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**EVIDENCE, TRACES AND CONNECTIONS: THE SEARCH FOR A CONCEPTUAL
MODEL TO ASSESS THE IMPACT OF, AND COMPLIANCE WITH LEGISLATION
ON 'ACCESS TO INFORMATION', IN PUBLIC HIGHER EDUCATION
INSTITUTIONS. CASE STUDIES: CHILE AND THE UK.**

THESIS SUBMITTED FOR THE DEGREE OF DOCTOR IN PHILOSOPHY, PhD

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D e d i c a t i o n

I would like to devote this thesis to my family, who has always been supporting me through my search for knowledge. I also dedicate my thesis to those who I deeply admire for giving me values, encouragement and skills through my life and career. To my friends and those who collaborated with me to make this achievement possible, with deep gratitude for being the wonderful and extraordinary persons they are.

London, 28th November 2014

D e d i c a t o r i a

Dedico esta tesis a mi familia, quien me han acompañado y apoyado en la búsqueda de conocimiento. También a quienes me han formado como persona y que admiro profundamente por darme valores y motivación a través de mi vida. A mis amigos y a aquellos que han colaborado y contribuido para hacer realidad este logro, profundas gracias por ser las maravillosas y extraordinarias personas que son.

Londres, 28 de Noviembre de 2014

'I, Alicia Cecilia Ramírez González confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Signature'

ABSTRACT

From the 1990's there have been an increasing number of countries promoting laws to enhance public participation, transparency and accountability. Regarding legislation, this tendency reached a peak of 52 countries from 2000 to 2010, and currently there are around 102 countries which have enacted laws on 'access to information'. Increasing number of countries with legislation suggests a need for assessment, but how to measure 'impact' and 'compliance' of the legislation considering the complexity of both constructs?

The thesis examines methodological foundations applied to the design, and validation of a conceptual model to assess both constructs. As research problem, the thesis examines which analytical constructs withstand the assessment tests and which are vindicated to be included as independent variables of the conceptual model. Mixed methodology was applied to conduct the research. Papers published in mainstream publications during the last ten years were selected by relevance to create the model. Content analysis, expert panel technique, and statistical analysis were applied to support decisions on (1) dependent variables operationalisation, (2) underpinning components of the model definition, and (3) independent variables inclusion criteria. The proposed model was validated by 17 experts from 10 countries, and it has two dependent and 66 independent variables. The construct 'impact' was measured applying an innovation to Pastakia's matrix – RIAM–, and 'compliance' was assessed through statistical analysis of three questionnaires. The proposed model was applied in public higher education institutions under the legislation in UK and Chile, through case studies.

Although impact and compliance are different constructs, their assessment when examining the incidence of legislation on 'access to information', held by public HEIs reported no considerable asymmetries in term of impact scores and compliance achievements. When major positive impacts were obtained, compliance also reported positive results, and when impact was slightly positive, compliance was equally moderate or good.

Keywords: Information Rights, Public Sector Information; Freedom of Information FOIA2000; Act 20.285, Access to Public Information; Public Sector Institutions; Higher Education Institutions, Impact Assessment; Compliance Assessment, Conceptual Models; Knowledge Representation, Content Analysis; Expert Panel.

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**CHAPTER 1:
LITERATURE REVIEW APPROACH ON 'ACCESS TO INFORMATION' HELD BY PUBLIC
AUTHORITIES LEGISLATION, AND RESEARCH PROFILE**

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CHAPTER 1:

Literature Review Approach on 'Access to Information' held by Public Authorities Legislation, and Research Profile

Chapter Overview

This chapter presents a general orientation to give the perspective and details of the research. It has two sections which establish the context within which the research is embedded in the information science discipline. The first section fits the research into a wider thematic scope, covering specific fields or issues on access to information and information rights. The information in this section, was important in defining the research problem, and was a critical motivation for decisions on research design. The first section gives context to move the research work through specific features which define its profile. The literature review included in this section, gives a general perspective about the information used to define the research plan. The second section details boundaries and challenges of the research, and also explains the proposed premises and assumptions from which the project was conducted.

The chapter therefore presents the first point of a research virtuous circle, providing a basis for the exploration of possible reasoning approaches presented in later chapters. The chapter purpose was to explore required features for an assessment mechanism to examine complex constructs related to legislation on access to information.

1. Literature Review on 'Access to Information' held by Public Authorities

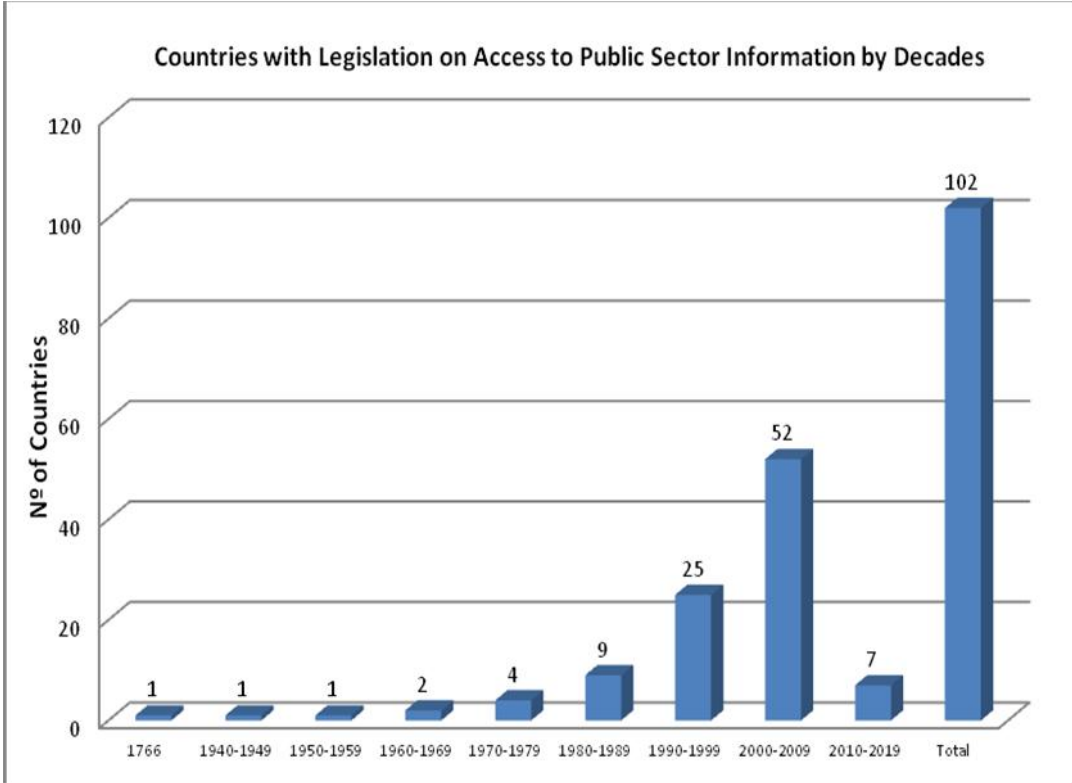
1.1. Context of the Research Problem: Enactment and Enforcement of Legislation on Access to Public Sector Information as a Global Trend

In 1766 Sweden enacted the Freedom of the Press Act. This legislation reached constitutional status in 1949, and since then around 102 countries have legislation on access to public sector information, APSI. Considering a total distribution of 201 countries in the world, the constitutional right of access to public sector information has been adopted by a 44, 78% of these countries. The enactment of such legislation has been a long term process, with recent rises in Asia and the Middle East, where the growth was from 12 to 19 in 2006 and 2010 respectively. In the last two decades, the predominant attribute of this practice has been its rapid expansion; in other words the introduction of the legislation has become an international standard (Banisar, 2006), (Relly and Sabharwal, 2009), (Durrant, 2011), (De Silva, 2011). An updated review is given by McLean (2011, p.1), who explains that 'in 1960, there were only two countries with access to information legislation; in 1980, the number stood at eight; in 1990 it was 14; in 2000, 46; and by 2010 around 90 had done so'.

Countries have adopted a variety of regimes as national systems, national laws or constitutional provisions to implement the enactment of the legislation (Banisar, 2006), (Commonwealth Secretariat, 2008).

The figure below, is based on surveys carried out by Banisar, (2001, 2009, 2012), Mendel (2009) and The Open Society Justice Initiative (2006, 2012). The figure shows a significant increase in the number of countries with this kind of legislation from the 1990's. In that decade, APSI legislation came into effect in 25 countries. Nevertheless it is in the subsequent decade, 2000-2009, where this tendency reached a peak of 52 countries.

Graph N°1: Eight decades of Legislation on Access to Public Sector Information, APSI

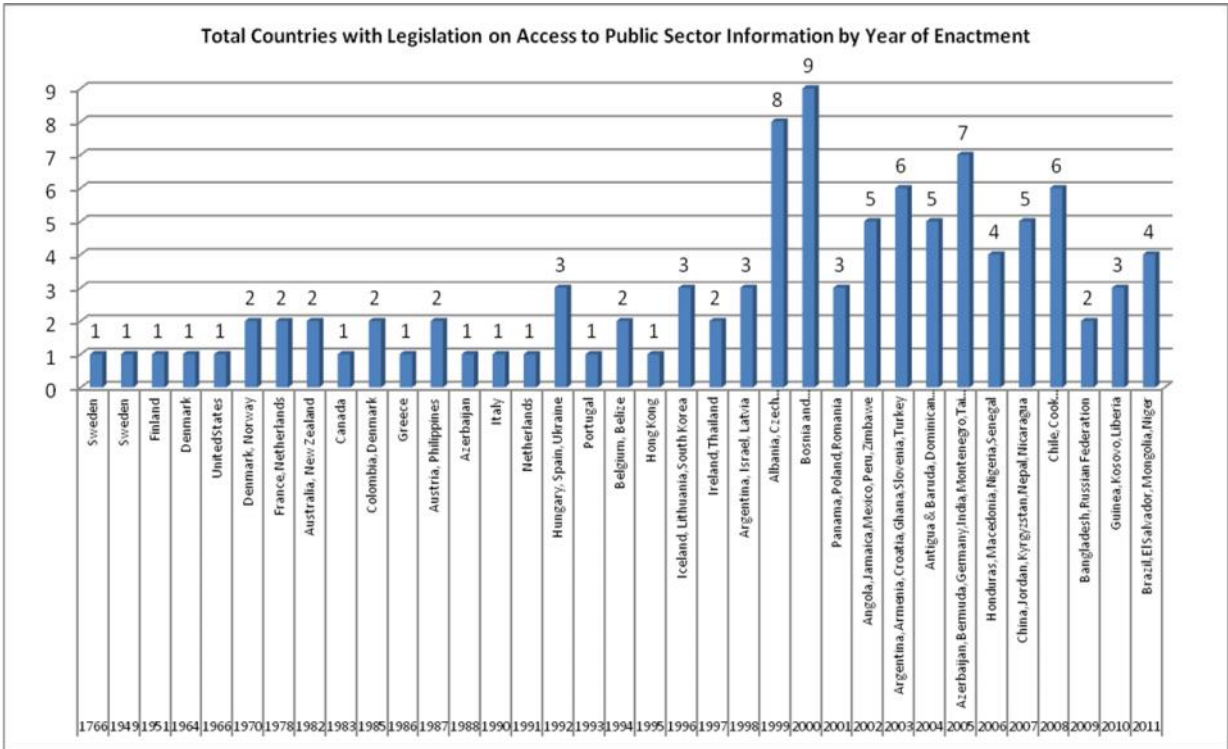


Source: author's thesis

The largest annual increase by country occurred during the years 1999, 2000 and 2005. In 1999 a total of 8 countries passed legislation to promote access to public sector information: Albania, Czech Republic, Finland, Georgia, Greece, Japan, Liechtenstein and Trinidad and Tobago.

In 2000, the act was ratified by 9 countries: Bosnia and Herzegovina, Bulgaria, Estonia, Lithuania, Moldova, Pakistan, Slovakia, South Africa, and the United Kingdom. Similarly, in 2005 enforcement of the legislation was promoted by the sitting government in Azerbaijan, Bermuda, Germany, India, Montenegro, Taiwan, and Uganda, as is showed by Graph N°2.

Graph N°2: Countries with Legislation on Access to Public Sector Information by year



Source: author’s thesis

Apart from this relative expansion, and with the South Africa exception (Lidberg 2009), another feature regarding the enactment of legislation on access to public sector information, also called freedom of information acts, is the range and number of public authorities, offices and agencies included (Shepherd and Ennion, 2007), (Birkinshaw, 2010).

In the UK for example, and according to Birkinshaw (2010, p.312), the number of public authorities covered by the Act ‘ranges from 100,000 to 115,000’. Birkinshaw (2010, p.313) states that this number include the Cabinet Office, central and local government, so ‘every university and school is covered, every police force and every local authority as well as whole of central government, including executive agencies, non-departmental public bodies, and named advisory committees’. Future developments of the Act in the UK regarding its enforcement to the private sector are unlikely according to Birkinshaw (2010, p.317) because ‘there would be widespread opposition from the private sector to an extension of FOI laws to that sector. Utilities, may also wish to resist being covered by FOIA’.

When examining motivations on adoption and enforcement of legislation on access to public sector information, given a shared pattern as this broad coverage across public authorities shows, it was found that there is not a unique reason, but a number of explanations for governmental motivations.

1.2. Context of the Research Problem: Enactment and Enforcement of Legislation on Access to Public Sector Information as a Governance Motivation

Reasons, purposes, aspirations and motivations to enact legislation in favour of public information, disclosure and release, are fundamental to understanding any measure of impact and compliance with the law. Motivations to enact access to public sector information legislation may be, made formally explicit; nevertheless sometimes statements about these intentions are not included as part of the legal document. According to Hazell et al. (2010, p.16), as in many countries, 'the UK legislation lacks a purpose clause', which makes it problematic to understand the aim of FOI legislation. Hazell et al. (2010, p.16), in addition states that 'the first difficulty is distilling the most important aims and separating the realistic from those that may be mentioned or emphasised for political reasons. The second problem is that FOI is often enacted in conjunction with other reforms that can overlap or obscure its purpose'.

On the other hand, it is also necessary to consider that the enactment process takes time and in presidential regime cases for example, the law is normally promulgated after two or three elections. In the case of Chile, the Parliamentary motion began in 2005 as an initiative lead by Hernán Larraín and Jaime Gazmuri, parliamentarians belonging to the coalitions Alianza por Chile and the Concertación respectively. In this context, under the last government of the Concertación, and the Presidency of Michelle Bachelet, the Act 20,285 on transparency and access to public information was enacted on August 11, 2008 and came into force on April 20, 2009.

Possible explanations of the driving forces which encourage governments to foster legislation on access to the public sector information include political and social reasons. (Al'afghani, 2009), (Birkinshaw, 2010), (Durrant, 2011), (Worthy, 2011), (Tran, Malesky and Schuler, 2011), (Rehren, 2011), (Hazell and Glover, 2011). Making available information concerning acts of the State, governments apparently encourage greater transparency, accountability and participation in public policy. These motivations are also linked with the promotion of a culture of openness within public sector organisations, (Burt and Taylor, 2009), (Birkinshaw, 2010), (Worthy, 2011), through which citizens have greater awareness of the government decision-making process (Fumega and Scronni, 2011), (Worthy, 2011), (Hazell and Glover, 2011). In this context, having access to information on government policy, the public understanding of the government, as well as democratic governance would be a desirable outcome (Rehren, 2011), (Hazell and Glover, 2011). Besides, with the enhancement of this kind of legislation, governments might consider that a compulsory mechanism could prevent and control corruption, improving government effectiveness and further the whole governance system (Relly and Sabharwal, 2009), (Cruz Vieyra and Dassen, 2011), (Trapnell,

2011). In terms of public opinion and perception, the legislation on access to public information had as a central motivation increasing trust in government. (Birkinshaw, 2010), (Hazell and Glover, 2011), (Worthy, 2011).

Relly and Sabharwal (2009, p.148) have, though, a different approach. To them a core and fundamental motivation has economic grounds. Considering public information as a commodity, official information openness has an 'economic potential for a country'. Under the global economic system, 'the private sector looks for a host of indicators such as the availability of information on policies, programs, official rules, and the distribution of resources before making investments', so the largest users of information laws are not located in the citizenship, but actually in the private sector. In this case, Relly and Sabharwal (2009, p.148) state that private companies are 'businesses seeking to determine the corporate climate for regulatory policy or seeking procurement contracts with the public sector'. In addition, according to Relly and Sabharwal (2009, p.155) 'creating or advancing institutions that foster information flow would increase the chances of investment and economic development in a nation'. Accordingly, the enactment of the legislation has as a consequence, 'increasing information flows, which potentially reduce uncertainty in the business environment'. In this context and as Relly and Sabharwal (2009, p.154) understand that 'access-to-information laws would not necessarily contribute toward the perceptions of transparency of government policymaking', but mostly to business development.

Similarly, McClean (2010, p.393) considers that 'the influence of economic interests is at least possible in the case of freedom of information'. To McClean (2010, p.393) the development of access to public sector information 'has been explained as a result of pressure on laggard governments from businesses eager not to lose opportunities for the cross-border transfer of information'. With the exclusion of South Africa, where according to Lidberg (2009, p.170) the Official Information Act 2000 'in part applies to the private sector', and following these statements, it would be interesting to analyse and critically reflect on whether the enactment of this kind of legislation is an implicit mechanism in favour of private sector.

1.3. Context of the Research Problem: Enactment and Enforcement of Legislation on Access to Public Sector Information as a Mechanism under Scrutiny

A fundamental question here – whatever these political, social and economic motivations– is to distinguish what underlying approaches legislation on access to public sector information have been evaluated or measured.

Of particular interest is how the right of access to public sector information is promoted by mechanisms for the citizen to request and receive information held by public agencies. The process to make requests is usually simple, and most legislation considers manual and electronic mechanisms to submit information requests. Once the request is received by the public office, there is normally a deadline of say 20 days to reply. In case of delays or if the response does not satisfy the requester's expectations, most legislation encompasses the right to ask for internal review, as well as for appeal. In these circumstances, the appeal process often has, firstly, an internal mediation, then judicial stages. Deadlines for these stages vary. Public sector organisations have therefore enforcement mechanisms to ensure independence to resolve possible complaints between the requesters and the administrative office.

Examining possible causes for non compliance, Abbot and Marohassy (2010, p.12) explain that 'the reluctance to comply with FOI legislation does not result from bureaucratic misunderstanding of relatively recently enacted legislation. Instead it stems from an antagonism by institutional climate'. In addition, Roberts (2010, p.392), mentions that in India for example, 'the two most notable difficulties are the barriers to use of the law, and the threat to enforcement capabilities posed by the inflow of appeals to central and state information commissioners'. But to Roberts (2010, p.392) 'the law becomes useful only to business or wealthy citizens who have the knowledge and resources to file requests and persist with prolonged enforcement processes'.

Considering the number of countries which have already implemented the legislation, the dates from which this legislation has been enforced, and the amount and kind of resources invested in the implementation process, the need for an holistic assessment system seems fundamental for all those countries interested in measuring the effectiveness of the legislation. Is such an assessment mechanism currently available? A systematic revision of the literature on access to public sector information legislation, published in high impact journals during the last 10 years, suggests that existing assessment mechanisms only focus on particular or specific features of APSI.

Another fact to take into account which emerges from the literature is the specific features of the legislation. APSI is generally promoted as a public policy initiative to prevent corruption, enhance transparency, accountability, and increase public participation, nevertheless, the legislation only encompasses public sector organisations and not private ones. Within this context, legislation on access to public sector information looks like a 'global' movement, but every country where the law has been implemented has local traits. One possible challenge would be to find out if the legislation exhibits any international or 'global' standards, but also

whether it has been enforced according to provisions at local level. If in addition we consider that (1) the administrative systems are not homogeneous between different countries, (2) the legislation has boundaries to disclose information, (3) the development of request managing systems is an ongoing process, (4) public servants and public sector organisations have heterogeneous features, then the assessment of this kind legislation, particularly in terms of compliance and impact, seems a complex issue, and the need for a systematic assessment process becomes even more critical.

1.4. Context of the Research Problem: Enactment and Enforcement of Legislation on Access to Public Sector Information as a Research Target

The issue of the implementation of such legislation has been broadly covered by the literature. Considering the legislation implementation from a systemic point of view, Villeneuve and George (2011, p.6) highlight that its measurement 'requires a multi-faceted approach that includes a strong enforcement model, or various enforcements methods'. Accordingly, and recognising the potential of managerial tools, Villeneuve and George (2011, p.6) also consider that 'complementary methods such as audits and performance assessment can provide insights into the root causes of a larger problem or a systemic issue that may be'. On the contrary and visualising how complex the implementation of this kind of legislation would be, Muir and Oppenheim (2002, p.473) were not convinced, indicating that in Ireland for example, 'the Act creates a presumption that the public can access documents created by government agencies and requires that government agencies make internal information on their rules and activities available'. Muir and Oppenheim (2002, p.473) pointed out a decade ago that 'evidence suggests that the implementation of the Act does not meet requirement stated in the legislation'.

Similarly and looking for explanations for the current state of the legislation, Hazell and Worthy (2010, p.357) consider that 'the UK suffered from the (self-inflicted) disadvantage that the Act was applied to 100,000 public bodies at once, rather than being gradually phased in'. Apart from the way and mechanisms by which access to public sector information legislation was implemented. Worthy (2010, p.563) holds that there is another reason to explain the problem; to him FOIA 'has not achieved many of the wider democratic goals its supporters hoped because the goals were not realistic and the political environment presented too many obstacles', and essentially to Worthy (2010, p.578) 'although FOI was intended to shape the political environment, the environment also shapes the Act'.

Stubbs (2008, p.668) also points out that 'the problems of access law can be better addressed by looking outside the legislation itself; that is to the nature of the political framework in which it is embedded'. In this context, Stubbs (2008, p.677 citing Yeatman

1990) 'the influence of managerialism since the 1980s has certainly been deep and widespread, and some consider it to be no less than a cultural revolution in public administration'. According to Stubbs (2008, p.677) as consequence of this approach, 'FOI, and other mechanisms for transparency and accountability, have been negatively affected by such market-orientated policies'. Under such new performance managerial principles, the value of assessment of the Act's implementations is to get a systematic diagnosis on the state of compliance with the law, and thereby to plan the required improvements. This is a common standard by which most public sector organisations work. Nevertheless it would be interesting to consider whether public sector organisations reflect on the implications of this approach and think about why they understand the Act as a public service instead of a human right.

On the question of what were the underlying approaches used to evaluate or measure the legislation for access to public sector information, it is possible to indicate two features. First, there is an increasing interest in assessment, evaluation and quantification. Secondly, this measurement has been focused on particular issues, and with predominance accorded to a unique research approach.

From the Library and Information Science field, Durrant (2011, p.6) mentions that 'to determine the contribution of access legislation, the necessary connection should be made with monitoring and assessment of the implementation of the Acts'. The recommended managerial approach by Durrant, (2011, p.23) is also applied with regard to 'the question of the political environment in which the act operates needs to be studied and taken into consideration when assessing the performance of the Acts'. Similarly, Durrant (2011, p.3 citing Calland 2010) suggests that 'he identifies from the literature, factors contributing to impact, including a balance between demand and supply of information, participation of all sectors of society, and the development of voluntary disclosure regimes'. In addition, Durrant (2011, p.5) considers that 'as access regimes continue to develop, the need for assessment of their performance is indicated as an important means of determining their success and/or adjustments needed for a successful regime'. Performance is a positivist approach through which it is possible to get updated data regarding critical assessment factors. This methodology is usually complemented with qualitative approaches which are used to explain and give sense to factual issues.

From the public policy and management field, Hazell et al. (2010, p.51) consider that 'there has been growing interest in trying to measure the impact of the legislation' and also that 'most studies focus upon its effectiveness and how the Act is "working"'. Highlighting the assessment focus on 'performance', Hazell et al. (2010, p.52) also point out that 'international donors and civil society organisations have begun to develop performance

measures to try to evaluate the effectiveness of the new laws'. Focusing on the measurement approach, methodologies used and the assessment conditions, the author explains that:

'These evaluation attempts are still in their infancy. Broadly they encompass three different kinds. First, there are attempts to compile aggregate indicators of good governance, which include indicators of transparency and accountability. Second, there are cross-country comparative surveys or analyses. These tend to focus on only one group of FOI requesters. Third, there are studies which use standardised FOI request in different countries and compare the quality of the response'. (Hazell et al. 2010, p.52).

Responsible for conducting investigations on FOIA, understanding methodological gaps, and slightly varying the scope of the managerial approach Hazell et al. (2010, p.52) evaluated the performance of FOIA against six aims focused on two key agents; the requesters and Whitehall. Hazell et al (2010, p.52) emphasizes that:

'Our research has sought to do something different. It has sought to move towards a more systematic analysis of the impact of FOI in one country. Instead of its performance we measure the impact of FOI in two ways: (1) whether the Act has achieved its objectives and (2) how it has affected the working of Whitehall'.

From the field of sociology, and with a tacit criticism to the managerial approach, McLean (2011, p.2 citing Hazell and Worthy 2010) underlines that 'attempts to measure the effectiveness of freedom of information laws have generally adopted one of three broad strategies: textual analysis of the law itself, official statistics, and studies of theoretically-important user groups'. In particular McLean (2011, p2) emphasizes that 'all three have generally proved far more effective at identifying *how* implementation falls short of particular normative standards than explaining *why* they do so, and why they do so to different degrees in different countries'. In other words the author considers that even though these assessment attempts are focused on describing processes, this is no guarantee to help recognise and explain the underlying reasons by which differences of assessment results occur among countries.

Two experienced researchers have recently emphasized in 2011 one of the critical issues when assessing legislation for access to public sector information. According to Hazell and Glover (2011, p.2) methodology is the core or central problem because 'no FOI Act has been subject to an independent, multi method, summative evaluation'. On the other hand Durrant (2011, p.4) emphasizes that 'the existing gaps are identified as the absence of a robust methodology to measure impact, and further research needs to be done on the question to provide evidence of impact'.

Covering 10 years of literature review on access to public sector information legislation, it is possible to explain that this apparent 'lack of a robust methodology' refers to the focused measuring of experiences. All the approaches used by the analysed researchers are aimed to meet specific issues, and therefore concentrated on detailed aspects of the legislation.

Within this context, the quality of an exhaustive or specific description constitutes an attribute instead of a handicap, although considering the complexity of this issue, a systematic assessment seems suitable. When describing particular research results on access to public sector information legislation, Open Society Institute (2006), Unesco (2009), Drago and Neamu (2009), Lidberg (2009), Darbshire and Mendel (2010), Cuillier (2010), Hazell and Worthy (2010), Shepherd, Stevenson and Flinn (2010), Worthy (2010), Rely and Cuillier (2010), Gil-Leiva and Martínez (2011), Cejudo, López-Ayllón and Ríos Cázares (2011), Mclean (2011), Michener (2011), Trapnell (2011) and Worthy (2011) all have high reference rates. So far a key question emerges; if experiences on compliance and impact assessment have been focused on particular issues, would it be possible to look for traces to find a more integrated model of assessment for impact and compliance with the legislation?

1.5. How to Examine and Measure the Legislation on 'Access to Public Sector Information': Approaches and Discussion from the Literature Review

In this section, the literature review is applied to examine and discuss what research has sought to measure the legislation on access to public information. The purpose of this section is to provide an explanation of such attempts, with an analysis of the strengths and weaknesses of the approaches for defining benefits and 'gaps'.

From research which reflects on where freedom of information works best, McClean (2011, p.2) pointed out that efforts to measure the effectiveness of FOI laws have adopted one of three broad strategies: (1) textual analysis of the law itself, (2) official statistics, and citing Hazell and Worthy (2010), (3) studies of theoretically important user groups. McLean underlines that these approaches have been demonstrated to be useful in helping to identify critical barriers of implementation, but what is not evident for him is the explanation on 'why they do so to different degrees in different countries'.

To McClean (2011, p.2-3) the (1) analysis of legal texts, is 'usually focused on the degree to which they conform to the normative principles they are taken to embody, together with the robustness of some prominent operational and enforcement mechanisms'. This approach, of publishing comparative studies of legislation, which can be used by the media and activists for advocacy purposes is common. This approach provides evidence from operational and enforcement provisions of how people use their information rights. To McClean it is clear that

although a piece of legislation is a positive trigger of transparency, its contribution to access to official documentation is not fully determined. Therefore, 'assessing all laws against a common normative standard effectively ignores this, and assumes that the interests at stake and their relative influence over outcomes are similar in all cases'.

The second approach identified by McClean refers to the analysis of official statistics, where the focus is to examine official data resulting from the implementation process, as for example number and proportion of information requests, appeal's average, time frame rates for compliance, and so on. To McClean (2011, p.3-4) this second approach has problems not only of quality and comparability, but also availability. McClean recognises that 'the validity of using them to explain cross-national variation would still be open to challenge on the grounds that assessing effectiveness requires comparing a known quantity with an unknown'. On the other hand it is clear that a statistic may have a variety of 'interpretations' and meanings. Statistical analysis measuring access to official documents under a statutory scheme would be inaccurate because 'questions relating to effectiveness concern the reasons why people do or do not make requests, are matters on which such statistics are necessarily silent'.

The third approach found in McClean (2011, p.4) makes reference to 'studies of specific groups' of information requesters under a FOI regime. The examination on how a diverse community of requesters use the legislation is usually conducted by surveys containing 'standardised requests submitted to multiple authorities, but there also exists a small number of detailed ethnographic studies'. To McClean, this approach has the advantage of being an enabling mechanism to 'illuminate for example some of the dynamics underpinning non-requests reason', where 'large-scale surveys conducted by civil society groups have suggested that low request rates may be at least partly due to systemic bias and official resistance rather than public satisfaction or a lack of interest'. Despite the benefits, McClean recognises their limitations, mentioning that they are 'formidably resource intensive and time-consuming', and are not being conducted in all countries for a 'comprehensive cross-national comparison'. McClean citing Hazell and Worthy (2010), identifies a second disadvantage mentioning that 'more fundamentally, these studies all focus on particular countries, user groups, and issues, and their broader usefulness depends very much on these choices'. For example, 'a high request rate by the chosen requester communities is taken as a sign of their effectiveness, and low rates as a problem'. The instrumental use of normative theory would identify inaccurate trends and 'tends to produce pathological diagnoses in which failure is ascribed'.

To McClean (2011, p.9) citing Pierson (2006); March and Olsen (2008) went beyond these three methodological approaches to define research inquires and data collection plans, sought to determine that which is central when assessing variations in the causes and effects

of freedom of information acts is 'the contextual factor' and the 'understanding of the institutional structure of political power, understood in the broad sense as including both the (1) formal rules governing relations between important actors, and the (2) organisational forms those actors take'. This claim, based on two related grounds defined 'agents' and 'operations' from an outside perspective. This research recognises the value of these elements and suggests that McClean is omitting 'information' as the underpinning factor, subject to the right of access and disclosure.

Researching into transparency theory, from a qualitative perspective, Meijer (2013, p.429) contributes to the ongoing production of the literature on government transparency by developing a heuristic model to reflect the 'construction of transparency by interactions between governments and stakeholders'. Meijer created this model to 'elucidate the complex dynamics of this phenomenon, looking at the 'interactions between a variety of actors, uncertain values, and rapidly changing technologies'.

To Meijer (2013, p.429) citing Roberts (2010) despite the rise of transparency initiatives over the last two decades, there is 'diversity in the quality of transparency initiatives and the degree to which transparency is actually adopted'. Meijer states that a variety of actors and interaction creates different degrees of influence in the construction of transparency. He also states that interactions between governments and stakeholders take place within a variety of legal frameworks, in different cultural settings, and within complex national and international policy contexts. When identifying this complexity of contextual factors, Meijer outlines 'organizational routines, technological options, relational patterns, and legal frameworks' as causes of influence for the emergence of transparency practices and frameworks.

But what is a problematic issue for Meijer is not the number of actors and the complexity of the interactions, but the fact that 'government transparency is constructed in interactions between actors with different perspectives within a certain institutional playing field, and, at the same time, these interactions change the nature of the playing field'. This feature makes transparency radically different from other policy issues, for example, accountability and participation. Based on this situational perspective, Meijer (2013, p.430) remarks that there is a 'limited understanding of the construction of government transparency in multiactor interactions over a longer period of time', which requires 'more in-depth, longitudinal case studies' for enhancing the understanding of the specific dynamics of government transparency. His research contributes to the discussion of this issue by 'highlighting the value of a contextual approach that investigates the construction of transparency over time'.

Meijer (2013, p.430) identifies transparency as the capacity to influence and measure the work of government, defining 'transparency as the availability of information about an actor

that allows other actors to monitor the workings or performance of the first actor'. From this definition it is clear that transparency 'consists of an institutional relation where an information exchange takes place that relates to the workings or performance of an actor'. By segregating the elements from the definition, three concepts of government transparency are proposed. (1) *Transparency as an institutional relation*, where the government behaviour is subject to monitoring by stakeholders or interest groups and citizens. (2) *Transparency as information exchange*, where documents reveal 'decisions, actions, and relevant circumstances' to represent the reality, and therefore their performance in terms of 'speed, accessibility and ease of use', and (3) *Transparency of workings and performance*, to refer to what is achieved by the government and how these achievements result in a process of transformation.

Considering the fact that transparency may be 'constructed and reconstructed continuously through social and political processes along the lines of institutional relations, information exchanges, and domains of transparency', Meijer (2013, p.430) argues for the need for a heuristic model 'to study the complex and contextual construction of government transparency'. The model developed by Meijer takes a holistic approach to examine 'the various aspects, drivers, and effects of transparency in their interrelation'. Apart from the identification of specific factors to explain certain degrees of transparency, Meijer's model is built on 'notions about complex decision making in the public sector', and from the contribution of new technologies to the social construction of transparency.

Meijer defines transparency as 'complex', and his model (2013, p.431) identifies three categories of complexity: (1) *Strategic Complexities*, refer to 'changes and consequences in transparency for subsequent strategic interactions in all kinds of policy domains' to distribute power through resources. (2) *Cognitive Complexities* refer to decisions and mechanisms on access, dissemination, registry creation, release, and publishing of information. Access to information is identified by Meijer as 'becoming even more complicated because there is a growing need to combine information from various sources and in standardized formats'. In this domain, Meijer (2013, p.431) argues that 'the availability of government information on certain types of performance may focus the attention of actors on these issues, or at least it may force them to relate to this information, as the information sets the agenda'. (3) *Institutional Complexities* relates to the idea of institutional uncertainty between technological changes. The uncertainty is about rules, power, and values, and the complexity is that 'values are weighed and conceptualized differently by the various actors'. To Meijer (2013, p.432) 'those in power have tended to consider public information their own property and not that of the citizen; therefore, they have been hesitant to make such documents accessible to the public'. Nevertheless, Meijer (2013, p.432 citing Beniger 1986; Dunlop and Kling 1991;

Meijer 2009; Nora and Minc 1980; Welch and Wong 2001), argues that ‘the new information and communication technologies that are now growing exponentially in use are challenging historical traditions and bureaucratic cultures and raising new institutional uncertainties’.

Meijer’s (2013, p.432) heuristic model for the social-political construction of government transparency also has three dimensions for analysis to examine uncertainties from an interrelated perspective: (1) a *strategic analysis* focused on ‘the power of a variety of government actors, such as ministries, agencies, and inspectorates, and of external stakeholders, such as citizen groups, journalists, corporate lobbyists, and advocacy groups, (2) a *cognitive analysis*, focused on the ‘identification of the meaning that transparency has for the various actors’, and ‘the impact of changes to transparency to the cognitive framing of issues of policy making and democracy’, and (3) an *institutional analysis* focused on the ‘role of institutional rules such as legal frameworks that stipulate which types of interactions are open to democratic scrutiny, and rules relating to the role of various government actors in the provision of information to external stakeholders’.

This research argues that Meijer’s (2013, p.429) model applied to case studies might provide insights for better understanding of the complexities of government transparency in relation to broader transformations in the public sector. Nevertheless, although the idea of complexity is valuable, the assessment criterion is based on ‘performance’, and we already know that compliance with rules only reflects some degree of standardisation, although it is useful and valid to show how a picture of FOI implementation reflects a limited time horizon.

Recent experimental work on measuring ‘transparency legitimacy’ was conducted to assess openness. Research conducted by De Fine, et.al., (2014, p.111-112), had as one motivational idea ‘a widespread perception that openness increases the perceived legitimacy of the decision making’ (Worthy 2010) and ‘the rationale behind implementing transparency reforms, from the governments’ perspective’ that ‘lies in the perceived effect of transparency on those who will hold them to account’. Questioning the accuracy of these assumptions, the authors pointed out that social science research has contributed to a better understanding of the ‘boom transparency’ effects, mostly focusing on ‘those actors and activities that have been the objects of transparency—the decisions, decision makers, and decision-making processes at the elite level’, but effects on legitimacy are ‘much less developed’.

De Fine, et.al., (2014, p.111-112), citing Bentham([1816] 1999) have suggested that while the idea of ‘open doors may be refreshing is not new’, nevertheless the extent to which ‘the idea is in fact being implemented across the democratized world is unprecedented’. The research was conducted to examine whether transparency and legitimacy are related and to analyse the relationship between both constructs. As experimental work, the contribution was both theoretical and empirical. The theoretical contribution lay ‘in identifying causal

mechanisms that may connect transparency and legitimacy, both positively and negatively'. Applying theories 'from which such mechanisms may be derived', the researchers found that 'the common notion of a straight forward positive correlation between transparency and legitimacy is rather naïve' because 'the effect is highly dependent on the context and may indeed be negative as well as positive'.

In terms of empirical contribution, the research contribution was to conduct an 'empirical test of the effect of transparency on legitimacy, under different conditions'. A participant experimental design was applied, reproducing a context similar to political decision making, and 'participants were 400 upper secondary students, aged 17–19'. They were presented with different cameo scenarios concerning decision making processes on the rules of behaviour at the school, conducted by students, teachers, and representatives. Although when generalizing the results, they could be criticised for not being able to reproduce the same experiment conditions in another group of participants and cultures, the experimental design proved that it was possible 'to achieve a high degree of internal validity, which previous studies of transparency often lack'.

Operationalising 'legitimacy' as a procedure of acceptance, De Fine, et.al., (2014, p.124), argued that 'acceptance of the decision-making procedures is important for shaping a general perception that the authority is appropriate and just'. Outcomes from the experiment showed that 'as expected, the participants rated their possibilities to become informed about the decision making significantly higher in the public decision-making procedures than in the secret ones, which indicates that the manipulations were perceived as intended'.

From the research De Fine, et.al., (2014, p.125-126), also stated that it was possible to verify that 'transparency can have the positive effect on legitimacy, which motivates many political and administrative transparency reforms'. Findings that 'an increase on the procedure acceptance index by more than 30% from no transparency to transparency in process with deliberation' provides evidence to conclude that in this context, transparency worked. Another observation from the outcomes was 'more unexpected'. The experiment showed that 'transparency in rationale competes well with transparency in process in raising the level of legitimacy'. Given the potential costs involved with the opportunity to actually watch a bargaining session in the experiment, 'transparency in rationale should in many circumstances be a fair price for achieving legitimacy'. The third observation from the experiment showed that 'bargaining is less appreciated by the participants in the experiment compared to deliberation'. Although the preferred behaviour was not having any information at all about the process, 'compared to simply having the opportunity to observe the decision making, actually observing bargaining, did not generate significantly more legitimacy, while observing deliberation did'. Apart from the logistical implications of reproducing the induction

process as the understanding of the operationalised definition for legitimacy, this research could argue the difficulty of defining whether the mechanism applied to conduct the experience would have an effect on the results considering that transparency and legitimacy were observed from the decision making general theory. The sense of control should be contrasted with the possibility of observing the deliberation and negotiation processes, but overall it was verified that transparency under the different circumstances demonstrated different effects.

Overall, to De Fine, et.al., (2014, p.127), research outcomes indicated that 'transparency can indeed increase the legitimacy of the procedure, people who are informed about decisions that affect their everyday life may be more willing to accept the process if they are given insight into the reasoning behind the decision'. The experimental work although complex and highly 'context' dependent, was valuable to explore the idea that 'transparency reforms are in fact rather unpredictable phenomena'.

As the experiment assumes that groups have perceptions, understanding, information, and capacities to behave and contribute to the legitimacy of transparency, what the results would be in contexts featured by dictatorial regimes where the population have no participation at all. The authors identified 'some plausible mechanisms, such as frustration and disappointment effects, that may contribute to a negative impact of transparency on legitimacy'. In an FOI regime it would be even more negative considering the fact that strategic deliberation are usually under exemptions.

Other attempts to model systems for FOI assessment arise from the 'Right to Information' initiative, which supports the idea that creating a tool as a measurable model would be useful to both academia and lobby group activities. Darbshire and Mendel (2010, [s.n]) from the Access Info Europe and Centre for Law and Democracy, reported on a country based project which looked for 'how well a framework called The Right to Information (RTI) Legislation Rating Methodology, gives effect to the right to access information held by public authorities'. The framework is a tool to assess or to rate the overall legal system where Access to public sector Information legislation has been passed.

Out of a maximum of 150 points, the RTI Methodology provides an overall numerical assessment 'of how well a country scores in terms of giving legal effect to the right to information'. The framework also provides sub-ratings in seven different thematic areas (1) Access Rights, (2) Scope, (3) Requesting Procedures, (4) Exceptions and Refusals, (5) Appeals, (6) Sanctions and Protections, and (7) Promotional Measures. The right to information legislation methodology, RTI Initiative, provides 'a detailed assessment of the legal framework's specific strengths and weaknesses in the seven thematic areas, setting 61 core or main indicators, each with possibility to score from a range of 0-2 to assess 'how well

the legal framework delivers the indicators'. The methodology has been in development since 2010 and its foundation is a 'wide range of international standards on information rights and comparative study of legislation from selected laws'. The initiative is chaired by an Advisory Council of 'renowned experts on the right to information who have been advising CLD and Access Info Europe, on the development of indicators'.

To Darbshire and Mendel (2010, [s.n]), the RTI methodology also 'includes detailed scoring rules, which illustrate how points are allocated under each Indicator, as well as a database for recording the assessment results'. The assessment process consists of a weighting process for the main elements of access to information laws following the given categories of scoring, and under a statement or declaration form. The methodology is comprehensive and the framework covers the critical aspects of the legislation. As a tool for comparison and index development the RTI methodology is useful, but to study the phenomenon behind these indicators, the methodology is insufficient.

The Snell-Roberts model was developed to support and enhance the level, type and frequency of 'administrative compliance' as well as to measure the efficacy and wellbeing of a freedom of information regime. Snell, (2001, p.26) states that compliance with FOI is possible to ensure by completing seven managerial operations, where 'a monitoring and understanding of administrative compliance in the operation of access to information regimes' in terms of magnitude and type of non-compliance, is critical. To Snell, FOI regime adherence 'should be a non-contentious or controversial issue', but because of the features of the regime, this issue may be problematic. Snell, (2001, p.28 citing Terril 2000), underlines that as the FOI regime 'operates in all three dimensions of government information namely political, bureaucratic and legal', and the capacity requirements to operate in these dimensions both contribute to its problematic status, 'in the eyes of its administrators'.

There are four features or attributes in a FOI regime identified by Snell, (2001, p.28-29) which have the 'capacity to provoke negative or non-compliant responses from administrators'. First, the regime 'grants a legally enforceable right'. Second, the nature of FOI requests is 'unpredictable', having an 'unknown potential to cause unexpected disruption to a policy process'. Third, 'many of the normal information management techniques of spin doctors and PR specialists have the potential to be counter-productive or to back-fire in the right-democratic charged atmosphere of FOI legislation'. Fourth, the FOI officers, as key gatekeepers in deciding access to information, 'operate in an environment of diminishing training, resources and increasing pressures to settle for levels of non-disclosure', in contradiction with the FOI requirements, 'or at the very least, its ethos'. For design factors coming from the FOI regime, 'a space for government to engage in passive or even active resistance' is favourable, which also affects the FOI processes, which are 'the sum of

atomised actions by unconnected individuals yet in a playing field which delivers a number of significant institutional advantages to the government player'. This practice became contradictory to the government's intentions, which 'have the advantage of institutional memory, specialised expertise, and a longer-term interest in influencing the evolution of case law'.

Snell, (2001, p.30) focuses on the problem in managerial issues, and so compliance analysis is identified as a key strategy to produce and engage compliance. He proposes the need for a 'closer understanding of the complex matrix of factors which help to define efficacy' applying 'a greater level of multi-disciplinary and cross-disciplinary approaches', not only to study the complexity of this reform, but also to adopt its implementation. Snell defines seven steps to assist with or ensure administrative and active compliance, starting with (1) leadership capacities to support the spirit of the legislation; (2) 'careful consideration to the kind and level of power' and how 'FOI decision making is assigned to within the agency'; (3) delegation of authority, (4) a long term strategic commitment to the legislation, (5) training and resourcing of FOI officers as a continuing and necessary function, (6) the adoption of an 'auditing' or monitoring role undertaken by an independent body to the agency, and (7) the establishment or introduction an annual awards program campaign, to encourage compliance achievement.

Snell, (2001, p.26-27) introduced two compliance categories to the Robert's model of 'administrative non-compliance'. Nevertheless, there are common factors and categories which harmonise both models. In Roberts, the attention is centred on 'magnitude, duration, and history of administrative compliance and non-compliance'. Snell transforms the Roberts non-compliance model, by identifying more behaviours which create complexity of dynamics that affect not only administrative areas, but also the relationship with the information requesters.

According to Snell, (2001, p.26-27), Robert's model of administrative non-compliance, defines three categories for compliance: (1) *malicious non-compliance*, where 'combinations of actions always intentional and sometimes illegal, are designed to undermine requests for access to records'. (2) *Administrative non-compliance* which occurs when 'public bodies undermine the right of access because of inadequate resourcing, deficient record-keeping or other weaknesses in administration'. (3) *Administrative compliance*, which can be described as 'adversarialism or a practice of testing the limits of the act, without engaging in obvious illegalities'. This behaviour is an effort to ensure that the interest of governments or departments are adequately protected, and 'FOI Officials may adopt very broad interpretation of exemptions'.

The Roberts non-compliance model transformed by Snell (2001, p.28), is presented below, and from the framework, two more compliance categories were identified to assess compliance with the FOI regime. (1) *Adversarialism*, where according to the information request and kind of ‘applicants’, it is possible to identify certain types of behaviours as for example ‘significant delays in processing’ depending on ‘type of requester’, ‘sitting on request’ if the type of information is on ‘high level policy’, and ‘fee waivers rejected’ for ‘active groups’. (2) *Administrative activism*, which is better than administrative compliance. From this category, for example, ‘high priority is given to processing requests’, depending on kind of requesters, ‘Foi Officers are key actors in agency information management’, and so on.

Table N°1 Snell-Roberts model of FOI compliance and non-compliance,

Table 1: Administrative compliance and FOI

Type of information	Malicious non compliance	Adversarialism	Administrative non compliance	Administrative compliance	Administrative activism
Personal	Shredding	Automatic resort to exemptions	Inadequate resourcing	Requests handled in a co-operative fashion	High priority given to processing requests
Mid level policy	Deconstruction of files	Us versus them mentality	Deficient record management	Objective is maximum release	Objective is maximum release outside FOI
High level policy	Relabelling of files	Sitting on requests	Cost recovery or minimisation major factor	Timely decisions	Information identified and available in public interest - without FOI requests
Type of requester	Sticky labels	Significant delays in processing	Low priority attached to processing of requests	FOI officers key decision makers about release	FOI officers key actors in agency information management
Individual	Pre-emptive exploitation of exemptions	Non-existent or very poor statement of reasons even at internal review stage	Adequate reason statements but often missing aspects (number of documents being withheld etc)	Exemptions only applied as a last resort and to the minimum extent possible	Exemptions waived if no substantial harm in release.
Active group	Fee regimes manipulated to discourage request	Fee waivers rejected	FOI officers play a processing role		
Journalists	Internal reviews uphold original decision 90% + of times	Internal reviews uphold original decision 75% + of times	Internal review seen as preparing a better case for external review	Internal review new decision	Internal review an opportunity to refine information handling
Opposition MPs	External reviews avoided	External reviews depicted as a battle against external reviewer	External review findings not fed back into decisionmaking process	External review decisions used as future guide	Adverse external review seen as a quality control check

Source: *Freedom of Information Review*, 93(91): 28.

The Snell-Roberts model tells us the importance of a managerial perspective to achieve good compliance levels. The model was conceived as an exhaustive list of conceivable bureaucratic tactics, and proposes the measurement of compliance using managerial approaches focused on the effect that certain behaviours have on performance. The model is a mixture of attitudinal and managerial methods, which needs more explanation of how to assess these varieties of practices. This research therefore states that the model has some limitations. The model focuses on compliance as an ‘internal’ factor. And as we have already reported, compliance with the legislation not only consists in the encouragement of best practice, but also it has to consider other factors defined by the legal dimension, organisational dimension and informational dimension.

The literature review examined in this chapter, have reported the progress made by researchers when studying access to public sector information legislation in a variety of perspectives, all of them useful as contributions to explore other possibilities. We have learnt that as the information rights embedded in the legislation has become an international standard, and that as the legislation operates in complex external and internal contexts, it is encouraging not only to examine its implementation but also its impact. The analysed authors have identified particular aspects, and their proposals attempt to study either impact or compliance separately. The literature review has also provided evidence to conclude that actually there is not an available model to assess impact and compliance given the fact that they are different constructs. What is clear is their mutually relationships as well as the dynamic of internal and external linkages and contextual factors where they take part which contribute to complexity of the landscape. This research seeks to reduce this gap by designing, validating and testing a holistic model to assess both variables, the impact of, and compliance with legislation for access to public sector information.

1.6. Research Profile

1.7. Research Problem Definition

From a methodological point of view, a research problem is what the researcher wants to find out about how to reduce the gap between issues examined by the literature review process and practical experience. The research problem is a way to structure and more formally refine a research idea. Considering the fact that sources of research problems in social sciences can involve people, social problems, social interventions or social phenomena, in this case, the research problem encompassed two sources: (1) an 'intervention' as the legislation would be considered as governmental policy, and (2) a social phenomenon, as 'access to information' would be considered from the information rights perspective.

The first source of the research problem was defined as an intervention because it has to deal with the attributes, effectiveness, and the identification of factors that influence outcomes of a policy of government such as the legislation on access to public sector information. The second source in which the research problem was defined as phenomenon is because 'access to information' has to deal not only with the dilemma of a cause and effect relationship, but also with the question on how two complex constructs, in this case impact and compliance, can be assessed as part of the Act, but operating in dynamic organisations.

Considering these issues, the research problem statement was defined as 'incidence and significance of informational, organisational, and legal variables for the assessment of impact and compliance with legislation on access to information, in public sector organisations'.

1.8. Research Purpose, Questions, Aims and Scope

From a methodological point of view, Creswell (2009, p.111) suggests that the purpose statement 'establishes the intent of the entire research study'. To this author, the research purpose indicates what the researcher intends to achieve, giving the central idea of a study in a succinct statement. The research purpose comes from the research problem, which is explored by the researcher through an appropriate methodology. To Creswell (2009, p.116), what distinguishes the research purpose is defined by 'the language and focus on relating or comparing variables or constructs'. In this case, because of the complexity of the research problem, the focus was defined by the need for a model as a mechanism to assess both constructs: impact and compliance, and also by the definition of mechanisms to conduct the assessment of these variables, no matter date of enactment of the legislation.

1.8.1. Research Purpose:

Consistent or to ensure consistency with the research problem, the purpose of this research was to examine the incidence and significance of informational, organisational, and legal factors when assessing the impact of, and compliance with legislation on 'access to information', in public sector organisations.

1.8.2. Research Questions:

To be consistent with the research problem, and purpose, the following research questions have been defined:

Q1. What kind of impact has been reported by the specialised literature during the last 10 years as results of the enactment of access to public information legislation in public sector organisations?

Q2. What costs, benefits and outcomes have been reported by measurement instruments, and/or mechanisms to assess impact and compliance with 'access to public information legislation' in public sector organisations?

Q3. What constructs, categories and parameters have been defined or used in the high impact literature to measure and assess the impact and compliance with 'access to public information legislation in public sector organisations?

Q4. What are the frequent or critical issues or variables used to assess the 'impact' of 'access to public information legislation' in public sector organisations?

Q5. What are the critical factors, constructs or variables to ensure 'compliance' with 'access to public information legislation' in public sector organisations?

Q6. Are there already any defined, validated, reported, and implemented conceptual, systematic or holistic models to assess impact and compliance with the 'access to public information legislation' in public sector organisations?

Q7. What preponderance, predominance, and prevalence have the legal, informational and organisational factors reported by the high impact literature regarding the constructs or variables, and the parameters to measure impact and compliance with 'access to public information legislation' in public sector organisations?

Q8. How critical are the informational constructs or variables to ensure compliance with 'access to public information' legislation in public sector organisations like higher education institutions, HEIs?

Q9. How critical are the organisational constructs or variables to ensure compliance with 'access to public information legislation' in public sector organisations like higher education institutions, HEIs?

Q10. How critical are the legal constructs or variables to ensure compliance with 'access to public information legislation' in public sector organisations like higher education institutions, HEIs?

1.8.3. Main Research Aims (RA)

In consistency with the research problem, purpose, and the research questions, the following research aims have been defined:

RA1. To find out and evaluate the impact assessment processes reported by specialised literature during the last 10 years as a result of the enactment of access to information legislation in public sector organisations.

RA2. To analyse and evaluate costs, benefits and outcomes reported by measurement instruments, and/or mechanisms to assess impact and compliance with legislation on access to information, applied in public sector organisations.

RA3. To verify, evaluate, and validate from the specialised literature, assessment models and parameters, to assess impact of and compliance with legislation on 'access to information' in public sector organisations.

RA4. To examine, define, evaluate, and validate critical variables to measure the 'impact' of legislation on access to information in public sector organisations.

RA5. To define, evaluate, validate and measure critical variables to ensure 'compliance' with access to information legislation in public sector organisations.

RA6. To define, design, validate, and report a systematic model to assess the impact of and compliance with legislation on 'access to information' in public sector organisations.

RA7. To study the level of preponderance, predominance and prevalence of informational organisational and legal variables, when assessing the 'impact' of legislation on access to information in public higher education institutions HEIs, in Chile and UK.

RA8. To examine and assess how critical informational constructs or variables are used to ensure compliance with legislation on 'access to information' in public higher education institutions, HEIs, in Chile and UK.

RA9. To examine and assess how critical organisational constructs or variables are used to ensure compliance with legislation on 'access to information' in public higher education institutions –HEIs–, in Chile and UK.

RA10. To examine and assess how critical legal constructs or variables are used to ensure compliance with legislation on 'access to information', in public higher education institutions – HEIs–, in Chile and UK.

1.8.4. Research Scope

Considering feasibility and data collection issues, Chile and the UK were chosen as case studies to conduct this research. Since the legislation applies to public authorities, and public sector covers a broad range of institutions, higher education institutions –HEIs–, were selected as target group to limit the investigation.

1.9. Research Hypotheses

Drawing on the literature review, it was clear that impact and compliance with the legislation on access to public sector information are constructs with different features, and therefore, their measurement or assessment has to consider such differences. The quality of impact and compliance as 'dependent' constructs when used in assessment also suggested the need to search for perspectives to trace criteria and approaches for holistic examination.

(a) Logic: thinking about the impact of and compliance with the legislation, a first judgement was to reflect on possible linkages between them. A second glance was to look at the complexity of the context where both play a central role when implementing, monitoring and assessing the legislation. A question about how to define or categorise complexities related to contextual issues, led to the identification of three kinds of scenarios, represented as 'dimensions'. These dimensions were understood as specific contextual factors, each having other elements or variables, which represent and define kinds of synergetic interactions, responsible for the degree of impact and compliance.

(b) Use: this definition was useful to suggest possible answers to the research problem reported in the literature review. Using this judgement, the labelled dimensions were scrutinised in an effort to define which one is predominant over the rest, and what constitutive elements or variables are preponderant between and within the three dimensions.

(c) Inspiration: the research hypotheses definition process resulted from the literature review, being a fundamental inspiration drawn from the group of studied authors, from which the model's design was developed. A special contribution was the idea of using the dimension found in Ríos Cázares, Cejudo, López-Ayllón (2011), on the complexities of the legislation implementation in 'heterogeneous environments', and in Snell (2001), on administrative compliance with FOI. The understanding of the impact and compliance assessment as a systematic perspective for the driving forces through which governments foster legislation in a diversity of political and social reasons was inspired by key authors including (Al'afghani, 2009), (Birkinshaw, 2010), (Durrant, 2011), (Worthy, 2011), (Tran, Malesky and Schuler, 2011), (Rehren, 2011), (Hazell and Glover, 2011). Finally, the need for a multidimensional assessment was defined after considering the complexity of this issue described by research conducted by the Open Society Institute (2006), Stubbbs (2008), Unesco (2009), Drago and Neamu (2009), Lidberg (2009), Darbishire and Mendel (2010), Cuillier (2010), Hazell and Worthy (2010), Shepherd, Stevenson and Flinn (2010), Worthy (2010), Relly and Cuillier (2010), Gil-Leiva and Martínez (2011), Cejudo, López-Ayllón and Ríos Cázares (2011), Mclean (2011), Michener (2011), Trapnell (2011) and Worthy (2011), Villeneuve and George (2011).

In consistency with the literature review, and considering the research problem and its purpose; as well as the research questions and aims, the following research hypotheses were suggested.

1.9.1. Research Hypothesis (Hi):

(Hi): The informational dimension factors have either primary significance or primary degree of incidence/prevalence when assessing the 'impact' of and 'compliance' with legislation 'on access to information', in public HEIs institutions.

1.9.2. Null Hypothesis (Ho):

(Ho): The informational dimension factors have neither primary significance nor primary degree of incidence/prevalence when assessing the 'impact' of and 'compliance' with legislation on 'access to information', in public HEIs institutions.

1.9.3. Alternative Hypothesis (Ha):

Ha1: The organisational dimension factors have main or major significance and primary degree of incidence/prevalence when assessing the 'impact' of and 'compliance' with legislation on 'access to information', in public HEIs institutions.

Ha2: The legal dimension factors have main or major significance and primary degree of incidence/prevalence when assessing the 'impact' of and 'compliance' with legislation on 'access to information', in public HEIs institutions.

**CHAPTER 2:
RESEARCH METHODOLOGY**

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CHAPTER 2

Research Methodology and Method

Chapter Overview

This chapter explores questions on what, why and how are applied to the research design. Through the chapter, the steps and methods to conduct the research are described taking into account the research problem, purpose, questions and aims. The section will help to explain how the research results have been obtained, and how the methodology adopted may possibly have influenced some findings and conclusions.

The purpose of this chapter is to give details of the methodological approaches applied in this research, for those who would have further interest in replicating or extending the research or some part of it. The chapter gives a general idea about the kind of applied research method and procedures used, and also how the data was collected, analysed, assessed, compared and validated. For each research method and technique, assessment procedures and tools are given. Detailed information on procedures, tasks, resources and time invested in carrying out this research, are described through the research Gantt chart in Appendix N^o1.

2. Methodology applied to conduct the Research Project

2.1. Research Approach

The quantitative approach (i) tells us that the nature of reality is objective, so different observers agree what is observed, and that is the 'truth' or the 'reality'. For this reason, the nature of observation attempts to study any phenomena under controlled situations. Seeking the understanding of human behaviour as a regular and predictable phenomenon, quantitative methods use deduction as a scientific method to conduct experimental research so as to describe, and test specific and narrow hypotheses to explain, and predict the reality. Most of the time reality is manipulated or simulated to create specific conditions to enable us to study variables. Quantitative approaches consider the nature of data as something 'variable', so this method collects quantitative data based on precise measurement, using structured and validated data collection instruments from which is possible to carry out precise data analysis. Based on statistical relationships, this approach identifies results in a way of 'generalisable findings', to produce final statistical reports, including significant comparisons or correlations. The quantitative approach (ii) does not tell us about why and how human behaviour is fluid, dynamic, situational, social, contextual, and personal, because the description, exploration and discovery of the reality is narrow and specific. Also it does

not tell us about how broad and deep phenomena might be, because it does not study the contextual and subjective issues to explain such phenomena. On the question about how well it measures the complex, context based dynamics; a quantitative approach examines variables without considerations of multiplicity of perspectives and contextual analysis.

Creswell (2009, p.18), points out that 'when either the quantitative or qualitative approach by itself is inadequate to best understand a research problem', a mixed methods design is then useful. The mixed method is also useful to provide the best understanding coming from the strengths of both qualitative and quantitative research approaches. The mixed methodology has flexibility for the best research design, so that the researcher 'first explores generally to learn what variables to study and then studies those variables with a large sample of individuals'. To Creswell 'researchers alternatively, may first survey a large number of individuals and then follow up with a few participants to obtain their specific language and voices about the topic'. The mixed methodology approach was applied in this research because of the nature, scope, and complexity of the research problem.

Fundamental reasons for applying this method were (i) the possibility to use induction and deduction as a scientific method, (ii) the possibility to examine different kind of objectives in and a multifocal approach to the research problem, (iii) the possibility to study the dependent variables of impact and compliance in more than one situation, (iv) the possibility to use common sense, realism and a pragmatic view of world –real or true– when defining the studied problem, and when analysing the results, (v) the possibility to collect information in multiple forms –data, words, images–, (vi) the possibility to use qualitative and quantitative data analysis, (vii) the possibility to complement or generalise when corroborating or validating findings, and for the (viii) possibility to report findings through a narrative which includes outcomes and meaning. The advantages of using mixed methods for the research was the degree of complementarity of the approaches applied – expert panel, content analysis, case studies, statistical analysis, surveys– to expand and discover something that probably would be missed if only a qualitative or quantitative approach had been applied.

This thesis presents the development of a descriptive mixed-methods research approach. Being descriptive, the research looks for a contribution to understanding or knowledge of issues on access to information under the information rights phenomena. As descriptive research, the examination and validation of hypotheses were defined to describe, and explain the research problem under study. As the research problem defines the research methodology, and considering the complexity of the variables under study, this thesis have adopted the mixed-methods approach to conduct the study.

Mixed methodology has a variety of traits which are focused on a combinatory paradigm. For example, considering the research scope, it allows quantitative and qualitative approaches. Considering the premises development, it allows inductive and deductive methods. Considering sampling criteria, it allows probabilistic and no probabilistic study. Considering the theoretical framework for the literature review and analysis of collected data, principles underlying positivism, constructivism, and grounded theory may be applied. Mixed methodology therefore allows the combination of qualitative and quantitative approaches within all the stages of the research process.

According to Terrell (2011, p.275), mixed methodology 'employs pragmatic knowledge claims, which uses sequential, concurrent and transformative inquiry strategies'. This feature means for example that 'data can be collected simultaneously or sequentially; depending upon design, allowing researchers to expand an understanding from one method to another or converge or confirm findings'. As mixed methodology helps to analyse and understand results from different disciplines, audiences, studies and methods, Terrell (2011, p.275), points out that 'researcher is drawing on breadth of generalization offered by quantitative research with depth of detailed understanding offered by qualitative research'.

Considering the advantages of qualitative approaches, Denscombe (2003, p.220) states that 'the data and the analysis are grounded in the conditions of social existence; so there is a richness and detail to the data; there is tolerance of ambiguity and contradictions of the social reality being investigated'. Focused in this research, the qualitative paradigm would allow the development of an in-depth study and discussion of a complex reality, particularly focused on areas considered relevant for achieving the aims and objectives of this project. Taking into account the advantages of quantitative approaches, they allow an empirical involvement with the research problem, examined, focused and analysed under an empirical reality. In this research, a quantitative paradigm would allow the examination and assessment of variables to support validation strategies and procedures.

Among the available research methods, this project has adopted the case study methodology because it allows observation and analysis from an insider perspective. Case studies also allows in-depth discovery of facts to be examined, getting a comprehensive descriptive analysis through evaluating processes, and validating assumptions from the literature. Case studies also have a holistic sense which assumes the phenomena under study as a diverse and dynamic reality, exploring complex issues in more detail. A variety of approaches, techniques, and procedures have been applied to collect, analyse and validate data, for the research fulfilment. The following sections are going to describe them in further detail.

2.2. Methodology applied to conduct Content Analysis of the Literature

2.2.1. On Content Analysis

The methodological design to create the conceptual model was defined taking into consideration the research problem, design, and purpose. Examining disciplinary available methodologies to define dependent and independent variables of the model, and their underpinning elements, content analysis was defined as a key methodological approach to conduct the research. To Krippendorff (2004, p.45), 'the widest use of content analysis is found in the social sciences and humanities, although legal, political, and commercial applications are rising in number as well'.

Although the term content analysis applies to all assessment of message content, its conceptual foundation has particular approaches to analysing data, no matter how the object of analysis is created. Within this context, content analysis 'varies from other many forms of analysis as interpretative analysis, narrative analysis, discursive analysis, critical analysis and so on'. (Neuendorf 2000, p.5); (Krippendorff 2004, p.18). Even though content analysis 'is perhaps one of the faster-growing research approaches, there is not a distinction which set up whether content analysis is a research technique or a research method'.. Despite this distinction, content analysis 'uses a set of procedures to make valid inferences from text', where the rules to carry out the inferential process depends on the theoretical perspective, and purposes of the researcher (Weber 1990, p.9).

A feature of content analysis is its flexibility, which entails a systematic reading of different information sources such as texts, images, and symbolic matter, where the author or user's perspective may or not be considered .In content analysis, and by analysing a textual or linguistic context, researchers look not only for meaningful answers but also for replicable and valid inferences in which references to the selected content occur. As a scientific tool, content analysis involves specialised procedures to draw inferences which answer research questions. The researcher may use a mixture of statistical knowledge, experience, theory, and intuition. Thus, content analysis provides new insights increasing the understanding of particular topics (Krippendorff 2004, p.38).

To Neuendorf (2002, p.10) content analysis is a 'summarising quantitative analysis of messages that relies on the scientific method', applicable to many areas of inquiry. As a scientific tool content analysis has such fundamental elements as objectivity-intersubjectivity, a priori design, reliability, validity, generalisability, replicability, and hypothesis testing to assess variety of content. Similarly, content analysis is not limited as to the types of variables that may be measured or the context in which the messages are created or presented.

Diverse approaches to content analysis have (i) integrated quantitative, (ii) qualitative and (iii) integrative perspectives to their analysis. The integrative approach to content analysis described by Neuendorf (2002, p.53), focuses the attention on an integrated data collection and a systematic design of the processes of description, prediction and control. The integrative approach aim is to achieve a full explanation and understanding of the social phenomena studied. According to Neuendorf (2002, p.52), all these approaches have in common an interest (1) to describe substance characteristics of message content, (2) to describe form characteristics of message content, (3) to make inferences to producers of content, (4) to make inferences to audience of content, and (5) to determine the effects of content on the audience. In this research we excluded (4) and (5). From a methodological point of view, quantitative and qualitative content analysis was applied in this research.

The (a) *quantitative content analysis* perspective was considered to define the conceptual model constructs, because content analysis, as a quantitative approach, uses statistical methods which allow replicability not only to describe content, but also to test measurements, and to produce inferences from the context of the messages (Riffe and Stephen 2005, p.25). Properly operationalised and measured, the advantage of quantitative content analysis is that the process of reduction retains meaningful distinctions among data, even though Neuendorf (2002, p.14) considers that 'the goal of any quantitative analysis is to produce counts of key categories and measurement of the amount of other variables' as well. Within this context, the search for a conceptual model had as a key purpose to define, select and validate both the dependent and independent variables of the model by examining the content categories described by the analysed authors.

The (b) *qualitative content analysis* perspective was also considered to conduct this research because one of the raw materials to content analysis is text; which is always 'qualitative' in terms of meaning or reference. Even though certain features of text could be converted into numbers, all reading, understanding, interpretation, and analysis of text is eventually qualitative. Based on six features of texts, as (1) they have no objective qualities, (2) texts can be read and analysed from several perspectives, (3) texts have no independent readers to share their meanings; discipline-based understanding is critical when interpreting and making assertions, (4) texts have meanings which represent a content, (5) texts have relative meaning depending on particular context, language and purposes, and (6) texts, messages, and symbols never speak for themselves; they always need a reader to narrow information and get inferences, Krippendorff (2004, p.22), questions the usefulness of the distinction between qualitative and quantitative content analysis. He suggests that the 'quantitative-qualitative distinction is a mistaken dichotomy between the two kinds of justifications of content analysis designs. For the analysis of texts, both are indispensable'. Considering this

duality as strength for validation purposes, content analysis was defined as key technique for the possibility to make inferences.

As a mixed research methodology, content analysis has advantages when comparing it with other data-generating or data analysis technique. First, content analytic studies use both qualitative and quantitative operations on texts. Thus content analysis methods combine what are usually thought to be divergent or adverse ways of analysis. Second, content analysis may be applied to several kinds of documents, which exists over any defined period of time. Variables or indicators produced from such selected documents constitute a reliable data to answer research questions and to collect knowledge. Third, content analysis can provide reliable data as cultural indicators, which could be applied to assess systematically social issues, such as economic, political, and cultural transformations (Weber 1990, p.10). Additional advantages of content analysis can be taken when examining their functions. Some functions of content analysis applied in this research were selected from what Krippendorff (2004, p.45) defines in their framework to content analysis: (1) to confirm what is already believed, (2) to describe trends in communication content, (3) to reflect attitudes, interests, values or cultural patterns of population groups, and specially (4) to reveal the focus of attention.

Applied at the initial stage of the research, and particularly considering the attributes of the purposive sampling, the content analysis technique was selected particularly with the purpose (a) to determine critical variables mentioned by the 110 analysed authors and (b) to provide raw material to support a future decision making process in selecting constructs or variables to be included in a conceptual model development. The content analysis technique was applied to a selected sample of 76 papers published in mainstream journals or high impact journals.

2.2.2.Purposive Sampling and Target Group Applied to conduct Content Analysis

Since the increasing use and availability of the Internet and large electronic texts databases availability, a searching strategy may cause a high recall of irrelevant texts when information retrieval is conducted. It is especially important therefore to adopt some kind of criteria when defining sampling to conduct a content analysis process. A sample containing, ideally, a manageable number of relevant texts, is in fact a category of sampling. According to Weber (1990, p.42), 'entire sample of documents is sometimes used in some content analysis studies'. For content analysis 'sampling is useful not just for the sake of economy— most of the time a population of documents is large—, but also because of the kind of inferences to be made information sources, documents, or text within documents'.

According to Krippendorff (2004, p.120) 'relevance sampling –or purposive sampling– is not probabilistic and selects relevant data in ways that statistical sampling theory has not yet addressed'. Purposive sampling is also called 'judgment' sampling and it involves the research decision on what research units are appropriate to carry out the analysis (Neuendorf 2002, p.88). Purposive sampling criteria include decisions such as kind of information sources, availability, language, time periods, and so on. When adopting a purposive or relevance sampling, in content analysis the researcher examine all the texts to be analysed often in a multistage process, focusing on the selection of textual units that contribute to make inferences and to answer the research questions. The analytical problem therefore, normally defines the sample size (Krippendorff 2004, p.119). To Krippendorff (2004, p.119), 'in using this form of sampling, an analyst proceeds by following a conceptual hierarchy, systematically lowering the number of units that need to be considered for the analysis. The resulting units of text are not meant to be representative'; rather, they have to be relevant texts, and this exhaustivity and pertinence criteria, means the researcher has the ability to exclude irrelevant texts.

Having considered the research problem and purpose, at the initial stage of the research, the target group were research results published and carried out, on access to public sector information legislation from 2000 to 2011. In coherence with this trait, the sampling was purposive, and it was represented by selected papers published in high impact journals from the Social Science field. Similarly, content analysis was the starting point to the systematic literature review.

2.2.3. Information Source to conduct Content Analysis

The criterion to select the purposive sample was made considering 'relevance', 'pertinence', and 'quality' conditions. At the research initial stage, the first sampling standard was to select journal papers published between 2000/2011 in high impact journals.

In this case sample 1 encompassed a total of 61 papers that meet the content search strategy selected from the Scopus Database. Since research results are also found in proceeding of conferences, the second sampling criterion was to select papers presented at an International Conference. For sample 2, a total of 15 papers were selected from the 1st Global Conference on Transparency Research, organised by Rutgers University-Newark, in May 2011. The complete sampling list is included in the Bibliography.

The criterion to determine the information reference source was adopted by considering 'scope', 'quality', 'accessibility' and 'availability'. In this case the Scopus Database was the foundation. Using as search strategy 'freedom of information legislation' and 'access to

public information', –in the Social Sciences & Humanities which included by that time 5,300 high impact journals–, a total of 61 full text references were selected.

Quantitative data to describe the sampling is presented in the following table and full description of the information sources is given in Appendix N^o2.

Table N^o 2.1.: Quantitative data from the purposive sampling on access to public sector information legislation, 6 July- 4 August, 2011.

Literature on Access to Public Information	Total Papers analysed	Total Authors analysed	Total Paper Pages TP	Total Pages of Content TC	Total Pages of References TR/A
Sampling 1:	61	81	820	707	113
Sampling 2:	15	29	480	359	121
Total	76	110	1,300	1,066	234
				82,0%	18,0%

In particular, the content analysis technique had two aims: (a) to determine critical variables mentioned by the 110 analysed authors and (b) to provide raw material to support future decision making process in selecting constructs or variables to be included in a conceptual model development. The content analysis technique was applied to the selected sampling of 76 high impact papers. From the 76 analysed papers written by 110 authors, the data collection was a total of 1.727 concepts grouped by categories as is shown in the following table:

Table N^o 2.2.: Literature review and content analysis database, 6 July- 4 August, 2011.

Literature Review on Access to Public Information Legislation	Informational Dimension	Organisational Dimension	Legal Dimension	Total
Content Analysis Database	603	699	425	1.727
Pivot Tables by Dimension	581	693	416	1.689

2.2.4. Procedures and Resources applied to conduct Content Analysis

Applied at the initial stage of the research, and particularly considering the attributes of the purposive sampling, the adopted criterion to collect data was to apply 'content analysis' with the purpose of supporting information analysis tasks. The first aim was to define the key elements of the conceptual model was to find out, assess, select, and validate the dependent and independent variables of the model. The procedure was thus to define strategies to create categories and variables. Content analysis was applied to construct a set of content categories on the basis of concepts. According to Weber (1990, p.24), apart from its high validity and reliability; 'this approach offers several advantages. It permits the intensive and detailed analysis of a single theoretical construct. It also provides an explicit rationale not only for what is retained, but also for what is excluded from the analyses. Within this context, this research followed the central idea pointed out by Weber (1990, p.12) which suggests

that in content analysis 'the many words of the text are classified into much fewer content categories. Each category may consist of one, several, or many words. Words, phrases, or units of texts classified in the same category are presumed to have similar meanings'. This similarity was understood as (a) the precise meaning of the words, and (b) words sharing or implying similar connotations.

To conceptualise and design the content analysis process, to define criteria and standards to apply and assess content analysis as well as to critically examine and compare their findings, this research considered the frameworks developed by Weber (1990), Krippendorff (2004), and Riffe and Stephen (2005). Common elements underlying these frameworks are (a) a body text, understood as the available data defined to conduct the process; (b) issues or research questions which look for answers and guide the process; (c) a context of the analyst's choice within which to make sense of the body of the text; (d) conceptual definitions, analytical constructs, and content categories that the analyst knows about the examined context; (e) inferences which constitutes the basic capacity to assess and to respond the research questions; (f) validated evidence which justify the process and support the content analysis outcomes.

In terms of procedures, and to conduct the content analysis, this research applied the three phases identified by Riffe and Stephen (2005, p.55): (I) Conceptualisation and purpose: here the aims of content analysis were defined to find out the variables of the conceptual model as well as the research questions – (1) what concepts have been defined or used in the specialised literature, to describe impact and compliance as constructs? (2) What are the key constructs when defining underlying elements to assess impact and compliance with legislation on access to public sector information? (3) What are the most referred to concepts which measure the impact of and compliance with the access to public information legislation in public sector organisations? – (II) Design: the research considered (a) the definition of relevant content or unit of data to be analysed, (b) the design of categories to produce the code book, (c) the operationalisation of coding protocols, (d) the system for collecting and storage of data to be analysed, and (e) the reliability and validity procedures. A database was created to index, to organise, and to tabulate the collected data in a manner that permits them to be traced from their original sources. (III) Analysis: this phase included the data assessment, the statistical analysis application, and the inference process.

Depending on the stated purpose of this research, and to make valid inferences from the analysed texts, what would be the suitable outcome when defining the conceptual model independent variables? In other words, what would be the content analysis mechanism to draw the analysis, to operationalise analytical constructs, and to produce inferences? The construction of three thematic lists of concepts or keywords by every dimension of the

proposed model was the first task to define the model. These thematic lists, later were sorted as subject indices, created to define and validate the model's independent variables. According to Neuendorf (2002, p.140), an index 'is a more general construction –usually additive– of multiple items. Indexes are routinely used in text analysis, and most standard and custom dictionaries are, in essence, indexes'. In content analysis, analysts use measures of textual communication to get frequencies of expressed issues to examine or to assess the amount of public attention to that issue.

Krippendorff (2004, p.59) identifies five strengths of indices which show a 'long history of use'. Indices are useful to examine and weigh up (1) the presence or absence of a reference or concept, which is taken to indicate the source's awareness or knowledge of the object referred to or conceptualised; (2) the frequency with which a symbol, idea, reference, or topic occurs in a stream of messages, which is taken to indicate the importance of, attention to, or emphasis on that symbol, idea, reference, or topic in the messages; (3) the numbers of references which are taken to indicate attitudes held by the writers, toward the object named or indicated; (4) the kinds of qualifications used in statements about ideas or reference to indicate the intensity, strength, or uncertainty associated with the beliefs, convictions, and motivations that such ideas, or references signifies, and (5) the frequency of co-occurrences of concepts to indicate the strength of associations of such concepts in the minds of the authors.

According to Krippendorff (2004, p.180), in content analysis, indicative functions are often tied to frequencies, so in content analysis indices represent variables that appear to correlate with other variables defined by the researcher. In this research, thematic indices were built to show the relationship between the independent variables of the conceptual model and their frequency indicator within one of the three dimensions of the model. Indices were thought as a mapping of variables –concepts represented as keywords–, to the phenomenon it is supposed to indicate by the indices –frequency of occurrence.–

As mentioned, in this research, content analysis was applied to find out relevant concepts to define, to examine and to validate the independent variables of the conceptual model. Following the Weber's ideas, two procedures were applied in this research to set up the thematic indices (1) key word in context and (2) word frequency list. Key word-in-context is a list of concordances applied to know 'which words appear in the text and how they are actually used'. A concordance 'can often help the researcher to assess the uniformity of word usage'. Word-in-context, also know as a KWIC indices, 'show the context in which each word appears'. Considering that this information can be used in a variety of ways, such as (1) to draw attention to the variation or consistency in word meaning and usage, and (2) to show the larger context of word usage and makes syntactic and semantic differences in usage

more apparent' (Weber 1990, p.44), in this research key word-in-context were applied to define the underlying components or elements of the conceptual model, as well as to define their dependent variables 'impact', and 'compliance'.

According to Weber (1990, p.49), using word frequency lists, 'researchers can view texts from another perspective by examining the highest-frequency words. Because each accounts for a relatively large proportion of the text, many content analysts focus their efforts primarily on the most frequently occurring words'. Weber (1990, p.51) also considers that 'ordered word-frequency lists provide a convenient way of getting differences in word usage. These differences may be between (a) the same message source at different point in time, (b) different message sources at the same time or (c) both. The word frequency lists were applied in this research to find out and to assess the independent variables of the conceptual model.

Although positive assumptions underlying these content analysis techniques –'the most frequently appearing words reflect the greatest concerns', and 'counting is often useful because it may reveal aspects of the full text that would not be apparent otherwise'– it is important to notice that as every research technique, concerns or issues on inferences or analysis's results must be 'interpreted' with caution. To Weber the validity of inferences from word-frequency data could be questioned because words normally are used in a variety of contexts. They also have more than one meaning. So differences between texts sources should also consider variations over the time (Weber 1990, p.51-57). Similarly, to Krippendorff (2004, p.60-62) although frequency measures are more likely to succeed as indicator of frequency-related phenomena—for example, the number of references or mentions to FOI exemptions by UK researchers–, 'counting, emphasising, paying attention to, and expressing concerns about something are four wholly different things'. Using frequencies as an assessment measure, could therefore affect inferences. In learning theory repetitions strengthen beliefs but repetitions are also applied to construct meaning. References to frequencies of words might be therefore to be bind or connected to semantic issues.

Even though correlations are observed between thematic indices and what they represent or assess, there remains the problem of generalisation (Krippendorff 2004, p.62). This research considered triangulation to confirm the content analysis findings, and a panel of experts was the applied methodology to ensure validity. In terms of procedure, Krippendorff (2004, p.181) points out that it is important to observe that 'the shift from counting frequencies of words, symbols, references, or subject matter to counting frequencies of pairs of words, co-occurrences of symbols, patterns of references, or relationships within texts does not affect how indices are developed'. Developing an interest in co-occurrences and patterns responds

to the awareness of this research on what were in theory, the key concepts in the interest of the 110 analysed authors.

According to Neuendorf (2002, p.110), 'a concept is anything than can be conceptualised by humans'; similarly, variables can be defined and assessed, thus they have different values depending on what they represent and measure as research units. Within this context, to Neuendorf (2002, p.95) 'variables to be included in a content analysis must reside in the message rather than the source or receiver'. Another feature to the selection of content analysis variables is then to define what constitutes or how to identify critical variables. A useful way applied in this research was to unify and examine the relationship between 'form and content' from a set of messages provided by the analysed texts. Following the reasoning of Neuendorf (2002, p.107), on how critical the conceptual definition of variables process is, conceptual definition of variables to this research was carried out to 'guide the subsequent measurement –their operationalisation–'. To be consistent, and as conceptual definition and operationalisation need to match, in this research this matching process was applied to ensure internal validity.

The constructs defined in content analysis, were classified to be operationalised into three dimensional categories, and when defining the kind of unit to conduct an analysis of text, this research applied the framework developed by Riffe and Stephen (2005, p.68). The model considers:

(1) The definition of a 'unit of content' identified as 'element of content' with a definable physical or temporal boundary. Examples of units of content in this research were: (a) keywords, (b) phrases, (c) sentences, and (d) paragraphs. In this framework, 'units of content are used as study units and information units'.

(2) The definition of 'study units' understood as physical or temporal elements upon which the analysis is performed. Basic study units consider (a) recording units – 'the elements of content that will be classified in the coding processes– in this case corresponds to papers, (b) context units –'the content element that should be examined to appropriately assign content to recording units'–, in this case corresponds to the same recording units, but excluding the bibliography, (c) sampling unit –'the physical units that will be selected for study from the entire content of interest'–, in this case corresponds to 76 high impact journal articles published from 2000 to 2011, (d) analysis unit –'the units that are analysed statistically to answer the research questions'– in this case corresponds to units of content classified under the three dimensional categories.

(3) The definition of 'information units' described as every element of content 'related to the meaning and production of content', includes physical and meaning units used by the

researcher to restrict or to set the boundaries of the content analysis process. In this research the 'physical units' defined as 'the space and time devoted to content' included the selected content published during the last ten years. Similarly, and considering the research questions, from the list of categories identified by these authors, as 'meaning units' – syntactical units, referential units, propositional units, and theme units–, syntactical units were selected as elements of analysis. Syntactical units 'occur as discrete units within a natural language or medium'. This research considered as syntactical units fundamental elements of the natural language such as subject, noun, compound noun, verbs, predicate.

With regard to the content analysis technique application, to the selected literature, the process was carrying out following specific guidelines from information science practices. Through the textual analysis technique, a database with the list of normalised concepts was produced. The reference tools to support this task were (1) Thesaurus of Information Science Terminology, (2) Unesco Thesaurus, and the (3) Subject Heading for the Literature of Law and index to LCK schedules: a thesaurus of law subject term.

According to their specific reference, extracted concepts or keywords were classified into three specific categories: (1) legal dimension, (2) information dimension and (3) organisational dimension. Grouping the content analysis process into specific categories was a practical way to find out the most critical variables mentioned by the 110 analysed authors. The decision with regard to use of the 'dimension' concept is referenced in the research results published by Cejudo, López-Ayllón, and Ríos Cázares, (2011, p.14). They suggest that it is important to go beyond 'traditional approaches that are focused on the analysis of the normative framework', highlighting how complex the legislation implementation on access to public sector information could be in 'heterogeneous environments'. These authors created a systematic study not focused on compliance and impact but on performance, to evaluate the 'transparency systems'. They identified four dimensions to assess the Transparency System in Mexico in 2010, understanding the access to the public sector information legislation from a service perspective, where (1) market (2) supply, (3) demand, and (4) an enforcement mechanism –in the form of a supervisor or oversight body–, play a key role.

To Cejudo, López-Ayllón, and Ríos Cázares (2011, p.15), 'the four dimensions that make up the metric of transparency –MT– analysis, represent four key points in the transparency system'. This particular methodology, called 'Transparency Barometer' (Cejudo, López-Ayllón, and Ríos Cázares, 2011), is made up of four dimensions whose purpose is to support 'a comprehensive assessment of the prevailing situation throughout the country'. Describing this analysis, the first dimension is the transparency system structure; which refers to statutory legislation and provisions embedded in the regulation. The second dimension is

identified as the ‘supply’ side and refers to how requesters make requests. The third dimension sets elements of the ‘offer’ side and describes how public services, departments and agencies respond to requests, and finally the fourth dimension corresponds to the ‘institutional capabilities of the agencies responsible for enforcing the right to access’. Following this model and because impact and compliance assessment is understood as a systematic perspective, this research sought to group the content analysis process under three dimensions: legal, informational, and organisational,

2.2.5. Data Collection Technique Applied to conduct the Content Analysis

Considering that content analysis is a ‘mixed’ technique to collect and analyse data, and having the research problem in perspective, once the qualitative analysis was completed, quantitative analysis was applied to complement the content analysis technique. Excel’s pivot tables were applied as tool of analysis to assist in the production of specific frequency reports by each dimension. Similarly a consolidated report including all the dimensions was produced. The criterion to produce these reports was the frequency or the number of times that the concept was counted by the system. A comprehensive database for content analysis of data collection was completed in six months, from 08 February to 04 August 2011. The number of concepts included into the dataset was as follows:

Table N° 2.3.: Concepts extracted using the content analysis technique, 6 July- 4 August, 2011

Dimensions	Total Concepts	Percentage
Legal	425	24,57
Informational	603	34,94
Organisational	699	40,50
Total	1.727	100.00

2.2.6. Statistical Treatment to Conduct Content Analysis

Data analysis was applied through pivot tables to produce statistical reports, and to compare the data collected from the content analysis. Because the content analysis dataset encompassed three long lists of concepts or keywords, and it was necessary to sum and compare, pivot tables were applied to calculate different summaries, such as counts or averages. The description of the content analysis process is detailed in Chapter 3. The selection of concepts as independent variables of the conceptual model to be assessed was based on the frequency’s principle of the Zipf’s law, and the Weight function procedures, to compare content analysis and expert panel methodology results under the same unit of measurement.

2.2.6.1. Zipf’s Law Principle: was applied to measure the frequency of occurrence of the concepts retrieved during content analysis process and such occurrence was defined

through frequency pivot tables. In general, Zipf's law procedure predicts how frequent one element can be repeated in written or spoken ways. The prediction states that out of a population of N elements, the frequency of elements of rank k , $f(k,s,N)$, is:

$$f(k; s, N) = \frac{1/k^s}{\sum_{n=1}^N (1/n^s)}.$$

2.2.6.2. **Weight Function:** this function is a mathematical procedure, normally used to analyse, compare and evaluate sets of data. By the weighted mean or weighted average, this mathematic function represents how relevant the relative weight is of a variable for a group of data. The weight function is extensively used in assessment process because of its accuracy trait. The purpose of this function was to find out or to determine the weight and degree of influence of certain elements —concepts or keywords in this case—, on other elements — such as the defined dimensions of the model—, within the same set of data. Thus, with the weight function it is possible to identify such elements in this case, from the lists of concepts or keywords, which came out of the content analysis process.

$$\frac{\sum_{a \in A} f(a)w(a)}{\sum_{a \in A} w(a)}.$$

Weight function or statistical weighted average is used for the purpose of assigning weight, w to each variable which is in correspondence with its importance or participation level.

If a defined category, concept or keywords in this case, has a frequency of occurrence is n the specific weight of such concept within the set of categories will be therefore $w_i = ni / n$

Where n is the number of occurrences defined for the study.

These weights are met with $\sum w_i = 1$

If the measured or assessed variable is quantitative in nature, these weights are used or applied to obtain a summary measure, also called weighted average, which is defined as:

$$M(Y) = \sum_{i=1}^k w_i \cdot y_i$$

Considering the fact that the same criterion applies to all variables equally, the weight function was useful therefore to accurately compare the evaluation and validation of the inclusion criteria, under both the 'quantitative' approach understood as 'frequency of recurrence', and the 'qualitative' approach, understood as 'importance'. The analysis made

under 'importance' was applied to analyse the expert panel methodology, and results are included in Chapter 3.

2.2.7. Findings, Results and Validation of the Content Analysis Methodology

According to Krippendorff (2004, p.36), content analytic inferences applied to analytical procedures are deductive and inductive although these kinds of inferences are not predominant or central in content analysis because of the nature of their reasoning since – generalisation is not the focus of concern in content analysis.– Krippendorff (2004, p.36) states that the inferences which are of interest to content analysis 'proceed from texts to the answers to the analyst's questions', where sometimes one concept could not logically implies the other. Besides, considering that inferences can be made only with a certain probability, in content analysis 'such probability may be strengthened if the analyst is able to take other conditions into account. Inferences employed in content analysis are all therefore, abductive in nature.

To Krippendorff (2004, p.36), abductive inferences are applied for example, when inferring 'the prevailing conceptualisation of writers from the proximities of words in frequently used texts'. In addition, it is possible, for example, to classify the content of a document from the vocabulary used within, or to infer the predominant exemptions applied when disclosing information from the vocabulary used in the paper. Krippendorff (2004 p.37) considers that 'abduction starts with a body of data' i.e. –the text where facts and observations are given–. 'A hypothesis –our analytical construct –if true, would explain these data. Therefore, the analytical construct is probably true and can be used to deduce other entailments – that is, answer our research question'.

Following the reasoning of Krippendorff (2004 p.38), this research presents the content analysis results and findings in a similar way, using a mixture of statistical knowledge, theory, experience, and intuition to answer the research questions from the analysed texts. Accordingly, the content analysis results were also supported and upheld by the researcher's knowledge of the context in which the texts occurs or were analysed. Content analysis results and findings are included in Chapter 3.

2.2.7.1. Independent Variables Defined by Content Analysis: the findings and results of the content analysis procedures, which classify concepts according to their probable occurrence, were examined to describe, to define, to select, and validate independent variables of the conceptual model. These constructs were depicted in pivot tables for each dimension of the model, to reflect or to refer the frequency –counting the number of times–

through which concepts were mentioned by each analysed paper. The data base for the examined papers included a total of 1.726 concepts, under the three defined categories of analysis: legal, informational and organisational. Findings and results on content analysis are included in Chapter 3.

2.2.7.2. Content Analysis Results Validation: from the content analysis model by Krippendorff (2004, p.313), validity is understood as a central issue to ensure and to recognise the quality of inferences. The author states that 'content analysis is valid if the inferences drawn from the available texts withstand the test of independently available evidence of new observations, or interpretations, or being able to inform successful actions'. Similarly, to Neuendorf (2002, p.138) validity in content analysis is a 'measuring device usually studied by comparing the results or measures obtained from it with those obtained for another device', when assessing the same trait. Findings on independent variables of the conceptual model were consequently measured in terms of their 'external validity' (Neuendorf 2002, p.115), to examine whether the results of the applied quantitative assessment approach could possibly be examined by other setting as (a) time and (b) examiners –the panel of experts–.

To examine the empirical validity of the content analysis, findings were assessed by the expert panel following the functional validity procedure. Functional validity is a procedure recommended by Krippendorff (2004, p.332) to verify 'the degree to which analytical constructs are vindicated in the presence of alternative methods competing with each other in the same empirical contexts'. Krippendorff (2004, p.332) states that when applying functional validity the researcher must therefore 'demonstrate that its analytical constructs, which account for the analyst's proceeding from available texts to answers to given research questions, are useful over time, in use rather than in structure, and in empirical situations'.

Applying the Krippendorff model, a 'criterion of validity' was applied as a procedure to compare findings and to triangulate (1) content analysis results versus (2) the expert panel assessment, when deciding the independent variable's inclusion in the conceptual model. By comparing the inclusion assessment and validation of the given concepts into the conceptual model, pivot tables describe in detail, content analysis results for 'recurrence' and expert panel results by 'importance' criteria; according to the weight function method. Under an established standard or assessment criteria, validity was assessed applying the weight function procedure, and considering as validity measurement standards of (a) 70/30; (b) 50/50; and (c) 30/70. Results are included in Chapter 3

2.3. Methodology applied to conduct Expert Panel

2.3.1. On the Expert Panel Methodology

Having considered the research problem and design, the expert panel was selected as methodology to validate the conceptual model. This was due to the following features:

(a) The expert panel technique gives quality and promotes consensus in validating a multiplicity of possible options by expert opinions. In this context, Jared, Pugmire, Stevenson, Swanson, and Swanson (2005) point out that ‘the uniqueness of an expert panel lies in its reliability given the variableness of human opinions and in its reliability to be administered’.

(b) Similarly, to The European Communities (2006) the expert panel is useful when ‘studying very specific fields required, in a high level of competence, such technique – as assistance and research support– maximises the validation process efficiency through a process of constructive feedback given in a short period of time’.

(c) In practical terms, to The European Communities (2006) this methodology will ‘foster significant reductions in time allocations, cost effectiveness, credibility of the conclusions, and adaptability to a variety of situations encountered in evaluations’ Considering that through the expert panel approach it is possible to integrate expertise and experience in solving specific problems, in this particular case, the expert panel’s main advantage is precisely the sharing knowledge capacity and field of competence of the participants.

With regard to this method of validation, the underlying theoretical foundation comes from knowledge management field. Based on the SECI Model developed by Nonaka and Takeuchi in 1995, which describes the process of socialization, externalization, combination, and internalization interaction between tacit and explicit knowledge. Har, In, Phaik and Asien (2010) explain that ‘from the process perspective, knowledge management consists of five components: knowledge acquisition, knowledge codification, knowledge dissemination, knowledge development, and knowledge application’. In practical terms, professional experience, expertise, disciplinary skills, and individual ideas were qualities of the expert panel members. In this sense, through an interaction process between them via personal dialogue, videoconferencing, and a workshop the knowledge conversion might occur or can be achieved, as Har, In, Phaik and Asien (2010, p.6284) states:

‘(1) knowledge acquisition as new knowledge integration; (2) knowledge codification as making knowledge explicit and readable by other persons; (3) knowledge dissemination as knowledge transmitted across individual and group; (4) knowledge development as combination of new insights into existing knowledge to form new knowledge; and (5) knowledge application as new knowledge applied and used’.

2.3.2. The Expert Panel as a Methodology to conduct the Conceptual Model Validation Process

The expert panel is considered as a mixed methodology, in that its strength is based on both qualitative and quantitative foundations, so it is possible not only to apply interviews, focus group, but also surveys to them. Experience and knowledge of the studied problem are both features of this method. Three main issues were defined for discussion with the expert panel members: (1) to select from already identified terminology, critical issues to transform into measurable variables to be included into the conceptual model, (2) to discuss the employment of specific meanings of the constructs 'impact' and 'compliance' as reference points to produce operational definitions for the dependent and independent variables, and (3) to provide comments and advice on the model proposed and its application criteria. Consequently, the dependent variables of the conceptual model 'impact' and 'compliance' were defined and operationalised through the expert' panel. The independent variables of the conceptual model were validated and selected through the same approach.

The names to set up a panel of experts were derived from the 76 analysed papers sample. Considering a possible low level of positive response, and the number of the analysed authors —110—, a total of 51 researchers were contacted on 14th December 2011 through an invitation letter to participate in an Expert Panel. Initially, positive replies were received, but some were unable to fully participate. The panel was composed of 18 experts. The research was introduced to the expert panel with a request for support in order to meet the aims and objectives of the conceptual model validation process. Moreover, the research problem and purpose were presented, as well as the reasons why their participation was being requested. The formal approach to the select group of experts was sent to know whether they would be willing to accept or contribute to the development of the validation process of the conceptual model proposal. A final panel of 17 experts was set up.

The criterion to select the expert was based on their expertise and experience as researchers, broadly supported by high impact journal publications. In this research, a panel of 17 experts from 10 countries —Australia, Canada, Chile, Italy, Germany, Jamaica, México, Romania, UK, and USA—, were set up or established in 2011, to validate the conceptual model design. The second stage of the validation process was completed by the third term 2011, and it had as purpose to get some panel collaboration in order to share knowledge and experience with regard to the analysis and results of tasks 1 and 2, as well as the conceptual model application. The letter is included in the Appendix N^o3, and the list of experts from whom a positive response was received is included in the following table.

