



MISA TRANSPARENCY ASSESSMENT

2016 Report on Open & Secretive
Public Institutions 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

Not only is access to information (ATI) a fundamental, and internationally- and regionally-recognised human right, it is also an essential part of democratic rule, enabling informed public participation in governance and the decision-making processes.

That the accessibility of information is a key component of sustainable development has been highlighted by the explicit mention of access to information in the UN Sustainable Development Goals (SDGs), recognising citizens' access to information as a crucial factor in the development of democratic and sustainable societies.

On the continent, southern Africa has initially been a forerunner in the adoption of access to information laws with South Africa being the first country to pass an ATI law, and Angola and Zimbabwe following shortly after.

Unfortunately, since then, progress regarding the passage of ATI legislation throughout southern Africa has slowed down tremendously; it took over a decade for the fourth country in the region, Mozambique, to adopt a law guaranteeing access to public information.

The Media Institute of Southern Africa (MISA) is advocating for the adoption of national ATI legislation in recognition of the potential such laws have regarding the empowerment of citizens to hold their governments accountable on how decisions are made and resources used.

A legal framework guaranteeing access, as well as providing for the right to appeal in cases where information has been wrongfully withheld, needs to be accompanied by an enabling environment favouring openness and transparency. Existing laws require effective implementation, but even without a national ATI law the free flow of relevant public information should be the norm.

With its Transparency Assessment, conducted annually since 2009, MISA seeks to establish the ease or difficulty in accessing relevant public information held by government and public institutions.

This year's research was carried out by seven national MISA Chapters. Researchers evaluated institutions' websites as well as their willingness to provide information upon request.

Since the inception of the study seven years ago, the use of information and communication technologies (ICTs) to make government held public information accessible has gradually increased. Not only do the majority of public bodies have working websites, but the quality of the content provided on those sites is also improving. The Directorate of Road Traffic in Malawi for example, after being awarded the most secretive institution in 2015, could in 2016 be identified as the runner-up to the most open public institution. This praiseworthy improvement in transparency in only one year can mainly be attributed to the development of the institution's web presence, making relevant information more accessible to the public.

Some institutions showed increased openness by proactively providing information online that they were more reluctant to disclose in previous years. In Namibia for instance, the researcher noted improved transparency regarding budgetary information with two institutions providing online links to current budgets.

Additionally, several institutions are tapping into the use of social media platforms such as Facebook and Twitter to openly engage with the public.

Regarding information requests, it is commendable that most institutions have officials designated to take and respond to information requests. Based on this, a direct positive outcome is that more institutions acknowledge receipt of information requests, making follow-up processes easier. However, in several cases, although the initial acknowledgment of receipt of information was often accompanied by an assurance to provide information shortly, this has not resulted in actually receiving the information as requested.

The study highlighted the fact that ordinary citizens still face challenges in receiving information from public institutions. Some researchers had to show a high amount of perseverance, conducting several follow up activities, in order to get an answer. Other researchers' efforts however, did not result in receiving responses to their requests.

It needs to be pointed out that some public bodies were exemplary in their provision of services, responding speedily, being helpful, accommodating and open to any follow up questions may they arise at a later stage.

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 ministries and 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.

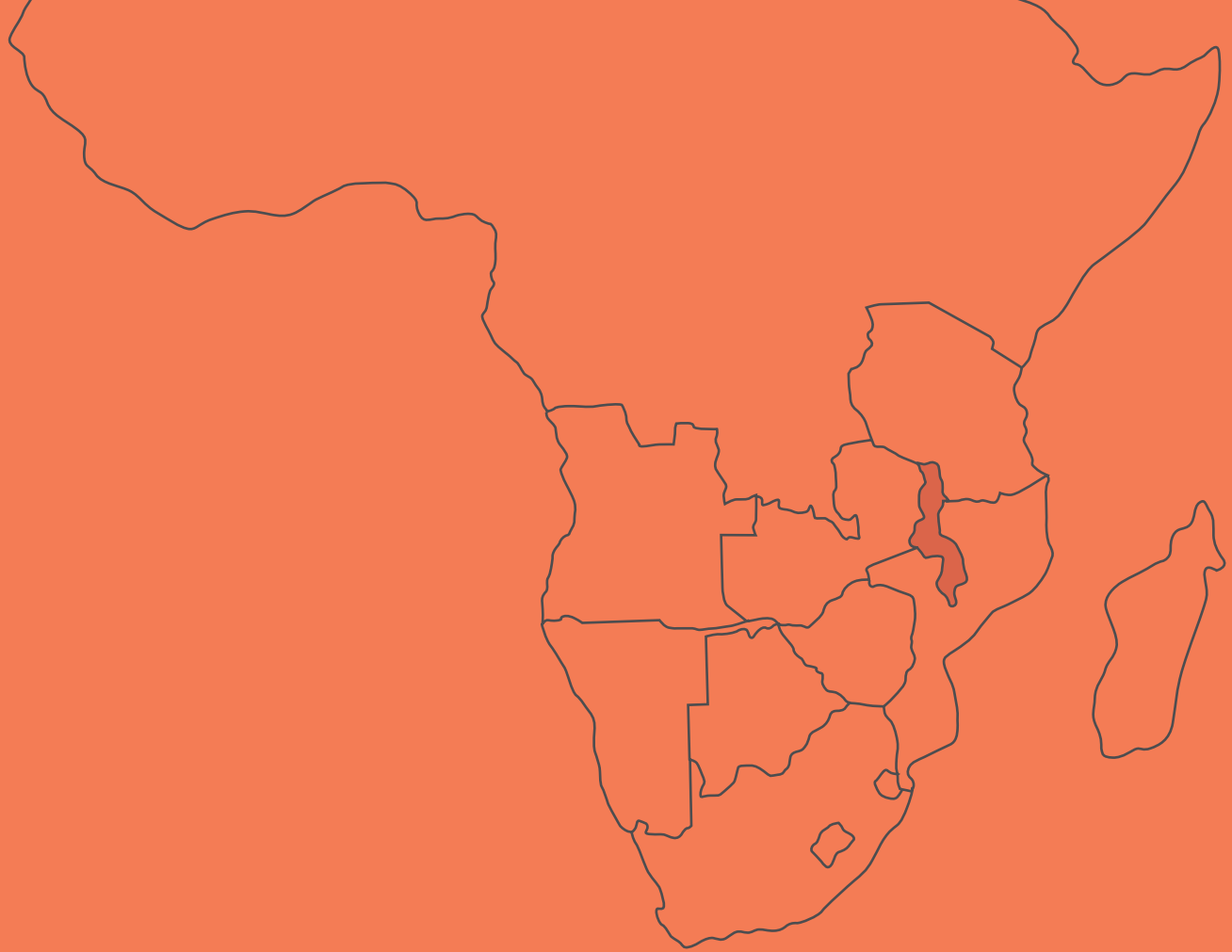
Group 3: (14 – 20) Well-organised, transparent website providing a good amount of relevant public information.

Category 2: Written Request/Oral Request

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.



MALAWI

2016 Report on Open & Secretive
Public Institutions in Malawi

INTRODUCTION

Malawi adopted a new Constitution in 1993, which was primarily based on liberal democratic principles and which also recognises the important role that access to information (ATI) plays in nurturing a transparent and accountable government. Section 37 of the Malawi Constitution 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 as far as such information is required for the exercise of his right.”

Despite this provision, Malawi has no legislation or framework on the nature and scope of information that can or cannot be accessed by the public. This means that there is no legislation to compel public officials to provide people with the necessary information to make informed decisions. In other words, citizens cannot easily access information held by the State and public institutions as provided for in the Constitution.

It is on this basis that the Media Institute of Southern Africa – Malawi Chapter (MISA Malawi) has been lobbying government for the past 10 years to adopt legislation on access to information. So far, MISA Malawi and its partners have been able to lobby government to adopt a national policy and develop a draft bill on access to information.

Cabinet adopted the ATI Bill in February 2016 and tabled it in the National Assembly during the May–July sitting of Parliament. Following calls from MISA Malawi and its partners for Members of Parliament (MPs) to properly scrutinise the Bill before it is passed, the MPs referred the Bill to the Media and Communications Committee of Parliament for further consultations. MISA Malawi and its partners argue that the Bill government tabled in Parliament undermines rather than promotes the right to information as provided for in Section 37 of the Malawi Constitution as it entrusts oversight and enforcement in the hands of a political appointee and has no clause on whistleblower protection.

As part of its campaign to push legislation on ATI, MISA Malawi annually undertakes a study to determine the level of government openness in the country; this report provides the results of this study. This is the eighth consecutive year that the Malawi Chapter has carried out this study and hopes that the findings will add impetus to calls for ATI legislation as well as remind government of its international commitments and obligations in promoting freedom of expression and access to information.

RATIONALE AND RESEARCH PARAMETERS

The importance of access to information cannot be overemphasised. Access to information is a fundamental human right and the enjoyment of other rights largely depends on the availability of information for one to make informed decisions.

The African Charter on Human and People’s Rights (ACHPR) states that ‘...every individual shall have the right to receive information,’ and that ‘...public bodies hold information not for themselves but as custodians of the public good and everyone has the right to access this information.’

The Malawi Constitution, as previously stated, also recognises the relevance of this right and provides for the same under Section 37; however, access to public information remains a problem for most Malawians.

The MISA Malawi studies conducted on the level of openness in public institutions in 2009, 2010, 2011, 2012, 2013, 2014 and 2015, as well as ‘Obstacles to Access to Information in Malawi,’ by Professor Edge Kanyongolo¹ clearly show that access to information is a big challenge for most Malawians. This is for a number of factors including lack of willingness on the part of public officials to grant access, illiteracy, low awareness levels on the right of access to information and lack of a legal framework to govern management and provision of public information. The studies on the level of openness in public institutions provides MISA Malawi with research-based evidence to strengthen its advocacy and calls for legislation on ATI and adherence to international instruments.

The 2016 study sought to:

1. Assess the level of transparency in government and public institutions against international standards and principles of ATI;
2. Influence adoption of practices, laws and a culture that promotes transparency and openness in government and public institutions;
3. Inform advocacy and interventions by MISA Malawi and civil society across the country; and
4. Encourage citizens to exercise their fundamental right to access information necessary for accessing other socio-economic rights which is generated, held and controlled by government institutions.

The study focused on a total of nine (9) institutions and was undertaken between August and September 2016. The following public institutions were surveyed:

1. Blantyre City Council (BCC)
2. Blantyre Water Board (BWB)
3. Central Medical Stores Trust (CMST)
4. Lilongwe Water Board (LWB)
5. Department of Road Traffic Directorate (DRTD)

¹ The research was commissioned by MISA Malawi with funding from UNESCO and was carried out in 2012.

6. Ministry of Agriculture and Food Security (MoFS)
7. Ministry of Lands, Housing and Urban Development (MoLHU)
8. Ministry of Local Government and Rural Development (MoLGRD)
9. Ministry of Health (MoH)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- There is a great improvement on the content of many websites, especially those that have performed poorly in the previous research. Blantyre City Council for example, has had no website in previous years, but now its website is one of the more active ones.
- It is very encouraging to note that unlike the previous research studies, most institutions surveyed in this year's research have websites and at least one social media page.
- Just like past studies, however, the Ministries of Agriculture and Health continue to perform poorly in terms of website content and it is sad to note that websites for both ministries were down during the period this research was being undertaken.
- The Lilongwe Water Board website was also inaccessible during the period of this research. Despite not having a website at the moment, the Board has a Facebook account and a Twitter handle, but contains very little information about the organisation.
- It is also sad to note that some organisations continue to upload content without sufficient information, and omitting the dates activities occurred or were uploaded. This becomes a problem for viewers who want to know when events took place.

Category 2: Requests for information

- Out of the 9 government and public institutions surveyed, five 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 they needed the information.
- Almost all organisations acknowledged receiving the requests for information. Most institutions promised to get back to the researcher but never did.
- The Ministry of Local Government and Rural Development responded within 24 hours with a request for a telephone interview. The spokesperson for the Ministry indicated that she was 'swamped' with work and a telephone interview would be ideal.

DETAILED FINDINGS

1. Blantyre City Council

CATEGORY 1: WEBSITE

www.bccmw.com

Unlike the previous research studies, this year, the Blantyre City Council has a well-established and updated website as well as a Facebook account. The Council has greatly improved from the previous years' research.

The site has the following sections: About BCC; Explore; Projects; Services; Media Room; Departments; and Mayor's Office.

The website proved to be different from all websites. Under the section 'Mayor's Office,' the page does not only provide information on BCC's structure, but also displays well-detailed contact information of the Mayor and Councillor for Blantyre City.

In addition, the Council provides a mechanism for requests for information and feedback through emails.

However, the website provides little information on agreements and contracts. Bearing in mind the fact that the Council gets involved in many projects surrounding Blantyre City, there is a need to provide a section on procurement procedures and operations.

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 Blantyre City Council:

1. There are reports that Blantyre City Council intends to demolish some structures in the City. How did the City authorities identify the structures earmarked for demolition?
2. What will happen to the land where the demolished structures are?
3. Does Blantyre City Council have any plans to compensate the owners of the buildings earmarked for demolition?
4. What are some of the key projects that the Council is currently working on, including any plans implemented to improve sanitation and congestion in some residential areas in the City?
5. What are some of the challenges the Council faces in its efforts to improve congestion on the City's roads?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Public Relations Manager
2. Did the institution reply within 21 days?	•			Responded within hours after the request was sent
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?			•	The website contains facilities for requests for information and has contacts for all councilors. This facilitates access to relevant officials at the Council.
5. Did the institution provide all of the information requested?	•			
6. Did 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. Blantyre Water Board

CATEGORY 1: WEBSITE

www.bwb.mw

Blantyre Water Board has the following sections on its website: About BWB; Customer Services; News and Media; Tariffs; Projects; Reports; Social and Welfare; Downloads; and FAQs.

This website is well-updated and provides detailed reports. Apart from the website, the organisation also has a well-detailed and updated Facebook account.

The most interesting section of the website is the “FAQs” section, where the website provides an opportunity for customers to ask questions about the organisation and its operations. From the researcher’s point of view, the organisation provides relevant answers to the questions.

However, even though the website details the organisational structure and functions of the administration, it does not provide specific contact details for public officials.

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?			•	Laws governing the organisation are just mentioned in passing.
c) Reports, policies, programmes?	•			
d) Budget and expenditure?		•		
e) Information about procurement procedures, signed contracts?			•	There is little information on signed contracts and agreements.
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?	•			

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: 12/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Blantyre Water Board:

1. Blantyre District continues to experience erratic water supply in most locations; what long-term plans does the Board have to deal with the problem?
2. People argue that the water supply system in the City dates back to the colonial era and nothing much has been done to update the infrastructure. What is your comment on this?
3. Illegal water connection is often considered as a challenge in the City. What is the Board doing to deal with this problem?
4. What are some of the key projects the Board is working on or implementing to improve sanitation along the Mudi River and at locations such as Ndirande and Chilimba in the city?
5. What are some of the challenges that BWB is facing in its efforts to improve water supply in the City?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Public Relations Manager
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 Board has a "FAQs" section on its website which can be used to request for guidance for procedures on information requests.
5. Did the institution provide all of the information requested?		•		
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.			•	On the website
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?		•		No feedback was provided.

Total Score: 4/20

3. Central Medical Stores Trust

CATEGORY 1: WEBSITE

www.cmst.mw

The Central Medical Stores Trust website contains the following on its page: About Us; Functions; Procurement; Services; Vacancies; The Catalogues; FAQs; Contact Us; and Webmail. Most of these pages have drop-down menus displaying sub-pages, which have a reasonable amount of content, with no broken links.

The webpage however, contains information without dates and this made it difficult for the researcher to determine how up-to-date the information was. The website visitor has to read the whole content and may in some cases be able to identify the date of the information.

The most unique and interesting element on the website was the “Procurement” section which provided all procurement procedures, a feature lacking on many websites. In addition, the website has a well-detailed organisational structure starting with all board members and management.

However, some pages had no content, for example the ‘Vacancies section.’

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: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Central Medical Stores Trust (CMST):

1. What are some of the key challenges affecting the work of Central Medical Stores Trust (CMST)?
2. What are some of the key issues that you consider before engaging any firm to supply or distribute drugs?
3. There have been reports of delays in the distribution of drugs as well as reports of drug theft; how does CMST deal with such issues?
4. What are some of the measures CMST is implementing to improve the supply and distribution of drugs in the country?
5. As the only supplier of drugs to all government and public hospitals in the country, what plans do you have to effectively deal with reports of drug shortages in most of these hospitals?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Public Relations Manager
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 ‘Contact Us’ section can be used to engage the Trust and access relevant information.
5. Did the institution provide all of the information requested?	•			
6. Did 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: 13/20

4. Lilongwe Water Board

CATEGORY 1: WEBSITE

www.lwb.mw

At the time the research was being conducted, the Lilongwe Water Board website was down. However, the research was done based on its Facebook account.

The Facebook account named Lilongwe Water Board is well-updated, with information on the Board's contact details.

Website visitors might struggle to learn about the organisation as there is no background information about the Board.

Apart from the Facebook page, the Board also has a Twitter handle which provides as little relevant information as 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?		•		

Total Score: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Lilongwe Water Board:

- Lilongwe District has recently been experiencing erratic water supply in most locations; what long-term plans does the Board have to deal with this problem?
- Most people argue that the water supply system in the city is outdated and nothing much is being done to update the infrastructure. What is your comment on this?
- Illegal water connection is often considered as a challenge in the city. What is the Board doing to deal with this problem?
- What are some of the key projects the Board is working on or implementing to improve afforestation along the city's catchment area?
- What are some of the challenges Lilongwe Water Board is facing in its efforts to improve water supply in the city?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Public Relations Manager
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. Did 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: 12/20

5. Department of Road Traffic Directorate

CATEGORY 1: WEBSITE

www.motpwh.gov.mw

It should be noted that the Malawi Road Traffic Directorate is part of the Ministry of Transport and Public Works. The Directorate was selected to be part of the research because it performed very poorly in the previous research. In this year's research, the Directorate has improved tremendously from scoring 0 in the website analysis category last year to scoring 13 in the current one.

The site has the following sections: About Us; Roads; Maritime; Railways; Civil Aviation; Projects; Downloads and Directorate. Every department of the Ministry has its contact address listed and the web contains up-to-date information.

Under the "Roads" section, there are drop-down menus displaying sub-pages about the Directorate, rules for road users and background information on the Directorate. The mission, vision and the core values of the Directorate are also well articulated. The website is one of the few sites with contact details for specific public officials, provided under the "Directorate" section.

However, there is no mechanism on the website to request and receive responses with regard to the Directorate's operations.

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?			•	Very little information on 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 the Malawi Road Traffic Directorate :

1. What is the Malawi Traffic Information System's current state of affairs? One of the major objectives of the Malawi Traffic Information System was to curb corruption; to what extent has the new Traffic Information System managed to achieve this?
2. The Directorate registered commendable gains in revenue after introduction of the new System; is this still the case several months down the line?
3. What are some of the disadvantages of the Malawi Traffic Information System?
4. What are some of the key challenges affecting the Directorate in its efforts to improve its operations?

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?			•	The Directorate's website has contact details for officials at the organisation who can be contacted for information.
5. Did the institution provide all of the information requested?	•			
6. Did 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: 13/20

6. Ministry of Agriculture

CATEGORY 1: WEBSITE

www.malawi.gov.mw

It should be noted that the Ministry of Agriculture is linked to the official Malawi Government website. Although the main website is updated, there is little information regarding the Ministry of Agriculture because the website hosts the information on different ministries and parastatals.

Apart from the website, the Ministry has a Facebook account which is not updated. At the time of conducting the research, the last update was in January, 2015.

