

Monitoring Studies on the Implementation of Law on Information Transparency and Right to Information (LITRI): Article 23 and 24

FINAL REPORT

2015, Ulaanbaatar

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Law on Information Transparency and Right to Information

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Chapter 1

Introduction

Background and Objectives

The Parliament of Mongolia June 16, 2011 approved the Law on Information Transparency and Right to Information (LITRI) and the main objective of the LITRI is to require public bodies to make information about their operations, human resource, budget and finance, and procurement activities transparent. The LITRI also outlines the procedures for requesting and releasing information from public authorities. Despite there have been positive improvements among the public bodies in disclosing information for public, levels of public awareness, implementation, and demand-led use of LITRI vary widely in the public bodies, even as citizens are increasingly sensitive to corruption and the lack of transparency in government.

While there have been a number of efforts to promote the sharing of knowledge and good practices among civil society organizations, and government officials, there has been limited investigation of the key factors that enable or prevent the effective implementation of LITRI. Despite there has been a significant progress done in shaping the legal regime for the right to information in 2011, the implementation of right to information legislation by government has not been monitored or only a few studies by local NGO and international NGO's done. Swiss Agency for Development and Cooperation (SDC), Asian Foundation, Independent Research Institute of Mongolia (IRIM)¹ are the ones did research on the LITRI and their studies show that the public participation at the local level is significantly low, only 9.5% of the respondents knew about the LITRI. However, there is not many information regarding with the implementation of the Law on this study.

Even though one of the main purposes of the LITRI is to contribute to public participation in decision-making and accountability, it can be concluded that there is a limited information on the extent to which individual citizens and legal entities seek specific information or documents held by public bodies. According to the studies by aforementioned organization, the public awareness about the Law, which allows

¹ Monitoring studies on the websites of Public Bodies by IAAC, UNDP, IRIM, Mongolian government, January 2012.

citizens to request information from the public bodies are very low and more action has to be done in order to raise the public awareness.

IAAC, UNDP, MDS and Associates² studies indicate that there have been notable increases in the amount of information available on websites of public bodies since the approval of the LITRI. According to their studies, even though this improvement made by public bodies in increasing transparency of information through their websites, the status of monitoring and process releasing information directly for requestors as such ordinary citizens, NGO's and legal entities should be more studied to check if the public bodies are implementing the law appropriately or the citizens, NGO's and legal entities are exercising their right in receiving information from the public bodies.

Article 23, 24 of the LITRI is designated for the registration and handling of requests for information by public bodies and the status of monitoring of implementation of the LITRI by public bodies. However, monitoring studies on the functioning system for implementing the right to information and the actual process for disclosing information by public bodies have not been studied and no solid recommendations and analysis have not yet been offered for the improvement. There is a need to look closely on the actual process of disclosing information by the public bodies and registration of the requests. A number of factors remains problematic concerning the LITRI including public awareness, the managing of information requests, quality and timeliness of responses to requests, efficiency and ease of the law's use, sufficient support of the law's infrastructure nationally and access to the law by marginalized groups.

Through a combination of primary and secondary research methods that included fieldwork, stakeholder interviews, questionnaires' and case studies;

- Analyzed the legal framework facilitating citizens' access to information; (
- Evaluated the implementation of LITRI; (
- Assessed the ease and effectiveness with which citizens can access and use information (gathered through LITRI; (

² (Monitoring studies on public bodies' websites by MDS and Associates, Asian Foundation, December 2013). ТӨРИЙН ТӨВ БАЙГУУЛЛАГУУДЫН АВЛИГЫН ЭСРЭГ ҮЙЛ АЖИЛЛАГААНЫ ҮНЭЛГЭЭНИЙ ТАЙЛАН,

- Collected primary and secondary data to establish a baseline on the evolution of the (information regime; (
- Based on their findings, formulated recommendations for strengthening citizen's (access to information. (

Chapter 2

Methodology

Overview

Mongolia's Law on Information Transparency and Right to Information (LITRI) was passed in 2011. Though the law's passage represented a further and promising turn towards a government aligned with democratic principles, no comprehensive study on the effectiveness of the law's implementation has been completed. A number of factors remains problematic concerning the LITRI including public awareness, the managing of information requests, quality and the timeliness of responses to requests, efficiency and ease of the law's use, sufficient support of the law's infrastructure nationally and access to the law by marginalized groups.

