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Strengthening Access to Public Information in the Capital of Mexico

Introduction

The process to provide real and effective access to public information in the Federal District (Mexico City), the nation's capital, has neither been as easy nor as rapid as occurred at the federal level. Since the initiative for an Access to Information Law was first presented to the local congress in December 2001, a diversity of obstacles had to be overcome. Currently, this process advances perhaps slower than we may wish, but certainly in an irreversible direction in one of the largest cities in the world.

The purpose of this presentation is to share with you a unique and ambitious project in our country designed to broaden the exercise of the right to public information in Mexico City through the use of the telephone. Known as TEL-INFODF, this program is being implemented by the *Federal District Institute for Access to Public Information* (INFODF for its acronym in Spanish). I have the privilege of serving as one of six Commissioners on the INFODF.

This innovative program gives all the population – regardless of social or economic status – the ability to request information and seek guidance with respect to the process of public information access as well as access to personal data by phone.

I wish to highlight five points in this presentation:

- 1) To offer some general figures on the Federal District to help provide a sense of the scope of the task of providing access to information in Mexico's capital;
- 2) The integration and functioning of the INFODF, which is similar in many respects to the Federal Institute for Access to Public Information (IFAI for its acronym in Spanish), but the Federal and the Local Laws have substantial differences;
- 3) The antecedents to the Transparency Law in the Federal District;
- 4) The current situation relating to the exercise of the right of access to information in the Federal District;
- 5) The TEL-INFODF system; and

Some Conclusions

1) General Figures on the Federal District

Mexico City is the seat of the federal government. It represents the greatest demographic concentration in the nation as well as the center of the nation's financial, economic, social and cultural sectors. A brief overview helps provide a sense of the scope involved in providing effective access to information in the Federal District.

The Federal District, known internationally as Mexico City, represents 0.1% of the national territory yet supports a population of approximately 9 million or roughly 9% of the nation's population. Including the 40 adjacent municipalities in the neighboring states that make up the larger metropolitan area, the total population surpasses 22 million.

The population density in the Federal District alone is more than 5 thousand inhabitants per square kilometer. Together, the Federal District and the neighboring state of Mexico

constitute the largest labor markets in the country with 3.9 and 5.7 million workers respectively. As of the first trimester 2007, the rate of female employment in the Federal District stood at 48.4%, slightly above the national average of 41.1%.

According to the National Institute of Statistics, Geography and Computing (INEGI for its acronym in Spanish) the Federal District contributes 21.84% of the Gross Internal Product.

In terms of the public sector, there are 83 public institutions within the Federal District that are subject to the Transparency and Access to Information Law, grouped within four large sectors: executive, legislative, judicial and autonomous entities, including the INFODF. The executive branch is the largest area with 72 areas under the obligation of the transparency law, representing more than 190,000 employees. With the 11 remaining areas, this branch of the government encompasses approximately 205,000 workers: the second largest bureaucracy in the nation behind the federal government.

2) Integration and Functioning of the INFODF

The INFODF is an autonomous entity composed of six citizen commissioners or counselors who work collectively. Like the IFAI at the federal level, INFODF works like an administrative court of appeals. This means that when a petitioner for public information disputes the response provided by the public agency or fails to obtain a response to a request for information, the individual then has the right to request a revision from the INFODF. The INFODF then has a maximum period of 45 days to resolve the dispute by either revoking or modifying the ruling of the public agency or upholding their initial response. The INFODF can also order the agency to provide the information requested or order the reclassification of the requested information.

In contrast to IFAI which only has jurisdiction over the executive branch, the INFODF exercises authority over all the local branches of government (executive, legislative, judicial) as well as the autonomous agencies of the Federal District (i.e. the Electoral Institute and Electoral Tribunal, the Administrative Court, the Human Rights Commission, the Arbitration and Conciliation Board, the Autonomous University of Mexico City, and the INFODF itself).