Table N°2.4: Expert Panel Alphabetic List

N°	Author	Country	Organisation
1	Prof MICHAEL BLAKEMORE	UK	Emeritus Professor of Geography, Department of Geography, University of Durham
2	Prof Dr ANDREAS BREITER	Germany	Co-Director Institute for Information Management Bremen GmbH, IFIB
3	Dr GUILLERMO M. CEJUDO	México	Profesor e Investigador, Director de la División de Administración Pública, Centro de Investigación y Docencia Económica, CIDE
4	Prof PABLO CONTRERAS V.	Chile	Profesor de Derecho Constitucional Universidad Alberto Hurtado
5	Dr MAX CRAGLIA	Europe/Italy	Senior Researcher at European Commission, Joint Research Centre, JRC
6	Prof CHARLES N. DAVIS	USA	Associate Professor and Executive Director of the Freedom of Information Center University of Missouri School of Journalism
7	Prof Dr DACIAN DRAGOȘ	Romania	Jean Monnet Associate Professor of Administrative and European Law, Vice Dean of the Faculty of Political, Administrative and Communication Sciences Babes-Bolyai University, Romania
8	Prof FAY DURRANT	Jamaica	Head of Department DLIS Professor of Library and Information Studies at the University of the West Indies, Mona, Jamaica.
9	Dr GONZALO GARCÍA P.	Chile	Profesor de Derecho Constitucional, Teoría Política y Constitucional; Ministro del Tribunal Constitucional de Chile
10	Prof MUKI E. HAKLAY	UK	Professor of Geographic Information Science in the Department of Civil, Environmental and Geomatic Engineering at UCL
11	Dr RAUL LEAL	México	Director Centre for Systems Engineering
12	Dr JOHAN LIDBERG	Australia	Senior Lecturer, School of Journalism and Australian Studies, Faculty of Arts, Monash University
13	Dr GREG MICHENER	Canada/Brazil	PhD in Comparative Politics and International Relations; MA in Latin American Studies, University of Texas at Austin
14	MELANIE OBERLIN	USA	Instructional Services Librarian School of Law, George Mason University
15	Prof CHARLES OPPENHEIM	UK	ASLIB Advisory Council Member
16	Prof Dr SUZANNE PIOTROWSKI	USA	Associate Professor School of Public Affairs and Administration (SPAA) Rutgers University-Newark
17	Prof DAVID H. ROSENBLOOM	USA	Distinguished Professor & Editor -in- Chief CRC/Taylor & Francis Public Administration and Public Policy series. Department of Public Administration and Policy School of Public Affairs, American University

2.4. Methodology applied to conduct Case Studies

2.4.1. On Case Studies as A Research Methodology

A case study is used to gain in-depth understanding, normally to supply meaning for the subject under study, focusing on process rather than outcomes, on discovery rather than confirmations. According to Burns (2000, p.460), 'a case study can be either quantitative or qualitative – or even a combination of both'. In this research, the methodology was applied to get in-depth exploration on two case studies chosen as a result of negotiation on access and consideration of the feasibility to conduct the data collection plan. Burns (2000, p.460, 461) indicates that case studies 'are valuable as preliminaries to major investigations; they provide anecdotal evidence that illustrates more general findings; they may refute universal generalizations or theories; and they are preferred when relevant behaviours cannot be manipulated'. For that reason, it was estimated that case studies providing anecdotal evidence would be useful to illustrate decisions, practices, procedures and perceptions of public officers involved in activities related to the implementation of the legislation on access to public information, at national level.

Case study methodology allows the use of multiple techniques and sources of information, all of them rich in content and context. According to Blaxter, Hughes and Tight (2001, p.71), 'each case study pays explicit attention to sampling and selection issues, and uses a range of data collection techniques, including interviews, questionnaires and documents'. Using case studies it is possible to observe characteristics, processes and relationships related to dependent and independent variables defined by the research, and contextualised by the community under study, in this case, public higher education institutions under the legislation. Through this method it was feasible to look for answers to the research questions, which were asked considering the conditions that appear essential once completed the law implementation, as well as involvement issues public authorities.

The case study methodology was applied considering theoretical reasons pointed out by, Gerring (2004), Hernández Sampieri; Fernández Collado and Baptista Lucio, P. (2006), and Creswell (2009) as the research problem and purposes. The reasons why Universities serve as good cases for FOI are explained in detail in Chapter 3 and 4, and at this point we present some contextual facts which guided such decision. (1) Public universities are important as institutions responsible for tertiary education. (2) Public universities encompass huge amounts and quality of knowledge production involved in their nature. (3) In public universities the amount and quality of data and information generated, and transferred in their functioning is valuable for socio-economic purposes. (4) In public universities the government allocates considerable budget or economic resources as investment for

education. (5) Public universities are objects of competitiveness between similar institutions to capture and enrol students in a variety of programmes and courses. (6) In public universities society trusts and delegates the power to create mobility and core values for social wellbeing. Under the section 'sampling for Case Studies' we explain the geographical scope of the case studies.

Creswell (2009, p.18), defines that 'certain kind of social problems calls for specific methodological approaches'. He states for example that qualitative research is useful for: (a) 'the identification of factors that influence an outcome, (b) the utility of an intervention, or (c) the understanding the best predictors of outcomes'. Qualitative approaches use both theory and explanation. To Creswell there are five major types of qualitative research: phenomenology, ethnography, case study research, grounded theory, and historical research. Case studies are focused on providing a detailed account of one or more cases, and a case study design is suitable when (a) the focus of the study is to answer "how" and "why" questions; (b) when is necessary to cover contextual conditions which are relevant for the phenomenon under study; or (c) when the boundaries are not clear between phenomena and context.

Similarly, according to Gerring (2004, p. 351-353), 'case studies may be small or large-N, qualitative or quantitative, experimental or observational, synchronic or diachronic'. In this research case studies were designed to be conducted at country level, with quantitative and qualitative approach, and set for a defined period of time. Gerring also remarks that 'case studies commonly afford multiple observations of a single case, thus providing firmer evidence of the factual accuracy of a given proposition'. This research's purpose and objectives required a multiplicity of studies and observations, looking for evidence to test the hypotheses. To Gerring, 'the case study research design concerns the complementarity of single unit and cross-unit research designs', and uses the triangulation as essential to produce corroboration.

According to Gerring (2004, p. 351), case studies are 'generally more useful (1) when inferences are descriptive rather than causal'. As the nature of the research inferences is descriptive, this approach fit best. (2) 'When propositional depth is prized over breadth and boundedness'. The research has propositional depth through its purpose and objectives. (3) 'When internal case comparability is given precedence over external case representativeness'. Although representativeness was achieved by this research, comparability had predominance when analysing findings. (4) 'When insight into causal mechanisms is more important than insight into causal effects'. The research examined three dimensions where 'access to public information legislation' works. Insights about causal mechanisms coming from these dimensions were examined, understood and articulated. (5) 'When the causal proposition at issue is invariant rather than probabilistic'. This research

studied invariant causal variables identified from textual analysis of the legislation, and from content analysis of relevant research. (6) ‘When the strategy of research is exploratory, rather than confirmatory’. In this case the research applied an exploratory strategy to identify, select, measure, and validate independent variables to the model. (7) ‘When useful variance is available for only a single unit or a small number of units’. The research examined some variation or differences in both case studies, despite the fact that the examined legislation is applied as an international standard.

2.4.2.- Target Group: Public Higher Education Institutions, HEIs under the Legislation on Access to Information held by Public Authorities

Considerations of feasibility to conduct the data collection plan, and the importance of these kind of public authorities as information and knowledge producers were reasons to choose HEIS as target group. Complete explanation on this topic is included in Chapter 4 and 5.

The number and kind of higher education institutions in both case study, is contextualised as follows:

Country Case Study 1: United Kingdom England, Wales, and Northern Ireland

Higher Education Institutions by Country	Total	%
Public higher education institutions in England	139	78.98
Public higher education institutions in Wales	9	5.03
Public higher education institutions in Northern Ireland	4	16.67
Public higher education institutions in Scotland	24	13.41
Total Case Study1 United Kingdom	176	100.00
Total Case Study1 United Kingdom, excluding Scotland	152	86.36

Target Group Case Study 1: Public Higher Education Institutions= 152, equivalent to 86, 36%

Country Case Study 2: Chile

Higher Education Institutions in Chile	Total	%
Private Universities Subsidised by The Chilean Government	9	15.25
Public Universities in Chile	16	27.12
Private Universities in Chile	34	57.63
Total HEIs with Government Economic Support in Chile	25	100.00
Total Public and Private Universities in Chile	59	100.00

Target Group Case Study 2: Public Higher Education Institutions= 16, equivalent to 100%

2.4.3. Sampling for Case Studies

At the beginning, the research considered to conduct the case studies in three countries: Chile, Germany and UK. The first sample size was estimated through the proportional allocation method. Nevertheless, since time and feasibility to conduct the data collection plan in Germany changed, and the study was focused to two countries, sampling estimation was modified to reflect such condition. The first sampling design was the following:

(i) First Sampling Design: in this research, the sample size was estimated using the stratified random sampling with the proportional allocation method. To calculate the sample size, this method considered two scenarios, a margin of error of 5%, and a confidence limit of 95%. This means that the coefficient 1.96 is reflected in the formula.

Sample size notation through the 'Proportional Allocation Method'

Formula

$$n = \frac{\sum N_h p_h q_h}{N \frac{E^2}{Z^2} + \frac{1}{N} \sum N_h p_h q_h}$$

Applying the proportional allocation method, once the sample properties are estimated or defined, it was divided for proportional stratification, using the following proportional expression:

$$n_h = n \frac{N_h}{N}$$

Estimation Procedure for Scenario 1

Scenario 1: with three strata or levels, where: $N_1 = 152$; $N_2 = 16$; $N_3 = 192$; thus, $N = 360$

Assumption: the worst possible scenario to find, occurs when the probability to get a positive or negative response is 0, 5. In other words, in this research the maximum uncertainty has been defined as 0, 5. Under this assumption we have: $p_1 = 0.5$; $p_2 = 0.5$; $p_3 = 0.5$

$E = 0.05$; $Z = 1.96$

$$n = \frac{152 * 0.5 * 0.5 + 16 * 0.5 * 0.5 + 192 * 0.5 * 0.5}{360 \frac{0.05^2}{1.96^2} + \frac{1}{360} (152 * 0.5 * 0.5 + 16 * 0.5 * 0.5 + 192 * 0.5 * 0.5)}$$

$$n = \frac{90}{0.234 + 0.25} = 185.8$$

Conclusion: as the result shows, from a population of 360, the sample size was 185.8. Consequently, the research needs was the examination of 186 higher education institutions, HEIs in total. In particular and applying the distribution by each country case study, the requested sample size was estimated as follow:

$$n_1 = 186 \frac{152}{360} = 78.5 \quad (79) \quad n_2 = 186 \frac{16}{360} = 8.2 \quad (8) \quad ; \quad n_3 = 186 \frac{192}{360} = 99.2 \quad (99)$$

This means a total of 79 HEIs in the UK, a total of 8 HEIs in Chile and a total of 99 HEIs in Germany.

Estimation Procedure for Scenario 2

Scenario 2 with two strata or levels, where: $N_1 = 152$; $N_2 = 192$; $N=344$

Assumption: the negative scenario possible to find occurs when the probability to get a positive or negative response is 0, 5. In other words, in this research, the maximum uncertainty has been defined as 0,5.

Under this assumption we have: $p_1 = 0.5$; $p_2 = 0.5$; $E = 0.05$; $Z=1.96$

$$n = \frac{152 * 0.5 * 0.5 + 192 * 0.5 * 0.5}{344 \frac{0.05^2}{1.96^2} + \frac{1}{344} (152 * 0.5 * 0.5 + 192 * 0.5 * 0.5)}$$

$$n = \frac{86}{0.22 + 0.25} = 183$$

Conclusion: as can be seen, from a population of 344, the sample size was 183. Consequently, it would be necessary to examine or study a total of 183 higher education institutions, HEIs.

Applying the distribution by each country case, the requested sample size was estimated as follow:

$$n_1 = 183 \frac{152}{344} = 80.8 \quad ; \quad n_2 = 183 \frac{192}{344} = 101.1$$

This means a total of 80 HEIs in the UK, a total of 16 HEIs in Chile

(ii) Second Sample Design: as the population of public higher education institutions in Chile is small, and considered the institutional support given by the Transparency Council in Chile to this research, there was no need to define sample size for the case study 2. A census was conducted instead to coordinate the collection of data from the 16 Chilean public higher education institutions. The census achieved 100% of response.

Sample Size applied to define the Proportion of the Population under Simple Random Sampling: Applied to the case study 1, the sample size to estimate the proportion of the population under study was defined by simple random sampling. Simple random sampling is a method of selecting n units out of a population which contain a finite number of N numbers, such that every one of the units has an equal chance of being chosen. To calculate the

sample size, this method considered a margin of error of 8%, a confidence limit of 90%, and an estimated percentage of adherences to the rules of 95%. This sampling approach was estimated through the following notation.

The notation or expression that settles on and determines the minimum number of sample units required from the population to be examined under a simple random sampling design is:

$$n_0 = \frac{Z_{1-\alpha/2}^2 \cdot p \cdot (1-p)}{E^2} \quad (1)$$

Set this value considering the size of the population of HEIs in UK was:

$$n = \frac{n_0}{1 + \frac{n_0}{N}} \quad (2)$$

In this research, the number of cases of HEIs in UK was defined as N=152.

Replacing in (1), when considering a confidence level of 90%, 95% of adherence to the rules, and estimation error of 8%, we have:

$$n_0 = \frac{1,645^2 \cdot 0,95 \cdot 0,05}{0,08^2} = 20.0802053 \quad (21)$$

The estimated and corrected value considering the size of the population of public HEIs in UK was:

$$n = \frac{21}{1 + \frac{21}{152}} = 18.4508671 \quad (19)$$

The minimum number of units required therefore as sample size in UK would be 19 universities. After 7 months devoted to complete the follow up process for case study 1, a total of 24 UK higher education institutions, HEIs, provided responses through the questionnaires, so the minimum sample size was achieved. For case study 2, a total of 16 public universities completed the questionnaires, which was 100% of the population. Participants' institutions of this research are included as follow:

2.4.4. Higher Education Institutions by Case Studies

Case Study 1: England, Wales, and Northern Ireland

Nº	HEIs Code	Alphabetic List/Full Name
1	2	Anglia Ruskin University, Cambridge and Chelmsford
2	8	Birkbeck College, University of London
3	16	Buckinghamshire New University
4	17	Canterbury Christ Church University, Canterbury, Thanet, Tunbridge Wells and Chatham
5	24	De Montfort University, Leicester
6	27	Glyndŵr University (Prifysgol Glyndŵr, Wrexham)
7	30	Harper Adams University College
8	33	Imperial College London
9	37	King's College London, University of London
10	44	Liverpool John Moores University
11	54	Newcastle University
12	60	Queen Mary University of London
13	82	Trinity Laban Conservatoire of Music and Dance formerly Trinity College of Music
14	89	University for the Creative Arts, Canterbury, Epsom, Farnham, Maidstone and Rochester
15	90	University of Bath
16	108	University of Gloucestershire, Cheltenham, Gloucester and London
17	112	University of Hull 'The' in Logo
18	113	University of Kent, Canterbury and Medway
19	115	University of Leeds
20	138	University of Ulster
21	147	University of Winchester (The in logo)
22	148	University of Wolverhampton
23	150	University of York
24	151	Writtle College

Case Study 2: Chile

Nº	Alphabetic List/Full Name
1	Universidad Arturo Prat, UNAP.
2	Universidad de Antofagasta, UANTOF
3	Universidad de Atacama, Copiapó UDA
4	Universidad de Chile, UCHILE
5	Universidad de la Frontera, UFRO=
6	Universidad de la Serena
7	Universidad de Los Lagos, Osorno
8	Universidad de Magallanes, UMAG
9	Universidad de Playa Ancha de Ciencias de la Educación, UPLA
10	Universidad de Santiago de Chile, USACH
11	Universidad de Talca, UTAL
12	Universidad de Tarapacá, UTA

13	Universidad de Valparaíso, UV
14	Universidad del Bío-Bío, UBB
15	Universidad Metropolitana de Ciencias de la Educación, UMCE
16	Universidad Tecnológica Metropolitana, UTEM

2.4.5. Data Collection Tool applied to Case Studies

Considering the research problem as their purpose and aims, and as a result of the literature review process, three questionnaires to be applied in public higher education institutions, HEIs were developed, validated and amended from October 2012 to April 2013. Questions were designed to achieve the research aims, and the questionnaires were applied as a survey.

In the UK they were sent to the respondents by post, email and also a web page was created to have access to the questionnaires http://www.ucl.ac.uk/dis/people/aliciaramirezgonzalez/foi_questionnaire

A video was created and delivered to enhance the response request ratio for the UK case study. Questionnaires N°1, N°2, and N°3 collected data from 24 higher education institutions. They were completed by Freedom of Information Officers, responsible for the FOIA2000 implementation.

To the Chilean Case study, the required data for the case study was collected in coordination with the Chilean Transparency Council. Through the Promotion Unit, questionnaires were delivered, and the collection of responses was centralised. The follow up was conducted and fully completed as a collaborative task. Having institutional support by the Chilean oversight body ensured the fulfilment of 100% of the data needed from the studied population. For the Chilean Case study the questionnaires were translated into Spanish.

The questionnaires have a cover design to identify the country, the number by dimension, an information sheet with specific instructions, a part to register the case study contact details, brief introductory and explanatory part on the impact assessment approach, and two main sections. The first section was designed to cover 'impact assessment', and the second one was defined to conduct 'compliance' assessment. Describing the questionnaire structure, in section 1 it was requested respondents to provide assess the 'impact' construct, according to the model created by Pastakia. The section has a total of 4 questions and according to the type of response choices were nominal and ordinal. Section 2 was elaborated to establish the extent to which 'compliance' with the legislation was achieved by public universities in both country case studies. The questionnaires are included in the Appendix N°4-N°9.

Depending on the dimension as the number of independent variables to be assessed, the number of questions varied, as mentioned below. Likert scales were applied to collect

quantitative and qualitative data, and to capture the respondent's intensity of judgement and feelings. Given a set of statements, respondents were requested to specify: (1) assessment of current practice, (2) level of agreement or disagreement, and (3) level of satisfaction. For qualitative data, Likert scales were widely applied to measure responses regarding 'compliance' issues.

Qualitative data collected from the questionnaires was basically an enabling output to explain and compare not only the defined variables of the conceptual model, but also to get deep inside from dynamic realities observed by case studies. Overall, the collected data was massive and exhaustive. It allowed observation, discovery and analysis from a meaningful and holistic perspective. The data collection was therefore fundamental when exploring and evaluating process as when validating respondent's assumptions, and the research hypotheses.

Questionnaire N°1 Informational Dimension

Dependent Variable: Impact

Total Independent Variables: 23

Total questions: 4

Kind of Questions: 11 closed questions and 4 open questions to request specific numerical data

Dependent Variable Compliance

Total Independent Variables: 23

Questions: from Q5 to Q15. Total questions: 11

Total Questions Questionnaire N°1 Informational Dimension= 15

Questionnaire N°2 Organisational Dimension

Dependent Variable: Impact

Total Independent Variables: 27

Total questions: 4.

Kind of Questions: 10 closed questions and 2 open questions to request specific numerical data

Dependent Variable Compliance

Total Independent Variables: 27

Questions: from Q5 to Q12. Total questions: 8

Total Questions Questionnaire N°2 Organisational Dimension= 12

Questionnaire N°3 Legal Dimension

Dependent Variable: Impact

Total Independent Variables: 16

Questions: from Q1 to Q4. Total questions: 4

Kind of Questions: 20 closed questions

Dependent Variable Compliance

Total Independent Variables: 16

Questions: from Q5 to Q20. Total questions: 16

Total Questions Questionnaire N°3 Legal Dimension= 20

When assessing compliance for the UK case study, some quantitative data was collected from the available JISC Surveys, focused on HEIs. Additional quantitative data on compliance was made from the [JISC infoNet surveys](#) , to cover temporal scope of the research from 2010 to 2012.

The JISC Surveys 2010 was responded to by 75 universities –49.34% of the population–. In 2011 the survey was completed by 69 HEIs, –45.39%–. In 2012 it was completed by 60 respondents –39.47%–. Further details regarding tasks on data collection are included in the research Gantt chart.

2.4.6. Data Analysis to conduct the Case Studies

2.4.6.1. Impact Assessment: Pastakia's RIAM matrix: according to the rapid impact assessment matrix (RIAM) tool, as 'impact' is a complex construct, it requires a holistic analysis. The matrix defined by Pastakia (1998, p.463) is a 'standard definition of the important assessment criteria, as well as the mean by which semi-quantitative values for each of these criteria can be collated to provide an independent score for each condition'. The RIAM assessment criterion includes two components, where according to Pastakia (1998, p.464), (A) represents 'criteria that are of importance to the condition, that individually can change the score obtained', and (B) refers to 'criteria that are of value to the situation, but should not individually be capable of changing the score obtained'. The procedure to estimate 'impact' under the RIAM has been expressed as follow:

$$(A1)*(A2) =aT$$

$$(B1)+ (B2) + (B3) = bT$$

$$(aT)*(bT) =ES$$

Where (A1) (A2) represents the individual scores under the assessment criteria of importance and magnitude and (B1) (B2) (B3) are the individual scores for permanence, reversibility and cumulative effect. Multiplying all the 'A' scores, aT is obtained, and by addition or summing all the 'B' scores, bT is obtained. The result of multiplication of aT by bT is the score (ES) for the variable.

The first criterion to assess impact refers to the ‘importance’ of the observed condition. This criterion was defined as the factor, trait, or quality of being significant or important and it is represented as ‘A1’. RIAM scales for the criterion are: 4= Very Important; 3= moderately Important; 2=slightly Important; 1= Low Importance; 0= Not at all Important. In this research A1 includes all the responses for question 1 (Q1).

The second criterion of impact assessment, A2, defines ‘magnitude’ of change or effect, understood in term of benefit. RIAM scales for this criterion are: +3= major positive benefits, +2=significant improvement in status quo, +1=improvement in status quo, 0=no change in status quo, -3=major disbenefit or change, -2=significant negative disbenefit or change, -1=negative change to status quo. A2 encompasses the given responses for question 2 (Q2).

The third impact assessment criterion defined by the RIAM is ‘permanence’. This factor defines whether the influence of the observed condition is permanent in terms of duration, continuity or persistence. RIAM scales for this criterion are: 3= Permanent impact; 2= Temporary impact; 1= No incidence/impact. Permanence is represented as ‘B1’, and includes responses for question 3 (Q3). The fourth criterion considered by Pastakia, ‘B2’, refers to the degree of ‘reversibility’. It defines whether what cause the impact is capable of being changed, able to be reversed, or subject to rectification. RIAM scales for this criterion are: 3= Irreversible; 2= Reversible; and 1= No Impact. In this research B2 encompasses responses for question 4 (Q4). The assessment criteria of the questions and scales of the RIAM method were included in the first section of the questionnaires.

2.4.6.2. Procedural Innovation to the Pastakia’s RIAM for Impact Factor Assessment: a methodology to calculate a weighted ‘impact factor’ from the Pastakia’s matrix was developed to examine all the independent variables of the model. As the Pastakia’s RIAM considers impacts at individual level, it was validated that his matrix can also work under ‘n’ number of cases or ‘variables’. Therefore, and applied to this research, (A1) and (A2) scores as (B1) (B2) (B3) were depicted by individual results coming out of all the 66 independent variables, included into the three dimension of the model, as is showed.

Pastakia’s Matrix Example for Impact Factor Assessment

$aT * bT = ES$ $(A1) * (A2) = aT$ $(B1) + (B2) + (B3) \text{ Constant} = bT$

Info.Dim. Var21 Publication schemes use									
HEIs Code	ES	RB	A1 (IDQ1Var21)	A2 (IDQ2Var21)	aT	B1 (IDQ3Var21)	B2 (IDQ4Var21)	(B3) Constant	bT
1	72	E+	4	3	12	3	2	1	6
2	36	D+	3	2	6	3	2	1	6
3	84	E+	4	3	12	3	3	1	7
4	56	D+	4	2	8	3	3	1	7
5	40	D+	4	2	8	2	2	1	5
6	0	N	2	0	0	2	2	1	5

7	84	E+	4	3	12	3	3	1	7
8	0	N	4	0	0	3	3	1	7
9	72	E+	4	3	12	3	2	1	6
10	72	E+	4	3	12	3	2	1	6
11	42	D+	3	2	6	3	3	1	7
12	54	D+	3	3	9	3	2	1	6
13	84	E+	4	3	12	3	3	1	7
14	48	D+	4	2	8	3	2	1	6
15	15	B+	3	1	3	2	2	1	5
16	72	E+	4	3	12	3	2	1	6
IDV _{var} 21 IF=	1.76		1.20	0.72	0.86	0.93	0.78	0.33	2.04

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment Case study 2 Chile.

According to the Pastakia's matrix estimation procedure, is obtained A_{1j} , A_{2j} , B_{1j} , B_{2j} y B_{3j} ($j=1,2,\dots,N$) Where N represents the number of respondents, or in this case, the number of public higher education institutions. This applies for each independent variable according to their specific dimension.

For each dimension of the model and by each independent variable we obtain:

$$aT_j = A_{1j} \cdot A_{2j}$$

$$bT_j = B_{1j} + B_{2j} + B_{3j}$$

From these scores, an individual or partial impact factor is obtained by institution or respondent as follow:

$$ES_j = aT_j \cdot bT_j$$

The overall weighted impact factor, IF for each independent variable involving all institutions comes out of:

$$IF = aT \cdot bT \quad \text{Where} \quad aT = \frac{1}{3} \frac{\sum A_{1j}}{N} \cdot \frac{1}{3} \frac{\sum A_{2j}}{N} \quad \text{and} \quad bT = \frac{1}{3} \left[\frac{\sum B_{1j}}{N} + \frac{\sum B_{2j}}{N} + \frac{\sum B_{3j}}{N} \right]$$

For each independent variable of the model, 'impact', IF was estimated through a proportional criterion, giving to the independent variables the same weight, to keep the rationale of the original method. The impact factor IF, was hierarchically sorted by score or to identify which independent variables achieved the highest level of impact by dimension and by case study.

The complete estimation for the impact factor in both case studies was made through pivot tables to rank the independent variables, and to test the research hypotheses. The complete impact assessment procedure is included in Chapter 4-5, and Appendix N^o10.N^o11.

2.4.6.3. Data Analysis to the Compliance Assessment

Tools and techniques applied to conduct the 'compliance' assessment for cases studies were (1) Microsoft Excel 2007tm pivot tables, and (2) IBM SPSS Statistics 20-21.

1. **Pivot tables:** statistical analysis through pivot tables was applied to produce reports, which compare collected data from the examined information sources. Since pivot tables are designed for a variety of uses, applied to this research they were useful for: (1) getting perspective on large amounts of data in multiple ways, (2) looking at the data from different perspectives and comparing figures of similar data coming from both case studies, (3) analysing numeric data, summarizing data by defined categories and dimensions, (4) expanding and collapsing levels of data to focus results, (5) pivoting or moving data fields to columns to rows to see different summaries of the source data, (6) filtering, sorting, grouping, and formatting defined subset of data to enable keeping the focus on the analysed variables, and (7) presenting concise, and annotated reports.

2. **IBM SPSS Statistics 20-21:** through SPSS, statistical and data analysis was applied to conduct compliance assessment for both case studies. The software was useful to create 12 SPSS databases to record and analyse the dependent variables of the model. The collected data was examined through descriptive statistics and frequencies. Considering the responses from one person in a questionnaire, a total of 43 cases were examined, 24 cases for UK and 16 of Chile.

Considering the kind of questions from the questionnaires, 6 databases were created; one for the informational dimension, one for the organisational dimension and one for the legal dimension. For each one of the 6 databases, it was considered the definition of three kinds of variables (1) string variables to include letters and numbers as coded answers, (2) numeric variables to include only numbers as answers, and (3) categorical variables to include for example yes/no responses. These variables were defined with nominal values, ordinal values (Likert Scale). Also, for both case studies, and considering the tree dimension of the model, 6 databases were created using Microsoft Excel 2007 to collect the data codified from the questionnaires, according to the tabulation matrix. These coded answers were export from 12 Excel spreadsheets to SPSS, to conduct the statistic analysis. Descriptive analysis was applied to some independent variables to calculate basic statistics as mean, sum, maximum and minimum. Descriptive statistics through the frequencies command was

applied to analyse number of occurrences or the frequency distribution of the collected data, and to report or to produce graphical output such as bar charts. Complete SPSS Data Bases for both case studies, and the tabulation matrix and codified responses by dimension are included in Appendix N°12-N°13.

**CHAPTER 3:
CONCEPTUAL MODEL DESIGN, DESCRIPTION AND VALIDATION**

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CHAPTER 3

Conceptual Model Design, Description and Validation

Chapter Overview

The chapter encompasses the research conducted to design, and validate a conceptual model to assess the impact of and compliance with legislation on access to information. The proposed model was created as part of the research to contribute tool for reducing the gap reported by the research problem. The chapter explores how this research passed through different methodologies towards the achievement of a mechanism through which to fulfil the research purpose.

This chapter consists of four sections which explore the how underpinning elements and variables for the proposed model were examined and validated, over a period of 17 months. The first Section explores how content analysis was applied to conduct the search for knowledge to define the model. The following Section two describes how such knowledge was organised to produce the first drawing of the model. Section three gives details about how the model can be understood and how it was represented. Section four includes the research conducted to compare assessment process, for knowledge validation to find out those constructs to be included in the model. The proposed model was the mechanism applied to conduct case studies in UK and Chile, to measure impact and compliance with the legislation on access to information.

3. Towards a Conceptual Model Design Description and Definition

In this section, details on procedures and outcomes which emerged from the literature review are reported. The literature review was conducted for the conceptual model design, to find out and select the independent variables to be measured. As explained in Chapter 2, qualitative and quantitative content analysis was applied through purposive sampling to 76 relevant papers published in high impact journals during the last ten years on freedom of information, access to information, freedom of information act, transparency and freedom of information act, and public sector information. Research results published by 110 authors were analysed to examine common practice in the concept usage and understanding for the constructs 'impact' and 'compliance'. The content analysis was completed in five months. It started in April 2011 and it was completed on 31 August 2011.

3.1.- Literature Review to Conduct Content Analysis for Conceptual Model Design

An extensive database was created to conduct this task. The database has 425 concepts or keywords for the legal dimension, 603 for the informational dimension and 699 for the organisational dimension. Normalisation of terminology was completed to refine the frequency analysis through pivot tables.

Table N°3.1.: Database and Content Analysis Results to Define Independent Variables for the Model

Dimension	Concepts by Content Analysis	Normalisation by Recurrence	Percentage
Legal	425	416	24.62
Informational	603	581	34.38
Organisational	699	693	41.01
Total	1.727	1.689	100.00

Considering that the full database has 1.727 inputs, an example of the content analysis codebook is presented in the following table.

Table N° 3.2.: Database example of the content analysis technique applied to extract terminology, 6 July- 4 August, 2011.

LITERATURE REVIEW, CONTENT ANALYSIS DATABASE				
Sample N°	AUTHORS	LEGAL DIMENSION -	INFORMATIONAL DIMENSION -	ORGANISATIONAL DIMENSION -
19	DRAGOŞ, D. NEAMŢU, B.	Exemptions Disclosure provisions Appeal mechanisms Request statutory requirement Amendments Judicial review Complaints mechanisms Fees provisions Requesters/applicants provisions Duty to publish Transferring request provisions/referrals Timeframe regime Non-compliance provisions Internal review provisions	Access to public information Requests refused/denied Information disclosed Requests response time Disclosure standards Exemptions use Requests response quality Requests processing tools/standards Requests received Answer request rate Requests partially granted Requests refused/denied Requests replied	Disclosure policy and rules Implementation assessment mechanisms Transparency mechanisms Penalties for non compliance Requests monitoring mechanisms Response requests mechanisms FOIA corporate and action plan Organisational structure Requesters/requestors assistance Code of best practices FOIA annual performance reports Response requests mechanisms Implementation costs
67	SHULER, JOHN		Information released Sensitive information Information transference mechanisms Requests managing system	Access to public information policy Promotion/participation mechanisms of FOI Disclosure policy Accountability mechanisms

Source: author's thesis

3.1.1. Content Analysis Results Regarding the Informational Dimension

Frequency reports were produced through pivot tables and they were arranged and ranked by each dimension. These reports were made to describe which constructs were most frequently mentioned by the authors. The tables also show percentage of reference to the sample, represented by the total of analysed papers. The frequency of recurrence of the concepts by dimension is included as follows:

Pivot Table N° 3.3.: Frequency of Recurrence for the ‘informational dimension’, by content analysis, 6 July- 4 August, 2011.

N°	Row Labels	Count of Concepts by Informational Dimension - 581-	% with Reference to Analysed Papers -76-
1	Access to public information	48	63.16
2	Requests managing system	41	53.95
3	Information disclosed	38	50.00
4	Requests response time	32	42.11
5	Information transference mechanisms	30	39.47
6	Exemptions use	28	36.84
7	Categories of data and records	28	36.84
8	Information released	25	32.89
9	Requests refused/denied	23	30.26
10	Requests response quality	21	27.63
11	Requests received	20	26.32
12	Classification schemes/standards	19	25.00
13	Information availability	18	23.68
14	Requests processing tools/standards	17	22.37
15	Requests analysis and processing	16	21.05
16	Records management standards	16	21.05
17	Access to digital information	14	18.42
18	Sensitive information	13	17.11
19	Websites development/updating	11	14.47
20	Records management code of practice	11	14.47
21	Requests categories	10	13.16
22	Disclosure standards	10	13.16
23	Requests fully granted	7	9.21
24	Records management system	7	9.21
25	Publication schemes use	7	9.21
26	Requests transferred	5	6.58
27	Requests replied	5	6.58
28	Re-use of public information	5	6.58
29	Requests partially granted	5	6.58
30	Requests processing time	5	6.58
31	Appeals processing average	4	5.26
32	Information asymmetries	4	5.26
33	Information provision	3	3.95
34	Information management system	3	3.95
35	Requesters/requestors categories	3	3.95
36	Requests withheld	2	2.63
37	Vexatious requests	2	2.63
38	Use of extensions	2	2.63
39	Appeals totally upheld	2	2.63

40	Appeals partially upheld	2	2.63
41	Information management practices	2	2.63
42	Information opacity	2	2.63
43	Access to environmental information	1	1.32
44	Sensitive requests policy	1	1.32
45	Scientific data	1	1.32
46	Information partially withheld	1	1.32
47	Information integrity	1	1.32
48	Disclosure log	1	1.32
49	Private records	1	1.32
50	Access to official documents	1	1.32
51	Information technology	1	1.32
52	Access to public information	1	1.32
53	Information storage and retrieval	1	1.32
54	Requests template	1	1.32
55	Access to records measurement	1	1.32
56	Appeals refused	1	1.32
57	Legal information	1	1.32
	Grand Total	581	

From the informational dimension pivot table N°3.3 three basic findings require comments:

(1). - Under the informational dimension category, a grand total of 581 concepts or keywords were reordered, in connection with records management practice when implementing the access to public sector information legislation. From the report, there were 15 concepts with high use frequency and placed at the top positions in the ranking. Under this criterion, it would be desirable to include them in the conceptual model. Nevertheless, three key questions arise here: (1) what to do with the remaining 566 concepts? (2) Which concepts with low use frequency would be significant and then advisable to include? (3) Which kind of criteria should be convenient or suitable to weigh and transform the selected concepts into measured variables?

(2).- Within the informational dimension, applying faceted classification and examining the most used concepts by the authors, it was possible to sort the concepts into two categories: (i) Concepts with reference to 'principles': Access to public information and information availability; (ii) Concepts with reference to 'operations, procedures and processes': Requests managing system, Information disclosed, Information transference mechanisms, Exemptions use, Categories of data and records, Information released, Requests refused/denied, Requests response quality, Requests received, Classification schemes/standards, Requests processing tools/standards, Records management standards, and Requests response time. Regarding the most frequently used concepts, access is the opposite side of exemptions provisions. Although access does not mean existence but availability and right to provision, this principle is restricted by the boundaries of the Act.

(3).-The analysed authors are denoting coherence when ‘exemptions’ from the legal dimension is used as a matching concept with ‘exemptions use’ in the informational dimension. This issue denotes a criterion problem when processing requests received from the requestors, because in the field of information science and records management, ‘exemptions use’ refers to a technical procedure based on information analysis and ‘interpretation’ skills. The measurement of this topic is then complex and critical. Results published by The Open Society Justice Initiative (2006, p.13) on practices and access to information laws concluded that ‘where pairs of identical requests were submitted by different requesters, the responses received were inconsistent and different 57% of the time’. Additionally, the analysed authors are highlighting how critical the ‘requests management system’ would be when the implementation of the legislation requires evaluation. The information or information management system and technical guidelines and standards are thus essential to manage requests. In this context, another structural problem arises: the principle of access to public sector information would not be successfully met when the structure or mechanism that guarantees such principle is not implemented. It is necessary therefore to examine the organisational dimension to look at whether and how this specific concept is considered.

3.1.2. Content Analysis Results Regarding the Organisational Dimension

Pivot Table N° 3.4.: Frequency of Recurrence, for the ‘organisational dimension’, by content analysis, 6 July- 4 August, 2011.

N°	Row Labels	Count of Concepts Organisational Dimension -693-	% with Reference to Analysed Papers -76-
1	Promotion/participation mechanisms of FOI	51	67.11
2	Disclosure policy	39	51.32
3	Advisory mechanisms	34	44.74
4	Organisational structure	33	43.42
5	Access to public information policy	32	42.11
6	Requests monitoring mechanisms	25	32.89
7	FOIA corporate and action plan	25	32.89
8	Compliance assessment mechanisms	25	32.89
9	Fees regime and mechanisms	24	31.58
10	Annual budget	22	28.95
11	Accountability mechanisms	22	28.95
12	Code of best practices	21	27.63
13	Implementation assessment mechanisms	21	27.63
14	Requests managing system	20	26.32
15	Requesters/requestors assistance	18	23.68
16	Transparency mechanisms	18	23.68
17	Leadership commitment	18	23.68
18	FOIA annual performance reports	17	22.37
19	Advocacy mechanisms and groups	16	21.05
20	Response requests mechanisms	15	19.74
21	Political support	15	19.74

22	Training programme/plan	14	18.42
23	Organisational culture of secrecy	14	18.42
24	Implementation costs	12	15.79
25	Exemptions guidelines	11	14.47
26	Proactive disclosure/release	11	14.47
27	Communication strategy and mechanisms	10	13.16
28	Technological infrastructure/capacity	10	13.16
29	Organisational commitment	9	11.84
30	Organisational culture	8	10.53
31	Penalties/rewards for compliance and non compliance	6	7.89
32	Public servants reluctance	6	7.89
33	Organisational culture of control	6	7.89
34	Partnership promotion	6	7.89
35	Public servants commitment	5	6.58
36	Records management policy	5	6.58
37	Transparency standards	5	6.58
38	Requesters categories/studies	5	6.58
39	Requesters/requestors satisfaction level measurement	4	5.26
40	Organisational bureaucracy	4	5.26
41	Transparency principles/policy	4	5.26
42	Records management corporate plan	3	3.95
43	Response requests time	2	2.63
44	Records management standards	2	2.63
45	Records management practitioner	2	2.63
46	Records Manager commitment	2	2.63
47	Requests processing cost	2	2.63
48	Requesters information needs	2	2.63
49	Publication schemes revision/review	1	1.32
50	Website development policy	1	1.32
51	Compliance assessment standards	1	1.32
52	Resources to process FOIA requests	1	1.32
53	Outsourcing public functions	1	1.32
54	Disclosure programme	1	1.32
55	Reactive disclosure/reluctance	1	1.32
56	Requesters training programmes	1	1.32
57	Treatment of FOIA in Federal Agencies Performance Plans	1	1.32
58	Social context	1	1.32
59	Physical and technological resources	1	1.32
60	Professional ethics of Librarians	1	1.32
	Grand Total	693	

From the organisational dimension or pivot table N°3.4, the following issues merit comments:

(1). - From the analysed dataset, this dimension covers a broad range of subjects which sum a grand total of 693 concepts or keywords. Considering the use frequency criterion, findings suggest that the first 14 concepts, placed at the top of the ranking should be included in the conceptual model, but (1) what to do with the other 678 concepts? (2) What issues with low use frequency are actually significant and would also be included? (3) Which criteria should

be convenient or advisable to adopt in order to weight or transform the selected concepts into measured variables?

(2).- Within the organisational dimension, applying faceted classification, and examining the most used concepts, it was possible to classify them into three categories: (i) Concepts with reference to 'management mechanisms': promotion/participation mechanisms of FOIA, compliance assessment mechanisms, requests monitoring mechanisms, requests managing system, fees regime and mechanisms, implementation assessment mechanisms, accountability mechanisms, organisational structure, advisory mechanisms, FOIA corporate and action plan; (ii) Concepts with reference to 'guidelines and standards': disclosure policy, access to public information policy, and code of best practices, (iii) Concepts with reference to 'resources': annual budget.

(3).-The 'request management system' was effectively located among the highest use frequency concept. However in content analysis critical subjects regarding organisational ethos and behavioural issues such as willingness, reluctance, advocacy, awareness, neutrality, commitment, support, leadership, discretion, enforcement and reliance were uneven or asymmetrical when comparing them with management mechanisms.

3.1.3. Content Analysis Results Regarding the Legal Dimension

Pivot Table N° 3.5.: Frequency of Recurrence for the 'legal dimension' by content analysis, 6 July- 4 August, 2011.

N° Var	Row Labels	Count of Concepts/Variables by Legal Dimension-416-	% with Reference to Analysed Papers -76-
1	Exemptions	46	60.53
2	Disclosure provisions	46	60.53
3	Appeal mechanisms	35	46.05
4	Public Interest test	28	36.84
5	Complaints mechanisms provisions	24	31.58
6	Duty to publish	21	27.63
7	Internal review provisions	21	27.63
8	Appeal process	19	25.00
9	Timeframe regime	18	23.68
10	Request statutory requirement	17	22.37
11	Legal assistance	17	22.37
12	Decision notice	11	14.47
13	Non-compliance provisions	11	14.47
14	Publication scheme provisions	10	13.16
15	Confidentiality and confidence provisions	9	11.84
16	Transferring request provisions/referrals	7	9.21
17	Proactive disclosure provisions	7	9.21
18	The veto	7	9.21
19	Request extensions provisions	5	6.58
20	Binding provisions	5	6.58
21	Judicial review	5	6.58
22	Enforcement provisions	4	5.26
23	Records management provisions	4	5.26

24	Internal review system	4	5.26
25	Enforcement notice	3	3.95
26	Information release provisions	3	3.95
27	Qualified exemptions	3	3.95
28	External review	2	2.63
29	Re-use of public information provisions	2	2.63
30	Internal review process	2	2.63
31	Copyright provisions	2	2.63
32	Sensitive information provisions	2	2.63
33	Harm test	2	2.63
34	Amendments	2	2.63
35	Release provisions	2	2.63
36	Electronic Communication Preservation Act	1	1.32
37	Refusal provisions	1	1.32
38	Country legal system	1	1.32
39	Passive transparency provisions	1	1.32
40	Statutory control of public information	1	1.32
41	Non-disclosure provisions	1	1.32
42	Active transparency provisions	1	1.32
43	Requesters/applicants provisions	1	1.32
44	Reproduction rights	1	1.32
45	Disclosure log	1	1.32
	Grand Total	416	

Examining the legal dimension or pivot table N°3.5, some issues require comments:

(1). - From the analysed dataset, the enactment and enforcement of access to public information legislation encompass a broad range of provisions which refers a grand total of 416 concepts. Considering the frequency of use criteria, there is evidence which suggests that the first 13 concepts at least should be included in the conceptual model. Nevertheless in this context, three key questions arise here: (1) what to do with the other 403? (2) Which low frequency concepts used by the analysed authors are significant and would be included as well? (3) Which kind of criteria should be convenient or advisable to weight or transform the selected concepts into measured variables?

(2).- In the legal dimension, applying faceted classification and examining the most used concepts by the analysed authors, it is possible to classify them into two categories: (i) Concepts with reference to 'restrictions': Disclosure provisions, Exemptions, Appeal mechanisms, Public Interest Test, Internal Review Provisions and Complaints Mechanisms; (ii) Concepts with reference to 'operations, procedures and process': Duty to publish, Timeframe regime, Request statutory requirement, Legal assistance, Appeal process, Decision notice, Non-compliance provisions.

(3).-The analysed authors are denoting some limitations of the legislation. In fact if restrictions such as absolute and qualified exemptions, the veto, extensions, appeals, referrals, the public interest test, internal revision, and external revision, are all mandatory

boundaries, is then the Act actually useful? Is the legislation in itself hardly conducive to disclosure and release of information?. Outcomes showed 'no' for administrative information and 'yes' for information connected to exemptions.

According to Darbishire and Mendel (2010, p.6) it is reasonable that legislation on access to public sector information, especially 'the legal framework, creates a specific presumption in favour of access to all information held by public authorities, subject to limited exemptions'. Exemptions are in this case the critical concepts mentioned by the authors, and by exemptions they refer categories of information not available or held for disclosure.

If the legislation encompasses national security, international relations, public health and safety, the prevention, investigation and prosecution of legal wrong, privacy, legitimate commercial and other economic interests, management of the economy, fair administration of justice, and litigation privilege, conservation of environments; and legitimate policy making and other operations of public authorities as permissible exemptions, then the access to public sector information is structurally limited.

Finally all the exemptions are broad concepts, so it would be technically feasible to label under these categories all the public sector information, and in consequence, the information right would not exist in practice. This issue might be a records management problem.

The following consolidated report was produced to examine the degree of variation of the concepts when grouping them. Using the pivot table's tool, concepts were aggregated and narrowed down by frequency of recurrence to have a quantitative approach for analysis and comparison with the expert panel approach.

Pivot Table N° 3.6.: Consolidated Report by Frequency of Recurrence by Dimension, by content analysis, 6 July- 4 August, 2011.

N°	Row Labels	Count of Concepts Consolidated Report-1689	% with Reference to Analysed Papers -76-
1	Requests managing system	61	80.26
2	Promotion/participation mechanisms of FOI	51	67.11
3	Access to public information	49	64.47
4	Exemptions	46	60.53
5	Disclosure provisions	46	60.53
6	Disclosure policy	39	51.32
7	Information disclosed	38	50.00
8	Appeal mechanisms	35	46.05
9	Advisory mechanisms	34	44.74
10	Organisational structure	33	43.42
11	Requests response time	32	42.11
12	Access to public information policy	32	42.11
13	Information transference mechanisms	30	39.47

14	Public Interest test	28	36.84
15	Categories of data and records	28	36.84
16	Exemptions use	28	36.84
17	Requests monitoring mechanisms	25	32.89
18	Compliance assessment mechanisms	25	32.89
19	Information released	25	32.89
20	FOIA corporate and action plan	25	32.89
21	Complaints mechanisms provisions	24	31.58
22	Fees regime and mechanisms	24	31.58
23	Requests refused/denied	23	30.26
24	Accountability mechanisms	22	28.95
25	Annual budget	22	28.95
26	Code of best practices	21	27.63
27	Requests response quality	21	27.63
28	Duty to publish	21	27.63
29	Implementation assessment mechanisms	21	27.63
30	Internal review provisions	21	27.63
31	Requests received	20	26.32
32	Classification schemes/standards	19	25.00
33	Appeal process	19	25.00
34	Information availability	18	23.68
35	Leadership commitment	18	23.68
36	Transparency mechanisms	18	23.68
37	Timeframe regime	18	23.68
38	Records management standards	18	23.68
39	Requesters/requestors assistance	18	23.68
40	FOIA annual performance reports	17	22.37
41	Legal assistance	17	22.37
42	Requests processing tools/standards	17	22.37
43	Request statutory requirement	17	22.37
44	Advocacy mechanisms and groups	16	21.05
45	Requests analysis and processing	16	21.05
46	Political support	15	19.74
47	Response requests mechanisms	15	19.74
48	Access to digital information	14	18.42
49	Training programme/plan	14	18.42
50	Organisational culture of secrecy	14	18.42
51	Sensitive information	13	17.11
52	Implementation costs	12	15.79
53	Decision notice	11	14.47
54	Exemptions guidelines	11	14.47
55	Websites development/updating	11	14.47
56	Records management code of practice	11	14.47
57	Proactive disclosure/release	11	14.47
58	Non-compliance provisions	11	14.47
59	Technological infrastructure/capacity	10	13.16
60	Communication strategy and mechanisms	10	13.16
61	Publication scheme provisions	10	13.16
62	Disclosure standards	10	13.16
63	Requests categories	10	13.16
64	Organisational commitment	9	11.84
65	Confidentiality and confidence provisions	9	11.84
66	Organisational culture	8	10.53
67	Requests fully granted	7	9.21

68	The veto	7	9.21
69	Publication schemes use	7	9.21
70	Transferring request provisions/referrals	7	9.21
71	Records management system	7	9.21
72	Proactive disclosure provisions	7	9.21
73	Partnership promotion	6	7.89
74	Public servants reluctance	6	7.89
75	Organisational culture of control	6	7.89
76	Penalties/rewards for compliance and non compliance	6	7.89
77	Requests transferred	5	6.58
78	Transparency standards	5	6.58
79	Binding provisions	5	6.58
80	Records management policy	5	6.58
81	Requests replied	5	6.58
82	Judicial review	5	6.58
83	Re-use of public information	5	6.58
84	Request extensions provisions	5	6.58
85	Public servants commitment	5	6.58
86	Requesters categories/studies	5	6.58
87	Requests partially granted	5	6.58
88	Requests processing time	5	6.58
89	Appeals processing average	4	5.26
90	Internal review system	4	5.26
91	Information asymmetries	4	5.26
92	Requesters/requestors satisfaction level measurement	4	5.26
93	Records management provisions	4	5.26
94	Organisational bureaucracy	4	5.26
95	Enforcement provisions	4	5.26
96	Transparency principles/policy	4	5.26
97	Qualified exemptions	3	3.95
98	Information provision	3	3.95
99	Requesters/requestors categories	3	3.95
100	Records management corporate plan	3	3.95
101	Information release provisions	3	3.95
102	Information management system	3	3.95
103	Enforcement notice	3	3.95
104	Release provisions	2	2.63
105	Harm test	2	2.63
106	Requests processing cost	2	2.63
107	Records management practitioner	2	2.63
108	Response requests time	2	2.63
109	Appeals totally upheld	2	2.63
110	Re-use of public information provisions	2	2.63
111	Internal review process	2	2.63
112	Sensitive information provisions	2	2.63
113	Copyright provisions	2	2.63
114	Information management practices	2	2.63
115	Disclosure log	2	2.63
116	Requesters information needs	2	2.63
117	External review	2	2.63
118	Records Manager commitment	2	2.63
119	Requests withheld	2	2.63
120	Appeals partially upheld	2	2.63
121	Use of extensions	2	2.63

122	Vexatious requests	2	2.63
123	Information opacity	2	2.63
124	Amendments	2	2.63
125	Passive transparency provisions	1	1.32
126	Information storage and retrieval	1	1.32
127	Statutory exemptions	1	1.32
128	Appeals refused	1	1.32
129	Active transparency provisions	1	1.32
130	Website development policy	1	1.32
131	Sensitive requests policy	1	1.32
132	Disclosure programme	1	1.32
133	Compliance assessment standards	1	1.32
134	Refusal provisions	1	1.32
135	Reactive disclosure/reluctance	1	1.32
136	Information partially withheld	1	1.32
137	Information integrity	1	1.32
138	Requests template	1	1.32
139	Non-disclosure provisions	1	1.32
140	Reproduction rights	1	1.32
141	Social context	1	1.32
142	Legal information	1	1.32
143	Country legal system	1	1.32
144	Resources to process FOIA requests	1	1.32
145	Publication schemes revision/review	1	1.32
146	Professional ethics of Librarians	1	1.32
147	Information technology	1	1.32
148	Access to official documents	1	1.32
149	Electronic Communication Preservation Act	1	1.32
150	Access to records measurement	1	1.32
151	Treatment of FOIA in Federal Agencies Performance Plans	1	1.32
152	Requesters training programmes	1	1.32
153	Access to environmental information	1	1.32
154	Scientific data	1	1.32
155	Requesters/applicants provisions	1	1.32
156	Physical and technological resources	1	1.32
157	Outsourcing public functions	1	1.32
158	Grand Total	1689	

The consolidated pivot table N°3.6, presents the following issues:

(1).-Considering the concepts, which represents all three dimensions, there were a total of 25 concepts with the highest frequency of recurrence, and again a relevant question was whether the frequency of recurrence criterion should be complemented by the relevance attribute and which of the concepts are considered relevant to be included in the model.

(2).-The most used concepts are Requests managing system, Promotion/participation mechanisms of FOI, Access to public information, Disclosure provisions, Exemptions, Information disclosed, Requests analysis and processing, Organisational structure, Appeal mechanisms, Access to public information policy, Requests response time, Information transference mechanisms, Advisory mechanisms, Categories of data and records, Requests

monitoring mechanisms, Exemptions use, Compliance assessment mechanisms, Public Interest test, FOIA corporate and action plan, Fees regime and mechanisms, Requests refused/denied, Information released, Disclosure policy, Annual budget, Complaints mechanisms. All of them were also situated at the top use frequency in their respective dimension.

(3).-With reference to the subjects covered by these top concepts, and applying faceted classification, the analysis showed that in the *Informational Dimension* they refer to (i) 'principles', and (ii) 'operations, procedures and processes. In the *Organisational Dimension* the concepts refers to (i) 'management mechanisms', (ii) 'guidelines and standards' and (iii) 'resources'. In the *legal dimension* they refer to (i) 'restrictions' and (ii) 'operations, procedures and processes'. Having concluded the content analysis process to the topics covered by the literature review, a second content analysis task was undertaken to examine how 'impact' and 'compliance constructs were described and understood by the analysed authors.

3.2. Literature Review to Examine Underpinning Concepts as Variables for the Conceptual Model

In this research and employing a purposive sampling of 76 high impact journal papers, content analysis was applied (a) to examine common practice in the concept usage, and (b) to observe understanding for the constructs 'impact' and 'compliance'. For this task, the content analysis purpose was to support the conceptual model design through a systematic and qualitative approach of both constructs given by the 110 analysed authors.

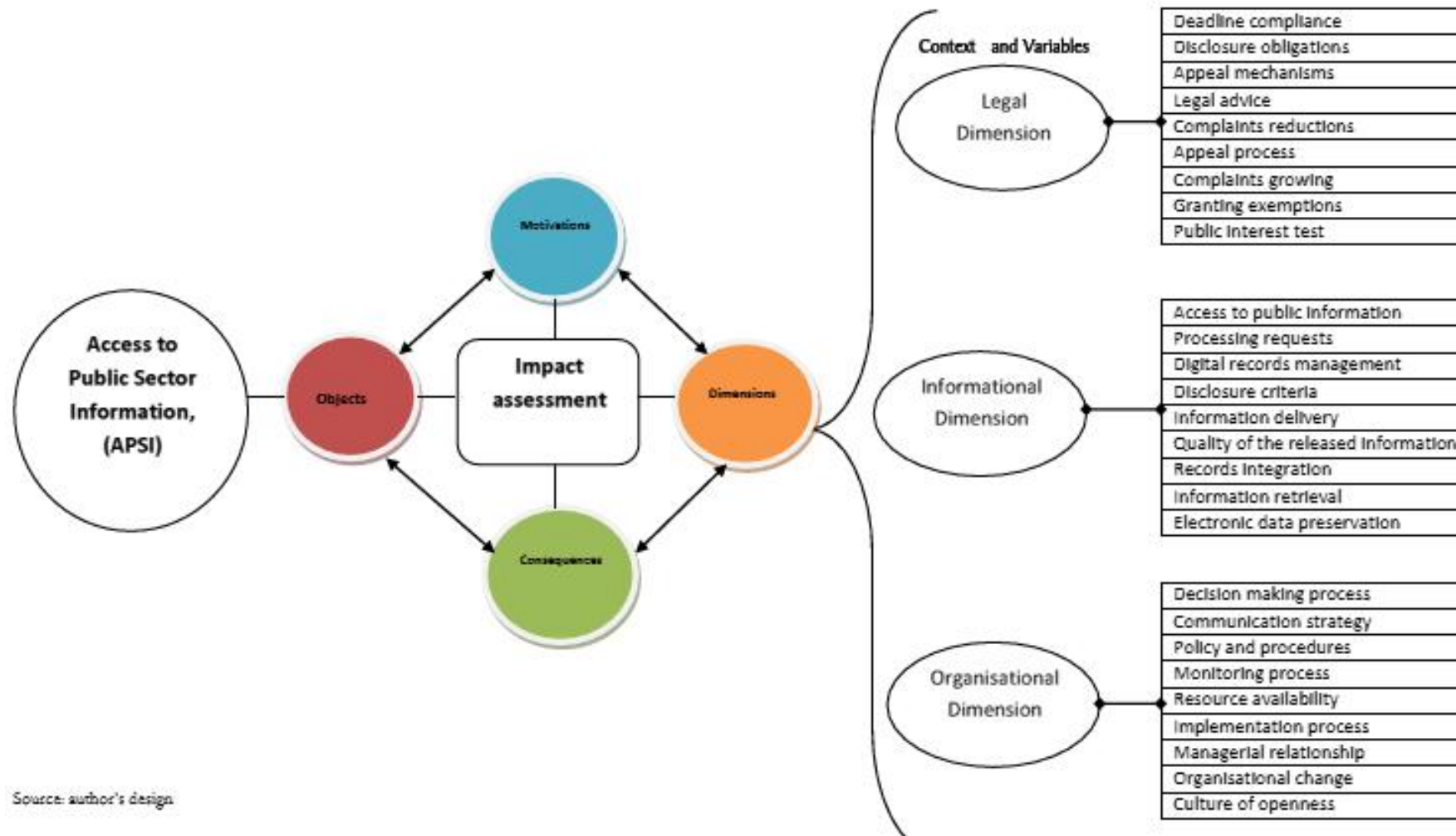
3.2.1. Content Analysis Results with regard to the 'impact' construct

Based on the content analysis technique results, figure CM1 represents and describes the 'impact' construct. The first part of the conceptual model presented in the figure, shows how the construct *impact* will be featured in this research. Underpinning concepts for the impact construct encompasses objects, consequences, motivations, and dimensions. These elements given by the authors are described as associated or connected variables to refer to specific contexts, which were categorised or classified under three specific dimensions.

The 110 analysed authors consider implicitly 'impact' as an 'effect' and 'affect'. No explicit definitions of the concept was given or found from the analysed papers.. What affects impact and what are the impact effects refers to a *cause-effect* relationship. When representing 'affect' some of the analysed authors denote '*objects*' and when representing 'effects' they indicate '*consequences*'. When applying the 'impact' concept to legislation on access to

public sector information, references employed by the analysed authors to refer to impact components can be summarised as '*dimensions*' and '*motivations*'.

Conceptual Model Design to Assess Impact and Compliance with the Access to Public Information Legislation



Source: author's design

FIG.CM1

In particular, when representing 'affect', some of the analysed authors denote a variety of types of 'objects'. Identifying '*objects*' which have impacts on the legislation enforcement, the following authors refer to (1) the Act, (2) public officials or public servants, (3) citizens rights, (3) government objectives (4) community expectations, (5) government information policy, (6) agencies, public offices, public services, local governments (7) external factors like Internet, media coverage, globalisation and Europeanization, economic environment, cultural factors, political conditions, political system structure, government systems, (8) records and policy managers, (9) commercial consultancies, (10) FOI agencies and the Whitehall model, and (11) open government initiatives. (Smyth, 2003), (Russo, 2006), (Lidberg, 2009), (Shepherd, Stevenson and Flinn, 2010), (Worthy, 2010), (Relly and Cuillier, 2010), (Hazell and Worthy, 2010), (Jaeger and Bertot, 2010), (Durrant, 2011), (McLean, 2011), (Torres, 2011), (Hazell and Glover, 2011).

When representing '*motivations*', references given by the analysed authors encompasses (1) trust, (2) reluctance, (3) legislation ethos, (4) confidence (5) participation, (6) voluntary disclosure, (7) sense of collective responsibility, (8) organisational openness, (9) political support, (10) political pressure, (11) culture of secrecy and, (12) trust (Nelson, 2003), (Screene, 2005), (Burt and Taylor, 2009), (Birkinshaw, 2010), (Abbot and Marohasy, 2010), (Hazell and Worthy, 2010), (Relly and Cuillier, 2010), (Jaeger and Bertot, 2011), (Durrant, 2011), (Fumega and Scrollini, 2011), (Michener, 2011), (Hazell and Glover, 2011).

When representing impact '*effects*', the analysed authors refer to many '*consequences*'. References to '*consequences*' are actually the broadest meaning when analysing impact. These effects are influenced by objects, motivations and context or dimensions, and less frequently they are also related to '*changes*'. Recurrent concepts referred as '*consequences*' are (1) public knowledge (2) research activity, (3) agent's decisions, (4) amendment requirements, (5) binding international regimes and transfers, (6) domestic policy implementation, (7) country culture, (8) the perception of the organisation's reputation, (9) citizens perceptions, (10) policy assessment, (11) social development, (12) local government public trust, (13) organisation performance, (14) national security, (15) the interaction of the citizens with the government information, (16) citizens' perceptions of transparency, (17) the information control by central government, (18) governance/government effectiveness, (19) domestic and international economy and business promotion, (20) the increase in the flow of information, (21) the power to demand information, (22) participation, (23) the demand and supply of information, (24) information access and use, (25) improving government policy making and government decision-making processes, (26) the degree of success in implementation, (27) reducing and preventing corruption, (28) public sector performance, (29) democracies, (30) authoritarian legislatures, (31) transparency, openness,

accountability, (32) public trust and political process participation, (33) increasing public understanding of the government. (Von Hielmcrone, 2000), (Luo, 2001), (Piotrowsky and Rosenbloom, 2002), (Nelson, 2003), (Smyth, 2003), (Russo, 2006), (Shepherd, 2007), (Bugdahn, 2007), (Falconer, 2007), (Worthy, 2008), (Al'afghani, 2009), (Burt and Taylor 2009), (Drago and Neamu, 2009), (García and Contreras, 2009), (Rely and Sabharwal, 2009), (Relyea, 2009), (Abbot and Marohasy, 2010), (Batista, 2010), (Birkinshaw, 2010), (Escaleras, Lin and Register, 2010), (Hazell and Worthy, 2010), (Jaeger and Bertot, 2010), (Rely and Cuillier, 2010), (Worthy, 2010), (Fumega and Scrollini, 2011), (Hazell and Glover, 2011), (Holsen, 2011), (John, 2011), (McClean, 2011), (Michener, 2011), (Rehren, 2011), (Tran, Malesky and Schuler, 2011), (Villeneuve and George, 2011), (Worthy, 2011), (Cruz Vieyra and Dassen, 2011), (Durrant, 2011).

Another concrete element included in figure and mentioned by the analysed authors when describing impact assessment covers 'dimensions' as reference for context. When describing 'impact' of access to public sector information legislation, three distinct contexts can be identified and characterised as informational dimension, organisational dimension, and legal dimension.

Concrete elements mentioned with regard to impact in the '*informational dimension*' are more frequent and include impact on: (1) access to public information, (2) sensitive information disclosure, (3) new information environment, (4) processing requests, (5) non-compliance with sensitive requests, (6) access to records and archives services, (7) archives and records management practices, (8) number and nature of received requests, (9) completeness of records, (10) access to digital information, (11) information retrieval and electronic data preservation, (12) preservation of digital heritage, (13) digital records management, (14) records protection, (15) information disclosed and released, (16) records integration, (17) the requests outcomes and requester skills, (18) environmental information release, (19) preferences for information distribution/delivery, (20) disclosure criteria, (21) records management systems, (22) the quality of information released, and (23) electronic access to personal information. (Von Hielmcrone, 2000), (Roberts, 2000), (Nelson, 2003), (Davis, 2003), (Roberts, 2005), (Screene, 2005), (Darch and Underwood, 2005), (Blakemore and Craglia, 2006), (Shepherd and Ennion, 2007), (Bugdahn, 2007), (Shepherd, 2007), (Worthy, 2008), (Relyea, 2009), (Burt and Taylor, 2009), (Lidberg, 2009), (Guy and Oberlin, 2009), (Birkinshaw, 2010), (Hazell and Worthy, 2010), (Shepherd, Stevenson and Flinn, 2010), (Worthy, 2010), (John, 2011), (Durrant, 2011), (Villeneuve and George, 2011).

To the analysed authors, the enactment and enforcement of legislation for access to public sector information has also impacted on organisational issues, which were classified under

the '*organisational dimension*'. In this category, the authors encompass the following aspects of impact on: (1) decision making processes, (2) public services transparency and accountability, (3) culture of openness, (4) economic resources to process requests, (5) outsourcing public functions, (6) communications strategy and management, (7) internal, organisational change, (8) implementation process and previous preparation, (9) use of technology, (10) managerial relationships, (11) policies and procedures to manage FOI, (12) financial terms and cost recovery, (13) policy analysis and implementation on access to public information, (14) organisational effectiveness and performance, (15) the use of the social media to deliver government information, (16) production of general guidelines to procedural changes, (17) monitoring process, (18) resource availability to compliance performance, and (19) information system development. (Roberts, 2000), (Perritt Jr. and Rustad, 2000), (Flinders, 2000), (Haklay, 2003), (Roberts, 2005), (Screene, 2005), (Blakemore and Craglia, 2006), (Shepherd and Ennion, 2007), (Shepherd, 2007), (Worthy, 2008), (Burt and Taylor, 2009), (Lidberg, 2009), (Guy and Oberlin, 2009), (Birkinshaw, 2010), (Abbot and Marohasy, 2010), (Hazell and Worthy, 2010), (Jaeger and Bertot, 2010), (Shepherd, Stevenson and Flinn, 2010), (Worthy, 2010), (Roberts, 2010), (Fumega and Scrollini, 2011), (Holsen, 2011), (Rehren, 2011), (Trapnell, 2011), (Villeneuve and George, 2011), (Cruz Vieyra and Dassen, 2011).

With regards to the '*legal dimension*', it is important to note that just six of the analysed papers give an explicit reference to impact, as a feature embedded in legislative provisions. Within this context, the legislation has impact on (1) deadline compliance, (2) complaints growing, (3) disclosure obligations, (4) granting exemptions, (5) appeal systems, (6) FOI enforcement, (7) requests transferring process, (8) legal advice, (9) complaints reductions, (10) privacy and public interest. (Roberts, 2000), (Davis, 2003), (Al'afghani, 2009), (Guy and Oberlin, 2009), (Holsen, 2011), (Villeneuve and George, 2011).

After applying content analysis, it is possible to suggest that the authors are assuming 'impact' as an issue basically related to performance, but performance suits or matches best with compliance. Similarly, they are identifying 'impact' as an issue that has already occurred and which it is possible to associate with a consequence. Thinking about the content analysis results, an absorbing issue was to know whether these conceptual elements – objects, consequences, motivations, and dimensions, – are the same when the analysed authors describe the '*compliance assessment*'. Similarly and given the natural differences among the countries where legislation has been passed, issues on whether the assessment of compliance and impact, influenced and shaped by these differences, could be useful to be considered at local level.

3.2.2. Content Analysis Results with regard to the 'compliance' construct

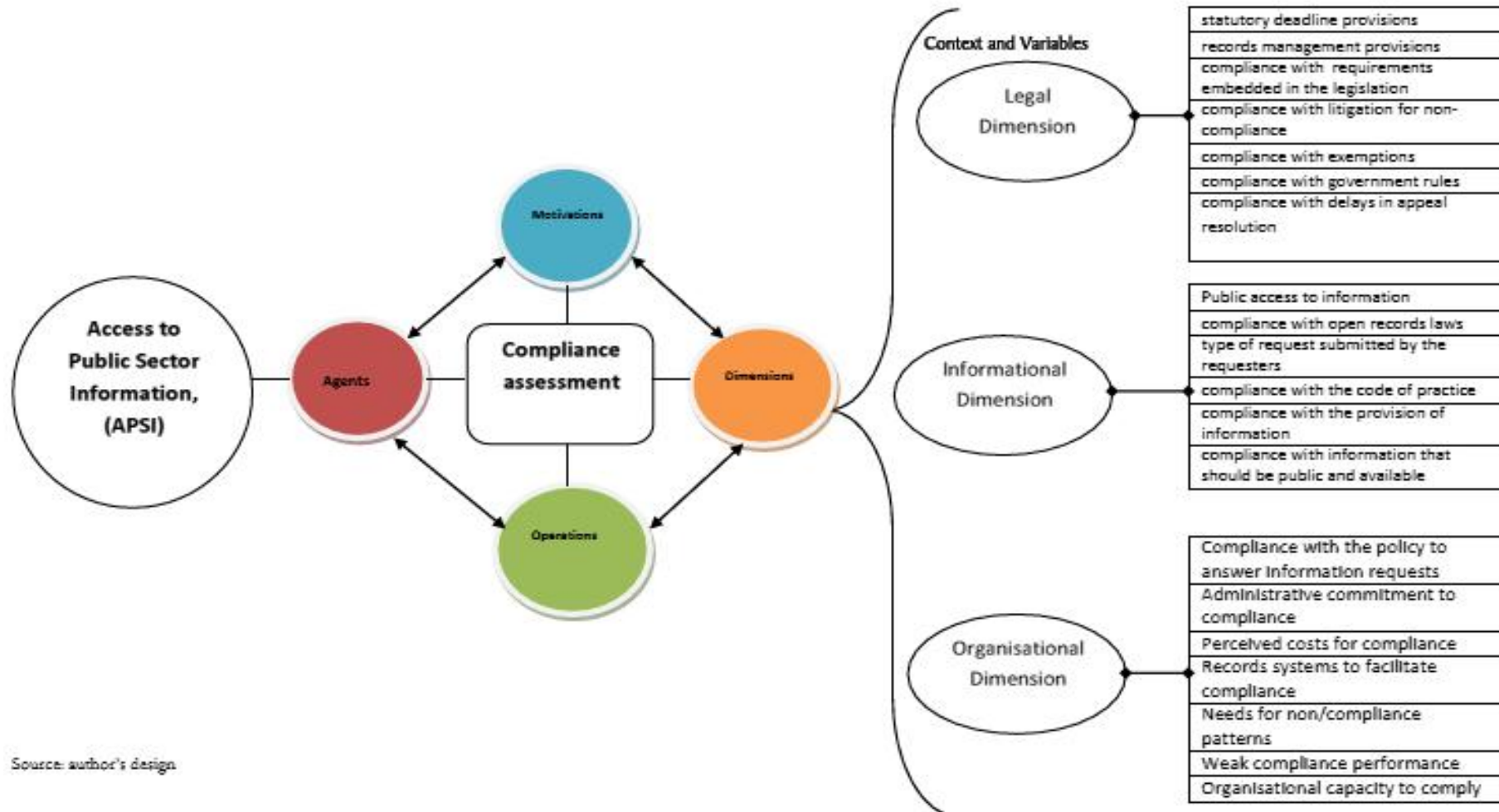
With regard to *compliance*, the 110 analysed authors describing their research results with tacit understanding of the compliance construct, except in one case where the concept was explicitly defined as the entire statutory or constitutional requirements included or embedded in legislation on access to public sector information (Villeneuve and George, 2011, p.17). In addition, Darch and Underwood (2005 cited Snell 1999-2001, p.80) mention that the Roberts-Snell compliance model consists of five categories of compliance (1) proactive compliance, (2) administrative compliance, (3) administrative non-compliance, (4) adversarialism, (5) malicious non-compliance. To them, the degree or the level of compliance is defined by two key elements in a dichotomist perspective (1) capacities and (2) willingness. 'Capacities' refers to technical and administrative organisational skills, so high or low capacity creates good or poor compliance. 'Willingness' refers to behavioural issues or attitudes towards cooperation, quality, revision, control and record keeping tasks, so low or high willingness would make low or high compliance.

Taking into consideration the fact that the language used depends on how concepts are understood as well as an absence of explicit definitions of compliance, content analysis was applied to discover specific and concrete elements through which the analysed authors described compliance, and how they typify features of measurement and evaluation. As with the 'impact' construct, the purpose of the content analysis was to provide evidence for the development of a conceptual model to assess impact and compliance with the legislation.

The figure CM2 shows how the construct 'compliance' was contextualised in this research. The underpinning elements of the compliance construct were depicted as agents, operations, motivations and dimensions. These aspects are described in reference to specific contexts given by the analysed authors, and categorised under the same three dimensions: informational, organisational, and legal dimension.

FIG.CM2

Conceptual Model Design to Assess Impact and Compliance with the Access to Public Information Legislation



Source: author's design

The first aspect of the compliance construct given by the authors refers to a driving force, which could be described as '*agents*'. In this case, '*agents*' are variously identified as (1) an office, (2) the government, (3) an oversight body –Information Commissioner Offices, The Ombudsman–, (4) an appeal body, (5) public sector officers and practitioners, (6) the requesters, (7) archives and records management services, (8) an advisory committee, (9) a Ministry. Most of them have coordination functions to enhance the enforcement of the legislation. (Roberts, 2000), (Nelson, 2003), (Roberts, 2005), (Shepherd, and Ennion, 2007), (Shepherd, 2007), (Goldberg, 2009), (Relyea, 2009), (Abbot, and Marohasy, 2010), (Hazell, and Worthy, 2010), (Roberts, 2010), (John, 2011), (Durrant, 2011), (Mith, and McDermont, 2011), (Torres, 2011).

A second aspect of compliance refers to '*motivations*'. In this case, according to the authors, the degree of compliance is motivated by behavioural conditions through which the compliance outcomes might or might not prevail. Compliance '*motivations*' therefore encompass (1) engagement with compliance, (2) guarantees to comply, (3) willingness to comply, (4) incentives for compliance, (5) rewards for compliance, (6) mandatory elements for compliance, (7) attitudes to openness, communications weaknesses, knowledge management hampering compliance, (8) proactive disclosure behaviour, (9) penalties or sanctions for non-compliance, (10) bureaucratic culture of secrecy, and (11) commitment to full compliance with the Act. (Roberts, 2000), (Flinders, 2000), (Roberts, 2005), (Darch, and Underwood, 2005), (Shepherd, 2007), (Relyea, 2009), (Cuillier, 2010), (Shepherd, Stevenson, and Flinn, 2010), (Roberts, 2010), (Holsen, 2011), (Michener, 2011), (Trapnell, 2011), (Villeneuve, and George, 2011).

A third aspect of compliance refers to '*operations*' and depending on how well they are performed the degree of compliance is shaped. The '*operations*' are presented by the analysed authors in large numbers and they refer to broad issues such as compliance and non-compliance with (1) appeals, (2) litigation, (3) formal procedures, (4) monitoring processes, (5) plans implementation, (6) demands by citizenry, (7) annual reports release, (8) records management practices, (9) records management code, (10) international standards, (11) auditing processes, (12) records requests, (13) requirement to notify time extensions, and (14) response times. (Roberts, 2000), (Muir and Oppenheim, 2002), (Piotrowsky and Rosenbloom, 2002), (Nelson, 2003), (Smyth, 2003), (Roberts, 2005), (Screene, 2005), (Darch and Underwood, 2005), (Shepherd and Ennion, 2007), (Shepherd, 2007), (Commonwealth Secretariat, 2008), (García and Contreras, 2009), (Relyea, 2009), (Guy, and Oberlin, 2009), (Birkinshaw, 2010), (Shepherd, Stevenson and Flinn, 2010), (Roberts, 2010), (John, 2011), (Gil-Leiva and Martínez, 2011), (Durrant, 2011), (Holsen,

2011), (Michener, 2011), (Mith, Bertot and McDermont, 2011), (Villeneuve and George, 2011), (Cruz Vieyra and Dassen, 2011).

The fourth aspect of compliance with access to public sector information legislation refers to a specific environment or context, which it is possible to classify in '*dimensions*'. In this study, and applied to compliance, these '*dimensions*' are delimited to informational, organisational, and legal environments.

With regard to the '*informational dimension*' of compliance in one case, records management seemed to have a value and importance over and above legislative compliance, but in another case, information is perceived as one of the problems associated with non-compliance and non-disclosure of information. In general terms informational factors affecting compliance are refusals, overdue requests, workload information, average completion and time factors, although the most negative statement in this dimension was given by Roberts (2010, p.929) when referring to the Act enactment in India 'compliance is widely acknowledged to be undermined by the "primitive" state of records management in many authorities'. In particular, issues related to the informational dimension were compliance with: (1) public access to information, (2) open records laws, (3) type of request submitted by the requesters, (4) code of practice on the management of records published, (5) provision of information, and (6) information that should be public and made available by public agencies. (Smyth, 2003), (Shepherd and Ennion, 2007), (Relyea, 2009), (Drago and Neam u, 2009), (Al'afghani, 2009), (Cuillier, 2010), (Roberts, 2010), (Shepherd, Stevenson and Flinn, 2010), (Worthy, 2010), (Holsen, 2011), (Villeneuve and George, 2011), (Fumega and Scrollini, 2011).

From the analysed authors, organisational issues are the other '*dimension*' of compliance. In this sense, compliance is related to performance measurement and the provision of managerial mechanisms to enhance the enforcement of legislation. With regard to compliance measurement, human resources were mentioned as a key compliance factor underlining that compliance is hindered by the manner in which public information officer positions are filled. In the '*organisational dimension*', references to compliance were: (1) compliance with the policy to answer inquiries, (2) administrative commitment to full compliance with the Act, (3) the culture of compliance, (4) organisational capacity to comply, (5) budgetary cutbacks, (6) perceived costs of compliance, (7) changes made to records systems to facilitate compliance, (8) need to identify and remedy broad patterns of non-compliance among public authorities, (9) performance ranking schemes to identify authorities with weak compliance records, and (10) limited infrastructure which encourages official non-compliance. (Roberts, 2000), (Piotrowsky and Rosenbloom, 2002), (Darch and Underwood,

2005), (Al'afghani, 2009), (Cuillier, 2010), (Shepherd, 2007), (Roberts, 2010), (Holsen, 2011), (Villeneuve and George, 2011).

With regard to the '*legal dimension*' of compliance and according to the authors, the compliance level is affected by legal conditions through which public sector offices, agencies and organisations have to function to enforce the legislation. Similarly, the authors understand the statutory provisions as an external condition which affects compliance with the legislation. The *legal dimension of compliance* was delimited to compliance and non-compliance with (1) timeliness or statutory deadline provisions, (2) records management code provisions, (3) requirements embedded in the legislation, (4) litigation for non-compliance, (5) exemptions contained in the Act, (6) government rules and (7) delays in appeal resolution. (Perritt Jr. and Rustad, 2000), (Birkinshaw, 2000), (Muir and Oppenheim, 2002), (Piotrowsky and Rosenbloom, 2002), (Smyth, 2003), (Roberts, 2005), (Darch and Underwood, 2005), (Mathieson, 2006), (Shepherd and Ennion, 2007), (Drago and Neam u, 2009), (Al'afghani, 2009), (García and Contreras, 2009), (Guy and Oberlin, 2009), (Relyea, 2009), (Birkinshaw, 2010), (Abbot and Marohasy, 2010), (Cuillier, 2010), (Roberts, 2010), (Gil-Leiva and Martínez, 2011), (Durrant, 2011), (Holsen, 2011), (Rehren, 2011), (Mith, Bertot, and McDermont, 2011), (Villeneuve and George, 2011).

3.3. Conceptual Model Features: Definition, Design and Propositions

The underlying idea to describe any conceptual model refers to language as a fundamental system through which human beings create, recreate and make contact with the reality. Relations between language and reality are complex because they are not just features of the linguistic system, but also because of the cognitive, biological and social conditions of those who are trying or acting in it. Language is in itself a singular and dynamic cultural creation or expression, but the most unique feature is that language can be learned, acquired, and develop. In other words, language is a capacity with the power to reproduce what is needed or wanted to represent. The language is thus a reference, with the capacity to produce relations between an expression and its referent. Using language as a primordial tool to reproduce and represent both concepts and conceptions, culture is created through language, in the specific representation systems of language —words, numbers, signs, icons—. Within this context, this section will be devoted to describing basic attributes of a conceptual model.

In general and examining the meaning of a conceptual model, basic features are given by lexicographic sources where a model is defined as a representation of an idea, view, notion, structure or processes, which usually takes the form of a standard, paradigm, figure, profile, and prototype. In particular and with regard to the expression 'conceptual model', Järvelin

and Wilson (2003, para.9) state that 'conceptual models are more general in nature than theories', so one of the conceptual model functions is to 'map reality, guide research and systematise knowledge'. Within this context, a conceptual model has essentially a 'reference' focus which includes possible affairs related to its elements.

On the other hand, Gregory (1993, p.334) contends that 'the term is ambiguous; it could mean a model of a concept or it could mean a model that is conceptual'. For Gregory (1993, p.334), 'a distinction can be made between what models are and what models are models of, but with the exception of iconic models, most models are concepts'. To him when a model is conceptual, 'they are, mostly intended to be models of real world states of affairs', so 'the value of a model is usually directly proportional to how well it corresponds to a past, present, future, actual or potential state of affairs'. On the contrary Gregory (1993, p.334) explains that 'a model of a concept is quite different because it need not have this real world correspondence'. Within this context, a conceptual model implies conceptualisation, and a model that is conceptual is usually a model of specific issues that it refers to.

From a linguistic point of view, to Yucong and Cruz (2011, p.37), 'the term conceptual model may be used to refer to models which are represented by concepts or related concepts which are formed after a conceptualization process in the mind'. The authors highlight that 'conceptual models represent human intentions or semantics conceptualization from observation'. When creating conceptual models, Yucong and Cruz (2011, p.38), insist on the challenge of working with the natural language; 'concepts are used to convey semantics during various natural languages based communication'. The focus in this case should be made on the process of verification, because according to Yucong and Cruz (2011, p.41) 'since a concept might map to multiple semantics by itself, an explicit formalization is usually required for identifying and locating the intended semantic from several candidates to avoid misunderstandings and confusions in conceptual models'. To them, a conceptual model, in this context provides therefore 'a working strategy, a scheme containing general, major concepts and their interrelations'. A conceptual model design represents therefore the results of reasoning and pragmatic tasks, which consists of a comprehensive description of constructs and the relationships to which it refers.

3.3.1. Conceptual Model Definition

The conceptual model presented here was built based on the content analysis results of the purposive sampling encompassed by 76 papers. One of the major traits of this model is the provision of a systematic view captured by the analysed authors through the examination of

research results, published over the last ten years with regard to legislation on access to public sector information.

The structure, context, and content, was validated with a panel of experts. This methodology was applied to support decisions on (1) meaning and understanding of both constructs 'impact' and 'compliance', (2) inclusion of concepts into the conceptual model as independent variables, (3) number of independent variables to be assessed, and (4) parameters of measurement. The conceptual model was created to assess the impact of and compliance with legislation access to public sector information, therefore, the proposed model was the basis to design the data collection tool applied to the case studies once the validation process concluded.

The conceptual model's central assumption is that complex constructs such as impact and compliance might result in complex variable relationships which can be established and measured. The model considers as dependent variables the constructs 'impact' and 'compliance' and as independent variables specific constructs described under a three dimensional context. The conceptual model is depicted in the following figures, which describe the model framework from the initial stage of its formulation.

3.3.2. Conceptual Model Design

The constructs 'impact' and 'compliance' are the dependent variables of the conceptual model. As a result of the content analysis process, and shown in the figure CM3, the basic components of the model encompass constructs which distinguish 'objects', 'dimensions', 'motivations', and 'consequences' associated with 'impact', and 'agents', 'dimensions', 'motivations' and 'operations' associated with 'compliance'. All these constructs are understood as specific factors, which have other associated concepts, represented as independent variables. As the independent variables function in three different dimensions, this conceptual model exists in a three dimensional domain.

The three dimensions of the conceptual model consider (1) an informational dimension (2) an organisational dimension, and (3) a legal dimension. These dimensions represent the context from which the impact of and compliance with the legislation on 'access to public sector information' was assessed. The first context corresponds to the informational dimension, and refers to the information system from which the requested information held by public authorities is disclosed and released. The organisational dimension represents the structure and organisational system of public sector institutions under the legislation, and from where the legislation has been implemented. The legal dimension as the third context of influence

reflects and refers to specific public policy boundaries embedded into the legislation on access to public information at country level.

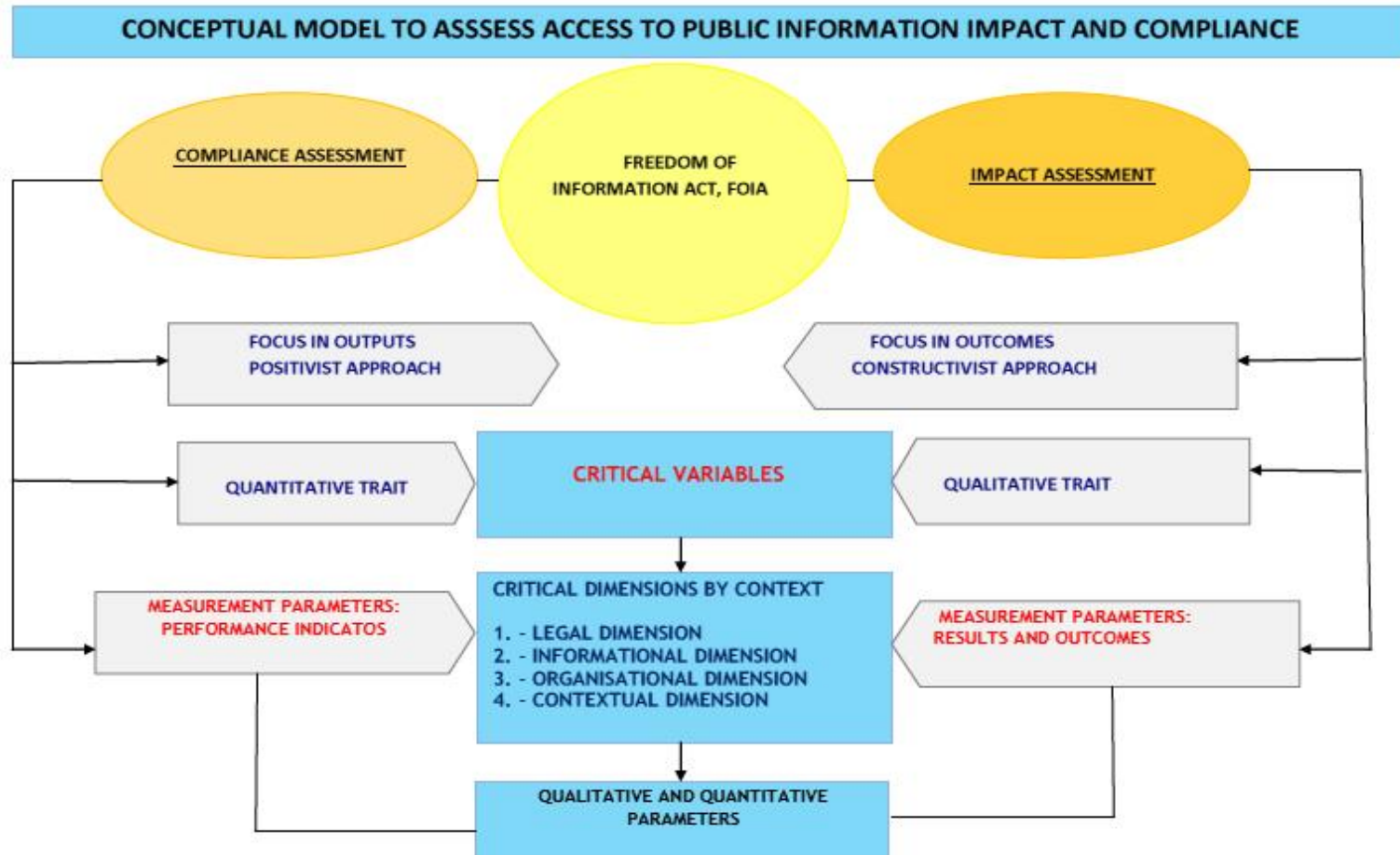
For the *informational dimension*, some of the proposed variables are: access to public information, requests managing system, information disclosed, information transference mechanisms, exemptions use, categories of data and records, information released, requests refused/denied, requests response quality, and requests received.

For the *organisational dimension*, some of the proposed variables are: mechanisms of promotion/participation, organisational structure, access to public information policy, advisory mechanisms, FOIA corporate and action plan, compliance assessment mechanisms, requests monitoring mechanisms, fees regime and mechanisms, annual budget, disclosure policy, code of best practices, and implementation mechanisms.

For the *legal dimension*, some of the proposed variables are: disclosure provisions, exemptions, appeal mechanisms, public interest test, internal review provisions, complaints mechanisms, duty to publish, timeframe regime, request statutory requirement, and legal assistance. After the validation process through the weight function criteria, these variables were included in the questionnaires.

