

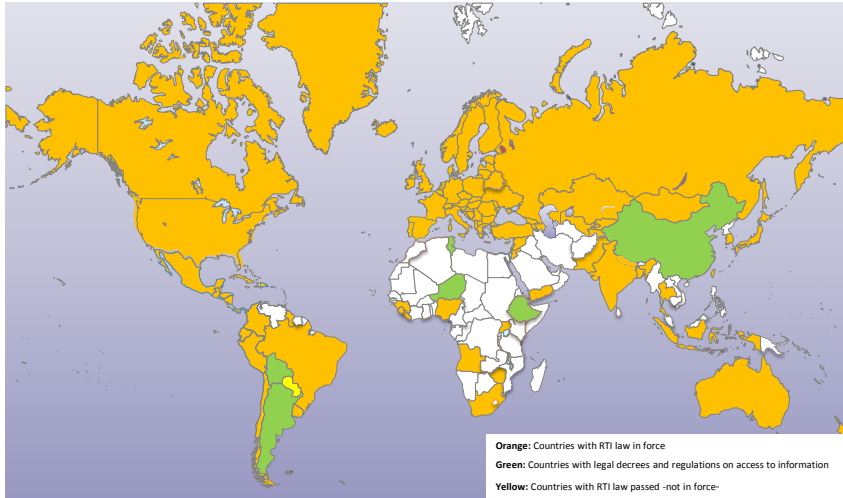
Right to Information & Budget Transparency in Mexico: A Decade of Achievements & Challenges

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Protection

Content

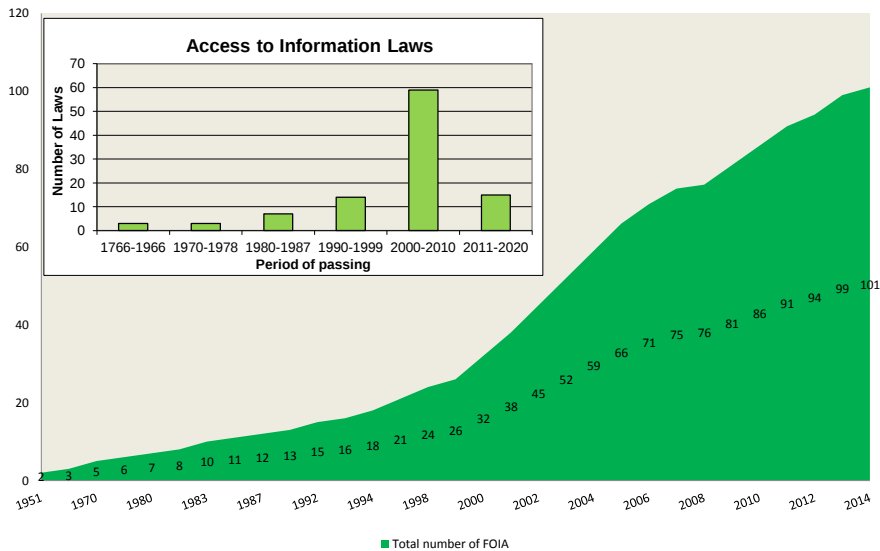
- I. Right to Information (RTI) & transparency: global trends
- II. Overview of the RTI in Mexico
- III. RTI: Best Practice Law Principles
- IV. Institutional Settings In Mexico
- V. Ten years of using the RTI
- VI. Impacts of Transparency
- VII. A new phase in 2014: Constitutional amendments