Another difference with the Federal Government relates to the response periods specified in the law. While federal agencies have 20 working days to respond to requests for information with an option of obtaining an extension for another 20 days, the Federal District faces a period of just 10 days with an optional extension of another 10 days.

One very important difference between the Federal and local Law is that the latter has the “Proof of harm”.

3) Antecedents for the Federal District’s Transparency Law

The prior administration in the Federal District (2000-2006), headed by the elected mayor Andrés Manuel López Obrador, largely resisted transparency, impeded the exercise of the right to public information, and failed to provide a public accounting of activities. The first initiative for a Transparency Law was presented on December 7, 2001. It included the creation of an autonomous entity, the Council of Public Information (CONSI for its acronym in Spanish), to guarantee the right to information. This initiative was approved by the Legislative Assembly (ALDF for its acronym in Spanish), the local congress, but vetoed by the mayor who opposed the creation of an independent organ with its own budgetary autonomy to monitor compliance. The mayor, instead, sought a weaker, honorary advisor to fill this role. After various legal procedures and a decision by the national Supreme Court regarding questions of constitutionality, the CONSI was finally installed on March 2, 2004, but with 18 commissioners, the majority of which came from the city government itself. This maneuver rendered the entity inoperable (I was part of it as one of the three citizen counselors).

On October 28th, 2005, the Legislative Assembly approved a major reform to the Transparency Law. Among its features, this reform

- Dismantled the 18 member CONSI, replacing it with a five member INFODF (A further January 5, 2007 reform added a sixth commissioner in accordance to a Supreme Court ruling calling for my re-incorporation into the Institute);

- Eliminated the requirement of having to present identification in order to make a request for information;
- Broadened the transparency requirements for public entities within Article 13 (this encompasses the nature of the information public entities must make available on the internet);
- Introduced the principal of “proof of harm,” which authorities denying a request for information must present in order to establish the reserved or secretive nature of the information;
- Established “public versions” of information that contain some restricted information;
- Introduced the option of presenting requests for information electronically; and
- Called for new regulations relating to the handling of archives and personal data.

Chronology of main reforms

- May 2003: The publication of the Transparency and Access to Public Information Law of the Federal District (LTAIPDF, for its acronym in Spanish).
- December 2003: First reform of the LTAIPDF.
- October 2005: Second reform of the LTAIPDF calls for the elimination of the CONSI and the creation of the INFODF, among other changes.
- May 2006: Fifth reform of the LTAIPDF eliminates the participation of government representatives on the INFODF.
- January 2007: Sixth reform of the LTAIPDF adds a sixth commissioner to the INFODF.

4) Current climate surrounding the exercise of the right to public information in the Federal District.

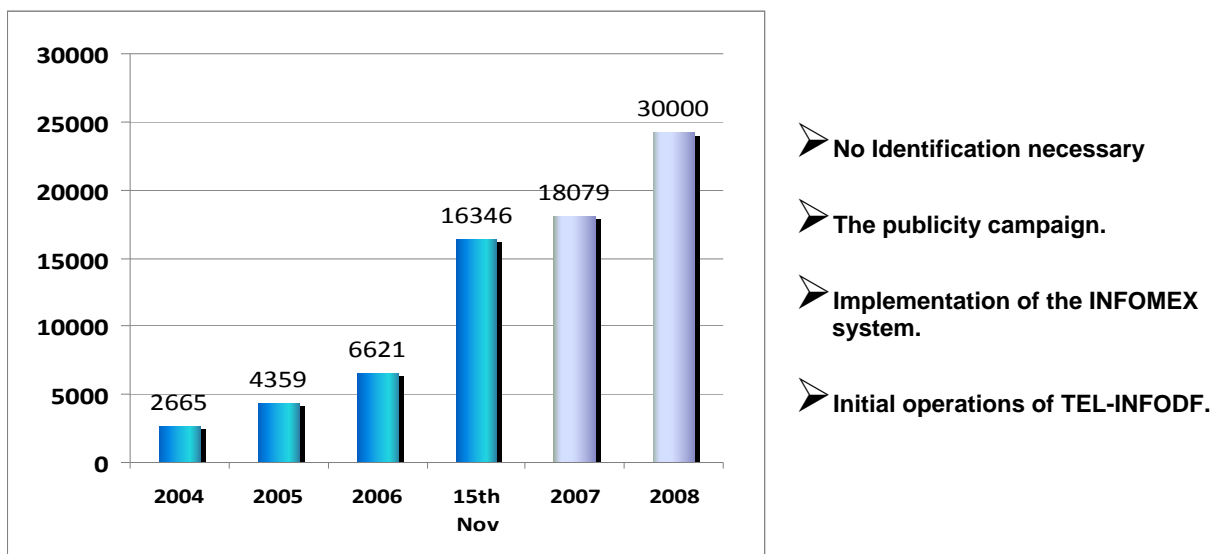
The Federal District began to enjoy significant and sustained progress in providing access to information following the October 2005 reform and the installation of the INFODF on March 31, 2006. The implementation of the Electronic System of Requests