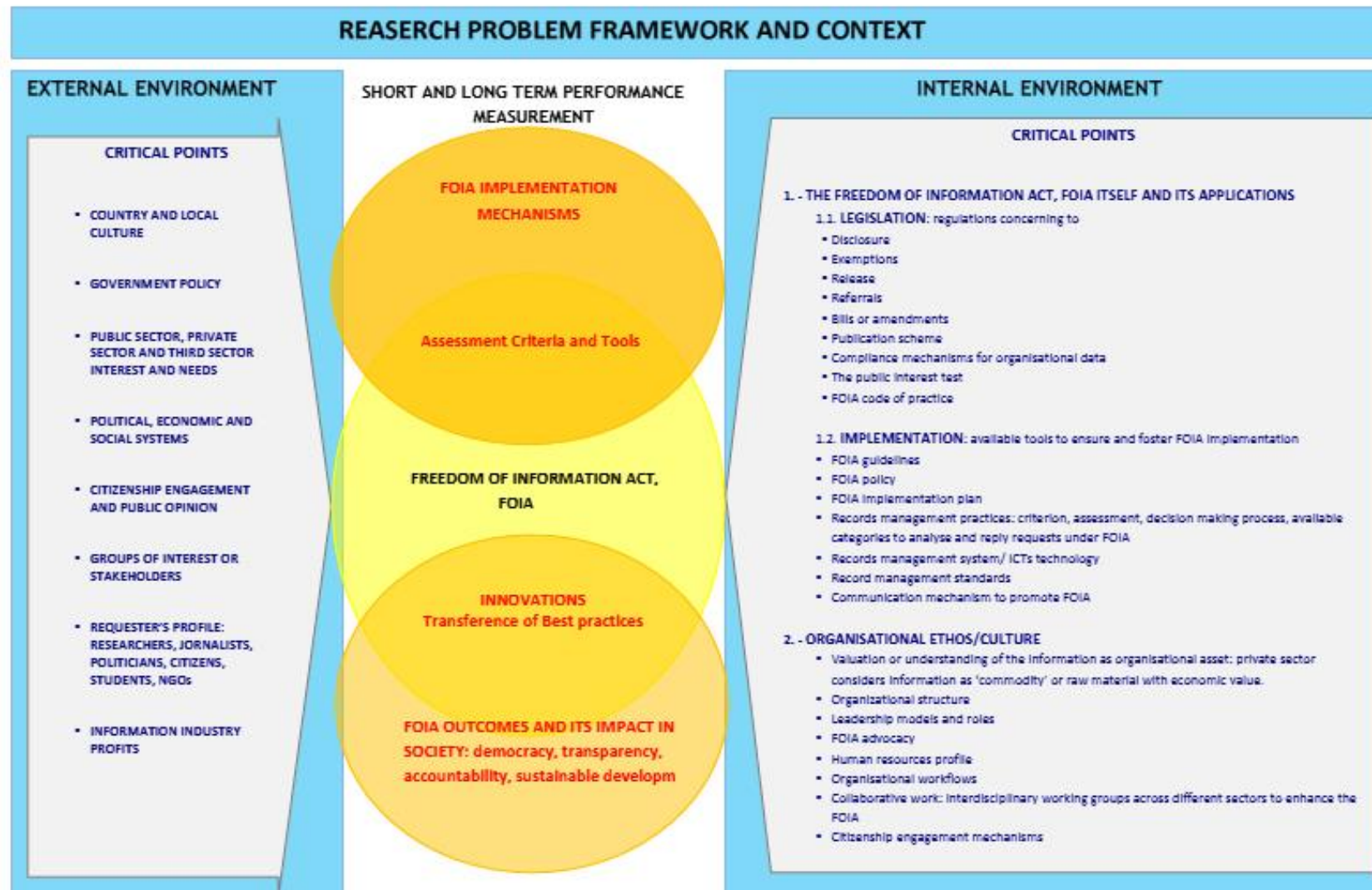
The model went through a number of development stages before reaching its final form. Early stages of the model design encompass issues about 'structure' and issues about 'content'. Issues to do with structure refer to the methodological foundations and relations between the components, which is depicted in the following figures:

Issues to do with 'content', refer to insights and discussion with the supervisors on how impact and compliance were being examined or studied by the analysed authors during the last ten years. The following figures reflect the model at its early stage:



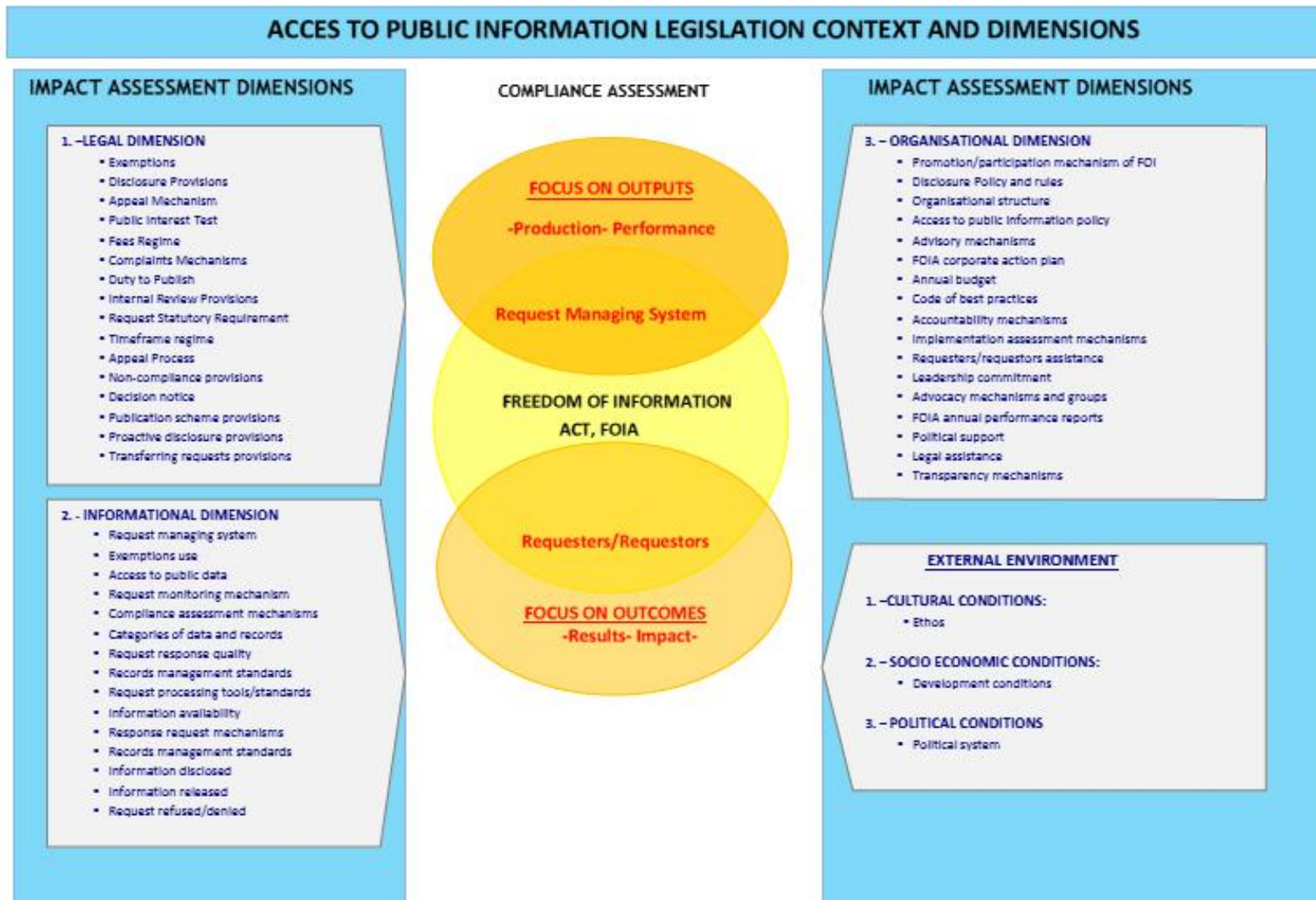
Source: Author's design

Towards a Compliance and Impact Assessment Conceptual Model



Source: Author's design

Fundamentals Dimensions for a Compliance and Impact Assessment Conceptual Model

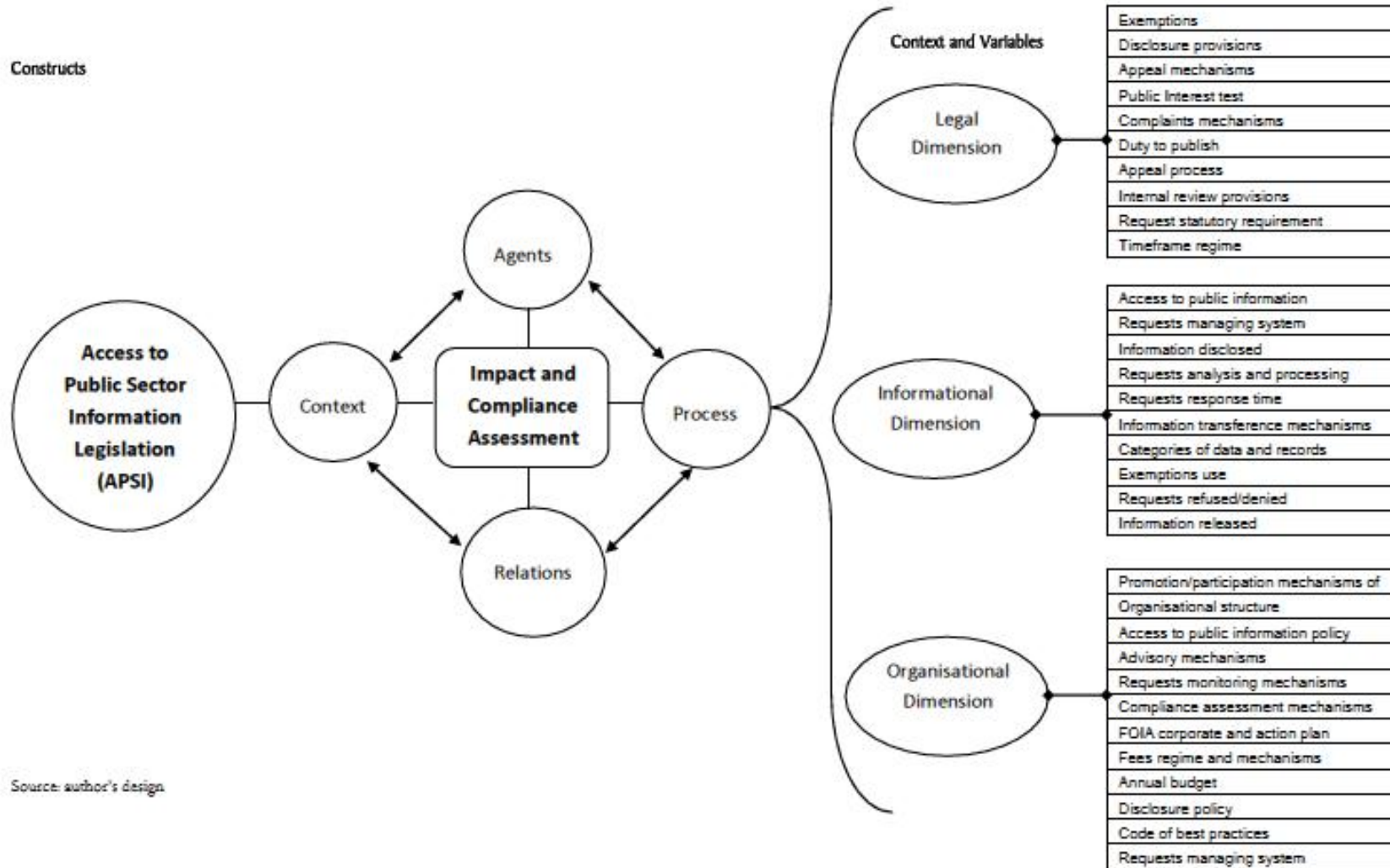


Source: Author's design

FIG.CM5

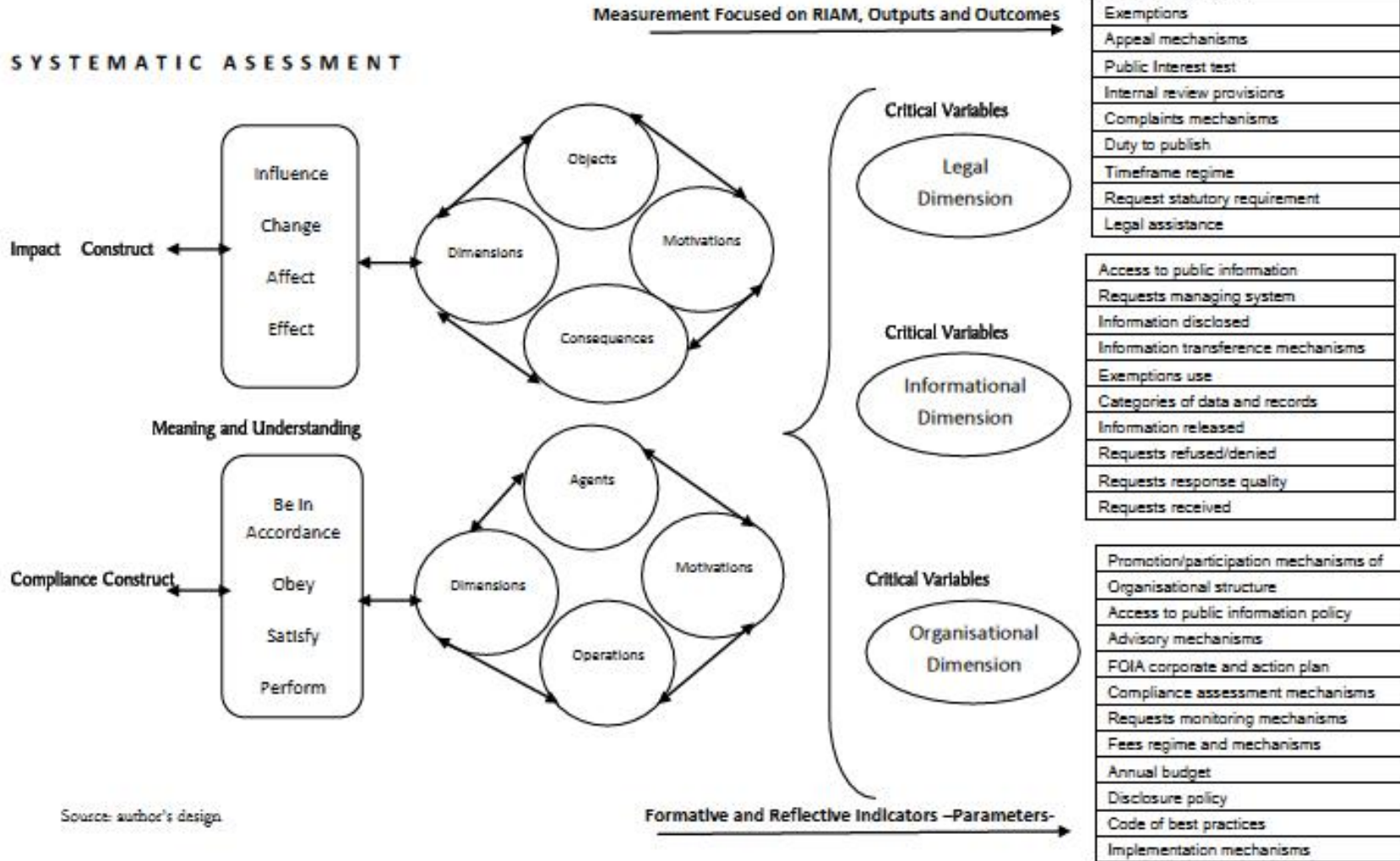
Conceptual Model Design to Assess Impact and Compliance with the Access to Public Information Legislation

Constructs

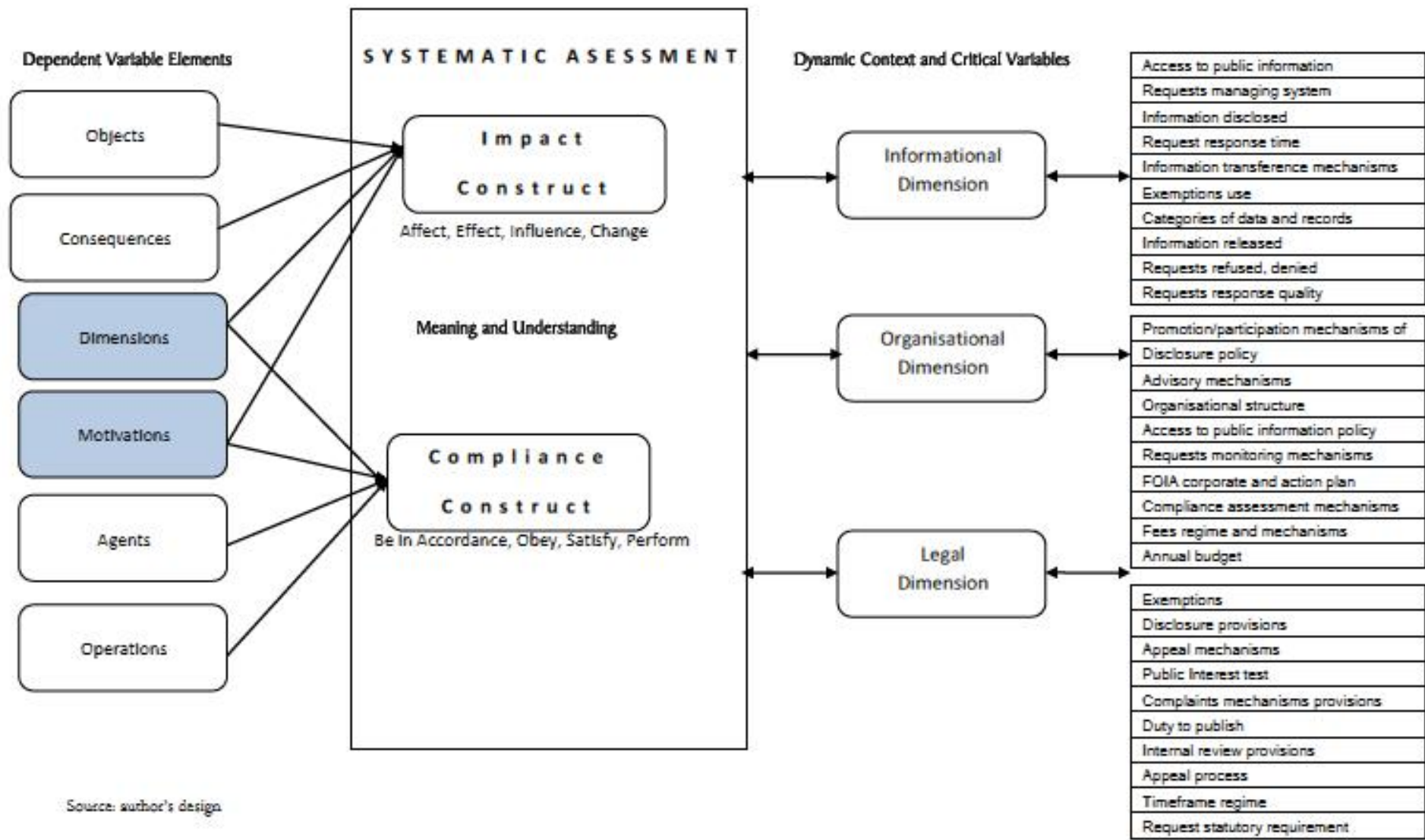


Source: author's design

Conceptual Model Design to Assess Impact and Compliance with the Access to Public Information Legislation



24/04/2012 Conceptual Model Design to Assess Impact of and Compliance with the Access to Public Sector Information Legislation



Source: author's design.

Measurement Focused on RIAM, Outputs and Outcomes

3.3.3. Conceptual Model Propositions

Having described the conceptual model features, the underlying basis of the conceptual model to assess the impact of and compliance with the legislation on 'access to information' in public sector organisations, are included in this section as follow.

Proposition 1: 'compliance' and 'impact' are complex constructs; the complexity results from their multidimensional meanings.

Considering that a concept is an abstraction where its use depends on the context, where some elements are important and others are not, these propositions considered that: (1) a construct has a structural dimension, but also a cognitive one. Accordingly, a construct might be a linguistic sign, which denotes, designates, represents, symbolises or indicates a meaning; but also a construct might have a connotation to refer to an additional or particular reference to its signification which usually implies 'sense', one specific meaning or another type of expression or appellation. (2) Concepts are constructs which depend on the context and the meanings of such constructs change or vary depending on understanding of the context. (3) In public policy, through legislation initiatives politicians play a key role, but politicians understand the language in different ways, compared with other sectors of the society. (4) Compliance and impact, as fundamental constructs of the model, have to deal with the problem of incommensurability of understanding between sectors of society.

From a linguistic perspective, Diamantopoulos (2008, p.1205 cited by Law, Wong and Mobley, 1998, p.741) distinguishes a multidimensional construct when 'it consists of a number of interrelated attributes or dimensions and exists in multidimensional domains'. For this author, 'the dimensions of a multidimensional construct can be conceptualised under an overall abstraction as a representation of its dimensions'. Taking into consideration the ideas of Tanriöver and Bilgen (2011, p.448) on 'conceptual representation, conceptual relationship, conceptual constraints, conceptual interactions, inconsistency, incorrecedness, redundancy, and completeness hierarchies between the constructs', the first critical issue examined by this conceptual model was the complexity of both constructs.

An interesting problem reported in this research was the fact that for the analysed authors, 'impact' is strongly associated with 'performance', in circumstances that such meaning better matches with the 'compliance' construct. Content analysis findings have shown that, as a

result of this understanding, research on 'impact' has been strongly focused on 'performance' and performance is a construct better associated with 'compliance'.

On the other hand and examining the given 'compliance' categories proposed by Darch and Underwood (2005, p.80) it is possible to consider that 'compliance' with the legislation depends not only on the legislative features but also on the understanding and willingness of public servants. So if 'compliance' is focused on one issue like 'performance', the assessment of compliance then seems to be also a complex issue. In this research, the conceptual model suggests that when assessing compliance with the legislation, the focus should include issues on how 'willingness' performs on human beings.

Examining the complex meanings of 'compliance' and 'impact' and looking to determine which meaning in both constructs is suitable when producing the operational definition of the dependent variables of the model. The expert panel method was applied to validate decision criteria on meaning, understanding, and operational definition of both constructs.

Proposition 2: the constitutive elements of the conceptual model are related to their nature and functions. Since 'impact' and 'compliance' refer to different constructs, these basic elements have therefore distinct roles, purposes, and features.

Access to public sector information legislation was enacted and enforced to encompass most of the public sector offices in 102 countries where this legislation has been enacted. In all these countries, public sector organisations have to comply with the legislation in a context where internal and external factors are not the same. Considering the massive expansion of the legislation, and according to the 'structuration theory' features described by Conrad and Guven Uslu (2011, p.49), where 'the society's structures are reproduced into the organisation in a recursive relationship to reproduce "status quo", the assessment of impact and compliance with this legislation might not then make any sense. Nevertheless the authors highlight that there are elements from the 'institutional theory' – based on praxis in trust–, which make it possible to introduce entropy into organisations, so that to Conrad and Guven Uslu (2011, p.49), 'interactions bring about organisational change'. As interactions occur naturally because of roles, functions, and critically, due to 'motivations', satisfaction for example, could be identified as one of the fundamental missing 'motivations' when compliance assessment is measured and reported. Content analysis findings in this case,

have showed that impact studies and surveys have been erroneously categorised under 'performance'.

Performance is a construct associated with 'compliance'. According to Ukko, Tenhunen and Rantanen, (2008, p.5) 'factors that impact on performance' are (1) external context: economy, social and political environment, (2) internal context: organisational structure, organisational culture, management style, strategy, resources and capability, and information system infrastructure, (3) process: alignment with objectives, data capture and analysis, decision making and communication and information provision, (4) content: definition of performance measures, dimension measured, structure and presentation, and (5) other factors: such as education and understanding, organisational strategy, structure and size and management style.

To Pastakia and Jensen (1998, p.465), when evaluating impact, the 'importance of impact, the 'magnitude of change and effects' are fundamental. To the authors, impact has a degree of importance, depending on its condition. In addition, when assessing impact, they highlight how critical it is to measure 'the magnitude of change', because magnitude might show at least seven kinds of effects. Impact has also a condition of 'permanence', when examining whether what causes impact is temporal or permanent. The authors define a condition of 'reversibility' and an accumulation or synergistic feature for impact assessment. All these factors are fundamental issues closely related to the variables being studied in this research.

In the conceptual model framework, specific description and distinctions of these constructs were taken from the content analysis results, and concrete elements or components of the conceptual model, were defined as 'objects', 'dimensions', 'motivations', and 'consequences' associated with 'impact', and 'agents', 'dimensions', 'motivations' and 'operations' associated with 'compliance'. Considering the basic components of both constructs – 'objects', 'dimensions', 'motivations', and 'consequences' associated with 'impact', and 'agents', 'dimensions', 'motivations' and 'operations' associated with 'compliance' – this conceptual model seeks to represent the selected constructs as measurable dependent and independent variables to facilitate their assessment under a three dimension domain, classified into an (1) informational dimension, an (2) organisational dimension, and a (3) legal dimension. These dimensions are spheres of influence and refers to a distinctive or different context, thus a

practical implication of this proposition means that the assessment of both constructs 'impact' and 'compliance' has to consider similarities and differences; connections and relationships.

Proposition 3: selection and operationalisation of variables depends on what kinds of relations exist between independent and dependent variables in a specific dimension of the conceptual model.

The conceptual model framework requires a systematic assessment process, so at this point, it was necessary to consider linguistic distinctions which suggest that compliance and impact are both dynamic constructs, and that possible relations and interrelations between the components of the conceptual model have distinguished traits, also characterised by a dynamic tension. Within this context, in this conceptual model, two elements were fundamental when defining the systematic assessment process to measure the relationship between variables: (1) the measurement focus and (2) the parameters and measurement tools. The measurement focus provides the perspective, and the parameters and assessment tools keep such a perspective empirical.

Moreover, the selection and operationalisation of variables as part of the measurement process is dynamic. According to Pastakia and Jensen (1998, p.463), when measuring variables, both qualitative and quantitative assessment is desirable, so critically analysing the selection of concepts to be included in the model, the quantitative criterion of frequency of recurrence, represented in the pivot table reports, was clearly restrictive and insufficient. In this sense, the 'expert panel' as a qualitative methodology, keeps a balance to provide a more systemic, consistent, and systematic evaluation process when validating decisions of selection and operationalisation of variables. In this conceptual model therefore, the selection of independent variables considers not only the frequency of recurrence criterion, obtained as result of the content analysis, but also the assessment of these concepts by order of importance through the expert panel.

As result of the content analysis process, in the conceptual model framework there were key concepts to be included in the conceptual model under each dimension. (1) Regarding the informational dimension, and by frequency of occurrence, the key issues were: access to public information, requests managing system, information disclosed, information transference mechanisms, exemptions use, categories of data and records, information released, requests refused/denied, requests response quality, and requests received. (2)

From the organisational dimension, the critical issues were: mechanisms of promotion/participation, organisational structure, access to public information policy, advisory mechanisms, FOIA corporate and action plan, compliance assessment mechanisms, requests monitoring mechanisms, fees regime and mechanisms, annual budget, disclosure policy, code of best practices, and implementation mechanisms. (3) Key issues from the legal dimension were: disclosure provisions, exemptions, appeal mechanisms, public interest test, internal review provisions, complaints mechanisms, duty to publish, timeframe regime, request statutory requirement, and legal assistance.

The operationalisation of dependent variables considering the opinion of the experts, thus in this research, the constructs 'impact' and 'compliance' as dependent variables of the model were operationalised as follows: Impact: the affect and effect produced by the legislation on access to public sector information, measured in terms of importance, magnitude, permanence, reversibility and susceptibility. Compliance: to be in accordance with the legislation on access to public sector information, measured in terms of degree of fulfilment observed in organisations and public agencies to satisfy their implementation.

Proposition 4: selected and defined variables from the informational, organisational, and legal dimension have relations between themselves, and also relations with 'impact' and 'compliance'; these relations can be identified or established.

Dependent and independent variables are attributes which have the capability to be measured, usually in specific contexts where they are performing or acting. Importance, magnitude, permanence and reversibility were defined as fundamental factors to describe features of the relationship between variables. In this research, when defining what – parameter– and how –procedures– to measure possible relations of impact and compliance with the independent variables, the matrix developed by Pastakia and Diamantopoulos was applied as standard to assess impact because of this holistic principle.

Proposition 5: the outputs and outcomes of the conceptual model can be analysed in terms of the practical interaction of the basic concepts in the model. If different concepts are combined in different ways and with different degrees of relevance in different contexts, then the outcomes also vary.

This proposition states that for an independent variable, the relationship with impact and compliance might not be the same. The weight of specific concepts in connection to specific features represented by the dimensions of the model is critical when measuring outcomes.

One independent variable measured in different contexts, represented in the conceptual model as informational, organisational, and legal dimension, might not have the same outcome. For example, the independent variable related to 'information disclosure', under the legal dimension was defined as 'disclosure provisions'; the same variable was classified under 'disclosure programme' in the organisational dimension, and under the informational dimension such variable was labelled as 'disclosure standards'. Despite the fact these concepts are related, the outcome might not be the same because of the context and also because of the content to which such variable refers. This issue was validated through the case studies results.

3.4. Conceptual Model Validation Process through Expert Panel Methodology

The expert panel methodology was completed after 8 months of work, planned from 11 October 2011 to 13 June 2012, the date of the final report. The methodology had as its purpose to conduct the validation process of the conceptual model proposal, and it was compared with the internal validity process applied through content analysis. This approach had two tasks: (1) to support the operational definitions for impact and compliance and (2) to support decisions of inclusion into the model for the independent variables collected from the content analysis.

3.4.1. Expert Panel Task 1: towards an operational definition for 'impact' and 'compliance'

For task 1, two figures were designed and sent to the expert panel to represent meanings associated to the constructs 'impact' and 'compliance'. Considering both 'compliance' and 'impact' are constructs which have different meanings, the aims of this first experience with the panel was to examine whether there was a tendency among the panel to depict their preferences, as well as to have expert advice in order to consider one, two or more constructs to produce such definition. The requested question was which one of the given concepts are fundamental for this purpose and why. Complete details of this task are included in Appendix N°14.

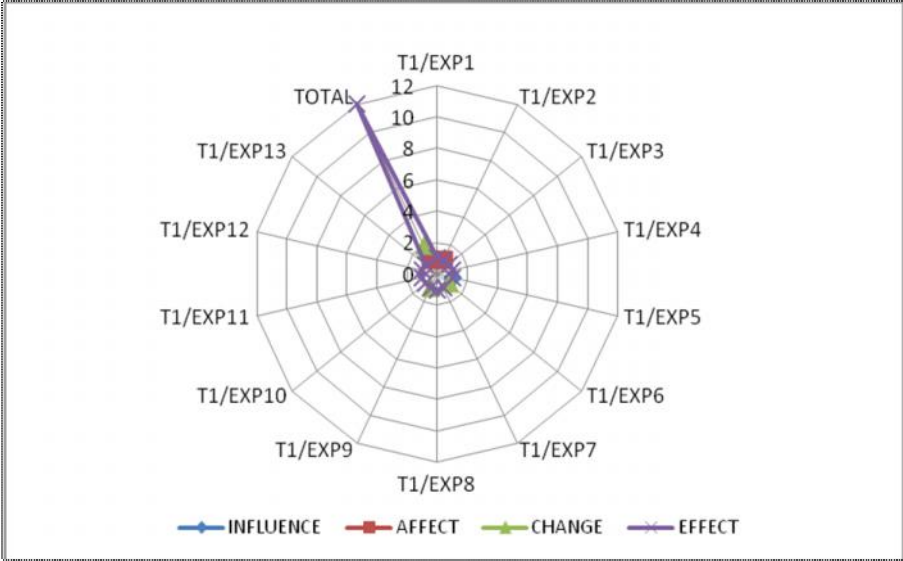
Considering the Krippendorff assumptions (2004 p.323), key question of validation are 'what counts as accurate and particularly whose meanings are taken to be valid', thus producing

the operational definition of both constructs ‘depends on the chosen context of analyses’. The content validity or ‘the extent to which the measure reflects the full domain of the concept being measured with the goal of covering all important parts of the construct’ (Neuendorf 2002, p.116) was estimated by (a) the level of understanding and (b) the replicability in each expert’s response, and refers to the matching of the conceptual definition with their operationalisation.

3.4.2. Defining the Dependent Variables of the Conceptual Model: Impact

Expert panel findings on semantic validity show the understanding of both constructs, where their meanings depict denotations, connotations, insinuations, implications, associations, uses, metaphors, symbolic qualities and so on. These aspects were all sources of validating evidence for the selected categories that the experts assessed. Expert panel task for semantic validity, ascertains the extent to which the given categories of analysis for ‘impact’ – influence, affect, change, effect–, and for ‘compliance’ –be in accordance, perform, satisfy, obey, follow– correspond to the meanings the analysed texts have for the experts and what role they play within a legal, organisational and informational context. Findings of semantic validity of the content analysis, which classify concepts according to their meaning, were operationalised to define the dependent variables of the conceptual model: impact and compliance. The result for the ‘impact’ construct is depicted in the figure below.

Figure N° 3.7.: Expert Panel Choices for the construct ‘Impact’



(Total replies=13) Total Choices 15

With regard to the 'impact' construct, a total of 16 replies were given, and according to the experts choices, 'effect' was the meaning with the highest preference, selected as accurate or desirable to produce the operational definition of this dependent variable. A total of 12 experts provided comments in favour of the concept 'effect', and 2 preferences were given in favour of 'change'. In this case, there was no significant dispersion among the expert consideration, but it is important to note an almost null inclination to consider the concept 'affect' as complement of 'effect'. This tendency was focused in understandings based on outcomes leaving the 'causal trait' of the construct in a very last position.

Responses in favour of 'effect' had a singular feature. The common trait underlying the received comments was related to the feasibility of measuring impact. According to the experts, factors associated with 'effect' were not 'difficult' or 'hard' to measure. The understanding of the four given meanings differs from one expert to another. Further details are included in Appendix N°14.

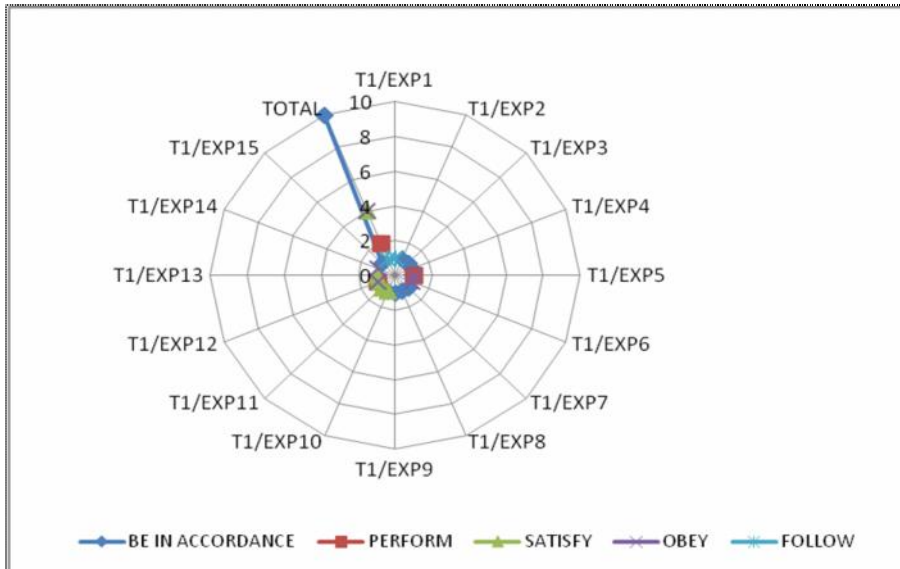
Having considered the research problem, the opinion and remarks of the experts, in this investigation the meaning and understanding for the constructs 'impact' was operationalised as follows: Impact: the affect and effect produced by the legislation on access to public sector information, measured in terms of importance, magnitude, permanence and reversibility.

3.4.3. Defining the Dependent Variables of the Conceptual Model: Compliance

With regard to the 'compliance' construct, and according to the expert choices, the meaning 'be in accordance' was the most recommended to produce the operational definition of the dependent variable, with 10 preferences.

One of the experts considered that 'this meaning as the most restrictive of the four alternatives, but I think that is the most accurate'. Compliance, particularly in legal, regulatory and administrative research, tends to focus mainly on carefully follows rules and prescriptions, notwithstanding its effects' (case EPR5). 'Satisfy' and 'obey' received 4 preferences, and 'perform' interestingly obtained 2. The result for the 'compliance' construct is depicted in the figure below.

Figure N° 3.8: Expert Panel Choices for the construct ‘Compliance’



(Total replies=15) Total Choices 21

Having considered the research problem, as comments and choices from the experts, in this research the constructs ‘compliance’ was operationalised as follows. Compliance: to be in accordance with legislation on access to public sector information, measured in terms of degree of fulfilment observed in public organisations or agencies, to satisfy their implementation.

3.4.4. Expert Panel Task 2: looking for Independent Variables to be included into the model

The purpose of task 2 was to validate with the experts what were ‘critical’ factors when assessing impact of and compliance with the legislation. Task 2 was therefore, created to validate the inclusion of independent variables into the conceptual model. Task 2 description and complete pivot tables are included in Appendix N°15.

Through an alphabetic list, the experts were requested to pick concepts, making the choice for inclusion on the criterion of ‘importance’. They were requested to select accordingly on the basis of personal experience and expertise. Keeping this qualitative perspective to validate the decision for inclusion meant that there were not a fixed number of preferences or concepts to be selected. For task 2, feedback was given by a total of 14 experts, as presented in the following tables:

Table N° 3.9: Expert Panel, Choices of Inclusion at Individual Level

N° VAR	CONCEPTS/INDEPENDENT VARIABLES (n=156)	CASE 10/EPR	CASE 8/EPR	CASE 9/EPR	CASE 20/EPR	CASE 18/EPR	CASE 21/EPR	CASE 19/EPR	CASE 24/EPR	CASE 1/EPR	CASE 2/EPR	CASE 16/EPR	CASE 14/EPR	CASE 11/EPR	CASE 17 EPR	14	Total Experts
		Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=1	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Yes=1 / No=0	Total Yes/No
1	Access to digital information	1	1	1	1		1	1	1	0	1	1	1	0	1	11	78.57
2	Access to environmental information	1	1	0	1		1	0	1	1	0	1	1		1	9	64.29
3	Access to official documents	1	0	1	1		1	1	1	0	1	1	0	1	1	10	71.43
4	Access to public information	1	1	1	1		1	1	1	0	1	1	1	1	1	12	85.71
5	Access to public information policy	1	0	1	1		1	1	0	0	1	1	1	1	1	10	71.43
6	Access to records –measurement–	0	0	1			0	0	1	0	1	1	1		1	6	42.86
7	Accountability mechanisms	1	1	1			1	0	0	1	1	1	0	0	0	7	50.00
8	Active transparency provisions	1	1	1	1		1	0	1	1	1	0	1	1	0	10	71.43
9	Advisory mechanisms	1	1	0			0	0	1	0		1	0	0	0	4	28.57
10	Advocacy mechanisms and groups	0	1	1	1		0	0	1	0	1	1	0	0	1	7	50.00
11	Amendments	1	1	0			0	0	1	1	1	1	1	1	0	8	57.14
12	Annual budget	0	1	1			1	1	1	1	1	1	1	1	0	10	71.43
13	Appeal mechanisms		1	1			0	1	1	0	1	1	1	1	1	9	64.29
14	Appeal process	1	1	1			1	1	1	1	1	1	0	1	1	11	78.57
15	Appeals partially upheld	1	1	1			0	1	1	1	1	0	1	1	1	10	71.43
16	Appeals processing time	1	1	1			1	1	1	1	1	1	1	1	1	12	85.71
17	Appeals refused	1	1	1			1	1	1	1	1	1	0	1	1	11	78.57
18	Appeals totally upheld	1	1	1			0	0	1	1	1	1	0	0	1	8	57.14
19	Binding provisions	1	1	1			0	1	1	1	0	0	1	1	1	9	64.29
20	Categories of data and records	1	1	0			0	1	1	0	0	0	1	1	0	6	42.86
21	Classification schemes/standards	1	1	0			1	0	0	0	0	1	0	0	1	5	35.71
22	Code of best practices	1	0	0			0	1	0	0	1	0	1	1	0	5	35.71
23	Communication strategy and mechanisms	1	1	1	1		1	1	1	1	1	1	1	0	1	12	85.71
24	Complaints mechanisms		1	1			1	1	1	1	1	1	0	0	1	9	64.29
24	Complaints mechanisms provisions	1	1	1			0	1	1	1	1	1	1	1	1	11	78.57
25	Compliance assessment mechanisms	1	1	1			0	1	1	1	1	1	1	1	1	11	78.57
26	Compliance assessment standards	1	1	0			1	0	1	1	1	0	0	1	1	8	57.14
27	Confidentiality and confidence provisions	1	1	0	1		0	0	0	1	0	0	0	0	0	4	28.57
28	Copyright provisions	1	1	1	1		0	0	1	0	1	1	0	1	0	8	57.14
29	Country legal system	1	1	1			0	0	1	0	0	1	1	1	0	7	50.00
30	Decision notice	1	1	1			1	1	1	1	1	1	1	0	0	10	71.43
31	Disclosure logs	1	0	1			1	1	1	1	1	1	1	1	1	11	78.57

32	Disclosure policy	1	0	1			1	0	1	1	1	1	0	1	1	9	64.29
33	Disclosure programme		1	1			1	1	1	1	1	1	0	1	1	10	71.43
34	Disclosure provisions	1	1	1			1	1	1	1	1	1	0		1	10	71.43
35	Disclosure standards	1	1	1	1		1	1	1	1	1	1	1	1	1	13	92.86
36	Duty to publish	1	0	0	0		0	1	0	1	0	0	0	1	1	5	35.71
37	Electronic Communication Preservation Act	1	1	1			1	0	1	0	1	1	0	0	1	8	57.14
38	Enforcement notice	1	1	1			1	0	1	1	1	1	0	1	0	9	64.29
39	Enforcement provisions	1	1	1	1		1	1	1	0	1	1	1	1	0	11	78.57
40	Exemptions	1	1	1			1	1	1	0	1	1	0	1	1	10	71.43
41	Exemptions guidelines	1	1	1	1		1	1	1	0	1	1	0	1	1	11	78.57
42	Exemptions use	0	1	1			1	1	1	0	0	1	0	1	1	8	57.14
43	External review	1	1	1			1	1	1	1	1	1	1	1	1	12	85.71
44	Fees provisions, regime and mechanisms	1	1	0	1		0	1	1	1	1	1	1	1	0	10	71.43
45	FOIA annual performance reports	1	0	0	1		0	0	1	1	1	0	0	0	1	6	42.86
46	FOIA corporate and action plan	1	1	1			1	0	1	0	0	1	1	1	1	9	64.29
47	Harm test	1	1	0	1		1	0	1	1	1	1	1	1	1	11	78.57
48	Implementation assessment mechanisms	1	1	0	0		1	0	1	1	1	1	1	1	1	10	71.43
49	Implementation costs		1	0			0	0	0	0	1	1	0	0	1	4	28.57
50	Information asymmetries	1	1	1			0	1	1	1	1	1	0	1	0	9	64.29
51	Information availability	1	1	1			1	1	1	1	1	1	0	0	1	10	71.43
52	Information disclosed	1	1	1			1	1	1	1	1	1	0	1	1	11	78.57
53	Information integrity	1	1	1			0	1	1	0	1	0	0	0	1	7	50.00
54	Information management practices	0	1	1			0	1	1	0	1	0	1	0	1	7	50.00
55	Information management system	0	1	1			1	1	1	0	1	1	0	1	1	9	64.29
56	Information opacity	1	1	1			1	1	1	1	1	1	1	0	0	10	71.43
57	Information partially withheld		0	1	1		1	0	1	1	1	1	0		1	8	57.14
58	Information provision		0	1	1		1	0	1	0	1	1	0	1	1	8	57.14
59	Information release provisions		1	1	1		1	1	1	1	1	1	1	0	1	11	78.57
60	Information released	0	1	1	0		0	0	1		1	0	0	1	1	6	42.86
61	Information storage and retrieval	0	1	1			0	1	1		1	1	0	0	0	6	42.86
62	Information technology	0	0	0			0	0	1		1	0	0	0	0	2	14.29
63	Information transference mechanisms	1	1	1			0	1	1	1	0	1	1	0	0	8	57.14
64	Internal review process		1	1	0		0	0	1	0	0	1	1	0	1	6	42.86
65	Internal review provisions		1	1			0	0	1	0	0	1	0	0	1	5	35.71
66	Internal review system	1	1	1	1		1	1	1	0	1	1	1	1	1	12	85.71
67	Judicial review	1	0	0			1	1	1	0	1	1	1	0	1	8	57.14
68	Leadership commitment	0	0	1			1	1	1	1	1	1	0	0	1	8	57.14
69	Legal assistance	0	1	1			1	1	0	1	1	1	0	1	0	8	57.14

70	Legal information	1	1	1			1	0	1	1	1	1	0	1	0	9	64.29
71	Non-compliance provisions	1	1	1	1		1	0	1	1	1	1	0	0	1	10	71.43
72	Non-disclosure provisions	1	1	1			0	1	1	0	1	0	0	0	1	7	50.00
73	Organisational bureaucracy	1	1	0			0	1	1	0	1	0	0	1	0	6	42.86
74	Organisational commitment		1	1			0	1	1	0	1	0	0	0	1	6	42.86
75	Organisational culture		1	1			1	1	1	0	1	0	0	0	1	7	50.00
76	Organisational culture of control		1	1			1	1	1	0	1	0	0	1	1	8	57.14
77	Organisational culture of secrecy	0	1	1	0		0	1	1	0	1	0	1	0	1	7	50.00
78	Organisational structure	0	1	1	0		0	1	1	1	0	1	1	1	1	9	64.29
79	Outsourcing public functions	0	0	0			0	0	0	1	0	0	0	0	1	2	14.29
80	Partnership promotion	0	1	1			1	0	1	0	0	1	1		0	6	42.86
81	Passive transparency provisions	1	1	1	1		1	0	1	1	1	1	1	1	0	11	78.57
82	Penalties/rewards for compliance and non compliance	1	1	1			0	1	1	0	1	0	0	1	1	8	57.14
83	Physical and technological resources	1	1	1	1		0	1	1	0	1	1	1	1	1	11	78.57
84	Political support	1	1	1			1	1	1	1	1	1	1	1	1	12	85.71
85	Proactive disclosure provisions	1	0	1			1	1	1	1	1	1	1	1	1	11	78.57
86	Proactive disclosure/release	0	0	0	0		0	0	0	1	0	0	0	0	1	2	14.29
87	Professional ethics of Librarians		1	1	1		0	0	0	1	1	1	0	0	0	6	42.86
88	Promotion/participation mechanisms of FOI		1	1	1		1	0	1	0		1	1	0	1	8	57.14
89	Public Interest test	1	0	0			0	0	1	0	1	1	1	1	1	7	50.00
90	Public servants commitment		1	0			0	0	1	0	1	1	0	1	1	6	42.86
91	Public servants reluctance	1	1	1			0	0	1	0	1	1	1	0	1	8	57.14
92	Publication scheme provisions	1	1	1			1	0	0	0	1	0	0	0	1	6	42.86
93	Publication schemes revision/review	1	1	1			0	0	1	0	1	0	0	1	1	7	50.00
94	Publication schemes use	1	1	1	1		1	0	1	0	1	1	0	1	1	10	71.43
95	Qualified exemptions	1	1	1			1	0	1	1	0	1	0	1	1	9	64.29
96	Reactive disclosure/reluctance	1	0	1			0	1	1	1	0	1	0	0	0	6	42.86
97	Records management code of practice	1	0	0			0	0	0	1	0	1	0	0	1	4	28.57
98	Records management corporate plan	1	0	1			1	1	1	1	0	1	1	1	1	10	71.43
99	Records management policy	0	0	0			0	0	0	0	0	0	1	1	1	3	21.43
100	Records management practitioner	1	1	1			0	0	0	0	0	0	1	1	1	6	42.86
101	Records management provisions	1	1	1			0	0	1	0	0	1	0	1	1	7	50.00
102	Records management standards	1	1	1			0	1	1	0	0	1	0	1	1	8	57.14
103	Records management system	0	0	0			0	1	1	0	0	1	1	0	1	5	35.71
104	Records Manager commitment	1	1	1			1	0	0	1	1	1	0	1	1	9	64.29
105	Refusal provisions	1	1	1			1	0	0	1	1	1	0	1	1	9	64.29
106	Release provisions	1	1	1	1		1	0	1	1	0	0	0	0	1	8	57.14
107	Reproduction rights	1	0	1			1	0	1	1	1	1	1	0	1	9	64.29

108	Request extensions provisions	1	0	1			1	1	0	1	1	0	0	0	0	6	42.86
109	Request statutory requirement	1	0	1	1		0	0	1	1	1	0	1	0	0	7	50.00
110	Requesters categories/studies	1	0	1	1		1	1	0	1	1	0	1	0	0	8	57.14
111	Requesters information needs	0	0	1	1		0	1	1	0	1	1	1	0	0	7	50.00
112	Requesters training programmes	1	0	1			1	0	1	1	1	1	0	1	0	8	57.14
113	Requesters/applicants provisions	1	0	1	1		1	0	1	1	1	1	1	1	0	10	71.43
114	Requesters/requestors assistance	1	0	1			0	0	1	1	1	0	1	1	1	8	57.14
115	Requesters/requestors categories	1	1	1	1		1	1	1	1	1	1	1	0	0	11	78.57
116	Requesters/requestors satisfaction level measurement	1	0	1	1		0	1	1	0	1	1	0	0	1	8	57.14
117	Requests analysis and processing	1	0	1			1	1	1	0	1	1	1	1	1	10	71.43
118	Requests categories	1	0	1			1	1	1	1	1	1	1	0	0	9	64.29
119	Requests fully granted	1	0	1			0	1	1	1	1	1	1	0	1	9	64.29
120	Requests managing system	1	0	1			0	1	1	1	1	0	1	1	1	9	64.29
121	Requests monitoring mechanisms	1	0	1	1		1	1	1	1	1	1	0	1	1	11	78.57
122	Requests partially granted	1	0	1	1		1	1	0	1	1	1	0	1	1	10	71.43
123	Requests processing cost	1	0	1	1		1	1	1	1	1	1	1	1	1	12	85.71
124	Requests processing time	1	0	1	1		1	1	1	1	1	1	1	1	1	12	85.71
125	Requests received	1	0	1			1	1	1	1	1	1	1	1	1	11	78.57
126	Requests refused/denied	1	0	1			1	1	1	1	1	1	1	0	1	10	71.43
127	Requests replied	1	1	1			1	1	1	1	1	1	1	0	1	11	78.57
128	Requests response quality	1	0	1			1	1	1	1	1	1	0	1	1	10	71.43
129	Requests response time	1	1	1			0	1	1	1	1	1	1	1	1	11	78.57
130	Requests template	0	1	1			1	1	0	1	1	0	1	0	0	7	50.00
131	Requests transferred	0	1	1			1	1	0	1	1	1	0	1	1	9	64.29
132	Requests withheld	1	0	1			1	1	1	1	1	1	1	1	1	11	78.57
133	Resources to process FOIA requests	0	0	1			1	0	1	0	1	0	0	0	1	5	35.71
134	Response requests mechanisms	0	0	1			1	0	1	0	1	1	0	0	1	6	42.86
13	Response request rate	1	1	1	1		1	1	1	1	1	1	1	1	1	13	92.86
135	Response request timing	1	1	1			0	0	1	1		0	1	0	1	7	50.00
136	Re-use of public information		1	1			0	0	0	0		0	1	0	1	4	28.57
137	Re-use of public information provisions	1	1	1			0	1	0	0		1	0	0	1	6	42.86
138	Scientific data	1	1	1			1	1	0	0	1	1	0	1	1	9	64.29
139	Sensitive information		1	1			1	0	0	0	1	1	0	0	1	6	42.86
140	Sensitive information provisions	1	1	1			0	0	0	1	1	1	0	0	1	7	50.00
141	Sensitive requests policy	0	1	0			0	0	1	0	1	0	0	1	1	5	35.71
142	Social context	1	1	1			1	1	1	1	1	1	1	1	0	11	78.57
143	Statutory exemptions	0	0	1			0	1	1	1	1	0	1	1	1	8	57.14
144	Technological infrastructure/capacity	0	0	0			0	0	0	0		1	0	0	1	2	14.29

145	The veto	0	1	1			1	0	0	0		1	0	1	0	5	35.71
146	Timeframe regime	1	0	1			0	0	1	1	0	1	1	1	0	7	50.00
147	Training programme/plan	1	0	1			0	0	1	1	1	0	1	0	1	7	50.00
148	Transferring request provisions/referrals	1	0	1			1	1	1	1	1	1	1	1	1	11	78.57
149	Transparency mechanisms	1	1	1			1	1	1	1	1	1	0	1	1	11	78.57
150	Transparency principles/policy	1	1	1			1	1	1	1	1	1	0	1	1	11	78.57
151	Transparency standards	0	0	0			0	1	1	0	1	1	1	1	1	7	50.00
152	Treatment of FOIA in Federal Agencies Performance Plans	1	0	1			1	1	1	0		1	1	0	1	8	57.14
153	Use of extensions	1	1	1			0	1	1	1	0	1	0	0	0	7	50.00
154	Vexatious requests	0	0	1			0	1	1	0	1	1	0	0	1	6	42.86
155	Website development policy	0	1	1			1	1	1	1	1	1	0	0	1	9	64.29
156	Websites development/updating														1	1	7.14
	Total Independent variables selected by the Expert	110	104	130	38	0	89	92	128	90	121	118	77	87	119	1303	
	Percentage of concepts included into the model (n=156)	70.51	66.67	83.33	24.36		57.05	58.97	82.05	57.69	77.56	75.64	49.36	55.77	76.28	1303	

3.4.5. Expert Panel Task 2: Data Analysis

(1) From the above table N°3.9, it is possible to deduce a positive evaluation of the given concepts by the experts. From the list of 156 concepts, most of them are considered important enough to be included in the conceptual model. From the 14 received responses, in 8 individual cases the number of concepts considered important is above 100 (110=70.51%; 104=66.67%; 130=83.33%; 128=82.05%; 121=77.56%; 118=75.64%; 119=76.28%).

(2) Similarly and from the list of the 156 given concepts, in 5 individual cases, the number of concepts considered important by the experts is between 77 and 92 (89=57.05%; 92=58.97%; 90=57.69%; 77=49.36%; 87=55.77%). In one case the number of concepts evaluated as important is 38 (24.36%).

(3) There is positive evaluation of the given concepts which belong to the informational dimension. The three most important choices are 'disclosure standards' (13 preferences), 'access to public information' (12 preferences), and 'appeals processing average' (12 preferences). In second place of importance the concept 'communication strategy and mechanisms' (12 preferences), belongs to the organisational dimension. The third most important concept is 'external review' (12 preferences), which belongs to the legal dimension.

(4) The 10 concepts which the experts consider most important to include in the conceptual model which belong to the *informational dimension* were: Disclosure standards (13 preferences), Access to public information (12 preferences), Appeals processing average (12 preferences), Requests processing time (12 preferences), Access to digital information (11 preferences), Appeals refused (11 preferences), Information disclosed (11 preferences), Requesters/requestors categories (11 preferences), Requests received (11 preferences), Requests replied (11 preferences).

(5) The 10 concepts which the experts consider most important to include in the conceptual model which belong to the *organisational dimension* were: Communication strategy and mechanisms (12 preferences), Political support (12 preferences), Requests processing cost (12 preferences), Compliance assessment mechanisms (11 preferences), Exemptions guidelines (11 preferences), Physical and technological resources (11 preferences), Requests monitoring mechanisms (11 preferences), Social context (11 preferences), Transparency mechanisms (11 preferences), Transparency principles/policy (11 preferences).

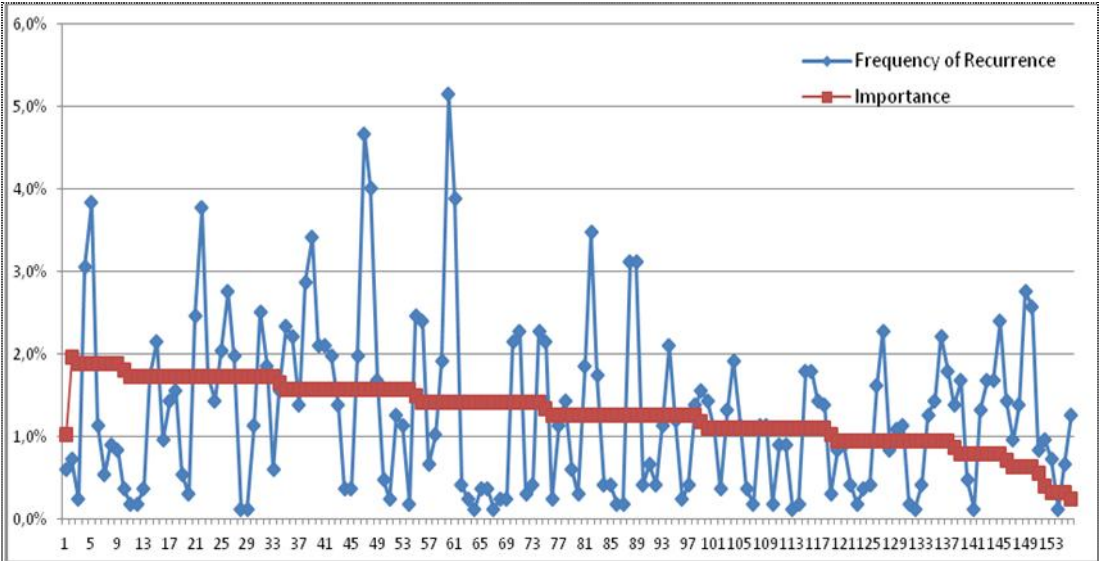
(6) The 10 concepts which the experts consider most important to include in the conceptual model which belong to the *legal dimension* were: External review (12 preferences), Internal review system (12 preferences), Appeal process (11 preferences), Complaints mechanisms provisions (11 preferences), Disclosure logs (11 preferences), Enforcement provisions (11 preferences), Harm test (11 preferences), Information release provisions (11 preferences), Passive transparency provisions (11 preferences), Proactive disclosure provisions (11 preferences).

Complete pivot tables on the Expert Panel Choices of Inclusion by Dimension are included in Appendix N°15.

3.4.6. Concepts evaluated by ‘Importance’ and ‘Frequency of Recurrence’: comparing the Expert Panel choices and Content Analysis Results

Content analysis results and the expert panel choices, showed asymmetries between the examined concepts. From the graph below, it was found that the dispersion varies, when assessing under criteria of ‘importance’ and ‘frequency of recurrence’. When examining the degree of dispersion under ‘importance’, it was possible to identify across the data set, a stable distribution, and on the contrary, when examining dispersion under ‘frequency of recurrence’, the dispersion was significant.

Graf N°3.10: Expert Panel Task 2: Comparing ‘importance’ vs. ‘frequency of recurrence’



Source: author’s thesis

Considering that ‘importance’ –as inclusion criterion– has a qualitative trait, and ‘frequency of recurrence’ is quantitative, a dilemma emerged when deciding which one of the applied methods has more relevance on decision making about independent variables selection.

When assessing whether ‘importance’ or ‘frequency of recurrence’ – content analysis versus expert panel techniques – would be compared under a standard unit of measurement, the answer was affirmative. Considering the fact that in both cases ‘counting’ is a share feature, a mathematical procedure was applied to deal with the dilemma. The weight function was applied because having the same data set, and applying the same assessment procedure, it was possible to get results expressed in an equal or the same unit of measurement, in order to compare more efficiently.

3.4.7. Comparative Analysis based on the Weight Functions Applied to the Expert Panel Choices and Content Analysis Results

The weight function is a mathematical procedure, normally used to analyse, compare and evaluate sets of data. By the weighted mean or weighted average, this mathematic function represents how relevant a variable is. Considering the fact that the same criterion applies to all variables equally, the weight function was useful to accurately compare and to analyse the validation of the inclusion criteria under ‘importance’ and ‘frequency of recurrence’.

$$\frac{\sum_{a \in A} f(a)w(a)}{\sum_{a \in A} w(a)}.$$

The weight function was applied to estimate the weight or degree of influence of certain elements, in this case the selected concepts, on other elements, within the same set of data. Through the weight function it was possible to identify the most important elements from the list of selected concepts.

3.4.8. Inclusion Criteria Assessment Based on the Weight Function

‘Importance’ and ‘frequency of recurrence’ are valid criteria to support decisions on inclusion, but the prevalence of one over another represents a condition of uncertainty, so how to reduce this uncertainty? Applying the weight function procedure was possible to equally

evaluate all the concepts in order to define their inclusion into the conceptual model. The procedure to conduct the assessment was set as follows:

- (1) 50/50: 50% Importance and 50% Frequency of Recurrence
- (2) 70/30: 70% Importance and 30% Frequency of Recurrence
- (3) 30/70: 30% Importance and 70% Frequency of Recurrence

The bases for these criteria of analysis were the following:

(1) The 50/50 inclusion criterion assigns every concept with the same level of influence and relevance for 'importance' and 'recurrence'. In other words, the opinion of the experts as well as the content analysis has the same weighting.

(2) The 70/30 inclusion criterion had as a tacit assumption that the opinion of the experts has more weighting than the content analysis. This assumption considered as evidence: (a) the level of dispersion found when comparing both approaches. From the evidence it was shown that when examining the same group of concepts, while 'importance' was reported to be constant, 'recurrence' was uneven. (b) A possible distortion in the availability or access to the information. (c) There were not an equal proportion of concepts under the three dimension categories.

(3) The 30/70 inclusion criterion had as a tacit understanding that content analysis weighs more heavily than the opinion of the panel. Evidence to support this procedure was based on (a) 10 years of literature review, (b) quality of the information source, and (c) quality of the analysed documents – research results published in high impact journals and presented at international conferences–.

The purpose of this procedure was (1) to examine what concepts should be included into the conceptual model in each case; (2) to examine possible variations within groups of selected concepts evaluated under these different criteria; and (3) to get weighted average values (a sensitivity analysis) to examine whether there were changes depending on the applied criteria, or if changes were only in the ranking position.

According to the weight function method, the following table describes in detail the results for 'recurrence' and 'importance'

Table N°3.11: Expert Panel Task 2. Comparative Analysis Results: Concepts Inclusion by ‘importance’ and ‘frequency of recurrence’ applying the weight function.

CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 1: 50% Importance and 50% Recurrence	Inclusion Criterion 2: 70% Importance and 30% Recurrence	Inclusion Criterion 3: 70% Recurrence and 30% Importance
Disclosure standards	0,81%	0,89%	0,72%
External review	0,53%	0,69%	0,36%
Requests processing cost	0,53%	0,69%	0,36%
Access to public information	1,93%	1,53%	2,33%
Political support	0,92%	0,92%	0,91%
Appeals processing average	0,59%	0,73%	0,45%
Requests processing time	0,62%	0,75%	0,49%
Communication strategy and mechanisms	0,77%	0,84%	0,70%
Internal review system	0,59%	0,73%	0,45%
Disclosure logs	0,49%	0,64%	0,34%
Appeals refused	0,46%	0,62%	0,30%
Requests withheld	0,49%	0,64%	0,34%
Enforcement provisions	0,55%	0,67%	0,43%
Requests monitoring mechanisms	1,18%	1,05%	1,30%
Exemptions guidelines	0,76%	0,80%	0,72%
Requests replied	0,58%	0,69%	0,47%
Appeal process	1,00%	0,94%	1,05%
Transferring request provisions/referrals	0,64%	0,73%	0,55%
Harm test	0,49%	0,64%	0,34%
Requesters/requestors categories	0,52%	0,65%	0,38%
Information disclosed	1,57%	1,28%	1,85%
Compliance assessment mechanisms	1,18%	1,05%	1,30%
Transparency principles/policy	0,55%	0,67%	0,43%
Requests received	1,03%	0,96%	1,09%
Access to digital information	0,85%	0,85%	0,84%
Requests response time	1,39%	1,18%	1,60%
Passive transparency provisions	0,46%	0,62%	0,30%
Social context	0,46%	0,62%	0,30%
Physical and technological resources	0,46%	0,62%	0,30%
Transparency mechanisms	0,97%	0,92%	1,01%
Complaints mechanisms provisions	1,15%	1,03%	1,26%
Proactive disclosure provisions	0,64%	0,73%	0,55%
Information release provisions	0,52%	0,65%	0,38%
Requests refused/denied	1,08%	0,96%	1,20%
Requests analysis and processing	0,87%	0,83%	0,90%
Implementation assessment mechanisms	1,02%	0,92%	1,11%
Information opacity	0,45%	0,58%	0,32%
Exemptions	1,77%	1,37%	2,16%
Non-compliance provisions	0,72%	0,74%	0,69%
Fees regime and mechanisms	1,11%	0,98%	1,24%
Decision notice	0,72%	0,74%	0,69%
Annual budget	1,05%	0,94%	1,16%

Access to official documents	0,42%	0,56%	0,28%
Requests partially granted	0,54%	0,64%	0,44%
Disclosure programme	0,42%	0,56%	0,28%
Access to public information policy	1,35%	1,12%	1,57%
Disclosure provisions	1,77%	1,37%	2,16%
Requests response quality	1,02%	0,92%	1,11%
Publication schemes use	0,60%	0,67%	0,53%
Active transparency provisions	0,42%	0,56%	0,28%
Records management corporate plan	0,48%	0,60%	0,36%
Information availability	0,93%	0,87%	0,99%
Requesters/applicants provisions	0,42%	0,56%	0,28%
Appeals partially upheld	0,45%	0,58%	0,32%
Disclosure policy	1,52%	1,19%	1,84%
Reproduction rights	0,38%	0,51%	0,25%
Requests categories	0,65%	0,67%	0,63%
Requests fully granted	0,56%	0,62%	0,50%
FOIA corporate and action plan	1,10%	0,94%	1,26%
Requests managing system	2,18%	1,59%	2,76%
Information asymmetries	0,47%	0,56%	0,38%
Enforcement notice	0,44%	0,55%	0,34%
Refusal provisions	0,38%	0,51%	0,25%
Website development policy	0,38%	0,51%	0,25%
Requests transferred	0,50%	0,58%	0,42%
Access to environmental information	0,38%	0,51%	0,25%
Scientific data	0,38%	0,51%	0,25%
Qualified exemptions	0,44%	0,55%	0,34%
Legal information	0,38%	0,51%	0,25%
Appeal mechanisms	1,40%	1,12%	1,68%
Information management system	0,44%	0,55%	0,34%
Records Manager commitment	0,41%	0,53%	0,29%
Binding provisions	0,50%	0,58%	0,42%
Organisational structure	1,34%	1,08%	1,59%
Information provisions	0,40%	0,49%	0,31%
Treatment of FOIA in Federal Agencies Performance Plans	0,34%	0,46%	0,23%
Leadership commitment	0,85%	0,76%	0,94%
Organisational culture of control	0,49%	0,54%	0,44%
Requesters/requestors satisfaction level measurement	0,43%	0,51%	0,35%
Compliance assessment standards	0,34%	0,46%	0,23%
Information transference mechanisms	1,21%	0,98%	1,44%
Exemptions use	1,15%	0,94%	1,36%
Statutory exemptions	0,34%	0,46%	0,23%
Penalties/rewards for compliance and non-compliance	0,49%	0,54%	0,44%
Requesters training programmes	0,34%	0,46%	0,23%
Copyright provisions	0,37%	0,47%	0,27%
Information partially withheld	0,34%	0,46%	0,23%
Promotion/participation mechanisms of FOI	1,84%	1,35%	2,32%
Electronic Communication Preservation Act	0,34%	0,46%	0,23%

Public servants reluctance	0,49%	0,54%	0,44%
Judicial review	0,46%	0,53%	0,40%
Appeals totally upheld	0,37%	0,47%	0,27%
Legal assistance	0,82%	0,74%	0,90%
Records management standards	0,85%	0,76%	0,94%
Amendments	0,37%	0,47%	0,27%
Release provisions	0,37%	0,47%	0,27%
Requesters categories/studies	0,46%	0,53%	0,40%
Requesters/requestors assistance	0,85%	0,76%	0,94%
Organisational culture	0,51%	0,53%	0,50%
Advocacy mechanisms and groups	0,75%	0,67%	0,83%
Information management practices	0,33%	0,42%	0,25%
Records management provisions	0,39%	0,45%	0,33%
Timeframe regime	0,81%	0,71%	0,92%
Organisational culture of secrecy	0,69%	0,63%	0,75%
Transparency standards	0,42%	0,47%	0,37%
Publication schemes revision/review	0,30%	0,40%	0,21%
Sensitive information provisions	0,33%	0,42%	0,25%
Request statutory requirement	0,78%	0,69%	0,88%
Use of extensions	0,33%	0,42%	0,25%
Requests template	0,30%	0,40%	0,21%
Training programme/plan	0,69%	0,63%	0,75%
Country legal system	0,30%	0,40%	0,21%
Non-disclosure provisions	0,30%	0,40%	0,21%
Requesters information needs	0,33%	0,42%	0,25%
Public Interest test	1,11%	0,88%	1,34%
Response requests timing	0,33%	0,42%	0,25%
Accountability mechanisms	0,93%	0,78%	1,08%
Information integrity	0,30%	0,40%	0,21%
Organisational bureaucracy	0,35%	0,40%	0,31%
Publication scheme provisions	0,53%	0,51%	0,56%
Request extensions provisions	0,38%	0,42%	0,35%
Records management practitioner	0,29%	0,36%	0,22%
Professional ethics of Librarians	0,26%	0,35%	0,18%
Public servants commitment	0,38%	0,42%	0,35%
Vexatious requests	0,29%	0,36%	0,22%
Information released	0,98%	0,78%	1,19%
Sensitive information	0,62%	0,56%	0,68%
Information storage and retrieval	0,26%	0,35%	0,18%
FOIA annual performance reports	0,74%	0,63%	0,85%
Internal review process	0,29%	0,36%	0,22%
Reactive disclosure/reluctance	0,26%	0,35%	0,18%
Access to records –measurement–	0,26%	0,35%	0,18%
Partnership promotion	0,41%	0,44%	0,39%
Response requests mechanisms	0,68%	0,60%	0,77%
Organisational commitment	0,50%	0,49%	0,52%
Categories of data and records	1,07%	0,83%	1,31%

Re-use of public information provisions	0,29%	0,36%	0,22%
Duty to publish	0,82%	0,65%	1,00%
Records management system	0,40%	0,40%	0,41%
Resources to process FOIA requests	0,23%	0,29%	0,16%
Sensitive requests policy	0,23%	0,29%	0,16%
Code of best practices	0,82%	0,65%	1,00%
The veto	0,40%	0,40%	0,41%
Internal review provisions	0,82%	0,65%	1,00%
Classification schemes/standards	0,76%	0,61%	0,91%
Re-use of public information	0,31%	0,31%	0,30%
Records management code of practice	0,49%	0,42%	0,55%
Implementation costs	0,51%	0,43%	0,60%
Advisory mechanisms	1,17%	0,83%	1,52%
Confidentiality and confidence provisions	0,43%	0,38%	0,47%
Records management policy	0,27%	0,25%	0,28%
Proactive disclosure/release	0,41%	0,31%	0,51%
Information technology	0,11%	0,13%	0,09%
Outsourcing public functions	0,11%	0,13%	0,09%
Technological infrastructure/capacity	0,38%	0,29%	0,47%
Websites development/updating	0,37%	0,25%	0,48%
Grand Total			

From the above comparison procedure, or table N°3.11, the concepts were ranked, and the results were the following:

- (1) The 30 most significant concepts are the same when comparing by criteria 50/50, 70/30, and 30/70.
- (2) In most cases, the concepts' position does not actually make the selection better or more efficient; but only different in weight. In other words, all the top 30 concepts change the position slightly, so the decision for one criterion over another has marginal effect.
- (3) There are 4 concepts which change position above and below the top 30 depending on the inclusion criteria applied. These concepts are: 'categories of data and records', 'advisory mechanism', 'accountability mechanisms', and 'information released'. The ranking for the concept 'advisory mechanisms' for example, was place N°12 when assessing under 30/70, it was placed N°15 when assessing under 50/50, and N°34 when assessing under 70/30.
- (4) From the ranked concepts lists by each criterion, and considering the top 30, a total of 23 were selected from the informational dimension, a total of 27 from the organisational dimension, and a total of 16 from the legal dimension.

Pivot tables with results based on the weight function analysis are included in Appendix N°15.

Table N°3.12: Selected Top 30 Concepts by Inclusion Criteria belonging to the Informational Dimension

N°	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 1: 50% Importance and 50% Recurrence	Ranking Position	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 2: 70% Importance and 30% Recurrence	Ranking Position	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 3: 30% Importance and 70% Recurrence	Ranking Position
1	Requests managing system	2.18%	1	Requests managing system	1.59%	1	Requests managing system	2.76%	1
2	Access to public information	1.93%	2	Access to public information	1.53%	2	Access to public information	2.33%	2
3	Information disclosed	1.57%	6	Information disclosed	1.28%	6	Information disclosed	1.85%	6
4	Requests response time	1.39%	9	Requests response time	1.18%	8	Requests response time	1.60%	9
5	Information transference mechanisms	1.21%	12	Information transference mechanisms	0.98%	16	Information transference mechanisms	1.44%	13
6	Exemptions use	1.15%	16	Requests received	0.96%	17	Exemptions use	1.36%	14
7	Requests refused/denied	1.08%	21	Requests refused/denied	0.96%	18	Categories of data and records	1.31%	16
8	Categories of data and records	1.07%	22	Exemptions use	0.94%	22	Requests refused/denied	1.20%	22
9	Requests received	1.03%	24	Requests response quality	0.92%	26	Information released	1.19%	23
10	Requests response quality	1.02%	26	Disclosure standards	0.89%	27	Requests response quality	1.11%	26
11	Information released	0.98%	28	Information availability	0.87%	29	Requests received	1.09%	27
12	Information availability	0.93%	31	Access to digital information	0.85%	30	Information availability	0.99%	34
13	Requests analysis and processing	0.87%	33	Requests analysis and processing	0.83%	32	Records management standards	0.94%	36
14	Records management standards	0.85%	35	Categories of data and records	0.83%	33	Classification schemes/standards	0.91%	39
15	Access to digital information	0.85%	37	Information released	0.78%	37	Requests analysis and processing	0.90%	41
16	Disclosure standards	0.81%	43	Records management standards	0.76%	39	Access to digital information	0.84%	45
17	Classification schemes/standards	0.76%	46	Requests processing time	0.75%	41	Disclosure standards	0.72%	50
18	Requests categories	0.65%	55	Appeals processing average	0.73%	45	Sensitive information	0.68%	55
19	Sensitive information	0.62%	58	Requests replied	0.69%	52	Requests categories	0.63%	56
20	Requests processing time	0.62%	59	Publication schemes use	0.67%	56	Records management code of practice	0.55%	59
21	Publication schemes use	0.60%	60	Requests categories	0.67%	57	Publication schemes use	0.53%	62
22	Appeals processing average	0.59%	61	Requesters/requestors categories	0.65%	59	Requests fully granted	0.50%	65
23	Requests replied	0.58%	63	Requests withheld	0.64%	65	Requests processing time	0.49%	67
24	Requests fully granted	0.56%	64	Requests partially granted	0.64%	67	Websites development/updating	0.48%	68
25	Requests partially granted	0.54%	67	Appeals refused	0.62%	71	Requests replied	0.47%	70
26	Requesters/requestors categories	0.52%	71	Requests fully granted	0.62%	75	Appeals processing average	0.45%	72
27	Requests transferred	0.50%	76	Classification schemes/standards	0.61%	76	Requests partially granted	0.44%	74
28	Requests withheld	0.49%	82	Information opacity	0.58%	79	Requests transferred	0.42%	80
29	Records management code of practice	0.49%	84	Appeals partially upheld	0.58%	80	Records management system	0.41%	82
30	Information asymmetries	0.47%	86	Requests transferred	0.58%	81	Requesters/requestors categories	0.38%	87

Table N°3.13: Selected Top 30 Concepts by Inclusion Criteria belonging to the Organisational Dimension

N°	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 1: 50% Importance and 50% Recurrence	Ranking Position	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 2: 70% Importance and 30% Recurrence	Ranking Position	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 3: 30% Importance and 70% Recurrence	Ranking Position
1	Requests managing system	2.18%	1	Requests managing system	1.59%	1	Requests managing system	2.76%	1
2	Promotion/participation mechanisms of FOI	1.84%	3	Promotion/participation mechanisms of FOI	1.35%	5	Promotion/participation mechanisms of FOI	2.32%	3
3	Disclosure policy	1.52%	7	Disclosure policy	1.19%	7	Disclosure policy	1.84%	7
4	Access to public information policy	1.35%	10	Access to public information policy	1.12%	9	Organisational structure	1.59%	10
5	Organisational structure	1.34%	11	Organisational structure	1.08%	11	Access to public information policy	1.57%	11
6	Requests monitoring mechanisms	1.18%	13	Requests monitoring mechanisms	1.05%	12	Advisory mechanisms	1.52%	12
7	Compliance assessment mechanisms	1.18%	14	Compliance assessment mechanisms	1.05%	13	Requests monitoring mechanisms	1.30%	17
8	Advisory mechanisms	1.17%	15	Fees regime and mechanisms	0.98%	15	Compliance assessment mechanisms	1.30%	18
9	Fees regime and mechanisms	1.11%	19	Annual budget	0.94%	20	FOIA corporate and action plan	1.26%	20
10	FOIA corporate and action plan	1.10%	20	FOIA corporate and action plan	0.94%	21	Fees regime and mechanisms	1.24%	21
11	Annual budget	1.05%	23	Political support	0.92%	23	Annual budget	1.16%	24
12	Implementation assessment mechanisms	1.02%	25	Transparency mechanisms	0.92%	24	Implementation assessment mechanisms	1.11%	25
13	Transparency mechanisms	0.97%	29	Implementation assessment mechanisms	0.92%	25	Accountability mechanisms	1.08%	28
14	Accountability mechanisms	0.93%	30	Communication strategy and mechanisms	0.84%	31	Transparency mechanisms	1.01%	30
15	Political support	0.92%	32	Advisory mechanisms	0.83%	34	Code of best practices	1.00%	32
16	Leadership commitment	0.85%	34	Exemptions guidelines	0.80%	35	Leadership commitment	0.94%	35
17	Records management standards	0.85%	35	Accountability mechanisms	0.78%	36	Records management standards	0.94%	36
18	Requesters/requestors assistance	0.85%	36	Leadership commitment	0.76%	38	Requesters/requestors assistance	0.94%	37
19	Code of best practices	0.82%	39	Records management standards	0.76%	39	Political support	0.91%	40
20	Communication strategy and mechanisms	0.77%	45	Requesters/requestors assistance	0.76%	40	FOIA annual performance reports	0.85%	44
21	Exemptions guidelines	0.76%	47	Requests processing cost	0.69%	51	Advocacy mechanisms and groups	0.83%	46
22	Advocacy mechanisms and groups	0.75%	48	Transparency principles/policy	0.67%	55	Response requests mechanisms	0.77%	47
23	FOIA annual performance reports	0.74%	49	Advocacy mechanisms and groups	0.67%	58	Organisational culture of secrecy	0.75%	48
24	Organisational culture of secrecy	0.69%	52	Code of best practices	0.65%	62	Training programme/plan	0.75%	49
25	Training programme/plan	0.69%	53	Organisational culture of secrecy	0.63%	68	Exemptions guidelines	0.72%	51
26	Response requests mechanisms	0.68%	54	Training programme/plan	0.63%	69	Communication strategy and mechanisms	0.70%	52
27	Transparency principles/policy	0.55%	66	FOIA annual performance reports	0.63%	70	Implementation costs	0.60%	57
28	Requests processing cost	0.53%	70	Social context	0.62%	73	Organisational commitment	0.52%	63
29	Implementation costs	0.51%	73	Physical and technological resources	0.62%	74	Proactive disclosure/release	0.51%	64
30	Organisational culture	0.51%	74	Records management corporate plan	0.60%	77	Organisational culture	0.50%	66

Table N°3.14: Selected Top 30 Concepts by Inclusion Criteria belonging to the Legal Dimension

N°	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 1: 50% Importance and 50% Recurrence	Ranking Position	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 2: 70% Importance and 30% Recurrence	Ranking Position	CONCEPTS/INDEPENDENT VARIABLES (n=156)	Inclusion Criterion 3: 30% Importance and 70% Recurrence	Ranking Position
1	Exemptions	1.77%	4	Exemptions	1.37%	3	Exemptions	2.16%	4
2	Disclosure provisions	1.77%	5	Disclosure provisions	1.37%	4	Disclosure provisions	2.16%	5
3	Appeal mechanisms	1.40%	8	Appeal mechanisms	1.12%	10	Appeal mechanisms	1.68%	8
4	Complaints mechanisms provisions	1.15%	17	Complaints mechanisms provisions	1.03%	14	Public Interest test	1.34%	15
5	Public Interest test	1.11%	18	Appeal process	0.94%	19	Complaints mechanisms provisions	1.26%	19
6	Appeal process	1.00%	27	Public Interest test	0.88%	28	Appeal process	1.05%	29
7	Duty to publish	0.82%	38	Non-compliance provisions	0.74%	42	Duty to publish	1.00%	31
8	Internal review provisions	0.82%	40	Decision notice	0.74%	43	Internal review provisions	1.00%	33
9	Legal assistance	0.82%	41	Legal assistance	0.74%	44	Timeframe regime	0.92%	38
10	Timeframe regime	0.81%	42	Internal review system	0.73%	46	Legal assistance	0.90%	42
11	Request statutory requirement	0.78%	44	Transferring request provisions/referrals	0.73%	47	Request statutory requirement	0.88%	43
12	Non-compliance provisions	0.72%	50	Proactive disclosure provisions	0.73%	48	Non-compliance provisions	0.69%	53
13	Decision notice	0.72%	51	Timeframe regime	0.71%	49	Decision notice	0.69%	54
14	Transferring request provisions/referrals	0.64%	56	External review	0.69%	50	Publication scheme provisions	0.56%	58
15	Proactive disclosure provisions	0.64%	57	Request statutory requirement	0.69%	53	Transferring request provisions/referrals	0.55%	60
16	Internal review system	0.59%	62	Enforcement provisions	0.67%	54	Proactive disclosure provisions	0.55%	61
17	Enforcement provisions	0.55%	65	Information release provisions	0.65%	60	Confidentiality and confidence provisions	0.47%	69
18	Publication scheme provisions	0.53%	68	Duty to publish	0.65%	61	Internal review system	0.45%	73
19	External review	0.53%	69	Internal review provisions	0.65%	63	Enforcement provisions	0.43%	78
20	Information release provisions	0.52%	72	Disclosure logs	0.64%	64	Binding provisions	0.42%	81
21	Binding provisions	0.50%	77	Harm test	0.64%	66	The veto	0.41%	83
22	Disclosure logs	0.49%	81	Passive transparency provisions	0.62%	72	Judicial review	0.40%	84
23	Harm test	0.49%	83	Binding provisions	0.58%	82	Information release provisions	0.38%	88
24	Judicial review	0.46%	87	Active transparency provisions	0.56%	85	External review	0.36%	91
25	Passive transparency provisions	0.46%	90	Requesters/applicants provisions	0.56%	86	Request extensions provisions	0.35%	95
26	Enforcement notice	0.44%	95	Enforcement notice	0.55%	89	Disclosure logs	0.34%	97
27	Qualified exemptions	0.44%	96	Qualified exemptions	0.55%	90	Harm test	0.34%	99
28	Confidentiality and confidence provisions	0.43%	99	Judicial review	0.53%	96	Enforcement notice	0.34%	100
29	Active transparency provisions	0.42%	103	Reproduction rights	0.51%	99	Qualified exemptions	0.34%	101
30	Requesters/applicants provisions	0.42%	104	Refusal provisions	0.51%	100	Records management provisions	0.33%	103

**CHAPTER 4:
DATA COLLECTION: DESCRIPTION, ANALYSIS, RESULTS, FINDINGS, AND
OUTCOMES FOR CASE STUDY 1, THE UK**

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CHAPTER 4

Data Collection: Description, Analysis, Results, Findings, and Outcomes for Case Study 1 the UK

Overview

In this chapter, the outcomes of the data collection, the fifth major component of the research, are reported. The data analysis and the findings of the study are presented, analysed, and commented on. Statistical analysis supports aspects of the analysis of the qualitative and quantitative results. Comments on results enhance consistency between the research problem, questions and findings. Further comparative analysis is included in Chapter 6.

Chapter 4 describes the UK case study in detail. As the conceptual model has three dimensions, and the conceptual model's dependent variables are the 'impact' of and 'compliance' with legislation on access to information, Chapter 4 follows such structure.

4. Case Study 1 Profile: The UK

This section is mostly informative. Under this section, data from the studied target group is presented considering the research problem statement. Public higher education institutions in the UK are described to give some description about this specific category of public authorities under the legislation, and to contextualise the decision to choose them as target group for the case studies.

4.1. Some Features of Higher Education Institutions in the UK

(a) - Public UK Higher Education Institutions Examined: since knowledge and learning are underpinning principles for tertiary education; assets, attributes, and achievements are especially critical when exploring the effect of higher education institutions in human beings and society. Higher education institutions as knowledge production institutions, as well as highly qualified human resources hubs, have a leading role when providing the foundations to conduct socio-cultural progress, innovation, wellbeing, and sustainable development.

From a knowledge society perspective, highly qualified human resources, new knowledge creation, and transfer, are driven significantly by a community of higher education institutions. Among other functions universities are committed to teaching, research, critical thinking, ethics, science, technology, and innovation, nowadays they are also faced with transparency, and accountability. Are they doing what they declare they do? How much money HEIs are spending to do it? Do their students know how they produce and deliver

know-how? How have they been affected by the FOIA2000 regime considering that HEIs have to protect their assets and compete for funding? All these questions were important when deciding about the research scope.

The high quality of public higher education institutions in the UK is recognised when comparing international achievement standards. Underlying this recognition is their independence, as self-governing institutions. They are recognised as active institutions oriented to teaching and research activities. How do they produce their assets and what challenges are they facing to protect their commodities? Are they being efficient and proactively open when complying with information access rights? Within this context and considering the relevance of these issues HEIs were selected as target group to conduct the research.

As defined in the Act, the FOIA2000 only applies to the public sector and companies that are totally owned by public authorities. Higher education institutions in private ownership are not considered since they are not public authorities and therefore they are not covered by the Act. The number of private universities in the UK is significantly small: only 7 out of 176 universities are not covered by the Act. These independent institutions are The University of Buckingham, Regent's College, BPP University, The University of Law, Richmond University, Ashridge Business School, and IFS School of Finance.

As Scotland has its own legislation, Scottish HEIs were omitted. This research has a target group of 152 universities under the duty to comply with the FOIA2000. Case studies were the defined methodology to have a comprehensive description about the problem under study. Complete list of HEIs is included in Appendix N^o16.

(b). - Data on Students Enrolled at Higher Education Institutions in the UK: higher education institutions in the UK are affected by the same regulations in terms of quality assurance and funding framework requirements. They are free to define the profile of their students as well as set the entrance requirements. In 2012/2013 a total of 2,340,275 students were enrolled in HEIs in the UK. Although the number of students had a steady growth during the last decade, there was a negative variation of -161,020 undergraduate and graduate students for the last three years.

Table N^o4.1. – Undergraduate and Postgraduate Students Enrolled in HEIs in the UK, 2000–2013

Year	Undergraduate	Total Undergraduate Variation	Postgraduate	Total Postgraduate Variation	Total	Total Variation by year
2012/13	1,803,840	-124,300	536,440	-32,065	2,340,280	-156,365
2011/12	1,928,140	15,560	568,505	-20,215	2,496,645	-4,655
2010/11	1,912,580	-2,130	588,720	10,015	2,501,300	7,885
2009/10	1,914,710	55,470	578,705	41,895	2,493,415	97,365

2008/09	1,859,240	54,270	536,810	35,675	2,396,050	89,945
2007/08	1,804,970	3,015	501,135	-1,610	2,306,105	1,405
2006/07	1,801,955	13,355	502,745	10,105	2,304,700	23,460
2005/06	1,788,600	34,670	492,640	10,305	2,281,240	44,975
2004/05	1,753,930	31,245	482,335	4,840	2,236,265	36,085
2003/04	1,722,685	45,765	477,495	23,305	2,200,180	69,070
2002/03	1,676,920	61,790	454,190	26,735	2,131,110	88,525
2001/02	1,615,130	73,905	427,455	20,550	2,042,585	94,455
2000/01	1,541,225		406,905		1,948,130	

Source: Author's elaboration with data from the Higher Education Statistics Agency. Online Statistics. Students &qualifiers.
 URL:<<http://www.hesa.ac.uk/content/view/1897/706/>>. Accessed on 17 April2014

A majority of the full-time and part-time undergraduate and postgraduate students enrolled in higher education institutions in the UK are female. A 54.80% of the full-time undergraduate students enrolled in 2012-13 were female and 45.20% male. At postgraduate level, 53.06% were female and 46.94% male. For the same year, 61.58% of part-time undergraduate students were female and 38.42% male. The same trend was verified at postgraduate level, where 58.71% of the students were female and 41.29% male.

Table N°4.2. – Gender Features for HEIs Students in the UK, 2012-13

	Undergraduate	%	Postgraduate	%	Total	%
Full-time Female	759340	54.80	157295	53.06	916,635	54.50
Full-time Male	626255	45.20	139145	46.94	765,400	45.50
Full-time Total	1385595	100.00	296440	100.00	1,682,035	100.00
Part-time Female	257320	61.58	140865	58.71	398,185	60.53
Part-time Male	160555	38.42	99075	41.29	259,630	39.47
Part-time Total	417875	100.00	239940	100.00	657,815	100.00
Total Female	1016660	56.37	298160	55.59	1,314,820	56.19
Total Male	786810	43.63	238220	44.41	1,025,030	43.81
Total	1803470	100.00	536380	100.00	2,339,850	100.00

Source: Author's elaboration with data from the Higher Education Statistics Agency. Online Statistics. Students &qualifiers.
 URL:<<http://www.hesa.ac.uk/content/view/1897/706/>>. Accessed on 17 April2014

Data collected from the Higher Education Statistics Agency in the UK, showed a multicultural feature for the HEIs sector, in terms of the origin of their students. Although there was a negative variation in terms of number of international students enrolled in HEIs, in 2012–2013, a total population of 425.265 students were non-UK domicile, Asia (186.545 total), Other European Union (125.290 total), Africa (34.160 total), North America (26.920 total), Middle East (26.380 total), being the top five regions.

Table N° 4.3. – Origin of Non-UK domicile Students Variation for HEIs, 2012-13

Region of Domicile	2011/12	2012/13	Total Variation
Other European Union	132.550	125.290	-7260
Other Europe	17.890	18.610	720
Africa	35.255	34.160	-1095
Asia	188.525	186.545	-1980
Australasia	2.475	2.505	30
Middle East	26.645	26.380	-265
North America	27.100	26.920	-180
South America	4.090	4.345	255
Non-European Union unknown	690	505	-185
Total non-UK domicile	435.235	425.265	-9970

Source: Author's elaboration with data from the Higher Education Statistics Agency. Online Statistics. Students &qualifiers.
 URL:<<http://www.hesa.ac.uk/content/view/1897/706/>>. Accessed on 17 April2014

(c).- Income, budget and expenditure planned over the three-year period by higher education institutions in the UK: according to data reported by higher education funding institutions in the UK, one of the critical issues faced by the higher education sector was a fall in income from public sector funding sources.

According to Pusey (2013, p.443), ‘much has been made of the recent upsurge in activism around higher education and universities over the past two years or so in the UK and globally’. Pusey argues for a wide discussion on the student movement, focused not only on defending universities in its current form, but also ‘challenging the form and future of education’. To Pusey the ‘narrow and reactive politics of anti-cuts’ is exploited by the media to create some distortion in the public opinion and to hide ‘some of the emerging links between groups which seek to move beyond this’. Pusey argues that under the neoliberal system ‘all that can be secured is a position of permanently reproduced precarity, and young people are not the only ones facing increasingly precarious futures: the current UK government’s austerity measures appear to have everyone but the very wealthy in their sights’. On the other hand, Ibrahim (2011, p.415), gives a divergent overview of the student protests and university occupations occurred in the winter of 2010–2012. To Ibrahim, ‘the lifting of the cap on annual higher education tuition fees to £9000 pa was widely perceived by students and lecturers as unjust, unfair and a very real barrier to higher education’. Ibrahim understands and explains these student movements and occupations in ‘the network structure that exists on university campuses’ which ‘facilitates political mobilisations and protests as a moral economy directed against a new toll on higher education’.

Data collected from HEFCE showed that this tendency has affected them since the mid–1990s. For the financial year 2010–11, £449 million were cut by funding bodies which was equivalent to 6% of the budget. Furthermore, in May 2010, the Government cut £200 million, reducing 10.000 additional places originally planned. Funding to cover budget settlement needs for teaching and research was reduced by a further £150 million for the financial year 2011–2012, equivalent to 2.4% of the total budget. Total regular funding for HEIs in England was reduced by around £250 million, 3.9% of the budget, compared to 2010-2011. The Funding Council in England reduction for the financial year 2011-2012 of £680 million, represents the highest budget reduction over the period studied. Instead of these critical restrictions, HEIs in the UK still showed significant income. Table below shows data released for the UK.

Table N° 4.4. - Sources of Income for HEIs in the UK, 2012-13 (£, thousands)

HEIs Income Source	Income	% of total income
Funding body grants	7.031.856	0.24
Recurrent (teaching)	4.154.120	0.14

Recurrent (research)	1.944.369	0.07
Recurrent - other (including special funding)	455.109	0.02
Release of deferred capital grants – buildings	289.249	0.01
Release of deferred capital grants - equipment	112.104	0.00
Grants for FE provision (not applicable to SFC)	76.905	0.00
Tuition fees and education contracts	11.655.756	0.40
Home and EU domicile students course fees	7.362.932	0.25
Non-EU domicile students course fees	3.532.514	0.12
Non-credit-bearing course fees	450.786	0.02
FE course fees	57.062	0.00
Research training support grants	252.462	0.01
Research grants and contracts	4.768.549	0.16
BIS Research Councils, The Royal Society, British Academy and The Royal Society	1.540.056	0.05
UK-based charities	976.017	0.03
UK central government bodies/local authorities, health and hospital authorities	846.295	0.03
UK industry, commerce and public corporations	292.244	0.01
EU Sources	690.285	0.02
Non-EU sources	377.315	0.01
Other sources	46.337	0.00
Other income	5.398.125	0.19
Other services rendered	1.700.694	0.06
Residences and catering operations (including conferences)	1.710.350	0.06
Grants from local authorities	11.418	0.00
Income from health and hospital authorities (excluding teaching contracts for student provision)	356.215	0.01
Release of deferred capital grants	114.901	0.00
Income from intellectual property rights	55.495	0.00
Other operating income	1.449.052	0.05
Endowment and investment income	289.583	0.01
Total income*	29.143.869	1.00

Source: HESA HE Finance Plus 2012/13. An equivalent table for 2011/12 can be found at www.hesa.ac.uk/pr188

* Includes income from joint ventures.

4.2. Analysis, Results, Findings and Outcomes of Data Collected for Case Study 1: The UK

The data collection for the UK case study was successfully completed after seven months of intensive follow up process. The data collection for the case study was initially planned to be achieved in three months. However, due to collaboration issues, and the time pressures on available human resources responsible for FOIA in HEIs in the UK, extra time was required to complete the collection of data.

4.2.1. Impact Assessment for the UK Case Study

Since the research was looking at examining what impacts may occur as a result of the implementation of the FOIA2000 in higher education institutions in England, Wales and Northern Ireland, to which this legislation applies, the rapid impact assessment matrix, – known as the RIAM method, and detailed in Chapter 2– was applied to measure impact.

A. - Informational Dimension of the Conceptual Model: a total of 23 independent variables were assessed for this dimension. As the procedure applied was the same for each variable, one example is presented as example. Details about how to read the table were

given in Chapter 2, pages 56-57. The comprehensive list of the assessed variables can be found in Appendix N°10.

Pastakia's Matrix:

$$aT * bT = ES$$

$$(A1) * (A2) = aT$$

$$(B1) + (B2) + (B3) \text{ Constant} = bT$$

INFO DIMENSION Indep.Var1= INFORMATION REQUEST MANAGING SYSTEM									
HEIs Code	ES	RB	A1 (IDQ1Var1)	A2 (IDQ2Var1)	aT	B1 (IDQ3Var1)	B2 (IDQ4Var1)	(B3) Constant	bT
2	30	C+	3	2	6	2	2	1	5
8	56	D+	4	2	8	3	3	1	7
16	0	N	3	0	0	2	2	1	5
17	0	N	2	0	0	1	1	1	3
24	0	N	0	1	0	2	1	1	4
27	0	N	0	3	0	2	2	1	5
30	0	N	3	0	0	2	2	1	5
33	60	D+	4	3	12	1	3	1	5
37	0	N	2	0	0	1	1	1	3
44	84	E+	4	3	12	3	3	1	7
54	0	N	0	0	0	1	1	1	3
60	0	N	2	0	0	3	2	1	6
82	24	C+	3	2	6	1	2	1	4
89	20	C+	4	1	4	3	1	1	5
90	12	B+	3	1	3	1	2	1	4
108	0	N	4	0	0	1	2	1	4
112	-9	A-	3	-1	-3	1	1	1	3
113	0	N	4	0	0	1	1	1	3
115	40	D+	4	2	8	2	2	1	5
138	84	E+	4	3	12	3	3	1	7
147	0	N	1	0	0	1	1	1	3
148	72	E+	4	3	12	3	2	1	6
150	30	C+	3	2	6	2	2	1	5
151	9	A+	3	1	3	1	1	1	3
IDVar1 IF=	0.54		0.92	0.39	0.35	0.59	0.59	0.33	1.51

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Results for the analysed informational dimension independent variables are shown in the following pivot table.

Pivot Table N° 4.5-: Informational Dimension Impact Factor for Independent Variables, UK

Independent Variable Name	N° Variable	Impact Factor (IF)	Ranking by Dimension
Access to public information	Info.Dim. Var2	1.05	1
Information disclosed	Info.Dim. Var3	0.94	2
Information availability	Info.Dim. Var12	0.92	3
Information released	Info.Dim. Var9	0.86	4
Requests response quality	Info.Dim. Var10	0.81	5
Requests replied	Info.Dim. Var19	0.74	6
Sensitive information	Info.Dim. Var20	0.70	7

Disclosure standards	Info.Dim. Var16	0.62	8
Exemptions use	Info.Dim. Var6	0.61	9
Requests processing time	Info.Dim. Var18	0.60	10
Access to digital information	Info.Dim. Var17	0.54	11
Requests response time	Info.Dim. Var4	0.54	12
Information request managing system	Info.Dim. Var1	0.54	13
Records management standards	Info.Dim. Var13	0.54	14
Requests analysis and processing	Info.Dim. Var15	0.53	15
Requests refused/denied	Info.Dim. Var8	0.34	16
Requests received	Info.Dim. Var11	0.32	17
Information transference mechanisms	Info.Dim. Var5	0.21	18
Categories of data and records	Info.Dim. Var7	0.20	19
Publication schemes use	Info.Dim. Var21	0.19	20
Classification schemes	Info.Dim. Var14	0.14	21
Requests categories	Info.Dim. Var23	0.08	22
Requesters/requestors categories	Info.Dim. Var22	0.01	23

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Findings for the Informational Dimension suggest that 15 out of 23 variables had a high incidence when examining impact factor outcomes. This result, equivalent to 65.21%, means a positive correlation between what was found in the literature, with what was validated through the expert panel and with what was the opinion of the respondents, the FOIA Officers, responsible for the legislation implementation.

At the top of the ranking 'access to public information' achieved 1.05; 'information disclosed' rated 0.94; 'information availability' scored 0.92; 'information released' scored 0.86, 'request response quality' obtained 0.81; 'request replied' achieved 0.74; and 'sensitive information' scored 0.70. Outcomes for 4 independent variables placed at the bottom of the ranking, coincidentally also included the latest numbers – Var14, Var21, Var22, and Var23 –of the variables ranked through the model validation process. These variables were publication schemes use (IF=0.19), classification schemes (IF=0.14), requests categories (IF=0.08), and requesters categories (IF=0.01).

B. - Organisational Dimension of the Conceptual Model: the assessment made for 27 independent variables had as its purpose to verify whether there was some kind of correlation between theory and practice. As the organisational dimension encompasses the highest number of evaluated variables, and taking into considerations the length of the analysis, only one example is presented to demonstrate how Pastakia's RIAM method was applied. Since for each case the same procedure was applied, the complete assessment process is included in Appendix N°10.

Pastakia's Matrix:

$$aT * bT = ES$$

$$(A1) * (A2) = aT$$

$$(B1) + (B2) + (B3) \text{ Constant} = bT$$

ORG.DIMENSION.Indep.Var2 = MECHANISMS FOR FOIA2000 PROMOTION AND PARTICIPATION									
HEIs Code	ES	RB	A1 (ODQ1Var2)	A2 (ODQ2Var2)	aT	B1 (ODQ3Var2)	B2 (ODQ4Var2)	(B3) Constant	bT
2	30	C+	3	2	6	2	2	1	5
8	42	D+	3	2	6	3	3	1	7
16	-10	B-	2	-1	-2	2	2	1	5
17	0	N	2	0	0	1	2	1	4
24	0	N	0	1	0	2	1	1	4
27	30	C+	3	2	6	2	2	1	5
30	10	B+	2	1	2	2	2	1	5
33	-54	D-	3	-3	-9	3	2	1	6
37	24	C+	3	2	6	2	1	1	4
44	56	D+	4	2	8	3	3	1	7
54	0	N	1	0	0	1	1	1	3
60	0	N	3	0	0	2	1	1	4
82	0	N	0	1	0	3	2	1	6
89	30	C+	3	2	6	3	1	1	5
90	56	D+	4	2	8	3	3	1	7
108	0	N	4	0	0	3	2	1	6
112	-12	B-	4	-1	-4	1	1	1	3
113	0	N	0	1	0	2	1	1	4
115	18	B+	3	2	6	1	1	1	3
138	84	E+	4	3	12	3	3	1	7
147	0	N	0	0	0	1	1	1	3
148	72	E+	4	3	12	3	2	1	6
150	0	N	3	0	0	1	1	1	3
151	0	N	1	0	0	1	1	1	3
ODVar2 IF=	0.37		0.81	0.29	0.23	0.69	0.56	0.33	1.58

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Results for the analysed organisational dimension variables are shown in the following pivot table.

Pivot Table N° 4.6.- Organisational Dimension Impact Factor for Independent Variables in the UK 2010-2012

Independent Variable Name	N° Variable	Impact Factor (IF)	Ranking by Dimension
Leadership commitment	Org.Dim. Var18	1.06	1
Exemptions guidelines	Org.Dim. Var19	0.92	2
FOIA code of best practices	Org.Dim. Var17	0.76	3
Assistance to requesters	Org.Dim. Var21	0.67	4
Records management standards	Org.Dim. Var20	0.64	5
Political support	Org.Dim. Var12	0.60	6
Organisational culture (secrecy)	Org.Dim. Var25	0.58	7
Information request managing system	Org.Dim. Var1	0.56	8

Transparency mechanisms	Org.Dim. Var13	0.55	9
Information request monitoring mechanisms	Org.Dim. Var7	0.55	10
FOIA communication strategy and mechanisms	Org.Dim. Var16	0.54	11
Accountability mechanisms	Org.Dim. Var15	0.53	12
FOIA compliance assessment mechanisms	Org.Dim. Var8	0.52	13
FOIA advisory mechanisms	Org.Dim. Var6	0.49	14
Organisational structure	Org.Dim. Var5	0.48	15
Response requests mechanisms	Org.Dim. Var24	0.48	16
FOIA training plan and programme	Org.Dim. Var26	0.46	17
FOIA implementation assessment mechanisms	Org.Dim. Var14	0.45	18
Access to public information policy	Org.Dim. Var4	0.40	19
Mechanisms for FOIA promotion and participation	Org.Dim. Var2	0.37	20
FOIA advocacy mechanisms and groups	Org.Dim. Var23	0.33	21
Disclosure Policy	Org.Dim. Var3	0.27	22
FOIA annual performance reports	Org.Dim. Var22	0.27	23
FOIA corporate and action plan	Org.Dim. Var11	0.20	24
FOIA requests processing cost	Org.Dim. Var27	0.17	25
FOIA fees regime and mechanisms	Org.Dim. Var9	0.15	26
Annual budget	Org.Dim. Var10	0.14	27

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Findings for the Organisational Dimension suggest that 13 out of 27 independent variables scored the highest incidence for the impact factor. This result, equal to 48.14%, indicate that there was some correspondence between what was found in the literature, what was validated with the panel of experts, and what was the judgment of the Freedom of Information Officers, working for higher education institutions in the UK.

There were two cases where the assessed independent variable –‘Information request managing system’, and ‘Information request monitoring mechanisms’–, labelled as top variables in the organisational dimension, –Var1, and Var7 –were placed within the range of the top ten impact factors of the ranking, once the impact assessment was completed. However, the pivot table showed that 11 independent variables located at the top of the ranking for their high impact factor scores, were originally placed within later positions. The cases were: Var18, Var19, Var17, Var21, Var20, Var12, Var25, Var13, Var16 and Var15.

The highest impact factor (IF) outcomes for organisational dimension independent variables were scored for Leadership commitment (IF=1.06), Exemptions guidelines (IF=0.92), FOIA code of best practices (IF=0.76), Assistance to requesters (IF=0.67), Records management standards (IF=0.64), Political support (IF=0.60), Organisational culture (secrecy) (IF=0.58), Information request managing system (IF=0.56), Transparency mechanisms (IF=0.55), Information request monitoring mechanisms (IF=0.55), FOIA communication strategy and mechanisms(IF=0.54), Accountability mechanisms (IF=0.53), and FOIA compliance

assessment mechanisms (IF=0.52). Outcomes for 4 independent variables which were now placed at the bottom of the pivot table, through the model validation process were located within the top ten of the ranking – Var3, Var11, Var9, and Var10 – were Disclosure Policy (IF=0.27), FOIA corporate and action plan (IF=0.20), FOIA fees regime and mechanisms (IF=0.15), and Annual budget (IF=0.14).

