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Freedom of Information Laws: Evolution of the Number of Requests in 11 Jurisdictions

Today, transparency is at the top of most governments' agenda. Their action is conducted under the increasing scrutiny of the general public, the media, and specific interest groups. Transparency and accountability, as crucial components of good governance, are concepts that have attracted much interest from various international institutions as well as the media and the academic community. Since it remains extremely difficult to provide a clear definition of transparency, this paper focuses on a particular way to address the issue of open government: Freedom of Information (FOI) laws.

First of all, the evolution of the number of countries that have adopted FOI laws will be described, taking into account the different existing counts and sources. Secondly, regional trends will be identified and a historical map will be provided. Thirdly, the evolution of the number of requests (both in absolute and relative terms) will be addressed in a comparative perspective in 11 jurisdictions. The next sections concentrate on the common features of the FOI laws, the origin of the requesters, and the public bodies that receive the largest amount of complaints in all jurisdictions when such data are available. The second part of this paper is centered on case studies, providing detailed data about FOI requests in all 11 jurisdictions. Eventually, paths for future research will be presented, based on our findings.

In sum, this article aims to:

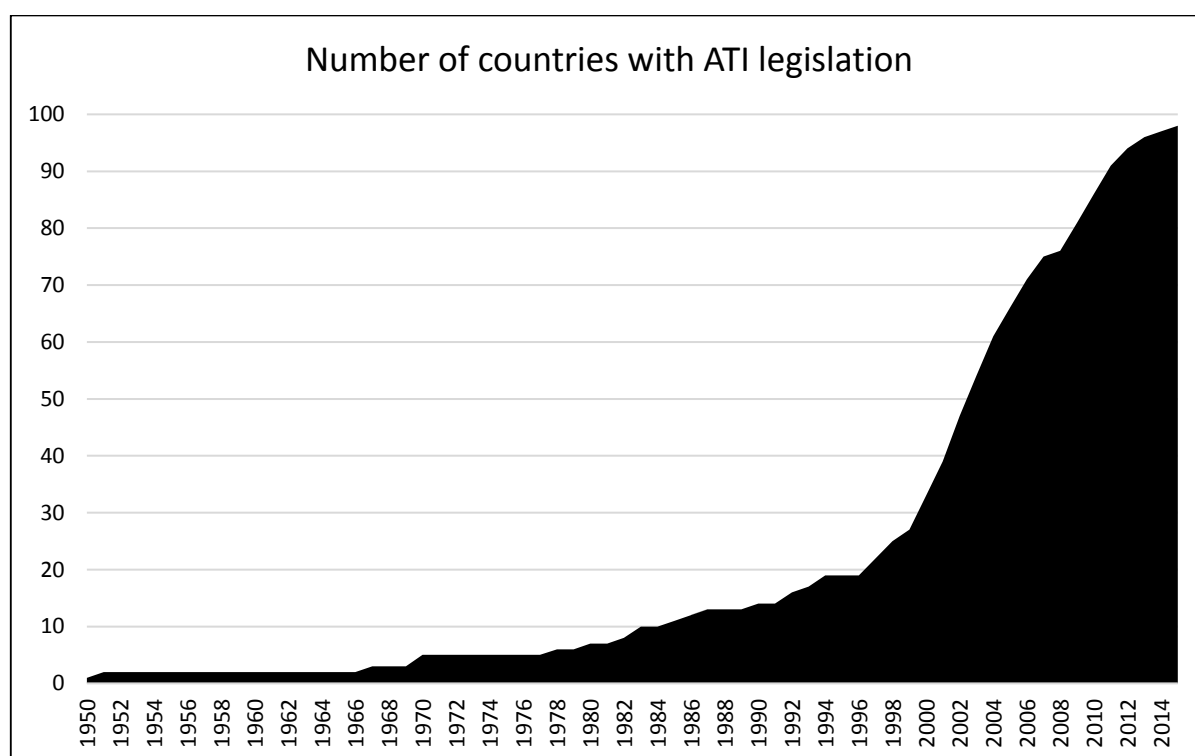
- Give an updated overview of all jurisdictions that have adopted a FOI act so far;
- Provide a comprehensive database of FOI requests in 11 jurisdictions;
- Show different characteristics of FOI in all jurisdictions through case studies;
- Suggest possible ways to address FOI in a comparative perspective;
- Present various paths for future research in the field according to regional trends.

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Introduction

If a growing number of countries have passed freedom of information (FOI) laws in the last few years, some states had already adopted such a legislation before the 1990s, including the United States in 1966, Australia, New Zealand, and Canada in 1982/83. Sweden has played a pioneering role in voting the first freedom of information law in 1766. It has been followed by Finland almost two centuries later, in 1951. FOI laws have doubled between 1996 and 2001, and tripled in 2004. A decade later, Paraguay became the 100th country to pass an access to information legislation according to McIntosh (2014). Graph 1 below shows the evolution of the number of FOI laws (or equivalent) since 1950, taking into account the year in which the Freedom of information (FOIA) came into force. The graph is based on data collected by Vleugels (2012), Sharma (2015), and Banisar (2015).

Graph 1. FOI laws (1950-2015)



Different counts

This classification is subject to intense debates about what constitutes a FOIA, because countries strongly differ in addressing freedom of information. As a result, researchers often disagree about what really counts as a law. Moreover, access to information legislation in some states may look nice on paper but remain ineffective in practice. Should they still be considered as FOI laws and be counted? Since it proves difficult to assess the efficiency of such legislation, and given the fact that most laws

are recent, this issue will not be addressed here, even though we agree that another research may attempt to classify FOIA according to their level of enforcement and efficiency. Another reason explaining the different tallies among scholars and practitioners refers to the legislative process: is the law in effect or not? Banisar (2015) has created a map, which includes four categories:

- Jurisdictions with a comprehensive national law enacted (e.g. Western Europe, North America, Mexico, Brazil, Russia, India, Japan, Australia, and New Zealand);
- Jurisdictions with a national regulation enacted (e.g. China, Honk Kong, Pakistan, Argentina, Niger, and Tunisia);
- Jurisdictions where there is a current or recent initiative to enact law (e.g. Vietnam, the Philippines, Saudi Arabia, Morocco, and Namibia);
- Jurisdictions where there is no law or no pending effort (e.g. Belarus, Cuba, Venezuela, Algeria, Iran, Malaysia, and Madagascar).

Tallies also vary because definitions of what a country is depend on researchers' perspectives. For instance, shall Hong Kong be considered as a country? What about Scotland? Shall it be counted as an individual country or as part of the United Kingdom? The Scots have their own Information Commissioner and keep a record of all requests made since 2002. Honk Kong, the Cayman Islands and Bermuda are included in Banisar's study (2015), since they form self-governing jurisdictions, a phrase used for territories "that have a level of independence but are not fully recognized members of the United Nations" (Freedominfo.org, 2012). Finally, narratives also differ from case to case. For instance, Sharma (2015) argues that "prior to 1950, only two countries – namely, Sweden and Colombia – had such a law [...] the Colombian case remains a bit of a mystery, at least in the literature and resources available in English". According to Vleugels' list (2012), Colombia adopted an FOIA in 1985, which entered into force the same year. The law ordering the publicity of official acts and documents has been revised in 1998, but there is no mention of a pre-existing legislation as described by Sharma (2015).

