

## APPENDIX: COMPARATIVE MATRIX

Country/State	Type of Body (from where derive authority)	Duties and Powers	Appointment (length of term, hire and fire)	Budget	Number of Case
<b>Western Australia</b>	Information Commissioner  FOI Act 1992 (W.A.) Part 4 Division 3	<u>Order Powers</u>  ➤ Reviews applications brought by requesters. ➤ Decisions around waiving the need for consultation with third parties over personal or commercial and business information. ➤ Decisions about destruction of documents.	Government appointed, subject directly to Parliament. Not an office in the Public service.	Aus\$1,3m	2002 – 6947 cases
<b>Canada</b>	Information Commissioner  Officer of Parliament  Note: consider selves watchdog agency  Note: many of the provinces have	<b>Recommendation Power only</b>  ➤ Investigate complaints ➤ Subpoena powers ➤ Report to Parliament annually ➤ No legal time limit for advice standards: admin cases – 30 days if refusal try to complete within 120 calendar days ➤ If department declines to follow recommendation of IC, the IC office will go to Court on behalf of the complainant	Governor in Council with approval of appointment through resolution of Senate and House of Commons  7 year term – with possibility for re-appointment  can be removed at anytime by Governor on address of Senate and House	Canadian \$4,896,000 (equal to approx US \$3,106,000)  funding comes through Justice Department	In 2002: 956 complaints were made and 1,004 investigations were completed (1004 including the complaints left over from the previous year). There were 631 incomplete investigations

	provisions for binding decision-making within the Information Commissioner's office				
<b>Connecticut (US State)</b>	<p>Commission: 5 members Executive</p> <p>Ombudsman – assigned to every case and tries to settle, if unsuccessful goes to Commission</p>	<p><b>Order Powers</b></p> <ul style="list-style-type: none"> <li>➤ Investigate all alleged violations</li> <li>➤ Issue opinions</li> <li>➤ Hold hearings (incl. Power of subpoena)</li> <li>➤ Commission may impose civil penalties for innaprop. denials of info</li> <li>➤ Adopt regulations.</li> </ul> <p><b>Promotion responsibilities:</b></p> <ul style="list-style-type: none"> <li>➤ Conduct training annually for members of public agencies</li> </ul> <p>Note: as a matter of policy Commission shall strive to hear contested cases within 30 days and decide each case within 60 days after hearing but in no event later than 1 year after filing complaint</p>	<p>Appointed by Governor with advice and consent of General Assembly</p> <p>4 year terms</p> <p>No more than 3 members may be of same political party</p>	<p>FY 2003 \$1,189,422</p> <p>Funded by appropriations from state legislature</p>	<p>204 final decision issued in 2002</p> <p>6 of these cases proceeded for judicial review</p>
<b>Hungary</b>	Data Protection Commissioner-	<b>Recommendation Powers only</b>	Elected by National Assembly with 2/3 majority	Funded from state budget – in 1997 total	In 2001: 828 petitions investigated and

	<p>Parliamentary</p> <p>Note: Constitutional right to info</p>	<ul style="list-style-type: none"> <li>➤ Must submit annual report to Parliament</li> <li>➤ Observe implementation of Act</li> <li>➤ Examine reports</li> <li>➤ Ensure maintenance of Data Protection Register</li> <li>➤ Issue opinions about draft legislation re: handling of public info</li> <li>➤ Can instruct agency to reclassify info or cease activities (can not force)</li> </ul> <p><b>Promotion (non-statutory):</b></p> <ul style="list-style-type: none"> <li>▪ Publicise and inform society as to the value of the law &amp; legal rights</li> <li>▪ Market services of the Commission</li> </ul>	<p>6 year term with 1 re-election possible</p> <p>chosen from Hungarian citizens with university degree and at least 10 yrs professional experience</p>	<p>expenses were \$67,180,000 forints (US\$329,735)</p>	<p>57 cases opened</p>
<p><b>Ireland</b></p>	<p>Office of the Information Commissioner</p>	<p><b><u>Order Powers</u></b></p> <ul style="list-style-type: none"> <li>➤ Makes binding decisions on FOI requests</li> </ul> <p><b>Promotional Responsibilities:</b></p> <ol style="list-style-type: none"> <li>1. The review of the operation of the Act to ensure that public bodies comply with its provisions;</li> <li>2. The encouragement of voluntary compliance among public bodies; and</li> <li>3. Awareness and education</li> </ol>	<p>Appointed Information Commissioner with by the President of Ireland, on the nomination of each of the Houses of the Oireachtas (Dail and Seanad).</p>	<p>Unavailable</p>	<p>687</p>