for Information known as *Information México* (INFOMEX for its acronym in Spanish), which began operation on October 31, 2006 for the vast majority of public entities within the executive branch and gradually thereafter for the other branches of government and the autonomous entities, went a long way in providing real access to information, facilitating the request for information by internet from any location on earth (www.accesodf.org.mx). The Federal District was the first entity in the country to install INFOMEX.

During the first trimester 2007, a total of 7,745 requests for information were received compared to 2,747 such requests during the same period in 2006: an increase of 181%. Today, a total of around 16,000 requests have been received and processed. Any request for information, it should be noted, may contain more than one inquiry. Up to the first trimester of 2007, 63% of the requests were handled through the electronic system INFOMEX. The increase in the number of information requests is particularly impressive, climbing from 2,665 in 2004 to 4,359 in 2005 and 6,621 in 2006. At the close of this year we expect around 18,000 requests and for 2008 about 30,000.

The next table shows the breakdown of the requests. The most interesting figure is that the academic and the students who accounted for 23% of the total.

FACTORS CONTRIBUTING TO AN INCREASE IN THE NUMBER OF REQUESTS



SOURCE: Federal District Institute for Access to Public Information, Mexico City 2007

**CLASSIFICATION BY TYPE OF EMPLOYMENT OF INFORMATION
APPLICANTS**

First Semester 2007 – 7,745 requests

**Type of employment
(571 Requests- 7.4%)**

	Applicants	Percentage
Business men	30	5.3
Mass media	127	22.2
Retailer	31	5.4
Civil Servant	49	8.6
NGO	15	2.7
Academic or student	133	23.3
Employee	75	13.1
Political association	12	2.1
Home	15	2.6
Other	84	14.7
Total	571	100

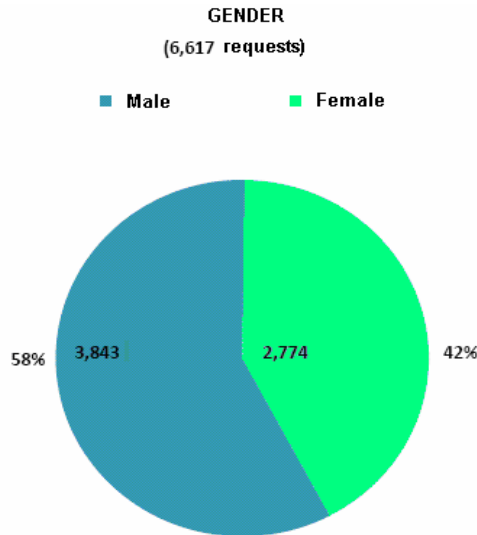
Information does not exist on this variable in 7,174 requests in the First Semester of 2007.

