6 QUESTION CAMPAIGN:
REQUEST PROTOCOL

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1. Introduction

This document sets out the protocol to be followed by partners engaged in filing access to information requests as part of the 6 Question Campaign. Different partners are conducting the same requesting exercise in approximately 85 countries.

The aim of this monitoring is to test whether certain information relating to the environment, development aid and maternal health is made available to members of the public following requests for this information. We hope to get two sorts of results from the comparative requesting exercise. First, we hope to obtain comparative information in each of the thematic areas which will be useful to groups focusing on those issues, and which will allow us to conduct a substantive comparative analysis of the information received.

Second, we hope to obtain useful information about the way in which requests for information are dealt with in different countries, some with access to information laws (also known as right to information or freedom of information laws) and some without. We thereby hope to obtain comparative data on openness practices. This will enable us to identify whether the right of access to information is working in the countries involved in the survey.

In order to generate meaningful comparative data about the functioning of the right to access information in different countries, it is important that the same procedures are followed by different requesters both in making requests and in recording the way in which the authorities respond to those requests. This protocol sets out the procedure to be followed for both of these processes. It is of the greatest importance that you follow the procedures carefully and that you refer to the Project Coordinator whenever you are not sure of what to do. The aim is not to get the information at any cost (e.g. through personal connections) but to test whether it can be obtained in formal ways through the exercise of the right to information.

Key project information will be made available through a central website as a resource for others to take advantage of our experience and results. This will include the request letters, tracked information about how requests were processed and the actual data released in response to requests. Please make sure to keep electronic copies of all project information for this purpose.

2. List of Partners

International Groups

White Ribbon Alliance
Family Care International
Averting Maternal Death and Disability Program at Columbia University
Publish What You Fund
Development Initiatives
Oxfam USA
World Resources Institute
International Institute for Sustainable Development
Center for Law and Development
Access Info-Europe
International Budget Partnership

National Groups

COUNTRY	NETWORK	ORGANIZATION
Algeria	IBP	Association Nationale des Finances Publiques (A.Na.Fi.P)
Albania	FOIA	Centre for Development and Democratisation of Institutions (CDDI)
Angola	IBP	Episcopal Justice and Peace Commission of Angola and S. Tome Bishops Conference (Comissão Episcopal de Justiça e Paz da CEAST (CEJP)
Argentina	IBP	Asociación Civil por la Igualdad y la Justicia (ACIJ)
Armenia	IISD	Association "For Sustainable Human Development"
Azerbaijan	IBP	Public Finance Monitoring Center (PFMC)
Bangladesh	WRA	The Hunger Project-Bangladesh
Belarus	IISD	Ecological Association "Green Network" Working Group "Climate Change and Belarus"
Bolivia	IBP	Centro de Estudios para el Desarrollo Laboral y Agrario (CEDLA)
Bosnia-Herzegovina	IBP/FOIA	Centar za promociju civilnog društva and Centar za istraživačko novinarstvo)
Botswana	IBP	Botswana Institute for Development Policy Analysis (BIDPA)
Brazil	IBP	Instituto de Estudos Socioeconômicos (INESC)
Bulgaria	WRI	Access to Information Programme (AIP-Bulgaria)
Burkina Faso	IBP	Centre pour la Gouvernance Démocratique (CGD)
Cambodia	IBP	The NGO Forum on Cambodia
Cameroon	IBP	Budget Information Centre (BIC)
Canada	FOIA	Center for Law and Development
Chad	IBP	Groupe de Recherches Alternatives et de Monitoring du Projet Pétrole Tchad-Cameroun (GRAMP-TC)
Chile	FOIA	Fundacion Pro Acceso
China	IBP	Shanghai University of Finance and Economics

Colombia	IBP	Corporación Foro Joven
Costa Rica	WRI	La Fundación para la Paz y la Democracia (FUNPADEM)
Croatia	IBP	Institute of Public Finance (IPF)
Dominican Republic	IBP	Fundación Solidaridad
DR Congo	IBP	Reseau des Organisations Partenaires de FIFES (ROPI)
East Timor	IBP	Lalenok Ba Ema Hotu (LABEH)
Ecuador	IBP	Transparencia Ecuador
El Salvador	IBP	Jaime López
France	FOIA	Association de Journalistes Européens
Georgia	IBP	Transparency International Georgia
Germany	FOIA	Netzwerk für Osteuropa-Berichterstattung n-ost
Ghana	IBP	Integrated Social Development Centre (ISODEC)
Guatemala	IBP	Asociación Centro Internacional para Investigaciones en Derechos Humanos (ACIIDH)
Honduras	IBP	Centro de Investigación y Promoción de los Derechos Humanos (CIPDH)
India	IBP	Centre for Budget and Governance Accountability (CBGA)
Indonesia	IBP	Bandung Institute of Governance Studies (BIGS)
Iraq	IBP	Iraq Institute for Economic Reform (IIIER)
Kazakhstan	IBP	Sange Research Center
Kenya	IBP	Social Development Network (SODNET)
Kyrgyz Republic	WRA	Reproductive Health Alliance Kyrgyzstan
Liberia	IBP	Actions for Genuine Democratic Alternatives
Macedonia	WRI	Florozon-Association for Protection of Natural Environment and Sustainable Economic Development
Malawi	IBP	Malawi Economic Justice Network (MEJN)
Malaysia	IBP	Centre for Public Policy Studies, Asian Strategy & Leadership Institute
Mali	IBP	Great Mali
Mexico	IBP	Fundar, Centro de Análisis e Investigación
Moldova	IISD	BIOTICA Ecological Society
Mongolia	IBP	Open Society Forum (OSF)
Montenegro	FOIA	MANS-The Network for the Affirmation of the NGO Sector
Morocco	IBP	Transparency Maroc
Mozambique	IBP	Centro de Integridade Publica (CIP)
Namibia	IBP	Institute for Public Policy Research (IPPR)
New Zealand	IBP	Transparency International New Zealand
Nicaragua	IBP	Centro de Información y Servicios de Asesoría en Salud (CISAS)
Niger	IBP	Alternative Espaces Citoyens
Nigeria	IBP	Civil Resource Development and Documentation Centre (CIRDDOC)

