

DECLARATION ON PARLIAMENTARY OPENNESS

Provision Commentary

Promoting a Culture of Openness

1. Recognizing Public Ownership of Parliamentary Information

Parliamentary information belongs to the public; citizens should be allowed to reuse and republish parliamentary information, in whole or in part. Any exceptions or restrictions to this principle shall be narrowly defined by law.

The notion that parliamentarians serve at the behest of the public is fundamental to democratic governance. It follows that information produced by or for parliament belongs to the citizens. While this principle enjoys broad support of a variety of international bodies, some parliaments limit citizen access to information, which can limit public engagement in policy discussions. In other instances, parliament may provide certain information only upon request, rather than as a matter of course. Parliament may also provide information in formats that restrict the tools available to citizens to access, reuse and analyze legislative information. The availability of parliamentary information, with limited and clearly defined restrictions for particularly sensitive material, ensures maximum accountability of the legislative body to the public and amplifies the role of citizens in the legislative process.

This principle has been enshrined in the African Union's *Declaration of Principles on Freedom of Expression in Africa*, that "Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law."¹ The European Parliament stated in its founding regulations in 2001, "In principle, all documents of the institutions shall be accessible to the public," noting limited exceptions.² The Parliamentary Confederation of the Americas (COPA), in its *Benchmarks for the Parliaments of the Americas*, asserts that, "Information regarding legislation must be accessible not only to all parliamentarians, but also to the general public... Parliament must recognize access to information as a fundamental right of citizens."³ The public's right to information held by governing institutions more broadly is the organizing principle of the Open Government Partnership (OGP), a partnership of more than 55 governments. OGP recognizes that "Openness with respect to government-produced information is part of

¹ *Declaration of Principles on Freedom of Expression in Africa*, African Commission on Human and Peoples' Rights, 32nd Session, 17 - 23 October, 2002: Banjul, The Gambia, Section 4.1.

<http://www.umn.edu/humanrts/achpr/expressionfreedomdec.html>. Accessed 6/11/2012.

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Official Journal L 145, 31/05/2001 P. 0043 - 0048. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001R1049:en:HTML>. Accessed 6/11/2012.

³ Parliamentary Confederation of the Americas, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, § 2.2.7.3 and § 4.1.1.1. Document prepared by the Quebec Secretariat of COPA, National Assembly of Quebec, September 2011. http://www.copa.qc.ca/eng/committees/Democracy-Peace/documents/DOC-CDP-criteres-a-VF_000.pdf. Accessed 6/11/2012.

the right of the public to access any output of taxpayer funding...”⁴ The United Nations Human Rights Commission further confirms that transparency of public bodies is a vital component of democratic governance, stating that “transparency and accountability” are “essential elements of democracy.”

New Zealand’s Data and Information Management Principles, adopted in 2011, articulate this principle as follows: “Data and information held and owned by government ... effectively belong to the New Zealand public; [and] are a core strategic asset held by the government as a steward on behalf of the public...”⁵ Recently adopted open data standards for the Chamber of Deputies in Brazil express a similar sentiment, stating in its adoption, “The Chamber of Deputies reinforces its commitment to transparency and the right of all citizens to public information.”⁶

To enhance citizen access to information, many countries, including almost all member countries of the Organization for Economic Co-Operation and Development (OECD), have adopted freedom of information (FOI) laws requiring governments – often times including parliaments – to heed citizen requests for information.⁷ The organization Right2INFO.org, which monitors right to information laws globally, notes that “The right to access to official information is now protected by the constitutions of some 60 countries” in every region of the world.⁸ While FOI laws codify processes for citizens to petition for access to information and for the resolution of disputes when citizens perceive that their right to information has been violated, FOI laws are reactive in nature, stopping short of requiring the proactive provision of government information.

Yet the concept of public ownership of parliamentary (and government) information implies the obligation of public institutions to proactively disclose information. According to Access Info and the Open Knowledge Foundation, “For members of the public, the automatic availability of information means timely access to information and hence reduces the need to file information requests. Additionally, in countries still emerging from authoritarian regimes or where corruption is widespread, proactive disclosure permits anonymous access and so gives some protection to applicants from weaker segments of society who might not feel comfortable writing to government bodies to ask for information for fear of repercussions.”⁹ Public ownership further implies that information released by public institutions should comply with open data principles (see provision 36) so that public information can be freely reused by citizens.

While citizens have a broad right to access parliamentary information, instances in which a parliament may withhold public information for a period of time should be narrowly defined and clearly stated in law. Whether exceptions seek to protect against the release of personal private information, safeguard information linked to state

⁴ Transparency and Accountability Initiative [hereinafter, “TAI”], *Opening Government*, 2011, p. 1. <http://www.transparency-initiative.org/wp-content/uploads/2011/09/15-Open-government11.pdf>. Accessed 6/12/2012.

⁵ Government of New Zealand, *Principles for Managing Data and Information held by the New Zealand Government*, approved by Cabinet on 8 August 2011 (CAB Min (11) 29/12 refers). <http://ict.govt.nz/programme/opening-government-data-and-information/new-zealand-data-and-information-management-princi>. Accessed 6/11/2012.

⁶ Brazil Chamber of Deputies, *Open Data from the Chamber of Deputies*, <http://www2.camara.gov.br/transparencia/dados-abertos>. Accessed 6/11/2012 and translated from the Portuguese.

⁷ Organization for Economic Co-Operation and Development [hereinafter, “OECD”], *Government at a Glance 2011*, p. 195, http://www.oecd.org/document/3/0,3746,en_2649_33735_43714657_1_1_1_1,00.html. Accessed 6/12/2012.

⁸ Further information on the laws of individual countries can be found at <http://right2info.org/constitutional-protections-of-the-right-to>. Accessed 6/11/2012.

⁹ p. 69. http://www.access-info.org/documents/Access_Docs/Advancing/Beyond_Access_7_January_2011_web.pdf

security, or to prevent a chilling effect on the ability of elected representatives to access information and fully analyze proposals under consideration,¹⁰ measures must be taken to ensure that citizens are aware of the fact that information has been protected, and to allow citizens to contest the protection of information by an independent authority in a timely fashion.

2. Advancing a Culture of Openness through Legislation

Parliament has a duty to enact legislation, as well as internal rules of procedure and codes of conduct, that foster an enabling environment guaranteeing the public's right to government and parliamentary information, promoting a culture of open government, providing for transparency of political finance, safeguards freedoms of expression and assembly, and ensuring engagement by civil society and citizens in the legislative process.

The adoption of legislation and regulations that allow for broad access to parliamentary information and participation of citizens in parliamentary processes is necessary, albeit insufficient, to promote a culture of openness. Legislation must also ensure the existence of an enabling environment – inside and outside of parliament – in which citizens are encouraged to organize, assemble and engage in open dialogue with parliamentarians regarding public policies and other issues.

According to COPA, parliaments “must foster a spirit of tolerance and promote all aspects of democratic culture in order to educate and raise awareness among public officials, political actors and citizens about the ethical requirements of democracy and human rights.”¹¹ As a publication by the United Nations Development Programme (UNDP) and the General Secretariat of the House of Representatives of the Republic of Indonesia notes: “Continuous relations between the people and the parliament will exist when access and opportunities are legally and formally provided to the people to obtain information on everything that takes place in the parliament.”¹² A number of parliamentary associations, including the Southern African Development Community Parliamentary Forum (SADC-PF), endorse a specific example of this broader principle in calling on parliaments to “enact legislation to protect informants (“whistle blowers”) and witnesses presenting credible information about corrupt or unlawful activities.”¹³

In Indonesia, the Public Information Disclosure Act, adopted in 2008, explains the specific goals of transparency legislation adopted by parliament, including, enhancing citizens education of the process of lawmaking, encouraging citizen participation, increasing the active role of citizens in making policy, and creating accountable

¹⁰ Some legislatures, for example, protect from disclosure requests by citizens for information, research and analysis from internal parliamentary research services. The exception is intended to put elected representatives in the best possible position to be fully informed on matters under consideration by the body, without members fearing that they will be perceived to have asked overly simple or basic questions, without having to reveal political tactics, and without fear of reprisal from narrow special interest or pressure groups for simply seeking information and analysis on an issue.

¹¹ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.2.2.1.

¹² United Nations Development Programme [hereinafter, “UNDP”], *Handbook on Transparency and Accountability in Parliament*, pp. 9, 36. <http://www.agora-parl.org/sites/default/files/UNDP%20-%20Transparency%20and%20Accountability%20of%20Parliament%20-%20EN%20-%202009.pdf>. Accessed 6/12/2012.

¹³ Southern African Development Community Parliamentary Forum [hereinafter, “SADC PF”], *Benchmarks for Democratic Legislatures in Southern Africa*, §8.1.8.

governance.¹⁴ The Law on Access to Information of Moldova, passed in 2000, includes parliamentary information in its aim to “establish a general normative framework on access to official information,” as well as inform the public, and “stimulate the formation of opinions and active participation of people in the decision-making activities in a democratic way.”¹⁵ The Standing Orders of the Scottish Parliament include a chapter on openness and accessibility, with rules such as mandatory public meetings, access of the public to committee meetings, and the ability of citizens to bring petitions to parliament and have them heard, among others.¹⁶

Creating a culture of openness also requires that citizens have access to information about the parties which finance their representatives. As stated by Transparency International, “Financial resources are important for the functioning of modern representative democracies... However, money can be used for buying access to politicians and result in undue influence on the decision-making process or other practices which are particularly threatening to emerging democracies... Increased transparency and public knowledge about flow of money in politics can help to eliminate the negative effects of corrupt practices and reward integrity. Transparency provides the ability to verify and detect malpractice and enables citizens to make informed decisions when selecting political leaders.”¹⁷ Analyses of political finance regulations and transparency have been undertaken by many organizations, including the International Foundation for Electoral Systems, who conclude, “Political finance legislation and regulation are the result of national experiences in campaigns and governance. Just as a citizen’s right to vote in elections in so many societies now are “observed” and “monitored” by the global community, there are now parallel efforts to appreciate and understand the financing of candidates, parties and politics so as to make the process more transparent to all.”¹⁸

3. Protecting a Culture of Openness through Oversight

In fulfilling its oversight function, parliament shall guarantee that laws ensuring government openness are implemented effectively, that the government acts in a fully transparent manner, and that government also works to promote a culture of openness.

In addition to developing a legal framework that promotes a culture of openness, parliament must make robust use of its oversight powers to ensure that public institutions comply with laws that safeguard the rights of citizens to access and use governmental information. The oversight function is widely recognized as a core aspect of a democratic parliament. Research has shown that the availability of parliamentary oversight tools, or even oversight potential, has “a profound effect on the nature and

¹⁴ *Public Information Disclosure Act*, Act 14, 30 Apr 2008 (Republic of Indonesia).

<http://ccrinepal.org/files/documents/legislations/12.pdf>. Accessed 6/19/2012.

¹⁵ *The Law on Access to Information*, Chisnau, 11 May 2000, NR. 982-XIV (Republic of Moldova).

<http://www.legislationline.org/documents/action/popup/id/6394>. Accessed 6/19/2012.

¹⁶ *Standing Orders of the Scottish Parliament*, Chapter 15: Openness and Accessibility.

<http://www.scottish.parliament.uk/parliamentarybusiness/26505.aspx>. Accessed 6/19/2012.

¹⁷ Transparency International Zimbabwe, *Promoting Transparency in Political Finance in Southern Africa*.

http://www.clubofmozambique.com/solutions/information/data/business/PromotingTransparency_PoliticalFinance_SouthernAfrica.pdf. Accessed 9/12/12.

¹⁸ International Foundation for Electoral Systems, *Political Finance Regulation: The Global Experience*,

http://www.ifes.org/-/media/Files/Publications/Books/2009/Political%20Finance%20Regulation%20The%20Global%20Experience/Political_Finance_Regulation_The_Global_Experience.pdf. Accessed 9/12/12.

functioning of a political system,” and the probability that a country is democratic.¹⁹ Parliamentary oversight is a critical tool in protecting openness of society, whether through investigating such issues as government use of public monies, the conduct of police in protecting the right of citizens to assemble, or the response of government institutions to citizen information requests. By holding public hearings and questioning members of the executive in committees or in the plenary, parliamentarians can generate public discussion and build citizen support for enhancing a culture of openness. By effectively communicating parliamentary efforts to hold the executive to account and engaging citizens in the process, parliament can demonstrate the value of parliamentary work and help make government more transparent, responsive, accountable, and effective.

According to the Inter Parliamentary Union (IPU), parliament, “As the body entrusted with the oversight of government, [is] responsible for ensuring that governments are fully accountable to the people.”²⁰ As the IPU further explains, “For the people to have any influence over the laws and policies to which they are subject requires the guarantee of basic rights,” including rights of free expression, association, and participation in free and fair elections.²¹ The notion that parliamentary oversight must strengthen laws that empower citizens to influence policy is also endorsed in a SADC-PF benchmark citing parliament’s oversight authority with respect to government compliance with regional and international human rights instruments, including those on gender equality.²²

The principle of parliamentary oversight as a mechanism for ensuring government openness is a well-established international norm. In 2001, the IPU conducted a survey of 82 parliaments on oversight capability. It found that 79 of 82 parliaments surveyed could pose oral or written questions to the government. Committees of inquiry and hearings are used in more than 95 percent of countries. Interpellations of the government were used in 75 percent of countries, and ombudsmen in 73 percent.²³ Virtually all parliaments include reference to oversight tools directly in their parliament’s rules of procedure or standing orders.

Many countries have adopted detailed oversight frameworks to enhance the rights of citizens to access and use government information. The Constitution of South Africa obliges the National Assembly to maintain oversight of all “executive organs of state” and hold them accountable.²⁴ In recognition of this responsibility and the importance of public participation in this process, in 2009, the Parliament of South Africa created a task force of MPs to develop an extensive oversight model which was later approved by Parliament. The model explains, “The true test of democracy is considered the extent to which Parliament can ensure that government remains accountable to the people by maintaining oversight of the government’s actions.” It includes a number of specific

¹⁹ Ricardo Pelizzo, Rick Stapenhurst and David Olson, *Parliamentary Oversight for Government Accountability*, World Bank Institute, 2006, <http://wbi.worldbank.org/wbi/Data/wbi/wbicms/files/drupal-acquia/wbi/WP%20-%20Parliamentary%20Oversight%20of%20Government%20Accountability.pdf>. Accessed 6/12/2012.

²⁰ <http://www.ipu.org/splz-e/sp-confos/democracy-rpt.pdf>

²¹ Ibid.

²² Southern African Development Community Parliamentary Forum [hereinafter, “SADC PF”], *Benchmarks for Democratic Legislatures in Southern Africa*, §8.1.6.

²³ Ricardo Pelizzo, Rick Stapenhurst and David Olson, *Trends in Parliamentary Oversight*, World Bank Institute, 2004, p. 4. <http://siteresources.worldbank.org/PSGLP/Resources/TrendsInParliamentaryOversight.pdf>. Accessed 6/20/2012.

²⁴ Constitution of South Africa. Section 55(2).

recommendations to increase oversight capacity, specifically noting the importance of public participation in the process.²⁵

4. Promoting Civic Education

Parliament has a responsibility to actively promote civic education of the public, particularly youth, by promoting understanding of parliament's rules and procedures, parliament's work, and the role of parliament and its members.

Educating citizens about the role of parliament and its work is essential to the health of a democracy writ large. When citizens do not understand the work of parliament or remain disengaged from the legislative process, the likelihood that their interests will be incorporated into legislation and oversight activities is reduced. Parliamentarians often suggest that the complexities of the legislative process and the lack of understanding of their work can cause them to spend more time catering to the needs of individual constituents, rather than conducting their core functions. Educating citizens about the role of parliament can help them to understand how to most effectively petition for their interests and participate more fruitfully in political life.

The Commonwealth Parliamentary Association (CPA) recognizes that, "The Legislature shall promote the public's understanding of the work of the Legislature."²⁶ This standard is also reinforced separately by the SADC-PF and COPA benchmarks for democratic parliaments.²⁷ Further, in regards to government openness, a joint study group of the CPA and World Bank Institute on Access to Information concluded: "Public education campaigns should be undertaken to ensure that the public are aware of their right to access information... Parliamentarians have an important role to play in this process by making sure that their constituents are aware of their rights."²⁸

Countries vary widely in their application of this standard, establishing innovative ways to engage and educate their citizens. As some areas present more challenging environments than others, it may be crucial for parliaments to work with citizens and civil society to find the best way to undertake these efforts. In Malawi, the parliament has both a Public Relations and Civic Education department that are dedicated to outreach programs throughout the country.²⁹ The constitution in Ghana in 1992 established through parliament a National Commission for Civic Education that plays a similar role.³⁰ In further advancement of this goal, the Parliament of Ghana holds an annual public event to educate the public, a speakers forum, parliamentary resource center, and a youth parliament.³¹ In Brazil, the parliament has helped to organize youth

²⁵ Parliament of South Africa, *Parliament's Oversight and Accountability Model*, published in the Announcements, Tablings and Committee Reports (ATC), 27 January 2009, 64, was approved by the National Assembly on 17 February 2009, and by the National Council of Provinces on 19 March 2009. <http://www.info.gov.za/view/DownloadFileAction?id=95>. Accessed 6/20/2012.

²⁶ Commonwealth Parliamentary Association, *Recommended Benchmarks for Democratic Legislatures*, §9.1.4

²⁷ Southern African Development Community Parliamentary Forum, *Benchmarks for Democratic Legislatures in Southern Africa*, §2.1.4; COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.1.2.3

²⁸ Toby Mendel, *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, §11.1 and §11.2 http://www.commonwealth-of-nations.org/Malawi/Standards/The_Malawi_Parliament/welcome. Accessed 6/12/2012.

²⁹ *Constitution of Ghana*, Chapter 19. http://www.judicial.gov.gh/constitution/chapter/chap_19.htm. Accessed 6/12/2012.

³¹ Parliamentary Centre, *African Parliamentary Index*, June 2011, p. 145. <http://www.parlcent.org/en/wp-content/uploads/2011/09/API-African-Parliamentary-Index.pdf>. Accessed 6/12/2012.

parliament programs that educate youth about the function and role of the legislature.³² In Iceland, Parliament has a website dedicated to the education of children aged 13-15, which is used by many teachers as a tool in their classrooms. The Finnish parliament established an electronic game in which “groups of schoolchildren can virtually enact legislation...”³³ The UK parliament has also developed games relating to the legislative process for use as an educational tool.³⁴ In Tanzania, Parliament has a special department on Civic Education, Information and International Cooperation “whose duty is to ensure that the general public is sensitized to understand the work of the Legislature.”³⁵ In Hong Kong, the Secretariat of the Legislative Council set up a new section in 2009 to promote civic education and encourage the participation of students and the general public in the law making process.³⁶ Developing a youth parliament and upgrading their website to more effectively reach the public are a few of the objectives of the Malawi Parliament according to their Strategic Plan for 2010-2015.³⁷ And finally, in cooperation with the Austrian Parliament, in 2011, the Montenegrin Parliament began preparations for “Democracy Workshops” – a civic education program for elementary school children.

5. Engaging Citizens and Civil Society

Parliament has a duty to actively engage citizens and civil society, without discrimination, in parliamentary processes and decision-making in order to effectively represent citizen interests and to give effect to the right of citizens to petition their government.

