

# PROACTIVE DISCLOSURE

**under the RTI Act in Sri Lanka:  
Ranking Public Authorities**

September 2023



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# Acknowledgements

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# 1 Introduction

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The right of access to information is enshrined in the Sri Lankan constitution as a fundamental right.<sup>1</sup> The Right to Information Act No. 12 of 2016 (hereinafter referred to as the 'RTI Act') was enacted by the Sri Lankan Parliament in August 2016. The RTI Act provides a framework for the administration and enforcement of a citizen's right to access information held by public authorities with some exceptions.<sup>2</sup> The right to information and proactive disclosure can: (1) promote accountability by making the government operate "in the eyes of the public" so that there is public supervision of government decision-making, and (2) act as a deterrent to public sector corruption by making it more difficult to conceal misbehaviour and inefficiency.<sup>3</sup> Proactive disclosure is also crucial in attaining greater transparency, which can lead to higher levels of trust in government.<sup>4</sup>

The Act was fully operationalised in February 2017, meaning that all public authorities within the scope of the RTI Act should have been prepared to receive and process right to information (RTI) requests.<sup>5</sup> However, the implementation of the RTI Act in practice has proved to be more difficult. The extent to which the RTI Act is followed in terms of 'proactive disclosure' thus becomes a useful research agenda. Proactive disclosure refers to the release of information by a public authority without citizens needing to specifically request this information.

In December 2017, Verité Research assessed the compliance of 55 public authorities with their online proactive disclosure obligations under the Act and subsequent regulations passed under the Act. The findings revealed that content disclosure and accessibility, in terms of disclosure in Sinhala and Tamil, were poor across most public authorities.<sup>6</sup> Overall, low compliance was observed across public authorities with their proactive disclosure requirements.

This is Verité's second report tracking the compliance of public authorities with their mandated online proactive disclosure requirements under the RTI Act and its subsequent regulations.

## 1.1. Proactive Disclosure under the RTI Act

Proactive disclosure of information is a key requirement within the RTI Act. Section 14 provides that it is the duty and function of the Right to Information Commission (RTIC) to monitor performance and ensure due compliance by public authorities, of the duties imposed on them by the RTI Act.<sup>7</sup> Furthermore, Section 8 places a duty on every minister to bi-annually publish a report containing the information relevant to their ministry and all the public authorities, departments and institutions falling within their ministry's purview.<sup>8</sup> Under Section 9, it is incumbent for ministers to inform the public about the initiation of a project three months prior to its commencement.<sup>9</sup>

After the operationalisation of the RTI Act, the then Ministry of Parliamentary Reforms and Mass Media issued a series of regulations under the Act.<sup>10</sup> Of these regulations, Regulation No. 22 reiterates that the term 'public authority' has the same meaning as provided for in the Act.<sup>11</sup> Therefore a 'public authority' includes a Ministry of the government, or any body or office created under the Constitution which includes the Offices of the President and the Prime Minister.<sup>12</sup> Regulation No. 20 specifically details a public authority's obligations regarding proactive disclosure, and requires public authorities to 'routinely disseminate', 'at a minimum', the following information (including through digital or electronic format):

1. Institutional information (e.g. internal regulations, powers and functions)
2. Operational information (e.g. organisational structure, the names and contact information of executive grade public officials and their remunerations)
3. Decisions and acts (e.g. decisions and formal acts and documents used as a basis for formulating them)
4. Public services information (e.g. description of services offered to the public)
5. Budgetary information (e.g. projected budget, actual income and expenditure)
6. Open meetings information (e.g. information on meetings, and information regarding how to attend meetings open to the public)
7. Decision-making and public participation (e.g. information on decision-making procedures, and mechanisms for public participation in decision-making)
8. Information on subsidies (e.g. information on the beneficiaries of subsidies)
9. Public procurement information (e.g. information on the public procurement process, criteria and outcomes of decision-making on tender applications)
10. Lists, registers and databases (e.g. registers and databases held by the public authority, and information about whether these registers and databases are available online)
11. Information about information held (i.e. an index or register of documents/information held by the public authority)
12. Information on publications (i.e. information on publications used, including a fee schedule for purchase)
13. Information about the right to information (e.g. information on how to request information and contact information of the respective information officer)
14. Disclosed information (i.e. information which has been disclosed pursuant to a request and which is likely to be of interest to others).

This report aims to support the successful implementation of proactive disclosure of information under the RTI Act in Sri Lanka, by monitoring, evaluating, and ranking 31 public authorities on the fulfillment of their proactive disclosure obligations. This report is the second in a series of reports that will continue to assess the progress of online proactive disclosure by public authorities.

## 2 Methodology

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Verité Research first developed the methodology in 2017 for an assessment supported by the World Bank. The methodology evaluates and compares the proactive disclosure of information by various public authorities under the RTI Act.<sup>13</sup> In 2017 the methodology was applied to 53 cabinet ministries, and the Office of the President and Prime Minister (55 public authorities). Since 2017, there have been changes to the cabinet ministries and their websites, which are the subject of the monitoring process. The same methodology has been adopted in this report in relation to the current 29 cabinet ministries and the Offices of the President and Prime Minister as of July 2022, for the period 01 December 2022 to 31 December 2022.<sup>14</sup>

The proactive disclosure requirements under Sections 8 and 9 of the RTI Act and Regulation No. 20 of the Act form the basis of the monitoring framework of this report. Section 8 and Regulation No. 20 respectively require the ministries and all public authorities to publish information in electronic form (i.e. on their website), as well as at their physical premises.<sup>15</sup> Section 9 requires ministries to make all details that are relevant to any new projects publicly accessible three months prior to the commencement of a project.<sup>16</sup> Therefore, Verité Research monitored and scored the information publicly accessible on the websites of the 31 public authorities and other selected online information platforms open to the public.

The monitoring framework covers two dimensions: (a) whether information has been proactively disclosed by public authorities (refer Section 2.2 below) and (b) the usability of the information that has been proactively disclosed (refer Section 2.3 below). Each dimension is rated based on several criteria and combined in an overall score.

## 2.1. Monitoring

The following 11 categories of information were used to assess the proactive disclosure of the 31 public authorities:

1. Institutional Information
2. Organisational Information
3. Operational Information and Decision-making Processes
4. Public Services
5. Public Policy, Legislation and Regulation
6. Public Participation
7. Public Procurement and Subsidies
8. Budgets, Expenditure and Finances
9. Categorisation of and Systems for Accessing Information
10. Prior Disclosures of Information
11. Prior Disclosures of Public Investments Under Section 9 of RTI Act

The public authorities were given a content disclosure rating based on the scores received for each category of information. Each category is a composite measure of subcategories that can be extracted, analysed, and compared independently. The rating system is discussed below in [section 2.2](#).

There are a total of 30 subcategories across the 11 categories. Each subcategory is afforded a weightage depending on the 'type' of information disclosed under that subcategory (see [section 2.2.1](#)). The subcategories under each category are:

### 1. Institutional Information

- a. Mandate: *mandate listed on website (broad vision and mission statements are acceptable)* ●
- b. Functions and powers: *functions and powers of public authority listed on website.* ●

### 2. Organisational Information

- a. Organisational structure: *organisation chart provided.*
- b. Names and contact information of executive grade public officials.
- c. Disaggregated payment information pertaining to remunerations; emoluments; and allowances of executive grade public officials.

### 3. Operational Information and Decision-making Processes

- a. Internal rules, regulations and instructions: *listed on website.*
- b. Strategic plan: *listed on website.*
- c. Project and activity reports: *reports on completed/ongoing projects listed on website.*
- d. Decision-making procedures: *listed on website.* ●

### 4. Public Services

- a. Description of services offered to the public: *services are listed.* ●

- b. Accessing public services: *information on how to access a particular service is published.* ●

## 5. Public Policy, Legislation and Regulation

- a. Circulars and regulations: circulars and regulations that have been issued since 1 January 2016 listed on website.
- b. Legislation: listed on website.
- c. Policy memoranda and draft legislation: listed on website.

## 6. Public Participation

- a. Details regarding public meetings and consultations: *dates and information from past meetings and consultations; information on forthcoming public meetings listed on website.*

## 7. Public Procurement and Subsidies

- a. Publication of tenders: *listed on website.*
- b. Successful awards and publication of award: *listed on website.*

## 8. Budgets, Expenditure and Finances

- a. Projected budget for 2023. ●
- b. Disbursements in 2021.<sup>17</sup> ●

## 9. Categorisation of, and Systems for, Accessing Information

- a. Information index: *index of publications and databases held or produced by the public authority is published on website.*
- b. RTI requesting procedures: *instructions on how to make RTI requests to the public authority are listed on website.*
- c. Information Officer's and Designated Officer's contact information. ●
- d. Fee schedule: *charges for filing RTI requests are published on website.* ●
- e. Minister's report as per section 8 of the RTI Act: *published on website.* ●

## 10. Prior Disclosures of Information

- a. Publication of information supplied under RTI: *website has made provision to publish information supplied under RTI.*

## 11. Prior Disclosures of Public Investments under section 9 of RTI Act (for projects above USD 100,000 (foreign funded) or LKR 500,000 (locally funded):

- a. Notification of project commencement: *project justification published on website.* ■
- b. Pre-feasibility and feasibility studies of projects: *published on website.* ■
- c. Terms and conditions of investment (including expected costs, benefits and rate of return): *published on website.* ■
- d. Detailed project costs (including disaggregated budgets): *published on website.* ■
- e. Monitoring and evaluation reports: *published on website in accordance with requirements under Section 9.* ■

**Exhibit 1: Key for subcategories under Section 8, Section 9 and Regulation 20**

Subcategories marked with a hexagon (⬡)	These subcategories are required under section 8 of the RTI Act. Some of these subcategories are also required under Regulation No. 20 published in terms of the RTI Act.
Subcategories marked with a square (■)	These subcategories are required under section 9 of the RTI Act.
Subcategories with no symbol	These subcategories are required exclusively under Regulation No. 20.

## 2.2. Content Disclosure Rating

Public authorities were ranked according to their scores across the 30 subcategories. The assessment was language neutral, as content availability was assessed regardless of the language in which the information was disclosed.

### 2.2.1. Subcategory Scoring

Each subcategory was assigned under one of the following ‘types’ of information (see Exhibit 2 for a presentation of the scoring system in tabular form):

#### Type 1

Where currency is required but completeness is irrelevant i.e. the information required relates to a single up-to-date document, the maximum number of points applicable to the subcategory will be 2 points. The following subcategories fall within this type:

1. Mandate
2. Organisational structure
3. Strategic plan
4. Fee schedule

The rating of these subcategories aims to incentivise public authorities to demonstrate that information is up-to-date. For example, if ‘information is published – dated or unknown whether current’, the public authority will score 1 point. If ‘up-to-date information is published’, the public authority will score 2 points.

#### Type 2

Where currency is irrelevant, but completeness is relevant i.e. the information required is not time-sensitive but relates to multiple components, the maximum number of points applicable to the subcategory will be 3 points. The following subcategories fall within this type:

1. Details regarding public meetings and consultations
2. Successful awards and publication of award
3. Information index
4. Notification of project commencement

The rating of these subcategories aims to incentivise public authorities to demonstrate that the information disclosed is complete. Public authorities will score 1 point under these subcategories if 'information is published – but there are no details on whether information is complete', and 2 points if 'information is published – but incomplete'. The extra point is awarded on the basis that the public authority discloses an index of information or other equivalent information that establishes the extent of information held with the public authority. Such disclosure would enable an assessment of completeness. On this basis, public authorities will score 3 points if 'complete information is published'.

### Type 3

Where both currency and completeness are relevant, the maximum number of points applicable to a subcategory will be 4 points. The following subcategories fall within this type:

1. Functions and powers
2. Names and contact information of executive grade public officials
3. Disaggregated payment information pertaining to remunerations; emoluments; and allowances of executive grade public officials
4. Internal rules, regulations and instructions
5. Project and activity reports
6. Decision-making procedures
7. Description of services offered to the public
8. Accessing public services
9. Circulars and regulations
10. Policy memoranda and draft legislation
11. Publication of tenders
12. Disbursements
13. RTI requesting procedures
14. Minister's report as per section 8 of the RTI Act
15. Publication of information supplied under RTI
16. Pre-feasibility and feasibility studies of projects
17. Terms and conditions of investment
18. Detailed project costs
19. Monitoring and evaluation reports

The aim of these ratings is to incentivise public authorities to demonstrate that the information disclosed is both up-to-date and complete. If 'information is published – but there is no information on whether up-to-date or complete', the public authority will score 1 point. For example, the public authority proactively discloses information but the information is not date stamped or the information is outdated. If 'information is published up-to-date but unknown whether complete', the public authority will score 2 points. In such cases, the public authority scores an extra point for demonstrating that the information is up-to-date. For example, the authority could date stamp a document that it proactively discloses. If 'information is published up-to-date but incomplete', the public authority will score 3 points. In such cases, the public authority will score an additional point for disclosing an index of information or other equivalent information that establishes the extent of information held within the public authority and enables an assessment of completeness. If 'up-to-date and complete information is published' the public authority will score 4 points. For example, if information has been disclosed under each section of the index provided, the public authority will score 4 points.

## Type 4

Certain subcategories require a specific scoring method due to their unique nature and content.

Under the subcategory *Projected Budget for 2023*, public authorities will score 1 point if 'information is published – but not disaggregated', and 2 points if 'disaggregated information is published'. This rating scheme aims to incentivise disaggregation of information.

Under the subcategory on *Information Officer's and Designated Officer's Contact Information*, public authorities will score 1 point if 'the *Information Officer's or Designated Officer's Contact Information* is published', and 2 points if both 'the *Information Officer's and Designated Officer's Contact Information* is published'. This rating scheme aims to incentivise proactive disclosure of contact details of both the Information Officer and Designated Officer of the public authority.

Under the subcategory on *Legislation*, public authorities can score up to 4 points depending on the percentage of relevant legislation (that the public authority is tasked with implementing) published (i.e. less than 25% - 1 point, more than 25% - 2 points, more than 50% - 3 points, and 100% - 4 points). This rating scheme aims to incentivise public authorities to publish all relevant *Legislation*.

Exhibit 2 below illustrates the scale used in scoring each subcategory according to the type of information the subcategory correlates to.

Each subcategory received a maximum number of applicable points depending on the type of information, i.e. whether the information needs to be current, and whether the information needs to be complete. Depending on the type of subcategory, public authorities received ratings for each subcategory based on the scale: (a) unsatisfactory, (b) moderately unsatisfactory, (c) moderately satisfactory, (d) satisfactory, or (e) highly satisfactory.

## Exhibit 2: Subcategory Scoring

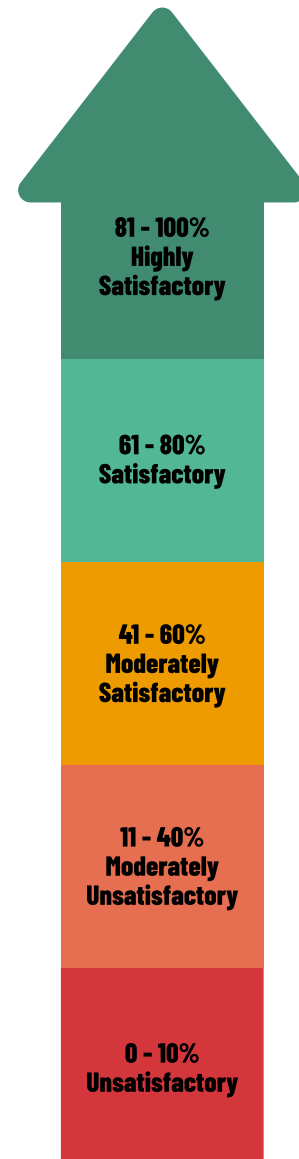
Type	Rating				
	Unsatisfactory	Moderately Unsatisfactory	Moderately Satisfactory	Satisfactory	Highly Satisfactory
1	No information <b>(0 points)</b>	<b>N/A</b>	<b>N/A</b>	Information published -- dated or unknown whether current <b>(1 point)</b>	Up-to-date information published (2 points)
2	No information <b>(0 points)</b>	<b>N/A</b>	Information published but no details on whether complete <b>(1 point)</b>	Information published - but incomplete <b>(2 points)</b>	Complete information published <b>(3 points)</b>
3	No information <b>(0 points)</b>	Information published - but no information on whether up-to-date or complete <b>(1 point)</b>	Information published - up-to-date but unknown whether complete <b>(2 points)</b>	Information published - up-to-date but incomplete <b>(3 points)</b>	Up-to-date and complete information published <b>(4 points)</b>
4	No information on Projected Budget for 2023 <b>(0 points)</b>	<b>N/A</b>	<b>N/A</b>	Information published - but not disaggregated <b>(1 point)</b>	Disaggregated information published <b>(2 points)</b>
	No Contact Information of Information Officer or Designated Officer <b>(0 points)</b>	<b>N/A</b>	<b>N/A</b>	Information Officer's or Designated Officer's contact information published <b>(1 point)</b>	Both Information Officer's and Designated Officer's contact information published (2 points)
	No information on Legislation that the public authority is tasked with implementing <b>(0 points)</b>	<25% of legislation that the public authority is tasked with implementing is published <b>(1 point)</b>	>25% of legislation that the public authority is tasked with implementing is published <b>(2 points)</b>	>50% of legislation that the public authority is tasked with implementing is published <b>(3 points)</b>	100% of legislation that the public authority is tasked with implementing is published <b>(4 points)</b>

## 2. 2. 2. Overall Content Disclosure Rating

The **content disclosure rating** of a public authority is the percentage score applicable to all relevant subcategories. These ratings enable an overall cross comparison of public authorities and in terms of select category ratings, and subcategory ratings. For instance, it is possible to rank public authorities in terms of proactive disclosure in the *Public Procurement and Subsidies* category which is done in [Exhibit 23](#) below.

The maximum total points that a cabinet ministry can receive as per the rating methodology is 104 points. However, disclosure requirements that are *exclusively* stipulated under sections 8 and 9 of the RTI Act (i.e. requirements not stipulated under Regulation No. 20), do not apply to the Offices of the President and Prime Minister because these requirements only apply to 'ministries'. As such, the maximum total points that the Offices of the President and the Prime Minister can receive is 77 points. The overall content disclosure rating for each public authority was calculated as a percentage of the total possible points across all applicable subcategories.

Overall content disclosure ratings and category ratings were based on the following scale:



## 2.3. Usability Rating

Usability was scored across all the subcategories in the rating system. A usability assessment is conducted because while it is important that public authorities proactively disclose information, disclosure alone is not sufficient. There are three important aspects of usability that were considered:

1. It is important that information is published in a language that people can understand. In terms of Sri Lanka's Official Language Policy, the information should be published in Sinhala language and Tamil language, which are identified as the 'official languages'<sup>18</sup> and 'national languages' of the country.<sup>19</sup> The information should also be published in English, which is identified as the 'link language'.<sup>20</sup>
2. People should also be able to easily access this information on the website. The information should be published in an organised manner so that information can be easily retrieved from a public authority's website.
3. The information must also be in a suitable format so that it can easily be used. Information should not be published in the form of scans or locked PDFs that cannot be used.

Therefore, the usability of information was assessed in terms of three indicators: (1) language, (2) ease of access, and (3) format. Public authorities were scored for usability across these three indicators.

### 2.3.1. Language Accessibility

Public authorities' language accessibility was evaluated on whether information disclosed under each subcategory was disclosed in English, Sinhala and Tamil. A public authority could receive 1 point for information disclosure in each language. The maximum total points a public authority can receive for information disclosure in each language across 30 subcategories is 30 points.

The total points for English, Sinhala and Tamil information disclosures were aggregated, across the 30 information subcategories for each public authority. The maximum total points for language accessibility in all three languages and across 30 subcategories is 90 points. This total was then used to calculate an overall language accessibility score by taking the total points as a percentage of the maximum possible points for each public authority.

For example, if the Ministry of Mass Media scored 17 out of 30 for English, 16 out of 30 for Sinhala and 12 out of 30 for Tamil, its overall language accessibility score would be 50% ( $45/90 \times 100$ ).

### 2.3.2. Ease of Access

To assess ease of access a 'click rate' was used (i.e the total number of clicks required to access information on a website). Ease of access was monitored in all three languages, however the score for usability only considers the English score.<sup>21</sup> [Exhibit 52](#) looks at ease of access in Sinhala and Tamil as well. Each subcategory was monitored for ease of access according to the following scale:

- 1 to 2 clicks – 2 points – Satisfactory
- 3 to 5 clicks – 1 point – Moderately Unsatisfactory
- Over 6 clicks – 0 points – Unsatisfactory

Therefore, according to the scoring scale, the maximum total points a subcategory could receive in relation to ease of access is 2 points. The maximum total points for ease of access across the 30 subcategories is 60 points. The individual subcategory points were tallied and given as a percentage of the total possible points for all applicable subcategories for each public authority.

For example, if the Ministry of Mass Media scored 28 points out of 60 for ease of access, it would receive an ease of access score of 47%.

### 2.3.3. Format

The format of information that is proactively disclosed was monitored in all three languages, however, the score for format only considers the English score.<sup>22</sup> Exhibit 52 looks at format in Sinhala and Tamil as well. The format in which information is disclosed in each subcategory was scored according to the following scale:

- Extraction-friendly (i.e. information can be easily reused and shared, e.g. easily extractable/downloadable files, spreadsheets, PDF files that do not 'jumble' the content when copy pasted): 2 points – Satisfactory
- Low re-usability (i.e. cannot be easily copied and pasted, non-reusable datasets and documents): 1 point – Moderately Unsatisfactory
- Not reusable (i.e. images, scans, screenshots or locked PDF): 0 points – Unsatisfactory.

The maximum points a subcategory could receive for format is 2 points. The maximum total points for format across 30 subcategories is 60 points. The individual subcategory points were tallied and given as a percentage score of the total possible points for all applicable subcategories for each public authority.

For example, if the Ministry of Mass Media scored 20 points out of 60 for format, it would receive a format percentage score of 33%.

In order to calculate the **overall usability score**, the aggregate of the points for language accessibility, ease of access and format were used. Using the example given above, the overall usability percentage score of the Ministry of Mass Media would be 44% ( $93/210 \times 100$ ).

The overall usability rating is based on a scale similar to the overall content disclosure rating. The scale is based on a percentage of the total applicable points the public authority could score in each usability indicator.

- 0-10%: Unsatisfactory
- 11-40%: Moderately Unsatisfactory
- 41-60%: Moderately Satisfactory
- 61-80%: Satisfactory
- 81-100%: Highly Satisfactory

## 2.4. Overall Score

A public authority's content disclosure rating is weighted at 75%, while a public authority's usability rating is weighted at 25%. These two ratings were combined to arrive at an overall composite score.

Each public authority was given an overall rating based on the overall composite score received:

- 0-10%: Unsatisfactory
- 11-40%: Moderately Unsatisfactory
- 41-60%: Moderately Satisfactory
- 61-80%: Satisfactory
- 81-100%: Highly Satisfactory

## 2.5. Limitations

This assessment is based primarily on information proactively disclosed on the websites of ministries and the Offices of the President and Prime Minister. Therefore, a limitation in the assessment is that it does not monitor the websites of departments, state ministries or other bodies that fall under the purview of ministries (except for the Board of Investment which falls under the Ministry of Investment Promotion), or bodies that fall under the Offices of the President and Prime Minister. The main reason for this limitation was the sheer volume of departments and agencies (approximately 400+ institutions) falling under the 31 public authorities considered.

However, Verité sought to ensure that the assessment was location neutral (i.e. ensuring that disclosure of information was scored regardless of the precise location of the disclosure) to the extent possible. Thus, it scored information relevant to a public authority that was in fact disclosed on common locations found on specific ministry websites (e.g. the Ministry of Finance website for budget information). Moreover, it considered official online information platforms, including the [Department of Government Printing](#) and the Department of Project Management and Monitoring. Public authorities were also awarded points for disclosure if they provided a link that re-directed the user to another website that disclosed relevant information.

During the monitoring for 2022, there were certain limitations that were not observed during the 2017 monitoring. First, directly comparing 2017 ministries to the 2022 ministries was difficult as many ministries had new institutions that fall under their purview. [Annex 1](#) below compares the cabinet ministries monitored in 2017 and 2022. From 2019 to 2021 alone, cabinet ministry compositions have changed 44 times.<sup>23</sup> This means that the proactive disclosure of the 55 public authorities from 2017 and 31 public authorities from 2022 could not be directly compared due to the number of public authorities differing significantly. However, when comparing aggregate ministry scores between 2017 and 2022, the percentage scores have been used to account for the size of the sample of cabinet ministries being assessed each year.

Second, the Ministry of Investment Promotion did not have a website that could be used during the monitoring period from 01 December 2022 to 31 December 2022. Therefore, Verité monitored the website of the Board of Investment, which is the largest institution that falls under the Ministry of Investment Promotion.

Third, this assessment does not consider public authorities' compliance with online proactive disclosure requirements under section 10 of the RTI Act. Section 10 requires public authorities to submit annual reports to the Right to Information Commission detailing information such as the RTI requests received, rejected and appealed and fees collected. The 2017 assessment was conducted in July 2017. Therefore, disclosure of the annual report on a public authority's website was not mandated at the time of the assessment, as the RTI Act only came into operation in February 2017. The first annual report

would only be submitted in December 2017. The 2022 assessment omitted section 10 in the interest of enabling comparisons drawn between the 2017 and 2022 assessments, in the manner highlighted above.

Verité replicated the 2017 methodology as far as possible. This assessment is the second in a series of assessments designed to monitor proactive disclosure by public authorities under the RTI Act.



## 3 Proactive Disclosure: Statutory vs. Regulatory Obligations

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### The Ministry of Public Administration

retains its position as the highest scoring ministry for information disclosure

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**11%**

percentage disclosure score for The Ministry of Public Administration under section 9

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**0%**

percentage disclosure score for The Ministry of Buddhasasana under section 9

---

### No public authorities

have disclosed content that has been scored as 'unsatisfactory' in 2022

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Ministries have two sets of obligations in terms of proactive disclosure: statutory obligations and regulatory obligations. Statutory obligations are the obligations of ministries under the RTI Act, specifically section 8 and section 9 of the Act. Under section 8, ministers have a duty to publish information relating to the organisation, its functions, activities and duties of the ministry, in a report biannually. This information is supposed to be published to enable a citizen to exercise their right of access to information under section 3 of the Act. Under section 9, ministers have a duty to inform the public about the initiation of projects three months prior to project commencement. While the information in the report under section 8 is required to be published in English, Sinhala and Tamil, project information under section 9 is not explicitly required to be published in all three languages. These statutory obligations are not applicable to the Offices of the President and the Prime Minister as section 8 and 9 only apply to 'ministers'.<sup>24</sup>

Regulatory obligations on proactive disclosure of ministries emerge under Regulation No. 20 under the RTI Act. Regulation No. 20 expands the statutory obligations of public authorities provided under section 8 and section 9. Clause 1 of Regulation No. 20 provides that the regulatory obligations apply to all public authorities. As outlined above, public authorities are defined as including "(a) a ministry of the government", and "(b) any body or office established by or under the Constitution".<sup>25</sup> Therefore 'public authorities' include cabinet ministries and the Offices of the President and the Prime Minister.

Section 3.1 ranks ministries according to the fulfilment of obligations under section 8 of the RTI Act. [Section 3.2](#) ranks ministries according to the fulfilment of obligations under section 9 of the RTI Act. [Section 3.3](#) ranks ministries according to their fulfilment of obligations under both section 8 and 9 of the RTI Act i.e. the overall fulfilment of their statutory obligations. [Section 3.4](#) ranks public authorities according to the fulfilment of their obligations under Regulation No. 20 i.e. their regulatory obligations.

