body withholding the requested information is required to disclose the information in whole.</li> <li>• <b>Partially:</b> an appeal is partially granted when the body withholding the requested information is required to disclose a portion of the information.</li> </ul>



	<ul style="list-style-type: none"> <li>• <b>In total:</b> refers the total number of appeals that are granted, both fully and partially.</li> </ul> <p><i>Relevant question in the survey: Q8 (follow-up)</i></p>
<b>Denied</b>	<p>An appeal is denied when the appeal institution decides not to instruct disclosure. In this case, the appeal is considered and formally rejected/refused.</p> <p><i>Relevant question in the survey: Q8 (follow-up)</i></p>
<b>Dismissed as ineligible</b>	<p>In some countries, a request for information could not be upheld due to reasons <b>other than</b> “legal exemptions/exceptions”. This can therefore be categorised as “Dismissed as ineligible”, and could include the following:</p> <ul style="list-style-type: none"> <li>- incomplete applications;</li> <li>- vexatious or repeated requests;</li> <li>- information not in possession;</li> <li>- information already in the public domain;</li> <li>- costs incurred by the authority exceeds the legal limit;</li> <li>- requests submitted to entities other than public bodies or other bodies as permissible by law.</li> </ul> <p>Note that if the request cannot be upheld on the basis of legal exemptions, it should be included in the category of “Denied”, not “Dismissed as ineligible”.</p> <p><i>Relevant question in the survey: Q8 (follow-up)</i></p>

### III. Practical guidance: How to navigate the survey platform

#### E. Access to the platform

The survey has been developed with the Open Source Software “LimeSurvey”, and it is hosted on UNESCO technical infrastructure.

In its invitation by e-mail, UNESCO provides each country with a unique 45 characters identifier generated automatically by the system, also called as “token”.

This secured token-based approach allows the recipients of the invitation to transfer the link to relevant people in the country without a login/password. Multiple respondents can contribute to /participate in completing the survey.

The URL for each country will look like the following screenshot, highlighted part of which represents the unique identifier/token:

 survey.unesco.org/3/index.php?r=survey/index&sid=472136&token=q9LFK6HKIOqEshSRWW0X2qAdeA45AN&newtest=Y

In case of problem and upon request, the identifier can be changed/generated again by UNESCO administrator (please see Section I to find the contact details).