Norway	IBP	Chr Michelsen Institute (CMI)
Pakistan	IBP	Omar Asghar Khan Development Foundation
Papua New Guinea	IBP	Institute of National Affairs
Paraguay	WRI	Instituto de Derecho y Economía Ambiental (IDEA)
Philippines	IBP	Philippine Center for Investigative Journalism (PCIJ)
Poland	IBP	The Gdańsk Institute for Market Economics
Portugal	FOIA	Amnistia Internacional Portugal
Romania	FOIA	Centre for Independent Journalism
Russia	FOIA	Foundation for the Support of Information Freedom Initiatives
Senegal	IBP	Universite de Dakar
Serbia	IBP	Transparency Serbia
Sierra Leone	WRA/FOIA	Konima Development Association and Freedom of Information Coalition
South Africa	IBP	Institute of Democracy in South Africa (IDASA)
Spain	FOIA	Access Info Europe
Sri Lanka	WRI	Public Interest Law Foundation
Sudan	IBP	Juba University, Sudan
Tajikistan	IISD	Jahon
Tanzania	WRA	Women's Dignity
Trinidad y Tobago	IBP	University of the West Indies
Turkey	FOIA	Cyber Law / Cyber Rights
Uganda	IBP	Uganda Debt Network (UDN)
Ukraine	IBP	International Centre for Policy Studies (ICPS)
United States	IBP	International Budget Partnership
Venezuela	IBP	Transparencia Venezuela
Yemen	IBP	Cultural Development Program Foundation (CDPF)
Zambia	IBP	Economics Association of Zambia (EAZ)
Zimbabwe	WRI	Zimbabwe Environmental Law Association (ZELA)

3. The Questions

The 6 Question Campaign is structured around two questions pertaining to maternal health, two questions regarding development aid, and two questions focusing on the environment. For each set of questions you will find a box with background information, as well as a table that depicts the information that governments need to provide as answers to the requests. Annex 1 contains the same table in a spreadsheet, for you to record the actual information, so as to allow consistent comparative processing of data from all 85 countries. Please include in this spreadsheet the exchange rate of your country's currency to the US dollar.

Please note that for the development aid questions, countries are divided into donors and recipients. We will indicate, if this is in doubt, whether your country is to be considered a donor or recipient.

Selecting the appropriate fiscal years for all questions:

Since we are seeking information on actual expenditures, we need to keep in mind the fact that governments take time to collect this information and publish them. International good practice on budgeting requires governments to compile their annual reports with actual expenditures within six months of the end of the year. This makes it reasonable for us to seek information on actual expenses incurred in a fiscal year that ended six months or more prior to January 2010. For example, if in your country the fiscal year runs from January to December then the current fiscal year is 2010. However, it has only been a couple of weeks since the last fiscal year has ended and it is unrealistic to expect governments to have their annual reports ready. In this case, use 2008 as Fiscal Year – 1 and 2007 as Fiscal Year – 2. On the other hand, if in your country the fiscal year runs from July to June then your current fiscal year is 2009-10. In this case you can seek information on the fiscal years 2008-09 (Fiscal Year -1) and 2007-08 (Fiscal Year – 2). If your fiscal year runs from April to March then your current fiscal year is also 2009-10. In this case, too, the appropriate Fiscal Year – 1 is 2008-09 and Fiscal Year -2 is 2007-08.

For future fiscal years, you simply select the fiscal year following the one your country is currently in (e.g. in the first example, of calendar fiscal years, you would select 2011 as Fiscal Year + 1, and in the second example, the year July 2010-June 2011).

MATERNAL HEALTH

Background to Questions 1 and 2: Maternal deaths remain the leading cause of death for women of reproductive age around the world; one woman dies every minute in pregnancy and childbirth. The main complications of pregnancy and childbirth that lead to death or disability include hemorrhage (bleeding), hypertension, infections, anemia, prolonged labor, and unsafe abortion. Solutions to prevent or treat these complications are known, and include access to family planning, access to a skilled birth attendant (a midwife or health professional with midwifery skills), access to emergency obstetric care and postpartum care.

Post partum hemorrhage is the leading cause of maternal deaths. Fortunately, feasible, low-cost, and evidence-based interventions have been identified to prevent and address postpartum hemorrhaging. A skilled birth attendant who can actively manage the third stage of labor can save the life of a woman by stopping hemorrhage through administering drugs that contract the uterus, applying cord traction and counter traction to the uterus, massaging the uterus through the abdomen, and monitoring for further bleeding. Unfortunately, these life saving drugs are not always readily available. In addition, there is a tremendous gap in many countries in human resources, particularly skilled birth attendants, to address complications and prevent unnecessary deaths. These two questions reveal a great deal about the health system priorities and capacities.

Q1. What was the total amount actually spent nationwide during the last two fiscal years on purchasing/procuring each of the following medications: (a) magnesium sulphate for treating eclampsia, and (b) uterotonics for use for treating post partum hemorrhaging? Please specify which uterotonic (such as oxytocin, misoprostol, ergometrine, etc.) was purchased. Please also include amounts spent by sub-national governments, or indicate clearly if you do not have this information.