Since definitions and fields of application strongly differ from country to country, the exact count will never be reached and will always depend on the dimensions taken into account. A comparative research is nevertheless possible if the focus shifts towards historical paths. Such a comparison is centered on the evolution of requests in a certain number of countries where the law has been enacted for more than ten years and statistics are made available. Data will be provided in the last section of this paper.

Regional trends – not only geographical, but political and historical

If FOI laws have now flourished almost all over the planet, it seems possible to notice trends on a regional basis. From a geographical point of view, the largest North European countries have adopted FOIA early, with Sweden at the top of the list, long before all other states. Finland is second, while Denmark and Norway, which passed a law in 1970, are among the top 5 countries according to Vleugels' list (2012). The United States are the exception here: the country ranks third (FOIA came into force in 1967). However, former British dominions also belong to the top 10. Australia, New Zealand and Canada have all voted a FOIA in 1982. Many Western European countries also adopted access to information laws in the 20th century, including France and the Netherlands already in 1978.

Before 1985, the trend shows that Scandinavian countries are pioneers in the field of freedom of information, and they will later play a leading role in the reforms conducted within the European Union (Ziller, 2014). We can see here a clear geographical trend, although Sweden had passed a law in 1766, more than 200 years before Denmark and Norway. In the United States, reasons for the emergence of FOIA are linked to the growing pressure of some legislative members, soon supported by the American Society of Newspapers Editors. All struggled for more public review of executive agencies in the context of the Cold War. However, campaigns for the citizen's right to know began in the American colonies in the 17th century, echoing those waged in England and more generally in Western Europe (Foerstel, 1999). Apart from France and the Netherlands, there is also a cultural trend to be observed in this period: the development of FOIA in the former British dominions. Following the American trend, the movement started in Canada in the late 1960s in the eastern part of the country, where universities called for more transparency. In the mid-1970s, it was supported by journalists' associations. In this case, there is also a regional and cultural pattern, since the Canadian FOIA is widely inspired by the U.S. one (Comeau, 2013). Australia and New Zealand also adopted a FOIA in 1982, and had the same preoccupation, which was the preservation of the Westminster system (Hazell, 1989). At the same time, both countries, together with Canada, put forward the same general objectives and shared a surface similarity. However, the development of FOIA presented large differences in the two countries. While the Australian experience was based on a response to an external reformist group, access to information in New Zealand originated in a circle of "informed insiders developing a model that was acceptable to the political and bureaucratic leadership" (Snell, 2000).

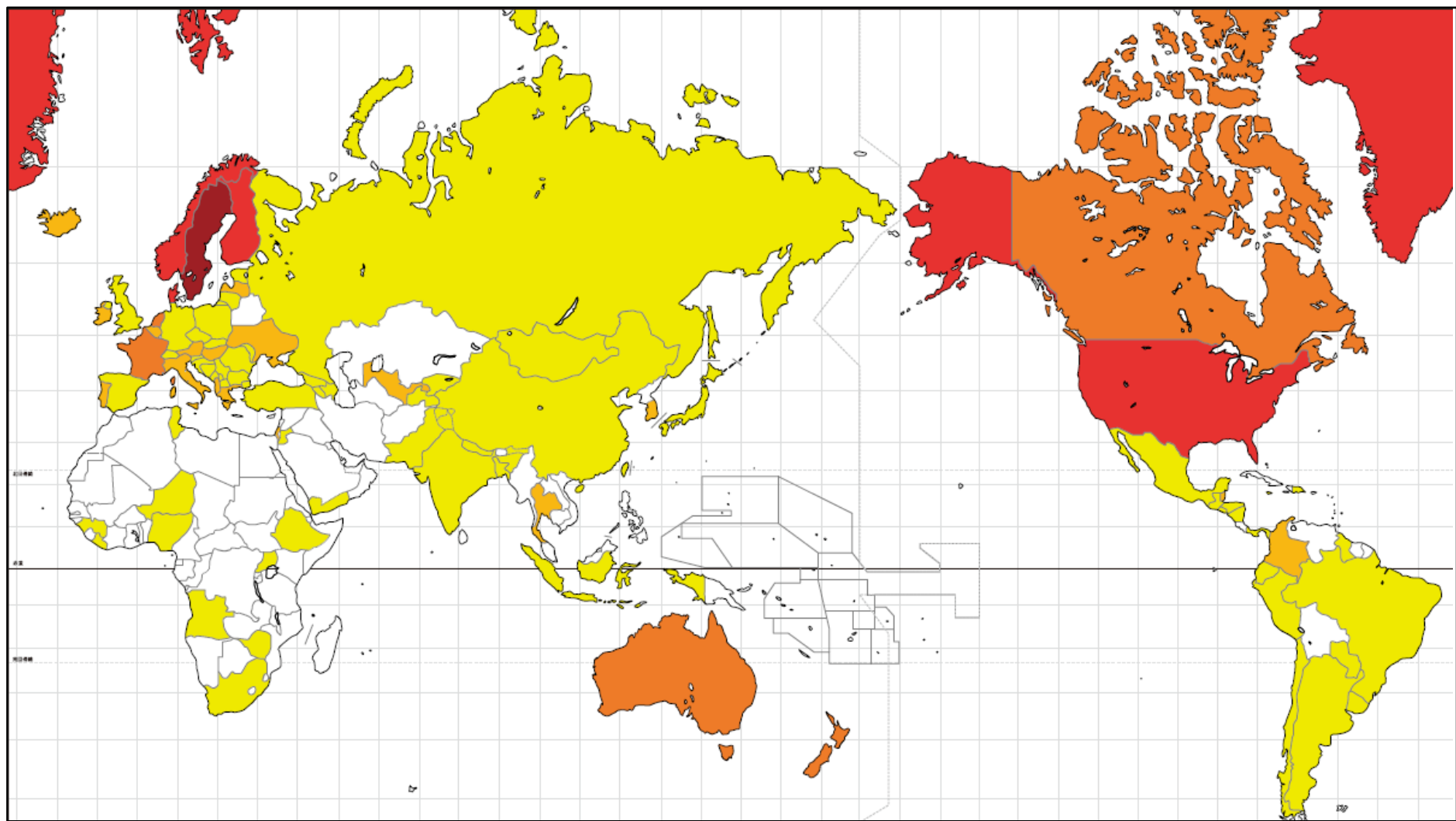
In 1985, Colombia voted a law on the publicity of official acts and documents, supplemented in March 2014 with the law on transparency and the right to have access to national public information (*Ley de transparencia y del derecho de acceso a la información pública nacional*). With respect to freedom of information, Colombia was a leading country in South America already in the 19th century, when it passed the Political and Municipal Organization Code in 1888, which allowed citizens to submit

requests to governmental bodies about public information (Torres, 2012). Once again, Colombia was a pioneering country in the 1980s, the next state on the continent to adopt a FOIA being Peru 17 years later (although the law came into force in 2003).

