

The Mexican Transparency Law: Design and Implementation Experiences

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Effective Implementation:
Preparing to Operationalise the New India
Right to Information Law

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By

Commissioner Juan Pablo Guerrero Amparán
Federal Institute for Access to Public Information (IFAI)
Mexico

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1. General overview of Mexico

Mexico has an area of almost two million square kilometers and 105 million inhabitants, which makes it the most populous Spanish-speaking country in the world and the second most populous country in Latin America after Brazil. The total expenditure of the Mexican public sector is 24 percent of a GDP of 1,000 US\$ billion. The public sector employs 4 800 000 people, 13 per cent of which work for the central administration of the federal government.

The Economist Intelligence Unit, Country Forecast

Annual data	2004(a)	Historical averages (%)	2000-2004
Population (m)	105.0	Population growth	1.3
GDP (US\$ bn; market exchange rate)	676.5	Real GDP growth	2.6
GDP (US\$ bn; PPP)	1,016.5(b)	Real domestic demand growth	2.9
GDP per head (US\$; market exchange rate)	6,445	Inflation	6.0
GDP per head (US\$; purchasing power parity)	9,685(b)	Current-account balance/GDP	-2.2
Exchange rate (av) Ps:US\$	11.3	FDI inflows/GDP	2.7

(a) Actual. (b) Economist Intelligence Unit estimates.

Mexico was governed by the Partido Revolucionario Institucional (PRI) between 1929 and 2000. Once strongly nationalist and interventionist, the leaders of PRI governments in the 1990s embraced free-market policies and economic liberalization. Following the victory in July 2000 of the presidential candidate of the centre-right Partido Accion Nacional (PAN), Vicente Fox Quesada, changes to the political system have been slowly taking place. The PRI remains the largest party in Congress, although its divisions over free-market policies have become more exposed.

Mexico is a federal republic with a democratic representative government. Constitutionally, power is divided between the executive, legislative, and judicial branches. The political system is presidential, bicameral (Senate and Chamber of Deputies) and federal (32 states). The president is elected every six years; Mr. Fox took up office in December 2000. The 500 members of the Chamber of Deputies are elected every three years, 300 from single-member districts and 200 by proportional representation. Three-quarters of the 128 Senate members are elected directly for a six-year term, with the remaining one-quarter elected by proportional representation. Currently, a century-old ban on re-election and the party hierarchies' control of the 200-strong list of deputies (40% of the lower house) elected by proportional representation, perpetuate the influence of party bosses.

Although the President has been historically the most dominant political player in Mexico, Congress and the Supreme Court have played an increasingly active role in politics in recent years. The bicameral Congress has become a major political actor since 1997, when opposition parties formed a majority for the first time. The Supreme Court and all other courts from Mexico's 23 judicial circuits (a total of 347 courts and 571 judges) have also made significant advances in independence as a result of recent actions to insulate judges from political pressure. Nevertheless, the executive branch retains a considerable concentration of power, both constitutionally and politically.

The Federal Law for Transparency and Access to Public Government Information, which could be called Mexico's FOI Law, was approved by Congress in April 2002. The law was enacted in June 2002 and implemented one year later—in June of 2003.

FOI Law came to Mexico after a major political change, with the upcoming of an opposition party to the Presidency, after seven decades of non stop ruling of the Institutional Revolutionary Party (PRI). It is hard to imagine that FOIA could have been accepted in the previous political context.

FOI Law is part of a second generation of reforms aimed at deeply changing the structure of the relationship between government and society and the government organization itself. The Judiciary reforms during Ernesto Zedillo's Presidency (1994-2000), and recent enactment of a Professionalization of the Public Administration (a civil service law) could also be considerate as part of these reforms.

A project for FOI Law was prepared by the newly elected government in year 2000. Critiques objected some features of the law, which did not seem strong enough to guarantee conditions for enforcement and subordination of the Federal government to the basic principles of access to public information. Media representatives, civil society groups and academics gathered in the city of Oaxaca in the seminar on the issue. A few months later, Congress discussed three initiatives: President Fox's, the Oaxaca Group initiative presented by the PRI, and another initiative proposed by the center to left party. The FOIA we know today is a combination of the three initiatives, having as a guideline the original Executive Branch proposal. FOIA was no doubt enriched by the participation of civil society groups in many key ways (among other items, the conformation, power and autonomy degree of the Federal Institute who is in charge of enforcement of the law for the Federal Public Administration).

FOI Law was unanimously approved by Congress, in what has been qualified so far as one of the major reforms of President Fox administration. FOI Law regulates two civil rights defined in the Mexican Constitution: freedom of information and respect to private life. In fact, three initiatives were prepared by different political groups at Congress: an Archive law, a law for access and protection of personal data, and FOIA. For political reasons, only FOI Law was enacted, so a couple of considerations were included in its text in order to assure a minimum regulation of those important matters, closely related to access and classification of government information.

This brief and preliminary review shows some of the main results of Mexico's FOIA, almost two years after its implementation initiated.