	Current Fiscal Year -1 (last fiscal year)	**Current Fiscal Year -2 (fiscal year before last fiscal year)**
Uterotonics (specify which uterotonic)		
Actual Expenses (national and subnational government)	Amount in local currency	Amount in local currency
Magnesium Sulphate		
Actual Expenses (national and subnational government)	Amount in local currency	Amount in local currency

Q2. What was the total amount spent during the last two fiscal years for pre-service training of midwives (or midwife equivalents) and how many midwives graduated from pre-service training?

	Current Fiscal Year -1 (last fiscal year)	**Current Fiscal Year -2 (fiscal year before last fiscal year)**
Pre-service training of midwives (or midwife equivalents)		
Actual Expenses	Amount in local currency	Amount in local currency
Number of midwives that graduated from pre-service training	Number of graduates	Number of graduates

DEVELOPMENT AID

Background to Questions 3 and 4: Donors often don't tell recipient countries what they're giving—how much aid, for what purposes, how it will be provided, and so forth. So governments expect to receive aid, but often don't know how much and how useful it will really be. This is such a problem that major donors have jointly agreed to improve the information on their aid flows. Donors first signed an agreement at a high-level meeting on aid effectiveness in Paris in 2005 and reiterated their commitments in another agreement at a meeting in Accra in 2008. They've committed to being more transparent about what they're funding now, as well as provide information on what they plan to fund on a 3 to 5 year rolling basis. These questions are meant to assess how well donors have been living up to their promises.

To make sense, questions 3 and 4 have been formulated in two different ways: one for aid-recipient countries and another for donor countries. Please use the set of questions that best apply to your country.

<u>For Aid-Recipient Countries</u>

Q3. What was the total amount of overseas development assistance received during the last fiscal year from the European Development Fund, the World Bank, and the following three US government agencies: i) the President's Emergency Plan for AIDS Relief (PEPFAR), ii) the Millennium Challenge Corporation (MCC), and iii) the United States Agency for International Development (USAID). Were you notified and if so, what were the dates (month and year) on which each of these agencies notified you (recipient government) about the assistance?

	Current fiscal year -1 (Last Fiscal Year)
European Commission	
Actual Received	Amount in local currency
Notification Date	Month/Year
World Bank	
Actual Received	Amount in local currency
Notification Date	Month/Year
PEPFAR	
Actual Received	Amount in local currency
Notification Date	Month/Year
USAID	
Actual Received	Amount in local currency
Notification Date	Month/Year
MCC	
Actual Received	Amount in local currency
Notification Date	Month/Year

Q 4. What is the total amount of overseas development assistance committed for the next three fiscal years by the European Development Fund, the World Bank, and the following three US government agencies: i) the President's Emergency Plan for AIDS Relief (PEPFAR), ii) the Millennium Challenge Corporation (MCC), and iii) the United States Agency for International Development (USAID). Were you notified and if so, what are the dates (month and year) on which each of these agencies notified you (recipient government) about the assistance?

	Current Fiscal Year +1	**Current Fiscal Year +2**	**Current Fiscal Year +3**
European Development Fund			
Committed	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
World Bank			
Committed	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
PEPFAR			
Committed	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
USAID			
Committed	Amount in local	Amount in local	Amount in local

	currency	currency	currency
Notification Date	Month/Year	Month/Year	Month/Year
MCC			
Committed	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year

<u>For Donor Countries</u>

Q3. What was the total amount of overseas development assistance actually provided during the last fiscal year (not your fiscal year, but the fiscal years of each of the relevant recipient government) to each of the following governments: Rwanda, Liberia, Ethiopia, Colombia, and Vietnam, and what were the dates (month and year) on which you notified the governments about the assistance?

	Current Fiscal Year -1 (Last fiscal year)
Rwanda	
Actual Expense	Amount in local currency
Notification Date	Month/Year
Liberia	
Actual Expense	Amount in local currency
Notification Date	Month/Year
Ethiopia	
Actual Expense	Amount in local currency
Notification Date	Month/Year
Colombia	
Actual Expense	Amount in local currency
Notification Date	Month/Year
Vietnam	
Actual Expense	Amount in local currency
Notification Date	Month/Year

Q4. What is the total amount of overseas development assistance committed during the next three fiscal years (not your fiscal year, but the fiscal years of each of the relevant recipient government) to each of the following governments: Rwanda, Liberia, Ethiopia, Colombia, and Vietnam, and what were the dates (month and year) on which you notified the governments about the assistance?

	Current Fiscal Year +1	**Current Fiscal Year +2**	**Current Fiscal Year +3**
Rwanda			
Commitment	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
Liberia			
Commitment	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
Ethiopia			
Commitment	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
Colombia			
Commitment	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year
Vietnam			
Commitment	Amount in local currency	Amount in local currency	Amount in local currency
Notification Date	Month/Year	Month/Year	Month/Year

ENVIRONMENT

Background to Question 5: Over the last decade, many countries have established a Ministry and apex agencies for the environment. Sometimes these Ministries and agencies are stand-alone institutions. In other cases, their functions are combined with other functions (e.g. Ministry of Forests and Environment or Ministry of Lands, Coasts and Environment). Such Ministries have been established largely in response to the growing importance of the environment and related issues of climate change, hazardous waste and ocean pollution. But many of these Ministries also have domestic responsibilities such as controlling air and water pollution, managing waste and protecting wildlife and forests.

Despite the establishment of these Ministries and agencies, governments have failed to provide them with the necessary budgets to be effective. In many countries, Ministries and agencies responsible for environmental protection and conservation are marginalized, under-funded or have limited power within the government structure to effectively discharge their duties. One indicator that reveals the political commitment, power and stature of these Ministries and agencies, are their actual expenditure as a share of the national budget.

