

## ANNUAL REPORT ABOUT THE SITUATION OF THE RIGHT TO ACCESS TO PUBLIC INFORMATION IN URUGUAY

*Year 2019*

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### 1. Introduction

The Access to Public Information Unit is the governing entity created by the Access to Public Information Law number 18,381 dated October 17<sup>th</sup>, 2008 (hereinafter, “LAIP” for its acronym in Spanish), to ensure compliance with the obligations imposed by it to public entities.

During the year 2019 the Unit continued its operations, performing several activities with the purpose of progressing towards the consolidation of a transparency culture in public administration, as well as of guaranteeing the effective exercise of the right to access to public information in our country.

By virtue of the tasks established in article 21 of the said Law, it is required to prepare and furnish to the Executive Branch an annual report in connection with the state of affairs of this right. By means of this report, UAIP also informs and gives account of its performance during the year 2019.



## 2. Main lines of work developed in 2019

UAIP's activity during 2019 was focused on the following lines of action:

1. Digitalization of Access to Public Information: For such purposes, the unit worked towards the implementation of a single window for information access requests, with related dispositions so that it is used as a single access in Central Administration.
2. Strengthening of the Application of the Regulatory Framework: through an Open Government commitment that seeks to update the regulatory framework 10 years after the passing of the Law, with contributions from civil society and academia.
3. Awareness of the Right of Access to Public Information: with the execution of several actions to spread the existence of the right and generate capacities in different groups.
4. Consolidation of International relations: Positioning of UAIP in the different regional and international forums on the subject and active participation in the development and execution of regional projects.
5. Performance of UAIP's Executive Committee: processing enquires and complaints regarding compliance with the Law, as well as performing audits to follow up on the fulfilment of the obligations imposed on entities as per effective provisions.

## 6. Training and circulation

Within the frame of this mission, several lines of work have been deployed with the purpose of spreading the Law and the obligations between liable subjects, as well as of training officers and interested people in general. Several workshops aimed at the community of role models, as well as at entities and institutions which request so were implemented with such objective.

Some of the most remarkable training activities include:

- 4 workshops for people in charge of active and passive transparency on topics related to open data, active transparency, and document management,
- Event named "*Charla Café*" (Coffee Talk) together with the Regulatory and Personal Data Protection Unit (URCDP for its acronym in Spanish) for 52 people in the Municipality of Florida.
- Event named "*Charla Café*" (Coffee Talk) about Document Management and Access to Public Information to which 170 people attended.



- Training for entities' mentors with participation of 85 officers belonging to: Municipality of Canelones, Institute for Children and Adolescents of Uruguay (INAU for its acronym in Spanish), Ministry of Education and Culture (MEC for its acronym in Spanish), Ministry of Public Health (MSP for its acronym in Spanish), Ministry of Social Development (MIDES for its acronym in Spanish), Preschool and Primary Education Council (CEIP for its acronym in Spanish), and Central Management Council of the National Administration for Public Education (CODICEN for its acronym in Spanish).
- Several in situ training sessions in entities which thus requested so, such as: Ministry of Education and Culture, Municipality of Florida, Municipality of Canelones, INAU, CEIP, CODICEN, Ministry of Public Health, Ministry of Social Development, Departmental Board of Montevideo, among others.
- Workshop addressed at journalists in Montevideo and other departments, held by virtue of an invitation made by the Centre for Judicial Studies CEJU which had the participation of 40 persons.
- Moreover, more than 500 persons received remote training through *Educa* ANTEL courses (535 participants), course for IT Secondary teachers (45 teachers) in partnership with the Ministry of Education and Culture (MEC) and through the online course on Archive and Document Management in partnership with the Transparency and Access Network (RTA for its acronym in Spanish), which had 218 attendees.

## 7. Awareness and circulation activities

Within this frame, an awareness campaign was carried out in digital media addressed at the citizenship in general. The actions reached an audience of 540,000 persons on the occasion of the celebration of the International Day for Universal Access to Information on September 28<sup>th</sup>.

- The videos were viewed by around 15,000 persons through Facebook and Instagram. Each person watched 2 videos on average throughout the week.
- With regard to complete views, it reached 74,000 in the week.
- Almost 3,000 interactions were generated, 95% of which were positive.