C. - Legal Dimension of the Conceptual Model: a total of 16 independent variables were assessed for this dimension, which has the lowest number of variables. The RIAM method was applied for each case: one example will be presented to demonstrate how the matrix was applied. Details of all the analysed independent variables of the legal dimension are included in Appendix N°10.

Pastakia's RIAM Method:

$$aT * bT = ES$$

$$(A1) * (A2) = aT$$

$$(B1) + (B2) + (B3) \text{ Constant} = bT$$

LEGAL DIMENSION. Indep.Var3 = APPEAL MECHANISMS AND PROCESS									
HEIs Code	ES	RB	A1 (LDQ1Var3)	A2 (LDQ2Var3)	aT	B1 (LDQ3Var3)	B2 (LDQ4Var3)	(B3) Constant	bT
2	30	C+	3	2	6	2	2	1	5
8	56	D+	4	2	8	3	3	1	7
16	0	N	2	0	0	2	2	1	5
17	0	N	3	0	0	3	1	1	5
24	0	N	2	0	0	3	3	1	7
27	15	B+	3	1	3	2	2	1	5
30	0	N	3	0	0	2	2	1	5
33	48	D+	4	2	8	3	2	1	6
37	36	D+	3	2	6	3	2	1	6
44	84	E+	4	3	12	3	3	1	7
54	7	A+	1	1	1	3	3	1	7
60	15	B+	3	1	3	2	2	1	5
82	0	N	4	0	0	3	1	1	5
89	30	C+	3	2	6	3	1	1	5
90	48	D+	4	2	8	3	2	1	6
108	40	D+	4	2	8	2	2	1	5
112	12	B+	3	1	3	2	1	1	4
113	0	N	3	0	0	1	1	1	3
115	27	C+	3	3	9	1	1	1	3
138	84	E+	4	3	12	3	3	1	7
147	9	A+	3	1	3	1	1	1	3
148	20	C+	4	1	4	2	2	1	5
150	40	D+	4	2	8	2	2	1	5
151	0	N	2	0	0	1	1	1	3
LDVar3 IF=	0.76		1.05	0.43	0.45	0.76	0.62	0.33	1.71

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Outcomes for the impact factor assessment for the legal dimension are included in the following pivot table.

Pivot Table N° 4.7. Legal Dimension Impact Factor for Independent Variables, UK

Independent Variable Name	N° Variable	Impact Factor (IF)	Ranking by Dimension
Public interest test	Legal Dim. Var5	1.03	1
Disclosure provisions	Legal Dim. Var2	0.86	2
Duty to publish	Legal Dim. Var6	0.86	3
Appeal mechanisms and process	Legal Dim. Var3	0.76	4
Exemptions –qualified and absolute–	Legal Dim. Var1	0.72	5
Timeframe regime	Legal Dim. Var8	0.68	6
Information request statutory requirement	Legal Dim. Var13	0.67	7
Complaint mechanisms provisions	Legal Dim. Var4	0.67	8
Internal review system provisions	Legal Dim. Var7	0.62	9
Decision notices	Legal Dim. Var12	0.61	10
Non-compliance provisions	Legal Dim. Var11	0.52	11
Publication scheme provisions	Legal Dim. Var16	0.39	12
Proactive disclosure provisions	Legal Dim. Var15	0.35	13
Legal assistance	Legal Dim. Var10	0.33	14
Transferring request provisions/referrals	Legal Dim. Var14	0.27	15
Information request fees regime	Legal Dim. Var9	0.14	16

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Results for the impact assessment for the Legal Dimension suggest that 11 out of 16 independent variables had high impact factor scores. This outcome, equivalent to 68.75%, is the highest when comparing scores between the three dimensions of the model. Looking at the pivot table, the findings suggest that there was a positive correlation between (a) the content analysis or literature review, (b) the validation through the panel of experts, and (c) the opinion of FOIA Officers, responsible for the FOIA2000 implement in HEIs.

The impact assessment process, also revealed that there were three cases where the assessed independent variables –‘Information request statutory requirement’, ‘Decision notices’ and ‘Non-compliance provisions’–, all of them initially labelled below of the top ten variables for the legal dimension, –Var13, Var12 and Var11– were placed within the range of the top impact factors of the ranking.

Furthermore, the impact factor scores revealed that 8 independent variables located initially at the top of the ranking were later also placed at the same position because of their high impact factor. The cases were for: Var5, Var2, Var6, Var3, Var1, Var8, Var4, and Var7. The highest impact factor was reached for the variables Public interest test (IF=1.03), Disclosure provisions (IF=0.86), Duty to publish (IF=0.86), Appeal mechanisms and process (IF=0.76), Exemptions –qualified and absolute– (IF=0.72), Timeframe regime (IF=0.68), Information

request statutory requirement (IF=0.67), Complaint mechanisms provisions (IF=0.67), Internal review system provisions (IF=0.62), Decision notices (IF=0.61), and Non-compliance provisions (IF=0.52). Only two independent variables were placed at the bottom of the ranking, –‘Transferring request provisions/referrals’ (IF=0.27), and ‘Information request fees regime’ (IF=0.14), –. One of them –Var14– coincidentally was ranked as next to last.

4.2.2. Assessment of Compliance with the Freedom of Information Act 2000 for the UK Case Study

The Freedom of Information Act, FOIA2000 ratified the right of public access to information held by public authorities; this right to access obliges higher education institutions and other public authorities to provide requested information, unless subject to an exemption. Compliance with the legal provisions of the Act is achieved by providing information through the publication scheme and responding to information requests made under the general right of access. Public HEIs in the UK are furthermore encouraged to follow a number of administrative procedures to comply with the duty to respond. Within this context, and as a result of the Act's implementation, higher education institutions are committed and should set workflow for administrative tasks and procedures, creating an efficient system with minimum standards regarding the management of information requests received under FOIA2000.

In this research, administrative compliance refers to procedures which include aspects of the right of access, the use of exemption, and of the appeal system. In particular, this construct is related to: (a) the time limit that public higher education institutions are allowed to respond to an information request, (b) the time that HEIs are committed to provide assistance to requesters, (c) the time and conditions to provide information about the right to appeal, (d) the fee estimation which allows to public universities to define whether fulfil information requests, and (e) the kind of absolute and qualified exemptions applied, which allows HEIs not to fulfil an information request.

Administrative compliance under FOIA2000 is then correlated to performance and when assessing the level of failure or achievement, numbers and standards are useful to define certain levels of strengths and weaknesses of the information request management system. Even though when applying this pragmatic, positivist or technocratic methodology it might be useful to compare outcomes by sectors of the economy or political regimes, when assessing compliance with FOIA2000, compliance level outcomes might be examined under the nature of the Act itself. The Act itself is ‘cause’ of possible outcomes, and some limitations when assessing their effectiveness might come from the same provisions studied to measure compliance.

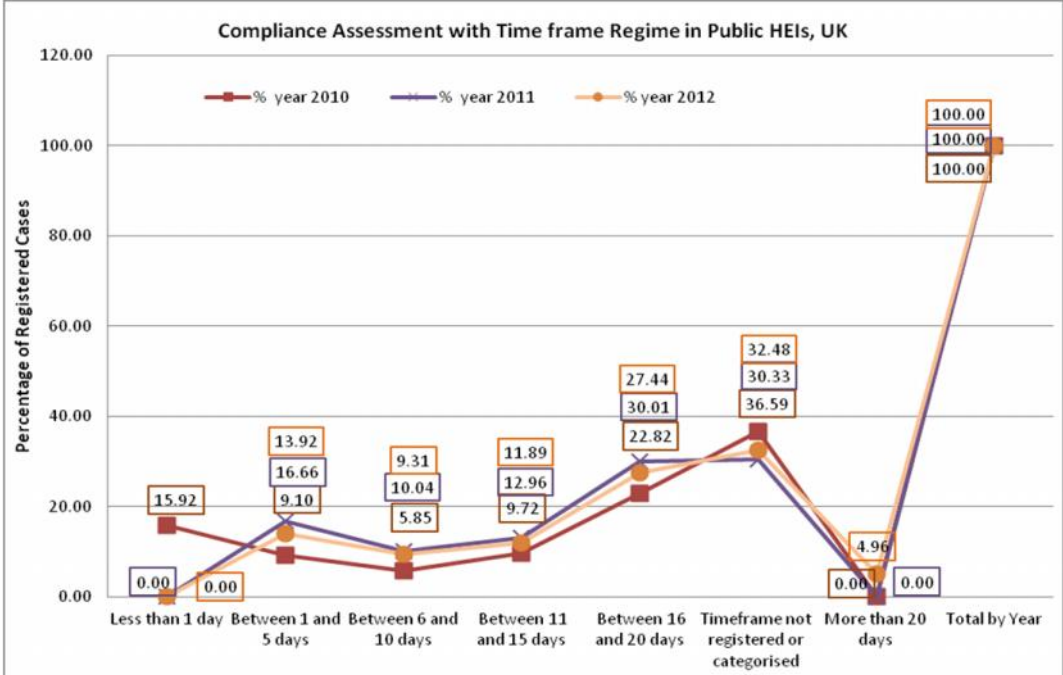
Critical issues might include legal provisions on: time frame regime, appeals system, variety of applicable exemptions, criteria to apply the public interest test, the fee regime, and possible protection from civil action taken by the public as a result of releasing information under the Act. Compliance assessment results, outcomes and finding for the UK case study are included in the following section.

A. Questionnaire N° 1: Informational Dimension of the Conceptual Model

(a) **Request Response Time and Information Requests Processing Time:** subject to qualified or absolute exemptions, and with a cost limit of compliance of £450.00 for HEIs, under Section 10, Subsections (1), (2), (3), the Freedom of Information Act 2000, defines 20 working days as the time for compliance with an information request.

For this independent variable of the conceptual model, figure below shows the level of compliance with time frame provisions in HEIs in the UK.

Fig. N° CS1 1. Compliance Assessment with FOIA2000 Time Frame Regime in HEIs, UK 2010-2012



Source: Author’s elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

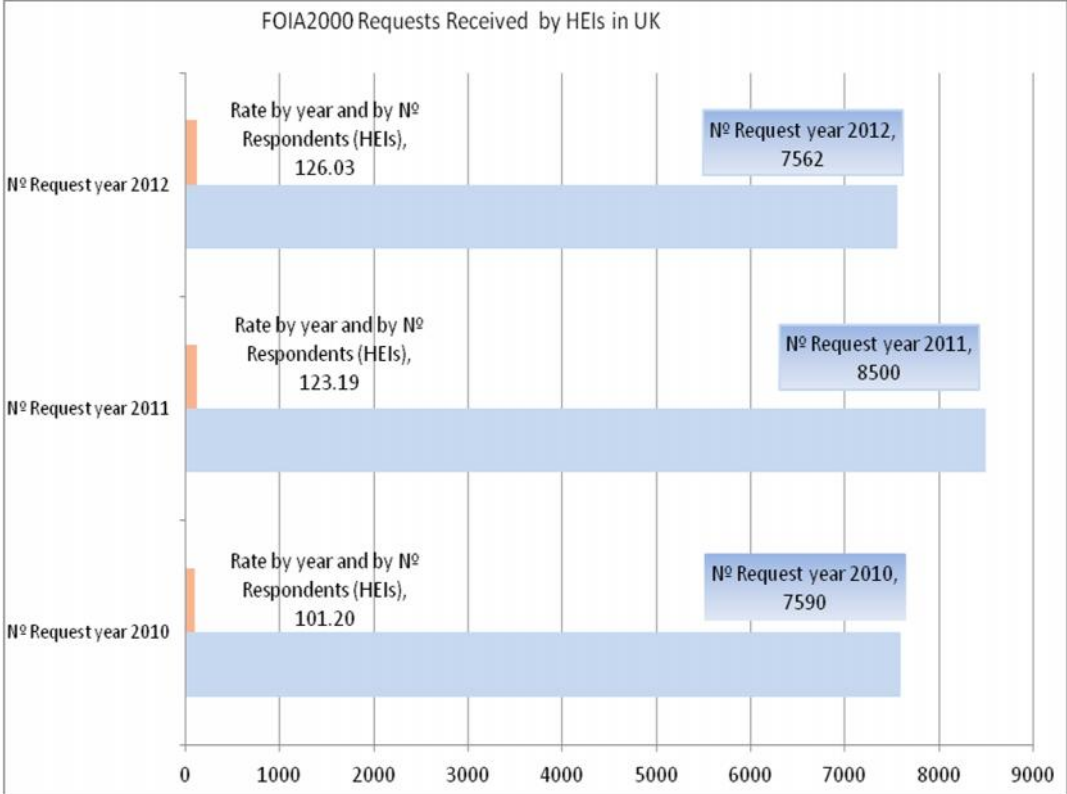
Examining the data collected, over a total of 23.652 information requests received in three years, public higher education institutions in the UK performed with positive outcomes. The response time frame showed that the compliance level from less than 1 day, to between 16 and 20 days was 63.41% in 2010, 69.67% in 2011, and 62.56% in 2012. However, the proportion of ‘time frame not registered’ over the period studied, was 36.59% in 2010, 30.33% in 2011, and 32.48% in 2012. This achievements on level of compliance should be cautiously considered because of the ‘not registered’ issue. Compliance level achievements

with FOIA2000 would be more accurate if HEIs adopted as best practice keeping a record of the request response time.

When asked to consider FOIA2000 provisions to ensure compliance with the timeframe of 20 days to reply to information requests, versus the requests analysis and processing mechanisms implemented in higher education institutions, the predominant satisfaction level of the FOI Officers surveyed was 'satisfied' 41.7%, 'moderately satisfied' 33.3%, and 'very satisfied' 20.8%.

(b) **Requests Received** is another independent variable of the model, measured to assess the level of compliance. The outcome was estimated over the number of information requests received by higher education institutions in the UK, excluding the number of information requests refused or denied for the same period. Analysing the data monthly available from the JISC surveys, figure CS1 2 below shows data on information requests received under the Act by HEIs in the UK.

Fig. N° CS1 2. - Demand for Information under FOIA2000 Regime in HEIs, UK 2010-2012



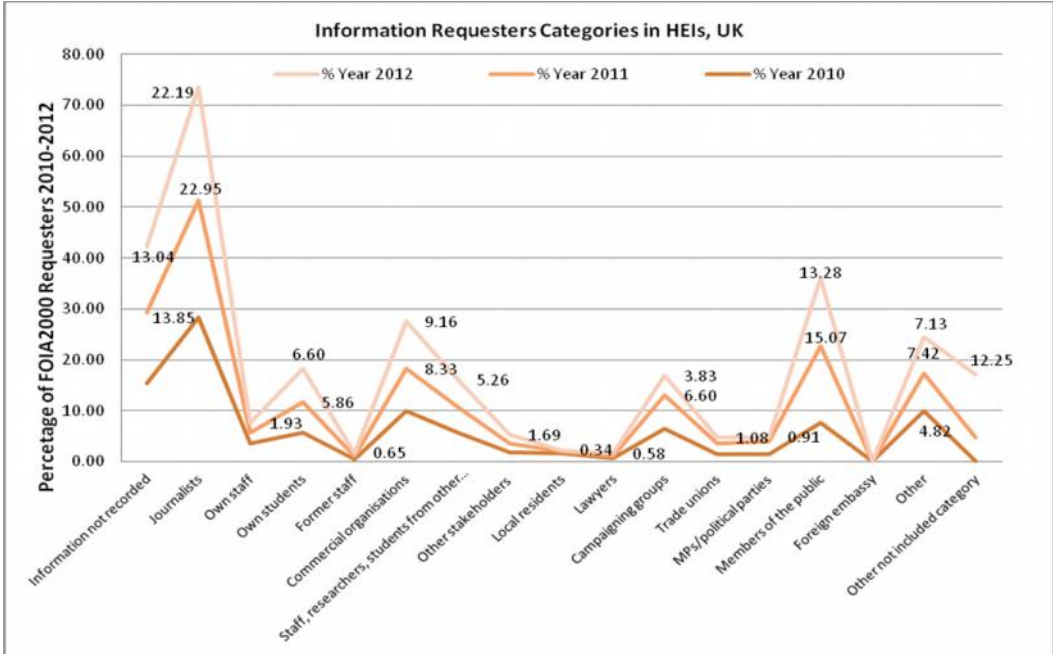
Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

For the UK case study, the number of information requests showed a tendency to increase over the three-year period. Over the population of respondents, considering the total of FOIA requests, there was an increasing demand rate of 101.20 for 2010, 123.19 for 2011, and 126.03 for 2012. However, the observed incremental level was not significant. Annual rate results were low when analysing information requests by a calendar year. Findings showed

that an average of 10 information requests was sent by the requesters to public HEIs each month.

(c) Requester’s Categories: JISC defined 14 requester’s categories: (1) Journalists, (2) Members of the public, (3) Commercial organisations, (4) Own students, (5) Campaigning groups, (6) Staff, researchers, students from other institutions, (7) Own staff, (8) Other stakeholders, (9) MPs, political parties, (10) Trade unions, (11) Local residents, (12) Former staff, (13) Lawyers, and (14) Foreign embassy. Three of these were more intensive users of Act than the rest. Of 23.652 information requests submitted to higher education institutions over the period studied, the demand was concentrated on journalists (24.45%), members of the public (12.11%) and commercial organisations (9.13%). Results of the assessment for this independent variable of the model are displayed in figure CS1 3 below.

Fig. N° CS1 3.- Demand for Information under FOIA2000 Regime in HEIs, UK by Requesters Categories



Source: Author’s elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

The highest outcome was for journalists with an average of 27.88% in 2010, 22.95% in 2011, and 22.19% in 2012. Members of the public, the second highest category of requesters, comprised 7.64% of the information requests in 2010, 15.07% in 2011, and 13.28% in 2012. This requester category showed the highest tendency to increase over the three year-study. Commercial organisations showed the third incidence with 9.99% of demand in 2010, 8.33% in 2011, and 9.16% in 2012. Outcomes also showed a tendency to remain constant in terms of demand over the period studied. A proportion of 27.88% corresponding to 6.595 information requests were submitted by requesters categorised under ‘information not recorded’, ‘other’, and ‘other not included category’.

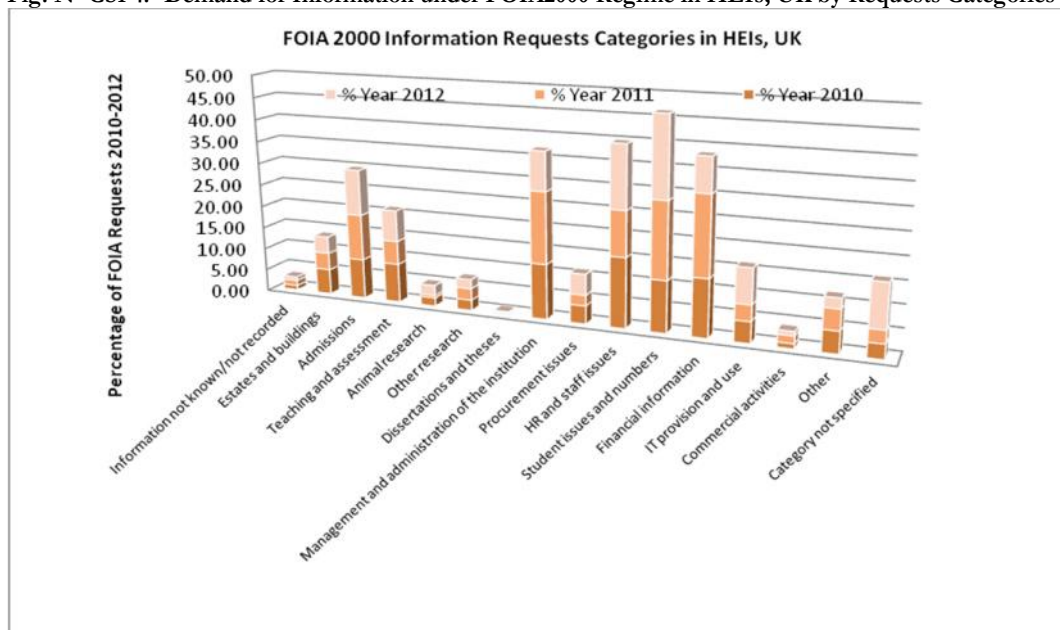
Comparing this finding to the outcome of 24.45% achieved by the journalists over the three-year period, there was an incremental of three points for information requests labelled as other or not recorded user. This category had the highest incidence over the demand for information in higher education institutions in the UK.

Data analysed on information requesters for FOIA2000, showed that outcome associated to (1) 'other', and (2) 'requesters no recorded', had the highest weight among them. This evidence suggests that findings which consider the journalists as leaders of the FOIA2000 users should be reconsidered. An average of 24.45% for Journalists against 27.88% for not identified or categorised requestors confirmed that journalists might probably be the 'second' leading groups of requestors in HEIs.

When asked to consider FOIA2000 provisions to ensure compliance with information disclosure and release, versus the effective information disclosed by categories of requesters, the satisfaction level by FOIA Officers surveyed was 'satisfied' (45.8%), 'moderately satisfied' (33.3%), and 'very satisfied' (12.5%). As best practice, identifying and keeping a record for FOIA requesters categories could help to public universities in the UK not only to improve or to have a more accurate definition of their requestors, but also to focus their activities when promoting or enhancing the right of public 'access to information' held by them.

(c) **Information Request Categories:** figure CS1 4 below shows data collected for this independent variable, over the period studied. Most of the information categories defined by JISC surveys are considered as part of the publication scheme created by the Information Commissioner to promote proactive information disclosure and release in higher education institutions.

Fig. N° CS1 4.- Demand for Information under FOIA2000 Regime in HEIs, UK by Requests Categories



Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

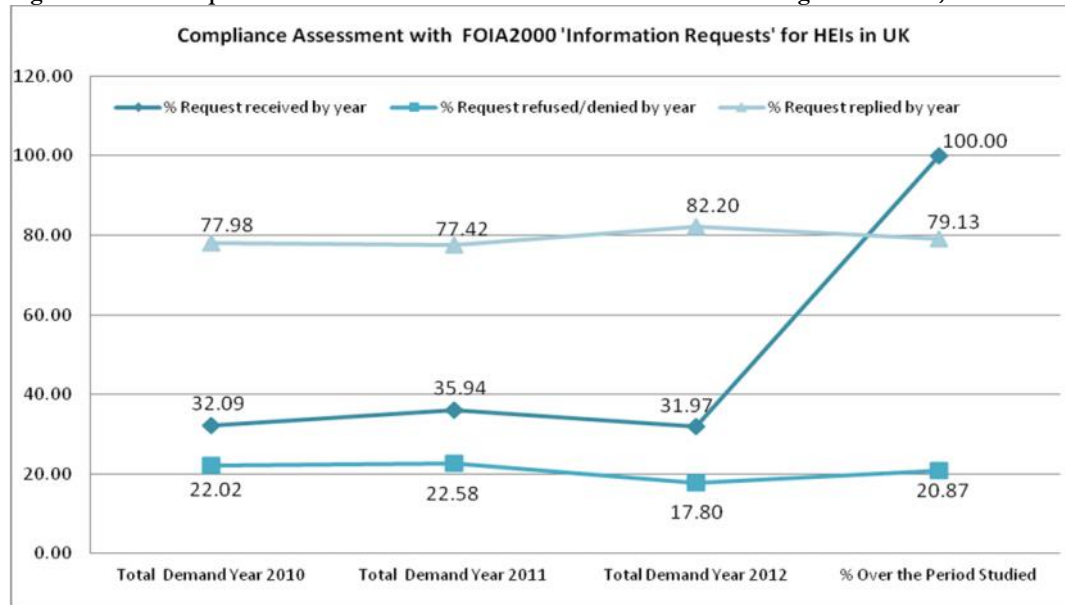
Over a total of 23.652 information requests received by HEIs in 2010, 2011, and 2012, the most requested topics were reported under (1) Student issues and numbers, equivalent to 15.52% on demand over the three year period. (2) Human Resources and staff issues, with 13.11% (3) Financial information, with 12.98%, (4) Management and administration of the institution, equal to 12.46% and (5) Admissions, equivalent to 9.89%. These requests categories were covered 15.127 or 63.96%.

Information requested under these five categories tended to remain constant over the period studied. A total of 2.977 information requests were labelled as 'Other', 'Category not specified', 'Other research', and 'Information not known, not recorded'. This proportion was equal to 12.59%, and represented the fourth place over the top outcomes. This proportion was significant when assessing the outcomes for the other request categories, but a correlation between them was not possible to define.

Satisfaction level findings comparing information requests received versus effective information release according to 'request categories' for HEIs in the UK were 'satisfied' (37.5%), 'moderately satisfied' (33.3%), 'very satisfied' (16.7%), and 'dissatisfied' (4.2%). Information categories with the lowest incidence in number of requests were (1) animal research, with 1.95% in 2010, 0.59% in 2011, and 2.29% in 2012; (2) commercial activities, with 1.13% in 2010, 1.66% in 2011, and 0.93% in 2012; and (3) dissertation and thesis with a rate of 0.34% in 2010, 0.19% in 2011, and 0.22% in 2012. Assessing these outcomes, the number of information request on 'animal research' showed a tendency to increase over the three-year period.

(d) **Access to public Information was measured considering the number of requests received, requests denied, requests replied.** These independent variables of the model were studied to assess the level of compliance with the legislation, regarding the capacity to give access to information. Outcomes over the three-year period are included in figure below.

Fig. N° CS1 5.-Compliance with Demand for Information under FOIA2000 Regime in HEIs, UK 2010-2012



Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

Compliance level outcome was estimated over the number of information requests received by higher education institutions in the UK, excluding the number of information requests refused or denied for the same period under study. Regarding the number of requests received and examining monthly available data monthly available from the JISC surveys, figure CS1 5 above shows the rate of information requests received under the Act by HEIs in the UK. Both requests received, requests denied, and requests replied, were compared to define certain levels of compliance with the Act.

Findings suggested that public higher education institutions in the UK performed significantly well when regarding to FOIA2000 responded request. There was an incremental rate of 5 points when examining the average of 77.42% compared to the average of 82.20% of requests responded for 2011 and 2012. A 79.13% of total requests were replied, and 20.87% of requests denied, reported an achievement for compliance by HEIs in the UK. The proportion of denied requests was 3.79 times less than the percentage of requests replied. These results, which mean a compliance level of 79.13% for the whole sample, were also consistent with those reported on 'proactive disclosure'.

Estimated over the three year period, as demand established for the entire target group, results indicated that an average of 20.87% was the performance or outcome for HEI in the

UK. Although reported cases on refusals associated with this restriction, tended to decline in five points from 2011 (22.58%) to 2012 (17.80%), the 4.936 requests denied was a large number for public universities, who are essentially information and knowledge producers.

(e) **Exemptions Use, Sensitive Information:** in higher education institutions, compliance assessment with these independent variables were examined taking into account data on (1) the number of FOIA2000 requests denied because of cost of compliance – Section 12 allows to public universities to refuse access when costs for finding information exceed the costs limit of £ 450.00–, and (2) data on information requests covered by absolute and qualified exemptions. The following tables and figure shows findings on exemptions applied by HEIs in the UK.

Table N° 4.8. Compliance Level with Absolute Exemptions Applied by HEIs, UK 2010-2012

FOIA2000 Absolute Exemptions Applied by HEIs in the UK	Total year 2010	% year 2010	Total year 2011	% year 2011	Total year 2012	% year 2012	Total Exemption	% over studied period
s21. Information reasonably accessible to the applicant by other means	375	43.10	259	13.50	213	15.82	847	36.06
s23. Information supplied by or relating to security bodies	38	4.37	73	3.80	3	0.22	114	4.85
s32. Information contained in court records	1	0.11	1	0.05	0	0.00	2	0.09
s34. Parliamentary privilege	0	0.00	0	0.00	0	0.00	0	0.00
s36. Effective conduct of public affairs	27	3.10	52	2.71	28	2.08	107	4.56
s40. Personal information	395	45.40	402	20.95	318	23.63	1115	47.47
s41. Information provided in confidence	32	3.68	58	3.02	59	4.38	149	6.34
s44. Prohibitions on disclosure	2	0.23	10	0.52	3	0.22	15	0.64
Total Applied Exemptions	870	100.00	855	100.00	624	100.00	2349	100.00

Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

A total of 4.936 exemptions were applied by HEIs in 2010, 2011, 2012; 2.349 were absolute and 2.587 were qualified. Over the three year period and for the total of 23.654 information requests received by higher education institutions, the outcome on refusals by exemption provisions was 20.85%.

Table N° 4.9. Compliance Level with Qualified Exemptions Applied by HEIs, UK 2010-2012

FOIA2000 Qualified Exemptions Applied by HEIs in the UK	Total year 2010	% year 2010	Total year 2011	% year 2011	Total year 2012	% year 2012	Total Exemption	% over the period studied
Qualified Exemptions: Class Exemptions (Subject to the Public Interest Test)								
s12. Excessive cost of compliance	353	44.07	542	28.24	385	28.60	1280	49.48
s22. Information intended for future publication	118	14.73	132	6.88	49	3.64	299	11.56
s24. The national security exemption	48	5.99	81	4.22	0	0.00	129	4.99
s25. Certificates under ss. 23 and 24: supplementary provisions	3	0.37	2	0.10	0	0.00	5	0.19
s30. Investigations	2	0.25	1	0.05	0	0.00	3	0.12

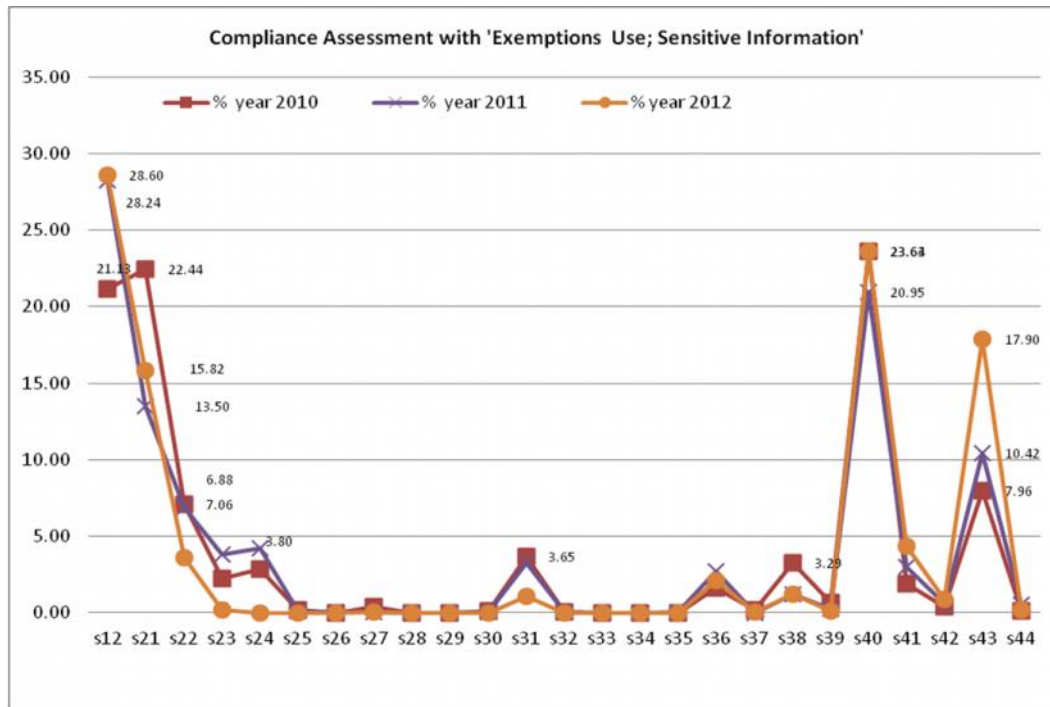
s35. Policy formulation	0	0.00	1	0.05	0	0.00	1	0.04
s37. Communications with Her Majesty and the awarding of honours	3	0.37	0	0.00	1	0.07	4	0.15
s39. Environmental information	11	1.36	5	0.26	2	0.15	18	0.69
s42. Legal professional privilege	7	0.86	11	0.57	12	0.89	30	1.15
Qualified Exemptions: Prejudice Exemptions (Subject to Prejudice Test)								
s26. Defence	0	0.00	1	0.05	0	0.00	1	0.04
s27. International relations	7	0.87	1	0.05	1	0.07	9	0.35
s28. Relations within the United Kingdom	0	0.00	0	0.00	0	0.00	0	0.00
s29. Economy	0	0.00	0	0.00	0	0.00	0	0.00
s31. Law enforcement	61	7.62	63	3.28	15	1.11	139	5.37
s33. Public audit	0	0.00	0	0.00	0	0.00	0	0.00
s38. Health and safety	55	6.87	24	1.25	16	1.19	95	3.67
s43. Commercial interests	133	16.60	200	10.42	241	17.90	574	22.19
Total Applied Exemptions	801	100.00	1064	100.00	722	100.00	2587	100.00

Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

Over the number of 4.936 exemptions applied, the outcome on absolute exemptions was 47.59%, five points less than 52.41% obtained by qualified exemptions. For 2010, 2011 and 2012 the highest proportion of refusals was in Section 12 on the excessive cost of compliance with 49.48%. Exemptions covered by Section 12 define –£450.00 –for public HEIs in the UK. Over the three-year period, outcomes for this exemption had the highest incidence when examining reasons for request refused in HEIs.

According to the Commonwealth Secretariat (2008, p327), charges for FOI requests is a regional problem which ‘undermines the purpose of the legislation’. The Secretariat considers that ‘applying fees to less well-off applicants can deter them from making requests and is, therefore, arguably discriminatory. Further, fees can also create unnecessary administrative barriers, which reduce requests rather than acting as a cost-recovery mechanism’. Compliance level with the use of exemptions under FOIA2000 is displayed in the following figure:

Fig. N° CS1 6.- Compliance with Exemptions Use, Applied to FOIA2000 Requests in HEIs, UK 2010-2012



Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

JISC surveys FOIA Exemption Categories Applied in HEIs, the UK: s12. Excessive cost of compliance, s21. Information reasonably accessible to the applicant by other means, s22. Information intended for future publication, s23. Information supplied by or relating to security bodies, s24. The national security, s25. Certificates under ss. 23 and 24: supplementary provisions, s26. Defence (the country defense), s27. International relations, s28. Relations within the United Kingdom, s29. Economy (the country's economic interest), s30. Investigations (and proceedings by public authorities), s31. Law enforcement, s32. Information contained in court records, s33. Public audit (audit functions), s34. Parliamentary privilege, s35. Policy formulation (the formulation of government policy), s36. Effective conduct of public affairs, s37. Communications with Her Majesty and the awarding of honours, s38. Health and safety, s39. Environmental information, s40. Personal information, s41. Information provided in confidence, s42. Legal professional privilege, s43. Commercial interests, s44. Prohibitions on disclosure.

Results for exemptions on 'personal information' under Section 40, had the second highest average with an average of 45.40%, 20.95%, and 23.63% for 2010, 2011, and 2012 correspondingly. Satisfaction level measurement obtained from questionnaire N°1 considering FOIA2000 provisions to ensure compliance with the right of public access to information, versus the criteria to define and uphold 'sensitive information' applied in HEIs was 45.8% 'satisfied', 25.0% 'very satisfied' and 'moderately satisfied'. Over the three year-period, outcomes for 'exemptions use' under Section 40 was 22.59% with 1.115 cases.

'Exemptions use' under Section 21 to covers provisions on information reasonably accesible by other means, was the third most frequent exemption applied, with 22.44% in 2010, 13.50% in 2011, and 15.82% in 2012. With a total of 847 cases, exemptions under Section 21 represented 17.17% of the reported cases. Exemptions applied by HEIs under Section 43 to cover 'commercial interests', had the fourth highest incidence when assessing their use, with 7.9% in 2010, 10.42% in 2011, and 17.90% in 2012. Over the three year period, exemptions applied under Section 43 reported 11.63%, with a total of 574 cases.

On the contrary, information requests under exemptions covered by Section 35 on policy formulations, dropped significantly to 0% in 2010, 0.05% in 2011, and 0% in 2012. Similarly, exemptions applied to cover Section 30 on investigations and proceedings made by public authorities, fell from 0.12% in 2010, 0.05% in 2011, to 0% in 2012. Details with the complete list of FOIA 200 exemptions used by HEIs in the UK is included in Appendix N°17.

(f) Appeal Process, Appeal Mechanisms, and Information Released: as FOIA2000 gives the right to appeal, Section 50 set up an internal review panel and the Information Commissioner, ICO, the Information Tribunal, and The Court are all part of the appeal system created as independent oversight bodies to ensure that refusal decisions are made in accordance with the Act's provisions.

When assessing compliance for this independent variable, outcomes for the most approximate time frame to complete an appeal process under the FOIA2000, in public HEIs in the UK were 4 months (50.0%), 20 working days or 1 month (25.0%), and 25.0% of cases with no appeal process. As the highest incidence when refusing information requests was for 'excessive cost of compliance', the gap between the number of 'requests received' and 'requests replied', would potentially be reduced through an appeal process. Nevertheless, percentage of appeals over refusals was low. Compliance results for information request under the FOIA2000 appeal system estimated for HEIs are included in the following table:

Table N° 4.10. FOIA2000 Information Request under Appeal Regime in HEIs, UK 2010-2012

Compliance Assessment with Appeal System	Total Year 2010	Total Year 2011	Total Year 2012	Total over the 3-year Period	% of Appeals over the Period studied	% of Appeals over Total Refusals
N° internal appeals	191	210	129	530	83.99	10.74
N° Internal appeals upheld	122	149	83	354	56.10	7.17
N° Internal overruled	45	30	34	109	17.27	2.21
N° Internal pending	7	9	3	19	3.01	0.38
<hr/>						
N° External appeals FOI	43	36	22	101	16.01	2.05
N° FOI external appeals upheld completely	21	13	13	47	7.45	0.95
N° FOI external appeals upheld in part	13	0	2	15	2.38	0.30
N° FOI external appeals overruled	3	6	1	10	1.58	0.20
<hr/>						
N° internal and External Appeals	234	246	151	631	100.00	12.78
N° Refusals/Request denied which might	1671	1919	1346	4936	100.00	100.00

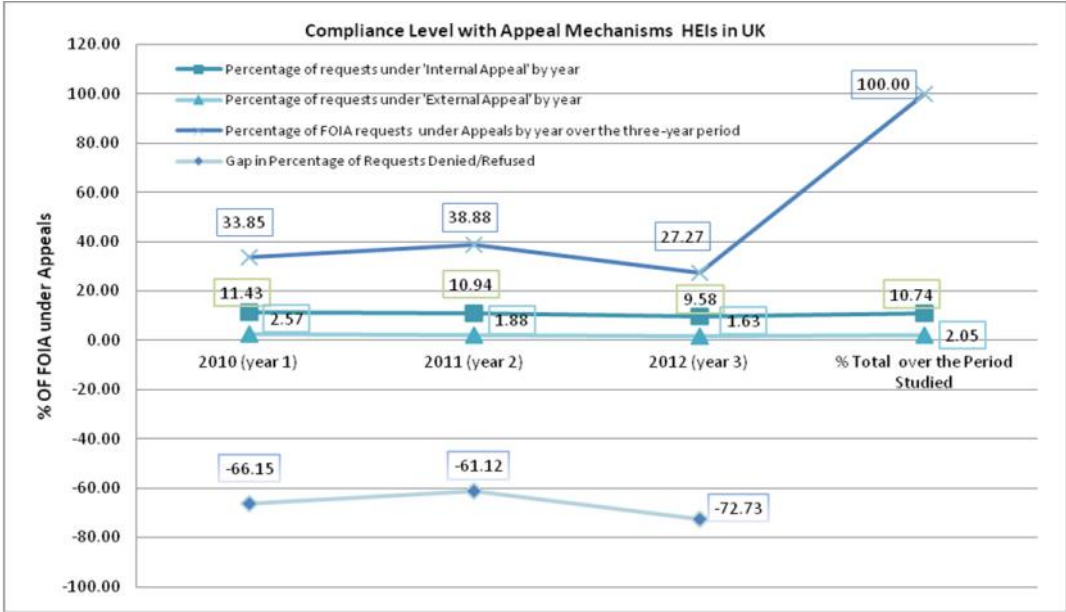
Source: Author's elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

Considering the three-year period, and over the 4.936 information requests refused, reported cases of internal and external appeal in HEIs were minimal. There were a total of 530 internal appeals, and 101 external appeals: 631 over the studied period. For this variable, and considering the potential right to appeal, the outcome achieved by public HEIs was very low. Estimated over the three-year period, and focusing on the number of refusals, outcomes

on information requests under internal appeal were 10.74%, and 2.05% of external appeals. Appeals applications figures remained constant and low for HEIs.

Depending on whether an information request is categorised as totally or partially refused, the requester has the possibility to request an internal review, HEIs showed a satisfactory achievement when encouraging applying for an appeal process. For the statement ‘To ensure ‘requests response quality’, in this higher education institution, we let the requester know about the right to complain for an internal review. We also let them know about the right to contact the Information Commissioner’s Office’, the option ‘always’ obtained 58.3%, ‘generally/frequently’ scored 20.8%, ‘hardly ever’ and ‘no reply’ reported 8.3%. In view of this outcome, and the potential right to appeal for the 20.87% of the 4.936 cases registered as refusals, the number of applications admitted by the appeal system was examined, so the higher or the closer to the refusals score, the higher or positive the standard of compliance is. Figure below shows the data for results on the appeal system.

Fig. N° CS1 7.- Compliance with Appeal System under FOIA2000 Regime in HEIs, UK 2010-2012



Source: Author’s elaboration with data collected from JISC Surveys 2010, 2011 and 2012.

Examining figure CS1 7, the number of information requests considered as not admissible by year, the outcome on refusals submitted for appeals in 2010 was 33.85%, with a negative gap of -66.15%. Similarly, results on appeals in 2011 were 38.88% with a gap of -61.12%. In 2012 the outcome rose 27.27% with a gap of -72.73%. These findings showed that the highest incidence of information disclosure were not entirely depend on the appeal system, but importantly (1) on the requesters and (2) on the authorised person responsible for the exemption use. Findings also suggest that the compliance level could be potentially increased as the highest proportion of requests denied were concentrated on exemptions under Section 12, which cover provisions on excessive cost of compliance.

(g) Disclosure standards, Publication Scheme Use, Information Disclosed, Categories of Data and Records, Classification Schemes, Access to Digital Information, Information Availability: these independent variables of the model describe the duty to make information available to the public. These variables are all issues associated with proactive disclosure. As a 'disclosure log' intends to avoid duplication by publishing information requests already responded to, a 'publication scheme', as another disclosure mechanism, should be a comprehensive source of data held by the public authority. The publication scheme as a model of the kind of information available by HEIs is promoted by the ICO as a measurement tool to reveal their commitment to proactive disclosure.

The publication scheme looks for HEIs to publish as much information possible on a regular basis. Model of publication scheme for public HEIs produced by the Information Commissioner, ICO, encompass seven categories of information which should be linked, and accessible to the public through their websites. Under the 7 information categories for public universities in the UK, the ICO has included 58 sub-categories of information held by the organisation. Compliance with FOIA2000 requires the HEIs not only to keep the publication scheme revised, approved, and up to date, but also a proactive disclosure of information under each category. Quantitative measurement of compliance assessment with proactive disclosure was examined comparing scores on measures of the central tendency as mean, and median. Results are displayed in table below.

Table N° 4.11. Level of Compliance with Proactive Disclosure in HEIs, UK 2010-2012

Compliance with Proactive Disclosure Provisions. FOIA2000 Publication Scheme for HEIs in the UK. Informational Dimension Independent Variables.	Valid Percent		
	Yes	No	Total
6.1.1. Who are we and what do we do?			
6.1.1.1. Legal framework	100.0	0.0	100.0
6.1.1.2. How the institution is organised	100.0	0.0	100.0
6.1.1.3. Location and contact details	100.0	0.0	100.0
6.1.1.4. List of and information relating to organisations which the University has the responsibility for, those it works in partnership with, those it sponsors and companies wholly owned by it	95.8	4.2	100.0
6.1.1.5. Students activities	95.8	4.2	100.0
6.1.2. What do we spend and how do we spend it?			
6.1.2.1. Funding/income	95.8	4.2	100.0
6.1.2.2. Budgetary and account information	91.7	8.3	100.0
6.1.2.3. Financial audits reports	87.5	12.5	100.0
6.1.2.4. Capital programme	79.2	20.8	100.0
6.1.2.5. Financial regulations and procedures	95.8	4.2	100.0
6.1.2.6. Staff pay and grading structures	87.5	12.5	100.0
6.1.2.7. Register of suppliers	54.2	45.8	100.0
6.1.2.8. Procurement and tender procedures and reports	75.0	25.0	100.0
6.1.2.9. Contracts	45.8	54.2	100.0
6.1.2.10. Research funding	79.2	20.8	100.0

6.1.3. What are our priorities and how are we doing?			
6.1.3.1. Annual report	95.8	4.2	100.0
6.1.3.2. Corporate and business plan	91.7	8.3	100.0
6.1.3.3. Teaching and Learning strategy	100.0	0.0	100.0
6.1.3.4. Academic quality and standards	87.5	12.5	100.0
6.1.3.5. External review information	75.0	25.0	100.0
6.1.3.6. Corporate relations	83.3	16.7	100.0
6.1.3.7. Government and regulatory reports	75.0	25.0	100.0
6.1.4. How do we make decisions?			
6.1.4.1. Minutes from governing body, Council/Senate, academic boards and steering groups	87.5	12.5	100.0
6.1.4.2. Teaching and learning committee minutes	66.7	33.3	100.0
6.1.4.3. Minutes of staff/student consultation meetings	37.5	62.5	100.0
6.1.4.4. Appointment committees and procedures	50.0	50.0	100.0
6.1.5. Our policies and procedures			
6.1.5.1. Policies and procedures for conducting university business	91.7	8.3	100.0
6.2.5.2. Procedures and policies relating to academic services	95.8	4.2	100.0
6.1.5.3. Procedures and policies relating to student services	95.8	4.2	100.0
6.1.5.4. Procedures and policies relating to human resources	95.8	4.2	100.0
6.1.5.5. Procedures and policies relating to recruitment	95.8	4.2	100.0
6.1.5.6. Code of conduct for members of governing bodies	87.5	12.5	100.0
6.1.5.7. Equality and diversity	95.8	4.2	100.0
6.1.5.8. Health and safety	83.3	16.7	100.0
6.1.5.8. State Management	62.5	37.5	100.0
6.1.5.9. Complaints policy	100.0	0.0	100.0
6.1.5.10. Records Managements and personal data policies	87.5	12.5	100.0
6.1.5.11. Research policy and strategy	95.8	4.2	100.0
6.1.5.12. Changing regimes and policies	66.7	33.3	100.0
6.1.6. Lists and Registers			
6.1.6.1. Any information we are currently legally required to hold in publicly available registers	79.2	20.8	100.0
6.1.6.2. Assets registers	41.7	58.3	100.0
6.1.6.3. Disclosure logs	37.5	62.5	100.0
6.1.6.4. Registers of gifts and hospitality provided to senior personnel	45.8	54.2	100.0
6.1.6.5. Any register of interests kept in the university	62.5	37.5	100.0
6.1.7. The service we offer			
6.1.7.1. Prospectus	95.8	4.2	100.0
6.1.7.2. Service for outside bodies	70.8	29.2	100.0
6.1.7.3. Course content	83.3	16.7	100.0
6.1.7.4. Welfare and counselling	91.7	8.3	100.0
6.1.7.5. Health including medical services	75.0	25.0	100.0
6.1.7.6. Careers	87.5	12.5	100.0
6.1.7.7. Chaplaincy services	79.2	20.8	100.0
6.1.7.8. Services for which the university is entitled to recover a fee together with those fees	62.5	37.5	100.0
6.1.7.9. Sport and recreational facilities	87.5	12.5	100.0
6.1.7.10. Museums, libraries, special collections and archives	79.2	20.8	100.0
6.1.7.11. Conference facilities	79.2	20.8	100.0

6.1.7.12. Advice guidance	79.2	20.8	100.0
6.1.7.13. Local campaigns	45.8	54.2	100.0
6.1.7.14. Media releases	75.0	25.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q.13

Statistical data collected in the case study showed that in the UK, HEIs achieved a very good level of compliance. Outcomes for the three-year period revealed that 5 out of 58 information categories scored 100%.

The optimal standard when performing compliance was for 6.1.1.1. Legal framework, 6.1.1.2. How the institution is organised, 6.1.1.3. Location and contact details, 6.1.3.3. Teaching and Learning strategy, and 6.1.5.9. Complaints policy, with 100% of compliance. 16 out of 58 information categories had most frequently scores between 95.83% and 91.67% of compliance. Findings showed that the data disclosed by HEIs in the UK was: 6.1.1.4. List of and information relating to organisations which the University has the responsibility for, those it works in partnership with, those it sponsors and companies wholly owned by it (95.83%), 6.1.1.5. Student activities (95.83%), 6.1.2.1. Funding/income (95.83%), 6.1.2.5. Financial regulations and procedures (95.83%), 6.1.3.1. Annual report (95.83%), 6.2.5.2. Procedures and policies relating to academic services (95.83%), 6.1.5.3. Procedures and policies relating to student services (95.83%), 6.1.5.4. Procedures and policies relating to human resources (95.83%), 6.1.5.5. Procedures and policies relating to recruitment (95.83%), 6.1.5.7. Equality and diversity (95.83%), 6.1.5.11. Research policy and strategy, (95.83%), 6.1.7.1. Prospectus (95.83%), 6.1.2.2. Budgetary and account information (91.67%), 6.1.3.2. Corporate and business plan (91.67%), 6.1.5.1. Policies and procedures for conducting university business (91.67%), 6.1.7.4. Welfare and counselling (91.67%). Similarly, there were 11 out of 58 information categories with results between 87.50% and 83.33% of compliance, and 13 out of 58 information categories with rates between 79.17% and 70.83%.

Good level of compliance was for the following 7 out 58 information categories: 6.1.4.2. Teaching and learning committee minutes recorded (66.67%), 6.1.5.12. Changing regimes and policies (66.67%), 6.1.5.8. State Management (62.50%), 6.1.6.5. Any register of interests kept in the university (62.50%), 6.1.7.8. Services for which the university is entitled to recover a fee together with those fees (62.50%), 6.1.2.7. Register of suppliers (54.17%) and 6.1.4.4. Appointment committees and procedures (50%).

Low levels of compliance were recorded for 6 out of 58 information categories, with outcomes under 50%. The kind of data with limited access to the public in higher education institutions in the UK was 6.1.2.9. Contracts (45.83%), 6.1.6.4. Registers of gifts and hospitality provided to senior personnel (45.83%), 6.1.7.13. Local campaigns (45.83%),

6.1.6.2. Assets register (41.67%), 6.1.4.3. Minutes of staff/student consultation meetings (37.50%), and 6.1.6.3. Disclosure logs (37.50%). A weak performance when not publishing the disclosure log or FOIA information requests already replied to, might have a negative effect on duplication. Proactive use of publication scheme might help to follow up data on 'information needs' satisfied by the Act. Nevertheless, when asked to consider the FOIA2000 provisions to ensure compliance with decisions and tasks related to the process of adoption, creation, revision, modification, and approval of a publication scheme, versus the effective 'publication scheme usability' in higher education institutions in the UK, the satisfaction level of Freedom of Information Officers was 'satisfied' (50.0%), 'moderately satisfied' (33.3%), 'dissatisfied' (8.3%), 'very satisfied' (4.2%), No reply (4.2%).

Publication schemes for higher education institutions were created as another way to promote openness. Underlying 'proactive disclosure principles' is the idea that the more information is proactively or actively published, the less information will be demanded by the public. Findings on publication scheme compliance showed that although proactive disclosure and openness was good in HEIs, the public actually did not use or even seek information from the available publication schemes, demanding access to data already made available to the public domain. The kind of information requests received by higher education institutions confirms this finding.

B. Questionnaire N° 2: Organisational Dimension of the Conceptual Model

When implementing a FOIA regime, the assessment of supportive mechanisms is critical to identify a more accurate ranking of problem areas. Organisational independent variables of the model were matrix of factors which help to define or determine whether the provisions and duties of the FOIA2000 are fulfilled.

An assessment of such organisational factors therefore, enabled better understanding of what and how these variables affect compliance with the legislation in the UK HEIs. As compliance is directly related to performance, aspects such as (a) level, (b) frequency and (c) kind of compliance, are useful to define how well or efficient a FOIA regime is. But, as Smith (2007, p.1623) has pointed out, 'for many governments, the focus has been on measuring and documenting outputs' such as numbers of FOIA requests served, or publication schemes produced, 'as opposed to outcomes, which effectively links mission and goals to operations and management'.

At the organisational level then, and when dealing with compliance issues, the focus should not only be based on examining outputs such as processing times of an information request, requester's orientation, kind of information requested, and so on. In this research,

compliance with the legislation is related to the search for an assessment approach focused on outcomes. The better inputs to support compliance levels from the 'information request managing systems', the better outcomes of FOIA regimes in HEIs will be.

The study of compliance with access to public sector information legislation, in this case, with the FOIA2000, considered the level, type and frequency of organisational parameters, also called administrative compliance issues by some authors. The data analysis therefore examined the research findings under the paradigmatic frameworks proposed by (a) Robert's administrative compliance and non-compliance model, (b) Darch and Underwood's compliance categories model and (c) Snell's compliance performance model. Underlying these models, the fundamental idea suggests that access to information regimes assume certain levels of success depending on the degree of 'adherence to the letter and spirit of the legislation', of certain administrative issues, which according to Snell (2001, p.26) should be non-contentious issues'.

Apart from the organisational commitment, these models have defined a combination of actions which in theory would not undermine or affect the purpose of access to information rights. In addition to the complex (1) political, (2) bureaucratic and (3) legal dimensions where the FOI legislation operates, Snell (2001, p.28) considers that what affects compliance and suggests that 'what gives FOI its problematic status in the eyes of its administrators' is the inherent capacity to operate in all three if these dimensions.

A central argument of this research is that given the diversity of such dimensions, compliance outcomes are not only explained by the natural differences in such dimensions but also by the degree of institutional commitment to key or specific administrative practices. When disclosing or making available to the public the information produced by HEIs, as when dealing with a high diversity of information request needs, autonomy and organisational capacity might be a critical issue to achieve compliance. Organisational factors, resources, practices, and procedures are therefore understood as enabling capabilities which may enhance access to public information rights.

Within this context, the independent variables of the model consider these actions as good practice which also enable the establishment of an efficient and effective 'information request managing system' to comply with the legislation. Levels of achievement in terms of implementation reported by HEIs in the UK, was a measure for examining compliance. Considering current practice, these 21 organisational factors were weighted by FOIA Officers according to four categories of implementation. Table 4.12 below shows data on level of implementation of FOIA.

Table N° 4.12. Compliance level assessment with FOIA2000 implementation by HEIs in UK 2010-2012

Compliance Assessment Independent Variables Organisational Dimension	Statistics/ N		Mean	Median	Mode	Sum
	Valid	Missing				
ODQ5Op1 Information request managing system	24	0	3.13	3.00	3	75
ODQ5Op16 FOIA exemptions guidelines	24	0	2.88	3.00	3	69
ODQ5Op3 Access to information policy	24	0	2.83	3.00	3	68
ODQ5Op7 Information request monitoring mechanisms	24	0	2.79	3.00	3	67
ODQ5Op6 FOIA advisory mechanisms	24	0	2.75	3.00	3	66
ODQ5Op4 FOIA disclosure policy	24	0	2.67	3.00	3	64
ODQ5Op13 FOIA accountability mechanisms	24	0	2.54	2.00	2	61
ODQ5Op5 FOIA organisational structure	24	0	2.38	2.00	2	57
ODQ5Op9 Fees regime and mechanisms for FOIA	24	0	2.25	2.00	3	54
ODQ5Op15 FOIA code of best practices	24	0	2.21	2.00	2	53
ODQ5Op17 Records management standards	24	0	2.17	2.00	2	52
ODQ5Op8 FOIA compliance assessment mechanisms	24	0	2.13	2.00	2	51
ODQ5Op18 FOIA mechanisms of assistance to requesters	24	0	2.13	2.00	3	51
ODQ5Op20 FOIA advocacy mechanisms and groups	24	0	2.13	2.00	2	51
ODQ5Op19 FOIA annual performance reports	24	0	2.04	2.00	2	49
ODQ5Op21 FOIA training plan and programme	24	0	2.00	2.00	2	48
ODQ5Op11 FOIA corporate and action plan	24	0	1.96	2.00	3	47
ODQ5Op2 Mechanisms for FOIA's promotion and participation	24	0	1.92	2.00	2	46
ODQ5Op14 FOIA communication strategy and mechanisms	24	0	1.88	2.00	2	45
ODQ5Op12 FOIA implementation assessment mechanisms	24	0	1.79	2.00	2	43
ODQ5Op10 FOIA annual budget	24	0	1.67	2.00	0	40

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q.5

Measures of central tendency as mean and median showed good outcomes to 6 out of 21 independent variables: (1) 'Information request managing system', which include resources, plans, and procedures, (2) 'FOIA exemptions guidelines', for example to apply the ICO guidance, (3) 'Access to information policy', which considers a institutional statement, (4) 'Information request monitoring mechanisms', for example to use a follow up schedule, (5) 'FOIA advisory mechanisms', which include legal assistance, and (6) 'FOIA disclosure policy', which could consider for example to public a formal statement on the website. Mean between 2.54 and 2.00 indicated that most of the independent variables, –understood as good practice–, performed a moderate level of achievement.

10 out of 21 organisational issues were predominantly 'partially implemented' by HEIs in the UK. Mean between 1.92 and 1.67 scored a low outcome for 4 out of 21 organisational factors such as (1) Mechanisms for FOIA's promotion and participation, for example to work with an advocacy group, (2) FOIA communication strategy and mechanisms, which includes for example promotional activities, (3) FOIA implementation assessment mechanisms, for

example research activities, studies or surveys, and (4) FOIA annual budget, which could include a financial plan, funds, or available economic resources.

Among the 6 organisational factors which achieved good results, findings showed that the highest percentage of full implementation was for 4 independent variables: (1) Access to information policy, (2) FOIA disclosure policy, (3) FOIA exemptions guidelines, and (4) Information request monitoring mechanisms. All of them scored 58.3% of full implementation. Table below shows disaggregated results obtained by HEIs in the UK, and levels of disparities showed by each one of the defined compliance categories.

Table N° 4.13. Level of Implementations of FOIA2000 by HEIs in UK, 2010-2012

Independent Variables Description	Implementation Level	Percent	Frequency
Access to information policy	Fully Implemented	58.3%	14
	No reply	8.3%	2
	Not Implemented	8.3%	2
	Partially Implemented	25.0%	6
Fees regime and mechanisms for FOIA	Fully Implemented	41.7%	10
	No reply	4.2%	1
	Not Applicable	8.3%	2
	Not Implemented	16.7%	4
FOIA accountability mechanisms	Partially Implemented	29.2%	7
	Fully Implemented	41.7%	10
	No reply	4.2%	1
	Not Implemented	4.2%	1
FOIA advisory mechanisms	Partially Implemented	50.0%	12
	Fully Implemented	45.8%	11
	No reply	8.3%	2
	Not Implemented	4.2%	1
FOIA advocacy mechanisms and groups	Partially Implemented	41.7%	10
	Fully Implemented	25.0%	6
	No reply	8.3%	2
	Not Implemented	4.2%	1
FOIA annual budget	Not Applicable	8.3%	2
	Not Implemented	12.5%	3
	Partially Implemented	50.0%	12
	Fully Implemented	25.0%	6
FOIA annual performance reports	No reply	4.2%	1
	Not Applicable	29.2%	7
	Not Implemented	16.7%	4
	Partially Implemented	25.0%	6
FOIA code of best practices	Fully Implemented	29.2%	7
	No reply	4.2%	1
	Not Applicable	12.5%	3
	Not Implemented	16.7%	4
FOIA code of best practices	Partially Implemented	37.5%	9
	Fully Implemented	33.3%	8
	No reply	4.2%	1
FOIA code of best practices	Not Applicable	8.3%	2

	Not Implemented	12.5%	3
	Partially Implemented	41.7%	10
FOIA communication strategy and mechanisms	Fully Implemented	12.5%	3
	No reply	4.2%	1
	Not Applicable	4.2%	1
	Not Implemented	33.3%	8
	Partially Implemented	45.8%	11
FOIA compliance assessment mechanisms	Fully Implemented	29.2%	7
	No reply	4.2%	1
	Not Applicable	4.2%	1
	Not Implemented	25.0%	6
	Partially Implemented	37.5%	9
FOIA corporate and action plan	Fully Implemented	33.3%	8
	No reply	4.2%	1
	Not Applicable	12.5%	3
	Not Implemented	29.2%	7
	Partially Implemented	20.8%	5
FOIA disclosure policy	Fully Implemented	58.3%	14
	No reply	8.3%	2
	Not Applicable	8.3%	2
	Not Implemented	8.3%	2
	Partially Implemented	16.7%	4
FOIA exemptions guidelines	Fully Implemented	58.3%	14
	No reply	8.3%	2
	Not Implemented	4.2%	1
	Partially Implemented	29.2%	7
FOIA implementation assessment mechanisms	Fully Implemented	12.5%	3
	No reply	4.2%	1
	Not Applicable	8.3%	2
	Not Implemented	33.3%	8
	Partially Implemented	41.7%	10
FOIA mechanisms of assistance to requesters	Fully Implemented	37.5%	9
	No reply	4.2%	1
	Not Applicable	12.5%	3
	Not Implemented	16.7%	4
	Partially Implemented	29.2%	7
FOIA organisational structure	Fully Implemented	37.5%	9
	No reply	4.2%	1
	Not Applicable	4.2%	1
	Not Implemented	8.3%	2
	Partially Implemented	45.8%	11
FOIA training plan and programme	Fully Implemented	20.8%	5
	No reply	4.2%	1
	Not Applicable	8.3%	2
	Not Implemented	20.8%	5
	Partially Implemented	45.8%	11
Information request managing system	Fully Implemented	45.8%	11
	No reply	16.7%	4
	Partially Implemented	37.5%	9
Information request monitoring mechanisms	Fully Implemented	58.3%	14

	No reply	8.3%	2
	Not Applicable	4.2%	1
	Not Implemented	4.2%	1
	Partially Implemented	25.0%	6
Mechanisms for FOIA's promotion and participation	Fully Implemented	20.8%	5
	No reply	4.2%	1
	Not Applicable	8.3%	2
	Not Implemented	29.2%	7
	Partially Implemented	37.5%	9
Records management standards	Fully Implemented	29.2%	7
	No reply	4.2%	1
	Not Applicable	8.3%	2
	Not Implemented	12.5%	3
	Partially Implemented	45.8%	11
Grand Total			

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q.5

(1) Access to Information Policy: according to Snell (2001, p.29) this factor is 'the second key step when assist compliance'. Every access to information policy 'is a careful consideration of the level and type and power of the position to which FOI decision making is assigned to within the agency'. This independent variable scored 58.3% of full implementation. A cumulative 87.5% was scored when asked whether the defined FOI policy and strategy on access to information held by the HEI were published in accordance with the ICO guidance. A 37.5% of the respondents selected 'always', and 50% 'generally/frequently'. When assessing the outcomes of the effective disclosure and release of information, versus the usability of the 'publication schemes' currently available in the organisation, the FOI Officers satisfaction level was 12.5% 'very satisfied', 37.5% 'satisfied', 41.7% 'moderately satisfied' and 8.4% 'dissatisfied' and 'very dissatisfied'.

(2) FOIA Disclosure Policy: according to Snell (2001, p.29), this organisational factor is the third step when assisting compliance. To him, 'the exercise of decisions on release or non-release as the position of an FOI officer should be gazetted or have explicit statutory delegation of authority. This independent variable achieved 58.3% of full implementation. As the publication scheme is a mechanism to promote compliance with the FOIA disclosure policy, a proactive commitment to update the model was examined asking whether in the higher education institution decisions on the adoption, creation, revision, modification, and diffusion of the publication scheme were made every year, only 20.8% selected 'always', while 33.3% chose 'generally/frequently'. 'Hardly ever' and 'never' scored 33.4%. Furthermore, when examining whether the publication scheme of the higher education institution considers the information categories and guidelines for information disclosure recommended by the ICO, 62.5% selected 'always', and 29.2% 'generally/frequently'. The commitment with the ICO guidelines on this issue scored a very positive 91.7% of the

respondents. When considering the outcomes of the total FOIA requests received and replied within the last three years, and the information disclosure policy applied in the organisation, the cumulative satisfaction level was 66.7% 'very satisfied' and 'satisfied' respectively. 'Moderately satisfied' scored 29.2% and 'dissatisfied' 4.2%.

(3) FOIA Exemptions Guidelines: according to Snell (2001, p.28), specific attributes of FOI have the 'capacity to provoke low capacity of compliance'. The use of exemptions struggle to produce a legally enforceable right, because they 'diminish and control access to power'. To him, grants and rights should be in theory 'limited by a narrow range of exemptions'. Since for case study 1, exemptions are 25, guidelines and criteria to apply them are critical. An average of 58.3% of full implementation was scored for this independent variable.

When assessing for example, whether decisions on information requests which have previously been refused or denied were irreversible in the higher education institution, a cumulative 33.3% chose 'always' and 'generally/frequently'. 'Hardly ever' obtained 20.8% and 'never' 37.5%. This score was a positive finding in favour of the appeal process system. In practice, there was a good level of compliance with decisions and criteria to apply the 'exemptions provisions' on a daily basis.

As a critical issue is the legal provision on 'cost for compliance', when examining if a the request was refused when the cost for finding such information costs more than £450 –the limit set by the provisions of the Act for HEIs–, the cumulative percentage for 'always' and 'generally/frequently' was 66.7%, and 'hardly ever' obtained 20.8%. This finding meets the outcomes found when assessing the number of FOIA refusals. The highest proportion of refusals was by applying the compliance cost limit exemption.

In addition, as the FOIA 2000 considers a total of 25 exemptions –8 are qualified exemptions and 17 are absolute exemptions–, when assessing whether the exemptions guidelines created by the Information Commissioner, ICO were useful to HEIs to achieve administrative compliance requirements, there was a cumulative 83.3% 'always' and 'generally/frequently'. 'Hardly ever', and 'not applicable' reported 16.7%. This finding is more or less similar to results achieved when examining satisfaction level. When considering level of compliance and non-compliance outcomes with the FOIA2000, and the exemptions guidelines 'interpretation', applied in the organisation, there was a cumulative percent of 70.9% corresponding to 'satisfied' and 'very satisfied'. 25% of the respondents were 'moderately satisfied'.

(4) Information Request Monitoring Mechanisms: this independent variable also achieved one of the highest outcomes with 58.3% of full implementation by HEIs. As public

universities should be committed to the duty to comply, mechanisms to follow up information requests are an enabling tool to improve compliance. When asked whether the organisation fulfilled an information request within the 20 days regime to comply with the statutory requirement 'always' scored 50% and 'generally' 50%. This finding was connected to the issue on the proportion of 'time frame not registered' over the period studied. From the requester point of view, monitoring mechanism are useful to encourage and to promote the right of access to information.

When examining whether in the organisation the time frame regime to comply with the request statutory requirement was publicly available to the requesters, a cumulative 87.5% was achieved by 'always' and 'generally/frequently'. The respondents who chose 'hardly ever' and 'not applicable' were 12.5%. Another information request monitoring mechanism is the time frame to comply with an appeal process.

Under the FOIA2000, the time frame to comply with an appeal is four months, and when examining whether the higher education institution complied with this provision, 54.2% of the respondents chose 'always', 8.3% 'generally/frequently'. 'Hardly ever', and 'not applicable' scored 37.5%. On this issue, when considering the outcomes of the rights of 'appeal' conferred by the FOIA2000, versus the information request monitoring mechanisms currently available in the organisation, the satisfaction level was 29.2% for 'very satisfied', 37.5% for 'satisfied', and 29.2% for 'moderately satisfied'.

(5) Information Request Managing System: according to the Commonwealth Secretariat (2008, p. pp.322), 'there are common regional problems that potentially impede successful FOI implementation, the most significant being a lack of good information management at all levels'. Similarly, to Worthy (2008, p.103), 'one of the biggest problems FOI faces stems from delayed responses and inconsistencies in responding to requests'. As for a system, we understand individuals, resources, interactions, and aims, in theory, an 'information request managing system' might overcome such problems. In the examined HEIs, this independent variable achieved 45.8% of full implementation, 37.5% of partial implementation, and 16.7% of blank responses.

Although for Shepherd, Stevenson, and Flinn (2010, p.343) 'successful compliance more often depended not upon systems, but upon knowledge of where information can be found', when asked to the FOIA Officers whether the 'request managing system' allowed them to establish whether information requested is held, 29.2% responded 'always' and 41.7% chose 'generally/frequently'. 'Hardly ever', and 'not applicable' scored a cumulative 29.2%. To the authors, 'delays in responding to requests arose not from an inability to find a record in a

system, but from individuals failing to respond to a request'. Outcomes for this organisational factor showed that although human abilities are critical, in HEIs the available system to manage FOIA information requests reported a low assessment in their performance.

When considering the outcomes of information disclosure and release provisions promoted by the FOIA, versus the effective implementation of the request managing system, in the organisation, the satisfaction level was 16.7% for 'very satisfied', 41.7% for 'satisfied', and 41.7% for 'moderately satisfied'.

(6) FOIA Advisory Mechanisms: the outcome for this independent variable was 45.8% of full implementation and 41.7% of partial implementation. When examining whether in the higher education institution, the advisory mechanism to support FOIA2000 included a legal adviser, members or representatives of the academic community, 25% of the respondents chose 'always', and 37.5% 'generally/frequently'. Cumulative 37.4% was 'hardly ever', 'never', and 'not applicable'. When examining the satisfaction level with the 'advisory mechanism' during an appeal process, cumulative 70.9% was 'very satisfied' and 'satisfied'. 'Moderately satisfied' scored 25%.

(7) FOIA Accountability Mechanisms: according to Snell (2001, p.29), this organisational factor –which is the output of information request monitoring mechanisms, and FOIA compliance assessment mechanisms–, is the sixth step to assist with compliance, but 'the adoption of an auditing or monitoring role would to be undertaken by an independent body to the agency'. The author also suggests that 'this monitoring role would include audits of the handling of previous FOI requests'. For this independent variable, 'fully implemented' reported 41.7% and 50.0% were 'partially implemented'. When examining whether accountability mechanisms and standards were useful to achieve compliance, a cumulative 66.7% was achieved for 'totally agree', and 'agree'. 'Neither agree nor disagree' scored 29.2%, and 'totally disagree' reported 4.2%. When assessing whether the FOIA2000 accountability mechanisms, as for example 'FOIA corporate and action plan', 'annual report', and 'training plan' should be annually updated and publicly available to the community, there was a 16.7% for 'totally agree', and 41.7% for 'agree'. 'Neither agree nor disagree' scored 33.3%; 'disagree' and 'totally disagree' reported a cumulative 8.4%.

(8) FOIA Organisational Structure: according to Snell (2001, p.29), if administrative processes are created as a 'sum of atomised actions by unconnected individuals yet in a playing field which delivers a number of significant institutional advantages' to the public, organisational capacity creates then a space 'to engage passive or even active resistance'. For this independent variable, outcomes showed that in HEIs this critical input for information

access regimes was 'fully implemented' by 37.5% of the respondents. Partial implementation scored 45.8%, and 'not implemented' reported 8.3%.

When assessing whether in the higher education institution, the organisational structure responsible for FOIA helps to ensure compliance with the legislation, 'always' achieved 29.2%, and 'generally/frequently' scored 70.8%. Examining the opinion of the respondents on whether at organisational level, leadership and commitment are both a necessary condition to improve compliance with requests for information under FOIA, 'totally agree' achieved 58.3%; 'agree' scored 29.2%; and 'neither agree nor disagree' achieved 12.5%. When exploring the opinion of FOIA Officers on how relevant the organisational structure is to achieve compliance, to the statement if the organisational commitment to implement good practice is less significant than exemptions provisions when accomplish with information release in HEIs, 8.3% was 'totally agree' and 'agree' respectively. Interestingly 50% scored 'neither agree nor disagree'. 'Disagree' was selected by 33.3% of the respondents.

When asked to weight the examined constructs to get a detailed insight on this issue, for the defined question 'an organisational culture of secrecy or the reluctance to disclose information is less significant than the exemptions provisions when assessing compliance with information disclosure in higher education institutions', opinions were basically divided. A cumulative 50% was 'totally agree' and 'agree'. The same cumulative percentage was for 'neither agree nor disagree', and 'disagree'. Additionally, when considering the level of implementation of the Freedom of Information Act 2000 in the organisation, and the organisational structure currently available for FOIA purposes, the satisfaction level was 'very satisfied' 25%, 'satisfied' 33.3%, and 'moderately satisfied' 41.7%.

(9) Fees Regime and Mechanisms for FOIA: to Darch and Underwood (2005, pp.312), this organisational factor negatively affects compliance achievements. To them, 'compliance may be further undermined when new agencies are expected to operate on a business-like basis by charging fees for services and competing against private suppliers for the right to provide services'. This independent variable was 'fully implemented' by an average of 41.7% of the respondents, 'partially implemented' by 29.2%, and 'not implemented' by 16.7% of them. Nevertheless, when examining findings from question 7, 'Does your organisation have a fees regime as the Freedom of Information Act 2000, suggest under Part I, Section 9(1), (2), (3)?' results appeared contradictory. In this question, 25% of the respondents selected 'yes' and 75% replied 'no'. Even though the natural differences between 'level of implementation of a fee regime' and the 'adoption of a fee regime', recommended by the Act, there was a conflict between results of 16.7% for 'not implemented', and 75% for not having a fee regime. The gap between these results for 'no implementation' was 58.3%.

Furthermore, according to the Act, fees for disclosure decisions must be taken according to provisions and regulations made by the Secretary of State. When asked whether in the higher education institution, decisions on the cost for disclosure of information held by the organisation are made in accordance with the Secretary of State's Office guidelines, 20.8% selected 'always', 16.7% 'generally/frequently', and a cumulative 16.7% selected 'hardly ever' and 'never'. When comparing the finding with the control question, the HEIs achieved a very good outcome.

They were asked to assess whether decisions on cost for information disclosure were determined by a qualified person authorised by the 'Minister of State for Universities and Science' a cumulative 20.8% of FOIA officers selected 'always' and 'generally/frequently' which was a wrong answer. 'Hardly ever', 'never' and 'not applicable' –the correct answer– was chosen by 79.1% of the respondents which was a very good achievement.

For those higher education institutions who have adopted a 'fees regime', and as in some cases, the requester has to pay for the disclosure of information held by the public authority, the duty to update the fees regime was tested to know whether it was fulfilled. A 12.5% chose 'always', and 20.8% 'generally/frequently'. For 'hardly ever' and 'never' the cumulative percentage was 33.3%.

As Section 9(2) defines, there is another duty for HEIs who have adopted a fee regime. The correspondence between the number of 'fees notices' sent by the HEIs to the requesters, and the number of 'fees notices' affectively paid by the requesters within the period of three months was assessed, beginning with the day when the fees notice has been sent to the requester. Over the three-year period and as table below shows, there were no cases registered by the studied HEIs.

Table N° 4.14. Compliance with Provision on Fees regime in HEI, UK 2010-2012

Compliance Assessment	Organisational Dimension	Frequency	Percent	Valid %	Cumulative %
ODQ8 V1 N° Fees Notice sent to the Requesters, year 3 (2012)					
	The HEI does not have a 'fees regime'	18	75.0	75.0	75.0
Valid	0	6	25.0	25.0	100.0
	Total	24	100.0	100.0	
ODQ8V2 N° Fees Notice paid by the Requesters within a 3 month period, year 3 (2012)					
	The HEI does not have a 'fees regime'	18	75.0	75.0	75.0
Valid	No reply	1	4.2	4.2	79.2
	0	5	20.8	20.8	100.0
	Total	24	100.0	100.0	
ODQ8V3 N° Fees Notice sent to the Requesters, year 2 (2011)					
	The HEI does not have a 'fees regime'	18	75.0	75.0	75.0
Valid	0	6	25.0	25.0	100.0
	Total	24	100.0	100.0	
ODQ8V4 N° Fees Notice paid by the Requesters within a 3 month period, year 2 (2011)					
	The HEI does not have a 'fees regime'	18	75.0	75.0	75.0
Valid	No reply	1	4.2	4.2	79.2
	0	5	20.8	20.8	100.0

	Total	24	100.0	100.0	
ODQ8V5 N° Fees Notice sent to the Requesters, year 1 (2010)					
	The HEI does not have a 'fees regime'	18	75.0	75.0	75.0
Valid	0	6	25.0	25.0	100.0
	Total	24	100.0	100.0	
ODQ8V6 N° Fees Notice paid by the Requesters within a 3 month period, year 1 (2010)					
	The HEI does not have a 'fees regime'	18	75.0	75.0	75.0
Valid	No reply	1	4.2	4.2	79.2
	0	5	20.8	20.8	100.0
	Total	24	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q.8

In addition, when examining whether in the higher education institution, the criteria to estimate the cost of a FOIA requests were based on £25 per hour plus the estimated time and procedures to deal with an information request, 54.2% of the FOIA Officers responded 'always', and 8.3% 'generally/frequently'. A cumulative 37.5% was 'never' and 'not applicable'. When assessing the outcomes of received and replied to requests for information, in opposition to the FOIA2000 fees regime applied in the organisation, the satisfaction level was 25% for 'very satisfied', 50% for 'satisfied', and 25% for 'moderately satisfied'.

(10) FOIA Code of Best Practices: this independent variable obtained results of 33.3% of full implementation, 41.7% of partial implementation and 12.5% of not implementation.

(11) Records Management Standards: according to Shepherd, Stevenson, and Flinn (2010, p.344) 'perhaps FOI lends itself more easily to corporate performance indicators than does records management', compliance level with standards and best practice implementation on this issue, support the achievements. To the authors, 'it is clear that delays are incurred by a combination of attitudes to openness and FOI, communications weaknesses, and training and knowledge management failings, and that these would still hamper FOI compliance even with a robust records management systems'. When examining how robust the implementation of this variable was, full implementation scored 29.2% partial implementation obtained 45.8%, and not implementation achieved 12.5%. When examining the opinion of FOIA Officers on whether in the higher education institution, data management plan and records management standards are applied to facilitate the access to information held by the organisation, 'always' reported 8.3%, 'generally/frequently' scored 54.2%, and 'hardly ever', 'never', and 'not applicable' rated 37.5% together. Assessing the satisfaction level, for the statement 'considering the outcomes for processing information requests to ensure administrative compliance with FOIA2000, and the level of records management standards applied in your organisation, your satisfaction level is', results showed that 'very satisfied' achieved 8.3%, 'satisfied' 41.7%, 'moderately satisfied' 33.3% and 'dissatisfied' 8.3%.

(12) FOIA Compliance Assessment Mechanisms: outcomes for this independent variable were 29.2% and 37.5% of full and partial implementation respectively. 'Not implemented' scored 25.0%.

(13) FOIA Mechanisms of Assistance to Requesters: for this independent variable, results showed a proportion of 37.5% of full implementation in HEIs, while there was a proportion of 29.2% of partial implementation, and 16.7% for 'not implemented'. When validating the implementation of this practice, FOIA Officers were asked to assess how frequently the organisation provides assistance and guidance to the requesters when dealing with issues on the handling of request for information. 'Always' reported 45.8%; and 'generally/frequently' scored 41.7%. Outcomes for 'hardly ever' and 'not applicable' reported a cumulative 12.5%. Considering the number of refusals, when the requester exhausts the complaints procedure and applies for an appeal process to the Information Commissioner, ICO, it was examined whether the higher education institution provides advice and assistance to them. Outcomes for 'always' were 50%. 'Generally/frequently' scored 12.5%, 'never' 4.2% and 'not applicable' 33.3%. This finding means that for the reported cases of HEIs, there was no appeals application pending. Results for the satisfaction level on this issue showed that when considering the administrative compliance with FOIA provisions on appeal processes, such as internal and external review; the satisfaction level with the mechanisms implemented by the institution to ensure assistance to the information requesters was 20.8% for 'very satisfied', 58.3% for 'satisfied', 16.7% for 'moderately satisfied', and 4.2% for 'dissatisfied'.

(14) FOIA Advocacy Mechanisms and Groups: according to Snell (2001, p.30), leadership is the first step to assist with compliance. To the author it is also critical to have a mechanism to reward institutional achievements, so it 'would be positive to institute an annual awards program that publicly rewarded or recognised significant achievements in compliance and active pursuit of the objectives of the Act, like the UK campaign for FOI annual awards'. This organisational factor achieved 25.0% and 50.0% of full and partial implementation correspondingly, with 12.5% of not implementation. When examining whether political support is relevant to achieve compliance aims with the FOIA2000, in higher education institutions, 25% of FOIA Officers were 'totally agree'; 50% 'agree', 20.8% 'neither agree nor disagree', and 4.2% 'disagree'. Assessing this variable in practice, when considering the administrative capacity and commitment to implement the FOIA2000 in the institution, and the political support, co-operative attitude and engagement demonstrated by the Provost, the Vice-Chancellor or any person performing similar function, the satisfaction level was 20.8% for 'very satisfied', and 50% for 'satisfied' which means a cumulative percent of 70.8% of good opinion. 'Moderately satisfied' achieved 20.8%, and there was an 8.3% for 'dissatisfied'.

(15) FOIA Annual Performance Reports reported 29.2% of full implementation, 37.5% of partial implementation, and 16.7% of not implementation. When assessing whether in the higher education institutions, the FOIA annual performance report is publicly available for the community, outcomes for 'always' and 'generally/frequently' were 20.8% respectively. 'Hardly ever', 'never', and 'not applicable' scored 58.3% cumulatively.

(16) Training Plan and Programme for FOIA: according to Snell (2001, p.29), if the FOI officers, as 'key gatekeepers in determining access, operate in an environment of diminishing training, resources and increasing pressures to settle for levels of non-disclosure' this could 'contradict requirements of the Act or at the very least its ethos'. To him, this is the fifth step to assist with compliance, and 'the training and resourcing of FOI officers must be done on the basis that the original corps of officers will be eventually replaced'. This mechanism is useful to comply with 'a number of standards, which clearly linked to compliance concerns including processing times, adequacy of searches, and decision-making processes'. This independent variable was 'fully implemented' by 20.8% and 'partially implemented' by 45.8% of HEIs respectively. There was 20.8% of 'not implemented'. Assessing whether in the organisation, the FOIA training plan and programme are actually mechanisms created to ensure compliance with the legislation, in the opinion of the FOIA Officers, 'always' reported 12.5%, 'generally/frequently' scored 45.8%, and 'hardly ever', 'never', and 'not applicable' achieved a cumulative 41.6%.

(17) FOIA Corporate and Action Plan: according to Snell (2001, p.29), this organisational variable is the fourth step when enhance compliance. This mechanism 'should not be seen as a short-term necessity but as a long-term strategic commitment to the legislation'. For this independent variable the outcomes were 33.3% of full implementation, 20.8% of partial implementation, and 29.2% of not implementation. When examining whether in the higher education institution, the FOIA corporate and action plan is annually reviewed and updated, 'always' achieved 16.7%, and 'generally/frequently' scored 37.5%. 'Hardly ever', 'never', and 'not applicable', reported a cumulative 45.9%. When evaluating information disclosure and release results, and the FOIA corporate and action plan implemented or currently available in the organisations, 'satisfaction level' showed that the same 16.7% of institutions which annually produce and revise the FOIA Corporate and Action Plan were 'very satisfied'. A 29.2% were 'satisfied', 41.7% 'moderately satisfied', and a cumulative 8.4% was 'dissatisfied' and 'very dissatisfied'.

(18) Mechanisms for FOIA's Promotion and Participation were 'fully implemented' by 20.8%, 'partially implemented' by 37.5%, and 'not implemented' by 29.2% of the universities. When examining whether in the institution, decisions for FOI promotion have been made

considering information needs of public, media and academic community –undergraduate and graduate students, staff, and researchers, for example–, 25% of the respondents selected ‘always’, and 50% responded ‘generally/frequently’, which means a good cumulative 75%. For ‘hardly ever’, ‘never’, and ‘not applicable’ a cumulative 25% was reported. Similarly, when assessing if the institution, considers the ICO guidelines and the Code of Best Practice as ‘mechanisms of FOI promotion’, 20.8% responded ‘always’, and 62.5% replied ‘generally/frequently’. A cumulative 16.6% was achieved by ‘hardly ever’ and ‘not applicable’. When asked to take into account the outcomes of the total FOIA requests received and replied within the last three years and the available mechanisms to promote the legislation usability in the organisation, the satisfaction level was 20.8% ‘very satisfied’, 29.2% ‘satisfied’, 41.7% ‘moderately satisfied’, and 8.3% ‘dissatisfied’.

(19) FOIA Communication and Strategy Mechanisms were ‘fully implemented’ by 12.5% of public universities, ‘partially implemented’ by 45.8% and ‘not implemented’ by 33.3%.

(20) FOIA Implementation Assessment Mechanism was ‘fully implemented’ by 12.5%, ‘partially implemented’ by 41.7%, and ‘not implemented’ by 33.3% of the respondents. When examining the satisfaction level of the FOIA Officers, for the statement ‘considering FOIA2000 provisions to ensure access to public sector information versus the effective implementation of the legislation in the institution’, the satisfaction level was 25% ‘very satisfied’, 37.5% ‘satisfied’, and 37.5% ‘moderately satisfied’.

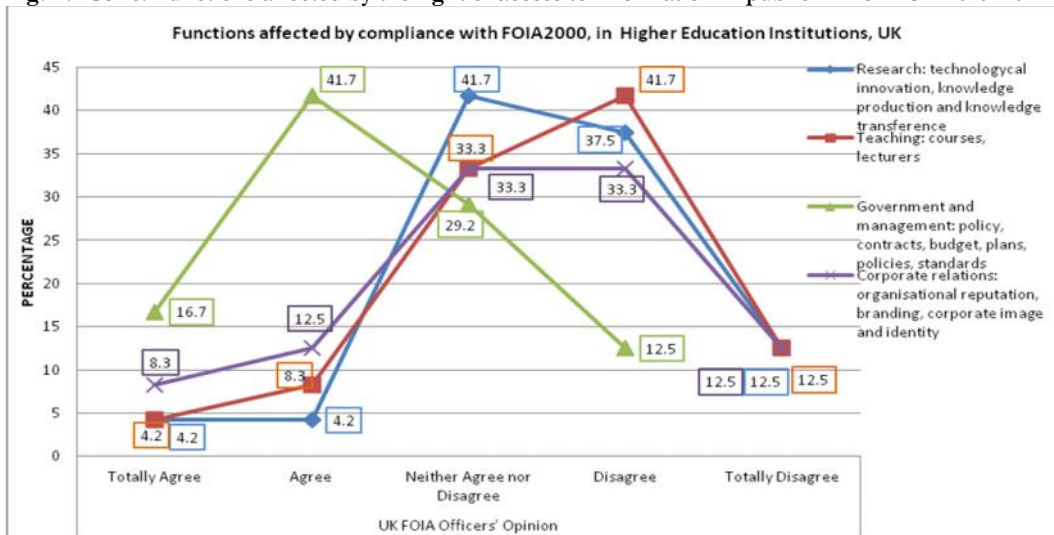
(21) Annual Budget for FOIA was ‘fully implemented’ by 25% of the respondents, ‘partially implemented’ by 25%, and ‘not implemented’ by 16.7%. ‘Not applicable’ scored 29.2%. When asked whether in the higher education institution, the annual budget satisfies the financial needs to achieve compliance outcomes with FOIA2000, so far, ‘always’ achieved 8.3%, ‘generally/frequently’ scored 41.7%, and ‘hardly ever’, ‘never’, and ‘not applicable’ reported a cumulative 50.1%. Furthermore, when considering the level of implementation of FOIA2000 in the organisation, the number of information requests received within the last three years, and the available budget for FOIA, the satisfaction level was 16.7% ‘very satisfied’, 37.5% ‘satisfied’, and 33.3% ‘moderately satisfied’. ‘Dissatisfied’ and ‘very dissatisfied’ scored a cumulative 12.5%.

Based on current practices reported by FOIA Officers of the studied organisations and the assessment made for the list of 21 independent variables of the organisational dimension, a moderate compliance level with issues on FOIA2000 implementation was the most frequent outcome achieved by HEIs in the UK. Findings revealed that when implementing the FOIA regime, all the reported outcomes showed that the highest scores of implementation compliance were ‘always’ below of 58.3%. The findings suggest that administrative

compliance might correlate with low compliance results when dealing with issues about information requests demanded to HEIs.

To correlate demand for access to information held by HEIs in the UK, versus considerations of key institutional functions affected by the Act's implementation, the opinion of FOI Officers was assessed, and figure CS1 8 below shows results over the three-year studied period.

Fig. N° CS1 8. Functions affected by the right of access to information in public HEIs in UK 2010–2012



Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q.11

When examining the opinions of the respondents, teaching, research, and corporate relations had the lowest incidence. Conversely, government and management reported the highest incidences when comparing what the critical functions affected by the FOIA2000 regime in HEIs were. The apparent consensus demonstrated by the results for functions with the lowest incidence were consistent with the most frequent topics requested by the public over the total of information request registered over the period studied: – (1) students issues and numbers, (2) human resources and staff issues, (3) financial information, (4) management and administration of the institution, and admissions–. Nevertheless, outcomes on (a) research, (b) teaching, and (c) corporate relations must be considered not so much as categorical since the option 'neither agree nor disagree' reported a score of 41.7% and 33% respectively.

Another positive correlation between informational independent variables with organisational dimension factors was found when assessing the publication scheme results on proactive release of institutional information. Freedom of Information Officers, were asked to assess the duty and commitment to publish, to comply with the FOIA2000, by selecting the kind of information released on a routine basis by the organisations, under the seven categories of information included by the publication scheme model. Table below presents the data collected over the three-year period.

Table N° 4.15. Compliance with Proactive Disclosure in HEIs, UK 2010-2012

Compliance Assessment Organisational Dimension Independent Variables		Frequency	Percent	Valid Percent	Cumulative Percent
ODQ6V1 Information about the organisation — who we are and what the organisation does					
Valid	No reply	2	8.3	8.3	8.3
	Information Fully Released	17	70.8	70.8	79.2
	Information Partially Released	5	20.8	20.8	100.0
	Total	24	100.0	100.0	
ODQ6V2 Financial and budgetary Information — what we spend and how we spend it —					
Valid	No reply	1	4.2	4.2	4.2
	Information Fully Released	10	41.7	41.7	45.8
	Information Partially Released	13	54.2	54.2	100.0
	Total	24	100.0	100.0	
ODQ6V3 Planning Information — what are our priorities and how are we doing —					
Valid	No reply	1	4.2	4.2	4.2
	Information Fully Released	12	50.0	50.0	54.2
	Information Partially Released	11	45.8	45.8	100.0
	Total	24	100.0	100.0	
ODQ6V4 Managerial Information — how do we make decisions —					
Valid	No reply	1	4.2	4.2	4.2
	Information Fully Released	12	50.0	50.0	54.2
	Information Partially Released	11	45.8	45.8	100.0
	Total	24	100.0	100.0	
ODQ6V5 Policy making Information — our policies and procedures —					
Valid	No reply	1	4.2	4.2	4.2
	Information Fully Released	16	66.7	66.7	70.8
	Information Partially Released	7	29.2	29.2	100.0
	Total	24	100.0	100.0	
ODQ6V6 Historical Information — on lists and registers —					
Valid	No reply	1	4.2	4.2	4.2
	Information Fully Released	8	33.3	33.3	37.5
	Information Partially Released	15	62.5	62.5	100.0
	Total	24	100.0	100.0	
ODQ6V7 Information about Services — the service we offer —					
Valid	No reply	1	4.2	4.2	4.2
	Information Fully Released	17	70.8	70.8	75.0
	Information Partially Released	6	25.0	25.0	100.0
	Total	24	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q.6

As a control question, the findings for question 6 suggested a positive correlation between the outcomes for category 1, –Information about the organisation–, with 70.8% of full release, category 7 –Information about the HEIs services–, with the same percentage of full release, and for category 5 on policy making information, with 66.7% of ‘full release’. Correspondingly, when assessing results for questionnaire 1, under these categories, information on the legal framework, how the institution is organised, teaching and learning strategy, complaints policy, and location and contact details all scored 100% of proactive disclosure.

Other information categories scored results between 95.83% and 91.67%. Categories of full release were: (1) Lists of and information relating to organisations which the University has the responsibility for, those it works in partnership with, those it sponsors and companies wholly owned by it, (2) Student activities, (3) Funding/income, (4) Financial regulations and

procedures, (5) Annual report, (6) Procedures and policies relating to academic services, (7) Procedures and policies relating to student services, (8) Procedures and policies relating to human resources, (9) Procedures and policies relating to recruitment, (10) Equality and diversity, (11) Research policy and strategy, (12) Prospectus, (13) Budgetary and account information, (14) Corporate and business plan, (15) Policies and procedures for conducting university business, and (16) Welfare and counselling.

The lowest score was for category 6, 'list and registers'. Under this category, 'information partially released' reported 62.5%. Publication scheme results showed that outcomes for 'list and registers' achieved results between 37.5% and 50% of full disclosure correspondingly. In consequence, information with limited access in HEIs was for records of: (1) Appointment committees and procedures, (2) Contracts, (3) Registers of gifts and hospitality provided to senior personnel, (4) Local campaigns, (5) Assets registers, (6) Minutes of staff/student consultation meetings, and (7) Disclosure logs.

To Hazell, and Glover (2011, p.13), when looking for 'evidence of both the positive and negative potential effects' of FOIA, 'possible impacts, but credible reports of changed behaviour' need to be identified, 'to ascertain whether the driver of this change was FOI or something else, for example, the fear of leaks or judicial review'. As under Section 57(1), (2), (3) of the Freedom of Information Act 2000, a public authority, –in this case a higher education institutions–, can appeal to the Information Tribunal a judgment or decisions notified by the Information Commissioner, ICO through an 'information notice' and 'enforcement notice', the research examined this issue because decisions on information disclosure or release should be made by adhering to the letter and spirit of the Freedom of Information Act 2000, as well as presumably in favour of the public.

Since provisions under the FOIA2000 recognise the right of access, they also create presumptions in favour of access to all kinds of data produced by the public authority. Consequently, according to the 4.935 information requests refused, and considering the fact that 631 appeals registered over the three–year period have the right to appeal to the ICO, respondents were asked to provide the recorded number of information notices and the number of enforcement notices appealed to the Information Tribunal by the institution. As an appeal system works through organisational structures, which are responsible for the whole process under a FOIA regime, organisational capacity was also examined to assess whether the available advisory mechanisms and advocacy mechanisms are sufficient with decisions on refusals coming out of judicial review processes. The table below shows the data collected for the studied period.

Table N° 4.16. Information and Enforcement Notices received and claimed by HEIs in the UK 2010-2012

Compliance Assessment Organisational Dimension		Frequency	Percent	Valid %	Cumulative %
N° of Information or Enforcement Notices Received from ICO, year 3 (2012)					
Valid	Data deal with different department	1	4.2	4.2	4.2
	1	3	12.5	12.5	16.7
	0	20	83.3	83.3	100.0
	Total	24	100.0	100.0	
N° of Appeals to the ICO's Decision Notices sent to the Information Tribunal by the HEI, year 3 (2012)					
Valid	Data deal with different department	1	4.2	4.2	4.2
	1	1	4.2	4.2	8.3
	0	22	91.7	91.7	100.0
	Total	24	100.0	100.0	
N° of Information or Enforcement Notices Received from ICO, year 2 (2011)					
Valid	Data deal with different department	1	4.2	4.2	4.2
	1	1	4.2	4.2	8.3
	0	22	91.7	91.7	100.0
	Total	24	100.0	100.0	
N° of Appeals to the ICO's Decision Notices sent to the Information Tribunal by the HEI, year 2 (2011)					
Valid	Data deal with different department	1	4.2	4.2	4.2
	0	23	95.8	95.8	100.0
	Total	24	100.0	100.0	
N° of Information or Enforcement Notices Received from ICO, year 1 (2010)					
Valid	Data deal with different department	1	4.2	4.2	4.2
	No reply	1	4.2	4.2	8.3
	3	1	4.2	4.2	12.5
	0	21	87.5	87.5	100.0
	Total	24	100.0	100.0	
N° of Appeals to the ICO's Decision Notices sent to the Information Tribunal by the HEI, year 1 (2010)					
Valid	Data deal with different department	1	4.2	4.2	4.2
	No reply	1	4.2	4.2	8.3
	0	22	91.7	91.7	100.0
	Total	24	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q9

There were no registered cases of information notices and enforcement notices received by HEIs from the ICO and no appeals submitted by them to the Information Tribunal. Nevertheless data collected on external appeals from the JISCs surveys, showed that 47 out of 101 external appeals were completely upheld, a total of 15 out of were in part upheld, and 10 were overruled. Apart from the external overruled appeals, for appeals completely and partially upheld, evidence from questionnaire 3 was examined to determine whether the UK Information Tribunal has ruled in favour either of higher education institutions, or to the requesters. The gap between the 101 external appeals submitted over the period studied, and findings on the FOIA2000 appeal system, reported by questionnaire 3 would confirm whether organisational factors are affecting compliance with the legislation in HEIs.