This project intends to complete an assessment of Mongolia's LITRI using a multifaceted approach that seeks to engage a wide range of stakeholders in order to establish a comprehensive understanding of the situation surrounding the law, highlighting areas of both high and low performance. The project will examine the available records documenting submitted information requests, as mandated by articles 23 and 24 under the law, to develop a quantitative analysis of the number of requests made to help determine public awareness of the law and possible problems in accessing and using the law. Furthermore, the details of the requestors will reveal the specific demographic of citizens exercising their right to the law, allowing inferences to be drawn on which groups are not utilizing the law and why.

Building on this, the project team will interview RTI officers from selected public bodies to develop a more accurate picture of how the law operates in practice. These public bodies have been selected based on the fact that they stand in accordance with article 3.1.1 under the LITRI. The interview process will help to systematically document the functioning of the law as performed by those charged with the law's implementation. Overall, the interviews will aid in assessing areas where the law is performing up to standard, where it is failing to reach its full potential, why those failures exist and allow the project team to develop a set of recommendations to improve the implementation of the law based on realistic input directly from the law's practitioners.

The project's public bodies and target locations for the field visit - two districts in

Ulaanbaatar and two provinces, Tuv and Dundgobi- have been chosen with consideration to the disadvantaged groups residing in these areas. Similarly, the two selected districts in the city - Bayanzurkh, and Songinokhairhan districts - also contain a high number of poor citizens. Conducting analyses in these target locations will help determine equality within the law for marginalized groups, their rate of participation, ease of access and any barriers that exist to exercising their right to information.

In addition to carrying out the aforementioned activities, the project will also incorporate relevant studies on LITRI implementation from other countries into its final analysis in order to compare the state of Mongolia's RTI law to international standards and to integrate successful RTI models and best practices into the project's final set of RTI implementation recommendations. Overall, this multifaceted approach utilizing various methods to engage a host of stakeholders and to thoroughly investigate the underpinnings of the law will offer a complete and comprehensive assessment revealing the effectiveness and capability of Mongolia's RTI system nationally and the state of the law as compared to international standards. The project will also produce a set of recommendations based on realistic input and concrete information to tangibly help improve the implementation of Mongolia's LITRI.

Monitoring team utilizes a combination of primary and secondary data collection methods that included:

- Desk based analysis of existing policies and laws facilitating transparency.
- Structured interviews with key stakeholders such as officers designated to process information requests, heads of departments
- Inspection of public authorities.
- Case studies.
- Questionnaires' from the public bodies

As a part of the monitoring studies, 57 people in total were interviewed across selected two districts in Ulaanbaatar, and two provinces.

The empirical limitations of this analysis must be noted. The study is based on a relatively modest and variable sample size across the country. Consequently the findings are intended to provide an illustrative rather than representative insight into the state of LITRI implementation in Mongolia. Furthermore, as the assessments varied in sample size and

coverage from province to province, the aim of this report is not to compare or rank the public bodies under study. It is hoped that findings from this monitoring studies will add to existing literature and analysis on the state of LITRI implementation in Mongolia.

Primary Data Collection

- **Interviews**

- **Interviews with information officers and the relevant officers**

A total of 57 government officials were interviewed to assess the implementation of LITRI and article 23, 24. Monitoring team has visited public bodies in two provinces and two districts; Tuv, Dundgovi provinces and Bayanzurkh and Songinokhairhan districts.

Tuv province: interviews were conducted with 19 public authorities, including heads of public authorities of Assembly of Representatives of the Citizens, Governors Office, Social Welfare and Service Department, and Department of Land Affairs.

Dundgovi: interviews were conducted with 11 relevant information officers and the heads of public authorities from 4 public authorities; Assembly of Representatives of the Citizens, Governors Office, Social Welfare and Service Department, and Department of Land Affairs.

Songinokhairhan District: Interviews were conducted with 11 heads of public authorities; Governors' Office, Department of Land Affairs, Social Welfare and Service Department.

Bayanzurkh District: Interviews were conducted with 16 relevant information officers, and heads of the respective 4 public bodies including Governor's Office, Department of Land Affairs, Welfare and Service Department, Assembly of Representatives of the Citizens.