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?		•		

n = 20	Yes	No	Partial	Additional Information
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 Agriculture and Food Security:

1. How prepared is the Ministry of Agriculture to effectively deal with the poor harvest and impending food crisis in the country?
2. What long-term measures has the Ministry put in place to improve the food situation in the country in the long-term?
3. As the key policy body in the agricultural sector, what is the current status of the Green Belt Initiative?
4. What are some of the key projects the Ministry is working on or implementing to improve crop diversification in the country?
5. What are some of the challenges affecting the work of the Ministry of Agriculture?

n = 20	Yes	No	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. Did 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

7. Ministry of Lands, Housing and Urban Development

CATEGORY 1: WEBSITE

www.lands.gov.mw

The website is well-established and has the following: About us; Departments; News and Events; Downloads; and Contacts. However, as the news, press release and report content did not have dates, it was difficult for the researcher to know the exact date the information was uploaded.

Unlike many ministries, the web page has a section on Frequently Asked Questions (FAQs) which seemed to adequately provide answers concerning land ownership, land divisions and relevant personnel responsible for different operations. The website also has policies governing the Ministry and signed contract agreements.

As much as the website provides for contact addresses for the Ministry, it does not have contact details for specific officials. The Ministry, just like the Ministry of Agriculture, has a Facebook account linked to the official government Facebook account; however, this page is not updated.

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?			•	No information on its powers but the organisational structure and its 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?			•	Signed contracts only
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 the Ministry of Lands, Housing and Urban Development:

1. What is the status of the Land Bills?
2. Most people in the rural areas feel the proposed laws will usurp chief's powers. What is your position on this as a ministry?
3. Most rural people also believe that the proposed laws will force them to pay registration fees for their land. What is the position of the Ministry on this?
4. Does the Ministry have any plans to undertake a massive civic education exercise on the proposed land laws?
5. Most Malawians seem unaware of the importance of the proposed land laws. How much will the Ministry require to effectively raise awareness and understanding on the proposed land laws?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			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?			•	The "Contacts" section can be used to engage relevant officials for information at the Ministry.
5. Did the institution provide all of the information requested?		•		
6. Did 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: 9/20

8. Ministry of Local Government and Rural Development

CATEGORY 1: WEBSITE

www.mlgrd.gov.mw

The Ministry of Local Government and Rural Development is part of the official Malawi Government website just like the Ministry of Agriculture. During the research, the website was not accessible. The research was based on the Ministry's 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?			•	Just a mention of the law governing the Ministry
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: 5/20

CATEGORY 2: REQUESTS FOR INFORMATION

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

- Media reports indicate that there are disagreements between Councilors and Council Secretariats in most districts in the country; what is the root cause of such disagreements?
- What is the Ministry doing to ensure a cordial working relationship between Councilors and Council Secretariats?
- As a ministry responsible for the welfare and appointment of chiefs in the country, what is the current state of affairs on government plans to abolish chieftains in cities?
- What are some of the key elements the Ministry looks for before recommending or considering a chief for elevation?
- What are some of the key challenges affecting the work of the Ministry?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Public Relations Officer
2. Did the institution reply within 21 days?	•			The officer responded within 24 hours with a request for the researcher to call the officer for a telephone interview as she was 'swamped with work.'
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. Did 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

9. Ministry of Health

CATEGORY 1: WEBSITE

www.health.gov.mw

The Ministry of Health website is linked to the Government of Malawi website, which is often down and rarely updated. The website contains: About Ministry of Health; Mission; Objectives; and Contacts but the page is not updated.

The Ministry has a Facebook account which is not updated, with the most recent update being in May 2015.

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: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Health:

1. What are some of the key challenges affecting the work of the Ministry of Health?
2. Shortage of medical personnel is one of the challenges affecting health service delivery in Malawi; what is the Ministry doing to improve the situation?
3. There have been reports of shortage of drugs as well as drug theft in some public hospitals; how does the Ministry deal with such issues?
4. What are some of the measures the Ministry is putting in place or implementing to improve its image as far as reports on shortage of drugs and drug theft in public hospitals in concerned?
5. What plans does the Ministry have to effectively deal with drug theft in public hospitals?

n = 20	Yes	No	Additional Information
1. Is there an official designated to take and respond to information requests?	•		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. Did 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
Blantyre City Council	14	17	31
Blantyre Water Board	12	4	16
Central Medical Stores Trust	13	13	26
Lilongwe Water Board	6	12	18
Department of Road Traffic Directorate	13	13	26
Ministry of Agriculture and Food Security	8	12	20
Ministry of Lands, Housing and Urban Development	10	9	19
Ministry of Local Government and Rural Development	5	12	17
Ministry of Health	6	2	8

RESEARCH CONCLUSIONS

It is important to note that most government and public institutions in the country have public relations officers or managers to act as a link between government bodies and the citizenry. This is commendable and ought to be applauded.

However, it is also important to note that a culture of secrecy is still prevalent in Malawi. This study, like previous studies of its kind, show that most government bodies rarely value the public's right to know. Out of the nine sampled institutions, only five responded to the written requests for information. Out of the nine websites assessed, only four have up-to-date information.

Nevertheless, it is encouraging to note that most of the ministries and public institutions use social networking sites to provide readers with information. Blantyre City Council, Central Medical Stores Trust and Directorate of Road Traffic have commendable websites that are providing Malawians with vital information.

It is important to note that the Directorate of Road Traffic has greatly improved since the last research conducted in 2015. At the time it scooped the Padlock Award as the most secretive public body of the ten that were sampled. From a score of 0 on the website analysis in 2015 and winner of the Padlock Award, the Directorate has moved up the ladder to a total score of 26, and second best in 2016. This is commendable.

THE MOST SECRETIVE PUBLIC INSTITUTION IN MALAWI

All the institutions that did not respond to the written requests for information and do not have websites easily qualify as most secretive. Although some have a web presence, their sites could not be accessed because the government website, to which they are linked, is often down and rarely updated.

The Ministry of Health, which has scooped the Padlock Award on two occasions, drives the health sector and ought to be

proactive in disseminating information for Malawians to make informed decisions. The Ministry's website is not updated and the institution did not respond to requests for information. The Ministry makes it almost impossible for the public to access information.

The health sector continues to generate negative publicity on drug theft and shortages of drugs in public hospitals. The Ministry should be open and transparent, and readily available to provide information to citizens.

Although all institutions that scored below 20 easily qualify as secretive, the Ministry of Health plays a crucial role in the health sector and performed miserably under both the website analysis and requests for information.

Therefore the winner of the Golden Padlock Award for the Most Secretive Government and Public Institution for 2016 is **the Ministry of Health.**

THE MOST OPEN PUBLIC INSTITUTION IN MALAWI

Three out of the nine institutions analysed qualify as the most transparent in 2016, these include Blantyre City Council, Central Medical Stores and the Directorate of Road Traffic. All these institutions scored above 20, which is more than half of the possible overall score of 40 for both the website and requests for information.

Blantyre City Council has scooped the Padlock Award on two separate occasions while the Directorate of Road Traffic was granted the Award in 2015.

The results of the 2016 study show a great improvement in the way the Council and the Directorate have performed. Blantyre City Council and the Directorate of Road Traffic have scored 31 and 26 points respectively.

Unlike previous research studies where Blantyre City Council did not have a website, this year, the Council has a well-established and updated website and a Facebook account. The Council's website proved to be different from all the other websites assessed. Under the section 'Mayor's Office,' the page does not only provide information on the Council's structure but also well-detailed contact information for the Mayor and the Councillor for Blantyre City.

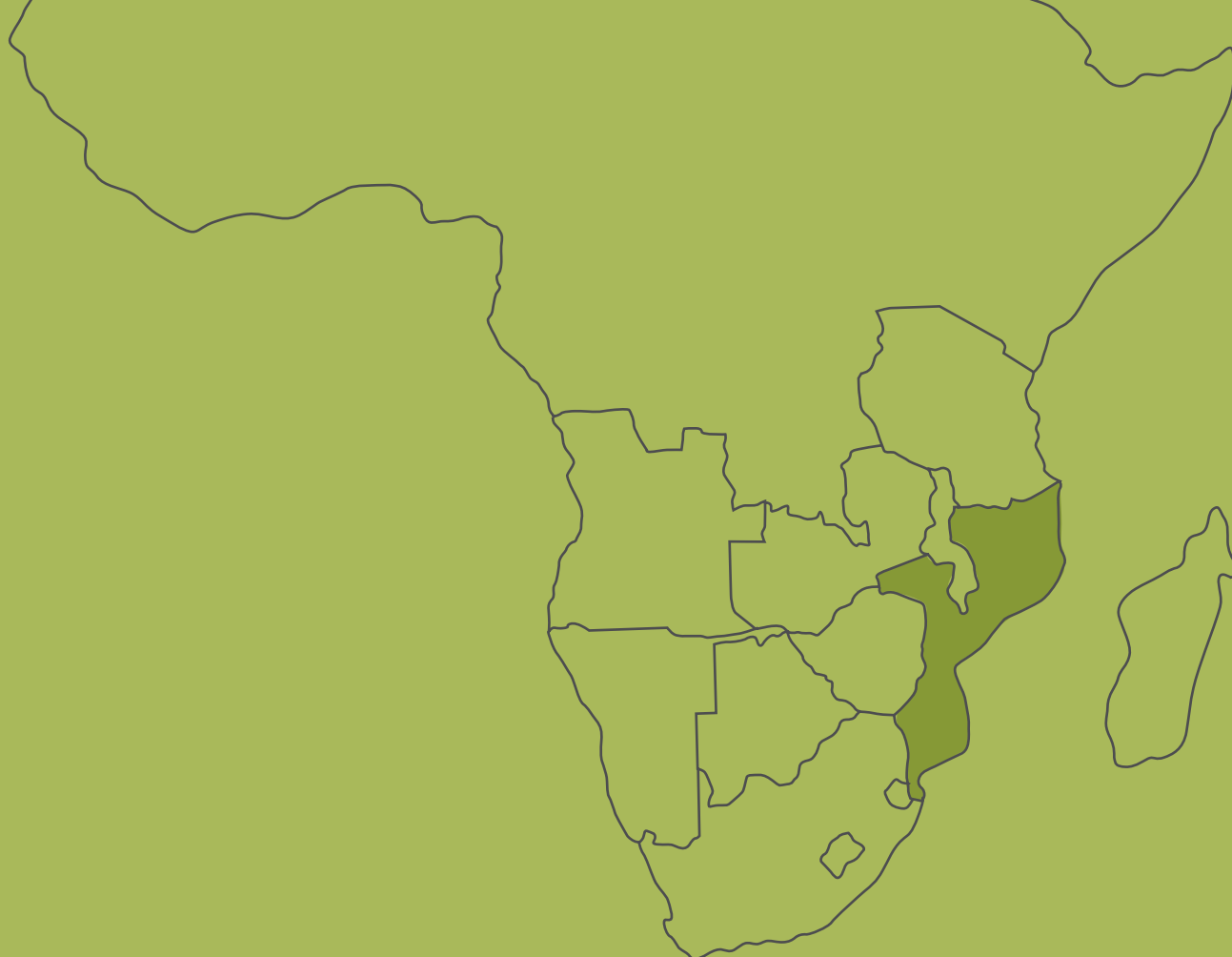
In addition, the Council's website provides a mechanism for requests for information and feedback. The Public Relations Manager responded to the request for information in less than 24 hours and provided all relevant information requested. This shows how open the Council has become after scooping the Padlock Award twice. The Council scored 14/20 in the website category and 17/20 in the request for information category.

Therefore, the Golden Key Award for the Most Open Government and Public Institution for 2016 goes to **Blantyre City Council**.

RECOMMENDATIONS

This study shows that most ministries and departments have a presence on the official government website despite having public relations managers. Some ministries, like the Ministry of Trade, have their own websites. This means that having your own website as a ministry is a matter of choice.

MISA Malawi believes that training government information officers on the importance of access to information would help improve the overall ATI situation in Malawi.



MOÇAMBIQUE

Relatório 2016 sobre as Instituições Públicas
Abertas & Fechadas em Moçambique

INTRODUÇÃO

Em 2004, durante o último ano do mandato do Presidente Joaquim Chissano, o Parlamento Moçambicano aprovou a revisão da Constituição da República de Moçambique (CRM) que estabelece, no seu artigo 48, o Direito à Informação, em seguimento do mesmo direito previsto na Constituição da República de 1990, que inaugura o multipartidarismo, no País. Um ano depois, em 2005, o primeiro ano do mandato do Presidente Armando Guebuza, o Instituto de Comunicação Social da África Austral, capítulo de Moçambique (MISA Moçambique) elaborou e submeteu ao Parlamento a proposta de Lei do Direito à Informação.

A proposta permaneceu engavetada no Parlamento durante nove anos, enquanto as organizações da sociedade civil desdobravam-se em diversas acções de lobby e advocacia em vista a aprovação da Lei. Só em 2013, surgem sinais de interesse da Assembleia da República num debate mais sério que culminou com diversas acções de auscultação para a reformulação da proposta da lei. No princípio de 2014, último ano do mandato de Armando Guebuza, o Parlamento, no meio de muita pressão da sociedade civil, decidiu agendar a proposta para debate público. Em Agosto do mesmo ano, após uma série de sessões de debates é aprovada, na generalidade, no Parlamento, a Lei do Direito à Informação. Em Novembro, o Parlamento viria a aprovar a proposta na especialidade.

A proposta foi a seguir promulgada e publicada no Boletim da República (jornal Oficial da República de Moçambique) a 31 de Dezembro de 2014. A Lei do Direito à Informação carecia, no entanto, do regulamento para a sua operacionalização. Neste contexto, a 31 de Dezembro de 2015, o Governo aprova e publica no Boletim da República o Regulamento do Direito à Informação, permitindo, deste modo a plena implementação da lei.

Um ano e meio após a entrada em vigor da lei do Direito à Informação, parece não ter ainda mudado o ambiente do acesso à informação em Moçambique. A percepção das organizações da Sociedade Civil, dos jornalistas e das instituições de investigação é de que a lei ainda não está em plena implementação, o que dificulta o direito à informação. São vários os obstáculos à plena implementação da lei, nomeadamente a incapacidade do Estado em prover, em pouco tempo, recursos humanos e financeiros para a implementação destes instrumentos, como a contratação ou indicação técnico de informação para atenderem os pedidos de informação em cada instituição detentora de informação pública; a deficiência dos arquivos destas instituições; a cultura de secretismo enraizado no Estado; a falta de vontade política para a implementação da lei; a cultura de centralismo e do medo, entre outros factores.

Em 2016, a IBIS, uma Organização Não Governamental dinamarquesa, assinou um memorando de entendimento com o Governo, através do Ministério da Administração Estatal e Função Pública (MAEFP) nos termos do qual funcionários públicos e outros agentes de Estado vão beneficiar, nos próximos três anos, de acções de capacitação em matérias ligadas ao direito à informação, uso estratégico das Tecnologias de Informação e Comunicação (TIC) para efeitos de facilitação do acesso à

informação enquanto direito fundamental em Moçambique. Espera-se que esta iniciativa venha melhorar o ambiente do acesso à informação em Moçambique.

FUNDAMENTAÇÃO E PARÂMETROS DO ESTUDO

Volvido um ano e meio após a entrada em vigor da Lei do Direito à Informação e pouco mais de meio ano em que vigora o Regulamento do Direito à Informação, poucos estudos existem que avaliem os níveis de abertura e de falta de abertura das instituições públicas e privadas, detentoras de informação de interesse público. Apenas se reconhece a existência de um estudo, mas também não exaustivo, realizado em 2016, pela Rede de Comunicadores Amigos de Crianças (RECAC) e pela Associação Moçambicana das Mulheres na Comunicação Social (AMCS) que, simulando pedidos de informação, mostra que as 49 entidades abrangidas não prestam informações detalhadas, o que não ajuda a compreender os dados disponibilizados. De acordo com o mesmo relatório, o servidor público conhece a existência dos dispositivos que regulam o acesso à informação, mas ainda não os coloca em prática.

O presente estudo pretende aferir o nível de acessibilidade ou falta de abertura das instituições em relação à disponibilidade de informação de interesse público, um ano e meio depois da introdução da lei. A maneira como a informação está depositada na instituição pode ditar o formato de acesso ou disponibilização da mesma, o que por sua vez ditou a formulação do pedido feito a cada instituição.

Observação: Devido à falta de tempo para solicitar entrevistas e fazer a verificação das informações, o MISA Moçambique, considerando o período de início do estudo e a data do fecho, avaliou os entrevistados em 8 dos 10 critérios na Categoria 2. A pontuação geral foi ajustada e difere, portanto dos demais países que fizeram parte do estudo.

Objectivo geral do Estudo

O objectivo geral do Estudo é avaliar o nível de abertura das instituições no que diz respeito a disponibilização de informação de interesse público aos cidadãos.

Objectivos específicos

São os objectivos específicos os seguintes:

1. Aferir o grau de dificuldades que o cidadão tem para aceder a informação nas instituições públicas e privadas detentoras de informação de interesse público
2. Medir o tempo que as instituições levam para conceder a informação;
3. Analisar o tipo de informação disponível nos sites das instituições que detêm informação de relevo no actual contexto político e económico de Moçambique, assim como o grau da sua actualização;

Metodologia

Para o presente estudo foi elaborada uma lista de 10 instituições a serem avaliadas e um total de 10 pedidos de informação. Não houve um critério para a escolha das instituições, senão o serem

detentoras de informação que possa ser de muito interesse para os moçambicanos, considerando o actual contexto político e económico do País.

A cada uma das 10 instituições foi enviado um questionário/pedido de informação concreta, a ser seguido de uma visita às instituições para avaliar a sua qualidade, interesse público e actualidade. O artigo 3 (Lei n.º 34/2014 de 31 de Dezembro: Lei do Direito à Informação) e artigo 2 (Decreto n.º 35/2015 de 31 de Dezembro: Aprova o Regulamento da Lei do Direito à Informação) estabelecem que a Lei e o respectivo Regulamento do Direito à Informação aplicam-se também “às entidades privadas que, ao abrigo da Lei ou por contrato, realizem actividades de interesse público ou que, na sua actividade, beneficiem de recursos públicos de qualquer proveniência e tenham em seu poder informação de interesse público.” Assim sendo, foi incluída no estudo a empresa TRAC por ser detentora de informação pública muito relevante.

É importante referir que a análise dos sites das instituições reflectida no presente relatório foi realizada nos dias 28 e 29 de Agosto. Esta referência é importante, uma vez que em alguns casos, as páginas das instituições analisadas encontravam-se fora da rede (inactiva), outras em manutenção e outras instituições sem páginas webs.

O processo decorreu no período entre 2 e 23 de Agosto de 2016. Foram avaliadas as seguintes instituições:

1. Banco de Moçambique
2. Direcção Nacional do Tesouro
3. Electricidade de Moçambique
4. Fundo de Promoção Desportiva
5. Maputo Sul (Empresa)
6. Ministério das Finanças
7. Ministério das Obras Públicas, Habitação e Recursos Hídricos
8. Ministério dos Transporte e Comunicações
9. Missão Moçambique
10. Trans African Concessions (TRAC)

São, ao todo, sete instituições do Estado, duas instituições públicas (Electricidade de Moçambique e Maputo Sul) e uma privada (TRAC).

- Em alguns casos existem documentos como relatórios e estudos de interesse público.

De forma específica, constatou-se que existem

- Instituições públicas relevantes que ainda não estão presentes na internet, como é o caso da *Missão Moçambique*.
- Instituições que embora autónomas, permanecem nos sites das instituições que as tutelam, por exemplo, o *Fundo de Promoção Desportiva*
- Instituições públicas relevantes, como o *Ministério dos Transportes e Comunicações* com o site fora de serviço.

Em muitos casos, os sites das instituições encontram-se desactualizados e a presença nas redes sociais é limitada ou inexistente.