2. Mexican FOI Law reach

Mexican FOI Law regulates only the Federal Government (the Executive, Legislative and Judicial branches) and agencies with constitutional autonomy, such as the Federal Electoral Institute, the Central Bank of Mexico and the Human Rights Commission. It does not regulate local governments or agencies, either at the state or municipal level. However, it has what could be viewed as a federalist potential that is yet to be exploited. The tax and budgetary systems are highly centralized and Federal agencies are required by the Mexican FOIA to grant access to any request for information regarding the transfer of federal resources to sub-national governments.

The Federal Institute for Access to Public Information (IFAI) is the independent body in charge of regulating access to information within the Federal Public Administration, which

encompasses more than 240 departments and agencies, close to three million public servants and 97 % of the Federal Budget. It is thus the authority on the subject within the Executive branch. It is important to note that there is not an independent body to oversee access to information within the other two branches of government (the legislative and the judiciary) and within the constitutional autonomous agencies, which actually regulate themselves.

FOI Law Objectives in Mexico

The first objective of the law is to guarantee free, easy and quick access to public information. Under the law, every Federal agency had to establish a special unit that functions as a “reception counter” that collects and processes the information requests internally. Agencies have to answer requests in a maximum of 20 working days. Currently, on average, agencies are answering the requests in 11 days within the Federal Public Administration. Access to public information is free but requester has to pay for printing and mailing costs.

Actually, the Mexican FOI Law regulates access to public records or documents –instead of access to information as such. This means that the government has to give access to information contained in preexisting documents. If the requested information is not already contained in a document, the government is not obliged to create a new document in order to satisfy the request. Although in many cases public officials do create new documents that answer the specific request, they are not forced to do it. This characteristic distinguishes the Mexican FOI Law from other laws, which force agencies to give access to the requested information, even if it means the creation of reports or documents; in those cases, however, requesters are charged for the time and effort involved in the ad-hoc generation of the information requested.

Under the Mexican FOI Law, a person must request in writing access to public records, which can be done in any format; the request must include the name and an address of the requester to establish formal communication. The law encourages requesters to explain, in detail if possible, where documents may be located—but this is not compulsory. It is very important that the law does not require requesters to explain, justify or express legal interest to obtain information. Given the traditional relationship of subordination of citizens to authorities in Mexico, a compulsory justification to demand public records would have worked as terrible means of intimidation for requesters.

The law forces every Federal agency to publish basic, current, and information about their resources, their organization and their general regulatory framework. This information is published in the websites of every agency and is called “transparency obligations”. The publication of this information assures that citizens have access to standardized basic information regarding every federal agency, without having to specifically request it.

Another important feature of the law is it regulates access and the correction of personal data kept in any file of governmental agencies—these include medical files, tax information, electricity bills, police files, personal information of public servants, among others. The law guarantees access and the correction to personal information to the person concerned. He or she can demand the correction of the personal information held by the government and can appeal if access or corrections of data are denied. Simultaneously, the law firmly protects personal data from publication or access to a third person that is not legally entitled to have access to that data.

From its conception, the Mexican FOI Law was defined as a means to fight corruption. It was meant as an instrument to reduce corruption among public servants, who under the law are obliged to grant access to any document related to their performance, actions and omissions. Therefore, an important objective of the law was to enhance accountability, not only by changing the traditional culture of opacity within the public sector in Mexico, but also by giving every citizen the right to know and therefore, potential control of public officials. According to this view, access to public information is not an end in itself but a means to increase accountability within the government, in order to reduce corruption and impunity. Transparency is a necessary condition, yet not sufficient, for accountability; it facilitates the creation of various and decentralized systems of check and balances, but does not assure them. Consequently, the law's main goal is to help create a more honest and efficient government, where the relationship between society and government is more balanced. In this context, a declared objective is to foster democratic governance, with greater social participation, Rule of Law, with better control to public officials.

Last, but not least, the Mexican FOI Law is supposed to help organize governmental records and, particularly, archives. As stated before, the law establishes the procedures for access to administrative documents. This imposes a new logic to generate, locate, identify, classify, and conserve documents. There is no institutional or historic memory without archives. By the same token, there cannot be accountability without an efficient and effective organization of archives. Given the tradition of archive disorganization in the Mexican public administration, this is one of the greatest challenges of the law.

3. Characteristic of the Mexican FOI Law

Compulsory Information on the Internet

This item relates to obligation of every federal public agency to publish in their websites basic information about its resources and how they operate. The list of the kind of information that must be published will be presented in the following paragraphs. Few freedom of information laws around the world have this characteristic: it makes public a considerable amount of information regarding every public agency, thus presenting an overall picture of the agencies, that does not require anyone to go through the formal request process. The publication of this information is compulsory; therefore, it allows citizens to compare federal agencies on specific subjects, as we will show later on. The list of compulsory information that must be published in the Internet by public agencies can change and grow, according to statistical needs and preferences of the public.