- **Questionnaire**

Total of 20 provinces were participated and sent their answered questionnaires to the monitoring team via mail. With the help of Independent Authority against Corruption (IAAC), questionnaires' have been distributed throughout all provinces' respective public bodies and successfully received the answered surveys in a relatively short time. In total 64 public authorities participated across 20 provinces. 16 – Governors' office, 14 - Assemblies of Representatives of the Citizens, 13 - Departments of Land Affairs, 12 –

Welfare and Service Departments. Through the field visit in the selected public authorities in two provinces and districts, monitoring team members got the questionnaires answered by the relevant officers while conducting interviews with them.

The List of the Public Authorities answered the prepared questionnaires and sent them via mail

№	Province /Districts/ Capital City	Governors' office	Assembly of the Representatives of the Citizen	Department of Land Affairs	Department of Social Welfare and Service
1.	Arkhangai	✓	✓		
2.	Bayankhongor		✓	✓	✓
3.	Bayan-Ulgii	✓			
4.	Bulgan	✓	✓		✓
5.	Gobi-Altai	✓			✓
6.	Gobi-Sumber		✓		
7.	Darkhan-Uul		✓	✓	✓
8.	Dornogobi	✓	✓	✓	✓
9.	Dornod		✓		
10.	Dundgobi	✓	✓	✓	✓
11.	Zavkhan	✓	✓	✓	✓
12.	Orkhon	✓	✓	✓	✓
13.	Uvurkhangai	✓	✓	✓	✓
14.	Umnugobi	✓	✓	✓	✓
15.	Selenge	✓	✓		
16.	Tuv	✓	✓	✓	✓
17.	Uvs	✓		✓	
18.	Khovd	✓		✓	
19.	Khuvsgul	✓		✓	
20.	Khentii	✓		✓	✓
Sub-total		16	14	13	12
Ulaanbaatar					
21.	Bayanzurkh district	✓	✓	✓	✓
22.	Songinokhairhan	✓		✓	✓
Total		18	15	15	14
23.	Administration of Social Welfare and Service				
24.	Property Affairs Department, Governor's office of Ulaanbaatar				

Secondary Data Collection

▪ Analysis of Case Studies

A number of case studies were examined to provide insights into public bodies that are obliged to give information under LITRI.

Chapter 3

Legal Framework

Overview

The LITRI was analyzed to determine the strength of the legal framework supporting citizens' access to information. This law was assessed on the basis of six indicators.

- **Basis of the Law**
 - Constitutional guarantee of RTI as a fundamental human right
- **Assumptions underlying the law**
 - Transparency as a rule
 - Reason for accessing information
 - Proactive disclosure
- **Scope of the law**
 - All levels of government covered
 - NGOs and other private bodies covered
 - Access to all forms of info
- **Exemptions**
 - Exemptions restricted to information causing real harm (
- **User Friendliness**
 - No forms required (
 - Reasonable fees (
 - Accessible to the poor, illiterate, or differently abled
 - Appropriate time limits for providing information (
- **Review and appeal mechanisms**
 - Decentralized appeal mechanism
 - External, independent appeal authority and appeal beyond the information commission

Basis of the Law

- **Constitutional Protection of RTI as a Fundamental Human Right**

Citizens' right to information finds adequate constitutional protection in Mongolia. The right to information is explicitly protected in the constitution: by Article 17 of 1992 and general guarantees of freedom of expression are interpreted to provide constitutional recognition of the right to information. The right to information is considered part of the freedom of thought, conscience, and speech guaranteed by Article 17 of the Constitution.

The Constitution of Mongolia in its article 16, 17th section that “ Right to seek and receive information except that which the state and the its bodies are legally bound to protect as secret, in order to protect human rights, dignity and reputation of persons and to defend the state national security and public order, secrets of the state, individuals, or organizations which are not subject to disclosure shall be defined and protected by the law” and in article 19, 1st section that “ the State shall be responsible to citizens for the creation of economic, social, legal and other guarantees for ensuring human rights and freedoms, to fight against violation of human rights and freedoms and to restore infringed rights”

Assumptions Underlying the Law

- **Transparency as a Rule**

A foundational principle of LITRI is that transparency is the rule, and secrecy the exception. Transparency has been the public’s demand for information in order to hold governments accountable for their actions and how they spend public funds. This demand led to access to information laws. Proactive transparency is increased citizen participation in decision-making.