The participation of citizens in a democracy begins at the ballot box. However, to effectively represent citizens, parliaments must maintain active engagement with citizens and encourage participation in the lawmaking process, including by citizens of all genders, races, religions ethnicities, ages, languages, political beliefs and people with disabilities. According to the European Parliament’s Office for the Promotion of Parliamentary Democracy (OPPD), “Simply offering the major legislative documents or providing informative videos is not sufficient to achieve the goal of an open and transparent legislative body. These features must be designed to serve the larger objective of actively engaging citizens in the legislative process.”³⁸ This idea is reflected in the Treaty on the European Union, which states, “The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.”³⁹ To quote the CPA, “Opportunities shall be given for public input into the legislative process.”⁴⁰ A similar benchmark has also been adopted by SADC-PF⁴¹ and COPA.⁴²

³² <http://www.ispp.org/meetings/abstract/civic-education-and-political-attitudes-the-effects-of-minas-gerais-youth-p>

³³ Inter-Parliamentary Union [hereinafter, “IPU”], *Parliament and Democracy in the 21st Century: A Guide to Good Practice*, p. 65

³⁴ Website of the UK Parliament, <http://www.parliament.uk/education/online-resources/games/>. Accessed 6/11/2012.

³⁵ Parliamentary Centre, *African Parliamentary Index*, June 2011, p. 23.

³⁶ <http://www.legco.gov.hk/english/education/>

³⁷ Malawi National Assembly : Strategic Plan 2010-2015, <http://www.parliament.gov.mw/pubs.php>

³⁸ OPPD, *Information and Communications Technologies in Parliament: Tools for Democracy*, European Parliament, August 2010, p. 17.

³⁹ European Union, *Treaty on the European Union*, Article 11

⁴⁰ CPA, *Recommended Benchmarks for Democratic Legislatures*, §6.3.1.

⁴¹ SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §2.1.4; COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, § 7.2.4.

The principle of active citizen engagement is also enshrined in a variety of country contexts. The Constitution of South Africa states: “The National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees.”⁴³ This constitutional requirement is upheld by allowing citizens to make submissions to National Assembly Committees, which are then considered by lawmakers.⁴⁴ In Sweden, parliament reaches out to citizens through regional surveys or by holding panels of MPs in local districts.⁴⁵ It also opened regional ‘branches’ throughout the country, where citizens can access educational and informational material on parliament and follow live broadcasts of parliamentary proceedings. These branches serve as meeting places for MPs and voters.⁴⁶ In Ghana, memorandums are welcomed from the public on any bill before committee,⁴⁷ while in Uganda, members of the public may appear before parliament to give evidence on an item in the budget.⁴⁸ The Scottish Parliament utilizes e-petitions for citizens on its website, a practice also used by the German Bundestag (Lower House).⁴⁹

Citizens and civic parliamentary monitoring organizations (PMOs) have been directly involved in promoting this effort as well, often with the active cooperation of parliament. In Latvia, one organization created a website that allows citizens to draft, in conjunction with legal and policy experts, laws on subjects of their interest, and then make the draft available for other citizens to sign on to. With enough signatures, the draft laws are automatically submitted to parliament for consideration.⁵⁰ In Germany, the website Abgeordnetenwatch.de has been embraced by parliamentarians who use it to respond to citizens’ questions on issues, providing more than an 80% response rate to tens of thousands of questions. In 2011, the Parliament of Montenegro worked with the Network of Civil Society Organizations for Democracy and Human Rights to develop a form for receiving citizen feedback on issues or discussions taking place in parliament.⁵¹

6. Protecting an Independent Civil Society

Parliament has a duty to support measures to ensure that civil society organizations are able to operate freely and without restriction.

As described in provision 2, parliaments have a duty to develop a legal framework that enables citizen participation in its work, while provision 3 states that parliaments shall use their powers of oversight to ensure that governments safeguard the right of citizens

⁴² CPA, *Recommended Benchmarks for Democratic Legislatures*, §2.2.7.1

⁴³ *Constitution of South Africa*, Section 59.

⁴⁴ Website of the Parliament of South Africa. http://www.parliament.gov.za/live/content.php?Category_ID=53. Accessed 6/12/2012.

⁴⁵ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 16.

<http://www.ictparliament.org/wepr2010>. Accessed 6/12/2012.

⁴⁶ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 63.

⁴⁷ Parliamentary Centre, *African Parliamentary Index*, June 2011, p. 147.

⁴⁸ *Ibid.*, p. 180.

⁴⁹ University of Westminster, *Parliamentary Web Presence: A Comparative Review*, pp. 10-11, published in the Proceedings of the 2nd International Conference on e-Government (ICEG 2006), 12-13 October 2006.

⁵⁰ Manabalss.lv. <http://manabalss.lv/>. Accessed 6/12/2012.

⁵¹ Memorandum on Cooperation with the Network of Civil Society Organizations for Democracy and Human Rights, http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/OSTALO/publikacije/Izvestaj_polugo_disnji_2011-3.pdf. The citizen participation form is available here: http://www.skupstina.me/cms/site_data/SKUPSTINA_CRNE_GORE/OSTALO/ivana/obrazac%20za%20davanje%20mislnja%20predstavnik%20civilnog%20društva.%20word.pdf. Accessed 8/3/2012

to government information and active engagement in governance. Critical to embracing these principles is the duty of parliament to encourage a free and vibrant civil society. A healthy civil society is widely recognized as one of the most important factors in the strength and development of democratic institutions and the ability for citizens to voice their interests. Many parliaments have contributed to this goal by passing legislation that encourages private philanthropy, provides favored tax status for civil society organizations or provides public grants to support a vibrant civil society. In other contexts, parliaments play a vital role in overseeing government actions where there have been allegations of repression by the government over the NGO sector.

According to the European Union's founding treaty, its institutions "...shall maintain an open, transparent and regular dialogue with representative associations and civil society."⁵² COPA specifies that parliaments should ensure that interactions with civil society are based on "dialogue and cooperation."⁵³ The more than 55 countries participating in OGP also have recognized civil society participation as a cornerstone of their efforts to become more open, calling upon civil society to serve as a co-chair of the initiative alongside two leading governments. Implicit in these initiatives is the importance of a robust civil society that helps inform the work of parliament, thereby enhancing its' representative capacity and legitimacy.

A report by the World Movement for Democracy Secretariat details a number of principles regarding the importance and rights of civil society organizations, noting that states have an "obligation to protect the rights of [civil society organizations]." These include the right to form and participate in a civic organization, the right to operate without state interference, the right to seek and use resources, the right to communicate with domestic and international partners, and rights of free expression and peaceful assembly. These are rights recognized and protected by the Universal Declaration on Human Rights and the International Covenant for Civil and Political Rights among other international declarations and treaties.⁵⁴

Many parliaments around the world have not only encouraged the development of civil society apart from their own work, but have actively partnered with PMOs and other civil society actors to improve their functioning. In Pakistan, for instance, the National Assembly has worked with the organization PILDAT to evaluate the functioning of the body and its committees.⁵⁵ In the United Kingdom, Parliament has authorized the Hansard Society to conduct the annual Audit of Political Engagement.⁵⁶ The Assembly of Kosovo held a "CSO Fair" featuring more than 30 civic groups to help strengthen communication and information sharing between civic groups, the Assembly, and Assembly staff on issues affecting citizens. In Brazil, a Senator reached out to Transparencia Hacker, a group of civic hackers, in an effort to acquire feedback related to what citizens may want to see in a freedom of information bill. When combined with the law's provisions for active transparency – a list of items that government is obligated

⁵² European Union, *Treaty on the European Union*, Article 11.

⁵³ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.1.2.4.

⁵⁴ [World Movement for Democracy, *Defending Civil Society*, Second Edition, June 2012, pp. 34-52.](http://www.icnl.org/research/resources/dcs/DCS_Report_Second_Edition_English.pdf)
http://www.icnl.org/research/resources/dcs/DCS_Report_Second_Edition_English.pdf. Accessed 6/20/2012.

⁵⁵ See <http://www.agora-parl.org/sites/default/files/case-pakistan.pdf>. Accessed 6/5/2012.

⁵⁶ See http://hansardsociety.org.uk/blogs/parliament_and_government/pages/audit-of-political-engagement.aspx. Accessed 6/12/2012.

to publicize independent of requests – the law’s open-data-friendly provisions lend the measure a utility that far exceeds conventional freedom of information provisions.⁵⁷

7. Enabling Effective Parliamentary Monitoring

Parliament shall recognize the right and duty of civil society, media, and the general public to monitor parliament and parliamentarians. Parliament shall engage in consultations with the general public and civil society organizations that monitor parliament to encourage effective monitoring and reduce barriers in accessing parliamentary information.

The representative role of parliament requires that parliament effectively communicate its work, educate citizens about its roles and functions, and provide opportunities for citizens to engage in policy discussions. Yet, the advent of new technologies and the increasing diversity of information available to citizens are compelling parliaments to compete for public attention as never before. In the first Global Parliamentary Report, the IPU and UNDP conclude that, “The cumulative effect of these trends has been a public demand for much greater accountability and responsiveness from [parliamentarians].”⁵⁸ While all of 73 parliamentary institutions surveyed for the Global Parliamentary Report indicated they had sought new ways to reach out to citizens and engage them in parliamentary work, parliaments are often ill-equipped financially or technically to undertake these duties effectively.⁵⁹ Third party groups that monitor parliaments have demonstrated an ability to enhance parliamentary efforts to inform citizens of and engage them in parliamentary processes. As the IPU and UNDP conclude, these parliamentary monitoring organizations (PMOs) “... are potentially a valuable ally in the process of strengthening and promoting parliament.”⁶⁰

More than 190 PMOs are active in monitoring national or local legislatures in upwards of 80 countries.⁶¹ Many PMOs use technology to help citizens use parliamentary information, while others facilitate efforts by parliamentarians to engage citizens face-to-face through the organization of roundtables and “townhall” meetings. There is a growing body of research to suggest that these activities are having a positive impact on their societies. An independent assessment of the Africa Leadership Institute’s program to publish “parliamentary scorecards” of Ugandan members of parliament found “strong evidence that voters, rather than being beholden to ethnic ties or patronage politics, are willing to condition support on quality of engagement in national politics.”⁶² The independent assessment also found a number of other positive effects. An independent evaluation of a report card campaign by [Satark Nagrik Sangathan](#), a Delhi-based PMO, found that the project helped to increase voter turnout by 3.5 percent and led to a 19 percent decrease in cash-based vote-buying, among other positive outputs.⁶³

⁵⁷ Tech President article, available at: <http://bit.ly/M8TX7j>

⁵⁸ IPU and UNDP: <http://www.ipu.org/pdf/publications/gpr2012-full-e.pdf>. p. 44.

⁵⁹ *Ibid.* p. 25.

⁶⁰ *Ibid.* p. 55.

⁶¹ Andrew Mandelbaum, *Strengthening Parliamentary Accountability, Citizen Engagement and Access to Information*, National Democratic Institute, September 2011, p. 1.

⁶² M. Humphreys and J. Weinstein. 2010. *Policing Politicians: Citizen Empowerment and Political Accountability in Uganda*. Mimeo. Columbia University, Department of Political Science.

<http://www.columbia.edu/~mh2245/papers/scorecard2010.pdf>. Accessed 6/12/2012.

⁶³ Abhijit V. Benjee et al., *Do Informed Voters Make Better Choices? Experimental Evidence from Urban India*, Unpublished. Report written for the Abdul Latif Jameel Poverty Action Lab.

Many PMOs seek to support the work of parliaments while also enhancing parliamentary transparency and accessibility. In South Africa, the Parliamentary Monitoring Group supplements the Parliament's institutional memory of committee work by observing, recording, and providing access to committee reports within 24 hours. In Italy, Openpolis Association has engaged in dialogue with 140 members of parliament to create an index of member activity, which it launched at the parliament, and has advised the parliament's ICT staff on its web initiatives.⁶⁴ The Croatian PMO, GONG, initiated a parliamentary internship program that the Parliament of Croatia now implements on its own. PRS Legislative Research, in India, develops legislative summaries and analyses for parliamentarians that are also available to citizens.

Many PMOs also contribute to parliament's efforts to educate citizens about their work while also promoting accountability of parliamentarians to citizens. PMOs from a diverse array of countries - among them Colombia, Netherlands, Romania, Kenya, United States, France, and India - have developed technologies that facilitate easy access to information about the work of parliamentarians, often creating visualizations that promote understanding of parliamentary information.⁶⁵ Many PMOs seek to contribute to fair and accurate reporting of parliamentary work by training journalists on how to cover parliament and helping them access data that helps explain parliamentary work. Of the 100,000 individuals a year who write to their MPs through WriteToThem.com, a website of the United Kingdom's mySociety, approximately 40 percent do so for the first time.⁶⁶ By increased dialogue with PMOs nationally, as well as in international and regional forums, parliaments can tap the creativity and expertise of PMOs to enhance openness and more effectively engage citizens. In Germany, citizens are allowed to question their representatives directly, with the help of a website called Parliament Watch. The program has gained popularity, generating 350,000 unique visitors per month, and there are plans for expansion into other countries including Tunisia and the United States.⁶⁷

8. Sharing Good Practice

Parliament shall actively participate in international and regional exchanges of good practice with other parliaments and with civil society organizations to increase the openness and transparency of parliamentary information, improve the use of information and communication technologies, and strengthen adherence to democratic principles.

Parliaments, along with other democratic institutions, must continually strive to improve their functioning in order to effectively serve the needs and interests of citizens. COPA affirms the need for parliamentarians to "take part in opportunities to share their experiences with Members of other parliaments," be "prepared to offer the best possible

<http://www.hks.harvard.edu/fs/rpande/papers/Do%20Informed%20Voters%20Make%20Better%20Choices.pdf>. Accessed 6/12/2012.

⁶⁴ Openpolis Association, <http://www.openpolis.it/eng>. Accessed 6/12/2012.

⁶⁵ For a listing of these groups, see the Wikipedia page on [Parliamentary Informatics](http://en.wikipedia.org/wiki/Parliamentary_informatics).

http://en.wikipedia.org/wiki/Parliamentary_informatics. Accessed 6/21/2012.

⁶⁶ WriteToThem.com, *Analysis of Users and Usage for UK Citizens Online Democracy*, May 2011,

http://www.mysociety.org/wp/wp-content/uploads/2011/06/WriteToThem_research_report-2011-Tobias-Escher.pdf.

Accessed 6/12/2012.

⁶⁷ Spiegel Online, <http://www.spiegel.de/international/germany/german-website-lets-voters-directly-question-politicians-a-834964.html>

technical assistance to other parliaments,” and “have the right to benefit from technical assistance.”⁶⁸ Opportunities for inter-parliamentary engagement are provided through a number of international and regional parliamentary associations, including many that have developed democratic benchmarks and standards referenced herein.

The importance of sharing good practice is particularly acute with respect to information and communication technologies, which continue to evolve rapidly and have tremendous potential for improving parliamentary openness and efficiency, if used effectively. The *World e-Parliaments 2010* report identifies the goal that parliaments should, “Foster the regular exchange of information, experiences, and practices among parliaments at the regional and global level.”⁶⁹ In furtherance of this goal, the Global Centre for ICT in Parliament recently convened a working group of parliaments to serve as a peer support group for the use of structured XML, a format for open data that has the potential to improve parliamentary efficiency, simplify the use of parliamentary information by parliamentary actors and citizens, and improve comparison and use of parliamentary information across parliaments and with governments. Africa has regionally established the African Parliamentary Knowledge Network in 2008, a collaboration of 36 national parliaments on the continent dedicated to “support the work of African assemblies by establishing mechanisms and procedures for exchanging information and experience in areas of common interest.”⁷⁰ In 2009, a formal network with similar goals was established in Latin America and the Caribbean with the help of the Global Center for ICT in Parliament, focusing specifically on ICT.⁷¹ Members of the European Union organized the IPEX (InterParliamentary EU information eXchange) in 2000, which in 2011 listed as one of its primary goals, “to continue the exchange of information and practices on the use of common standards among the EU.”

Individual parliaments often take measures to highlight their own work with multilateral bodies; for example, the Senate of Pakistan’s website includes a section on its relations with organizations like the IPU, CPA, and parliamentary conferences.⁷² Many parliaments, including the National Assembly of the Republic of Korea and the National Council of the Slovak Republic, have similar webpages, detailing its participation in international conferences.⁷³

9. Ensuring Legal Recourse

Parliament shall enact legislation to ensure that citizens have effective access to legal or judicial recourse in instances where citizens’ access to government or parliamentary information is in dispute.

⁶⁸ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §2.7.1.2, §2.7.1.4, and §2.7.4.2.

⁶⁹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 187. Available at: <http://www.ictparliament.org/wepr2010>. Accessed: 6/22/2012.

⁷⁰ *Ibid.*, p. 149

⁷¹ *Ibid.*, p. 151

⁷² Website of the Senate of Pakistan, *Inter Parliament Activity*.

<http://www.senate.gov.pk/ShowCategories.asp?GroupCode=13>. Accessed 6/14/2012.

⁷³ Website of the National Assembly of the Republic of Korea, *Inter-Parliamentary Conferences*.

http://korea.assembly.go.kr/mem/mem_o8.jsp. Accessed 6/14/2012. Website of the National Council of the Slovak Republic, *Interparliamentary Cooperation*. http://www.nrsr.sk/web/default.aspx?sid=eu/medziparlamentna_spolupraca. Accessed 6/14/2012.

Laws and regulations establishing standards of openness and transparency in parliaments are often rendered moot if not accompanied with an enforcement mechanism for citizens and members of parliament. In order for the citizen rights to be protected and for open parliaments to be realized, citizens must be able to have recourse to legal remedies when their rights have been violated. The *Handbook on Transparency and Accountability of Parliament*, produced by the United Nations Development Programme (UNDP) and the General Secretariat of the House of Representatives of the Republic of Indonesia, noted about the right of legal recourse: “This legal guarantee is critical, because the parliament could be sued to force it to record all sessions, not merely Plenary Sessions or Committee sessions.”⁷⁴

Principles outlining this point have been developed for many years in the context of access to information debates in countries around the world. Depending on the region, country, and specific type of information requested, there are differing procedures for obtaining certain types of information. [Right2INFO.org](http://www.right2info.org) outlines information on right to information laws and procedures for obtaining information in more than 60 countries around the world.⁷⁵ The European Parliament’s new law regarding information specifies that the office of parliament should inform citizens about “the services to which citizens may refer to obtain support, information or administrative redress,”⁷⁶ with recourse varying, depending on the information at hand.

Several different methods of enforcement are available. The Commonwealth Human Rights Initiative highlights a legal enforcement mechanism that ensures meetings are held in public, “Where a body holds a secret meeting or makes a decision during an executive session that should have been open, the law should permit any member of the public to bring a lawsuit and the courts should have the power to nullify action taken by a public body in violation of the law ‘upon reasonable cause shown.’”⁷⁷ In Indonesia, for instance, “Every public information applicant has the right to file a suit in court if he/she is obstructed from obtaining, or fails to obtain public information pursuant to the provision of [Freedom of Information] law.”⁷⁸ In Scandinavia, the position of Ombudsman originated to allow individual members of the public a means for redressing unlawful actions of public authorities. This role of an ombudsman has spread globally, to countries including Ireland, Brazil, and Argentina.⁷⁹ In South Africa, parliament has an internal appeals process for unsatisfied information requests as well as opportunities to take complaints to the court system.⁸⁰ In the UK, citizens may seek an internal review if they are not satisfied with responses from the parliament on freedom of information requests by contacting the Freedom of Information Officer, using

⁷⁴ UNDP, *Handbook on Transparency and Accountability in Parliament*, p. 9 and p. 36. <http://www.agora-parl.org/sites/default/files/UNDP%20-%20Transparency%20and%20Accountability%20of%20Parliament%20-%20EN%20-%202009.pdf>. Accessed 6/12/2012.