CATEGORIA 2: Pedido de informação

Após os pedidos efectuados e a análise das respostas aos pedidos e das entrevistas realizadas às instituições concluímos que:

- Nenhuma instituição respondeu aos pedidos dentro dos 21 dias estabelecidos pela lei
- Das instituições apenas uma respondeu, mas fez-lo 23 dias depois, ou seja, dois dias após o limite estabelecido pela Lei. As restantes não responderam.
- Grande parte das instituições que aceitou a visita às suas instalações não dispõe de arquivos de informação organizados

RESUMO DAS PRINCIPAIS CONCLUSÕES

Categoria 1: Análise do site

De forma geral

- Existe pouca informação de relevo ligada à prestação de contas
- Esta informação não está actualizada
- Assim sendo, não atrai o interesse de consulta por parte dos cidadãos
- Em muitos casos existem informações gerais sobre eventos e documentos institucionais da estrutura organizacional

CONCLUSÕES DETALHADAS

1. BANCO DE MOÇAMBIQUE

CATEGORIA 1: SITE

<http://www.bancomoc.mz>

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?			•	O site contém informações sobre o Banco, a sua estrutura organizacional (a posição do conselho de administração), mas não apresenta as suas responsabilidades.
b) Uma lista da legislação promulgada relativa ao âmbito das suas competências?	•			Land laws and Acts District Land and Housing Tribunal Unit
c) Relatórios, políticas, programas?	•			
d) Orçamento e despesas?		•		
e) informação sobre procedimentos de aquisição, contratos assinados?		•		
f) Procedimentos relativos a vagas e contratação?	•			Não apresenta horário de funcionamento da instituição
g) A morada, número de telefone e horário de funcionamento da instituição?			•	Não tem informação para contactos específicos
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: 13/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Banco de Moçambique:

1. Quais foram os custos iniciais e os custos finais do projecto do novo edifício do Banco de Moçambique
2. O projecto da construção
3. A acta de adjudicação das obras ao empreiteiro
4. O contrato entre o Banco e o Empreiteiro

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.

n = 16	Sim	Não	Parcial	Mais 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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

2. DIRECÇÃO NACIONAL DO TESOURO

CATEGORIA 1: SITE

www.mpd.gov.mz/index.php/direccao-nacional-de-tesouro-dnt

A direcção Nacional do Tesouro não tem um site próprio, sendo parte do Ministério das Finanças tem uma página onde apresenta os seus elementos institucionais (www.mpd.gov.mz/index.php/direccao-nacional-de-tesouro-dnt)

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?	•			
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: 06/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Direcção Nacional do Tesouro:

- Qual foi a fonte de proveniência do crédito de 3.8 mil milhões de meticais contraído para o financiamento dos X Jogos Africanos, realizados em Setembro de 2011, em Maputo?

2. Qual foi o destino dado aos valores remanescentes (não aplicados), correspondentes a 56%, uma vez que a execução foi de 44%?

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

3. ELECTRICIDADE DE MOÇAMBIQUE

CATEGORIA 1: SITE

<http://www.edm.co.mz/>

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?			•	Não apresenta 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?			•	Não tem horário de funcionamento
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: 12/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Electricidade de Moçambique

- Quais os valores que a EDM pagou, por cada ano, às empresas prestadoras de serviços no âmbito das Parcerias Público-Privadas, entre 2010-2015?
- Qual é o valor que cada empresa recebeu da EDM por cada ano durante esse período?

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

4. FUNDO DE PROMOÇÃO DESPORTIVA

CATEGORIA 1: SITE

http://www.mjd.gov.mz/index.php?option=com_content&view=article&id=153&Itemid=136&lang=pt

Embora seja uma instituição autónoma, o que pressupõe o dever de ter o seu próprio site, o Fundo de Promoção Desportiva não tem, resumindo-se a uma página no site do Ministério da Juventude e Desportos (http://www.mjd.gov.mz/index.php?option=com_content&view=article&id=153&Itemid=136&lang=pt)

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?		•		
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: 02/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Direcção Nacional do Tesouro:

- Qual foi a fonte de proveniência do crédito de 3.8 mil milhões de meticais contraído para o financiamento dos X Jogos Africanos, realizados em Setembro de 2011, em Maputo?
- Qual foi o destino dado aos valores remanescentes (não aplicados), correspondentes a 56%, uma vez que a execução foi de 44%?

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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?	•			

Total Score: 10/16

5. MAPUTO SUL

CATEGORIA 1: SITE

<http://www.maputosul.co.mz>

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?	•			
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?			•	Não tem horário de funcionamento
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: 13/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à empresa pública Maputo-Sul:

1. O projecto inicial da Estrada Circular de Maputo e os respectivos custos
2. O projecto final da mesma estrada e os respectivos custos
3. O contrato de adjudicação das obras à construtora da circular
4. O contrato de concessão para construção da ponte Maputo-Catembe

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

6. MINISTÉRIO DAS FINANÇAS

CATEGORIA 1: SITE

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

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?	•			
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?			•	Não apresenta horário de funcionamento
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: 11/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado ao Ministério das Finanças:

1. Informação sobre a relação das dívidas externas contraídas, por ano, pelo Governo no período 2008-2014 e as respectivas fontes da sua proveniência
2. Todos os relatórios de auditorias feitas às instituições públicas em 2016.

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma informação
9. A instituição acusou a recepção do seu pedido de informação no prazo de 7 dias?		•		

n = 16	Sim	Não	Parcial	Mais informação
10. A informação recebida era clara e compreensível?		•		Não recebemos nenhuma informação

Total Score: 0/16

7. MINISTÉRIO DAS OBRAS PÚBLICAS, HABITAÇÃO E RECURSOS HÍDRICOS

CATEGORIA 1: SITE

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

Os resultados da avaliação feita no site do Ministério das Obras Públicas, Habitação e Recursos Hídricos devem considerar que, nos dias 28 e 29 de Agosto, altura em que se fez a análise dos sites, o site desta instituição, embora acessível, não disponibilizava nenhuma informação relevante uma vez estar em manutenção, conforme o alerta público no *website*.

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?		•		
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

O seguinte pedido de informação foi enviado ao Ministério das Obras Públicas, Habitação e Recursos Hídricos:

1. A acta de adjudicação da Obra Guijá-Chicualacuala ao empreiteiro e ao fiscal
2. Os respectivos contratos celebrados
3. As causas da paralisação das obras

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?		•		

n = 16	Sim	Não	Parcial	Mais informação
4. A autoridade publica os seus procedimentos para lidar com pedidos de informação?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

8. MINISTÉRIO DOS TRANSPORTES E COMUNICAÇÕES

CATEGORIA 1: SITE

[http:// http://www.mtc.gov.mz/](http://www.mtc.gov.mz/)

Embora o site do Ministério dos Transporte e Comunicações seja identificado, enquanto um endereço que existe, nos dois dias de análise dos sites, 20 e 29 de Agosto, ele não se encontrava em funcionamento.

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?		•		
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

O seguinte pedido de informação foi enviado ao Ministério dos Transportes e Comunicações:

- O contrato assinado entre o governo de Moçambique e a empresa *StarTimes International*, seleccionada em 2014, para operacionalizar o processo de Migração Digital em Moçambique.

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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?			•	

Total Score: 8/16

9. MISSÃO MOÇAMBIQUE

CATEGORIA 1: SITE

Na busca realizada, não se encontrou nenhum site da Missão Moçambique, nem registo de informações publicadas sobre a instituição em outros sites que permitissem alguma busca. Tendo-se, por isso, concluído que a instituição não tem nenhuma página web.

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?		•		
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?		•		

n = 20	Sim	Não	Parcial	Mais informação
i) Um mecanismo para solicitar e receber respostas a mensagens electrónicas e pedidos de informação?		•		

Pontuação total: 0/20

CATEGORIA 2: PEDIDO DE INFORMAÇÃO

O seguinte pedido de informação foi enviado à Missão Moçambique:

1. O relatório global dos X Jogos Africanos realizados em Setembro de 2011 e os respectivos anexos
2. O relatório financeiro dos X Jogos Africanos realizados em Setembro de 2011 e os respectivos anexos
3. Todas as actas de adjudicação das obras referentes aos X Jogos Africanos e prestação de serviços
4. O relatório de Auditoria aos X Jogos Africanos
5. Os contratos da construção da Vila Olímpica e da Piscina Olímpica

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?		•		Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

10. TRANS AFRICAN CONCESSIONS

CATEGORIA 1: SITE

<http://www.tracn4.co.za/>

A TRAC, sendo uma multinacional sul-africana, operando em Moçambique, tem um site global, no qual tem uma secção sobre Moçambique (<http://www.tracn4.co.za/moz-home.html>), com informação institucional em Português. Esta informação traz elementos institucionais gerais sobre a responsabilidade social da empresa, actualizações sobre preços e reparações das vias, mas nenhum elemento agregado sobre os relatórios e rendimentos da empresa.

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?			•	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?		•		
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 empresa Trans African Concessions:

1. O contrato de concessão da Estrada Nacional N4 que liga Maputo e África do Sul que a TRAC celebrou com o Governo Moçambicano
2. O valor que a TRAC recebeu do Estado Moçambicano entre 2010 e 2016 como subsídio para congelar o agravamento anual de preços de portagem, conforme está contratualmente estabelecido.

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?				Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
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.?		•		Decidimos não avaliar este indicador devido à falta de tempo para solicitar entrevista e fazer a verificação das informações.
8. A autoridade facultou a informação sem questionar os objectivos e motivações do requerente?		•		Não recebemos nenhuma 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 nenhuma informação

Total Score: 0/16

RESUMO

Instituição	Website	Pedido de informação	Pontuação total
Banco de Moçambique	13	0	13
Direcção Nacional de Tesouro	06	0	06
Electricidade de Moçambique	12	0	12
Fundo de Promoção Desportiva	02	12	14
Maputo Sul	13	0	13
Ministério das Finanças	11	0	11
Ministério das Obras Públicas, Habitação e Recursos Hídricos	0	0	0
Ministério dos Transportes e Comunicações	0	8	8
Missão Moçambique	0	0	0
Trans African Concessions	8	0	8

CONCLUSÃO DO ESTUDO

Os resultados do Estudo mostram que Moçambique ainda tem um enorme desafio pela frente no que diz respeito ao acesso à informação, num contexto de instituições com uma pesada herança do período do partido único, em que a cultura do secretismo, do medo e do centralismo eram as características predominantes. Embora o monopartidarismo tenha sido abandonado há 24 anos, as suas marcas ainda prevalecem vivas. A gestão de informação continua centralizada.

No que diz respeito aos sites, um instrumento definido como fundamental para a disponibilização proactiva da informação, notou-se que, mesmo no caso de instituições com informação actualizada, esta refere-se a eventos, legislação e estrutura de funcionamento; não havendo informação sobre contratos e de prestação de contas sobre as actividades desenvolvidas. Em dois casos, instituições públicas como o *Fundo de Promoção Desportiva*, e *Missão Moçambique* que, sendo autónomos deveriam ter os seus próprios sites, não os têm; no caso do *Ministério dos Transportes e Comunicações*, o site encontrava-se fora de serviço.

Os resultados revelam que em Moçambique o acesso a informação é ainda uma miragem. Das instituições às quais foram encaminhados pedidos de informação, apenas duas, embora com atraso, responderam ao pedido. Trata-se de *Fundo de Promoção Desportiva* e do *Ministério dos Transportes e Comunicações*. No caso da primeira, foi pedida a informação menos polémica e se calhar a informação que menos pode interessar ao público quando comparado com a informação pedida às outras instituições. No caso específico do *Ministério dos Transportes e Comunicações* a resposta feita foi no sentido de rejeitar o pedido, usando como justificação para a sua decisão o facto de que o contrato entre Moçambique e a *StarTimes International* estar revogado e, neste momento, estar em processo um concurso público para a selecção de um novo parceiro. Das restantes instituições, nenhuma respondeu nem acusou a recepção dos pedidos, muito menos deu satisfação. É verdade que a lei do direito à informação é muito nova, o que pode servir de atenuante, mas isso não justifica que as instituições nem sequer acusam a recepção dos pedidos.

Um dos problemas constatados é que as instituições ainda não criaram os necessários mecanismos para agilizar o processo de disponibilização de informação. Ou seja, o governo ainda não criou condições para que o exercício do direito à informação seja uma realidade, dado que as instituições públicas e privadas, detentoras de informação do interesse público, ainda não têm condições para a plena implementação da Lei.

A INSTITUIÇÃO PÚBLICA MAIS FECHADA EM MOÇAMBIQUE

No cômputo geral, o ambiente do acesso à informação é ainda fechado. As instituições não se mostram dispostas nem com vontade de atender pedidos ou facultar informação ao cidadão. Por outro lado, algumas destas instituições conjugam a falta de respostas aos pedidos com a falta de presença na Internet ou com *websites* inoperacionais. Duas instituições em Moçambique, nomeadamente o *Ministério das Obras Públicas, Habitação e Recursos Hídricos* e *Missão Moçambique* tiveram uma pontuação de zero pontos.

Estas instituições não acusaram a recepção dos pedidos, não responderam, nem deram nenhuma satisfação, seja por email, por carta dirigida ao MISA ou pelos contactos telefónicos disponibilizados. Por outro lado, uma ao que consta não tem presença online e no caso da outra, o website contém informações e classificações incipientes, demonstrando pouca proactividade e abertura na disponibilização de informação pública.

No entanto, o primeiro tem um site operacional, que coincidentemente estava em manutenção aquando da avaliação. Assim sendo, a instituição galardoada com o *Prémio Cadeado de Ouro 2016*, por ainda não cumprir os padrões mínimos na

divulgação de informação ao público, é a **Missão Moçambique**.

A INSTITUIÇÃO PÚBLICA MAIS ABERTA EM MOÇAMBIQUE

Neste capítulo não há muito a dizer. O Fundo de Promoção Desportiva, embora tenha respondido o pedido em 23 dias, mais dois que o período fixado pela lei (21 dias), foi a instituição que respondeu ao pedido. O *Fundo de Promoção Desportiva* disponibilizou toda a informação sobre receitas e despesas do Estádio Nacional de Zimpeto no período entre 2011 e Junho de 2016; e disponibilizou igualmente as receitas e despesas da Piscina Olímpica de Zimpeto para o mesmo período.

Embora o Banco de Moçambique não tenha respondido aos pedidos, afigura-se com o site mais actualizado e com informação relevante; por outro lado, o *Ministério dos Transportes e Comunicação*, respondeu ao pedido, mas sem a informação solicitada e com o site fora de serviço, nas datas indicadas para a sua análise; o *Fundo de Promoção Desportiva* foi a única instituição que disponibilizou a informação, no entanto, dispõe de pouquíssima informação online, perdendo pontos para se habilitar à categoria do Prémio Chave de Ouro.

Analisando as deficiências e como todas as instituições avaliadas em Moçambique ficaram abaixo da média, o MISA Moçambique decidiu por isso não atribuir o Prémio Chave de Ouro, optando por indicar uma instituição para uma Menção Honrosa. Duas instituições, nomeadamente o *Banco de Moçambique* e do *Fundo de Promoção Desportiva* destacaram-se como candidatos nesta categoria.

No entanto, em reconhecimento da boa vontade em honrar o direito de acesso à informação e com pontos em ambas as categorias, a Menção Honrosa é atribuída ao **Fundo de Promoção Desportiva**.

RECOMENDAÇÕES

1. Dar seguimento aos pedidos feitos, elaborando recursos dirigidos ao superior hierárquico, e em caso de não haver resposta ou a resposta não for satisfatória seguir para a impugnação judicial, até ao fecho do processo
2. Elaborar um plano para sensibilização das instituições detentoras de informação pública de modo a abandonar a cultura do secretismo e do medo
3. Sensibilizar os jornalistas e o público para a necessidade de fazer uso da lei para pedidos de informação
4. Auxiliar o governo na criação de mecanismos que facilitem o acesso à informação
5. Alargar para 20 o número de instituições a serem avaliadas
6. Incluir na avaliação instituições das circunscrições distritais e dos postos administrativos



MOZAMBIQUE

English Summary

INTRODUCTION

Mozambique approved a new Constitution in 2004, which provides for the right to information in Article 48. Though such a right was already provided for in the 1990 Constitution, the promulgation of the new base law inspired MISA Mozambique to submit a draft to Parliament proposing a law on the right to information. This proposal lay untouched for 9 years and only after much lobbying by civil society did the National Assembly initiate a process of public hearings on the matter. Under pressure from civil society, a bill was eventually tabled and a law was finally promulgated on December 31, 2014. The law remained unimplemented for a year until the regulations were approved on December 31, 2015.

So in effect, the current study has been conducted eight months since legislation made it possible for the public to consult information held by public institutions. At the same time, the researchers assert that the weight of the legacy of the one-party era, though it made way for a multi-party system 24 years ago, is still felt in the culture of secrecy, fear and centralism, predominant features of that era.

Since the introduction of the legislation, it does not yet seem to have changed the environment of access to information 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. Apart from the state's inability to respond promptly with human and financial resources, there are a number of obstacles to full implementation of the law. These include: information officers in each institution holding public information that are meant to handle requests for information; the poor state of archives at these institutions; the lack of political will to implement the law; the culture secrecy, fear and centralism, among other factors.

In 2016, the Danish NGO IBIS signed a memorandum of understanding with the Government, through the Ministry of State Administration and Civil Service (MAEFP) for a three-year programme of capacity-building for civil servants and other government agents in matters related to the right of access

to information and the use of information and communication technologies in the provision of access to information.

So far, not much is available in terms of data on openness or lack thereof at institutions holding information of public interest. One study conducted earlier this year by two Mozambican NGOs querying 49 entities, unfortunately does not provide detailed information to enable the extraction of data.

It is interesting to note that Mozambican legislation on access to information applies also to private entities which, in terms of legislation or a contract, perform activities of public interest and/or benefit from public resources and which hold information of public interest.

SUMMARY OF KEY FINDINGS

On conclusion of the survey, it would appear that Mozambique still has a long way to go. This is in part seen as a legacy of 24 years of one-party rule.

For the purposes of this study, the institutions were evaluated on:

- The degree of difficulty in exercising the right to access information;
- The time taken to respond to queries; and
- The type of information available on the website as well as how updated it is.

Category 1: Website Analysis

With one exception (*Missão Moçambique*), the institutions that were part of the study are present online; however, although some are autonomous bodies (*Fundo de Promoção Desportiva*), they do not have their own websites, but rather a section or page on the site of the ministry under which they fall. The researchers deem it noteworthy that the sites of key public institutions, for example the Ministry of Transport and Communications,

was out of service. Websites do have information, but not really anything that might pique the interests of the public.

- There is little relevant information linked to accountability.
- This information is not updated.
- In many cases there is general information about events and institutional documents on organisational structure.
- In some cases, there are documents, such as reports and studies of public interest.
- Presence on social media is limited or non-existent.

Category 2: Requests for Information

Researchers are of the opinion that although the law on the right to information is very new and can be accepted as a mitigating factor, it does not justify that institutions did not even acknowledge receipt of the requests for information. At the same time, it is noted that there is no evidence that these institutions have put in place any mechanisms to facilitate the process of making information available. The researchers conclude that the government has not created the required conditions for the exercise of the right to access public information.

These are some of the more pertinent findings:

- None of the institutions responded within the 21 days established by law;
- Only one institution responded to the request, doing so after 23 days, i.e. two days after the limit established by law;
- Most of the institutions that accepted to be visited do not have information files in an organised fashion.

THE MOST OPEN PUBLIC INSTITUTIONS IN MOZAMBIQUE

All of the institutions assessed in Mozambique scored below average. MISA Mozambique thus decided to not to award a Golden Key, but rather to select one institution for an Honorary Mention. Two institutions, namely the *Banco de Moçambique* and the *Fundo de Promoção Desportiva* stood out as contenders in this category.