**Schooling
(408 Requests - 5.3%)**

	Applicants	Percentage
Without studies	4	1.0
Elementary	22	5.4
Junior high school	30	7.3
High school	71	17.4
Bachelor	259	63.5
Master or Ph. D.	22	5.4
Total	408	100

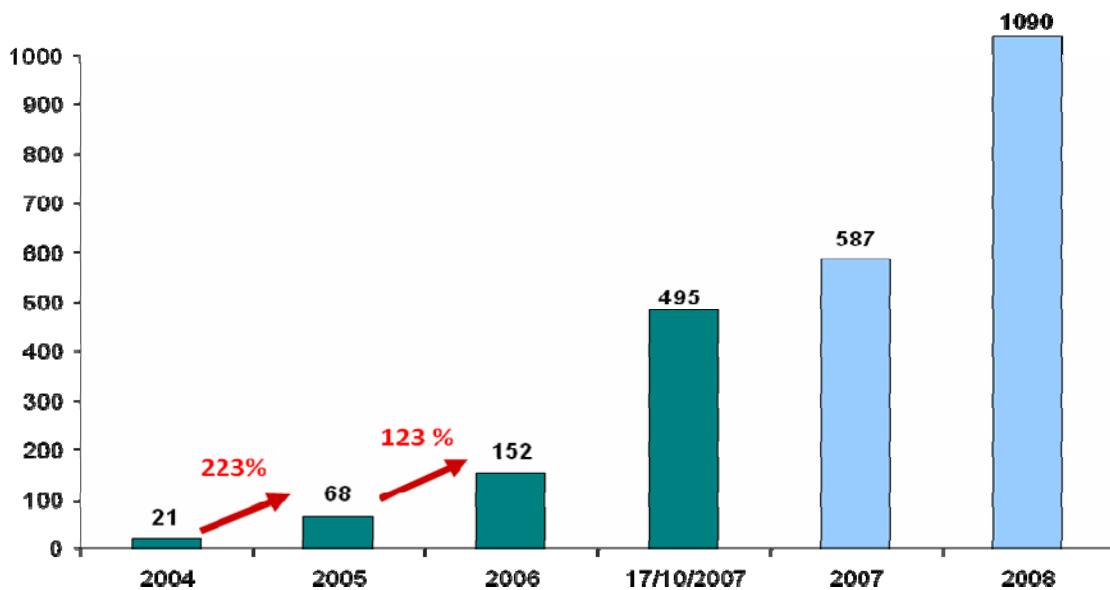
Information does not exist on this variable in 7,337 requests in the First Semester of 2007

DURING FIRST SEMESTER OF THIS YEAR, THE NUMBER OF FEMALE INFORMATION REQUESTS WAS VERY SIGNIFICANT IN PROPORTION WITH MALE REQUESTS (42 PERCENT)



In terms of the number of appeals or reviews, in 2005 there were 64 such appeals processed while in 2006 the number climbed to 154. So far in 2007, over 500 appeals or reviews have been filed with the INFODF, and we calculate in 2008 more than a thousand appeals.

APPEALS OR REVIEWS



Such figures reveal an important dynamic in the exercise of the freedom of public information in the Federal District. As has occurred at the federal level, in Mexico City the requests for information have not only increased quantitatively, but they have also become far more complex with many requests reaching well beyond mere academic interests or requests for budgetary information to focus on real problems or situations affecting the daily lives of citizens. For example, requests have been made for official studies relating to solid waste disposal, the bank accounts of public agencies, the log-books of patrol cars and ambulances, the credentials of market inspectors, the construction manifests of buildings affecting neighborhoods, the justification of public roads as well as the technical studies supporting them, the receipts of public sector purchases, and taxi permits, etc.

5) The TEL-INFODF system

I turn now to the central focus of this presentation: the TEL-INFODF system.