Lastly, [Section 3.5](#) compares the performance of public authorities' proactive disclosure in terms of statutory and regulatory obligations. This

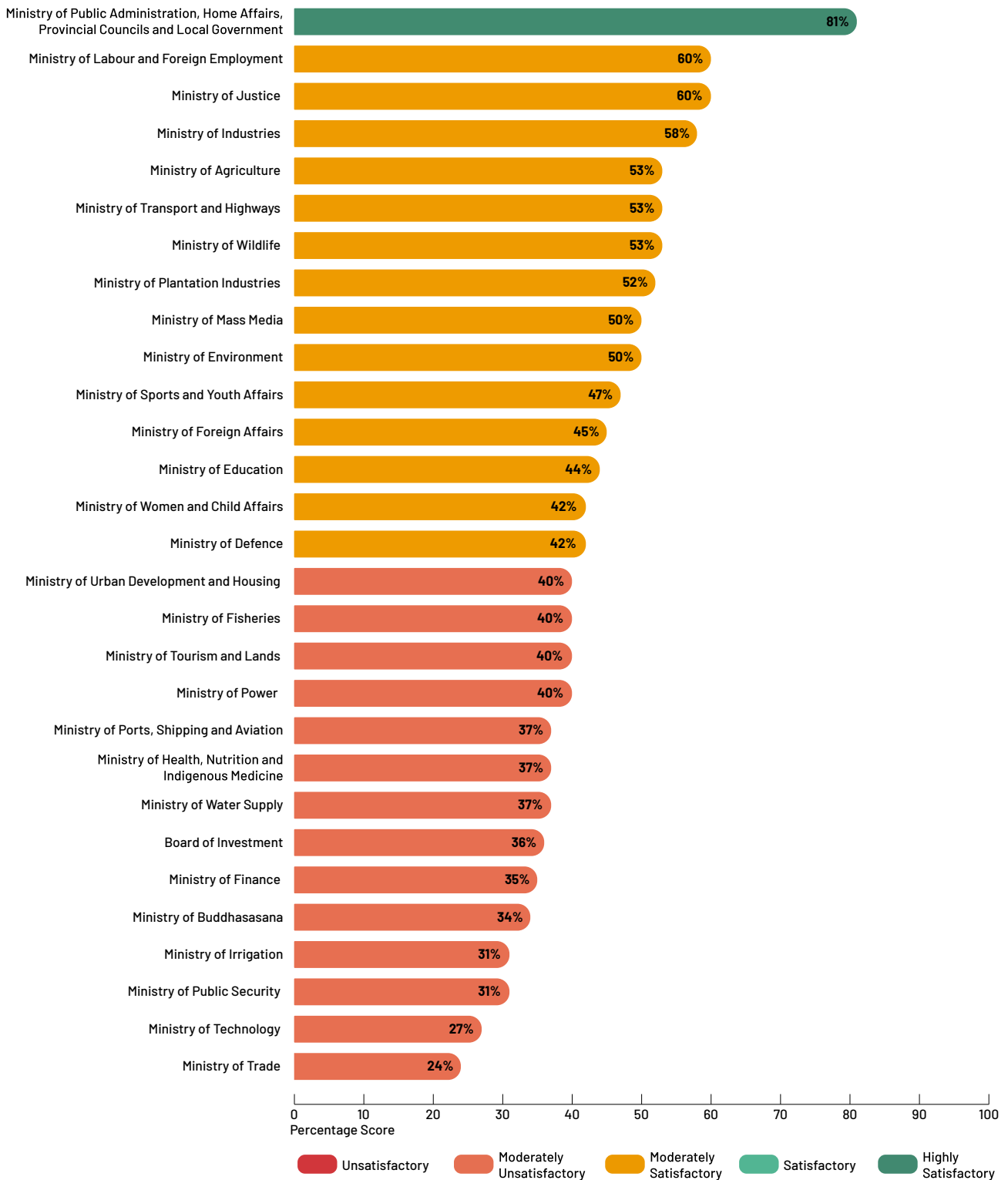
comparison reveals that public authorities are likely to disclose information arising from a statutory obligation rather than a regulatory obligation.

### **3.1. Information Disclosure Under Section 8 of the RTI Act**

Section 8 of the RTI Act provides for the following subcategories of information disclosure:

1. Mandate
2. Functions and powers
3. Decision-making procedures
4. Description of services offered to the public
5. Accessing public services
6. Projected budget for 2023
7. Disbursements in 2021
8. Information officer's and designated officer's contact information
9. Fee schedule
10. Minister's report as per section 8 of the RTI Act.

Exhibit 3 below presents the ranking of public authorities for proactive disclosure under these subcategories of information. The scores have been computed including content and language accessibility, as the RTI Act requires information disclosed under section 8 to be trilingual.

**Exhibit 3: Section 8 (Language + Content)**

In 2022, only the Ministry of Public Administration received a 'highly satisfactory' score. The Ministry of Public Administration retains its position as the highest scoring ministry for information disclosure under section 8, with an increase in score from 66% in 2017 to 81% in 2022.

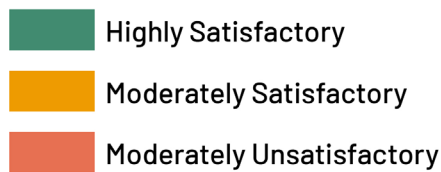
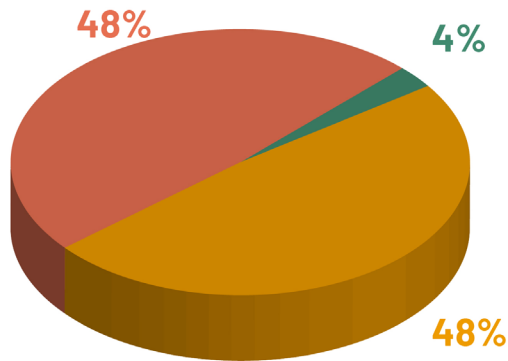
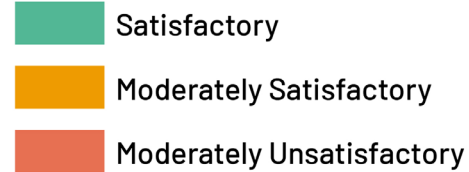
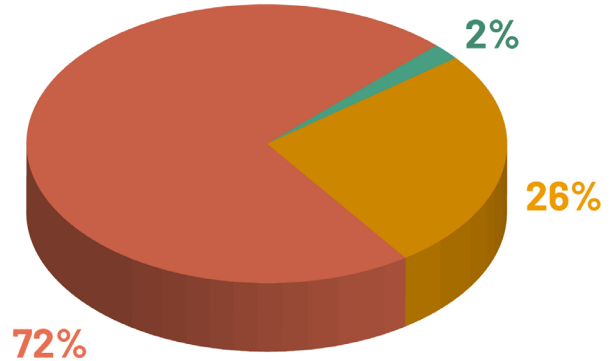
**Exhibit 4: Section 8 (2022)****Exhibit 5: Section 8 (2017)**

Exhibit 4 shows that an equal number of public authorities received 'moderately satisfactory' scores and 'moderately unsatisfactory' scores for adherence to section 8 in 2022.

Exhibit 5 illustrates adherence to section 8 of the Act in 2017. A comparison of Exhibit 4 and Exhibit 5 reveals that information disclosure under section 8 has improved since 2017 with the size of the 'moderately unsatisfactory' segment reducing and the 'moderately satisfactory' segment increasing in size.

The main subcategories which have seen improvement in terms of disclosure under section 8 include: *Information Officer's and Designated Officer's Contact Information* and *Accessing Public Services*. In 2017, the percentage score for the *Information Officer's and Designated Officer's Contact Information* subcategory was 51% (the total points for the 55 public authorities was 56 out of a possible 110 points). In 2022, the percentage score for this subcategory was 76% (the total points for the 31 public authorities was 47 out of a possible 62 points). Therefore, public authorities have generally improved in their disclosure of the *Information Officer's and Designated Officer's Contact Information*.

In 2017, the percentage score for the *Accessing Public Services* subcategory was 13% (the total points for the 55 public authorities was 27 out of a possible 204 points). In 2022, the percentage score for this subcategory was 27% (the total points for the 31 public authorities was 33 out of a possible 124 points). Therefore, public authorities have slightly improved in their disclosure of information for *Accessing Public Services*.

## 3.2. Information Disclosure Under Section 9 of the RTI Act

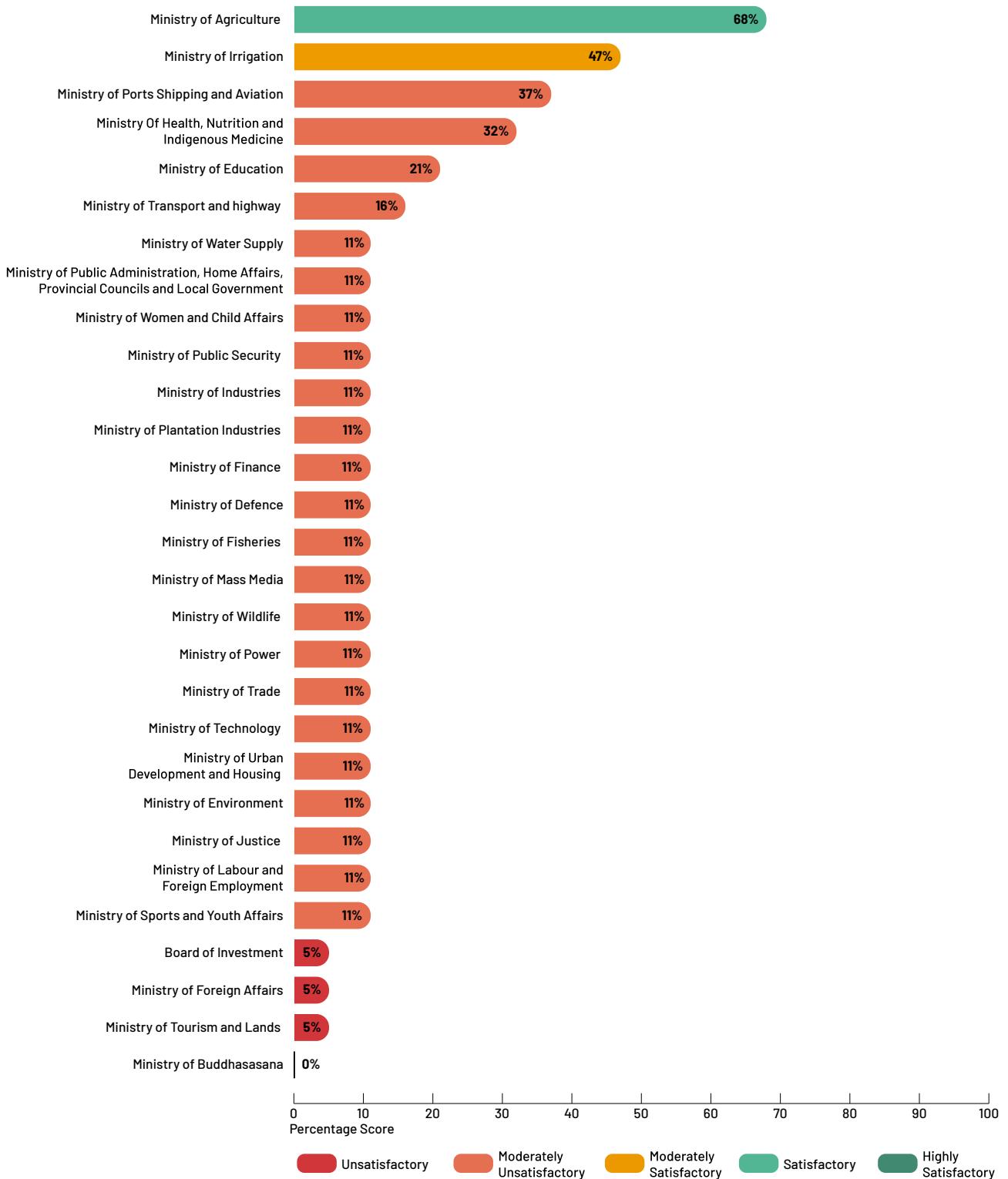
Section 9 of the RTI Act provides for the following subcategories of information disclosure:

1. Notification of project commencement
2. Pre-feasibility and feasibility studies of projects
3. Terms and conditions of investment
4. Detailed project costs

5. Monitoring and evaluation reports

Exhibit 6 provides the ranking of public authorities for their online proactive disclosure under the five subcategories of information provided above.<sup>26</sup> Public authorities are ranked according to content disclosure in English only, as section 9 does not require information to be published in English, Sinhala and Tamil.

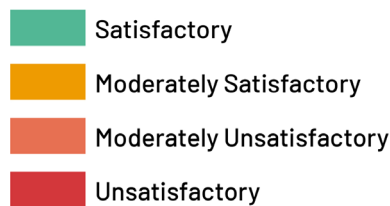
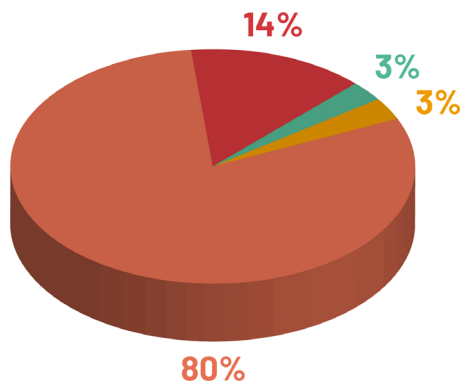
**Exhibit 6: Section 9 (Language + Content)**



Only the Ministry of Agriculture received a 'satisfactory' score for information disclosure under section 9. While the Ministry of Public Administration was the highest scoring ministry for content disclosure under section 8, the ministry only scored 11% for content disclosure under section 9.

Exhibit 7 illustrates that in 2022 a majority of public authorities (23 out of 29 public authorities) fell within the 'moderately unsatisfactory' band.

**Exhibit 7: Adherence to Section 9 (2022 )**



**Exhibit 8: Adherence to Section 9 (2017)**

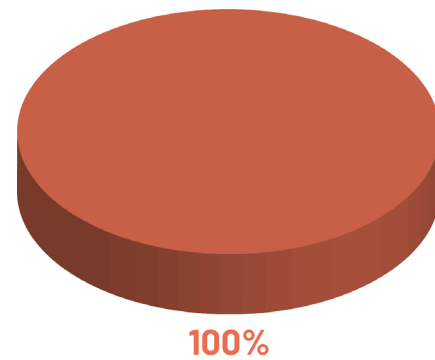


Exhibit 8 shows that in 2017, all the public authorities received a 'moderately unsatisfactory' score. Exhibit 7 illustrates that in 2022, 4 public authorities fell within the 'unsatisfactory' band, namely:

1. Ministry of Buddhasasana
2. Ministry of Tourism and Lands
3. Ministry of Foreign Affairs
4. Board of Investment

The Ministry of Buddhasasana scored 0 points for disclosure under section 9. The Ministry of Tourism and Lands, the Ministry of Foreign Affairs and the Board of Investment only had limited project cost information from 2018 and 2019 available on their website.

### 3.3. Combined Ranking Under Section 8 and Section 9 of the RTI Act

Exhibit 9 provides the ranking of public authorities based on the fulfilment of their statutory obligations under both section 8 and section 9 of the RTI Act.

**Exhibit 9: Combined Ranking Under Section 8 and Section 9**

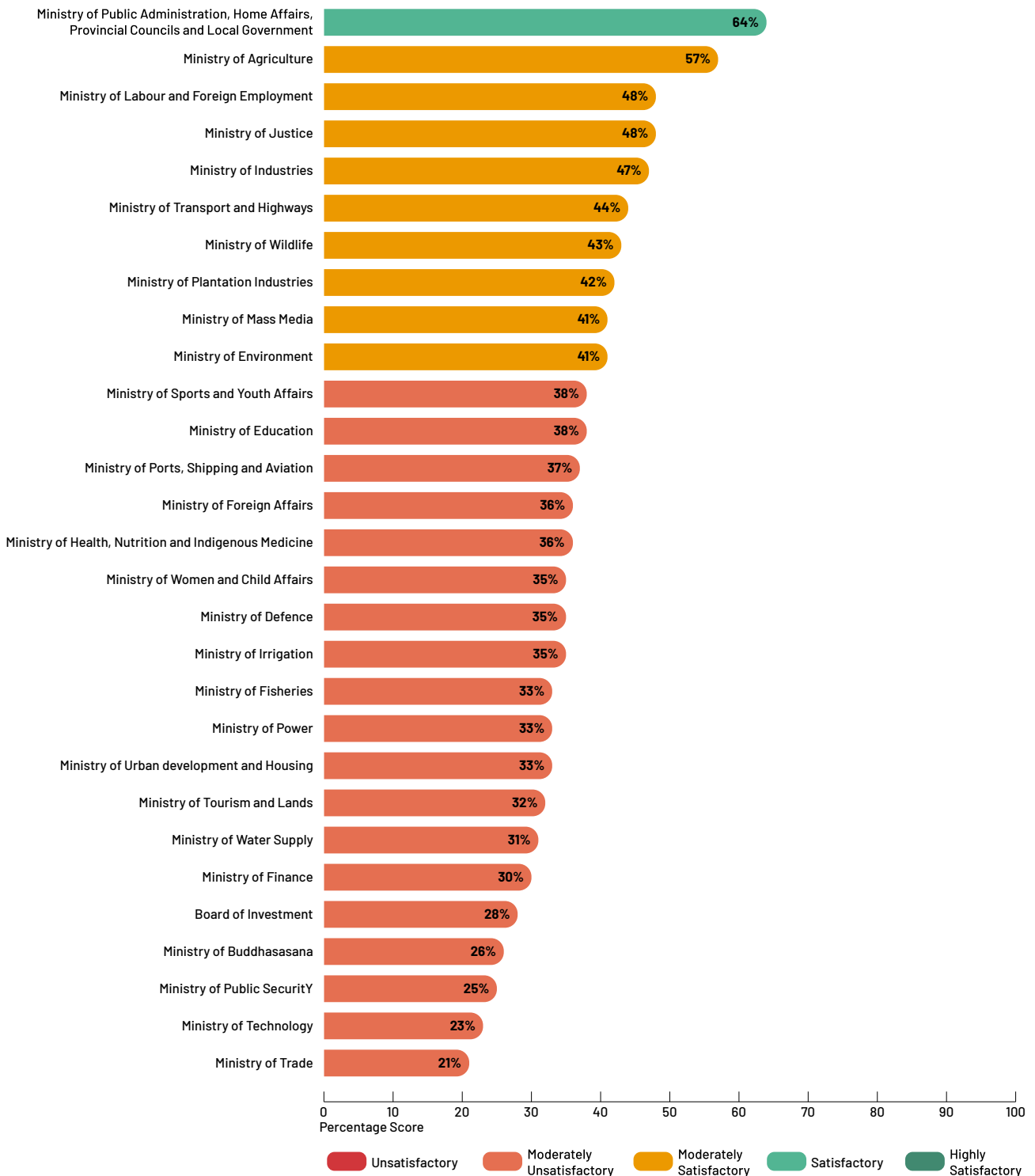
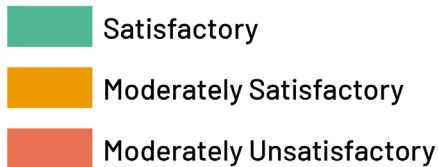
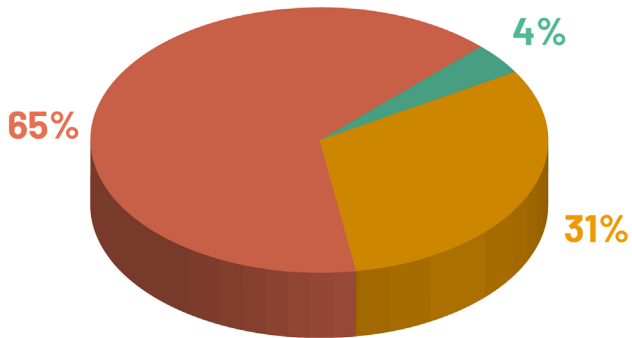


Exhibit 10 shows that the majority of public authorities scored in the 'moderately unsatisfactory' band in 2022.

**Exhibit 10: Section 8 and Section 9 (2022)**



**Exhibit 11: Section 8 and Section 9 (2017)**

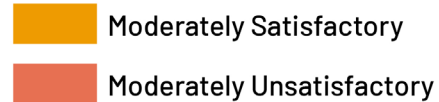
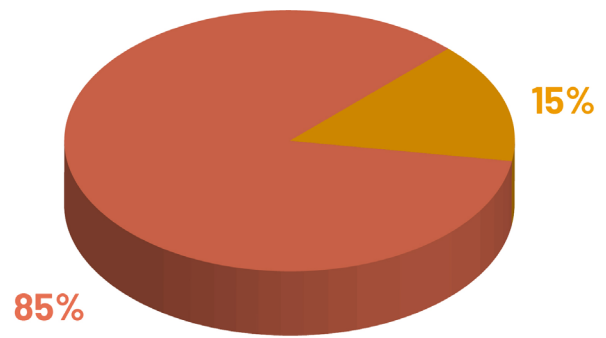


Exhibit 11 shows that in 2017 the majority of public authorities also scored in the 'moderately unsatisfactory' band. A comparison of Exhibit 10 and Exhibit 11 reveals that there has been some improvement in the proactive disclosure of statutory obligations with public authorities moving out of the 'moderately unsatisfactory' band and into the 'moderately satisfactory' and 'satisfactory' bands. As seen from section 3.1 and 3.2, this improvement can mainly be attributed to overall improvements in content disclosure under section 8 rather than section 9 of the RTI Act.

## 3.4. Information Disclosure Under Regulation No. 20 Under the RTI Act

Regulation No. 20 provides for the following subcategories of information disclosure:

1. Organisational structure
2. Names and contact information of executive grade public officials
3. Disaggregated payment information pertaining to remunerations, emoluments, allowances of executive grade public officials
4. Internal rules, regulation and instructions
5. Project and activity reports
6. Strategic plan
7. Circulars and regulations
8. Legislation
9. Policy memoranda and draft legislation
10. Details regarding public meetings and consultations
11. Publication of tenders
12. Successful awards and publication of awards
13. Information index
14. RTI requesting procedures
15. Mandate
16. Functions and powers
17. Decision-making procedures
18. Description of services offered to the public
19. Accessing public services
20. Projected budget for 2023
21. Disbursements in 2021
22. Information officer's and designated officer's contact information
23. Fee schedule
24. Minister's report as per section 8 of the RTI Act
25. Publication of information supplied under RTI

Exhibit 12 ranks the proactive disclosure of public authorities under these 25 subcategories of information. As public authorities are not required to disclose information in the 'official languages'<sup>27</sup> by Regulation No. 20, public authorities are ranked according to content disclosure only.

**Exhibit 12: Regulation 20 (Content)**

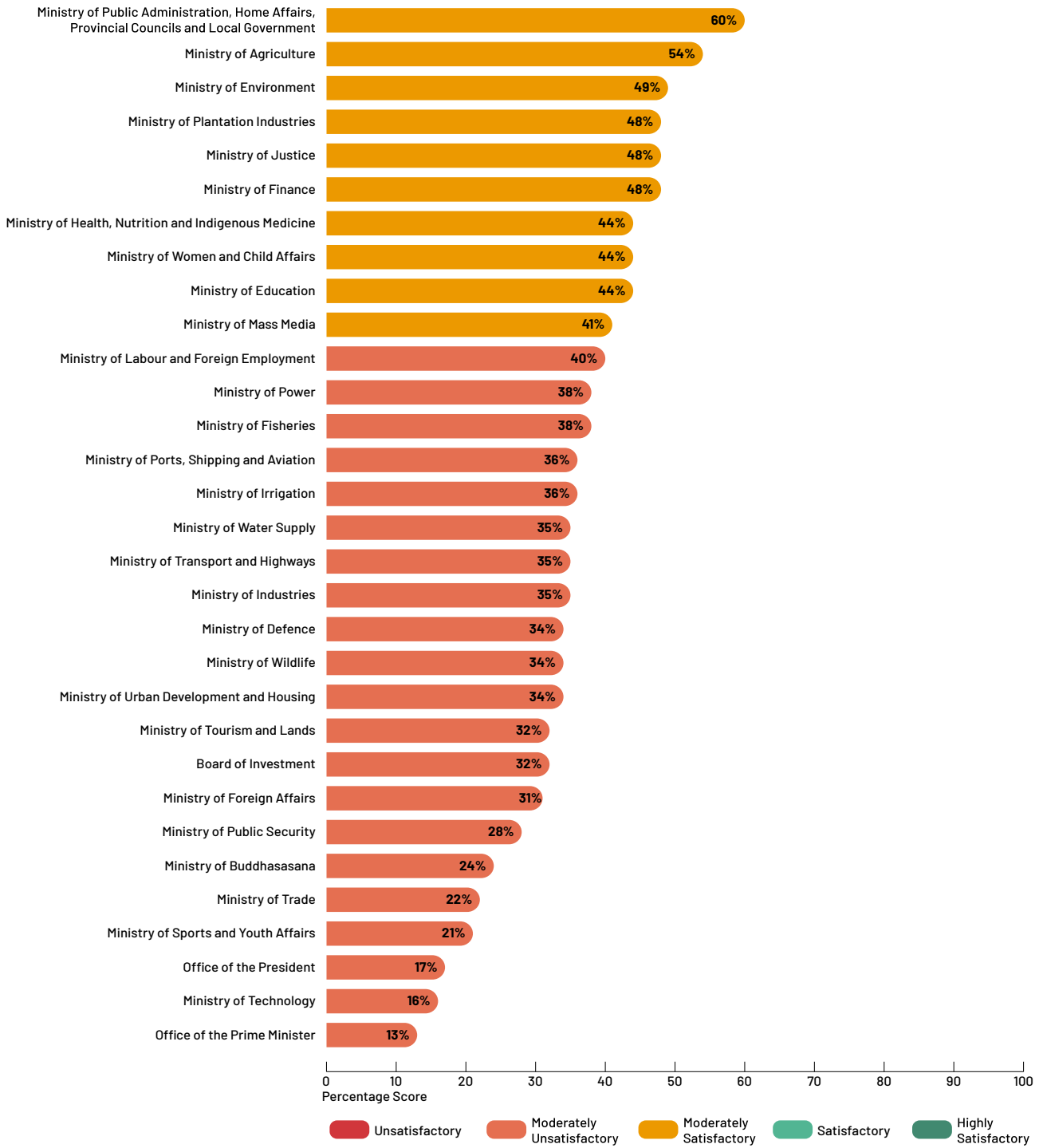
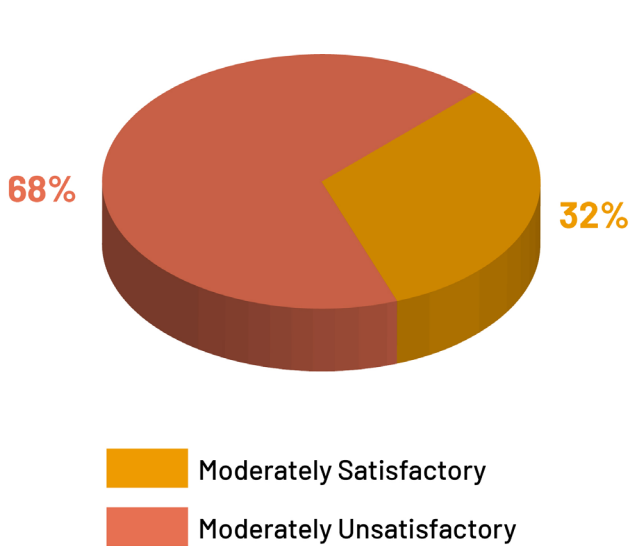


Exhibit 13 illustrates that a majority of public authorities (21 out of 31 public authorities) received a 'moderately unsatisfactory' score.