Multiple Western European countries then passed a FOIA between 1986 and 1997, but some laws remain partly functional (e.g. Italy, Greece, and Spain). This remark explains why some of these countries are not ranked among the states that have adopted a FOIA and still strongly depend on the author's point of view of the rankings. At the same time, the fall of the Soviet Union led to the early adoption of FOI laws in Hungary and Ukraine (in 1992), and subsequently Uzbekistan in 1997. All other former Soviet states followed this path between 1998 (Latvia) and 2007 (Kyrgyzstan). Russia voted a federal law on providing access to information in 2009, which came into force the year after. Belarus remains the exception in this area. Starting with Belize in 1994, Central America has witnessed the quick spread of access to information legislation across the region. External pressures have here played a great role, since recommendations from the World Bank and the Organization of the Americas, especially against corruption, have prompted the adoption of FOI laws in 6 countries between 2001 and 2004 (Banisar, 2006).

In Asia, Thailand was the first country to adopt the Official Information Act in 1997. South Korea followed the next year, and Japan in 2000. It seems difficult to assess the efficiency of these laws, while India has created a more solid legislation, now widely used in the whole country (see the requests section below). Launched in 2005, the Right to Access Information (RTI) Act resulted, according to the dominant narrative, from an exclusively "home-grown" process. This interpretation "has thus allowed the Indian experience to be produced as a rare bottom-up process in stark contrast to the ubiquitous top-down processes that have typically informed the growth of FOI legislation in other countries" (Sharma, 2015). However, international influences have certainly played more than a peripheral role, again stressing the importance of regional and international trends, more particularly from a political and historical perspective. Several other Asian countries have then adopted similar laws (Nepal, Bangladesh, and later Indonesia). Hong Kong is also often counted as a jurisdiction with a FOIA, but its situation is subject to change according to (geo)political events.

Finally, in spite of external pressure, the process remains slower in the rest of the world. Israel (1999) and Jordan (2007) are the only countries to have adopted a FOIA in the Middle East, while a few African countries, disseminated across the continent, have taken measures as part of a more global effort to reduce corruption. Of course, their efficiency vary from country to country, which is the case in the rest of the world, but the polarization seems stronger in Africa, especially if South Africa, which has a very progressive law, is compared to Zimbabwe. The map below summarizes the trends described above.



- Sweden: Freedom of the press Act was adopted in 1766
- Countries in which FOIA came into force in the period 1950-1977
- Countries in which FOIA came into force in the period 1978-1984
- Countries in which FOIA came into force in the period 1985-1999
- Countries in which FOIA came into force in the period 2000-2015
- Countries with no pending or not known FOIA

The evolution of requests submitted to public authorities

The volume of requests received by national administrations form a relevant aspect of FOI because they give an indication of the laws' efficiency. Of course, other indicators should be taken into account in any quantitative study on access to information, but the usage of the law provides an interesting dimension. In this section, requests from 11 jurisdictions will be compared and a general comment on the evolution of requests submitted to public bodies will be provided. The origin of the requests is of crucial importance because they give an idea of the usage of the law, of the requests' purpose, of the involvement of the general public and, in some cases, of the political use of this right. Unfortunately, many states do not maintain a record of all complaints received and processed, and most often do not present any information about the requesters. It is the case in New Zealand (see Annual Report 2014/2015 of the New Zealand Ombudsman Office) and Canada in recent years.

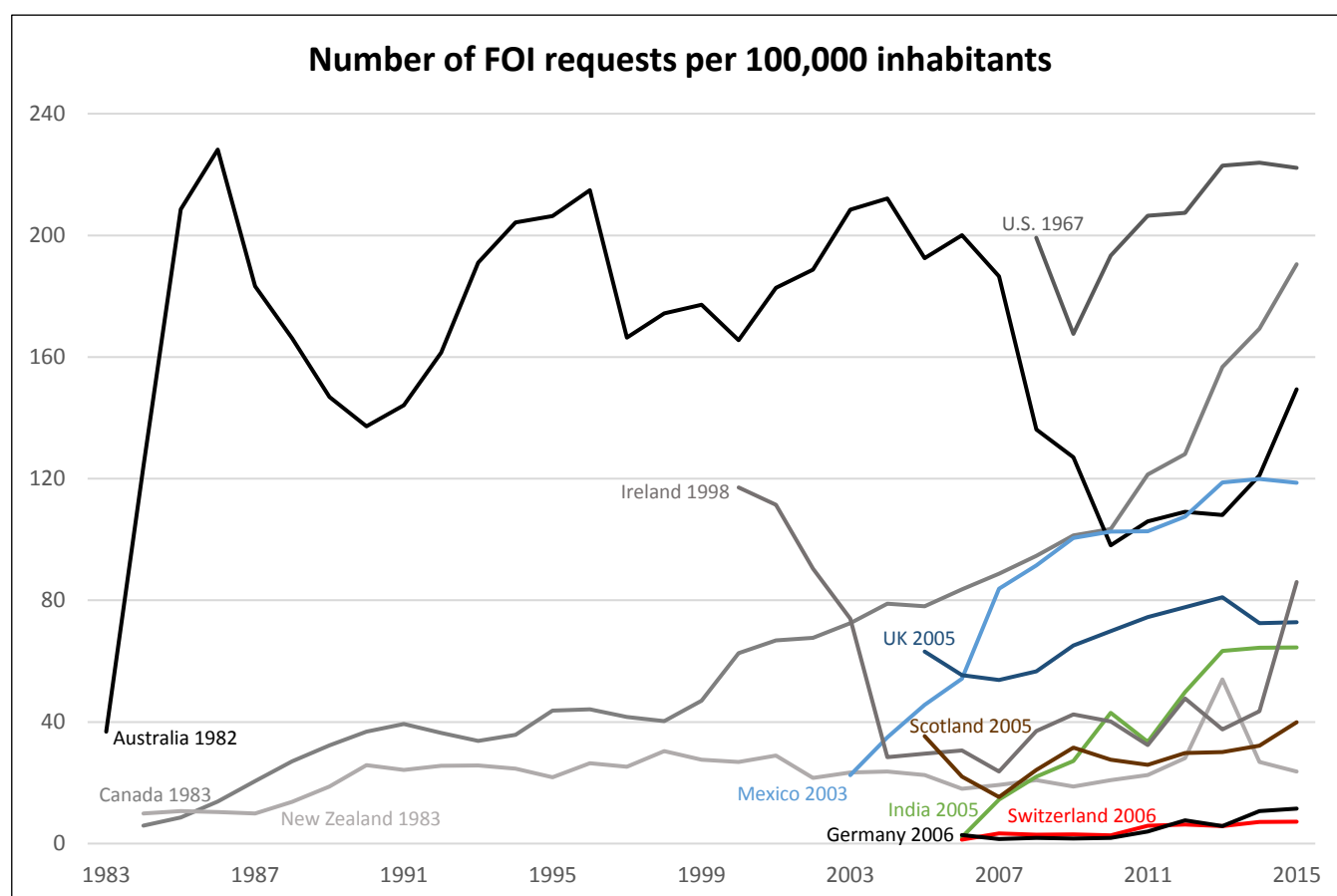
Graph 2 below shows the evolution of FOI requests submitted to national authorities since the enactment of the law in all selected jurisdictions. The more or less recent history of FOI in a given country certainly play a role as mentioned by Holsen and Pasquier (2011). The graph should be analyzed cautiously, since data vary according to the type of requests considered. Details about the exact count will be provided hereafter in sections dedicated to each state. Data from the United States dramatically change after 2007 (the different count will be explained below). As a result, in spite of the early adoption of the FOIA in the U.S. (it came into force in 1967), only figures published after 2007 will be presented in the graph. There are similar problems with Ireland. Countries with available data (at least for the author) have been selected for this comparative study. Annual reports, academic articles and contacts with the Ombudsmen offices and other national authorities in charge have enabled us to gather all these data, following a first effort from Pasquier (2011).