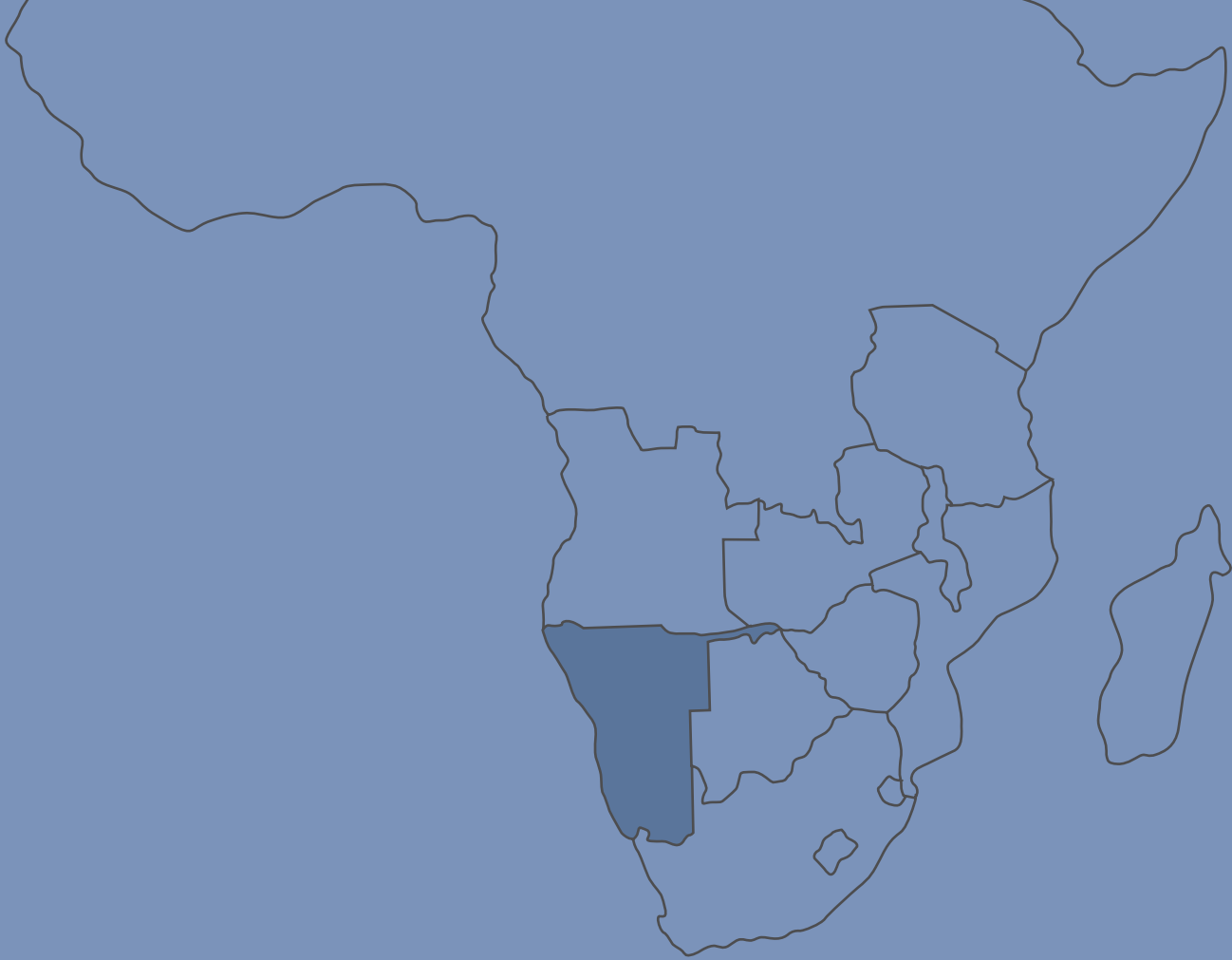
However, in recognition of its willingness to reply and with points in both categories, the Honorary Mention goes to the *Fundo de Promoção Desportiva*.

THE MOST SECRETIVE PUBLIC INSTITUTIONS IN MOZAMBIQUE

Two institutions in Mozambique, namely the *Ministério das Obras Públicas, Habitação e Recursos Hídricos* (Ministry of Public Works, Housing and Water Resources) and *Missão Moçambique* had a zero score. However, the former has a working website, which coincidentally was under construction at the time of the review.

The recipient of the Golden Padlock Award for 2016 is the *Missão Moçambique*.

(Please note that MISA Mozambique marked respondents on 8 criteria instead of 10 in the information request analysis ; therefore category 2 is marked out of 16 instead of 20 as in the regionally applied methodology.)



NAMIBIA

2016 Report on Open & Secretive
Public Institutions in Namibia

INTRODUCTION

At the time of the writing of this report, Namibia had a working document, which is expected to transform into an Access to Information Bill before the end of 2016. This is a major achievement for the Access to Information in Namibia (ACTION) Coalition, which has campaigned for such a law since early 2013.

Not only did the Ministry of Information and Communication Technology (MICT) finally deliver on its promise to develop such a law, but they also consulted with civil servants, media houses and civil society on the working document as well as on the revision of their Information Policy. The Ministry has to be applauded for consulting with stakeholders from the onset, and not waiting for the Bill to be tabled in Parliament first.

Namibia is efficient at policy development and establishing a framework to operate within, but we have a long way to go with regards to effective implementation. Hence the need for these collaborative efforts to continue into the implementation phase. Civil society, the private sector and the media require Government's cooperation to ensure that every citizen has an understanding of the rights, freedoms and responsibilities that come with accessing information. There is no point in having a good law that is not implemented, without holding stakeholders accountable when they don't reach implementation targets.

With regards to the media and access to information, journalists continue to lament the difficulty in accessing information from most public institutions which leads to a delay in the provision of information that is in the public's interest. Furthermore, the lack of quotable information from official government sources, especially related to corruption and poor service delivery, results in journalists having to rely on anonymous sources.

We are still awaiting a whistleblowers protection law, which can go a long way in the eradication of corruption, because it means those who are brave enough to disclose corrupt elements within the public service will be protected from prosecution or victimisation. The Anti-Corruption Commission was the front-runner in the call for such a law, but it has been silent on the issue for the past year.

The ACTION Coalition will have to accept the responsibility of lobbying for the development of such a law, because transparency and good governance cannot exist without protecting those who risk their jobs to expose corruption.

There have also been no new developments with regards to the Electronic Transactions and Cybercrime Bill, which is probably for the best because there were a number of concerns raised on the first draft. It is important for stakeholders to be consulted on the second draft and we are committed to ensuring that the public's right to ATI and privacy, as well as their freedom of expression, is upheld.

Namibia must honour its obligations under the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and People's Rights and the SADC Protocol on Culture, Information and Sport. ATI has been positioned as a

critical ingredient in the attainment of the objectives of both the global Sustainable Development Goals (SDGs) and the Namibian government's Harambee Prosperity Plan (HPP). Regarding access to public information, the HPP commits to ensuring that citizens have access to relevant government information, and for the MICT to develop a plan for aligning the functions of the Public Relations and Liaison Officers to their core functions of information dissemination. In addition, permissible access to information by the public must also be included in the plan.

An ATI dispensation will lead to the establishment of a law and policy landscape that exemplifies the principled spirit of respect for human rights and freedoms as articulated in the Constitution of the Republic of Namibia.

RATIONALE AND RESEARCH PARAMETERS

Access to information is an essential human right that supports all other rights. Research on the Most Open and Secretive Public Institutions in Namibia shows that there is a lack of transparency within public bodies, and adds weight to the call for ATI legislation. The research was conducted from 2 August to 30 August. Institutions were given 21 days to respond to requests.

In Namibia, eight institutions were studied. The research included the study of their responses to requests for information, and evaluated websites and social media platforms such as Facebook and Twitter.

The objective of the study was to measure the openness as well as difficulties faced by public institutions in providing information to the public. The study looked at whether the sampled offices made available the information without questioning the intentions of those requesting it. The results of the study will continue to inform our work in relation to access to information.

The following public institutions were surveyed:

1. National Council of Namibia (NC)
2. Ministry of Youth, National Service and Sport (MSYNS)
3. Ministry of Industrial Trade and SME Development (MTI)
4. Ministry of International Relations and Cooperation (MIRCO)
5. Ministry of Poverty Eradication and Social Welfare (MPESW)
6. Ministry of Finance (MoF)
7. Ministry of Environment and Tourism (MET)
8. Anti-Corruption Commission (ACC)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Of the eight public institutions surveyed, only five had fully functional websites. Two institutions have no website, while the third has a website that does not convey much information, except the physical address and contact details of their Public Relations Officer (PRO) and the person responsible Information Communication Technology (ICT).
- There is still a low presence of public institutions on social media. However, the Ministries of Environment and Tourism, Poverty Eradication and Social Welfare, as well as International Relations and Cooperation have active and informative Facebook pages.
- Compared to 2015, institutional budgets are now more readily available. The institutions that were open about their budget include the Ministry of Finance, via their website, and the Anti-Corruption Commission, via written request. The Ministry of Industrial Trade and SME Development, and the National Council provided budget information by referring the researcher to a link to the 2016/17 budget.
- Most of the information on the websites that could be accessed 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 only had one face-to-face interview with the Anti-Corruption Commission.
- As with previous years, most of the surveyed institutions took their time to respond. Some did not respond with the requested information, although they did acknowledge receipt of the request. These were the Ministries of Finance, Poverty Eradication and Social Welfare, as well as Youth, National Service and Sport.
- Ministries that did not respond, were International Affairs and Cooperation, and Environment and Tourism

DETAILED FINDINGS

1. National Council of Namibia (NC)

CATEGORY 1: WEBSITE

http://www.parliament.na/index.php?option=com_content&view=article&id=153&Itemid=1264

The National Council is the upper chamber of Namibia's bilateral Parliament and still shares a web address with the National Assembly. The National Council's section provides accurate and relevant information, even though it was last updated more than a year ago. It is well-presented and organised. The National Council of Namibia has a Facebook page which was self-generated by Facebook. It does not have a Twitter account. However, the Parliament of the Republic of Namibia has a Facebook and 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?			•	Does not describe 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: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to The National Council of Namibia:

1. What is the National Council's mandate?
2. Is the National Assembly and the National Council equally important? If so, how? If not, how not?
3. Which Bills did the National Council approve in 2016?
4. How does the National Council engage with grassroots Namibians?
5. What is National Councils Budget for the 2016 financial year and how is it applied?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Information Clerk
2. Did the institution reply within 21 days?	•			The Personal Assistant to the Permanent Secretary replied the same day they were contacted, she referred the researcher to the Chief of Information who referred her to the Information Clerk
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. Did the institution provide written reasons for the refusal of information?	•			The Information Clerk was very helpful and told the researcher that the office is open to additional requests for information if the information provided is not sufficient
7. Did the institution disclose information about its operations, budgets, structure etc.			•	Referred the researcher to a link of to the 2016/17 Budget
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?			•	Not much information was given as the researcher was referred to the website

Total Score: 14/20

2. Ministry of Youth, National Service and Sport (MSYNS)

CATEGORY 1: WEBSITE

<http://www.msyns.gov.na/>

The Ministry of Youth, National Service and Sport has a good website. It is well-organised and informative. MSYNS has no presence on Facebook or on 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?	•			
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 indicate 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: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Youth, National Service and Sport:

1. How does the Ministry aim to reduce youth unemployment during the 2016/17 budget year?
2. How do you involve the youth when developing strategic plans, policies and action plans?
3. Who is your main target for youth programmes - urban or rural youth?
4. What are the main youth development projects?
5. How do you ensure that gender equality measures are understood and implemented by project coordinators?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Director of the Directorate of Youth
2. Did the institution reply within 21 days?	•			The PRO replied the same day, but directed the researcher to the Director of the Directorate of Youth
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. Did 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: 6/20

3. Ministry of Industrial Trade and SME Development (MTI)

CATEGORY 1: WEBSITE

<http://www.mti.gov.na/>

The Ministry of Industrial Trade and SME Development (MTI) has a good website, organised and informative. Their Facebook page is dormant and they do not have a Twitter account. The virtual presence of the MTI is low.

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?	•			

n = 20	Yes	No	Partial	Additional Information
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 Ministry of Industrial Trade and SME Development

- Briefly describe your mandate.
- What challenges do you face with regards to facilitating access to funding for SMEs?
- What are the key goals in Vision 2030 that apply to the Ministry and how were their achievements addressed by the Ministry's strategy?
- Are women in business a thematic or programme area in the Ministry? If so, what activities do you implement in this regard. If not, why not?
- Vision 2030 wants an industrialised country; what are the challenges in achieving it?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Development Planner
2. Did the institution reply within 21 days?	•			Responded the same day, and responded to questions within 7 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?	•			Was very helpful and told researcher to ask for additional information should it be needed
6. Did 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 International Relations and Cooperation (MIRCO)

CATEGORY 1: WEBSITE

<http://www.mfa.gov.na/>

The Ministry of International Relations and Cooperation website is up-to-date with recent articles and well-organised. They have an active Facebook page, but no 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?			•	No indication of working hours
h) The contact details of specific public officials?			•	Website provides the contact details of their secretaries
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 Ministry of International Relations and Cooperation:

- Briefly describe your mandate.
- Last week, Namibia had a major foreign policy conference; did participants develop a roadmap towards the adoption of an official policy, and who are the major stakeholders identified?
- In your view, was the amount allocated for your Ministry in the 2016/2017 budget enough for your requirements?
- What are some of the major cooperation agreements signed in 2015/16?
- Which five (5) countries does Namibia have the strongest diplomatic relations with?

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. Did 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

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

CATEGORY 1: WEBSITE

<http://www.mfa.gov.na/>

The Ministry of Poverty Eradication and Social Welfare does not have a website. They do however, have an active Facebook page which they update almost hourly, and thus quite informative. MPESW 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: 0/20

CATEGORY 2: REQUESTS FOR INFORMATION

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

- How is poverty measured in Namibia?
- Approximately, how many impoverished people/households do we have in Namibia?
- What are poverty thresholds and poverty guidelines?
- Briefly describe your mandate.
- What were some of the Ministry's major achievements in 2015?
- What are some of the Ministry's major challenges in the implementation of its work?

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?	•			The email was replied to on the same day
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?		•		
5. Did the institution provide all of the information requested?		•		
6. Did 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

6. Ministry of Finance (MoF)

CATEGORY 1: WEBSITE

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

The website of the Ministry of Finance is well-organised, informative and up-to-date, even though it states that the website is still under development. The MoF has a Facebook page which was self-generated by Facebook, and 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?			•	Do not indicate 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: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Finance:

1. Where can one get hold of any Acts under the Ministry of Finance?
2. How does one get the latest Budget Statement and Revenue and Expenditure Estimate?
3. What happens to the Governments budget surplus?
4. In your view, was the amount allocated for your Ministry in the 2016/2017 budget enough for your requirements?
5. What is the amount of funds the Ministry used in the last financial year?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?			•	Personal Assistant to the Permanent Secretary
2. Did the institution reply within 21 days?	•			The PA responded the same day
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. Did 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: 5/20

7. Ministry Environment and Tourism (MET)

CATEGORY 1: WEBSITE

<http://www.met.gov.na/>

The Ministry Environment and Tourism’s website does not provide much information except the Ministry’s physical address, the contact details of the Public Relations Officer and ICT officers, and a short summary of what can be expected from the website once it is ready. The MET has a Facebook account, and their page is quite active, 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?	•			
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 Ministry Environment and Tourism:

1. What is the Ministry's mandate?
2. There have been instances of killing animals, such as elephants and others in our national parks; what is your office doing to tackle this problem?
3. What are the strategies put in place by your office to ensure the safety of animals in the national parks and game reserves?
4. Domestic tourism is not so common among many Namibians since most of them do not visit their national parks and tourist sites, what does your Ministry do to promote domestic tourism?
5. Apart from the issues of poaching, what other critical issues are facing the tourism sector in Namibia?

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. Did 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?	•			The PA to the PS acknowledged our request for information the same day. It was forwarded to the PRO who has still not responded 3 weeks later
10. Was the information received clear and understandable?		•		

Total Score: 4/20

8. Anti-Corruption Commission (ACC)

CATEGORY 1: WEBSITE

<http://www.accnamibia.org/>

The website is currently 'under construction,' stating that the new website will be completed soon. The ACC has a Facebook page which was self-generated by Facebook. They also do not have a Twitter account. They have a limited virtual 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?		•		

n = 20	Yes	No	Partial	Additional Information
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 Anti-Corruption Commission:

1. What does the ACC do to fight corruption?
2. Does the ACC enforce any anti-corruption laws? If so, which ones?
3. Are there any youth programmes initiated by the ACC to get the youth more involved?
4. What kind of environment does corruption thrive in?
5. Which public, civil and private institutions does the ACC work most closely with?
6. What implementation challenges does the ACC face?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Public Relations Officer
2. Did the institution reply within 21 days?	•			The PRO replied the same day the email was sent
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. Did the institution provide written reasons for the refusal of information?	•			The PRO was more than happy to assist and told the researcher not to hesitate to contact the PRO should the researcher need any 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: 20/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
1. National Council of Namibia	13	14	27
2. Ministry of Youth, National Service and Sport	7	6	13
3. Ministry of Industrial Trade and SME Development	12	18	30
4. Ministry of International Relations and Cooperation	10	2	12
5. Ministry of Poverty Eradication and Social Welfare	0	4	4
6. Ministry of Finance	15	5	20
7. Ministry Environment and Tourism	2	4	6
8. Anti-Corruption Commission	0	20	20

RESEARCH CONCLUSIONS

The majority of public institutions failed to respond to our request for information. However, special mention must be made of the Anti-Corruption Commission, the Ministry Industrial Trade and SME Development, as well as the National Council for their speedy and friendly assistance. A general disregard for information requests was evident among surveyed public institutions. The designated official(s) were reluctant to assist, and preferred giving the researcher the run-around. Their failure to respond to written information requests suggests a culture of secrecy and/or incompetence. Public institutions' online presence is low, while a number of them have outdated sites or websites still under construction.

THE MOST SECRETIVE PUBLIC INSTITUTION IN NAMIBIA

The 2016 recipient of the Golden Padlock award for the Most Secretive Public Institution is the Ministry of Poverty Eradication and Social Welfare. They scored 4, which places them as the poorest performer.

THE MOST OPEN PUBLIC INSTITUTION IN NAMIBIA

The 2016 recipient of the Golden Padlock award for the Most Open Public Institution is the Ministry of Industrial Trade and SME Development. They scored 30, which places them as the best performer.