		about the Act.			
<b>Mexico</b>	Institute for Access to Public Information (IFAI) – Autonomous agency	<p><b>Order Powers</b></p> <ul style="list-style-type: none"> <li>➤ Oversight and investigation</li> <li>➤ Sets guidelines</li> <li>➤ Makes recommendations</li> <li>➤ Write procedural guide</li> <li>➤ Accepts individual complaints</li> <li>➤ Annual report submitted to Congress</li> <li>➤ Hear cases and subpoena witnesses and evidence</li> <li>➤ Can order agency to release information.</li> </ul> <p><b>Promotion Responsibilities:</b></p> <ul style="list-style-type: none"> <li>➤ Provides training to citizens and responsible public workers</li> </ul>	<p>5 commissioners – named by the President of Mexico but Senate can object</p> <p>term of 7 years with no re-appointment cannot hold other job</p>	Has its own line item in the federal budget	
<b>New York (US State)</b>	<p>Committee on Open Government: 11 members, 5 from government (one must be from local gov't) and 6 from public</p> <p>Secretary of State office</p>	<p><b>Recommendation Powers only</b></p> <ul style="list-style-type: none"> <li>➤ Advises agencies, public and media (written or oral)</li> <li>➤ Issues regulations</li> <li>➤ Issues reports and recommend. to Governor and legislature annually</li> <li>➤ Mediates controversies</li> </ul> <p>Note: does not hold any hearings</p> <p><b>Promotion (non-statutory):</b></p>	<p>Public members: 4 appointed by governor (at least 2 from news media) 1 appt by president of Senate and one by speaker of the assembly</p> <p>staggered 4 year terms</p>	Approx. \$300,000	648 written advisory opinions and 4,829 telephone inquiries

	acts as Secretariat	<ul style="list-style-type: none"> <li>▪ Training</li> <li>▪ Education</li> </ul>			
<b>Sweden</b>	Swedish Parliamentary Ombudsmen	<p><b>Recommendation Power only</b></p> <p>The Parliamentary Ombud plays an oversight role over public power.          Serve as special prosecutors in cases of breach of duty in public administration          Practice of admonitions: not legally binding.</p>	Elected by Parliament for 4 year periods	No information on budget	5000 each year (but not all of these cases are FOI)
<b>Thailand</b>	<p>Official Information Board – (note: seems to know be called the Official Information Commission)</p> <p>Information Disclosure Board</p>	<p><b>Recommendation Power only:</b></p> <ul style="list-style-type: none"> <li>➢ Supervise and give advice re: Act (and its implementation)</li> <li>➢ Recommendations on enactment of Royal Decrees</li> <li>➢ Recommendations on issuance of Ministerial Regulations or Rules</li> <li>➢ Opinions re: complaints (failure to disclose or delays)</li> <li>➢ Power to summons and request documents or evidence</li> <li>➢ Reports on implementation to Council of Ministers at least annually</li> </ul> <p><b>(Limited) Order Powers:</b></p> <ul style="list-style-type: none"> <li>❖ Power to consider an appeal against an order prohibiting</li> </ul>	<p>Chaired by Minister of Information (designated by PM)</p> <p>Commission also includes 13 bureaucrats and 9 others appointed by the Council of Ministers from public and private sector (need at least ½ members to vote and based on majority)</p> <p>3 year term with possible re-appointment</p> <p>Council of Ministers may remove a Commission member for misconduct, dishonesty, incapability, or bankruptcy</p> <p>Appointed by Council of Ministers upon recommendation of Commission – can only choose from list provided by Commission</p>		150 complaints and 88 appeals