Classification of Information (Confidential and Classified Information)

Obviously, the law establishes the exceptions under which certain information can be kept from public access. Actually, the Mexican FOI Law distinguishes two classes of information contained in government documents: public governmental records and personal data. Government information is, by definition, public. This fundamental recognition stands on two principles: the right to know, constitutionally established, and the peoples' sovereignty over government. Simply speaking, it means that every document produced, created, obtained, transformed, or kept by government agencies is subject to freedom of information. However, government information, public by definition, can be temporary classified as secret (for a maximum of 12 years), because of concerns

regarding national security, public safety, diplomatic relations, financial stability, people's safety, law enforcement, decision-making processes, among others.

It is important to observe that the Mexican FOIA intends to reduce subjectivity and discretion regarding the criteria used to classify information, by forcing federal public agencies to make a harm test of publicity. For instance, it is not enough for those agencies to state that a document is classified based on an article that protects national security; the public official responsible for the administrative unit that keeps the document in its files has to prove how the publication of the information would harm national security as it is defined under the law and FOIA regulations.

Access and protection to personal data

The second class of information contained in government documents concerns personal data. This is not governmental or public information. This information is compiled by the government in its role of a service provider, and it belongs exclusively to the individual concerned and its treatment is confidential.

Archives Organization

In many countries, three different pieces of legislation regulate what the Mexican one does by itself: access to administrative documents; correction, transfer, and security of personal data; and, finally, a law of archives. For political reasons, these two were largely ignored (though the Legislature is currently considering initiatives regarding personal data protection and archives.)

A Personal ID or Justification of Request is Not Necessary

The law requires that a person give their name and an address to be notified. This is just a sine qua non condition so the right to access information can be freely exercised in a country such as Mexico. Given the lack of trust of many Mexicans of public institutions and officials, it would be intimidating for them to be asked to show personal identification and a copy of a record of their address, in order to request public information. We know now that local Mexican freedom of information laws, which have required citizens to identify themselves, have in fact intimidated requesters, resulting in a very low number of petitions.

Easy, Free & Quick Access

The requests can be made through the Internet; and any person may file a request for access to information. The System for Information Petitions (SIS) is the most frequently used, at the following site: www.informacionpublica.gob.mx

Independent Administrative Authority (Law Application and Requests)

The independent administration authority to supervise the application of the law in the executive power (federal public administration), is the Federal Institute for Access to Public Information, known as IFAI by its acronym in Spanish. It works as an administrative court. The Federal Institute for Access to Public Information can be directly reached by any person, without the need for a specialized lawyer and without a restrictive procedure (www.ifai.org.mx). If it has access to the net, a requester who has been denied information

or who is unsatisfied with the response just has to “click” on a computer to inform the Federal Institute and initiate an administrative proceeding. The Institute must resolve within 30 working days the appeal. Federal public agencies cannot appeal decision by the Institute, because they are final under the law. But petitioners can appeal any decision made by the Institute before the courts of the Judicial Power of the Federation.

4. The Federal Institute for Access to Information – IFAI

IFAI is an independent authority for Federal Public Administration. It functions as an administrative Court with the power to resolve definitely the appeals made by requesters. Is it a collegial body integrated by five commissioners who decide by majority rule. The President of Mexico appointments the commissioners and the Senate approves that appointment; the position is for a permanent seven years non renewable period.

To be appointed, the commissioners must meet the following qualifications: Mexican citizenship, outstanding professional credentials, public or academic experience related to the subject matter of the law. And they must not have been secretary of state, head of an administrative department, attorney general, senator, federal or local deputy, head of a political party or association, or head of government of the Federal District, within a period of one year before the appointment.

IFAI is an agency that belongs to the Federal Public Administration and thus, has to follow its administrative regulations regarding budget implementation and administrative operation. However, it is accountable to Congress as far as its substantial activities and results are concerned. On these matters, IFAI has total autonomy in the decision making and ruling processes. IFAI resolutions are mandatory to the Federal Government (within the Executive Power).



Instituto Federal de Acceso a la Información Pública

Acuerdos y resoluciones

Solicitud de Positiva Ficta

Información del Gobierno Federal

Cultura de Transparencia

Directorio de U. de Enlace

Mensajes de Difusión

Preguntas Frecuentes

Ley de Transparencia

**¿No te cumplen?
Repórtalo al
01800 telifai**



Sesiones Públicas del Pleno del IFAI



CENTRO DE ATENCIÓN A LA SOCIEDAD
Av. México 151, Col. Del Carmen Coyoacán
Deleg. Coyoacán, México, D.F. 04100
Tel: (55) 3067 2400
01 800-TELIFAI (01 800 - 835 4324)
Correo electrónico: atencion@ifai.org.mx

Acceso a información

SISI Sistema de Solicitudes de Información

Unidad de atención de alto nivel

Índices de expedientes reservados

Sistema Automatizado de Integración de los Instrumentos de Consulta y Control Archivístico



Certamen Nacional de Tesis de Licenciatura sobre Transparencia y Acceso a la Información Pública en México



2003-2004

Informe de Labores

Horario de atención: de 09:00 a 18:00 hrs.
ifai
Cualquier documento recibido personalmente o de manera electrónica (vía e-mail o Web) después de las 18:00 hrs., se considerará entregado el día hábil inmediato siguiente.