Moreover, the visits to the web portal of UAIP quintuplicated during the week when the International Access Day was celebrated (last week of September), reaching more than 1,000 visits of new users to the site.

On the other hand, the *6<sup>th</sup> International Seminar of Access to Public Information, names "Transparency and Technology"*, which aim was to reflect upon the implementation of



the Law, as well as to identify challenges for the future, addressing the technological aspects as a considerable contribution to the implementation of the public policy in Uruguay. More than 380 people participated in this event.

## 8. Advisory activities

As well as the abovementioned activities, UAIP developed several instances in which it provided advice to private individuals and to the officers of bound parties, both in person and through telephone and e-mail. In such instances, UAIP provided advice and cleared all doubts regarding the implementation of the law and the compliance with the corresponding obligations.

### a) Informal Advisory

402 informal enquiries were responded via e-mail, 336 via phone and around 90 in person.

### b) Advisory through formal proceedings

For the purposes of providing advisory and answers to the enquiries and complaints formally submitted before the Unit, the legal advisors' team has prepared 81 legal reports. On the other hand, the Executive Committee of the Unit has pronounced itself by issuing 4 judgements and 26 resolutions.

## Topics                      Number of archives

Expiration of the terms	33
Silence of reporting party	15
Unjustified denial	8
Partial delivery of information	6
Reserve after the request	6
Reserve after the request	4
Enquiry on access to information of archives	2
Information classified as reserved	2
Others	5

## 9. Oversight activities: appointment of reference persons and compliance reports

### a. Appointment of reference persons

During 2019 we continued working on strengthening the program for the appointment of responsible or reference persons in the entities with regard to active and passive transparency, in compliance with provisions from articles 41 and 56 of Decree No. 232 of August 2<sup>nd</sup>, 2010.



In order to achieve the mentioned appointment and train those reference persons in a specialized manner, the UAIP requests so to those entities which have not made their appointments yet on a periodic basis.

The number of responsible or reference persons appointed by the entities has gradually increased since the incorporation of the obligation into the decree, currently having 278 reference persons appointed.

#### **b. Reporting (art. 7)**

The Law also imposes a series of obligations in the reporting parties which compliance must be registered with the UAIP. For such purposes, article 7<sup>th</sup> sets forth the obligation to comply with the delivery of the following reports:

##### **a) Annual report on compliance status** of the obligations of access to public information.

The submission of this report shall be due on the last working day of March every year and refers to the requests received from January to December of the previous year.

For the purposes of the processing received, and in order to obtain accurate data with regard to the implementation of the Law in our country, UAIP started using a new processing system which identifies compliance in three phases: total Compliance, partial compliance and non-compliance.

In 2019, the parties bound by the law received a total of 1942 requests of access to public information. Entities highly responded; a total of 1882 requests were responded.

The subjects bound by the Law which received the greatest number of requests were Departmental Board of Montevideo (627), State Sanitary Works (147), Ministry of Housing, Territorial Planning and Environment (133), Ministry of Livestock, Agriculture and Fisheries (133), Fund for Financing and Sustainable Development of the Dairy Sector (102), Ministry of Education and Culture (114).

Responded Requests	
Total of requests which resulted in total access	1637
Total of denied requests	129
Total of requests with multiple responses	658
<b>Overall total</b>	<b>2424</b>

Time of Response	
Responded within 20 days of the main term	1453
Responded within 20 days of the extension	249
Responded after the deadline	170
<b>Total</b>	<b>1872</b>

Denial Reason	
Confidentiality	18
Secret	4
Reserve	37
Inexistence	104
<b>Overall total</b>	<b>163</b>

b) **Biannual report** of information classified as reserved. The submission of this report is expected for the first fortnight of August. In 2019, 49 forms about reserved information were received.

**Clarification:**

The information stipulated above accurately corresponds to the data provided by the subjects bound by the Law through the submission of the abovementioned reports.

**10. Oversight activities: transparency obligations**

**a) Active transparency audit**

In order to progress in the promotion, construction and institutionalization of a transparency culture, in 2019 a new study measured the compliance with the obligations regarding active transparency regulated in Article no. 5 of the Law in the websites of the National State’s executing units in a broad sense.

