

PROACTIVE DISCLOSURE

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

September 2023



EXECUTIVE SUMMARY

PROACTIVE DISCLOSURE under the RTI Act in Sri Lanka: Ranking Public Authorities

Executive Summary

September 2023

Executive Summary

Verité Research developed the methodology for this assessment in 2017 with the support of the World Bank and assessed the compliance of 55 public authorities with their online proactive disclosure requirements under the RTI Act. The same methodology was adopted in relation to the 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.

The methodology for the study was based on the legal requirements for proactive disclosure set out under sections 8 and 9 of the RTI Act, and Regulation No. 20 under the Act. Sections 8 and 9 of the RTI Act are applicable only to ministries (thereby excluding the Offices of the President and the Prime Minister). Regulation No. 20 is applicable to 'all public authorities', including ministries and the Offices of the President and Prime Minister.

The public authorities were ranked based on their online proactive disclosure of information pertaining to 30 categories of information, which were further divided into 11 subcategories. The categories of information include:

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 received a content disclosure score, a usability score, and an overall composite score, and were accordingly placed within the following bands:

- 0-10%: unsatisfactory
- 11-40%: moderately unsatisfactory
- 41-60%: moderately satisfactory
- 61-80%: satisfactory
- 81-100%: highly satisfactory.

Exhibit 1: Overall Composite Scores in 2017

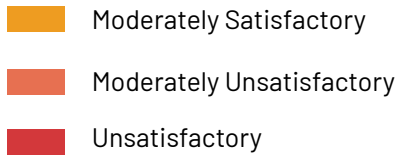
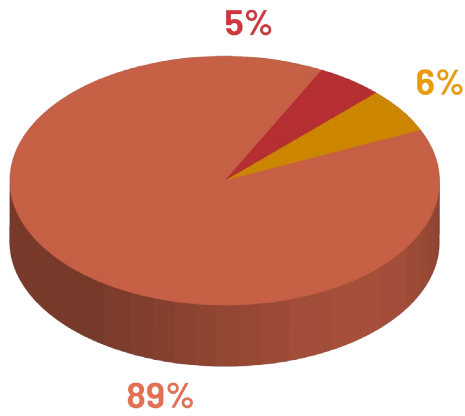
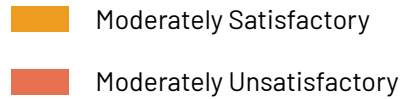
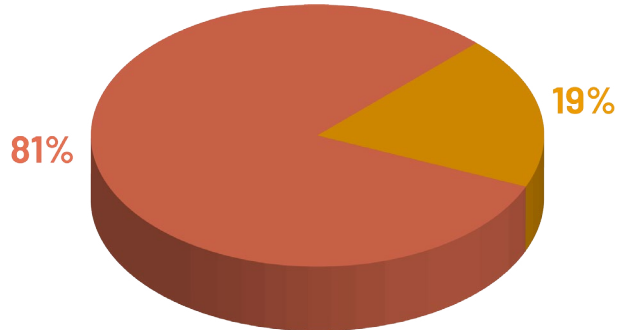


Exhibit 1 reveals that in 2017, the majority of public authorities fell within the 'moderately unsatisfactory' band and some public authorities also fell within the 'unsatisfactory' band.

Exhibit 2 reveals that in 2022, there has been some improvement with the percentage of public authorities within the 'moderately satisfactory' band increasing and no public authorities scoring within the 'unsatisfactory' band.

The public authorities with the highest overall composite scores were the Ministry of Public Administration (57%) and the Ministry of Agriculture (53%).

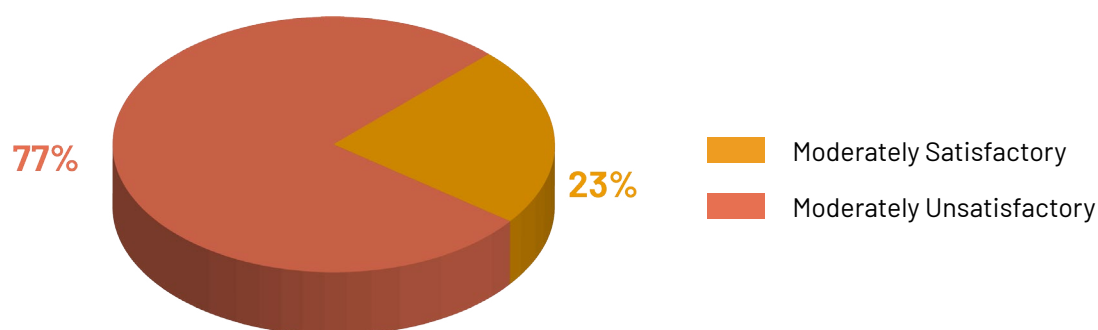
Exhibit 2: Overall Composite Scores in 2022



The public authorities with the lowest overall composite scores were the Office of the President (18%), the Office of the Prime Minister (17%) and the Ministry of Technology (13%).