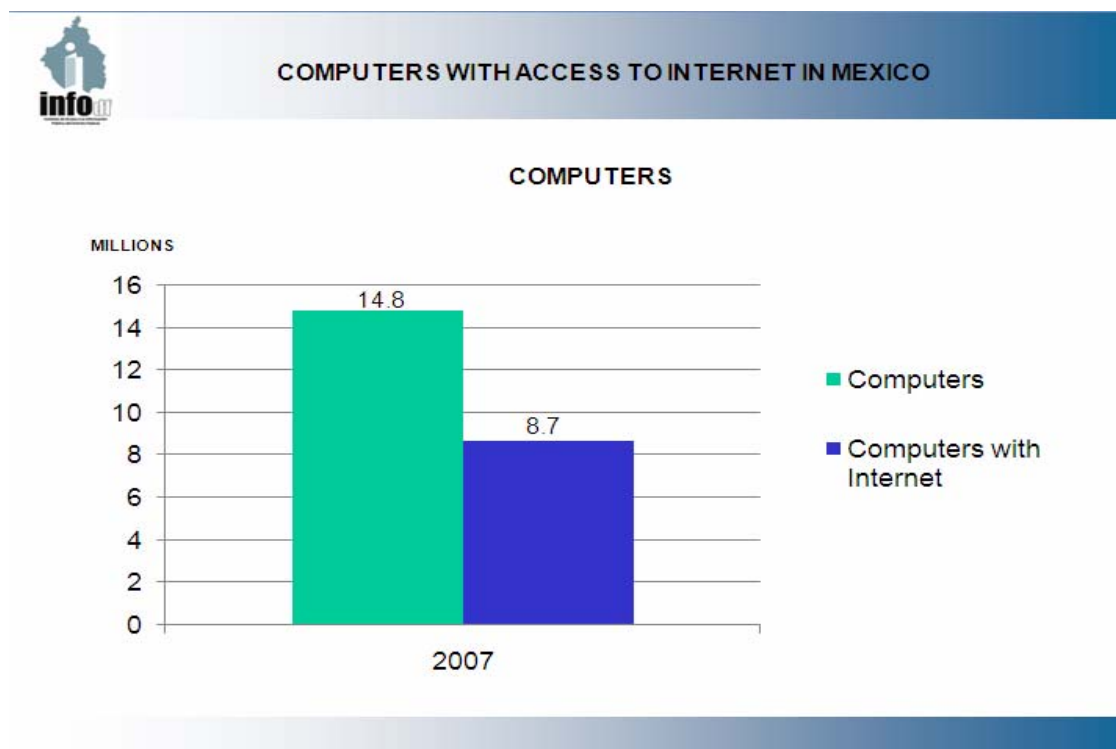
What is the TEL-INFODF?

The TEL-INFODF is a system that allows citizens with access to a phone to consult with an operator who can orient the citizen about their right to information and the obligations of the government under the Transparency and Access to Public Information Law of the Federal District and who can help facilitate a request for information. As is well known, the internet represents a fundamental tool providing quick and easy information and communications. Yet, as a developing country, large segments of Mexico's population, even in the Federal District, do not yet have access to this technological tool and thus are unaware of the INFOMEX system.

As of October 2005, 37.2% of homes in the Federal District contained at least one computer, according to the II Count of Population and House 2005 of the INEGI and 25% of the population has had access at least once to the internet either at home, work or an internet café. At the national level, one in five citizens has regular access to the internet. Though low, this is nonetheless a substantial number considering that as little as ten years ago less than a tenth of that number actually used the internet, according to a study by the Social Investigation Institute (IIS for its acronym in Spanish) of the

National University (UNAM). According to this same study, 8 of every 10 individuals living in poverty do not have access to the internet. Indeed, when compared to other Latin American countries, Mexico ranks 8th in the use of the internet, behind Costa Rica, Argentina, Chile, Uruguay, Paraguay, Venezuela and Puerto Rico.

The following table shows the number of computers and those with access to Internet in Mexico, a country with around 106 millions of inhabitants.