The results of the study are published in the website: <https://www.gub.uy/unidad-acceso-informacion-publica/comunicacion/noticias/transparencia-activa-conoce-principales-resultados-auditoria-2019>, and were also presented to all transparency reference contacts of public entities in several opportunities or workshop. The audit assesses the compliance with active transparency obligations in 198 state entities. The used methodology assesses the compliance with the obligations regarding Active Transparency regulated in article no. 5 of the Law and in the provisions of the [Regulatory Decree No. 232/10](#) regarding the websites of regulated parties.

Moreover, this edition also assessed the publication of Active Transparency data in open data format, according to stipulations contained in Decree no.054/17, but this aspect was only added for exploratory purposes so know it does not impact on the final score. Some of the most remarkable aspects of the results are that there was an increase of 7 percentage points regarding the “acceptable” compliance levels (86% to 93%) and that 104 entities (52%) improved their score regarding the 2017 measurement.



The publication of this information on the website also includes the entities' compliance ranking and an archive with historical data about the audits performed to that moment. The assessment about Active Transparency was performed between September and December in 2019 to 198 regulated parties. It is worth noting that this is the third audit carried out by the unit; the previous ones were in 2016 and 2017.

#### **b) National transparency index**

Continuing with the efforts to measure the progress regarding transparency, during this year, the UAIP team finished setting up the methodology for the National Index of Access to Information (INTAI for its acronym in Spanish).

Within the frame of this commitment, 25 entities were picked randomly for the purposes of implementing the pilot in 2020.

#### **11. New system of access to Public Information (SAIP for its acronym in Spanish)**

The deployment of a new single window system to receive, manage and respond to information requests made under the Law (SAIP) took place in 2019. This system also allows entities to comply with the obligations these have before the supervisory body, that is UAIP.

Through the [SAIP](#), any individual or legal entity may exercise the right of access to public information and submit requests to the entities that are using the system. Now-a-days, the Project is expected to cover the Central Administration in 2020, but its use shall extend to all subjects bound by the Law.

The project was made in conformity to UAIP's mission of supervising the compliance with Law no. 18,831 and within the framework of the [2020 Uruguay's Digital Agenda](#), promoting citizenship's access to public information, transparency and accountability in the State.

So as to make this project public, a video and an information leaflet were prepared, as well as a user manual. (<https://www.gub.uy/unidad-acceso-informacion-publica/saip>). The officers of the regulated parties also received a user manual which details how to perform each action.

#### **12. Preparation of technical and methodological guides for document management and archive administration.**

Through the National Transparency Index (INTAI), which methodology was finally devised in 2019, the Unit will seek to measure, among other aspects, the maturity of the entities regarding the document management and the archive.



Considering, in particular, that the professional organization of the archives is an essential basis to guarantee the right, the Unit intends to generate and strengthen the capability of the entities in this sense and so the preparation and subsequent publication of the Technical and Methodological Guides for Document Management and Archive Administration has been very important for these purposes.

Such guides are a result of a project of adaptation to the Uruguayan reality of the Document Management Model developed by the Transparency and Information Access Network (RTA). These also included commitments regarding the effective implementation of gender equality policies in Public Administration, as well as legal and technical criteria for accessing to documents with information about violations to Human Rights approved by UAIP.

These were prepared by UAIP with the support of EuroSocial and the collaboration of professors from the Degree in Archival Studies of the School of Information and Communication of *Universidad de la República* (Udelar). It was also endorsed by the Sub directorate General of State Archives under the Ministry of Culture and Sports of Spain within the Cooperation Frame of the European Union with Latin America, EUROsociAL+. The Guides are addressed at all the officers working with documents and information in the institutions and intend to be a tool for the implementation of the Document Management Model in the country. It is possible to access them through the following link:

[Access the Technical and Methodological Guides for Document Management and Archive Administration](#)

### **13. Progress in commitments and/or projects on Open Government and RTA**

During 2019, progress was made regarding compliance with the goals of the commitments undertaken by virtue of the 4<sup>th</sup> Open Government Plan (GA in its Spanish acronym), concerning the creation of the National Transparency Index (INTAI), the generation of a model to incorporate a gender perspective into the processes of access to public information as well as a co-creation and exchange process for the preparation of proposal for a reform bill of Law 18, 381. Although the commitments are within the prescribed time limits, the progress thereof has been significant. It is possible to see the details of those progresses by entering the Open Government Viewpoint:

<https://miradordegobiernoabierto.agesic.gub.uy/SigesVisualizador/ga/o/GA>





With regard to the projects to be developed within the frame of the Transparency and Access Network (RTA), it is worth noting the advances in the design and implementation of the technical cooperation project “Model on Municipal Transparency Management”.