5. Mexican FOI Law's main results after almost two years of implementation

Mandatory information on Internet

Among other items, Federal agencies and departments are obliged to post on Internet and update every three months the following information:

- Directory of public employees, organizational structure, mission and services
- Salaries and benefits of public officials
- Budget, public finances
- Contracts, procurement, concessions, permits, authorizations
- Subsidies, citizen participation mechanisms
- Audit results
- Legal framework (regulations)

IFAI developed an evaluation methodology of the compliance of the basic information publication for the 240 departments and agencies; at first, results were directly communicated to each agency. The first results, of the December 2003 evaluation, were not published. Given the bad performance of December 2003 (36.6 % as an average in the Federal Public Administration) of the first evaluation, IFAI decided to go public on further evaluations (May 2004 & February 2005); table 1 illustrates the impacts of publicity in the results of IFAI's evaluation. But considering the low performance of agencies, IFAI decided to reevaluate agencies and to publish the results three months later. The results of that decision are self-evident. Today, the average of compliance is above 93% in general.

It is an amount of information that could challenge the capacity of assimilation of society. Table 2 gives some examples of specific agencies or departments.

Transparency Obligations (article 7)

The subject compelled by the Law must put at the public's disposition and keep up to date the following information:

- I. Organizational structure;
- II. Legal functions of each administrative unit;
- III. Directory of public servants;
- IV. Monthly pay received for each position, including the system of benefits;
- V. Address of the Liaison Unit, as well as the electronic address where requests for information can be received;
- VI. Aims & objectives of the administrative units according to their programs;
- VII. Services they offer;
- VIII. Procedures, requirements and forms;
- IX. Information concerning the budget allocation to each agency, as well as report about its execution;
- X. Results of audits and the corresponding clarifications, if applicable;
- XI. Design, execution amounts allocated of subsidy programs, the list of beneficiaries of social programs as well as the criteria for access to them;
- XII. All concessions, permits or authorizations granted, with their recipients specified;
- XIII. All contracts granted, detailing for each contract:
 - a) Public works, procurement, goods acquired or rented, and the contracted services; in the case of studies or research, the specific topic must be indicated;
 - b) The amount;
 - c) The name of the provider, contractor or person to whom the contract has been granted;
 - d) The periods within which the contracts must be completed.
- XIV. Regulatory framework applicable to each subject compelled by the Law;
- XV. Reports that each subject must generated;
- XVI. Mechanisms of citizen's participation in cases where they exists and
- XVII. Any other information that may be useful or considered relevant, in addition to information based on statistical surveys that is responsive to the public's most frequently asked questions.

The information referred in this article must be made public in such a form as to facilitate its use and comprehension and ensure quality, accuracy, veracity, timeliness and reliability. All departments and agencies must refer to the recommendations made the Institute in this regard.

Table 1. Transparency Obligations: Impact of Publicity

Transparency Obligations: Impact of Publicity

TIPE OF INFORMATION (weighted value)	EVALUATION (Dic. 2003)	PUBLIC EVALUATION (May 2004)	PUBLIC EVALUATION (Feb. 2005) ^{*/}
Finances (38%)	19.6	45.7	85.1
Regulatory (18%)	51.6	79.6	96.6
Decision making process (14%)	17.5	35.4	84.2
Society institutional links (18%)	54.3	81.9	96.4
Internal Organization (6%)	78.2	96.6	98.6
Basic information (6%)	65.4	95.0	98.8
General average	36.6	62.8	90.8

*/ Date of evaluation is variable, it does not correspond to the same period of time to every Federal Department.

Table 2. Evaluation of transparency obligations by some federal agencies (03-05)

Federal Departments	First Evaluation (Dic. 2003)	Second Public evaluation (May 2004)	Third Public evaluation (Feb. 2005)
Housing (Infonavit)	12	30	19
Defense (SEDENA)	20	30	77
Agriculture (SAGARPA)	26	36	97
Deregulation Commission (COFEMER)	29	77	100
Intelligence Agency (CISEN)	30	31	70
Department of Justice (PGR)	31	42	100
Treasury Department (SHCP)	34	93	100
PEMEX	35	63	100
Electricity Commission (LFC)	36	50	82
CIDE	41	32	93
Arts (INBA)	44	34	85
Foreign Affairs (SRE)	67	37	100
Federal Police (PFP)	NA	37	100

The request of public information process

On June 12, 2003, after one year of enactment of the FOI Law, people were able to make the first requests. Actually, more than one thousand requests were made that day. Since the beginning, the Internet request system (SISI) was broadly used by petitioners of information. People can request information personally or by mail; however, as an average, more than 92 % of requests are electronically made. Table 3 shows that the proportion of complaints to IFAI has been steadily growing, from 2.6 percent of total requests in 2003, to 4.2 in the first trimester of 2005.