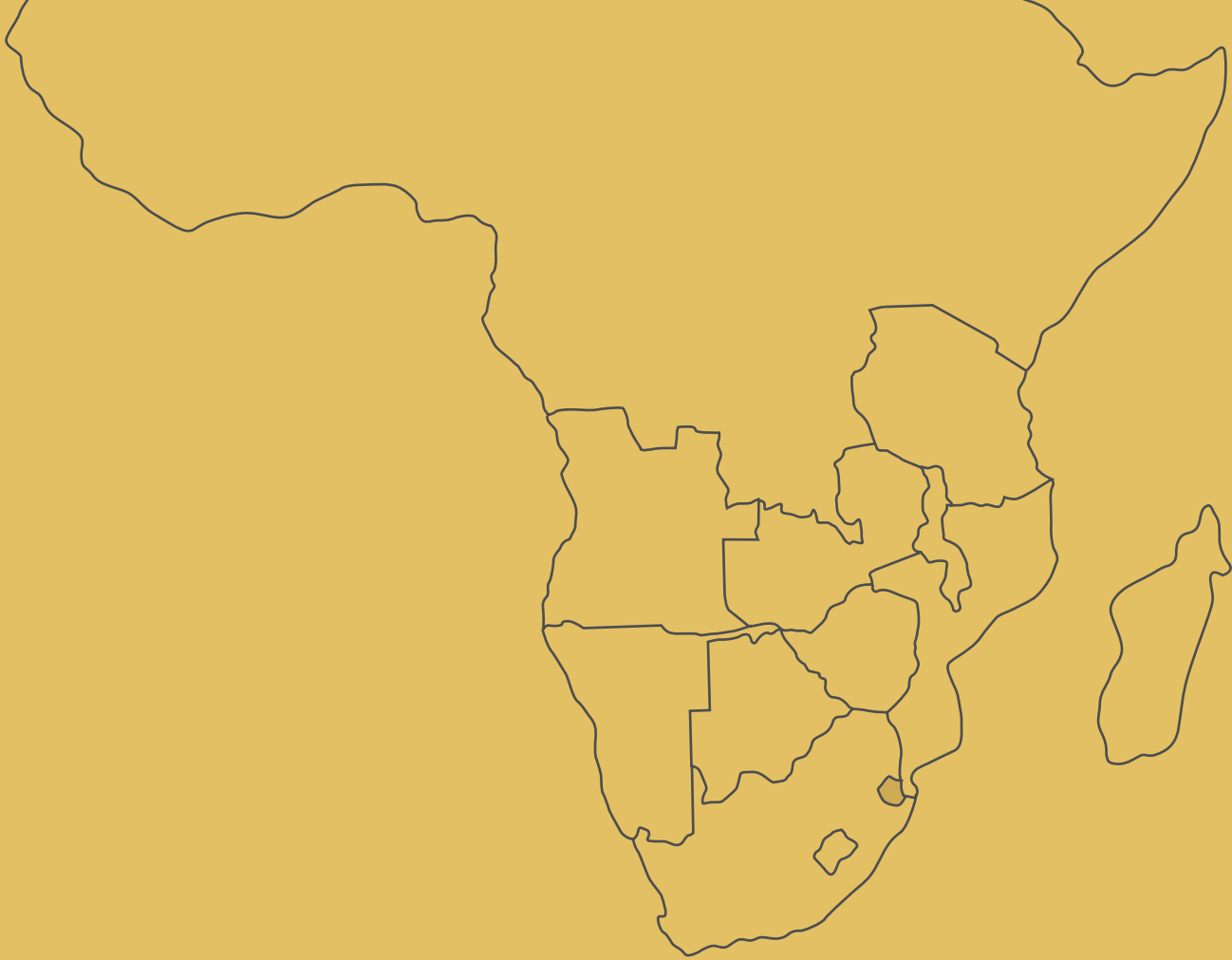
RECOMMENDATIONS

Public institutions should be more active on social media and regularly update their websites. Online platforms are influential and effective tools for information dissemination and direct interaction with the public on issues of national interest. Citizens are now progressively using social media, and public Institutions should use this to their advantage, especially those who want reach the youth, who form the majority of the country's population.

Public Relations Officers and Information Officers need to be proficient in giving timely information to the public when requested to do so. They seem to want to continuously pass on the request/task to another person. These officers should be trained in updating websites, including social media sites. Public institutions should consider investing in new communication tools that will allow the public access to information, regardless of where they are.

The public also needs to hold public institutions accountable when their request for information is ignored or denied. Further, it is critical for the MICT to ensure that the almost completed Communication Strategy is understood and implemented by all public institutions.

MISA Namibia and the ACTION Coalition will continue to play our role in bringing about a society within which citizens can access information that results in them making more informed choices about their lives, and be actively involved in the strengthening of our democracy



SWAZILAND

2016 Report on Open & Secretive
Public Institutions in Swaziland

INTRODUCTION

Understanding that access to information (ATI) and economic development are inter-twined, the Swaziland government has put in place three legal instruments that promote the free-flow of information. Adopted in 2005, the Constitution provides for freedom of expression, the press and other media. The Information and Media Policy of 2005 also requires the media to eradicate information poverty through the provision of information. Meanwhile, the National Development Strategy (NDS) of 1999, popularly known as Vision 22, locates information at the heart of sustainable socio-economic development, social justice and political stability.

In an attempt to realise the dream of free-flow of information, the then Ministry of Public Service and Information crafted the Freedom of Information and Protection of Privacy Draft Bill in 2007. It provides for access to information held by the public and private bodies. However, the process of passing it into law has taken much longer than expected. Presently, there is no freestanding law for accessing public information in the hands of public and private bodies. Worse still, public officials have secrecy obligations under the Official Secrets Act of 1968. This outdated law is inconsistent with the Constitution that provides for freedom of expression, making it even more difficult for citizens to access information held by public institutions.

Swaziland needs to accelerate the process of passing the Freedom of Information and Protection of Privacy Draft Bill of 2007 into law, after review and consultation with stakeholders. Essentially, information is needed to make decisions – on individual matters, on community issues and matters of state. Media experts warn that openness, transparency and accountability will remain empty promises if access to information is not guaranteed. Christel and Hendrik Bussiek (2004) argue that custodians of public information must know that they hold it on behalf of the citizens. They should, therefore, avoid withholding information from them. The more information citizens have, the more their motivation for change will spur on development.

RATIONALE AND RESEARCH PARAMETERS

The main aim of this study is to assess the level of openness and transparency of public institutions in the country in support of the ongoing Access to Information (ATI) campaign of the Media Institute of Southern Africa (MISA) - Swaziland Chapter (MISA Swaziland). The expected outcome from this ATI campaign is the enactment of an ATI legislation. This study involves eight public institutions drawn from government ministries and public bodies. It was conducted for a period spanning one month between July and August 2016.

The following public institutions were surveyed:

1. Ministry of Commerce, Industry and Trade
2. Ministry of Health
3. Ministry of Housing and Urban Development
4. Ministry of Labour and social Security

5. Central Statistics Office
6. Financial Services Regulatory Authority
7. Swaziland Communications Commission
8. Swaziland Royal Insurance Corporation

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All the eight public institutions surveyed are accessible online, but ministries and government departments do not have separate websites as theirs are all linked to the national government website (gov.sz.).
- Five of the eight public institution websites surveyed, particularly those belonging to the government ministries and department (namely: the Ministries of Commerce, Industry and Trade; Health; Housing and Urban Development; Labour and Social Security; and the Central Statistics Office) rely on the national government website (gov.sz.).
- The websites for the government ministries and department were not updated frequently and did not have other relevant information on news and events. For example, of the ministries' websites that actually had a "news" and/or "events" section, only the Ministry of Housing and Urban Development had information, whereas the Ministry of Commerce, Industry and Trade did not even have a news section.
- All the websites of the three public institutions (Financial Services Regulatory Authority, Swaziland Communications Commission and Swaziland Royal Insurance Corporation) contained recent information.
- Compared to public company websites, most of the websites of government ministries and departments performed poorly.

Category 2: Requests for information

- All the eight public institutions failed to respond within seven days to the questionnaires delivered.
- Other public institutions asked the researcher to re-send the questionnaires because they had misplaced them.
- All of the eight public institutions had to be reminded more than three times before they would provide responses electronically.
- Most of the public officials who were supposed to give responses claimed to be busy with other assignments and did not have time to respond to the questionnaires.

DETAILED FINDINGS

1. Ministry of Commerce, Industry and Trade

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=228&Itemid=306

The website does not have up-to-date information; it does not contain information on what the Ministry does on a daily basis. It also says nothing about news and events.

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?			•	Does not have 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?			•	Working hours are not indicated on the website.
h) The contact details of specific public officials?	•			Minister, Principal Secretary & Under-Secretary
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 Ministry of Commerce, Industry and Trade:

1. Do you have a communication strategy as a Ministry?
2. Does your Ministry have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the Ministry doing to ensure that Swaziland become the number one destination for foreign investors in the SADC Region?
6. What is the Ministry doing to promote consumers' rights in the country?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Information 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. Did 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: 12/20

2. Ministry of Health

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=267&Itemid=403

The website is up-to-date as it contains more information on the operations, programmes and achievements. It has a section dedicated to news and events.

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.
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 Ministry of Health:

- Do you have a communication strategy as a Ministry?
- Does your Ministry have a website?
- If so, how often is your website updated? Who is in charge of your website?
- How would you describe the relationship between the Ministry and media?
- Due to shortages in the government hospitals and clinics, sick people get some of their prescribed medication from pharmacies. What is the Ministry doing to overcome this health challenge?
- What strategies does the Ministry have in place to deal with the long queues in the hospitals and clinics?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Information Officer
2. Did the institution reply within 21 days?	•			
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?		•		
5. Did the institution provide all of the information requested?	•			
6. Did 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

3. Ministry of Housing and Urban Development

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=274&Itemid=429

The website contains up-to-date information and also has news and events which makes it more informative.

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?			•	Not all the information is available.
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?			•	Not all the information is available.
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 mentioned.
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 Housing and Urban Development:

1. Do you have a communication strategy as a Ministry?
2. Does your Ministry have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the Ministry doing to ensure that the elderly or pensioners do not lose their homes due to their inability to pay rates?
6. The Malkerns Valley is known for its arable land in the country but it is now turned into a town; what is the criterion used by the Ministry for designating a farmland to a town?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Principal 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. Did 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 Labour and Social Security

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=242&Itemid=311

The website does not contain up-to-date information and it does not have a news and events section.

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?			•	Policies and 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 mentioned.
h) The contact details of specific public officials?	•			Minister, Principal Secretary & Under-Secretary
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 Ministry of Labour and Social Security:

1. Do you have a communication strategy as a Ministry?
2. Does your office have a website?
3. If so, how often is your website updated? Who is in charge of your website?

4. How would you describe the relationship between the Ministry and media?
5. How does the Ministry ensure that the Human Resources Development Plan addresses the needs of the labour market in the country?
6. What is the Ministry doing to ensure that all employers abide with the Industrial Relations Act so that all workers can enjoy their right to freedom of association in the workplace?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Principal 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. Did 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

5. Central Statistics Office

CATEGORY 1: WEBSITE

http://www.gov.sz/index.php?option=com_content&view=article&id=687:central-Statistics-office

The website contains up-to-date information but its design and layout do not look very professional.

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 mentioned.
h) The contact details of specific public officials?	•			Director
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 Central Statistics Office:

1. Do you have a communication strategy as a Central Statistics Office?
2. Does your office have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the Central Statistics Office doing to ensure that Swazi citizens understand the effects of inflation on their purses?
6. Why doesn't the Central Statistics Office conduct a survey of the people's perceptions of Tinkhundla political system?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Information 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. Did the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	Did not mention budget 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: 11/20

6. Financial Services Regulatory Authority

CATEGORY 1: WEBSITE

http://www.rirf.co.sz/2/index.php?option=com_content&view=article&id=35&Itemid=38

The Financial Services Regulatory Authority website contains up-to-date information and is informative with relevant information.

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?			•	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?			•	Working hours not mentioned.
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 Financial Services Regulatory Authority:

1. Do you have a communication strategy as FSRA?
2. Does the FSRA have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the Ministry and media?
5. What is the FSRA doing to ensure that Swazis are protected from fly-by-night financial services schemes?
6. How does the FSRA help Swazi citizens recover their hard-earned monies invested in dubious financial services institutions?

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. Did the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	No budget information and structure.
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: 11/20

7. Swaziland Communications Commission

CATEGORY 1: WEBSITE

<http://www.sccom.org.sz>

The website contains up-to-date information and is more informative and professionally designed.

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.
f) Vacancy and employment procedures?			•	No information on employment procedures.
g) The address, telephone number, and working hours of the institution?			•	Working hours not mentioned.
h) The contact details of specific public officials?		•		

n = 20	Yes	No	Partial	Additional Information
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 Swaziland Communications Commission:

1. Do you have a communication strategy as SCCOM?
2. Does SCCOM have a website?
3. If so, how often is your SCCOM website updated? Who is in charge of your website?
4. How would you describe the relationship between the SCCOM and media?
5. What is SCCOM doing to ensure that the digital migration does not have any glitches?
6. What is SCCOM going to do to ensure that both radio and television stations broadcast quality programmes with local content?

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. Did the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	No budget 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: 15/20

8. Swaziland Royal Insurance Corporation

CATEGORY 1: WEBSITE

<http://www.sric.sz>

The website contains up-to-date information and is informative with relevant information.

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?		•		

n = 20	Yes	No	Partial	Additional Information
f) Vacancy and employment procedures?		•		
g) The address, telephone number, and working hours of the institution?			•	Working hours not mentioned.
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 Swaziland Communications Commission:

1. Do you have a communication strategy as SRIC?
2. Does SRIC have a website?
3. If so, how often is your website updated? Who is in charge of your website?
4. How would you describe the relationship between the SRIC and media?
5. What is the SRIC doing to encourage government to insure its fleet of motor vehicles?
6. Does the SRIC have an insurance cover for people living with HIV? If not, why?

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. Did the institution provide written reasons for the refusal of information?	•			
7. Did the institution disclose information about its operations, budgets, structure etc.			•	No budget 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: 15/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
Ministry of Commerce, Industry and Trade	8	12	20
Ministry of Health	12	12	24
Ministry of Housing and Urban Development	11	12	23
Ministry of Labour and Social Security	8	12	20
Central Statistics Office	7	11	18
Financial Services Regulatory Authority	10	11	21
Swaziland Communications Commission	13	15	28
Swaziland Royal Insurance Corporation	11	15	26

RESEARCH CONCLUSIONS

Section 79 of the 2005 Constitution of the Kingdom of Swaziland describes Swaziland as a *tinkhundla*-based¹ participatory democracy. Only Swazi citizens who have access to information can actively participate in national development. The government, through the Ministry of Information, Communication and Technology (MICT), should table with a certificate of urgency, an amended Freedom of Information and Protection of Privacy Bill in Parliament. There is a strong need for this legislation to ensure that citizens can access information, which is a catalyst for development.

It is commendable and promising that all the institutions have provided some kind of response to the information requests. It has to be pointed out however, that thorough follow up and perseverance was necessary, reminding all the institutions several times to provide the information requested. Government ministries and public institutions still prefer withholding public information rather than releasing it to the media and citizens. Bureaucracy still reigns supreme in all the public institutions where only the most senior officials are entrusted with the responsibility of disseminating information. The senior officials in both the government and parastatals do not understand that they hold public information on behalf of the public, which should therefore be released when requested to do so by the media and citizens. Regrettably, even where there are information officers, the senior officials have arrogated the role of disseminating information to themselves. This high level of secrecy and lack of openness is attributed to the Official Secrets Act of 1968. Being incompatible with freedom of information, there is an urgent need for Swaziland to repeal it in order to promote freedom of information.

¹ "The system of government for Swaziland is a democratic, participatory, *tinkhundla*-based system which emphasizes devolution of state power from central government to *tinkhundla* areas and individual merit as a basis for election or appointment to public office". (Section 79 of the 2005 Constitution of the Kingdom of Swaziland)

THE MOST SECRETIVE PUBLIC INSTITUTION IN SWAZILAND

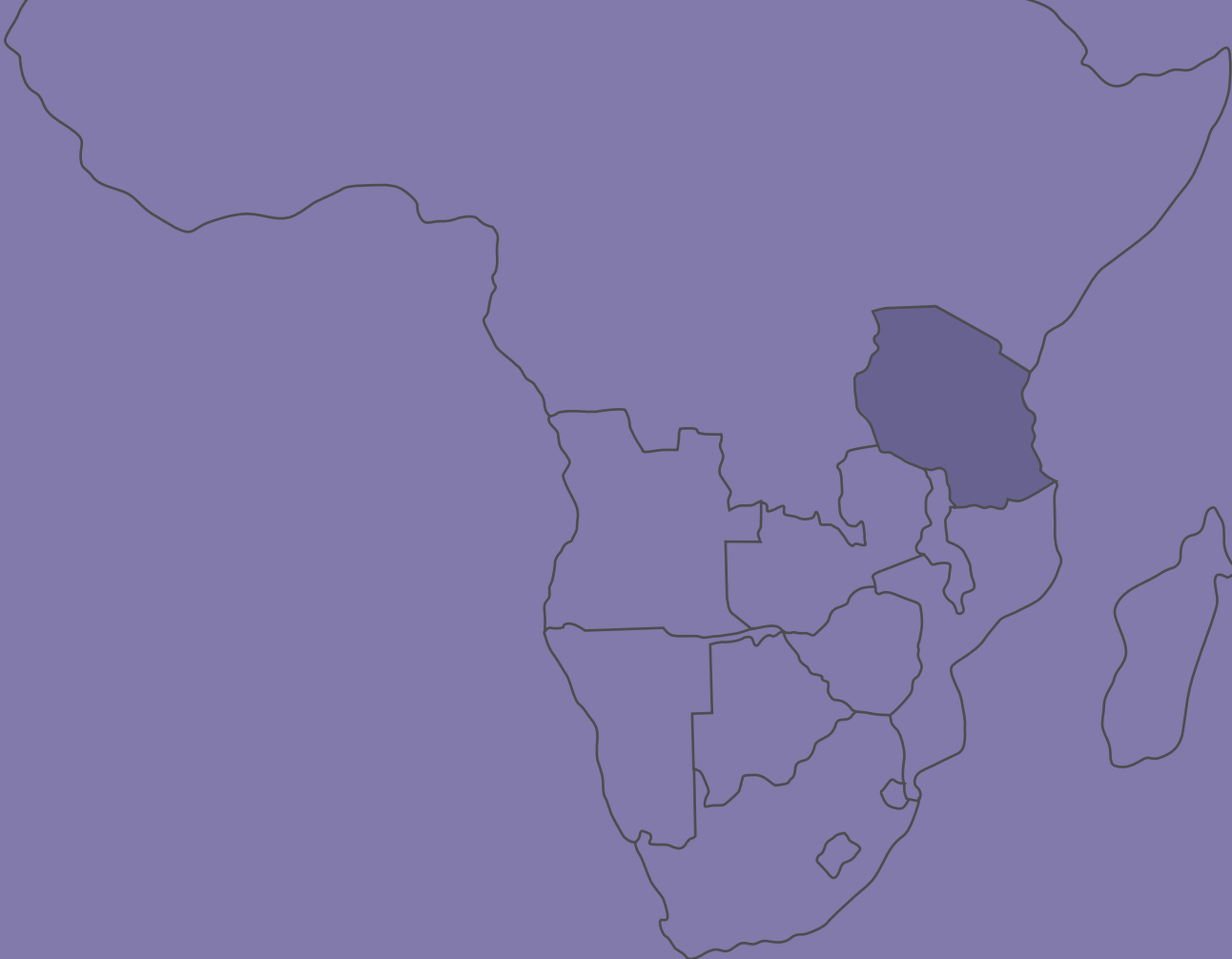
Out of the eight public institutions that were assessed and evaluated for this particular study, the poorest performing institution and hence the winner of the 2016 Golden Padlock Award for the Most Secretive Public Institution in Swaziland is the **Central Statistics Office**.

THE MOST OPEN PUBLIC INSTITUTION IN SWAZILAND

The best performing institution and winner of the 2016 Golden Key Award for the Most Open Public Institution in Swaziland is the **Swaziland Communications Commission**.

RECOMMENDATIONS

First and foremost, Swaziland should adopt a Freedom of Information Bill which provides for access to information, openness, transparency and accountability after fully engaging with all stakeholders and incorporating suggestions made. The Official Secrets Act of 1968 should be repealed because it curtails freedom of information. All the public institutions should appoint information officers or public relations officers to disseminate information. Government ministries and departments should be allowed to set up websites independent from the national government site so that they are able to update them frequently.



TANZANIA

2016 Report on Open & Secretive
Public Institutions in Tanzania

INTRODUCTION

The development of legislation to facilitate access to information (ATI) is an indispensable requirement for modernising the public sector and for effective governance, this is especially true at this point in time when governments worldwide are moving towards openness and transparency.