Q5. As a share of the national budget, what was the total amount actually spent on all national agencies in charge of environmental protection and conservation during the last two fiscal years?

	Current Fiscal Year -1 (last fiscal year)	**Current Fiscal Year -2 (fiscal year before last fiscal year)**
Environmental Protection Agencies		
Total expenditures as share of the national budget	Percentage of national budget	Percentage of national budget

Background to Question 6: By deploying the public budget in pursuit of public policy objectives, governments offer inducements to the economy to favour some things and to avoid others. These economic inducements —usually in the form of subsidies— are often first given in response to a crisis and the action often has strong political support. However, subsidies soon become entitlements and it is difficult to remove them, even when the purpose for which they were first approved is no longer a reality. To make matters worse, subsidies are a form of rent, and like any rent, they tend to be captured by the most powerful and influential.

The case of subsidies to fossil fuels is worse. Very large sums (hundreds of billions of dollars each year) are deployed, supposedly to make transport or cooking fuel cheaper in poorer countries and to accelerate the production of new sources in the richer countries. In reality, they represent a massive inducement to prefer fossil fuels over cleaner alternatives, with many of the benefits not boosting energy security nor going to the poorest, but into the pockets of the more privileged in society. They represent an enormous inducement to behave in ways that undermine the struggle to control climate change, and they tilt the playing field against renewable energy, energy conservation or greater energy efficiency. There is nothing that would more quickly and more effectively boost efforts to avoid catastrophic climate change than the elimination of subsidies to fossil fuel production and consumption.

Note: Subsidies include financial transfers from the public purse, income foregone by the public purse, and transfers from consumers to producers (or vice versa) induced by public policies (such as import tariffs or export restrictions).

Q6. What was the total amount actually incurred during the past three fiscal years on subsidies for oil, gas and coal production and consumption?

	Current Fiscal Year -1	**Current Fiscal Year -2**	**Current Fiscal Year -3**
Oil			
Actual	Amount in local currency	Amount in local currency	Amount in local currency
Gas			
Actual	Amount in local currency	Amount in local currency	Amount in local currency
Coal			
Actual	Amount in local currency	Amount in local currency	Amount in local currency

4. Making Requests

This section covers standard procedures requestors will use in every country when making requests. The purpose is to standardise the way requestors carry out their work to ensure uniform practice and that a consistent level of effort is made by each requestor to obtain the final outcome to their request. Following standard practices strengthens the comparability of the results, and hence the final analyses and conclusions.

Step 1: Translate and edit the requests

You have been provided with 6 questions in English/French/Spanish which in many countries will need translating into your local language. You need to be as accurate as possible in translation, to ensure that your request is as similar as possible as requests submitted in other countries.

Note: Please take care when translating to ensure that the correct terms are used. If in doubt about the meaning of anything in the question, please contact the Project Coordinator.

Step 2: Identify the target institutions

You will need to identify the target institution for each of the 6 requests, based on the way government is organised in your country. In many cases both requests in each thematic area (development, environment, and maternal health) will be addressed to the same institution. Normally, the ministry of health will hold the health information (Questions 1 and 2). We expect that in most countries, information about development (Questions 3 and 4) will be held by either the ministry of foreign affairs or perhaps development agency (for donors) or the finance ministry (for recipients). In most countries, there will be a line ministry responsible for the environment (such as a ministry of the environment), which may hold the information for Question 5. Alternatively, and probably also for Question 6, this information may be held by the finance ministry. However, if any of these are not the case in your country, you may need to file requests elsewhere.

Separate requests, and request letters, should be submitted for each of the 6 questions, even if two or more requests are submitted to the same institution. We are interested in tracking separate data for each request and making separate requests is necessary to achieve this. Furthermore, especially where more than one is filed with the same body, requests should be filed at separate times in order not to be lumped together or to raise suspicion about multiple requests.

Step 3: Check the website of the target institution.

The nature of the requests being filed in this project is such that it is unlikely that the precise answer to the questions will already be in the public domain in the form that we are asking for it. Nevertheless, we ask you to check the websites of the relevant institutions and to record whether or not the information seems to be available.

Even if it seems that all of the information is available, you should still file the requests, but it is important to down-load and record the fact that you found that information. Later we will compare the on-line information with any answers provided in response to our requests.

Step 4: Prepare the requests for submission

To standardise the process, all requests will come as letters from the national partners. As noted, separate requests and letters should be sent for each question. Three letter templates are provided in Annexes 3, 4 and 5, one for countries with an access to information law, one for countries with no law but a constitutional guarantee of the right of access, and one for countries with neither a law nor a constitutional guarantee. If your country has an access to information law, please refer to this in the request letter, so that it is clear that the request is a request under that law (for avoidance of any doubt). If your country has no law but a constitutional guarantee, please refer to this in the letter.

Feel free to adapt the language of the relevant letter template so that it has the appropriate level of formality and politeness which would typically be used in your country in communications with public authorities.

Please send the Project Coordinator a copy of all of your request letters. These will be made available, in the original language, over the Internet and may also be used for advocacy purposes.

Note: No reasons to be included in the request. We are testing the right of access to information with this monitoring. In most countries with access to information laws, no reasons are required to be given for the requests. If your law requires reasons to be given, please contact the Project Coordinator. If you are submitting in a country which does not have an access to information law, stipulate in your request letters simply that you are requesting the information for purposes of research, without mentioning the type of research. In all cases, if, when submitting a request or during a subsequent phone call or e-mail or letter from the public institution, you are asked the reasons for submitting the request, then you should simply state "we are carrying out research into this issue". No other explanations should be given about why you want the information or what you plan to do with it. It is important that you do not mention that the request is part of an international survey, as this may affect the way the authorities respond to the request and skew the results. Report back to the Project Coordinator if you think that your simple explanation was not enough to convince the public official to process your request.