The table also shows that the answers that assume inexistence of the requested information are growing too. As previously stated, the FOI Law grants access to information contained in pre-existing documents; therefore, agencies and departments can legitimately declare inexistence of the documents requested, which implies a procedure that involves the internal control officer. Out of the total of requests, inexistence as an answer grew from 2.6 5 to 3.8 percent. It is also a growing cause for appeals to IFAI.

On average, agencies respond access to information petitions in 11 work-days, or two weeks. Of the total of access of information requests, 4.2 percent become an appeal before IFAI, because the denial of information, incomplete or partial access or because the information is incomprehensible, among other causes of complaint.

IFAI has designed a mechanism called Information Request System (SISI, by the acronym in Spanish) that allows submitting a request of information to any department or Federal agency by Internet. Once filed, the requester can use his user's code and password to follow-up on the request. For every request, SISI will generate a receipt with a folio number that can be used as many times as necessary to learn about its status. Other means can be used to file a request: it can be done in person or by mail. However, once submitted, Federal agencies are obligated to register the request in SISI in order to keep track. This allows IFAI to keep a daily track on request to the Federal government.

Requests can be submitted in any Federal government site where there should be link to FOI law; they can also be filed through IFAI's web site (www.ifai.org.mx) or at SISI's own site (www.informacionpublica.gob.mx). The only conditions to request information are to express, in written, what information is requested and if possible, to give details regarding the documents that might contain the desired information. A name and an address, which can be an Email, are mandatory to complete the request. However, there is no need for personal identification. Since requests can be made by Internet, in fact, the request can be pretty much unanimous.

Federal Agencies have up to 20 working days to grant the requested information or explain in writing

The FOI Law mandates that public information is free; however, the requester is supposed to pay for reproduction and delivery expenses, unless he or she prefers an electronic file provision, in which case, delivery is free. Obviously, electronic delivery supposes that the requested information is available in that format, which is not always the case. Agencies inform through SISI of the costs of reproduction and delivery of the information through the System. Furthermore, once the requester covers the costs, the bank informs directly the System, so agencies can go ahead and send the requested information.

Finally, to complete the process, SISI allows requesters to appeal to IFAI if information is denied, incomplete, or there is any kind of complaint. The appeal can be lodged by simply filling-up the provided electronic format. Again, the whole process can be completed in the system, which simplifies as much as possible access to government information to the public.

Some of the advantages of using SISI are:

- Requests can be filed without physical presence at a public office; SISI allows requesters to ask for public information from any computer with Internet access
- The time for notification of information availability is considerably reduced
- A permanent follow-up of the status of the request can be made
- The requested information can be obtained by Internet, via SISI
- Information posted for other requesters is available to general public
- If more information or details are required to properly process the request, there is no need to neither attend to any public office, nor spend money to send clarifications by ordinary certificated mail
- Payment receipt for the cost of reproduction and delivery are processed through the System; once the payment is made, SISI directly informs the Federal agency concerned so that the delivery can be fully processed
- If access to information is denied, or the information granted is incomplete, inexistent, or does not fully the requesters expectations, he or she can complain to IFAI and lodge an appeal, using SISI

The appeal process

IFAI will hear the appeal according to the following guidelines:

- 1) Having received the appeal, the President Commissioner of the Institute will turn it over to the Commissioners designated to speak for the case who must make up a file about the case and present a proposal for its ruling to the Plenum, integrated by the five commissioners, within 30 working days of the filling of the appeal;
- 2) The Plenum may decide to hold hearing with the parties of the case;
- 3) During the procedure, a presentation of the complaint must be made on behalf of the appellant, and the ability of both parties to present, orally or in writing, the arguments that justify and give rise to their claims must also be ensured as well as their ability to properly formulate their allegations;
- 4) If the interested party so request, the motions and documents pertaining to the case may be receive electronically;
- 5) The plenum will rule on the case definitively within 20 working days of the presentation of the plan for resolution
- 6) The ruling of the plenum and the resolutions will be public
- 7) When there is justifiable cause, the Plenum may extend the time limit for a period of equal length.

Table 3. Information inexistence/ total requests

Requests up to april 2005

Requests, Responses & Appeals (14 abril 2005)				
CONCEPT	2003	2004	2005	TOTAL
Total requests of information	24,097	37,732	12,447	74,276
APPEALS TO IFAI	636	1,430	525	2,591
Proportion appeals / requests	2.6	3.8	4.2	3.5

INFORMATION INEXISTENCE	2003 (%)	2004 (%)	2005 (%)
information inexistence	2.6	3.4	3.8
Appeals for inexistence	---	8.1	9.7

Charts 1 and 2 illustrate on total request by month and “agency popularity”. An average of 150 requests by week is made to Federal Public Administration agencies since implementation. That number is surprisingly sustained from the beginning. The proportion of appeals to IFAI for denial to access or any kind of complaint on the answers is steadily increasing. By the same token, the answer of “inexistence of the requested information” is growing both as a proportion of total requests and as a cause for complaints to IFAI. The federal agencies and departments that receive the highest number of requests are: the Social Security institute (which oversees pensions, medical files, contracts, public offers), the Treasury (budget, financial regulations, tax policy), the National Education Ministry (education certificates and programs), and the Environment and Natural Resources Ministry (environment regulation).