**Exhibit 13: Adherence to Regulation 20 (2022)**



**Exhibit 14: Adherence to Regulation 20 (2017)**

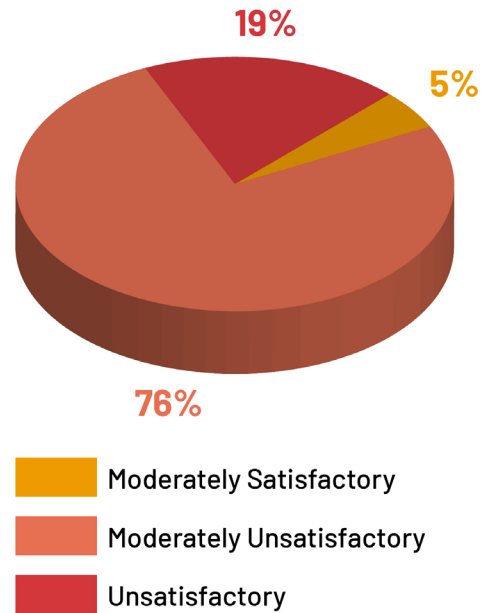


Exhibit 14 illustrates that in 2017 the majority of public authorities scored in the 'moderately unsatisfactory' band. A few public authorities received an 'unsatisfactory' score. Therefore, a comparison of Exhibit 13 and Exhibit 14 reveals that information disclosure under Regulation No. 20 has improved since 2017, with public authorities moving from the 'moderately unsatisfactory' band to the 'moderately satisfactory' band. The comparison also reveals that in 2022 no public authorities have disclosed content that has been scored as 'unsatisfactory'.

## 3.5. Overall Information Disclosure

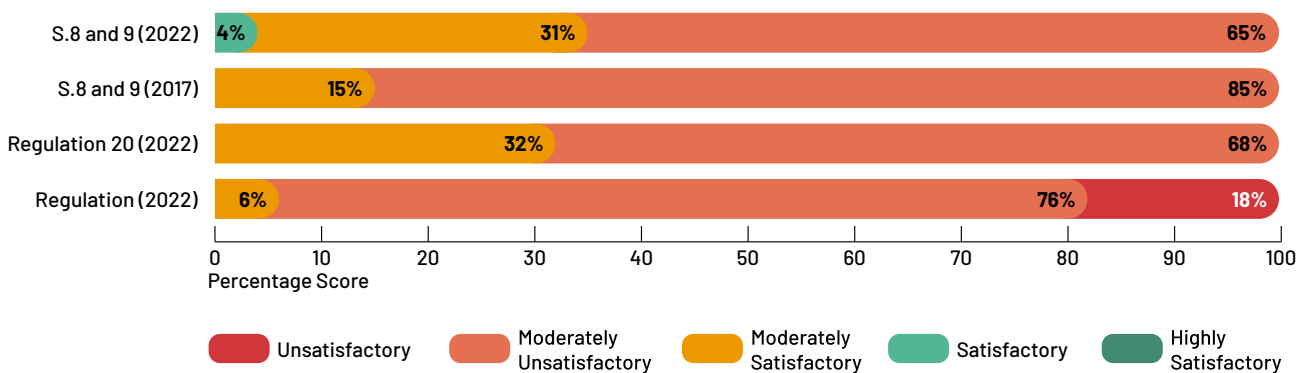
[Annex 2](#) presents the overall compliance with obligations under section 8 and 9 of the RTI Act and Regulation No. 20 in 2017 and in 2022.

Exhibit 15 presents the percentage scores for adherence to Section 8 and 9 in comparison to Regulation 20 for 2017 and 2022 in the form of a bar chart. This exhibit illustrates the following:

1. In 2017, there was relatively more information published in compliance with sections 8 and 9 of the RTI Act compared to information disclosure under Regulation No. 20. Exhibits 5 and 7 above reveal that between section 8 and 9 of the RTI Act, more information was published in compliance with section 8 than with section 9 in 2017.
2. There has been improvement in content disclosure under Regulation 20, as there are no public authorities falling within the 'unsatisfactory' band in 2022. More public authorities have disclosed 'moderately satisfactory' information under Regulation 20 than Section 8 and 9.

However, overall information disclosure under Section 8 and 9 was slightly higher than information disclosure under Regulation 20.

**Exhibit 15: Adherence to S.8 and S.9 vs Regulation 20 in 2017 and 2022**



## 4 Overview of Public Authority Information Disclosure

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### Ministry of Agriculture, and the Ministry of Public Administration

had the highest overall composite scores

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### Office of the President, the Ministry of Technology, and Office of the Prime Minister

had the lowest overall composite scores

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This study monitored the websites of 29 cabinet ministries, the Office of the President and the Office of the Prime Minister. A total of 31 public authorities were assessed. Only the Ministry of Investment Promotion did not have a website during the monitoring period as noted in section 2.5.

In terms of content and usability overall, 25 public authorities scored in the 'moderately unsatisfactory' band (11%-40%) and only 6 public authorities scored in the 'moderately satisfactory' band (41%-60%).

In 2017, 89% of public authorities received a 'moderately unsatisfactory' score and three public authorities received an 'unsatisfactory' score. Therefore, there has been a slight improvement in content and usability overall, with the 'moderately unsatisfactory' band decreasing by 8 percentage points and public authorities moving into the 'moderately satisfactory' band.

The public authorities with the **highest overall composite scores were**: the Ministry of Agriculture with a score of 57% and the Ministry of Public Administration with a score of 53%. The Ministry of Agriculture and the Ministry of Public Administration fell within the 'moderately satisfactory' band, as did the Ministry of Justice (44%), the Ministry of Health (43%) and the Ministry of Environment (42%).

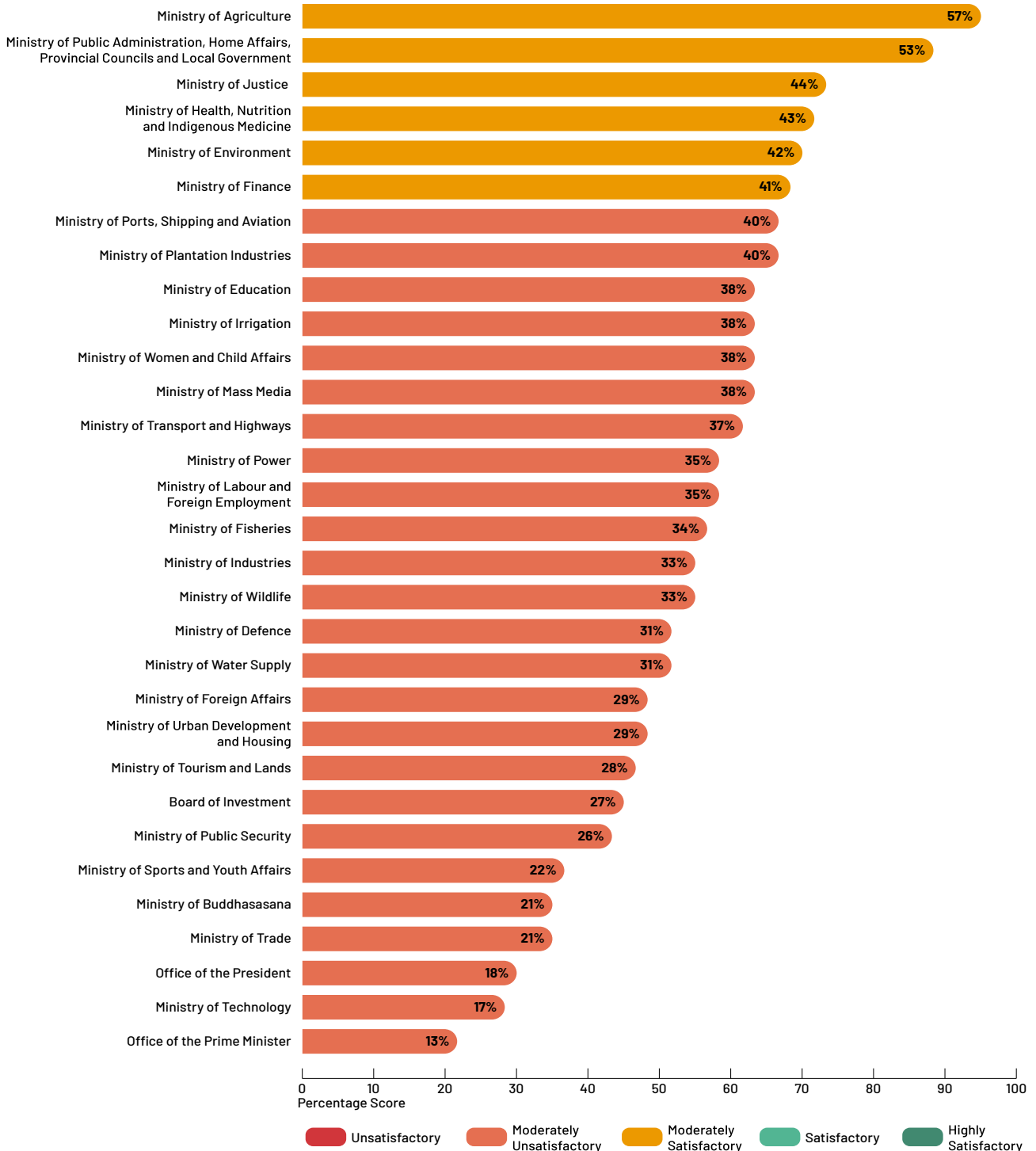
The public authorities with the **lowest overall composite scores were**: the Office of the President with a score of 18%, the Ministry of Technology with a score of 17% and the Office of the Prime Minister with a score of 13%. All three public authorities fell within the 'moderately unsatisfactory' band.

Exhibit 16 presents the overall composite scores for all 31 public authorities. The scores represent a weighted combination of scores from content disclosure (75%) and usability (25%).

In terms of content disclosure, the public authorities with the highest content disclosure scores were: the Ministry of Agriculture (57%), the Ministry of Public Administration (51%) and the Ministry of Environment (42%). The public authorities with the lowest content

disclosure scores were: the Office of the President (17%), the Ministry of Technology (15%), and the Office of the Prime Minister (13%).

### Exhibit 16: Composite Scores



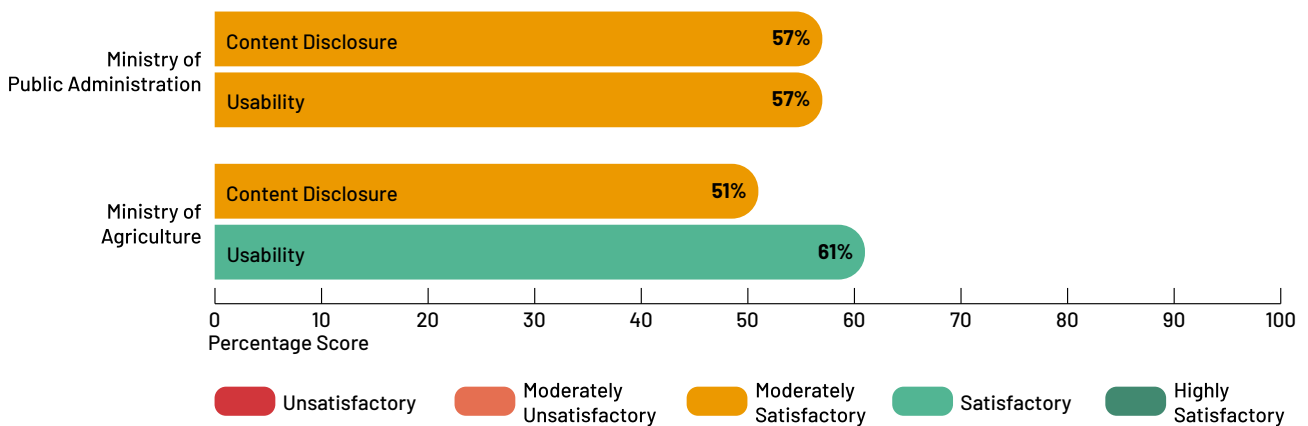
Across all 11 categories the most up-to-date and complete information was disclosed in the following categories: *Budgets, Expenditure and Finances* (category score of 82%), *Institutional Information* (category score of 48%) and *Organisational Information* (category score of 45%).

Across all 11 categories, the least amount of information disclosed was in the following categories: *Prior Disclosure of Public Investments under Section 9 of the RTI Act* (category score of 15%), *Prior Disclosure of Information* (category score of 6%), and *Public Participation* (category score of 1%).

Notably, *Prior Disclosure of Information*, which requires public authorities to proactively disclose information that has been requested from them in previous RTI requests, is a category directly linked to the right to information. Proactive disclosure under this category is particularly important because it can make the RTI process more efficient. Proactively disclosing information that has been given in response to previous RTI requests can potentially: (1) avoid the need for citizens to submit RTIs if the information they are looking for is already published online, and (2) reduce the burden on public authorities to answer the same request for information multiple times.<sup>28</sup> However *Prior Disclosure of Information* is one of the lowest scoring categories and thus, there is an 'unsatisfactory' level of RTI-related information being proactively disclosed.

In terms of usability, the public authorities with the highest usability scores were: the Ministry of Public Administration (61%) and the Ministry of Agriculture (57%). Exhibit 17 illustrates that the Ministry of Agriculture received the same score for content disclosure and usability. This indicates that the Ministry of Agriculture prioritises information disclosure and usability equally. Exhibit 17 reveals that the usability score of the Ministry of Public Administration was higher than its content score. The higher usability score indicates that the information disclosed by the Ministry of Public Administration =was generally more usable than complete.

**Exhibit 17: Content Score vs Usability (Ministry of Public Administration and Ministry of Agriculture)**



The public authorities with the lowest usability scores were: the Ministry of Technology (22%), the Office of the President (21%), and the Office of the Prime Minister (12%). Notably, even the lowest scoring public authorities had higher usability scores than content disclosure scores. The Office of the President proactively disclosed information under 6 subcategories and scored full points for content disclosure for only 2 subcategories. However, the Office of the President scored full points for usability for 4 subcategories.

# 5 General Trends on Content Disclosure

This section discusses noticeable trends regarding the proactive disclosure of information by public authorities. Section 5.1 ranks public authorities with respect to their content disclosure and reveals that there has been improvement in content disclosure from 2017 to 2022. Section 5.2 and section 5.3 discuss information disclosure trends among the top-ranking public authorities and the bottom-ranking public authorities respectively. These two sections reveal that both the top-ranking and bottom-ranking public authorities scored poorly for *Prior Disclosure of Information*, *Prior Disclosure of Public Investments under Section 9 of the RTI Act* and *Public Participation*. Section 5.4 identifies that for scoring each of the 31 public authorities, information could not be located on the primary website and therefore content was scored using alternative government websites.

## 5.1. Ranking Content Disclosure

Content disclosure was monitored in English, Sinhala and Tamil. Public authorities were awarded the highest possible points for disclosing up-to-date and complete information, regardless of the language the information was disclosed in. Therefore, the assessment of content disclosure was language neutral.

Exhibit 18 presents the content disclosure percentage scores of each public authority together with their corresponding band. The Ministry of Agriculture, the Ministry of Public Administration and the Ministry of Environment received scores within the 'moderately satisfactory' band.



**Exhibit 18: Content Disclosure**

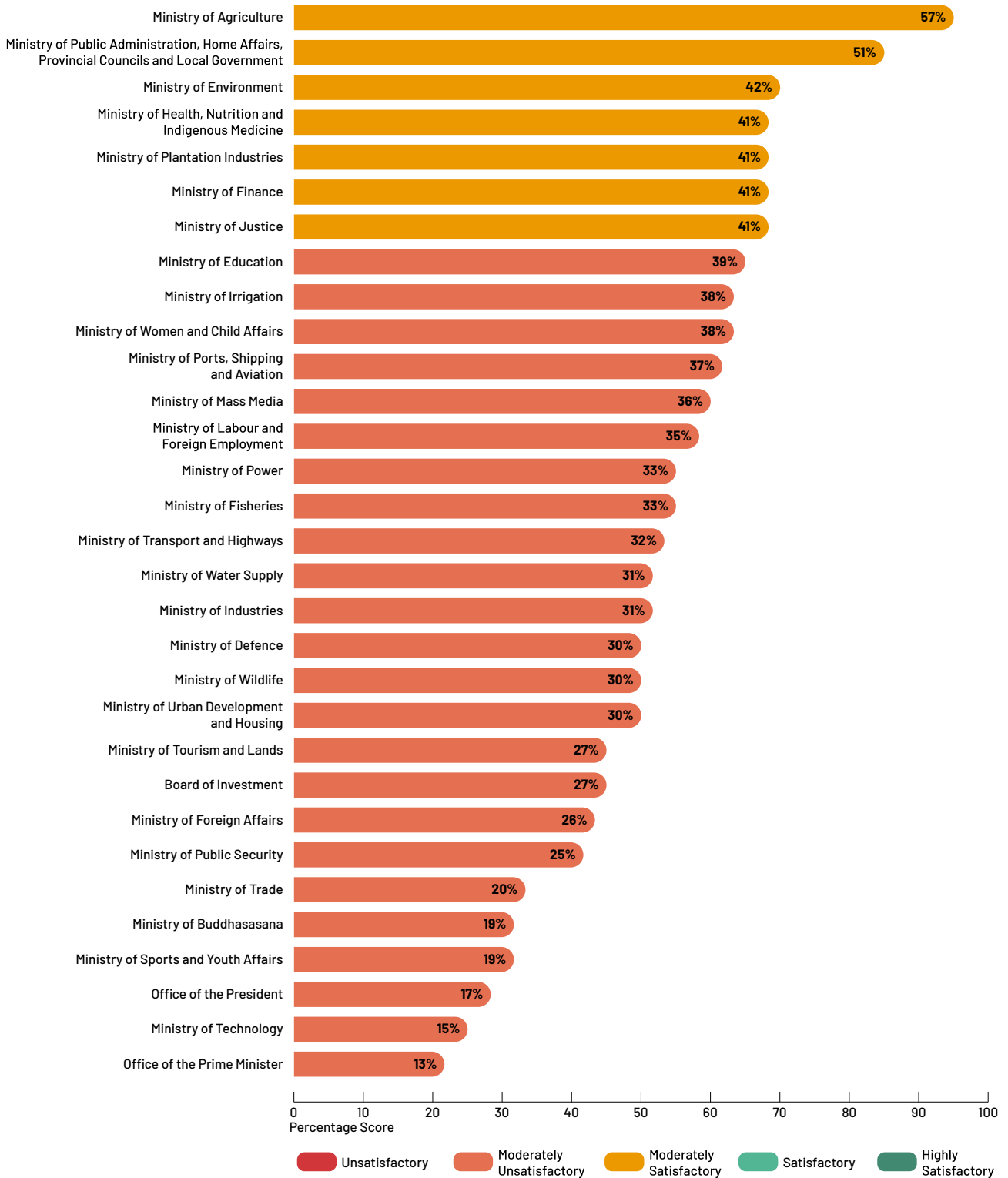


Exhibit 19 shows that the majority of public authorities (24 out of 31 public authorities) scored within the 'moderately unsatisfactory' band and only three public authorities scored within the 'moderately satisfactory' band.

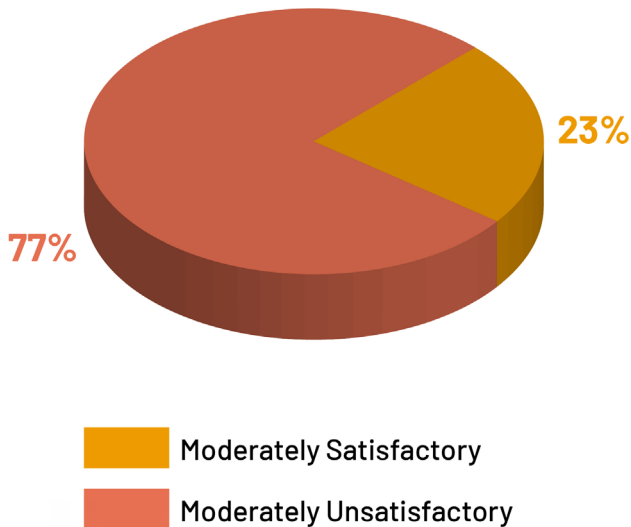
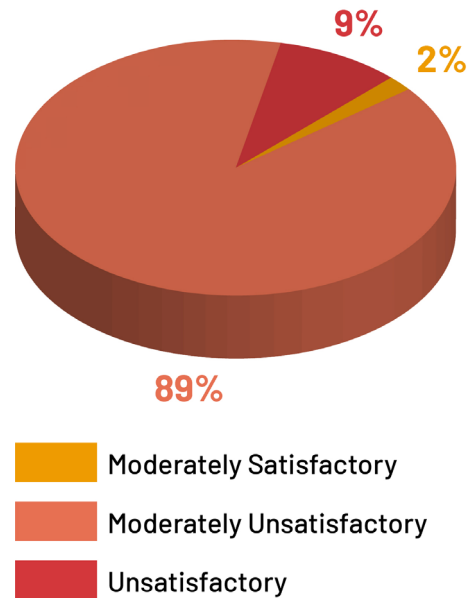
**Exhibit 19: Content Disclosure (2022)****Exhibit 20: Content Disclosure (2017)**

Exhibit 20 reveals that in 2017, the majority of public authorities fell within the 'moderately unsatisfactory' band and only the Ministry of Health fell within the 'moderately satisfactory' band. 9% of public authorities fell within the 'unsatisfactory' band.

A comparison of Exhibit 19 and Exhibit 20 reveals that content disclosure has generally improved in 2022, with no public authorities falling within the 'unsatisfactory' band and seven public authorities moving into the 'moderately satisfactory' band. However, the majority of public authorities (24 out of 31 public authorities) remain in the 'moderately unsatisfactory' band.

## 5.2. Content Disclosure Trends: Top-Ranking Public Authority Websites

The three public authorities that scored the highest for content disclosure were: the Ministry of Agriculture (overall content disclosure score of 57%), the Ministry of Public Administration (overall content disclosure score of 51%) and the Ministry of Environment (overall content disclosure score of 42%).

Exhibit 21 below provides the individual category scores for each of the ten top-ranking public authorities, including the three highest scoring authorities mentioned above.<sup>1</sup>

<sup>1</sup> Multiple public authorities are present in the top 10 rankings because if two or more of public authorities achieved the same score, they were assigned an equal rank. For instance, both the Ministry of Irrigation and the Ministry of Women and Child Affairs attained a score of 38%, resulting in a shared ranking of #6.

## Exhibit 21: Content Disclosure of the Top Ten Ranking Ministries

Ranking	#1	#2	#3	#4			#5	#6		#7	#8	#9	#10		
Category	Ministry of Agriculture	Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government	Ministry of Environment	Ministry of Health, Nutrition and Indigenous Medicine	Ministry of Plantation Industries	Ministry of Finance	Ministry of Justice	Ministry of Education	Ministry of Irrigation	Ministry of Women and Child Affairs	Ministry of Ports, Shipping and Aviation	Ministry of Mass Media	Ministry of Labour and Foreign Employment	Ministry of Power and Energy	Ministry of Fisheries
Institutional Mandate (out of 6)	6	3	3	6	3	2	3	6	3	4	3	3	2	3	3
Organisational Information (out of 10)	7	10	6	5	4	5	5	6	5	5	5	6	5	5	6
Operational Information and Decision-Making Processes (out of 14)	11	6	5	8	6	7	4	3	3	4	8	6	0	4	7
Public Services (out of 8)	0	8	4	0	8	0	6	4	0	1	0	2	8	0	0
Public Policy, Legislation and Regulation (out of 12)	8	8	10	9	4	9	8	7	2	8	3	3	8	5	4
Public Participation (out of 3)	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Public Procurement and Subsidies (out of 7)	4	0	4	1	4	7	4	3	6	4	4	4	1	4	4
Budgets, Expenditure and Finances (out of 6)	5	5	5	3	5	5	5	5	5	5	5	5	5	5	4
Categorisation of, and Systems for, Accessing Information (out of 15)	5	11	5	5	7	6	5	3	7	6	1	6	5	4	4
Prior Disclosures of Information (out of 4)	0	0	0	0	0	0	1	0	0	0	2	0	0	1	0
Prior Disclosures of Public Investments Under Section 9 of the RTI Act (out of 19)	13	2	2	6	2	2	2	4	9	2	7	2	2	2	2
Total Points	59	53	44	43	43	43	43	41	40	39	38	37	36	34	34
<b>Total Percentage Score</b>	<b>57</b>	<b>51</b>	<b>42</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>41</b>	<b>39</b>	<b>38</b>	<b>38</b>	<b>37</b>	<b>36</b>	<b>35</b>	<b>33</b>	<b>33</b>

In 2017, the Ministry of Health held 1<sup>st</sup> place in the ten top-ranking public authorities. In 2022, the Ministry of Health moved down to 4<sup>th</sup> place and the Ministry of Agriculture held 1<sup>st</sup> place in the ten top-ranking public authorities. The Ministry of Finance held 4<sup>th</sup> place in 2017 but moved further down to 6<sup>th</sup> place in 2022. The Ministry of Public Administration moved from 5<sup>th</sup> place in 2017 to 2<sup>nd</sup> place in 2022.

Exhibit 21 reveals that several of the ten-top ranking public authorities scored high in some categories such as:

1. Budgets, Expenditure and Finances,
2. Public Procurement and Subsidies, and
3. Public Policy, Legislation and Regulation.

However, the ten top-ranking public authorities were inconsistent in their content disclosure across all of the categories, as these high-ranking public authorities also scored very poorly for:

1. Prior Disclosures of Information,
2. Public Participation and
3. Prior Disclosures of Public Investments Under Section 9 of the RTI Act.

Exhibit 23 below identifies these three categories as the lowest scoring categories overall. Therefore Exhibit 21 and Exhibit 23 demonstrate that public authorities have a general aversion to prior disclosure, even in the case of the ten top-ranking public authorities.

The Ministry of Justice was the only public authority in the ten top-ranking authorities to score any points for *Prior Disclosure of Information*. The latest annual report for the Ministry of Justice mentioned the number of information requests received, the number of requests answered and the number of appeals made.<sup>29</sup> This information disclosure only scored 1 point out of a possible 4 points due to the fact that the information requested and the information provided were not disclosed in the list.

The individual category scores in Exhibit 21 reveal that the Ministry of Agriculture scored 13 out of a possible 19 points for *Prior Disclosures of Public Investments under Section 9 of the RTI Act*. The Ministry of Agriculture's score was the highest out of all 31 public authorities for this category. The Ministry of Agriculture disclosed information under this category in two ways:

1. the 'Projects' page on the website listed out several projects and provided the objectives, benefits, components, budget information and frameworks for these projects; and
2. a separate website (linked to the main website of the ministry) provided detailed project information for the Agriculture Sector Modernisation Project.

Out of the 31 public authorities, only the Ministry of Power scored points for *Public Participation*. The ministry scored 1 point out of a possible 3 points, as the ministry had published an invitation for public comment on the 'Draft Renewable Energy Resource Development Plan 2021-2026'. The notice invited the public to visit the ministry to look at the plan and submit feedback. Only 1 point was awarded as there was no information of past meetings held by the ministry.

### 5.3. Content Disclosure Trends: Bottom-Ranking Public Authority Websites

The three public authorities that scored the lowest for content disclosure were the Office of the President (overall content disclosure score of 17%), the Ministry of Technology (overall content disclosure score of 15%) and the Office of the Prime Minister (overall content disclosure score of 13%).

**Exhibit 22: Content Disclosure of the Bottom-Ranking Ministries\***

Ranking	#1	#2	#3			#4	#5	#6	#7	#8	#9			#10	
			Office of the Prime Minister	Ministry of Technology	Office of the President						Ministry of Sports and Youth Affairs	Ministry of Buddhasasana	Ministry of Trade	Ministry of Public Security	Ministry of Foreign Affairs
Institutional Mandate (out of 6)	0	1	1	2	2	1	3	1	2	5	4	3	2	2	5
Organisational Information (out of 10)	0	1	0	1	5	1	5	5	1	5	6	5	6	3	6
Operational Information and Decision-Making Processes (out of 14)	0	0	0	2	1	2	3	3	5	1	5	0	1	3	5
Public Services (out of 8)	0	1	0	4	0	0	0	2	6	0	0	3	2	2	0
Public Policy, Legislation and Regulation (out of 12)	1	6	3	3	3	6	3	3	4	5	4	7	2	5	4
Public Participation (out of 3)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Procurement and Subsidies (out of 7)	2	0	0	1	0	0	2	0	3	4	0	2	4	4	0
Budgets, Expenditure and Finances (out of 6)	5	5	5	5	5	5	5	5	N/A	5	5	5	5	5	5
Categorisation of, and Systems for, Accessing Information (out of 15)	2	0	4	0	4	4	3	7	4	2	4	4	6	6	5
Prior Disclosures of Information (out of 4)	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0
Prior Disclosures of Public Investments Under Section 9 of the RTI Act (out of 19)	N/A	2	N/A	2	0	2	2	1	1	1	2	2	2	2	2
<b>Total Points</b>	10	16	13	20	20	21	26	27	26	28	31	31	31	32	32
<b>Total Percentage Score</b>	13	15	17	19	19	20	25	26	27	27	30	30	30	31	31

Exhibit 22 above provides the individual category scores for each of the ten bottom-ranking public authorities, with the public authority with the lowest content disclosure score being ranked #1.<sup>2</sup>

In 2017, the Office of the President (overall content disclosure score of 10%) and the Ministry of Buddhasasana (overall content disclosure score of 17%) were in the ten bottom-ranking authorities. In 2022, both public authorities remain in the bottom four. The Ministry of Ports and Shipping was also in the ten bottom-ranking authorities in 2017, but in 2022 the Ministry of Ports ranked 11<sup>th</sup> out of all public authorities for content disclosure.