In terms of **content disclosure**, Exhibit 3 reveals that the majority of public authorities scored within the 'moderately unsatisfactory' band and no public authorities received 'unsatisfactory' scores.

Exhibit 3: Content Disclosure in 2022



Public authorities tended to disclose more up-to-date and complete information in the *Budgets, Expenditure, and Finances, Institutional Information, Organisational Information and Public Policy, Legislation and Regulation* categories. However, this information was generally available on a secondary website, namely the Ministry of Finance (i.e. for budgets) or www.documents.gov.lk (i.e. for legislation).

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%).

Proactive disclosure was also analysed under three thematic areas:

1. Public accountability
2. Public accessibility
3. Disclosures pertaining to the right to information

The findings of the thematic analysis on public accountability revealed that while public policies were generally proactively disclosed, government decision-making processes were largely undisclosed. Therefore, the public's ability to scrutinise the process by which policies are made is restricted due to the opaqueness of information. 42% of public authorities scored full points for the *Publication of Tenders* subcategory. However only 6% of public authorities scored full points for *Successful Awards and Publication of Awards* subcategory, indicating that while tender notices are published, the awards of tenders are not publicised.

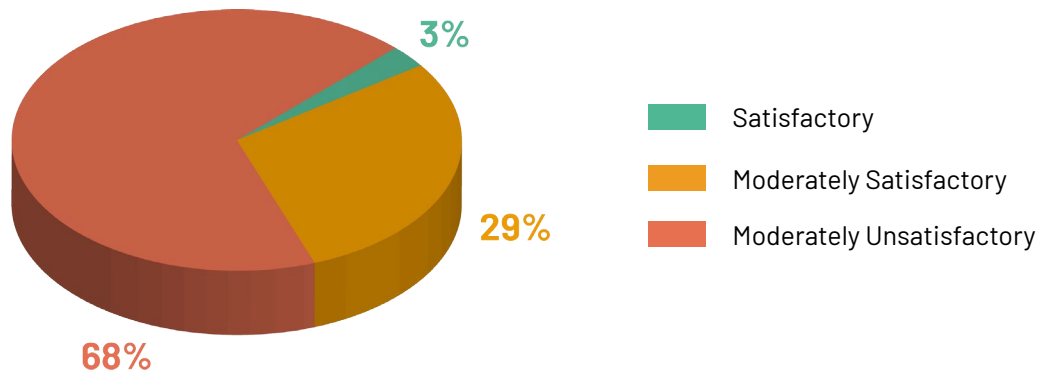
In terms of public accessibility, the *Public Participation* category was amongst the lowest scoring categories across all the public authorities. Several public authorities also did not provide information under the *Public Services* category. Low content disclosure in this area may impede public participation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

The findings of the thematic analysis on disclosures pertaining to the right to information suggest a lack of effective implementation of the RTI Act and its regulations by public authorities. Ten public authorities failed to publish the *Contact Information of the Information Officer* and/or the *Designated Officer*. The proactive disclosure of information already provided under the RTI Act would

greatly enhance the efficiency of exercising the right to information. However, the majority of public authorities scored 0 points in this particular category. In addition, the majority of public authorities performed inadequately in disclosing information about prior public investments under Section 9 of the RTI Act.

In terms of **usability**, Exhibit 4 illustrates that the majority of public authorities scored within the 'moderately unsatisfactory' band.

Exhibit 4: Usability in 2022



The language in which most information was disclosed was English, followed by Sinhala and Tamil. However, there are significant gaps in trilingual accessibility of information, as the average language accessibility score was 38%.

One of the key findings of the report is the existence of a language bias in the disclosure of information. Language bias was assessed by using a public authority's score for information disclosure in English as a benchmark to compare the public authority's information disclosure scores for Sinhala and Tamil languages. 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 and is the least language friendly public authority. This bias presents a challenge to the accessibility of information, particularly for non-English speakers.

The government openness score, which represents a weighted combination of the content disclosure rating (75%) and the usability rating (25%), was only 33 out of 100 in 2022. This is primarily due to the large number of ministries that have low scores. The report suggests that 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.

The report concludes by emphasizing the need for public authorities to improve the proactive disclosure of information, particularly in Sinhala and Tamil languages, to ensure that the RTI Act is effectively implemented to foster a culture of transparency and accountability in public authorities.