Chart 4. Information requests

Information requests
 up to March 31th. 2005

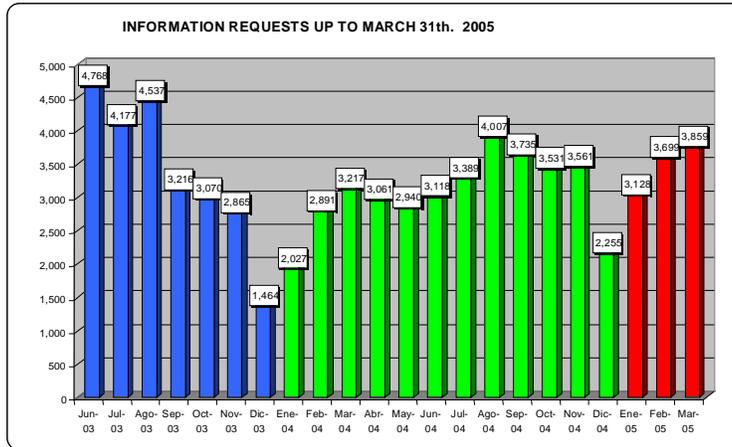
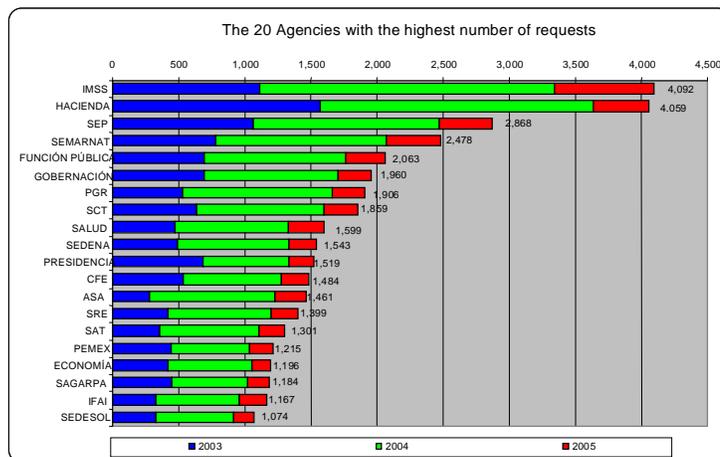


Chart 5. Agencies with the highest number of requests

Agencies with the highest number of requests
 up to March 31th. 2005



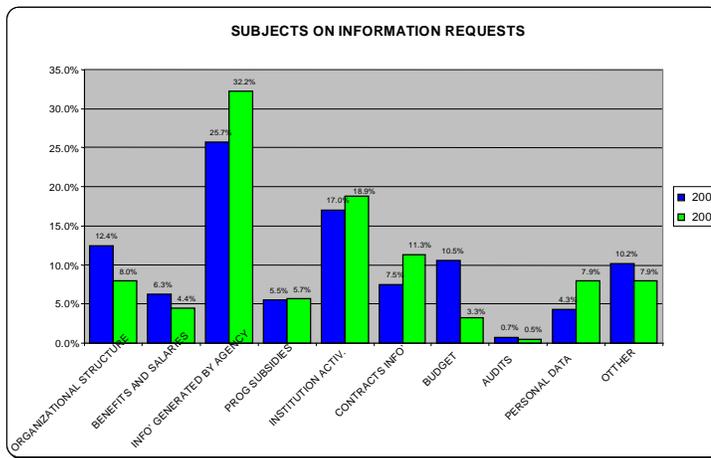
The information requests are increasingly specialized, and have changed from basic requests to requests of specific information regarding services: institutional information

requests grew from 39% in 2003 to 56% in 2004, and demands form personal files doubled in one year.

Regarding the type of answer of the agencies and departments, refusal, inexistence and legal incompetence account to 20 percent of the answers.