		<p>disclosure or order to dismiss objection or order refusing correction of personal info</p> <ul style="list-style-type: none"> <li>❖ Power to summon</li> </ul> <p>Note: one study said takes 4 – 5 months for appeal process</p>	<p>Appointed based on specialized fields (like national security, nat'l economy and finance, law enforcement)</p> <p>As many as needed but not less than 3</p> <p>Can include government officials BUT if there is a member from state agency in question, they can not participate in such consideration</p>		
<b>United States</b>	<p>No interim enforcement body – go directly to Federal District Court</p> <p>Determines the matter <i>de novo</i></p> <p><b>NOTE:</b> law provides that proceedings under FOIA take precedence on the docket</p> <p>Additional institution: Form of Internal Appeal: Office of Information/ Privacy, in the</p>	<p>N/A</p> <p><b>Recommendation Power only:</b> Advisory – role is to advise government departments on their duty to disclose.</p>	<p>Part of the staff of the Department of Justice</p>	<p>Unknown</p>	<p>182 000</p>

	office of the Attorney General				
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Country/State	Time to Process	Relationship to other agencies	Other Activities	Next step in enforcement	Staff
<b>Western Australia</b>	Response time to written enquiries 1 -2 days.	Independent	<ul style="list-style-type: none"> <li>➤ Ensuring agencies are aware of their responsibilities and the public are aware of their rights.</li> <li>➤ Providing assistance to the public and agencies.</li> <li>➤ Bringing evidence of misconduct to the notice of the appropriate authorities.</li> </ul> Deals with applications for amendment of personal information	Right of appeal on any question of law to the Supreme Court	12
<b>Canada</b>	8 months for investigation (unclear how long from initial complaint until recommend.)	President of Treasury Board – member of Privy Council and she provides policy and guidelines for departments on ATI	Have a 1-800 line to provide advice  Developing certificate course with Univ Alberta	Federal Court	45 full-time staff
<b>Connecticut (US State)</b>	328.4 days (from the time the complaint is filed until the final decision is	Municipal FOI advisory board – limit the cases that reach Commission complainant not obligated to go through advisory board	Recently charged with creating, publishing and providing to each municipality a model ordinance of a municipal	Connecticut state court  Commission shall have standing to defend,	Presently 16 staff members – Commission shall designate Executive Director and general

	made)		FOI advisory board – only provides advice	prosecute or otherwise participate in appeal of any of its decisions	counsel Executive Director designates hearing officer to conduct proceedings
<b>Hungary</b>	In 1997: average processing period of 52.6 days, of which complaints took 65.8 days to process on the average and “other cases” took 34.9 days (defined as crisis intervention and legislative interpretation)		Anyone can contact Data Protection Commissioner if feel right violated (note: includes provision similar to whistle protection)  in effect, Commissioner acts as Ombudsman – launches inquiry and issues opinion	Court –  If agency disagrees with Commission can go to Metropolitan Court  Complainants may go to Commission or directly to Court	At end of 1997 had 20 full-time employees and 3 part time employees  Office split into 4 divisions: Data protection FOI Secretariat Data protection register
<b>Ireland</b>	50% of cases completed in 3 months.	Independent	<ul style="list-style-type: none"> <li>➤ to keep the operation of the Act under review with a view to ensuring maximum compliance</li> <li>➤ to foster an attitude of openness among public bodies by encouraging the</li> </ul>	High Court application	24



			<p>voluntary publication by them of information on their activities which goes beyond what they are obliged to publish under the Act;</p> <p>➤ to prepare and publish commentaries on the practical operation of the Act (these may be based on the experience of the Commissioner arising from cases already handled).</p>		
<b>Mexico</b>		Each agency must have a liason unit, which will publish info and respond to requests and an Information Committee, which oversees the liason		Can appeal Institute decision in federal court	
<b>New York (US State)</b>			<p>All appeals of agency denials are sent to Committee so that they can monitor</p> <p>training</p>	First review is by head of agency, if denied then call appeal to NY State Court (the Committee does not administer hearings)	4 staff
<b>Sinaloa (Mexican State)</b>					
<b>Sweden</b>	No information available	Independent, reporting only to Parliament	Supervision of all central and local government agencies and bodies and	Appeal to administrative courts.	4 ombudsmen elected by Parliament – no information on total

			<p>their staff, and also all other persons who exercise public authority</p> <p>Entitled to draw to the attention of the legislative bodies (the Riksdag and/or government)</p> <p>inconsistencies, gaps or other shortcomings in the current regulatory system that have come to light during the handling of a supervisory case.</p>		staff complement.
<b>Thailand</b>		<p>Official Information Commissioner – in the Office of the PM</p> <p>Perform technical and administrative work for Board and Tribunal – coordinates with agencies and can give advice to individuals</p>		Decision of Information Disclosure Tribunal is deemed final for agency (but appears that citizen's may go to administrative court)	
<b>United States</b>		Advisory	Deals with privacy issues as well	Litigation	No information