## F. Starting the survey and navigation aspects

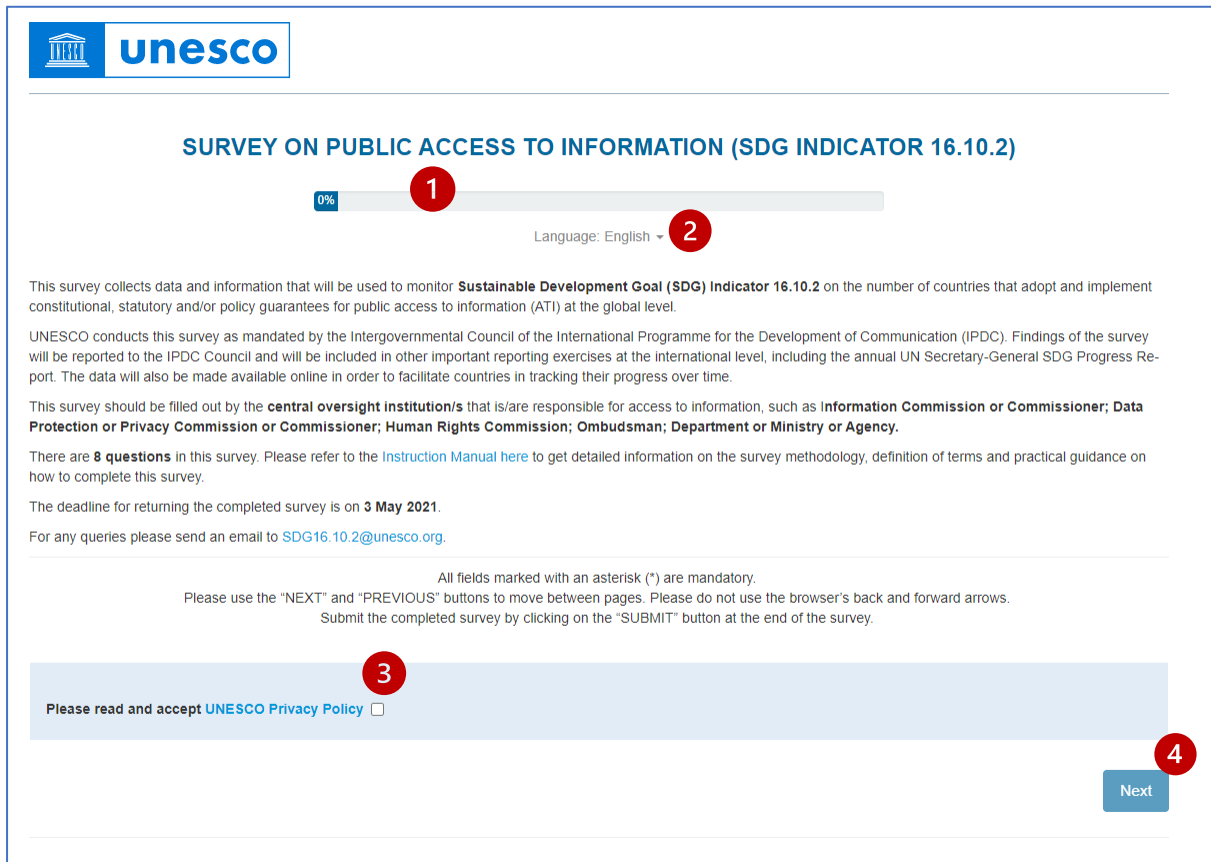


Figure 1: landing page

1	Progress bar that gives an idea on the remaining questions/screens to complete the survey.
2	The “Language” drop-down menu allows respondents to choose which language to use throughout the survey (English, French or Spanish are the three proposed languages for this survey).
3	The UNESCO privacy policy that needs to be accepted before starting to fill out the survey.
4	The navigation button to start filling out the questionnaire.

Language: English ▾

### Section I: Adoption of Access to Information Laws

This section looks at the adoption aspect of the legal framework(s) guaranteeing public access to information in your country. This section contains 5 main questions (Q1-Q5) with some follow-up questions.

**5**

**\* 1. Whether a constitutional, statutory and/or other legal guarantee that recognises access to information as a fundamental right exist in your country?**

**6** Choose one of the following answers:

Yes

No

In progress

**7** Definition of terms used in this question can be found in the [Instruction Manual here](#).

[Previous](#) [Next](#)

[Resume later](#) **8** [Question index](#) **9** [Exit and clear survey](#) **10**

Figure 2: example of question

<b>5</b>	A red asterisk before a question indicates that the question is mandatory. A pop-up will indicate when you miss a mandatory question and the related question will have disclaimer text in red indicating that it is mandatory (see figure 3 below).
<b>6</b>	Depending on the type of question, a tooltip lets you know what action is expected.
<b>7</b>	Below each question, a help section will redirect the respondent to a chapter of this instruction manual to help him/her in understanding the question.
<b>8</b>	Even if the survey has a recurring auto-save feature, the respondent can click this option to save the responses to be resumed later at any time.
<b>9</b>	The “Question Index” menu allows the respondent to navigate throughout the several sections of the survey.
<b>10</b>	The “Exit and clear survey” option on the footer allows the respondent to clear the questionnaire. It will erase all the responses already filled out and saved. The respondent will have to start over from the beginning.