So far, when implementing the legislation in HEIs, organisational factors such as (a) the appointment of dedicated information officers responsible for compliance and disclosure

obligations, (b) organisational awareness and commitment in favour of the granted right of access, (c) resources to implement required training programmes, (d) a consolidated annual report on compliance or progress on FOIA2000, higher education institutions in the UK showed moderate outcomes.

Having already examined quantitative data on performance of HEIs when implementing organisational factors to support compliance with the FOIA2000 regime, outcomes and findings were additionally assessed considering the Darch and Underwood (2005, p.80) framework on ‘administrative compliance’. The model comes from Roberts (2000) and Snell (1999, 2001)’s research on FOI and administrative compliance. Figure CS1 9 below shows how the level of compliance with FOI regimes is related to (A) organisational capacities, (B) concrete administrative practices, and (C) commitment of individuals responsible for their operationalisation. So far as (A) organisational capacities can affect compliance level, these capacities could potentially cause five categories of compliance as (1) Proactive Compliance, (2) Administrative Compliance, (3) Administrative Non-Compliance, (4) Adversarialism, and (5) Malicious Non-Compliance. These categories are depending on the degree of motivation and willingness –on the left of the figure–, as well as with the commitment with best practices–on the right of the figure–.

Fig. N° CS1 9: Darch and Underwood, 2005 Framework on ‘Administrative Compliance’

Table 1		
High capacity High willingness	Proactive Compliance	<ul style="list-style-type: none"> • Information made available before request • Exemptions waived • Review perceived as quality control
Capacity Willingness	Administrative Compliance	<ul style="list-style-type: none"> • Co-operative attitudes • Exemptions used minimally • Review seen as guide to future decisions
Low capacity Willingness doubtful	Administrative Non-compliance	<ul style="list-style-type: none"> • Inadequate resources • Poor record keeping • FOI accorded low priority
Low capacity? Low willingness	Adversarialism	<ul style="list-style-type: none"> • Us and them attitudes • Exemptions resorted to • Delaying tactics • No explanation
Capacity irrelevant Unwillingness	Malicious Non-compliance	<ul style="list-style-type: none"> • Shredding • Information not recorded or filed • Documents removed from files

According to the administrative compliance framework, and collating the examined organisational outcomes achieved by HEIs in the UK, there was neither evidence to support malicious non-compliance nor ‘adversarialism, which is defined by the model as ‘a combinations of actions ‘always’ intentional and sometimes illegal, designed to undermine requests for access to records’

Similarly, findings neither showed ‘proactive compliance’, nor administrative compliance, – understood by the model as ‘a practice of testing the limits of FOI laws, without engaging in obvious illegalities, in an effort to ensure that governments or departments interest are adequately protected, adopting very broad interpretation of exemptions’–, rather ‘administrative non-compliance’. According to Snell (2001, p.27), under this compliance category ‘public bodies undermine the right of access because of inadequate resourcing, deficient record-keeping, or other weaknesses in administration’.

C. Questionnaire N° 3: Legal Dimension of the Conceptual Model

Issues on ‘compliance level’ with FOA2000 are included to report results obtained by studying the independent variables of the conceptual model. Results, findings, and outcomes for the 16 independent variables included in the legal dimension were grouped into 4 thematic groups defined by content. The first group of variables refers to legal provisions on information requests; the second group consist of provisions on right access; the third category includes provisions on proactive disclosure of information, and the fourth category encompasses legal provisions on the appeal system. ‘Compliance level’ examines whether HEIs in the UK were performing in accordance with the legislation. Further details of the assessment process are included in Appendix N°12.

Request for Information Independent Variables: as the FOIA2000 regime recognises as a fundamental right access to public information held by public authorities, legal provisions on the right of access were examined considering the following variables: (1) Information request statutory requirement, (2) Timeframe regime, (3) Information request fees regime, (4) Transferring request provisions/referrals.

Table N° 4.17. Compliance with Provisions on Requests for Information, HEIs, UK 2010-2012

Compliance Assessment Legal Dimension. Independent Variables, HEIs in the UK	Valid Percent						
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	No Reply	Total
In this organisation, the provisions under Section 8 on ‘request for information’ are applied in accordance with the FOIA.	66.7	29.2	0.0	0.0	4.2	0.0	100.0
To make an electronic ‘information request’ this organisation has a template which includes the provisions under Section 8 and Section 11 of the FOIA.	20.8	16.7	12.5	25.0	25.0	0.0	100.0
The organisation provides advice and assistance to current and potential requesters of information.	45.8	29.2	12.5	0.0	8.3	4.2	100.0
In this organisation, the ‘timeframe’ of twenty working days to respond to the requester is applied in accordance with the FOIA regulations.	66.7	25.0	0.0	0.0	4.2	4.2	100.0
When dealing with a ‘request for information’ the organisation gives the requester a ‘fees notice’ with payment procedures, within the period for complying with Section 1(1) in accordance with the FOIA regulations. (20 working days).	16.7	12.5	16.7	8.3	45.8	0.0	100.0

When dealing with a 'request for information' which has been refused, the organisation gives the requester a notice stating the fact, according to Section 17 of FOIA.	66.7	16.7	4.2	0.0	8.3	4.2	100.0
When dealing with a 'request for information' where the cost for compliance exceeds the appropriate limit, the organisation gives the requester a notice stating the fact.	58.3	12.5	4.2	0.0	16.7	8.3	100.0
When dealing with a 'request for information' which is considered vexatious, the organisation gives the requester a notice stating the fact.	54.2	4.2	8.3	0.0	33.3	0.0	100.0
When dealing with a 'request for information' which has been previously compiled with, or is substantially similar to a previous one, the organisation gives the requester a notice stating the fact.	54.2	20.8	12.5	0.0	12.5	0.0	100.0
When dealing with a 'request for information' relating to public records which have been transferred to another public records office, the organisation gives the requester a notice stating the fact.	33.3	8.3	4.2	4.2	50.0	0.0	100.0
When dealing with a 'request for information', the organisation gives the requester a notice which includes (a) procedures for dealing with complaints or states that the authority does not provide such a procedure, and (b) particulars of the right conferred by Section 50.	62.5	20.8	4.2	0.0	8.3	4.2	100.0
The mechanism applied by this organisation to provide advice and assistance to a current/potential requester is the code of practice. Section 45.	37.5	25.0	8.3	8.3	12.5	8.3	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q8

When assessing whether HEIs comply with provisions under Section 8, which govern the standards to make an information request, higher education institutions in the UK complied with the law achieving 66.7% of compliance. As Section 8 also states that everyone has the right to file a request for information, when asked if the institution provides an electronic template to make a request, 20.8% responded 'always' and 16.7% 'generally/frequently'. Regarding the issue on whether the 'timeframe' of twenty working days to respond to the requester is applied in accordance with the FOIA2000 regulations, 'always' scored 66.7%, and 'generally/frequently', 25%.

Another duty observed when measuring compliance with legal provisions of FOIA2000 was the provision on cost for compliance. In such a case, if the cost exceeds the appropriate limit of £450 public authorities have to send a notice stating the fact to the requesters. Results showed that 'always' scored 58.3%, and 'generally/frequently' 12.5%. Cumulative percentage for these two frequencies was 70.8%, which is similar to the cumulative 66.7% for the same frequency categories when examining if information requests were refused when the cost for finding the requested information exceeds the limit set by the Act for HEIs. Interestingly, 'not applicable' reported 16.7%.

By law, the same duty has to be fulfilled when dealing with a request for information which is considered vexatious. The compliance with this provision was 54.2% 'always', and 4.2%

'generally/frequently'. 'Not applicable' reported 33.3% which denotes a low level of awareness among Freedom of Information Officers with this obligation.

When assessing three similar provisions defined by law, which compel to higher education institutions to comply with the duty of sending a notice to the requesters stating the fact, there were two cases where good outcomes were below to 55% and one case with good results. Regarding the first case, when dealing with a request for information which has been previously compiled with, or is substantially similar to a previous one, the organisation has to give the requester a notice stating the fact, 'always' scored 54.2%, 'generally/frequently', 20.8%, and 'not applicable' 12.5%. For the second case, when dealing with a request for information relating to public records which have been transferred to another public records office, the organisation has also to comply with the duty to give the requester a notice stating the fact. The compliance level with this duty achieved by HEIs was 33.3%. 'Not applicable' scored 50% which showed a low level of awareness with this duty.

A good compliance level regarding the duty of giving a notice to the requesters was achieved for the provisions on (a) procedures for dealing with complaints, and on (b) particulars of the right conferred by Section 50 of the Act. When dealing with a request for information, this legal duty scored 62.5% of compliance, and 'generally/frequently' 20.8%. As the duty of sending notices is related to provisions on communication and assistance to the requesters, 'satisfaction level' of Freedom of Information Officers on this issue was assessed for two provisions.

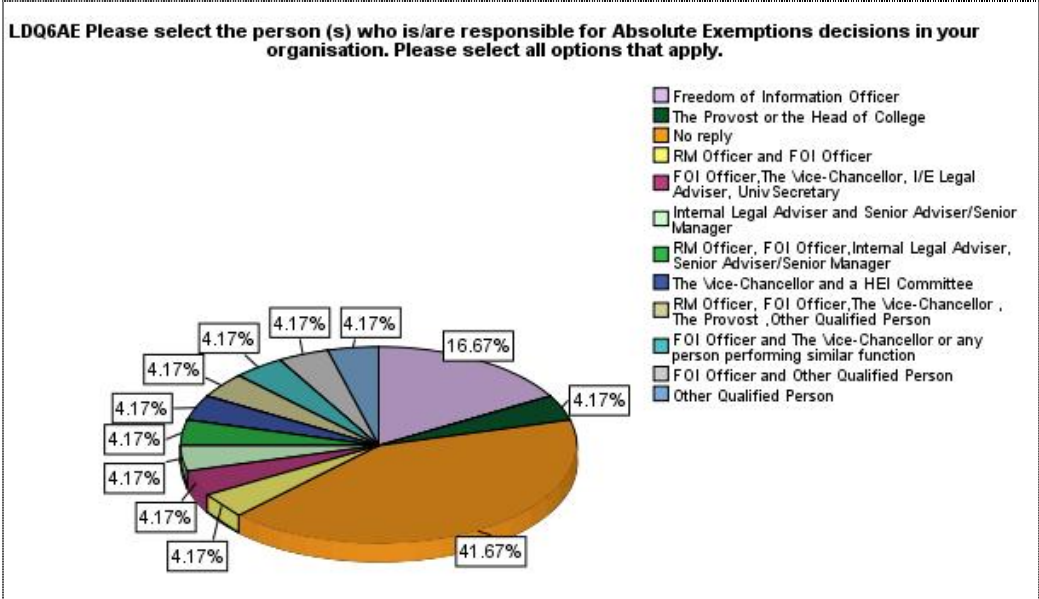
When considering provisions under Section 50(4) of the FOIA2000, about communication between the requester and the administration, findings on satisfaction level were not remarkable. In fact, 'very satisfied' reported 16.7% of the responses. 'Satisfied' and 'moderately satisfied' achieved 37.5% and 'not reply' 8.3%. Similarly, considering the requester right to complain –given by the authority in conformity with the code of practice under Section 45–, before applying for an appeal process to ICO, the FOIA Officers' satisfaction level was 16.7% 'very satisfied', and 'satisfied'; .37.5% 'moderately satisfied'; 4,2% 'dissatisfied' and 'very dissatisfied', and 20.8% 'no reply'.

Right of Access Independent Variables: as the FOIA2000 regime limits access to information considering whether the public authority held the information and also its content, the independent variables (5) Exemptions –qualified and absolute–, and the (6) Public interest test were examined.

According to legal provisions, for the purposes of Section 36(2) (b) and 36(2)(b) of FOIA2000, exemptions must be applied by a qualified person. Authorisation of a qualified

person for HEIs in the UK is ruled by the Minister of State for Universities and Science. The Head of College, the Vice-Chancellor, or any other person performing a similar function by whatsoever title known, are responsible for such provisions.

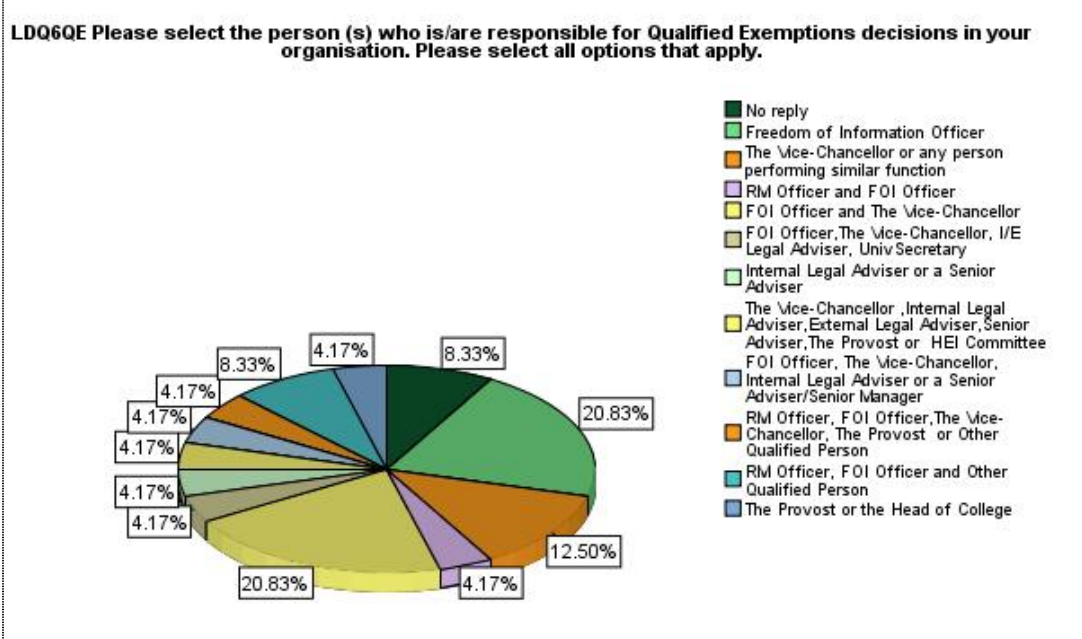
Figure N° CS1 10: Absolute Exemptions under FOIA Applied by Public Authorities by HEIs in the UK, 2010-2012.



Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q6

When assessing compliance with this provision, for 'absolute exemption decisions', no reply scored the highest incidence with 41.7%, followed by the Freedom of Information officer with a 16.7%. For qualified exemption decisions, the Freedom of Information Officer, and the FOI Officer and the Vice-Chancellor scored 20.8%'. The Vice-Chancellor or any person performing similar function obtained 12.5%.

Figure N° CS1 11: Qualified Exemptions under FOIA Applied by Public Authorities in HEIs, UK, 2010-2012



Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q6

On the other hand, according to the FOIA2000 provisions, when exemptions are ‘absolute’, the right to information is denied. Data on this issue was collated with the control question – Q9– of questionnaire 1, to examine level of consistency given by the respondents when applying provisions on absolute exemptions in HEIs, within the studied period.

Table N° 4.18. Absolute Exemptions Applied by HEIs in the UK 2010-2012

Compliance Assessment Legal Dimension Absolute Exemptions	Valid Percent					
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	Total
Section 21. Information accessible by other means.	8.3	37.5	37.5	12.5	4.2	100.0
Section 23. Information dealing with security matters.	4.2	4.2	54.2	16.7	20.8	100.0
Section 32. Court records: release of court records remains at the discretion of the courts themselves	4.2	0.0	8.3	54.2	33.3	100.0
Section 34. Information covered by parliamentary privilege	4.2	0.0	4.2	41.7	50.0	100.0
Section 36. Information that could prejudice the effective conduct of public affairs	4.2	8.3	29.2	29.2	29.2	100.0
Section 40. Personal data this information is covered by the Data Protection Act	33.3	41.7	16.7	8.3	0.0	100.0
Section 41. Information provided in confidence applied in relation to commercially sensitive information	12.5	25.0	50.0	12.5	0.0	100.0
Section 44. Information whose disclosure is legally prohibited	8.3	0.0	33.3	29.2	29.2	100.0

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q9

Higher education institutions complied with provisions on absolute exemptions, applying most frequently this criterion to information requests covered by exemption under Section 21, and Section 40. Similarly, according to FOIA2000, when the exemptions are ‘qualified’, the right to information requires prejudice, and information requests must be subject to the prejudice test. Prejudice exemptions apply therefore to information that could affect such provisions.

Table N° 4.19. Qualified Exemptions Applied by HEIs in the UK 2010-2012

Compliance Assessment Legal Dimension Qualified Exemptions: Prejudice Test	Valid Percent					
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	Total
Under section 26. The country’s defence	4.2	16.7	16.7	33.3	45.8	100.0
Under section 27. International relations	4.2	0.0	12.5	41.7	41.7	100.0
Under section 28. Relations within the United Kingdom	4.2	0.0	4.2	45.8	45.8	100.0
Under section 29. The country’s economic interests	4.2	0.0	4.2	50.0	41.7	100.0
Under section 31. Law enforcement	4.2	4.2	54.2	25.0	12.5	100.0
Under section 33. Audit functions	4.2	4.2	12.5	37.5	41.7	100.0
Under section 36. The effective conduct of public affairs	8.3	4.2	37.5	37.5	12.5	100.0
Under section 38. Health and safety	8.3	0.0	50.0	33.3	8.3	100.0
Under section 43. Commercial interests	20.8	45.8	25.0	8.3	0.0	100.0

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q10

Findings showed that there was consistency with results described by questionnaire 1. Compliance provisions with qualified exemptions which require a prejudice test were predominantly applied to information requests to cover refusals on commercial interest provisions. Furthermore, when exemptions are ‘qualified’, the right of access requires no prejudice test, but the public interest test applies. By law, this mandatory provision means that information must be released where its disclosure is in the overall public interest.

Restrictions on information disclosure when applying the public interest test might also consider consulting with a third party. Since information provided on a confidential basis is considered as sensitive, public authorities have to consider any objection by third parties. Nevertheless third parties are not legally entitled to have veto powers over the disclosure of information. Once collated data with questionnaire 1 and as table 4.19 shows, provisions on qualified exemptions were applied predominantly by HEIs to information requests covered by Section 22 and Section 40.

Despite the public interest test predominance, a high incidence on information release was found when assessing whether the public interest test is a mechanism which affects the disclosure of information. 20.8% of the respondents selected ‘totally agree’, and 58.3% ‘agree’. Although the cumulative percentage was 79.1%, the outcome was not sufficiently indicative to conclude a positive or negative affect.

Table N° 4.20. Absolute Exemptions Applied by HEIs in the UK 2010-2012

Compliance Assessment Legal Dimension Qualified Exemptions: Class Exemptions Subject to the Public Interest Test	Valid Percent					Total
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	
Section 22. Information intended for future publication	16.7	29.2	41.7	8.3	4.2	100.0
Section 24. National security	8.3	0.0	37.5	33.3	20.8	100.0
Section 30. Investigations and proceedings conducted by public authorities	8.3	0.0	20.8	45.8	25.0	100.0
Section 35. The formulation of government policy	8.3	0.0	4.2	33.3	54.2	100.0
Section 37. Communications with the Queen, and relating to honours.	8.3	0.0	4.2	37.5	50.0	100.0
Section 39. Environmental information	8.3	8.3	33.3	37.5	12.5	100.0
Section 40. Personal Information	4.2	29.2	33.3	20.8	12.5	100.0
Section 42. Legal professional privilege	12.5	4.2	41.7	33.3	8.3	100.0

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q11

According to Section 17, under FOIA2000, a public authority which receives any request for information has the duty to confirm, within the time for complying with Section I (1), whether the requested information is exempt. Results for compliance level with this provision are displayed in the following table.

Table N° 4.21. ‘Compliance with Provisions on Decision Notices, HEIs, UK 2010-2012

Compliance Level	Frequency	Percent	Valid %	Cumulative %
(1) The public authority gives a ‘decision notice’ to the requester, which states the fact				
Valid	Yes	12	50.0	50.0
	No	12	50.0	100.0
	Total	24	100.0	100.0
(2) The public authority gives a ‘decision notice’ to the requester, which states why the exemption applies				
Valid	Yes	19	79.2	79.2
	No	5	20.8	100.0
	Total	24	100.0	100.0
(3) The public authority gives a ‘decision notice’ to the requester, which specifies the exemptions in question				
Valid	Yes	19	79.2	79.2
	No	5	20.8	100.0
	Total	24	100.0	100.0
(4) The public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the requested information				
Valid	Yes	12	50.0	50.0
	No	12	50.0	100.0
	Total	24	100.0	100.0

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q7

To comply with the legislation, higher education institutions have the duty to send ‘decision notices’ to notify in particular: (1) the fact, (2) why the exemption applies, (3) what is the exemption applied, and (4) if the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the requested information. Findings showed a good level of compliance with (2) and (3) obligations. In such cases, HEIs achieved 79.2% of compliance. Moderate compliance level was obtained for duties (1) and (4). A 50% of compliance means that same percentage of the public does not know what exemption affected their request, resulting in non-disclosure of information.

When collating FOIA Officers’ opinions on absolute and qualified exemptions, there was correspondence between findings from both quantitative and qualitative data analysis. Qualitative assessment on exemption provisions, are displayed in the following table.

Table N° 4.22. Compliance with Provisions on Exemptions Applied by HEIs in the UK 2010-2012

Compliance Assessment Legal Dimension Exemptions –Qualified and Absolute–	Valid Percent						Total
	Totally Agree	Agree	Neither Agree nor Disagree	Disagree	Totally Disagree	N/R	
At this stage in this public organisation the exemptions are applied in accordance with the FOIA	50.0	45.8	0.0	0.0	0.0	4.2	100.0
The exemptions are applied following the guidance for the higher education sector set by the ICO	50.0	41.7	8.3	0.0	0.0	0.0	100.0
The exemptions are applied following the guidance published by the Department for Constitutional Affairs (DCA).	16.7	16.7	33.3	12.5	16.7	4.2	100.0
Exemptions are waived in this higher education institution	0.0	12.5	20.8	16.7	50.0	0.0	100.0
The exemptions provisions are applied in a limited fashion and as a last resort in this higher education institution.	12.5	33.3	16.7	16.7	20.8	0.0	100.0
The exemptions provisions are limited and narrowly applied in this organisation	4.2	33.3	25.0	16.7	20.8	0.0	100.0

Exemptions are resorted to in this organisation	8.3	25.0	37.5	12.5	12.5	4.2	100.0
In this higher education institution exemptions are used to justify decisions of non-disclosure	20.8	50.0	12.5	8.3	8.3		100.0
Exemptions affect the public right to know; they constitute the greatest single impediment to the flow of information to the public	8.3	8.3	33.3	25.0	25.0	0.0	100.0
One effect of the exemptions is that the public interest in maintaining the exemption outweighs the public interest in disclosing the information	8.3	25.0	41.7	12.5	12.5	0.0	100.0
One effect of the exemptions is that the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in disclosing whether the public authority holds the requested information.	8.3	20.8	50.0	4.2	12.5	4.2	100.0
Most of the exemptions cover among others, crime, national security, government policy, law enforcement. According to the requests received in your organisation, those are areas where people might be most interested.	4.2	12.5	29.2	16.7	37.5	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q18

Good 'level of compliance' with provisions on exemptions was found when examining whether exemptions are applied in accordance with FOIA2000. HEIs achieved a cumulative 95.8% of compliance. A similar compliance level was found for the application of guidelines set by the ICO for the higher education sector, with cumulative 91% of compliance. A cumulative 70.8% considered that exemptions are used to justify decisions of non-disclosure. In the opinion of the respondents, 66.7% considered that these are waived by the institution. With a cumulative 54.2%, respondents also considered that areas covered by exemptions as crime, national security, government policy, law enforcement might be topics of most interest to the public. A cumulative 50% considered exemptions as affecting the right of access and as the greatest single impediment to the flow of information to the public.

Proactive Right of Access Independent Variables: as the right of access applies to information held by a public authority, recorded in any format and without consideration of who produces or create the file, consideration of 'criteria to disclose information' is critical when assessing compliance. Independent variables involving legal provisions on (7) Disclosure provisions, (8) Duty to publish, (9) Proactive disclosure provisions, and (10) Publication scheme provisions, were grouped to examine 'compliance level' in HEIs. The table below shows, (a) content, (b) time, and (c) expert advice as the highest standards when defining information disclosure measures.

Table N° 4.23. Compliance with Provisions on Information Disclosure, HEIs UK 2010-2012

Compliance Assessment Legal Dimension Information Disclosure	Valid Percent					
	Always	Generally/ Frequently	Hardly ever	Never	No Reply	Total
Content: exemptions	50.0	29.2	12.5	4.2	4.2	100.0
Time: timeframe regime	54.2	12.5	12.5	4.2	16.7	100.0
Format: publication scheme	29.2	37.5	20.8	4.2	8.3	100.0
Cost: fees for disclosure/release of information	12.5	4.2	41.7	16.7	25.0	100.0
Validity: historical records	20.8	12.5	37.5	12.5	16.6	100.0
Disclosure advice: the opinion of a qualified person	37.5	20.8	20.8	8.3	12.5	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q12

As the table below shows, good ‘compliance level’ was obtained when examining whether the ‘publication scheme’ is updated and publicly available. A cumulative percentage 62.5% of positive responses means that HEIs have complied with this legal provision. Similarly, a good outcome was found when assessing whether the public interest is considered when reviewing and updating the ‘publication scheme’. A cumulative percent of 58.4% responded ‘always’ and ‘generally/frequently’.

Table N°4.24. Compliance with Provisions on Information Disclosure made in HEIs, UK 2010-2012

Compliance Assessment Legal Dimension Information Disclosure	Valid Percent						Total
	Always	Generally/ Frequently	Hardly ever	Never	N/A	N/R	
The disclosure of information is prohibited by or under any enactment.	0.0	4.2	45.8	25.0	25.0	0.0	100.0
The disclosure of information is incompatible with any communication or obligation.	0.0	0.0	25.0	45.8	29.2	0.0	100.0
The disclosure of information would constitute, or be punishable as, a contempt of court.	0.0	0.0	20.8	50.0	29.2	0.0	100.0
In this organisation, the ‘publication scheme’ is updated and publicly available.	33.3	29.2	29.2	4.2	0.0	4.2	100.0
In this organisation, the ‘publication scheme’ is sent for review and approval to the Information Commissioner every six months	0.0	8.3	29.2	45.8	16.7	0.0	100.0
When reviewing and updating the ‘publication scheme’ in this organisation the public interest is considered	29.2	29.2	29.2	8.3	4.2	0.0	100.0

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q13, Q16

High level of commitment by Freedom of Information Officers was found when assessing information disclosure, although negative statements were also given by FOIA Officers. A cumulative 70.8% to ‘hardly ever’ and ‘never’, were achieved by three statements: (1) The disclosure of information is prohibited by or under any enactment, (2) The disclosure of information would constitute, or be punishable as, a contempt of court, and (3) The disclosure of information is incompatible with any communication or obligation. A low compliance with duties about the publication scheme was found when examining whether the ‘publication scheme’ is sent for review and approval to the Information Commissioner every six months. A cumulative 75% of ‘hardly ever’ and ‘never’ confirmed this low performance.

Provisions on information disclosure were additionally measured considering the level of agreement among FOIA Officers. Qualitative data on compliance assessment with legal duties on ‘information disclosure’ are displayed in the table below.

Table N° 4.25. Compliance with Provisions on Information Disclosure in HEIs, UK 2010-2012

Compliance Assessment Legal Dimension Information Disclosure	Valid Percent						Total
	Totally Agree	Agree	Neither Agree nor Disagree	Disagree	Totally Disagree	N/R	
Mechanisms to ensure disclosure of information are applied in accordance with the FOIA provisions in this organisation.	50.0	33.3	8.3	0.0	0.0	8.3	100.0
In this organisation, there are mechanisms to facilitate the disclosure of information.	33.3	45.8	20.8	0.0	0.0	0.0	100.0

The 'publication schemes' are mechanisms to ensure disclosure of information.	20.8	45.8	20.8	8.3	4.2	0.0	100.0
'Publication schemes' provisions are applied in accordance with the FOIA in this higher education institution.	29.2	66.7	4.2	0.0	0.0	0.0	100.0
In this HEI there is a specific commission responsible for the preparation, revision, and update of the publication schemes.	8.3	41.7	16.7	16.7	16.7	0.0	100.0
The 'publication scheme' specifies the classes of information which this organisation publishes or intends to publish.	25.0	66.7	4.2	4.2	0.0	0.0	100.0
Six months is a reasonable time to prepare and send for approval the 'publication schemes' in accordance with the ICO guidelines.	4.2	33.3	41.7	12.5	8.3	0.0	100.0
Decisions on the approval of the publication scheme by the Information Commissioner are made in accordance with the kind of information held by this higher education	12.5	37.5	45.8	4.2	0.0	0.0	100.0
In this organisation, removal of exemptions and disclosure for historical records applies in accordance with the FOIA provisions.	12.5	25.0	58.3	0.0	0.0	4.2	100.0
Considering that the code of best practice on records management has no legal force behind it, after an appeal process, the disclosure of information results in limited disclosure.	4.2	4.2	70.8	12.5	4.2	4.2	100.0
The public interest test is a mechanism which affects the disclosure of information.	20.8	58.3	12.5	4.2	4.2	0.0	100.0
In this organisation provisions on altering records to prevent disclosure of information are well known.	16.7	25.0	8.3	25.0	25.0	0.0	100.0
Any person to whom this Act applies is guilty of an offence when this person alters, defaces, blocks, erases, destroys or conceals any records held by the public authority with the intention to prevent disclosure.	41.7	33.3	12.5	4.2	4.2	4.2	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q17, Q19

There was a very good commitment with statements on compliance with information disclosure. The highest agreement level was when asked whether 'publication schemes' provisions are applied in accordance with the FOIA in the institution. HEIs achieved a cumulative 95.9% of 'totally agree', and 'agree'. The second good score was for the statement 'the publication scheme specifies the classes of information which this organisation publishes or intends to publish' with a cumulative 91.7% of 'totally agree', and 'agree'. The third proposition with good agreement level was for the statement 'mechanisms to ensure disclosure of information are applied in accordance with the FOIA provisions in this organisation', with a cumulative 83.3% of 'totally agree', and 'agree'. The statement 'in this organisation, there are mechanisms to facilitate the disclosure of information', scored a cumulative 79.1% of 'totally agree', and 'agree'.

A good level of awareness was found with legal provisions on information disclosure. A cumulative 75% of 'totally agree', and 'agree' was achieved by HEIs when assessing the statement 'any person to whom this Act applies is guilty of an offence when this person alters, defaces, blocks, erases, destroys or conceals any records held by the public authority with the intention to prevent disclosure'. Nevertheless when asked to assess the statement 'in this organisation provisions on altering records to prevent disclosure of information are

well known', the options 'disagree' and 'totally disagree' were selected by 50% of the respondents.

Regarding 'proactive disclosure', 50% of HEIs had a specific commission responsible for the preparation, revision, and update of the publication schemes. 'Satisfaction level' results on this independent variable are presented in table below.

Table N° 4.26. Compliance with Provisions on Information Disclosure in HEIs, UK 2010-2012

Compliance Assessment Legal Dimension Information Disclosure	Valid Percent						Total
	Very Satisfied	Satisfied	Moderately Satisfied	Dissatisfied	Very Dissatisfy	N/R	
Considering outcomes on disclosure provisions of FOIA, versus the effective disclosure and release of information in your organisation, your satisfaction level is...	12.5	58.3	29.2	0.0	0.0	0.0	100.0
Considering outcomes on usability of 'publication schemes' versus the effective disclosure and release of information in your organisation, your satisfaction level is...	4.2	33.3	41.7	12.5	8.3	0.0	100.0
Considering the amount of information released to the requester once an appeal process is completed, your satisfaction level is....	20.8	29.2	41.7	4.2	0.0	4.2	100.0
Considering outcomes on exemptions judgement, versus the effective disclosure and release of information made in your organisation, your satisfaction level is...	12.5	58.3	29.2	0.0	0.0	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q20

High 'satisfaction level' was achieved by HEIs when considering outcomes of disclosure provisions of FOIA, versus the effective disclosure and release of information in their organisations, as when considering outcomes of exemptions judgement, versus the disclosure and release of information made by their organisations. In both cases, there was a cumulative satisfaction level of 70.8% of 'very satisfied', and 'satisfied'. On the contrary, when assessing outcomes on 'publication schemes' usability versus the effective disclosure and release of information in the organisation, there was a cumulative 62.5% of 'moderately satisfied', 'dissatisfied', and 'very dissatisfy'. This finding is consistent with results obtained from questionnaire 1. There was no clear tendency to positive or negative satisfaction level for one statement. When considering the amount of information released to the requester once an appeal process is completed, satisfaction level was 50% 'very satisfied', 'satisfied', and 50.1% 'moderately satisfied', 'dissatisfied', and 'not reply'.

Independent Variables on Right of Appeal: since the right of access includes mandatory provisions to appeal when public authorities refuse access or otherwise fail to comply with legal provisions, aspects related to the whole appeal system were examined to assess compliance. The appeal process includes mandatory tasks, defined by timeline and procedures to provide information in the form and content defined by law. When an internal or external appeal is appointed, independent oversight bodies have the mandate to inspect documents labelled as classified, as well as to impose measures to the public authority.

Apart from imposing sanctions, legal provisions include the power to oversight bodies for remedial actions to public authorities. Examples of decisions encompass (a) release of information in favour of the requester, (b) improve records management or (c) conduct additional training.

Although independent oversight bodies' decisions are binding, public authorities have a right to appeal to them. HEIs in the UK can appeal an ICO decision by plea to the Information Tribunal and to the Courts. FOIA2000 considers sanctions on those who have committed actions to damage or undermine the right of access, but the Act also considers legal protection against imposing sanctions on those who have released information in good faith. Independent variables examined here encompass (11) Appeal mechanisms and process, (12) Complaint mechanisms provisions, (13) Internal review system provisions, (14) Legal assistance, (15) Decision notices, (16) Non-compliance provisions:

Table N° 4.27. Compliance with Provisions on Appeal System in HEIs, UK 2010-2012'

Compliance Assessment Legal Dimension Appeal System	Valid Percent						Total
	Always	Generally/Frequently	Hardly ever	Never	N/A	N/R	
When dealing with a 'request for information' which has been refused, the organisation gives a notice stating the fact, to the requester according to Section 17 of FOIA.	66.7	16.7	4.2	0.0	8.3	4.2	100.0
When dealing with a 'request for information' which is considered vexatious, the organisation gives a notice to the requester stating the fact.	54.2	4.2	8.3	0.0	33.3	0.0	100.0
When dealing with a 'request for information' which has been previously compiled with, or is substantially similar to a previous one, the organisation gives a notice to the requester stating the fact.	54.2	20.8	12.5	0.0	12.5	0.0	100.0
The 'decision notices' specifies the steps which must be taken by the authority in the organisation.	12.5	4.2	20.8	16.7	41.7	4.2	100.0
The 'decision notices' specifies the time within which these steps must be taken by the authority in the organisation.	8.3	8.3	12.5	25.0	41.7	4.2	100.0
The 'decision notices' specifies particulars of the right of appeal conferred by the Freedom of Information Act 2000.	25.0	0.0	8.3	25.0	37.5	4.2	100.0
The public authority has failed to communicate on the requested information to the complainant in a case where it is required to do so by Section I (1).	0.0	0.0	20.8	50.0	29.2	0.0	100.0
The public authority has failed to provide confirmation about the requested information to the complainant in a case where it is required to do so by Section I (1).	0.0	0.0	8.3	62.5	29.2	0.0	100.0
The public authority has failed to communicate about a denied decision to the complainant in a case where it is required to do so by Section I (1).	0.0	0.0	12.5	58.3	29.2	0.0	100.0
The public authority has failed to comply with any of the requirements on the means by which communications have been made. (Section 11 and 17).	0.0	0.0	12.5	58.3	29.2	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q8, Q14, Q15

Over the period studied, higher education institutions in the UK have achieved a very good compliance level in 6 of 10 legal duties defined by law. According to Section 17 of FOIA2000, when dealing with a request for information which has been refused, the organisation gives a notice stating the fact, to the requester. This legal duty scored a cumulative 83.4% 'always'

and 'generally/frequently'. Similarly, a cumulative 75% was reported by them when dealing with a request for information which has been previously compiled with, or is substantially similar to a previous one; in such a case, the organisation gives a notice to the requester stating the fact. The same good compliance level was found for the last 4 negative statements of the table. 70.8% of cumulative percentage for 'hardly ever', and 'never' showed that FOI Officers perform or comply with the duties requested by law. Only 3 out of 10 duties were not fulfilled by the ICO, as the Act states or command. Results showed a low level of awareness as well as compliance performed by this oversight body.

There were two cases with a cumulative 79.2% of non compliance: (1) the 'decision notices' specifies the steps which must be taken by the authority in the organisation, and (2) the 'decision notices' specifies the time within which these steps must be taken by the authority in the organisation. There was one case with a cumulative 70.8% of non compliance, and it was for (3) 'the decision notices specifies particulars of the right of appeal conferred by the FOIA2000'. The following table presents satisfaction level results with the appeal system in HEIs.

Table N° 4.28. Satisfaction Level with Provisions on Appeal System in HEIs, UK 2010-2012

Compliance Assessment Legal Dimension Appeal System	Valid Percent						Total
	Very Satisfied	Satisfied	Moderately Satisfied	Dissatisfied	Very Dissatisfied	N/R	
Considering outcomes on the rights of 'appeal' conferred by the FOIA2000 versus the effective level of compliance with such provisions in your organisation, your satisfaction level is...	16.7	50.0	33.3	0.0	0.0	0.0	100.0
Considering the requester's right to complain given by the authority in conformity with the code of practice under Section 45, before applying for an appeal process to ICO, your satisfaction level is...	16.7	16.7	37.5	4.2	4.2	20.8	100.0
Considering advice, recommendations as good practice promotion received from the ICO, on the appeal proceeding, your satisfaction level is....	16.7	41.7	25.0	4.2	4.2	8.3	100.0
Considering the quality of 'decision notices', 'information notices' and 'enforcement notices' received from the ICO during an appeal process, your satisfaction level is....	16.7	29.2	33.3	0.0	4.2	16.7	100.0
Considering decisions made by the ICO during an appeal process when certifying in writing to the Court that your organisation has failed to comply as required by decision notices, information notices, or enforcement notices, your satisfaction level is....	16.7	20.8	33.3	0.0	4.2	25.0	100.0
Considering provisions on rights of a public authority of appeal to the Info. Tribunal when information notices or enforcement notices have been served by the ICO, your satisfaction level is.....	12.5	25.0	45.8	0.0	4.2	12.5	100.0
Considering decisions made by the Information Tribunal during an appeal process, Section 58(2), your satisfaction level is....	12.5	20.8	37.5	4.2	8.3	16.7	100.0
Considering judicial review outcomes made by the Information Tribunal when dealing with an appeal procedure. Section 50, your satisfaction level is...	12.5	12.5	41.7	0.0	8.3	25.0	100.0
Considering provisions of FOIA2000 about the amount of time to resolve an appeal specified in the 'information notice' during the appeal process, your satisfaction level is....	12.5	33.3	37.5	0.0	4.2	12.5	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q20

Freedom of Information Officers working for higher education institutions in the UK were 'moderately satisfied' with statements on the FOIA2000 appeal system. This predominant outcome was found for 7 out of 9 statements, but this achievement 'never' exceeded more than 45.8%. The finding suggests that specific issues on the appeal system are far from the expected outcome.

The highest satisfaction level was found when assessing outcomes on the rights of 'appeal' conferred by the FOIA2000 versus the effective level of compliance with such provisions in their organisations. A cumulative 66.7% was 'very satisfied' and 'satisfied'. Similarly, a cumulative 58.8% 'very satisfied' and 'satisfied' was achieved on the appeal proceeding, when considering advice, recommendations and good practice promotion received from the ICO. There was 25% of non response when requesting an assessment of the ICO decisions and Information Tribunal outcomes.

**CHAPTER 5:
DATA COLLECTION: DESCRIPTION, ANALYSIS, RESULTS, FINDINGS, AND
OUTCOMES FOR CASE STUDY 2, CHILE**

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CHAPTER 5:

Data Collection: Description, Analysis, Results, Findings, and Outcomes for Case Study 2, Chile

Chapter Overview

In this chapter, a broad examination of data collected over the three year period research for case study 2 is elucidated. As in Chapter 4, details of the measured dependent and independent variables of the model are explained, and data collected and analysed is reported through the conceptual model schedule, under the three dimensions.

Chapter 5 describes data collected and measured from the entire population of public universities under the Act 20.285 in Chile. The chapter presents some data collected on tertiary education in Chile, to examine how the same model performs in different contexts, connecting and comparing findings and outcomes reported in Chapter 4. Chapter 5 has its purpose to examine how 'impact' and 'compliance' with the Act 20.285 on Transparency and access to information in public HEIs in Chile have been assessed, in accordance with the research design.

5. Case Study 2: CHILE

5.1. Some Features of Higher Education in Chile

(a) Public Chilean Higher Education Institutions Examined: since the Chilean tertiary education sector is considered as fundamental for socio-economic development, Chilean higher education institutions are facing critical issues such as (1) knowledge and learning transference, (2) accreditation –official recognition for compliance with quality standards–, (3) profit and equity, (4) competitiveness and (5) transparency. Public HEIs find it difficult to demand equal opportunities since the education sector was marketised.

From the 1980's, an outsourcing ethos was implemented that resulted in tertiary education being assumed by the central government to behave as a 'service', and, comparatively, one of the most [expensive](#) 'services' to pay for. According to the OCDE (2009, p.226), 'Chile was the first country in Latin America to introduce fees in public tertiary institutions in the early 1980s', and also the country with the highest fees level in the world, considering the relative country's wealth'. There has been since then, 40 years of considerable disagreement between the educational policy and the social movements, for which education is considered by public leaders as 'a fundamental right'. Delivering their messages through the mass media, public leaders consider that still public and private education is a critical problem and the gap among them remains as an [ongoing](#) problem for the Government as for the Chilean

society. Transparency has also been introduced in the tertiary education sector as a measure of good governance, but why was transparency required for public higher education institutions in Chile? These features were motivations to study higher education institutions in Chile as case study. Features for this sector are presented to give better understanding and possibly some insights into their assessment.

Table N° 5.1. – Tertiary Education Sector in Chile by Kind of Institution and Number of Enrolments, 2011-2012.

Category	Total	Percentage by Category	Total Enrolment 2011	% Enrolment 2011	Total Enrolment 2012	% Enrolment 2012
Public Universities=Universidades Estatales (UE)	16	9.1	173,901	16.3	175,586	15.6
Private Universities with Public Funding= Universidades Tradicionales No Estatales, (UTNE)	9	5.1	135,432	12.7	136,189	12.1
Universities Grouped under The Provost Council= Universidades del Consejo de Rectores (CRUCH)	25	14.2	309,333	29.0	311,775	27.7
Private Universities=Universidades Privadas (UP)	34	19.3	352,529	33.0	374,202	33.2
Further Education Institutions= Institutos Profesionales (IP)	44	25.0	267,766	25.1	301,156	26.7
Colleges=Centros de Formación Técnica (CFT)	73	41.5	138,635	13.0	140,048	12.4
Total 2011-2012	176	100.0	1,068,263	100.0	1,127,181	100.0

Source: Author's elaboration with data from the Official website Contraloría General de la República. Financiamiento Fiscal a la Educación Superior 2011. Accessed on May 13th, 2014.

URL: <http://www.contraloria.cl/NewPortal2/portal2/ShowProperty/BEA%20Repository/Portal/Bases/Contabilidad/Estudios/Financiamiento_Fiscal>

As the table above shows, Chile has a mixed system of tertiary education, with five kinds of institutions responsible for providing education. The whole educational system including the tertiary one operates under the neoclassical system paradigm where the 'market' laws determine most of the relations and regulations. The problem with this paradigm is how to apply a model of 'perfect economy' in the tertiary education system, which is by definition asymmetric. In Chile, for instance, students with reduced economic resources, have no option to choose either University or a career. Wealthy students have money and a choice of institutions to decide which program to follow. Despite the fact that the 20.285 law was created to reduce the gap for access to information, the problem is that this asymmetry is embedded in its origin, since higher education institutions are not all subject to the law, and the highest incidence in term of number of institutions is concentrated in the private sector.

Public universities and private universities are all subject to the accreditation system. To be accredited higher education institutions must be successful when assessing the way by which they drive their functions and 'business', if they are private. HEIs are then subject to public scrutiny. Transparency is therefore essential to make institutional policies and also

political decisions. Nevertheless, transparency mechanisms as the Act 20.285 are not equally applied to them.

For instrumental reasons, it is necessary to control resources allocated by the Chilean State. As the national budget comes largely from the citizens, the way money is spent, and how much is spent is also subject to public scrutiny. Accountability has therefore a public dimension and the Government can make political decisions on behalf of stakeholders through the annual financial plan, allocating funds by law in favour of them. Transparency is actually critical to groups of interest, which encompass not only students, but also institutions responsible for providing higher education.

Since Universities provide what constitutes the fundamental right to education, –this right has been committed by the Chilean Government ratifying international treaties–, this right is subject to international public scrutiny. Through information disclosure citizens exercise the right to information. But as information disclosure does not equally affect higher education institutions, transparency has become a controversial issue, especially when in tertiary education provisions on profit by private institutions remain a mostly hidden issue.

In Chile, private higher education institutions respond to ownership principles. On the contrary, public higher education institutions were created not only to seek or to produce graduate students, but also to contribute to the national cultural heritage. Transparency affects reliance on the way by which knowledge, research and innovation is created, promoted or applied, putting them into the discussion of what kind of democracy and cultural heritage are they contributing and helping to create.

The Transparency and Access to Public Sector Information Act, also called law N° 20.285 Act = Ley de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado, only applies to the public sector and to companies that are 51% owned by public authorities. Even though some universities are publicly funded, higher education institutions with another ownership status, for example created by the Catholic Roman Church, are not considered as a public authority, and therefore they are not covered by the Act. Compared with private HEIs, the number of public universities in Chile is small. Considering a total of 59 higher education institutions, 27.11% institutions are covered by the Act and a percentage of 72.88% are not covered by the law. In other words, 16 out of 59 universities are public, and 43 out of 59 are private.

Within this context, size, challenges, and the feasibility to have institutional support for data collection were motivations to consider public HEIs as target group for the case studies. Having obtained the support of the Chilean Transparency Council to collaborate with the data collection, this research considered the total population of public HEIs under the Act 20.285.

(b) Data on Number of Students Enrolled at Higher Education Institutions in Chile: the number of students enrolled in public higher education institutions is an important factor in gaining access to public funds from the government. Within this context, HEIs with public budgets use the same national test as standard to ensure a performance criterion to select their students. Nevertheless, they have autonomy to define number of vacancies, student's profile and specific entrance requirements. As the table N°5.2 shows, from 2002 to 2012 a total of 3.093.809 students were enrolled in public HEIs in Chile, mostly concentrated at undergraduate level –89,39%–. Although in ten years, the rate of enrolment had a steady growth from 7.93% in 2002 to 10.20% 2012, the highest increasing level was concentrated at postgraduate level, with a high rate since 2007 to 2012 –9.72% and 10.53% respectively–.

Table N° 5.2. – Undergraduate and Postgraduate Students Enrolled in Public HEIs in CHILE 2002–2012

Year	Total Undergraduate	% Undergraduate Increase by Year	Total Postgraduate	% Postgraduate Increase by Year	Total Undergraduate and Postgraduate	% Undergraduate and Postgraduate Increase by Year
2012	281,042	10.16	34,555	10.53	315,597	10.20
2011	272,768	9.86	35,620	10.86	308,388	9.97
2010	268,813	9.72	36,382	11.09	305,195	9.86
2009	259,593	9.39	34,449	10.50	294,042	9.50
2008	263,783	9.54	33,646	10.26	297,429	9.61
2007	245,550	8.88	31,877	9.72	277,427	8.97
2006	240,888	8.71	27,705	8.45	268,593	8.68
2005	243,395	8.80	24,481	7.46	267,876	8.66
2004	235,979	8.53	23,969	7.31	259,948	8.40
2003	231,547	8.37	22,350	6.81	253,897	8.21
2002	222,432	8.04	22,985	7.01	245,417	7.93
Total	2,765,790	100.00	328,019	100.00	3,093,809	100.00

Source: Author's elaboration with data from the Official website Consejo de Rectores de las Universidades Chilenas.

URL < http://www.consejodirectores.cl/web/publicaciones_anuario.php> Accessed on 13 May 2014

Data from the National Statistic Institute, INE has shown that from a population of 3.183.107 students enrolled from 2010 to 2012 in the tertiary education, which includes private and public institutions, 1.561.188 were male and 1.621.919 female. Nevertheless, and collating this trend with data disclosed by the Chilean Provosts Council, CRUCH, which groups together HEIs with public income, there was prevalence of male students at undergraduate and postgraduate level. The figures, the opposite to findings for the UK tertiary education system, remained steady over ten years with a score over 5 points in favour of male students.

Table N° 5.3. – Students Enrolled in Public HEIs in Chile by Level and Gender, 2002–2012

Year	Undergraduate Level					Postgraduate Level					Total By Year, Mode and Gender
	Full-time Female	% Female	Full-time Male	% Male	Total Undergraduate	Full-time Female	% Female	Full-time Male	% Male	Total Postgraduate	
2002	106,730	47.98	115,702	52.02	222,432	10,964	47.70	12,021	52.30	22,985	245,417

2003	109,761	47.40	121,786	52.60	231,547	10,505	47.00	11,845	53.00	22,350	253,897
2004	113,810	48.23	122,169	51.77	235,979	11,710	48.85	12,259	51.15	23,969	259,948
2005	117,066	48.10	126,329	51.90	243,395	11,186	45.69	13,295	54.31	24,481	267,876
2006	116,735	48.46	124,153	51.54	240,888	13,198	47.64	14,507	52.36	27,705	268,593
2007	118,538	48.27	127,012	51.73	245,550	15,262	47.88	16,615	52.12	31,877	277,427
2008	128,436	48.69	135,347	51.31	263,783	16,638	49.45	17,008	50.55	33,646	297,429
2009	126,449	48.71	133,144	51.29	259,593	16,989	49.32	17,460	50.68	34,449	294,042
2010	128,619	47.85	140,194	52.15	268,813	18,414	50.61	17,968	49.39	36,382	305,195
2011	130,135	47.71	142,633	52.29	272,768	17,525	49.20	18,095	50.80	35,620	308,388
2012	133,196	47.39	147,846	52.61	281,042	16,806	48.64	17,749	51.36	34,555	315,597
Total	1,329,475		1,436,315		2,765,790	159,197		168,822		328,019	3,093,809

Source: Author's elaboration with data from the Official website Consejo de Rectores de las Universidades Chilenas=Chilean Provost Council, CRUCH – Accessed on 13 May 2014. URL < http://www.consejodirectores.cl/web/publicaciones_anuario.php>

The multicultural feature presented by the UK case study was not possible to confirm for the Chilean case study. This kind of statistic was not available for or published by the studied institutions.

(c) Income and budget allocation over five-year period by higher education institutions in Chile. According to data reported by the National Statistic Institute, since 2007 the percentage allocated to higher education has had a variation from 33.04% to 44.10% of the total budget for education. Although the annual increase for education as for the tertiary education sector has been steady from 2007 to 2012, there was a decrease of two percentage points and one percentage point, over the total budget allocated for the whole system in 2009 and 2011 respectively. But considering the budget distribution for the tertiary education sector, the highest incidence of budget allocation was in 2012 with a percentage of 14.05%, 2009 with a 17.80%, 2008, with an increment of 19.99%, and 2010, where the increment was 63.03%. The table 5.4 shows the examined data for the Chilean case study.

Table N° 5.4. – Public Expenditure in Chilean HEIs by Type of Investment, 2007-2012

Year and Kind of Expenditure	Total Budget for Education	Annual Increase	Higher Education Budget	Percentage Over the Total	% of Annual Increase for HEIs
2007 Total	1,217,604,725	1,217,604,725	402,355,179	33.04	100.00
Current Expenditure	948,328,918	948,328,918	319,222,971	33.66	100.00
Capital Expenditure	269,275,807	269,275,807	83,132,208	30.87	100.00
2008 Total	1,415,593,452	197,988,727	482,769,785	34.10	19.99
Current Expenditure	1,060,801,751	112,472,833	349,627,124	32.96	9.52
Capital Expenditure	354,791,701	85,515,894	133,142,661	37.53	60.16
2009 Total	1,737,655,876	322,062,424	568,681,017	32.73	17.80
Current Expenditure	1,340,630,201	279,828,450	433,488,852	32.33	23.99
Capital Expenditure	397,025,675	42,233,974	135,192,165	34.05	1.54
2010 Total	2,109,697,583	372,041,707	927,132,107	43.95	63.03
Current Expenditure	1,519,864,982	179,234,781	529,025,123	34.81	22.04
Capital Expenditure	589,832,601	192,806,926	398,106,984	67.49	194.47
2011 Total	2,275,013,506	165,315,923	973,604,635	42.80	5.01
Current Expenditure	1,706,434,548	186,569,566	599,805,309	35.15	13.38

Capital Expenditure	568,578,958	-21,253,643	373,799,326	65.74	-6.11
2012 Total	2,518,130,566	243,117,060	1,110,437,380	44.10	14.05
Current Expenditure	1,890,756,015	184,321,467	734,264,910	38.83	22.42
Capital Expenditure	627,374,551	58,795,593	376,172,470	59.96	0.63

Source: Author's elaboration with data from the Official website National Statistic Institute=Instituto Nacional de Estadísticas, INE. Compendio Estadístico, 2011-2013. Accessed on: 13 May 2014.

URL: http://www.ine.cl/canales/menu/publicaciones/calendario_de_publicaciones/pdf/COMPENDIO_2013.pdf

Similarly, and considering funding by fiscal year from 2008 to 2012, consolidated data released by the Chilean Provosts Council was collated with the National Statistics Institute. Details for budget distribution within HEIs in Chile are included in the following table:

Table N° 5.5. – Funding for HEIs in Chile by Fiscal Year, 2008-2012 (in thousands of pesos)

UNIVERSIDAD / AÑOS	2008	2009	2010	2011	2012
Universidad de Chile	31,544,285	33,875,754	35,272,058	36,441,502	37,628,862
Pontificia Universidad Católica de Chile	28,693,897	30,884,241	34,705,340	36,249,265	40,196,515
Universidad de Concepción	28,417,090	31,488,370	35,444,520	42,545,720	45,782,520
Pontificia Universidad Católica de Valparaíso	20,639,545	22,340,454	24,497,096	23,619,477	30,420,498
Universidad Técnica Federico Santa María	16,482,852	17,985,658	20,315,420	24,036,894	28,937,099
Universidad de Santiago de Chile	15,419,405	19,689,290	18,720,545	18,614,992	19,168,627
Universidad Austral de Chile	18,017,472	28,978,664	25,857,390	27,835,628	30,501,462
Universidad Católica del Norte	9,745,691	10,368,539	10,894,509	11,430,311	17,123,027
Universidad de Valparaíso	3,442,660	3,625,709	3,659,603	3,807,667	4,024,469
Universidad de Antofagasta	6,178,307	5,758,042	6,241,029	6,201,565	6,283,329
Universidad de la Serena	4,564,118	4,871,113	5,171,271	5,194,002	5,883,700
Universidad del Bío-Bío	5,498,860	6,231,105	6,354,180	6,915,898	7,375,174
Universidad de la Frontera	3,523,061	4,488,067	4,340,175	4,449,046	5,076,921
Universidad de Magallanes	2,619,206	2,677,134	2,808,822	3,158,392	3,033,574
Universidad de Talca	8,842,009	10,160,308	10,630,863	11,401,686	12,186,512
Universidad de Atacama	2,036,522	1,413,398	1,413,398	1,500,167	1,560,015
Universidad de Tarapacá	9,751,837	11,057,635	11,507,438	12,618,536	13,010,018
Universidad Arturo Prat	4,283,990	4,786,799	4,908,226	4,509,840	4,828,907
Universidad Metropolitana de Cs de la Educación	6,383,356	6,126,392	6,421,231	5,693,888	5,913,681
Universidad de Playa Ancha de Cs de la Educación	1,599,700	1,768,745	1,840,679	1,921,302	2,058,944
Universidad Tecnológica Metropolitana	2,155,972	2,506,807	2,551,670	2,835,486	3,116,811
Universidad de Los Lagos	1,907,869	2,115,792	2,179,658	2,295,399	2,353,771
Universidad Católica del Maule	1,943,111	2,246,263	2,231,557	2,575,502	3,259,853
Universidad Católica de la Santísima Concepción	3,194,562	4,776,979	6,556,164	4,925,791	7,368,876
Universidad Católica de Temuco	1,346,069	1,526,472	2,311,529	2,448,122	2,602,027
TOTAL	238,231,446	271,747,730	286,834,371	303,226,078	339,695,192

Source: Consejo de Rectores de las Universidades Chilenas=Chilean Provost Council, CRUCH – Accessed on 13 May 2014. URL <http://www.consejodirectores.cl/web/publicaciones_anuario.php>

Based on fiscal funding data –which includes Direct Fiscal Contribution=Aporte Fiscal Directo, AFD, Indirect Fiscal Contribution=Aporte Fiscal Indirecto, AFI, Promissory Notes=Pagarés Universitarios, TGR, Loan Recovery by Fiscal Credit and Other Contributions= Recuperación Préstamos por Crédito Fiscal y Otros Aportes–, the annual budget for HEIs in Chile recorded considerable income variations from one information

source to another. In 2008 for example, a total of 482,769,785 thousands of pesos was reported by the INE, but data collected from the Chilean Provosts Council reported 238,231,446 thousands of pesos. This represents a deficit for publicly funded universities of 50.65%. Similarly, data for 2009 showed a deficit percentage of 52.21%. The figure for 2010 reported 69.0%. In 2011 was 68.86% and for 2012 69.41%.

5.2. Analysis, Results, Findings and Outcomes of Data Collected for Case Study 2: Chile

The chapter describes the results for questionnaires N°1 Informational Dimension, questionnaire N°2 Organisational Dimension, and questionnaire N°3 Legal Dimension, replied to by 100% of institutions under the Act. The questionnaires were completed by the Freedom of Information Officers responsible for the Act 20.285, at Universidad de Chile, Universidad de Santiago de Chile, Universidad de Valparaíso, Universidad de Antofagasta, Universidad de la Serena, Universidad del Bío-Bío, Universidad de la Frontera, Universidad de Magallanes, Universidad de Talca, Universidad de Atacama, Universidad de Tarapacá, Universidad Arturo Prat, Universidad Metropolitana de Ciencias de la Educación, Universidad de Playa Ancha de Ciencias de la Educación, Universidad Tecnológica Metropolitana y Universidad de Los Lagos.

As for the UK case study, results from the Pastakia's rapid impact assessment matrix, RIAM, applied for 'impact assessment', encompass the three dimensions of the conceptual model. Quantitative and qualitative data used to complete impact assessment was obtained through the first 4 closed questions of questionnaires N°1, N°2, and N°3.

Similarly, compliance assessment with the Act 20.284 was completed with data collected from the second part of the same questionnaires. Compliance assessment consisted of two methodological approaches. Quantitative perspectives involved the examination of numerical data related to some efficiency standards.

Qualitative methods covered the measurement of judgement and satisfaction level provided by the civil servants responsible for the Act 20.284 implementation in public HEIs. As for the UK, Likert scales were applied to capture the respondent's intensity of judgement and feelings, given a set of statements where it was requested to specify: (1) assessment of current practice, (2) level of agreement or disagreement, and (3) level of satisfaction.

5.2.1. Impact Assessment for the Chilean Case Study

5.2.2. On Impact assessment with the Act 20.285

Considering the research aims to examine what impacts may occur as a result of the Act 20.285 in public higher education institutions in Chile, the rapid impact assessment matrix, – known as the RIAM method– was applied not only to measure impact, but also to compare the critical independent variables outcomes, defined as impact cause-effect triggers.

A. Informational Dimension of the Conceptual Model

As this dimension has 23 independent variables and considering that the applied procedure to assess impact was the same for each case, one example is included to show how the RIAM method was applied for the Chilean case study.

Pastakia's Matrix:

$$aT * bT = ES$$

$$(A1) * (A2) = aT$$

$$(B1) + (B2) + (B3) \text{ Constant} = Bt$$

INFO DIMENSION Indep.Var1= INFORMATION REQUEST MANAGING SYSTEM									
HEIs Code	ES	RB	A1 (IDQ1Var1)	A2 (IDQ2Var1)	aT	B1 (IDQ3Var1)	B2 (IDQ4Var1)	(B3) Constant	bT
1	54	D+	3	3	9	2	3	1	6
2	36	D+	3	2	6	3	2	1	6
3	84	E+	4	3	12	3	3	1	7
4	56	D+	4	2	8	3	3	1	7
5	18	B+	3	1	3	3	2	1	6
6	36	D+	3	2	6	3	2	1	6
7	18	B+	3	1	3	3	2	1	6
8	72	E+	4	3	12	3	2	1	6
9	72	E+	4	3	12	3	2	1	6
10	48	D+	4	2	8	3	2	1	6
11	40	D+	4	2	8	1	3	1	5
12	72	E+	4	3	12	3	2	1	6
13	56	D+	4	2	8	3	3	1	7
14	48	D+	4	2	8	3	2	1	6
15	0	N	0	2	0	3	2	1	6
16	72	E+	4	3	12	3	2	1	6
IDVar1 IF=	1.40		1.13	0.74	0.84	0.93	0.51	0.22	1.66

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

The comprehensive list of the assessed independent variables can be found in Appendix N°11. Complete results for the informational dimension are shown in the following pivot table.

Pivot Table N° 5.6. – Impact Factor (IF) Ranking for Informational Dimension Independent Variables, Chile

Independent Variable Name	N° Variable	Impact Factor (IF)	Ranking by Dimension
Classification schemes	Info.Dim. Var14	1.67	1
Disclosure standards	Info.Dim. Var16	1.60	2
Access to public information	Info.Dim. Var2	1.57	3
Requests response quality	Info.Dim. Var10	1.56	4
Publication schemes use	Info.Dim. Var21	1.53	5
Information released	Info.Dim. Var9	1.43	6
Information request managing system	Info.Dim. Var1	1.40	7
Access to digital information	Info.Dim. Var17	1.31	8
Information availability	Info.Dim. Var12	1.26	9
Information disclosed	Info.Dim. Var3	1.22	10
Requests response time	Info.Dim. Var4	1.14	11
Requests replied	Info.Dim. Var19	0.99	12
Records management standards	Info.Dim. Var13	0.96	13
Requests processing time	Info.Dim. Var18	0.95	14
Requests analysis and processing	Info.Dim. Var15	0.95	15
Information transference mechanisms	Info.Dim. Var5	0.76	16
Categories of data and records	Info.Dim. Var7	0.73	17
Requests received	Info.Dim. Var11	0.37	18
Requests categories	Info.Dim. Var23	0.34	19
Requesters/requestors categories	Info.Dim. Var22	0.15	20
Exemptions use	Info.Dim. Var6	0.15	21
Requests refused/denied	Info.Dim. Var8	0.06	22
Sensitive information	Info.Dim. Var20	-0.01	23

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Findings for the Informational Dimension suggest that a high impact factor was achieved for the assessed independent variables. A total of 11 variables scored results between 1.67 and 1.12. There were also 4 variables with and over 0.95. There were therefore 15 out of 23 variables with high incidence when examining impact factor scores. Collating 'impact factor' scores with those for the UK case study, there were differences in terms of rate but not for the number of variables with the highest impact factor. 15 out of 23 is equivalent to a proportion of 65.21%, which means a positive correlation between findings from the literature review, the expert panel validation process, and the judgement of the Chilean Civil Servants, who responded the questionnaires.

At the top of the ranking Var14 'Classification schemes' achieved an IF=1.67; Var16 'Disclosure standards' scored an IF=1.60; Var2 'Access to public information' scored an IF=1.57; Var10 'Requests response quality' scored an IF=1.56, Var21 'Publication schemes use' scored an IF=1.53 Var9 'Information released' achieved an IF=1.43; Var1 'Information request managing system' scored an IF=1.40, Var17 'Access to digital information' scored an

IF=1.31, Var12 'Information availability' scored an IF=1.26, Var3 'Information disclosed' reached an IF=1.22, and 'Requests response time', scored an IF=1.14.

There were 5 independent variables initially placed at the top of the ranking –Var2, Var9, Var1, Var3, and Var4– which once completed the assessment process, kept a leading position within the critical impact factors. These variables were Access to public information (IF=1.57), Information released (IF=1.43), Information request managing system (IF=1.40), Information disclosed (IF=1.22), and Requests response time (IF=1.14)

Coincidentally, 4 out of 6 independent variables initially placed at the bottom of the assessed variables kept the same positions once completed the evaluation. These variables were Var11 'Requests received', with an IF=0.37, Var23 'Requests categories', with an IF=0.34, Var22 'Requesters/requestors categories', with IF=0.15, and Var20 'Sensitive information' with IF= -0.01. Two variables initially placed within the top 10 were displaced at the bottom once the assessment process was completed. The variables were Var6 'Exemptions use' with IF=0.15 and Var8 'Requests refused/denied', with IF=0.06.

Comparing impact factor outcomes between Chile and UK, Var14 'Classification schemes' with IF=1.67 was 1^o in Chile and 21^o in UK, Var16 'Disclosure standards', with IF=1.60 was 2^o in Chile and 8^o in UK, Var2 'Access to public information' with IF=1.57 was 3^o in Chile and 1^o in UK, Var10 'Requests response quality' with IF=1.56 was 4^o in Chile and 5^o in UK, Var21 'Publication schemes use', with IF=1.53 was 5^o in Chile and 20^o in UK, Var9 'Information released' with IF=1.43 was 6^o in Chile and 4^o in UK, Var12 'Information availability' with IF=1.26 was 9^o in Chile and 3^o in UK, Var3 'Information disclosed' with IF=1.22 was 10^o in Chile and 2^o in UK, Var19 'Requests replied' with IF=0.99 was 12^o Chile 6^o in UK, Var6 'Exemptions use' with IF=0.15 was 21^o in Chile and 9^o in UK, Var20 'Sensitive information' with IF=(-0.01) was 23^o in Chile and 7^o in UK

B. - Organisational Dimension of the Conceptual Model

In coherence with the research problem and hypotheses, the impact assessment was completed to examine whether there was some kind of correlation between theory and practice. Since the organisational dimension encompasses 27 independent variables, –the highest number within the model's dimensions–, and length of the analysis issues, only one example is presented to demonstrate how the Pastakia's RIAM method was applied.

As the same matrix and procedure was applied, the complete assessment process is included in Appendix N^o11.

Pastakia's Matrix:

$$aT * bT = ES$$

$$(A1) * (A2) = aT$$

$$(B1) + (B2) + (B3) \text{ Constant} = bT$$

ORG.DIMENSION.Indep.Var2 = MECHANISMS FOR 20.285 Act PROMOTION AND PARTICIPATION									
HEIs Code	ES	RB	A1 (ODQ1Var2)	A2 (ODQ2Var2)	aT	B1 (ODQ3Var2)	B2 (ODQ4Var2)	(B3) Constant	bT
1	60	D+	4	3	12	2	2	1	5
2	24	C+	3	2	6	2	1	1	4
3	84	E+	4	3	12	3	3	1	7
4	6	A+	2	1	2	1	1	1	3
5	18	B+	3	1	3	3	2	1	6
6	0	N	3	0	0	2	2	1	5
7	48	D+	4	2	8	3	2	1	6
8	0	N	3	0	0	2	2	1	5
9	30	C+	3	2	6	2	2	1	5
10	48	D+	4	2	8	3	2	1	6
11	24	C+	4	1	4	2	3	1	6
12	72	E+	4	3	12	3	2	1	6
13	84	E+	4	3	12	3	3	1	7
14	36	D+	3	2	6	3	2	1	6
15	6	A+	1	1	1	3	2	1	6
16	72	E+	4	3	12	3	2	1	6
ODVar2 IF=	1.20		1.09	0.60	0.65	0.83	0.68	0.33	1.84

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Once the described example was applied, complete results for the organisational dimension were systematised and ranked through the following impact factor pivot table:

Pivot Table N° 5.7. – Impact Factor (IF) Ranking for Organisational Dimension Independent Variables, Chile

Independent Variable Name	N° Variable	Impact Factor (IF)	Ranking by Dimension
Information request managing system	Org.Dim. Var1	1.83	1
Leadership commitment	Org.Dim. Var18	1.78	2
Response requests mechanisms	Org.Dim. Var24	1.47	3
Transparency mechanisms	Org.Dim. Var13	1.46	4
Organisational structure	Org.Dim. Var5	1.33	5
Organisational culture (secrecy)	Org.Dim. Var25	1.20	6
Mechanisms for Act 20.85 promotion and participation	Org.Dim. Var2	1.20	7
Act 20.85 advisory mechanisms	Org.Dim. Var6	1.19	8
Act 20.85 compliance assessment mechanisms	Org.Dim. Var8	1.19	9
Information request monitoring mechanisms	Org.Dim. Var7	1.17	10
Disclosure Policy	Org.Dim. Var3	1.15	11
Assistance to requesters	Org.Dim. Var21	1.15	12
Access to public information policy	Org.Dim. Var4	1.12	13
Act 20.85 implementation assessment mechanisms	Org.Dim. Var14	1.01	14
Act 20.85 training plan and programme	Org.Dim. Var26	0.99	15
Act 20.85 corporate and action plan	Org.Dim. Var11	0.95	16

Records management standards	Org.Dim. Var20	0.87	17
Act 20.85 code of best practices	Org.Dim. Var17	0.86	18
Accountability mechanisms	Org.Dim. Var15	0.83	19
Act 20.85 communication strategy and mechanisms	Org.Dim. Var16	0.80	20
Exemptions guidelines	Org.Dim. Var19	0.75	21
Act 20.85 annual performance reports	Org.Dim. Var22	0.58	22
Act 20.85 advocacy mechanisms and groups	Org.Dim. Var23	0.58	23
Political support	Org.Dim. Var12	0.44	24
Act 20.85 requests processing cost	Org.Dim. Var27	0.29	25
Annual budget	Org.Dim. Var10	0.28	26
Act 20.85 fees regime and mechanisms	Org.Dim. Var9	0.17	27

Source: Author's elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Findings for the Organisational Dimension suggest that remarkable impact factor (IF) outcomes for organisational dimension independent variables were obtained for 16 cases in public Chilean HEIs –3 more cases than the UK–. Proportionally, 16 out of 27 was equivalent to 59.25%, which means that there was a positive correlation between (a) results from the literature, (b) the panel of expert's validation, and (c) the judgment of Civil servants, responsible for the Act 20.285 implementation in Chile.

According to the ranking, the top ten independent variables scoring the highest incidence when measuring the impact factor were: Var1 'Information request managing system' with IF=1.83, Var18 'Leadership commitment', with IF=1.78, Var24 'Response requests mechanisms', with IF=1.47, Var13 'Transparency mechanisms', with IF=1.46, Var5 'Organisational structure', with IF=1.33, Var25 'Organisational culture (secrecy)', with IF=1.20, Var2 'Mechanisms for Act 20.285 promotion and participation', with IF=1.20, Var6 'Act 20.285 advisory mechanisms', with IF=1.19, Var8 'Act 20.285 compliance assessment mechanisms', with IF=1.19, and Var7 'Information request monitoring mechanisms', with IF=1.17. Furthermore, considering the top 16 independent variables with the highest impact factor, 8 out of 27 initially placed within the top of the ranking which kept such positions after the impact assessment. These variables were Var1, Var5, Var2, Var6, Var8, Var7, Var3, and Var4. Equally, 8 out of 27 cases of independent variables initially placed below the top ten ranking which changed their position to the top after the assessment. These variables were Var18, Var24, Var13, Var25, Var21, Var14, Var26, and Var11.

There were only 4 cases of independent variables with impact factor, IF scores below to 0.50. Consequently the variables located at the bottom of the ranking were: Var12 'Political support' with IF=0.44, Var27 'Act 20.285 requests processing cost', with IF=0.29, Var10 'Annual budget', with IF=0.28, and Var9 'Act 20.285 fees regime and mechanisms', with IF=0.17.

Comparing impact factor outcomes between Chile and UK, Var1 'Information request managing system', which reached the 1^o position in Chile, was sited at 8^o place in UK; Var18 'Leadership commitment' reached the 2^o place in Chile and the 1^o place in UK; Var24 'Response requests mechanisms' was 3^o in Chile and 16^o in UK; Var13 'Transparency mechanisms' was 4^o in Chile and 9^o in UK; Var5 'Organisational structure' was 5^o in Chile but 15^o in UK. Conversely, independent variables within later positions in the ranking in Chile reached good positions in UK. Such cases were for Var19 'Exemptions guidelines', 21^o place in Chile and 2^o place in UK; Var17 'Act 20.285/FOIA2000 code of best practices', 18^o place in Chile and 3^o place in UK; Var21 'Assistance to requesters' was 12^o in Chile and 4^o in UK; Var20 'Records management standards' was 17^o in Chile and 5^o in UK; and Var12 'Political support', was 24^o in Chile, and 6^oin UK.

C. Legal Dimension of the Conceptual Model

The RIAM method was applied to assess a total of 16 independent variables included in the legal dimension. Following the same idea as the previous dimensions, one example is going to be included to demonstrate how the Pastakia's matrix was applied. Complete detail for the analysed 16 cases of the legal dimension, are included in Appendix N^o11.

Pastakia's RIAM Method:

$aT * bT = ES$ $(A1) * (A2) = aT$ $(B1) + (B2) + (B3) \text{ Constant} = bT$

LEGAL DIMENSION. Indep.Var3 = APPEAL MECHANISMS AND PROCESS									
HEIs Code	ES	RB	A1 (LDQ1Var3)	A2 (LDQ2Var3)	aT	B1 (LDQ3Var3)	B2 (LDQ4Var3)	(B3) Constant	bT
1	32	C+	4	2	8	1	2	1	4
2	5	A+	1	1	1	2	2	1	5
3	84	E+	4	3	12	3	3	1	7
4	18	B+	3	1	3	3	2	1	6
5	84	E+	4	3	12	3	3	1	7
6	0	N	3	0	0	1	1	1	3
7	0	N	2	0	0	2	1	1	4
8	32	C+	4	2	8	1	2	1	4
9	12	B+	2	1	2	3	2	1	6
10	36	D+	3	2	6	3	2	1	6
11	84	E+	4	3	12	3	3	1	7
12	36	D+	4	3	12	1	1	1	3
13	36	D+	3	2	6	3	2	1	6
14	42	D+	3	2	6	3	3	1	7
15	0	N	1	0	0	2	1	1	4
16	54	D+	3	3	9	3	2	1	6
LDVar3 IF=	1.00		0.99	0.58	0.57	0.76	0.66	0.33	1.75

Source: Author's elaboration with data from Questionnaires N^o1, N^o2 and N^o3, Part I Impact Assessment.

Once completed the impact assessment process, results and outcomes were systematised and arranged through a pivot table, to rank impact factor scores following a descendent order.

Pivot Table N° 5.8. – Impact Factor (IF) Ranking for Legal Dimension Independent Variables, Chile

Independent Variable Name	N° Variable	Impact Factor (IF)	Ranking by Dimension
Publication scheme provisions	Legal Dim. Var16	1.85	1
Proactive disclosure provisions	Legal Dim. Var15	1.84	2
Duty to publish	Legal Dim. Var6	1.62	3
Information request statutory requirement	Legal Dim. Var13	1.60	4
Complaint mechanisms provisions	Legal Dim. Var4	1.56	5
Timeframe regime	Legal Dim. Var8	1.49	6
Disclosure provisions	Legal Dim. Var2	1.41	7
Public interest test	Legal Dim. Var5	1.30	8
Exemptions –qualified and absolute–	Legal Dim. Var1	1.19	9
Transferring request provisions/referrals	Legal Dim. Var14	1.14	10
Non-compliance provisions	Legal Dim. Var11	1.06	11
Appeal mechanisms and process	Legal Dim. Var3	1.00	12
Decision notices	Legal Dim. Var12	0.74	13
Internal review system provisions	Legal Dim. Var7	0.71	14
Legal assistance	Legal Dim. Var10	0.67	15
Information request fees regime	Legal Dim. Var9	0.49	16

Source: Author’s elaboration with data from Questionnaires N°1, N°2 and N°3, Part I Impact Assessment.

Impact assessment results for the Legal Dimension suggest that 12 out of 16 independent variables with high impact factor scores. The outcome, equal to 75%, is the highest when comparing results within the dimensions of the case study, and even between the studied countries. Examining the pivot table, impact factor scores denotes that there was a positive correlation between (a) findings that came out of the literature, (b) the validation process completed through the experts, and (c) the assessment made by the Chilean respondents.

Independent variables located at the top five of the ranking for their high impact factor scores were Var16 ‘Publication scheme provisions’, with IF=1.85, Var15 ‘Proactive disclosure provisions’, with IF=1.84, Var6 ‘Duty to publish’, with IF=1.62, Var13 ‘Information request statutory requirement’, with IF=1.60, and Var4 ‘Complaint mechanisms provisions’, with IF=1.56. Within the top 16 independent variables there were 7 which kept the initial place in the ranking. These variables were Var6, Var4, Var8, Var2, Var5, Var1, and Var3. Interestingly, independent variables originally placed at the bottom of the ranking, reached the top 3 position once the impact assessment was completed. These variables were Var16 ‘Publication scheme provisions’ with IF=1.85, Var15 ‘Proactive disclosure provisions’, with IF=1.84, and Var13 ‘Information request statutory requirement’, with IF=1.60. The lowest

impact factor was reached for one variable, Var9 'Information request fees regime', with IF=0.49.

When comparing impact factor scores between the case studies, outcomes showed that there were some variations from one country to another. Var16 'Publication scheme provisions' with IF=1.85 was 1^o in Chile and 12^o in UK, Var15 'Proactive disclosure provisions', with IF=1.84 was 2^o in Chile and 13^o in UK, Var6 'Duty to publish' with IF=1.62 was 3^o in Chile and 3^o in UK as well, Var13 'Information request statutory requirement', with IF=1.60 was 4^o in Chile and 7^o in UK, Var2 'Disclosure provisions' with IF= 1.41 was 7^o in Chile and 2^o in UK, Var5 'Public interest test' with IF=1.30 was 8^o in Chile and 1^o in UK, Var3 'Appeal mechanisms and process' with IF=1.00 was 12^o in Chile and 4^o in UK, and Var1 'Exemptions –qualified and absolute'– with IF=1.19 was 9^o in Chile and 5^o in UK .

5.2.3. Compliance Assessment with the Act 20.285 for the Chilean Case Study

5.2.4. On Requirements for Compliance with the Act 20.285

Since the proposed Bill began its parliamentary procedure on 4th January 2005, three years were needed to their enactment on 11th August 2008, and some months until it was definitively published and ratified on 20th April 2009. The Act 20.285 on Transparency of the Public Function and Access to Information held by Public Authorities, had as its purpose, promoting participation and enhancing the accountability of public bodies. Active and passive transparency mechanisms were assumed as fundamental to ensure proactive disclosure of information to the citizens.

The right of access to public information compels public higher education institutions (a) to provide information requested by the citizens, and (b) make available historical records covered by the publication scheme which encompass 19 information categories. Within this context, and as a result of the Act implementation, Chilean higher education institutions are challenged to periodic supervision or assessment made by the Transparency Council, the official oversight body to whom compliance with minimum standards is a key duty.

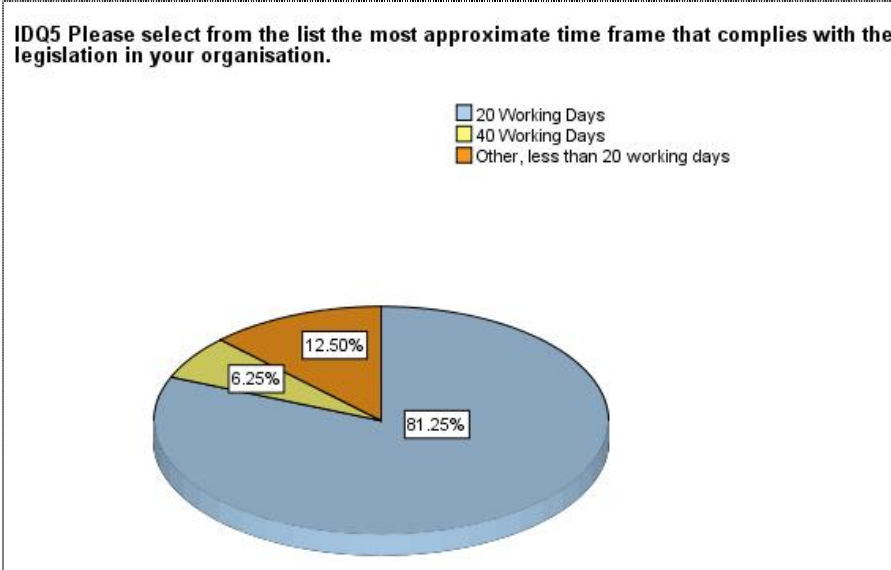
In Chile, compliance with the Act 20.285 refers to the fulfilment of administrative tasks which encompass (1) inputs, (2) procedures, and (3) outputs from the legal provisions on access to public information. Compliance with the Act 20.285 includes performance assessment tasks regarding (a) time frame to respond to an information request, (b) assistance to information requesters, (c) provision of information and particularities of the appeal system, (d) weight and grounds to accept or refuse information requests, (e) use and application of legal provisions on absolute and qualified exemptions, and (f) proactive release of information.

Administrative compliance assessment under the Act 20.285 encompasses therefore the examination of results and outcomes reported by independent variables defined under each dimension of the conceptual model. Qualitative and quantitative approaches have been considered to define levels of failure or achievement with standards when assessing administrative compliance. Compliance assessment focused on performance is useful not only to define levels of strengths and weaknesses, but also to compare standards between countries, and political systems. Nevertheless, as compliance results not only depend on performance, this research considers as fundamental the inclusion of possible boundaries embedded in the Act provisions. The nature of the Act is cause and restriction itself, and this affects compliance for public universities to conduct themselves in accordance with its provisions. Examples apply to time frame provisions, appeals system, exemption categories, information disclosure, information release, information and enforcement notices, among others. Within this context, compliance assessment results, outcomes and finding for the Chilean case study are presented in the following section.

A. Questionnaire N° 1: Informational Dimension of the Conceptual Model

(a) Request Response Time and Request Processing Time: any person is entitled to send a request for information to public authorities. Considering the disclosure and release provisions defined by the public interest test, qualified and absolute exemptions, under Sections 10, 12, 14, 16, 20 and 21, the Act 20.285 defines 20 working days as the time for compliance with any information request. Compliance results for this independent variable – request response time– of the conceptual model are presented in figure below.

Fig. N° CS2 1. – Compliance Assessment with Act 20.285 Timeframe Regime in Public HEIs, Chile



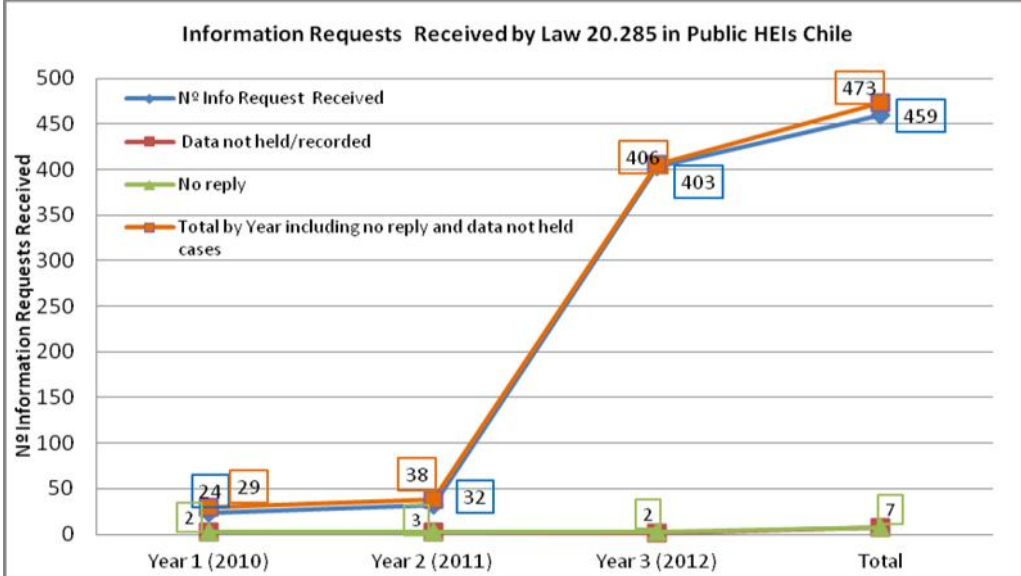
Source: Author's elaboration Questionnaire N° 1 Informational Dimension, Q5

Data collected one year after the Act 20.285 was ratified and passed in 2009, showed that considering a total of a relatively small number of information requests received by the Chilean higher education institutions, the compliance level reached by them was satisfactory. A percentage of 81.25% fulfilled the deadline of 20 days to respond to the requesters. Positively a percentage of 12.5% performed in less than 20 days to comply with the time regime. Although there was a high compliance level with the timeframe regime, when assessing level of satisfaction, rates did not keep the same level of growth. To the statement 'Considering Act 20.285 provisions to ensure compliance with the timeframe of 20 days to reply to information requests, versus the requests analysis and processing mechanisms implemented in this higher education', results were 31.3% very satisfied, 31.3% satisfied, 37.5% moderately satisfied, 0% dissatisfied, very dissatisfied, and no reply.

Findings suggest that the achievements made by the Chilean HEIs are better when compared with the results from the UK case study. Similarly, responses received from the studied population also showed a very small number of institutions that reported this requested data was 'not held or recorded'. There were 3 cases registered in 2010; 3 cases were counted in 2011, and only 1 was reported in 2012. The reduced number of data not available positively affect the assessment of this variable, making findings accurate.

(b) Requests Received: this was defined as a critical variable according to the weight function procedure when validating the conceptual model. The number of requests received was collected to verify standards level fulfilment for performance assessment in HEIs. The figure below shows the rate of information requests received under the Act 20.285 by HEIs in Chile

Fig. N° CS2 2: Demand for Public Information under Act 20.285 in HEIs, Chile 2010-2012

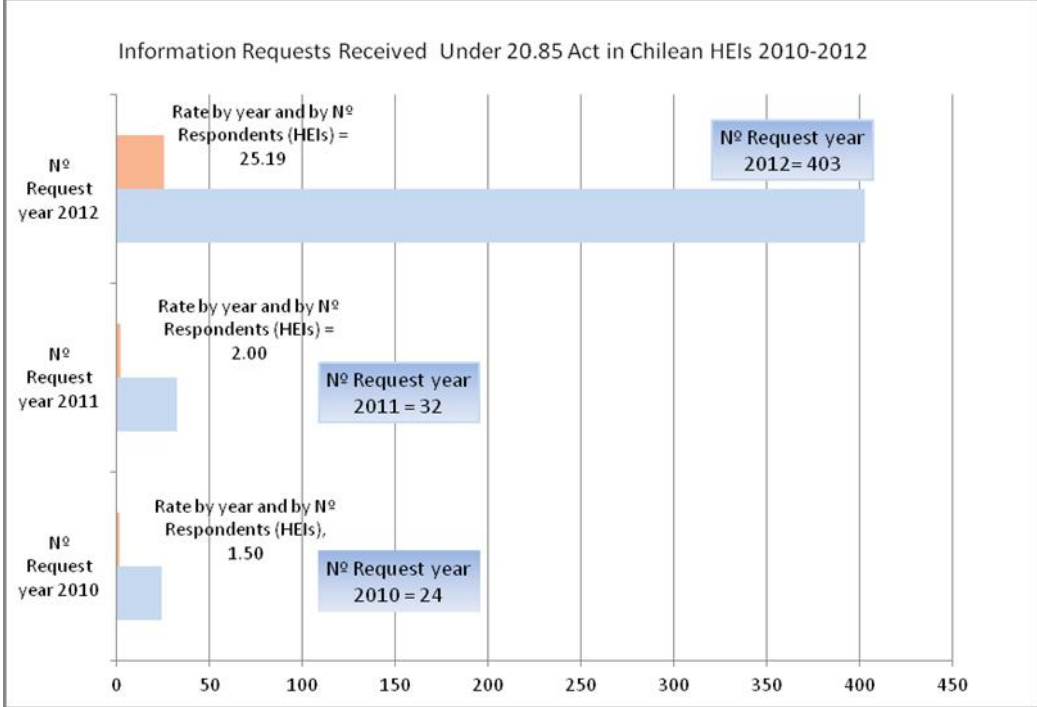


Source: Author's elaboration Questionnaire N° 1 Informational Dimension, Q6

The data analysis for this independent variable was made over the number of information requests received by higher education institutions in Chile, excluding the total of information requests refused or denied for the three year period. Seven cases of the studied population did not reply to the question, and the same number of cases reported 'data not recorded/held'. The number of information requests received by public HEIs in Chile, showed a tendency to increase over the three-year period. A total of 459 information requests were received by the 16 public universities to whom the Act 20.285 applies.

From the figure below, outcomes showed that although the total number of requests for information grew every year, the highest incidence when analysing growth level was registered in 2012 with a percentage of 87.80%. Results for 2011 showed an increase level of 6.97%, and outcomes for 2010 revealed that the proportion of growth was 5.23%. Similarly, over the studied population and taking into account the number of information requests sent to public HEIs in Chile, a very small number arrived with these public authorities, and even a tiny number came out when analysing annual rate results. The figure below shows results for this variable

Fig. N° CS2 3-: Demand for Public Information under Act 20.285 in HEIs, Chile 2010-2012



Source: Author's elaboration Questionnaire N° 1 Informational Dimension, Q6

Considering the total number of respondents as the total of requests received, from the following table in 2010 the information request rate was 1.5 per year and per institution. This score slightly grew in 2011, resulting in a rate of 2.0 information requests per year and per university. As the proportion of information requests had the highest growth in 2012, this

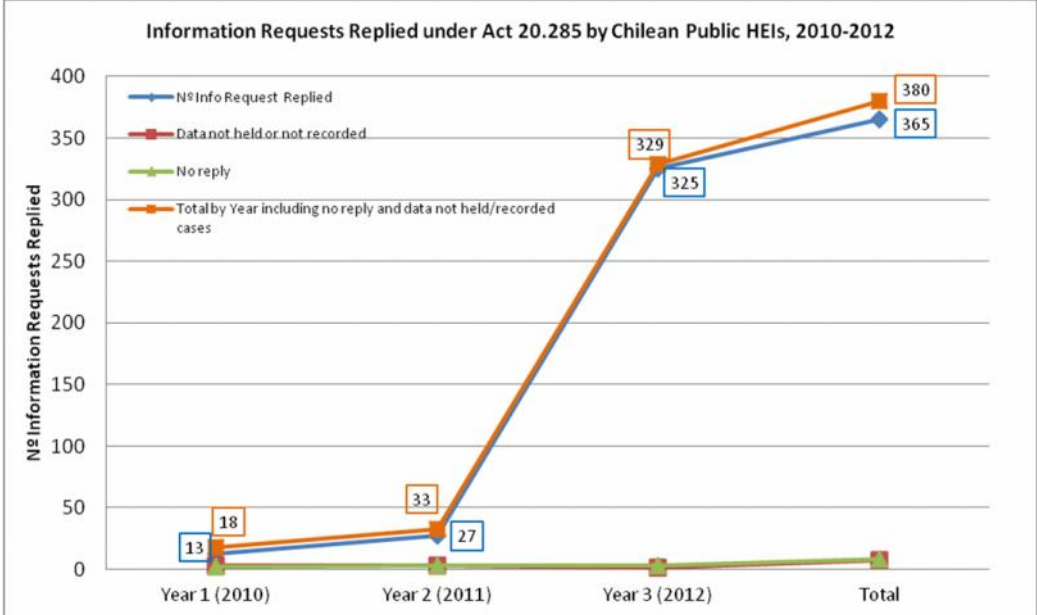
condition reported also the highest incidence, with a rate of 25.19 information requests per year and per institution.

One possible explanation for this finding might be found when examining impact assessment outcomes for the information dimension’s independent variables. Proactive disclosure variables were placed at the top level of the ranking. Var16 ‘Disclosure standards’ scored IF=1.60; Var2 ‘Access to public information’ scored IF=1.57, and Var21 ‘Publication schemes use’ reached IF=1.53. Proactive disclosure of information through the publication scheme – monthly updates on the institution’s Website– might result in a reduced need for submitting information requests to HEIs.

(c) Requests Replied: findings when assessing standards for information requests replied to, were as good as compliance results for the time frame. The figure below summarises the data collected for this independent variable, over the three year period.

Apart from the number of information requests replied to by public Chilean universities, the figure also considers collected data for ‘no reply’, and ‘data not held/recorded’. These categories showed that 3 universities did not count or hold the number of information requests in 2010 and 2011. There was 1 case in 2012. There also was a good response rate, with 2 ‘no reply’ cases in 2010, and 3 cases in 2011-2012. Since the Act 20.285 was passed in Chile, public HEIs received a total of 459, and replied a total of 365 requests. Considering the supply and demand equation, a compliance level of 79.52% over the period studied was achieved by public universities in Chile.

Fig. N° CS24--: Compliance Assessment with Information Requests under Act 20.285 in Chilean HEIs, 2010-2012

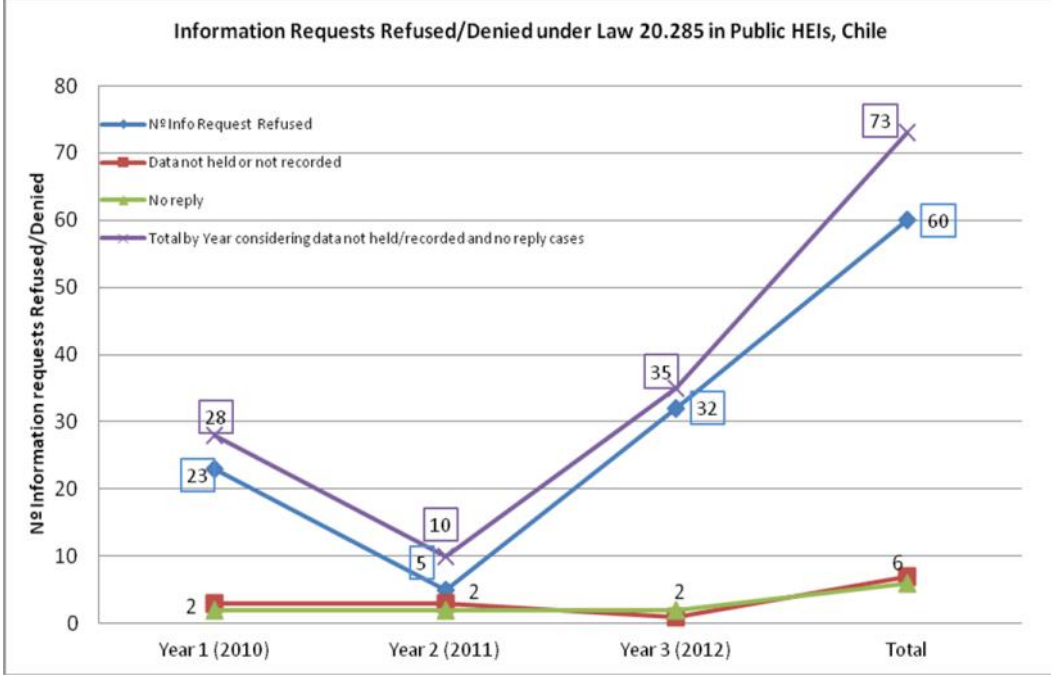


Source: Author’s elaboration Questionnaire N° 1 Informational Dimension, Q6

Similarly, and examining data from the previous figure, the total of information requests replied to in 2010 had only 54.16%, the lowest compliance rate over the studied period. There was a significant growth in 2011, where the rate grew to 84.37%. For the year 2012 and with a total of 325 requests replied, Chilean HEIs achieved a compliance rate of 80.64%. When assessing 'satisfaction level', to the question 'considering the received information requests versus the quality of the information effectively released by this higher education institution', results were 25% very satisfied, 62.5% satisfied, 12.5% moderately satisfied, 0% dissatisfied, very dissatisfied, and no reply.

(d) Access to Public Information: this independent variable was assessed taking into consideration the results of requests received, requests replied to and requests denied. Through this independent variable the capacity to provide access as to release information was evaluated to examine how well compliance was performed by public Chilean HEIs. The figure below shows results for this variable.