⁷⁵ Right2INFO.org, <http://www.right2info.org>. Accessed 6/12/2012.

⁷⁶ Public access to European Parliament, Council and Commission documents, P7_TA-PROV(2011)0580, A7-0426/2011, Rapporteur: Michael Cashman, 1a

⁷⁷ Commonwealth Human Rights Initiative, *Implementing Access to Information*, 2008, http://www.humanrightsinitiative.org/publications/rti/implementing_ati.pdf. Accessed 6/12/2012.

⁷⁸ Republic of Indonesia, *Public Information Disclosure Act*, 4/30/2008, <http://ccrinepal.org/files/documents/legislations/12.pdf>. Accessed 6/11/2012.

⁷⁹ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, pp. 74-75; Brazil Chamber of Deputies, *Camara dos Deputados*, pamphlet.

⁸⁰ Parliamentary Monitoring Group (PMG) South Africa, *The Legislative Process*, Part 4 <http://www.pmg.org.za/parlinfo/sectionb3>. Accessed 6/12/2012

procedures that are made clear on the UK Parliament's website.⁸¹ Citizens may further appeal decisions to an Information Rights Tribunal under the rules of several transparency laws.⁸²

10. Disseminating Complete Information

Parliamentary information available to the public shall be as complete as possible, reflecting the entirety of parliamentary action, subject only to narrowly and precisely defined exceptions.

Having access to accurate and complete information is necessary for citizens to be able to fully educate themselves about the issues coming before parliament and to engage in the lawmaking process. Providing complete information also prevents the use of inaccurate and fraudulent information. As explained by the *World e-Parliaments Report 2010*, "Proposed legislation...cannot be considered to be complete based solely on the availability of its text. To understand the status and meaning of a bill, members and citizens need the associated reports prepared by committees, subject experts and others; descriptions of all the actions taken on the legislation; the amendments proposed and their status; links to parliamentary debate and votes on the bill, and other related material." Quite simply, as the report states, "The absence of completeness in documentation translates into a lower level of transparency."⁸³

Many organizations have noted that datasets released by the government should be as complete as possible.⁸⁴ Further, in a set of eight principles of open government released by a open government working group comprised of 30 open government advocates, the first principle listed was that "Data Must Be Complete" – noting that government data may only be considered open if "[a]ll public data are made available."⁸⁵ The importance of releasing complete information was also affirmed by the release of open data standards by the Brazilian Chamber of Deputies, which states, "All data is available publicly. Public data is data that is not subject to limitations of privacy, security or access privileges."⁸⁶ Standards released by other levels of government also affirm this standard. In Colombia, the Minister of Information Technology embraced this principle for the government as a whole, setting forth that "the contents that the state offers electronically must be current, relevant, verifiable, complete, generating a profit for customers and that will not lead to misinterpretations. Similarly, avoid any distortion or biased interpretation of the information that will be published in electronic media."

⁸¹ Website of the UK Parliament, *Internal reviews and appeals*. <http://www.parliament.uk/site-information/foi/foi-general/commons-foi/commons-foi-reviews/>. Accessed 6/13/2012.

⁸² See <http://www.justice.gov.uk/tribunals/information-rights>. Accessed 6/13/2012.

⁸³ *Global Centre for ICT in Parliament, World e-Parliament Report 2010, IPU-UNDESA, p. 60.*

⁸⁴ Sunlight Foundation, *Ten Principles for Opening Up Government Information*, 11 Aug 2010.

<http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>. Accessed 6/12/2012; Transparency International Georgia, *Ten Open Data Guidelines*. <http://transparency.ge/en/ten-open-data-guidelines>. Accessed 6/12/2012.

⁸⁵ *Open Government Data Definition: The 8 Principles of Open Government Data, released by the Open Government Working Group convened in Sebastopol, California, USA, on 8 Dec 2007*. <http://www.opengovdata.org/home/8principles>. Accessed 6/22/2012.

⁸⁶ Brazil Chamber of Deputies, *Open Data from the Chamber of Deputies*, <http://www2.camara.gov.br/transparencia/dados-abertos>. Accessed 6/12/2012.

11. Providing Timely Information

Parliamentary information shall be provided to the public in a timely manner. As a general rule, information shall be provided in real time. To the extent that doing so is impossible, parliamentary information shall be released publicly as quickly as it is available internally.

Citizens must have sufficient opportunity to prepare and respond to the actions of parliament, if they are to have an effective influence on the legislative process. While citizens elect representatives to exercise their independent judgment on legislative matters, citizens increasingly are demanding engagement and participation in their government in between elections. Fortunately, new technologies are making it easier to provide legislative information to the public in real time.

International benchmarks for democratic parliaments recognize that timely dissemination of information is vital to transparency in democracies. The CPA, for instance, declares simply that “information shall be provided to the public in a timely manner regarding matters under consideration by the legislature.”⁸⁷ Benchmarks for democratic parliaments tend to agree that certain items—namely, schedules and agendas of parliamentary sessions and meetings—should be published in advance by parliaments, their committees and commissions.⁸⁸ Recognizing that the context differs among the world’s parliaments in terms of their budgetary resources and their use of information technology, international democratic norms and standards are often intentionally vague in defining what constitutes the “timely” release of information.

The *Guidelines for Parliamentary Websites*, developed by the IPU and the Global Centre for ICT in Parliament, suggest that information should be available online to the public “as soon as [it] is available to members and officials.”⁸⁹ Another reasonable rule of thumb is provided by the Sunlight Foundation, which states that the release of information “should move at the same pace as influence over such decisions.”⁹⁰ Although varying levels of technology and capacity may impact the timeliness of public dissemination of information, these challenges should not create an information imbalance that favors the few over the many.

Parliaments often produce tremendous amounts of information and it may take time for staff to ensure its accuracy. Nonetheless, as the World e-Parliament Report 2010 explains, “If a document is available to citizens relatively quickly, for example within 24 hours after its preparation, this is an indication of greater openness of parliament; if they are available only after a considerable time has elapsed, especially if they are available to members well before the public, then openness declines.” Indeed, as stated in the report’s survey, a vast majority of parliaments make plenary and committee agendas available at least two days before action (70 and 77 percent, respectively). Proposed legislation and plenary proceedings are made available by more than three fourths of parliaments within one day. The report clarifies, “While these percentages may be considered satisfactory by some, the fact is that agendas need to be available even

⁸⁷ CPA, *Recommended Benchmarks for Democratic Legislatures*, §6.3.2.

⁸⁸ See, for example, IPU, *Guidelines for Parliamentary Websites*, §2.5.a; and South Asians for Human Rights [hereinafter, “SAHR”], *Transparency in Parliament*, Sri Lanka 2009, p. 66.

⁸⁹ IPU, *Guidelines for Parliamentary Websites*, §6.4.f.

⁹⁰ The Sunlight Foundation, *Agenda 2011*. <http://sunlightfoundation.com/policy/agenda/>. Accessed 11/15/2011.

sooner, especially if citizens, civil societies, and other interested and affected groups wish to follow the discussion and possibly contribute to it.”⁹¹

The Greek Parliament, for example, records what is said in the legislative chamber or debates, then allows a review process which provides legislators the opportunity to correct or supplement record, subject to approval by parliament. Records of proceedings are published and distributed within eight days at the latest.⁹² Yet, India has found an exemplary compromise between timeliness and accuracy. The proceedings of each house of parliament are generally uploaded to their respective websites within 24 hours of their delivery, with an official version coming 10 to 15 days later, allowing for corrections to the record.⁹³

12. Ensuring Accurate Information

Parliament shall ensure a process to retain authoritative records and guarantee that the information it releases to the public is accurate.

Parliament must commit to retaining an authoritative copy of its records to prevent forgery or the entry of accidental changes over time. These authoritative records help ensure that the accuracy of parliamentary information remains valid over time. The accuracy and authority of the information released by parliament is a vital component of the rule of law, and allows citizens to participate in the lawmaking process. The European Parliament’s OPPD has stressed, especially given the rising role of information and communications technology, that “this increase in the number of sources that provide information and opinions about public policy issues makes it imperative that the official site of the legislature be authoritative and non-partisan.” The IPU lists as a requirement for parliaments that “Manual or automated procedures and systems are in place to ensure the accuracy of documentation and media available on the website.”⁹⁴

Although the need to provide information in a timely manner, discussed above, may conflict at times with the duty of ensuring the accuracy of information, the adoption of open document standards by parliaments is helping to limit the significance of such tradeoffs. “Because open document standards allow for structured input of information (such as tagging of articles and clauses in a legislative text), these documents help structure the legislative process and cut down on human error. For the European Parliament, which has adopted an [XML-based legislative markup system](#), this has led to dramatic reductions in the time spent drafting legislation and verifying its accuracy. Authors no longer need to concern themselves with layout issues and all amendments are stored individually so they can be reused if not adopted.”⁹⁵

To help ensure accuracy, the Sunlight Foundation’s standards for open government note that “datasets released by the government should be primary source data.”⁹⁶ The public relations office of the Ugandan Parliament states as one of its core goals to “disseminate

⁹¹ [Global Centre for ICT in Parliament, World e-Parliaments Report 2010, IPU-UNDESA, pp. 58-60.](#)

⁹² Smilov, Daniel Smilov. *Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe*. Centre for Liberal Strategies/Friedrich Ebert Foundation. April 2010.

⁹³ SAHR, *Transparency in Parliament*, Sri Lanka 2009, p. 24.

⁹⁴ IPU, *Guidelines for Parliamentary Websites*, §6.4d.

⁹⁵ Andrew Mandelbaum, “How XML Can Improve Transparency and Workflows for Parliaments,” 5 Apr 2012. <http://www.demworks.org/node/430>. Accessed 6/12/2012.

⁹⁶ The Sunlight Foundation, *Agenda 2011*. <http://sunlightfoundation.com/policy/agenda/>. Accessed 11/15/2011.

accurate information.”⁹⁷ In the UK, the House of Commons Information Office goes so far as to offer to proofread any text written by citizens about the Parliament “in the interest of providing accurate information about Parliament.”⁹⁸ In Canada, the parliament’s legislative information service PARLINFO is explicit in its mission to “[make] every effort to ensure the accuracy and currency of its information, using authoritative, publicly available sources.”⁹⁹

However, in the era of open data, the notion of accuracy has broadened beyond simply providing the authoritative text of a document. As Joshua Tauberer of GovTrack.us explains: “Accuracy as defined here is a more nuanced notion by making it *always relative to a particular purpose*.”¹⁰⁰ In this sense, accuracy must take the context and medium into account in order to ensure that information presented gives citizens the full picture of what occurred. For the citizen seeking to analyze a particular plenary vote, an audiovisual recording of the session may provide a number of facts, but the medium used may not allow for easy and systematic use of the facts desired. Similarly, as Tauberer writes: “An image recording of a typed physical document, i.e. a scan, has low accuracy with regard to these facts [plenary vote tallies in the example used here] because automated analysis of a large volume of such records could not avoid a large number of errors. OCR (optical character recognition) software to “read” the letters and numbers in a scan will occasionally swap letters, yielding an incorrect read of the facts.”¹⁰¹ If accuracy is to be retained for any way in which citizens want - or will inevitably - utilize this information, then parliaments must provide parliamentary information through multiple channels (provision 27) and in an open and structured format (provision 36).

Making Parliamentary Information Transparent

13. Adopting Policies on Parliamentary Transparency

Parliament shall adopt policies that ensure the proactive dissemination of parliamentary information, including policies regarding the formats in which this information will be published. Parliamentary transparency policies shall be publicly available and shall specify terms for their periodic review to take advantage of technological innovations and evolving good practices. Where parliament may not have the immediate capacity to publish comprehensive parliamentary information, parliament should develop partnerships with civil society to ensure broad public access to parliamentary information.

Although provisions on parliamentary transparency may appear in constitutions, statutes, rules of procedure, or other regulations, parliaments should have a clearly

⁹⁷ Website of the Parliament of Uganda,

http://www.parliament.go.ug/index.php?option=com_content&task=view&id=348&Itemid=132. Accessed 3/25/2012.

⁹⁸ Website of the U.K. Parliament, <http://www.parliament.uk/mps-lords-and-offices/offices/commons/hcio/responsibilities/>. Accessed 6/12/2012.

⁹⁹ Website of the Parliament of Canada, <http://www.parl.gc.ca/parlinfo/compilations/AboutSenatorAndMPProfiles.aspx>. Accessed 2/14/2012.

¹⁰⁰ Joshua Tauberer, *Open Government Data*, April 2012, Section 5.2. <http://opengovdata.io/2012-02/page/5-2/data-quality-precision-accuracy-and-cost>. Accessed 05/29/2012.

¹⁰¹ Ibid.

defined and publicly available transparency policy. By adopting an explicit transparency policy, parliaments signal a necessary commitment to transparency and openness to the country's citizens. The policy may include such things as procedures for requesting parliamentary information that is not otherwise readily available, as well as procedures for challenging decisions to not disclose particular information. According to a World Bank Institute report, "international provisions make clear that, in addition to having numerous benefits for public bodies and for members of the public, proactive disclosure is an obligation that is part of the right of access to information."¹⁰² India, Mexico, Hungary, New Zealand, the United States and the United Kingdom are among the countries in which government transparency policies instruct public institutions to err on the side of disclosure.¹⁰³

In addition to publishing their transparency policies, parliaments should review these policies on a regular basis. Periodic review allows parliaments to consider evolving good practices and to take advantage of technological advances. The conclusions of a 2004 Commonwealth Parliamentary Association and World Bank Institute study group on access to information noted that "[c]onsideration should be given to regular parliamentary review, for example on a biannual basis, of implementation of the access to information regime."¹⁰⁴ The Global Centre for ICT in Parliament has also established that parliaments should elaborate "strategic plans, updated regularly, for the use of ICT that directly improve the operational capacity of parliaments to fulfill their legislative, oversight, and representational responsibilities."¹⁰⁵

Yet, the concept of public ownership of parliamentary (and government) information implies the obligation of public institutions to proactively disclose information. According to Access Info and the Open Knowledge Foundation, "For members of the public, the automatic availability of information means timely access to information and hence reduces the need to file information requests. Additionally, in countries still emerging from authoritarian regimes or where corruption is widespread, proactive disclosure permits anonymous access and so gives some protection to applicants from weaker segments of society who might not feel comfortable writing to government bodies to ask for information for fear of repercussions."¹⁰⁶

Many countries regularly publish and review policies or processes dealing with transparency and other procedures. In British Columbia, Canada, the parliament is required by law to conduct a review of its processes every six years.¹⁰⁷ More recently, the United States House of Representatives, in their *Standards for Posting Info*, provides that processes and technologies used to disseminate legislative information "will be phased in and subject to periodic review and reissuance. To ensure documents are made available in user-friendly formats that preserve their integrity, these standards will be subject to periodic review and reissuance by the Committee on House Administration."¹⁰⁸

¹⁰² Helen Darbishire, *Proactive Transparency: The future of the right to information?*, World Bank Institute, p. 1.

¹⁰³ *Ibid.*, p.6-7, 16

¹⁰⁴ Toby Mendel. *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, §13.2.

¹⁰⁵ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p.170.

¹⁰⁶ p. 69. http://www.access-info.org/documents/Access_Docs/Advancing/Beyond_Access_7_January_2011_web.pdf

¹⁰⁷ Toby Mendel. *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, §13.2.

¹⁰⁸ United States House of Representatives, *Standards for Posting Information*

14. Providing Information on Parliament's Roles and Functions

Parliament shall make available information about its constitutional role, structure, functions, internal rules, administrative procedures and workflow, as well as the same information for its committees.

Citizens must be able to understand the legislative process and functions of parliament, including parliament's rules of procedure, rules, and workflow. Providing access to the primary sources that govern legislative roles, processes and workflow is crucial. However, it is also important for parliaments to present this type of information in an easy-to-read, plain language format for citizens who lack the required technical expertise to understand the primary legal source material, or simply lack the time to work through it. Because parliaments must compete for citizens' attention with a vast array of entertainment options, parliaments should also seek to present basic information in ways that capture popular attention.

The COPA benchmarks for democratic parliaments state that "Key decision-making processes must be presented in detail when they are officially recorded."¹⁰⁹ This standard is followed by an overwhelming majority of national parliaments. The Global Centre for ICT in Parliament reports that more than 93% of parliamentary websites surveyed included information on their composition and function. Among its guidelines for parliamentary websites, the IPU specifically lists "History and role" and "Functions, composition and activities" as categories to be included. These categories include information about the history of parliament; its constitutional and foundational documents; a description of role and responsibilities of the parliament—as a whole and including its constituent bodies; its method of functioning; and its staff and budget.¹¹⁰

The European Union adopted a new law in 2011 regarding the public's access to parliamentary information, which provides that the parliament should also provide public access to information on workflow and internal procedures.¹¹¹ It also states that the offices of parliament should "inform citizens, in a fair and transparent way, about their organisational chart by indicating the remit of their internal units, the internal workflow and indicative deadlines of the procedures falling within their remit..."¹¹²

Most parliaments provide at least partial information relating to this standard. The Parliament of Uganda's website has information on functions, composition, rules of procedure, administration, committee members and structure.¹¹³ The Senate of Pakistan has a similar section on its website.¹¹⁴ Brazil's parliamentary website includes a general overview of Congress, its role, organizational charts, a legislative process "fluxogram," and other information.¹¹⁵ The National Assembly of the Republic of Korea's website has a similar detailed organization chart among other information.¹¹⁶ The UK Parliament has

¹⁰⁹ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.2.1.1.

¹¹⁰ IPU, *Guidelines for Parliamentary Websites*, §1.2 and §1.3.

¹¹¹ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Official Journal L 145, 31/05/2001 P. 0043 – 0048, §12d

¹¹² *Ibid.*, §1a.

¹¹³ Website of the Parliament of Uganda, <http://www.parliament.go.ug/>. Accessed 6/12/2012.

¹¹⁴ Website of the Senate of Pakistan, *Senate History and Introduction*. <http://www.senate.gov.pk/ShowCategories.asp?GroupCode=7>. Accessed 6/14/2012.

¹¹⁵ Website of the Chamber of Deputies of Brazil, <http://www2.camara.gov.br/english>. Accessed 6/12/2012.

¹¹⁶ Website of the National Assembly of the Republic of Korea, *Organization Chart*. http://korea.assembly.go.kr/int/org_01.jsp?leftid=AA. Accessed 6/14/2012.

developed an array of resources for interested citizens, including school curriculum and video games that help users learn about the legislative process.¹¹⁷

15. Providing Information on Members of Parliament

Parliament shall provide sufficient and regularly updated information for citizens to understand a member's credentials, party affiliation, electoral mandate, roles in parliament, attendance, identities of personal staff, and any other information members wish to divulge about themselves and their credentials. Working contact information for the parliamentary and constituency offices of members shall also be available to the public.