Step 5: Request submission

There may be some variation in the form you use to submit the requests.

1. If it is commonplace to file requests by e-mail and if you will get an e-mail receipt for this, you can do this. In this case, please still prepare a formal letter of request and either attach it or paste it into the body of the email, whichever is more appropriate. If the headed note paper of your institution is available electronically, use this to submit the request. In any case, please make sure to put the name, address and contact details (including email) of your institution at the top of the letter, as well as the name, position and contact details (including email) of the person submitting it at the bottom.

2. If it is normal to file a request by post, then do this. Prepare each request on the headed note paper of your institution. The requests should be sent by registered post using the system normally used in your country so that you have a receipt or other proof of delivery.

3. If it is normal to hand-deliver requests, then prepare two copies so that one can be stamped with the date of delivery. In this case, you may encounter problems, such as the person delivering the request not being allowed to enter the government building or to approach the desk where they would submit the request, or being refused an official stamp on the copy of the request. If, after trying politely but firmly to submit the request, it is impossible to do so, this will be an 'unable to submit' outcome. Please contact the Project Coordinator for assistance in this case.

Requests should **NOT** be filed using **online forms**, as it is harder to keep a copy of such requests. If this is a normal way to submit requests for information in your country, please contact the Project Coordinator to discuss.

Requests should **NOT** be submitted by **fax** as experience in previous monitoring exercises shows that there are problems with requests submitted by fax. However, if this a normal method of communicating with government departments in your country, please discuss with the Project Coordinator.

Note: Contact from the public institution: In some cases, public authorities may contact you regarding the processing of your request. For example, they might ask for clarification of how you would like to receive the information, or to indicate that the information is spread across a lot of documents, the provision of which may be expensive, or to indicate that processing the request will be difficult for some reason and to seek ways to narrow it. There is nothing wrong in principle with this and you will need to use your discretion when answering. We believe that in most countries, provision of the information requested should be possible. If you are not sure how to deal with a response from the public institution, contact the Project Coordinator to discuss.

Note: Submission Fees: In some countries, the rules allow public authorities to charge fees for the submission of requests. Where this is the case, this should be anticipated at the outset of the requesting process and the fee paid. However, if an institution attempts to charge a submission fee which is illegitimate, do not pay it and contact the Project Coordinator to discuss. And if a fee in excess of $10 is charged, also contact the Project Coordinator, even if this is allowed by law.

Step 6: Follow-up

In most cases, you should undertake follow-up immediately upon this being triggered by a response from the institution (e.g. in case of a refusal to accept a request, an oral refusal to provide the information, provision of partial access and so on). There are two exceptions to this. First, if a satisfactory answer to the request is provided, the process comes to an end. Second, if the institution fails to respond to a request, this is called a mute refusal. A mute refusal applies either after 30 days or when the period in the access to information law for responding to requests has expired, whichever comes sooner.

Following up can be done by:

- phoning the institution to see if the request is still being processed;
- sending an email to inquire about the request;
- returning in person to the institution to ask about the request.

If you received an acknowledgement of your request or an official reference number, use this to enquire about the status of the request.

Specific follow-up actions for each type of response are provided in Section 5, depending on what happens to your request.

We are working to a rule of three substantive attempts (the initial request and two follow-up attempts) to get the information (unless of course the institution provides the information in which case the procedure comes to an end).

However, in cases where the institution fails even to accept the request, in the form of an 'unable to submit' a 'refusal to accept' or a 'mute refusal' (see Section 5), we will try two more times to get it to accept the request and thereby start the process. These attempts to resubmit should be carried out immediately (the whole submission process should not take more than two weeks even if three different ways of submitting the request are tried). If the institution fails to accept the request three times, that is the end of the requesting process and a final outcome of "Unable to submit", "Refusal to Accept" or "Mute Refusal" will be recorded. If, however, the institution accepts the request on the second or third attempt, the response they provide then is recorded as the first substantive outcome. In these cases, the "Unable to Submit", "Refusal to Accept" or "Mute Refusal" should still be recorded in the form, but not as the first outcome.

Once the request has been accepted, up to two additional follow-up actions to try to get the information should be tried. The 'final outcome' will be the response to the final follow-up.

<u>Example One</u>

You file a request by email and there is no response within 30 days (mute refusal). You then try to file the request by letter and the letter is returned (second unable to submit). Finally, you go to the institution and speak to someone but he indicates that they do not respond to requests for information (refusal to accept). The process is over, with 'refusal to accept' as the final outcome.

<u>Example Two</u>

You file a request by email and the email is returned (unable to submit). You then try to file the request by letter and the institution responds by phoning you to say that they are unable to provide the information because it is confidential (this constitutes a successful submission of the request and a response of 'oral refusal'). The oral refusal is the first outcome (you should record the original 'unable to submit' but not count it as an outcome since they did eventually accept the request). You should then follow-up on the 'oral refusal', potentially twice depending on what happens next.

Example Three

You file a request and the institution phones to say that they are unable to provide the information because it is confidential (oral refusal). This is the first attempt. You follow up and they write to you saying they do not have the information (information not held). You follow up again and they provide part of the information (partial access). You have made three attempts and the process is over, with 'partial access' as the final outcome.