A comparison of Exhibit 21 and Exhibit 22 reveals that:

1. Prior Disclosure of Information,
2. Prior Disclosure of Public Investments under Section 9 of the RTI Act and
3. Public Participation are the lowest-scoring categories for both the ten bottom-ranking authorities as well as for the ten top-ranking authorities.

Except for the Ministry of Urban Development and the Ministry of Defence in 2022, all ten bottom-ranking ministries scored 0 for Prior Disclosure of Information in 2017 and in 2022.

The bottom-ranking authorities also scored very poorly for proactive disclosure of information categories pertaining to public engagement with ministerial functions i.e. Public Services and Public Participation. Several ministries did not disclose any information under these categories. All ten bottom-ranking public authorities scored 0 for Public Participation.

In terms of Public Participation, while the Ministry of Foreign Affairs published news articles of diplomatic briefings held by the Minister for Colombo-based Ambassadors and High Commissioners, there was no information about meetings that the Ministry held that were open to the public. Similar observations were recorded for the Ministry of Trade, Ministry of Buddhasasana and the Ministry of Public Security.

For Public Services, several ministries did not publish any information on services provided. The Ministry of Technology only provided undated information on how to obtain visa recommendations from the Ministry for telecommunications-related job opportunities. The Ministry of Foreign Affairs notably had information on services such as document attestation and repatriation, however this information was not dated. As the information provided by the Ministries of Technology and Foreign Affairs was not dated, both ministries only scored a maximum of 1 point for each subcategory under Public Services.

## 5.4. Content Disclosure Trends: Location of Information

Information that could not be located on the primary websites of public authorities but could be located on other government websites was assessed. There were three government websites used in this regard: (1) the Department of Government Printing, (2) the Ministry of Finance, and (3) the Department of Project Management and Monitoring.

The **Department of Government Printing** contains 'Acts' and 'Bills' which were used to score ministries for the categories of *Legislation*. The *Legislation* that each ministry is tasked with implementing were ascertained by Extraordinary Gazette, No. 2281/41 issued on 27 May 2022 and Extraordinary Gazette No.

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<sup>2</sup> Multiple public authorities are present in the bottom 10 rankings because if two or more public authorities achieved the same score, they were assigned an equal rank. For instance, both the Ministry of Industries and the Ministry of Water Supply attained a score of 31%, resulting in a shared ranking of #10.

2289/43 dated 22 July 2022.<sup>30</sup> The Gazettes list out the duties and functions of each ministry and the laws and ordinances to be implemented by each ministry.

The Ministry of Education did not have any legislation that the ministry is tasked with publishing on its website. However, the Department of Government Printing had 11 of the 31 Acts and Ordinances listed in the Gazette. The Ministry of Education scored 2 points accordingly for disclosure of more than 25% of legislation, although these Acts were not available on the ministry's website. However, the Ministry of Education scored 0 points for ease of access for this category as the information was accessed from the website of the Department of Government Printing. A particular challenge with scoring ease of access on the Department of Government Printing is that the Acts are not available ministry-wise and must be searched for individually.

For the category of *Policy Memoranda and Draft Legislation*, the website of the Department of Government Printing and the **Parliament** website were searched using keywords to identify Bills published on the website. For example, a search using the keyword 'shipping' located the Licensing of Shipping Agents, Freight Forwarders, Non-Vessel Operating Common Carriers and Container Operators (Amendment) Bill presented by the Minister of Ports, Shipping and Aviation in January 2023. The Ministry of Ports was scored accordingly.

The website of the **Department of Project Management and Monitoring** (DPMM) published a report of projects that were implemented through the budget each year.<sup>31</sup> The report includes financial information relevant to projects implemented through ministries (e.g. allocated budgets, and utilised funds). Financial information relating to *Project Costs* was also available in the above report. Although these reports were generally not published on the websites of public authorities, scores were awarded for the information that was found on the DPMM website. However, points for ease of access were not awarded, given that this information was only available on an entirely separate government website.

The website of the **Ministry of Finance** published budget estimates for 2023.<sup>32</sup> The report includes a breakdown of estimated expenditure for 2023 and 2022 by ministry, along with expenditure for 2021. Therefore, although a number of ministries failed to provide information on the *Projected Budget for 2023* and *Disbursements in 2021* on their primary websites, this information could be accessed on the website of the Ministry of Finance and was accordingly assessed. For example, the Ministry of Public Administration did not have information on the *Projected Budget for 2023* available on its website. However, the Ministry of Finance's Budget Estimates for 2023 contained this information. Accordingly, 2 points were awarded for content disclosure to the Ministry of Public Administration, although no points were awarded for ease of access.

Where a ministry provided information on *Projected Budget for 2023* or *Disbursements for 2021* in their annual reports or progress reports, this was assessed. For example, the Ministry of Public Administration's Annual Performance Report for 2021 had information on *Disbursements for 2021*. However, a detailed breakdown of disbursements was not provided (i.e. while some information was provided on how funds were disbursed, a particular allocation of funds was referred to only as 'other' disbursements. Therefore only 3 points were awarded out of a possible 4 points.

Public authorities were also awarded points for disclosure if their websites provided a link that re-directed the user to another website that disclosed relevant information. For example, the Ministry of Power and Energy provided links on its 'Tenders' page to the 'Tenders' pages on the websites of Ceylon Electricity Board and Lanka Coal Company. Similarly, the Ministry of Water Supply and the Ministry of Agriculture provided links to websites for specific projects.

## 6 Information Disclosure by Category and Thematic Area

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81%

of public authorities scored 0 for Decision-Making Procedures

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61%

of public authorities scored 0 for Internal Rules, Regulations and Instructions

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55%

of public authorities scored 0 for both sub-categories

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Five years

since the RTI Act was fully operationalised in Sri Lanka, the requirement to publish Contact Information of the Information Officer and Designated Officer has still not been implemented by public authorities.

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The 11 categories of information were also scored individually by calculating the number of points scored by all public authorities for each category as a percentage of the total number of points possible for that category. For example, for the category of *Budgets, Expenditures and Finances*, the category score is calculated as follows =  $(147/186)*100$ . Exhibit 23 below provides the total category scores for each category across all 31 public authorities.

The highest scoring categories for public authorities on average were *Budgets, Expenditure and Finances*, *Institutional Information*, *Organisational Information* and *Public Policy, Legislation and Regulation*.

*Budgets, Expenditure and Finances* is the category of information most likely to be disclosed with a category score of 82%. This score is largely attributed to the fact that 94% of public authorities were scored for disclosing the *Projected Budget for 2023* based on the information available in the Budget Estimates for 2023 on the website of the Ministry of Finance and not for information provided on the individual websites of the public authorities. In addition, 58% of public authorities were scored for disclosing *Disbursements for 2021* based on the information available in the Budget Estimates for 2023 on the website of the Ministry of Finance.

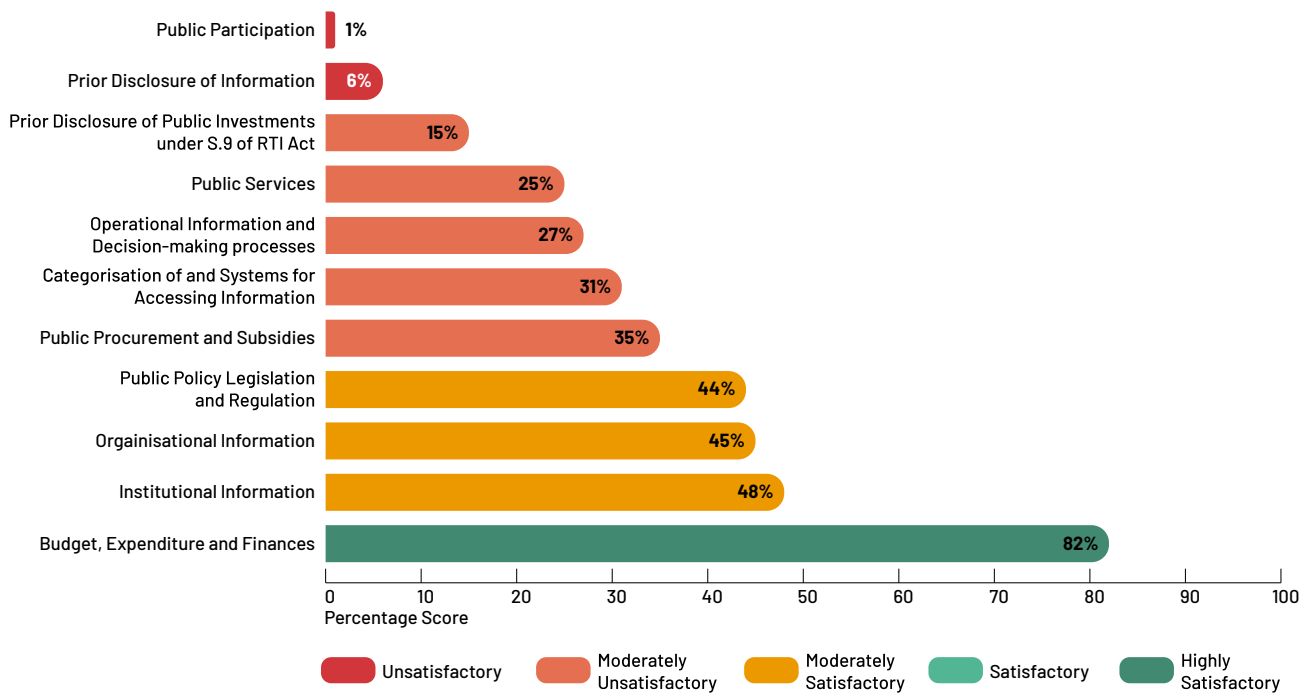
*Institutional Information* was a high scoring category with a score of 48%. The 2017 report highlighted that the failure of most public authorities to achieve maximum points was attributed to the fact that the ministries generally failed to indicate the currency or completeness of information on their websites. This trend was observed during the 2022 monitoring period as well. While information on *Mandate* was published on the website, it was generally not date-stamped. Therefore, where possible the currency of this information was confirmed using annual reports, and points were awarded for the information being up-to-date accordingly. Similarly, the currency of information provided on *Functions and Powers* was checked using the most recent Gazettes setting out the functions and powers assigned to Cabinet ministries.<sup>35</sup>

18 out of 31 public authorities received points for publishing up-to-date *Institutional Information* (2

points for *Mandate* and 2 points or more for *Functions and Powers*). Out of these 18 public authorities, 15 were scored for up-to-date information because it was possible to assess whether this information was up-to-date using annual reports or progress reports and/or the gazettes mentioned above.

While some public authorities disclosed *Institutional Information* and *Organisational Information* on their websites, there was less information on the activities of the public authority such as information related to: (a) available public services, or (b) the methods through which citizens could use and participate in government systems. The *Public Participation* category scored only 1% and the *Public Services* category scored 25%.

### Exhibit 23: Content Disclosure by Category



The following section analyses information disclosures under three thematic areas: (1) public accountability, (2) public accessibility, and (3) disclosures pertaining to the right to information.

## 6.1. Public Accountability

Proactive disclosure is vital in advancing public accountability.<sup>34</sup> In order for the public to act as an accountability mechanism and scrutinise government policy and decisions, the public must be sufficiently informed on the government's work. This section focuses on specific categories of information that enable public oversight of government operations, namely (1) financial information - the use of public funds and (2) government decision-making and regulatory information.

### 6.1.1. Financial Information

The categories that contain information on the use of public funds are: *Budgets, Expenditure and Finance*, and *Public Procurement and Subsidies*. As noted above, the public authorities' primary websites did not disclose information on *Projected Budget for 2023* that would improve financial accountability. Instead, much of the information was available on the Ministry of Finance's website. The scores for information disclosure in the *Budgets, Expenditure and Finance* and the *Public Procurement and Subsidies* categories were 82% and 35% respectively.

The sub-categories under *Budgets, Expenditure and Finance* scored as follows:

1. Projected Budget for 2023 – 100%
2. Disbursements for 2021 – 73%

The Board of Investment was assessed in place of the Ministry of Investment Promotion, however the *Projected Budget for 2023* was not disclosed on its website. The Ministry of Finance's Budget Estimates for 2023 also did not disclose this information but did disclose estimates for the Ministry of Investment Promotion. However, scoring the Board of Investment for the Ministry of Investment Promotion's Projected Budget is not in line with the methodology. In order to ensure that the Board of Investment's content score would not drop unfairly, Verité marked the Projected Budget for 2023 subcategory as not applicable to the Board of Investment.

For 29 public authorities, *Projected Budget for 2023* was scored based on published Budget Estimates for 2023.<sup>35</sup> The report included a breakdown of estimated expenditure for 2023 and 2022 by ministry, along with expenditure for 2021. Therefore, although these 29 public authorities did not provide information on the *Projected Budget for 2023* on their primary websites, this sub-category was assessed using Budget Estimates for 2023 on the website of the Ministry of Finance.

Some public authorities were scored for *Disbursements for 2021* based on information available in their annual reports or progress reports. Where information was not available in annual reports or progress reports, the Budget Estimates for 2023 were used. However, no public authority scored the maximum points available for *Disbursements for 2021*, because the breakdown of disbursements provided was not sufficiently disaggregated. On several occasions a particular allocation of funds was referred to only as 'other' disbursements. Providing a further breakdown of such 'other disbursements' is important for transparency on the use of public funds.

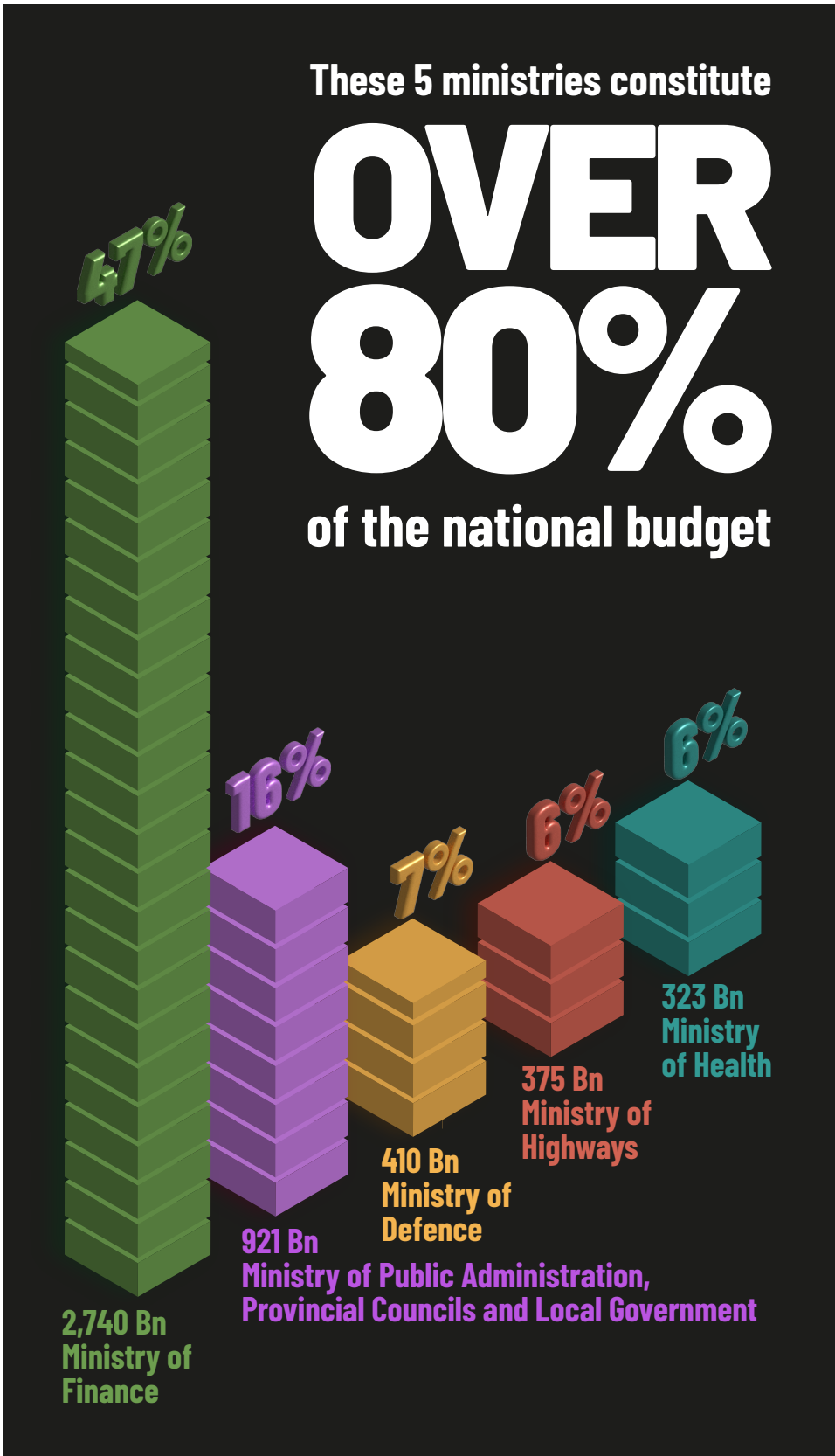
Out of the 30 public authorities that received scores for the category of *Budgets, Expenditure and Finances*, 29 public authorities were scored for the sub-categories of *Projected Budget for 2023* and/or *Disbursements for 2021* based on the 2023 Budget information available on the website of the Ministry of Finance. Notably only the Ministry of Agriculture received scores for disclosing the *Projected Budget for 2023* and *Disbursements for 2021* on its website.

26% of public authorities scored 0 for *Public Procurement and Subsidies*. The sub-categories under *Public Procurement and Subsidies* scored as follows:

1. Publication of tenders – 57%
2. Successful awards and publication of awards – 6%

42% of public authorities scored full points for *Publication of tenders*, having provided lists of downloadable, dated tender notices. However only 6% of public authorities scored full points for *Successful awards and publication of awards*. This indicates that while tender notices are published – likely in the interest of reaching a wide audience – the corresponding awards of these tenders are not publicised. The failure of the public authorities to share this information can contribute to a 'closed culture' whereby the government is observed as being reluctant to say what it is doing.<sup>36</sup>

**Exhibit 24: Where Does the Budget Go?**



**Everything else gets less than 20%**



**1,086 Bn**  
24 Ministries and 20 Special Spending Units

Based on Budget Estimates (Draft) 2023.  
The percentage of the total budget is calculated as per budget estimated excluding debt repayment.

Exhibit 24 illustrates the public authorities that received the highest proportions of the 2023 national budget:

1. the Ministry of Finance
2. the Ministry of Public Administration
3. the Ministry of Defence
4. the Ministry of Transport and Highways and
5. the Ministry of Health.

Together, these ministries account for over 80% of proposed government expenditure for 2023. Exhibit 25 below considers the scores awarded for financial information disclosure by these public authorities. Research on Sri Lanka's budget speech has highlighted that the high allocations for defence and road development and high capital expenditure allocations for education and health are problematic.<sup>37</sup> The proactive disclosure of financial information, including budgetary allocations and expenditure of these public authorities, is important to ensure transparency on: (1) in how public funds are used once allocated and (2) whether the use of public funds is aligned with the economic and social needs of the country at the time. Exhibit 25 presents the scores for financial information disclosure of the public authorities that received the highest proportions of the 2023 national budget.

**Exhibit 25: Financial Information Disclosure by Public Authorities that Received the Highest Proportion of the Budget**

Sub-category	Ministry of Finance	Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government	Ministry of Defence	Ministry of Transport and Highways	Ministry of Health
Projected budget for 2023 (out of 2)	2	2	2	2	2
Disbursements for 2022 (out of 4)	3	3	3	3	1
Publication of Tenders (out of 4)	4	0	4	1	1
Successful Awards and Publication of Awards (out of 3)	3	0	0	0	0

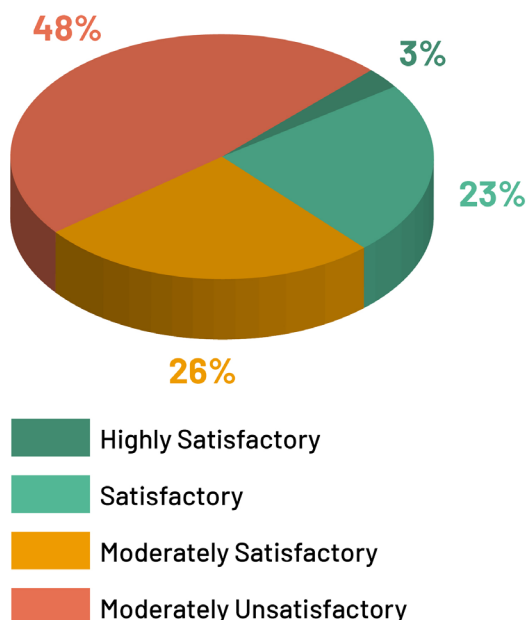
The *Projected Budgets for 2023* for these ministries were available on the Ministry of Finance website. The Ministry of Public Administration and the Ministry of Health had published details regarding *Disbursements for 2021* on their websites. However, the Ministry of Health only published an outdated report containing this information.

In 2017, the Ministry of Public Administration did not disclose information regarding the *Publication of Tenders* and this remains the same in 2022. The Ministry of Finance and the Ministry of Defence scored

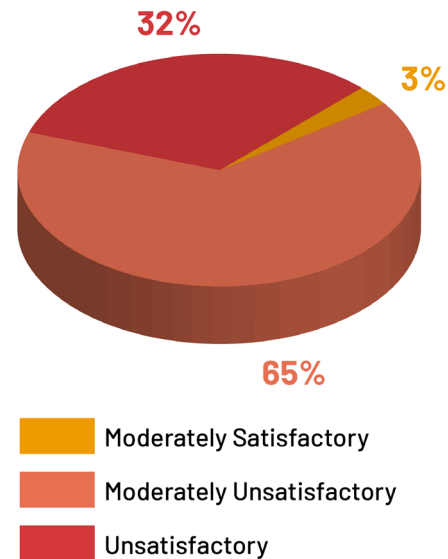
full marks for this subcategory. However, information disclosure in the subcategory *Successful Awards and Publication of Awards* was poor; only the Ministry of Finance was awarded a score.

## 6. 1. 2. Government Decision-Making and Regulatory Information

**Exhibit 26: Public Policy, Legislation and Regulations (2022)**



**Exhibit 27: Operational Information and Decision-Making Processes Content Disclosure (2022)**



Public policies are defined as “anything a government chooses to do or not to do”.<sup>38</sup> It is important that public authorities proactively disclose decision-making and regulatory information on their websites so that there is transparency in how policy decisions are being made within the public authority. Proactive disclosure of this information promotes public scrutiny of government decision-making, which promotes vertical accountability of the government to the electorate.<sup>39</sup>

The two categories that can be classified as decision-making and regulatory information are *Operational Information and Decision-Making Processes* and *Public Policy, Legislation and Regulation*. These categories scored 27% and 44% respectively.

In terms of *Operational Information and Decision-Making Processes*, public authorities generally disclosed project and activity reports, but failed to disclose information on their internal rules, regulations, decision-making processes and outcomes. This imbalance was observed in 2017 as well. This opaqueness can impede the ability of citizens to scrutinize these decision-making processes.

The highest scoring public authority for this category was the Ministry of Agriculture. The ministry published:

1. an up-to-date Agriculture Plan on its website;
2. several internal guidelines that the ministry used for its activities, for example the ministry published guidelines adopted for the distribution of fertilizer;
3. several detailed and up-to-date project reports; and
4. the procedures and schemes for promotion of recruitments within the ministry.

Overall, 81% of public authorities scored 0 for *Decision-Making Procedures* and 61% of public authorities scored 0 for *Internal Rules, Regulations and Instructions*. 55% of public authorities scored 0 for both sub-categories. These public authorities include:

1. Ministry of Education
2. Ministry of Labour
3. Ministry of Women and Child Affairs
4. Ministry of Environment
5. Ministry of Tourism and Lands
6. Ministry of Irrigation
7. Ministry of Public Security
8. Ministry of Industries
9. Ministry of Trade
10. Ministry of Buddhasasana
11. Ministry of Power
12. Ministry of Water Supply
13. Ministry of Urban Development and Housing
14. Ministry of Wildlife
15. Ministry of Technology
16. Office of the President
17. Office of the Prime Minister

As discussed in section 5.4 of this report, the *Public Policy, Legislation and Regulation* category was mostly scored based on Acts, Ordinances and Bills available on the website of the Department of Government Printing. 72% of all ministries were scored for the sub-categories of *Legislation* and/or *Policy Memoranda and Draft Legislation* based on information available on the website of the Department of Government Printing. Accessing information on the Department of Government Printing's website was challenging because Acts and Bills needed to be searched for individually using keywords. Information under this category that was disclosed on the websites of public authorities was often incomplete – public authorities generally failed to disclose all the legislation that they were tasked with implementing.

However, several public authorities published circulars and regulations on their websites. The public authorities that obtained the highest points (out of 14 points) were:

1. Ministry of Health
2. Ministry of Education
3. Ministry of Public Administration
4. Ministry of Justice
5. Ministry of Labour
6. Ministry of Women and Child Affairs
7. Ministry of Environment
8. Ministry of Agriculture

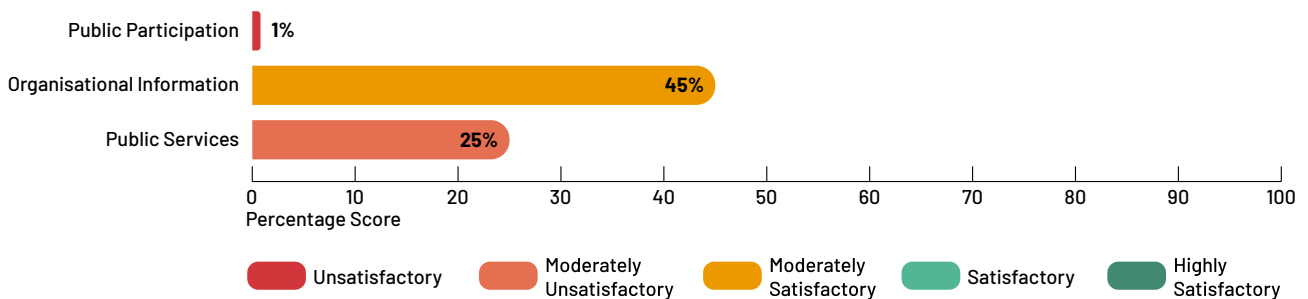
In 2017, 18% of the public authorities surveyed scored 0 for *Policy memoranda and draft legislation*. In 2022, 13% of public authorities scored 0 and 84% scored between 1 and 3 points out of a possible 4 points. Only the Ministry of Tourism scored full points for this subcategory as the ministry had published a draft Tourism Policy for 2022. The majority of public authorities scored for *Policy memoranda and draft legislation* based on draft Bills available on the website of the Department of Government Printing or the Parliament website.

While Exhibit 26 illustrates that the majority of public authorities scored over 41% for *Public Policy, Legislation and Regulation*, Exhibit 27 illustrates that the majority of public authorities scored below 41% for *Operational Information and Decision-Making Processes*. The relatively poor performance of public authorities in the *Operational Information and Decision-Making Processes* category, limits the public's ability to participate in government decision-making processes. Exhibit 26 and 27 illustrate that while public policies are proactively disclosed, the decision-making processes that have led to these policies are largely unavailable. This means that while the public can scrutinise the policies made by the government, they are unable to scrutinise the processes by which these policies may be made.