I. Overview of RTI in the world – 101 Regulations



David Banisar, March 2013; IFAI, January 2014

I. Overview of RTI in the world – 101 RTI Laws



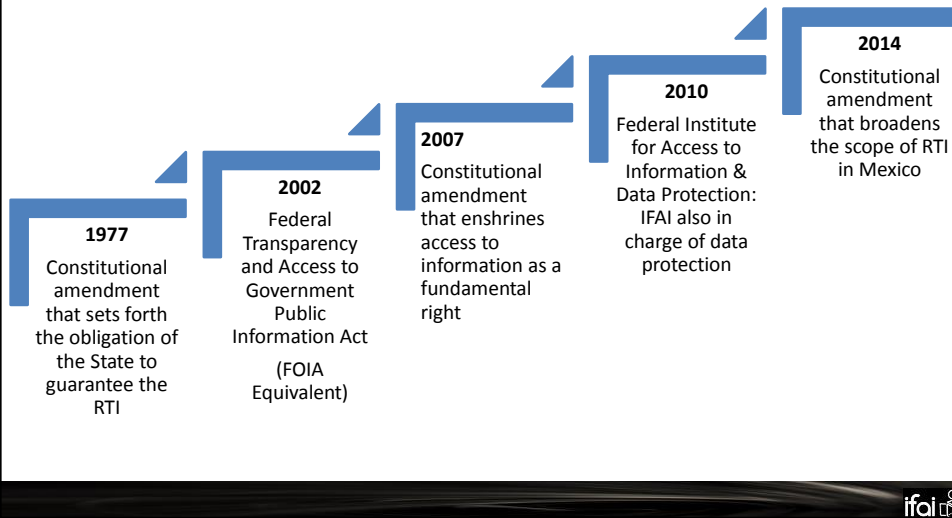
RTI+Transparency: powerful global trends

- Since the 90's, Transparency & RTI are linked to governance concerns
- Resource misallocations, budget captured, unsustainable entitlements, dangerous levels of debt & financial risk, corruption: tax payers should follow the money

Global Spread of RTI & Transparency

- Institutional capacity in question: accountability, checks & balances, increase performance needed
- Civil Society: key stakeholder for trust, rule of law, participative development
- Growing importance of ICT, internet, mobile phones, social networks, open data, communications revolution

II. Overview of the RTI in Mexico



II. RTI in Mexico: A Propitious Context

- 70 year long one-party rule system came to an end in 2000
- Open Government: a campaign commitment of the challenger/winner (Pt. Vicente Fox 2000-06)
- Engagement of civil society in legislative process: 3 initiatives (Left, Executive, Oaxaca Group) and significant public debate
- Key High Government Officials were unaware of RTI implications (Finance; Justice Dept)

III. The Basic Law Principles in a Good Practice Model



IV. Institutional Settings

The Federal Institute for Access to Information & Data Protection (IFAI)

- Independent Oversight Body: Quasi-jurisdictional administrative court (binding decisions)
- Resolves complaints & determines whether the information should be disclosed/public
- Requesters can always appeal to the Judiciary
- Investigative powers and calls for public hearings when necessary
- Obligation to help the applicant (*remedy deficient complaints*)
- Can verify classified information at any time
- Can initiate a process of administrative responsibility against public officials



IV. Institutional Settings

Broad use of Information Technologies



INFOMEX: Users can submit information requests & complaint to IFAI through electronic means, without having to present ID or justify their requests



Google-like search engine of public information requests and resolutions by the IFAI; users can enter key words and phrases in the system, which provides results of related cases



An on-line system through which citizens have access to proactively disclosed government information

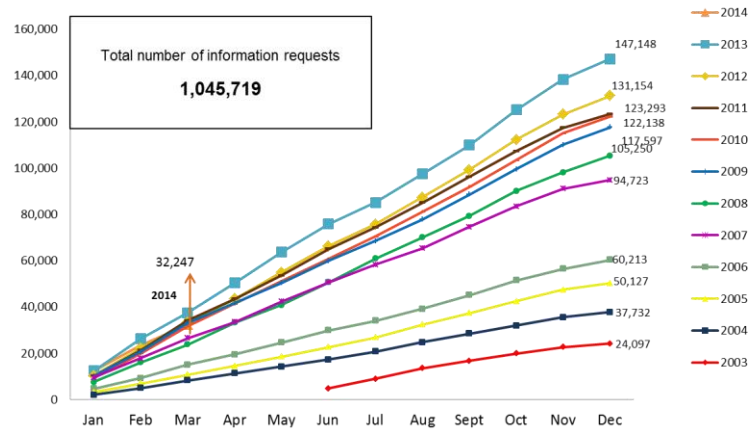
V. Ten years of using the RTI

Main results: trust and efficiency

- Anyone, anytime, anywhere, can request information via the internet
- Anonymity: officials focus on whether the information is public or not; concerns about who is requesting and why are eliminated
- Reduced risk of harassment or retaliation, results in less than 4 months