Chart 6. Requests by subject

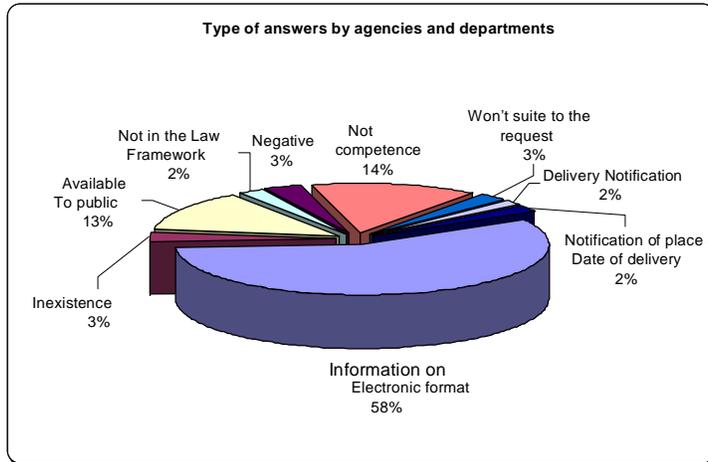
Requests by subject¹⁾



1) Clasificación realizada con el apoyo de las unidades de enlace para el periodo 2003 y 2004

Chart 7. Type of answers by agencies and departments

Type of answers by agencies & departments (up to march 31th. 2005)

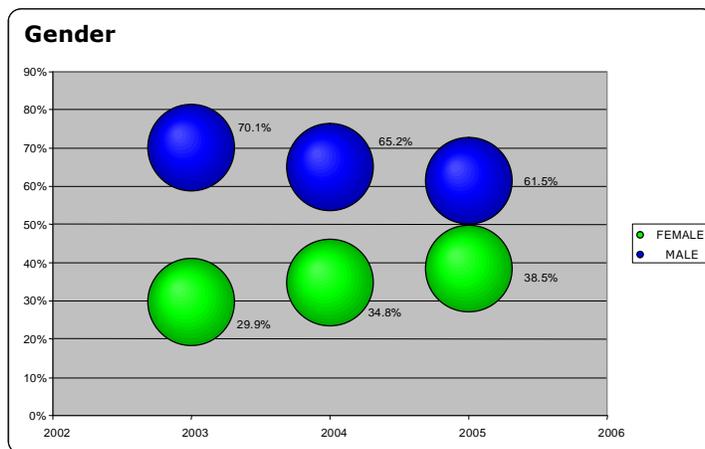


The profile of petitioners is the following: Most requesters, on average, are above the income and education national levels; they are male, and by in large residents of Mexico City (they represent about 60% of total of requesters). In some countries, for instance from Europe, the majority of requesters have between 35 and 65 years of age, they live in provinces and have a high level of education.