Note: Request is transferred or referred: Sometimes requests are filed with the wrong institution or part of the information is held by another institution and the original authority takes steps to transfer or refer the request. This may be done in one of two ways. First, the requestor may be referred to another public institution which does hold the information, by letter or orally when you phone to find out what happened to your request. In this case, you should submit the request to that institution. This will be recorded as a resubmission in your record keeping and you should make a clear note that it was done after a referral to another institution. Time permitting, you should go through the whole process as necessary (i.e. up to the full three strikes) with the new institution. Contact the Project Coordinator if time is running out.

Second, the request itself may be transferred by the institution with which the request was originally submitted to another institution. In some countries the law requires requests to be transferred and the requestor to be notified of this. In other cases, you may only learn that the request was transferred when you receive an answer from another institution. In either case, you should note in your record keeping that the request was transferred, and continue to process it in accordance with this Protocol.

Step 7: Receiving the Information

If your request is successful, either fully or partially, you will either receive the information directly or be notified that the information is ready to be collected. You may also be informed that you may come to the institution to view the information.

Note: Viewing only: If you are told that you can view the information but not receive copies, you should contact the Project Coordinator to discuss.

Note: Fees for receipt of copies: In some countries, institutions may charge fees for copying and sending you the information, and sometimes also for searching for it. If you are asked to pay for information in accordance with these rules, these fees should be paid, unless they exceed $5, in which case you should contact the Project Coordinator to discuss. If you are asked to pay a fee which is higher than what is allowed under national law or rules, or which seems unreasonable, then contact the Project Coordinator to discuss.

5. Timelines

All initial requests should be submitted, at the very latest, by February 10 (hopefully before that) and final outcomes should be received by May 24, three and one-half months later. This allows for the initial request, a first follow-up 30 days (one month) later, a second follow-up 30 days (one month) later and another 30 days for the final response to the second follow-up, as well as two weeks for doing the follow-ups.

The request protocol will be distributed in English/French/Spanish to all 85 countries between January 11 to 22, and will be followed up by individual calls to each country partner from the Project Coordinators. This call to each organization provides you with an opportunity to raise any questions, doubts or concerns, or to ask for clarification.

Project coordinators will regularly follow up with country partners during the following three months, and will be available to discuss and solve problems that might arise during the process. Many of these potential problems have been highlighted in this Protocol; others, that have not been envisioned, will emerge. Do not hesitate to contact the Project Coordinators for anything that you might find unclear, unexpected or difficult to deal with.

The final data bases resulting from the request process should be submitted to the Project Coordinators at the very latest by May 24, in order to integrate global databases and conduct comparative analysis. If your process has finished before this date, please send your data bases on your earliest convenience.

6. Record Keeping

You should take care to keep an accurate record of what happens to each request, at each stage of the process. For example, a first attempt to make a request might result in an 'unable to submit' outcome, the next a 'refuse to accept' outcome, and on the third you manage to submit and actually get the information. Each result should be recorded. All these responses will generate data for the final analysis.

Forms for recording both the processing of requests and the actual information received are provided in Annexes 2 and 1, respectively. The structure of the form is shown on the next page.

It's a good idea to put copies of everything which happened into a file, including printing copies of all information that is in electronic format (just in case – emails and files do get deleted accidentally).

If you find any information on line at the beginning of the process, please save this off-line and download and print the information. Where possible also take screen shots and print these so that we have a clear record of what happened.

The record keeping should be done at each stage of the process. This will include keeping a record of any initial responses from a public authority. An initial response could be administrative silence or a claim that the information is not held. See Section 5 for further guidance on what to do following each outcome. These initial responses should be recorded but you should follow the rules for follow-ups.

You will find in the annexes two excel documents where you will have to enter the data that you will collect. The document called "Annex 1 – Data Sheet" will contain the information that you will get from the institution, the answer to the questions. The document called "Annex 2 – Process Sheet" is designed to capture the access to information process, the instructions of how to fill it out and are explained further below. In both of the documents, you will find six answer sheets, one per question.

If national law (FOI, administrative, or other) provides that you are entitled to a registration number or reference number or receipt for submission of your request, or if you have a right to have a second copy of your request certified, and this is normal administrative practice, then this should be asked for. Failure by the authorities to provide this should be recorded.

Example of the Answer sheet for the Access to Information Process:

First Attempt

First phase

Submission date	1
Institution	
How filed	2
Date of delivery	3
Date of Official Acknowledgement	4
Result	5
Comments	
Response type	6

☐ Transferred   Date of notification ....

1 The date you sent the request
2 Post, e-mail, fax, or hand delivered
3 The date you received the confirmation of delivery
4 The date you received an official acknowledgment from the institution
5 The possible results of trying to submit the request:

- **Unable to submit** : go to the second attempt
- **Refusal to submit** : go to the second attempt
- **Submitted** : wait up to one month for a response

6 The possible response types:

- **"Transferred"**: mark the check box, record date, and wait for an answer before going to second phase;
- **"Referred"**: go back to beginning (=second/third attempt to submit)
- **"Mute refusal"** : go back to beginning (=second/third attempt to submit)
- **"Other Answer"**: go to the second phase

Second phase

Response type	(as per 6 above)
Date of response	
Institution	
How received	1
Answer Content	2
Comments	

1 By post, e-mail, fax, phone call, or in person

2 The content of the answer:

- **Information received** : end of the process – analyse answers
- **Information incomplete** : follow up, by using the second attempt
- **Information not held** : either follow up using your second/third attempt (if you think they must hold at least some of the information), or end the process.
- **Written refusal** : either end the process or go to administrative appeal
- **Partial refusal** : either end the process or go to administrative appeal
- **Excessive fees** : either end the process or go to administrative appeal

7. Assigning Outcomes and Follow Up Rules

This section describes in some detail the outcomes to be assigned to the various responses you might receive from the institutions to whom you have submitted requests and how to follow-up. You should also refer to the Chart that follows this section (also presented below on page 27), which provides an easy-to-access overview of these outcomes, how to record them and follow-up actions.