Number of information requests submitted to the Federal Government

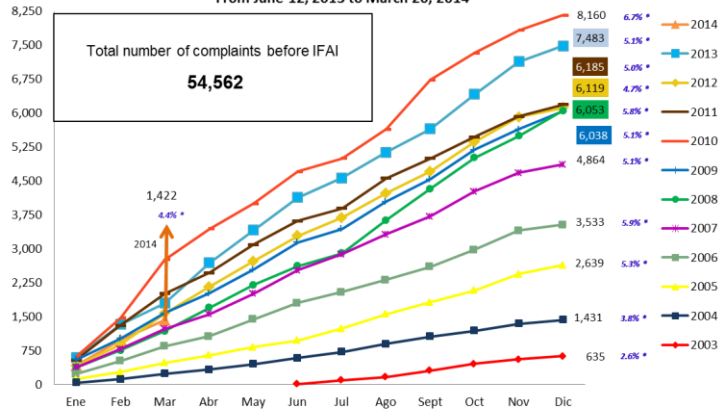
From June 12, 2003 to March 20, 2014



SOURCE: IFAI DGCV

Appeals for review filed before IFAI vs Federal Agencies*

From June 12, 2013 to March 20, 2014

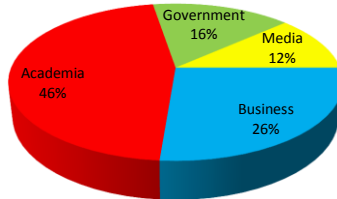


* Ratio to requests for information submitted

SOURCE: IFAI DGCV

% of information requests according to the requestor's occupation

June 12, 2003 - February 28, 2014

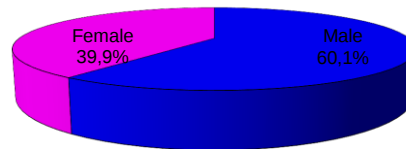


Source: IFAI DGCV

* Categories "Other" and "Non-reported" are not included in the graphic.

% of information requests according to gender

June 12, 2003 - February 28, 2014



Source: IFAI DGCV

VI. Impacts of Transparency

Unthinkable information disclosures before 2002:

- Meetings minutes, meetings agendas and e-mails from the Office of the President are disclosed
- Guests list + expenditures of President's birthday
- Copies of invoices for presidential purchases in ladies' boutiques (\$\$\$ in Cartier, Louis Vuitton, Dior)
- Energy reform campaign 2014: explain how gas & electricity costs will go down

VI. Impacts of Transparency

- RTI is a fundamental right that allows a positive impact on people's lives:
 - Gives access to information related to clinic records or pensions
 - Allows access to basic public services: education and health budgets and farming subsidies, among others
 - Observes the law enforcement: regulatory framework, permits, licences, concessions, etc.
 - Allows monitoring of the budget expenditure

VII. Constitutional Amendment (2004); Main Features

1. Binds all public authorities on every corner of the country to the same ATI regime: 3 branches of government, 3 levels of government, political parties, autonomous bodies, public trusts, and any individual, legal entity or union that receives and spends public funds or performs acts of public authority
2. IFAI becomes a constitutionally autonomous body with final resolutions for public agencies, legally binding and unchallengeable

VII. Targeted efforts on Open Budget (OB)

1. Comprehensiveness: information must be complete, updated and historical
2. Meaningful information: timely, simple, accessible & in usable format
3. Dialogue: CSOs, academia & specialists on budget issues must provide inputs & feedback
4. Consultation: supply of information must respond to demand needs: what information do citizens need?
5. Comply with & impact in international OB assessment tools:
 - IMF Fiscal Transparency Code / OECD Best Practices for Budget Transparency
 - World Bank PEFA / World Customs Organization (WCO) Arusha Declaration
 - Open Budget Initiative; The Open Budget Index / Extractive Industries Transparency Initiative (EITI)

Open Budget Information Good Practices



United States



www.recovery.gov

Allocation of "Recovery Act" resources data, including contracts, loans, collaterals and fiscal beneficiaries.



Brazil



Portal Federativo

Best practices about proactively disclosed information, access to wide range of useful information, "success stories" portal, georeferenced & thematic data available.