## 6.2. Public Accessibility

The categories that contain information on the use of public funds are: *Public Participation*, *Organisational Information* and *Public Services*. Information disclosure under these categories provide the process for utilising public services and engaging with public authorities. Such information enables the public to obtain timely services from government, participate in public meetings, and identify which public officers to approach when obtaining public services or information. Exhibit 28 below presents the categories relevant to promoting public accessibility and their corresponding scores.

**Exhibit 28: Public Accessibility**



Public participation is an important aspect of good governance.<sup>40</sup> Information pertaining to *Public Participation*, including details on public meetings and consultations, was limited. Only 1 public authority – the Ministry of Power – scored 1 out of a possible 3 points. The ministry had published an invitation for public comment on the 'Draft Renewable Energy Resource Development Plan 2021-2026'. While several ministries provided information on meetings between the respective Minister and other parties, no public authority provided information on meetings open to the public for attendance in the past or in the future.

Similarly, information regarding *Public Services* was lacking. The highest scoring public authorities in this category were the Ministry of Plantation Industries, the Ministry of Labour and the Ministry of Public Administration, all of which scored full points for this category. However, several public authorities did not provide information under the *Public Services* category. These public authorities included the Ministry of Power, the Ministry of Water Supply and the Ministry of Urban Development and Housing – ministries that are expected to provide day-to-day services to citizens. Some public authorities had a list of services, while others included a detailed description of what the services were together with contact information for accessing these services. For example, the Ministry of Plantation Industries provided a breakdown of services by sector, including the tea, rubber and coconut sectors. Within each

sector, services are listed with links to websites of institutions to be contacted, such as the Sri Lanka Tea Board and the Coconut Cultivation Board.

The Ministry of Foreign Affairs, the Ministry of Transport and the Ministry of Defence provided detailed lists of services and means to access these services. However, this information was not dated and so could only be awarded 1 point.

However, with regards to *Organisational Information* 94% of public authorities published some information under this category. The Ministry of Public Administration was awarded full points for this category because the ministry published:

1. its organisational structure in the latest annual report.
2. up-to-date names and contact information of its officials.
3. disaggregated salary information that was up-to-date.

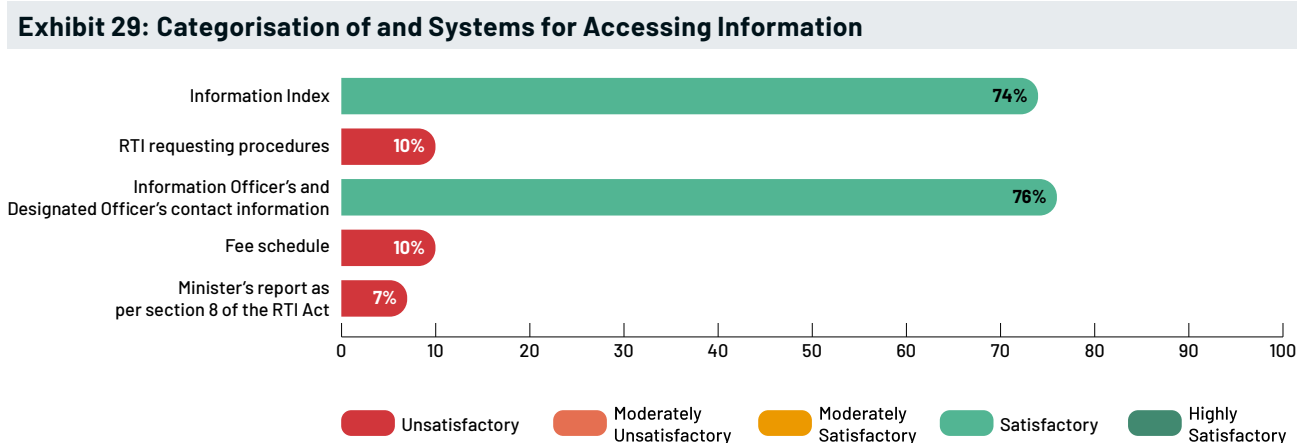
Most public authorities provided an organisational chart, and the names and contact information of executive grade public officials. However, in addition to the Ministry of Public Administration, only the Ministry of Transport and Highways and the Ministry of Agriculture scored 1 point each for disclosing some outdated salary information. The rest of the public authorities - 28 public authorities - scored 0 for this subcategory.

## 6.3. Disclosures Pertaining to the Right to Information

The right to information is guaranteed under Article 14A of the Constitution.<sup>41</sup> The three categories on information disclosure closely linked to the right to information are: *Categorisation of and Systems for Accessing Information*; *Prior Disclosures of Information* and *Prior Disclosures of Public Investments Under Section 9 of the RTI Act*. Proactive disclosure under these three categories is especially important to enable the effective exercise of the right to information by enabling citizens to:

1. submit information requests and
2. access information that public authorities are required to disclose under section 8 and 9 of the RTI Act and
3. access information that has been previously disclosed in response to RTI requests.

Exhibit 29, 31 and 33 provide the subcategory scores for these categories of information.



This category of information is essential for citizens to submit information request. Most public authorities provided an information index containing their publications. The Ministry of Education had a section of its websites labelled 'RTI Centre', however it did not function. The majority of public authorities also published the contact information of the Information Officer and Designated Officer. However, the following public authorities failed to publish contact information for both the Information Officer and the Designated Officer:

1. Ministry of Health
2. Ministry of Education
3. Ministry of Sports and Youth Affairs
4. Ministry of Public Security
5. Ministry of Technology

The following public authorities failed to publish contact information of either the Information Officer or the Designated Officer:

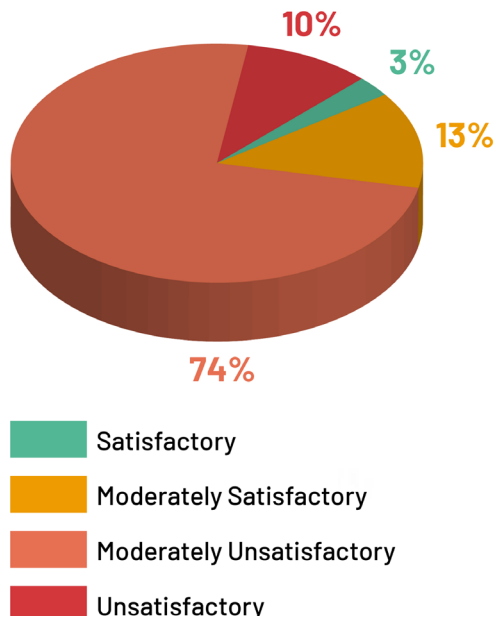
1. Ministry of Ports, Shipping and Aviation
2. Ministry of Urban Development and Housing
3. Ministry of Buddha Sasana
4. Ministry of Trade
5. Board of Investment

Five years since the RTI Act was fully operationalised in Sri Lanka, the requirement to publish *Contact Information of the Information Officer and Designated Officer* has still not been implemented by public authorities. This information is relatively simple information for public authorities to publish and the failure to publish this information means that information requests cannot be easily addressed and submitted to the relevant officer.

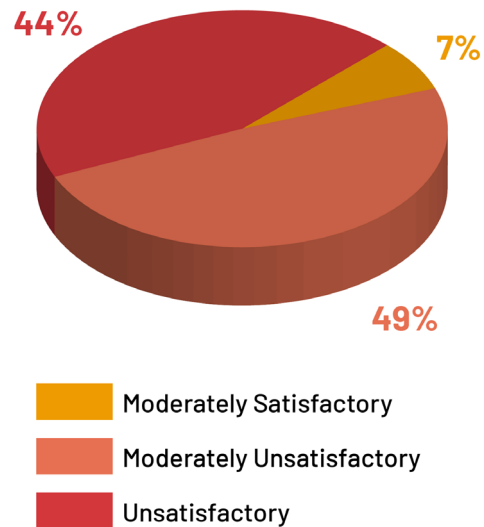
In 2017, the majority of public authorities made no mention of the RTI Act. However, in 2022, several public authorities published the RTI Act and regulations on their websites. Where regulations containing *Fee Schedules* were published on the website of public authorities, scores were awarded. Out of the 11 public authorities that published *RTI Requesting Procedures*, 10 public authorities did not provide a date stamp and so were only awarded 1 point. For example, the Ministry of Public Administration clearly outlined the process for submitting an information request, however this information was not date stamped, which means that a citizen seeking to request information would not know whether the process outlined is up-to-date.

The Ministry of Mass Media is tasked with adopting necessary measures to ensure people's right to accurate information.<sup>42</sup> In 2017, the Ministry of Mass Media scored 0 for *Prior Disclosures of Information* and *Prior Disclosures of Public Investments Under Section 9 of the RTI Act*. Notably, in 2022, the Ministry of Mass Media scored 0 for *Prior Disclosures of Information* and scored 1 point out of a possible 19 points for *Prior Disclosures of Public Investments Under Section 9 of the RTI Act*.

**Exhibit 30: Content Disclosure for Categorisation of and Systems for Accessing Information 2022**



**Exhibit 31: Content Disclosure for Categorisation of and Systems for Accessing Information 2017**



In 2017, the *Information Index* subcategory percentage score was only 18%. In 2022, the score for this subcategory increased to 74%. The majority of public authorities scored 3 out of 4 points for disclosing an *Information Index*. The *Information Index* was generally disclosed in the form of a 'Publications' page.

In 2017, the Ministry of Health scored the highest number of points (9 out of a maximum of 15 points) for *Categorisation of, and Systems for, Accessing Information*. However, in 2022, the Ministry of Health scored only 5 points and notably did not publish the contact information of the Information Officer and Designated Officer.

Exhibit 30 and Exhibit 31 present the scores for *Categorisation of and Systems for Accessing Information* in terms of how public authorities scored in 2022 and 2017 respectively.

In 2017, 44% of public authorities fell within the 'unsatisfactory' band for this category. In 2022, the size of the 'unsatisfactory' segment significantly reduced. While the majority of public authorities scored within the 'moderately unsatisfactory' band in 2022, 16% of public authorities scored within the 'satisfactory' and 'moderately satisfactory' bands.

Only the Ministry of Public Administration scored within the 'satisfactory' band. The Ministry of Public Administration's score for this category can be attributed to the following, the ministry:

1. scored full points for publishing the Minister's report as per section 8 of the RTI Act – the report has been published biannually from 2017 to 2021 and is available in all three languages,
2. scored full points for providing an index of information on the homepage itself clearly setting out the various categories of information available,
3. the Ministry scored full points for publishing contact information for the Information Officer and the Designated Officer; and
4. provided clear instructions and information on how to submit an information request and a fee schedule, however both these notices were undated.

In 2017, no public authority published a Minister's Report as per Section 8 of the RTI Act. In 2022, the Ministry of Health, Ministry of Finance, Ministry of Women and Child Affairs and the Ministry of Irrigation

had published reports but they were outdated. The Ministry of Public Administration published several reports from 2017 onwards, including the Minister's report for 2021 in all three languages and so full points were awarded.

### Exhibit 32: Prior Disclosures of Information

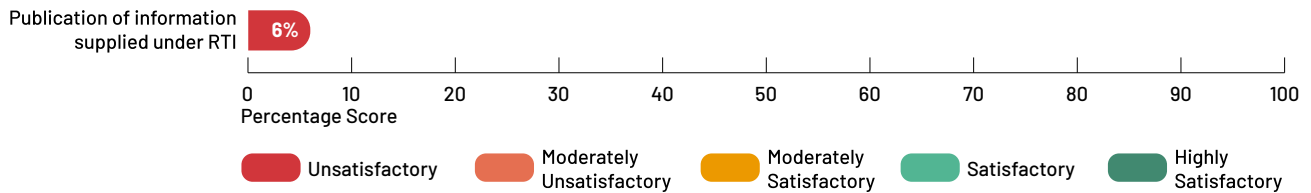


Exhibit 32 presents the percentage score for the proactive disclosure of information that was previously requested via information requests under the RTI Act. Proactively disclosing this information would also reduce the volume of information requests in the future. It also reduces the administrative burden on information officers to process these requests. However, Exhibit 32 reveals that the scoring for this subcategory was generally poor, with only six public authorities being awarded a score other than 0 for this category.

Five public authorities were scored 1 point each for, at a minimum, disclosing the number of information requests received and answered. The Ministry of Ports was awarded 2 points for disclosing the dates of five information requests, a summary of the information requested, the name of the party requesting the information and the date the request was answered. However, the ministry did not disclose the information that was provided in response to the requests.

### Exhibit 33: Prior Disclosures of Public Investments Under Section 9 of the RTI Act

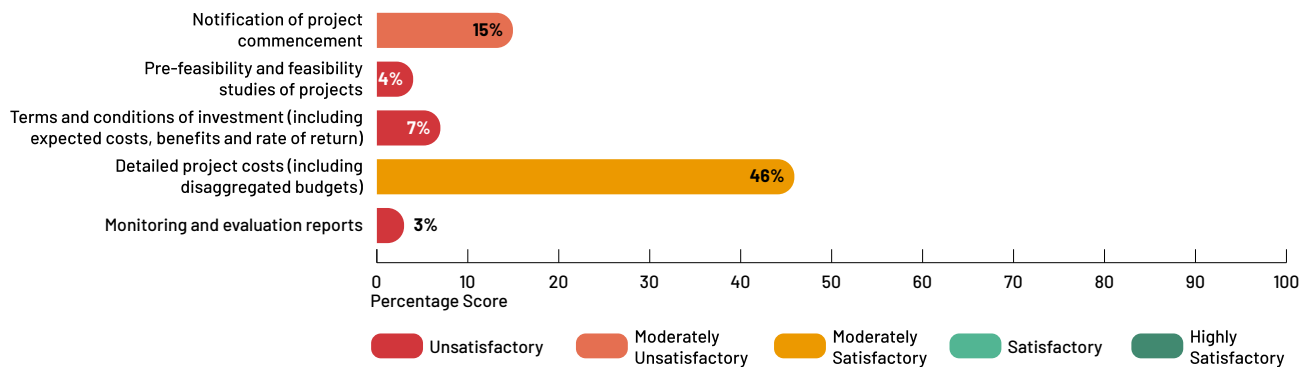


Exhibit 33 presents the total percentage score for each of the subcategories under *Prior Disclosures of Public Investments under Section 9 of the RTI Act*. Only the Ministries of Agriculture and Irrigation scored any points for *Monitoring and Evaluation Reports*. Both ministries published outdated reports from 2018. Several public authorities were awarded only 2 points for *Detailed Project Costs*. This information was either provided on the website of the Department of Planning and Monitoring or on the public authorities' websites and included the total estimated cost of projects and the total cumulative expenditure. The Ministries of Irrigation and Health published outdated *Feasibility Studies of Projects* on their websites. The Ministries of Irrigation, Health and Fisheries published some outdated information on *Terms and Conditions of Investment*.

## 6.4. Information Disclosure on Most Discussed Topics

Exhibit 34 presents the most discussed topics in Parliament between 1 June 2022 and 31 December 2022, according to data analysed by [Manthri.lk](#), a parliamentary monitoring platform.<sup>43</sup> Exhibit 34 also presents the ministries under whose purview these topics fall.

**Exhibit 34: Ministries Assigned to the Most Discussed Topics in Parliament**

Most discussed topics in Parliament	Ministries assigned
Economy and finance	Ministry of Finance
Governance, administration and parliamentary affairs	Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government
Technology, communications and energy	Ministry of Power
	Ministry of Technology

Exhibit 35 examines the proactive disclosure compliance of the public authorities under whose purview the most discussed topics in Parliament fall. Although the Ministry of Public Administration held 2<sup>nd</sup> place for content disclosure and scored well for several categories, the ministry also scored 0 points for 3 categories of information, namely *Public Services*, *Public Participation* and *Prior Disclosures of Information*.

Despite the fact that areas falling under the purview of the Ministries of Finance, Power and Technology, were frequently discussed in Parliament, information disclosure on their websites was relatively poor (see Exhibit 35). For example, the Ministry of Finance scored 0 points for 3 categories of information. The Ministry of Power did not disclose information relating to *Public Services* and scored only 2 points out of a possible 19 points for *Prior Disclosures of Public Investments under Section 9 of the RTI Act*. The Ministry of Technology was one of the lowest ranking public authorities overall, scoring 0 points in five categories and only 1 point in three categories.

**Exhibit 35: Content Disclosure of Public Authorities Linked to Most Discussed Topics in Parliament**

Category	Ministry of Finance	Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government	Ministry of Technology	Ministry of Power
Institutional Mandate (out of 6)	2	3	1	3
Organisational Information (out of 10)	5	10	1	5
Operational Information and Decision-Making Processes (out of 14)	7	6	0	4
Public Services (out of 8)	0	8	1	0
Public Policy, Legislation and Regulation (out of 12)	9	8	6	5
Public Participation (out of 3)	0	0	0	1
Public Procurement and (out of 7)	7	0	0	4
Budgets, Expenditure and Finances (out of 6)	5	5	5	5
Categorisation of, and Systems for, Accessing Information (out of 15)	6	11	0	4
Prior Disclosures of Information (out of 4)	0	0	0	1
Prior Disclosures of Public Investments Under Section 9 of the RTI Act (out of 19)	2	2	2	2
<b>Total Points</b>	<b>43</b>	<b>53</b>	<b>16</b>	<b>34</b>
<b>Total Percentage Score</b>	<b>41</b>	<b>51</b>	<b>15</b>	<b>33</b>

# 7 Usability

The assessment of usability looks at three main indicators: (1) language, (2) ease of access and (3) format.

[Section 7.1](#) ranks ministries according to their information disclosure in the English language, Sinhala language and Tamil language. [Section 7.2](#) ranks ministries according to their scores for ease of access to information disclosed on their websites. [Section 7.3](#) ranks ministries according to their scores for how reusable the information disclosed on their website is in terms of format. [Section 7.4](#) ranks public authorities according to their overall usability scores in terms of language, ease of access and format.

## 7.1. Language Accessibility

[Annex 3](#) presents all public authorities assessed, in alphabetical order, and their information disclosure scores for English language, Sinhala language, and Tamil language.

The maximum total points in each language for each public authority is 30 points. However, some subcategories were not applicable to certain public authorities (e.g. the Offices of the President and the Prime Minister could score a maximum of 23 points since subcategories such as *Legislation* and the *Minister's report as per section 8 of the RTI Act* are not applicable to the Offices of the President and the Prime Minister).<sup>44</sup> Thus across all the public authorities, a total of 914 points could be scored in each language.

The highest scoring public authorities for each language were determined by calculating the average percentage score across the 31 public authorities for each language. The public authorities that scored above the average percentage score for English (section 7.1.1.), Sinhala language (section 7.1.2) and Tamil language (section 7.1.3) are listed below.

### Office of the President

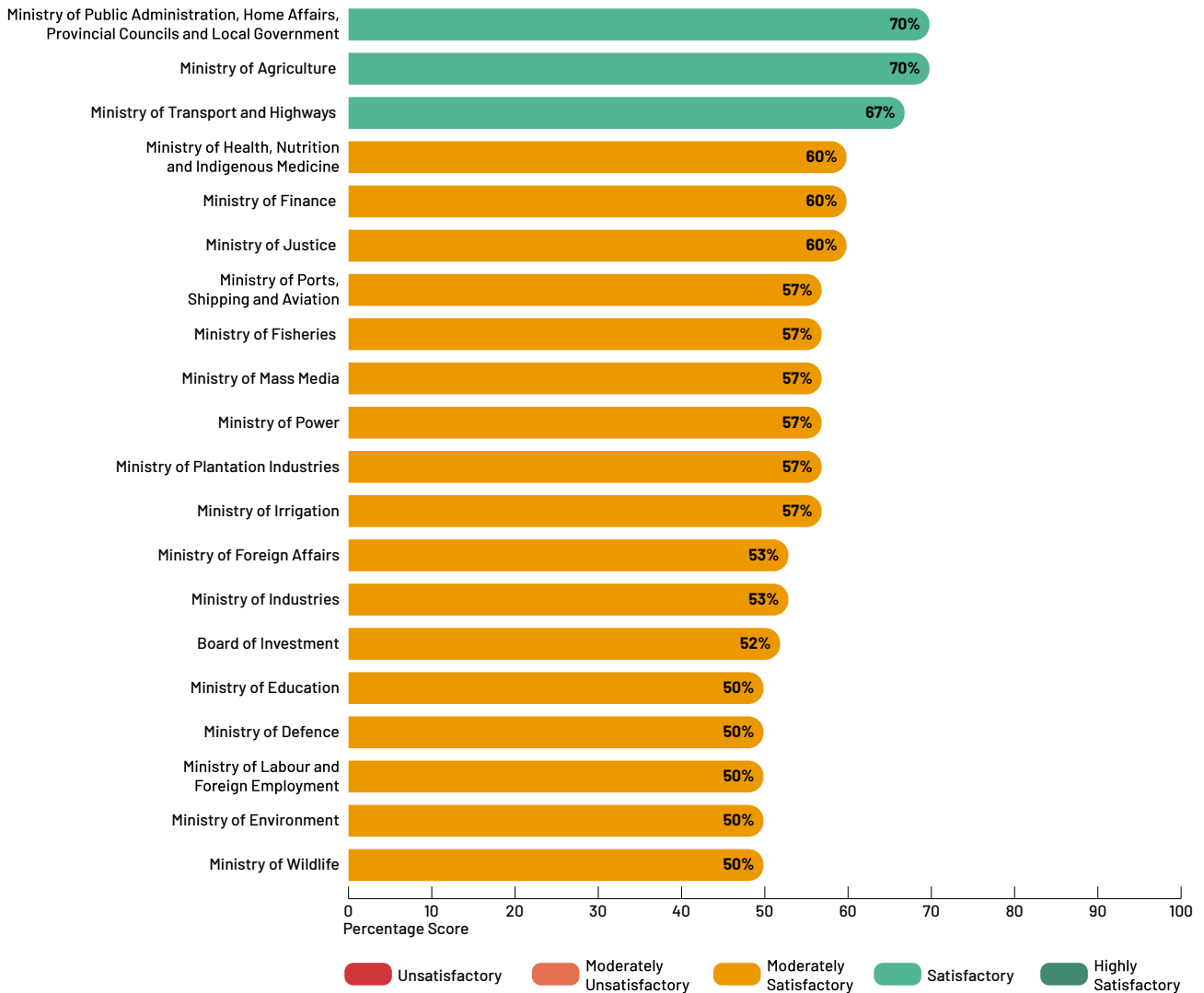


Source: <https://en.wikipedia.org/>

## 7. 1. 1. English Language

Out of 914 possible points, the total points of all 31 public authorities for proactively disclosing information in English was 452 points (overall English percentage score of 49%). The public authorities that scored the highest for disclosures in English are presented in Exhibit 36 below.

### Exhibit 36: English Percentage Ranking

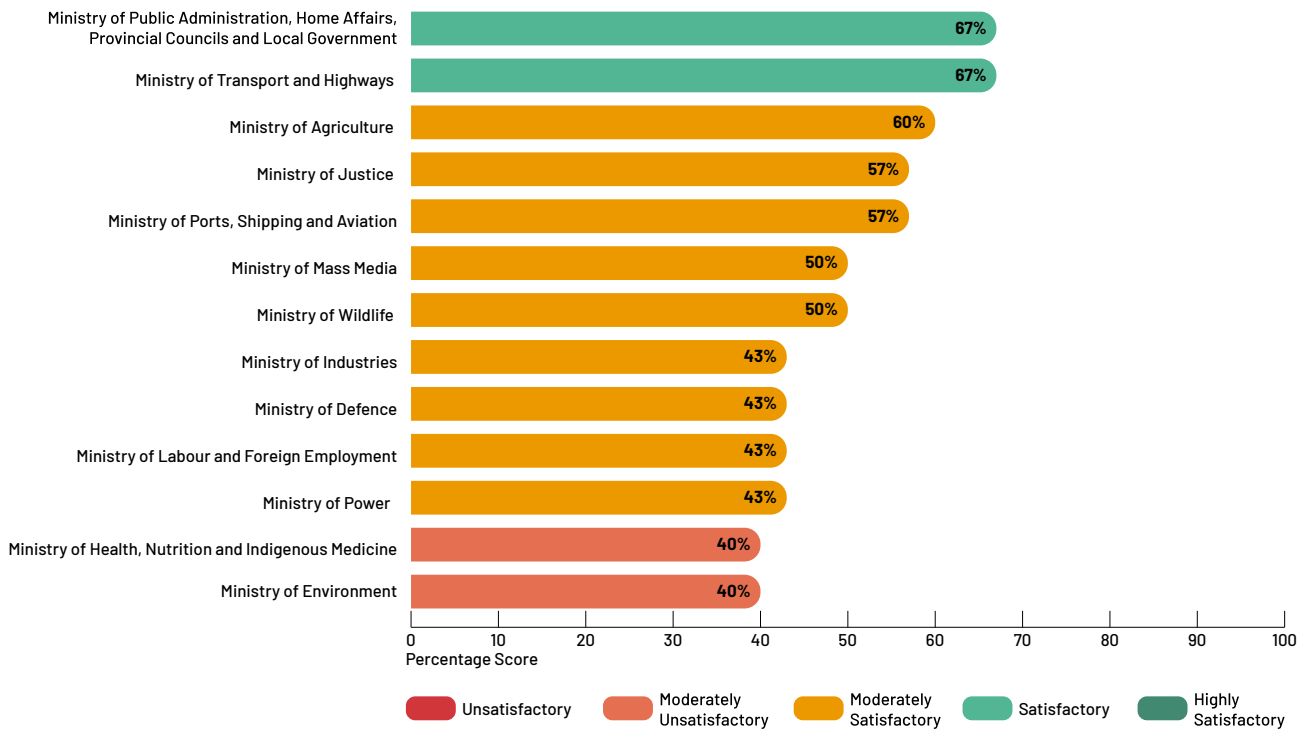


The public authorities that scored the lowest for disclosure of information in English were the Ministry of Technology (30%); the Office of the President (26%); and the Office of the Prime Minister (17%).

## 7. 1. 2. Sinhala Language

Out of 914 possible points, public authorities received an aggregate total of 339 points for proactive disclosure of information in Sinhala language (overall Sinhala language percentage score of 37%). The public authorities that scored the highest for disclosures in Sinhala language are presented in Exhibit 37 below.

**Exhibit 37: Sinhala Language Percentage Ranking**

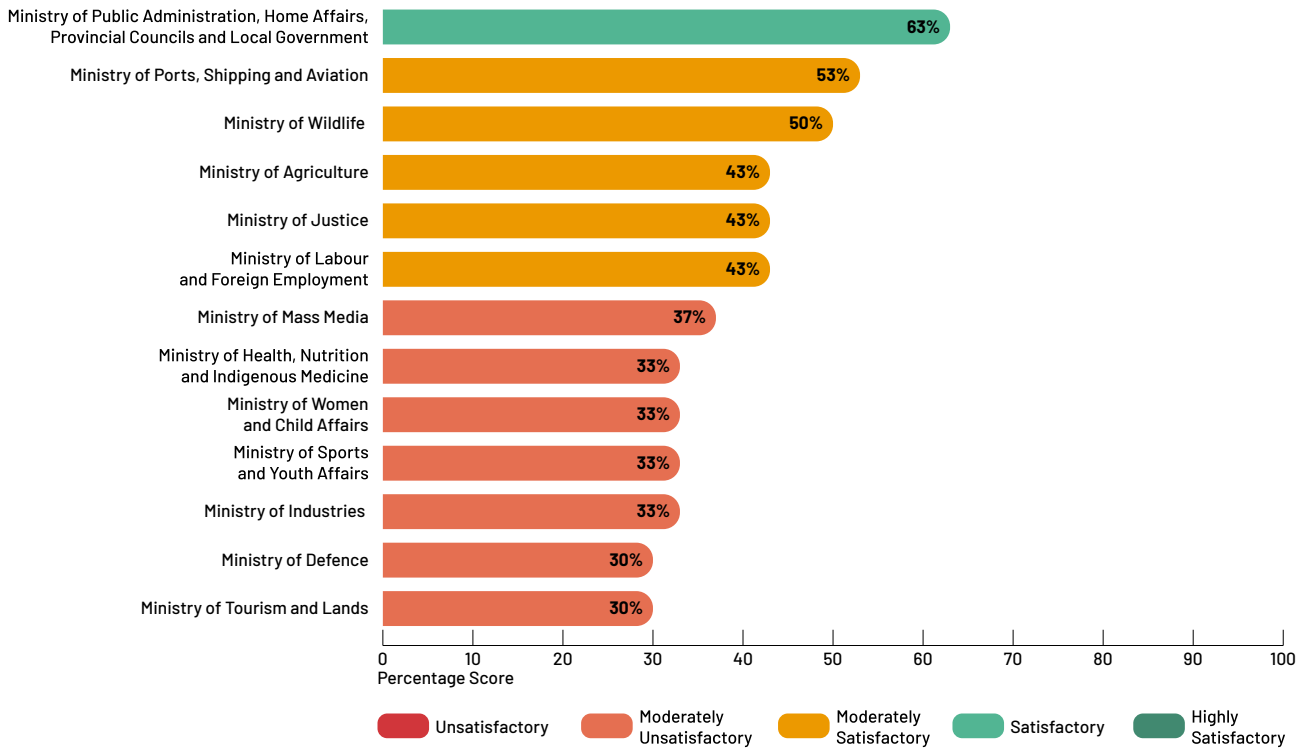


The public authorities that scored the lowest for disclosure of Sinhala language information were the Board of Investment (4%); the Ministry of Trade (17%); and the Office of the Prime Minister (17%).