The IPU's *Guidelines for Parliamentary Websites* note the duty of parliaments to publish member information online, including: a list of all current members, biodata, photo, a member's constituency, party affiliation, committee membership, contact information, parliamentary activities, and other similar data.¹¹⁸ According to the UNDP and the General Secretariat of the House of Representatives of the Republic of Indonesia note, creating a personal website is something that an individual member of parliament "should do to establish transparency and accountability."¹¹⁹

Current practice regarding publication of member information varies. The Parliament of South Africa's website contains an alphabetical list of members of parliament with, at minimum, phone numbers, email addresses, party affiliations, committee memberships, photographs, and areas represented.¹²⁰ The parliaments of Haiti and Peru have similar platforms, with some members maintaining their own websites as well.¹²¹ Members of the Lok Sabha in India have individual pages on the parliament's website, which includes similar information as other countries discussed, as well as information on current legislative action.¹²² In Chile and Argentina, the vast majority of legislators use the webpages provided by parliament to provide biographical information about their careers.¹²³ In the United States, all members of Congress are provided with funds to manage their own websites, where they often offer constituent services, post press releases, link to information about legislation and other legislative activity they are engaged in, and list contact details, among other information. It should be noted, however, that the more uniform information is, the easier it is for PMOs and citizens to use technology to analyze and repurpose information provided by members. As one example of good practice, the Swiss Parliament provides extensive member information using

¹¹⁷ Website of the U.K. Parliament, <http://www.parliament.uk/education/>. Accessed 6/11/2012.

¹¹⁸ IPU, *Guidelines for Parliamentary Websites*, §1.6.

¹¹⁹ UNDP, *Handbook on Transparency and Accountability of Parliament*, 2009, p. 52. <http://www.agora-parl.org/node/2756>. Accessed 6/12/2012.

¹²⁰ Website of the Parliament of South Africa, http://www.parliament.gov.za/live/content.php?Category_ID=97. Accessed 2/14/2012.

¹²¹ Website of the Parliament of Haiti. <http://www.parlementhaitien.ht>; Website of the Congress of Peru, *Congresistas de la Republica*. <http://www.congreso.gob.pe/organizacion/pleno.asp?mode=Pleno>. Both accessed 6/12/2012.

¹²² Website of the Lok Sabha, *Members' Home Page*, <http://164.100.47.132/LssNew/members/homepage.aspx?mpsno=4064>. Accessed 4/15/2012.

¹²³ Participa Corporation, Poder Ciudadano, and Accion Ciudadana, *Regional Index of Parliamentary Transparency*, August 2008, p. 41. http://www.bibliocivica.org/images/d/d9/Reigonal_Index_of_Parliament_Transparency.pdf. Accessed 6/12/2012.

structured XML, an open data format, which allows for broad adaptability and re-use of information.¹²⁴

16. Providing Information on Parliamentary Staff and Administration

Parliament shall make available information about its administrative functioning and the structure of parliamentary staff that manage and administer parliamentary processes. Contact information for staff responsible for providing information to the public should be publicly available.

A parliament's ability to carry out its duties not only depends on the capacity and effectiveness of its members, but on the functionality and performance of the parliamentary administration. Charged with informing the legislative process, administering its workflow, and serving as parliament's institutional memory, the parliamentary administration is also responsible for implementing parliament's openness policies. According to the European Parliament's OPPD, "integrity and impartiality are generally held to be core values of any civil service. This applies even more so perhaps to parliamentary officials who, by virtue of their privileged place of work, are particularly close to the defence of the public interest."¹²⁵ While practices and traditions for staffing the parliamentary administration vary, the importance of its role necessitates that citizens have an understanding of how it functions and operates, as well as information about the identities and responsibilities of individual staff members.

Benchmarks for democratic parliaments often underscore the importance of the parliamentary administration by citing the need for adequate non-partisan and professional support staff.¹²⁶ They also cite the importance of parliamentary control over their administration independent of the executive,¹²⁷ and availability of adequate resources for recruiting sufficient, competent staff.¹²⁸ According to a model code of conduct developed by the U.S. National Conference on State Legislatures (NCSL), "A legislative staff member is a public servant... [whose] work is to assist the state legislature in promoting the common good of the citizens of the state."¹²⁹ The NCSL further specifies that "As government employees, [parliamentary] staff members will respect the need of members of the general public, the press, members of other governmental agencies, and lobbyists to have information about the legislature."¹³⁰

To ensure that staff conduct their work with integrity and professionalism, many parliaments adopt codes of conduct that outline parliamentary staff responsibilities with respect to behavior, ethics, acceptance of gifts and other matters that could affect the integrity of their work. Oftentimes, parliamentary staff—and, in some instances, their

¹²⁴ Andreas Sidler, *XML @ parliament.ch*, Global Centre for ICT in Parliament Meeting, Washington, D.C., February 27-29, 2012. <http://www.ictparliament.org/attachements/XMLmeeting/Day2B6-Sidler.pdf>. Accessed 6/12/2012.

¹²⁵ Office for the Promotion of Parliamentary Democracy, *Parliamentary Ethics: A Question of Trust*. 2011. Available at: http://www.europarl.europa.eu/pdf/oppd/Page_8/codes_of_conduct_FINAL-ENforweb.pdf. Accessed: 6/15/2012.

¹²⁶ CPA, *Recommended Benchmarks for Democratic Legislatures*, §5.1.1; APF, *La réalité démocratique des Parlements: Quels critères d'évaluation?* §3.2.1.1.

¹²⁷ *Ibid.*, §5.1.2; *Ibid.*, §3.2.1.2.

¹²⁸ *Ibid.*, §5.2.1; *Ibid.*, §3.2.2.1.

¹²⁹ National Conference on State Legislatures, *NCSL Model Code of Conduct for Legislative Staff*, 2009, Art. 1, Sec. I. Available at: <http://www.ncsl.org/legislatures-elections/legisdata/model-code-of-conduct-for-legislative-staff.aspx#i>. Accessed 6/14/2012.

¹³⁰ National Conference on State Legislatures, *NCSL Model Code of Conduct for Legislative Staff*, 2009, Art. 1, Sec. IV, No. 2.

spouses—are bound by statutes pertaining to the broader public service. In Portugal, for example, staff are bound by a number of statutory and regulatory requirements, including provisions in a code of conduct for public service, in the organic law of the Assembly, in internal staff regulations and in a charter for public employment.¹³¹

Just as parliamentarians must have confidence in the legislative staff to provide non-partisan, professional analysis and advice, so too must citizens be assured that the legislative administration upholds the public interest in conducting its work. For this reason, citizens should have access to a reasonable amount of information about the staff employed by parliament and its members. This includes, at a minimum: contact information for senior staff of various legislative departments and offices; an “organigram” of the parliamentary administration, and; roles, responsibilities and budgets of each department and office. As in the European Parliament, citizens should also have the ability to have recourse for maladministration, such as delays in receiving requested information.¹³²

The Parliament of Australia publishes biographies of senior parliamentary staff members, which also includes information on their roles and responsibilities and contact information.¹³³ The Chamber of Deputies in Brazil lists the main administrative offices of parliament, their heads, and corresponding contact information.¹³⁴ The website of the Parliament of South Africa contains contact information for its Parliamentary Service, listing occupiers of positions including Secretary to Parliament, Chief Operations Officer, and Divisional Heads. Contact information is included for the Parliamentary Service, and offices like Media Management and Public Education.¹³⁵ In India, the Lok Sabha’s website includes an organizational chart for all parliamentary staff, and personal information on staff members divided by department, including contact information.¹³⁶ The United States Congress makes public a range of information on parliamentary staff including information on their salaries and travel.¹³⁷

17. Informing Citizens regarding the Parliamentary Agenda

Documentation relating to the scheduling of parliamentary business shall be provided to the public, including the session calendar, information regarding scheduled votes, the order of business and the schedule of committee hearings. Except in rare instances involving urgent legislation, parliament shall provide sufficient advance notice to allow the public and civil society to provide input to members regarding items under consideration.

¹³¹ Office for the Promotion of Parliamentary Democracy, *Parliamentary Ethics: A Question of Trust*. 2011. Available at: http://www.europarl.europa.eu/pdf/oppd/Page_8/codes_of_conduct_FINAL-ENforweb.pdf. Accessed: 6/15/2012.

¹³² Ibid.

¹³³ Website of the Parliament of Australia, *Biographies of senior staff*. http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Department_of_the_House_of_Representatives/Biographies. Accessed 6/14/2012.

¹³⁴ Website of the Brazilian Chamber of Deputies, *Contact Details*. <http://www2.camara.gov.br/english/important-contact-details>. Accessed 6/14/2012.

¹³⁵ Website of the Parliament of South Africa, *Parliamentary Service*. http://www.parliament.gov.za/live/content.php?Category_ID=132. Accessed 6/14/2012.

¹³⁶ Website of the Lok Sabha, *Organization Chart of Lok Sabha Secretariat*. http://164.100.47.132/LssNew/Secretariat/officer_lss.aspx. Accessed 6/14/2012.

¹³⁷ Member and staff salaries are made available in paper format by the Clerk of the House of Representatives, and by the Secretary of the Senate. The Clerk of the House of Representatives makes staff travel information available at: http://clerk.house.gov/public_disc/foreign/index.aspx. Senate travel information is searchable at: <http://soprweb.senate.gov/giftrule/>. Accessed: 6/25/2012.

To ensure that citizens have an opportunity to participate in parliamentary affairs, the public must be made aware of parliament's agenda in advance. This provision is consistent with the Commonwealth Parliamentary Association's benchmark for democratic legislatures that states that there "shall be adequate parliamentary examination of proposed legislation."¹³⁸ COPA's benchmarks for democratic parliaments note that "Parliament must give its Members and the public sufficient advance notice of meetings and the agenda for the meetings," stating that "A calendar of legislative work must be set so that the legislative schedule is known."¹³⁹ The importance of advance notice of the calendar or agenda, applies equally to committee proceedings, with SADC-PF specifying that "Parliament shall notify the public in advance of committee meetings or hearings."¹⁴⁰

The *World e-Parliament Report 2010* reveals that daily schedules are included on 85% of parliamentary websites -- 70% make the plenary schedule available at least two days before action, with the same being true for 77% of parliaments in regard to committee agendas.¹⁴¹ It is not clear always clear whether these agendas include meeting times and room numbers, or whether citizens are permitted to participate or observe in all of these meetings. In India, the calendar of business is displayed on the parliament's website, and both chambers provide information about the provisional list of business a few days in advance of the session.¹⁴² However, the exact procedure is not written into the rules, which leads to inconsistent application and sometimes a lack of information for citizens and MPs.¹⁴³ In Bangladesh, the 'Orders of the Day' are often made available to MPs only the night before each sitting.¹⁴⁴ In Korea, the National Assembly publishes a detailed schedule for each of its sessions, with information on what topics will be addressed and at what times.¹⁴⁵

Rare exceptions to this provision may be necessary with emergency legislation, for instance, during a period of war or after a natural disaster. For example, if a natural disaster occurs in a country and parliamentary action is necessary to allocate government funds to provide relief assistance, parliament may not have time to publish an agenda that includes the emergency session required to consider this action. Strict limitations on the ability of parliament to resort to emergency procedures, including limits on the amount of time and consecutive emergency sessions that can be called, are generally recognized as being necessary to prevent abuse of exceptions for emergency legislation.

¹³⁸ CPA, *Recommended Benchmarks for Democratic Legislatures*, §7.1.1.

¹³⁹ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §2.15.2-3.

¹⁴⁰ SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §5.8.7.

¹⁴¹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, pp. 56-58.

¹⁴² SAHR, *Transparency in Parliament*, Sri Lanka 2009, p. 14.

¹⁴³ Centre for Civil Society, *Parliament and Citizens: Bridging the Gap Through Greater Transparency*, July 2010, p. 9.

¹⁴⁴ *Ibid.*, pp. 10-11.

¹⁴⁵ Website of the National Assembly of the Republic of Korea, *Annual Parliamentary Schedule*. http://korea.assembly.go.kr/wha/who_read.jsp. Accessed 6/14/2012.

18. Engaging Citizens on Draft Legislation

Draft legislation shall be made public and published upon its introduction. Recognizing the need for citizens to be fully informed about and provide input into items under consideration, parliament shall seek to provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about the proposed legislation.

Citizens' right to be informed of draft legislation and related documentation are well established. COPA states that "Laws, proposed legislation, committee reports, and any other parliamentary document provided for by the rules of procedure must be made accessible to the public."¹⁴⁶ The *Guidelines for Parliamentary Websites* further emphasize this point by noting that parliaments should provide an explanation of the legislative process, the text and status of all proposed legislation, links to relevant parliamentary and government documentation, the text and final status of previous legislation, the text and actions taken on all enacted legislation, and a searchable database of current, previously proposed, and enacted legislation.¹⁴⁷ A new EU law dealing with the release of documents states that "[p]reparatory legislative documents and all related information on different stages of the inter-institutional procedure... should in principle be made immediately and directly accessible to the public on the Internet."¹⁴⁸

Most parliaments provide information on draft legislation to the public. The Global Centre for ICT in Parliament notes that the text and status of proposed legislation is posted on 66% of parliamentary websites.¹⁴⁹ According to the IPU, the Hungarian Parliament is "in the process of establishing an electronic Parliament, with the text of every submitted proposal (proposed bills, amendments, resolutions, draft policy announcements, reports, interpellations questions, etc.) available online. Although this is primarily intended to facilitate and improve the work of representatives, it means that the relevant texts will also be available to citizens through Parliament's website."¹⁵⁰

For the legislative process to be fully participatory, citizens must have an understanding of the information shaping each phase of the legislative process and opportunities to influence the process at every phase. For instance, one could distinguish between the preparatory analysis phase, during which a problem is typically analyzed and policy options considered, and the legislative design phase, during which a legislative solution is crafted. Each phase should have a dedicated citizen information and engagement round, and the information that has been considered during the process should be traceable to the sources that created and tabled it. Transparency and participation provide an opportunity to bring the wisdom of the citizenry to bear in all aspects of the legislative process. Parliament should enable, whenever possible, circumstances in which legislative substance and political clout are generated through collaborative public processes, as opposed to secrecy.

¹⁴⁶ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.2.3.1.

¹⁴⁷ IPU, *Guidelines for Parliamentary Websites*, §2.2.

¹⁴⁸ Public access to European Parliament, Council and Commission documents, P7_TA-PROV(2011)0580, A7-0426/2011, Rapporteur: Michael Cashman, 12

¹⁴⁹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 57.

¹⁵⁰ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 125.

To encourage thorough and deliberative consideration of issues before parliament, parliament may wish to exempt from disclosure certain types of preparatory analysis and background information prepared for the benefit of an individual member of parliament. However, information prepared for the benefit of parliament as a whole are typically made public, to help citizens evaluate legislation being reviewed by parliament with the benefit of the same background and information available to parliament.

19. Publishing Records of Committee Proceedings

Reports of committee proceedings, including documents created and received, testimony of witnesses at public hearings, transcripts, and records of committee actions, shall promptly be made public.

Much of a parliament's legislative and oversight responsibilities are conducted through committees. As the Centre for Liberal Strategies (CLS) states "Given the fact that often the fate of legislation is decided at the committee stage, transparency of committee meetings (which is a generally neglected area) should be turned into a priority issue."¹⁵¹ For citizens to understand the work of parliament and provide input to it, citizens must have access to timely and complete records of committee proceedings.

The CPA, APF, SADC-PF and COPA agree that "committee hearings shall be in public."¹⁵² However, there is often a distinction between hearings and discussions among committee members, with a number of parliaments believing that private deliberations can often result in greater deliberative discourse and opportunities for compromise. In general, however, there is an international trend toward committee meetings being open to the public. As the CPA and WBI have noted, "There should be a presumption that committee meetings are open to the public, so that closed meetings are the exception rather than the rule. Where it is necessary to hold a meeting, or part of a meeting, in private, a decision to that effect should be taken in public and reasons for that decision should be given."¹⁵³

Similarly, there is also a trend toward routinely providing citizens with proactive access to many committee documents, including testimony before the committee, transcripts of this testimony, and committee reports. The *Guidelines for Parliamentary Websites* recommend that certain materials be published online—including all documentation produced in previous years, agendas published in advance, records of meetings and actions taken, and reports—and that committee hearings be broadcast live on television or the web.¹⁵⁴ The *World e-Parliament Report 2010* survey found that 50% of parliaments surveyed are providing information about committee activities.¹⁵⁵ The Senate in Pakistan has a website specifically dedicated to publishing reports released by committees.¹⁵⁶ In Kenya, the Standing Orders of Parliament require that committees be open to the public,

¹⁵¹ Center for Liberal Strategies, *Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe*, p.16.

¹⁵² CPA, *Recommended Benchmarks for Democratic Legislatures*, §3.1.4; SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §5.8.6; COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §2.4.1.2; APF, *La réalité démocratique des Parlements: Quels critères d'évaluation?* §2.4.1.1.

¹⁵³ Toby Mendel. *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, §14.3.

¹⁵⁴ IPU, *Guidelines for Parliamentary Websites*, §2.5.

¹⁵⁵ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 181.

¹⁵⁶ Website of the Senate of Pakistan, *Senate Standing, Functional and Special Committee Reports*. <http://www.senate.gov.pk/reports/index.htm>. Accessed 6/14/2012.

with limited exceptions.¹⁵⁷ In Romania, committees have recently begun to use electronic displays of their committee votes and reports, and post video recordings of hearings online.¹⁵⁸ In the United States and United Kingdom, committee hearings are generally broadcast and telecast live, with reports and testimony released publicly on the web—again, with limited exceptions.¹⁵⁹ In June 2012, in Tunisia, a coalition of open government organizations, OpenGovTN, came to an agreement with the Citizen Assembly to publish all committee meetings and reports on the Assembly’s official website.¹⁶⁰

20. Recording Parliamentary Votes

To ensure members’ accountability to their constituents for their voting behavior, parliament shall minimize the use of voice voting in plenary and shall use roll call or electronic voting in most cases, maintaining and making available to the public a record of the voting behavior of individual members in plenary and in committees. Similarly, parliament shall minimize the use of proxy voting and ensure that it does not undermine norms of transparency and democratic accountability.

A parliamentary vote tells citizens how a member of parliament stands on an issue. It is critical information for citizens who will eventually be asked to make choices regarding which members or parties should be returned to parliament in the next elections. As a result it is critical that citizens to understand the positions of their elected officials and have unfettered access to the voting records on all individual votes, including information on abstentions and absences. Using roll call or electronic voting helps to ensure that individual votes are ‘on the record.’ Over-use of voice voting or voting by acclamation should be avoided.

The CPA, APF COPA benchmarks state that plenary votes must be held in public,¹⁶¹ while SADC-PF adds that “Parliament shall make public any exceptions to this presumption and give advance notice before a secret vote.”¹⁶² When using roll call voting, SADC-PF notes that “the public shall be given access to how Members voted.”¹⁶³ The CPA and COPA also stipulate that “voting of committees shall be held in public.”¹⁶⁴ Public votes are becoming increasingly common in practice. In Romania, voting is conducted electronically and openly during plenary sessions and votes are posted on the websites of the respective chambers. Citizens are able to monitor the voting record of each individual member of parliament and citizens and civic groups have used videos of plenary voting to reveal fraudulent voting practices and violations of the rules of

¹⁵⁷ Parliamentary Centre, *African Parliamentary Index*, June 2011, p. 94.