All jurisdictions have in general experienced an increase in the volume of requests submitted to the national authorities. One can also notice that the total number of requests is higher in countries that have adopted a FOIA quite early, as it is the case in Australia, Canada, and the United States. New Zealand is an exception here, but once again the graph should be considered cautiously. Figures for New Zealand refer only to complaints received during the year under the Official Information Act, a distinction that is not always done in other countries because of a totally different system, a different type of counting or a lack of resources to publish more detailed reports. In New Zealand, access to information is ruled by several laws (Ombudsmen Act, Official Information Act, Local Government Official Information and Meetings Act, etc.). If all matters would have been taken into account, the graph would look completely different: indeed, the total amount of complaints (under all existing acts), other contacts and monitoring activities peaks at 12,151 in 2014/2015 (see Annual Report 2014/2015 of the New Zealand Ombudsman Office). There are also partial data in some cases. For instance, figures

for FOI activity have not been supplied by the Irish Defense Forces in 2002. Details about all jurisdictions will be presented in separate sections later.

In spite of the general trend towards more requests since the implementation of FOI laws in the 11 jurisdictions included in our study, one can also notice that the evolution is not linear. For instance, Australia has witnessed a massive increase of complaints in the early 1980s, followed by a sharp decrease in the late 1980s, and then again in the late 2000s. Reasons for this evolution has not been fully explained so far. More recent experiences show contrasted results. While FOIA remain not very popular in Switzerland and Germany, the opposite is observed in Mexico and India, where the volume of requests is now substantial – 150,595 in Mexico and 845,032 in India in 2015. After a successful first year, Scotland has experienced a decrease of complaints until 2015, when an unprecedented total amount of 2,155 was reached. Finally, complaints have also risen in the United Kingdom, though not in a linear fashion, and have remained more or less stable over the past two years. Graph 2 presents a comparative perspective on requests submitted under FOI laws (per 100,000 inhabitants).

Graph 2. Evolution of FOI requests (1982-2015)



The increase of requests can be analyzed through absolute numbers, taking into account the year in which the Act came into force and the last data available (2015). However, figures for the U.S. are not

based on requests received in 1967; 2008 becomes the reference year here due to a change in the counting method which affects considerably the total amount of complaints. Furthermore, statistical periods are not determined in the same way in all jurisdictions, but as follows:

- In Germany, Ireland, Mexico, Scotland, Switzerland, and the UK, the reference period is the calendar (Gregorian) year (1st January – 31st December);
- In Australia and New Zealand, the financial year is preferred (1st July – 30th June);
- In Canada and India, the fiscal year starts from 1st April and ends on 31st March;
- In the United States, the fiscal year begins on 1st October and ends on 30th September.

For this reason, data in Australia and Switzerland are based on 6 months only in the first FOI “annual” report. Indeed, 95 requests were submitted in Switzerland between June and December 2006; in Australia, the law entered into force in December 1982, and the statistical period ended on 30th June 1983. If the difference is not remarkable in the Swiss case, there is a significant gap in Australia, with 19,227 complaints received by the governmental agencies the following year.

As shown in table 1, the increase of requests has been impressive over the last 50 years in Canada. The trend seems to continue and even to accelerate in the 2010s. Switzerland and Germany have also experienced a significant increase, but figures remain quite low because of a slow start (247 requests submitted in Switzerland in 2007 and 2,278 in Germany in 2006). On the contrary, Irish and British authorities have received a high number of complaints during the year following the enforcement of the law, although data are missing for Ireland in the first two years (1998-1999). They have since remained rather stable, with a slight increase in the UK and decrease in Ireland. The situation in Mexico is completely different. The volume of requests has strongly increased in this country. This is even more the case in India, where 24,436 complaints had been filed in 2006 and almost 850,000 in 2015.

Table 1. Absolute number of requests made in 11 jurisdictions (comparison from the year following enforcement of the law to 2015)

	Year following the enforcement of the law	2015
United States (1967) *	605,491	713,168
Australia (1982)	5,669	35,550
Canada (1983)	1,513	68,193
New Zealand (1983)	318	1,090
Ireland (1998) **	4,448	3,958
Mexico (2003)	24,097	150,595
India (2005)	24,436	845,032
United Kingdom (2005)	38,108	47,386

Scotland (2005)	1,800	2,155
Germany (2006)	2,278	9,376
Switzerland (2006)	95	597

* 2008 (for statistical reasons mentioned above)

** 2000 (for statistical reasons mentioned above)

Of course, the population size also matters, as shown by the figures presented in table 2 (number of requests per 1,000 inhabitants). Here, we can see that the number of complaints remains very low in Germany and even more in Switzerland. Although there has been an increase in the first decade (2006-2015), both states score poorly compared to most countries that have adopted FOI laws in the early 1980s, and populous countries that have adopted a FOIA more recently, like India and Mexico. Once again, data for the UK is more or less stable (up from 0.73 requests per 1,000 inhabitants in 2005 to 0.83 in 2015). Population statistics have been retrieved from the World Bank database (<http://data.worldbank.org/indicator/SP.POP.TOTL>), except for Scotland, where data have been collected on the National Records of Scotland website (<http://www.nrscotland.gov.uk/statistics-and-data/statistics/stats-at-a-glance/registrars-general-annual-review/archive>).

Table 2. Number of requests made in 11 jurisdictions, per 1,000 inhabitants (comparison from the year following enforcement of the law to 2015)

	Year following the enforcement of the law	2015
United States (1967) *	1.99	2.22
Australia (1982)	0.37	1.49
Canada (1983)	0.06	1.90
New Zealand (1983)	0.10	0.24
Ireland (1998) **	1.17	0.85
Mexico (2003)	0.23	1.19
India (2005)	0.02	0.64
United Kingdom (2005)	0.63	0.73
Scotland (2005)	0.35	0.40
Germany (2006)	0.03	0.12
Switzerland (2006)	0.01	0.07

* 2008 (for statistical reasons mentioned above)

** 2000 (for statistical reasons mentioned above)

Several factors may help to explain these differences. Apart from the recent character of the law, institutional variables play a significant role, as explained by Mabillard & Pasquier (2015). For instance, federal systems with FOI laws at subnational levels may have a diminishing effect on the volume of requests submitted at the national level. At the same time, direct democracy instruments, such as popular initiatives and referenda in Switzerland or in regions/states/provinces in other countries may also have an effect on citizens' needs to get access to information detained by public authorities. Furthermore, the diverse systems of FOI partly explain the different figures presented in table 2: not only the legal basis differs, but the counting is affected. Consequently, it remains difficult to carry out a comparative research on the volume of complaints received by governmental bodies in all the jurisdictions considered here because of their own characteristics. However, it is possible to highlight some common features of FOI laws and, in a comparative perspective, to see which bodies have to deal with the highest number of complaints and what is the profile of the most active requesters.