Chart 8, 9, 10 and 11. Requesters profile

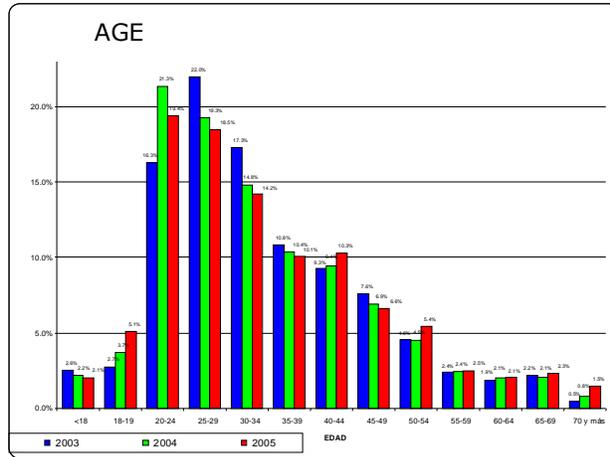
Requesters profile

March 31th, 2005



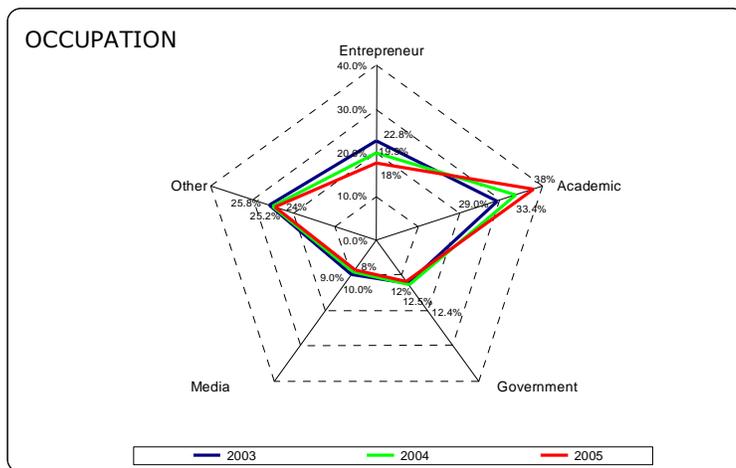
Requesters profile

March 31th. 2005



Requesters profile

March 31th, 2005



Requests by Federal State department

March 31th. 2005

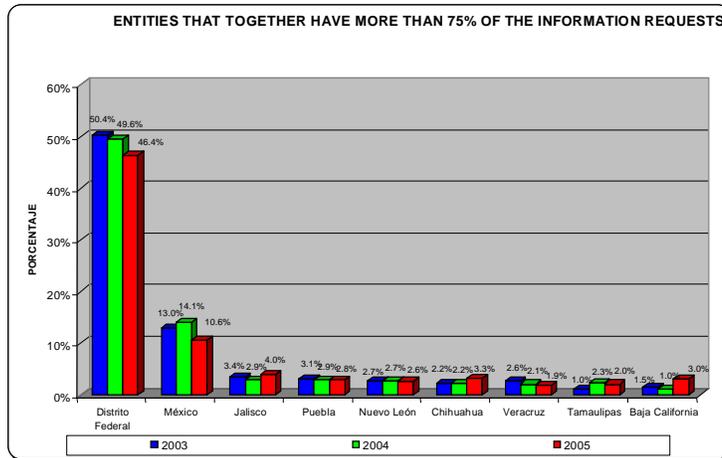
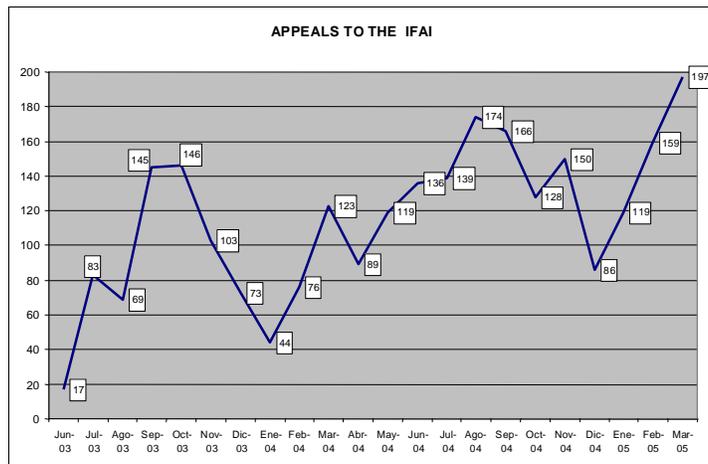


Table 12. Appeals to the IFAI

Appeals to the IFAI

March 31th. 2005



IFAI has received 2,500 appeals so far. In about 56% of the cases, IFAI has modified the initial denial of information and ruled in favor of access to the information.

Table 12 and 13. Appeals to the IFAI

Appeals to the IFAI (2003-2004)

Appeals decisions (1730)	Total %
Confirms denial of access	16
Rules in favor of access (partial/total)	45
Access granted before IFAI's ruling (partial / total)	11
Ruling based on procedural factors	28
Total	100

Appeals by Commissioner presenting the case (2003-2004)

Commissioner presenting the case	AGRV	HAAA	JOLP	JPGA	MML	TOTAL
Confirms denial of access	19	19	18	26	18	100
Rules in favor of access (partial/total)	18.5	15.5	22	24	20	100
Access granted before IFAI's ruling	15.5	29.5	14	20	21	100
Access granted (partial/total)	17	19	21	23	20	100
Ruling based on procedural factors	23	25	17	15	20	100

6. Tracking of implementation and measurement of the performance of the FOI Law

The System of Information Requests (SISI, *Sistema de Solicitudes de Información*) allows requests and complaints to be formulated on Internet and to track the entire process of access to public information or personal data. Although requesters do not need to identify

themselves, they have the option to fill-up the profile questionnaire, which is actually completed by 65 percent of the requesters. The System allows to keep therefore a considerable tracking and measurement of the implementation of the FOI Law.

The following table describes all elements and verifiable measurements of IFAI to increase knowledge, control & evaluation of Federal Public Administration compliance to the FOI Law and secondary regulations.

Table 14. Control and evaluation of Federal Public Administration compliance to the FOI Law

Element	Application
Number of request by Federal agencies and departments Number and type of answers by agencies & departments Number of request by application mechanism: electronic or manual. Number of appeals to the IFAI	Elaboration and publication on the Internet web-site of the weekly statistics, and integration of the IFAI's Annual report to the Congress.
Number of requests by type of information: Public Information, Personal Data and Personal Data correction.	Statistics of the IFAI's Annual report to the Congress.
Profile of requester: gender, occupation, age, and geographic ubication. Semestral report of the Liaison Units about the subject of the requests of acces to information	Elaboration and publication on the Internet web-site of the bimonthly statistics, by year on the integration of the IFAI's Annual report to the Congress.
Time the Liaison Units spent in replying to the requests of information. Number of requests of information with absence of reply to a request of acces to information from the Liaison Units	Breach detection of the Mexican-FOI, requirements to the Liaison Units to correct deficiencies
Appeals	Verification of the fulfillment of the Institute mandatory decisions.
Mechanisms so requesters can appeal to Judiciary	Establishment of interpretation precedents of the Mexican-FOI and of the IFAI's Functions
Indicators to evaluate the fulfillment of Transparency Obligations on Federal Agencies	Evaluation of the fulfillment of the Mexican-FOI and Regulations by the Liaison Units, according to the evaluation criteria document; emission of improvement recommendations.
Indicators on the structure and attention given by the Liaison Units. (Client Simulation Program).	Evaluation of the fulfillment of the Mexican-FOI and Regulations by the Liaison Units, according to the evaluation criteria document; emission of improvement recommendations.
Indicators to evaluate the fulfillment of publication of consultation instruments and archives on the Federal Agencies.	