The global trend is shifting towards openness, supported by statements aimed at ensuring universal and equitable access to information as a basic human right.

Internal and external pressures from media organisations and institutions, civil society, local and international press associations, as well as regional and international organisations, have heavily influenced the increasing approval and adoption of ATI legislation.

The number of countries with national ATI laws has increased rapidly, with 19 in 1995 to over 100 nations adopting a national ATI law around the world today.

The theme of UNESCO's 2016 World Press Freedom Day (WPF) celebration was "Access to Information and Fundamental Freedoms- This Is Your Right!" – which further highlighted the increasing scope of stakeholders' influence.

Under the banner of the above-mentioned theme, the 2016 commemoration of WPF in Tanzania was used as an opportunity to reflect on the state of access to information in the country, especially with respect to media freedom. The Tanzanian government, as represented by Hon. Nape Nnauye, Minister for Information, Culture, Arts and Sports, emphasised that the Fifth Phase Government exists to ensure that all policies and strategies promoting media freedom are improved through mutual discussion with all stakeholders.

He stated that all laws which could potentially have a negative influence on freedom of expression and access to information (such as the Cyber Crime Act and the Statistics Act), will be reviewed in collaboration with stakeholders.

He stressed that the Media Services Bill, which is directly under his Ministry, will not be tabled before Parliament until there is an agreement with stakeholders on its content. Time will tell whether this statement will be followed through with action, or whether it was merely a politically-calculated statement; this was the very same Minister who was vehemently opposed by free expression supporters for his move to ban live broadcasts of Parliament sessions.

During the key note address at the same event, Chief Justice, Hon. Mohamed Chande Othman said that one of the key focus areas of the judiciary of Tanzania has been to further promote human rights.

Speaking on his behalf, Justice Robert Makaramba, the judge in charge of Mwanza High Court, said the judiciary clearly understood that the lack of access to information is entrenching

poverty in Tanzania. Therefore, during the implementation of the future Right to Information Bill there will be a need for deep reflection on strategies, challenges and lessons learnt in the past.

In recognition of this fact, the judiciary is working alongside MISA Tanzania to train its staff on how vital and necessary it is to promote access to information for the public's benefit.

Stakeholders, under the umbrella of the Coalition of Right to Information (CORI), have been working tirelessly with the Government of Tanzania and Parliament to establish a progressive access to information law in Tanzania. The overall objective is to mitigate corruption and provide the public with the ability to request and receive documents and other public information held by all government and publicly-funded agencies.

After several ATI bills were rejected between 2013 - 2015, the following year, in June 2016, a new bill, the Right to Information Bill, was tabled in Parliament for its first reading. Its second reading is scheduled for September this year, after a preliminary meeting in August where stakeholders will have the chance to share their final views on the Bill.

Although some stakeholders agree it is an improvement from the previous version, critics believe there is still a lot to be changed, discussed and deliberated upon before it is passed into law.

CORI members went through the Bill and identified areas to be improved upon. Some of these issues include costs introduced for anyone requesting information. CORI's recommendation is that public information should be given free of charge. Equally, the tabled Bill discriminates against people who are not citizens of the United Republic of Tanzania from requesting information. It is CORI's suggestion that every person should have the right to access to information as stipulated in the Tanzanian Constitution.

The Bill is sought to apply to mainland Tanzania only, and it has therefore been proposed to extend the application of the law to cover the Zanzibar archipelago as well.

The Bill further suggests a long list of information which is exempted from public access. It is the stakeholders' proposal that exemptions should be strictly limited to issues of national security, interference of court procedures, and those of research and discovery.

The Bill introduces criminal charges for people who distort the information obtained, as well as for information holders who disclose exempt information. It is recommended that such offences should not be seen as criminal offences but, in the latter case for instance, as professional misconduct. It is the opinion of the stakeholders that government officials responsible for handling information should be held accountable only when they deny access to information without reasonable justification.

Stakeholders also proposed creating a Commission for Information which will be responsible for handling all the information from Government and private institutions. The Commission will be vested with the power to ensure that all necessary information is recorded and kept in the Commission for public access.

RATIONALE AND RESEARCH PARAMETERS

MISA Tanzania joined other MISA Chapters in participating in a study to establish the most open and secretive government and public institutions in southern Africa. The study started on the 4th of July 2016 and was concluded on the 26th of July 2016.

Seven of the eight institutions picked have been named the most open institutions in Tanzania since the start of the study in 2009. The goal was to find out which one of the most open institutions was actually the 'most open'.

The eighth institution assessed, the Occupational Safety and Health Agency, is a recently-established public agency, which was picked by the researcher to see how it compared to established ones.

The following public institutions were surveyed:

1. Tanzania Revenue Authority (TRA)
2. Occupational Safety and Health Agency (OSHA)
3. Ministry of Finance and Planning (MoF)
4. Ministry of Water and Irrigation (MWI)
5. National Bureau of Statistics (NBS)
6. Ministry of Energy and Minerals (MEM)
7. Ministry of Constitution and Legal Affairs (MOCLA)
8. National Housing Corporation (NHC)

Research Methodology

The research adopted qualitative and quantitative methods of data collection and sought to assess the level of public access to information held by government and public institutions. In order to achieve this, research was conducted by evaluating the websites of government and public institutions, along with their feedback to information requests. This method sought to establish government and public institutions' transparency and efficiency in providing information to the public.

The researcher had the request letters hand-delivered and sent via email to the addresses of the respective institutions.

The requests for information were sent on 4th and 5th of July 2016 and dispatches were signed by the responsible persons. A week later, follow-ups were conducted via telephone.

Limitations of the Study

- Acknowledging receipts of request letters is still a challenge to some agencies and ministries. It is an embedded culture that would probably take time to outdate. When a letter is sent, someone receives it and signs the dispatch form and hands it over to the intended recipient. This person however, does not acknowledge the receipt of the letter.
- This year, some of those required to receive the letters did not even want to sign the dispatch form neither would they give out their contact details. The picture one gets is that no one wants to be held liable.
- Limited resources.

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- Most of the websites surveyed are up-to-date. The websites are transparent and well-organised, providing a sufficient amount of relevant public information. The websites provide directions to the office; some have even maps, contact details and working hours.
- Most of the websites had several links to other government sites, improving information seeking and sharing. The Ministry of Energy scored highly (18 points) with the recently-established Occupation Safety & Health Authority (OSHA) scoring only 7 points.
- It was observed that, while the OSHA website contained some key information, other vital information was missing; more updates and relevant information are needed.
- The social networks linked to these sites are not frequently updated; the social networks of the Occupation Safety & Health Authority (OSHA) for instance, were last updated in January 2016.
- Most of the websites are in both national languages (English and Swahili), overcoming the language barrier and increasing the number of people that can access information.
- Most offices have websites and it was observed that the information posted is often up-to-date and downloadable documents are provided.

Category 2: Requests for information

- All the institutions surveyed had their contacts and email addresses on their websites, but not all were active since some of the emails sent failed permanently such as that sent to the Ministry of Lands Housing and Human Settlements Development.
- Modes of responding to requests interestingly differed from one institution to another. There were those who were quick to respond to emails, while others responded by telephone. But there were also those who simply found difficulties with everything and never responded.
- Two of the institutions surveyed, requested the researcher to physically visit their offices and obtain the information needed rather than responding via email or letter. The institutions were the National Housing Corporation and the National Social Security Fund.
- One institution, the National Bureau of Statistics responded to the request for information on the fourth day. They sent an email and a message to the researcher to check the email and visit their website.

- Another institution, the Ministry of Lands, Housing and Human Settlement, answered all questions via the phone when they were called. The Researcher had the chance to ask more questions, and was welcomed to their office for more information.
- Three of the eight institutions did not respond to the questions sent to them or acknowledge receipt. These included the Judiciary of Tanzania, Ministry of Tourism and Natural Resources, as well as the Ministry of East Africa Corporation.
- The emails sent to two institutions, the Judiciary of Tanzania and Ministry of Lands, Housing and Human Settlement Development, permanently failed, meaning that the displayed email addresses were not accessible.

DETAILED FINDINGS

1. Tanzania Revenue Authority

CATEGORY 1: WEBSITE

www.tra.go.tz

The Tanzania Revenue Authority's website is well-vested with information, especially information relevant to tax payers. It provides details on the procedures of remitting taxes. It stipulates the institution's system of governance. The site provides a "feedback" option which allows for sending direct feedback to the institution. It has links to several social media sites including Facebook, Twitter, YouTube and Flickr.

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?			•	No specific budget information
e) Information about procurement procedures, signed contracts?			•	Only tender announcements; no information on procurement procedures
f) Vacancy and employment procedures?			•	Only vacancy announcements
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 the Tanzania Revenue Authority (TRA):

1. Your institution has the mandate to collect revenue to enable Government to undertake its duties, how do common citizens access information useful to them from your office? Do they need to pay for that information?
2. Your institution advises the Minister of Finance on the national budget; citizens are complaining that the sources of revenues on the national budget have always been the same - on alcohol products. What do you say about this and what are your future plans with regards to widening the tax collection base?
3. Most business people in the country, especially SMEs, are complaining about the way EFDs machines are running. Some issues raised are that most of the machines supplied have technical problems from time to time. What do you have to say about this?
4. There is great improvement in your systems, for example TANCIS, but users are complaining that some of these systems are very slow and sometimes not operating as required. What are your comments on this?
5. Your institution deals with sensitive issues as it collects government revenues, what is your plan to make sure that you have zero corruption in your daily undertakings?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Official at the Tax Payers Education Department
2. Did the institution reply within 21 days?	•			TRA responded in four days' time after receiving the information request
3. Did the institution respond to the request for information?	•			
4. Does the authority publish their procedures for dealing with information requests?			•	The TRA website only provides for the contacts of officers who provide information
5. Did the institution provide all of the information requested?	•			
6. Did 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: 19/20

2. Occupational Safety and Health Agency (OSHA)

CATEGORY 1: WEBSITE

www.osha.or.tz

The Occupation Safety and Health Agency's (OSHA) website has a simple design; relevant information is lacking available information is outdated; and pictures are of low quality. There are social media links to Facebook and Twitter, though the sites are not updated.

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 OSHA website only provides an organisational structure chart which shows staff members, without stating their responsibilities
b) A list of laws, Acts etc. issued within the scope of its powers?			•	The OSHA website only provides information on its mandate according to the law: the Occupational Health and Safety Act. No. 5 of 2003
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?	•			

n = 20	Yes	No	Partial	Additional Information
h) The contact details of specific public officials?			•	Only the contact of the head office is provided: telephone numbers, P.O. Box numbers and fax numbers
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 Occupational Safety and Health Agency:

1. Your institution has a mandate to supervise and promote the health of Tanzania's people by making sure that working environments are safe and all necessary precautions are met; how do common citizens access information useful to them from your office? Do they need to pay for information?
2. Through the mandate above, OSHA is also required to visit various working areas to inspect how safe the working environment is. What efforts have been taken so far to visit small private workshops where young people are working in very poor conditions?
3. Most of private houses are built by masons who do not wear protective gear; what measures has OSHA taken to make sure inspections are conducted in various areas and to ensure the law is abided to by the builders.
4. There is great improvement in your systems and OSHA certificates can be found in some workshops and offices; what efforts is OSHA making to ensure its services are reaching remote areas?
5. Your institution works in sensitive areas, protecting workers, though some of your staff are tempered and issue some documents and certificates without following proper procedures; what is your plan to make sure that you have zero corruption in your daily undertakings?

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. Did 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?			•	But they replied to the request letter on the 8th day
10. Was the information received clear and understandable?	•			

Total Score: 15/20

3. Ministry of Finance and Planning (MoF)

CATEGORY 1: WEBSITE

www.mof.go.tz

The Ministry of Finance's website looks simple and very limited. Tabs are provided however, other headlines are provided along the side panel of the website. The website is user-friendly for experienced users but can otherwise be difficult to navigate for those unfamiliar with the Ministry or those not very tech-savvy.

The website also contains various policy documents which might be useful to policy makers and analysts. The website is not linked to any social media sites.

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 provides the names of senior personnel and their titles; no job description is provided for any of them
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?			•	Only the address of the Permanent Secretary's office, despite the various departments
h) The contact details of specific public officials?			•	Only contact details for the Permanent Secretary's office are provided
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	Only email address and telephone numbers are provided

Total Score: 14/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Finance and Planning:

1. Your Ministry is responsible for the national budget and other finances; how do common citizens access information useful to them from your office? Do they need to pay for information?
2. Your Ministry is now working under the Fifth Phase Government for which issues of revenue collection and tax adherence is a priority; what measures have you set to make sure that you achieve the Government's goals?
3. There have been complaints from the local government authorities (cities, regional and district authorities) over the delay and very limited disbursement of funds allocated for development activities; what measures have been prepared to meet this challenge?
4. Your Ministry is overseeing the work of the TRA, what are your plans to expand the tax collection base without relying on the common tax bases, for example taxing alcohol products?
5. The Ministry of Finance coordinates all government finances; what is your plan to make sure that you have zero corruption in your daily undertakings?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?			•	When contacting the institution, an Information Officer unaware of the information request provided his personal email address to receive the letter. The official never replied once emailed.
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 website only detailed how one can request for information
5. Did the institution provide all of the information requested?		•		
6. Did 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 Water and Irrigation

CATEGORY 1: WEBSITE

www.maji.go.tz

The Ministry of Water website is well-packed with relevant information relating to the water sector. This website has nine navigation tabs on the home page, giving details of the Ministry's functions and agencies. It provides details on projects implemented by the Ministry and its agencies. Social media sites linked to the website include: an updated Facebook page, Twitter and Instagram account (though not updated).

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?			•	Only email address and telephone numbers are provided

Total Score: 15/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Water and Irrigation:

1. Your Ministry has been vested with the mandate to make sure that water, as the source of life, is available to all people; how do common citizens access information useful to them from your office? Do they need to pay for information?
2. Shortage of water has been the order of the day in most places in Tanzania (for example in the Lindi Region, and especially Lindi town), it is a dream to have clean water - people are using salted water from the wheels. What is the long term plan of the Ministry to make sure that water is available to all people, especially in rural areas?
3. Residents of Dar es Salaam are complaining that DAWASCO associates with business people to sell water using car trunks, while denying them their right to have tap water in their homes. What do you say about this?
4. There is an influx of bottled water supplied by various industries and some seem to be of low quality. How do you associate with the Ministry responsible for proper industrial standards to make sure that water products are meeting the required standards?
5. Your Ministry runs a number of multi-million water projects; what is your plan to make sure that you have zero corruption in your daily undertakings?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?			•	When called, the Registry informed the researcher that there is a department responsible for dealing with information requests and the information request has been sent to said department which will call the researcher back. Nothing happened thereafter.
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. Did 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: 1/20

5. National Bureau of Statistics (NBS)

CATEGORY 1: WEBSITE

www.nbs.go.tz

The NBS website is very well-packed with information which reflects the work they are doing. It provides information on world population, country population (both mainland and Zanzibar), GDP, population projection, and CPT on a monthly basis. It is in both English and Kiswahili which means a large audience can easily access this information. Different social media sites including Facebook, and Twitter are linked to this website. Most of the information is updated as the nature of the institution is to provide current statistics on various 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?			•	The website provides the organisation chart which indicates various posts, from directors to staff of the departments. However, it lacks information on the functions of directors, managers and junior officers.
b) A list of laws, Acts etc. issued within the scope of its powers?	•			
c) Reports, policies, programmes?	•			
d) Budget and expenditure?			•	The website does not provide budget and expenditure, it only provides the institutional business plan for the financial year 2015/16.
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 the National Bureau of Statistics (NBS):

- How do common citizens access information useful to them from your office? Do they need to pay for information?
- Your office is responsible for the statistics in various areas; how do common citizens access the statistics produced by your institution relevant for their activities?
- How useful is your information? Do you normally receive feedback from the people or institutions that use your information?
- How do you develop trust with the people or institutions that are using your statistical data in the planning of their projects or activities?
- How do you work with other institutions (especially those from on international and regional level) in developing statistical information?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			Institutional Information 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. Did 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: 16/20

6. Ministry of Energy and Minerals (MEM)

CATEGORY 1: WEBSITE

www.mem.go.tz

The MEM website is packed with a lot of information with regards to the mineral and energy sector, as well as the Ministry's relevant institutions and agencies. It provides updated information on mineral licenses and other energy projects. Each particular ministerial agency and institution has its own site within the main ministerial website. The website has additional video clips which explain the various activities that are conducted by the Ministry, its agencies and institutions. The site also provides a feedback form for visitors. No social media is connected to the website.

The website has provided the following important information for its users:

Please note that we are in Tanzania with time zone (GMT+03:00). Although we may not be in office at times convenient for all international enquiries, we do monitor our e-mail outside normal office hours.

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 the Ministry of Energy and Minerals:

1. Your Ministry is responsible for the minerals and energy sectors; how do common citizens access information useful to them from your office? Do they need to pay for information?
2. Your Ministry is responsible for rural electrification run by REA, there are some complaints that majority of the people in villages cannot afford electrical equipment that enabled them to be connected. What measures are there in place to help them access electrical equipment in a reasonable price?
3. The Fifth Phase Government is focusing on industrialisation, and being the ministry responsible for energy, what steps have you taken to meet the high demand of electricity power to the emerging industries?

4. Power-rationing has always been a headache to city dwellers, for example in Dar es Salaam; what is your plan to make this power shortage and rationing in our country a thing of the past?
5. Artisan miners in most places in Tanzania are still complaining that the government has failed to assist them getting equipment to facilitate their work, but is instead associating with large miners to eliminate them from their mining sites; how do you explain 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. Did 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

7. Ministry of Constitution and Legal Affairs

CATEGORY 1: WEBSITE

www.sheria.go.tz

The website of the Ministry of Constitution and Legal Affairs contains information that focuses on their duties. This site is also linked to other websites that provide information on legal issues within the country as well as outside its territories. Only a Facebook page is linked to this website, carrying up-to-date information.

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 Constitution and Legal Affairs:

1. Your Ministry is responsible for all legal issues, including government contracts and law reforms; how do common citizens access information useful to them from your office? Do they need to pay for information?
2. In recent days, there have been a number of statements and orders from government officials that infringe the rights of people. Most of these statements and orders are unconstitutional (i.e. one of the RPC talking to journalist said “lawyers should not come forward and negotiate for bails for their clients otherwise they will be joined in the case);” what is the opinion of the Ministry with regards to such statements?
3. Some of the Members of Parliament were complaining during the Bunge sessions that some contracts which the government is involved in, are of poor quality and dubious; what is your statement on this?
4. Your Ministry is vested with the task to supervise the amendments of laws, especially those which are infringing the rights of people. (i.e. the Penal Code on laxity of the procedures which delays justice); what are the measures taken to make sure justice is not delayed?
5. Your Ministry is one of the sensitive areas as its mandate is to prepare contracts that attract billions of money; what is your plan to make sure that you have zero corruption in your daily undertakings?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?			•	According to the information from the telephone operator, a responsible person replied to the letter though she was not able to disclose his/her title.
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. Did 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: 1/20

8. National Housing Corporation (NHC)

CATEGORY 1: WEBSITE

<http://www.nhc.co.tz/en/>

Dealing with the real estate business, the website is filled with updated information on current projects, along with attractive housing graphics. The Corporation also has an updated Facebook page as well as a YouTube account with numerous videos showing various projects.