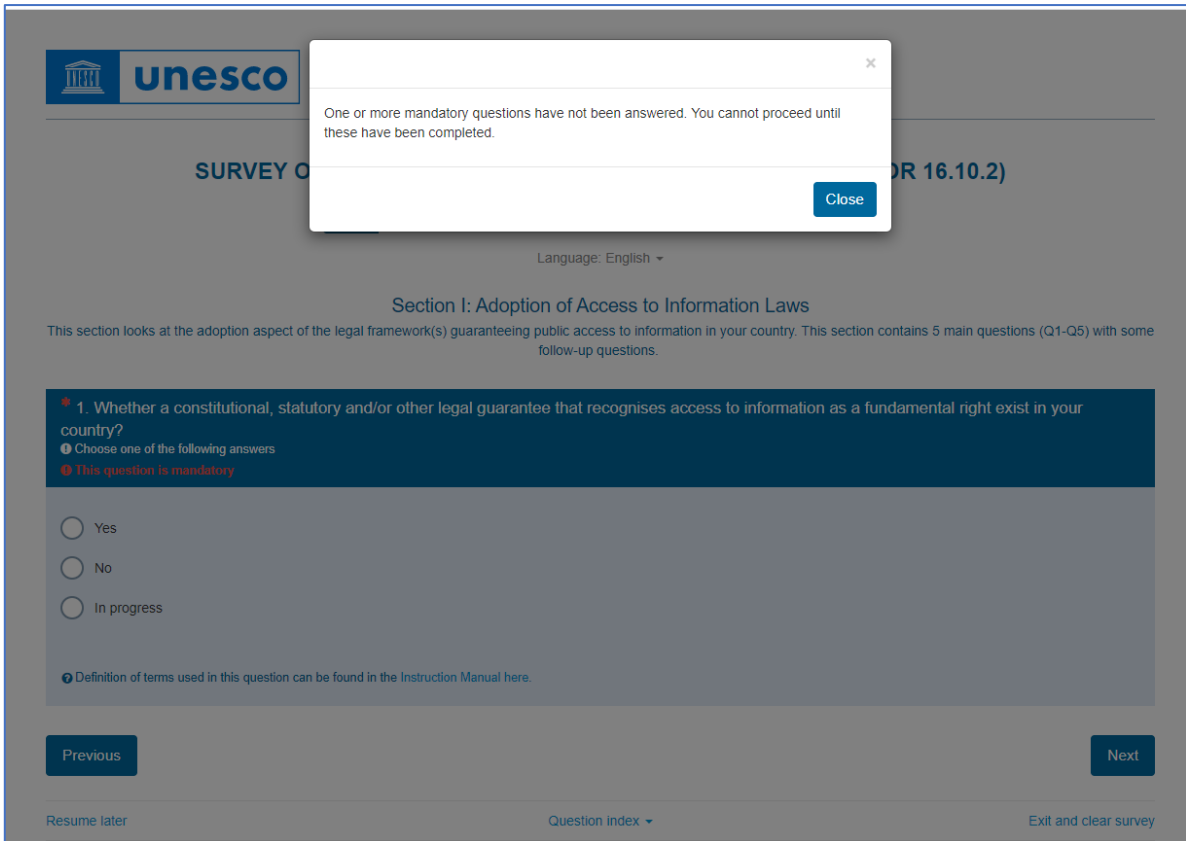


Figure 3: mandatory question alerts

## G. Submitting and accessing the results

The last page of the survey will display the score based on the responses provided by the respondent(s). In this last screen, the progress bar is at 90% and there is a **SUBMIT** button. Once clicked, it will not be possible to modify the responses anymore. In case of error, the country might contact the UNESCO administrator (please see Section I to find the contact details).