¹⁵⁸ Center for Liberal Strategies, *Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe*, p. 112; the website for Romania’s parliament is available at www.cdep.ro/calendar. Accessed 6/12/2012.

¹⁵⁹ Centre for Civil Society, *Parliament and Citizens: Bridging the Gap Through Greater Transparency*, July 2010, p. 15.

¹⁶⁰ Wafa Ben Hassine, *Constituent Assembly: Duty to Lead the Way in Transparency and Governmental Accountability*, Nawaat, 7 Jun 2012. <http://www.nawaat.org/portail/2012/06/07/constituent-assembly-duty-to-lead-the-way-in-transparency-and-governmental-accountability/>. Accessed 6/12/2012.

¹⁶¹ CPA, *Recommended Benchmarks for Democratic Legislatures*, §2.6.1; APF, *La réalité démocratique des Parlements: Quels critères d’évaluation?* §2.2.6.1; COPA *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §2.2.6.2

¹⁶² SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §5.6.1.

¹⁶³ *Ibid.*, 5.6.3

¹⁶⁴ CPA, *Recommended Benchmarks for Democratic Legislatures*, §3.1.5; also similarly COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §2.4.1.6.

procedure.¹⁶⁵ Argentina has recently passed roll call voting,¹⁶⁶ however, just 20 percent of 535 votes in the most recent legislative year required a roll call vote. However, few parliaments provide access to votes through open data formats that allow PMOs and citizens to easily analyze voting behavior using technology. Without access to votes in open formats, PMOs such as VoteWatch.eu, which use voting data to help citizens understand complex political processes, must input results into their databases manually or by “scraping” parliamentary websites for data, increasing the potential for error and inaccuracy.

Data on voting records is crucial for the effective monitoring of parliaments. The European Parliament’s releasing of vote data on the website—although not yet available in XML—nonetheless allows for analysis of voting records by PMOs and by civil society. For example, the parliamentary monitoring organization VoteWatch.eu manually inputs data taken from the European Parliament’s website and displays extensive searchable information about votes and the debates surrounding them.¹⁶⁷ In Tunisia, after working with civil society groups, the Citizen Assembly agreed to publish all plenary roll call lists on the Assembly’s official website beginning in June 2012.¹⁶⁸

Proxy voting is permissible in a number of parliaments and the rules vary widely, but these votes must be presented in a way which allows citizens to understand the position of their individual representative. There is a risk that proxy voting rules can be abused to disguise or obfuscate a representative’s vote, thus it is imperative that, if proxy voting is used, it does not undercut norms of transparency and democratic accountability. For instance in France, the Senate controversially uses proxy voting to allow one senator to vote for tens or even a hundred others, which does not allow for adequate accountability of votes.

21. Publishing Records of Plenary Proceedings

Parliament shall create, maintain and publish readily accessible records of its plenary proceedings, preferably in the form of audio or video recordings, hosted online in a permanent location, as well as in the form of a written transcript or Hansard.

The plenary serves as a forum for public discussion and final decision-making on all legislation. In many parliaments, the plenary provides an opportunity for questioning ministers or for voicing the concerns of constituents. There is broad international consensus on the importance of plenary for communicating parliamentary views and intentions to the public. COPA states that “debates on proposed legislation must be open to the public at some stage in the legislative process”¹⁶⁹ and that “plenary sessions of the

¹⁶⁵ See, for example: http://www.youtube.com/watch?v=YFJZyWh_c2c.

¹⁶⁶ Jones, Mark, Hwang, Wonjae. *Majority Cartels, Distributive Politics, and Inter-Party Relations in a Unidimensional Legislature: the Argentine Chamber of Deputies*, 2003, <http://cdi.mecon.gov.ar/biblio/docelec/harvard/conferences/dp3531.pdf>. Accessed 4/15/2012.

¹⁶⁷ Doru Frantescu, Policy Director, VoteWatch, *State of Play at the EU Level*, Global Centre for ICT in Parliament Meeting, Washington, D.C., February 27-29, 2012. http://www.ictparliament.org/attachements/XMLmeeting/Day1P3_Frantescu.pdf. Accessed 6/12/2012.

¹⁶⁸ Wafa Ben Hassine, *Constituent Assembly: Duty to Lead the Way in Transparency and Governmental Accountability*, Nawaat, 7 Jun 2012. <http://www.nawaat.org/portail/2012/06/07/constituent-assembly-duty-to-lead-the-way-in-transparency-and-governmental-accountability/>. Accessed 6/12/2012.

¹⁶⁹ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §2.2.7.4.

parliament must be open to the public.”¹⁷⁰ Additionally, the *Guidelines for Parliamentary Websites* state that parliaments should make public “documentation produced from plenary sessions, such as schedules and agenda published in advance, records of actions taken, text of statements by members, and text of debates” in addition to audio, video, or web broadcasts of plenary meetings.¹⁷¹ The IPU and the Global Centre for ICT in Parliament also recommend that parliaments make public documentation of previous plenary meetings, along with an audio or video archive of those meetings.¹⁷²

Most parliaments demonstrate a commitment to this standard by making plenary activities public. According to the *World e-Parliament Report 2010*, 81% of parliaments provide documentation of plenary activities.¹⁷³ In Bangladesh, the Secretary of the Jatiya Sangsad must ensure that a full report of plenary proceedings is published as soon as possible.¹⁷⁴ India requires the Secretaries General of both houses to publish a full report of the proceedings of open sittings. They must also maintain records of all reports and papers laid on the table by both Houses.¹⁷⁵ Unfortunately, as SAHR reports, this is not common practice in the region: “people other than MPs in most South Asian countries do not have easy access to the reports of proceedings and papers laid on the table...The only source of information for most people is media reportage.”¹⁷⁶ By allowing media to control the parliaments’ messages, parliaments are missing out on an opportunity to communicate their work to citizens directly. When parliaments are unable to publish their own transcripts, civil society organizations are often able to fill the gap. In 2012, an Open Parliament initiative in Serbia composed of a coalition of civil society organizations, launched a new website, www.otvoreniparlament.rs, which will provide citizens with access to transcripts of all parliamentary sessions.¹⁷⁷

In addition to written records, many parliaments are providing the public with audiovisual and multimedia recordings of the plenary. SADC PF, in fact, includes as a standard that “citizens shall have access to parliamentary business through broadcasts of plenary and committee meetings via multimedia such as the Internet, live television, and radio.”¹⁷⁸ From Morocco to Brazil to the United States, multimedia recordings of the plenary are becoming common practice; innovative use of hyperlinks can also associate relevant portions of the recorded session to particular points in the legislative history or legislative agenda.

22. Publishing Reports Created by or Provided to Parliament

All reports created by parliament or that are requested or required to be submitted to parliament, its offices, or committees, shall be made public in their entirety, except in narrowly defined circumstances identified by law.

¹⁷⁰ Ibid., §4.1.2.2.

¹⁷¹ IPU, *Guidelines for Parliamentary Websites*, §2.6.

¹⁷² Ibid.

¹⁷³ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 180.

¹⁷⁴ SAHR, *Transparency in Parliament*, Sri Lanka 2009, p. 24.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid., p. 29.

¹⁷⁷ USAID Serbia press release, *Transcripts of Parliamentary Sessions Now Available to All Citizens*, 6 Jun 2012.

[http://serbia.usaid.gov/upload/documents/press/2012/Press Release Open Parliament.pdf](http://serbia.usaid.gov/upload/documents/press/2012/Press%20Release%20Open%20Parliament.pdf). Accessed 6/16/2012.

¹⁷⁸ SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §6.4.4.

Due to its oversight function, parliament is also an important source of information about the executive branch. On the other hand, parliament's representational role makes it an important vehicle for ensuring that citizens' voices are also heard by the executive. Being at the nexus of communications between citizens and their government, parliaments create and receive information that impacts the lives of citizens and should be made available for public consumption. This includes reports developed by governmental, semi-governmental and independent institutions and organizations, including human rights commissions, constitutional bodies, offices of ombudsmen, directors of public prosecutions, audit institutions, state-owned enterprises, courts, and others. In essence, this principle seeks to affirm the right of citizens to "any output of taxpayer funding" including "information collected and produced by the government," and the expectation that parliaments provide this information as part of their normal course of action.¹⁷⁹ This principle should apply to groups whether they report directly to parliament or are independent bodies that are designed, in part, to exercise oversight over parliament.

Reports to parliament often include valuable information that citizens can use to improve their understanding of government processes and developments that influence public policy and citizen wellbeing. Because much of this information is held in data tables, much of this information cannot be extracted for reuse. Similarly to the peer review process favored in the sciences, parliamentary information should be able to be criticized, reprocessed and analyzed by others to ensure its integrity, as well as the integrity of the policies developed based upon that information. Consequently, all data used in the preparation of reports to parliament should be published with the report in an open and standard format to facilitate reuse.

In many countries, in situations where a government agency or executive department submits a report to parliament, it is the responsibility of the reporting agency to make that report public. These reports are often made available on the agency's website.¹⁸⁰ "Similarly to the scientific process, parliamentary reporting process should be able to be criticized, reprocessed and analyzed by anyone; therefore, all data used in the preparation of a report should accompany the report so it can be digitally reused."

In others, parliament takes greater responsibility in publishing reports. In Kenya, the parliamentary website contains a feed of reports created by special commissions of the parliament, as well as reports submitted to the National Assembly. For example, it may contain a report submitted by the Independent Electoral and Boundaries Commission, a policy brief from the Departmental Committee on Health, or a report from the Parliamentary Budget Office.¹⁸¹ In Sweden, the Committee on the Constitution collects reports on individual ministers to examine the work of the government, and makes all reports received public through the parliament's website. The parliament, or Riksdag, also collects annual reports from commissions like the National Audit Office, the Parliamentary Ombudsmen, and the Riksbank, which are made available on the

¹⁷⁹ TAI, *Opening Government*, 2011, p. 15

¹⁸⁰ For example, the Canada Revenue Agency's *Annual Report to Parliament* is made available on the Agency's website at <http://www.cra-arc.gc.ca/gncy/nnnl/menu-eng.html>; the UK's Information Commissioner's Office *Reports to Parliament* at http://www.ico.gov.uk/about_us/research/reports_to_parliament.aspx; the Italian Intelligence System for the Security of the Republic's *Annual Report to Parliament* at www.sicurezza nazionale.gov.it/web.nsf/pagine/en_relazione_al_parlamento;

¹⁸¹ Website of the Parliament of the Republic of Kenya, *Homepage*. <http://www.parliament.go.ke>. Accessed 6/14/2012.

Riksdag's website as well.¹⁸² In the Netherlands, members of the Senate are able to pose direct questions to agencies and members of the government, the answers of which are then printed by parliament and available on the website of the Senate.¹⁸³ Even where the underlying reports may be available on the websites of the reporting agency, parliament can bolster its role by also providing information on its review of the report and an additional copy, to ensure that it is preserved as part of the complete legislative electronic record.

23. Providing Information on the Budget and Expenditures

Parliament has a responsibility to make public comprehensive, detailed, and easily understandable information about the national budget and public expenditures, including past, current, and projected revenues and expenditures. Similarly, parliament has a duty to publish information regarding the parliament's own budget, including information about its own budget execution and bids and contracts. This information shall be made public in its entirety, using a consistent taxonomy, along with plain language summaries, explanations or reports that help promote citizen understanding.

Citizens, as taxpayers, have the right to access information about public funds and their use. According to the OECD, "Legislatures' budgetary oversight function contributes to transparency and public financial accountability. The presentation of the budget and related documentation in the legislature is normally the first opportunity for public scrutiny of the government's spending priorities. Legislative debate in both the plenary and committees facilitates public participation in the budget process."¹⁸⁴ But for public participation in the budget process to be effective, citizens must have access to all budgetary, spending, and audit information accessible by parliament and the executive. Raw budget data, furthermore, should be released in an open format and using a consistent taxonomy that allows for comparison and automated analysis. The OECD provides an extensive and comprehensive roadmap for budget transparency in their *Best Practices for Budget Transparency*.¹⁸⁵

In addition to providing all budgetary information in raw form, parliaments should ensure that this information is in a format that can be understood by the general public. To facilitate citizen understanding and analysis, parliament should release plain language summaries, reports and analyses of budget data. The *Guidelines for Parliamentary Websites* recommend that parliaments publish explanations of budget processes and roles, proposals, reviews, and documentation regarding the review of past and present activities in a searchable database.¹⁸⁶

Although part of the national budget, the parliament's own budget, and information on its execution, should also be made public. In Argentina, both chambers of the legislature

¹⁸² Website of the Sveriges Riksdag, *Reports to the Committee on the Constitution*. <http://www.riksdagen.se/en/Documents-and-laws/Reports-to-the-Committee-on-the-Constitution/>; *Submissions and Reports*. <http://www.riksdagen.se/en/Documents-and-laws/Submissions-and-reports/>. Both accessed 6/14/2012.

¹⁸³ Website of the Eerste Kamer der Staten-Generaal, *Schriftelijke vragen*. http://www.eerstekamer.nl/schriftelijke_vragen_3. Accessed 6/14/2012.

¹⁸⁴ OECD, *Government at a Glance 2011*, p. 191.

¹⁸⁵ OECD, *Best Practices for Budget Transparency*, <http://www.oecd.org/dataoecd/33/13/1905258.pdf>. Accessed, 2/14/2012.

¹⁸⁶ IPU, *Guidelines for Parliamentary Websites*, §2.3.

are required to publish their budgets, expenditures, and details about administrative positions and the awarding of contracts.¹⁸⁷ Both houses of parliament in India contain links to the website that includes detailed budget information for parliament,¹⁸⁸ while the Ministry of Finance's website houses the budget for the government of India as a whole, including presentations, speeches and reports given to parliament.¹⁸⁹ The Indian budget is reviewed in detail by parliamentary committees, whose resulting reports and recommendations are also available on the parliamentary chambers' websites. Further, annual reports and performance budgets are available on the websites of all ministries and government departments.¹⁹⁰ Each year in Uganda, a government ministry brings together all stakeholders involved in the budget process, including Parliament and civil society, among others. "They come together to discuss and share information on the government's economic performance as well as... available resources... This involves goal and objective setting, as well as review of progress made in terms of service provision over the previous year."¹⁹¹ In many countries, the supreme audit institution reports to parliament, and their audit reports should also be made public.

There are also non-parliamentary examples of good budget transparency practice. In fulfillment of the commitments of the Open Government Partnership, the government of Brazil established a Transparency Portal—which as of 2010, is updated daily—that provides "online information on the execution of the federal budget in clear and understandable language."¹⁹² After the enactment of new laws in 2009, all levels of government must disclose in real time on the Internet their budgetary execution data. In Chile, as of 2006, all public bodies are required to public details of the spending of public funds, contracts, and staff information; which is then linked to the electronic *ChileCompra* system and available to the public.¹⁹³

24. Disclosing Assets and Ensuring the Integrity of Members

Parliament shall make available sufficient information to allow citizens to make informed judgments regarding the integrity and probity of individual members, including information on members' asset disclosures, their parliamentary expenses, and their non-parliamentary income, including interest, dividends, lease payments or other in-kind benefits.

Polls of citizens often demonstrate that citizens lack trust in their parliaments. According to the ECPRD, "The question of averting corruption and maintaining high standards of behaviour in public life has become a topical issue, as evidenced by the public outrage each time there have been revelations concerning serious misconduct by Members, the privileges enjoyed by special advisors, the keeping of slush funds, the sponsorship of government activities or the revolving-door careers of senior civil

¹⁸⁷ Participa Corporation, Poder Ciudadano, and Accion Ciudadana, *Regional Index of Parliamentary Transparency*, August 2008, p. 10.

¹⁸⁸ Centre for Civil Society, *Parliament and Citizens: Bridging the Gap Through Greater Transparency*, July 2010, p. 6.

¹⁸⁹ Indian Ministry of Finance Website, *Union Budget and Economic Survey*. <http://indiabudget.nic.in/index.asp>. Accessed 6/12/2012.

¹⁹⁰ SAHR, *Transparency in Parliament*, Sri Lanka 2009, p. 48.

¹⁹¹ Parliamentary Centre, *African Parliamentary Index*, June 2011, p. 168.

¹⁹² Open Government Partnership, *Brazil: Country Commitments*, www.opengovpartnership.org/countries/brazil. Accessed 6/12/2012.

¹⁹³ Helen Darbishire, *Proactive Transparency: The future of the right to information?*, World Bank Institute, p. 12.

servants, to name but a few.¹⁹⁴ To protect the integrity of the parliamentary institution, parliaments should design systems that define appropriate and inappropriate behavior and institute disclosure requirements that empower oversight of and serves as a deterrent to malfeasance and corruption.

This principle is consistent with international benchmarks for democratic parliaments adopted by the CPA, APF, COPA, and SADC-PF. The CPA states that “Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.”¹⁹⁵ COPA’s benchmarks further mandate that members “must disclose their assets before, during and at the end of their term.”¹⁹⁶ Guidelines released by the Transparency and Accountability Initiative, in support of OGP, also state that MPs should be required to disclose systematic information on regular basis, including information on assets, liabilities, sources of income, gifts, and conflicts of interest.¹⁹⁷

The OECD reports that disclosure of private assets is required in 85% of member country parliaments¹⁹⁸ and is also required in countries as diverse as Algeria, Australia, Ghana, Japan, Tanzania, and Uruguay.¹⁹⁹ Many countries exhibit good practices intended toward a high level of transparency, closing potential loopholes and avoiding opportunities for evasion. In South Africa, members of parliament are provided with a list of “registerable interests” that they must make public.²⁰⁰ In India, “After a candidate wins elections to either House of Parliament it becomes mandatory for him/her to declare their assets (movable and immovable property for self, spouse and dependent children) within 90 days of taking oath of office as an MP. Liabilities to public financial institutions and the Central and any State Government are also required to be disclosed.”²⁰¹ In Canada, Parliament has adopted a Conflict of Interest Code that not only requires regular disclosure of interests by members of parliament, but also requires former members to disclose interests, as well as their spouses and dependent children – closing a loophole that has been used in some countries as a method for avoiding disclosure.²⁰² According to the parliament’s Standing Orders, New Zealand’s MPs must disclose “returns of pecuniary interests” by publishing them in the “Record of Pecuniary Interest” within 90 days of their general election. Financial interests from both members and their spouses and children must also be disclosed.²⁰³ The Public Service Ethics Act adopted by the National Assembly in South Korea requires that members of the Assembly must disclose ownership of both real and intangible property as well as shares in nonpublic business entities. These disclosures are published in a public bulletin.²⁰⁴ Latvia adopted a

¹⁹⁴ Williams, Veronica. *Parliamentary Codes of Conduct in Europe: An Overview*. European Center for Parliamentary Research and Documentation, 2001.

¹⁹⁵ CPA, *Recommended Benchmarks for Democratic Legislatures*, §10.1.3.

¹⁹⁶ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.2.1.2.

¹⁹⁷ TAI’s guidelines, entitled *Asset Disclosure* (2011), are available here: <http://www.transparency-initiative.org/wp-content/uploads/2011/09/2-Asset-disclosure1.pdf>. Accessed 6/18/2012.

¹⁹⁸ OECD, *Government at a Glance 2011*, p. 207.

¹⁹⁹ Parliamentary Centre, *African Parliamentary Index*, June 2011, pp. 61, 141; also NDI 10.1.2

²⁰⁰ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 101.

²⁰¹ Centre for Civil Society, *Parliament and Citizens: Bridging the Gap Through Greater Transparency*, July 2010, p. 18.