Fig. N° CS2 5--: Compliance Level with Demand for Information under Law 20.285 in Chilean HEIs, 2010-2012



Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q6

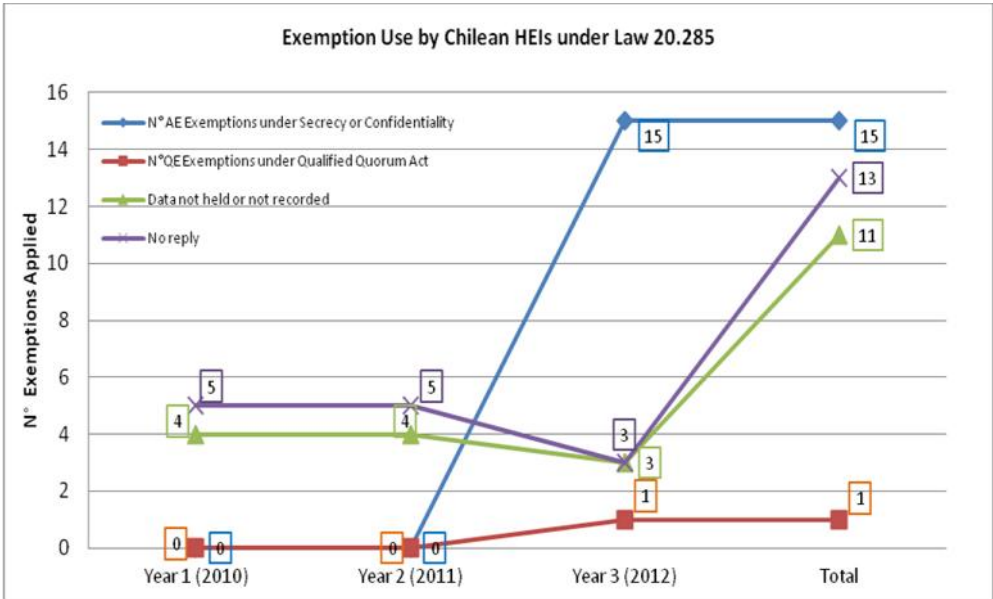
Over the three year period, the equation to define compliance level with the Act 20.285 was estimated considering requests received, requests replied, and refusals. For 2010 –the first year since the Act 20.286 was enacted in 2009–, there was found a low standard of access to information performed by public HEIs in Chile. A percentage of 54.16% of responses and 95.83% of refusals are evidence for this finding. Nevertheless, there was a considerable growth in terms of access to information for the following two years. In 2011, with the highest incidence of requests replied rate –84.37%–, a low level of refusals was also achieved with a percentage of 15.63%. Similarly, outcomes for 2012 showed a percentage of 80.64% of

requests replied with 7.94% of refusals, the lowest rate for the studied period. Over the three year period, the performance achieved by public HEIs in Chile was 79.52% of compliance with request for information and 13.07% of refusals. For this variable, and comparing outcomes from the UK case study, some similarity was found in terms of performance with the number of information requests replied. 79.13% scored by HEIs in UK, and 79.52% for public Chilean HEIs confirm this finding. A disparity was nevertheless found when comparing the refusals rate. A percentage of 20.87% scored by HEIs in UK and 13.07% by public Chilean HEIs, support this finding.

Taking into account that effective and efficient request managing systems and information transference mechanisms possibly have positive or negative effects on access to public information, when assessing satisfaction level with this independent variable, for the statement ‘considering provisions defined by the 20.285 Act to ensure access to public sector information, versus the effective implementation of the request managing system’, results were 6.3% ‘very satisfied’, 62.5% ‘satisfied’, 25.0% ‘moderately satisfied’, 0% ‘dissatisfied’, 6.3% ‘very dissatisfied’, and 0% ‘no reply’. Similarly, to the statement, ‘considering provisions defined by the Act 20.285 to ensure information disclosure and release, versus the effective implementation of information transference mechanisms’, outcomes were 12.5% ‘very satisfied’, 62.5% ‘satisfied’, 18.8% ‘moderately satisfied’, 6.3% ‘dissatisfied’, 0% ‘very dissatisfied’, and ‘no reply’.

(e) Exemptions Use, Sensitive Information: in Chilean public higher education institutions, compliance assessment with these independent variables was studied considering the kind of exemptions included in the Act 20.285.

Fig. N° CS2 6: Compliance Level with Exemptions Provisions Applied by Chilean HEIs, 2010-2012



Source: Author’s elaboration with data collected from Questionnaire N°1 Information Dimension, Q8

As the right of access is consistent with international standards, data held by public universities must be proactively released taking into account disclosure restrictions. The figure below and tables below shows findings for exemptions applied by HEIs in Chile.

These restrictions apply to two information categories: (1) information given under secrecy or confidentiality, and (2) information covered by qualified quorum acts. Considering the number of cases of 'no reply' and cases of 'data not held/recorded', the highest incidence in terms of restrictions to information disclosure/release was reported in 2012, with a total of 15 information requests covered by absolute exemptions.

There were no cases in 2010 and 2011. In 2012 there was 1 case of information requests covered by qualified quorum acts. The table below displays these results.

Table N° 5.9: Compliance Level with Exemptions Provisions Applied by Chilean HEIs, 2010-2012

		Frequency	Valid Percent	Cumulative Percent
IDQ8 Op1 N° Absolute Exemptions/ under Secrecy or Confidentiality year 3 (2012)				
Valid	No reply	1	6.3	6.3
	3	1	6.3	12.5
	2	1	6.3	18.8
	10	1	6.3	25.0
	0	12	75.0	100.0
	Total	16	100.0	
IDQ8 Op2 N° Absolute Exemptions/ under Secrecy or Confidentiality year 2 (2011)				
Valid	Not Applicable	1	6.3	6.3
	Data not held or not recorded	2	12.5	18.8
	No reply	1	6.3	25.0
	0	12	75.0	100.0
	Total	16	100.0	
IDQ8 Op3 N° Absolute Exemptions/ under Secrecy or Confidentiality year 1 (2010)				
Valid	Not Applicable	1	6.3	6.3
	Data not held or not recorded	2	12.5	18.8
	No reply	1	6.3	25.0
	0	12	75.0	100.0
	Total	16	100.0	
IDQ8 Op4 N° Qualified exemptions/under qualified quorum act year 3 (2012)				
Valid	No reply	2	12.5	12.5
	1	1	6.3	18.8
	0	13	81.3	100.0
	Total	16	100.0	
IDQ8 Op5 N° Qualified exemptions/under qualified quorum act year 2 (2011)				
Valid	Not Applicable	1	6.3	6.3
	Data not held or not recorded	2	12.5	18.8
	No reply	2	12.5	31.3
	0	11	68.8	100.0
	Total	16	100.0	
IDQ8 Op6 N° Qualified exemptions/under qualified quorum act year 1 (2010)				
Valid	Not Applicable	1	6.3	6.3
	Data not held or not recorded	2	12.5	18.8
	No reply	2	12.5	31.3
	0	11	68.8	100.0
	Total	16	100.0	

Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q9

Considering the small number of information requests covered by exemptions provisions, and examining the list of exemptions included in the Act 20.285, the table below shows results for the Chilean case study.

Table N° 5.10: Compliance Level with Exemptions Use by Public Chilean HEIs, 2010-2012

Informational Dimension Dependent Variables. Exemptions Decisions Applied within the last 3 Years, HEIS CHILE	Valid Percent					
	Many	Some	Few	None =0	No reply	Total
IDQ9 Op1 The country's defence	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op2 International relations	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op3 Relations within the UK/Territorial Integrity Chile	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op4 The country's economic interests/ Economic and commercial interests Chile	0.0	0.0	12.5	81.3	6.3	100.0
IDQ9 Op5 Law enforcement/Legal defense Chile	6.3	0.0	18.8	75.0	0.0	100.0
IDQ9 Op6 Audit functions/Economic crimes and financial audit Chile	0.0	0.0	6.3	93.8	0.0	100.0
IDQ9 Op7 The effective conduct of public affairs/Enforcement of the public function Chile	0.0	6.3	12.5	81.3	0.0	100.0
IDQ9 Op8 Health and safety	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op9 Commercial interests	0.0	0.0	0.0	93.8	6.3	100.0
IDQ9 Op10 Material intended for future publication/ Information for future disclosure Chile	0.0	0.0	6.3	93.8	0.0	100.0
IDQ9 Op11 National security /Information about public order and national security Chile	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op12 Investigations and proceedings by public authorities/ Background and previous discussions of a resolution	0.0	12.5	12.5	75.0	0.0	100.0
IDQ9 Op13 The formulation of government policy/Background and previous discussions of an institutional policy	0.0	0.0	6.3	93.8	0.0	100.0
IDQ9 Op14 Communications with the Queen, and relating to honours/Communication with executive, legislative and judicial	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op15 Environmental information	0.0	0.0	0.0	100.0	0.0	100.0
IDQ9 Op16 Personal information/Personal information as related to privacy Chile	18.8	6.3	31.3	43.8	0.0	100.0
IDQ9 Op17 Legal professional privilege/ Benefits and commercial or economic rights Chile	0.0	6.3	0.0	93.8	0.0	100.0
IDQ9 Op18 Actions by a Qualified Quorum Law Chile	0.0	0.0	6.3	93.8	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q9

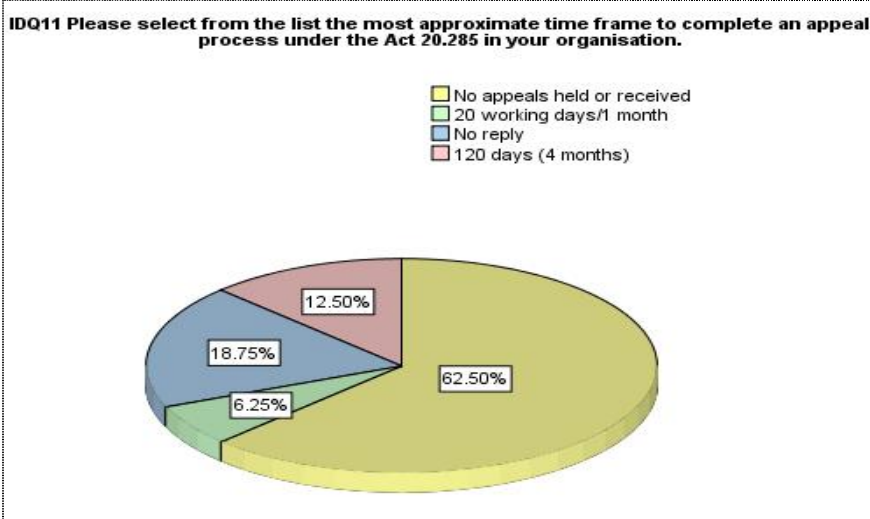
In consistency with outcomes already shown, and over a number of 15 exemptions reported; the option 'none' obtained the highest incidence when examining the kind of restrictions applied to release of information. According to the table, few exemptions were applied to prevent the disclosure of information on 'investigations and proceedings by public authorities/background and previous discussions of a resolution', with a percentage of 12.5%. Under the category 'many', the highest incidence with 18.8% was concentrated on exemptions under Section 21(a) and 21(2), which covers provisions on 'personal information related to privacy'.

This finding might be explained by (a) low information request rates over the period studied, (b) high impact factor – IF– scored by independent variables related to ‘proactive disclosure’, and (c) level of awareness of civil servants responsible for the Act 20.285 implementation. For example, when asked about best practices, 87.5% of respondents replied ‘always’ for the statements ‘with regard to access to digital information, in this higher education institution we are aware about provisions on ‘active transparency’ which place additional requirements on public authorities to make datasets available in an electronic manner’. A 62.6% for ‘always’, and ‘generally/frequently’ was reached in response to the statement ‘when deciding on information disclosure, in this higher education institution there is awareness that a confidentiality clause in a contract is not enough in itself to prevent disclosure’.

Similarly, when asked for ‘considering provisions defined by the Act 20.285 to ensure compliance with the access to public information, versus the criteria to define ‘sensitive information’ applied in this higher education, your satisfaction level is...’, a 87.5% ‘very satisfied’ and ‘satisfied’ was obtained for such statement.

(f) Appeal Process, Appeal Mechanisms, and Information Released: section 24 of the Act 20.285 states the right to appeal when the deadline of 20 days to receive reply from the public body is overdue or when the information request is denied by the public authority. The appeal system considers specific mandatory tasks to comply with the Act’s provisions. One of them defines the timeframe to complete proceedings and procedures related to internal and external appeal process. Figure below shows results for the Chilean case study.

Fig. N° CS2 7: Compliance Assessment with Appeal System Timeframe, Chilean Case Study



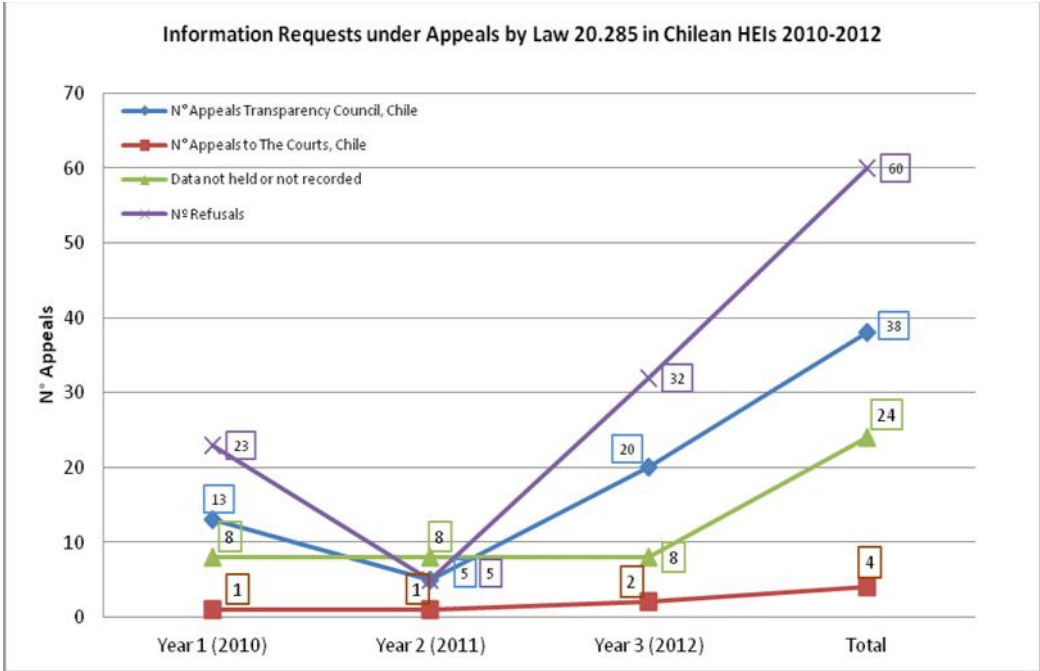
Source: Author’s elaboration with data collected from Questionnaire N°1 Information Dimension, Q11.

Since the Act 20.285 defines as a suitable timeframe around 120 days to complete an appeal process – Sections 24, 25, 27, 28, and 30–; excluding the percentage of 62.50% of appeals

not held or received, and the percentage of 'no reply', HEIs fulfilled the mandatory timeframe to comply with the Act. The same compliance level was observed for the UK case study.

Considering the three-year period, and in accordance with the low number of requests received by HEIs, over a total of 60 information requests were refused. Examining the number of refusals, there were zero reported cases for internal review in Chilean HEIs. In 2010, there were a total of 13 appeals to the Transparency Council. The number of appeals dropped to 5 in 2011, and grew to 20 in 2012. Over the 60 refusals, a total of 38 were taken by the requester to the Transparency Council. Claims to the Appeals Court were 4 over the studied period. The figure below shows the results for appeal process in public HEIs in Chile.

Fig. N° CS2 8: Appeal System under Act 20.285 in Chilean HEIs, 2010-2012



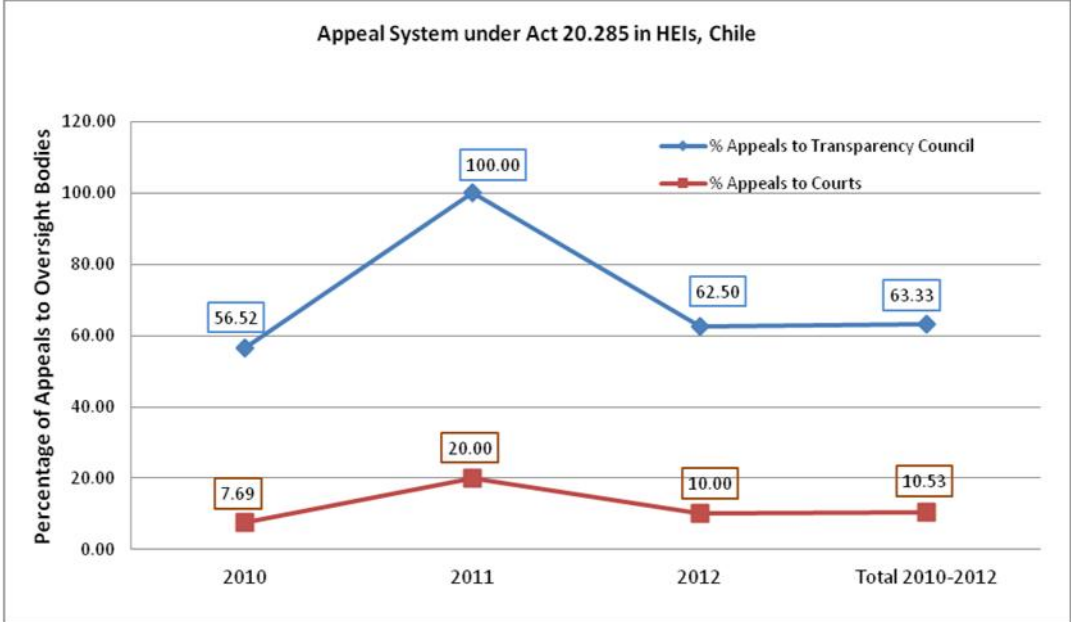
Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q12

In view of the right to appeal enforced by these two oversight bodies with autonomy, mandate, and power to decide, 38 applications admitted by the appeal system, out of 60 cases registered as refusals represents a positive standard of compliance. The closer the rate between refusals and appeals, the higher the compliance level is.

As the figure above shows, purple and blue lines show a narrow gap between number of refusals and number of appeals. Low levels of refusals, but high levels of appeals, showed a satisfactory achievement by HEIs when encouraging to the requesters to apply. These findings showed that the highest incidence of information release is not entirely depending on the appeal system, but importantly on the requesters as on the authorised person responsible for the communication between them.

For the statement ‘to ensure requests response quality, in this higher education institution, we let the requester know about the right to complain for an internal review. We also let them know about the right to appeal to the Transparency Council as the Appeal Courts’; a cumulative percentage of 50.1% was scored by the option ‘always’ and ‘generally/frequently’. Figure below shows the ratio performance results for the appeal system in HEIs.

Fig. N° CS2 9: Appeal System under Act 20.285 in Chilean HEIs, 2010-2012



Source: Author’s elaboration with data collected from Questionnaire N°1 Information Dimension, Q12

Data collected for 2010 which examined the number of appeals, 13 out of 23 refusals represents a percentage of 56.52%, the lowest over the period studied.

All the information requests denied in 2011 were appealed by the requesters, so there was a positive use of the right to appeal –100% in this case–. In 2012, the percentage of appeals was higher than 2010. Over a total of 32 information requests denied by public HEIs, 20 were claimed by the requesters to the Transparency Council. This represents a percentage of 62.50%. Estimated over the three year period, the percentage of appeal reached 63.33%, which might be understood as a positive level of participation and commitment from the requesters.

Since exemptions affect information release in terms of the number of information requests refused or denied, and consequently the appeal system, decisions made by the oversight bodies were assessed in public HEIs. The results for the Chilean case study are showed in the following table:

Table N° 5.11: Chilean Oversight bodies decisions in HEIs under Act 20.285, 2010-2012

Informational Dimension Independent Variables. Exemptions Subject to Appeals Reported by Chilean HEIs. Q10 May be Reversed Oversight Bodies Decisions?	Valid Percent				
	Irrev.	Rev.	N/I	N/A	Total
Op1 When advertising, communication or knowledge affects the performance of the functions of the institution/University.	6.3	0.0	87.5	6.3	100.0
Op2 When advertising, communication or knowledge affects the prevention, investigation and prosecution of a crime.	6.3	6.3	81.3	6.3	100.0
Op3 When advertising, communication or knowledge affects legal and judicial defense of the institution with a legal dispute.	0.0	6.3	87.5	6.3	100.0
Op4 When it comes to information, records or prior to the adoption of a resolution, action or policy of the institution deliberations.	6.3	6.3	81.3	6.3	100.0
Op5 When it comes to information or generic requirements, referred to a large number of administrative acts of the institution.	6.3	0.0	87.5	6.3	100.0
Op6 When it comes to information or records whose care requires unduly distract officials from their regular duties.	6.3	0.0	87.5	6.3	100.0
Op7 When it comes to information or records whose disclosure or provision may affect the rights of others.	6.3	6.3	81.3	6.3	100.0

Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q10. *Irrev=Irreversible; Rev.=Reversible; N/I= No Information; N/A=Not applicable

Taking into account the small number of information requests refused; outcomes for the appeal system assessment show that civil servants working for higher education institutions in Chile, mostly did not keep information on the kind of decisions made by the oversight bodies when appeals for exemptions use were claimed. According to the table, this finding applied for all the qualified exemptions examined, with scores from 81.3% to 87.5%. On the other hand, a small percentage of them considered either irreversible or reversible decisions by The Transparency Council and The Appeals Court.

(g) Disclosure standards, Publication Scheme Use, Information Disclosed, Categories of Data and Records, Classification Schemes, Access to Digital Information, Information Availability: these independent variables of the model describe the binding duty to make available the information held by HEIs to the public. These variables are all topics related to proactive disclosure and most of them were created as transparency or accountability mechanisms. Some benefits include reducing duplication of administrative tasks through the availability of information, which eventually could be requested.

Similarly, the Act 20.285 mandates monthly updating of 19 information categories defined as 'active transparency' mechanisms. In fact, the publication scheme is frequently monitored by the Chilean Transparency Council and it is considered as one of the key standards for compliance with the legislation. Proactive disclosure promotes the release of information under a comprehensive schedule, providing access to a variety of data sources held by Chilean public universities. The model publication scheme for public HEIs in Chile encompasses 19 information categories, related to the regular operation of them. With the Act 20.285, public HEIs are requested to publish as much information possible on a regular basis through their websites. Compliance with the Act 20.285 requires keeping revised,

approved and up to date publication schemes, but more importantly the proactive disclose of information included under each category.

The level of compliance with the law was carried out through quantitative and qualitative measurement of performance and 'satisfaction level'. Through the examination of outcomes the commitment to proactive disclosure was assessed. The proportion of information included and disclosed under the information categories defined by the publication scheme is included in the following table.

Table N° 5.12: Level of Compliance with Proactive Disclosure of Information in Public HEIs in Chile, 2010-2012

Informational Dimension Independent Variables. Publication Scheme HEIs Chile. Compliance with Active Transparency Provisions Act 20.285	Valid Percent		
	Yes	No	Total
Q13Op1 1.1. University records that have been published in the Chilean Official Journal	81.3	18.8	100.0
Q13Op2 1.2. Laws, Regulations, instructions and resolutions on power, functions, competence, responsibilities, powers and responsibilities of the University.	100.0	0.0	100.0
Q13Op3 1.3. Organizational structure, powers, functions and powers of each of its units or internal organs.	100.0	0.0	100.0
Q13Op4 1.4. Details for permanent employees, their contracts, fees, and payments.	100.0	0.0	100.0
Q13Op5 1.5. Contracts for supply of goods, services, works and procurement of consulting, advisory and consulting, specifying particulars of the contractor.	100.0	0.0	100.0
Q13Op6 1.6. Public funds transference details.	93.8	6.3	100.0
Q13Op7 1.7. Acts and resolutions which have effects on third parties.	100.0	0.0	100.0
Q13Op8 1.8. Procedures and requirements for access to the Institution's services.	100.0	0.0	100.0
Q13Op9 1.9. Eligibility criteria and access to benefit's programmes of the institution, including payroll benefit.	93.8	6.3	100.0
Q13Op10 1.10. Mechanisms for community and citizen participation including the academic community.	68.8	31.3	100.0
Q13Op11 1.11. Information on the budget allocated and executed according to the annual budget law.	100.0	0.0	100.0
Q13Op12 1.12. Results of the institution's financial year audit, including amendments and clarifications.	100.0	0.0	100.0
Q13Op13 1.13. Information from national or foreign, public or private organisations, which have participation, representation, intervention, or link with the institution.	100.0	0.0	100.0
Q13Op14 1.14. University's historical records.	75.0	25.0	100.0
Q13Op15 1.15. Links to third party websites.	75.0	25.0	100.0
Q13Op16 1.16. Link to have access to application forms and corporate information.	100.0	0.0	100.0
Q13Op17 1.17. Direct link to records, documents, or information classified as secret or confidential acts.	62.5	37.5	100.0
Q13Op18 1.18. Direct link that sets the reproduction costs of the institution.	93.8	6.3	100.0
Q13Op19 1.19. Link to have access to the Act information request form.	100.0	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°1 Information Dimension, Q.13

Considering the three year period, the quantitative data collected in the Chilean case study showed that 11 out of 19 information categories achieved 100% of proactive disclosure standard: (1) 1.2. Laws, Regulations, instructions and resolutions on power, functions, competence, responsibilities, powers and responsibilities of the University, (2) 1.3. Organizational structure, powers, functions and powers of each of its units or internal organs, (3) 1.4. Details for permanent employees, their contracts, fees, and payments, (4) 1.5. Contracts for supply of goods, services, works and procurement of consulting, advisory and consulting, specifying particulars of the contractor, (5) 1.7. Acts and resolutions which have

effects on third parties, (6) 1.8. Procedures and requirements for access to the Institution's services, (7) 1.11. Information on the budget allocated and executed according to the annual budget law, (8) 1.12. Results for the institution's financial year audit, including amendments and clarifications, (9) 1.13. Information from national or foreign, public or private organisations, which have participation, representation, intervention, or link with the institution, (10) 1.16. Link to have access to application forms and corporate information, and (11) 1.19. Link to have access to the Act information request form.

Similarly, a total of 3 information categories achieved 93.8% of compliance with proactive disclosure: (1)1.6. Public funds transference details, (2) 1.9. Eligibility criteria and access to benefit's programmes of the institution, including payroll benefit, and (3) 1.18. Direct link that sets the reproduction costs of the institution. There was one case which achieved 81.3% –1 1.1. University records that have been published in the Chilean Official Journal–.

The categories 1.14. University's historical records and 1.15. Links to third party websites achieved 75% of compliance with proactive disclosure. The lowest percentage of compliance with this variable was reached by the category 1.10. Mechanisms for community and citizen participation including the academic community, with a percentage of 68.8%, and by 1.17. Direct link to records, documents, or information classified as secret or confidential acts, with 62.5%. In other words, these information categories reported a non-compliance rate of 25%, 31.3%, and 37.5% respectively. In summary, high levels of compliance was reached by a percentage of 89.47%, equivalent to 17 information categories. A low level of compliance was obtained by 10.52% of information categories, equal to two cases.

When assessing 'satisfaction level' to the question 'considering provisions defined by the Act 20.285 to ensure public access to information, versus the classification scheme used to describe, classify and indexing the information produced by this higher education institution', a cumulative percentage of 86.8% of the respondents selected 'very satisfied' and 'satisfied'. Similarly, to the question 'considering provisions defined by the Act 20.285 to ensure compliance with decisions and tasks related to the process of adoption, creation, revision, modification, and approval of a publication scheme, versus the effective 'publication scheme usability' in this higher education institution', a cumulative percentage of 75% of the respondents were 'very satisfied', and 'satisfied'. A percentage of 18.8% selected 'moderately satisfied', 0% were 'dissatisfied', and 'very dissatisfied'. No reply reported 6.3%. Another positive assessment was achieved to the question 'considering provisions defined by the Act 20.285 to ensure compliance with information disclosure and release, versus the effective information disclosed by categories of requesters, in this higher education institution, your satisfaction level is...' A cumulative percentage of 87.5% of the respondents

were 'very satisfied', and 'satisfied'. A percentage of 6.3% was 'moderately satisfied' and 'dissatisfied'. A percentage of 0% selected 'very dissatisfied'.

The lowest incidence in terms of satisfaction level for the informational dimension was achieved when assessing the independent variables (a) categories of data and records and (b) records management standards. When asked 'considering provisions defined by the 20.285 Act to ensure access to public information, versus the criteria applied to categorise data and records, your satisfaction level is...', 12.5% was 'very satisfied', and of 37.5% selected 'satisfied'. This means around 50% of high satisfaction level, but at the same time 37.5% were 'moderately satisfied', 6.3% 'dissatisfied', and 6.3% 'very dissatisfied'. The 50% of 'low satisfaction level' showed divergent opinions between the respondents. The similar findings came from the statement 'considering provisions defined by the Act 20.285 to ensure access to public information, versus the records management standards applied by this higher education institution, your satisfaction level is..'; a percentage of 12.5% was 'very satisfied', and 37.5% 'satisfied', which means a 50.0% of high satisfaction level. Nevertheless, 43.8% were 'moderately satisfied', and 6.3% 'dissatisfied', which cumulate 50% of low satisfaction level. On these two independent variables and examined 50/50 result, the score showed that there were neither positive nor negative opinions from the respondents. Although in these variables the findings showed a fair standard achievement in terms of satisfaction level, the score also confirmed that more commitment is required to increase the outcome.

Since publication schemes for Chilean higher education institutions, were created to promote openness and proactive information disclosure, the publication scheme assessment showed one of the highest incidence in terms of compliance achievement. There was not enough evidence to conclude whether the small number of information requests is connected with compliance with access to information already released, disclosed, or made available to the public.

B. Questionnaire N° 2: Organisational Dimension of the Conceptual Model

For the Chilean case study, organisational independent variables of the model were exhaustively assessed following the same criteria applied to the UK case study. The same theoretical approach underlining the analysis was applied to examine outputs and outcomes, so the independent variables were examined taking into consideration the Act 20.285 implementation process. Under this consideration, and in coherence with the research hypotheses, organisational capacity might be a critical issue to achieve compliance. In other words, organisational factors possibly could have the second level of incidence when assessing compliance with the legislation. Besides, the study of compliance with legislation

on access to public sector information considered the administrative compliance three dimensional model and frameworks, proposed by Robert, Darch & Underwood and Snell, where organisational issues are critical elements, which positively or negatively affect information rights.

Considering best and current practice, there were 21 organisational factors assessed and weighted by civil servants working for higher education institutions in Chile. The respondents were requested to assess a comprehensive list of these 21 independent variables in accordance with 4 categories of implementation. The table below shows statistical results obtained for this case study.

Table N° 5.13: Organizational Dimension Independent Variables Assessment, Act 20.285 in Chilean HEIs'

Compliance Assessment Independent Variables Organisational Dimension	Statistics		Mean	Median	Mode	Sum
	Valid	Missing				
ODQ5Op1 Information request managing system (e.g. resources, plans, procedures)	16	0	2.63	3.00	3	42
ODQ5Op2 Promotion and participation mechanisms for the Act 20.285	16	0	1.50	2.00	2	24
ODQ5Op3 Access to information policy (e.g. institutional statement)	16	0	2.19	2.00	3	35
ODQ5Op4 20.285 Act's disclosure policy (e.g. web statement)	16	0	1.56	2.00	2	25
ODQ5Op5 20.285 Act's organisational structure (e.g. resources and functions allocated to the Act)	16	0	2.13	2.00	3	34
ODQ5Op6 20.285 Act's advisory mechanisms (e.g. legal assistance)	16	0	1.94	2.00	3	31
ODQ5Op7 Information request monitoring mechanisms (e.g. follow up schedule)	16	0	2.44	2.50	3	39
ODQ5Op8 20.285 Act's compliance assessment mechanisms (e.g. annual plan)	16	0	1.94	2.00	2	31
ODQ5Op9 Fees regime and mechanisms for the Act 20.285 (e.g. web statement)	16	0	1.94	2.50	3	31
ODQ5Op10 20.285 Act's annual budget (e.g. financial plan, funds, economic resources)	16	0	1.31	1.00	0	21
ODQ5Op11 20.285 Act's corporate and action plan (e.g. strategic plan)	16	0	1.88	2.00	2	30
ODQ5Op12 20.285 Act's implementation assessment mechanisms (e.g. surveys)	16	0	2.00	2.00	2	32
ODQ5Op13 20.285 Act's accountability mechanisms (e.g. publication scheme, disclosure log)	16	0	1.75	2.00	2	28
ODQ5Op14 20.285 Act's communication strategy and mechanisms (e.g. promotional activities)	16	0	1.44	2.00	2	23
ODQ5Op15 20.285 Act's code of best practices (e.g. guidelines, procedures)	16	0	1.69	2.00	2 ^a	27
ODQ5Op16 20.285 Act's exemptions guidelines (e.g. ICO guidance)	16	0	1.56	2.00	2	25
ODQ5Op17 Records management standards (e.g. ISO standards)	16	0	1.94	2.00	2	31
ODQ5Op18 20.285 Act's mechanisms of assistance to requesters (e.g. professional assistance)	16	0	1.69	2.00	2	27
ODQ5Op19 20.285 Act's annual performance reports	16	0	1.38	1.00	1	22
ODQ5Op20 20.285 Act's advocacy mechanisms and groups (e.g. HE sector working group)	16	0	1.25	1.00	2	20
ODQ5Op21 20.285 Act's training plan and programme	16	0	1.63	2.00	2	26

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q5

To assess these independent variables, a meaningful order of categories was applied. As optimal, the ordinal criterion identified 3 as 'fully implemented', 2 as 'partially implemented'

and 1 as 'not implemented'. From the table, the category with the greatest number of cases was 2. In other words, the most frequent situation or condition for the reported cases was a 'partial implementation' of the studied variables.

Examining the median scores –the value at which half of the cases fall above and below–, there was correspondence with the results reported by the mode. This partial outcome had nevertheless some variation when examining another measure of central tendency as the mean, or the average value of a set of quantities. As the table shows, the scores were equally located far from the positive and negative extremes of the assessed organisational independent variables, another finding showing satisfactory outcomes in general, but disparities in particular.

Table N° 5.14: Level of Implementations of Act 20.285 by Public HEIs in CHILE, 2010-2012.

Independent Variables Description	Compliance Level	Sum of Percent	Sum of Frequency
20.285 Act's exemptions guidelines (e.g. Transparency Council guidance)	Partially Implemented	56.3	9
	Not Implemented	25.0	4
	Not Applicable	12.5	2
	Fully Implemented	6.3	1
20.285 Act's accountability mechanisms (e.g. publication scheme, disclosure log)	Partially Implemented	50.0	8
	Fully Implemented	18.8	3
	Not Implemented	18.8	3
	Not Applicable	12.5	2
20.285 Act's advisory mechanisms (e.g. legal assistance)	Fully Implemented	43.8	7
	Partially Implemented	25.0	4
	Not Applicable	18.8	3
	Not Implemented	12.5	2
20.285 Act's advocacy mechanisms and groups (e.g. Transparency Council IES working group)	Partially Implemented	37.5	6
	Not Implemented	31.3	5
	Not Applicable	25.0	4
	Fully Implemented	6.3	1
20.285 Act's annual budget (e.g. financial plan, funds, economic resources)	Not Applicable	37.5	6
	Not Implemented	31.3	5
	Fully Implemented	12.5	2
	Partially Implemented	12.5	2
	No reply	6.3	1
20.285 Act's annual performance reports	Not Implemented	37.5	6
	Partially Implemented	31.3	5
	Not Applicable	18.8	3
	Fully Implemented	12.5	2
20.285 Act's code of best practices (e.g. guidelines, procedures)	Partially Implemented	37.5	6
	Not Implemented	37.5	6
	Fully Implemented	18.8	3
	Not Applicable	6.3	1
20.285 Act's communication strategy and mechanisms (e.g. promotional activities)	Partially Implemented	50.0	8
	Not Implemented	25.0	4
	Not Applicable	18.8	3
	Fully Implemented	6.3	1
20.285 Act's compliance assessment mechanisms (e.g. annual plan)	Partially Implemented	50.0	8
	Fully Implemented	25.0	4
	Not Implemented	18.8	3

	Not Applicable	6.3	1
20.285 Act's corporate and action plan (e.g. strategic plan)	Partially Implemented	56.3	9
	Fully Implemented	18.8	3
	Not Implemented	18.8	3
	Not Applicable	6.3	1
20.285 Act's disclosure policy (e.g. web statement)	Partially Implemented	50.0	8
	Not Applicable	18.8	3
	Not Implemented	18.8	3
	Fully Implemented	12.5	2
20.285 Act's implementation assessment mechanisms (e.g. surveys)	Partially Implemented	43.8	7
	Fully Implemented	31.3	5
	Not Implemented	18.8	3
	Not Applicable	6.3	1
20.285 Act's mechanisms of assistance to requesters (e.g. professional assistance)	Partially Implemented	43.8	7
	Not Applicable	25.0	4
	Fully Implemented	25.0	4
	Not Implemented	6.3	1
20.285 Act's organisational structure (e.g. resources and functions allocated to the Act)	Fully Implemented	43.8	7
	Partially Implemented	37.5	6
	Not Applicable	12.5	2
	Not Implemented	6.3	1
20.285 Act's training plan and programme	Partially Implemented	62.5	10
	Not Implemented	18.8	3
	Not Applicable	12.5	2
	Fully Implemented	6.3	1
Access to information policy (e.g. institutional statement)	Fully Implemented	43.8	7
	Partially Implemented	38.5	6
	Not Implemented	12.5	2
	Not Applicable	6.3	1
Fees regime and mechanisms for the Act 20.285 (e.g. web statement)	Fully Implemented	50.0	8
	Not Implemented	31.3	5
	Not Applicable	12.5	2
	Partially Implemented	6.3	1
Information request managing system (e.g. resources, plans, procedures)	Fully Implemented	68.8	11
	Partially Implemented	25.0	4
	Not Implemented	6.3	1
Information request monitoring mechanisms (e.g. follow up schedule)	Fully Implemented	50.0	8
	Partially Implemented	43.8	7
	Not Implemented	6.3	1
Promotion and participation mechanisms for the Act 20.285	Fully Implemented	12.5	2
	Partially Implemented	43.8	7
	Not Implemented	25.0	4
	Not Applicable	18.8	3
Records management standards (e.g. ISO standards)	Partially Implemented	62.5	10
	Fully Implemented	18.8	3
	Not Implemented	12.5	2
	Not Applicable	6.3	1
Grand Total		2101.1	336

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q5

Within the organisational factors, and examining their scores individually, for the 'fully implemented' category, there were 3 independent variables with results from 68.8% to 50%. The independent variables which performed such outcomes were (1) Information request managing system, (2) Information request monitoring mechanisms and (3) Fees regime and mechanisms for the Act 20.285.

Similarly, the 'moderately implemented' category obtained 8 out of 21 cases with scores from a percentage of 62.5% to 50%, and 11 out of 21 cases with results below to 50%. These cases were the variables (1) Records management standards and (2) Act 20.285 training plan and programme with a percentage of 62.5% each, (3) Act 20.285 exemptions guidelines, and (4) Act 20.285 corporate and action plan with 56.3% each, (5) Act 20.285 accountability mechanisms, (6) Act 20.285 communication strategy and mechanisms, (7) Act 20.285 compliance assessment mechanisms, (8) Act 20.285 disclosure policy, with 50% each.

The category with highest percentage of 'not implemented' was reported for 8 out of 21 variables, with scores from 37.5% to 25%. For this finding the variables were (1) Act 20.285 code of best practices and (2) Act 20.285 annual performance reports with 37.5% each, (3) Fees regime and mechanisms for the Act 20.285, (4) Act 20.285 annual budget, and (5) Act 20.285 advocacy mechanisms and groups, with 31.3%, (6) Act 20.285 communication strategy and mechanisms, (7) Act 20.285 exemptions guidelines, and (8) Promotion and participation mechanisms for the Act 20.285 with 25% each.

This finding figure changed when the assessment criteria were examined collectively or grouped by cumulative percentage. 8 out of 21 variables achieved very good level of implementation, with scores from 93.8% to 75%. The top variables with these outcomes were for the cases (1) Information request managing system (e.g. resources, plans, procedures) and (2) Information request monitoring mechanisms (e.g. follow up schedule) with 93.8%, (3) Access to information policy (e.g. institutional statement), (4) Act 20.285's organisational structure (e.g. resources and functions allocated to the Act), and (5) Records management standards (e.g. ISO standards), with 81.3% each, (6) Act 20.285 compliance assessment mechanisms (e.g. annual plan), (7) Act's corporate and action plan (e.g. strategic plan), and (8) Act 20.285 implementation assessment mechanisms (e.g. surveys) with 75% each. In summary, there was a percentage of 38.09% of variables with very good results in terms of implementation.

Comparing with the UK case study, there were 3 independent variables with similar outcomes in terms of implementation. The cases were for (1) Information request managing system, (2) Access to information policy, and (3) Information request monitoring mechanisms.

Keeping the same analysis perspective, 10 out of 21 independent variables obtained good implementation outcomes, with results from 68.8% to 56.3%. The cases for this finding were (1) Act 20.285's advisory mechanisms (e.g. legal assistance), (2) Act 20.285's accountability

mechanisms (e.g. publication scheme, disclosure log), (3) Act 20.285's mechanisms of assistance to requesters (e.g. professional assistance), and (4) Act 20.285's training plan and programme with 68.8% each, (5) Act 20.285's disclosure policy (e.g. web statement) and (6) Act 20.285's exemptions guidelines (e.g. ICO guidance) with 62.5% each, (7) Promotion and participation mechanisms for the Act 20.285, (8) Fees regime and mechanisms for the Act 20.285 (e.g. web statement), (9) Act 20.285's communication strategy and mechanisms (e.g. promotional activities), and (10) Act 20.285's code of best practices (e.g. guidelines, procedures) with 56.3% each. This finding showed that Chilean public universities achieved 47.19% of good implementation. The variables related to disclosure policy, and exemptions guidelines reported similar results in the UK case study.

The lowest incidence in terms implementation of the Act 20.285 was obtained for three out of 21 independent variables. For these cases, the outcomes were below to 50% and between 43.8% and 25%. The less well implemented factors were (1) Act 20.285's annual performance reports and (2) Act's advocacy mechanisms and groups (e.g. HE sector working group) with 43.8 each and (3) Act 20.285's annual budget (e.g. financial plan, funds, economic resources) with 25%. The percentage of variables with low implementation level was therefore 14.28%. Results for the variable annual budget reported similar results in the UK.

(1) Access to Information Policy: outcomes for this independent variable showed that it achieved the third best percentage of 'full implementation' within the 21 evaluated variables. Similarly, a percentage of 93.8 of the respondents selected 'always' when assessing whether the policy and strategy defined by the Act 20.285 on access to information were made in accordance with the Transparency Council guidance. The variable also achieved a high score when assessing satisfaction level. For the statement 'considering the Act provisions to ensure access to public sector information, versus the effective implementation of the legislation in your higher education institution your satisfaction level is', a cumulative percentage 93.8% of the respondents selected 'very satisfied' and 'satisfied'.

(2) Act 20.285 Disclosure Policy: a percentage of 12.5% of 'full implementation' was found when assessing compliance with the Act 20.285, but the variable also achieved a score of 50% of 'partial implementation, within this category. The gap between the UK case study and Chile is 45.8% as the percentage for 'fully implemented' was 58.3. Since disclosure policy is defined by a set of institutional decisions which have to be implemented, a mechanism to enhance compliance level with the Act is through the 'publication scheme'.

The performance reported by HEIs on this issue was measured considering the frequency of current practices on the variable. For the statement 'in this higher education institution, decisions on the adoption, creation, revision, modification, and diffusion of the institutional website are made every year', the option 'always' achieved 25%, 'generally/frequently' 50%, 'hardly ever' 12.5%; 'never' and not applicable 6.3%. Compare with the UK, 20.8% selected always, 33.3% generally/frequently, hardly ever and never scored 33.4%. Similarly when assessing whether 'the institutional website considers all the information categories and instructions for information disclosure recommended by the Transparency Council', a percentage of 75% of the respondents selected the option 'always' and 25% the option 'generally/frequently'. For the UK case study, a percentage of 62.5% selected always, and 29.2% chose generally/frequently.

The satisfaction level reported by the Chilean Civil Servants when considering the outcomes of effective disclosure and release of information, versus the usability of the institutional website currently available' was 12.5% 'very satisfied', and 87.5% 'satisfied, which means a cumulative percent of 100%. In UK, the cumulative percentage for these categories was 91.7%. When 'considering the outcomes of the total FOIA requests received and replied within the last three years, and the information disclosure policy applied in the organisation', there was a cumulative percentage of 81.3% very satisfied and satisfied. In UK the score was 66.7%. Moderately satisfied scored 18.8% and in UK 29.2%. Dissatisfied obtained 0% and for UK was 4.2%.

(3) Act 20.285 Exemptions Guidelines: as the legislation encompasses specific attributes which 'affect' and have an 'effect' on outputs and outcomes, restrictions as absolute and qualified exemptions are important when assessing compliance. This independent variable achieved a percentage of 6.3% of full implementation and 56.3% of partial implementation in HEIs in Chile.

Best practices and guidance received by the Chilean oversight body were assessed in this variable. The statement 'in this higher education institution, decisions on cost for information disclosure are determined by the qualified person' scored 56.3% 'always', 6.3% 'generally/frequently', 0% 'hardly ever' and 'never', and 37.5% 'not applicable'. The statement 'in this higher education institution, decisions on the cost for disclosure of information held by the organisation are made in accordance with the Act and the Chilean Transparency Council instructions' achieved 56.3% 'always', 6.3% 'generally/frequently', 0% 'hardly ever' and 'never', and 37.5% 'not applicable'. The statement 'in this University, the criterion to estimate a request 'reproduction cost' excludes the cost of search, storage, preservation of environmental conditions, reproduction time and delivery' obtained 50% 'always', 12.5%

'generally/frequently', 0% 'hardly ever' and 'never', and 37.5% 'not applicable'. The statement 'in this higher education institution, the exemptions instructions and guidelines created by the Chilean Transparency Council are useful to achieve administrative compliance requirements', scored 31.3% 'always', 37.5% 'generally/frequently', 6.3% 'hardly ever' and 'never', and 18.8% 'not applicable'.

The statement 'decisions on information requests which have previously been refused or denied are irreversible in the higher education institution' achieved 0% 'always', 18.8% 'generally/frequently', 6.3% 'hardly ever', 31.7% 'never', and 37.7% 'not applicable'. The statement 'in this higher education institution if a request for information costs more than the limit set by the provisions of the Act, the request is refused', reported 6.3% 'always', 31.3% 'generally/frequently', 0% 'hardly ever' and 'never', and 62.5% 'not applicable'. The statement 'in this higher education institution, when the cost limit for compliance exceeds the appropriate limit, the request for information is refused or denied' achieved 6.3% 'always', 31.3% 'generally/frequently', 0% 'hardly ever' and 'never', and 62.5% 'not applicable'. Outcomes for the 'exemptions use', reported in the informational dimension explain these finding.

Findings for 'satisfaction level' were positive to this variable. For the statement 'considering the outcome on 'level of compliance and non-compliance' with the Act, and the exemption guidelines 'interpretation', applied in your organisation, your satisfaction level is', 12.5% of the respondents selected 'very satisfied', 68.8% 'satisfied, 6.3% 'moderately satisfied, 'dissatisfied' and 'very dissatisfied'.

(4) Information Request Monitoring Mechanisms: in Chilean HEIs, this independent variable achieved one of the highest outcomes with 50% of full implementation and 43.8% of partial implementation. Similar results were reported in UK with 58.3% 'fully implemented'. Accordingly, when assessing best practice for the statement 'in this organisation, the 20 days regime to comply with the statutory requirement for an information request is fulfilled', 56.3% of the respondents selected 'always', 48.8% 'generally/frequently', and 0 % 'hardly ever', 'never', and 'not applicable'. In UK the options 'always' and 'generally/frequently' scored 50%. Similarly, the statement 'in this organisation, the timeframe regime to comply with the request statutory requirement is publicly available to the requesters' achieved 93.8% 'always', 6.3% 'generally/frequently', and 0 % 'hardly ever', 'never', and 'not applicable'. The cumulative percentage was 100%. Comparatively, the UK case study reported a cumulative percentage of 87.5%. When assessing whether the higher education institution complies with the provision to complete an appeal process according to provisions under the Act 20.285, 6.3% of the respondents selected 'always', 12.5% 'generally/frequently', 6.3% 'hardly ever',

0% 'never', and 75% 'not applicable'. These findings were consistent with outcomes reported on the appeal system. UK reported 54.2% 'always', 8.3% 'generally/frequently', and 37.5% 'hardly ever' and 'not applicable'.

This independent variable also reported a good satisfaction level. The statement 'considering the outcomes on 'appeal rights' conferred by the Act, versus the information request monitoring mechanisms currently available in your organisation; your satisfaction level is', scored 25% 'very satisfied', 43.8% 'satisfied', 6.3% 'moderately satisfied', 12.5% 'dissatisfied', 0% 'very dissatisfied', and 6.3% 'no reply'. Results reported by UK were 29.2% very satisfied, 37.5% satisfied, and 29.2% moderately satisfied.

(5) Information Request Managing System: in Chilean HEIs this independent variable achieved the top position in terms of implementation. A percentage of 68.8% of the respondents reported cases of fully implemented, 25% of partial implementation, and 6.3% of not implementation. Responses for the UK case study were 45.8% of full implementation, 37.5% of partial implementation, and 16.7% of blank responses.

Although the implementation level of this variable is critical, how efficient and effective the information request managing system was to improve compliance with the Act 20.285 was also a measurement issue. For the statement 'in this higher education institution, the request managing system allows us to know/establish whether information requested is held', the option 'always', achieved 37.5%, and 'generally/frequently' scored 56.3% which means a cumulative percentage of 93.8%. The option 'hardly ever' reported 6.3%, 'never' and 'not applicable' obtained 0%. Collating outcomes for UK, the reported cumulative percentage was 70.9%, equivalent to 29.2% 'always' and 41.7% 'generally/frequently'.

This independent variable also achieved good outcomes for satisfaction level. The statement 'considering the provisions and outcomes on 'information disclosure and release' promoted by the Act, versus the effective implementation of the request managing system, in your organisation, your satisfaction level is', reached 25% 'very satisfied', 56.3% 'satisfied', reporting a cumulative percentage of 81.3% for these categories. 'Moderately satisfied' obtained 18.8%, and the options 'dissatisfied', very dissatisfied and 'no reply' reported 0%. Comparing outcomes, in UK the results were 16.7% very satisfied, 41.7% satisfied, and 41.7% moderately satisfied.

(6) Act 20.285 Advisory Mechanisms: this independent variable reached the third position in terms of achievement, with 43.8% of full implementation and 25% of partial implementation. Not implemented obtained a percentage of 12.5% and not applicable 18.8%.

Results for UK were slightly higher, with scores of 45.8% of full implementation and 41.7% of partial implementation.

The statement 'in this higher education institution, the advisory mechanism to support the Act 20.285 includes a legal adviser, members or representatives of the academic community', obtained 25% 'always' and 'generally/frequently', which means a cumulative percentage of 50%. The same cumulative percentage of 50% was achieved for 25% of 'hardly ever', 12% of 'never', and 12.5% of 'not applicable'. UK reported a cumulative percentage of 62.5% 'always' and 'generally/frequently'. Satisfaction level results for this variable, in particular for the statement 'considering outcome on appeal process to the Chilean Transparency Council, and the compliance advisory mechanisms available in your organisation, your satisfaction level is', a 25% of the respondents chose 'very satisfied', 43.8% selected 'satisfied', 6.3% reported 'moderately satisfied, and 18.8% did not reply. Collating the cumulative percentage for 'very satisfied', and 'satisfied' the Chilean case study reported 68.8% and UK 70.9%.

(7) Act 20.285 Accountability Mechanisms: this independent variable scored a percentage of 18.8% of full implementation, 50% of partial implementation, 18.8% of not implementation, and 12.5% of not applicable. Collating with the UK, fully implemented achieved a percentage of 41.7% and partially implemented reported 50.0%.

Since the publication scheme, annual reports and corporate and action plan are examples of accountability mechanisms, performance of good practices was examined. For the statement 'the institutional website considers all the information categories and instructions for information disclosure recommended by the Transparency Council', there were 75% 'always', 25% 'generally/frequently', and .0% 'hardly ever', 'never', and 'not applicable'. Similarly, when asked whether 'in this higher education institution, the Act corporate and action plan is annually reviewed and updated', 'always' reported 18.8%, 'generally/frequently' 31.3%, 'hardly ever' 25%, 'never', and 'not applicable' 12.5%. Although a cumulative percentage of 50.1% is a good outcome, when examining whether 'in this higher education institution, the Act's annual performance report is publicly available for the community', 'always' reported 6.3%, 'generally/frequently' 6.3%, 'hardly ever' 25%, 'never' 0%, and 'not applicable' 62.5%.

On this issue, and collating results with the control question, there were inconsistent outcomes. The statement 'in this higher education institution, the Act accountability mechanisms as for example: corporate and action plan, annual report, training plan, should be annually updated and publicly available to the community', 'totally agree' achieved 37.5%, 'agree' 12.5%, 'neither agree nor disagree' 18.8%, 'totally disagree' 6.3% and 'not reply

12.5%. Findings reported in the UK were 16.7% 'totally agree', 41.7% 'agree', 33.3% 'neither agree nor disagree', and a cumulative percentage of 8.4% 'disagree', and 'totally disagree'. Finally, for the statement 'transparency mechanisms and standards for the Act 20.285 implemented in this higher education institution are useful to achieve compliance' the option 'totally agree' obtained 50%, 'agree' 31.3%, 'neither agree nor disagree' 12.5%, 'disagree' and 'totally disagree' 0% and 'not reply' 6.3%.

(8) Act 20.285 Organisational Structure: this independent variable showed the third best level of implementation of the legislation in Chilean HEIs with 43.8% of full implementation, 37.5% of partial implementation, 6.3% of not implementation and 12.5% of not applicable. Comparatively, for the two first categories, results reported an inverse proportion in UK, so one score decreased in the proportion the other increased. In UK 'fully implemented' reported 37.5% and 'partially implemented' obtained 45.8%.

For the statement 'in this higher education institution, the organisational structure responsible for the Act 20.285 helps to ensure compliance with the legislation' a percentage of 43.8% of the respondents selected the category 'always', 31.3% 'generally/frequently', 18.8% 'hardly ever', and 6.3 'never'. Outcomes connected to positive responses achieved a cumulative percentage of 75.1% in Chile and 100% in UK, where 'always' obtained 29.2%, and 'generally/frequently' scored 70.8%.

As leadership is an enabling capacity, for the statement 'at organisational level, leadership and commitment are both a necessary condition to improve compliance with requests for information under the Act', the opinion of Chilean civil servants working for public HEIs reported scores of 68.8% 'totally agree', 25% 'agree', 0% 'neither agree nor disagree', 'disagree', 'totally disagree', and 6.3% 'no reply'. For the same statement, there were no significant differences with the outcomes reported for the UK case study where 'totally agree' obtained 58.3%; 'agree' scored 29.2%; and 'neither agree nor disagree' achieved 12.5%.

Interestingly, when weighting 'organisational commitment' with 'exemptions', the respondents tended to keep their judgments or opinions similar, although outcomes showed variations. For the statement 'the organisational commitment to following good practice is less significant than exemptions provisions when assessing compliance with information release in higher education institutions', 12.5% 'totally agree', 25% 'agree', 31.3% 'neither agree nor disagree', 12.5% 'disagree', 6.3% 'totally disagree', and 12.5% 'no reply'. For the same statement, reported results for the UK case study showed to be different. Divergent outcomes were 8.3% 'totally agree' and 'agree' respectively, 50% 'neither agree nor disagree', and 33.3% 'disagree'.

Since secrecy has been studied as a condition which might affect an organisation’s ethos, and consequently commitment to compliance, opinions on this issue were requested. For the statement ‘the organisational culture of secrecy or the reluctance to disclose information is less significant than the exemptions provisions when assessing compliance with information disclosure in higher education institutions’, responses were 31.3% ‘totally agree’, 18.8% ‘agree’, 37.5% ‘neither agree nor disagree’, 0% ‘disagree’, and 6.3% ‘not reply’. For the same statement, similar scores of cumulative percentage for ‘totally agree’ and ‘agree’ were achieved in Chile and UK with 50.1% and 50% respectively.

Finally, for the statement ‘considering the level of implementation of the Act 20.285 in your organisation, and the organisational structure currently available for compliance purposes, your satisfaction level is’, 18.8% chose ‘very satisfied’, 50% ‘satisfied’, 12.5% ‘moderately satisfied’, 12.5% ‘dissatisfied’, and 0% ‘very dissatisfied’. When collating satisfaction level outcomes with the UK case study, there were no significant differences. In UK ‘very satisfied’ obtained 25%, ‘satisfied’ 33.3%, and ‘moderately satisfied’ 41.7%.

(9) Fees Regime and Mechanisms for Act 20.285: results for this independent variable were 50% ‘fully implemented’, 6.3% ‘partially implemented’, 31.3% ‘not implemented’, and 12.5% ‘not applicable’ .In UK ‘fully implemented’ obtained 41.7%, ‘partially implemented’ 29.2%, and ‘not implemented’ 16.7%.

For the statement ‘does your organisation have a ‘fees regime’ as the 20.285 Act suggests under Section (18) as the Instruction N°6 by the Chilean Transparency Council?’, 56.3% of the respondents chose ‘yes’ and 43.8% ‘no’. These results are consistent with findings on the implementation levels. Costs for dealing with an information request in Chile includes mostly ‘reproduction cost’, and according to Section 18 of the Act, if the requester does not paid the fees notice within 30 days, the obligation to respond is over. In 2010 and 2011 there were no fees notices sent by HEIs. In 2012 only 6 fees notices were sent and 4 were paid accordingly. In the UK and over the three-year period there were no cases of fees notices sent by the studied HEIs. The table below shows the collected data.

Table N° 5.15: Fees Regime Compliance Level in Public HEIs in Chile, 2010-2012.

Compliance Assessment	Organisational Dimension	Frequency	Percent	Valid Percent	Cumulative
ODQ8Op1 N° Fees Notice sent to the Requesters, year 3 (2012)					
Valid	The HEI does not have a ‘fees regime’	4	25.0	25.0	25.0
	No reply	1	6.3	6.3	31.3
	3	1	6.3	6.3	37.5
	1	3	18.8	18.8	56.3
	0	7	43.8	43.8	100.0
	Total	16	100.0	100.0	
ODQ8Op4 N° Fees Notice paid by the Requesters within a 3 month period, year 3 (2012)					
Valid	The HEI does not have a ‘fees regime’	4	25.0	25.0	25.0
	No reply	1	6.3	6.3	31.3

	2	1	6.3	6.3	37.5
	1	2	12.5	12.5	50.0
	0	8	50.0	50.0	100.0
	Total	16	100.0	100.0	
ODQ8Op2 N° Fees Notice sent to the Requesters, year 2 (2011)					
Valid	The HEI does not have a 'fees regime'	5	31.3	31.3	31.3
	Data not held or not recorded	2	12.5	12.5	43.8
	No reply	1	6.3	6.3	50.0
	0	8	50.0	50.0	100.0
	Total	16	100.0	100.0	
ODQ8Op5 N° Fees Notice paid by the Requesters within a 3 month period, year 2 (2011)					
Valid	The HEI does not have a 'fees regime'	5	31.3	31.3	31.3
	Data not held or not recorded	2	12.5	12.5	43.8
	No reply	1	6.3	6.3	50.0
	0	8	50.0	50.0	100.0
	Total	16	100.0	100.0	
ODQ8Op3 N° Fees Notice sent to the Requesters, year 1 (2010)					
Valid	The HEI does not have a 'fees regime'	5	31.3	31.3	31.3
	Data not held or not recorded	2	12.5	12.5	43.8
	No reply	1	6.3	6.3	50.0
	0	8	50.0	50.0	100.0
	Total	16	100.0	100.0	
ODQ8Op6 N° Fees Notice paid by the Requesters within a 3 month period, year 1 (2010)					
Valid	The HEI does not have a 'fees regime'	5	31.3	31.3	31.3
	Data not held or not recorded	2	12.5	12.5	43.8
	No reply	1	6.3	6.3	50.0
	0	8	50.0	50.0	100.0
	Total	16	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q8

General Instruction N°6 on 'Released Cost and Direct Cost of Reproduction' includes guidelines to implement a fees regime in HEIs, so compliance with the legislation was assessed through the statement 'in some cases, the requester has to pay for the disclosure of information held by a public authority. The duty to update the fees regime in this higher education institution is fulfilled'. 'Always' obtained 37.5%, 'generally/frequently' achieved 12.5%, 'hardly ever' and never' obtained 0%, and 'not applicable 50%.

Reported results for the UK case study also achieved outcomes under 50%. A percentage of 12.5% of the FOIA Officers chose 'always', 20.8% selected 'generally/frequently', 20.8% 'hardly ever', and 12.5% 'never'. For the statement 'considering the outcomes on 'request received and replied', and the FOIA fees regime applied in your organisation, your satisfaction level is.', the option 'very satisfied' obtained 31.3%, 'satisfied' reported 43.8%, 'moderately satisfied achieved 12.5%, 'dissatisfied' reached 12.5%, 'very dissatisfied' and 'no reply' 0%. Cumulative percentage for 'very satisfied' and 'satisfied' achieved 75.1% in Chile and 75% in UK.

(10) Act 20.285 Code of Best Practice: results for this independent variable were 18.8% 'fully implemented', 37.5% 'partially implemented', 37.5% 'not implemented' and 6.3% 'not applicable. This variable reported the highest incidence of low implementation within the

organisational dimension's variables. The outcomes were higher in UK with results of 33.3% of full implementation, 41.7% of partial implementation and 12.5% of not implementation.

(11) Records Management Standards: results for this independent variable were 18.8% 'fully implemented', 62.5% 'partially implemented', 12.5% 'not implemented', and 6.3% 'not applicable'. Cumulative percentage of full implementation and partial implementation was 81.3% in Chile and 75% in UK –29.2% 'full implementation', and 45.8% 'partial implementation'–. Outcomes for not implementation were the same in both case studies.

For the statement 'in this higher education institution, data management plan and records management standards are applied to facilitate the access to information held by the organisation', the option 'always' achieved 37.5%, 'generally/frequently' 31.3%, 'hardly ever' 12.5%, 'never' 12.5%, and 'not applicable' 6.3%. Positive and negative opinions reported similar low scores in Chile, but in the UK there were disparities within the categories –8.3% 'always, 54.2% 'generally/frequently, 20.8% 'hardly ever', 4.2% 'never', and 12.5% 'not applicable'.

For the statement 'considering the outcomes of the given priority to processing information requests to ensure administrative compliance with the Act, and the level of records management standards applied in your organisation, your satisfaction level is...', responses were 12.5% 'very satisfied', 81.3% 'satisfied', and 6.3% 'moderately satisfied'. Outcomes collated for the same question showed that while a cumulative percentage of 93.8% for 'very satisfied' and 'satisfied' was achieved in Chile, UK scored 50%.

(12) Act 20.285 Compliance Assessment Mechanisms: results for this independent variable were 25% 'fully implemented', 50% 'partially implemented', 18.8% 'not implemented' and 6.3% 'not applicable'. Similar low results were obtained in UK with 29.2% of full implementation, 37.5% of partial implementation, and 25% not implementation.

(13) Act 20.285 Mechanisms for Assistance to Requesters: for the given categories, outcomes for this independent variable were below 50%. 'Fully implemented' reported 25%, 'partially implemented' 43.8%, 'not implemented' 6.3%, and 'not applicable' 25%. Low scores were also reported for the UK with 37.5% of full implementation, 29.2% of partial implementation, and 16.7% of not implementation. About the control question for this variable 'for dealing with issues on the handling of request for information, this organisation provides assistance and guidance to the requesters', similar results were obtained from the civil servants working for public HEIs in Chile. The responses were under 50%. 'Always' achieved 31.3%, 'generally/frequently' reached 37.5%, 'hardly ever' scored 6.3%, and 'never'

25%. With small differences, the tendency to report low scores was similar in UK with 45.8% 'always', 41.7% 'generally/frequently', 8.3% 'hardly ever' and 4.2% 'not applicable'.

Since this variable is also included for the appeal system, frequency for complying with the legislation was also examined. For the statement 'when the requester exhausts the complaints procedure and applies for an appeal process to the Chilean Transparency Council, this higher education institution provides advice and assistance to them...' outcomes showed 12.5% 'always', 18.8% 'generally/frequently', 12.5% 'hardly ever', and 56.3% 'not applicable'. The last score might be explained by the low number of appeals reported when describing findings for the informational dimension. As for the UK case study it was informed no appeals applications pending in the HEIs, there were some differences as 'always' reported 50%, 'generally/frequently' 12.5%, 'never' 4.2%, and 'not applicable' 33.3%.

For the statement 'considering the administrative compliance on 'appeal process, internal and external review'; your satisfaction level with the mechanisms to ensure assistance to the information requesters is...', the respondents opinion was 12.5% 'very satisfied', 56.3% 'satisfied', 12.5% 'moderately satisfied', and 18.8% 'no reply'. Collating outcomes with the UK case study, there were found similar scores very satisfied obtained 20.8%; satisfied 58.3%, moderately satisfied 16.7%, and dissatisfied 4.2%.

(14) Act 20.285 Advocacy Mechanisms and Groups: outcomes for this organisational factor were low for public HEIs in Chile. 'Fully implemented' scored 6.3%, 'partially implemented' achieved 37.5%, 'not implemented' reached 31.3%, and 'not applicable' reported 25%. This variable obtained the second highest incidence when comparing rates of low implementation. Higher results were achieved for the UK with full implementation =25% partial implementation=50% and not implementation=12.5%.

As advocacy for the legislation may be enhanced through institutional collaboration and engagement at political level, so the statement 'the political support is relevant to achieve compliance aims with the Act 20.285 in higher education institutions' was assessed to examine the opinion of the civil servants responsible for the act implementation. Responses for 'totally agree' were 56.3%, 'agree' 6.3%, 'neither agree nor disagree' 12.5%, 'totally disagree' and no reply 12.5%. In the UK the opinions were different; totally agree reported 25%; agree 50%, neither agree nor disagree 20.8%, and disagree 4.2%.

For the statement 'considering the administrative capacity and commitment to implement the Act 20.285 in your institution, as the political support, co-operative attitude and engagement demonstrated by the Provost, the Vice-Chancellor or any person performing similar function, your satisfaction level is', 25% of the respondents were 'very satisfied', 56.3% 'satisfied',

12.5% 'moderately satisfied', and 6.3% 'very dissatisfied'. Collating outcomes for the positive categories –very satisfied and satisfied–, the Chilean case study scored 81.3% and the UK case study 70%.

(15) Act 20.285 Annual Performance Reports: results for this independent variable were low in HEIs in Chile. Outcomes for 'fully implemented' were 12.5%, 'partially implemented' 31.3%, 'not implemented' 37.5%, and 'not applicable' 18.8%. The rate achieved for the category of not implementation had the highest incidence in terms of low performance. Similar lower results were reported for the UK with 29.2% full implementation, 37.5% partial implementation, and 16.7% not implementation.

For the statement 'in this higher education institution, the Act annual performance report is publicly available for the community...' the results were even lower. 'Always' and 'generally/frequently reported 6.3%, 'hardly ever' scored 25%, and 'not applicable' achieved 62.5%. Results reported for the UK were also lower with 20.8% always, 20.8% generally/frequently, 16.7% hardly ever, 20.8% never, and 20.8% not applicable. Cumulative percentage for negative categories in UK was 58.3%

(16) Training Plan and Programme for the Act 20.285: another key independent variable of the model's organisational dimension, a training plan and programme is an enabling mechanism to promote learning and commitment to the legislation, especially in terms of standards or performance achievements. Despite the fact that the variable reported only 6.3% of full implementation, it reached the highest incidence within the variables 'partially implemented' with 62.5%. Categories for 'not implemented' scored 18.8% and 'not applicable' 12.5%. Reported results for the UK case study showed differences as 20.8% full implementation, 45.8% partial implementation and 20.8% not implementation.

For the statement 'in this organisation, the Act training plan and programme are created and implemented as mechanisms to ensure compliance with the legislation...' outcomes were all under a rate acceptable. The option 'always' scored 6.3%, 'generally/frequently' 25%, 'hardly ever' 25%, 'never' 25%, and 'not applicable' 18.8%. Similar opinions were reported by the FOIA officers, who responded 12.5% 'always', 45.8% 'generally/frequently', 12.5% 'hardly ever', 8.3% 'never', and 20.8% 'not applicable'.

(17) Act 20.285 Corporate and Action Plan: this independent variable achieved the following outcomes: 18.8% 'fully implemented', 56.3% 'partially implemented', 18.8% 'not implemented', and 6.3% 'not applicable'. Collating results with the UK, there were differences

for all the categories, and the scores were under the average –full implementation reported 33.3%, partial implementation 20.8%, and not implementation 29.2%–.

When examining details of the implementation as well as best practices, for the statement ‘in this higher education institution, the Act corporate and action plan is annually reviewed and updated...’, 18.8% of the respondents answered ‘always’, 31.3% ‘generally/frequently’, 25% ‘hardly ever’, 12.5% ‘never’, and ‘not applicable’. Similar lower results were found in the UK case study; always reported 16.7%, generally/frequently 37.5%, hardly ever 12.5%, never 4.2%, and not applicable 29.2%.

For the statement ‘considering information disclosure and release provisions ratified by the Act 20.285 and the corporate and action plan implemented or currently available in your organisation, your satisfaction level is...’, the option ‘very satisfied’ achieved 25%, ‘satisfied’ 62.5%, and ‘moderately satisfied’ 12.5%. Outcomes reported for UK were different for 16.7% very satisfied, 29.2% satisfied, 41.7% moderately satisfied, 4.2% dissatisfied, and 4.2 % very dissatisfied.

(18) Mechanisms for the Act 20.285’s Promotion and Participation: outcomes achieved for this independent variable were also a desirable standard in HEIs in Chile. The category ‘fully implemented’ reported 12.5%, ‘partially implemented’ scored 43.8%, ‘not implemented’ reached 25%, and ‘not applicable’ 18.8%. Higher education institutions in UK also reported low results, with 20.8% of fully implementation, 37.5% of partially implementation, and 29.2% of not implementation.

Best practices were assessed to examine details for the variable implementation. For the statement ‘in this higher education institution, decisions for the Act promotion have been made considering information needs of the public, the media and the academic community – undergraduate and graduate students, staff, researchers–...’, low percentage were achieved by public HEIs in Chile. The category ‘always’ scored 31.3%, ‘generally/frequently’ 37.5%, ‘hardly ever’ 18.8%, and ‘never’ 12.5%.

When collating results, rates were slightly high for some categories in the UK, always reported 25%, generally/frequently 50%, hardly ever 4.2%, never 8.3%, and not Applicable 12.5%. Similarly, for the statement ‘in this higher education institution, mechanisms of the Act promotion include the Chilean Transparency Council instructions and guidelines...’ outcomes performed better rates in public HEIs in Chile, with 56.3% ‘always’, 25% ‘generally/frequently’, 12.5%, ‘hardly ever’, and 6.3% ‘never’. The standard was also positive when comparing the cumulative percentage of 81.3% achieved in Chile and 83.3% in UK for ‘always’ and ‘generally/frequently’.

For the statement 'considering the outcomes on 'requests received and replied' within the last three years and the created or available mechanisms to promote the legislation's usability in your organisation, your satisfaction level is...', the category 'very satisfied' scored 25%, 'satisfied' reported 62.5%, and 'moderately satisfied' reached 12.5%. These results were higher when collating the UK scores. Very satisfied reported 20.8% , satisfied 29.2%, moderately satisfied 41.7%, and dissatisfied 8.3%.

(19) Act 20.285 Communication and Strategy Mechanisms: results for this independent variable were 6.3% 'fully implemented', 50% 'partially implemented', 25% 'not implemented', and 18.8% 'not applicable'. Moderate and low results were also reported by higher education institutions in UK, with 12.5% of full implementation, 45.8% of partial implementation, and 33.3% of not implementation.

(20) Act 20.285 Implementation Assessment Mechanism: this independent variable reported 31.8% 'fully implemented', 43.8% 'partially implemented', 18.8% 'not implemented', and 6.3% 'not applicable'. Cumulative percentage of 75.1% was achieved considering the positive categories. The category reported similar scores when comparing with UK, which reported 12.5% of full implementation, 41.7%, of partial implementation, and 33.3% of not implementation.

Despite the fact that the implementation of assessment mechanisms reported standards under 50%, the satisfaction level with the Act's implementation was very good. For the statement 'considering the Act provisions to ensure access to public sector information, versus the effective implementation of the legislation in your higher education institution your satisfaction level is...', a percentage of 31.3% was 'very satisfied, 62.5% 'satisfied, and 6.3% 'moderately satisfied. Collating results with UK, there were no similarities. Very satisfied reported 25%, satisfied 37.5%, and moderately satisfied 37.5%—.

(21) Annual Budget for the Act 20.285: outcomes for this independent variable had one of the highest levels of incidence in term of low results. The categories 'fully implemented', and 'partially implemented' reported 12.5% each, 'not implemented' scored 31.3%, the second lowest rate within the studied variables for the organisational dimension, and 'not applicable' 37.5%. Outcomes were higher in UK, where data reported 25% of full and partial implementation, 16.7% of not implementation, and 29.2% of not applicable.

Despite low levels of implementation reported by this variable, the outcomes showed some inconsistency for one category. For the statement 'in this higher education institution, the annual budget satisfies the financial needs to achieve compliance outcomes with the Act 20.285 so far...', the category 'always' achieved 25%, 'generally/frequently' 6.3%, 'hardly

ever' 6.3%, 'never' 12.5%, and 'not applicable' 50%. These outcomes were different to the UK HEIs, where always reported 8.3%, generally/frequently 41.7%, hardly ever 16.7%, never 4.2%, and not applicable 29.2%.

Finally for the statement 'considering the implementation level of the Act 20.285 in your organisation and also the number of information requests received within the last three years, your satisfaction level with the available budget for the Act purposes is...', the option 'very satisfied' reported 12.5%, 'satisfied' 56.3%, 'moderately satisfied' 12.5%, and 'very dissatisfied' 18.8%. On this issue, outcomes reported by the FOIA Officers in UK were all under 50%, very satisfied obtained 16.7%, satisfied 37.5%, moderately satisfied 33.3%, dissatisfied 8.3%, and very dissatisfied 4.2%.

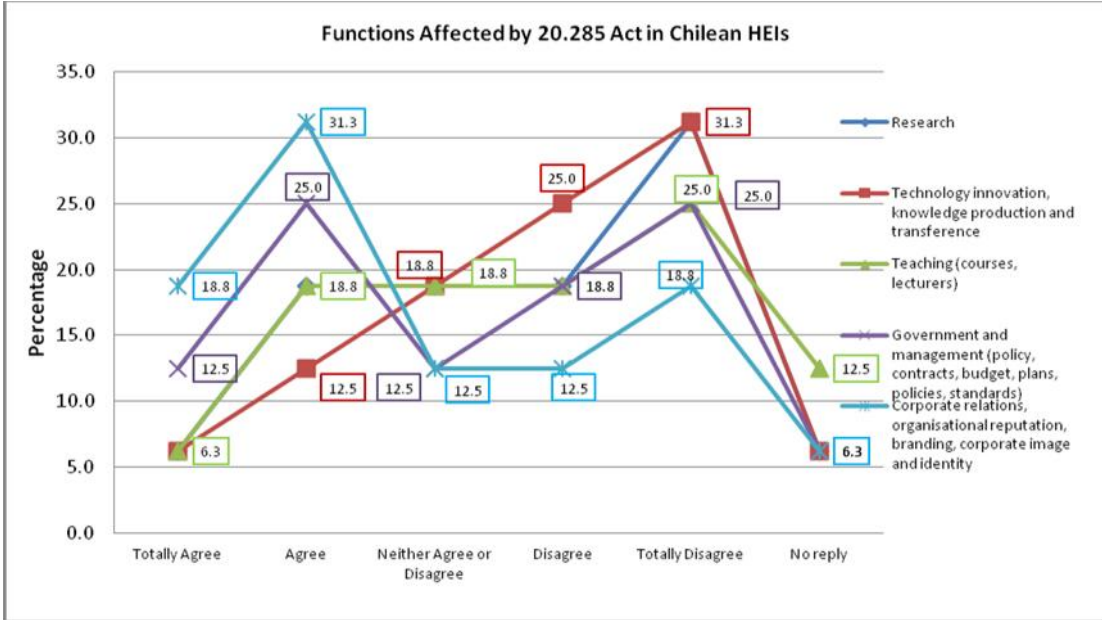
So far and having gone into all the details on the 21 organisational dimension's independent variables reported by the civil servants responsible for the implementation of the Act 20.285, there was a steady trend which showed them as performing a partial level of implementation. Only one variable achieved 68.8% of 'fully implemented', and 8 out of 21 scored percentages between 62.5% and 50% of partial implementation. Results between 43.8% and 12.5% of partial implementation were achieved by 13 out of 21 independent variables. Despite these low results, public universities in Chile reported a very good compliance level when collating results for dealing with information request issues –informational dimension' variables–, so administrative compliance might be an issue for HEIs when demand rates have a significant growth.

Since demand for access to information held by public HEIs in Chile has not been dramatically affected by organisational factors, correlations with specific functions performed by them were examined to triangulate findings. For the statement 'the principal function affected by compliance with the Act 20.285 in this higher education institution is...' and examining the analysed categories, in the opinions of the respondents, the highest incidence was concentrated in responses under the category 'totally disagree', with outcomes between 31.3% and 25.8%, but the category 'agree' obtained results between 31.3% and 12.5%. Although for the low individual rate as for the low cumulative percentage it would be possible to infer divided opinions, it was also possible to define which one of the organisational functions were the most affected in the opinion of the civil servants working for them.

With a percentage of 18.8% 'totally agree' plus a percentage of 31.3% 'agree', the highest incidence in term of organisational functions affected by compliance with the Chilean legislation was 'Corporate relations, organisational reputation, branding, corporate image and identity'. The cumulative percentage for these categories was 50.1%.The function

‘Government and management –policy, contracts, budget, plans, policies, and standards– achieved a cumulative percentage of 37.5% when collating the same categories. Figure below shows results reported by the respondents over the three–year studied period.

Fig. N° CS2 10: ‘Functions affected by the right of access to information in Chilean public HEIs, 2010–2012’



Source: Author’s elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q11

The organisational function related to ‘technology innovation, knowledge production and transference’ achieved a cumulative percentage of 56.3% of ‘disagree’ and ‘totally disagree’. Similarly, the organisational function related to ‘research’ scored a cumulative percentage of 50.1% when assessing the same categories. Consequently, they were the less two affected function as consequence of the Act implementation in Chile.

Collating findings with the UK case study, there was coincidence for the category ‘research’ as one of the lowest incidence, and ‘government and management’ as the highest incidence when comparing critical functions affected by the legislation in HEIs. Similarly, when triangulating data between the informational and organisational dimension, particularly comparing (1) level of proactive release of information coming out of organisational functions, and (2) functions affected by the Act implementation, it was possible to observe some data correlation. The table below shows low rates of ‘information release’ obtained by the categories (a) ‘historical information, (b) ‘planning information’, and (c) ‘managerial information’. These outcomes confirm that in this case study, there was a correlation between (i) accessibility or information availability and (ii) organisational factors, so the lowest disclosure rate corresponds to organisational functions affected by the Act implementation.

Another triangulating task was made to compare data reported by the informational dimension with outcomes reported by the organisational dimension. Through question six, 'please assess the duty to publish enforced by the Act 20.285, by selecting the kind of information included in the publication scheme in your organisation', it was examined if there was some relationship between findings come out of Q6 and the kind of information released on a routine basis by public HEIs in Chile. The table below shows the data collected over the three-year period.

Table N° 5.16: Compliance level assessment with proactive disclosure in public HEIs in Chile, 2010-2012.

Compliance Assessment	Organisational Dimension Independent Variables	Frequency	Percent	Valid Percent	Cumulative Percent
ODQ6Op1 Information about the organisation — who we are and what the organisation does —					
Valid	Information Released	15	93.8	93.8	93.8
	Information Not Released	1	6.3	6.3	100.0
	Total	16	100.0	100.0	
ODQ6Op2 Financial and budgetary Information — what we spend and how we spend it —					
Valid	Information Released	16	100.0	100.0	100.0
ODQ6Op3 Planning Information — what are our priorities and how are we doing —					
Valid	Information Released	8	50.0	50.0	50.0
	Information Partially Released	3	18.8	18.8	68.8
	Information Not Released	5	31.3	31.3	100.0
	Total	16	100.0	100.0	
ODQ6Op4 Managerial Information — how do we make decisions —					
Valid	Information Released	10	62.5	62.5	62.5
	Information Partially Released	3	18.8	18.8	81.3
	Information Not Released	3	18.8	18.8	100.0
	Total	16	100.0	100.0	
ODQ6Op5 Policy making Information — our policies and procedures —					
Valid	Information Released	13	81.3	81.3	81.3
	Information Partially Released	2	12.5	12.5	93.8
	Information Not Released	1	6.3	6.3	100.0
	Total	16	100.0	100.0	
ODQ6Op6 Historical Information — lists and registers —					
Valid	Information Released	7	43.8	43.8	43.8
	Information Partially Released	6	37.5	37.5	81.3
	Information Not Released	3	18.8	18.8	100.0
	Total	16	100.0	100.0	
ODQ6Op7 Information about Services — the service we offer —					
Valid	Information Released	14	87.5	87.5	87.5
	Information Partially Released	2	12.5	12.5	100.0
	Total	16	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q6

As a control question, findings reported by question 6 suggested a positive correlation between positive outcomes for (a) category 2, – Financial and budgetary Information–, with 100% of full release, (b) category 1 – Information about the organisation–, with a percentage of 93.8% of full release, (c) category 7 –Information about Services– with 87.5% of full release, and 12.5% of partial release, (d) category 5 –Policy making Information– with 81.3% of full release and 12.5% of partial release, (e) category 4 –Managerial Information– with 62.5% of full release, 18.8% of partial release and 18.8% of no release. Correspondingly,

cumulative percentages for the categories ‘information fully released’ and ‘information partially released’ reported high rates when assessing proactive disclosure through the publication scheme. 11 out of 19 information categories included in the publication scheme achieved 100% of proactive disclosure, and 6 out of 19 information categories reported results between 93.8% and 75% of proactive disclosure.

The lowest score was for category 6 –Historical Information, lists and registers–. Under this category, ‘information fully released’ reported 43.8%, ‘information partially released’ 37.5% and ‘information not released’ 18.8%. Collating these outcomes with the publication scheme, results showed that outcomes for ‘University’s historical records’ achieved 75% ‘full disclosure’, and 25% ‘no disclosure’. In consequence, when examining cumulative percentages for ‘full’ and ‘partial release’ of information, results keep to the reported trends. The same finding was made when comparing the second lowest score reported by category 3 –Planning Information– Cumulative percentage of 68.8% of full and partial release, matched with 68.8% of full disclosure reported by the informational dimension.

On the other hand, as under Sections 28, 29, and 30 of the Act 20.285, public authorities, in this case any public higher education institution in Chile, can appeal a judgments or decisions notified through ‘information notices’ and ‘enforcement notices’ by the Transparency Council, so the research examined this issue because during the appeal system, organisational factors are involved to boost the whole process.

Considering that over the three year period there were 60 refusals, with a percentage of 63.33% of appeals, and the fact that public HEIs in Chile have the right to appeal to the Transparency Council ruling, it was requested to provide the recorded number of information notices or enforcement notices received from the Transparency Council as the number of Appeals placed by the institution against the oversight body judgement.

As an appeal system works through organisational structures, which are responsible for the whole process, organisational capacity was assessed to examine if advisory mechanisms and advocacy mechanisms were committed with decisions on appeals as a result of judicial review processes. The table below shows results collected over the period studied.

Table N° 5.17: Information Notices and Enforcement Notices received and claimed by HEIs in Chile, 2010-2012.

		Frequency	Percent	Valid Percent	Cumulative Percent
ODQ9Op1 N° of Information or Enforcement Notices Received from the Chilean Transparency Council, year 3 (2012)					
Valid	No reply	1	6.3	6.3	6.3
	2	1	6.3	6.3	12.5
	0	14	87.5	87.5	100.0
	Total	16	100.0	100.0	
ODQ9Op4 N° of Appeals to the Transparency Council’s Decision Notices sent to the Chilean Court of Appeals by the HEI, year 3 (2012)					

Valid	1	1	6.3	6.3	6.3
	0	15	93.8	93.8	100.0
	Total	16	100.0	100.0	
ODQ9Op2 N° of Information or Enforcement Notices Received from the Chilean Transparency Council, year 2 (2011)					
Valid	Not know/ Don't Know	1	6.3	6.3	6.3
	Data not held or not recorded	1	6.3	6.3	12.5
	No reply	1	6.3	6.3	18.8
	0	13	81.3	81.3	100.0
	Total	16	100.0	100.0	
ODQ9Op5 N° of Appeals to the Transparency Council's Decision Notices sent to the Chilean Court of Appeals by the HEI, year 2 (2011)					
Valid	Not know/ Don't Know	1	6.3	6.3	6.3
	Data not held or not recorded	1	6.3	6.3	12.5
	0	14	87.5	87.5	100.0
	Total	16	100.0	100.0	
ODQ9Op3 N° of Information or Enforcement Notices Received from the Chilean Transparency Council, year 1 (2010)					
Valid	Not know/ Don't Know	1	6.3	6.3	6.3
	Data not held or not recorded	1	6.3	6.3	12.5
	No reply	1	6.3	6.3	18.8
	1	1	6.3	6.3	25.0
	0	12	75.0	75.0	100.0
	Total	16	100.0	100.0	
ODQ9Op6 N° of Appeals to the Transparency Council's Decision Notices sent to the Chilean Court of Appeals by the HEI, year 1 (2010)					
Valid	Not know/ Don't Know	1	6.3	6.3	6.3
	Data not held or not recorded	1	6.3	6.3	12.5
	0	14	87.5	87.5	100.0
	Total	16	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q9

Data collected for 2010 showed that there was one case of an information or enforcement notice received by public HEIs in Chile from the Transparency Council. As the table shows, such a decision was not claimed or disputed by the institution to the Appeals Court. In 2011, there were neither registered cases of information notices and enforcement notices received from the Transparency Council nor appeals submitted by public universities to the Appeals Court. In 2012, there were 2 cases of enforcement notices issued by the Transparency Council. Over this 6.3%, one case ruled by the Transparency Council was claimed by the university. When assessing best practices reported by the Transparency Council, there were some performance issues, involving organisational factors. For example, a decision notice received does not always specify particulars which the Act defines as mandatory. Provisions of the appeal system will be examined in detail in the following section.

So far, and examining quantitative data, when implementing the legislation organisational factors are such things as (a) appointment of dedicated staff to comply with the conferred access right, (b) implementation of organisational mechanisms to encourage awareness and commitment in favour of the granted right of access, (c) definition and resource location to implement training programmes, and (d) implementation of assessment mechanisms to improve monitoring and follow up activities. Public HEIs in Chile achieved good outcomes.

61.9% of the examined variables scored good results for 'full' and 'partial implementation'. 3 out of 21 independent variables obtained percentages between 68.8% and 50% of full implementation, and 18 out of 21 variables with percentages between 43.8% and 6.3% of full implementation. Prevalence or predominance in terms of the level of implementation was achieved for independent variables with partial implementation. 8 out of 21 factors reported percentages between 62.5% and 50% of partial implementation, and 13 out of 21 variables were partially implemented with percentages between 43.8% and 6.3%. There were a low number of independent variables with low percentage of no implementation. A percentage of 38% organisational factors achieved outcomes between 37.5% and 25% of non implementation.

Having examined the quantitative data on the performance of public HEIs in Chile when implementing organisational factors to boost compliance with the Act 20.285, results and findings were also examined under the model created by Darch and Underwood (2005, p.80) to assess 'administrative compliance'. The framework, – which comes from research published by Roberts (2000), and Snell (1999, 2001)–, was applied to compare compliance findings between Chile and UK. According to the authors, compliance with legal access to public information regimes depends on (A) organisational capacities, (B) concrete administrative practices, and (C) the commitment of individuals responsible for their operationalisation. So far as organisational capacities can affect compliance levels, these capacities could potentially bring about or result in five categories of compliance: (1) Proactive Compliance, (2) Administrative Compliance, (3) Administrative Non-Compliance, (4) Adversarialism, and (5) Malicious Non-Compliance. These categories in the centre of the figure below come out of the degree of motivation and willingness –on the left of the figure–, as well as with the commitment with best practices–on the right of the figure–.

Fig. N° CS2 11: Darch and Underwood, 2005 framework on 'administrative compliance'

High capacity High willingness	Proactive Compliance	<ul style="list-style-type: none"> • Information made available before request • Exemptions waived • Review perceived as quality control
Capacity Willingness	Administrative Compliance	<ul style="list-style-type: none"> • Co-operative attitudes • Exemptions used minimally • Review seen as guide to future decisions
Low capacity Willingness doubtful	Administrative Non-compliance	<ul style="list-style-type: none"> • Inadequate resources • Poor record keeping • FOI accorded low priority
Low capacity? Low willingness	Adversarialism	<ul style="list-style-type: none"> • Us and them attitudes • Exemptions resorted to • Delaying tactics • No explanation
Capacity irrelevant Unwillingness	Malicious Non-compliance	<ul style="list-style-type: none"> • Shredding • Information not recorded or filed • Documents removed from files

Considering that quantity and quality are desirable attributes for holistic assessment and that organisational capacities have been already measured in proportional terms, (1) best practices and (2) satisfaction level were the qualitative assessment criteria applied to complete the administrative compliance analysis. Magnitude assessment of best practices were carried out through question 10 –Q10– where the respondents were requested to weight them with the Likert scale ‘always’, ‘generally/frequently’, ‘hardly ever’, and ‘never’. Administrative compliance was examined through 26 best practice statements.

Results from Q10 showed that eight out of 26 statements achieved outcomes between 93.8% and 50% ‘always’ which is equal to 30.76%. Similarly, 18 out of 26 statements scored outcomes between 100% and 50% of cumulative percentage for ‘always’ and ‘generally/frequently’, which is equivalent to 69.23%. 8 out of 26 statements reported cumulative percentage between 31.3% and 18.8% for the same categories. Considering scores by cumulative percentage for ‘always’, and ‘generally/frequently’, the best practices found in public higher education institutions in Chile were:

Table N° 5.18: Administrative Compliance Assessment in HEIs, Chile, 2010-2012.

Compliance Assessment Request for Information Case Study 2	%
(1) ODQ10 Prop3. The policy and strategy defined by the Act 20.285, on access to information held by this higher education institution is published in accordance with the Transparency Council guidance	100%
(2) ODQ10 Prop13. In this organisation, the timeframe regime to comply with the request statutory requirement is publicly available to the requesters	100%
(3)ODQ10 Prop11. The institutional website considers all the information categories and instructions for information disclosure recommended by the Transparency Council	100%
(4) ODQ10 Prop12. In this organisation, the 20 days regime to comply with the statutory requirement for an information request is fulfilled	100%
(5) ODQ10 Prop1. In this higher education institution, the request managing system allows us to know/establish whether information requested is held	93.8%.
(6) ODQ10 Prop5. In this higher education institution, mechanisms of the Act promotion include the Chilean Transparency Council instructions and guidelines	81.3%.
(7) ODQ10 Prop4. In this higher education institution, the organisational structure responsible for the Act helps to ensure compliance with the legislation	75%
(8) ODQ10 Prop10. In this higher education institution, decisions on the adoption, creation, revision, modification, and diffusion of the institutional website are made every year	75%
(9) ODQ10 Prop9. In this higher education institution, data management plan and records management standards are applied to facilitate the access to information held by the organisation	68.8%
(10) ODQ10 Prop2. In this higher education institution, decisions of the Act promotion have been made considering information needs of public, media and academic community	68.8%

(undergraduate and graduate students, staff, researchers)...	
(11) ODQ10 Prop15. For dealing with issues on the handling of request for information, this organisation provides assistance and guidance to the requesters	68.8%
(12) ODQ10 Prop24. In this higher education institution, the exemptions instructions and guidelines created by the Chilean Transparency Council are useful to achieve administrative compliance requirements	68.8%
(13) ODQ10 Prop20. In this higher education institution, decisions on cost for information disclosure are determined by the 'qualified person'	62.5%
(14) ODQ10 Prop21. In this higher education institution, decisions on the cost for disclosure of information held by the organisation are made in accordance with the Act and the Chilean Transparency Council instructions	62.5%
(15) ODQ10 Prop23. In this University, the criterion to estimate a request 'reproduction cost' excludes the cost of search, storage, preservation of environmental conditions, reproduction time and delivery	62.5%
(16) ODQ10 Prop19. In some cases, the requester has to pay for the disclosure of information held by a public authority. The duty to update the fees regime in this higher education institution is fulfilled	50%
(17) ODQ10 Prop7. In this higher education institution, the advisory mechanism to support the Act includes a legal adviser, members or representatives of the academic community	50%
(18) ODQ10 Prop6. In this higher education institution, the Act corporate and action plan is annually reviewed and updated	50%

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q10

The highest negative opinion was never above 50%, but between 25% and 0% for all the assessed categories. There were 4 statements with a percentage of 25% for 'hardly ever', and 2 statements with the same percentage for 'never', which means that 6 out of 26 statements reported 23% for negative opinions on current practices. Considering scores by cumulative percentage for 'always', and 'generally/frequently', best practices with lowest outcomes found in public HEIs in Chile were:

Table N° 5.19: Administrative Compliance Assessment in HEIs, Chile, 2010-2012.

Compliance Assessment Request for Information Case Study 2	Percentage
1) ODQ10 Prop8. In this higher education institution, the annual budget satisfies the financial needs to achieve compliance outcomes with the 20.285 Act so far	31.3%
(2) ODQ10 Prop16. When the requester exhausts the complaints procedure and applies for an appeal process to the Chilean Transparency Council this higher education institution provides advice and assistance to them	31.3%
(3) ODQ10 Prop17. Under Act 20.285 an appeal timeframe is 2.4 months and this higher education institution complies with such provision	18.8%
(4) ODQ10 Prop18. In this higher education institution, when the cost limit for compliance exceeds the appropriate limit, the request for information is refused or	37.5%

denied	
(5) ODQ10 Prop22. In this higher education institution if a request for information costs more than the limit set by the provisions of the Act, the request is refused	37.5%.
(6) ODQ10 Prop25. In this higher education institution, the Act annual performance report is publicly available for the community	12.5%
(7) ODQ10 Prop26. In this organisation, the Act training plan and programme are created as implemented mechanisms to ensure compliance with the legislation	31.3%
(8) ODQ10 Prop14. Decisions on information requests which have previously been refused or denied are irreversible in this higher education institution	18.8%

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q10

Results for qualitative assessment of (A) organisational capacities, (B) concrete administrative practices, and (C) the commitment of individuals responsible for their operationalisation were examined through satisfaction level standards. Satisfaction level propositions achieved all scores between 31.3% and 12.5% for very satisfied. There were 11 out of 14 statements with percentages between 87.5% and 50%, for 'satisfied' and 3 statements with 43.8% for the same level of satisfaction. Considering cumulative percentage for 'very satisfied' and 'satisfied', 14 out of 14 statements achieved scores between 100% and 68.8%. Statements with the highest scores were:

Table N° 5.20: Administrative Compliance Assessment in HEIs, Chile, 2010-2012

Compliance Assessment Satisfaction Level Case Study 2	Percentage
(1) ODQ12 Prop11. Considering the outcomes on 'effective disclosure and release of information', versus the usability of the institutional website currently available, your satisfaction level is	100%
(2) ODQ12 Prop13. Considering the outcomes of the given priority to processing information requests to ensure administrative compliance with the Act, and the level of records management standards applied in your organisation, your satisfaction level is.	93.8%
(3) ODQ12 Prop1. Considering the Act provisions to ensure access to public sector information, versus the effective implementation of the legislation in your higher education institution your satisfaction level is	93.8%
(4) ODQ12 Prop3. Considering the outcomes on 'requests received and replied' within the last three years and the created or available mechanisms to promote the legislation usability in your organisation, your satisfaction level is	87.5%
5) ODQ12 Prop8. Considering information disclosure and release provisions ratified by the Act 20.285 and the corporate and action plan implemented or currently available in your organisation, your satisfaction level is	87.5%
(6) ODQ12 Prop14. Considering the outcome on 'level of compliance and non-compliance' with the Act, and the exemptions guidelines 'interpretation', applied in your organisation, your satisfaction level is	81.3%
(7) ODQ12 Prop4. Considering the outcomes on 'information requests received and	81.3%

replied' within the last three years, and the information disclosure policy applied in your organisation, your satisfaction level is	
(8) ODQ12 Prop2. Considering the provisions and outcomes on 'information disclosure and release' promoted by the Act, versus the effective implementation of the request managing system, in your organisation, your satisfaction level is	81.3%
(9) ODQ12 Prop10. Considering the organisational capacity and commitment to implement the Act in your institution, as well as the political support, co-operative attitude and engagement demonstrated by the Provost, the Vice-Chancellor or any person performing similar function, your satisfaction level is	81.3%
(10) ODQ12 Prop7. Considering the outcomes on 'request received and replied', and the Act 20.285 fees regime applied in your organisation, your satisfaction level is	75.0%

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q12

Scores for 'moderately satisfied' were between 18.8% and 6.3%. The highest percentages for the categories 'moderately satisfied', 'dissatisfied' and 'very dissatisfied' were 18.8%, 12.5%, and 18.8% respectively. 6 out of 14 statements obtained cumulative percentage between 31.3% and 18.8% for 'moderately satisfied', 'dissatisfied' and 'very dissatisfied'. Organisational issues with the lowest 'satisfaction level' were:

Table N° 5.21: Administrative Compliance Assessment in HEIs, Chile, 2010-2012

Compliance Assessment Satisfaction Level Case Study 2	Percentage
(1) ODQ12 Prop9. Considering the implementation level of the Act in your organisation and also the number of information requests received within the last three years, your satisfaction level with the available budget for Act 20.285 purposes is	31.3%
(2) ODQ12 Prop12. Considering the administrative compliance on 'appeal process, internal and external review'; your satisfaction level with the mechanisms to ensure assistance to the information requesters is	12.5%
(3) ODQ12 Prop5. Considering the level of implementation of the Act in your organisation, and the organisational structure currently available for compliance purposes, your satisfaction level is	25%
(4) ODQ12 Prop6. Considering the outcomes on 'appeal rights' conferred by the Act, versus the information request monitoring mechanisms currently available in your organisation, your satisfaction level is	18.8%

Source: Author's elaboration with data collected from Questionnaire N°2 Organisational Dimension, Q12

Considering the Darch and Underwood administrative compliance framework, and collating organisational factors' the outcomes achieved by HEIs in Chile, provided neither evidence to support 'malicious non-compliance' nor 'adversarialism'. Similarly, findings neither showed 'proactive compliance', nor 'administrative non-compliance' but rather administrative compliance. According to Snell (2001, p.27), this category 'recognises the positive performance of many agencies and the possibility to track compliance performance over the

time'. Although reasonable standards were achieved when assessing implementation level for administrative factors, high compliance level with best practices and positive 'satisfaction level' reported by public HEIs in Chile have possibly contributed to boost administrative capacity and willingness to comply with the Act 20.285.