### 7. 1. 3. Tamil Language

Out of 914 possible points, public authorities received an aggregate total of 261 points for proactive disclosure of information in Tamil language (overall Tamil language percentage score of 29%). The public authorities that scored the highest for disclosures in Tamil language are presented in Exhibit 38 below.

**Exhibit 38: Tamil Language Percentage Ranking**

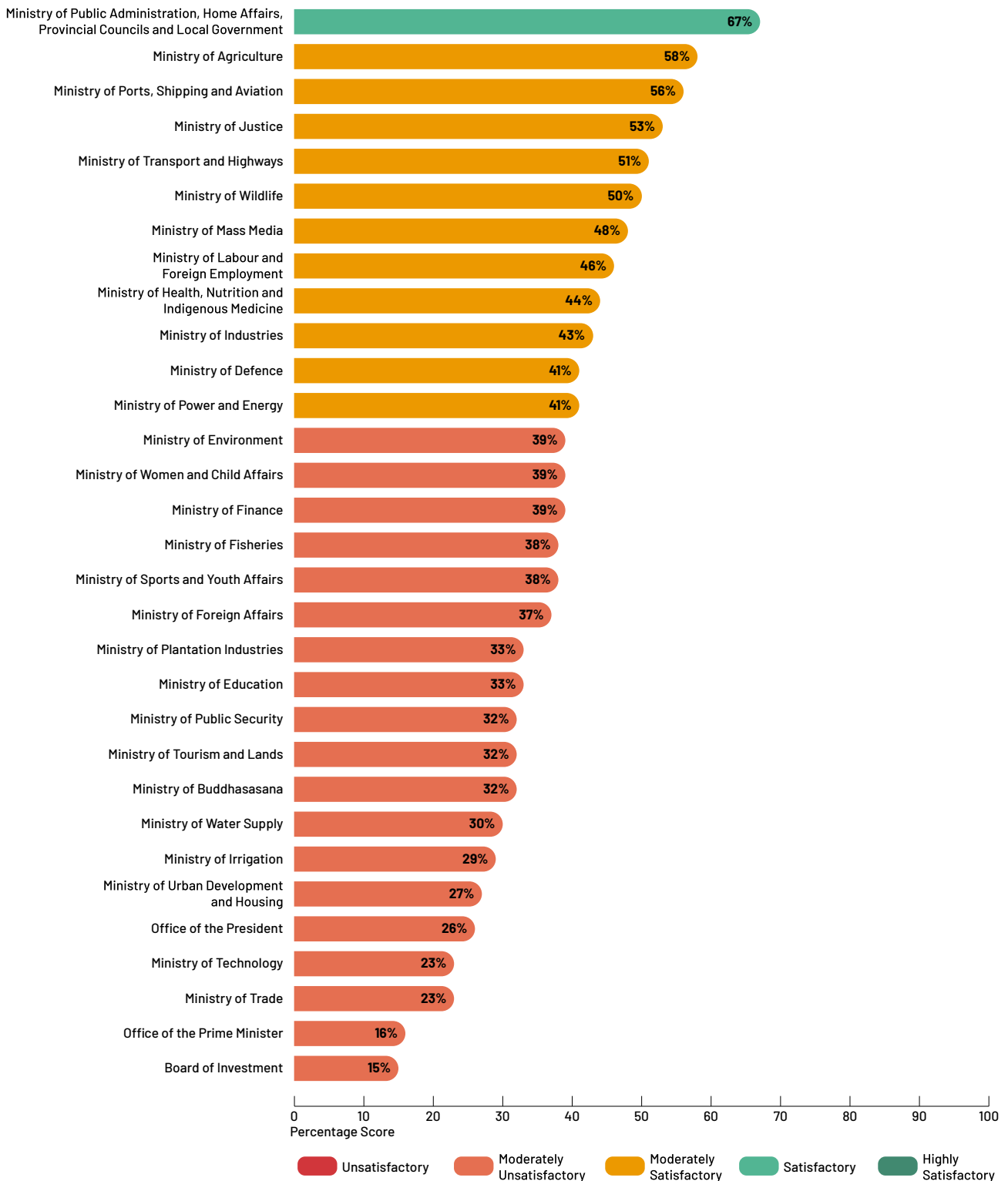


The public authorities that scored the lowest for disclosure of Tamil language information were the Board of Investment (0%), the Ministry of Irrigation (7%) and the Office of the Prime Minister (13%).

## 7. 1. 4. Overall Language Accessibility Scores

Exhibit 39 below provides the overall language accessibility scores for each public authority, which were calculated using the average of individual language scores in English, Sinhala language and Tamil language.

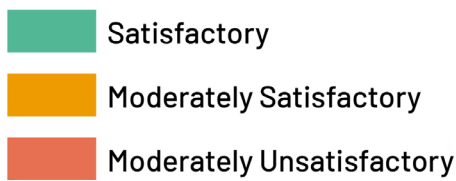
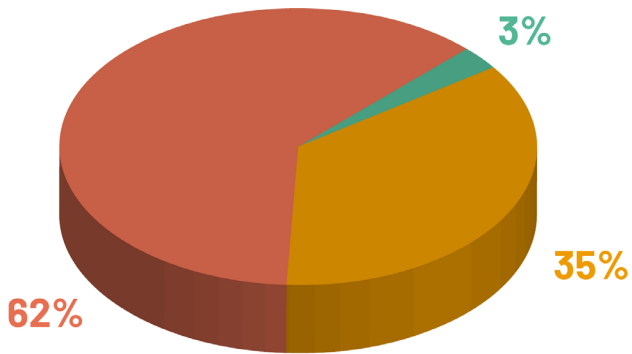
**Exhibit 39: Overall Language Accessibility**



The Ministry of Public Administration was the only public authority that received a 'satisfactory' score.

Exhibit 40 below illustrates that the majority of public authorities received a 'moderately unsatisfactory' score.

**Exhibit 40: Overall Language Accessibility (2022)**



**Exhibit 41: Overall Language Accessibility (2017)**

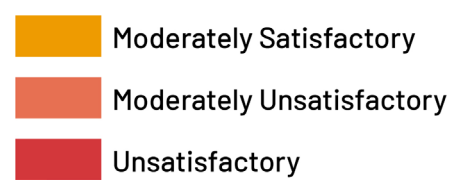
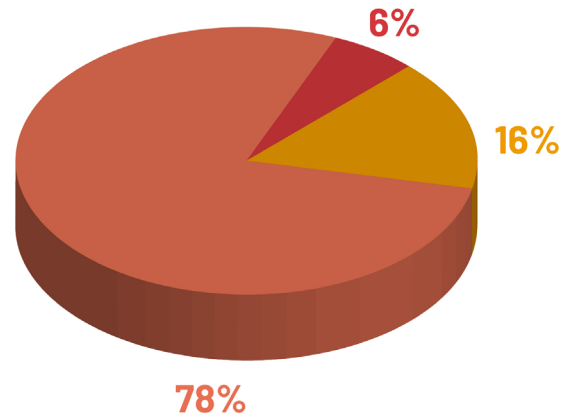


Exhibit 41 illustrates that in 2017, the majority of public authorities scored in the 'moderately unsatisfactory' band and three public authorities received an 'unsatisfactory' score. Therefore, there has been some improvement in language accessibility, however this improvement may be attributed to the general increase in content disclosure in 2022.

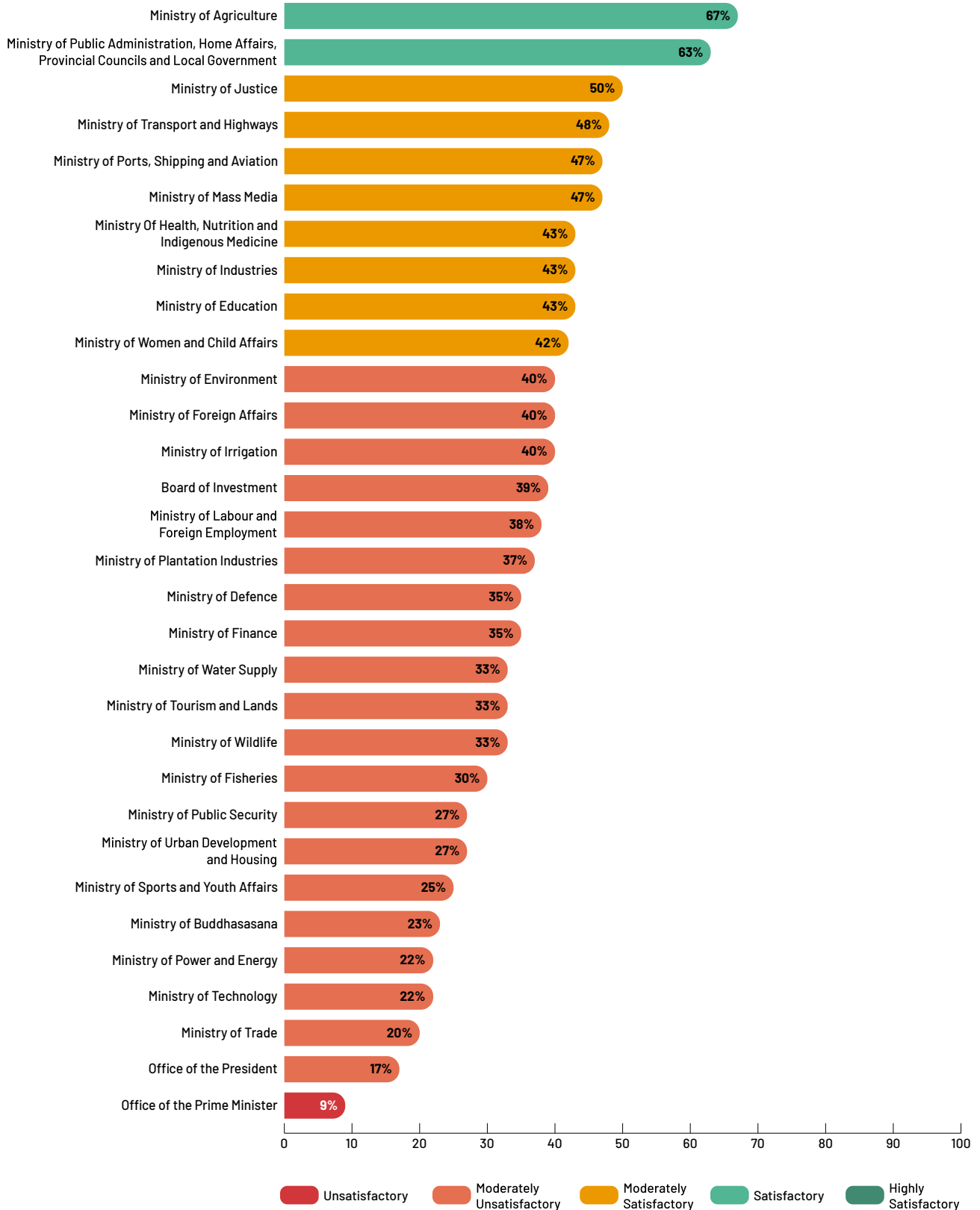
## 7.2. Ease of Access

'Ease of access' refers to the user-friendliness of websites, including the ease of locating and using the information available. The websites of the public authorities that were monitored were easily accessible via a keyword request on an Internet search engine. Ease of access was measured using the number of clicks it took to access a particular subcategory of information and scored accordingly.

All public authority websites had a tab system with sub-navigation. Information such as *Mandate, Functions and Powers, Legislation, Project Reports and Tenders* were generally easy to locate through the tabs provided. However, locating information such as *Budget, Disbursements, Disaggregated Payment Information and Decision-Making Procedures* would often require clicking through several links. For most websites, tabs for Sinhala and Tamil language content would merely lead back to the page with English content. The Ministry of Public Administration's 'Overview' page was 'Under Construction' during the monitoring period.

Exhibit 42 below provides a ranking of public authorities according to the ease of access to information on their websites.

**Exhibit 42: Ease of Access**



The Ministry of Agriculture received the highest score with 67%, and two other public authorities scored between 50% and 60%. 20 public authorities (66%) scored between 11% and 40%. Only the Office of the Prime Minister scored below 10% for ease of access.

Accessing content on the websites of the Ministry of Fisheries and the Ministry of Plantation Industries was more tedious because each section of the Ministry's main menu bar needed to be clicked once for drop-down menus to appear. This meant that the ministries only scored 1 point for ease of access for several subcategories under which information was disclosed. Some information such as the *Information Officer's and Designated Officer's Contact Information* and the *Fee Schedule* for filing a RTI were linked to the homepage and so 2 points were awarded for ease of access.

As noted earlier, the majority of public authorities were scored for *Budgets, Expenditure and Finance* information based on the Ministry of Finance's Budget Estimates for 2023. These public authorities scored 0 for ease of access as this information was accessed on a completely separate government website. Public authorities also scored 0 for ease of access for *Legislation and Policy Memoranda and Draft Legislation* where this information was accessed on the website of the Department of Government Printing. *Project Cost* information that was accessed from reports on the website of the Department of Project Management and Monitoring also scored 0 for ease of access.

## 7.3. Format

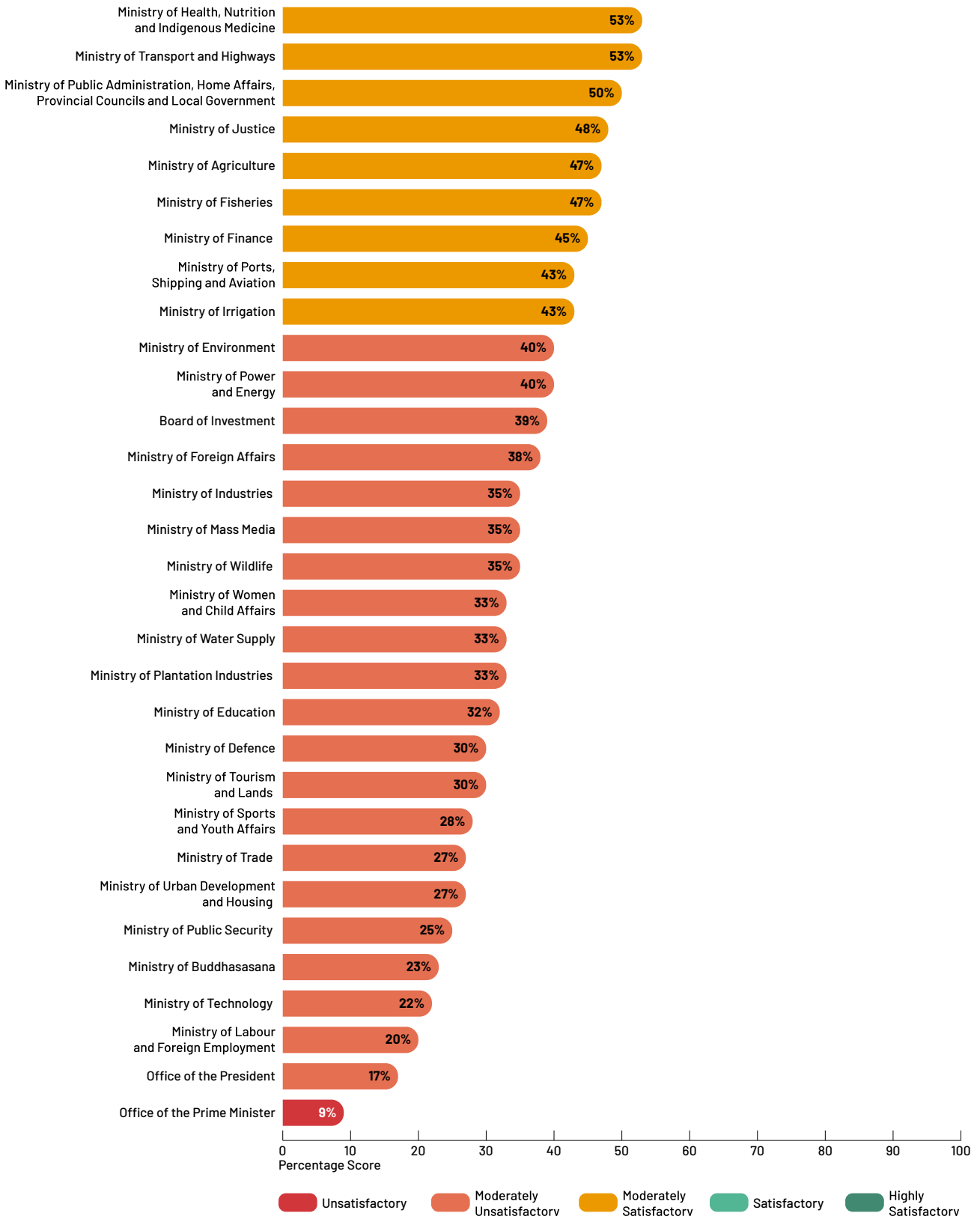
The format of information disclosed varied between public authorities, and across subcategories of information. As noted in the methodology, format was assessed according to the following scale:

- Extraction-friendly (i.e. information can be easily reused and shared, e.g. easily extractable/downloadable files, spreadsheets, PDF files that do not 'jumble' the content when copy pasted): 2 points – Satisfactory
- Low re-usability (i.e. cannot be easily copied and pasted, non-reusable datasets and documents): 1 point – Moderately Unsatisfactory
- Not reusable (i.e. images, scans, screenshots or locked PDF): 0 points – Unsatisfactory.

Generally, public authorities published information in formats that were not reusable. While documents could be downloaded, their contents could not seamlessly be copied and pasted. Public authorities rarely provided financial data in MS Excel format. As noted in our 2017 report, these lapses in reusability affect the public's ability to utilise and analyse government information effectively. In assessing *Budgets, Expenditure and Finance* from the Budget Estimates for 2023 on the website of the Ministry of Finance, all public authorities scored 0 for format as the Budget Estimates for 2023 are published in the form of a PDF and are not reusable (i.e. can be copied and pasted).

Exhibit 43 below presents each public authority’s score as a percentage of the total possible format score for all applicable subcategories for each public authority.

**Exhibit 43: Format**



In 2017, two public authorities – the Ministry of Health and the Ministry of Finance – scored over 60% for format. The majority of public authorities (36 out of 55 public authorities) scored between 11% and 40%. The lowest ranking public authorities each scored 10%.

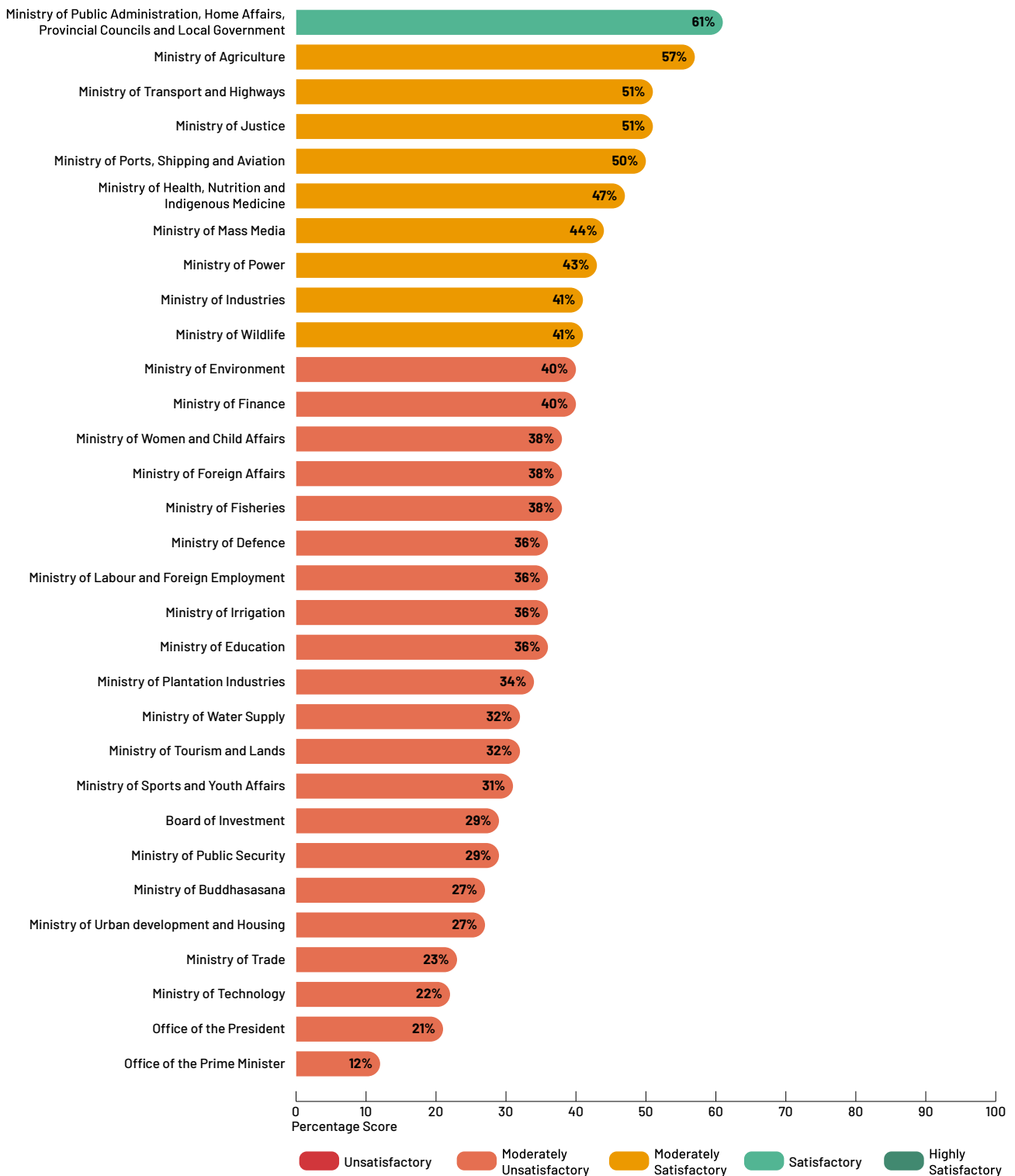
In 2022, the Ministry of Health and the Ministry of Transport and Highways scored 53% for format. Nine public authorities (29%) scored between 41% and 60% and 21 public authorities (68%) scored between 11% and 40%. The Office of the Prime Minister scored below 10% for format.

The Ministry of Labour scored only 20% for format (despite a content disclosure score of 34%) because very little information from the Ministry’s website was reusable (i.e can be copied and pasted).

## 7.4. Overall Usability

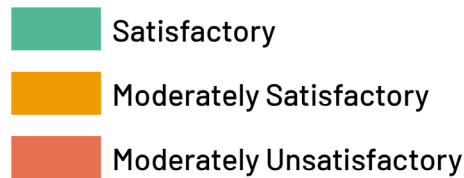
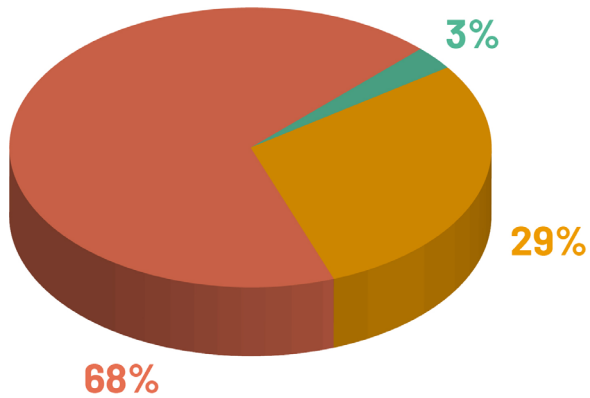
The overall usability score includes the performance of public authorities in terms of language accessibility in English, Sinhala and Tamil, ease of access and format. Exhibit 44 below presents the public authorities in order of ranking for overall usability.

**Exhibit 44: Overall Usability**



The Ministry of Public Administration received a score within the 'satisfactory' band. Exhibit 45 below illustrates that the majority of public authorities scored within the 'moderately unsatisfactory' band. No public authorities fell within the 'unsatisfactory' band.

**Exhibit 45: Overall Usability (2022)**



**Exhibit 46: Overall Usability (2017)**

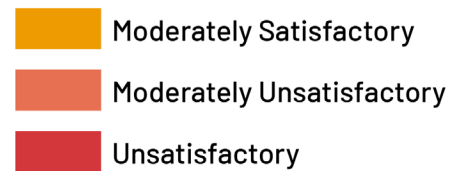
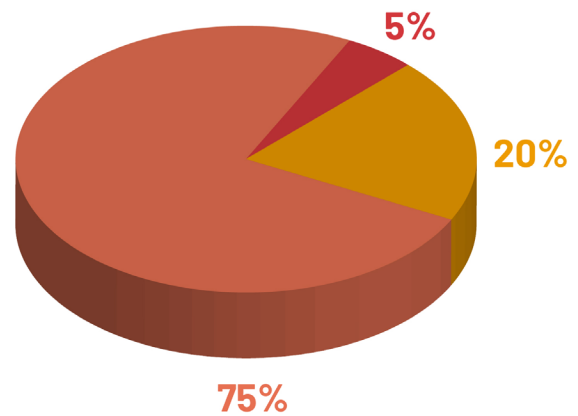


Exhibit 46 reveals that in 2017, the majority of public authorities fell within the 'moderately unsatisfactory' band and 5% of public authorities fell within the 'satisfactory' band. Usability has improved very slightly in 2022, with most public authorities remaining in the 'moderately unsatisfactory' band, no public authorities falling within the 'unsatisfactory' band and with a few public authorities moving into the 'moderately satisfactory' band.

## 8 Language Bias

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### **The Board of Investment**

was more likely to prioritise English content over Sinhala language content.

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### **Ministry of Transport and Highways**

was more likely to prioritise English content over Tamil language content.

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### **The Ministry of Plantation Industries**

was more likely to de-prioritise Tamil language content over English content.

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### **The Ministry of Wildlife and the Office of the President**

have consistently disclosed information in all three languages and are the most language friendly public authorities.

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The Official Language Policy of Sri Lanka identifies Sinhala and Tamil as the 'official languages' of Sri Lanka.<sup>45</sup> However section 7 above illustrates that the highest aggregate score for language accessibility is for content disclosure in English.

This section analyses the difference in the proactive disclosure of information in all three languages by assessing the degree of 'language bias' in public authorities' websites. Assessing language bias involves examining the proactive disclosure of information in English and using this as the benchmark for comparisons to the proactive disclosure of information in Sinhala language (discussed in [Section 8.1](#)) and Tamil language (discussed in [Section 8.2](#)). Disclosure of information in English is used as the benchmark for comparison in section 8.1 and 8.2 because the majority of public authorities disclose information in English rather than in Sinhala or Tamil languages (as evidenced by section 7.1.1 where English received the highest language percentage score). Language bias was also assessed between Sinhala language and Tamil language (discussed in [Section 8.3](#)).