1. Unable to Submit

Unable to Submit means that it was not physically possible to file the request, for example because the requestor was not permitted to enter the government building by a security guard or the letter was simply returned as being incorrectly addressed. No one in authority has specifically indicated that they do not accept requests for information; it was just not possible to 'get in the door'.

Follow-up: You should record "Unable to Submit" and then try to submit the request again.

2. Refusal to Accept

Refusal to Accept is when an official in a decision making position inside the institution specifically refuses to accept the request, being conscious that it is a request for information. An example would be when you get to the desk for registering letters and the official says "What is this? We do not accept requests for information!"

Refusal to Accept could also include a reply to an e-mail or postal submission saying that the request cannot be accepted in that format, even though you know that the request has been submitted in accordance with the law.

A key difference between Unable to Submit and Refusal to Accept is that the institution has actively declined to accept the request.

If any reasons are given for not accepting the request, these should be recorded.

Follow-up: Record the Refusal to Accept and try to submit the request again, either using the same means if you think the refusal was down to an individual official or using another means of submitting it.

3. Oral Refusal

An Oral Refusal happens when someone from the institution gives a spoken response to the effect that they refuse to provide the information. This would include a response to hand-delivered requests such as "I am sorry Madam, but we cannot provide that information as it is classified." An Oral Refusal might also be made by telephone, for example during a phone call to verify whether a written request has been received, or a phone call made at the initiative of the institution.

If any reasons are given orally for not accepting the request, these should be recorded.

Note: In all cases of oral refusal, the requestor should ask immediately for a written refusal.

Follow-up: Record the Oral Refusal and immediately then write (by e-mail or post) to the institution concerned saying that you received an oral refusal (give date and details) and that you would like a written response to your request.

4. Written Refusal

A Written Refusal is a refusal to provide the information which is made in any written form. The written refusal may come in the form of a letter, e-mail or fax or a written document handed to the requestor. It is different from a refusal to accept inasmuch as it responds to a request, but refuses it on the basis that the information requested cannot be provided. You should record any grounds stated in this written document.

The following are not examples of a Written Refusal:

- If the letter refers the requestor to another institution go to the "Transferred/Referred" outcome.
- If the letter states that the institution does not hold the information, then this is recorded as an "Information Not Held" outcome.

Follow-up: A Written Refusal should be followed by an administrative appeal assuming that this is relatively easy to present in your country. We will discuss this with you at the planning stage and then you can alert the Project Coordinator that you are planning to file an appeal.

5. Transferred

This should be recorded when the institution transfers the request itself to another institution (whether it informs you about this or you become aware of this when the other institution contacts you about the request).

We are only making requests to national public bodies. Where you are referred to a sub-national public body (e.g. a province or state in a federal country), this should be treated as an 'information not held' response (see below).

Follow-up: You should simply record this and wait for the answer according to the timeframes specified by law or the maximum one-month timeframe stipulated. If after a month of the transfer you do not get an answer, treat it as administrative silence and follow-up.

6. Referred

This should be recorded when either the institution indicates that you should lodge the request with another institution.

We are only making requests to national public bodies. Where you are referred to a sub-national public body (e.g. a province or state in a federal country), this should be treated as an 'information not held' response (see below).

Follow-up: You should record the Referral and then submit the request to the institution to which you were referred; follow the regular procedure after submission of this request.

7. Mute Refusal

A mute refusal is where the authorities simply fail to respond at all to a request. It would also apply where only vague answers to follow-up are provided which cannot be classified into any other category listed here. A mute refusal is deemed to apply either after 30 days or when the period in the access to information law for responding to requests has expired, whichever comes sooner.

Follow-up: You should follow up either by telephone, e-mail or letter, according to what would be most typical and appropriate in your country as agreed at the outset of the project. If you follow up by telephone, then you should try to identify what happened to your request and whether it will be answered. Some flexibility is necessary, depending on how you feel the request is being dealt with. If it seems that the request is being handled ask when the answer will be sent to you. If you have the impression that the request will be answered shortly, then thank the official and give them another period of time (either 30 days or the time specified in the law, whichever is shorter) to respond. At the end of the second month after submission, if you have heard nothing, you should resubmit the request, mentioning the date when you first submitted it and asking for a prompt answer. If you feel that the request is not being taken seriously, resubmit without giving the institution more time to respond, again mentioning the date when you first submitted it and asking for a prompt answer.

8. Information Received

Access is granted and the information is provided, in written form. The information answers the question and is relatively complete.

Please record the information provided in the data form, along with a comment on its quality.

Note: In some cases requestors may be granted permission to view the requested information but not to take copies. If this happens, please discuss with the Project Coordinator.

Follow-up: No follow-up should be necessary. You should translate/summarise the answer in one of the working languages of the project (English/French/Spanish) and record it. A full translation is appropriate for short-medium answers; for a longer answer it might be better to summarise it.

9. Partial Access

Partial Access is where only part of the information is provided, and the institution specifically indicates that the rest of the information cannot be provided. Information may be blacked-out or "severed" or you are provided with one document only and the institution clearly states that other documents/pages were withheld. Partial Access differs from an Incomplete Answer inasmuch as the institution specifically informs you that some of the information is being withheld (as opposed to simply not providing it). This should normally be because the institution considers that the part of the information withheld falls within the scope of the exceptions set out in the law or that it is otherwise confidential.