C. Questionnaire N° 3: Legal Dimension of the Conceptual Model

The legal dimension encompasses 16 independent variables which to be analysed, were previously grouped into 4 categories organised by subject. The first category grouped independent variables under the issue 'request for information'. This category encompassed (1) Information request statutory requirement, (2) Timeframe regime, (3) Information request fees regime, (4) Transferring request provisions/referrals.

The second category was the 'right of access to information', which grouped (5) Exemptions –qualified and absolute–, (6) Public interest test. The third category was arranged as 'proactive disclosure of information', and under this subject there were included (7) Information disclosure provisions, (8) Duty to publish, (9) Proactive disclosure provisions, and (10) Publication scheme provisions. The fourth category was defined as 'appeal system under the Act 20.285', and encompassed the independent variables (11) appeal mechanisms and process, (12) Complaints mechanisms provisions, (13) internal review system, (14) legal assistance, (15) non-compliance provisions, and (16) decision notices. Results, outcomes and finding of the questionnaire N°3 are included following this framework; the same applied for the UK case study.

Assessment of the compliance level was examined considering quantitative and qualitative criteria. Quantity and quality were attributes applied to current and best practices and also to judgements, opinions and satisfaction level reported from the respondents, working for higher education institutions in Chile. Pivot tables with statistic analysis for questions on compliance, are all included in Appendix N°18, to provide further details of the assessment process.

A. Request for Information Independent Variables: the right to have access to information created and held by public HEIs in Chile is granted through legal provisions which enforces such rights. Compliance assessment with the legislation on this issue was examined taking into account variables such as: (1) Information request statutory requirement, (2) Timeframe regime, (3) Information request fees regime, (4) Transferring request provisions/referrals. The Act 20.285 enforces access rights through legal provisions under Section 12. Outcomes performed by public HEIs showed a high standard of compliance. Results for case study 2 are showed as follows:

Table N° 5.22: Requests for Information under Act 20.285 Compliance Assessment in HEIs, Chile 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent					
	Always	Generally/Frequently	Hardly ever	Never	Not Applicable	Total
LDQ8Prop1 In this organisation, the provisions under section 12 on 'request for information' are applied in accordance with the Act.	93.8	6.3	0.0	0.0	0.0	100.0
LDQ8Prop2 To make an electronic 'information request' this organisation has a template which includes the provisions under section 12 of the Act.	100.0	0.0	0.0	0.0	0.0	100.0
LDQ8Prop3 The organisation provides advice and assistance to current and potential requesters of information in accordance with section 12 of the Act.	25.0	37.5	25.0	0.0	12.5	100.0
LDQ8Prop4 In this organisation, the 'timeframe' of 20 working days to respond to the requester is applied in accordance with section 14 and section 31 of the Act regulations.	50.0	50.0	0.0	0.0	0.0	100.0
LDQ8Prop5 When dealing with a 'request for information' the organisation gives the requester a 'fees notice' with payment procedures, in accordance with regulations under section 18 of the Act.	50.0	6.3	12.5	0.0	31.3	100.0
LDQ8Prop6 When dealing with a 'request for information' which has been refused, the organisation gives the requester a notice stating the fact, according to section 16 of the Act.	68.8	25.0	6.3	0.0	0.0	100.0
LDQ8Prop7 When dealing with a 'request for information' where the cost for compliance exceeds the appropriate limit, the organisation gives the requester a notice stating the fact, as is statutory by Section 17 of the Act, and Section 20 and 33 of the Act Regulations.	31.3	6.3	12.5	6.3	37.5	100.0
LDQ8Prop8 When dealing with a 'request for information' which is considered vexatious or affecting a third party rights (section 21), the organisation gives the requester a notice stating the fact (section 16 of the Act and clause 3.1 Transparency Council Instruction N°10).	81.3	12.5	0.0	0.0	6.3	100.0
LDQ8Prop9 When dealing with a 'request for information' which has been previously complied with, or is substantially similar to a previous one, the organisation gives the requester a notice stating the fact as section 15 requires.	68.8	18.8	6.3	0.0	6.3	100.0
LDQ8Prop10 When dealing with a 'request for information' relating to public records which have been transferred to another public records office, the organisation gives the requester a notice stating the fact according to section 13.	56.3	18.8	6.3	6.3	12.5	100.0
LDQ8Prop11 When dealing with a 'request for information', the organisation gives the requester a notice which includes (a) procedures for dealing with complaints or states that the authority does not provide such a procedure, and (b) particulars of the right conferred by the Act (Clause 3.1 Transparency Council Instructive) .	43.8	25.0	25.0	0.0	6.3	100.0
LDQ8Prop12 The mechanism applied by this organisation to provide advice and assistance to a current/potential requester is the Transparency Council Instructive N°10. Section 45.	43.8	18.8	18.8	6.3	12.5	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q8

According to the table 5.22, a percentage of 93.8% institutions applied the legislation in accordance with mandatory provisions. The same question scored a percentage of 66.7% in UK. Similarly, and as Section 12 states, when examining whether the institutions provide the requesters with a proper mechanism to request information, a percentage of 100% of the institutions responded that effectively an electronic template is available to submit requests. In UK, a percentage of 20.8% responded always and 16.7% generally/frequently. Another assessed procedure was the time frame regime.

Likewise in UK, Section 14 of the Act 20.285, and Section 31 of the Act Regulations, requires as norm 20 working days to respond. The time limit was 'always' complied by a percentage of 50% of the institutions, and 'generally/frequently' by the same number of them. The UK case study reported 66.7% always, and 25% generally/frequently.

According to section 12 of the legislation, civil servants are also required to provide assistance to the requesters either completing the application or clarifying vague or broad information requests. As the table 5.22 above shows, although cumulative outcomes were satisfactory in public HEIs in Chile, individual results were always under 50%. There were 25% of the respondents who always complied with the standard. A proportion of 37.5% of them complied generally or frequently. Quarter complied with the norm hardly ever, and 12.5% considered this provision as 'not applicable'. Better results were achieved when examining whether when providing assistance, the Transparency Council Instructive N°10 Section 45 was used by public officials. A percentage of 43.8% of the institutions always complied, while a percentage of 18.8% complied generally, frequently, and hardly ever.

The UK also reported results under 50% for the same question. In accordance with low outcomes for this administrative procedure, satisfaction level when measuring compliance with this obligation reported also a low standard. For the statement 'considering provisions of the Act 20.285 on 'communication between the requester and the public authority', your satisfaction level is....' 37.5% of the respondents were very satisfied and satisfied, while 25% was moderately satisfied. In the UK, reported results were also lower with 16.7% very satisfied, 37.5% satisfied and moderately satisfied, and 8.3% not reply.

Cost for compliance is another issue, included in the Act 20.285, under Section 17 and by Sections 20 and 33 of the Act Regulations for request procedures. To comply with these provisions, if the cost for compliance exceeds the appropriate limit, the institution has to send a notice to the requester stating the fact. Low compliance was obtained by public HEIs in Chile. A percentage of 31.3% always complied with the procedure, 6.3% generally or frequently complied, 12.5% hardly ever complied, 6.3% never complied, and 37.5% considered not applicable such obligation. Comparing UK reported results, HEIs showed a moderate growth performing this duty. Always obtained 58.3%, generally/frequently 12.5%, hardly ever 4.2%, not applicable 16.7%, and no reply 8.3%. Similar outcomes were reported for the option 'not applicable' when assessing administrative compliance with fees regime. For the statement 'when dealing with a request for information, the organisation gives the requester a 'fees notice' with payment procedures, in accordance with regulations under section 18 of the Act. A percentage of 50% always complied with this obligation, 6.3%

complied generally/frequently, 12.5% complied hardly ever, and 31.3% considered the statement as 'not applicable'.

The Act 20.287, under Sections 21 and 16 as the Transparency Council in Instruction N°10 set up administrative procedures to ensure compliance with granting access rights. These duties include the obligation to inform the requester (a) when the information is considered vexatious and (b) whether the information request have already been refused. The table above shows very good outcomes achieved by public HEIs in Chile. Results for (a) showed that a percentage of 81.3% always complied with the provisions and 12.5% of the institutions complied generally or frequently. Results for (b) reported 68.8% 'always', and 25% 'generally/frequently'. In UK, the same duty has to be fulfilled when dealing with a request for information, but comparatively, compliance and awareness reported lower outcomes. Always achieved 54.2%, generally/frequently 4.2%, and 33.3% not applicable.

In addition, information notices have to be sent in cases when (1) requests for information have been previously compiled with, or are substantially similar to a previous one, (2) requests for information are related to public records which have been transferred to another public records office, and (3) request for information might be appealed. Results for compliance were good for two cases. When dealing with issue (1) HEIs in Chile complied 'always' in a proportion of 68.8%, and 'generally/frequently' 18%. Lower results were achieved for issue (2), where the achieved compliance was 56.3% 'always', 18.8% 'generally/frequently', 6.3% 'hardly ever' and 'never', and 12.5% 'not applicable'. Lower results were also achieved for issue (3). Public universities complied 'always' with the requirement 43.8%, 'generally/frequently' and 'hardy ever' 25%. When collating results with UK, legal duties (1) and (3) reported good outcomes. For the first case, 'always' scored 54.2%, 'generally/frequently' 20.8%, and 'not applicable' 12.5%. For the third case always reported 62.5%, generally/frequently 20.8%. The rest of the categories obtained results under 8.3%. For the second case results were lower than Chile. 'Always' obtained 33.3% and not applicable 50%.

B. Right of Access to Information under Act 20.285 Independent Variables: since the legislation in Chile was created to underpin values such as the

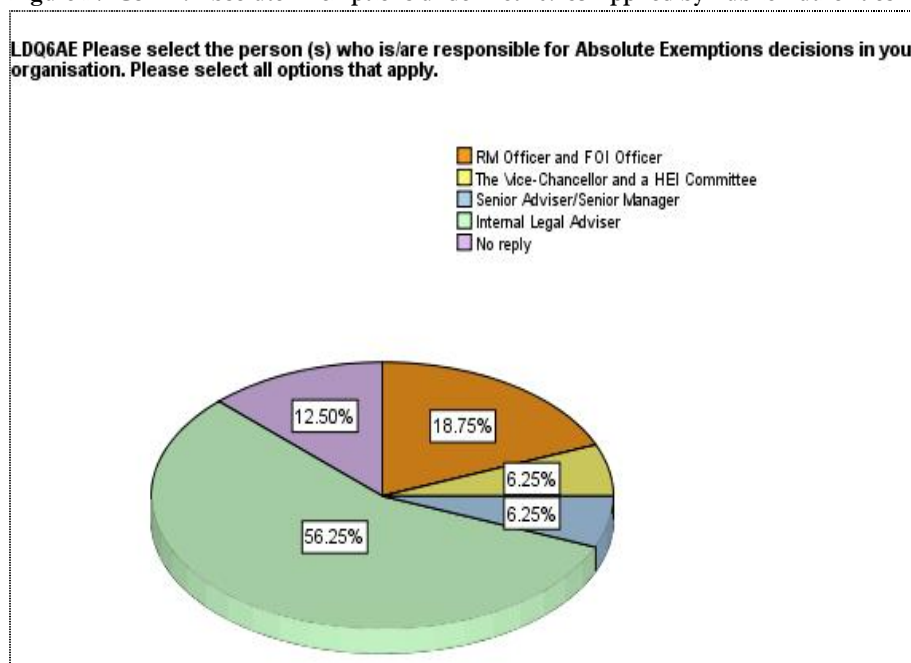
- (1) principle of relevance,
- (2) principle of freedom of information,
- (3) principle of openness and transparency,
- (4) principle of segmentation,
- (5) principle of facilitation/assistance,
- (6) principle of non-discrimination,

- (7) principle of opportunity,
- (8) principle of control,
- (9) principle of responsibility, and
- (10) free of charge principle, only specific exemptions restrict these underlying principles.

Taking into account international standards, the right of access to public information is affected by exemptions to cover issues of national security, international relations, privacy, public health and security, economic and commercial interest, justice administration, and environmental protection. Access, disclosure, and release of information are therefore limited by (a) exemptions defined by content and (b) decisions defined by the judgement of authorised persons, responsible of their application. Independent variables examined under this category were (5) Exemptions –qualified and absolute–, and provisions on the (6) Public interest test.

When the exemptions are absolute, the right to information is denied. Examining the figure below, it was found that absolute exemptions decisions applied in public HEIs in Chile were mostly made by an (1) Internal Legal Adviser (56.25%), and a (2) Record Management Officer or a Public Officer (18.75%). Compared with the UK case study, reported data showed 41.7% for ‘no reply’, and 16.7% for ‘FOIA Officer’.

Figure N° CS2 12: Absolute Exemptions under Act 20.285 Applied by Public Authorities in HEIs Chile, 2010-2012.

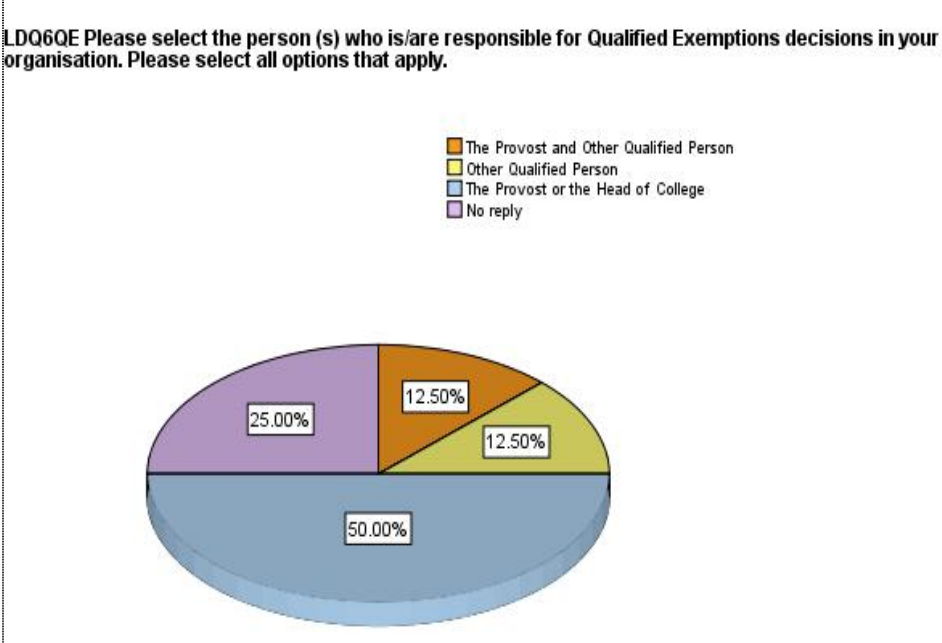


Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q6

When exemptions are qualified, the right to information requires prejudice test and public interest test. According to figure below, decisions on qualified exemptions were made in Chile by The Provost or the Head of the University (50%), the Provost and Other Qualified

Person (12.5%), and Other Qualified Person (12.5%). Comparing findings with the UK case study, it was found that responses were always fewer than 50%. For the Freedom of Information Officer (20.8%), the FOI Officer and the Vice-Chancellor (20.8%), and for the Vice-Chancellor or any person performing similar function (12.5%).

Figure N° CS2 13: Qualified Exemptions under Act 20.285 Applied by Public Authorities in HEIs Chile, 2010-2012.



Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q6

As under the Act 20.285 the right to have access to public information is denied if the requested information is covered by an absolute exemption, consistency with responses collected by Questionnaire N°1, was examined to triangulate data reported particularly by question 9. The table below shows results for this issue.

Table N° 5.23: Frequency of Absolute Exemptions Applied under Act 20.285 Applied by HEIs in Chile 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent					Total
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	
LDQ10Prop1 The country's or national defence, military or strategic planning. The exemption applies for documents or information under section 22.	0.0	0.0	0.0	43.8	56.3	100.0
LDQ10Prop2 International relations. Under section 22 the exemption covers confidential material on security and international law	0.0	0.0	0.0	43.8	56.3	100.0
LDQ10Prop3 Foreign affairs. Under section 22 clauses (d) when the disclosure and dissemination can affect the international relations.	0.0	0.0	0.0	43.8	56.3	100.0
LDQ10Prop4 The country's interests. Under section 22 clauses (a), when the document disclosure and dissemination may affect the territorial integrity of Chile.	0.0	0.0	0.0	43.8	56.3	100.0
LDQ10Prop5 International treaty on limits. Under section 22 paragraphs (b), when the disclosure and dissemination can affect the law enforcement signed by Chile.	0.0	0.0	0.0	43.8	56.3	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q10

The highest incidence when assessing the frequency of ‘absolute exemptions’ applied by public HEIs in Chile was for the category ‘not applicable’ with 56.3% and ‘never’ with 43.8%. This finding is consistent with results reported by Q9, where the applied exemptions were not absolute, but qualified. Similarly, applications under Act 20.285 must be subject to a prejudice test when the requested information is covered by ‘qualified exemptions’. The same triangulation procedure was carried out to verify the degree of consistency with data collected through question 9. The table below shows results for this issue:

Table N° 5.24: Frequency of Qualified Exemptions Applied under Act 20.285 Applied by HEIs in Chile 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent					
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	Total
LDQ9Prop1 Exemptions under section 21 subsection 1 (c) on information requests on a general nature, based on a large number of administrative acts, which unduly require distracting the attention of the officer.	0.0	6.3	31.3	50.0	12.5	100.0
LDQ9Prop2 Exemptions under section 21, paragraph 3 when its advertising, publishing or knowledge affects the national security, particularly if it relates to national defence, the safety and public order.	0.0	0.0	0.0	75.0	25.0	100.0
LDQ9Prop4 Exemptions under section 21, subsection 1 (b) on prior records to the adoption of a resolution, action or policy deliberations.	0.0	6.3	25.0	56.3	12.5	100.0
LDQ9Prop5 Exemptions under section 21, paragraph 4 when its advertising, publishing or disclosure affects the national interest, public health, international relations and economic or commercial interests.	0.0	0.0	0.0	75.0	25.0	100.0
LDQ9Prop6 Exemptions under section 21, paragraph 2 when their advertising, communication or disclosure affects the rights of individuals, in the case of safety, health, privacy and commercial or economic rights.	6.3	18.8	43.8	25.0	6.3	100.0
LDQ9Prop7 Exemptions under section 21, paragraph 5 when documents, data, or information have been declared as confidential or secret by a qualified quorum law.	0.0	6.3	12.5	56.3	25.0	100.0

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q9

The highest incidence of frequency by kind of access restrictions was concentrated into two categories: never and not applicable. ‘Never’ achieved highest rates with percentages between 75% and 25%, and ‘not applicable’ scored percentages from 25% to 6.3%. These findings were consistent with data collected through question 9 on the kind of exemptions applied by HEIs. Outcomes from the table showed that triangulating data there was consistency with results described by questionnaire 1. Qualified exemption provisions were predominantly applied to information requests to cover restrictions under Section 21. Considering the small number of refusals reported by Questionnaire 1, qualified exemptions in public HEIs in Chile were applied to information under Section 21, paragraph 2 of the Act 20.285.

According to question 9, this restriction obtained 6.3% ‘always’ and 18.8% ‘generally/frequently’, and it was applied preventing that disclosure might affects the rights of individuals, in the case of safety, health, privacy and commercial or economic rights.

Findings also showed that although they had low incidence, qualified exemptions were applied 'generally/frequently' according to Section 21 subsection 1 and Section 21 paragraph 5 with 18.8% and 6.3%. The qualified exemptions covered information (1) on information requests on a general nature, based on a large number of administrative acts, which unduly require to distract the attention of the officer, (2) on prior records to the adoption of a resolution, action or policy deliberations, and (3) on data, or information declared as confidential or secret by a qualified quorum law. When examining the public interest test effect on qualified exemptions, there was no consensus between the respondents. For the statement 'LDQ18Prop10 One effect of the exemptions is that the public interest in maintaining the exemption outweighs the public interest in disclosing the information', cumulative percentage for positive and negative judgments was always under 50%. Cumulative percentage for 'totally agree', and 'agree' was, 31.25%, 'neither agree nor disagree' obtained 31.3%, and cumulative percentage for "disagree", and 'totally disagree' scored 37.5%. Comparing opinions with the UK case study, 'totally agree' reported 20.8%, and 'agree' 58.3%. Cumulative percentage for both categories reported 79.1%

The table below shows frequency of compliance with best practices or duties which came out of exemptions provisions in public HEIs in Chile.

Table N° 5.25: Compliance Assessment with Exemptions Provisions Applied by HEIs in Chile, 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent						Total
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	No Reply	
LDQ11Prop1 In this University, requesters or applicants are entitled to know the acts and documents included in the declaration of sensitive information, secrecy or confidentiality made by the institution ...	6.3	6.3	6.3	6.3	68.8	6.3	100.0
LDQ11Prop2 In this University, requesters or applicants have free access to the place where documents declared as sensitive, secret or confidential by the institution are stored ...	0.0	6.3	6.3	12.5	68.8	6.3	100.0
LDQ11Prop3 In this University, a qualified person is responsible for keeping documents protected or declared under secrecy or confidentiality provisions ...	18.8	12.5	0.0	0.0	62.5	6.3	100.0
LDQ11Prop4 In this University, the index of acts and documents classified as secret or confidential is available for review in the records management office ...	6.3	6.3	6.3	12.5	68.8	0.0	100.0
LDQ11Prop5 In this University, sensitive, secret or confidential documents are kept according to records management standards to protect their preservation ...	12.5	6.3	6.3	0.0	68.8	6.3	100.0
LDQ11Prop6 In this University, sensitive information, secret or confidential documents are preserved and stored for 10 years ...	6.3	6.3	0.0	0.0	81.3	6.3	100.0
LDQ11Prop7 In this University, the index of acts and documents classified as secret or confidential documents, includes denied of access notices only when they are signed...	6.3	6.3	6.3	0.0	75.0	6.3	100.0
LDQ11Prop8 In this University, the index of events or documents classified as secret or confidential, include the following elements: identification of the event, name of event, identification of the section declared as confidential or secret, the legal basis of their secrecy and confidentiality, and date of the refusal notice...	6.3	6.3	6.3	0.0	75.0	6.3	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q11

According to the table, public HEIs in Chile achieved a very low standard when assessing compliance with legal provisions required by the Act 20.285. Best practices on exemptions were predominantly considered as 'not applicable' by the respondents, in circumstances that all of them are requested duties. This issue was the weakest outcome achieved by the public universities in Chile. The category 'not applicable' elicited results from 81.3% to 62.5%, which means that the largest proportion of institutions do not comply with these practices. Categories for best practice' frequency was always under 18.8%. Possible explanation for this finding might be lack of awareness of the Officers or non existence of these kinds of documents.

This low outcome is consistent with findings reported in Questionnaire 1: Informational Dimension. According to question 13, in public HEIs in Chile, the highest incidence of non-disclosure of information was achieved by the information category 'direct link to records, documents, or information classified as secret or confidential acts', placed at the bottom of the publication scheme ranking. According to sections 16, 20, and 21 under the Act 20.285 as well as under Sections 23, 35, and 37 of the Act Regulations, a public authority which receives any request for information has the duty to confirm, within the time for complying with Sections 14 and 20, whether the requested information is exempt. Results for compliance level with these provisions are displayed in the table below.

Table N° 5.26: Compliance with Legal Provisions on Information Requests by HEIs in Chile, 2010-2012.

		Frequency	Percent	Valid Percent	Cumulative Percent
LDQ7Prop1 The public authority gives a 'decision notice' to the requester, which states why the exemption applies, in the case that this would not otherwise be apparent.					
Valid	No Reply	1	6.3	6.3	6.3
	Yes	6	37.5	37.5	43.8
	No	9	56.3	56.3	100.0
	Total	16	100.0	100.0	
LDQ7Prop2 The public authority gives a 'decision notice' to the requester, which states the fact.					
Valid	No Reply	1	6.3	6.3	6.3
	Yes	8	50.0	50.0	56.3
	No	7	43.8	43.8	100.0
	Total	16	100.0	100.0	
LDQ7Prop3 The public authority gives a 'decision notice' to the requester, which specifies the exemptions in question.					
Valid	No Reply	1	6.3	6.3	6.3
	Yes	11	68.8	68.8	75.0
	No	4	25.0	25.0	100.0
	Total	16	100.0	100.0	
LDQ7Prop4 The public interest in maintaining the exclusion of the duty to confirm or deny access to information outweighs the public interest in disclosing whether the public authority holds the requested information.					
Valid	No Reply	1	6.3	6.3	6.3
	Yes	1	6.3	6.3	12.5
	No	14	87.5	87.5	100.0
	Total	16	100.0	100.0	

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q7

The table 5.26 showed a lower standard performed by HEIs in Chile for the first duty. Public universities achieved 37.5% of compliance with the obligation of giving a ‘decision notice’ to the requester, which states why the exemption applies, in the case that this would not otherwise be apparent. 56.3% did not comply with the requirement. ‘Compliance level’ grew 13 points when assessing the duty of giving a ‘decision notice’ to the requester, which states the fact that the information request is affected by exemptions provisions. Public authorities in HEIs achieved 50% of compliance with this obligation and 43.8% of non-compliance. The highest incidence in terms of growth was achieved by public authorities when assessing whether they give a ‘decision notice’ to the requester, which specifies the exemptions in question. A percentage of 68.8% complied with the Act and 25% did not comply.

Finally, awareness and knowledge about the duty to confirm or deny access to information when applying the public interest test scored the lowest standard with 6.3% ‘yes’ and 87.5% ‘no’. There were similarities when comparing obligations in UK case study, where the second and third obligation achieved 79.2% of compliance and 20.8% of non-compliance. For duties 1 and 3, compliance and non-compliance reported 50%.

Qualitative data analysis was used to complete the assessment on the right of access to information, particularly of exemption provisions. Opinions were requested from public officers responsible for the Act 20.285 implementation in public HEIs in Chile, and the results for the assessment are shown in the following table.

Table N° 5.27: Compliance with Legal Provisions on Exemptions Applied by HEIs in Chile, 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile Exemptions –Qualified and Absolute–	Valid Percent						
	Totally Agree	Agree	Neither Agree nor Disagree	Disagree	Totally Disagree	No Reply	Total
LDQ18Prop1 At this stage, in this public organisation exemptions are applied in accordance with the Act 20.285.	37.5	12.5	31.3	12.5	6.3	0.0	100.0
LDQ18Prop2 Exemptions are applied following the guidance set by the Chilean Transparency Council under Instruction N°3.	37.5	25.0	25.0	6.3	6.3	0.0	100.0
LDQ18Prop3 The exemptions are applied following the guidance published by the General Secretariat of the Presidency, under Decree 13.	25.0	18.8	37.5	12.5	6.3	0.0	100.0
LDQ18Prop4 Exemptions are waived in this higher education institution.	25.0	6.3	12.5	18.8	37.5	0.0	100.0
LDQ18Prop5 The exemptions provisions are applied in a limited fashion and as a last resort in this higher education institution.	12.5	31.3	31.3	6.3	18.8	0.0	100.0
LDQ18Prop6 Exemptions provisions are limited and narrowly applied in this organisation.	31.3	25.0	37.5	0.0	6.3	0.0	100.0
LDQ18Prop7 Exemptions are a resorted practice to in this organisation.	0.0	0.0	12.5	31.3	56.3	0.0	100.0
LDQ18Prop8 In this higher education institution exemptions are used to justify decisions of non-disclosure.	6.3	6.3	12.5	25.0	50.0	0.0	100.0
LDQ18Prop9 Exemptions affect the public right to know; they constitute the greatest single impediment to the flow of information to the public.	6.3	18.8	12.5	25.0	31.3	6.3	100.0

LDQ18Prop10 One effect of the exemptions is that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	12.5	18.8	31.3	12.5	25.0	0.0	100.0
LDQ18Prop11 One effect of the exemptions is that the public interest in maintaining the exclusion of the duty to confirm or deny access, outweighs the public interest in disclosing whether the public authority holds the requested information.	12.5	6.3	43.8	6.3	18.8	12.5	100.0
LDQ18Prop12 Most of the exemptions cover crime, national security, government policy, law enforcement, among others, and according to the received request in your organisation, those are areas where people might be most interested.	12.5	18.8	37.5	18.8	12.5	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q18

According to the table, the highest incidence in terms of rate was for the category 'neither agree nor disagree'. 7 out of 12 statements achieved results between 43.8% and 31.3%. When examining outcomes within categories, the highest percentage was 37.5% 'totally agree', 31.3% 'agree', and 'disagree', and 'totally disagree' 56.3%. 'Totally disagree' obtained the second incidence in terms of statement's rate. 4 out of 12 statements scored results from 50% to 31.3%.

Taking into account cumulative percentage of positive and negative estimation given by the respondents, there were 3 statements reporting with rather good outcomes, considering the categories 'totally agree' and 'agree'. The first one obtained a cumulative percentage of 62.5%, and it was for proposition 2: 'Exemptions are applied following the guidance set by the Chilean Transparency Council under Instruction N°3. The same statement achieved a cumulative percentage of 91.7% in UK. The second one scored a cumulative percentage of 56.3% and it was for the statement 6: 'Exemptions provisions are limited and narrowly applied in this organisation'. UK reported results were 37.5% for the same proposition and category. The third one reached a cumulative percentage of 50% and it was for the proposition 1: 'At this stage, in this public organisation exemptions are applied in accordance with the Act 20.285'. In UK this statement achieved the highest agreement level with 95.8%.

The highest level of disagreement taking into account the categories 'disagree' and 'totally disagree' was reported for 4 out of 12 statements. The first one scored a cumulative percentage of 87.5% and it was for the proposition 7: 'Exemptions are a resorted practice to in this organisation'. Reported results for UK were 25%. The second one achieved 75% and it was for statement 8: 'In this higher education institution exemptions are used to justify decisions of non-disclosure'. In UK level of disagreement was 16.7% while agreement level was 70.8%. The third and fourth reported the same 56.3%, and it was for the statements 4: 'Exemptions are waived in this higher education institution', and for the proposition 9: 'Exemptions affect the public right to know; they constitute the greatest single impediment to the flow of information to the public'. In the UK statement 4 achieved 66.7%, and proposition 9 scored 50%.

C. Proactive Disclosure of Information Independent Variables: this category of analysis encompassed 4 independent variables: (7) Disclosure provisions, (8) Duty to publish, (9) Proactive disclosure provisions, and (10) Publication scheme. Proactive disclosure criteria were examined to assess compliance levels with the legal provisions of the Act 20.285 in Public Chilean HEIs.

Table N° 5.28: Compliance with Legal Provisions on Information Disclosure made by HEIs in Chile, 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent					
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	Total
LDQ12Op1 CONTENT (exemptions)	62.5	18.8	6.3	6.3	6.3	100.0
LDQ12Op2 TIME (timeframe regime and ISO 15.489 Standard)	50.0	18.8	12.5	6.3	12.5	100.0
LDQ12Op3 FORMAT (Publication scheme)	43.8	12.5	18.8	12.5	12.5	100.0
LDQ12Op4 MONEY (Fees for disclosure of information)	37.5	6.3	25.0	18.8	12.5	100.0
LDQ12Op5 VALIDITY (Historical records)	25.0	31.3	31.3	6.3	6.3	100.0
LDQ12Op6 DISCLOSURE ADVICE in the opinion of a 'qualified person'	31.3	25.0	18.8	12.5	12.5	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q12

In Chile, outcomes from the table above show that information disclosure was predominantly carried out taking into account considerations of (1) content, (2) time. Cumulative percentages for 'content' was 81.3%; and for 'time' 68.8%. (3) Format, (4) disclosure advice and (5) validity were placed in the third position with 56.3% each. Criteria for content, time, and disclosure advice were also reported as predominant in the UK case study, with 78.2%, 66.7%, and 48.3% respectively. Another finding was consideration of 'money'. As 'information disclosure' criterion, the role of this aspect obtained the same percentage for positive and negative frequency categories. A cumulative percentage of 43.8% was reported for 'always', 'generally/frequently', and for 'hardly ever', and 'never'.

Frequency of best practice in 'information disclosure' was examined under the legal provisions included in the Chilean legislation. The results for data analysis are presented in the following table:

Table N° 5.29: Compliance with Legal Provisions on Information Disclosure in Public Chilean HEIs, 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent					
	Always	Generally/ Frequently	Hardly ever	Never	Not Applicable	Total
LDQ13Prop1 In this University, information disclosure is denied, refused or prohibited when it is authorised by law.	37.5	6.3	6.3	12.5	37.5	100.0
LDQ13Prop2 In this University, information disclosure is denied when it is under laws passed by qualified quorum.	31.3	6.3	6.3	6.3	50.0	100.0
LDQ13Prop3 In this University, disclosure of information classified under secrecy and confidentiality, and set out in the Chilean Constitution, is prohibited and punished.	31.3	12.5	0.0	6.3	50.0	100.0
LDQ16Prop1 In this organisation, the 'publication scheme' is updated and publicly available as is required to do so by section 17 of the Act 20.285.	93.8	6.3	0.0	0.0	0.0	100.0

LDQ16Prop2 In this organisation, information disclosed under the 'publication scheme' is updated every month.	87.5	12.5	0.0	0.0	0.0	100.0
LDQ16Prop3 In this organisation, when reviewing and updating the 'publication scheme', provision under Section 7 of the Act 20.285 are considered. The public authority also considers section 50 (Rules of the Act) and Instructions 4, 7, 9 by the Chilean Transparency Council.	43.8	43.8	12.5	0.0	0.0	100.0

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q13, Q16

As in the UK, public HEIs in Chile achieved very a good level of compliance when applying some specific legal provisions on information disclosure. According to the table 5.29, public universities in Chile 'always' complied with legal provisions on publication scheme. Compliance level was 93.8%, 87.5%, and 87.6% for duties compelled by law. In the UK, there was one duty where compliance was low. When assessing whether the 'publication scheme' is sent for review and approval to the Information Commissioner every six months, a cumulative percentage of 75% for 'hardly ever' and 'never' was reported.

Other legal duties reported outcomes fewer than 50%, but as the table shows, there were 2 cases –with a percentage of 50%– considered as 'not applicable' for the respondents. Possibly, information covered by these provisions was not held by the institutions. The lowest compliance level was for statement 1, 'in this University, information disclosure is denied, refused or prohibited when it is authorised by law In this University, information disclosure is denied, refused or prohibited when it is authorised by law', where outcomes showed no definite trend.

Information disclosure was also examined through a qualitative method. Accordingly, knowledge, awareness, and commitment with legal provisions and best practices on this issue were examined taking into account the respondent's judgements. Results for qualitative analysis are displayed in the table 5.30 below. As was found in UK, very good results were achieved by Chilean public universities when assessing legal duties on information disclosure. Considering positive categories such as 'totally agree', and 'agree', 12 out of 14 statements reached cumulative outcomes between 100% and 56.3%. In particular, 6 out of 14 propositions reported results between 75% and 50%; the cumulative percentage of them was even better.

The highest incidence of good results was achieved for three statements on 'the publication scheme': (1) LDQ19Prop2. The publication schemes provisions are applied in accordance with the Act 20.285 in this higher education institution. (2) LDQ19Prop1 The publication schemes are mechanisms to ensure disclosure of information as is set under the 'active transparency' principles of the Act 20.285. (3) LDQ19Prop3 In this organisation there is a specific commission, group or qualified person responsible for the preparation, revision, modification and publication of the publication scheme.

Table N° 5.30: Compliance with Best Practices on Information Disclosure Provisions in HEIs, Chile 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent						
	Totally Agree	Agree	Neither Agree or Disagree	Disagree	Totally Disagree	No Reply	Total
LDQ17Prop1 In this organisation, mechanisms to ensure disclosure of information are applied in accordance with provisions under section 11 of the Act 20.285.	37.5	50.0	12.5	0.0	0.0	0.0	100
LDQ17Prop2 In this organisation, there are fees for disclosure when the requested information requires to be copied.	50.0	6.3	18.8	6.3	18.8	0.0	100
LDQ17Prop3 In this organisation, there are mechanisms to facilitate the disclosure of information.	50.0	43.8	6.3	0.0	0.0	0.0	100
LDQ17Prop4 In this organisation the provisions on altering records to prevent disclosure of information are well known.	43.8	12.5	37.5	0.0	6.3	0.0	100
LDQ17Prop5 The public interest test is a mechanism which affects the disclosure of information.	6.3	31.3	18.8	12.5	31.3	0.0	100
LDQ17Prop6 In this organisation, removal of exemptions and disclosure for historical records applies in accordance with the Act 20.285 provisions.	43.8	56.3	0.0	0.0	0.0	0.0	100
LDQ17Prop7 Considering that the code of best practice on records management has no legal force behind it, after an appeal process, the disclosure of information results in limited disclosure.	0.0	18.8	31.3	18.8	25.0	6.3	100
LDQ17Prop8 Any person to whom this Act applies is guilty of an offence when the person alters, defaces, blocks, erases, destroys or conceals any record held by the public authority with the intention to prevent disclosure.	56.3	31.3	6.3	0.0	6.3	0.0	100
LDQ19Prop1 The 'publication schemes' are mechanisms to ensure disclosure of information as is set under the 'active transparency' principles of the Act 20.285.	68.8	25.0	6.3	0.0	0.0	0.0	100
LDQ19Prop2 In this higher education institution, the 'publication schemes' provisions are applied in accordance with the Act 20.285.	75.0	25.0	0.0	0.0	0.0	0.0	100
LDQ19Prop3 In this organisation, there is a specific commission, group or qualified person responsible for the preparation, revision, modification and publication of the publication scheme.	68.8	18.8	0.0	12.5	0.0	0.0	100
LDQ19Prop4 The 'publication scheme' specifies categories or classes of information which this organisation publishes or intends to publish.	31.3	43.8	12.5	0.0	12.5	0.0	100
LDQ19Prop5 One month is a reasonable time to update the institutional website according to the 'publication scheme' guidelines defined by the Chilean Transparency Council.	25.0	31.3	18.8	12.5	12.5	0.0	100
LDQ19Prop6 The publication scheme releases information regularly produced or held by this higher education institution.	37.5	43.8	6.3	0.0	12.5	0.0	100

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q17, Q19

The highest percentage for 'neither agree nor disagree' was for the statement Q17Prop4 In this organisation the provisions on altering records to prevent disclosure of information are well known, with 37.5%. When collating this outcome with one control question as LDQ17Prop8 Any person to whom this Act applies is guilty of an offence when this person alters, defaces, blocks, erases, destroys or conceals any record held by the public authority with the intention to prevent disclosure, it was found a cumulative percentage of 87.6% 'totally agree', and 'agree', which possibly explain that on this issue, public authorities effectively have competences and knowledge on their duties.

The lowest outcomes were for two propositions, with a cumulative percentage of 43.8% of disagreement each. Nevertheless, as the statement’s content had behind a negative affirmation or declaration, results showed by the respondents’ reasoning must be understood as positive. The statements were (a) LDQ17Prop5 The public interest test is a mechanism which affects the disclosure of information, and (b) LDQ17Prop7 Considering that the code of best practice on records management has no legal force behind it, after an appeal process, the disclosure of information results in limited disclosure. ‘Satisfaction level’ for the independent variables examined is included in the able below.

Table N° 5.31: Satisfaction Level with Compliance on Information Disclosure in Public HEIs in Chile, 2010-2012.

Legal Dimension Independent Variables. Compliance Assessment with Act 20.285 Provisions , HEIs in Chile	Valid Percent							Total
	Very Satisfied	Satisfied	Moderately Satisfied	Dissatisfied	Very Dissatisfied	No reply	Not Applicable	
LDQ20Prop1 Considering outcomes on the exemptions judgement, versus the disclosure and release of information made by your organisation, your satisfaction level is	25.0	56.3	12.5	0.0	0.0	6.3	0.0	100
LDQ20Prop2 Considering information disclosure provisions of the Act 20.285, versus outcomes on effective disclosure and release of information in your organisation, your satisfaction level is...	43.8	50.0	6.3	0.0	0.0	0.0	0.0	100
LDQ20Prop3 Considering outcomes on usability of the ‘publication schemes’ versus the effective disclosure and release of information in your organisation, your satisfaction level is...	56.3	43.8	0.0	0.0	0.0	0.0	0.0	100

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q20

High ‘satisfaction level’ was reported by the Public Officer when reporting compliance with information disclosure. Independent variables included under this subject, reported the highest outcomes in public HEIs in Chile. One of the best results achieved by public universities was the information release through the ‘publication scheme’. As an example, proposition three ‘considering the outcomes of the usability of the ‘publication schemes’ versus the effective disclosure and release of information in your organisation, your satisfaction level is...’ achieved a cumulative percentage of 100% ‘satisfied and ‘very satisfied’.

The same statement reported 37.5% the same categories, but 41.7% ‘neither agree nor disagree’. The second best result was for proposition 2 ‘considering information disclosure provisions of the Act 20.285, versus outcomes on effective disclosure and release of information in your organisation, your satisfaction level are...’ with a cumulative percentage of 93.8%. Reported results for the UK achieved 70.8%. The third best result was for proposition one, ‘considering the outcomes of the exemptions judgement, versus the disclosure and release of information made by your organisation, your satisfaction level is...’ with a cumulative percentage of 81.3%. Similar good results were reported by UK with 70.8%.

D. Appeal System under Act 20.285 Independent Variables: as requesters of public information have the right to appeal when a public authority denies access to information, duties to boost compliance with legal provisions were analysed grouping related independent variables under this issue. The appeal system category encompassed (11) appeal mechanisms and process, (12) complaints mechanisms provisions, (13) internal review system, (14) legal assistance, (15) non-compliance provisions, and (16) decision notices. Quantitative analysis of legal duties as best practice on this subject is included in the table below.

Table N° 5.32: Compliance with Legal Provisions on Appeal System in HEIs, Chile 2010-2012.

Compliance Assessment Legal Dimension. Independent Variables, HEIs Chile	Valid Percent						Total
	Always	Genera lly/Fre quently	Hardly ever	Never	Not Applic able	No Reply	
LDQ8Prop6 When dealing with a 'request for information' which has been refused, the organisation gives the requester a notice stating the fact, according to section 16 of the Act.	68.8	25	6.3	0.0	0.0	0.0	100
LDQ8Prop8 When dealing with a 'request for information' which is considered vexatious or affecting a third party rights (section 21), the organisation gives the requester a notice stating the fact (section 16 of the Act and clause 3.1 Transparency Council Instruction N°10).	81.3	12.5	0	0.0	6.3	0.0	100
LDQ8Prop9 When dealing with a 'request for information' which has been previously compiled with, or is substantially similar to a previous one, the organisation gives the requester a notice stating the fact as section 15 requires.	68.8	18.8	6.3	0.0	6.3	0.0	100
LDQ14Prop1 The public authority has failed to communicate to the applicant on the requested information in a case where it is required to do so by section 12 of the Act 20.285.	0.0	0.0	6.3	87.5	6.3	0.0	100
LDQ14Prop2 The public authority has failed to provide to the applicant a confirmation about the requested information in a case where it is required to do so by section 12 of the Act 20.285.	0.0	0.0	6.3	93.8	0.0	0.0	100
LDQ14Prop3 The public authority has failed to communicate to the applicant about an eventual denied decision in a case where it is required to do so by section 20 of the Act 20.285.	0.0	0.0	6.3	93.8	0.0	0.0	100
LDQ14Prop4 The public authority has failed to comply with any of the requirements on the means by which communications have been made. (Section 14 of the Act 20.285).	0.0	0.0	18.8	81.3	0.0	0.0	100
LDQ14Prop5 The public authority has failed to comply with the terms of date of notification when access to information is denied by secrecy or confidentiality, as is required to do so by section 16 of the Act 20.285.	0.0	0.0	18.8	81.3	0.0	0.0	100
LDQ15Prop1 The 'decision notices' received from the Chilean Transparency Council specify the steps which must be taken by the authority in the organisation.	37.5	12.5	0.0	25	18.8	6.3	100
LDQ15Prop2 The 'decision notices' received from the Chilean Transparency Council specify the time/deadline within which these steps must be taken by the authority in the organisation.	37.5	12.5	0.0	25	18.8	6.3	100
LDQ15Prop3 The 'decision notices' received from the Chilean Transparency Council specify particulars of the right of appeal conferred by the Act 20.285.	31.3	6.3	12.5	25	18.8	6.3	100

Source: Author's elaboration with data collected from Questionnaire N°3 Legal Dimension, Q8, Q14, Q15

A decision notice is the first instrument which might be used to appeal. The Act 20.285 requires compliance of mandatory tasks since a request for information is received by the public authority. When examining whether public HEIs in Chile comply with legal provisions in the form and content defined by law, it was found that compliance levels with decision notices achieved very good standards. Obligations on decision notices, defined by Sections 15, 16, and 21 of the Act reached cumulative percentage from 93.8% to 87.6% of

compliance. Similar good outcomes were reported by HEIs in UK with cumulative percentage of 83.4%, and 75% for the same requirements or tasks.

When assessing the level of compliance of public HEIs in Chile, and once examined results for binding procedures, performance reported very good standards. There were 5 mandatory tasks with the highest percentage for the frequency ‘never’ with proportions between 93.8% and 81.3%. These findings revealed that public universities were committed to comply with obligations set by the legislation. Administrative tasks with the highest incidence of good compliance or administrative compliance were:

Table N° 5.33: Satisfaction Level with Legal Provisions on Appeal System in HEIs, Chile 2010-2012.

Compliance Assessment Case Study 2	Percentage
(1) LDQ14Prop2. The public authority has failed to provide to the applicant a confirmation about the requested information in a case where it is required to do so by section 12 of the Act 20.285	Never: 93.8%.
(2) LDQ14Prop3. The public authority has failed to communicate to the applicant about an eventual denied decision in a case where it is required to do so by section 20 of the Act 20.285	Never: 93.8%.
(3) LDQ14Prop1. The public authority has failed to communicate to the applicant on the requested information in a case where it is required to do so by section 12 of the Act 20.285	Never: 87.5%.
(4) LDQ14Prop4. The public authority has failed to comply with any of the requirements on the means by which communications have been made (Section 14 of the Act 20.285).	Never: 81.3%.
(5) LDQ14Prop5. The public authority has failed to comply with the terms of date of notification when access to information is denied by secrecy or confidentiality, as is required to do so by section 16 of the Act 20.285.	Never: 81.3%.

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q15

Similar good compliance level was reported for four legal provisions in UK, with a cumulative percentage of 70.8% for the options ‘hardly ever’, and ‘never’.

Although the appeal process includes mandatory tasks which have to be performed by public authorities, and the Transparency Council decisions are binding to them, when an internal or external appeal is appointed, this oversight body is also obliged to comply with duties on deadline, procedures or formalities with regard to decision notices or enforcement notices. Sections 12, 14, 16, and 20 of the Act 20.285 state the required standard, and if the oversight body does not comply, public HEIs are entitled to plead to the Appeals Court. There were three legal provisions with low ‘compliance level’, with two cases, where cumulative percentage for ‘always’ and ‘generally/frequently’ achieved 50%, and in one case 37.6%. The same provisions scored a cumulative percentage of 43.8% ‘hardly ever’, ‘never’, and ‘not applicable’. Legal provisions with these outcomes were:

(1) LDQ15Prop1. The ‘decision notices’ received from the Chilean Transparency Council specify the steps which must be taken by the authority in the organisation. (2) LDQ15Prop2. The ‘decision notices’ received from the Chilean Transparency Council specify the time/deadline within which these steps must be taken by the authority in the organisation. (3) LDQ15Prop3. The ‘decision notices’ received from the Chilean Transparency Council specify particulars of the right of appeal conferred by the Act 20.285. In UK, reported results for ICO performance with the same obligations were lower. Always, and generally/frequently reported 16.7% for (1) (2), and 25% for (3). Hardly ever, never and not applicable scored 79.2% for (1) and (2), and 70.8% for (3).

Qualitative assessment of compliance with legal provisions of the Act 20.285 for the appeal system is displayed in the following table:

Table N° 5.33: Satisfaction Level with Legal Provisions on Appeal System in HEIs, Chile 2010-2012.

Legal Dimension Independent Variables. Compliance Assessment with Act 20.285 Provisions HEIs in Chile	Valid Percent							Total
	Very Satisfied	Satisfied	Moderately Satisfied	Dissatisfied	Very Dissatisfied	No reply	Not Applicable	
LDQ20Prop4 Considering the outcomes of the rights of ‘appeal’ conferred by the Act 20.285, versus the effective level of compliance with such provisions in your organisation, your satisfaction level is...	31.3	56.3	6.3	0.0	0.0	6.3	0.0	100
LDQ20Prop5 Considering the advice and recommendations as good practices received from the Chilean Transparency Council on the appeal proceeding, your satisfaction level is....	31.3	50.0	6.3	0.0	0.0	6.3	6.3	100
LDQ20Prop6 Considering the quality of the ‘decision notices’, ‘information notices’ and ‘enforcement notices’ received from the Chilean Transparency Council during an appeal process, your satisfaction level is....	31.3	43.8	6.3	0.0	6.3	6.3	6.3	100
LDQ20Prop7 Considering the decisions made by the Chilean Transparency Council during an appeal process when certifying in writing to the Appeals Court that your organisation has failed to comply as required by a decision notice, an information notice, or an enforcement notice, your satisfaction level is....	25.0	31.3	12.5	0.0	6.3	12.5	12.5	100
LDQ20Prop8 Considering the provisions of the Act 20.285 on deadline or amount of time to resolve an appeal specified in the ‘information notice’ during the appeal process, your satisfaction level is....	25.0	50.0	12.5	0.0	0.0	6.3	6.3	100
LDQ20Prop10 Considering provisions on the right of a public authority to appeal (to the Appeals Court) when an information notice or an enforcement notice has been served by the Chilean Transparency Council, your satisfaction level is....	31.3	25.0	18.8	0.0	0.0	12.5	12.5	100
LDQ20Prop11 Considering the amount of information released to the requester once an appeal process is completed, your satisfaction level is....	31.3	25.0	18.8	0.0	6.3	12.5	6.3	100
LDQ20Prop12 Considering the decisions made by the Appeals Court during an appeal process, your satisfaction level is....	31.3	25.0	12.5	6.3	0.0	12.5	12.5	100
LDQ20Prop13 Considering the judicial review outcomes made by the Appeals Court when dealing with an appeal procedure, your satisfaction level is....	31.3	25.0	12.5	6.3	0.0	12.5	12.5	100
LDQ20Prop14 Considering the requester right to complain given by the authority in conformity with the Act 20.2855, before applying for an appeal process to the Chilean Transparency Council, your satisfaction level is....	31.3	37.5	12.5	6.3	0.0	6.3	6.3	100

Source: Author’s elaboration with data collected from Questionnaire N°3 Legal Dimension, Q20

Public officers working for public HEIs in Chile reported themselves predominantly to be ‘satisfied’ and ‘very satisfied’ with institutional performance on appeal provisions under the

Act 20.285. Considering cumulative percentage for the categories 'very satisfied' and 'satisfied', 10 out of 10 statements on legal duties included into the appeal system, achieved percentages from 87.5% to 56.3%. Results for 'moderately satisfied' were placed in third place by the respondents. Comparing findings with the UK case study, predominance on satisfaction level was different. FOIA officers reported to be 'moderately satisfied' with institutional achievements on the appeal system. The four better outcomes were for the statements

(1) 'LDQ20Prop4 Considering the outcomes of the rights of 'appeal' conferred by the Act 20.285, versus the effective level of compliance with such provisions in your organisation, your satisfaction level is...', with 87.5%, -66.7% for UK-

(2) 'LDQ20Prop5 Considering the advice and recommendations as good practices received from the Chilean Transparency Council on the appeal proceeding, your satisfaction level is....' with 81.3%, -58.8% in UK-

(3) 'LDQ20Prop6 Considering the quality of the 'decision notices', 'information notices' and 'enforcement notices' received from the Chilean Transparency Council during an appeal process, your satisfaction level is....', with 75%, -45.8% for UK-, and

(4) 'LDQ20Prop8 Considering the provisions of the Act 20.285 on deadline or amount of time to resolve an appeal specified in the 'information notice' during the appeal process, your satisfaction level is....', with the same score -45.8% for the UK-.

**CHAPTER 6:
RESEARCH HYPOTHESES EVALUATION, RESULTS DISCUSSION, AND
CONCLUSIONS**

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CHAPTER 6: Research Hypotheses Evaluation, Results Discussion, and Conclusions

Chapter Overview

In this chapter, a broad look at the research findings as a whole is going to be presented. The Chapter examines the research work in the larger context of the information studies domain. The chapter moves the research work back from the specific information reported to a more general view of how the findings and conclusions were understood.

The information included and discussed in this chapter derives from the research problem, the applied methodology, and findings for the data collection and analysis. As in any induction exercise, this chapter moves the reasoning from particular or specific facts to general or main conclusions. The chapter therefore presents a validation of the hypotheses in correlation to the research problem and its dependent and independent variables. As the dependent variables of the research are 'impact' and 'compliance', the discussion is organised over the conceptual model perspective, under its three dimensions. Conclusions and research results encompass the connection between outcomes and aims from the perspective of future or further research development.

6.1. Research Hypotheses Evaluation

According to Hernández Sampieri, (2006, p.122-123), hypotheses are attempts to explain a studied problem or phenomenon. As provisional responses to the research questions, hypotheses suggest possible solutions or explanations, adopting defined propositions to denote the researcher's thoughts. Hypotheses are therefore tentative propositions about relationships between two or more variables and rely on organised and systematised knowledge.

In both quantitative and qualitative research approaches, hypotheses have two main roles when connecting variables with findings. First, they have an explanatory and descriptive function about the studied problem. If the evidence is in favour of the research hypothesis the information then increases the knowledge of the research problem. On the contrary, when the evidence does not verify likely solutions, it is equally possible to discover something new or something not known before about the studied problem. Second, hypotheses have a deductive function which support or strengthen a theoretical proposal when evidence is positive.

In any case, to Hernández Sampieri, (2006, p.142-143), hypotheses are ‘under verification and empirical scrutiny’, not to prove or to confirm whether they are true or false ‘but to argue that they rely on specific data obtained from a particular context, which consider place, time, objects, and participants’. Hypotheses are therefore put under empirical scrutiny to determine whether they were validated or contested by the researcher’s observations and assessment. From a probabilistic and technical point of view, Hernández Sampieri, (2006, p.142-143) states that hypotheses are not ‘accepted’ by a study, but provide evidence in favour or against the possible solution suggested by the researcher. In consequence, the more research supports a hypothesis, the more credibility and validity it will have.

Having already estimated rates for impact factor –IF– for each of the three dimensions of the model, an overall pivot table was produced to examine the relative position for each of the 66 independent variables of the model according to their impact factor outcome. As the research was looking for ‘predominance’ when comparing dimensions and variables outcomes for each country case study, a criterion to define the cohort point for the empirical analysis of the hypotheses proposed by this research was needed. The impact factor score analysis by structure of order was the statistical approach applied to validate the research hypotheses.

6.1.1. Applied Criterion to Validate the Research Hypotheses

Impact factor scores analysis by order structure and compliance assessment: under this approach, the independent variables were ranked and sorted according to the impact factor (IF) score as order indicator. The standard is to take off the top 50% of the data, and work with the median value. As the number of observations, cases, or independent variables in this research is an even number, the cohort point was defined as follow:

Variables/Dimension	Informational Dimension	Organisational Dimension	Legal Dimension	Total Ind.Variables
N° of Independent Variables by Dimension	N=23	N=27	N=16	N=66

Independent variables can be assessed under quantitative and qualitative approaches. Qualitative variables are also called discrete or categorical, and can take on a finite number of numerical values, categories or codes. Discrete variables also can be classified as ordinal variables when they are ordered in a meaningful sequence, as in this case by impact factor, IF. For ordinal variables what is empirically acceptable is to define a cohort midpoint, which divides the data into equal parts. Statistically, it is possible to apply the median value to numeric and ordinal variables, in order to define equal sizes, taking the value which is in the middle as cohort point.

The median value is the data that occupies the central position in set of data previously ordered by scoring values. Applying this method, the cohort point was defined as follow:

$$Me = \frac{N}{2} \Rightarrow \frac{66}{2} = 33$$

(a) Case Study 1: UK

As the model's dimensions encompass a total of 66 independent variables, the median value cuts 33 scores on the ranked variables. Therefore, for the case study 1 UK, the medium value score was IF = 0.54. The following pivot table shows the impact factor analysis for the UK case study.

Pivot Table N ° 6.1: Impact Assessment by Independent Variables and Dimensions 2010-2012, UK Case Study.

Independent Variable Name	N° Var/Dimension	Impact Factor, IF	Ranking UK
Leadership commitment	Org.Dim. Var18	1.06	1
Access to public information	Info.Dim. Var2	1.05	2
Public interest test	Legal Dim. Var5	1.03	3
Information disclosed	Info.Dim. Var3	0.94	4
Exemptions guidelines	Org.Dim. Var19	0.92	5
Information availability	Info.Dim. Var12	0.92	6
Disclosure provisions	Legal Dim. Var2	0.86	7
Information released	Info.Dim. Var9	0.86	8
Duty to publish	Legal Dim. Var6	0.86	9
Requests response quality	Info.Dim. Var10	0.81	10
Code of best practices FOIA	Org.Dim. Var17	0.76	11
Appeal mechanisms and process	Legal Dim. Var3	0.76	12
Requests replied	Info.Dim. Var19	0.74	13
Exemptions –qualified and absolute–	Legal Dim. Var1	0.72	14
Sensitive information	Info.Dim. Var20	0.70	15
Timeframe regime	Legal Dim. Var8	0.68	16
Assistance to requesters	Org.Dim. Var21	0.67	17
Information request statutory requirement	Legal Dim. Var13	0.67	18
Complaint mechanisms provisions	Legal Dim. Var4	0.67	19
Records management standards OD	Org.Dim. Var20	0.64	20
Disclosure standards	Info.Dim. Var16	0.62	21
Internal review system provisions	Legal Dim. Var7	0.62	22
Exemptions use	Info.Dim. Var6	0.61	23
Decision notices	Legal Dim. Var12	0.61	24
Political support	Org.Dim. Var12	0.60	25
Requests processing time	Info.Dim. Var18	0.60	26
Organisational culture (secrecy)	Org.Dim. Var25	0.58	27
Information request managing system OD	Org.Dim. Var1	0.56	28
Transparency mechanisms	Org.Dim. Var13	0.55	29
Information request monitoring mechanisms	Org.Dim. Var7	0.55	30
Communication strategy and mechanisms FOIA	Org.Dim. Var16	0.54	31
Access to digital information	Info.Dim. Var17	0.54	32
Requests response time	Info.Dim. Var4	0.54	33

Information request managing system ID	Info.Dim. Var1	0.54	34
Records management standards ID	Info.Dim. Var13	0.54	35
Accountability mechanisms	Org.Dim. Var15	0.53	36
Requests analysis and processing	Info.Dim. Var15	0.53	37
Compliance assessment mechanisms FOIA	Org.Dim. Var8	0.52	38
Non-compliance provisions	Legal Dim. Var11	0.52	39
Advisory mechanisms FOIA	Org.Dim. Var6	0.49	40
Organisational structure	Org.Dim. Var5	0.48	41
Response requests mechanisms	Org.Dim. Var24	0.48	42
Training plan and programme FOIA	Org.Dim. Var26	0.46	43
Implementation assessment mechanisms FOIA	Org.Dim. Var14	0.45	44
Access to public information policy	Org.Dim. Var4	0.40	45
Publication scheme provisions	Legal Dim. Var16	0.39	46
Mechanisms for FOIA promotion and participation	Org.Dim. Var2	0.37	47
Proactive disclosure provisions	Legal Dim. Var15	0.35	48
Requests refused/denied	Info.Dim. Var8	0.34	49
Advocacy mechanisms and groups FOIA	Org.Dim. Var23	0.33	50
Legal assistance	Legal Dim. Var10	0.33	51
Requests received	Info.Dim. Var11	0.32	52
Disclosure Policy	Org.Dim. Var3	0.27	53
Transferring request provisions/referrals	Legal Dim. Var14	0.27	54
Annual performance reports FOIA	Org.Dim. Var22	0.27	55
Information transference mechanisms	Info.Dim. Var5	0.21	56
Corporate and action plan FOIA	Org.Dim. Var11	0.20	57
Categories of data and records	Info.Dim. Var7	0.20	58
Publication schemes use	Info.Dim. Var21	0.19	59
Requests processing cost FOIA	Org.Dim. Var27	0.17	60
Fees regime and mechanisms FOIA	Org.Dim. Var9	0.15	61
Information request fees regime	Legal Dim. Var9	0.14	62
Annual budget	Org.Dim. Var10	0.14	63
Classification schemes	Info.Dim. Var14	0.14	64
Requests categories	Info.Dim. Var23	0.08	65
Requesters/requestors categories	Info.Dim. Var22	0.01	66

...and working on that cohort, the impact scores distribution by sizes and dimension was:

Model's Dimensions	Total Independent Variables by Dimension
Informational Dimension	N=12
Organisational Dimension	N=11
Legal Dimension	N=10

Applying the same assessment criteria of analysis by order structure for the dependent variable 'compliance', the following pivot table shows the analysis for the UK case study.

Pivot Table N ° 6.2: Compliance Assessment by Independent Variables and Dimensions 2010-2012, UK Case Study.

Independent Variable Name	N° Var/Dimension	Question Code	% Compliance	Ranking
Requests received	Info.Dim. Var11	IDQ6Op1,2,3 JISCS	100.00	1
Requests response time	Info.Dim. Var4	IDQ5Op1	95.83	2

Information disclosed (pub. Scheme)	Info.Dim. Var3	IDQ13	80.10	3
Exemptions –qualified and absolute–	Legal Dim. Var1	LDQ7Op3	79.17	4
Requests refused/denied=20.87-100	Info.Dim. Var8	IDQ6Op4,5,6; JISCS	79.13	5
Requests replied	Info.Dim. Var19	IDQ7Op8,5,9, JISCS	79.03	6
Sensitive information	Info.Dim. Var20	IDQ15 Prop7	70.83	7
Disclosure provisions	Legal Dim. Var2	LDQ20Op2	70.83	8
Exemptions –qualified and absolute–	Legal Dim. Var1	LDQ8Prop6	66.67	9
Appeal mechanisms and process	Legal Dim. Var3	LDQ20Prop4	66.67	10
Timeframe regime	Legal Dim. Var8	LDQ8Prop4	66.67	11
Information request statutory requirement	Legal Dim. Var13	LDQ8Prop1	66.67	12
Publication scheme provisions	Legal Dim. Var16	LDQ19Prop2	66.67	13
Requests response time	Info.Dim. Var4	JISCS 3year average	65.22	14
Requests analysis and processing	Info.Dim. Var15	DQ15 Prop6	62.50	15
Requests processing time	Info.Dim. Var18	DQ15 Prop6	62.50	16
Transparency mechanisms	Org.Dim. Var13	ODQ10 Prop11	62.50	17
Complaint mechanisms provisions	Legal Dim. Var4	LDQ8Prop11	62.50	18
Information transference mechanisms	Info.Dim. Var5	IDQ15 Prop2	58.33	19
Requests response quality	Info.Dim. Var10	IDQ14 Prop6	58.33	20
Information availability	Info.Dim. Var12	IDQ15 Prop3	58.33	21
Classification schemes	Info.Dim. Var14	IDQ15 Prop5	58.33	22
Requesters/requestors categories	Info.Dim. Var22	IDQ15 Prop9	58.33	23
Disclosure Policy	Org.Dim. Var3	ODQ5Op4	58.33	24
Access to public information policy	Org.Dim. Var4	ODQ5Op3	58.33	25
Information request monitoring mechanisms	Org.Dim. Var7	ODQ5Op7	58.33	26
Leadership commitment	Org.Dim. Var18	ODQ11 Prop4	58.33	27
Exemptions guidelines	Org.Dim. Var19	ODQ5Op16	58.33	28
Requests categories	Info.Dim. Var23	IDQ15 Prop10	54.17	29
Publication schemes use	Info.Dim. Var21	IDQ15 Prop8	54.17	30
Requests processing cost FOIA	Org.Dim. Var27	ODQ10 Prop23	54.17	31
Appeal mechanisms and process	Legal Dim. Var3	ODQ10Prop17	54.17	32
Information request managing system	Info.Dim. Var1	IDQ15 Prop1	50.00	33
Information released	Info.Dim. Var9	LDQ20 Prop11	50.00	34
Requests received	Info.Dim. Var11	IDQ15Op1	50.00	35
Political support	Org.Dim. Var12	ODQ11 Prop3	50.00	36
Accountability mechanisms	Org.Dim. Var15	ODQ5Op13	50.00	37
Advocacy mechanisms and groups FOIA	Org.Dim. Var23	ODQ5Op20	50.00	38
Response requests mechanisms	Org.Dim. Var24	ODQ10 Prop12	50.00	39
Response requests mechanisms	Org.Dim. Var24	ODQ10 Prop12	50.00	40
Disclosure provisions	Legal Dim. Var2	LDQ17Op1	50.00	41
Appeal mechanisms and process	Legal Dim. Var3	IDQ11	50.00	42
Public interest test	Legal Dim. Var5	LDQ7Op4	50.00	43
Public interest test	Legal Dim. Var5	LDQ7Op4	50.00	44
Decision notices	Legal Dim. Var12	LDQ7Op2	50.00	45
Decision notices	Legal Dim. Var12	LDQ7Op2	50.00	46
Information request managing system	Info.Dim. Var1	IDQ15 Prop1	45.83	47
Access to public information	Info.Dim. Var2	IDQ14 Prop2	45.83	48

Requests received	Info.Dim. Var11	IDQ15Op1	45.83	49
Information request managing system	Org.Dim. Var1	ODQ5Op1	45.83	50
Organisational structure	Org.Dim. Var5	ODQ5Op5	45.83	51
Advisory mechanisms FOIA	Org.Dim. Var6	ODQ5Op6	45.83	52
Communication strategy and mechanisms FOIA	Org.Dim. Var16	ODQ5Op14	45.83	53
Records management standards	Org.Dim. Var20	ODQ5Op17	45.83	54
Training plan and programme FOIA	Org.Dim. Var26	ODQ5Op21	45.83	55
Legal assistance	Legal Dim. Var10	LDQ20Prop8	45.83	56
Decision notices	Legal Dim. Var12	LDQ20Prop6	45.83	57
Records management standards	Info.Dim. Var13	IDQ15 Prop4	41.67	58
Information released	Info.Dim. Var9	IDQ14 Prop3	41.67	59
Information released	Info.Dim. Var9	LDQ20 Prop11	41.67	60
Advisory mechanisms FOIA	Org.Dim. Var6	ODQ5Op6	41.67	61
Fees regime and mechanisms FOIA	Org.Dim. Var9	ODQ5Op9	41.67	62
Implementation assessment mechanisms FOIA	Org.Dim. Var14	ODQ5Op12	41.67	63
Accountability mechanisms	Org.Dim. Var15	ODQ5Op13	41.67	64
Code of best practices FOIA	Org.Dim. Var17	ODQ5Op15	41.67	65
Non-compliance provisions	Legal Dim. Var11	LDQ17 Op8	41.67	66
Information transference mechanisms	Info.Dim. Var5	IDQ15 Prop2	37.50	67
Exemptions use	Info.Dim. Var6	IDQ14 Prop4	37.50	68
Categories of data and records	Info.Dim. Var7	IDQ14 Prop5	37.50	69
Records management standards	Info.Dim. Var13	IDQ15 Prop4	37.50	70
Information request managing system	Org.Dim. Var1	ODQ5Op1	37.50	71
Mechanisms for FOIA promotion and participation	Org.Dim. Var2	ODQ5Op2	37.50	72
Organisational structure	Org.Dim. Var5	ODQ5Op5	37.50	73
Compliance assessment mechanisms FOIA	Org.Dim. Var8	ODQ5Op8	37.50	74
Mechanisms of Assistance to requesters	Org.Dim. Var21	ODQ5Op18	37.50	75
Annual performance reports FOIA	Org.Dim. Var22	ODQ5Op19	37.50	76
Internal review system provisions	Legal Dim. Var7	LDQ8Prop12	37.50	77
Legal assistance	Legal Dim. Var10	LDQ20Prop8	37.50	78
Legal assistance	Legal Dim. Var10	ODQ10Prop7	37.50	79
Exemptions use	Info.Dim. Var6	IDQ14 Prop4	33.33	80
Requests analysis and processing	Info.Dim. Var15	DQ15 Prop6	33.33	81
Access to digital information	Info.Dim. Var17	IDQ14 Prop7	33.33	82
Requests processing time	Info.Dim. Var18	DQ15 Prop6	33.33	83
Publication schemes use	Info.Dim. Var21	IDQ15 Prop8	33.33	84
Requesters/requestors categories	Info.Dim. Var22	IDQ15 Prop9	33.33	85
Requests categories	Info.Dim. Var23	IDQ15 Prop10	33.33	86
Corporate and action plan FOIA	Org.Dim. Var11	ODQ5Op11	33.33	87
Implementation assessment mechanisms FOIA	Org.Dim. Var14	ODQ5Op12	33.33	88
Communication strategy and mechanisms FOIA	Org.Dim. Var16	ODQ5Op14	33.33	89
Code of best practices FOIA	Org.Dim. Var17	ODQ5Op15	33.33	90
Disclosure provisions	Legal Dim. Var2	LDQ17Op1	33.33	91
Appeal mechanisms and process	Legal Dim. Var3	LDQ20Prop4	33.33	92
Duty to publish	Legal Dim. Var6	LDQ16Op1	33.33	93
Non-compliance provisions	Legal Dim. Var11	LDQ17 Op8	33.33	94

Decision notices	Legal Dim. Var12	LDQ20Prop6	33.33	95
Transferring request provisions/referrals	Legal Dim. Var14	LDQ8Prop10	33.33	96
Access to digital information	Info.Dim. Var17	IDQ14 Prop7	29.17	97
Mechanisms for FOIA promotion and participation	Org.Dim. Var2	ODQ5Op2	29.17	98

...and examining the frequency of the independent variables within the cohort, the compliance assessment distribution by size and dimension was:

Model's Dimensions	Total Independent Variables by Dimension within the cohort
Informational Dimension	37
Organisational Dimension	34
Legal Dimension	27

In consequence, when assessing 'impact' and 'compliance as dependent variables of the model; for the UK Case study, the Research Hypothesis (Hi) was shown to be valid.

Research Hypothesis (Hi): The informational dimension factors have either primary significance or primary degree of incidence/prevalence when assessing the 'impact' of and 'compliance' with legislation on access to information, in public HEIs institutions.

(b) Case Study 2: Chile

Applying the same statistical criterion, for the Chilean case study, the medium value score was IF = 1.14. The following pivot table shows the impact factor analysis for the case study 2.

Pivot Table N ° 6.3. Impact Assessment by Independent Variables and Dimensions 2010-2012, Chilean Case Study.

Independent Variable Name	N° Var/Dimension	Impact Factor, IF	Ranking
Classification schemes	Info.Dim. Var14	1.88	1
Publication scheme provisions	Legal Dim. Var16	1.85	2
Proactive disclosure provisions	Legal Dim. Var15	1.84	3
Information request managing system2	Org.Dim. Var1	1.83	4
Disclosure standards	Info.Dim. Var16	1.79	5
Leadership commitment	Org.Dim. Var18	1.78	6
Publication schemes use	Info.Dim. Var21	1.76	7
Requests response quality	Info.Dim. Var10	1.73	8
Access to public information	Info.Dim. Var2	1.71	9
Information request managing system1	Info.Dim. Var1	1.70	10
Duty to publish	Legal Dim. Var6	1.62	11
Information released	Info.Dim. Var9	1.62	12
Information request statutory requirement	Legal Dim. Var13	1.60	13
Complaint mechanisms provisions	Legal Dim. Var4	1.56	14
Timeframe regime	Legal Dim. Var8	1.49	15
Response requests mechanisms	Org.Dim. Var24	1.47	16
Access to digital information	Info.Dim. Var17	1.47	17
Transparency mechanisms	Org.Dim. Var13	1.46	18
Disclosure provisions	Legal Dim. Var2	1.41	19
Information availability	Info.Dim. Var12	1.41	20

Information disclosed	Info.Dim. Var3	1.37	21
Organisational structure	Org.Dim. Var5	1.33	22
Public interest test	Legal Dim. Var5	1.30	23
Requests response time	Info.Dim. Var4	1.29	24
Organisational culture (secrecy)	Org.Dim. Var25	1.20	25
Mechanisms for Act 20.285 promotion and participation	Org.Dim. Var2	1.20	26
Exemptions –qualified and absolute–	Legal Dim. Var1	1.19	27
Advisory mechanisms Act 20.285	Org.Dim. Var6	1.19	28
Compliance assessment mechanisms Act 20.285	Org.Dim. Var8	1.19	29
Information request monitoring mechanisms	Org.Dim. Var7	1.17	30
Disclosure Policy	Org.Dim. Var3	1.15	31
Assistance to requesters	Org.Dim. Var21	1.15	32
Transferring request provisions/referrals	Legal Dim. Var14	1.14	33
Access to public information policy	Org.Dim. Var4	1.12	34
Requests replied	Info.Dim. Var19	1.11	35
Records management standards1	Info.Dim. Var13	1.08	36
Requests processing time	Info.Dim. Var18	1.07	37
Requests analysis and processing	Info.Dim. Var15	1.06	38
Non-compliance provisions	Legal Dim. Var11	1.06	39
Implementation assessment mechanisms Act 20.285	Org.Dim. Var14	1.01	40
Appeal mechanisms and process	Legal Dim. Var3	1.00	41
Training plan and programme Act 20.285	Org.Dim. Var26	0.99	42
Corporate and action plan Act 20.285	Org.Dim. Var11	0.95	43
Records management standards2	Org.Dim. Var20	0.87	44
Information transference mechanisms	Info.Dim. Var5	0.87	45
Code of best practices Act 20.285	Org.Dim. Var17	0.86	46
Accountability mechanisms	Org.Dim. Var15	0.83	47
Categories of data and records	Info.Dim. Var7	0.82	48
Communication strategy and mechanisms Act 20.285	Org.Dim. Var16	0.80	49
Exemptions guidelines	Org.Dim. Var19	0.75	50
Decision notices	Legal Dim. Var12	0.74	51
Internal review system provisions	Legal Dim. Var7	0.71	52
Legal assistance	Legal Dim. Var10	0.67	53
Annual performance reports Act 20.285	Org.Dim. Var22	0.58	54
Advocacy mechanisms and groups Act 20.285	Org.Dim. Var23	0.58	55
Information request fees regime	Legal Dim. Var9	0.49	56
Political support	Org.Dim. Var12	0.44	57
Requests received	Info.Dim. Var11	0.41	58
Requests categories	Info.Dim. Var23	0.39	59
Requests processing cost Act 20.285	Org.Dim. Var27	0.29	60
Annual budget	Org.Dim. Var10	0.28	61
Fees regime and mechanisms Act 20.285	Org.Dim. Var9	0.17	62
Requesters/requestors categories	Info.Dim. Var22	0.17	63
Exemptions use	Info.Dim. Var6	0.17	64
Requests refused/denied	Info.Dim. Var8	0.07	65
Sensitive information	Info.Dim. Var20	-0.02	66

...and considering that cohort, the impact scores distribution by sizes and dimension was:

Model's Dimensions	Total Independent Variables by Dimension
Informational Dimension	N=11
Organisational Dimension	N=12
Legal Dimension	N=10

Equally applying the analysis by order structure as assessment criteria for the dependent variable 'compliance', the results for the Chilean case study are detailed through the following pivot table:

Pivot Table N ° 6.4: Compliance Assessment by Independent Variables and Dimensions 2010-12, Chilean Case Study.

Independent Variable Name	N° Var/Dimension	Question Code	% Compliance	Ranking
Requests received	Info.Dim. Var11	IDQ6Op1,2,3	100.00	1
Disclosure provisions	Legal Dim. Var2	LDQ20Op2	93.75	2
Duty to publish	Legal Dim. Var6	LDQ16Op1	93.75	3
Information request statutory requirement	Legal Dim. Var13	LDQ8Prop1	93.75	4
Information disclosed (pub. Scheme)	Info.Dim. Var3	IDQ13	91.78	5
Classification schemes	Info.Dim. Var14	IDQ15 Prop5	87.50	6
Access to digital information	Info.Dim. Var17	IDQ14 Prop7	87.50	7
Sensitive information	Info.Dim. Var20	IDQ15 Prop7	87.50	8
Requesters/requestors categories	Info.Dim. Var22	IDQ15 Prop9	87.50	9
Requests categories	Info.Dim. Var23	IDQ15 Prop10	87.50	10
Appeal mechanisms and process	Legal Dim. Var3	LDQ20Prop4	87.50	11
Public interest test	Legal Dim. Var5	LDQ7Op4	87.50	12
Proactive disclosure provisions	Legal Dim. Var15	LDQ16Op2	87.50	13
Requests refused/denied =13.07%-100	Info.Dim. Var8	IDQ6Op4,5,6	86.93	14
Requests response time	Info.Dim. Var4	IDQ5Op1	81.25	15
Requests replied	Info.Dim. Var19	IDQ7Op8,5,9	79.52	16
Information transference mechanisms	Info.Dim. Var5	IDQ15 Prop2	75.00	17
Publication schemes use	Info.Dim. Var21	IDQ15 Prop8	75.00	18
Transparency mechanisms	Org.Dim. Var13	ODQ10 Prop11	75.00	19
Legal assistance	Legal Dim. Var10	LDQ20Prop8	75.00	20
Decision notices	Legal Dim. Var12	LDQ20Prop6	75.00	21
Publication scheme provisions	Legal Dim. Var16	LDQ19Prop2	75.00	22
Information request managing system	Info.Dim. Var1	IDQ15 Prop1	68.75	23
Requests received	Info.Dim. Var11	IDQ15Op1	68.75	24
Information request managing system	Org.Dim. Var1	ODQ5Op1	68.75	25
Leadership commitment	Org.Dim. Var18	ODQ11 Prop4	68.75	26
Exemptions –qualified and absolute–	Legal Dim. Var1	LDQ7Op3	68.75	27
Exemptions –qualified and absolute–	Legal Dim. Var1	LDQ8Prop6	68.75	28
Requests analysis and processing	Info.Dim. Var15	DQ15 Prop6	62.50	29
Requests processing time	Info.Dim. Var18	DQ15 Prop6	62.50	30
Records management standards	Org.Dim. Var20	ODQ5Op17	62.50	31
Training plan and programme Act 20.285	Org.Dim. Var26	ODQ5Op21	62.50	32
Information released	Info.Dim. Var9	LDQ20 Prop11	56.25	33
Corporate and action plan Act 20.285	Org.Dim. Var11	ODQ5Op11	56.25	34

Political support	Org.Dim. Var12	ODQ11 Prop3	56.25	35
Exemptions guidelines	Org.Dim. Var19	ODQ5Op16	56.25	36
Response requests mechanisms	Org.Dim. Var24	ODQ10 Prop12	56.25	37
Requests processing cost Act 20.285	Org.Dim. Var27	ODQ10 Prop21	56.25	38
Non-compliance provisions	Legal Dim. Var11	LDQ17 Op8	56.25	39
Transferring request provisions/referrals	Legal Dim. Var14	LDQ8Prop10	56.25	40
Information availability	Info.Dim. Var12	IDQ15 Prop3	50.00	41
Records management standards	Info.Dim. Var13	IDQ15 Prop4	50.00	42
Disclosure Policy	Org.Dim. Var3	ODQ5Op4	50.00	43
Information request monitoring mechanisms	Org.Dim. Var7	ODQ5Op7	50.00	44
Compliance assessment mechanisms Act 20.285	Org.Dim. Var8	ODQ5Op8	50.00	45
Fees regime and mechanisms Act 20.285	Org.Dim. Var9	ODQ5Op9	50.00	46
Accountability mechanisms	Org.Dim. Var15	ODQ5Op13	50.00	47
Communication strategy and mechanisms Act 20.285	Org.Dim. Var16	ODQ5Op14	50.00	48
Disclosure provisions	Legal Dim. Var2	LDQ17Op1	50.00	49
Timeframe regime	Legal Dim. Var8	LDQ8Prop4	50.00	50
Timeframe regime	Legal Dim. Var8	LDQ8Prop4	50.00	51
Information request fees regime	Legal Dim. Var9	LDQ8Prop5	50.00	52
Decision notices	Legal Dim. Var12	LDQ7Op2	50.00	53
Access to public information	Info.Dim. Var2	IDQ14 Prop2	43.75	54
Requests response quality	Info.Dim. Var10	IDQ14 Prop6	43.75	55
Records management standards	Info.Dim. Var13	IDQ15 Prop4	43.75	56
Mechanisms for Act 20.285 promotion and participation	Org.Dim. Var2	ODQ5Op2	43.75	57
Access to public information policy	Org.Dim. Var4	ODQ5Op3	43.75	58
Organisational structure	Org.Dim. Var5	ODQ5Op5	43.75	59
Advisory mechanisms Act 20.285	Org.Dim. Var6	ODQ5Op6	43.75	60
Information request monitoring mechanisms	Org.Dim. Var7	ODQ5Op7	43.75	61
Implementation assessment mechanisms Act 20.285	Org.Dim. Var14	ODQ5Op12	43.75	62
Mechanisms of Assistance to requesters	Org.Dim. Var21	ODQ5Op18	43.75	63
Response requests mechanisms	Org.Dim. Var24	ODQ10 Prop12	43.75	64
Complaint mechanisms provisions	Legal Dim. Var4	LDQ8Prop11	43.75	65
Internal review system provisions	Legal Dim. Var7	LDQ8Prop12	43.75	66
Decision notices	Legal Dim. Var12	LDQ7Op2	43.75	67
Categories of data and records	Info.Dim. Var7	IDQ14 Prop5	37.50	68
Information availability	Info.Dim. Var12	IDQ15 Prop3	37.50	69
Requests analysis and processing	Info.Dim. Var15	DQ15 Prop6	37.50	70
Requests processing time	Info.Dim. Var18	DQ15 Prop6	37.50	71
Access to public information policy	Org.Dim. Var4	ODQ5Op3	37.50	72
Organisational structure	Org.Dim. Var5	ODQ5Op5	37.50	73
Code of best practices Act 20.285	Org.Dim. Var17	ODQ5Op15	37.50	74
Code of best practices Act 20.285	Org.Dim. Var17	ODQ5Op15	37.50	75
Annual performance reports Act 20.285	Org.Dim. Var22	ODQ5Op19	37.50	76
Advocacy mechanisms and groups Act 20.285	Org.Dim. Var23	ODQ5Op20	37.50	77
Organisational culture (secrecy)	Org.Dim. Var25	ODQ11 Prop5	37.50	78
Disclosure provisions	Legal Dim. Var2	LDQ17Op1	37.50	79
Information released	Info.Dim. Var9	IDQ14 Prop3	31.25	80

Information released	Info.Dim. Var9	IDQ14 Prop3	31.25	81
Disclosure standards	Info.Dim. Var16	IDQ14 Prop8	31.25	82
Fees regime and mechanisms Act 20.285	Org.Dim. Var9	ODQ5Op9	31.25	83
Annual budget	Org.Dim. Var10	ODQ5Op10	31.25	84
Implementation assessment mechanisms Act 20.285	Org.Dim. Var14	ODQ5Op12	31.25	85
Annual performance reports Act 20.285	Org.Dim. Var22	ODQ5Op19	31.25	86
Advocacy mechanisms and groups Act 20.285	Org.Dim. Var23	ODQ5Op20	31.25	87
Organisational culture (secrecy)	Org.Dim. Var25	ODQ11 Prop5	31.25	88
Non-compliance provisions	Legal Dim. Var11	LDQ17 Op8	31.25	89
Information request managing system	Info.Dim. Var1	IDQ15 Prop1	25.00	90
Access to public information	Info.Dim. Var2	IDQ14 Prop2	25.00	91
Exemptions use	Info.Dim. Var6	IDQ14 Prop4	25.00	92
Exemptions use	Info.Dim. Var6	IDQ14 Prop4	25.00	93
Requests received	Info.Dim. Var11	IDQ15Op1	25.00	94

...and examining the frequency of the independent variables within the cohort, the compliance assessment distribution by size and dimension was:

Model's Dimensions	Total Independent Variables by Dimension within the cohort
Informational Dimension	34
Organisational Dimension	37
Legal Dimension	23

In consequence, when assessing 'impact' and 'compliance as dependent variable of the model, for the Chilean Case study, the data verified the Alternative Hypothesis (Ha1) as valid.

Alternative Hypothesis (Ha1): The organisational dimension factors have main or major significance and primary degree of incidence/prevalence when assessing the 'impact' of and 'compliance' with legislation on 'access to information', in public HEIs institutions.

6.1.2. Discussion of the Research Hypotheses Validation

In this research, applying the mean value technique to validate the research hypotheses, and considering context issues such as time, country, and respondents, 'impact' and 'compliance' –understood as complex constructs according to the model – with legislation on 'access to information' in public higher education institutions HEIs, the results predominantly or positively supported and affected informational factors in the UK and organisational factors in Chile. The table below summarises the validation process

Table N ° 6.5: Hypotheses Validation by Dimension and Case Study

Country Case Study	Informational Dimension	Organisational Dimension	Legal Dimension	Hypothesis Evaluation
N°1:UK	Impact N=12 Compliance N=37	Impact N=11 Compliance N=34	Impact N=10 Compliance N=27	The Research Hypothesis (Hi) was shown to be valid for the case study 1.
N°2: Chile	Impact N=11 Compliance N=34	Impact N=12 Compliance N=37	Impact N=10 Compliance N=23	The Alternative Hypothesis (Ha1) was verified as valid for the case study 2.

(1) Considering that the research covers a temporal scope from 2010 to 2012, and also that the proposed model encompasses three dimensions and 66 independent variables, once the 'impact assessment' was completed applying the Pastakia's RIAM, it became possible to conclude that although all the examined variables scored positive impact at country level, according to the cohort analysis, independent variables, which positively impacts compliance with the legislation on access to information in HEIs, were predominantly those classified into the informational dimension in the UK, and those belonging to the organisational dimension in Chile.

(2) The discussion over whether one point of difference between the totals achieved for each dimension is either significant or valid will be focused assuming that: (a) the responses given by public officials in Chile and the UK were both true, correct and accurate, and (b) the parametric context of analysis considered two scenarios when defining the sample sizes for each country. Consequently, and questioning the research hypotheses validation by degree of reliability, from a statistical point of view, the outcomes reported by the data analysis can be considered as valid under the following conditions:

(2.1) With regard to the Chilean case study, statistically, the results are reliable and valid because they encompass a complete census or mapping of public higher education institutions. The sample equals the entire population under study. Consequently with a degree of reliability of 100%, results would be estimated as valid and true, over the three year period.

(2.2) Regarding the UK case study, since the statistical formula applied to define the sample size was made under the criteria of achieving a confidence limit in the conclusions of 90%, with a margin of error of 8%, and an estimated percentage of adherences to the rules of 95%, the degree of reliability must be understood under these conditions. Conclusions obtained in the UK although valid, have therefore a margin of doubt equal to 10%. Since one point of differences in absolute terms is small, when assessing 'impact', what is statistically recommended in practical terms, is to take a larger sample, which for time and collaboration conditions was not possible to achieve in the UK. It might be useful to conduct another study using the Pastakia's matrix RIAM to compare and examine how these variables and impact

results behave in another sector of public authorities, ideally one which also has importance as HEIs do for the acquisition and transfer of knowledge and education.

(3) According to the results obtained using the Pastakia's RIAM matrix, applied as the impact assessment method, IF factor scores achieved by the 66 independent variables analyzed, with a degree of variation between variables and dimensions, showed that in Chile, there was only one case –'sensitive information'– which reported a negative impact of $IF=-0.01$. However, within the set of variables, statistically one case is considered marginal. Within this context, and focusing the discussion on the impact measurement and the methodology applied to validate the model, the results suggest that methods and tools applied before the effective measurement of impacts, confirmed that the validation process was accurate and reliable. The weight function applied to the content analysis and to the expert panel judgement, when scoping, defining and validating the selection of independent variables to be measured suggest that although time consuming, corroboration was useful.. Positive impact factor scores for 65 out of 66 independent variables assessed in Chile and the UK means that there was a high degree of concordance as well as positive correlation between 'theory' and 'practice' when assessing the impact of legislation on access to information in HEIs.

(4) Focusing the discussion on impact scores, the kinds of independent variables placed above and below the cohort point, suggests that within the three dimensions of the model, not only cause-effect but also contextual independent variables have incidence when assessing the impact of the legislation on access to information in public universities. At a country level, the ranking by impact factor also encompassed the group of independent variables which may need to be examined by the public authority if they look for improvements. (A) Common independent variables placed at the bottom of the ranking in both case studies were (1) Requests categories, (2) Requests processing cost, (3) Annual budget, (4) Fees regime and mechanisms, and (5) Requesters' categories. These independent variables also achieved low compliance levels. (B) Independent variables placed at the bottom of the ranking in the UK were: (1) FOIA corporate and action plan, (2) Categories of data and records, (3) Publication schemes use, (4) Information request fees regime, and (5) Classification schemes. (C) Independent variables placed at the bottom of the ranking in Chile were: (1) Political support, (2) Requests received, (3) Exemptions use, (4) Requests refused/denied, (5) Sensitive information.

6.2. Discussion and Conclusions by Dependent and Independent Variables of the Model

6.2.1. Discussion and Conclusions of 'Impact' by the Model's Dimensions

The hypothesis validation process and its results are the key elements underlying this discussion subsection. Within the three dimensions of the model, relevant outcomes and findings are considered to discuss differences and similarities between both case studies.

6.2.1.1. Informational Dimension

(1) This research attempted to assess the impact of the legislation on 'access to information' in public higher education institutions in Chile and the UK. Through a systematic process of scoping, applying Pastakia's RIAM and examining the research findings when comparing outcomes between the three dimensions of the model, the independent variables of the informational dimension reported the highest incidence when measuring the impact of the Freedom of information Act, FOIA2000 in higher education institutions in the UK. In Chile, on the contrary, independent variables of the organisational dimension were placed first in prevalence, when comparing outcomes of the impact factor. These results seem consistent with the research hypothesis (Hi) for the case study 1 and with the alternative hypothesis (Ha1) for the case study 2. These results can be explained by assuming that a positive correlation between the analyses came out of the literature review and the panel of experts, when designing and validating the proposed model. Although the studied population was statistically valid in terms of sampling, other public bodies like health or local government institutions may produce different results. These findings provide evidence that suggest that RIAM can be positively applied to impact research in other contexts, and disciplines.

(2) The research originally assumed that informational factors would be more influential when assessing the impact of legislation on access to information. For the UK case study, these results are in substantial agreement with such assumption, but findings for Chile were not the same. When comparing the outcomes of the impact factor, within the informational dimension 12 out of 33 independent variables obtained the highest scores being placed at the top positions of the ranking at country level. Examining the informational dimension results by impact factor (IF), the independent variables that reached the top positions in the ranking with the highest score in the UK were:

- (1) 'Access to information', with IF=1.05 and placed 2^o at country level,
- (2) 'Information disclosed' with IF= 0.94, placed 4^o,
- (3) 'Information availability' with IF=0.92, placed 6^o, and
- (4) 'Information released' IF=0.86, placed 8^o.

At country level, when comparing the achieved outcomes in the UK by the 66 variables of the model, 'access to information' was in the second position being overtaken by 'leadership commitment', with IF=1.06 which belongs to the organisational dimension. Examining the informational dimension and considering those independent variables that fitted within the cohort point of the examined cases in Chile, there were 5 independent variables with the highest impact and leading positions in the ranking. These variables were, for Chile:

- (1) 'Classification schemes' IF=1.88, placed 1^o in the ranking at country level,
- (2) 'Disclosure standards' IF=1.79, placed 5^o in the ranking,
- (3) 'Publication scheme use' IF=1.76, placed 7^o in the ranking
- (4) 'Request response quality' IF=1.73, placed 8^o in the ranking, and
- (5) 'Access to public information' IF=1.71, placed 9^o in the ranking at country level.

The remaining 8 independent variables were equally distributed within the ranking by country, in the tenths and twentieths positions.

(3) Focussing the discussion on the measured impacts and the linkage with the model described in Chapter 3, the research results, elicited through the RIAM method, for the informational dimension, were in substantial agreement with the basis of the proposed model. Examining the highest impacts for the UK case study, and looking at the relationship with the underpinning elements of the model, 5 out of 12 independent variables from the informational dimension correlate to (1) cause and (2) effect issues. Independent variables with the highest incidence of impact were correlated with elements of cause, which could be considered as critical triggers when creating or enabling conditions that might affect the achievement of a set of outcomes. In the proposed model, these independent variables can be connected to the component 'object'. This element was distinguished by having in itself a quality or condition which enables an 'effect', or a practical consequence, in the second group of variables with the highest impact factor within the dimension. Measured through Pastakia's RIAM, the group of independent variables, which may be correlated with 'causal' factors, was identified as follows:

- (1) Access to public information (objects),
- (2) Information availability (objects),
- (3) Sensitive information (objects),
- (4) Disclosure standards (objects), and
- (5) Access to digital information (objects).

In Chile, within the informational dimension, 6 of the independent variables which scored the highest incidence when assessing impact factor can be correlated to elements of 'cause' identified by the model as 'objects'. The variables classified under this category encompass:

- (1) Classification schemes (objects),
- (2) Disclosure standards (objects),
- (3) Access to public information (objects),

- (4) Information request managing system (objects),
- (5) Access to digital information (objects), and
- (6) Information availability (objects).

When focusing the discussion on the assessment mechanism and the proposed model, these findings suggest that 11 informational variables were critical in importance, magnitude, permanence and reversibility for public bodies subject to access to information legislation. So reasoning in line with the underpinning criteria analysis applied by the RIAM, the impact results suggest that these identified variables have single major positive impacts, but also are going to produce a cumulative effect over the period of the study. As the RIAM matrix considers synergy as a permanent condition, impacts would change with other context conditions.

Similarly, when focussing the discussion on impact measurement found in the literature review, most focused on output indicators as standards of quality. However, these examined independent variables appear as enabling factors which enhance and facilitate productivity. But as the proposed model understands impact assessment as a systematic process which needs to be examined not in the same way as compliance –where performance indicators, efficiency, effectiveness, outcomes, and satisfaction level, fit better–, these identified variables suggest that when information is understood as a valuable resource, it is critical not only to organise this institutional knowledge with efficiency and effectiveness, but also to produce additional mechanisms to ensure its access and preservation.

(4) This research attempted to assess whether the use of three categories defined by contextual elements would be a comparable component tool for the impact assessment of the legislation. Each dimension can be further subdivided to identify specific independent variables which better demonstrate possible impacts either individually or grouped. When examining scores with major, positive impacts within the informational dimension, the second group of independent variables, with the highest impact scores in the UK was constituted by 7 out of 12 variables, which may be connected to another core element of the model identified in Chapter 3 as 'consequences'. These variables can be understood as an 'effect', which in a working environment can be a result of the independent variables described above, which may affect or have an effect on them. This second group of variables, depends therefore on input elements, or elements that are the starting point in a relationship of cause and effect. They are affected by the existence and condition of the previous one, which in themselves have the ability to generate changes. Within the informational dimension, and for the UK case study, independent variables grouped under this category were:

- (1) Information disclosed (consequence),

- (2) Information released (consequence),
- (3) Requests response quality (consequence),
- (4) Requests replied (consequence),
- (5) Exemptions use (motivations) (consequences),
- (6) Requests processing time (consequence), and
- (7) Requests response time (consequence).

In Chile, and seeing the core elements of the proposed model detailed in Chapter 3, within the informational dimension, 5 out of 11 independent variables with the highest impact factor, can be connected or correlated to 'effects', identified in the model under the category of 'consequences'. The variables were the following:

- (1) Requests response quality (consequence),
- (2) Publication schemes use (consequence),
- (3) Information released (consequence),
- (4) Information disclosed (consequence), and
- (5) Requests response time (consequence).

Focussing the discussion on the assessment matrix, the research assumes that could be satisfactory to seek explanations for major positive impact scores not only considering simplistic 'cause-effect' factors. These findings and results are therefore important, since they suggest that the degree of sensitivity and influence of the informational dimension variables, depend on dynamic processes, interactions, and changes, moved by permanent and contextual motivations. These findings suggest that feedback and interactions are central elements to measure complex constructs as 'impact'. As Pastakia's RIAM has assessment criteria to examine these dynamic changes within contextual scenarios, looking at the informational dimension as a scenario proved that information produced by HEIs needs permanently to be available, through standards and mechanisms to foster accessibility and usability. But at the same time, as information is affected by the influence of these identified variables, impacts would become negative.