## 8.1. English-Sinhala Language

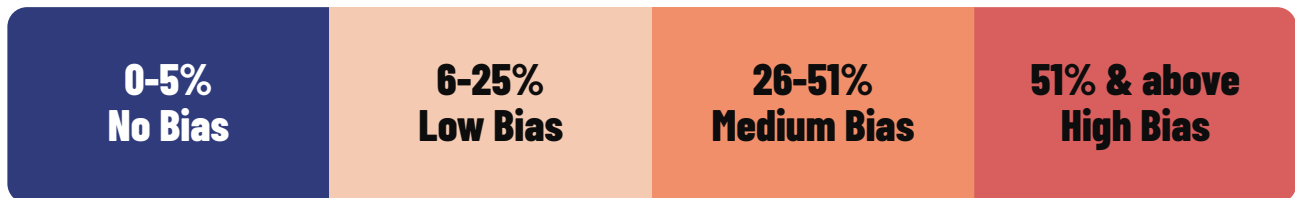
Language bias between English and Sinhala language was calculated by taking the percentage difference in the public authority's total scores for content disclosure in English and Sinhala.

Therefore, bias is the relative rather than the absolute difference between the disclosure in English and Sinhala. This method of calculating bias ensures that public authorities that have higher levels of total disclosure are not disadvantaged in the calculation of bias.

A higher bias indicates that the public authority is more likely to prioritise English over Sinhala language content.

Language bias was based on the following scale:

Exhibit 47 presents the language bias against Sinhala language using proactive disclosure in English as the benchmark.

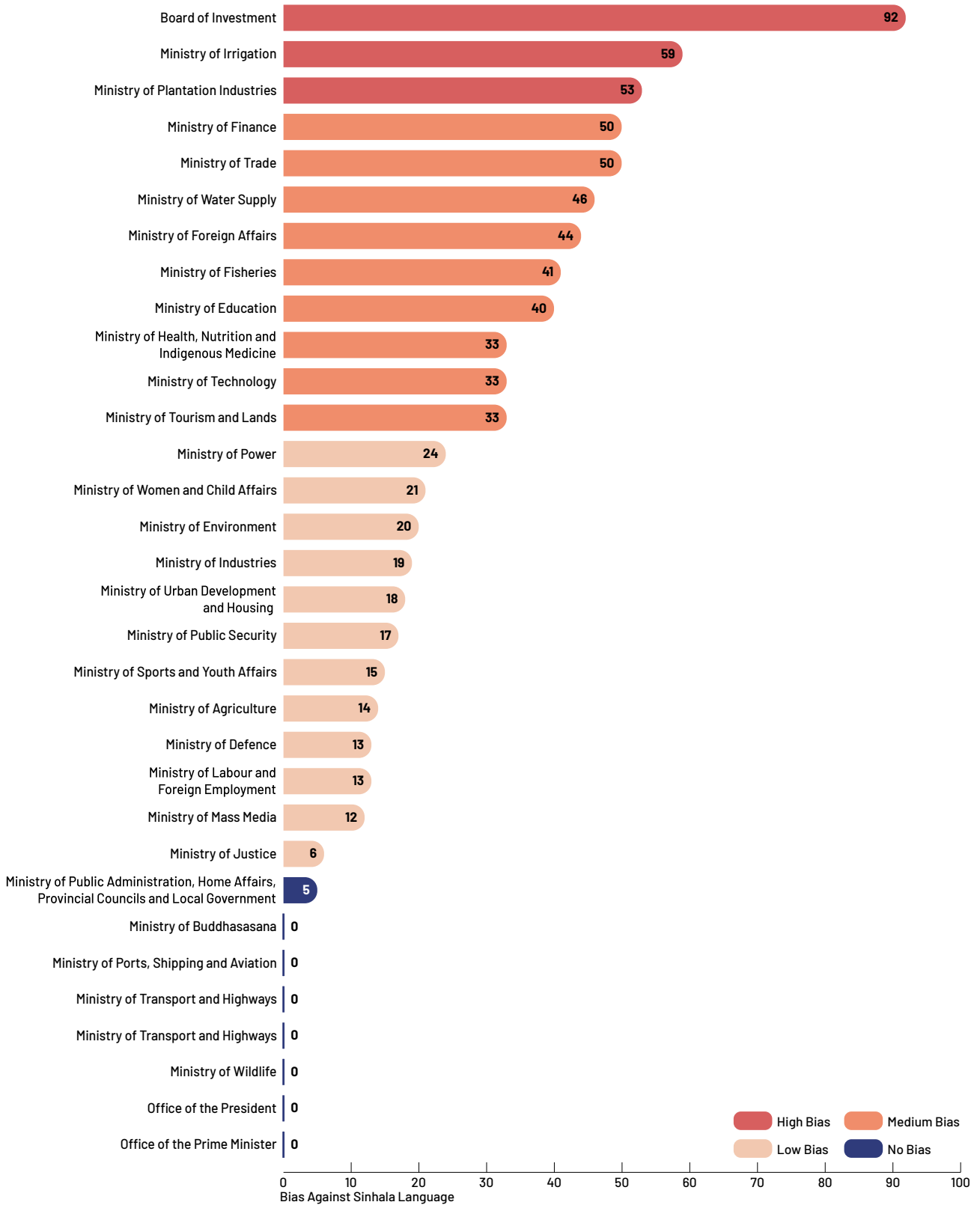


This assessment revealed that the Board of Investment was more likely to prioritise English content over Sinhala language content. The Board of Investment's English percentage score was 43% as opposed to its Sinhala percentage score of 4%. The assessment also demonstrated that while the Office of the Prime Minister had one of the lowest scores for Sinhala language accessibility, the Office of the Prime Minister equally prioritises content disclosure in English and in Sinhala language i.e. its disclosure in English and Sinhala language is consistent.

The following public authorities demonstrated no bias between English and Sinhala language:

- Ministry of Public Administration
- Ministry of Buddhasasana
- Ministry of Ports
- Ministry of Transport and Highways
- Ministry of Wildlife
- Office of the President
- Office of the Prime Minister

**Exhibit 47: Bias Against Sinhala Language**



## 8.2. English-Tamil Language

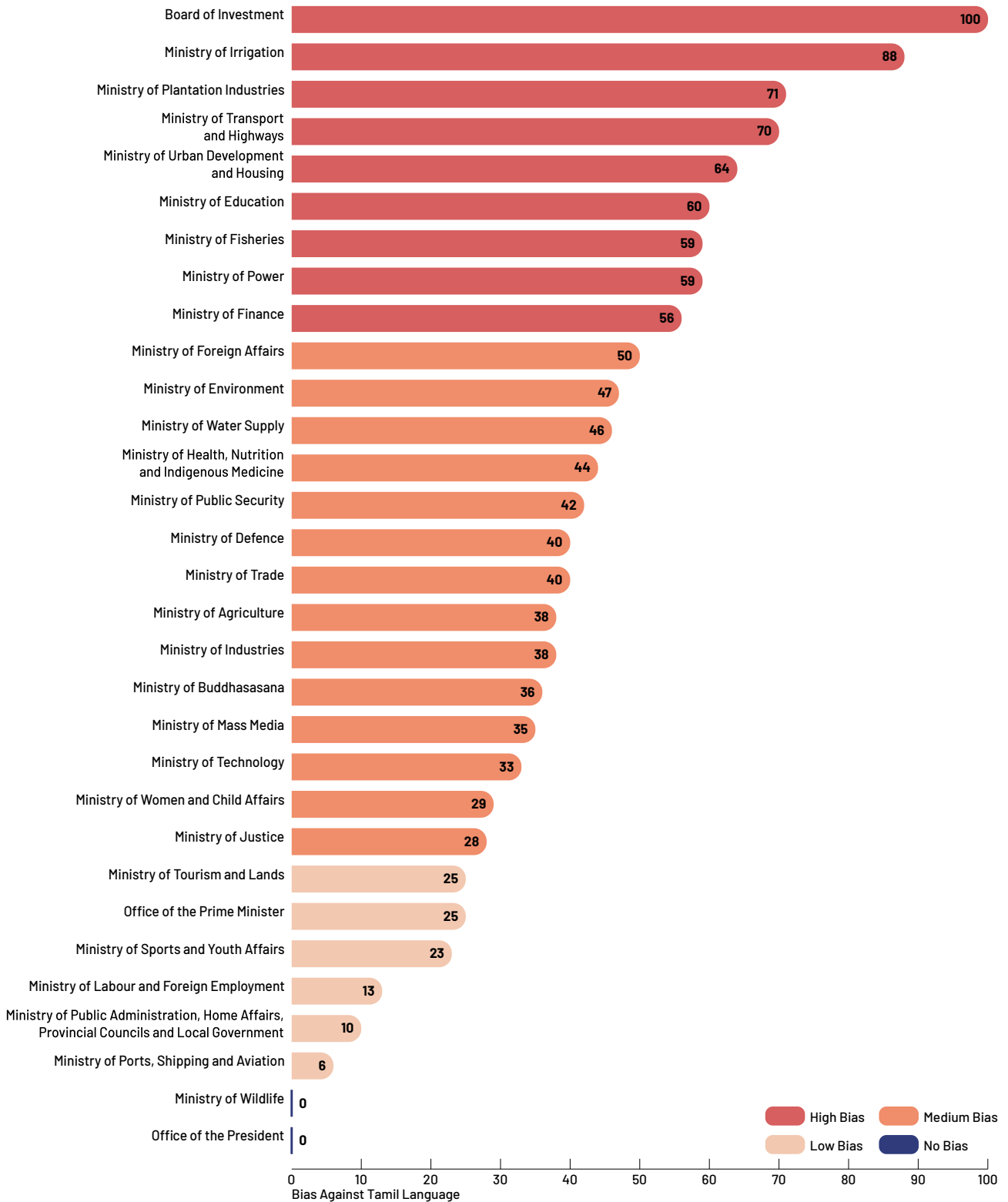
Language bias between English and Tamil language was calculated by taking the percentage difference in the public authority's total scores for content disclosure in English and Tamil.

Therefore, bias is the relative rather than the absolute difference between the disclosure in English and Tamil. This method of calculating bias ensures that that public authorities that have higher levels of total disclosure are not disadvantaged in the calculation of bias.

Exhibit 48 presents the language bias against Tamil language using proactive disclosure in English as the benchmark.



**Exhibit 48: Bias Against Tamil Language**



This assessment revealed that the Board of Investment was highly biased against Tamil language content with a 100% bias score.



Similarly, the Ministry of Irrigation was also more likely to prioritise English content over Tamil language content. The Ministry of Irrigation's English percentage score was 57%, while its Tamil language percentage score was 7%.

Notably, the Ministry of Plantation Industries was more likely to de-prioritise Tamil language content over English content. The Ministry of Plantation Industries' high bias score against Tamil language content is problematic as the majority of the Hill Country Tamil community is concentrated in the tea estate sector.<sup>46</sup> Research has shown that a significant obstacle faced by Hill Country Tamils in plantation industries is language-based discrimination by government institutions.<sup>47</sup>

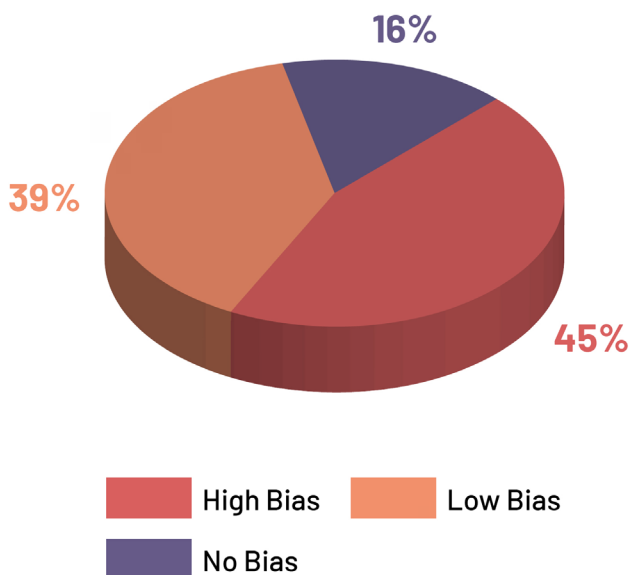
While the Ministry of Transport had no bias between English and Sinhala language, the Ministry of Transport was more likely to prioritise English content over Tamil language content. The Ministry of Transport's English percentage score was 67% as opposed to its Tamil language percentage score of 20%.

The following public authorities disclosed information consistently in English and Tamil language and therefore demonstrated no bias between English and Tamil language:

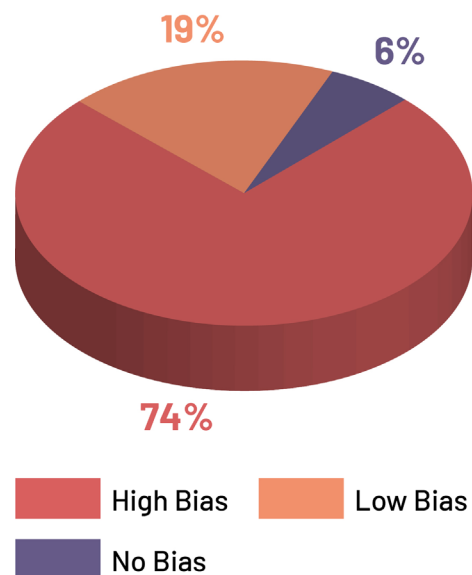
1. Ministry of Wildlife
2. Office of the President

Exhibits 49 and 50 illustrate that there is a higher bias score against Tamil language than against Sinhala language. This indicates that more public authorities prioritised Sinhala language content than Tamil language content (using English content as the benchmark).

**Exhibit 49: Sinhala Language Bias**



**Exhibit 50: Tamil Language Bias**



There is also a higher chance of there being no bias against Sinhala language content than no bias against Tamil language content.

### 8.3. Sinhala Language-Tamil Language

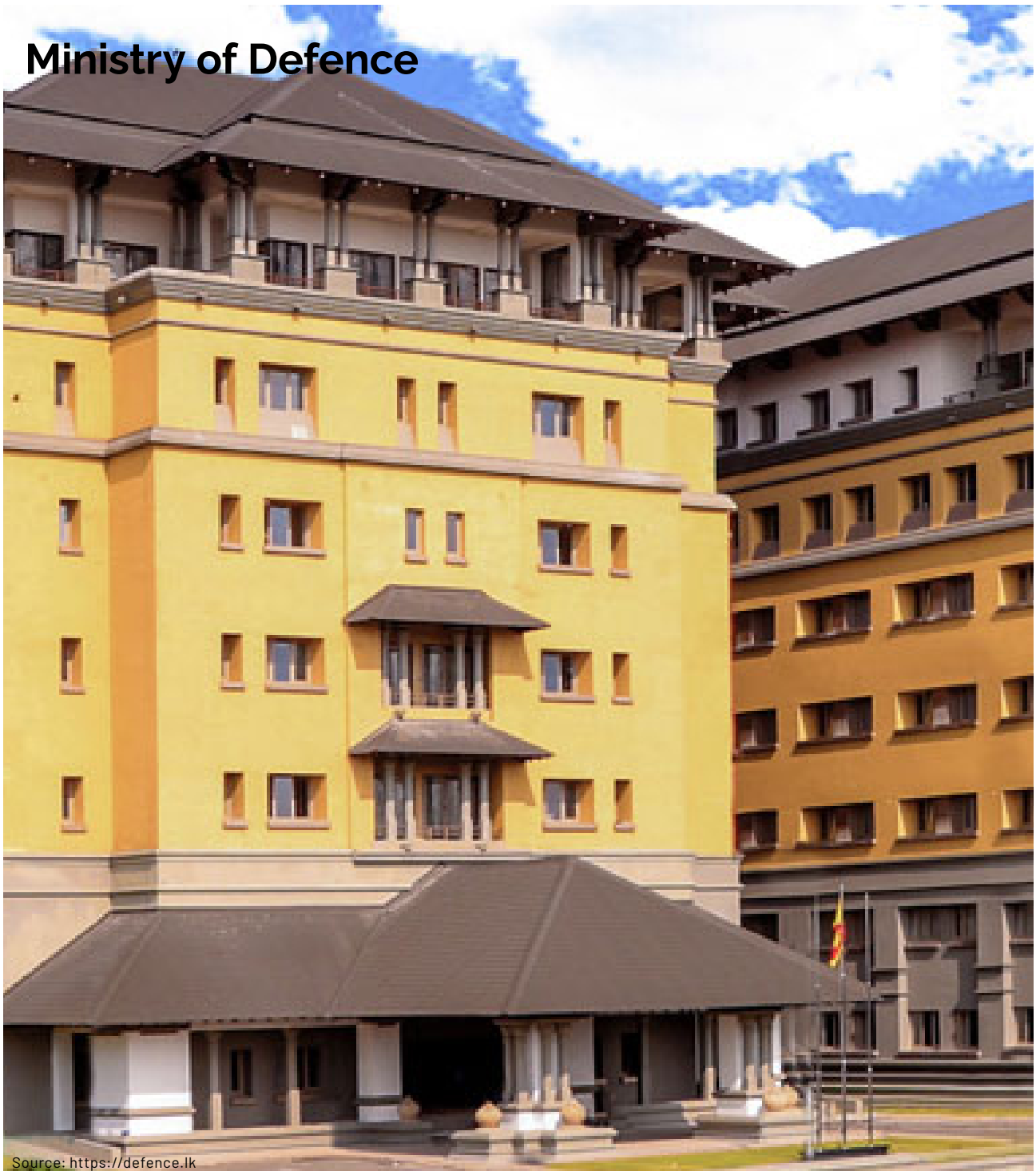
Language bias between Sinhala and Tamil language was calculated by taking the percentage difference in the public authority's total scores for content disclosure in Sinhala and Tamil.

Therefore, bias is the relative rather than the absolute difference between the disclosure in Sinhala and Tamil. This method of calculating bias ensures that public authorities that have higher levels of total disclosure are not disadvantaged in the calculation of bias.

A higher bias indicates that the public authority is more likely to prioritise Sinhala language over Tamil language content.

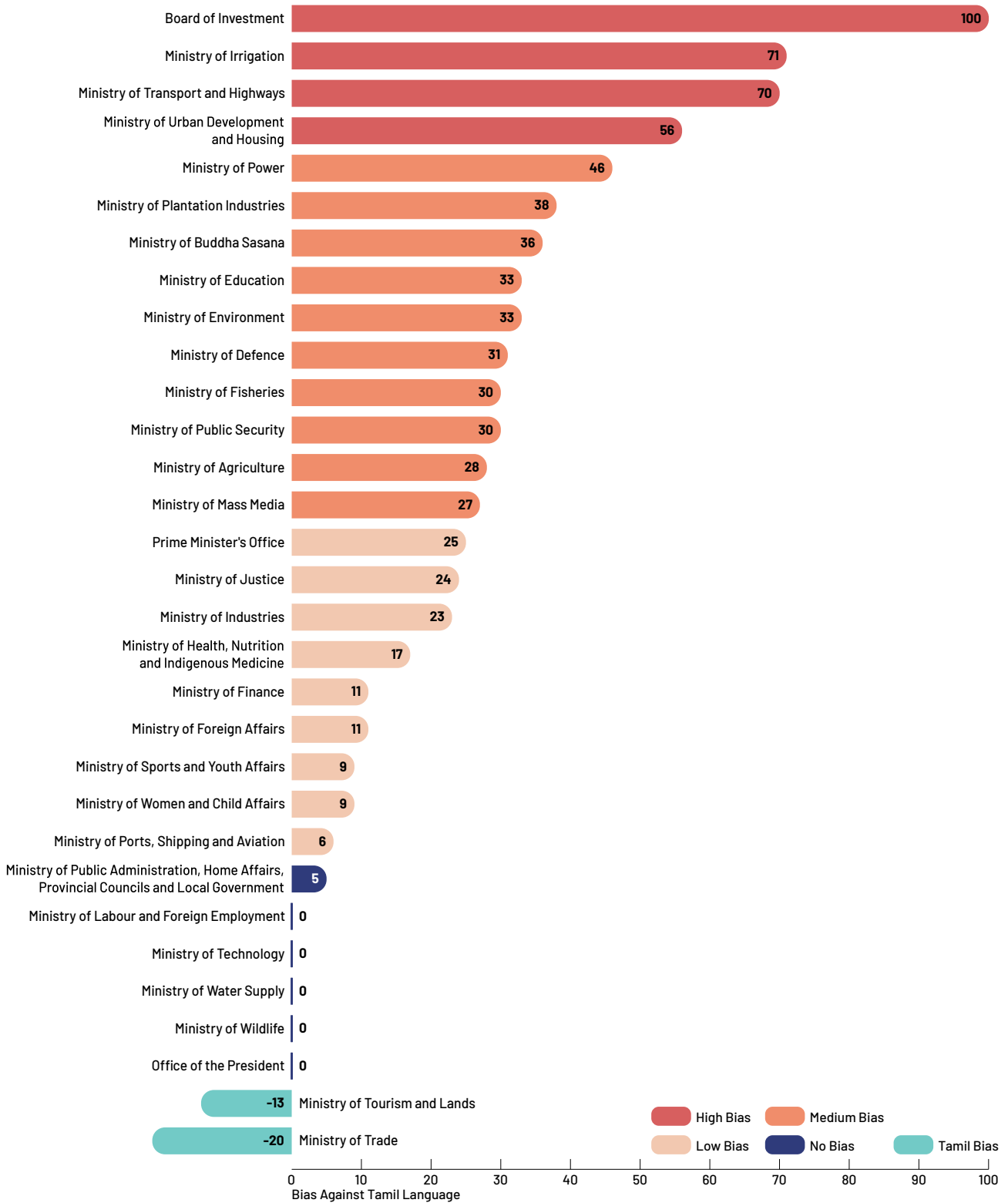
Exhibit 51 presents the language bias against Tamil language using proactive disclosure in Sinhala as the benchmark.

## Ministry of Defence



Source: <https://defence.lk>

**Exhibit 51: Bias Against Tamil Language**



This assessment revealed that the Board of Investment, the Ministry of Irrigation and the Ministry of Transport were more likely to de-prioritise Tamil language content even in terms of a Sinhala language-Tamil language comparison. However, as seen in Exhibit 48 above, the Ministry of Transport and Highways display no bias against Sinhala language. The Ministry of Transport and Highways’

Sinhala percentage score was 67% (the same as its English percentage score) as opposed to its Tamil percentage score of 20%.

The Ministry of Tourism and Lands and the Ministry of Trade were biased in favour of Tamil language with both public authorities having 3 percentage points more for Tamil language than Sinhala language.

The following public authorities demonstrated no bias between Sinhala language and Tamil language:

1. Ministry of Public Administration
2. Ministry of Labour
3. Ministry of Technology
4. Ministry of Wildlife
5. Ministry of Water Supply
6. Office of the President

Therefore, the Ministry of Wildlife and the Office of the President have consistently disclosed information in all three languages and are the most language friendly public authorities.

However, the following public authorities had high levels of language bias. The following public authorities demonstrated high bias against Sinhala language in comparison to English:

1. Board of Investment
2. Ministry of Irrigation
3. Ministry of Plantation Industries

The following public authorities demonstrated high bias against Tamil language in comparison to English:

1. Board of Investment
2. Ministry of Irrigation
3. Ministry of Plantation Industries
4. Ministry of Transport
5. Ministry of Urban Development and Housing
6. Ministry of Education
7. Ministry of Fisheries
8. Ministry of Power
9. Ministry of Finance

The Board of Investment demonstrated high bias against Tamil language in comparison to Sinhala language and is the least Tamil language friendly public authority.

The Board of Investment has also demonstrated high bias against both Sinhala and Tamil languages in comparison to English. Therefore, the Board of Investment is the least language friendly public authority.

## 9 Language Across Usability

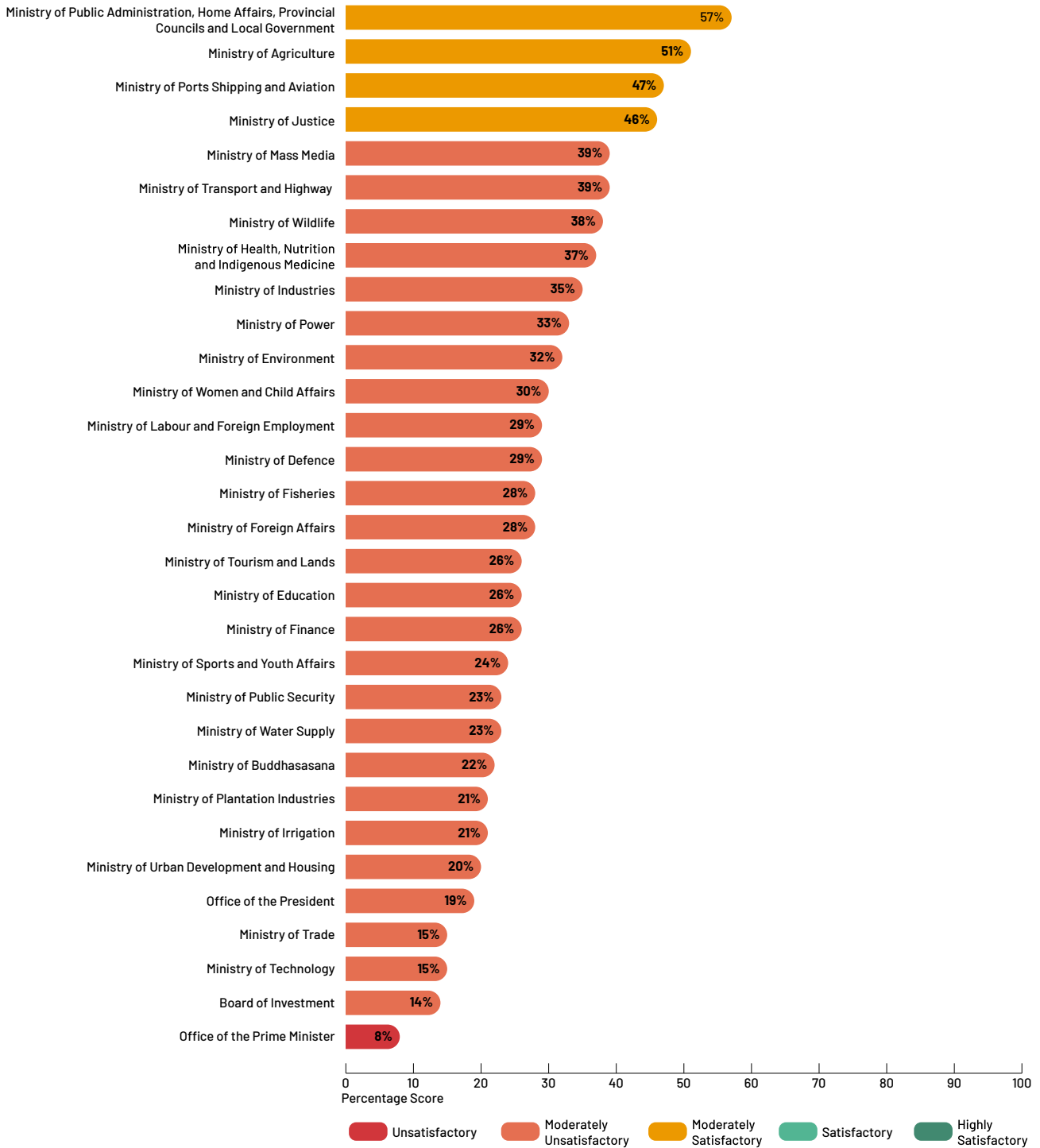
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The assessment of 'usability' in 2017 and 2022 only comprised disclosure in English, Sinhala language and Tamil language and ease of access and format scores in English. In 2022, an additional assessment was conducted comprising disclosure in English, Sinhala language and Tamil language and ease of access and format scores in English, as well as in Sinhala language and Tamil language. This further assessment enables an analysis of how usable each public authority's website is in all three languages.

The language usability score includes public authorities' performance in terms of language accessibility in English, Sinhala and Tamil, ease of access in English, Sinhala and Tamil and format in English, Sinhala and Tamil. Exhibit 52 below presents the public authorities in order of ranking for overall usability taking into consideration disclosure in all three languages, as well as the ease of access and format scores for all three languages.