Common features of FOI laws

Most often, the executive and administrative bodies of the state are concerned by the FOIA. Various countries, including Ireland, provide a list of all bodies covered. However, provisions provided by other states remain rather elusive. Moreover, countries like the United Kingdom have excluded specific departments of the legislation because they handle sensitive information. According to Banisar (2006), a best practice would be to make all ministries subject to the FOIA, and raise exemptions when those are legitimate; they should be applied in accordance with the current legislation. Common features of FOI laws therefore include the right to access information detained by governments and national administrations, and frequent exemptions related to sensitive information (national interests). We will not address here the issues of appeals and oversight, documents' accessibility, or the regime of sanctions, as they vary strongly among all countries that have adopted FOI laws. All these aspects have already been briefly discussed by Banisar (2006).

A second common feature refers to the problems faced by administrations when dealing with FOI requests. As part of a culture of secrecy, most countries still struggle with resisting administrations, and a typology has even been established by Pasquier and Villeneuve (2007). In some countries, the low level of complaints tends to reinforce this phenomenon, and as a result prevents the development of a culture based on openness and transparency. Citizens' participation is therefore essential but is sometimes undermined by delays and fees demanded by national authorities. More restrictive regulations should be specified in the law in order to avoid such a situation, which reduces incentives to get involved in the process and consequently diminishes the efficiency of the law. Sometimes used as a deliberate strategy, delays are also the result of understaffed offices in certain cases. This is an element that should be improved according to the evolution of the law usage and the new managerial

requirements involved (in terms of staff, resources, and budget). Records management and the right of privacy should also be taken into account very seriously.

Who are the requesters?

Once again, the origin of the complaints filed depend on the countries considered. In most countries, though, and where detailed information is available, a majority of requesters are the general public, looking for personal information. This is especially the case in Ireland, where more than 60% of the requests were personal in 2015, a trend that seems to continue since 2005, when 70% of the complaints were based on personal reasons. However, in 2000 (the first year for which we have data about FOI in Ireland), interest for non-personal information was higher (53%). In New Zealand, the general public also tops the list of requesters' types, with 64% of complaints submitted by individuals under the Official Information Act in 2015. The media are a distant second, with only 17.7%. All other categories, including companies, interest groups, and researchers all score below 10%. This tendency is observed for several years in the country. In 2000, individuals already formed the leading group, with around 46%. Members of the Parliament and political party research units followed with 19.5%, and the media were third with around 13%. In Canada, the public tops the list in 2015 with 41%, ahead of the private sector (businesses) with 37% and the media (11.5%). Complaints have generally emanated more from companies than the citizens since 2000. The media have always been a significant source of requests, but well behind businesses and the public (11.5% in 2015 / 9% in 2006 and 10.6% in 1997). In Switzerland, data are available for requests submitted to the Commissioner for mediation processes. The media have ranked first since 2009 (except for 2013), after two first years of application of the law. As in other cases, individuals are also among the top 3, together with specific interest groups most of the time. Unfortunately, detailed data for other states have not been published so far. Table 3 shows the evolution of requests submitted by citizens since 2007 in 4 countries. This particular group has been selected here because they top the list in three countries and are a close second in Switzerland in 2015.

Table 3. Evolution of requests submitted by citizens compared to other groups, 2007-2015 (in %)

	Ireland	Canada	New Zealand	Switzerland*
2007	60	32.4	37.8	33.3
2008	57	34.2	39.2	23.1
2009	59	34.2	44.9	19.5
2010	60	35.2	48.7	15.6
2011	66	37.6	54.1	15.4
2012	N/A	39.1	65.1	26.9

2013	73	40.4	76.6	35.5
2014	68	39.5	55.4	21.1
2015	56	41.2	63.9	23.5

*In cases where the Information Commissioner is involved

Figures seem to show a significant interest from the public for administrative documents. However, most requests emanating from “clients of public bodies” are targeting personal information in Ireland, explaining the particularly high figures described in table 3. In New Zealand, there is also a large interest from the general public, at least higher than Canada, where businesses make a more extensive usage of the law. In Switzerland, it remains difficult to conduct a precise analysis of the requesters’ types, because statistics focus on the mediation processes, which concern only 20% of the volume of complaints submitted to all departments. All in all, the different systems and methods of counting make any comparative study very difficult. The only general conclusion that could be drawn here refers to the global “good” performance of the general public in terms of complaints submitted compared to other types of requesters. In this sense, there is no exclusive usage of the law by specific interest groups, lawyers or companies. At the same time, there could be more participation, because citizens’ involvement adds to the legitimacy of the law and the perception of a more open government.

To what public bodies are most FOI requests submitted to?

With respect to FOI, countries usually maintain a record of their national departments. Institutions are most of the time ranked according to the number of requests received, which allow for a more accurate comparative analysis (avoiding the different methods of counting). This section does not take into account the type of requesters, mainly because no such detailed data are available in many countries. In Canada, citizenship and immigration has received 50% of all requests sent to national authorities in 2015, well above Canada Border Services Agency (9.8%) and Royal Canadian Mounted Police (4.9%). One can easily see how security preoccupations have prevailed in FOI requests that year. Historically, Citizenship and immigration has always been the institution that has gathered the largest amount of complaints since 2000, above 25% and up to 50% in 2015. The same analysis applies to Australia, where the Department of Immigration and Border Protection ranks first in the list of agencies by number of FOI requests received. In 2015, more than half of all complaints had been sent to that agency, and only 12.7% to the Department of Human Services. All other bodies have received less than 10% of the total amount (35,550). Historically, the Department of Immigration has topped the list since 2006. The Department of Human Services and the one of Veterans’ Affairs have also continually ranked in the top 5 because of personal requests sent to these agencies. However, a closer look at the statistics shows that in terms of non-personal complaints, the Australian taxation office has been ranking first

in the last few years. More detailed data would be needed to confirm this trend in the next decades. Finance is also a core concern in Ireland. The Department of Finance is the most targeted body in 2015 with regard to non-personal complaints. The Department of Environment, Community and Local Government, and the Department of Health have also been receiving many requests since 2000, although some of them have been reorganized and renamed. However, in the first years following the enactment of the FOIA, the body that collected the largest amount of complaints was the Department of Justice, Equality and Law Reform (now the Department of Justice and Equality).

In other countries, concerns switch to other domains. For instance, the Federal Department of the Environment, Transport, Energy and Communications has received more complaints than any other body since the enforcement of the Transparency law (LTrans) in 2006, only surpassed by the Ministry of Foreign Affairs in 2015. The Federal Department of Home Affairs has been receiving an increasing volume of requests recently. This is also the case in the United Kingdom, where a significant amount of complaints has been sent to the Home Office in 2015 (7.1%), just behind the Ministry of Defense (8.1%), the Ministry of Justice (8.5%), and the Department for Work and Pensions (10.2%). As it is the case in Ireland, health also attracts lots of attention in the UK. Indeed, Health and Safety Executive even tops the list of all Departments of State and other monitored bodies in 2015 (10.4%). The situation was almost the same in 2010, with an even higher volume of requests submitted to the Health and Safety Executive (14.6%). In conclusion, the main public bodies that deal with FOI requests highly depend on national patterns, based on regional and national issues. It seems however that in large immigration countries like Australia and Canada, there is a focus on security and border issues. More generally, the Departments of Home Affairs and Finance are bodies that typically receive a significant amount of complaints in most countries, while particularities result from differences between states selected in this study (e.g. environment, transport, energy and communications in Switzerland, or justice and equality in Ireland).