Australia



Economic Stimulus Plan

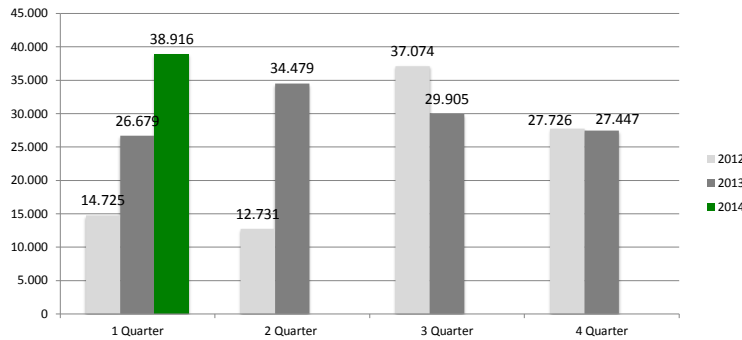
Portal with public investment data by sector (housing, communications, hydraulic works, train rails, etc.), in a geo-referenced platform.

Ministry of Finance (MX): Fiscal Transparency Portal (FTP)



www.transparenciapresupuestaria.gob.mx

- Statistics: visits increased 28.5% from 2012 – 2013, 46% in 1st quarter 2013-2014



Objective

• Mexico's FT Portal - Contents

Increase transparency in PFM

- Government Finance Statistics
- Transferred resources to local governments
- Budget Analytical Information
- Quarterly reports in open data formats
- Year-end report

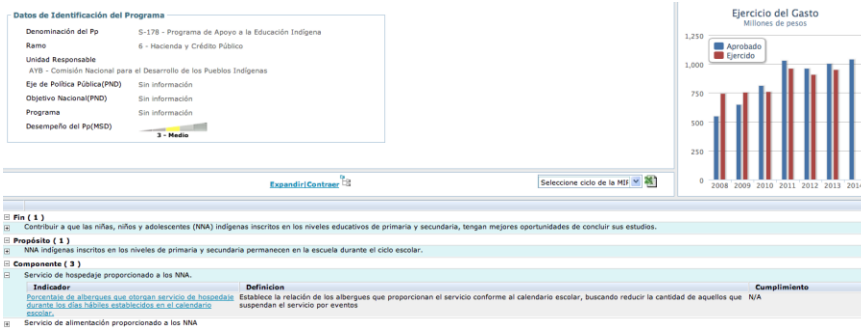
Citizen language for Fiscal Transparency

- Citizens budget
- Citizen year-end report
- FAQ
- Glossary
- Social media

Fiscal Transparency on issues responding to citizens interests

- Investment projects
- Performance information (indicators and goals)
- External evaluations
- Reconstruction aid for natural disasters

- Special feature: the FT-Portal displays information about the budget performance evaluation system, including external evaluations for social programs & public policies (1000+) & program indicators (757).



- Investment & Public works allocations: FT-Portal provides information about investments & natural disasters special fund allocations
- Download in open data formats is possible
- These tools triggered positive changes in MoF internal processes to enhance budget efficiency



Open data



- **The citizen factor.** Various citizens budget versions to explain the budget enactment (since '10), the budget proposal (since '12) & the year-end report ('13)



- These documents & the FT-Portal have been the result of consultation and a dialogue with specialized SCO, allowing for significant content improvement since 2010 (first edition). Relevant inputs also come from inquiries/suggestions through the FT-Portal.
- One of the main distribution channel for citizens budget is the Tax Administration Service, as attachment of the tax declaration receipt confirmation. Since 2014, budget transparency posters are posted in the Tax Administration Service and the Information Liaison Unit in every Federal agency.

Citizens Budget Content

- Growth estimates
- Total expenditures
- Income sources including debt - deficit
- Functional classification
- Administrative classification
- Economic classification
- Main investment projects
- Expenditure reduction measures
- Performance evaluation system information (ie percentage of expenditure w/ performance indicators)
- Social media and contact information
- Links to additional information & related topics

All expenditure data is presented for the current & previous fiscal year.



Dialogue with CSOs

- Open data formats have allowed CSOs the reuse and promotion of relevant Issues
 - Budget performance information on programs has been linked via social media to legislative discussions on future allocations, as a means for accountability of representatives during the budget approval.
 - CSOs have made recommendations on public policies (like sustainable urban development), affecting policy operating rules of related programs.

Based on the introduction of these fiscal transparency initiatives, Mexico was among the countries that provide "significant budget information" according to the Open Budget Index 2012.



Thank you!

**Federal Institute for Access to Information
& Data Protection**

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