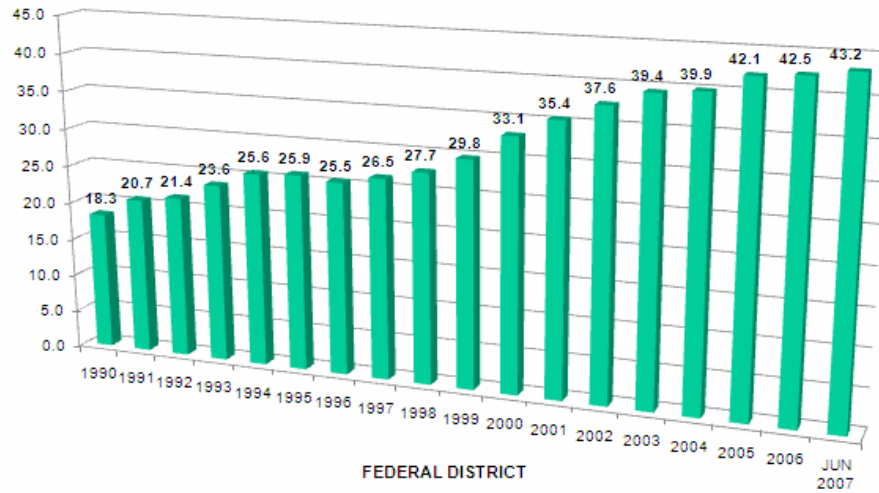


SOURCE: International Telecommunication Union and COFETEL Mexico.

By contrast, almost 100% of the population has access to a telephone, either in the home, work, nearby public phone, or cell phone. According to figures from the Mexican Federal Commission of Telecommunications, in 2006 there were 42 fixed lines per 100 people, more than double the level in 1990. In terms of mobile lines, while in 2000 there were 26.4 lines per 100 inhabitants, by 2006 that figure had grown to 91.3; in other words, the quantity of mobile phones in the Federal District increased by more than 300% in just six years.



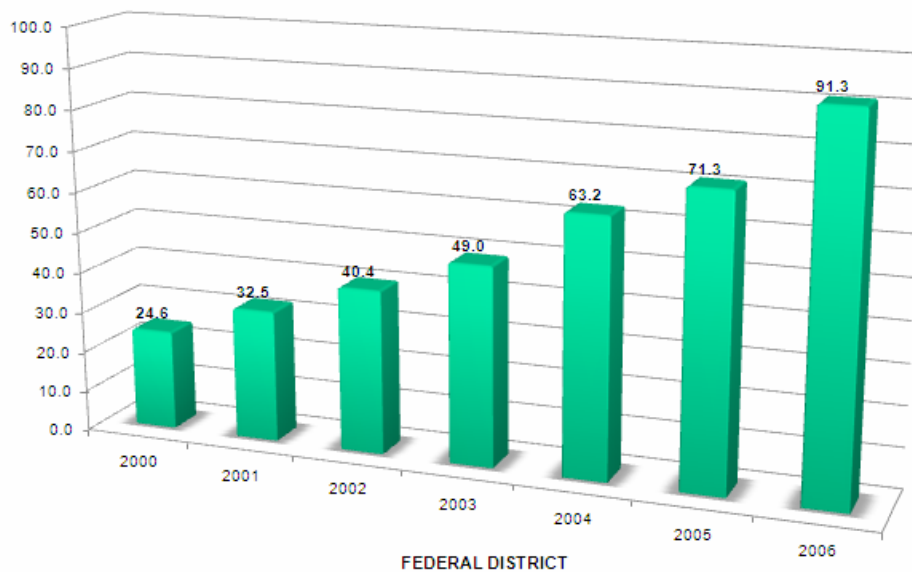
FIXED TELEPHONY DENSITY 1999 – 2007 LINES BY 100 INHABITANTS



SOURCE : Statics and Markets Information Management, COFETEL.



BREAKTHROUGH MOBILE TELEPHONY 2000 - 2006 USERS BY 100 INHABITANTS



SOURCE: COFETEL.