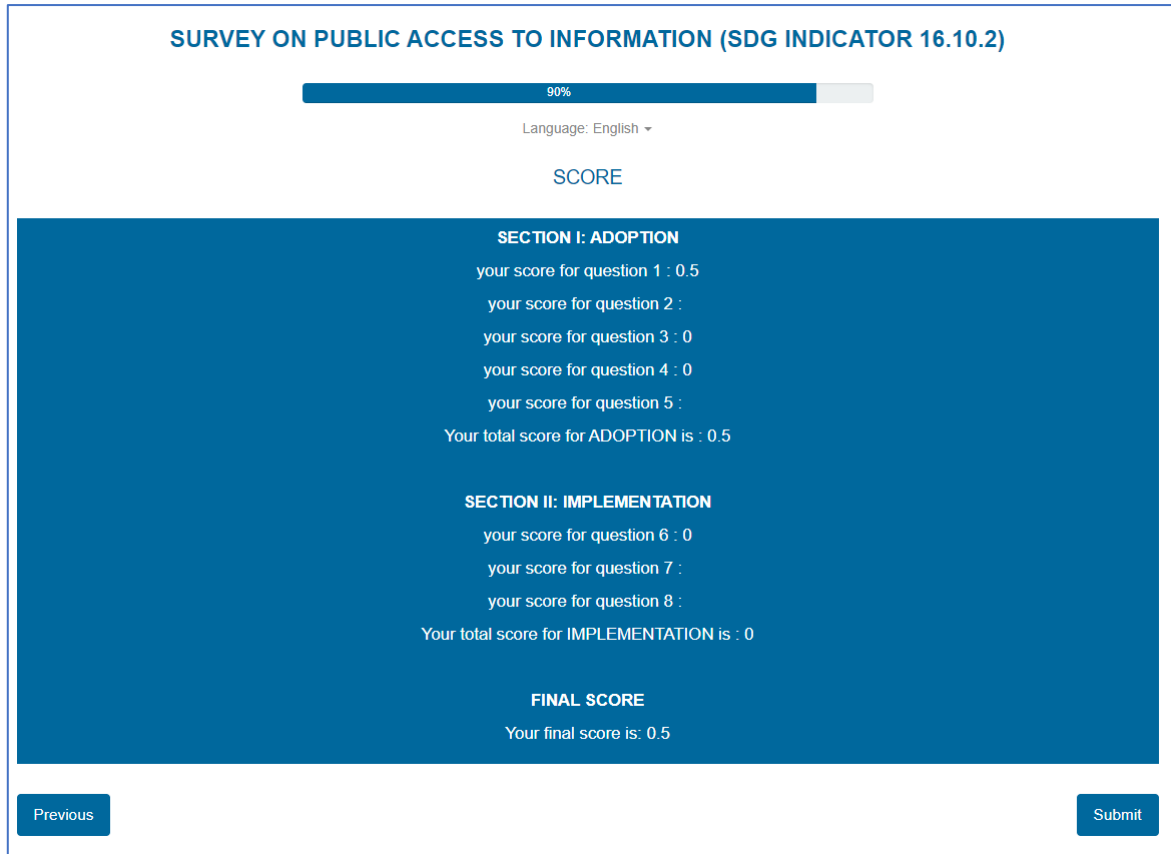


Figure 4: score page before definitive submission

Once the responses were submitted:

- 1) the respondent will be redirected to a final page in which he/she can access the results;
- 2) the initial focal point(s) will receive a confirmation e-mail including a link to the result page (protected with the country unique identifier).