This project is developed by the EUROSociAL+ together with the entities guaranteeing access to public information in El Salvador (IAIP El Salvador), Honduras (IAIP Honduras) and Uruguay (UAIP - AGESIC). These institutions also extend the invitation to municipalities and municipal organisations of their country, in the workspaces considered necessary for the project.

The work includes: (i) a diagnosis applied to the municipal sector to assess the current transparency levels and the main tools used; (ii) the definition of the general outline for the construction of a municipal transparency management model, such as the minimum standards about a shared vision among the enforcement bodies which take part in the project; and (iii) the implementation of a municipal transparency management model per country considering its main characteristics (cultural, social, regulatory, others).

A standard survey adjusted by the enforcement bodies was developed for the execution of the diagnosis during 2019 in order to adapt concepts, processes and language to the national reality.

In 2019, the diagnosis instrument was also rounded up. It was structured based on the following scopes: a) General information and Characterization of Municipalities: General description of municipalities in terms of their population, rurality level, municipal budget, among others, to obtain a general overview of their institutional typology, b) Structure and Organization of Policy on Transparency and Access to Public Information: Organizational considerations and formalization of responsibilities as a basis for the incorporation of transparency and access to information mechanisms, and c) Mechanisms of Requests of Access to Public Information: Formalization of responsibilities, entry and registration channels, validation and follow-up processes, and the main IT systems that support and provide traceability to the work process.

Another sphere in which UAIP made significant progress in the year 2019 is in the right of access to information with gender perspective. In this sense, the progress is framed within the project led by the Transparency and Access Network (RTA) named “Incorporation of the gender perspective in the transparency and public information access Policies in Latin America”.

The UAIP, framed within the Phase 2 of this project, participated in workshops and encounters and also started drafting the basis of an action plan with the purpose of



**introducing the gender perspective into the key aspects of the system of access to public information of Uruguay (DAIP).**

In order to set the basis of this plan, the UAIP considered the recommendations and a comprehensive methodology developed by RTA's consultancy, which considers the incorporation of the gender perspective in the DAIP systems regarding the key aspects of the system: regulations, institutionality, operation performance, information and dissemination processes and database.

As it is mentioned in the documents that are part of this consultancy, the Enforcement Bodies of those countries are responsible for the action plans and in this planning process these are in charge of incorporating the gender perspective into the DAIP systems with the technical support of the existing focal points responsible for gender matters.

The basis of UAIP's action plan was also related to the commitment undertaken by the Unit within the frame of the 4<sup>th</sup> Plan of Open Government in Uruguay. Precisely, the commitment No. 4.3. "Gender perspective in policies on transparency and access to public information in Uruguay", which main objective is to incorporate the gender perspective to the system of Right to Access to Public Information (DAIP, for its Spanish acronym), as well as in the production, availability, and publication of public information.

Therefore, applying the methodology established in the project led by RTA and UAIP, during the year 2019 advanced in the preparation of an action plan for the period September 2020 - December 2021.

#### **14. International relations**

The UAIP has the Presidency of the Transparency and Access Network (RTA), until the year 2021, together with the Executive Secretary of the National Institute of Access to Public Information and Personal Data Protection of Mexico (INAI, for its Spanish acronym).

Within such frame and with the support of the European Union's Eurosocial Program, several projects and actions are being carried out, in connection with: Document and Archive Management, Transparency Indexes, Municipal Transparency Model, Toolbox for Parliamentary Transparency, and Gender and Access to Public Information.

During the year 2019, the Unit also submitted a request before the International Conference of Information Commissioners (ICIC), for the purposes of becoming a member of that forum that gathers the main responsible actors for the protection and promotion of transparency and rendering of accounts at a global level.



Moreover, together with the RTA, it participated in the activities of the Organization of American States in the discussion forums of the Model Law 2.0. on Access to Public Information which is currently under analysis in OAS's political forums.

In such sense, the Unit continued acting as reference point for Uruguay of the Inter-American Program on Access to Public Information of OEA, to whom it sends an annual report on the current situation of the country on the matter.