²⁰² Office of the Ethics Counsellor, Canada, *Conflict of Interest and Post-Employment Code for Public Office Holders*, June 1994. <http://www.oecd.org/dataoecd/61/10/35526941.pdf>. Accessed 6/18/2012.

²⁰³ New Zealand House of Representatives, *Standing Orders of the House of Representatives*, pp. 160-3.

http://www.parliament.nz/NR/rdonlyres/65E97824-9EED-447E-832A-E4A4418EAEA2/206415/standingorders2011_1.pdf. Accessed 6/18/2012.

²⁰⁴ *Public Service Ethics Act*, Act No. 4566, 11 Jun 1993 (South Korea).

<http://unpani.un.org/intradoc/groups/public/documents/APCITY/UNPAN019099.pdf>. Accessed 6/18/2012.

comprehensive law on financial disclosure of members of the Saeima, requiring broad asset disclosure of members and their relatives.²⁰⁵

25. **Disclosing Information on Unethical Conduct and Potential Conflicts of Interest**

Parliament shall enact clearly defined rules to ensure disclosure of information necessary to protect against actual or perceived conflicts of interest and ethical violations, including relevant information about members' interactions with lobbyists and pressure groups. Parliament shall also make public information on the final results of any judicial or parliamentary investigations into charges of unethical behavior, conflicts of interest or corruption.

In addition to requiring asset and economic interest disclosure (see provision 24 above), many parliaments safeguard the independence, professionalism and integrity of the parliamentary institution by ensuring that members avoid actual or perceived conflicts of interest and the appearance of impropriety. To do so, many parliaments require disclosure of ties to lobby and interest groups, criminal records, gifts received, statements or offers of future employment, the final results of ethics investigations, and other information that could call into question the integrity of officeholders. Parliaments must themselves regulate conflicts of interest, but should also require public disclosure of this information to allow citizens and civil society to independently ensure accountability and ethical compliance. As this information reflects on the fitness of a member or parliamentary candidate to serve in elected office, citizens must be apprised of such information.

The *Commonwealth Principles on the Three Branches of Government* call on all branches of government to "...respectively develop, adopt and periodically review appropriate guidelines for ethical conduct. These should address the issue of conflict of interest, whether actual or perceived, with a view to enhancing transparency, accountability and public confidence."²⁰⁶ Conforming to this principle, the CPA *Benchmarks for Democratic Legislatures* states that "The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts."²⁰⁷ Similarly, APF suggests that parliaments should adopt regulations related to the transparency of parliamentarians and their public or parliamentary activities to which parliamentarians must conform.²⁰⁸ They should also adopt a legal mechanism to regulate the relationship between parliamentarians and interest groups, such as a public registry of interest groups and their activities.²⁰⁹

An article in the *American Economic Journal*, surveyed MPs in 175 countries for best practices and standards for disclosure of information. The extensive paper found that "Although two thirds of the countries have some disclosure laws, less than one-third

²⁰⁵ *On Prevention of Conflict of Interest in Activities of Public Officials*, 10 May 2002.

http://www.knab.gov.lv/uploads/eng/on_prevention_of_conflict_of_interest_in_activities_of_public_officials.pdf. Accessed 6/18/2012.

²⁰⁶ Commonwealth Secretariat, *Commonwealth (Latimer House) Principles on the Three Branches of Government*, As agreed by Law Ministers and endorsed by the Commonwealth Heads of Government Meeting, Abuja, Nigeria, 2003, May 2004, Art. IV. <http://www.thecommonwealth.org/document/181889/34293/35468/37744/latimerhouse.htm>. Accessed 6/12/2012.

²⁰⁷ CPA, *Recommended Benchmarks for Democratic Legislatures*, §10.1.2.

²⁰⁸ APF, *La réalité démocratique des Parlements: Quels critères d'évaluation?* §1.4.2.1.

²⁰⁹ *Ibid.*, §1.4.2.5.

make disclosures available to the public, and less than one-sixth of potentially useful information is publicly available in practice, on average. Countries that are richer, more democratic, and have free press have more disclosure. Public disclosure, but not internal disclosure to parliament, is positively related to government quality, including lower corruption.”²¹⁰ Putting these principles into practice, the European Parliament requires a “legislative footprint” be attached to all legislative reports drafted by members, which includes information related to meetings with lobbyists that have taken place during the course of their work on the draft report. According to the European Parliament’s OPPD, “[this] offers greater transparency, especially in combination with a new (de facto) compulsory register of lobbyists.”²¹¹ In Sweden, parliament adopted a prohibition of conflict of interests in 1999, stipulating that “a member may not participate in the deliberations of the Chamber or be present at a meeting of a committee on a matter which concerns him (or her) personally or a close relative.”²¹²

26. Providing Access to Historical Information

Parliamentary information for prior sessions shall be digitized and made available to citizens in perpetuity for reuse free of legal restrictions or fees. To the extent a parliament cannot digitize and make available its own information, it shall work with outside organizations to facilitate public dissemination of parliamentary information without restriction. Parliament shall provide the public access to a parliamentary library in order to allow members and the public the ability to access historical parliamentary information.

Historical information provides an important contextual framework for understanding and analyzing current parliamentary activities. It helps lawyers understand the rationale for particular legal decisions, while it helps academics scrutinize the decision-making process over time or benefit from the wealth of information collected on issues touching nearly every aspect of a society’s existence. Public access to historical information should be provided without restriction.

New technologies offer storage, archiving and searchability features that make the digitization of historical records an attractive means for sharing historical information. The IPU recommends making information available on the parliament’s website dating to “as far back as possible” and “[assumes] that documentation that is already digitized will remain available on the website, updated as necessary to comply with the requirements of new technology.”²¹³ The Organization of American States encourages member states “to take necessary measures to facilitate the electronic availability of public information.”²¹⁴ It also follows openness standards developed by the Sunlight

²¹⁰ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, *Disclosure by Politicians*, American Economic Journal: Applied Economics 2, April 2010, pp. 179-209.
http://www.economics.harvard.edu/faculty/shleifer/files/Disclosure_by_Politicians_AEJAPP_final.pdf. Accessed 6/18/2012.

²¹¹ OPPD, *Parliamentary Ethics: A Question of Trust*, October 2011, p. 7.
http://www.europarl.europa.eu/pdf/oppd/Page_8/codes_of_conduct_FINAL-ENforweb.pdf. Accessed 6/25/2012.

²¹² Rick Stapenhurst and Riccardo Pelizzo, *Legislative Ethics and Codes of Conduct*, WBI, 2004.
http://siteresources.worldbank.org/EXTPARLIAMENTARIANS/Resources/Legislative_Ethics_and_Codes_of_Conduct.pdf. Accessed 6/18/2012.

²¹³ IPU, *Guidelines for Parliamentary Websites*, p. 12.

²¹⁴ OAS AG/RES 2057 (XXXIV-O/04) Access to Public Information: Strengthening Democracy Art. 5

Foundation and Transparency International Georgia, which describe permanent archives of government information, preferably online, as crucial to openness and transparency.²¹⁵

According to the *World e-Parliament Report 2010*, 59% of democratic parliaments currently have digital preservation programs for documents or are considering them.²¹⁶ The United States and European Union both have highly accessible and searchable online systems for current and past legislative actions, entitled “Thomas” and “L’Oeil”, respectively.²¹⁷ In Ecuador, the National Congress maintains a searchable online database of all parliamentary action since 1979 which includes “details of the debates and votes that took place on each.”²¹⁸ Indonesia’s parliamentary website has a list of past laws, although with slightly less searchability.²¹⁹ In New Zealand, a law was passed in 2008 stipulating that all historical law must be digitized, and the program to do so has since been completed with legal information now appearing online.²²⁰ The UK’s Parliament makes available substantial information about past legislation and parliamentary proceedings on their website, as well.²²¹

Easing Access to Parliamentary Information

27. Providing Multiple Channels for Accessing Information

Parliament shall provide access to information about its work through multiple channels; including first-person observation, print media, radio and television broadcasts, and Internet and mobile device technology.

Parliaments have an obligation to communicate and engage the diversity of their constituents irrespective of their proximity to parliament, access to technology, or other social or cultural barriers. In rural areas with limited Internet penetration or access to print media, parliamentary information may best be transmitted by radio or television. In the cities with deeper internet penetration, the parliamentary website or social media may serve as the best method for disseminating parliamentary information to citizens and also provides options for citizens to provide input to the parliament on the same platform.

Parliaments must seek to provide information in ways that meet citizens’ information needs; because it is difficult if not impossible for parliament to anticipate all of these needs, parliaments should disseminate information through a variety of channels and in a variety of formats. As discussed in relation to provision 12 above, an individual seeking

²¹⁵ Sunlight Foundation, *Ten Principles for Opening Up Government Information*, 11 Aug 2010; Transparency International Georgia, *Ten Open Data Guidelines*. <http://transparency.ge/en/ten-open-data-guidelines>. Accessed 6/12/2012.

²¹⁶ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 98.

²¹⁷ Jeffrey Griffith, *Beyond Transparency: New Standards for Legislative Information Systems*, Global Centre for ICT in Parliament, June 2006, p. 19.

²¹⁸ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 58.

²¹⁹ Indonesia on website: http://portal.mahkamahkonstitusi.go.id/eLaw/perundangan_uu.php

²²⁰ Website of the Parliament of New Zealand, <http://www.pco.parliament.govt.nz/digitisation-programme/>. Accessed on 2/14/2012.

²²¹ Website of the UK Parliament, <http://www.parliament.uk/business/publications/parliamentary-archives/archives-electronic/>. Accessed on 2/18/2012.

to know the voting record of her member over the past year would find it difficult to pull this information if only provided with audiovisual records of plenary sessions.

28. Ensuring Physical Access

Parliament and its plenary sessions shall be physically accessible and open to all citizens, subject only to demonstrable public safety and space limitations.

The transparency of parliament relies on the ability of citizens, the media and civil society groups to closely observe all proceedings and votes. Providing physical access to the plenary not only is a method of providing information about the session, but carries important symbolic value in communicating the openness of the parliament. The notion that the building that houses parliament must be physically open to all interested persons is consistent with benchmarks for democratic parliaments. According to the CPA, “The Legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.”²²² Where space constraints exist, the existence of a media and public gallery for citizens to observe plenary sessions is important as a symbol of parliamentary transparency, with any restrictions on access narrowly defined, publicly available, and non-discriminatory.

Most parliaments today permit access to a public or visitors’ gallery to observe plenary sessions and many do so for committee hearings. In South Africa, for example, this value was even written into the Constitution, which states, “The National Assembly must conduct its business in an open manner, and hold its sittings, and those of its committees, in public ... [and] may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.”²²³ However, there are legitimate security concerns facing parliaments and public servants and it is important that parliaments institute relevant security measures. In 1999, after obtaining passes allowing them to enter parliament, gunmen killed the Prime Minister of Armenia, the Speaker of Parliament, and a number of others, claiming that they wanted to punish “corrupt officials.” Parliamentarians have been the targets of violence in both new and developed democracies. Nevertheless, safety or other restrictions on public access must not be overly burdensome – giving citizens the impression that their observation of parliamentary proceedings is unwelcome – or be applied in a discriminatory fashion.

29. Guaranteeing Access by the Media

Parliament shall ensure that the media and independent observers are given full access to parliamentary proceedings; the criteria and process for providing media access shall be clearly defined and publicly available.

The media’s right to access parliamentary proceedings is referenced in all international benchmarks for democratic parliaments. The CPA, for instance, asserts that “The Legislature should ensure that the media are given appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and

²²² CPA, *Recommended Benchmarks for Democratic Legislatures*, §9.1.1.

²²³ *Constitution of South Africa*, Section 59, 1b and 2.

its rules of procedure.”²²⁴ The SADC-PF benchmarks further specify that “Accredited journalists shall be allowed to cover parliamentary proceedings regardless of the media’s political views.”²²⁵ Most standards frameworks go further than just requiring access for the media, but also require parliament to actively promote a healthy relationship between parliament and the media. The CPA *Benchmarks for Democratic Parliaments* – in language COPA and SADC-PF²²⁶ – notes that parliaments should have a “non-partisan media relations facility.”²²⁷ Implementing this benchmark, the Kenyan National Assembly launched in 2009 a media center and Internet facility to enable journalists to file stories.²²⁸

According to the World Bank Institute, “Many Parliaments have special committees, such as Nigeria’s Media and Public Affairs Committee, to promote good relations with the media. In India, Parliament conducts a 10-day special media interaction each year, where special efforts are made to promote two-way flows of information and better understanding between Parliament and the media.”²²⁹ The IPU cites several other instances of countries allowing full access to parliamentary proceedings by the media including Cyprus, Cote d’Ivoire, South Africa, and Australia.²³⁰ The Parliament of Scotland has specific regulations permitting open media access which are clearly outlined and easily accessible on their website.²³¹

30. Providing Live and On-Demand Broadcasts and Streaming

Efforts shall be made to provide citizens with real-time and on-demand archival access to parliamentary proceedings through radio, television and the Internet.

Recognizing the limited space of public galleries and the value of providing access to live coverage of the plenary, an increasing number of parliaments have sought to enhance their public outreach by broadcasting coverage of sessions by radio, television and the Internet. The value of broadcasting is recognized by both SADC-PF and COPA.²³² According to SADC-PF, “Through broadcasts of plenary and committee meetings, citizens shall have access to parliamentary business using multi-media including the Internet, and live television and radio.” The IPU recommends that parliaments include on their webpages “the capacity to broadcast or webcast” proceedings or other events. As most working-age citizens are unable to view proceedings live, the IPU further suggests parliaments create an electronic archive that permits on-demand viewing.²³³ This is common practice in countries like Brazil and the U.S. whose parliamentary websites

²²⁴ CPA, *Recommended Benchmarks for Democratic Legislatures*, §9.1.3.

²²⁵ SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §6.4.5.

²²⁶ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.1.1.1; SADC-PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §2.1.3.

²²⁷ CPA, *Recommended Benchmarks for Democratic Legislatures*, §9.1.3.

²²⁸ Parliamentary Centre, *African Parliamentary Index*, June 2011, p. 91.

²²⁹ Toby Mendel, *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, p. 33.

²³⁰ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 45.

²³¹ Website of the Scottish Parliament, *Media Access: terms and conditions*.

<http://www.scottish.parliament.uk/newsandmediacentre/30945.aspx>. Accessed 6/12/2012.

²³² COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.2.4.1; SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §6.4.4.

²³³ IPU, *Guidelines for Parliamentary Websites*, §3.2.

offer this service.²³⁴ In countries where on-demand capability or adequate searchability of video content has not yet been implemented by parliaments, PMOs are increasingly stepping in to fill in the gap. For example, the organization Fundacja ePaństwo in Poland created a website, Sejmometr, which allows video of parliamentary proceedings provided by the Polish Parliament to be searched by topic and speaker.²³⁵

According to the *World e-Parliament Report 2010*, webcasting is currently used by 43% of parliaments (23% are considering developing this capability),²³⁶ while 72% of parliaments provide some ICT support for recording parliamentary activity.²³⁷ In Bulgaria, it is standard that most sessions of parliament are broadcast on television and radio.²³⁸ In Ghana, parliament created a public-private partnership with a television station to cover both plenary sessions and committee hearings live. To further extend availability to citizens, these broadcasts are available throughout the country at regional resource centers.²³⁹ Countries like Portugal, Korea, Brazil, and the United States maintain TV channels specifically for the broadcast of parliamentary activities which are also streamed live on their parliamentary websites.²⁴⁰ The U.S. Congress also provides “a near real-time text synopsis of House actions that runs 10-15 minutes after the actual event, and a next-day summary of the actions of both chambers in the Daily Digest section of the Congressional Record along with the verbatim text of debate in the House and Senate sections.”²⁴¹ Less common, but present in such countries as Sweden, Canada and the United States, are archives of past webcasts of parliamentary activity.²⁴²

31. Facilitating Access throughout the Country

To the extent possible, access to parliamentary information shall not be restricted by geographic barriers. Although the use of parliamentary websites facilitates access to parliamentary information without geographic restriction, in countries where Internet access and usage is limited, parliament shall seek other means of ensuring public access to parliamentary information throughout the country.

Parliaments have a responsibility to attempt to involve and inform as many citizens as possible. This concept is vital to openness as well as widely accepted standards of the citizens’ right to access information. Parliaments must play an active role in advancing their use of technology to reach as many people as possible, “advancing these technologies and ensuring that they are available to all sectors of the population and not

²³⁴ See, for example, the website of the U.S. House of Representatives Office of the Clerk at <http://houselive.gov/> or the website of the Chamber of Deputies in Brazil at <http://www2.camara.gov.br/atividade-legislativa/webcamara/ao-vivo/transmissoes-do-dia>. Both accessed 6/25/2012.

²³⁵ See <http://www.sejmometr.pl/>. Accessed 6/25/2012.

²³⁶ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 29.

²³⁷ *Ibid.*, p. 182.

²³⁸ Center for Liberal Strategies, *Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe*, p. 14.

²³⁹ *Ibid.*, p. 26.

²⁴⁰ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 54, 56.

²⁴¹ Jeffrey Griffith, *Beyond Transparency: New Standards for Legislative Information Systems*, Global Centre for ICT in Parliament, June 2006, p. 98.

²⁴² University of Westminster, *Parliamentary Web Presence: A Comparative Review*, pp. 10-11, published in the Proceedings of the 2nd International Conference on e-Government (ICEG 2006), 12-13 October 2006, p. 8.

only those in urban areas or with greater income,” according to a report by the European Parliament’s OPPD. This includes actions like extending access to broadband.²⁴³

As noted in the Commonwealth Human Rights Initiative’s report, *Implementing Access to Information*, mass media plays a vital role in “bridg[ing] the distance” between citizens and parliament.²⁴⁴ In Ghana, parliament has “established local centers where citizens can gather and have access to shared technology that connects them to the parliament,” as well as “resource centers in regions to allow citizens live webcast or TV access to plenary.”²⁴⁵ The Uganda Parliament is introducing a system for receiving, organizing and analyzing citizen input via SMS. In Hungary, the Library of the Parliament offers special telephone lines and email addresses that citizens can contact with questions concerning the legislation or work of the Parliament.²⁴⁶ The Parliament of South Africa has a program by which members “spend two weeks a year holding sessions in different parts of the country,” which include a “media component” as well as “open question periods.”²⁴⁷

32. Using Plain Language

Parliament shall ensure that legal or technical language does not serve as a barrier to citizens seeking to access parliamentary information. While recognizing the necessity of using precise language in writing laws, parliament has a duty to develop plain language summaries and similar tools to make parliamentary information readily available and understandable to members and citizens with diverse backgrounds and expertise.

To enhance citizen understanding of parliamentary information, parliaments should ensure that legal or technical language are clearly explained and do not pose a barrier to participation. This point was recognized bluntly by the President of the European Parliament, who said, “There is no point in putting a report adopted in plenary online if no effort is made to explain it.”²⁴⁸ The *World e-Parliament Report 2010* notes that “[proposed legislation] is usually drafted in legal language that can be difficult to understand,” but that “A number of parliaments have begun to recognize the importance of providing explanations of bills and legislative actions in language understandable to citizens.”²⁴⁹ The European Parliament’s OPPD has noted that: “Parliaments need to determine what resources they have internally for developing this type of material (press offices, libraries, research services) and also make decisions about their willingness to link to other external resources that can provide explanatory information.”²⁵⁰

Explanatory materials to simplify legalese in parliamentary information are only used ‘always or most of the time’ by 36% of parliaments surveyed in the *World e-Parliament*

²⁴³ Office for Promotion of Parliamentary Democracy [hereinafter, “OPPD”], *Information and Communications Technologies in Parliament: Tools for Democracy*, European Parliament, August 2010, p. 20.