The evolution of FOI requests: case studies

As mentioned above, the evolution of the number of FOI requests sent to national governments over the past few years is dependent on different methods of counting, and a deep analysis would involve the same levels of details in published reports from the responsible bodies, which is not the case in all countries. For instance, who are the requesters? What type of requester sent what kind of complaint to what body? Surveys would also be needed to highlight the motivation behind the requests. Moreover, the variety of the political systems, and the various dimensions of the FOIA – which differ in almost every country – does not allow for a systematic study. As a consequence, there is a need to focus on case studies with respect to the volume of FOI requests submitted since the enforcement of the law in all states selected in this paper. Data will be provided for all cases in absolute numbers. In

the end, theoretical hypotheses will be presented, and they constitute as many paths for future research in the field.

Canada

In Canada, the government reports about Access to Information key statistics via Info Source Bulletins (for 2013-2014, see <http://www.infosource.gc.ca/bulletin/2014/b/bulletin37b02-eng.asp#aia>). Tables and all figures published refer to complaints made under the *Access to Information Act* in the fiscal year. They are based on reports provided by government bodies subject to this law. Since 1983, 706,001 requests have been submitted to national departments and agencies through the *Access to Information Act* (as for 2015). Usage of the law is restricted to Canadian citizens, permanent residents or any person / company present in the country. All data presented here include both requests for personal and non-personal information. Exemptions cover documents containing national security or foreign intelligence information, trade secrets, or valuable commercial, scientific or technical information. In the case of Canada, we can notice a slow increase in the volume of complaints sent in the first two decades, followed by a sharp rise in 2000. This trend has accelerated in 2011 (+17.5%) and again in 2013 (+26.6%). Table 4 below presents all figures since 1984.

Table 4. Absolute number of requests made in Canada since 1983-1984

1983-1984	1,513	1999-2000	19,294
1984-1985	2,229	2000-2001	20,789
1985-1986	3,606	2001-2002	21,265
1986-1987	5,450	2002-2003	22,977
1987-1988	7,301	2003-2004	25,234
1988-1989	8,853	2004-2005	25,207
1989-1990	10,234	2005-2006	27,269
1990-1991	11,093	2006-2007	29,182
1991-1992	10,387	2007-2008	31,487
1992-1993	9,729	2008-2009	34,041
1993-1994	10,422	2009-2010	35,154
1994-1995	12,861	2010-2011	41,641
1995-1996	13,124	2011-2012	43,194
1996-1997	12,476	2012-2013	55,145
1997-1998	12,206	2013-2014	60,105
1998-1999	14,340	2014-2015	68,193

Australia

Statistics about the FOIA in Australia were published on the Office of the Australian Information Commissioner website, but the position has been abolished in 2014 following a decision of the government. However, recent statistics are still available on the website, and a section is dedicated to FOI reports (<https://www.oaic.gov.au/freedom-of-information/foi-resources/foi-reports/>). Table 5 presents the evolution of the volume of complaints sent to Australian government agencies since the enactment of the law in 1982. The number of requests is especially low in the first year of implementation because it is based on 6 months: the financial year runs till 30th June, and the FOIA came into force in December 1982. Figures show different trends in the history of FOI in Australia. After a sharp rise in the beginning, the number of requests diminished dramatically in 1986-1987, and only reached the same amount in 1993-1994. The volume of complaints decreased again in 1996-1997, and remained under 35,000 requests per year until 2000-2001. It declined drastically after 2007-2008, even reaching 21,587 in 2009-2010 (below the number of requests submitted in the 18 months following the enforcement of the law). It is nevertheless increasing again since then, and one must notice that figures have always been particularly high compared to other countries.

Table 5. Absolute number of requests made in Australia since 1982-1983

1982-1983	5,669		
1983-1984	19,227	1999-2000	31,784
1984-1985	32,956	2000-2001	35,439
1985-1986	36,510	2001-2002	37,169
1986-1987	29,880	2002-2003	41,481
1987-1988	27,429	2003-2004	42,627
1988-1989	24,679	2004-2005	39,265
1989-1990	23,453	2005-2006	41,430
1990-1991	24,929	2006-2007	38,787
1991-1992	28,247	2007-2008	29,019
1992-1993	33,804	2008-2009	27,561
1993-1994	36,547	2009-2010	21,587
1994-1995	37,367	2010-2011	23,605
1995-1996	39,327	2011-2012	24,764
1996-1997	30,788	2012-2013	24,944
1997-1998	32,590	2013-2014	28,463
1998-1999	33,484	2014-2015	35,550

New Zealand

Statistical reports about the *Official Information Act* (OIA) are available on the Office of the Ombudsman portal (<http://www.ombudsman.parliament.nz/resources-and-publications/corporate-documents/annual-reports>). Requests can be submitted by all citizens living in the country, permanent residents or people being in New Zealand, a body corporate which is incorporated in New Zealand or has a place of business there. Figures taken into account refer to the complaints received under the OIA. In 2014-2015, most of them concern the partial or outright refusal of requests for official information (59%), followed by delays by agencies in making decisions (24%). The total amount of complaints is quite high, because the access to information regime is ruled by several acts (e.g. *Ombudsman Act, Local Government Official Information and Meetings Act*). Here, as we focus only on complaints received under the OIA, figures are slightly lower, but the different system does not allow for a relevant comparison with Canada and Australia. As shown in table 6, OIA requests have generally increased over the years until 2000-2001. The volume of complaints was significantly lower in 2001-2002, but then started to grow again the next year, and reached a peak in 2013 (2,374 complaints). The two last years (2013-2015) tend to show a decline in the number of requests sent to state agencies.

Table 6. Absolute number of requests made in New Zealand since 1983-1984

1983-1984	318	1999-2000	1,044
1984-1985	354	2000-2001	1,128
1985-1986	343	2001-2002	863
1986-1987	318	2002-2003	935
1987-1988	451	2003-2004	973
1988-1989	622	2004-2005	922
1989-1990	851	2005-2006	754
1990-1991	847	2006-2007	812
1991-1992	896	2007-2008	897
1992-1993	924	2008-2009	809
1993-1994	886	2009-2010	920
1994-1995	805	2010-2011	992
1995-1996	977	2011-2012	1,236
1996-1997	963	2012-2013	2,374
1997-1998	1,156	2013-2014	1,207
1998-1999	1,049	2014-2015	1,090

Ireland

Annual reports including key facts and statistics about the FOIA in Ireland can be found on the Office of the Information Commissioner website (<http://www.oic.gov.ie/en/Publications/Annual-Reports/>). Most national agencies are subject to the Act in Ireland, and the Act also provides an extension to non-public institutions if they are funded by the State in a significant way. Compared to other countries, the legislation in Ireland also contains some key exemptions with respect to FOI (government meetings, law enforcement and security, confidential and commercially sensitive information, personal information related to other people). The vast majority of requests are personal, especially targeting the Health Service Executive, the Department of Social Protection, the Irish Prison Service, and the Child and Family Agency. However, figures presented in table 7 focus on complaints about non-personal information. It is again difficult to draw a comparison with countries that do not make a distinction between requests for personal and non-personal information, but the number of requests per 1,000 inhabitants was exceptionally high in the year that followed the enforcement of the law. However, there was a sharp decrease in 2004, and the volume of complaints has remained rather low until 2008, when it started to increase significantly. Surprisingly, the absolute number of requests received by public bodies has almost doubled in 2015 (3,958 compared to 2,002 in 2014). Figures presented below start in 2000, because there are no statistics for the first two years after the enactment of the law (1998-1999).

