



ELLA
Learning Alliances

Lessons from the FOIA's implementation in Mexico

Janet Oropeza Eng
Fundar, Center of Analysis and Research

Goals of the presentation

Provide a picture of the FOIA's implementation in Mexico, identifying achievements, lessons learned, and contextual factors



- Currently, 65% of Latin American countries have a FOIA (vs. 17% in Sub Saharan Africa)

- Mexico: FOIA was approved in 2002

- The country experienced a democratic transition in 2000.

- The final Bill included proposals from the government and civil society (Grupo Oaxaca)

- Mexican FOIA: one of the strongest laws in the world and that was actually implemented

Key features of the Mexican FOIA

Independent oversight agency that solves appeals and Commissioners with expertise

There are exemptions, but “maximum disclosure” should prevail

Information requests are free; citizens pay the cost of printed documents

Proactive disclosure measures

Scope: three branches of the federal government

Implementation: Creation of liaison units

- Liaison Units were created in each federal office to receive and manage information requests and publish proactive disclosure information periodically (for example, functions, services, public officials' salaries, budget allocations, etc.)



Portal de Obligaciones de Transparencia



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IMSS

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 - ▶ COMISIÓN NACIONAL DEL AGUA (864)
 - ▶ SECRETARÍA DE MEDIO AMBIENTE Y RECURSOS NATURALES (167)
 - ▶ FONATUR CONSTRUCTORA, S.A. DE C.V. ANTES FONATUR BMO, S.A. DE C.V. (154)
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1 Servicios - IMSS
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EN INSTITUTO MEXICANO DEL SEGURO SOCIAL EN PROCESO DE REESTRUCTURA (IMSS), se brinda(n) los Servicios... HOSPITALES RURALES DEL PROGRAMA IMSS-OPORTUNIDADES, cuyo objetivo... LOS SERVICIOS DEL PROGRAMA IMSS-OPORTUNIDADES SON ABIERTOS...
13 kb



2 Subsidios - CONACYT
FONDO SECTORIAL DE INVESTIGACIÓN EN SALUD Y SEGURIDAD SOCIAL SSAIMSS/SSSTE-CONACYT
...CIENCIA Y TECNOLOGÍA (CONACYT) encontramos el Programa de FONDO SECTORIAL DE INVESTIGACIÓN EN SALUD Y SEGURIDAD SOCIAL SSAIMSS/SSSTE-CONACYT cuya población beneficiaria es SE ENCUENTRA PUBLICADA EN EL PORTAL DEL CONACYT
HTTP://WWW.CONACYT...
9 kb

-In 2010, compliance with proactive transparency was 86% in all federal administration

-In 2001, 96,582 requests were made; 81% of those were addressed and 7% were in the process of being addressed.

Implementation: Creation of an Information System

- An electronic system was created for managing the requests and make previous requests public: INFOMEX (most provinces are integrated to this system)

Ingresa aquí tu solicitud. A través del SISTEMA INFOMEX Gobierno Federal podrás solicitar toda la información pública del Gobierno Federal.

SISTEMA

¿Aún NO tienes nombre de usuario? [regístrate aquí](#)

Si ya te registraste anteriormente en INFOMEX o en el SISI, ingresa al sistema con tu nombre de usuario y contraseña.

Nombre de usuario:

Contraseña:

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• Consulta aquí las solicitudes de información, y sus respuestas, que han realizado otras personas a través del sistema Infomex del Gobierno Federal [da clic aquí](#).

• Si quieres solicitar Información a otros Organismos Públicos o a Gobiernos Estatales y Municipales, [da clic aquí](#).

- 489, 739 information requests were made from 2003-2009
- In the period, July-September 2012, mean of 352 requests a day, 97% made electronically


Implementation: Creation of an independent oversight agency

- Independent oversight body, IFAI, was created
- At the top there are five Commissioners with expertise on ATI
- Mandate of IFAI: promote the RTI, monitor compliance with the law, rule on appeals



- In July-September 2012, IFAI received 1,429 appeals
- In the same period, it follows up on 498 of its rulings
- IFAI has created a good M&E system

Role of civil society (CSOs, academia, and media)


- Vibrant civil society has also played a role in various ways:
 - a) Monitoring compliance with the law and independence of IFAI (election of commissioners)
 - b) Carrying out social audits using public information and publishing the outcomes (i. e. thong gate; farm subsidies)
 - c) Assessing quality of proactive information disclosed (evaluate if information is accurate and maneagable)
 - d) Pushing for reforms to improve the legal and institutional framework (i. e. constitutional reform)
 - e) Spreading the use of the right to information
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Civil society networks

- These played a major role in the approval and monitoring of FOIAs. Some examples are:

Network & country	Supported the law's approval	Supported law's compliance and improvement, once approved
Transparency Collective (Mexico)		X (works also at the local level)
Promoting Group for the Transparency and Access to Public Information Law (El Salvador)	X	X
Access Coalition (Ecuador)	X	X (especially in environmental agencies)
Archives and Access to Public Information Group (Uruguay)	X	

Lessons learned

- Need to commit financial resources and build institutions
 - Political will from the part of government and institutions to realize the right above political interests
 - Vibrant civil society participating in the drafting of the law and monitoring compliance
 - Real timelines for implementation
 - Constant improvement of the legal and institutional framework
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Challenges

Improve the law
and its
implementation

Spread the use of
the RTI

Constant threat
of political use

Improve
accountability
mechanisms

Challenging the
decisions of the
IFAI before courts

Q&A



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