²⁴⁴ Commonwealth Human Rights Initiative [hereinafter, “CHRI”], *Implementing Access to Information*, p.23.

²⁴⁵ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 21, 26.

²⁴⁶ IPU, *Parliament and Democracy in the Twenty-First Century: A Guide to Good Practice*, p. 54.

²⁴⁷ Toby Mendel, *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, p.34.

²⁴⁸ Jeffrey Griffith, *Beyond Transparency: New Standards for Legislative Information Systems*, Global Centre for ICT in Parliament, June 2006, p. 138.

²⁴⁹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 62.

²⁵⁰ OPPD, *Information and Communication Technologies in Parliament*, European Parliament, August 2010, p. 28.

Report 2010.²⁵¹ Countries continue to make strides toward this goal, particularly in developed countries, in part due to the recognition that members do not have sufficient time to analyze thoroughly all legislation that they are expected to vote upon. The European Union's new law on parliamentary information specifies that "legislative texts should be drafted in a clear and understandable way."²⁵² In Norway, surveys were conducted to examine the extent of this problem, and found that one-in-three Norwegians had difficulty understanding official government documents. This resulted in the introduction of a government-wide project, the Plain Language Project, with the aim of making public documents more clear and concise, particularly in regards to documents relating to legislative work.²⁵³

33. Using Multiple National or Working Languages

Where the constitution or parliamentary rules provide for the use of multiple national or working languages in parliament, parliament shall make every reasonable effort to provide for the simultaneous interpretation of proceedings and rapid translation of the parliamentary record.

In the context of transparency and openness of parliamentary information, language can be an important barrier for parliaments to overcome to avoid discrimination in informing their constituents. In countries with one or more official language, it is vital that political participation is not hampered by the language spoken by citizens. This principle is endorsed by major parliamentary organizations, including the IPU,²⁵⁴ COPA,²⁵⁵ SADC-PF²⁵⁶ and the CPA. The CPA's standards document prescribes, "Where the constitution or parliamentary rules provide for the use of multiple working languages, the Legislature shall make every reasonable effort to provide for simultaneous interpretation of debates and translation of records."²⁵⁷ Recognizing the wide variation in languages spoken among countries in the community of world democracies, the IPU clarifies that this principle be carried out with each country's parliament "[deciding] for itself what is possible," with, for example with parliamentary websites, best effort taken "to translate [websites] into as many official languages as feasible."²⁵⁸

Acknowledging the difficulty of fulfilling this standard, the *World e-Parliament Report 2010* notes that, for countries with two official languages, only 28% of parliaments responding to their survey offered their website in both languages. Continuing efforts toward transparency must focus on this as a key issue of accessibility. While it may be impractical or undesirable to interpret or translate all legislative documents into non-official languages that are in common use, the parliament many nonetheless wish to conduct some basic level of outreach in non-official local languages, in an effort to broaden citizen engagement and political inclusion.

²⁵¹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 62.

²⁵² Public access to European Parliament, Council and Commission documents, P7_TA-PROV(2011)0580, A7-0426/2011, Rapporteur: Michael Cashman, 12a

²⁵³ Klarsprak, *Plain Language in Norway's Civil Service*, <http://www.sprakrad.no/nb-no/Klarsprak/Diverse/Toppmenys/Om-oss/Plain-language-in-Norways-Civil-Service/>. Accessed 6/12/2012.

²⁵⁴ IPU, *Guidelines for Parliamentary Websites*, §5.3.

²⁵⁵ COPA, *The Contributions of Parliaments to Democracy: Benchmarks for the Parliaments of the Americas*, §4.1.3.1.

²⁵⁶ SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §6.4.3.

²⁵⁷ CPA, *Recommended Benchmarks for Democratic Legislatures*, §9.2.1.

²⁵⁸ IPU, *Guidelines for Parliamentary Websites*, §5.3.

34. Granting Free Access

Parliamentary information shall be available to citizens for unrestricted access, reuse and sharing free of charge.

Parliamentary information should be free; it should not be limited only to those few who can afford to pay. Principles for open data put forth by the Sunlight Foundation explain that, “Imposing fees for access skews the pool of who is willing (or able) to access information. It also may preclude transformative uses of the data that in turn generates business growth and tax revenues.”²⁵⁹

This is a nearly universal standard adopted by countries which have Freedom of Information laws and rules regarding the release of parliamentary information. A joint study group convened by the CPA and WBI²⁶⁰ provided the benchmark that “Costs for access to information should not be so high as to deter requesters,” stating that “requesters only have to pay for the cost of reproducing the information,” with exceptions made for those unable to pay.²⁶¹ The Open Knowledge Foundation and Access Info Europe explain that “the prevailing standard is that submitting information requests is free of charge, as is the inspection of original documents and the receipt of information by electronic means. The norm is that only legitimate charges that may be made are for providing copies of information (photocopies, copies on discs) and for delivering these copies (postal charges).”²⁶² A newly adopted European Union law establishes the principle that public institutions should not be able to charge more than the marginal cost triggered by a data request; specifically, information must be free with the exception that only “the cost of producing and sending copies may be charged to the applicant.”²⁶³ The EU clarified the new law with the statement that, “In practice this means most data will be offered for free or virtually for free unless duly justified.”²⁶⁴

Most countries with freedom of information laws have put this standard into practice. New Zealand’s Data and Information Management Principles state that, “Use and re-use of government held data and information is expected to be free. Charging for access is discouraged. Pricing to cover the costs of dissemination is only appropriate where it can be clearly demonstrated that this pricing will not act as a barrier to the use or re-use of the data. If a charge is applied for access to data, it should be transparent, consistent, reasonable and the same cost to all requestors.”²⁶⁵ The standards put forth by the House of Representatives in Brazil echoes this sentiment: “[D]ata is available to the greatest

²⁵⁹ Sunlight Foundation, *Ten Principles for Opening up Government Information*, 2012, <http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>. Accessed, 5/14/2012.

²⁶⁰ CPA-WBI, *Recommendations for Transparent Governance*, Conclusions of a CPA-WBI Study Group on Access to Information, Held in partnership with the Parliament of Ghana, Accra, Ghana, 5-9 July 2004. http://www.humanrightsinitiative.org/programs/ai/rti/international/cw_standards/recommendations_for_transparent_governance.pdf. Accessed 6/11/2012.

²⁶¹ *Ibid.*, Sections 5.1, 5.1a

²⁶² Access Info Europe and Open Knowledge Foundation, *Beyond Access: The Right to (Re)Use Public Information*, 7 Jan 2011, p. 74.

²⁶³ Public access to European Parliament, Council and Commission documents, P7_TA-PROV(2011)0580, A7-0426/2011, Rapporteur: Michael Cashman, 4

²⁶⁴ European Commission Press Release, *Digital Agenda: Turning Government Data into Gold*, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1524&format=HTML&aged=0&language=EN&guiLanguage=en>. Accessed 5/18/2012.

²⁶⁵ Government ICT Directions and Priorities, *New Zealand Data and Information Management Principles*, 2011, <http://ict.govt.nz/programme/opening-government-data-and-information/new-zealand-data-and-information-management-princi>. Accessed 4/24/2012.

possible scope of users and to the greatest possible scope of purposes.”²⁶⁶ In the limited circumstances where it may be necessary to charge a fee to recover costs in collecting or copying parliamentary information, any charge should not exceed the additional marginal cost of distribution to that citizen and should not be used to deter requests for information.

Enabling Electronic Communication of Parliamentary Information

35. Providing Information in Open and Structured Formats

Parliamentary information shall be compiled and released in an open and structured format, such as structured XML, that can be read and processed by computers, so that parliamentary information can be easily reused and analyzed by citizens, civil society, the private sector and government.

While it is essential to make parliamentary information available in electronic formats, not all electronic formats are alike. Information presented in a Microsoft Word document, PDF, or an HTML web page, cannot be processed or analyzed using software without first being “scraped” from its original source and reorganized in a database. The development of customized scraping tools is laborious and the results must be parsed for errors introduced during the scraping process. Information provided in open and structured data formats, such as XML, can be processed and re-purposed without these issues, which allows software developers to focus on developing tools that add value to parliamentary information.

There is an emerging international consensus that government and parliamentary information should be made available in open and structured formats. As stated by the IPU, “open document standards, such as XML, should be used to prepare proposed legislation and other parliamentary documentation. Eventually all documentation and media should be made available using open standards.”²⁶⁷ The Global Centre for ICT in Parliament explains that “open standards for documents are an essential component of [transparent document management systems] ... Standards are needed to provide the functionality and flexibility required by parliaments for diverse requirements such as searching, exchanging, integrating, rendering, and particularly for ensuring the long term availability of digital record at an affordable cost. XML supports the values of transparency, accessibility, and accountability in a variety of ways.”²⁶⁸

The *World e-Parliament Report 2010* survey found that only 34% of parliaments with document systems in place (14% total) currently used XML.²⁶⁹ However, use of XML is quickly expanding among parliaments. The InterParliamentary EU information eXchange (IPEX) recently found that 14 of 33 parliaments in the European Union are

²⁶⁶ Brazilian Chamber of Deputies, *Dados Abertos da Camara dos Deputados (Open Data from the Chamber of Deputies)*, 2011, p. 2.

²⁶⁷ IPU, *Guidelines for Parliamentary Websites*, p. 14.

²⁶⁸ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 103.

²⁶⁹ *Ibid.*, p. 94.

currently using XML for legislative documents and that many others looking to develop that capability.²⁷⁰ In April 2012, at a meeting of the Speakers of many European parliaments, the role of open standards in providing better access to parliamentary information was formally recognized.²⁷¹ Beyond Europe, a law adopted in Brazil requires the government (including parliament) to release public data in an XML format based on the Akoma Ntoso standard that is gaining traction worldwide as a standard for parliamentary data.²⁷² The Chilean Senate is developing an XML-based legislative mark-up system that will allow the Senate to release parliamentary information in an open data format on the parliament's website.²⁷³ Parliamentary chambers in the Dominican Republic, Uruguay, Suriname and Ecuador have been testing Bungeni, a suite of open source applications for managing legislative information in XML following the Akoma Ntoso standard, and may use Bungeni to support their legislative information management needs.

36. Ensuring Technological Usability

Parliament shall ensure technological usability of parliamentary information by providing clear instructions for the use of any online databases or tools that enable citizens to retrieve parliamentary information from the parliamentary website. To the extent parliament provides a user interface, it shall use best practices to improve its usability.

Information and documents produced by parliaments should be accessible to citizens regardless of the technology being used or the level of technological knowledge and ability of the citizen. As noted by the European Parliament, the “content of a document shall be available without discrimination on the grounds of visual impairment, working language or operating system platform. Institutions shall provide for actual access by an applicant to the content of documents without technical discrimination.”²⁷⁴ The *Guidelines for Parliamentary Websites* has specific recommendations on making parliamentary websites as simple to use as possible. Ease of use can be improved by explaining the organization of the website, choosing design elements with the user in mind, and conducting user testing of final product. Further, the *Guidelines* recommend that websites comply by W3C standards²⁷⁵ or others which ensure that websites can be used by persons with disabilities. Examples of design elements that would be important to ensure ease of use include: a section with frequently asked questions, a site map, a help function, webmaster contact information, and instructions on how to use search functionality.²⁷⁶

²⁷⁰ Survey on the EU Parliaments initiatives on common standards for digital data and documents, Submitted by the IPEX Board to the Secretaries General of the EU Parliaments on 6 February 2012.

http://www.ictparliament.org/attachements/XMLImplementation_Survey_common_standards.pdf. Accessed 6/12/2012.

²⁷¹ Global Centre for ICT in Parliament, <http://www.ictparliament.org/node/4707>. Accessed 3/23/2012.

²⁷² Brazilian Law 12527, adopted November 2011.

²⁷³ Roberto Bustos L., Senate of the Republic of Chile, *Markup System of Session Diaries*, Global Centre for ICT in Parliament Meeting, Washington, D.C., Feb 27-29, 2012.

<http://www.ictparliament.org/attachements/XMLmeeting/Day2B1-Bustos.pdf>. Accessed 6/12/2012.

²⁷⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Official Journal L 145, 31/05/2001 P. 0043 – 0048, 3a.

²⁷⁵ W3C, or the World Wide Web Consortium, is the primary international standards organization for the World Wide Web. For information on W3C standards, see their website at <http://www.w3.org/standards/>. Accessed 6/26/2012.

²⁷⁶ IPU, *Guidelines for Parliamentary Websites*, §1.1d, 5.1, 5.2, 5.4.

International organizations, governments and parliaments have recognized the importance of enhancing technical literacy. In Namibia, Parliament has partnered with aid organizations to implement web training to schoolchildren, specifically detailing the parliamentary website.²⁷⁷ The Parliament introduced programs like a Mobile Training Unit, which travels around the country providing computer training.²⁷⁸ Countries like Colombia have also addressed challenges of technical literacy by working through the Ministry of ICT to provide digital literacy trainings to citizens around the country.

37. Protecting Citizen Privacy

Parliamentary websites shall have a clear and concise privacy policy to let citizens know how their personal information is being used. Parliament shall not employ membership or registration requirements that restrict public access to information on parliamentary websites or permit the tracking of personally identifiable information without explicit consent.

Because parliamentary information ultimately belongs to the public, citizens have a right to access this information in an environment free of discrimination or fear of discrimination. While it is common for websites to collect limited user information, parliamentary websites should restrict the collection of personal information to ensure that citizens' right to this information is respected. Privacy policies should be clearly and concisely stated on parliamentary websites so that users know what information is being collected and how it may be used.

As the *World e-Parliament Report 2008* explains, “[p]rivacy and security are essential elements in ensuring the integrity of parliamentary transparency and guaranteeing the rights of citizens to confidential communication. These requirements cannot be overlooked and their importance cannot be underestimated... Citizens must be assured that communications sent to their representatives, along with information about themselves, remain confidential if they so wish.”²⁷⁹ The *World e-Parliament Report 2010* reports, in its survey of a majority of the world's parliaments, that 27% of parliamentary websites contain a written privacy policy.²⁸⁰ The Sunlight Foundation defines non-discriminatory access to data as the ability for any person to “access the data at any time without having to identify him/herself or provide any justification for doing so.” Barriers to accessing this information can include registration or membership requirements as well as “the use of 'walled garden', which is when only some applications are allowed access to data.”²⁸¹ A WBI report on access to information echoes the idea that “no one should have to state reason for their request for information.”²⁸²

According to the privacy policy adopted by the Legislature of Liberia, “The Legislature believes people have the right to know the type of information the Legislature collects, how it is protected and used, and the circumstances under which it may be disclosed.

²⁷⁷ USAID Namibia, *Accountability of Parliament*, 28 Aug 2006. <http://transition.usaid.gov/na/so3.htm>. Accessed on 6/12/2012.

²⁷⁸ Africa4All, *Parliament of Namibia*, http://www.africa4all-project.eu/index.php?option=com_content&view=article&id=10&Itemid=3. Accessed on 6/12/2012.

²⁷⁹ Global Centre for ICT in Parliament, *World e-Parliaments Report 2008*, IPU-UNDESA, p. 17.

²⁸⁰ Global Centre for ICT in Parliament, *World e-Parliaments Report 2010*, IPU-UNDESA, p. 81.

²⁸¹ Sunlight Foundation, *Ten Principles for Opening up Government Information*, 2012,

<http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>. Accessed, 5/14/2012.

²⁸² Toby Mendel. *Parliament and Access to Information: Working for Transparent Governance*, CPA-WBI, §4.1.

For easy access, this Privacy Policy Statement is posted in the page footer on the homepage, all internal website pages and at every point where personally identifiable information may be requested.”²⁸³ The Brazilian House of Representatives standard states that data shall be available to all without registration and that “the data are not subject to any regulation of copyrights, patents, intellectual property or trade secrets. Reasonable restrictions relating to privacy, security and access privileges may be allowed.”²⁸⁴

38. Using Non-Proprietary Formats and Open-Source Software

Parliament shall give preference to the release of digital information in non-proprietary and open formats, and the use of free and open-source software applications.

Releasing information in proprietary formats may prevent citizens from accessing information in ways that allow reuse. According to standards adopted Transparency International Georgia and affirmed by the Sunlight Foundation, a non-proprietary application is “one which is not subject to intellectual property controls in any country, and for which documents defining the format’s structure are freely available. HTML and XML are examples of open formats.” Parliaments should use these simple formats over formats “such as PDF or OOXML (OOXML is commonly known as the MS Office .docx, .pptx, and .xlsx formats)” that are proprietary and not easy to re-use.²⁸⁵

In data standards recently adopted by the Chamber of Deputies in Brazil, it is required that “data are available in a format over which no entity has exclusive control.”²⁸⁶ The government of the UK, in their commitments to the Open Government Partnership, has endorsed this standard and pledged to create a licensing model, the Open Government License, that “facilitates the use and re-use of a broad range of public sector information. The license covers any information that an Information Provider and/or rights owner offers for re-use under its terms and conditions,” which can also be used with other models such as Creative Commons and Open Data Commons.²⁸⁷ Similarly, the Parliament of New Zealand is committed to using non-proprietary applications, adopting as a standard that “data and information released in proprietary formats are also released in open, non-proprietary formats. Digital rights technologies are not imposed on materials made available for re-use.”²⁸⁸

The use of proprietary applications not only constrains citizens from proper access to parliamentary information, it also imposes unnecessary cost on parliaments. A report on information and communication technologies by the European Parliament’s OPPD explains that “[d]ocuments prepared in proprietary formats, that is, formats that can only be used with particular software or specific hardware constrain the options available

²⁸³ Website of the Legislature of Liberia, <http://legislature.gov.lr/privacy-policy>. Accessed 6/12/2012.

²⁸⁴ Brazilian Chamber of Deputies, *Dados Abertos da Camara dos Deputados (Open Data from the Chamber of Deputies)*, 2011, p. 2.

²⁸⁵ Transparency International Georgia, *Ten Open Data Guidelines*, <http://transparency.ge/en/ten-open-data-guidelines>. Accessed 6/11/2012.

²⁸⁶ Brazilian Chamber of Deputies, *Dados Abertos da Camara dos Deputados (Open Data from the Chamber of Deputies)*, 2011, p. 2.

²⁸⁷ Open Government Partnership, *UK Country Commitments*, <http://www.opengovpartnership.org/countries/united-kingdom>. Accessed 6/12/2012.

²⁸⁸ Joshua Tauberer, *Open Government Data*, April 2012, Chapter 5. <http://opengovdata.io/2012-02/page/7-5/new-zealand-data-and-information-management-principles>. Accessed 6/11/2012.

for managing them, limit the capacity for meeting future requirements and ultimately cost more money to maintain.”²⁸⁹

Some proprietary software does allow for easy exportation into open source platforms; for example, newer versions of Microsoft Word. And, in some instances, proprietary software may offer the best use, although this is not necessarily the case and may not continue to be true. Other things being equal, it is generally preferable for parliaments to opt to use software that imposes the least cost and most flexibility to users.