Table 7. Absolute number of requests made in Ireland (non-personal information) since 2000

2000	4,448	2008	1,666
2001	4,345	2009	1,913
2002	3,526	2010	1,849
2003	2,954	2011	1,490
2004	1,165	2012	2,192
2005	1,245	2013	1,724
2006	1,316	2014	2,002
2007	1,044	2015	3,958

United States

FOIA data can be accessed on the US Department of Justice portal (<https://www.foia.gov/>). They include key statistics and full reports, and all Agency FOIA annual reports are available on the *Office of Information Policy* website. Any person may file a request for information from government documents. Typical exemptions concern elected officials and the Judiciary branch, as well as private companies and organizations, and local governments. Figures show no distinction between complaints

about personal and non-personal information. Consequently, most requests under the FOIA were received by the Department of Justice, Defense, Health and Human Services, and Veteran Affairs (probably motivated by the search for personal information). The method of counting has changed after 2007, when new reporting requirements were introduced; requests submitted under the *Privacy Act* had to be removed from agencies' reports (unless FOIA was utilized in some way), leading to a sharp decrease in the number of requests. In 2007-2008, all federal departments received 605,491 requests, compared to 21,758,651 in 2007. Therefore, only data collected after 2007 will be presented in table 8. After a decrease in 2009, the volume of requests started to increase in 2009-2010 and the trend is still noticeable, although figures for 2013-2014 and 2014-2015 are almost the same.

Table 8. Absolute number of requests made in the United States since 2007-2008

2007-2008	605,491
2008-2009	514,541
2009-2010	597,415
2010-2011	644,165
2011-2012	651,254
2012-2013	704,394
2013-2014	714,231
2014-2015	713,168

Scotland

Annual reports on freedom of information are directly published on the website of the Scottish Government (<http://www.gov.scot/About/Information/FOI/Reporting>). Data include both requests made under the *Freedom of Information Scotland Act* (FOISA) and the *Environmental Information Regulations* (EIR). However, most complaints are subject to the FOISA – 80% in 2015. There is again no distinction made between personal and non-personal, and half of the volume of requests were from the general public. The main bodies that received the majority of requests in 2015 were the Director-General Enterprise, Environment and Innovation, the Director-General Strategy and External Affairs, and the Director-General Learning and Justice. Exemptions refer to information that would prejudice relations between the United Kingdom and any other state, national security, trade secret, or if the release of information would prejudice the prevention or detection of crime. Following the enactment of the FOISA in 2005, public authorities received a lot of requests, but the volume of complaints fell sharply in the next two years. It remained stable in the early 2010s, and suddenly peaked at 2,155 in 2015.

Table 9. Absolute number of requests made in Scotland since 2005

2005	1,800
2006	1,122
2007	779
2008	1,260
2009	1,642
2010	1,435
2011	1,374
2012	1,579
2013	1,597
2014	1,707
2015	2,155

United Kingdom

Statistics about FOI in the United Kingdom can be found on the website dedicated to government services and information (<https://www.gov.uk/government/collections/government-foi-statistics>).

Annual reports include FOI statistics about 41 central government bodies – 21 Departments of State and 20 other monitored bodies. Complaints about personal and non-personal information are not distinguished, but we can again presume in this case that many requests for personal information are received by the Department for Work and Pensions, and the Ministries of Defence and Justice. Hazell et al. (2010) notes that if the general public is the main type of requesters, “we do not know who they are, [and] what they use the legislation for”. Figures in table 10 show the same result than in Ireland for the first year, with a lot of requests submitted to the central government, and then a decrease for the next two years (2006-2007). The total amount of complaints increased constantly from 2008 until 2013. According to the annual report 2015, the lower volume of requests received in 2014 and 2015 may be due to three reasons:

- Government departments have proactively published an increasing amount of data;
- FOI request archives have been made available online;
- There has been an increased awareness from the public of what kind of information is held by various bodies.

Table 10. Absolute number of requests made in the United Kingdom since 2005

2005	38,108
2006	33,688

2007	32,978
2008	34,950
2009	40,548
2010	43,921
2011	47,141
2012	49,464
2013	51,889
2014	46,806
2015	47,386

India

Statistics about the *Right to Information Act* (RTI) 2005 in India are published annually in reports available on the Central Information Commission website (<http://cic.gov.in/>). In 2015, the Ministry of Finance has received the largest amount of complaints (140,324). The Ministry of Communications and Information Technology is second (107,048). Other bodies that have received a significant volume of requests are the Ministries of Human Resource Development, Home Affairs, and Defence. No detailed data about requests for personal or non-personal information is provided, probably due to the high volume of complaints received – almost 5 million since the enforcement of the Act. These impressive figures need to be balanced with the high population of India, but still involve much more resources than any other country. Exemptions refer to sovereignty and integrity issues, and strategic, scientific or economic interests, broad categories that are common to all FOI laws. In India, the absolute number of requests has continually increased since 2006, with the exception of 2010-2011. The low figures for 2005-2006 are related to the method of counting, based on the fiscal year, which ends on 31st March. The RTI Act was enforced in October 2005. Therefore, only 6 months were taken into account in the 2005-2006 period.

Table 11. Absolute number of requests made in India since 2005-2006

2005-2006	24,436
2006-2007	171,404
2007-2008	263,261
2008-2009	329,728
2009-2010	529,274
2010-2011	416,641
2011-2012	629,960

2012-2013	811,350
2013-2014	834,183
2014-2015	845,032

Mexico

The National Institute for Transparency, Access to Information and Protection of Personal Data (IFAI) has been established in 2003. Annual reports including detailed data about FOI are published on their website although only in Spanish (http://inicio.ifai.org.mx/SitePages/English_Section.aspx). There is a weekly update in 2016, showing for instance which bodies have received the largest amount of requests over the past weeks, and how the complaints were filed. All kinds of requests are presented for all departments and agencies subject to the Transparency law. However, there is once again no distinction between complaints about personal and non-personal information. The body that has received most requests since 2003 is the Institute for Social Security, and this is probably due to a high volume of complaints sent by individuals looking for personal information. In Mexico, the number of requests has grown continuously since the enactment of the law, and has risen sharply in 2007 (+36.6% compared to 2006). The trend continues and the number of complaints has reached an unprecedented total of 150,595 in 2015 as shown in table 12.