Besides the lack of access to the internet, people face other obstacles in requesting information. Many people, for instance, are unable to go to the various government offices to request information either because of the excessive distances or time involved or because of their own physical limitations or handicaps.

Given this situation, the INFODF initiated TEL-INFODF on September 17, 2007, making it the first call center in the country designed to receive requests for public information, thereby putting the INFODF in the vanguard in terms of its provisions for the exercise of the right to information.

How does TEL-INFODF work?

During normal working hours, Monday to Friday, 9:00 am to 6:00 pm, anyone can call 5636-INFO (5636-4636) and speak to an operator to register their request for information. The operator asks about the format the individual would like to have the information provided in – by mail, electronic mail, telegraph, fax, or in person at the government office – and then provides a file number for the request. The INFODF then forwards the request to the appropriate government agencies using the INFOMEX system. The public entity then has 10 days to respond.

TEL-INFODF required an infrastructure of a Call Center to receive multiple calls and well trained agents with access to an information system that allows them to provide information to callers or to process requests for public information. The system presents callers with information on the different types of services offered by INFODF depending on the needs of the user.

To ensure quality control and proper attention to requests for information, regulations require all public entities to register with INFOMEX the precise steps that must be followed to acquire information. This permits greater oversight into the compliance of the distinct aspects of the law regulating the public's access to information.

In the brief period stretching from the start of TEL-INFODF on September 17 to November 9, this instrument has produced the following results:

- 2047 calls received.
- 246 calls for general information or orientation.
- 1801 calls resulting in official requests for information.
- The calls for general information relate to the processes involved in gaining access to public information.
- The public entities receiving the most requests for information via TEL-INFODF have been: the Commission on Human Rights, the INFODF, and the Fire Department.
- The principal topics of information requested include: programming and budgeting, financial, and acts of the government.

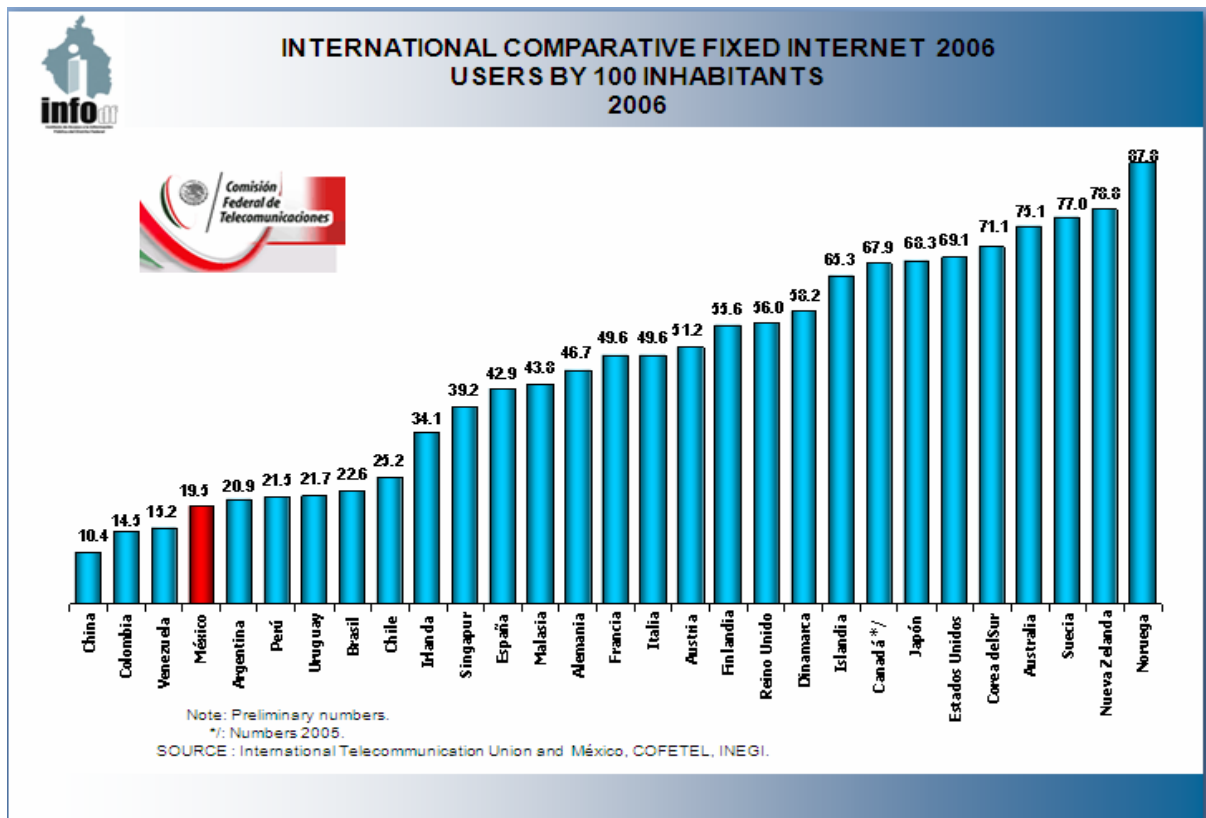
The following table shows the results from TEL-INFODF's first two months of operation. It distinguishes between calls making official requests for information and those for general orientation-type information.