Follow-up: Partial Access should be followed by an administrative appeal assuming that this is relatively easy to present in your country. We will discuss this with you at the planning stage and then you can alert the Project Coordinator that you are planning to file an appeal.

10. Incomplete Answer

Information is provided but is incomplete, irrelevant or in some other way unsatisfactory. If only a trivial part of the information is not provided, this does not count. The failure to response should manifest a significant failure to provide the information requested.

This might apply, for example, if documents are provided in response to a request which do not directly answer the request, or only answer part of it. Another example of an Incomplete Answer is when the requestor is directed to a website which does not have all the information.

If it is difficult or impossible to obtain the answer to the question asked from the information provided, this should also be dealt with as an incomplete answer. You should consider it difficult to obtain the information if it would take longer than about 30 minutes of searching through the information provided to get the answer.

Follow-up: An Incomplete Answer should be followed by a resubmission of the request asking for the remaining information.

11. Information Not Held

Information Not Held is where the institution answers that it does not hold the information and does not know of another institution that does hold it.

Please record in the comment field whether you find this response credible or not.

Follow-up: For Information Not Held responses you should follow up with the institution asking where the information is held, if they have not indicated this to you. If you are sure that the institution holds the information then you should resubmit the request. Otherwise, you should contact the Project Coordinator to discuss.

12. Excessive Fees Charged

In a few countries, fees are charged simply for filing requests (as opposed to for providing the information). In these countries, these fees will need to be paid. If these fees exceed $10 per request, contact the Project Coordinator.

In some countries, fees may be charged for providing access to the information. Where this is in accordance with the law, these fees should be paid. However, the information requested should not require extensive copying of documents. If the fee for any request exceeds $5, please contact the Project Coordinator.

In no case should you pay fees which the body is not allowed to charge you, either because they are too high or because no fees may be charged in your country. You should also not pay a fee unless you will be provided with an official receipt for this.

Follow-up: For excessive fee cases, you should follow-up with the institution asking for provision of the information either with no fee or for a lower fee, as appropriate. In some cases, an administrative appeal may be lodged against the excessive fee, assuming that this is relatively easy to present in your country. We will discuss this with you at the planning stage and then you can alert the Project Coordinator that you are planning to file an appeal.

FOLLOW-UP CHART

RESPONSE FROM GOVERNMENT	RECORD IN FORM	NEXT STEP
Unable to Submit Request to Government. (e.g., not allowed entry into government building).	Record: "Unable to Submit" Comment: reasons you were unable to submit the request	Submit request again (as soon as possible and within a week)
Refusal to Accept Request. (e.g., official says the institution does not accept requests for information).	Record: "Refusal to Accept Request" Comment: reasons the institution refused to accept your request, if any given	Submit request again to other official/using other means (as soon as possible and within a week)
Oral Refusal to Provide Information. (e.g., you receive a telephone call or official indicates in face-to-face that the government will not accept the request).	Record: "Oral Refusal" Comment: reasons for refusal	Submit letter asking for written refusal and citing the oral refusal (as soon as possible and within a week)
Written Refusal to Provide Information. (e.g., within 30 days of submitting letter, you receive email or letter refusing to provide the requested information).	Record: "Written Refusal" Comment: reasons for refusa	Submit an administrative appeal against refusals of access (as soon as possible and within two weeks) [NB: we will discuss with you at the planning stage whether this is feasible in your country].
Transferred. (e.g., within 30 days of submitting letter, you are informed by the institution that it has forwarded your letter to another institution).	Record: "Transferred" Comment: name of the institution to which the information request was transferred and when it was transferred.	Wait for 30 days for answer from institution to which the case is transferred
Referred. (e.g., within 30 days of submitting letter, you are told by the institution to which the letter was submitted that you should submit the request to another national institution).	Record: "Referred" Comment: the name of the institution to which you were referred.	Submit the request to the institution to which you were referred (as soon as possible and within a week)

Mute Refusal. (within 30 days of submitting letter, no answer is provided).	Record: "Mute Refusal"	Speak to or send email to the institution after 30 days and re-submit request again at that time
Information Received. (e.g., within 30 days of submitting letter, data is provided in writing and seems reasonably comprehensive).	Record: "Information Received." Also record the information received in the Data Form	No further action
Partial Access. (e.g., within 30 days of submitting letter, you receive some data, but some information is blacked out or the institution tells you that some information cannot be provided).	Record: "Partial Access" Comment: any reasons cited by the institution for refusing to provide some information; also note what information was denied.	Submit an administrative appeal against refusals of access (as soon as possible and within two weeks) [NB: we will discuss with you at the planning stage whether this is feasible in your country].
Incomplete Answer. (e.g., within 30 days of submitting letter, very little information is provided or the institution does not answer the question adequately).	Record: "Incomplete Answer" Comment: how the information you have received is incomplete.	Submit request letter asking for remaining information (as soon as possible and within a week)
Information Not Held. (e.g., within 30 days of submitting letter, the institution tells you that it does not have the information and does not know which institution has this information).	Record: "Information Not Held" Comment: what the institution told you and whether you think this is credible.	If you believe that the institution to which you submitted the first request for information DOES hold the information, resubmit the request again (as soon as possible and within a week). Otherwise, contact the project coordinator to discuss next steps.
Excessive Fees Charged. (e.g., within 30 days of submitting letter, the government informs you that you must pay more than $10 to submit the request or that you must pay more than $5 for copies of the requested documents).	Record: "Excessive Fees Charged" Comment: how much is being charged and whether these charges are legal.	Submit letter asking for information at lower or no fee (as soon as possible and within a week)