**Exhibit 52: Language Across Usability**

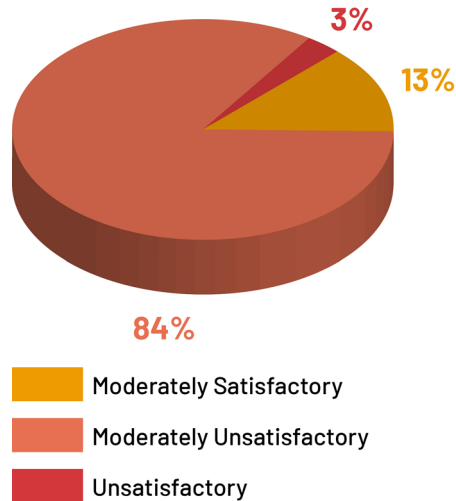


Section 7.4 above, looked at overall usability (where ease of access and format were only scored in English) unlike Exhibit 52. The Ministry of Public Administration received a score within the ‘satisfactory’ band. Exhibit 45 under Section 7.4 illustrates that the majority of public authorities scored within the ‘moderately unsatisfactory’ band and no public authorities fell within the ‘unsatisfactory’ band.

Whereas, Exhibit 52 and Exhibit 53 illustrate that when usability is assessed by looking at ease of access and format in all three languages, the Ministry of Public Administration’s score no longer falls within the ‘satisfactory’ band. Only four public authorities scored within the ‘moderately satisfactory’

band and the majority of public authorities fall within the 'moderately unsatisfactory' band. Further, the Office of the Prime Minister falls into the 'unsatisfactory' band.

### Exhibit 53: Language Across Usability



The analysis demonstrates that usability scores are lower when assessed in all three languages. Therefore public authorities' websites are more usable in English, and less usable in Sinhala language and Tamil language. This indicates that the content in Sinhala and Tamil languages are more difficult to access and more difficult to use.

Despite Sri Lanka's Official Language Policy, the proactive disclosure of information by public authorities in Sinhala and Tamil languages is low (see Exhibits 37 and 38). Additionally, when information is disclosed in Sinhala and Tamil, this information is less usable in terms of format and ease of access (see Exhibit 53). This means that information disclosed in Sinhala language and Tamil language was: (1) more difficult to access, and (2) less likely to be in a format that can be reused when compared to information disclosed in English.

# 10 Government Openness

Open government data is a movement that has recently accelerated across the world. Open government data initiatives encourage the proactive disclosure of data held by the government in a format that is both open and reusable.<sup>48</sup> Open government initiatives that prioritise access to information can foster public trust and improve citizen satisfaction.<sup>49</sup> Therefore improving the government openness score in Sri Lanka can impact levels of trust in the government by driving government accountability.<sup>50</sup>

After completing scoring for 2022, Verité produced a formula for assessing government openness in Sri Lanka utilising the scores obtained in the proactive disclosure assessment. Government openness is calculated by looking at the total content disclosure rating (across all categories and all public authorities) and the total usability rating. The government openness score represents a weighted combination of the content disclosure rating (75%) and the usability rating (25%). Exhibit 54 below presents the government openness scores from 2017 and 2022 and reveals that government openness has only increased by 8 percentage points. The government openness score is only 33 out of 100 in 2022. This is primarily due to the large number of ministries that have low scores as seen in the previous sections of the report. Most public authorities fall into the moderately unsatisfactory band contributing to a lower overall government openness score. These low scores extend from the low content disclosure rating and usability rating of the government as seen in Exhibit 54. Therefore, the Sri Lankan government should prioritize improving both content disclosure as well as content usability across its ministries if it is to improve its openness to the public.

**Exhibit 54: Government Openness**

	Content Percent	Usability Percent	Government Openness
Government Openness Score 2017	22	33	25
Government Openness Score 2022	32	37	33

Verité Research's Mood of the Nation poll in February 2023 revealed that the government approval rating stands at only 10% of the total adult population and that the country's economic confidence score stands at -78.<sup>51</sup> Therefore, improving government transparency is a valuable tool available to improving confidence in a government operating within an unstable economic environment where approval and expectations can impact the journey towards economic recovery.

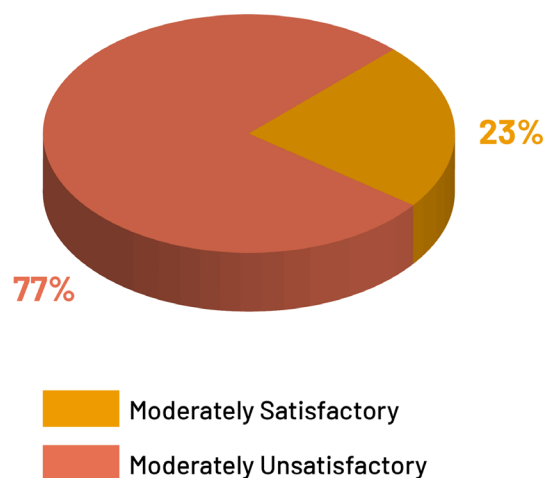
# 11 Conclusion

This assessment is the second in a series of assessments examining the compliance of public authorities with proactive disclosure under the RTI Act. This assessment monitored 29 cabinet ministries and the Offices of the President and the Prime Minister. A total of 31 public authorities were assessed. The monitoring period for the assessment spanned from 01 December 2022 to 31 December 2022.

In terms of overall composite scores (weighted combination of content disclosure (75%) and usability (25%)), the majority of public authorities (81% of public authorities) scored within the 'moderately unsatisfactory' band. Only 19% of public authorities scored within the 'moderately satisfactory' band. In comparison to 2017, there has been a slight improvement in overall composite scores.

## 11.1. Content Disclosure

Exhibit 55: Content Disclosure (2022)



The majority of public authorities scored within the 'moderately unsatisfactory' band. In comparison to 2017, there has been some improvement in content disclosure scores.

The three public authorities that scored the highest for content disclosure were: the Ministry of Agriculture, the Ministry of Public Administration and the Ministry of Environment. The three public authorities that scored the lowest for content disclosure were the Office of the President, the Ministry of Technology and the Office of the Prime Minister.

Information disclosure was analysed under three thematic areas: (1) public accountability, (2) public accessibility, and (3) disclosures pertaining to the right to information. With regard to public accountability, 96% of public authorities were scored for *Budgets, Expenditure and Finances*, based on the 2023 Budget information available on the website of the Ministry of Finance. 42% of public authorities scored full points for *Publication of tenders*. However only 6% of public authorities scored full points for *Successful awards and publication of awards*, indicating that while tender notices are published, the awards of tenders are not publicised. Low content disclosure on procurement awards

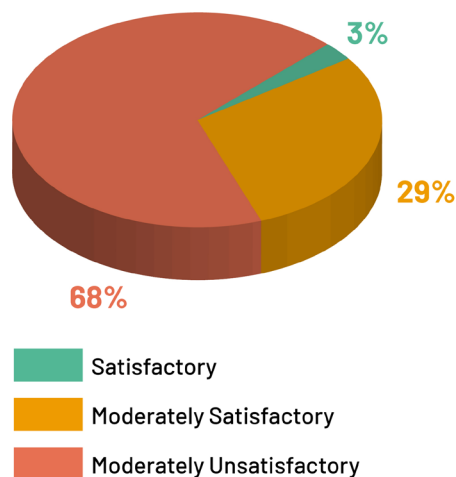
means that inconsistencies in awards cannot be challenged.<sup>52</sup> Proactive disclosure of procurement awards is crucial to enable public scrutiny of the procurement process.<sup>53</sup>

With regard to public accessibility, the *Public Participation* category was amongst the lowest scoring categories across all the public authorities. Several public authorities also did not provide information under the *Public Services* category. Low content disclosure in this area may impede public participation in government decision-making.

With regard to disclosures pertaining to the right to information, ten public authorities did not publish *Contact Information of the Information Officer and/or the Designated Officer*. While proactively disclosing information already supplied under RTI would make the exercise of the right to information more efficient, the majority of public authorities scored 0 for this subcategory. The majority of public authorities performed poorly in disclosing information under *Prior Disclosures of Public Investments Under Section 9 of the RTI Act*. Low content disclosure in this thematic area is indicative of poor implementation by public authorities of the RTI Act and its subsequent regulations.

## 11.2. Usability

**Exhibit 56: Overall Usability (2022)**



Usability improved very slightly in 2022, with the majority of public authorities falling within the 'moderately unsatisfactory' band and 29% of public authorities falling within the 'moderately satisfactory' band.

The highest aggregate score for language was for content disclosure in English, followed by Sinhala language and Tamil language. A tendency to de-prioritise Sinhala language and Tamil language content was observed across several public authorities. However, the Ministry of Wildlife and the Office of the President consistently disclosed information in all three languages.

## 11.3. Language Bias

The language bias scores indicate that the Ministry of Wildlife and the Office of the President are the most language friendly public authorities. The Board of Investment had high bias against both Sinhala and Tamil languages. The Board of Investment also had high bias against Tamil language in comparison to both English and Sinhala language and is the least Tamil language friendly public authority.

## 11.4. Government Openness

Five years since the RTI Act was fully operationalised in Sri Lanka, the government openness score only increased by 8 percentage points and stands at 33%. The low government openness score demonstrates the need for the government to improve its overall content disclosure and usability ratings.

### Ministry of Public Administration



<https://www.pubad.gov.lk/>

# Annexure

Annex 1: Cabinet Ministries Monitored in 2017 and 2022 (In Alphabetical Order)

Cabinet Ministries monitored in 2017	Cabinet Ministries monitored in 2022
Ministry of Agriculture	Ministry of Agriculture
Ministry of Buddhasasana	Ministry of Buddhasasana
Ministry of City Planning and Water Supply	Ministry of Defence
Ministry of Defence	Ministry of Education
Ministry of Development Assignments	Ministry of Environment
Ministry of Development Strategies and International Trade	Ministry of Finance
Ministry of Disaster Management	Ministry of Fisheries
Ministry of Education	Ministry of Foreign Affairs
Ministry of Finance	Ministry of Health, Nutrition and Indigenous Medicine
Ministry of Fisheries and Aquatic Resources Development	Ministry of Industries
Ministry of Foreign Affairs	Ministry of Investment Promotion
Ministry of Foreign Employment	Ministry of Irrigation
Ministry of Health	Ministry of Justice
Ministry of Higher Education	Ministry of Labour and Foreign Employment
Ministry of Highways	Ministry of Mass Media
Ministry of Hill Country New Villages, Infrastructure and Community Development	Ministry of Plantation Industries
Ministry of Home Affairs	Ministry of Ports Shipping and Aviation
Ministry of Housing and Construction	Ministry of Power
Ministry of Industry and Commerce	Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government
Ministry of Internal Affairs, Wayamba Development and Cultural Affairs	Ministry of Public Security
Ministry of Irrigation and Water Resources Management	Ministry of Sports and Youth Affairs
Ministry of Justice	Ministry of Technology
Ministry of Labour, Trade Union Relations and Sabaragamuwa Development	Ministry of Tourism and Lands
Ministry of Lands and Parliamentary Reforms	Ministry of Trade

Cabinet Ministries monitored in 2017	Cabinet Ministries monitored in 2022
Ministry of Law and Order, and Southern Development	Ministry of Transport and Highways
Ministry of Mahaweli Development and Environment	Ministry of Urban Development and Housing
Ministry of Mass Media	Ministry of Water Supply
Ministry of Megapolis and Western Development	Ministry of Wildlife
Ministry of National Co-existence, Dialogue and Official Languages	Ministry of Women and Child Affairs
Ministry of National Integration and Reconciliation	
Ministry of National Policies and Economic Affairs	
Ministry of Petroleum Resources Development	
Ministry of Plantation Industries	
Ministry of Ports and Shipping	
Ministry of Postal Services	
Ministry of Power and Renewable Energy	
Ministry of Primary Industries	
Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs	
Ministry of Provincial Councils and Local Government	
Ministry of Public Administration	
Ministry of Public Enterprise Development	
Ministry of Regional Development	
Ministry of Rural Economy	
Ministry of Science, Technology and Research	
Ministry of Skills Development and Vocational Training	
Ministry of Social Empowerment, Welfare and Kandyan Heritage	
Ministry of Special Assignments	
Ministry of Sports	
Ministry of Sustainable Development and Wildlife	
Ministry of Telecommunication and Digital Infrastructure	

Cabinet Ministries monitored in 2017	Cabinet Ministries monitored in 2022
Ministry of Tourism Development and Christian Religious Affairs	
Ministry of Transport and Civil Aviation	
Ministry of Women and Child Affairs	
Office of the President	
Office of the Prime Minister	

## Annex 2: Section 8 and 9 vs Regulation 20 (2017)

	2017		2022	
	Section 8 and 9 of the RTI Act	Regulation 20	Section 8 and 9 of the RTI Act	Regulation 20
Satisfactory	-	-	4%	-
Moderately Satisfactory	15%	6%	31%	32%
Moderately Unsatisfactory	85%	76%	65%	68%
Unsatisfactory	-	18%	-	-
Moderately Unsatisfactory	85%	76%	65%	68%
Unsatisfactory	-	18%	-	-

## Annex 3: Language Percentage Score

Public Authority	Percentage Score		
	English	Sinhala	Tamil
Ministry of Agriculture	70	60	43
Ministry of Buddhasasana	37	37	23
Ministry of Defence	50	43	30
Ministry of Education	50	30	20
Ministry of Environment	50	40	27
Ministry of Finance	60	30	27
Ministry of Fisheries	57	33	23
Ministry of Foreign Affairs	53	30	27
Ministry of Health, Nutrition and Indigenous Medicine	60	40	33
Ministry of Industries	53	43	33
Board of Investment	43	4	0
Ministry of Irrigation	57	23	7
Ministry of Justice	60	57	43
Ministry of Labour and Foreign Employment	50	43	43
Ministry of Mass Media	57	50	37
Ministry of Plantation Industries	57	27	17
Ministry of Ports, Shipping and Aviation	57	57	53
Ministry of Power	57	43	23
Ministry of Public Administration, Home Affairs, Provincial Councils and Local Government	70	67	63
Ministry of Public Security	40	33	23
Ministry of Sports and Youth Affairs	43	37	33
Ministry of Technology	30	20	20
Ministry of Tourism and Lands	40	27	30
Ministry of Trade	33	17	20
Ministry of Transport and Highways	67	67	20
Ministry of Urban Development and Housing	37	30	13
Ministry of Water Supply	43	23	23
Ministry of Wildlife	50	50	50
Ministry of Women and Child Affairs	47	37	33
Office of the President	26	26	26
Office of the Prime Minister	17	17	13

# Endnotes

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- 1 Article 14A, The Constitution of the Democratic Socialist Republic of Sri Lanka 1978, at <https://www.parliament.lk/files/pdf/constitution.pdf> [last accessed 16 May 2023].
- 2 Website of the Right to Information Sri Lanka, at <https://rti.gov.lk/> [last accessed 16 May 2023].
- 3 Christopher Hood, 'What happens when transparency meets blame-avoidance?' (2007), Public Management Review, p. 193-194, at <http://dx.doi.org/10.1080/14719030701340275> [last accessed 09 May 2023]; see also Helen Darbishire, 'Proactive Transparency: The Future of the Right to Information' (2010), The World Bank Institute Access to Information Program, p.12, at <https://documents1.worldbank.org/curated/en/100521468339595607/pdf/565980WP0Box351roactiveTransparency.pdf> [last accessed 09 May 2023]; see also 'The Right to Information: Strengthening Democracy and Development' (2005), Commonwealth Human Rights Initiative, at <https://www.humanrightsinitiative.org/programs/ai/rti/articles/RTI%20Paper%20-%202005%20Ombuds%20Conf.pdf> [last accessed 09 May 2023].
- 4 Organisation for Economic Co-operation and Development, 'Government at a Glance' (2011), at [https://doi.org/10.1787/gov\\_glance-2011-en](https://doi.org/10.1787/gov_glance-2011-en) [last accessed 09 May 2023]; see also Ryan W. Buell, Ethan Porter and Michael I. Norton, 'Surfacing the Submerged State: Operational Transparency Increases Trust in and Engagement with Government' (2020), at [https://www.hbs.edu/ris/Publication%20Files/Buell\\_Porter\\_Norton\\_01262020\\_WP\\_1c84113c-821c-4443-bfb6-3679722343a1.pdf](https://www.hbs.edu/ris/Publication%20Files/Buell_Porter_Norton_01262020_WP_1c84113c-821c-4443-bfb6-3679722343a1.pdf) [last accessed 09 May 2023].
- 5 Extraordinary Gazette No. 2002/42, issued in January 2017, at [http://documents.gov.lk/files/egz/2017/1/2002-42\\_E.pdf](http://documents.gov.lk/files/egz/2017/1/2002-42_E.pdf) [last accessed 20 February 2023]; see also 'Power to the People', Transparency International, at [https://rti.gov.lk/wp-content/uploads/2023/01/Power-to-the-People\\_-English.pdf](https://rti.gov.lk/wp-content/uploads/2023/01/Power-to-the-People_-English.pdf) [last accessed 16 May 2023]; see also 'International Day for Universal Access to Information 28 September', at <https://www.un.org/en/observances/information-access-day> [last accessed 16 May 2023].
- 6 Verité Research, 'Proactive Disclosure under the RTI Act in Sri Lanka: Ranking Public Authorities', December 2017, at <https://www.veriteresearch.org/wp-content/uploads/2018/07/Online-Proactive-Disclosure-under-the-RTI-Act-in-Sri-Lanka.pdf> p. 75-77 [last accessed 01 May 2023].
- 7 Section 14(a), Right to Information Act, No. 12 of 2016.
- 8 Section 8(1)-(2), Right to Information Act, No. 12 of 2016.
- 9 Section 9(1)(a), Right to Information Act, No. 12 of 2016.
- 10 Extraordinary Gazette, No. 2004/66 issued on 03 February 2017, at [http://documents.gov.lk/files/egz/2017/2/2004-66\\_E.pdf](http://documents.gov.lk/files/egz/2017/2/2004-66_E.pdf) [last accessed 01 May 2023].
- 11 Regulation No. 22, Extraordinary Gazette, No. 2004/66 issued on 03 February 2017, at [http://documents.gov.lk/files/egz/2017/2/2004-66\\_E.pdf](http://documents.gov.lk/files/egz/2017/2/2004-66_E.pdf) [last accessed 01 May 2023].
- 12 Section 43, Right to Information Act, No. 12 of 2016.
- 13 Verité Research, 'Proactive Disclosure under the RTI Act in Sri Lanka: Ranking Public Authorities', December 2017, at <https://www.veriteresearch.org/wp-content/uploads/2018/07/Online-Proactive-Disclosure-under-the-RTI-Act-in-Sri-Lanka.pdf> p. 3-13 [last accessed 01 May 2023].

- 14 Website of the Office of the Cabinet of Ministers, 'Cabinet of the 9th Parliament of Democratic Socialist Republic of Sri Lanka', at [http://www.cabinetoffice.gov.lk/cab/index.php?option=com\\_content&view=article&id=12&Itemid=11&lang=en](http://www.cabinetoffice.gov.lk/cab/index.php?option=com_content&view=article&id=12&Itemid=11&lang=en) [last accessed 25 April 2023].
  - 15 Section 8(4)(a), Right to Information Act, No. 12 of 2016; see also Regulation No. 20(1), Extraordinary Gazette, No. 2004/66 issued on 03 February 2017, at [http://documents.gov.lk/files/egz/2017/2/2004-66\\_E.pdf](http://documents.gov.lk/files/egz/2017/2/2004-66_E.pdf) [last accessed 01 May 2023].
  - 16 Section 9(1)(a), Right to Information Act, No. 12 of 2016
  - 17 Verité assessed Disbursement information for 2021 instead of 2022 due to the monitoring period spanning from 01 December 2022 to 31 December 2022, as public authorities could not be expected to publish Disbursement information for 2022.
  - 18 Article 18, The Constitution of the Democratic Social Republic of Sri Lanka, at <https://www.parliament.lk/files/pdf/constitution.pdf> [last accessed 03 May 2023].
  - 19 Article 19, The Constitution of the Democratic Social Republic of Sri Lanka, at <https://www.parliament.lk/files/pdf/constitution.pdf> [last accessed 03 May 2023].
  - 20 Article 18(3), The Constitution of the Democratic Social Republic of Sri Lanka, at <https://www.parliament.lk/files/pdf/constitution.pdf> [last accessed 03 May 2023].
  - 21 The 2017 Methodology only considered the English score for ease of access because at the time of the monitoring and assessment the majority of the public authority websites only had information up in English and very little in Sinhala/Tamil languages. Therefore, as an incentive to public authorities for proactively disclosing information, at a minimum, in English, the ease of access score for English was used.
  - 22 The 2017 Methodology only considered the English score for format because at the time of the monitoring and assessment the majority of the public authority websites only had information up in English and very little in Sinhala/Tamil languages. Therefore, as an incentive to public authorities for proactively disclosing information, at a minimum, in English, the format score for English was used.
  - 23 'Changes in Ministry Compositions Since 2010', [Manthri.lk](https://manthri.lk), at <https://manthri.lk/en/blog/posts/changes-in-ministry-compositions-since-2010> [last accessed 28 March 2023].
  - 24 However, the statutory obligations under section 8 and 9 of the RTI Act apply to the President and Prime Minister when they act in the capacity of a minister (e.g. Minister of Defence).
- Additionally, although the Board of Investment is not a 'ministry', it is being assessed in place of the Ministry of Investment Promotion. Therefore, the Board of Investment was assessed in terms of the statutory obligations under section 8 and 9 of the RTI Act.
- 25 Section 43, Right to Information Act, No. 12 of 2016, at [https://www.media.gov.lk/images/pdf\\_word/2016/12-2016\\_E.pdf](https://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf) [last accessed 17 May 2023].
  - 26 While this proactive disclosure assessment monitored the disclosure of project information by public authority, Verité Research's Infrastructure Watch platform monitors the disclosure of project information by project: 'Infrastructure Watch', [Publicfinance.lk](https://publicfinance.lk), at <https://dashboards.publicfinance.lk/infrastructure-watch/> [last accessed 03 May 2023].
  - 27 Article 18, The Constitution of the Democratic Social Republic of Sri Lanka, at <https://www.parliament.lk/files/pdf/constitution.pdf> [last accessed 29 March 2023].

- 28 Helen Darbishire, 'Proactive Transparency: The Future of the Right to Information' (2010), The World Bank Institute Access to Information Program, p.3, at <https://documents1.worldbank.org/curated/en/100521468339595607/pdf/565980WPOBox351roactiveTransparency.pdf> [last accessed 09 May 2023].
- 29 Progress Report, 2022 January to September, Ministry of Justice, Prison Affairs and Constitutional Reforms, at [https://www.moj.gov.lk/images/pdf/progress\\_report/2022/Ministry\\_of\\_Justice\\_E.pdf](https://www.moj.gov.lk/images/pdf/progress_report/2022/Ministry_of_Justice_E.pdf) p.20 [last accessed 01 May 2023].
- 30 Extraordinary Gazette, No. 2281/41 issued on 27 May 2022, at [http://www.documents.gov.lk/files/egz/2022/5/2281-41\\_E.pdf](http://www.documents.gov.lk/files/egz/2022/5/2281-41_E.pdf) ; see also Extraordinary Gazette, No. 2289/43 issued on 22 July 2022, at <https://moe.gov.lk/wp-content/uploads/2022/08/Gazette-Extraordinary-of-the-Democratic-Socialist-Republic-of-Sri-Lanka-22.07.2022.pdf> [last accessed 24 April 2023].
- 31 'Progress of the Mega Scale Development Projects Fourth Quarter - Year 2022', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/7581a508-518d-41ad-b907-29a44e592c09> [last accessed 26 April 2023].
- 32 'Budget Estimates 2023 - Volume 1', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/e286b9e4-59b1-406f-b324-12f2b46969f2>; 'Budget Estimates 2023 - Volume 2', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/f99d5173-a204-4acc-a684-e4581d0828ea>
- 'Budget Estimates 2023 - Volume 3', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/02b4cd04-ddc5-449c-8809-90b8bb790954> [last accessed 26 April 2023].
- 33 Extraordinary Gazette, No. 2281/41 issued on 27 May 2022, at [http://www.documents.gov.lk/files/egz/2022/5/2281-41\\_E.pdf](http://www.documents.gov.lk/files/egz/2022/5/2281-41_E.pdf) ; see also Extraordinary Gazette, No. 2289/43 issued on 22 July 2022, at <https://moe.gov.lk/wp-content/uploads/2022/08/Gazette-Extraordinary-of-the-Democratic-Socialist-Republic-of-Sri-Lanka-22.07.2022.pdf> [last accessed 24 April 2023].
- 34 Helen Darbishire, 'Proactive Transparency: The Future of the Right to Information' (2010), The World Bank Institute Access to Information Program, p.3, at <https://documents1.worldbank.org/curated/en/100521468339595607/pdf/565980WPOBox351roactiveTransparency.pdf> [last accessed 09 May 2023].
- 35 'Budget Estimates 2023 - Volume 1', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/e286b9e4-59b1-406f-b324-12f2b46969f2>; 'Budget Estimates 2023 - Volume 2', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/f99d5173-a204-4acc-a684-e4581d0828ea>
- 'Budget Estimates 2023 - Volume 3', Ministry of Finance, at <https://www.treasury.gov.lk/api/file/02b4cd04-ddc5-449c-8809-90b8bb790954> [last accessed 26 April 2023].
- 36 'Budget Promises: Beyond Parliament', Verité Research, 2021, at [https://dashboards.publicfinance.lk/budget-promises/wp-content/uploads/2022/06/Budget-Promises-2021-End-Year-English\\_F.pdf](https://dashboards.publicfinance.lk/budget-promises/wp-content/uploads/2022/06/Budget-Promises-2021-End-Year-English_F.pdf) [last accessed 23 April 2023].
- 37 'Verité Research Highlights Key Takeaways from Budget 2022 Speech during Expert Commentary', 12 November 2021, at <https://www.veriteresearch.org/2021/11/16/verite-research-highlights-key-takeaways-from-budget-2022-speech-during-expert-commentary/> [last accessed 28 April 2023]; see also 'Defence expenditure: The elephant in the Budget', Advocata Institute, 27 November 2022, at <https://www.advocata.org/commentary-archives/2022/11/27/defence-expenditure-the-elephant-in-the-budget> [last accessed 03 May 2023]; see also 'Sri Lanka Analysts Frown Upon Wickremesinghe's High Defence Budget', 15 November 2022, at <https://economynext.com/sri-lanka-analysts-frown-upon-wickremesinghes-high-defence-budget-103035/> [last accessed 09 May 2023].
- 38 'Understanding Public Policy' (1972), Thomas R. Dye, Englewood Cliffs: Prentice-Hall.

- 39 Vertical (electoral) accountability is defined as “institutions and actions that make the government accountable to the people through elections or political parties”; ‘Political Accountability: Vertical, Horizontal and Diagonal Constraints on Governments’ (2020), V-Dem Institute, at [https://www.v-dem.net/media/publications/pb\\_22\\_final.pdf](https://www.v-dem.net/media/publications/pb_22_final.pdf) [last accessed 09 May 2023].
- 40 ‘The Right to Information: Strengthening Democracy and Development’ (2005), Commonwealth Human Rights Initiative, at <https://www.humanrightsinitiative.org/programs/ai/rti/articles/RTI%20Paper%20-%202005%20ombuds%20Conf.pdf> [last accessed 09 May 2023].
- 41 Article 14A, The Constitution of the Democratic Socialist Republic of Sri Lanka 1978, at <https://www.parliament.lk/files/pdf/constitution.pdf> [last accessed 16 May 2023]
- 42 Extraordinary Gazette, No. 2281/41 issued on 27 May 2022, at <http://www.documents.gov.lk/files/egz/2022/5/2281-41-E.pdf> [last accessed 24 April 2023].
- 43 [Manthri.lk](http://www.manthri.lk), accessible at: <http://www.manthri.lk> [last accessed 09 May 2023]
- 44 Similarly, the Board of Investment could score a maximum of 28 points since the Budget for 2023 and the Disbursements for 2021 subcategories are not applicable to the Board of Investment as outlined above.
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