	Two Months Total
Number requests	1801
Number of orientations	246
Total calls	2047

For 2008, the INFODF plans on launching a broad-based publicity campaign in conjunction with civic organizations to help consolidate TEL-INFODF. We estimate an average of a thousand calls per month in the coming year.

Of course, there are representatives from countries here today that probably have no need for such a call center to receive requests for access to information; nonetheless, I wish to emphasize that in countries that are unfortunately behind technologically, a tool such as this has the potential to benefit many people who do not have access to the internet.

The following illustration indicates that in countries like Norway, New Zealand, Sweden, Australia, South Korea, the United States and Japan, the level of internet penetration is extremely high, while in countries like China, Colombia, Venezuela, Mexico, Argentina, Peru, Uruguay, Brazil and Chile, the levels of internet use is quite low.



Providing diverse tools to allow the public access to information is not enough. It is also necessary to promote a broad public campaign and educate the population. For this reason, the INFODF seeks to strengthen its ties with civil society organizations to target the public campaigns to specific sectors of society, especially the poorest, most marginalized and vulnerable segments of society so that they too are able to exercise their rights, to demand accountability from their government, and to monitor government to ensure that their representatives are acting in accordance to the law. This also enhances the ability of the public to make better and more informed decisions.

Some Conclusions

1. In the Federal District, the process of moving from a culture of opacity to one of transparency is advancing, perhaps slowly, but in a clear and irreversible direction. This is occurring in large part because society has become more aware of its rights and is increasingly exercising its right to information. This includes not just the increase in the number of requests for information, but also in the complexities of the requests for information. It is important to recognize that the press has played an important role in this process by exposing and denouncing cases of corruption and government opacity.

I would contend that today the public administration of the capital is under the constant vigilance of individuals in the city and throughout the country. This is due in part to the combination of the tools provided by INFOMEX, the TEL-INFODF and particularly to the activity of civil society. It is impossible for public servants to remain indifferent in the face of such pressures.

2. Transparency should be seen within the Federal District and in all the states of the country as a positive practice for politics and politicians. This means that a posture of greater transparency by the government should restore legitimacy, build confidence among the people, and facilitate electoral competition, eliminating the current practice whereby politicians hide information to protect themselves from attack.

3. With the instruments that have been implemented in Mexico City, such as INFOMEX and TEL-INFODF, that promote the people's exercise of their right of information, the willingness of the INFODF to contribute to the construction of a more egalitarian and participatory society -- a citizenry in control of its own destiny -- becomes clear.

4. Finally, I believe that the driving force behind all this is and will continue to be the active participation of citizens and the individuals who demand to know what their government is doing, how and why.