39. Allowing Downloadability for Reuse

Parliamentary information shall be easily downloadable, in bulk and in well-documented formats to allow for easy reuse of the information.

As parliaments increasingly use the Internet to release information, it must be able to be downloadable to able to be reused. Bulk downloading allows for parliamentary information to be presented in ways that enhance and enrich understanding of that information, which can contribute to citizen participation in government. The *Guidelines for Parliamentary Websites* call specifically for countries to provide on their parliament’s website the ability for “high speed downloading of parliamentary files.”²⁹⁰ As described by the European Parliament’s OPPD, “Because a multiplicity of voices is generally a positive attribute in a democracy, parliaments should facilitate this development by making legislative information available in standard formats which are easily downloadable.”²⁹¹

The *World e-Parliament Report 2010* survey of democratic parliaments reports that 44% currently offer document downloads in open formats and that 30% were planning or considering doing it.²⁹² The report describes the ability to download parliamentary data in bulk as a crucial step to allow data to be “incorporated into systems developed by others.” Standards for open government data established by Transparency International Georgia also note specifically that “bulk downloads should be made available via protocols such as FTP or rsync.”²⁹³ In April 2012, at a meeting of Speakers of parliaments of the European Union, including the President of the European Parliament, the Speakers formally called for the adoption of internationally agreed upon open standards to favor the reuse of public data.²⁹⁴ In Italy, the Senate’s XML-based system allows citizens to download custom-made e-books of parliamentary information, including agendas, bills, reports, non-legislative related documents, and other materials.²⁹⁵

²⁸⁹ OPPD, *Information and Communications Technologies in Parliament: Tools for Democracy*, European Parliament, August 2010, p. 53.

²⁹⁰ IPU, *Guidelines for Parliamentary Websites*, p.14.

²⁹¹ OPPD, *Information and Communications Technologies in Parliament: Tools for Democracy*, European Parliament, August 2010, p. 16.

²⁹² Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 65.

²⁹³ Transparency International Georgia, *Ten Open Data Guidelines*, <http://transparency.ge/en/ten-open-data-guidelines>. Accessed 6/11/2012.

²⁹⁴ Global Centre for ICT in Parliament, <http://www.ictparliament.org/node/4707>. Accessed 5/12/2012.

²⁹⁵ Mauro Fioroni - ICT Dept., Senato della Repubblica, *XML-based document processing in the Italian Senate –An Overview*, Global Centre for ICT in Parliament Meeting, Washington, D.C., February 27-29, 2012. Available at: <http://www.ictparliament.org/attachements/XMLmeeting/Day2B4-Fioroni.pdf>

These parliamentary developments track those for governmental data more generally. Mexico, in its commitments to the Open Government Partnership, has pledged to work to release data in raw format, committing to “strive to promote the integration of processes related to digital services and the use of common platforms and information systems in order to foster the use of raw databases by citizens.”²⁹⁶ The OECD reports that 56% of member countries publish administrative data sets, and that 53% have established laws or policies that require electronic information to be published in open formats that allow for re-use and data manipulation. OECD’s *Government at a Glance* report from 2011 explains, “Countries like Australia, New Zealand, the United Kingdom and the United States are providing access to public data in a reusable format through a central website (e.g. data.gov), and other countries (such as Chile and Spain) have also taken steps in this direction.”²⁹⁷

40. Maintaining Parliamentary Websites

Even in countries with limited Internet usage, the maintenance and regular updating of a comprehensive parliamentary website is a vital aspect of parliamentary openness in the modern, interconnected world. Parliament shall ensure that parliamentary information is available in electronic format and shall regard online dissemination as an essential means of communication.

Parliamentary websites are a critical tool for enhancing citizen outreach and engagement. Parliamentary websites broaden citizen access to parliamentary information by giving any citizen with access to the Internet the ability to use website content at their own convenience, irrespective of geographic location, schedule, or other potential barriers. Even where Internet penetration is limited, internet access often gets vital information to leading civil society organizations and to the media, who are then able to disseminate the information more broadly. Information provided electronically is often more readily searchable than information provided on paper, and it can be more easily analyzed and shared among citizens. Some parliaments use their websites to improve citizen participation in the parliamentary process by developing tools that allow citizens to provide input on legislation, provide feedback to MPs, and discuss parliamentary matters through social networking tools, such as Facebook and Twitter.

According to the *World e-Parliament Report 2010*, “[w]ebsites have become the primary means by which parliaments make their work and their documents known to civil society, to the media and, most importantly, directly to citizens.”²⁹⁸ It reports, furthermore, that 97% of parliaments surveyed have a website, which “... suggests that several parliaments have made considerable progress in achieving high levels of openness and transparency...”²⁹⁹ SADC-PF asserts that “[p]arliament shall have a regularly updated website to enhance and promote information sharing and interaction with citizens and the outside world.”³⁰⁰ Civil society groups³⁰¹ and the open data

²⁹⁶ Open Government Partnership, *Mexico: Country Commitments*, <http://www.opengovpartnership.org/countries/mexico>. Accessed 6/12/2012.

²⁹⁷ OECD, *Government at a Glance 2011*, p. 203.

²⁹⁸ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 49.

²⁹⁹ *Ibid.*, p. 13.

³⁰⁰ SADC PF, *Benchmarks for Democratic Legislatures in Southern Africa*, §6.4.2.

³⁰¹ Center for Liberal Strategies, *Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe*, p. 15.

movement³⁰² have advocated for greater parliamentary usage of websites to disseminate information.

Recognizing the importance of parliamentary websites, the European Parliament's OPPD has stated that, "[t]hose administrative offices responsible for producing parliamentary documents need to recognise that websites increasingly are the primary means by which the public and the members obtain legislative information."³⁰³ This was reflected in the European Parliament's newly passed law governing the openness and release of parliamentary information, which mandates that European Union institutions "should make publicly accessible by default on their websites as many categories of documents as possible."³⁰⁴ A variety of resources and tools, including Akoma Ntoso and Bungeni,³⁰⁵ are available to enhance parliament's ability to share information through the web in open data formats.

41. Using Easy and Stable Search Mechanisms

Parliament shall make it as easy as possible for citizens to quickly find desired parliamentary information by creating databases enabling both simple and complex searches through the use of appropriate metadata. Information shall be available in a location that remains constant over time, for instance, on a webpage with a persistent URL.

Given the amount of information that is often made available by parliaments, the ability of users to search easily and quickly for relevant information is a necessity. To ensure that citizens are able to access information, parliaments should create searchable databases of current and past information. This information ought to be searchable through both simple and advanced searches that help citizens find the information that they are looking for, even when their knowledge is incomplete. The *Guidelines for Parliamentary Websites* recommends that parliamentary websites have "a searchable database of past and current parliamentary action, which can be used to find all relevant information, to search for major elements of action, and sort results by various criteria, in a way that meets the needs of parliamentary staff and citizens and is understandable to all."³⁰⁶ To ensure that parliamentary information can be accessed permanently, parliaments should ensure that URLs, or web addresses, persist unchanged, so that they can be linked to by external sites.

Not all search functions are equal. The use of robust metadata enhances discovery of documents and related documentation that help one understand the information they are searching for and its context. Metadata is commonly described as "data about data," and includes, but is not limited to, basic reference information, such as that contained in a card catalogue at a library, and administrative information, like when and how the document was created or has undergone changes. As explained by the Open Knowledge Foundation, "Metadata standards exist for many areas of activity, including archiving, the arts, biology, education, geographic data, government, social sciences, linguistics,

³⁰² TAI, *Opening Government*, 2011, p. 15.

³⁰³ OPPD, *Information and Communication Technologies in Parliament*, European Parliament, August 2010, p. 18.

³⁰⁴ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Official Journal L 145, 31/05/2001 P. 0043 – 0048, 13

³⁰⁵ For more information on Akoma Ntoso and Bungeni, see their websites at <http://www.akomantoso.org> and <http://www.bungeni.org>. Both accessed 6/25/2012.

³⁰⁶ IPU, *Guidelines for Parliamentary Websites*, §3.1.

libraries, media, and science. The commonly agreed upon standards for these fields allow data to be classified in a way that makes them easier to describe, locate, retrieve and manage.”³⁰⁷ By creating common data and metadata models, information released by parliaments “can easily be cited and cross-referenced either by other Parliaments/courts or by other users” making it “possible to search across the document repositories of multiple Parliaments/courts in a consistent and effective way.”³⁰⁸ In addition to use of metadata, parliaments may also make information more easily accessible by making greater use of microformats “so that information intended for end-users (such as contact information, geographic coordinates, calendar events, and the like) can be automatically processed by software.”³⁰⁹ Akoma Ntoso provides a framework for standardizing metadata across legal documents.³¹⁰

Currently, 81% of parliaments use search engines “that can serve the needs of both members and citizens, at both the beginning and advanced levels.”³¹¹ In Bulgaria “where all draft laws could be searched by several criteria – keyword, date of filing, who filed them, reporting committee and code number.”³¹² The Chamber of Deputies in Italy enhances searchability by facilitating semantic interoperability of documents using Resource Description Framework (RDF), a standardized model for helping to describe documents and the relationship between them.³¹³

42. Linking Related Information

Parliament shall seek to improve the ability of citizens to find relevant parliamentary information by linking parliamentary information to other related information, for example, by linking references in a bill history to earlier versions of the legislation, to relevant committee reports, to expert testimony, to sponsored amendments and to the portions of the Hansard that contain the record of parliamentary debate on the relevant piece of legislation.

Legislative information is only comprehensible if accompanied by relevant background and contextual information. A law, for instance, can often only be understood in the context of other laws. As the Global Centre for ICT in Parliament’s *2010 World e-Parliament Report* notes, “To understand the status and meaning of a bill, members and citizens need the associated reports prepared by the committees, subject experts and others; descriptions of all the actions taken on the legislation; amendments proposed and their status; links to parliamentary debate and votes on the bill, and other related

³⁰⁷ Access Info Europe and Open Knowledge Foundation, *Beyond Access: The Right to (Re)Use Public Information*, 7 Jan 2011, p. 20.

³⁰⁸ Giovanni Sartor, *Legal Informatics and Management of Legislative Documents*, Global Centre for ICT in Parliament, January 2008, pp. 40-41.

³⁰⁹ Access Info Europe and Open Knowledge Foundation, *Beyond Access: The Right to (Re)Use Public Information*, 7 Jan 2011, p. 20.

³¹⁰ Fabio Vitali, *Metadata in Akoma Ntoso: an Introduction*, Africa i-Parliaments, <http://www.parliaments.info/downloads/07%20Fabio%20Vitali%20-%20Metadata%20in%20Akoma%20Ntoso%20-%20an%20introduction.pdf>. Accessed 5/15/2012.

³¹¹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 63.

³¹² Center for Liberal Strategies, *Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe*, p.

14.

³¹³ Resource Description Framework, <http://www.w3.org/RDF/>. Accessed 6/12/2012.

material.”³¹⁴ Parliaments must enhance access to the context of their work for parliamentarians and citizens alike.

According to the *World e-Parliament Report 2010*, 55% of parliaments report that proposed legislation is linked to related documentation broadly, with some parliaments choosing to hyperlink to more information than others. For example, only 27% linked information on committee hearings to proposed legislation, while 56% had committee reports linked to the relevant piece of legislation. Thirty-three percent of parliaments report that they link bills to summary explanations of the legislation. Over time, trends show that the hyperlinking among documents by parliaments is increasing.³¹⁵ The report explains, “More work need[s] to be done to link legislation to other related documents that could assist the user in obtaining a more complete representation of the information relevant to specific bills under consideration. When links from proposed legislation to related documents were provided, they were most often to plenary debate on the bill, relevant laws and statutes, and committee reports about the legislation.”³¹⁶ While governments and parliaments should explore ways to further hyperlink relevant bits of data, as the Open Knowledge Foundation’s report *Beyond Access* notes, “these future possibilities should not impede the release of current government datasets.”³¹⁷

As mentioned in relation to provision 41 above, the Chamber of Deputies in Italy uses RDF as a standard for linking documents.³¹⁸ The Brazilian government, including the Congress, has developed the LexML platform to “unify, organize and facilitate access to legislative and legal information made available in digital form...” Part of LexML’s work includes developing “a linker application that will automatically insert links to reference laws and documents in legislative texts.”³¹⁹ Akoma Ntoso provides a standard for efficient linking of documentation across parliaments and governments. Some PMOs, including Regards Citoyens in France, have begun to link legislative information to enhance citizen access. However, the absence of open and structured information from parliaments links the ability of external groups to assist in linking documents.

43. Enabling Use of Alert Services

Where possible, parliament shall provide citizens the ability to subscribe to services to alert them to certain categories of parliamentary actions through the use of email, SMS text messaging, or other technologies.

It is important to keep citizens apprised of parliamentary developments as they occur, and is part of parliament’s responsibility of parliaments to provide information in a timely manner (provision 11). This can be done effectively by using alert services using mobile phones or email. The IPU recommends parliaments use alert services: “Alerting services, such as email, RSS, or other appropriate technologies that enable members and the public to be informed about important parliamentary actions such as the introduction of, and changes to, the status and text of legislation; members’ activities;

³¹⁴ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 60.

³¹⁵ *Ibid.*, pp. 56-61.

³¹⁶ *Ibid.*, p. 51.

³¹⁷ Access Info Europe and Open Knowledge Foundation, *Beyond Access: The Right to (Re)Use Public Information*, 7 Jan 2011, p. 36.

³¹⁸ Resource Description Framework, <http://www.w3.org/RDF/>. Accessed 6/12/2012.

³¹⁹ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 100.

committee activities; oversight and scrutiny activities; and plenary activities.”³²⁰ The OPPD also cites alert services as a crucial modern technology tool that parliaments increasingly use to enhance openness.³²¹

The *World e-Parliament Report 2010* survey found that 47% of parliaments currently have some form of alert service.³²² In the United Kingdom, parliament offers an email alert system to notify constituents of important events.³²³ Civil society has become involved in this effort as well. [TheyWorkForYou.com](http://www.TheyWorkForYou.com), a website created by mySociety, provides email alerts to constituents when, for instance, their member of parliament is participating in debate on a key issue or casts a vote.³²⁴ PMG in South Africa, PRS Legislative Research in India, and GovTrack in the United States also all provide an updated feed on their website detailing any changes that occur in the status of bills in their respective parliaments and provide email alert services as well.³²⁵ The Sunlight Foundation has developed the Congress application that allows citizens to receive updates on congressional developments on Android phones.³²⁶ While many parliaments may view access to parliamentary information through mobile devices as a luxury, parliaments can enable outside developers to create such applications ad hoc by simply providing access to parliamentary information in structured and open formats, like XML.

44. Facilitating Two-Way Communication

Parliament shall endeavor to use interactive technology tools to foster the ability of citizens to provide meaningful input on legislation and parliamentary activity and to facilitate communication with members or parliamentary staff.

Interaction between citizens and their representatives enhances parliamentary work. As a result, many parliaments are exploring web-based means of facilitating citizen engagement. New technologies can complement in-person interaction between citizens and representatives by allowing citizens to provide comments or annotations in the text of draft legislation, or by providing citizens the opportunity to submit letters or questions to representatives in a public forum. Technologies can empower citizens who lack the financial means or time to travel great distances to their parliament, while they also allow for citizens to participate at their own convenience.

The *World e-Parliament Report 2010* suggests that parliaments employ “all available tools, including new media and mobile technologies, to provide citizens with improved access to the work of parliament and means of participation in the political dialogue.”³²⁷ New social media tools, including Facebook and Twitter, along with email, mobile devices, polling and other technologies, provide parliaments with a variety of means to engage

³²⁰ IPU, *Guidelines for Parliamentary Websites*, §3.3.

³²¹ OPPD, *Information and Communications Technologies in Parliament: Tools for Democracy*, European Parliament, August 2010, p. 17.

³²² Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 64.

³²³ Website of the UK Parliament, <http://www.parliament.uk/site-information/email-alerts/>. Accessed 6/12/2012.

³²⁴ TheyWorkForYou.Com, Keeping Tabs on the UK’s Parliaments & Assemblies, <http://www.TheyWorkForYou.com>. Accessed 6/10/2012.

³²⁵ For PMG, see: <http://www.pmg.org.za> for PRS, see: <http://www.prsindia.org>; for GovTrack, see: <http://www.govtrack.us>.

³²⁶ Sunlight Foundation, *Congress for your Android Phone!*, <http://sunlightfoundation.com/projects/congress-for-android/>. Accessed 6/12/2012.

³²⁷ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, p. 165.

citizens and receive feedback on parliamentary work. The *World e-Parliament Report's* survey of parliaments concluded that 88% of parliaments currently offer the public email contact information and that 78% of parliaments report that members utilize their personal email to communicate directly with citizens.³²⁸ However, just 18% of parliaments utilize online discussion groups to discuss legislative action.³²⁹

The IPU details specific prescriptions for parliaments to increase their ability to interact with citizens. Recommendations include using email, blogs or interactive fora, e-petitions, online polling, and the testing of new technologies as they are developed.³³⁰ The European Parliament utilizes Facebook to interact with citizens. In South Africa, the “Taking Parliament to the People” program brings interactive debates to constituents via video or teleconferencing. In Namibia, the “Listen Loud Campaign Project” utilizes phone-based opinion polls to receive citizen feedback. In Chile, citizens can act as a ‘virtual senator’ and provide comments to a proposed bill.³³¹ Brazil’s parliament operates constituent call centers, an online e-democracy program to engage citizens directly in the lawmaking process (e-Democracia project), and a Committee for Participatory Legislation which allows citizens and organizations to submit proposals directly to lawmakers.³³² The e-Democracia website allowed for 30% of a bill on youth to be written by citizens participating online, an example of citizens receiving a concrete result from their involvement.³³³ The Uganda Parliament is introducing the USpeak system for receiving, organizing and analyzing citizen input via SMS. In Portugal, Parliament facilitates an online discussion forum that is open to the public and centered around education issues, as well as a blog structure for members of parliament.³³⁴ The House of Commons in Canada allows and encourages its individual members to utilize social media applications, including on mobile devices. For example, more than two thirds of the 308 members of the House of Commons are on Twitter.³³⁵

³²⁸ Ibid., p. 26.

³²⁹ Ibid., p. 25.

³³⁰ IPU, *Guidelines for Parliamentary Websites*, §4.1-2.

³³¹ All examples from Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, IPU-UNDESA, pp. 34, 26, 43, 45, respectively.

³³² Brazilian Chamber of Deputies, *Dados Abertos da Camara dos Deputados (Open Data from the Chamber of Deputies)*, 2011, p. 2.

³³³ Faria, Cristiano, *Can People Help Legislators Make Better Laws? Brazil Shows How*, techPresident, 29 Apr 2010. <http://techpresident.com/user-blog/can-people-help-legislators-make-better-laws-brazil-shows-how>. Accessed 6/12/2012.

³³⁴ University of Westminster, *Parliamentary Web Presence: A Comparative Review*, pp. 10-11, published in the Proceedings of the 2nd International Conference on e-Government (ICEG 2006), 12-13 October 2006, p.10.

³³⁵ Marc Bosc, Deputy Clerk of the House of Commons, Canada, *The Evolving Concept of Transparency in Legislatures: The House of Commons*, Global Centre for ICT in Parliament Meeting, Washington, D.C. February 27-29, 2012, p.11. http://www.ictparliament.org/attachements/XMLmeeting/Day1_Bosc.pdf. Accessed 6/12/2012.