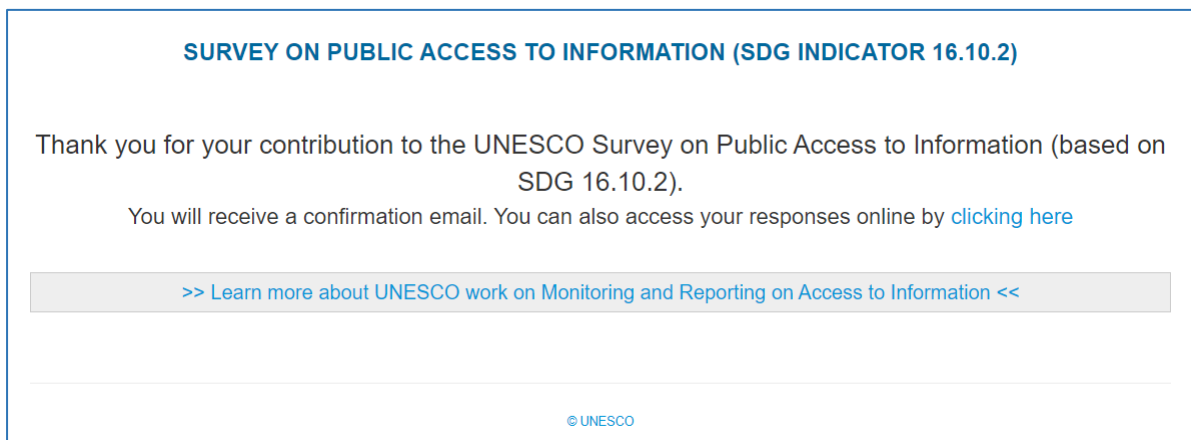


Figure 5: final page after submission

The “Summary of result” page allows the respondent to print the result (as PDF or via a printer). Only questions that have been responded are displayed in this summary.

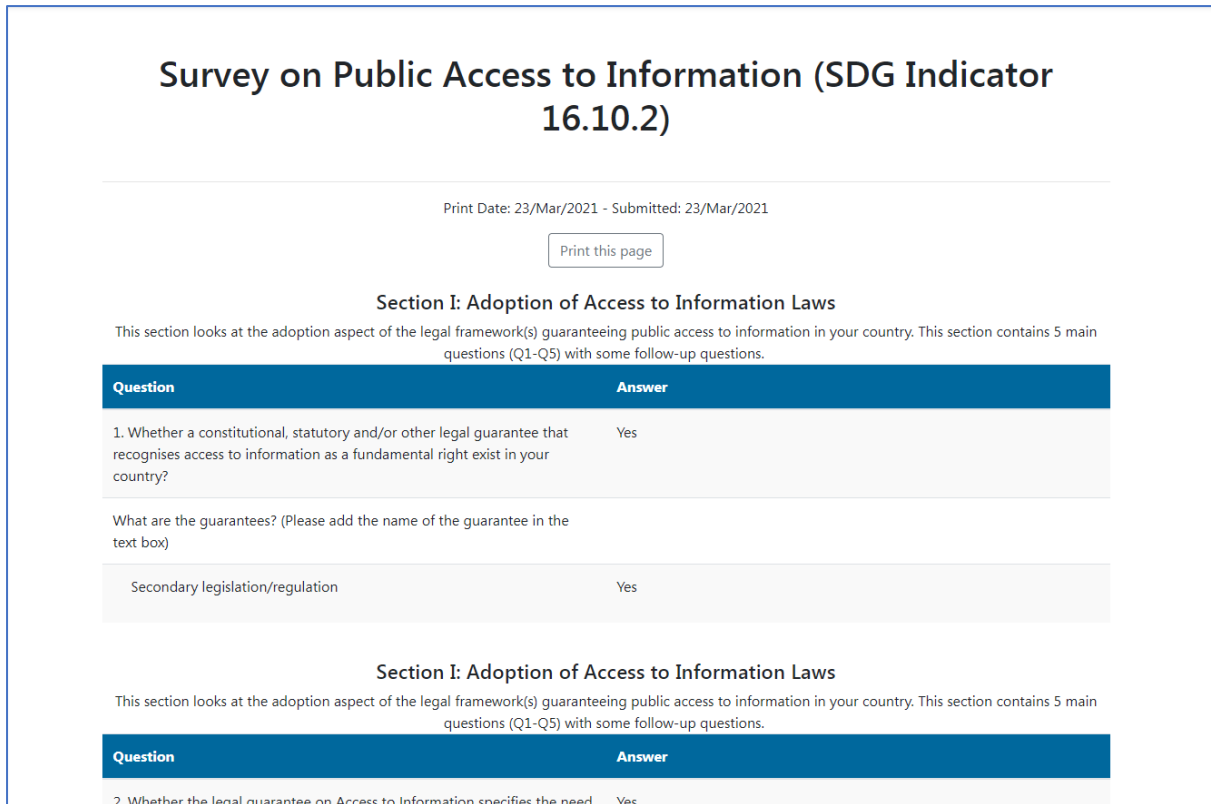


Figure 6: summary of results page