Table 12. Absolute number of requests made in Mexico since 2003

2003	24,097
2004	37,732
2005	50,127
2006	60,213
2007	94,723
2008	105,250
2009	117,597
2010	122,138
2011	123,293
2012	131,154
2013	147,148
2014	149,918
2015	150,595

Germany

Annual reports about the FOIA in Germany are available on the Ministry of Home Affairs website (http://www.bmi.bund.de/DE/Themen/Moderne-Verwaltung/Open-Government/Informationsfreiheitsgesetz/informationsfreiheitsgesetz_node.html), but specific information are available in German only. Only requests at the federal level are taken into account in the case of Germany, because regional governments are subject to state laws. Data are presented in statistical reports every year, showing how many complaints have been sent to all Ministries, and even to all offices /sub-units. In 2015, the Federal Ministry of Finance has received almost half of all requests (4170), probably from individuals looking for information about their own situation, e.g. personal files (these data are not provided in the report). The Ministry of Labour and Social Affairs has then received 934 complaints, and the Ministry for Economic Affairs and Energy 723. With regard to the evolution of FOI requests in Germany, one can notice very low figures compared to other jurisdictions, especially in relative terms. Table 13 shows that after a very slow start the absolute number of requests has increased significantly in 2011 (+52.5%) and almost doubled in 2012 compared to the previous year. In spite of a low volume of complaints sent to national authorities in 2013, the number of requests has increased again in 2014-2015.

Table 13. Absolute number of requests made in Germany since 2006

2006	2,278
2007	1,265
2008	1,548
2009	1,358
2010	1,557
2011	3,280
2012	6,077
2013	4,736
2014	8,673
2015	9,376

Switzerland

Key statistics about the *Transparency Law* (2006), including the number of requests received by all federal departments, can be found on the Federal Data Protection and Information Commissioner website (<https://www.edoeb.admin.ch/index.html?lang=en>). Like Germany, data about FOI in Switzerland cover complaints sent to national ministers, since transparency laws also exist in several cantons (the laws even came into force in some cantons before the Swiss *Transparency law*). Statistics

presented in annual reports show all requests sent to all components / units of the Departments in detail, but we do not know who the requesters in each case are. There is also no distinction made between complaints for personal or non-personal information. However, we know that the Ministry of Foreign Affairs has received the largest amount of requests in 2015, which is slightly different from other countries. The involvement of the media is also especially strong in Switzerland: they are always among the top 3 when it comes to the mediation process with the Information Commissioner. Although the volume of complaints has more than doubled between 2007 and 2015, figures remain rather low because of a slow start and limited usage of the law. Switzerland is at the bottom of our selection of countries both in absolute and relative numbers.

Table 14. Absolute number of requests made in Switzerland since 2006

2006	95
2007	249
2008	221
2009	232
2010	239
2011	466
2012	506
2013	469
2014	582
2015	597

Evolution of the number of requests: paths for future research

As mentioned by Holsen (2007), “FOI laws can look very different, depending on where they are implemented and practiced.” For this reason, and all other arguments advanced above, it remains extremely difficult to address the evolution of the number of requests in all states in a comparative way. However, there are groups of countries that present similarities, and hypotheses about these groups will be the focus of this section.

In North America, laws have been adopted quite early compared to the rest of the world. The movement for a more open government has been a priority for governments for a few years now, although restrictions have been introduced at the same time due to terrorism issues. Transparency is a key word in government actions, a vision that has been strongly endorsed by M. Obama in the U.S. and M. Trudeau in Canada. The user-friendliness and pedagogic approach of the websites, together with clear statistical reports, also encourage individuals to make a more frequent usage of the law. We

can therefore assume that the early adoption of the FOIA, the prioritization of transparency in political programs (at least rhetorically), and the provision of tools (guides, FAQs, electronic assistance) partly explain the high number of requests received by federal bodies in these two countries.

In Australia and New Zealand, the FOIA and the OIA were also adopted early compared to the majority of countries that now have a FOI legislation. The two countries have, in relative terms, a high volume of requests; figures for New Zealand would look completely different if all complaints would have been taken into account, and not only requests made under the OIA and reported as such in annual reports of the Ombudsman office. Here, the different systems and methods of counting do not allow for an accurate comparison. In Australia, the increase of the fees for submitting a request have led to a decrease in the volume of complaints sent to national bodies under the FOIA according to Kaushik (2012). The creation of the position of Information Commissioner in 2008 was aiming to revive the law. As shown in graph 2 and table 5, the total amount of requests increased again after 2010-2011. In New Zealand, the law has benefited from a strong support from political elites since the beginning, explaining the early success of the OIA (Kaushik, 2012). Once again, we can see the effect of an early adoption of the law; nevertheless, revisions of the Act (in a positive or negative way for requesters) may also play a significant role. For instance, Holsen and Pasquier (2011) show that the number of complaints in Ireland dropped noticeably after new requests fees were instated.

In Switzerland and Germany, FOI laws have been adopted more recently. Furthermore, the federal system offers other opportunities to get access to public information, especially in the Swiss case (Pasquier, 2011). Citizens are also called to vote three times or more on particular subjects every year and their participation, in spite of low turnovers, remain quite active. Moreover, people may have more interest in regional or local issues, where other laws are in force and which statistics are not included at the national level. Another hypothesis refers to the little promotion of the law made in both countries, with a direct consequence on the visibility, awareness, and therefore participation of the individuals. Finally, Holsen and Pasquier (2011) argue that a culture of secrecy is still at stake in Germany and Switzerland, a phenomenon that has a direct impact on the promotion of the law and the way requests are handled by respective administrations. This last assumption is particularly interesting, because it adds a cultural component to the previous arguments mentioned so far.

In India and Mexico, the novelty effect seems to have attracted high interest in the first years following the enactment of the law. It remains a bit early to detect a trend on the long run, but the number of requests has risen steeply and continues to grow, although to a lesser extent. This novelty effect has also noticed in the case of Ireland, where the total amount of complaints has fallen from 4,448 in 2000 to 1,044 in 2007. In the United Kingdom, remarkable efforts have been carried out by civil society organizations to raise awareness among citizens. This is a particular case in total contrast to

Switzerland and Germany, where this awareness is lacking and the number of requests much lower than in the UK. Of course, surveys and feedbacks would be needed to identify the motivations behind the requests sent to public authorities and explain why people do not know about the law, or decide not to use it (lack of time? lack of interest? satisfaction with the current volume of information?).

Conclusion

Freedom of information is a captivating issue and remains at the top of the governments' agenda. The new movement of open government naturally includes freedom of information laws, because they provide a legal instrument and a concrete tool. This paper has gathered all data about requests in jurisdictions where such data are available. Focusing on the number of requests is a good indicator, since it is directly related to participation. Participation is expected to be enhanced by transparency, which in turn should be improved by openness in government. In spite of significant differences, it is still possible to notice regional trends and to make assumptions about the evolution of the number of requests sent to public bodies.

However, efficiency of the law is even more important, because only the existence of the law is not sufficient; it needs frequent usage and proper implementation to work according to citizens' expectations. In this sense, several studies have been conducted at the national level (Sharma 2015; Hazell et al., 2010). In a comparative perspective, it would be especially interesting to see how FOI laws perform in terms of accessibility, openness, and responsiveness. Typical indicators include e.g. response rates, delays, accepted and rejected requests. Of course, awareness is needed to potentially increase interest and participation, and this should be a first step in countries where knowledge of the law is lacking. Nevertheless, only efficient systems will guarantee an open government and solid FOI regulations.

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