(5) This research attempted to validate whether independent variables of the informational dimension were prevalent or predominant when assessing the impact of the legislation in public universities. When comparing results at country level, in the UK there were 4 out of 11 independent variables belonging to the informational dimension, and placed at the top of the ranking, which in Chile, according to the impact factor scores, were below to the cohort point. Compared by differences in the ranking position, the independent variables classified as not common between the case studies were identified as follows:

- (1) Requests replied: IF=0.74, ranked 13^o in the UK and 35^o in Chile.
- (2) Sensitive information: IF=0.70, ranked 15^o in the UK and 66^o in Chile.

(3) Exemptions use: IF=0.61, ranked 23^o in the UK and 64^o in Chile.

(4) Requests processing time: IF=0.60, ranked 26^o in the UK and 37^o in Chile.

Contextualising the discussion from a content analysis perspective, one possible explanation for these findings may suggest that 'performance standards' is highly desirable in the UK, but at the same time, FOIA Officers considered, (a) the use of exemptions included in the legislation, and (b) restrictions applied to classify information, as equally valuable. In contrast, in Chile the informational factor 'sensitive information' achieved a negative impact factor equal to -0.02, and ranked at the bottom of the ranking. In consequence, while in Chile there was a major positive trend to 'proactive disclosure', in the UK such openness seems to be conditioned by the influence of these critical factors.

In line with the research hypothesis, it was anticipated that independent variables belonging to the informational dimension would have a predominance of major positive impact for the legislation on access to public information in HEIs. Comparing by 'differences', when collating outcomes between dimension and countries, in Chile there were 3 out of 11 independent variables belonging to the informational dimension with high impact factors, which in the UK were placed below to the cohort point. These not common independent variables were identified as follows:

(1) Classification schemes: IF=1.88, placed 1^o in Chile and 64^o in the UK.

(2) Publication schemes use: IF=1.76, placed 7^o in Chile and 59^o in the UK.

(3) Information request managing system1: IF=1.70, placed 10^o in Chile and 34^o in the UK.

Considering all the independent variables above the cohort point in UK and Chile, counted by differentiation, the percentage was 34.78% for the whole dimension. Focusing the discussion on these variables and considering the RIAM matrix assessment criteria, the major positive impacts reported by these independent variables, suggest at least two features:

(i) The first aspect takes place in the UK, where (1) 'request replied' and (2) 'request processing time' may be connected to the criteria applied by the FOIA Officers to understand and apply available guidelines produced by the ICO, as well as the record management policy, implemented by the higher education institutions on (3) 'exemptions use' and (4) 'sensitive information'. By differentiation it was possible to isolate these 4 independent variables in the UK, the impact results measured in terms of importance, magnitude of change/effect, degree of permanence and reversibility, showed that over the three year period studied, these variables were positively affected by the context where the institutional information is produced, and the legislation applied.

(ii) The second distinct feature when comparing impact results by differentiation, takes place in Chile, and it was observable through the variables (1) classification schemes, (2)

information request managing system, and (3) publication schemes use. These highest impacts achieved under the same impact assessment criteria, suggest that higher education institutions in Chile appear very much oriented to proactive disclosure of information. Major positive influences reported by these 3 independent variables when assessing the impact of the legislation in HEIs suggest that Public Officers weight as critical an organised system of institutional data, where access to information must be consistent with information needs of the requesters.

(6) Contextualising the discussion in line with the research hypothesis, it was proposed that informational factors have significant impacts as enabling triggers of information disclosure in public higher education institutions. Comparing impacts by similarity, 8 out of 12 and 8 out of 11 independent variables achieved higher impact factors in the UK and Chile. They achieved major positive impact factor scores and prominent positions over the cohort, in both country case study rankings. As the variables found were identified as common, they also were understood and classified as similarities. Within the informational dimension, common independent variables of the model were the following:

Table N ° 6.6: Informational Dimension Comparative table by Independent Variables Impact Factor in HEIs

Nº	Independent Variable Name	Impact Factor UK	Ranking UK	Impact Factor, Chile	Ranking Chile
1	Access to public information	1.05	2	1.71	9
2	Access to digital information	0.54	32	1.47	17
3	Disclosure standards	0.62	21	1.79	5
4	Information disclosed	0.94	4	1.37	21
5	Information availability	0.92	6	1.41	20
6	Information released	0.86	8	1.62	12
7	Requests response quality	0.81	10	1.73	8
8	Requests response time	0.54	33	1.29	24

Contextualising the discussion according to the impact assessment approach applied in this research, informational dimension variables have reported the highest impact factor results in the UK and the second highest impact factor scores in Chile. As Pastakia’s RIAM matrix considers ‘impact’ as a complex and dynamic construct, common criteria to assess and scope critical factors help to distinguish these independent variables by ‘differentiation’ and ‘similitude’. The variables, although endowed with similar and contrasting meanings, were understood and weighted by the respondents taking into account a horizon of 3 years. Major impacts reported when examining differences and similitude, represent therefore a relative weight given to independent variables by public officers responsible for the Act’s implementation. Differences and similarities, suggest how independent variables were recognised and considered by the respondents, and major positive impacts represent a meaningful condition which also has positive influence over contextual factors on what the

legislation occur. Positive impacts mean that these variables were critical to achieve purposes or aims underlying the legislation on access to public information.

Focusing the discussion from a content analysis perspective, and for the informational dimension of the model, when collating the independent variables by major impacts, with a percentage of 48.487%, the number of common variables for the UK and Chile was bigger than those reported by differentiation –21.21%–. From the table above, these results may suggest that in both case studies, ‘access to information’ was fundamental, but issues on ‘how’ were also important. Issues on ‘access to information’ can be considered to be connected to particular attributes desirable for institutional information such as:

- (1) ‘accessibility’ (information disclosed), (information released),
- (2) ‘format’ (access to digital information),
- (3) ‘availability’, (information availability), and
- (4) ‘standards’ (disclosure standards).

Issues on ‘how’ can be connected to aspects related to

- (5) ‘time’ (requests response time), and
- (6) ‘quality’, (requests response quality).

These common dependent variables were assessed as contextual factors, which work as major positive impact triggers when they are connected. In summary, all these enabling capabilities held by the construct ‘information’, were weighted by the respondents as major significant issues to transform information into a valuable resource, asset, commodity or raw material. On the other hand, high impacts reported by these independent variables, may suggest that Freedom of Information Officers in the UK as well as Public Officers in Chile, weight them with such importance taking into account the role they play when reporting outcomes, performance indicators, and achievements as result of the Act’s implementation.

6.2.1.2. Organisational Dimension

(1) When assessing the impact of legislation in public HEIs for the Chilean case study, results achieved by organisational factors were consistent with the alternative hypothesis (Ha1) proposed by the research. Independent variables of the organizational dimension were in the first place of predominance by comparing results of impact assessment in public universities under the Act 20.285, on transparency of the public function, and access to information. On the contrary for the UK case study, independent variables coming from the organizational dimension achieved the second place when examining dominance through the comparison of the number of variables. It may be related to time horizon since the legislation was enacted, which could have some incidence in this result. In the UK, the FOIA2000 was passed in 2000 and implemented fully in 2005, so it is now 14 years since it was passed,

while in Chile, public universities are still completing issues of implementation. The Act 20.285 was ratified in 2008, so the six years since its enactment could prejudice the judgement of the respondent to consider organisational variables as major factor of impact.

(2) The Pastakia's RIAM as been applied to assess impact considering multi-dimensional contexts and complex variables. Data from three different dimensions and institutions was examined against common criteria, regardless of location issues. The matrix allowed the data analysis of independent variables either individually or grouped according to the research needs. Applying the Pastakia's RIAM made the scoping of strengths and weaknesses over the time possible, and also enabled the identification of institutional capacities when applying the legislation since their implementation. Within the organizational dimension, two independent variables were placed at the top of the ranking in the UK. (1) 'Leadership commitment' had the highest impact factor, with IF = 1.06, and (2) 'exemptions guidelines' achieved the fifth place in the ranking with IF = 0.92. The remaining 10 variables were heterogeneously distributed within the cohort, with predominance over the tenth and twenty places at country level. For the Chilean case study, over the median value of the organisational dimension, there were two independent variables with the highest impact factor which reached leading positions in the ranking. The variables were (1) 'information request managing system' with IF = 1.83, ranked fourth at country level, and (2) 'leadership commitment' with IF = 1.78, placed sixth in the ranking. The distribution of the remaining 10 variables was heterogeneous within the cohort, with predominance in twentieths positions. Since independent variables classified under the organisational dimension showed major positive impacts in Chile and the UK, this research found that at organisational level, many variables, as for example 'leadership commitment', had critical implications when assessing the level of compliance.

(3) Looking at the underlying elements of the model proposed in Chapter 3, for the UK case study, 7 out of 11 independent variables organised under the organisational dimension with the highest impact factor could be correlated with 'causal' issues, identified by the model as 'objects'. The variables were the following:

- (1) Exemptions guidelines (objects),
- (2) Information request managing system (objects),
- (3) Code of best practices for FOIA (objects),
- (4) Information request monitoring mechanisms (objects), and
- (5) Records management standards (objects),
- (6) Communication strategy and mechanisms for FOIA (objects).
- (7) Transparency mechanisms (objects),

Similarly, when examining impact factor outcomes achieved by the organisational dimension in Chile, and their relationship with underpinning elements of the model, there were 8 out of 12 independent variables with the highest impact scores possible of being connected or correlated with aspects of 'cause', identified as 'objects' by the model. Variables associated with causal factors were identified as follow:

- (1) Information request managing system (objects),
- (2) Response requests mechanisms (objects),
- (3) Transparency mechanisms (objects),
- (4) Organisational structure (objects),
- (5) Mechanisms for Act 20.285 promotion and participation (objects),
- (6) Advisory mechanisms Act 20.85 (objects),
- (7) Compliance assessment mechanisms Act 20.85 (objects), and
- (8) Information request monitoring mechanisms (objects).

Focusing the discussion on the hypotheses validation and the proposed model, within the organisational dimension, 7 out of 11 independent variables with the highest impacts in the UK, and 8 out of 12 independent variables with the highest impacts in Chile, corroborates what was proposed by the research, as alternative hypothesis –Ha1–. Organisational factors were therefore weighted as fundamental in terms of major positive impacts, in higher education institutions under the right of access to information. It has been validated that the independent variables endowed with enabling capacities, bring about major positive impacts at organisational level. In connection with the proposed conceptual model, these independent variables were bound together with 'causal' attributes, which means that at organisational level, causal elements suggest a variety of 'resources' are needed to achieve positive impacts when applying the legislation. Since much of information produced by HEIs is classified as strategic, the nature of these independent variables was observed as related to human resources, and also to a variety of organisational mechanisms which provide synergy to the whole information request managing system, which enables the implementation of the Act.

(4) In addition, within the organisational dimension, 4 out of 11 independent variables with the highest impact factor scores in the UK can be correlated or linked to a driving force, which activate human beings to behave or move in specific or particular directions. This inner force identified by the model as 'motivations' is fundamental to strength or encourages commitment and willingness. The indentified variables connected to purposive factors considered by the model were the following:

- (1) Leadership commitment (motivations),
- (2) Assistance to requesters (motivations) (consequence),

- (3) Political support (motivations), and
- (4) Organisational culture (of secrecy) (consequence) (motivations).

Similarly, within the organisational dimension, in Chile, 4 out of 12 independent variables which obtained the highest impact factor scores were also identified as connected or correlated to the elements 'motivations' and 'consequence' depicted by the proposed model.

The independent variables were the following:

- (1) Leadership commitment (motivations) (consequence),
- (2) Organisational culture (secrecy) (consequence) (motivations),
- (3) Disclosure Policy (motivations) (consequence), and
- (4) Assistance to requesters (motivations) (consequence).

Discussing this linkage, and taking into account that society and organisations are complex systems for the variety of elements and, interactions through which they evolve, the highest impacts of this group of independent variables suggest a positive 'influence', making it possible to respond to the information requesters. Through the RIAM matrix such influence was established when identifying the highest impact scores linked to 'motivations'. This finding may suggest that the degree of influence of these independent variables depends on how feedback mechanisms and interactions occur in a dynamic or complex context, in this case represented by the information request managing system, which is in a permanent challenge for efficiency and effectiveness. It has been validated that the impact of (1) leadership commitment, (2) organisational culture, (3) disclosure policy, and (4) assistance to requesters, achieved major positive influence for HEIs when applying the legislation, which might suggest that when dealing with 'obligations' compelled by any legislation, not only a variety of resources seemed to be critical, but also a degree of permanence and magnitude of human factors such as, for example, knowledge, commitment, and reluctance.

(5) Focussing the discussion on the comparative issues reported by the impact assessment, this research originally assumed that organisational factors would be more predominant than legal issues when assessing the impact of the legislation in public universities. When comparing impact factor outcomes, it was found that in the UK, within the organisational dimension, 5 out of 11 independent variables with the top positions in the ranking at country level were not included within the cohort in Chile. When collating impact factor scores by differentiation, some variations were found, and therefore isolated as aspects of diversity between the case studies. The identification of not common variables means that distinctive, unique or singular aspects were more critical than others, in terms of major positive impacts achieved by public universities in Chile and the UK. The independent variables classified by differentiation were identified as follow:

- (1) Exemptions guidelines: IF=0.92, ranked 5^o in the UK and 50^o in Chile

- (2) Code of best practices FOIA: IF=0.76, ranked 11^o in the UK and 46^o in Chile
- (3) Records management standards: IF=0.64, ranked 20^o in the UK and 44^o in Chile
- (4) Political support: IF=0.60, ranked 25^o in the UK and 57^o in Chile
- (5) Communication strategy and mechanisms FOIA: IF=0.54, ranked 31^o in the UK and 49^o in Chile.

Contextualising the discussions in terms of the content analysis, these independent variables can be classified as diverse in terms of 'source/origin', but sharing similar purposes. The common root shared by these variables makes reference to a variety of support mechanisms to enhance the legislation purposes.

This idea may suggest that when contextualising the discussion at institutional level, findings achieved by differentiation, lend support to the assumption that a diversity of organisational factors have positively impacted implementation issues of the legislation in public universities, especially when considered in the context of a longer time horizon as was the case in the UK. Nevertheless, impact factor scores reported by these five independent variables, demonstrate that at organisational level, some of these 'support mechanisms' to apply the Act in the UK, were not distinguished as having the same influence in public HEIs in Chile. As an example, is interesting to consider the big gap between the UK and Chile when comparing the impact factor score reported by the independent variable 'political support', which in the UK was ranked 25^o, but in Chile 57^o. Public Officers in Chile considered 'leadership commitment' –ranked 6^o at country level–as a key professional capacity when assessing the impact of the legislation, but they did not weight 'political support' with the same influence. Since 1990, the credibility of politicians and political support has been questioned by public opinion. Public servants have been involved in massive protests against the political system, particularly questioning the work and performance of politicians. They do not seem at all to be part of a system of social rights, but against such rights, promoting Acts like this one, which puts the public sector in an asymmetrical position, since the legislation does not apply to private universities. So called representative democracy, throughout consecutive elected governments, has negatively affected credibility in politicians; therefore, political support became something understood as a private activity where those who exercise it, either former parliamentary, senator, or local authority, behave or work defending particular interests on behalf of those who they support and fund political campaigns.

This research attempted to assess whether independent variables may have some conditions of predominance in the examined case studies when comparing their impact factor scores. When looking for 'differences', within the organisational dimension, there were 6 out of 12 independent variables in Chile, with the highest impact factor scores, which in the

UK failed to fit into the cohort point. These uncommon variables were placed outside of the analysed subset, and therefore labelled by 'difference' within the organisational dimension. The segregation factor applied to isolate not common variables with major positive impact affected to the following independent variables:

- (1) Advisory mechanisms Act 20.285: IF=1.19, placed 28^o in Chile and 40^o in the UK
- (2) Compliance assessment mechanisms Act 20.85: IF=1.19, placed 29^o in Chile and 38^o in the UK
- (3) Disclosure Policy: IF=1.15, placed 31^o in Chile and 53^o in the UK.
- (4) Mechanisms for promotion and participation Act 20.285: IF=1.20, placed 26^o in Chile and 47^o in the UK
- (5) Organisational structure: IF=1.33, placed 22^o in Chile and 41^o in the UK
- (6) Response requests mechanisms: IF=1.47, placed 16^o in Chile and 42^o in the UK

Discussing the impact scoring, these results seem to be inconsistent with conditions of uniformity reported by some independent variables, as for example 'mechanisms for promotion and participation'. The low number of information requests received by public universities in Chile within the three year period studied, and the gap reported by the impact factor scores in the UK and Chile provide evidence that may suggest the importance of promotion and participation mechanisms to enhance and increase the use of Act 20.285 in Chile. Another interesting example to discuss is the case of the independent variable 'disclosure policy', ranked 31^o in Chile, but 53^o in the UK. Because in Chile the oversight body frequently inspect, and publish through the mass media, whether public institutions comply with transparency provisions, independent variables such as 'publication scheme' and 'disclosure policy' were considered as having an important impact, possibly as functional and effective mechanisms to avoid decision notices or sanctions from the Chilean Transparency Council. Interestingly although the independent variable 'disclosure policy' achieved a positive impact factor score in the UK, the ranking position seems to be in correlation with the level of usability of the publication scheme reported to HEIs. This finding suggests that if information is already published by public universities in UK it does not have a high level of demand, so the institutional policy on disclosure could be seen as not very relevant by the FOI Officers.

(6) By analogy, among the organisational dimension, there were 6 out of 12 independent variables which achieved some of the highest impact factors scores in the UK and Chile. These variables were understood as similarities because they were placed at top positions in country case studies rankings. For the organisational dimension, and considering the number of independent variables included within the cohort, the number of common variables equivalent to 33.33% in the UK, and Chile was not significant in the number of variables

reported by differentiation, equal to 36.36%. The independent variables with impact factor scores equal or greater than the mean value in both case studies were isolated as follows:

Table N ° 6.7: Organisational Dimension Comparative table by Independent Variables Impact Factor in HEIs

Nº	Independent Variable Name	Impact Factor UK	Ranking UK	Impact Factor, Chile	Ranking Chile
1	Assistance to requesters	0.67	17	1.15	32
2	Information request managing system	0.56	28	1.83	4
3	Information request monitoring mechanisms	0.55	30	1.17	30
4	Leadership commitment	1.06	1	1.78	6
5	Organisational culture (secrecy)	0.58	27	1.20	25
6	Transparency mechanisms	0.55	29	1.46	18

From the table above, these results can be discussed considering that at organisational level, through the Pastakia impact assessment matrix, it was possible to identify that when examining the impact of the legislation in public HEIs, there were six independent variables with the major positive impacts. The incidence of these variables may suggest that the minimal conditions required at organisational level, to achieve the aims of the legislation on access to information have been identified under these six common variables. Although with differences in the ranking –which may be explained for sampling conditions detailed at the beginning of the chapter–, it was found that variables such as (1) assistance to requesters, (2) information request managing system, (3) information request monitoring mechanisms, (4) leadership commitment, (5) organisational culture, and (6) transparency mechanisms, interacting in a dynamic or changing context, positively provide the institutional capabilities needed to respond to the legislation requirements.

Moving the discussion from the perspective of the content analysis, when examining these common independent variables, as major positive impacts of the legislation on access to information in public higher education institutions in the UK and Chile, six variables were identified: the compliance level then might also be determined by these matching variables. These variables suggest that at organisational level, the impact of the legislation is clearly defined by six organisational factors, which interacting within a complex and synergetic system, and affected by the skills and attitudes of the human resources, play a fundamental role in compliance with the legislation.

6.2.1.3. Legal Dimension

(1) Independent variables of the legal dimension achieved the third predominance when measuring the impact of legislation on access to public information in HEIs in the UK and Chile. Within this dimension, 10 out of 33 independent variables fitted within the cohort, and 4 achieved the highest positions at country level. Independent variables with the highest

impact factor in the UK were: (1) 'public interest test', IF=1.03, placed 3^o in the ranking, (2) 'disclosure provisions' IF=0.86, placed 7^o in the ranking and (3) 'duty to publish' IF=0.86, placed 9^o in the ranking. Similarly, and considering the cohort for analysis, in Chile 10 out of 33 independent variables counted within the cohort range, achieved top positions at county level, and as in the UK, 4 of them achieved the highest impacts. Variables ranked as major positive impacts in Chile were: (1) 'publication scheme provisions' IF=1.85, placed 2^o in the ranking, (2) 'proactive disclosure provisions' IF=1.84, placed 3^o in the ranking, (3) 'duty to publish' IF=1.62, placed 11^o, and (4) 'information request statutory requirement' IF=1.60, ranked 13^o.

(2) In the UK case study, 9 out of 10 independent variables grouped within the legal dimension and with the highest impact factor scores, can be connected to core elements of the proposed model. The following independent variables were identified as trigger or 'causal' variables, defined by the model as 'objects':

- (1) Public interest test (objects),
- (2) Disclosure provisions (objects),
- (3) Appeal mechanisms and process (objects),
- (4) Exemptions –qualified and absolute– (objects),
- (5) Timeframe regime (objects),
- (6) Information request statutory requirement (objects),
- (7) Complaint mechanisms provisions (objects),
- (8) Internal review system provisions (objects), and
- (9) Decision notices (objects).

From a content analysis perspective, and for the UK case study, all these 'causal' independent variables can be connected to specific provisions of the FOIA2000 which make it possible for HEISs to apply the Act. The variables can be understood as guidance elements, which refer and consign particular norms on how to conduct a procedure when access for information is requested. All these 'causal' independent variables also denote or represent the required conditions to take into consideration before deciding whether the access, disclosure, and release of information should apply or not. These 'causal' independent variables refer to mandatory provisions, which suggest conditions and contexts legally required to circumscribe an institutional information requests managing system. These independent variables also suggest that access, disclosure, and release of information have boundaries and restrictions not only coming out of the legal provisions but also defined by the decisions and criteria of public officers responsible for interpret and applying the law.

Similarly, in Chile, and within the legal dimension, 9 out of 10 independent variables with the highest impacts could be connected to or correlated with the same 'causal' factors, identified as 'objects' by the proposed model. These independent variables were grouped as follows:

- (1) Publication scheme provisions (objects),
- (2) Proactive disclosure provisions (objects),
- (3) Information request statutory requirement (objects),
- (4) Complaint mechanisms provisions (objects),
- (5) Timeframe regime (objects),
- (6) Disclosure provisions (objects),
- (7) Public interest test (objects),
- (8) Exemptions –qualified and absolute–(objects), and
- (9) Transferring request provisions/referrals (objects).

Contextualising the discussion on these variables from a content analysis perspective, these 9 'causal' independent variables in Chile can be connected to one of the most important purposes of the Act 20.285; the 'proactive disclosure of information'. Public Officers, working for public universities in Chile, have considered that these variables involve compelling or mandatory provisions on access to public information, so they weighted them as major positive impacts. These variables were understood as critical to comply with the purposes of transparency and accountability of the public function embedded by the legislation. As public higher education institutions in Chile are regularly or annually audited by the Transparency Council, the Ministry of Education, the National Congress, and the General Accounting Office, these 'causal' provisions were weighted as having major positive impacts because they indicate or express desirable boundaries for the functioning of the whole transparency system. These independent variables also refer to or represent critical factors to focus on, in order to prevent possible risks of sanctions and legal actions against the institution.

(3) Between the case studies, and within the legal dimension, when comparing impact factor scores by 'differentiation', 3 out of 10 independent variables which despite their major positive impacts in Chile, were placed below the cohort in the UK. Classified as not common these independent variables were grouped and identified as follows:

- (1) Publication scheme provisions: IF=1.85, ranked 2^o and in placed 46 in the UK
- (2) Proactive disclosure provisions: IF=1.84, ranked 3^o and in placed 48 in the UK
- (3) Transferring request provisions/referrals: IF=1.14, ranked 33 and in placed 54 in the UK

To contextualise the discussion in terms of content analysis, two of these independent variables refer to specific aspects of institutional disclosure of information. The third refers to mandatory aspects required when the requested information is not held by the institution.

Although differences in terms of 'source/origin', these not common variables suggest they share similar purposes. By law public universities in Chile, under the Act 20.285 have to update their institutional website every month, and if a citizen complains about this, the Transparency Council as oversight body, applies sanctions. Therefore, 'positive' impacts achieved by these variables represent a way to avoid 'negative' effects of compliance.

In addition, when comparing by differentiation, 3 out of 10 independent variables of the legal dimension which were placed at the top positions in the ranking in the UK, achieved low impacts in Chile, where they were not counted within the median value range. These not common or not matched variables were separate and identified as follows:

- (1) Appeal mechanisms and process: IF=0.76, ranked 12^o in the UK and 41^o in Chile
- (2) Internal review system provisions: IF=0.62, ranked 22^o in the UK and 52^o in Chile
- (3) Decision notices: IF=0.61, ranked 24^o in the UK and 51 in Chile

Contextualising the discussion on these 3 independent variables from a content analysis perspective, what they have in common refers to plea or appeal issues. In the UK, outcomes achieved by the variables 'appeal mechanisms and process', 'internal review system provisions', and 'decision notices', reported as major positive impacts, suggest a positive correlation between results achieved by 'exemptions use' and 'requests refused, denied' in HEIs when reporting compliance. On the contrary, in Chile and for the number of requests received by HEIs, these independent variables, although the scored positive impacts, held positions in the ranking at country level which, suggest that their influence was not being weighed as very critical. High compliance levels for 'request replied' reported by public universities in Chile may explain the gap between both case studies.

Contextualising the discussion on why the appeal system reported different impacts in the UK and Chile, these gaps might suggest that as legal provisions have to be 'interpreted', the interpretation of the law, means that disambiguation is made within a prevailing paradigm, and by an oversight body, endowed with powers and authority to decide whether the right to information apply, this implicit right of veto, might or might not encourage requesters of information to appeal. The incidence of these variables seems to be more evident in the UK. In Chile, findings showed that requesters complain and appeal even though they may know about the uncertainty of success. In Chile, generally, people do not complain to foster public opinion, but because they consider that by complaining it, might be possible to get something which reveals hidden facts. But because higher education institutions in Chile have reported very small number and cases of appeals, the incidence of these variables seems to be less significant.

(4) Comparing by similarity 7 out of 10 independent variables achieved the highest impacts and top positions in the rankings in both case studies. For the legal dimension, and taking into account the number of independent variables included within the cohort, the number of common variables for the UK and Chile, reported by differentiation was significantly small – 18.18% – than the number of variables reported by similarity –42.42%– Similarities in terms of major positive impacts achieved in both case studies, were identified and grouped in the following table:

Table N ° 6.8: Organisational Dimension Comparative table by Independent Variables Impact Factor in HEIs

N°	Independent Variable Name	Impact Factor UK	Ranking UK	Impact Factor, Chile	Ranking Chile
1	Complaint mechanisms provisions	0.67	19	1.56	14
2	Disclosure provisions	0.86	7	1.41	19
3	Duty to publish	0.86	9	1.62	11
4	Exemptions –qualified and absolute–	0.72	14	1.19	27
5	Information request statutory requirement	0.67	18	1.60	13
6	Public interest test	1.03	3	1.30	23
7	Timeframe regime	0.68	16	1.49	15

Contextualising the discussion from a content analysis perspective, these common variables or similarities might suggest in general that in both case studies, a facet which encompasses the legislation on access to information results in certain uniformity, not only between the legal system to implement or to apply the law, but also in the way we understand how public institutions must or should conduct their relations with the citizenship when a request for information is received. In particular, and also from a content analysis perspective, these 7 common variables are connected to a variety of obligations required to apply the legislation.

Within the legal dimension, independent variables with the highest impacts were focused on two facets, related to benefits for the requesters, and obligations for public authorities. Legal provisions on (1) timeframe regime, (2) duty to publish, (3) information disclosure, and (4) complaint mechanisms, represents desirable standards in favour of the public, and legal provisions on (5) information request statutory requirement, (6) public interest test, and (7) qualified and absolute exemptions, denote or signify how the right to access to information can be conditioned. These two facets related to ‘rights’ and ‘restrictions’ have another particularity which affects how information can be accessed, disclosed, released, or transferred. Legal provisions must be interpreted, and because of the limits of the interpretation, –in this case given by complex and dynamic contexts where HEIs operate, and by motivations and commitment of public officers– access to public information appears to be a limited right.

The major positive impacts achieved by these common variables suggest that as the right of access to information held by HEIs in both case studies seems to be in line with international standards of transparency, boundaries indentified at informational, organisational and legal levels, suggest that this right might be uneven when critical variables achieve negative impact scores.

6.2.2. Discussion and Conclusions of 'Compliance' by the Model's Dimensions

In this section, the discussion is focussed on whether major positive impact factor scores were equally consistent with good outcomes and findings in term of compliance with the legislation implemented by public HEIs in both case studies. Discussing the achievements of the studied dependent variables of this research (1) impact and (2) compliance facilitates the degree of understanding, and commitment received by the assessed authorities. The discussion examines the boundaries between given weights and judgements for the independent variables and its empirical appliance. Dimensions of the proposed model and significant variables will be discussed to trace some correlations and relationships between theory and practice.

6.2.2.1. Informational Dimension

(1) Access to Public Information, Information Request Managing System: the independent variable of the informational dimension 'access to public information' achieved one of the highest impacts, ranked 2^o at country level in the UK and 9^o in Chile. Contextualising the discussion from a content analysis perspective, there is a strong linkage between four facets of this variable. The legislation is about access to 'information' held public institutions. What is central to consider then is the fact that (1) requesters have a variety of information needs, so they are entitled by law to apply for (2) access, through available (3) information requests mechanisms, created to collect and keep such requirements through centralised units defined as (4) information request managing systems. Over the three year period, performance for compliance was similar in both case studies. Compliance with requests for information achieved by public HEIs in the UK was 79.13% and 79.52% in Chile. Disparities found when comparing refusal rates –20.87% in the UK and 13.07% in Chile– equally suggest a positive correlation between the outcomes achieved by this variable in term of impact and compliance.

Nevertheless, when tracing whether the same positive correlation was obtained by the variable 'information request managing system', which is by definition an enabling mechanism to support compliance, findings for the UK confirmed that there were some issues affecting results for compliance. Data included in Chapter 4 revealed that when

assessing demand for access to information, compliance levels showed some degree of weakness coming from the 'information request managing system'. Three examples were found as evidence for this gap. The first example was over demand for information held by HEIs under FOIA2000 regime, in particular on compliance with time frame provisions. In 2010, data for 'time frame not registered' to respond to information requests was 36.59%, corresponding to 2.777 applications. In 2011 time frame not registered was 30.33% corresponding to 2.578 applications and in 2012 period of time not registered was 32.48%, equal to 2.456 requests. Over the studied period, 7.649 information requests had no information on the time required to respond. The second example was found when examining data for FOIA requests by 'information categories'. Over the three year period, there were 2.416 applications under 'information not known/not recorded', 'other', and 'category not specified'. This is interesting because decisions on exemptions applied to the disclosure and release of information, will depend on how information is classified. The third example was for categories of applicants. Over the studied period, 'journalists' obtained the highest incidence in term of type of requesters with a total of 5.784 applications sent to public HEIs. However findings showed a total of 6.593 applications classified under the categories 'information not recorded', 'other', and 'other not included category'. These three examples illustrate some degree of incidence when assessing efficiency and effectiveness of the 'information requests managing systems' under the legislation for tertiary education sector in the UK.

Focusing the discussion on this independent variable, results obtained for the UK demonstrate that 'information requests managing system' do not work very well as enabling mechanisms to record and manage FOIA applications. 'Information requests managing system', requires quality standards to ensure efficiency and effectiveness when managing FOIA requests. However, to achieve quality standards, permanent investment is required, and most of the HEIs do not have an annual budget for implementation purposes. When assessing 'satisfaction level' for this independent variable, 12.5% of the FOIA Officers were 'very satisfied', 37.5% 'satisfied', and 45.8% 'moderately satisfied' with the effective implementation of the 'information requests managing system' in their institutions. Therefore, in the UK, there was an asymmetry when comparing impact and compliance outcomes for this variable. Although a positive impact was achieved, results for compliance, –measured in terms of satisfaction level, implementation, and performance– were not equally exceptional. By contrast, in Chile 'information requests managing system' achieved a major positive impact, and also good level of satisfaction with implementation. There was a cumulative percentage of 68.8% for very satisfied and satisfied; 25% for moderately satisfied and 6.3% for very dissatisfied.

Reported examples of limitations might also suggest some linkage with the record management system at institutional level. In terms of 'impact', within the informational dimension 'records management standards' were ranked below the cohort, in place 35^o in the UK and 36^o in Chile. In terms of 'compliance', when defining categories of data and records, awareness of the importance of applying the code of best practice on records management is another desirable standard to ensure quality and compliance level with the legislation. However, outcomes for this issue were low in the UK, 'Always' reported 20.8%, 'generally/frequently' 37.5%, 'hardly ever' 20.8%, 'never' 12.5%, and 'not applicable' 8.3%. Results for Chile were 'always' 37.5%, 'generally/frequently' 6.3%, and 'not applicable' 56.3%. When assessing provisions to ensure access to public information, versus criteria applied to categorise data and records, 'satisfaction level' obtained in both case studies was 'moderate', with 58.3% for the UK and 37.5% in Chile.

In higher education institutions in the UK, most FOIA Officers are also responsible for the records management, which seems positive in terms of know-how. In Chile, by contrast, Record Managers work in partnership with the institutional lawyer responsible for the Act 20.285. Despite these two approaches, when assessing provisions to ensure access to public information, versus records management standards applied by the institution, satisfaction level was also moderate, with 37.5% in the UK and 43.8% in Chile. Considering the amount of information held by HEIs and the information requests received over the three year period, 'information requests managing system' should have at least some features to achieve compliance with the legislation. Desirable quality standards encompass issues on (1) scope, (2) policies and responsibilities, (3) strategies, design and implementation, (4) instruments to process information requests, where capture, registration, classification, security, status, storage, use, tracking, and disposition should be included; (5) monitoring and auditing to comply with the legislation, and (6) post implementation process. Similarly, on records management standards, strategies to reduce the gap between impact and compliance results, should consider the kind of records management, levels of implementation and training activities needed.

(2) Classification schemes, Publication schemes use, Disclosure standards, Information availability, Information disclosed, and Access to digital information: placed above the cohort point, these independent variables of the informational dimension obtained major positive impacts in HEIs in the UK and Chile. Major impacts were obtained for independent variables related to information disclosure, and 'proactive disclosure'. 'Classification scheme' for example, was ranked 1st at country level with the major positive impact in Chile. 'Information disclosed', was ranked 4th in the UK and 21^o in Chile, 'disclosure standards', was ranked 5^o in Chile, and 21 in the UK, 'information availability',

was ranked 6^o in the UK and 20^o in Chile, ‘publication scheme use’, was ranked 7^o in Chile, and ‘access to digital information’ was ranked 32^o in the UK, and 17^o in Chile. By comparison and focusing the discussion on whether these major positive impacts attained also good compliance level. One point of analysis was to verify the duty to make available the defined information categories via the publication scheme.

Since the Act 20.285 mandates monthly updating of 19 information categories, Chile obtained a high level of compliance, reaching 89.47%, which was equivalent to proactive disclosure of 17 information categories. Although the lowest level of compliance was above 50% of effective disclosure, it was 10.52%, equivalent to 2 information categories: (1) Mechanisms for community and citizen participation including the academic community, with 68.8% of effective disclosure and 31.3% of non disclosure, and (2) Direct link to records, documents, or information classified as secret or confidential acts, with 62.5% of effective disclosure, and 37.5% of non disclosure.

For public higher education institutions in the UK, the Freedom of Information Act 2000 considers a publication scheme more comprehensive than in Chile. This proactive information disclosure mechanism encompasses 7 information categories – 6.1.1. Who are we and what do we do? 6.1.2. What do we spend and how do we spend it? 6.1.3. What are our priorities and how are we doing? 6.1.4. How do we make decisions? 6.1.5. Our policies and procedures, 6.1.6. Lists and Registers, and 6.1.7. The service we offer–, and 58 types of information. High compliance levels were found for some kinds of information with outcomes from 100% to 50% of effective disclosure. Low compliance levels were found for other kinds of information with results from 45.83% to 37.50% of effective disclosure. Under such criterion, and considering the studied period, HEIs in the UK achieved 89.66% of high compliance level, and 10.34% of low compliance. Low compliance with proactive disclosure is including in table below:

Table N ° 6.9: Compliance Assessment with Proactive Disclosure of Information in Public HEIs

Compliance with Proactive Disclosure Provisions. FOIA2000 Publication Scheme for HEIs UK. Informational Dimension Independent Variables.	Valid Percent		
	Yes	No	Total
6.1.2.9. Contracts	45.83	54.2	100.0
6.1.6.4. Registers of gifts and hospitality provided to senior personnel	45.83	54.2	100.0
6.1.7.13. Local campaigns	45.83	54.2	100.0
6.1.6.2. Assets registers	41.67	58.3	100.0
6.1.4.3. Minutes of staff/student consultation meetings	37.50	62.5	100.0
6.1.6.3. Disclosure logs	37.50	62.5	100.0

From a content analysis perspective, and from the table below, information categories with low compliance with proactive disclosure were related to (a) legal agreements, (b) economic

and commercial issues, (c) public account, (d) planning and management, (e) policy and strategy. Topics with less proactive disclosure in Chilean HEIs were (f) sensitive information, and (g) governance issues.

Independent variables related to proactive disclosure of information achieved major positive impacts and similarly good results on compliance. For this group of independent variables, there was therefore no asymmetry or gap between scores reported by the dependent variables 'impact' and 'compliance'. Consistency in terms of impact and compliance, in terms of information disclosure, corresponds nevertheless just to one side of the purposes embedded by the legislation. Effective release of information through information requests is the other part of the problem when assessing impact and compliance with the legislation. Positive results obtained by this group of independent variables, might suggest that proactive disclosure frameworks defined by publication schemes, include categories of information mostly related to regulations, routine processes, promotional activities, and decisions already taken. Institutional information considered as strategic, controversial, or informal is not included within the information categories defined by the publication scheme framework.

Although in terms of proactive disclosure, achievements and commitment to comply with the legislation were remarkable in both case studies, for the statement 'considering FOIA2000 provisions to ensure public access to information, versus the classification scheme used to describe, classify and indexing the information produced by this higher education institution, your satisfaction level is', the highest percentage at UK country level was for 'moderately satisfied' with 58.3%. By contrast, in Chile the highest percentage was for 'satisfied' with 50%. Achievements obtained for the statement on 'the effective publication scheme usability' might possibly explain these outcomes. In the UK, 50% of the respondents were satisfied, and 33.3% moderately satisfied. In Chile, 50% of the respondents were satisfied and 25% very satisfied. The independent variable 'mechanisms for promotion and participation' was ranked 47^o in the UK and 26^o in Chile. Perhaps institutional endeavours and achievements for proactive disclosure through publication schemes should be better promoted, but does it make sense to invest time and resources in promoting a mechanism that probably does not meet the information needs of the public?

(3) Requests response time, Requests processing time, Requests response quality, Requests replied: this group of independent variables, belonging to the informational dimension, obtained major positive impacts in both case studies. For example, 'requests response quality' was ranked 8^o in Chile, and 10^o in the UK, 'requests replied' was ranked 13^o in the UK, 'requests response time' was ranked 24 in Chile, and 'requests processing

time' was ranked 26^o in the UK. These independent variables are connected to specific aspects of information held by HEIs and requested under the right of access.

Focusing the discussion on the variable request response time, and request processing time, over the three year period, and thinking about the 20 working days defined by the legislation in both case studies as the time frame for compliance with information requests, 81.25% of public HEIs in Chile complied with the deadline, and 12.5% performed in less than 20 days to respond to requesters. As reported in Chapter 4, compliance levels in the UK were 63.41% in 2010, 69.67% in 2011, and 62.56% in 2012. Although these positive scores suggest no significant gaps between the outcomes obtained by impact and compliance, two issues observed when analysing the collected data, suggest that the discussion is not as positive. The first issue was about problems with the proportion of 'time frame not registered' in the UK. Results were 36.59% in 2010, 30.33% in 2011, and 32.48% in 2012. Not knowing whether the time was more or less than 20 days affects the compliance level score. The second one was on the satisfaction level with the time frame regime and request processing time. When asked to consider legal provisions to ensure compliance with the 20 days to reply to information requesters, versus the requests analysis and processing mechanisms implemented by the HEIs, FOI Officers were 41.7% 'satisfied', 33.3%, 'moderately satisfied' and 20.8% 'very satisfied'. For the same statement, Public Officers in Chile reported results of 37.5% for 'moderately satisfied', 31.3% for 'satisfied' and 31.3% for 'very satisfied'. Impact and compliance results seem to be positive in terms of stability, but 'satisfaction level' changes the primary perspective of stability between impact and compliance.

Contextualising the discussion on the variable request response quality, as quality standards in both case studies, the legislation introduces the duty to public authorities to inform requesters about the rights they are entitled to when responding information requests. Although the independent variable 'request response quality' obtained major positive impacts, its results at compliance level were not equally the same. Regarding the statement, 'to ensure requests response quality, in this higher education institution, we let the requester know about the right to complain for an internal review; we also let them know about the right to contact the ICO/Transparency Council for appeal', compliance levels for HEIs in the UK were 'always' 58.3%, 20.8% 'generally/frequently', and 8.3% 'hardly ever'. In Chile, HEIs Officers reported compliance levels of 43.8% 'always', 6.3% for 'generally/frequently', 18.8% for 'hardly ever', 18.8% for 'never', and 12.5% for 'not applicable'. For these results, the observed asymmetry in both case studies was not critical, but what was critical was the idea of 'request response quality' introduced by the legislation. In this case, quality was correlated to more administrative process or bureaucracy –such as appeal system–instead of quality of the information disclosed to the requesters.

Focusing the discussion on the independent variable requests replied, over the three year period, in Chile, public HEIs received a total of 459 information requests under the Act 20.285, and replied to a total of 365, which represents a compliance level of 79.52%. A total of 60 requests for information were refused, which correspond to 13.07%. Similarly, higher education institutions in the UK performed well when assessing compliance with information requests under the FOIA2000. From 2010 to 2012 a total of 23.652 information requests were received, being replied 79.13% and being denied 20.87%. These achievements on compliance with requests for information suggest that institutional performance was positive in both case studies. However more research is required to collate whether requesters were satisfied with the information released or with the response quality given by public universities.

(4) Exemption use, Information released, Sensitive information: these informational dimension independent variables, achieved major positive impacts predominantly in the UK. Within this group, information released was the only one ranked above the cohort point in Chile. 'Information released' was placed 8^o in the UK and 12^o in Chile, 'sensitive information' was 15^o in the UK, and 66^o in Chile, 'exemption use' was 23^o in the UK and 64^o in Chile. Focusing the discussion from a content analysis perspective, these variables are related to specific facets applied to information held by HEIs, in term of restrictions on accessibility, and outcomes of the appeal system. Contextualising the discussion on 'information release', when collating results of impact and compliance, the asymmetry for this variable was similar in both case studies. The independent variable 'information release' is a consequence of the appeal processes, and therefore is connected to information requests refused by the authority and claimed by the requesters.

Considering the three-year period, and over the 4.936 information requests refused, the potential right to appeal in the UK was 20.87%. The legislation defines as standard for compliance the interaction with the requesters and the provision of information and guidance on the right to appeal. This right defines to some extent the release of information. For this case study, the highest scores for compliance with guidance to the requesters on the right to appeal were 58.3% for 'always' and 20.8% for 'generally/frequently'. When assessing (a) exemption judgements, versus disclosure and release of information made by the institution, the highest scores for 'satisfaction level' were 58.3% for 'satisfied' and 29.2% for 'moderately satisfied'. When assessing, (b) outcomes for disclosure provisions of FOIA, versus the effective disclosure and release of information made by the institution, highest results were obtained by 'satisfied' with 58.3% and 'moderately satisfied' with 29.2%. In summary, for information release, compliance results in the UK were not equally positive as those for impact.

In Chile, estimated over the three year period, there were 60 information request refused by HEIs. A total of 38 were claimed to the Transparency Council (63.33%), and 4 to the Appeals Court (10.53%). The appeal rates suggest a positive level of participation and commitment of the requesters, to some extent motivated by the public officer's feedback and guidance. Highest scores for compliance with guidance to the requesters on the right to appeal were 43.8% for 'always', and 18.8% for 'hardly ever'. When assessing (a) exemption judgements, versus disclosure and release of information made by the institution, highest scores obtained for satisfaction level were 56.3% for 'satisfied', and 25.0% for 'very satisfied'. When assessing (b) outcomes for information disclosure provisions of the Act 20.285, versus the effective disclosure and release of information made by the institution, the satisfaction level was 50% for 'satisfied', and 43.8% for 'very satisfied'. In summary, for information release, the gap between compliance and impact results in Chile were not substantial. Although as a result of appeal processes, decisions in favour of disclosure could result in further release of information, the rate of appeals found for the UK suggests that the incidence of the requesters is critical. What might encourage more appeal applications in the UK would be the amount of time to resolve an appeal. Four months in the UK and 2.4 in Chile suggest a positive incidence for the outcome obtained in Chile. Although the appeal process is less long in Chile, low demand for information suggests that it was possibly an issue in favour of 'information release'. Opinions and feedback from the information requesters is needed to clarify or to complete the assessment on this variable.

Changing the discussion towards the independent variables 'exemptions use' and 'sensitive information', over the three year period and considering the total of 23.654 information requests received by higher education institutions in the UK, the percentage of refusals by exemptions was 20.85%, which means that a total of 4.936 exemptions –2.349 absolute exemptions, and 2.587 qualified exemptions– were applied by HEIs from 2010 to 2012. By contrast, for the Chilean case study, and over the same studied period, there were a total of 15 absolute exemptions and one qualified exemption. This gap could explain the significant difference in scores obtained when assessing impact between the countries. In the UK and over the three-year period, the highest proportion of exemptions was concentrated in section 12 with a percentage of 49.48%. Section 12 covers exemptions provisions on excessive cost of compliance –£450.00 for public HEIs– The outcome for this exemption had the highest incidence when examining the reasons for requests refused in HEIs.

By contrast, in Chile, when examining the kind of exemptions applied to prevent information disclosure, the highest incidence with 18.8% was concentrated on exemptions under Section 21(a) and 21(2), which covers provisions on 'personal information related to privacy'. When asked for 'considering provisions defined by the legislation to ensure compliance with access

to public information, versus the criteria to define 'sensitive information' applied in the institution, in the UK, the satisfaction level was 45.8% for 'satisfied', 25% for 'moderately satisfied', and 25% for 'very satisfied'. By contrast, in Chile for the same statement, scores were 50% for 'satisfied', 37.5% for 'very satisfied', and 6.3% for 'moderately satisfied'. Reported rates on use of exemptions suggest consistency with the impact results in the UK. Similarly, low exemptions use rates reported in Chile were also consistent with the impact results. The asymmetry between the case studies for impact and compliance suggest that although committed to proactive disclosure, the time frame to comply with an appeal process and the time horizon for the full enactment of the legislation have influence. What made the difference between Chile and the UK seems to be the restriction on 'cost for compliance', which is not included by the Chilean legislation. The only cost which applies in Chile is cost for reproduction.

6.2.2.2. Organisational Dimension

(1) Information request managing system, Information request monitoring mechanisms, Leadership commitment, Assistance to requesters, Organisational culture, and Transparency mechanisms: these 6 independent variables, obtained major positive impacts in both case studies, so they were placed at leading positions within the cohort point at country level. At organisational level, they were grouped by similarity as common variables. 'Leadership commitment' was ranked 1st in the UK and 6th in Chile, 'information request managing system' was 4th in Chile, and 28^o in the UK, 'transparency mechanisms' was 18^o in Chile and 29^o in the UK, 'organisational culture' was 25^o in Chile and 27^o in the UK, 'information request monitoring mechanisms' was ranked 30^o in Chile and the UK, 'assistance to requesters', was 17^o in the UK and 32^o in Chile. When examining whether there were gaps between outcomes reported by 'impact', and outcomes reported by 'compliance', the applied criterion to collate the data in both case studies was the level of implementation.

In the UK 'information request monitoring mechanisms', for example a follow up schedule, obtained 58.3% of full implementation and 25% of partial implementation. 'Information request managing system' which includes variety of resources, plans, and procedures was fully implemented 45.8% and partially implemented 37.5%. 'Mechanisms of assistance to requesters' as for example professional assistance available for feedback and guidance, obtained 37.5% of full implementation and 29.9% of partial implementation. 'Organisational structure', as for example resources and functions allocated to enhance organisational culture to FOIA, obtained 37.5% of full implementation, and 45.8% of partial implementation. 'Transparency mechanisms', as for example accountability mechanism and annual reports,

obtained 41.7% of full implementation and 50% of partial implementation in the first example, and 29.2% of full implementation and 37.5% of partial implementation. Since results for full implementation were predominantly below 50% and considering the major time horizon of the FOIA enactment, these results suggest unevenness for the UK case study.

In Chile, 'information request managing system' –which includes variety of resources, plans, and procedures– obtained 68.8% of full implementation and 25% of partial implementation. 'Organisational structure', as for example resources and functions allocated to develop organisational culture obtained 43.8% of full implementation and 37.5% of partial implementation. 'Information request monitoring mechanisms', for example a follow up schedule, obtained 50% of full implementation and 43.8% of partial implementation. 'Mechanisms of assistance to requesters', as for example professional assistance available for feedback and guidance, obtained 25% of 'full implementation', and 43.8% of 'partial implementation'. 'Transparency mechanisms', as for example accountability mechanism and annual reports, obtained 18.8% of full implementation and 50% of partial implementation in the first example, and 12.5% of full implementation and 31.3% of partial implementation. Since results for full implementation were slightly better than in the UK, and considering the shorter time horizon of the Chilean enactment, these results also suggest unevenness.

Focusing the discussion from a content analysis perspective, 'information request managing system', information request monitoring mechanisms, leadership commitment, assistance to requesters, organisational culture, and transparency mechanisms are all variables related to the need for resources from which public bodies draw in order to obtain compliance or performance indicators, normally classified as qualitative and quantitative output indicators, efficiency indicators, service outcome indicators, responsiveness indicators measured as satisfaction level, and democratic outcomes indicators, measured in terms of participation and accountability. From a systemic point of view, a problem with indicators is the fact that they are focused on 'performance' where normally (1) results; (2) activities and process are isolated from other relations. Performance indicators are based on this dualism, but organisations are beyond this paradigm, so forcing them to obtain these kinds of indicators could affect the complexity of human interactions, negatively affecting the commitment with the legislation. Compliance seems to be understood as performance management in the public service, but if current practice on compliance does not move beyond this dualism to covering different dimensions of performance, achievement for compliance will remain moderate, independently of the time horizon of implementation. Why? Simply because cumulative effects of a large-scale degradation, produced by performance indicators, affect the dynamic nature of human interactions, where the legislation must be fulfilled.

(2) Exemptions guidelines, Code of best practices, Records management standards, Political support, and Communication strategy and mechanisms: these 5 organisational variables obtained major positive impacts in the UK, but in Chile although impact was positive, they were placed below the cohort point. 'Exemptions guidelines' was ranked 5^o in the UK and 50^o in Chile, 'code of best practices' was 11^o in the UK and 46^o in Chile, 'records management standards' was 20^o in the UK and 36^o in Chile, 'political support' was 25^o in the UK and 57^o in Chile, 'communication strategy and mechanisms' was 31^o in the UK and 49^o in Chile.

In the UK 'exemptions guidelines', as for example ICO guidance, obtained 58.3% of full implementation and 29.2% of partial implementation. 'Code of best practices', for example guidelines and procedures to improve the appeal system, obtained 33.3% of full implementation, 41.7% of partial implementation and 12.5% of not implementation. 'Records management standards', for example ISO 15.489 Standards on information and documentation, and the FOI Section 46 Code on Records Management, obtained 29.2% of full implementation, 48.8% of partial implementation and 12.5% of not implementation. 'Communication strategy mechanisms' obtained 12.5% of full implementation, 45.8% of partial implementation and 33.3% of not implementation. Political support, represented in (1) budget, (2) training plan and programme obtained 25% of full implementation and partial implementation in the first case, 20.8% of full implementation, 45.8% of partial implementation and 20.8% of not implementation for the second case. For the UK case study, within the organisational dimension and compared with the first group of variables, results for full implementation were highest, but there were asymmetrical achievements between impact and compliance.

In Chile, 'records management standards' obtained 18.8% of full implementation, 62.5% of partial implementation and 12.5% of not implementation. 'Code of best practices' obtained 18.8% of full implementation, 37.5% of partial implementation and 37.5% of not implementation. 'Communication strategy mechanisms' obtained 6.3% of full implementation, 50% of partial implementation and 25% of not implementation. 'Exemptions guidelines' obtained 6.3% of full implementation, 56.3% of partial implementation, and 25% of not implementation. Political support, represented in budget, training plan and programme, obtained 12.5% of full and partial implementation, and 31.3% of not implementation in the first case. For the second case, there was 6.3% of full implementation, 62.5% of partial implementation and 18.8% of not implementation. For the case study, within the organisational dimension and compared with the first group of variables, results for full implementation were lowest, and therefore the asymmetry was bigger between achievements for impact and compliance.

Contextualising the discussion of positive results for the UK case study, and from a content analysis perspective, exemptions guidelines, code of best practices, records management standards, political support, and communication strategy and mechanisms, are variables which make reference to normative aspects applied to information, and also refer to mechanisms to promote interaction with authorities and requesters. These 5 organisational variables suggest that information seems to be considered one of the major strengths of HEIs in the UK, and information as valuable asset or commodity needs to be managed embracing and accepting the nature of complexity in which it is engaged, especially when deciding on aspects of access, transference, disclosure, and release to the public. Results for the Chilean case study suggest that influence of these variables was less significant to comply with the legislation. Public Officers in Chile needs to assess the interrelationship of contingent factors such as political support and communication with the requesters, but above all they need to examine how the influence of information management can be established to reduce the gap between impact and compliance results.

(3) Response requests mechanisms, Organisational structure, Mechanisms for promotion and participation, Advisory mechanisms, Compliance assessment mechanisms, and Disclosure Policy: these 6 organisational variables obtained major positive impacts in Chile, but in the UK although impacts were positive, the variables were ranked below the cohort point. 'Response requests mechanisms' was ranked 16th in Chile and 42nd in the UK, 'organisational structure' was 22nd in Chile and 41st in the UK, 'mechanisms for promotion and participation' was 26th in Chile and 47th in the UK, 'advisory mechanisms' was 28th in Chile and 40th in UK, 'compliance assessment mechanisms' was 29th in Chile and 38th in UK, and 'disclosure policy' was 31st in Chile and 53rd in UK.

In Chile, 'organisational structure', understood as the variety of resources and functions allocated to comply with the Act, obtained 43.8% of full implementation, 37.5% of partial implementation and 6.3% of not implementation. 'Advisory mechanisms' as for example legal assistance, obtained 43.8% of full implementation, 25% of partial implementation and 12.5% of not implementation. 'Compliance assessment mechanisms', as for example annual plan for the Act obtained 25% of full implementation, 50% of partial implementation and 18.8% of not implementation. 'Promotion and participation mechanisms' obtained 12.5% of full implementation, 43.8% of partial implementation, and 25% of not implementation. 'Disclosure policy' obtained 12.5% of full implementation, 50% of partial implementation, and 18.8% of not implementation. 'Response request mechanisms', as for example information requests monitoring mechanisms, obtained 50% of full implementation, 43.8% of partial implementation, and 6.3% of not implementation. Within the organisational dimension, this group of variables were assessed as critical in term of impact in Chile, but results for

implementation were moderate. Public HEIs are still facing with implementation issues, so organisational factors with positive incidence on impact are still dealing with the challenge they have to reduce the gap between impact and achievements for compliance.

In the UK, the variable 'organisational structure', achieved 37.5% of full implementation, 45.8% of partial implementation and 8.3% of not implementation. 'Advisory mechanisms' achieved 45.8% of full implementation, 41.7% of partial implementation and 4.2% of not implementation. 'Compliance assessment mechanisms' achieved 29.2% of full implementation, 37.5% of partial implementation and 25% of not implementation. 'Promotion and participation mechanisms' achieved 20.8% of full implementation, 37.5% of partial implementation, and 29% of not implementation. 'Disclosure policy' achieved 58.3% of full implementation, 16.7% of partial implementation, and 8.3% of not implementation. 'Response request mechanisms' achieved 58.3% of full implementation, 25% of partial implementation, and 4.2% of not implementation. For the case study, within the organisational dimension and compared with the first group of variables, results for impact and compliance with implementation suggest that the asymmetry was not significant.

These distinctive variables to the Chilean case study obtained lower impacts scores in the UK, nevertheless, percentages for implementation of organisational factors which boost compliance were higher in the UK than Chile. Availability of resources and the time horizon of enactment, might contribute to positive results. Nevertheless results for impact and compliance suggest that there is still much more to do. This research argues that 'compliance' with the legislation requires changes in understanding, applying and measuring of this construct. Focusing predominantly on performance suggest a permanent conflict between the interactions involved in compliance. Attempts to implement management ideas from business and private sectors in the public services seems to be a positive way to achieve performance indicators, but as the nature of public sector is complex, compliance with the legislation requires the identification of organisational factors which interact or mediate to produce positive actions and improvements. How significant would contingent factors be, for example? The engagement with efficiency and effectiveness will continue reporting asymmetries, until the focus shifts to a more dynamic model of compliance.

6.2.2.3. Legal Dimension

(1) Timeframe regime, Information request statutory requirement, Duty to publish, Disclosure provisions, Complaint mechanisms provisions, Public interest test, and Exemptions –qualified and absolute–: the legal provisions connected to these independent variables make reference to duties for public institutions with regard to (a) requirements to ensure the right of access, (b) requirement to provide procedures and mechanisms for making request, (c) requirements to respond to requesters according to their preferences, (d) requirements to provide assistance, acknowledgement and notices to requesters, (e) requirements to notify on access fees, (f) requirements to consult with third parties, and (g) requirements to disclose information. These 7 independent variables, obtained major positive impacts in both case studies, so they were ranked at the top part of the ranking at country level. ‘Timeframe regime’ was ranked 16th in the UK and 15th in Chile, ‘information request statutory requirement’ was ranked 18th in the UK and 13th in Chile, ‘duty to publish’ was ranked 9th in the UK and 11th in Chile, ‘disclosure provisions’, was ranked 7th in the UK and 19th in Chile, ‘complaint mechanisms provisions’ was ranked 19th in the UK and 14th in Chile, ‘public interest test’ was ranked 3rd in the UK and 23th in Chile, and ‘exemptions –qualified and absolute–’ was ranked 14th in the UK and 27th in Chile. Applying the same criterion of comparison, and within the legal dimension, these independent variables were identified as shared by the legislation enacted in both case studies. When examining whether the degree of homogeneity obtained by them in terms of major positive impacts was also a shared facet in terms of compliance, current practice or use of legal provisions was the applied as a criterion to collate the data in both case studies.

In accordance with FOIA2000 regulations in the UK on ‘timeframe regime’ of 20 working days to respond to the requesters, outcomes in LDQ8Prop4 reported 66.7% of compliance by public HEIs. On ‘information request statutory requirement’, when assessing whether provisions under Section 8 on ‘request for information,’ were applied in accordance with the FOIA, results from LDQ8Prop1 reported 66.7% of compliance with the legislation. Compliance with legal requirements on disclosure provisions, and duty to publish, were examined through responses on ‘publication scheme’. Results reported by LDQ16Prop1 on publication scheme (a) updating, obtained 33.3% for ‘always’ and outcomes obtained from LDQ16Prop2 on publication scheme (b) frequency of review and approval, obtained 45.8% for ‘never’. Compliance with ‘complaint mechanisms provisions’ was examined through (1) frequency to provide advice and assistance to current and potential requesters of information, and by (2) frequency to give a notice including procedures and particulars for dealing with complaints conferred by Section 50 of the FOIA. According to LDQ8Prop3, and LDQ8Prop11, ‘always’ obtained 45.8% for the first aspect and 62.5% for the second. With

regard to Section 17 under FOIA, a public authority has the duty to confirm, within the time for complying with section I (1), whether that information is exempt. According to LDQ7, legal provisions on 'public interest test', 'qualified and absolute exemptions' reported compliance levels between 50% and 79.2%. The control question for both variables was LDQ8Prop6 'when dealing with a request for information which has been refused, the organisation gives the requester a notice stating the fact'. To this statement, 'always' obtained frequency of compliance of 66.7%. When applying exemptions, legal provisions of FOIA encompasses particular actions that public authorities have to take to comply with the legislation. According to LDQ8, frequency of compliance with duties on exemptions by 'cost for compliance' was 58.3% for always, and 12.55% for generally/frequently. Frequency of compliance with duties on exemptions by 'vexatious requests' was 54.2% for always and 33.3% for not applicable. Frequency of compliance with duties on exemptions by requests for information which have been previously compiled with, or are substantially similar to a previous one was 54.2% for always and 20.8% for generally/frequently.

Focusing the discussion on these 7 independent variables and from a content analysis perspective, major positive impacts had a positive correlation with compliance related to legal provisions on (a) the right of access, (b) scope of information requests, (c) requesting procedures, (d) exemptions, refusals, and (e) appeals. Legal provisions on sanctions and protections, as promotional measures, were not weighted by FOIA Officers as critical issues of compliance in the UK. Since these independent variables are related to mechanism, process and procedures applied to information requests, reported compliance results suggest that respondents are assuming such aspects of the legislation exist as a basic operational framework, but they also suggest a distinctive approach to access to information held by HEIs in the UK, where access may be given, conditioned or denied depending on the incidence of exemptions, and where cost for compliance obtained the highest incidence of refusals. When collating the results by impact and compliance, within the legal dimension, reported percentages for compliance with legal provisions of FOIA were above the average, so there was a slight gap between achievements reported by impact. This gap was higher for the independent variable 'publication scheme' which correlates with findings discussed for the informational and organisational dimension.

Considering legal provisions required in Chile by the Act 20.285 of twenty working days as 'timeframe regime' to respond to the requesters, outcomes found in LDQ8Prop4 reported a cumulative percentage of 100% of compliance by public HEIs. On 'information request statutory requirement', when assessing whether provisions under Section 12 on 'request for information,' were applied in accordance with the legislation, results from LDQ8Prop1 reported 93.8% of compliance with the legislation. Compliance with legal requirements on

disclosure provisions and duty to publish were assessed through responses on 'publication scheme'. According to data reported by LDQ16Prop1, issues on publication scheme (a) frequency of updating, obtained 93.8% for the category 'always', and outcomes found by LDQ16Prop2 on publication scheme (b) frequency of review and disclosure, obtained 87.5% for the category 'always'. Compliance with 'complaint mechanisms provisions' was examined through (1) the frequency of providing advice and assistance to current and potential requesters of information, and by (2) the frequency of giving a notice including procedures and particulars for dealing with complaints conferred by Section 12 of the Act 20.285. For the first aspect, according to LDQ8Prop3, 'always' obtained 25% and generally/frequently 37.5%. For the second one, according to LDQ8Prop11 'always' reported 43.8% and generally/frequently 25%. As regards 'public interest test', 'qualified and absolute exemptions', legal provisions of Section 16, 20, 21, 23, 35, and 37 under Act 20.285, public authorities have the duty to perform, within the time for complying, mandatory tasks as for example whether that information is exempt. According to LDQ7, legal provisions on public interest test, qualified and absolute exemptions reported compliance levels between 6.3% and 68.8%.

The control question for both variables was LDQ8Prop6 'when dealing with a request for information which has been refused, the organisation gives the requester a notice stating the fact'. Regarding this question, 'always' obtained frequency of compliance of 68.8%, and generally/frequently 25%. When applying exemptions, the legal provisions of the Act 20.285 encompass particular actions that public authorities have to take to comply with the legislation. According to LDQ8, frequency of compliance with duties on exemptions by 'cost for compliance' was 37.1% for not applicable and 31.3% for always. Frequency of compliance with duties on exemptions by vexatious requests was 81.3% for always and 12.5% for generally/frequently. Frequency of compliance with duties on exemptions by requests for information which have been previously compiled with, or are substantially similar to a previous one was 68.8% for always and 18.8% for generally/frequently.

Focusing the discussion on these seven 'common' independent variables for the studied cases, and from a content analysis perspective, in Chilean HEIs major positive impacts had a positive correlation with compliance related to legal provisions on (a) the right of access, (b) scope of information requests, and (c) requesting procedures, where percentages for compliance were higher than in the UK. Nevertheless, gaps between impact and compliance results were higher than in the UK for provisions on (d) exemptions, refusals, and (e) appeals. Results reported for compliance suggest that legal provisions for sanctions and protections, as promotional measures, were weighted by Chilean public officers as not significant, although this possibly affected the achievement on compliance with 'response

requests', where the rate was higher. Since these seven independent variables were identified as 'common' according to their impacts, within scores reported by compliance, the asymmetry found for 'public interest test', 'qualified and absolute exemptions' suggest that respondents are assuming such aspects of the legislation are significant to ensure compliance, but it also may suggest that the distinctive approach on access to information held by HEIs in Chile was focused on proactive disclosure instead of access conditioned by exemptions. Nevertheless, this assumption is made in the perspective of the findings reported on response requests rate. When the context changes as a result of the major time horizon of the Act implementation, or as the major promotion of the right of access in public HEIs in Chile, possibly this divergence will have a different variation.

(2) Appeal mechanisms and process, Decision notices, internal review system provisions: legal provisions behind these independent variables are connected to compelling mechanisms, where either requesters or public bodies are entitled to apply when an information request is refused. HEIs are required to comply with (a) assistance, (b) procedures, and (c) deadlines to avoid possible sanctions imposed by the independent oversight body. Within the boundaries of the cohort point, major positive impacts were achieved by these independent variables belonging to the legal dimension. For the three of them, results for impact were higher in UK than in Chile. Although impacts were positive in both case studies, the position of these variables in the ranking was wider. 'Appeal mechanisms and process' was ranked 12th in the UK and 41st in Chile, 'decision notices' was ranked 24th in the UK and 51st in Chile, 'internal review system provisions' was ranked 22th in the UK and 52th in Chile. An issue for discussion was to examine whether the degree of homogeneity obtained by these independent variables in terms of major positive impacts, was a shared facet, although in terms of compliance. The same criterion to collate compliance results was applied in both case studies, and it was focused on current practice and the legal provisions used by HEIs.

For the UK case study, and on 'appeal mechanisms and process', under FOIA2000, public bodies are requested to comply with several duties and tasks once an information request is received. From a content analysis perspective, 'appeal mechanism and process' is a variable related to provisions or regulations defined to grant that requesters of information are aware of their rights conferred by law. Legal provisions on the right of appeal encompass the duty to inform on different issues included in the appeal system. Levels of compliance measured as the frequency of performing a required task, particularly about information notices, was 62.5% in the UK as LDQ8Prop11 reported. By contrast, for the same aspect, results in Chile were lower at 43.8%. On the variable 'decision notices', compliance levels reported by LDQ7Prop1-5 was from 50% to 79% in the UK and from 6.3% to 68.8% in Chile. In both case

studies, compliance results obtained through the control question were very similar, with 66.7% in the UK, and 68.8% to Chile. Legal provisions on 'internal review' are issues enhanced by the Section 45 Code of Practice in the UK, but satisfaction level results for compliance were moderate in both case studies. Results reported by LDQ20Prop14 on rights given by the authority in conformity with the code of practice under Section 45, before applying for an appeal process to ICO, reported 37.5% for moderately satisfied in the UK and 37.5% for satisfied in Chile.

When comparing scores for 'impact' and 'compliance, reported by these variables, there was some uniformity found in the UK and some disparities found in Chile. Major positive impacts reported in the UK also achieved good compliance levels. In Chile, some positive impacts obtained moderate percentages of compliance. Legal provisions on appeal mechanisms and process, decision notices, and internal review, were positively weighted by the respondents as part of the appeal system in both case studies, nevertheless despite good compliance results obtained by HEIs in the UK, there was found an asymmetry between refusal rate and appeal rate. Even though what is required by law was accordingly performed by the appeal system, and having received information and guidance from FOIA Officers on their appeal rights, requesters did not claim these guarantees often enough over the three year period. These reported gaps may suggest that trends would remain the same for HEIs in the UK because of (a) the amount of time specified to complete an appeal process, (b) critical level of incidence of the requester's commitment entitled to claim, and (c) the kind of restrictions applied by FOIA Officers to access, disclosure and release of information held by the institution. By contrast, trends for these variable's outcomes in Chile would remain positive because of differences already reported by the same aspects.

(3) Proactive disclosure provisions, Publication scheme provisions, Transferring request provisions/referrals: legal provisions underpinned by these independent variables are related to functions or duties that public institutions are required to perform and comply with, regarding (a) proactive disclosure of information, and (b) obligations and procedures to follow when the authority does not have the requested information. These 3 independent variables achieved major positive impacts in both case studies, and therefore they were placed at top positions of the ranking at country level. Nevertheless impact results for Chile were higher. 'Proactive disclosure provisions' was ranked 3rd in Chile and 48th in the UK, 'publication scheme provisions was ranked 2nd in Chile and 46th in the UK, and 'transferring request provisions/referrals' was ranked 33rd in Chile and 54th in UK. A discussion issue was to verify if these major positive impact scores were equally high when examining compliance results. The criterion to compare or collate whether impact and compliance

results was a shared facet for these variables, converged on current practice on HEIs in both case studies.

Focusing the discussion on compliance, in Chile, on 'proactive disclosure provisions', and 'publication scheme provisions' under Section 7 of the Act 20.275, FOIA2000, Section 50 of Rules of the Act, and Instructions 4, 7, 9 by the Chilean Transparency Council, public bodies are requested to comply with proactive disclosure provisions through keeping on their websites permanently available to the public, the list of 17 different information categories covered by the publication scheme, which also have to be at least updated once a month. Compliance levels reported by LDQ16Prop1-3 were 93.8%, 87.5%, and 87.6% respectively. By contrast in the UK for the same questions results were 33.3%, 0%, and 29.2%. On 'transferring request provisions/referrals', according to Section 13 of the act 20.285, when dealing with a request for information relating to public records which have been transferred, the organisation have to give a notice stating the fact to the requesters. Compliance levels reported by question LDQ8Prop10 was 56.3% in Chilean HEIs, and 33.3% in the UK. There was a positive correlation between major impacts and good compliance levels in Chile. Besides, the position in the ranking seems to reproduce the compliance results found for the UK case study. Asymmetries found between the case studies, suggest that requirements included through legal provisions had a critical incidence not just for impact, but also for compliance. One month was required by the legislation to update and proactively publish information in Chile, versus 6 months in the UK, which suggests that time or deadlines foster a commitment to comply. Nevertheless, there were issues on (1) size –the publication scheme for HEIs in the UK has defined 58 categories of information–, (2) content – the publication scheme for HEIs in the UK mostly encompasses operational, administrative, and less strategic information –, and (3) usability, which possibly over the three year period, affected compliance level in the UK. Besides, the distinction of being 'committed' to proactive transparency in Chile is actually not a sine qua non attribute for all the public bodies, since on this issue, the Chilean Transparency Council reported low compliance level in local authorities on 23 April 2014.

Focusing the discussion on consequences of these legal provisions, with the new public management approach spread through occidental countries, what in practice happened in Chile, was the introduction a standardised approach with the purpose of having both public as private systems compatible. The tertiary education sector has been affected by this paradigm through a systematic policy to reduce public education in favour of private provision. From the reported data, the public budget in Chile has been allocated to finance 43 private universities out of 59, in detriment of the 16 public ones. Another mechanism to introduce the new public management approach into the public sector has been enacting

almost the same legal mechanisms as international standards, in order, to be part of the 'developed world'. Under the facet represented by the 'right of access', this legislation allows private institutions to be even more profitable, by taking, collecting, or picking up assets such as information from the public sector. Since this action is covered under the apparent privilege given by 'information rights', it becomes imperceptible and such action is perceived as beneficial or positive, but beneficial to whom? And then, no further criticism and opposition emerges from society to overcome this asymmetry which privileges the private universities which are not under the law.

6.3. Further Conclusions Regarding the Research Aims

The work reported here, has met the overall aims of the thesis. Focusing the conclusion or discussion on the aims, concerning the first, second, and third objectives of this research which were: **(1) to find out and evaluate the impact assessment process reported by specialised literature during the last 10 years as a result of the enactment of access to information legislation in public sector organisations; (2) to analyse and evaluate costs, benefits and outcomes reported by measurement instruments, and/or mechanisms to assess impact and compliance with the legislation on access to information, applied in public sector organisations, and (3) to verify, evaluate, and validate from the specialised literature, assessment models and parameters, to assess the impact of and compliance with 'access to information' legislation, in public sector organisations,** the following conclusions have been reached:

(1) Impact assessment of legislation on access to information has been addressed as a research issue mostly by the research community and NGOs. Some international organisations as the European Community have also established working groups, although this community of institutions and experts have been devoted to research and publishing, 'access to information' legislation still has critical areas which need to be examined, in particular from the point of view of (a) information requesters, (b) information needs, (c) public bodies under the legislation. Although central governments have been extensively examined, more research on public institutions such as for example local governments, public health, public companies, public media, public education, judiciary, legislature would be required, to have a more complete panorama of its beneficial aspects and of whether the enacted legislation needs enhancements, or if is satisfactory.

(2) Considering the significant increase in the number of countries with this kind of legislation from the 1990's to the 2000's, a follow up on issues about costs, benefits and outcomes which have already reported should be planned to re-examine and critically assess whether

the legislation which is now in effect in 102 countries has reported improvements to public sector organisations, especially in the way in which they produce, transfer, transform, and manage information accountably.

(3) Available models and parameters to assess impact and compliance with legislation on access to information in public sector institutions have two facets: (i) when assessing impact, compliance issues are included in the framework, there being no clear boundaries between these two different constructs; (ii) available models and parameters have been applied focused on a variety of purposes, usually with a small number of variables. As impact and compliance are both complex constructs, and instruments to collect and analyse data have some restrictions, more research is needed to study the complexity of both constructs in a more comprehensive approach.

Concerning the fourth, fifth and sixth objectives, which were: (4) **to examine, define, evaluate, and validate critical variables to measure 'impact' of legislation on access to information, in public sector organisations;** (5) **to find out, define, evaluate, validate and measure critical variables to ensure 'compliance' with access to information legislation, in public sector organisations,** and (6) **to define, design, validate, and report a systematic model to assess the impact and compliance with legislation on 'access to information' in public sector organisations,** the following conclusion has been reached:

A mixed methodology approach was applied to find out, define, evaluate and validate critical variables to assess 'impact', and 'compliance' as constructs contextualised by legislation on access to information implemented by public bodies. The scope of literature review encompassed 10 years, from 2000 to 2010, and sources of information were papers published in high impact journals about the legislation. Out of 76 papers written by 110 authors and researchers, a total of 1.689 concepts or keywords were obtained through pivot tables from the content analysis database. The concepts were classified into three categories (1) informational dimension with a total of 581 concepts, (2) organisational dimension with a total of 693 concepts, and (3) legal dimension with a total of 416 concepts. Pivot tables were applied to select by frequency, and a total of 156 were tested and validated by a panel of 16 experts from 10 countries over 1 year of work. A total of 66 independent variables were finally validated and chosen to be part of the model, through content analysis pivot tables and the weight function methodology. The model was later applied in HEIs through two country case studies. Selected case studies have 2 facets: (1) the examined legislation has legal provisions which encompass the international standard on access to information, although with some particularities applied to restrictions on access, disclosure, and release

of information; (2) the examined legislation has a long term –UK–, and shorter term –Chile– horizon, of implementation in the country case studies, therefore findings reported for the UK and Chile have to consider these issues.

Concerning the seventh, eighth, ninth and tenth goals, which were **(7) to study level of preponderance, predominance and prevalence of informational organisational and legal variables, when assessing the ‘impact’ of legislation on access to information in public sector organisations; (8) to examine and assess how critical informational constructs or variables are, to ensure compliance with legislation on ‘access to information’ in public higher education institutions, HEIs; (9) to examine and assess how critical organisational constructs or variables are, to ensure compliance with legislation on ‘access to information’ in public higher education institutions, HEIs, and (10) to examine and assess how critical legal constructs or variables are, to ensure compliance with legislation on ‘access to information’ in public higher education institutions, HEIs**, the following conclusions were reached:

Regarding aim N°7, by differentiation as an analysis’ criterion showed by the table below, and measured by the number or percentage of independent variables, that had a high impact factor achievement, but were not common in both countries, results showed that the preponderance, predominance and prevalence was concentrated on the organizational dimension, given the higher number of independent variables in this dimension. It was also noted that in both case studies, these not common organizational factors were distinguishing features on which higher education institutions at country level have focused their attention, assigning or allocating them high ratings in importance, magnitude, permanence and reversibility.

Table N ° 6.9: Comparison table by Case Studies Differentiation for Independent Variables, and Dimension

Model's Dimension and number of Independent Variables	N° Ind.Var into Cohort Point by Dimension	N° Unmatched Ind.Var. UK	N° Unmatched Ind.Var. Chile	Total Unmatched Ind.Var.	% by Differentiation
Informational Dimension =23	15	4	3	7	46.67
Organisational Dimension=27	17	5	6	11	64.71
Legal Dimension=16	13	3	3	6	46.15
Total	45	12	12	24	

Furthermore, regarding aim N°7, considering as an analysis’ criterion the percentage or the overall number of variables that achieved a high impact factor and were also equally common in both case studies, it was noticed, as is shown by the table below, that the largest number of independent variables was concentrated on the legal and informational dimensions. These legal and informational variables, being common factors to both case studies, constitute elements of homogeneity, to which higher education institutions, have

assigned high ratings in importance, magnitude, permanence and reversibility. It might be possible to confirm that a condition of homogeneity was found for two dimensions of the model: the informational dimension and legal dimension. Nevertheless, and considering the number of independent variables grouped by differentiation, it might also be possible to confirm that such 'homogeneity' is not dominant over 'differentiation', for the analysed case studies. This is because the number of variables by differentiation was 24 and by similarity it was 21.

Table N° 6.10: Comparison table by Case Studies Similarity for Independent Variables, and Dimension

Model's Dimension	N° Ind.Var by Dimension into	N° Matched Ind.Var. UK	N° Matched Ind.Var. Chile	Total Matched Ind.Var.	% by Similarity
Informational Dimension =23	15	8	8	8	53.33
Organisational Dimension=27	17	6	6	6	35.29
Legal Dimension=16	13	7	7	7	53.85
Total	45	21	21	21	

With regard to aim N°8 and having concluded the compliance appraisal with the FOIA2000 in HEIs in the UK, 18 out of 23 independent variables –78.26%– of the informational dimension were placed at the top of the ranking at country level, with compliance levels between 95.83% and 50%. By applying the content analysis approach, these independent variables can be grouped into two facets, (1) one facet has linkage to performance factors and (2) the other facet has a connection to enabling tools to boost and foster compliance with the legislation. FOIA Officers identified 13 informational variables connected to 'performance factors', as follows: (1) Requests received, (2) Requests response time, (3) Information disclosed, (4) Requests refused/denied, (5) Requests replied, (6) Requests response time, (7) Requests analysis and processing, (8) Requests processing time, (9) Requests response quality, (10) Requesters/requestors categories, (11) Requests categories, (12) Publication schemes use, and (13) Information released. There were 5 interdependent variables connected with the second facet, and they were identified as (1) Sensitive information, (2), Information transference mechanisms, (3) Information availability, (4) Classification schemes, and (5) Information request managing system

About aim N°8 and having measured compliance levels with the Act 20.285 in public universities in Chile, it was verified that 18 out of 23 independent variables –78.26%– of the informational dimension were placed at the top of the ranking at country level, with compliance levels between 91.78% and 50%. By the content analysis approach, these independent variables were grouped into two facets, (1) one facet has is related to performance factors and (2) the other facet has links to enabling tools to enhance and support compliance with the legislation. Public Officers identified 11 informational variables connected 'performance factors', as follows: (1) Information disclosed (publication scheme), (2) Requesters/requestors categories, (3) Requests categories, (4), Requests

refused/denied, (5), Requests response time, (6), Requests replied, (7), Publication schemes use, (8), Requests received, (9), Requests analysis and processing, (10) Requests processing time, and (11). Information released. There were 7 interdependent variables connected with the second facet, and they were identified as (1) Classification schemes, (2), Access to digital information, (3) Sensitive information, (4) Information transference mechanisms, (5) Information request managing system, (6) Information availability and (7) Records management standards.

Regarding aim N°9, and having examined and assessed how critical organisational constructs or variables help to ensure compliance with legislation on access to information in public higher education institutions for the UK case study, 11 out of 27 independent variables –40.74%– of the organisational dimension were placed at middle positions of the ranking at country level, with compliance levels between 62.50% and 50%. Examining these independent variables by content analysis, they can be grouped into two facets, (1) one facet has linkage to managerial mechanisms and (2) the other facet has connections with involvement factors to improve compliance with the legislation. Freedom of Information Officers in the UK identified 8 organisational variables connected ‘management factors’, as follows: (1) Transparency mechanisms, (2) Disclosure Policy, (3) Access to public information policy, (4) Information request monitoring mechanisms (5) Accountability mechanisms, (6) Exemptions guidelines, (7) Requests processing cost FOIA, and (8) Response requests mechanisms. There were 3 interdependent variables connected with the second facet on involvement factors, and they were identified as (1) Leadership commitment, (2) Political support, and (3) Advocacy mechanisms and groups FOIA.

Regarding aim N°9, and on compliance assessment for the Chilean case study, 16 out of 27 independent variables –59.25%– of the organisational dimension were similarly placed at middle positions of the ranking at country level, with compliance levels between 75% and 50%. Examining these independent variables by content analysis, there were 14 variables grouped into the facet on managerial mechanisms, identified as follow: (1) Transparency mechanisms, (2) Information request managing system, (3) Records management standards, (4) Training plan and programme Act 20.285, (5) Corporate and action plan Act 20.285, (6) Exemptions guidelines, (7) Response requests mechanisms, (8) Requests processing cost Act 20.285, (9) Disclosure Policy, (10) Information request monitoring mechanisms, (11) Compliance assessment mechanisms Act 20.285, (12) Fees regime and mechanisms Act 20.285, (13) Accountability mechanisms, and (14) Communication strategy and mechanisms Act 20.285. Independent variables in connection with the ‘involvement factors’ facet, and identified by Chilean Public Officers responsible for the Act implementation were (1) Leadership commitment, and (2) Political support.

With regard to aim N°10 which was looking at how critical legal constructs or variables help to ensure compliance with legislation on access to information in public higher education institutions, and having concluded the compliance assessment for the UK case study, 9 out of 16 independent variables –56.25%– of the legal dimension were placed at the top and middle positions of the ranking at country level, with compliance levels between 79.17% and 50%. Applying the content analysis, these independent variables can be grouped into the facet ‘compliance provisions’ as follow: (1) Exemptions –qualified and absolute, (2) Disclosure provisions, (3) Appeal mechanisms and process, (4) Timeframe regime, (5) Information request statutory requirement, (6) Publication scheme provisions, (7) Complaint mechanisms provisions, (8) Public interest test, and (9) Decision notices.

By contrast, with regard to aim N°10, within the legal dimension, the number of independent variables placed at the top and middle positions of the ranking at country level in Chile were 14 out of 16, which represents 87.50%. By descending order, the top achievements in term of compliance levels were achieved by the following variables, (1) Disclosure provisions, (2) Duty to publish, (3) Information request statutory requirement, (4) Appeal mechanisms and process, (5) Public interest test, (6) Proactive disclosure provisions, (7) Legal assistance, (8) Decision notices, (9) Publication scheme provisions, (10) Exemptions –qualified and absolute–, (11) Non-compliance provisions, (12) Transferring request provisions/referrals, (13) Timeframe regime, and (14) Information request fees regime. These further conclusions might suggest that, when assessing compliance, measured under performance criteria over the three year period, higher education institutions do what the legislation requests, with good and moderate achievements in terms of results.

As it was validated through the data analysis for the two case studies, the number of FOI requests to countries differ considerable in terms of amount, but not in term about what was the meaning and finding that the outcomes revealed. Possible reasons to explain differences in the amount of request received by HEIs would be the public sector size as the time frame horizon of the legislation enactment and implementation. What the findings on the number of FOI requested interestingly revealed was some common features about (1) a low annual rate but an increasing demand rate over the last three years, and (2) a high level of compliance when performing request replied. A disparity was nevertheless found when comparing the refusals rate. A percentage of 20.87% scored by HEIs in UK and 13.07% by public Chilean HEIs, support this finding. We suggest that such disparity has connection with the fact that findings on ‘exemptions’ showed that in UK the predominance was the application of section 12 on excessive cost for compliance and in Chile the legislation do not consider such provision. Therefore to similar provisions, we found similar results and to different provisions, different results.

Although greater detail of the conclusion of this research aims and purposes were given in the previous section, the reported findings about FOI can also have lessons for the systems and legal regimes: (1) more generally what was basically validated is the idea that what matters for compliance does not have the same effect for impact. Compliance is highly focussed on administrative issues which are highly influenced by the boundaries of the Act's provisions and the degree of willingness to behave according to the spirit of the legislation on proactive disclosure. (2) The public sector is complex not only because of the dynamic of internal and external linkages and relations, but also due to its bureaucratic features. Public sector organisations are intensive data and information producers, so compliance with the legislation is significantly impacted by the information management standards used when implementing the legislation. The Act has compulsory decisions on disclosure and release of information which are difficult to take unless criteria for records management have been put in practice from the beginning. (3) Impact is a complex construct, with not only 'consequences' traits, but also 'causal' attributes. For these dynamic systems under a managerial paradigm, which challenges transparency, accountability, and proactive disclosure of information, it was clear that 'leadership commitment' were highly weighted for the UK and Chile. (4) What these findings add to existing knowledge is that impact and compliance are variables strongly dependent on external and contextual issues, but also on the nature of the 'content' of the information held by the public sector. The Act then behaves as a membrane to keep the power boundaries between the Establishment and the citizens in an apparent 'open society'.

Meijer's (2013) work on complexity in FOI systems, and Kreimer's (2004, p.1015) paper assessing the impact of the US transparency regime on the "Global War on Terror", suggest that transparency and access to public sector information does not produce a perfect information environment. To Kreimer, 'each group of critics misconceives important normative and practical issues', under different transparency and FOI systems. Recognising such restrictions, Kreimer argues that that 'FOIA must be understood as functioning within a broader ecology of transparency. As part of that system, it has done underappreciated service in the past half-decade and partakes of virtues of resiliency and efficacy that should be acknowledged and preserved'. However, for him, the possibility of having access to information about at least a portion of what the public sector does and how, instead of nothing, seems to be valuable.

Building on the eco-system conceptualisation of FOI proposed by Kreimer, recent studies have contributed another perspective focused on behavioural ideas and assumptions which has emerged from the 'principal-agent model', where public engagement is an inspiration to bring about transparency reforms. Bauhr and Grimes (2014, p.292) argue on the positive

effect of information in transparency, quality government, societal accountability, institutional trust, political involvement, and political interest. They reported that the implications of transparency for 'societal accountability' in investigating levels of corruption may set up 'indignation or resignation' among citizens.

More fundamentally they examined contentions about 'how the increased availability of information on government performance actually may influence collective action and mobilization, and what role these reactions might play in promoting accountability'. According to Bauhr and Grimes (2014, p.293-294) 'in the principal-agent model, information asymmetries present the primary obstacle that prevents principals from monitoring and holding agents accountable'. This means in theory that 'an effective flow of information regarding policy outcomes can empower and equip legislative assemblies and executive offices to investigate suspected resource leakage and waste in public administration'. This research found that in practice 'access' to such information does not guarantee that public institutions as oversight bodies are going to investigate or redressed such irregularities, even though 'access' is not shaped by the exemptions to release sensitive information. Bauhr and Grimes (2014, p.294) reported that 'accountability requires that public officers are willing and able to exercise accountability on a routine and politically neutral fashion', and they conclude that 'information about abuses and misconduct will prompt the same civic response regardless of the extent of abuses revealed or the viability of accountability mechanisms available for citizens to sound alarms'. Since 'the public cannot exercise any form of accountability directly', in this research it was found that significant variables in compliance conditions need to be fulfilled in order for transparency to produce the expected benefit of accountability.

In addition, Bauhr and Grimes (2014, p.296) found that 'information may have differential effects on citizens' attitudes and behaviour depending on the characteristics of—and the norms that permeate—the institutional context'. Apart from the dimension of particular contexts, in this thesis it was found that the possible effect of information on the public depends on the specific features of the information disclosed.

Assessing three hypotheses to examine the relationship between information, corruption and (i) political participation, (ii) political involvement, and (iii) institutional trust, Bauhr and Grimes (2014, p.296-304) reported that 'more information can, under favourable circumstances, increase political participation, and perhaps in particular electoral participation'. They also reported that 'rather than mobilizing interest in collective efforts to bring about change, receiving additional information about government affairs may, where corruption is pervasive, instead breed disillusionment and political apathy'. Besides, the study suggested that 'more information may undermine trust in well-functioning policy settings'. This is in line with one

conclusion of this thesis, that large amounts of additional information made available through publication schemes and disclosure logs by HEIs is only occasionally accessed or used, possibly because it is about routine, corporate relationships, or administrative issues. Under legislation on access to public sector information, records, data, files or information on how strategic decisions are discussed or taken, are mainly protected by exemptions or by special laws. In some cases such restrictive provisions expire after 30 years.

On political involvement Bauhr and Grimes (2014, p.305) studied whether 'greater access to government information incites citizens to take action to express grievances'. The analysis reported concurrence with those regarding political interest, and to this thesis a possibly inquiry would be how to expect that citizens or information requesters may take actions or grievances considering content features of the information released?.

On institutional trust Bauhr and Grimes (2014, p.307) reported that 'the role of information in strengthening trust in government, defies simple theoretical modelling', concluding that 'transparency tends, if anything, to show a negative relationship with institutional trust'. This thesis is not able to conclude on such a relationship because institutional confidence was not validated as independent variable. Instead this thesis measured the impact of transparency mechanisms, and found that the relationship between transparency and trust is complex because of the boundaries of transparency mechanisms. Information disclosure under legislation on access to public information mostly shows the friendly or clean face of government affairs, and this is no doubt sufficient to strengthening trust in government. In concurrence, therefore with Bauhr and Grimes's (2014, p.310) findings; this thesis reports that unless transparency reforms are implemented along with other institutional assets, 'transparency alone cannot be expected to ignite a broad and general process of public or societal accountability'.

6.4. Research Results Projection

6.4.1. Shortened model

The conceptual model was created and validated to be used to conduct a comparative analysis of the complex dynamics of two case studies on 'impact' and 'compliance' with legislation on access to public sector information. The research problem, questions, and aims formed the framework for the research design and analysis. The conceptual model was designed to be applied to the case studies. The cases were selected as being different in terms of policy domains, level of government, time frame horizon of enactment, cultural issues, and its relevance in term of scope. The two cases achieved representativeness as comprehensive and detailed insights from the 66 independent variables analysed. Both

cases have been studied extensively over the last three years. Hence, they can be used to show how an international standard with common patterns on transparency have elucidated different uncertainties in HEIs sector.

For the conceptual model design, the literature review was conducted to find out and select the independent variables. As explained in Chapter 2, qualitative and quantitative content analysis was applied through purposive sampling to 76 relevant papers published by 110 authors in high impact journals during the last ten years on freedom of information act, access to information, transparency and freedom of information act, and public sector information. Research results were analysed to examine common practice in the concept usage and understanding for the constructs 'impact' and 'compliance'. The content analysis codebook encompassed a database with 1.727 inputs, which were ranked by frequency of recurrence.

Underpinning concepts for the 'impact' construct encompasses (i) objects, (ii) consequences, (iii) motivations, and (iv) dimensions. Underpinning concepts for the 'compliance' construct encompasses (i) agents, (ii) operations, (iii) motivations, and (iv) dimensions. From the literature review these dimensions were described, associated or connected to refer to specific 'contexts, which were categorised or classified under three specific dimensions'. From the analysed dataset, and considering the subject or content covered by the concepts, faceted classification was applied to classify them into three categories identified as 'dimensions'. The *informational dimension* of the model refers to constructs related to principles, and operations, procedures and processes. The *organisational dimension* refers to constructs related to management mechanisms, guidelines and standards and resources. The *legal dimension* of the model refers to constructs related to legal provisions on restrictions, operations, procedures and processes.

The conceptual model has five propositions which define its rationale, reasoning and foundations drawn from the literature review. Proposition 1: 'compliance' and 'impact' are complex constructs; the complexity results from their multidimensional meanings. Proposition 2: the constitutive elements of the conceptual model are related to their nature and functions. Since 'impact' and 'compliance' refer to different constructs, these basic elements have therefore distinct roles, purposes, and features. Proposition 3: selection and operationalisation of variables depends on what kinds of relationships exist between independent and dependent variables in a specific dimension of the conceptual model. Proposition 4: selected and defined variables from the informational, organisational, and legal dimension have relationships between themselves, and also relationships with 'impact' and 'compliance'; these relationships can be identified or established. Proposition 5: the outputs and outcomes of the conceptual model can be analysed in terms of the practical

interaction of the basic concepts in the model. If different concepts are combined in different ways and with different degrees of relevance in different contexts, then the outcomes also vary.

The expert panel methodology was applied to conduct the validation process of the conceptual model proposal, and it was compared with the internal validity process applied through content analysis. This approach had two steps: (1) the validation of operational definitions for impact and compliance, and (2) the validation of the inclusion of criteria for the selected independent variables, applying a 'quality' criterion defined by 'importance'. Decisions on 'importance' –expert panel approach- and 'frequency of recurrence' –content analysis- were examined and assessed to define the prevalence of one over another, applying the weight function procedure to equally evaluate all of them. The procedure to conduct this assessment was set considering :

- (4) 50/50: 50% Importance and 50% Frequency of Recurrence
- (5) 70/30: 70% Importance and 30% Frequency of Recurrence
- (6) 30/70: 30% Importance and 70% Frequency of Recurrence

After the validation process 66 variables were selected to be included in the questionnaires for impact and compliance measurement. As is described in Chapter 3, 4, and 5, the research considered a procedural innovation to the Pastakia's RIAM for impact factor assessment, and statistical analysis for compliance assessment. Through pivot tables, independent variables results were ranked to test and validated the research hypotheses.

6.4.2. Research Contribution and Projection

Since the legislation on access to information held by public authorities has been passed and completed its implementation phase, government agencies are most likely seeing new forward-looking tools or models to examine the legislation, and to provide feedback for legal provision amendments. These needs for impact and compliance assessment suggest an ongoing endeavour is required in terms of research. But what should it examine and how? The research problem examined by this thesis encompassed the analysis of the key variables 'impact' and 'compliance', under a comprehensive approach in terms of discipline, language, geographic and temporal scope. As any assessment process has to deal with the complexity of relations between the kind of variables, the research purpose and achievement was to design, validate, and apply a model under a systemic, systematic, and holistic approach, from which to examine such variety and complexity of relationships between variables.

The model's contribution is therefore to seek to reduce the gap between assessments focused on particular aspects defined by methodological boundaries, and to include complexity as an underlying ethos. From a technical point of view, the model's contribution is a comprehensive and logical base mapping of contextual data, better data integration, systematic information processing, support for analytical capabilities, and integrity of data analysis, and cost saving in data analysis. Since efficiency and effectiveness in a dynamic context is a key issue, the Pastakia's RIAM has proved to be useful to distinguish and measure the complex construct of 'impact' in the realm of information rights. As 'compliance' encompasses a performance ethos, this research applied basic frequency statistics to assess the independent variables of the model. Further research applying other statistical approaches might give more insights on the findings of this research.

With regard to the question how to transfer the assessment of impact and compliance to other public authorities under the legislation, the proposed model to assess the impact of and compliance with the legislation on access to information was primarily applied to higher education institutions. But because the model encompasses different backgrounds, knowledge, and know-how derived from experienced authors, researchers and experts, its quality of exhaustively and inclusiveness would be a motivation to apply the model to conduct further research in other (1) countries, (2) agencies, (3) domains or (4) fields of interest for public authorities.

APPENDIX LIST

Appendixes are included in the CD or electronic version of the thesis

Nº1	Research Plan Gantt Chart
Nº2	Content Analysis Database
Nº3	Expert Panel Invitation and Task Letters
Nº4	Questionnaire Nº1 Informational Dimension Case Study 1, UK
Nº5	Questionnaire Nº1 Informational Dimension Case Study 2, Chile
Nº6	Questionnaire Nº2 Organisational Dimension Case Study 1, UK
Nº7	Questionnaire Nº2 Organisational Dimension Case Study 2, Chile
Nº8	Questionnaire Nº3 Legal Dimension Case Study 1, UK
Nº9	Questionnaire Nº3 Legal Dimension Case Study 2, Chile
Nº10	Impact Assessment Independent Variables. RIAM Case Study 1 UK
Nº11	Impact Assessment Independent Variables. RIAM Case Study 2 Chile
Nº12	Compliance Assessment Independent Variables. SPSS Databases and Statistical Analysis for Case Study 1, UK
Nº13	Compliance Assessment Independent Variables. SPSS Databases and Statistical Analysis for Case Study 2, Chile
Nº14	Expert Panel Tasks 1-2
Nº15	Expert Panel Task 1-2 Database and Statistical Analysis: pivot tables and weight function
Nº16	Higher Education Institutions, HEIs in UK Database
Nº17	Statistical Analysis Case Study 1 UK, JISC and Thesis Surveys
Nº18	Statistical Analysis Case Study 2 Chile, Thesis Surveys

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through this purposive sample of 76 high impact journal paper, content analysis and faceted classification was applied as basis for the conceptual model design.

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