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?	•			

Total Score: 16/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the National Housing Corporation (NHC):

1. How do common citizens access information useful to them from your office? Do they need to pay for information?
2. How does common citizens with low income manage to buy a house you're selling?
3. How do you perform your duties? Do you have people and resources on the ground all over the country?
4. Most of your projects are carried out in townships; do you have a plan in the near future to reach the village level?
5. How do you work with other institutions, such as those of higher learning and research? Do you believe information/statistical information prepared by these institutions is relevant in shaping the development of 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?		•		
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?		•		When the call was made to their offices, the researcher was simply told that the responsible office is shifting from its original place to other premises and that they will answer the question when the move is finalised.
6. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.			•	The only information found on the website is the Institutional Strategic Plan which indicates some budgetary issues.
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: 1/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
Tanzania Revenue Authority (TRA)	17	19	36
Occupation Safety & Health Authority (OSHA)	7	15	22
Ministry of Finance and Planning (MoF)	14	1	15
Ministry of Water and Irrigation (MWI)	15	1	16
National Bureau of Statistics (NBS)	14	16	30
Ministry of Energy and Minerals (MEM)	18	2	20
Ministry of Constitution and Legal Affairs (MOCLA)	12	1	13
National Housing Corporation (NHC)	16	1	17

RESEARCH CONCLUSIONS

It has to be understood that this year's research collided with the beginning of the Phase Five Government, which is under high pressure and has many ambitious goals.

Most government ministries, institutions and agencies are operating at high speed. It was the high expectation of this research that the information requests would have been responded to in a prompt and timely manner, but with some of the institutions, ministries and agencies the opposite has been true.

Some of the officers continue operating as business-as-usual. Some of the institutions have responded very quickly and went even further by calling the researcher for more clarification.

This year's study picked the winners of the previous years, together with one new agency: OSHA. As it can be seen in the summary of research findings above, the performances of some of the past winners have dropped significantly.

THE MOST SECRETIVE PUBLIC INSTITUTION IN TANZANIA

There are four poorly performing institutions with a total score below 20; these are the Ministry of Finance, the Ministry of Water and Irrigation, the Ministry of Constitution and Legal Affairs and the National Housing Cooperation.

With the lowest score among the public institutions surveyed, the Most Secretive Public Institution in Tanzania in 2016 is the **Ministry of Constitution and Legal Affairs**.

THE MOST OPEN PUBLIC INSTITUTION IN TANZANIA

TRA scored the highest out of all the public institutions surveyed. The institution's swift response to the questions sent to them and the fact that they invited the researcher for an interview shows their readiness to share information with the public. The answers they provided were very detailed. This is the only institution which received 90 per cent of the possible score for the survey.

Thus the Most Open Public Institution in Tanzania in 2016 is the **Tanzania Revenue Authority**.

RECOMMENDATIONS

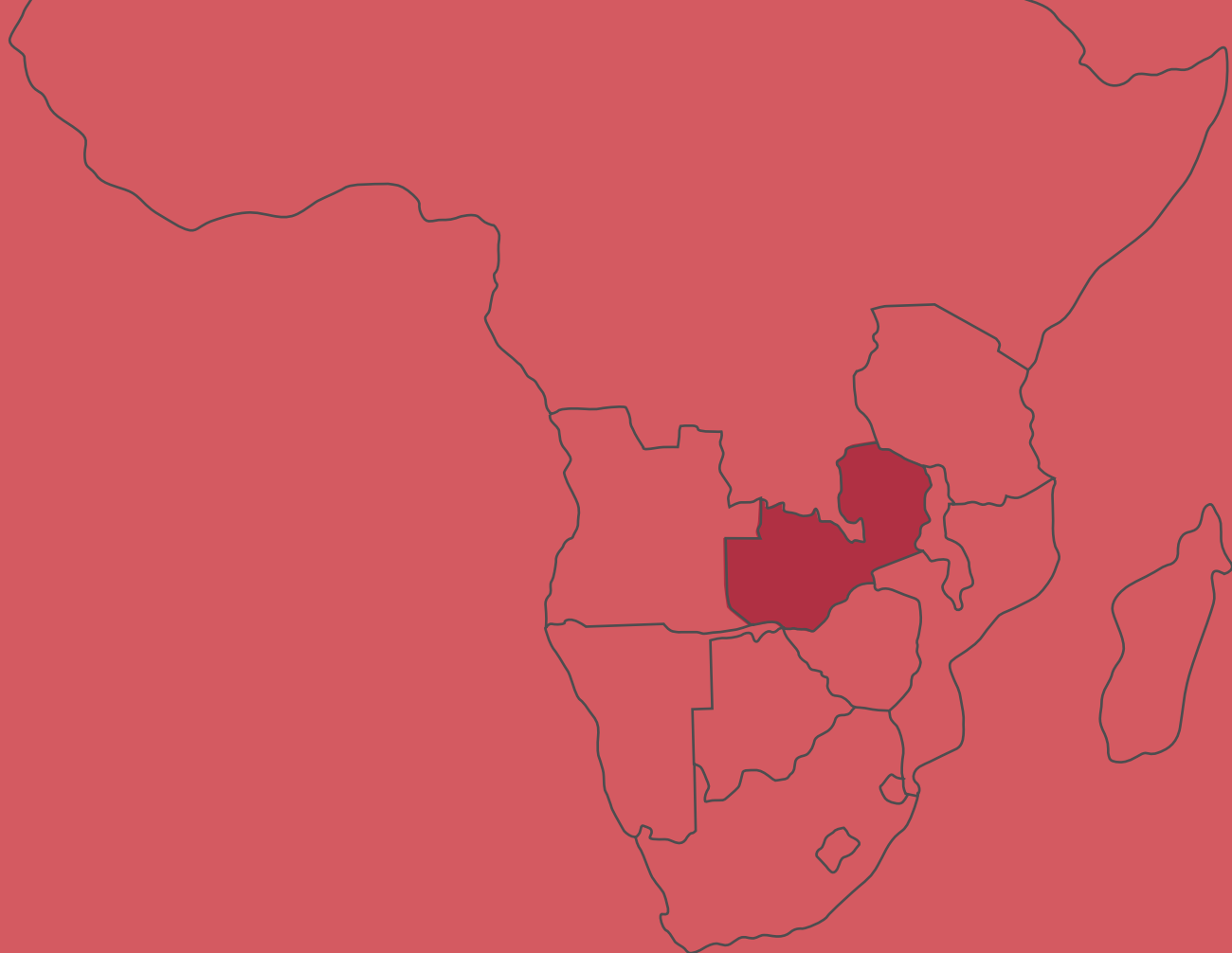
Most of the people who are responsible for or who are supposed to be responsible for handling requests for information from the public are information officers, public relations officers, switchboard operators, receptionists and front desk staff.

The study found that these people lack a range of skills in dealing with requests, both written and oral. Even some of the staff with the relevant skill set either seem to be ignorant to the necessity of providing public information or appear to be unwilling to do their job.

The study also found out that no customer relations systems and procedures are used by the front office staff when responding to requests for information.

The study therefore recommends the following:

- Establishing mechanisms to respond to requests for information from the public. These mechanisms should be used to interpret, analyse and communicate information, data, complaints, requests for services and should facilitate reporting to management/authorities.
- Development of customer care/relations skills for relevant staff in public offices. Skills that will help them demonstrate professional customer/client relationship and technical skills, supervisory techniques and management skills.
- Establishment of laws guaranteeing access to information and bylaws that will hold information bearers responsible for either delaying or not responding to the public's requests for information.



ZAMBIA

2016 Report on Open & Secretive
Public Institutions in Zambia

INTRODUCTION

Information has been described as the oxygen of democracy because without it, people are unable to participate effectively in the governance processes. Freedom of information (FOI) gives members of the public the right to access information held by the government and in some instances, by private institutions. The aim is to lift the veil of secrecy that governments tend to operate in as well as to reinforce the idea that governments hold information for the people who elected them into office.

In Zambia, the Access to Information (ATI) Bill has been embraced on the premise that a free press and an informed citizenry are better placed to provide checks and balances to public institutions and the Government, thereby ensuring transparency and good governance. FOI is seen and recognised as both a key ingredient in the democratic governance as well as a fundamental human right.

It has, however been observed that the level of awareness among citizens with regard to the ATI provisions are lower than expected. This is despite the numerous sensitisation programmes aimed at educating the public about the importance of having legislation in place which empowers citizens to hold leaders and institutions accountable.

There still exists the misconception that the ATI Bill, when and if enacted into law, will benefit the media fraternity more than any other section of society. There are also fears that some members of the public may abuse it.

Successive governments have promised to ensure the passage of the ATI Law. Politicians have promised to seriously look into the enactment of the Bill into law on numerous occasions, but nothing concrete has come out of these pronouncements.

On the 4th of May 2016, the Civil Society Coalition on the Enactment of the Access to Information Bill picketed Parliament and presented a petition demanding the enactment of the Access to Information Law.

The Coalition, which presented the petition signed by 101,799 people from 70 districts in the country to the Chairperson of the Information and Broadcasting Committee, Kabinga Pande, was displeased by what it says is the casual manner with which the Patriotic Front (PF) Government had handled the enactment of laws that have a direct and positive impact on the lives of citizens.

Coalition Chairperson, Fr. Leonard Chiti, observed that the culture and attitude of dragging and procrastinating, detrimental to the wellbeing of the country, had continued to be the order of the day in the Patriotic Front -led government.

Fr. Chiti said it is disheartening that in their pronouncements, President Edgar Lungu and his regime are reluctant to enact the Bill because they feel some sections of the media will use the law irresponsibly.

He further mentioned that the President's statement on the Bill, including that of the Minister of Information and Broadcasting Services, Chishimba Kambwili indicate a clear lack of commitment to a cause that they themselves championed prior to, and after the 2011 General Election.

The Coalition says it will remain steadfast and work with progressive members of Parliament and other stakeholders to ensure that the Government tables the ATI bill without any further delay.

Last year, President Lungu said he was thinking twice about Zambia enacting the ATI Law because of the conduct of some media practitioners whom he said were engaging in irresponsible reporting.

It should be noted that freedom of information is a fundamental human right without which individuals and institutions cannot function properly.

RATIONALE AND RESEARCH PARAMETERS

The objective of the research was to establish the challenges faced by ordinary citizens in Zambia, in an effort to access information from government and public institutions. The survey also sought to establish how public institutions respond to requests for information submitted by ordinary citizens, as well as to assess the levels of transparency in government and public institutions with regard to access to information.

The research also sought to inculcate a culture of transparency in the government and public institutions.

Eight (8) public institutions were selected for this survey, which was conducted between 10 August 2016 and 2 September 2016.

The research involved writing to all selected institutions and conducting an assessment of the institutions' online platforms as well as making phone calls and physical visits.

The following public institutions were surveyed:

1. Anti-Corruption Commission (ACC)
2. Energy Regulation Board (ERB)
3. Ministry of Community Development, Mother and Child Health (MCDMCH)
4. Ministry of Health (MoH)
5. Ministry of Youth and Sport (MYSCD)
6. National Pension Scheme Authority (NAPSA)
7. Office of the Auditor General (OAG)
8. Public Service Commission (PSC)

SUMMARY OF KEY FINDINGS

Category 1: Website analysis

- All institutions, with the exception the Ministry of Youth and Sport, have websites. The Ministry of Youth and Sport however, has a Facebook page, which is not regularly updated. The aforementioned institution has performed poorly in this regard.
- Five (5) of the selected institutions have social media pages/sites. The National Pension Scheme Authority, Ministry of Community Development Mother and Child Health and the Office of the Auditor General do not have social media sites.
- The Anti-Corruption Commission's website sometimes redirects to another government site.
- Institutional websites do not contain information about working hours and most of them do not have information on budgets and expenditure.
- The Energy Regulation Board's website is updated regularly and the Ministry of Community Development, Mother and Child Health has the most appealing website, though it is not updated regularly.
- The Office of the Auditor General would do well to invest in a vibrant and up-to-date website. The current arrangement is rather dull.

Category 2: Requests for information

- All institutions acknowledged receiving the requests for information and promised to respond. Of the eight (8), five (5) responded to the requests while three (3) did not. The ones that never responded did not give reasons for not doing so. Institutions that never responded are the Energy Regulation Board, the Ministry of Community Development, Mother and Child Health, and the Ministry of Health.
- The Ministry of Community Development, Mother and Child Health seemed to have challenges keeping track of correspondence. The researcher had to re-submit a new written request for information.
- The Anti-Corruption Commission was the last institution to respond to the request for information. The researcher was told that the reply took long to be delivered because of the processes involved when it comes to responding to such requests.
- The Ministry of Youth and Sport was the first to respond to the request for information. The Ministry's Youth Development Officer called the researcher and responded to the request verbally. He also disclosed that the institution was working on creating a website.

- Institutions that were very helpful were the Public Service Commission, the National Pension Scheme Authority, the Ministry of Youth and the Office of the Auditor General. The researcher faced little or no challenges when dealing with the aforementioned institutions.

DETAILED FINDINGS

1. Anti-Corruption Commission

CATEGORY 1: WEBSITE

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

The website is up-to-date. Only challenge is that it sometimes redirects/switches to another site. The Anti-Corruption Commission has a Facebook page with over 16,800 likes. The Facebook page is up-to-date. The Commission is also on Twitter with over 200 followers.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			The link to the site sometimes redirects to another site.
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 Anti Corruption Commission

1. Since inception, how many cases has the Commission investigated and successfully prosecuted?
2. As culprits are both female and male, can you provide a gender disaggregated data on prosecutions?
3. Do you have offices throughout Zambia's ten provinces, and in which towns are they located?
4. What form of reform with regards to law and operational financing is required to reposition the ACC?
5. What measures has the Commission put in place to ensure that whistleblowers are protected and how effective are they?

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. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.	•			Yes, though not much about its budgets
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: 12/20

2. Energy Regulation Board

CATEGORY 1: WEBSITE

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

The website is updated regularly. The Energy Regulation Board has a Facebook page with close to 900 likes. The Facebook page is not updated regularly.

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?			•	Only documents for bidding
f) Vacancy and employment procedures?			•	The space seems to be for job advertisements, no employment procedures are displayed.
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 Energy Regulation Board

- Aside from the Lusaka office, how widespread is the ERB and do you have sufficient manpower comparative to your regulatory mandate?
- What form of policy reform does the ERB require toward attainment of strengthened operations?
- What needs to be done to gain public confidence with respect to sanctioning requests for petroleum and electricity tariff adjustments?
- What measures has ERB taken to ensure more people switch to alternative sources of energy, such as solar and biogas, to counter the current energy crisis currently prevailing?

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?		•		

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. Did 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 Community Development, Mother and Child Health

CATEGORY 1: WEBSITE

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

The website is not updated very regularly. The Ministry has no social media sites.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?	•			Some 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 Ministry of Community Development, Mother and Child Health:

1. Explain how decentralized is the work of the MCDMCH?
2. How challenging has the inclusion of aspects of mother and child health on your operational shoulders been?
3. What is the relationship between the MCDMCH with local and international faith based organisations (FBOs) and community based organisations (CBOs)? Don't you find in some instances that you are duplicating work with the Ministry of Health?
4. How many senior citizens are receiving the social cash transfer funds and from which districts? What are the requirements for one to be a recipient of these funds?
5. It is my hope that as you will positively respond to my questions.

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. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.		•		Only about operations, not budgets
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 Health

CATEGORY 1: WEBSITE

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

The website is regularly updated. The Ministry of Health has a Facebook page, which has over 20,000 likes and is regularly updated. It also has a Twitter account with 475 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?			•	Not explicitly stated, but embedded in policy documents
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?	•			

n = 20	Yes	No	Partial	Additional Information
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 Ministry of Health

1. What is the operational status of the Ministry of Health with respect to doctor/nurse/patient ratio?
2. What is the gender disaggregated data of male and female employees?
3. What are the three most life-threatening diseases in Zambia?
4. With regard to National Budgeting, is the Ministry of Health receiving the appropriate amount as demanded by the Abuja Declaration?

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. Did 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 Youth and Sport

CATEGORY 1: WEBSITE

<https://www.facebook.com/ministryofyouthandsportzambia/>

The Ministry of Youth and Sport does not have a website. It does, however, have a Facebook page which has over 2,700 likes but is not updated regularly.

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?		•		

n = 20	Yes	No	Partial	Additional Information
g) The address, telephone number, and working hours of the institution?			•	The Facebook page has this information but there is no indication of working hours.
h) The contact details of specific public officials?		•		No website
i) A mechanism to request and receive a response to electronic messages and requests for information?			•	The Facebook page has this provision.

Total Score: 2/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to Ministry of Youth and Sport

1. How many skills centers do you possess under the Ministry and is there room to re-align empowering skills currently offered? How many are operational and how many are not?
2. Of those trained by MYSCD, how many have accessed the Youth Development Funds?
3. Has the MYSCD conducted a skills audit of young people in Zambia? In addition, how are you incorporating the cooperative spirit among youths?
4. What model of comprehensive sexual reproductive health (SRH) lessons are you imparting in children and young people?

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. Did 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. National Pension Scheme Authority

CATEGORY 1: WEBSITE

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

The National Pension Scheme Authority has a website that is up-to-date but has no social media 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?	•			

n = 20	Yes	No	Partial	Additional Information
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 National Pension Scheme Authority

1. Since inception, how many workers has NAPSA registered?
2. How many public service entities and private sector employers are registered or compliant with NAPSA regulations?
3. How decentralized is NAPSA; do you have a presence beyond provincial offices?
4. Has the decision by NAPSA to invest in real estate projects compromised institutional income and accrued pensions of retirees, contributors and eventual beneficiaries?

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. Did 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

7. Office of the Auditor General

CATEGORY 1: WEBSITE

<http://www.ago.gov.zm/home.html>

The website is not regularly updated. Some links are not responsive and some pages are unavailable. The Office of the Auditor General does not have any social media sites.

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 the Office of the Auditor General

1. In your view, does the Auditor General's Office require strengthening beyond mere reporting of public abuses?
2. Aside from the Lusaka Office, how widespread is the Auditor General's Office?
3. What are main challenges that you encounter and how have you been able to address them?
4. What do you do with the information such as organisations that are found wanting?
5. Is there need for the Office of the Auditor General to have powers to prosecute? Have you ever had any organisation challenge your findings?

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. Did 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

8. Public Service Commission

CATEGORY 1: WEBSITE

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

The Commission's website is updated regularly. The Public Service Commission has a Facebook page, which has over 3000 likes. The Facebook page is also updated regularly.

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 The Public Service Commission

- Following increased number of districts, just how decentralized is the Public Service Commission?
- What steps has the Public Service Commission taken to ensure the citizenry and public sector employees clearly understand its mandate and functions?
- What policy reform is required to reposition Public Service Commission performance as an oversight entity?
- How relevant is the Public Service Commission and how many members of staff are currently employed in comparison to individual membership?

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. Did 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
1. Anti-Corruption Commission	12	12	24
2. Energy Regulation Board	16	2	18
3. Ministry of Community Development, Mother and Child Health	12	2	14
4. Ministry of Health	16	2	18
5. Ministry Of Youth and Sport	2	16	18
6. National Pension Scheme Authority	14	16	30
7. Office of the Auditor General	14	14	28
8. Public Service Commission	14	14	28

RESEARCH CONCLUSIONS

It is a fundamental human right to ask for and receive information held by public organisations and bodies. It is critically important to make sure information held by public, and in some cases private, institutions is available and accessible to citizens.

The right to seek, access and receive information is guaranteed by Article 19 of the Universal Declaration of Human Rights, Article 9 of the African Charter on Human and Peoples' Rights and Article 4 of the Declaration of Principles on Freedom of Expression in Africa. It is also recognised in many of the Constitutions of southern African countries.

However, most public institutions in Zambia still have a lot to do to ensure the public has access to information as evidenced by the findings of this study.

The fact that most of the selected institutions have an online mechanism for requesting information is an indication that they are willing to make information available to the public.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZAMBIA

The Ministry of Community Development, Mother and Child Health had the lowest score. The institution did not respond to the request for information. The institution would do well to invest in some social media presence as well as work on responding to requests for information on time.

The Most Secretive Government and Public Institution in 2016 is the **Ministry of Community Development, Mother and Child Health.**

THE MOST OPEN PUBLIC INSTITUTION IN ZAMBIA

The National Pension Scheme Authority, which scored the most points, is the most open public institution in Zambia. The Public Service Commission and the Office of the Auditor General follow in terms of openness. The aforementioned three institutions should be given credit for being professional.

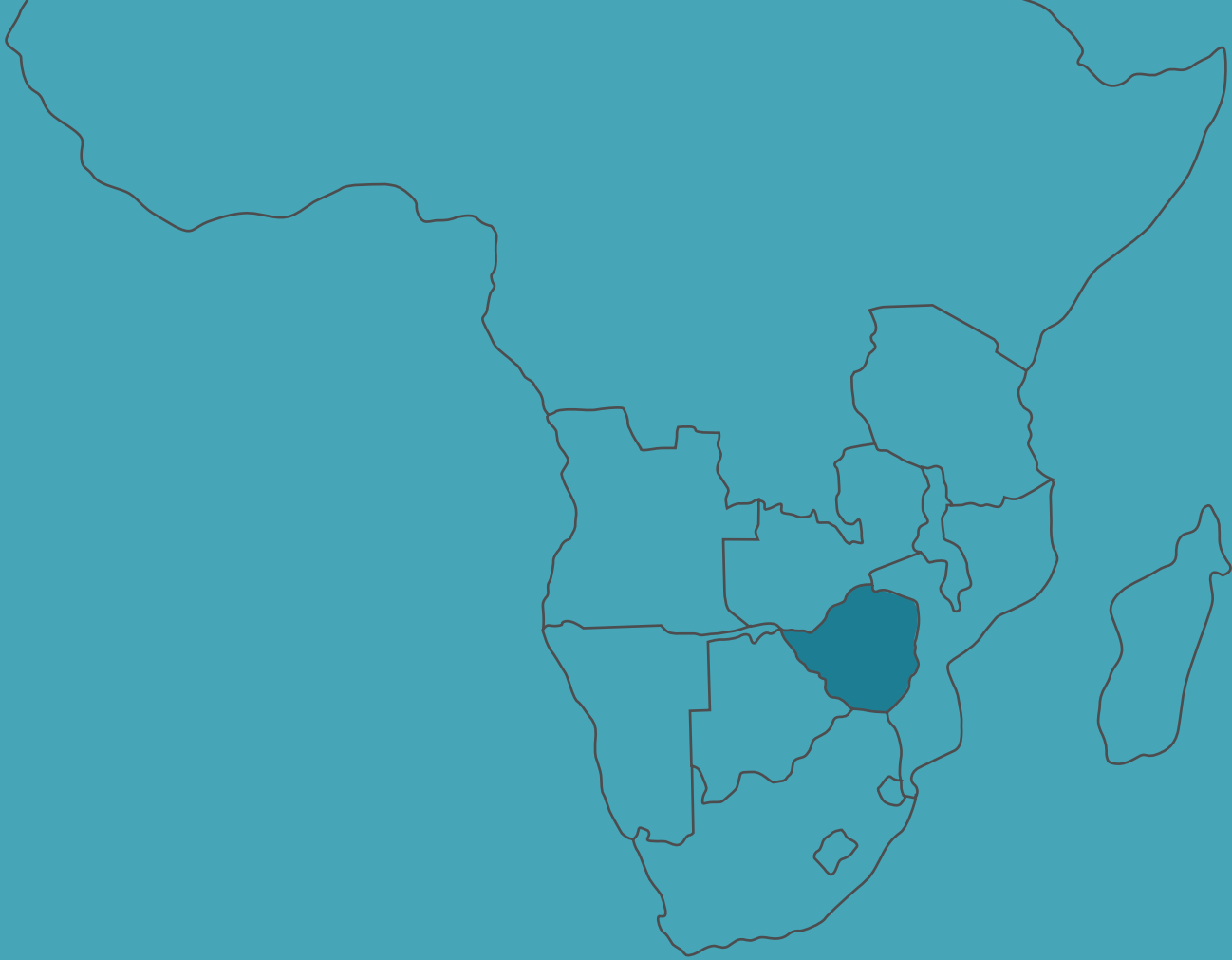
The National Pension Scheme Authority has the highest score, which can be attributed to their website and the fact that the institution is well-organised and responded to requests for information on time.

The Most Open Government and Public Institution in 2016 is the **National Pension Scheme Authority.**

RECOMMENDATIONS

Public institutions should work on strengthening their communication and information strategies in order to ensure that the public has fast and easy access to information; after all, they are public institutions.

Institutions should also use social media platforms to communicate programmes, policies and other vital information and not just use them for sharing information about events and other publicity arrangements, as is usually the case.



ZIMBABWE

2016 Report on Open & Secretive
Public Institutions in Zimbabwe

INTRODUCTION

Zimbabwe has been in a process of trying to implement its new Constitution, enacted in 2013. Very little has been done to synchronise access to information laws with the new Constitution. Out of the 159 laws aligned with the Constitution, none of these have been access to information laws. There have been a lot of threats to members of the media during the time of this study. Government also announced a Cyber Crime Bill to curb what it said is 'Cyber terrorism' but the government is responding to a recent spate of civil disobedience led by #ThisFlag, an online campaign relying on Facebook to convey its messages. The campaign aims to mobilise citizens to hold the government of Zimbabwe accountable for the "poverty, corruption, and injustice that plague" Zimbabwe.

On 6 July, the day that both the online movement and teachers unions announced that there will be a mass strike, the Whatsapp platform mysteriously went down and could only work when VPN software was installed. This suggested that the platform had been deliberately shut down by network operators under the orders of government. Whatsapp was the main platform conveying messages of the strike alongside pictures and videos of violence that was occurring in the country. The attempt was an effort by government to stifle access to information by closing down some social media platforms.

One anonymous internet group responded by attacking government websites. Credit to government for quickly putting the websites up again. For example, the Ministry of Finance which we studied in this research had its website hacked but it was up again in no time.

Early in the year, state media journalists were arrested for writing an investigative story on elephant poaching involving high ranking police officers. Police proceeded to arrest the two journalists and their editor, demanding to know where they had accessed their information. The matter is still before the courts but it highlighted how accessing information in Zimbabwe has been made a taboo by those who are in authority.

Earlier on, other journalists running an online publication were arrested and questioned by the police over the bombing of President Robert Mugabe's dairy farm. The journalists were interrogated on where they had obtained the information. Only recently, another journalist, Richard Chidza was summoned by police to disclose his sources on a 'treasonous' communiqué reportedly authored by war veterans in Zimbabwe.

Generally, the access to information and freedom of the media situation in the country has deteriorated in the last few months, with threats against journalists by government and political leaders increasing. Threats to ban social media have also been made, with military leaders publicly denouncing social media. The police brutally attacked at least five journalists, including a BBC journalist who was covering a protest. There has been a pattern of violating 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.

There still exists subsidiary legislation that is clearly inconsistent with these new provisions. Notable among such laws is the *Official Secrets Act 1970*, which makes it difficult for citizens

and media to access some information held by government and public institutions. Another law is the Public Order and Security Act 2002 (POSA), which restricts freedom of association and freedom of assembly.

Then there is also the *Access to Information and Protection of Privacy Act 2002* (AIPPA). In its preamble, the Act states it will provide 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 allowing the public the right to request correction of misrepresented personal information.

However, in reality, 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 the information in writing and where possible pay a reasonable fee. The head of any public body is given up to 30 days to respond. He/she is allowed to refuse to grant the requested information where it is deemed the information sought is not in the public interest. If the information involves a third party, the head of the public institution is allowed 30 more days to consult the third party before responding to the request. 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 the event the applicant feels aggrieved by the decision not to grant information, he/she may ask the Commissioner 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 actually makes the process of accessing information more cumbersome and complex. The process is unnecessarily bureaucratized, as it may take more than 60 days before a final decision is made on whether an applicant can have access to a record or requested information. This is one of those typical scenarios in which AIPPA begins to act as an impediment to access to information rather than foster the spirit of openness and transparency within public bodies. The process contradicts the law's intended principle of encouraging openness and accountability in the work of public institutions.

Some public officials take advantage of the bureaucratic nature of this legislation to frustrate requests for public information. This legislation has disempowered junior public officials who are fearful of disclosing any information to citizens or the media. Positive advances recorded a few years ago are now being reversed with government escalating its intentions to clamp down on social media through the Cybercrime Bill. As we speak, the government is crafting a cyber law which can potentially silence social media users and criminalise certain types of internet use. This will affect access to information on social media and other online platforms.

Many institutions have hostile personnel manning their gates and receptions, and who made it impossible to hand over letters to the relevant authorities. For example, at the Zimbabwe Republic Police (ZRP) one cannot enter the premises without an ID and one is forced to have his/her issues addressed by guards at the gate. There was palpable resistance in many institutions to give

information. It was not uncommon to be questioned about who the researcher was or what the information was needed for.

Civil servants continue to express shock on why ordinary citizens request information. The attitude from these civil servants is that ordinary citizens have no business accessing public information. Information remains to be regarded as a privilege for those in authority or for those who work in certain stations in society such as the media.

A culture of fear and unnecessary bureaucratic tendencies was evident. Organisations that have Public Relations Officers still asked the researchers to contact the Chief Executive Officer in order to access information. Those in these positions fear losing their jobs if they entertain requests for information.

One was likely to get a somewhat better response or more attention from institutions if it was mentioned that the requester was a journalist as opposed to an ordinary citizen seeking information.

RATIONALE AND RESEARCH PARAMETERS

AIM OF THE STUDY

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 study sought to determine whether such information as held by public institutions is available to citizens in a usable form upon request.

Objectives of the study:

1. To determine which public institutions provide information to citizens upon requests with relative ease; and
2. To determine which institutions are utilising online platforms to promote access to information.

Research methodology

The research adopts qualitative and quantitative methods of data collection, and seeks to evaluate the level of public access to information held by government and public institutions. The MISA Chapters conduct research by evaluating the websites of government and public institutions along with submitting information requests. This method seeks to establish the transparency and efficiency of government and public institutions in providing information to the public.

The following public institutions were surveyed:

1. The Ministry of Finance and Economic Development
2. The Zimbabwe Commercial Farmers Union (ZCFU)
3. The Ministry of Primary and Secondary Education
4. The Public Service Commission (PSC)
5. The Zimbabwe Human Rights Commission (ZHRC)
6. The Tobacco Industry Marketing Board (TIMB)
7. The Zimbabwe Republic Police (ZRP)
8. The Grain Marketing Board (GMB)
9. NetOne
10. The Zimbabwe Anticorruption Commission (ZACC)

SUMMARY OF KEY FINDINGS

Category 1: Website Analysis

- Most websites were poorly managed;
- Content had not been updated regularly;
- No critical information such as procedure on how to obtain public information was available;
- Some websites generated error messages; and
- Some websites were not compatible with mobile phones.

Category 2: Requests for Information

- Most institutions failed to provide written responses;
- NetOne asked the researcher to contact the CEO of the company;
- GMB responded promptly and allowed the researcher access to their PR department;
- ZACC partly answered some questions but declined to answer others;
- Most government institutions had hostile personnel who denied the researcher access to relevant officials;
- Oral requests for information were mostly declined and the researcher asked to request information in writing; and
- Hostility was shown to non-media members in some departments.

DETAILED FINDINGS

1. Ministry of Finance and Economic Development

CATEGORY 1: WEBSITE

www.zimtreasury.gov.zw/

This website was hacked by an anonymous internet group a few weeks ago but it is up and running again. It has useful information such as the national budgets and laws. It has policy statements and statutes, such as the Statutory Instrument 64 that prohibits importation of goods, and that the majority of Zimbabweans trade in the informal market.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Not on all pages
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 did not respond to messages sent via the mechanism

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Ministry of Finance and Economic Development:

- 1) What was the outcome of the talks between the Ministry and the IMF?
- 2) What has the Ministry done with the %7 million collected for afforestation efforts in tobacco farming?

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. Did 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?		•		

n = 20	Yes	No	Partial	Additional Information
10. Was the information received clear and understandable?		•		

Total Score: 0/20

2. Zimbabwe Farmers Union

CATEGORY 1: WEBSITE

www.zcfu.org.zw

The website is very informative and is regularly updated. It has information on farming and agriculture activities that members of the association carry out. It is also informative for other interested stakeholders such as journalists who may require information on farming. However, the organisation does not respond to feedback sent via its website emailing system.

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?			•	It lists the mandate of the organisation in detail without being specific
b) A list of laws, Acts etc. issued within the scope of its powers?		•		
c) Reports, policies, programmes?			•	There are some reports available
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: 7/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the Zimbabwe Farmers Union:

- 1) Where does the Union get funds for undertaking its activities?
- 2) How does the Union make sure that it promotes and advances farmers' interests and welfare?

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. Did 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: 16/20

3. Ministry of Primary and Secondary Education

CATEGORY 1: WEBSITE

www.mopse.gov.zw/

It has relatively useful content. It has been updated although more useful information could be added.

n = 20	Yes	No	Partial	Additional Information
1. Does this website contain up to date information?			•	Not all pages are updated
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?	•			The Permanent Secretary. It is difficult to secure a meeting with the 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?		•		

n = 20	Yes	No	Partial	Additional Information
6. Did 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

www.psc.gov.zw/

The website has regulations, policies and laws relevant in the operations of the institution. The website is not updated regularly. 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; press statements are 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?			•	Name, address and landline phone numbers are available
h) The contact details of specific public officials?		•		Only office contacts available
i) A mechanism to request and receive a response to electronic messages and requests for information?	•			It gives an immediate auto response

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 the government's payroll?
- 2 How does one apply to be in service to 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 letter and throwing in tray. When called, all questions were referred to the President's Office.
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. Did 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. Tobacco Industry Marketing Board (TIMB)

CATEGORY 1: WEBSITE

www.timb.co.zw/

The website is well-managed and updated regularly. It has useful information for different stakeholders including the media. It has contact details and useful 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. How much revenue was realised from tobacco sales in 2015?
2. How is the Board assisting farmers to replace trees they are cutting 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. Did the institution provide written reasons for the refusal of information?	•			Official asked if there were any other questions
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

6. Zimbabwe Human Rights Commission

CATEGORY 1: WEBSITE

www.zhrc.org.zw/

The website is relatively efficient and gives key 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 2015?
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?	•			PR official
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?		•		Some questions were answered; some questions would only be answered after clearance from higher authority
6. Did 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

7. Zimbabwe Republic Police (ZRP)

CATEGORY 1: WEBSITE

www.zrp.gov.zw/

The website is relatively efficient and gives key 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?			•	Some pages are up-to-date, others are not
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?			•	It briefly 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?		•		Just an explanation of how money is collected and disbursed; revealed no money coming from Treasury
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: 6/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to ZRP:

- 1) Where does the ZRP get funds for its daily operations?
- 2) How does the ZRP work towards dealing with corruption in the country?
- 3) How many rape cases were reported in 2015?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			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. Did 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

8. Grain Marketing Board

CATEGORY 1: WEBSITE

www.gmbdura.com/

The website is relatively informative. It has information on policies and regulations. There are contact details for relevant company authorities.

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?			•	Physical address is present
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 GMB:

- 1) What is the institution doing in a bid to accord producers their fair share of the local and export markets?
- 2) Is the local maize production still capable of meeting the maize demand in the country?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			PR Manager
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. Did 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. NetOne

CATEGORY 1: WEBSITE

www.netone.co.zw/

The website lacked contact details for the Public Relations Department. It had relatively recent information. More can be done to add relevant information, for example on tenders.

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?			•	Only some of the information is available
b) A list of laws, Acts etc. issued within the scope of its powers?			•	Only some of the information is available
c) Reports, policies, programmes?			•	Only some of the information is available
d) Budget and expenditure?			•	Only some of the information is available
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 email bounced back

Total Score: 13/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the NetOne:

- 1) What is the source of NetOne's funds for its operations?
- 2) Where can we obtain the 2013 abridged audited statement for NetOne?

n = 20	Yes	No	Partial	Additional Information
1. Is there an official designated to take and respond to information requests?	•			PR Department
2. Did the institution reply within 21 days?		•		
3. Did the institution respond to the request for information?		•		Referred questions to CEO
4. Does the authority publish their procedures for dealing with information requests?		•		
5. Did the institution provide all of the information requested?		•		
6. Did 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?			•	Referred questions to CEO in a friendly manner
9. Did the institution acknowledge your request for information within 7 days?		•		
10. Was the information received clear and understandable?		•		

Total Score: 3/20

10. Zimbabwe Anticorruption Commission

CATEGORY 1: WEBSITE

www.accz.org.zw/

The website is on the one hand efficient but also very poor in some aspects. The whistleblower page for example generates an error message when one tries to send a message.

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?			•	Messages bounced back

Total Score: 4/20

CATEGORY 2: REQUESTS FOR INFORMATION

The following questions were sent to the NetOne:

- 1) Where does the commission get funds for its day to day operations?
- 2) How many cases of corruption has the Commission concluded since its inception?

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. Did the institution provide written reasons for the refusal of information?		•		
7. Did the institution disclose information about its operations, budgets, structure etc.			•	Partially answered how they are funded
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: 15/20

SUMMARY IN NUMBERS

Institution	Website	Request for information	Total score
Ministry of Finance	13	0	13
ZCFU	7	16	23
Ministry of Primary and Secondary Education	4	2	6
PSC	10	2	12
TIMB	14	18	32
ZHRC	11	18	29
ZRP	6	4	10
GMB	11	18	29
NetOne	13	3	16
ZACC	4	15	19

RESEARCH CONCLUSIONS

From the sample survey, 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 have been rather poor, the departments selected this year had relatively well-managed websites. Most of them however fell below standards expected from organisations of such stature.

This year there were both extremes. Either an organisation performed well or it performed dismally.

THE MOST SECRETIVE PUBLIC INSTITUTION IN ZIMBABWE

The surveyed institutions have a long way to go towards transparency and opening themselves up to public scrutiny. Most of them can easily be classified as secretive after most of them failed to respond to written requests for information.

The **Ministry of Primary and Secondary Education** is the Most Secretive Public Institution after they scored 6/40.

They did not respond to written electronic or printed requests for information. The Zimbabwe Republic Police follows as second most secretive institution, requesting that written questions be submitted to them despite written questions already having been sent to them without any response. The website remains badly managed. Officials at the Public Service Commission refused to give any information on anything asked of them electronically, orally or printed. Their website is the only positive that could be taken.

THE MOST OPEN PUBLIC INSTITUTION IN ZIMBABWE

Some organisations promptly responded to information requests electronically and called the researcher to give answers to written questions.

The TIMB has a very vibrant website and responded to questions promptly through a designated public relations manager. The GMB has a less vibrant website but their personnel promptly attended to information in a friendly and helpful manner.

Based on the research findings, the **Tobacco Industry Marketing Board (TIMB)** is the Most Open Public Institution of those surveyed after scoring an impressive 32/40.

The Grain Marketing Board (GMB) is second scoring 29/40. The GMB ties with the Human Rights Commission but the GMB invited us to their offices and answered questions to the best of their ability.

RECOMMENDATIONS

Zimbabwe seems to be sliding back into the dark ages of clamping down on social media and the internet by introducing a Cybercrime Bill which is intended to silence government critics. There is a long standing plan by government to clamp down on social media after President Mugabe said Zimbabwe needed to emulate China's way of dealing with social media.

Evidence shows that most of the institutions are now taking online communication seriously, a good number of them responded through email. While this is commendable it neglects the fact that the majority of citizens do not yet have access to internet.

Government must first ensure that the existing access to information legislation is aligned with the new Constitution before promulgating new laws whose objective is to stifle access to information.

Government could also improve simple administrative procedures in its institutions in terms of clarity on where information requests should be taken. There should be clear guidelines on how to obtain public information. The current situation where this is explained only after approaching government departments, is not ideal.

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