- **Reason for Accessing Information**

LITRI does not require citizens to give a reason for seeking information. Despite there is no such provisions in the Law, in some cases at the various level of government organization do require people to give a reason to acquire information.

- **Proactive Disclosure**

The LITRI contains provisions on voluntary or proactive disclosure of information. This includes the disclosure of information related to the functions of an organization, powers and duties of officials, decision-making procedures and norms, and policies and schemes implemented. The laws also specify how this information should be made public, and require that the information be updated on a regular basis.

Scope of the Law

- **All Levels of Government Covered**

LITRI covers all levels of government. The public bodies covered by the law are defined in section 3.1.1. This covers the legislative, executive and judicial branches of the government local government, legal entities funded by the state and NGOs fulfilling

certain executive functions.

- **NGOs and other private bodies covered**

The LITRI covers bodies owned, controlled or substantially financed by the government, and NGOs funded directly or indirectly by the government. All private organizations and NGOs are obligated to disclose information under the LITRI if they are financed by the government.

Exemptions

- **Exemptions Restricted to Information Causing Real Harm**

The LITRI exempt disclosure of information where it would legitimately harm the public interest. The exemptions apply to information that would harm national security, foreign affairs as well.

User Friendliness

- **No Forms Required**

The LITRI does not prescribe a specific format for an LITRI application. A hand-written or typed application, and verbal inquiries are acceptable. If the prescribed form is unavailable, the applicant may still submit a request. LITRI only requires public bodies to include the name, address, and the date as procedural requirements for submitting an application.

- **Reasonable Fees**

The LITRI provide a reasonable fee structure for accessing information. The law specifies that the public bodies can receive the fees, which should be the actual cost of copying and printing and it should be also adjusted in line with the inflation rate.

- **Accessible to the Poor, Illiterate, or Differently Abled**

The LITRI does not make information free to those below the poverty line. If applicants cannot submit a written request for information, the public information officer is required to assist them in writing their request. LITRI allow an applicant to register an oral request, thus giving a significant chance on illiterate applicants.

- **Appropriate Time Limits for Providing Information**

The LITRI establish specific time limits for fulfilling a request for information. The limit for responding to a request is 7+7 days. However, public bodies tend to respond to the requesters based on the Law of Resolution of Petitions and Complaints which has 30 days of time limit for responding.

- **Review and Appeal Mechanisms**

- **Decentralized Appeal Mechanism**

The LITRI provide a decentralized appeal mechanism whereby an applicant may first seek remedy from a designated authority (usually a senior officer or head within the same public authority) and can also appeal through National human Right Commission and the court.

- **External Independent Appeal Authority**

The LITRI does not provide for the establishment of information commissions to function as external, independent, and autonomous appeal authorities. There is no Office of the Ombudsman has been designated as the authority to receive and handle complaints and appeals regarding the rejection of requests for information.

Chapter 4

Implementation of the LITRI: Article 23, 24

Overview

The government is the single largest holder of public information in any country. Therefore, although a range of other institutions are identified as public authorities under the Law On Information Transparency And Right To Information (LITRI), this monitoring study focused on evaluating the government as a facilitator of LITRI and its implementation. To assess the implementation of the LITRI, interviews were conducted with public information officers (PIOs), heads of department of public authorities (PAs), and relevant officials of the selected organizations in two districts in Ulaanbaatar and two provinces – Bayanzurkh, Songinokhairhan districts and Tuv, Dundgovi provinces respectively.

In total, 57 interviews were conducted. These interviews sought both to assess the attitudes and capacity of officials implementing LITRI, and to evaluate the mechanisms set in place to implement LITRI. Article 23, 24 of the LITRI specifically requires from all public bodies to keep the records of the information requestors and set the mechanism to monitor the status of implementation of the LITRI. Section 23 requires all public bodies to keep ‘logs’ to ensure proper monitoring of the implementation of this law. As part of the interviews, officials’ views were solicited on LITRI, potential improvements in the law, and the challenges they faced in implementing the law on the ground. Additionally, the premises of 22 public authorities were inspected to determine whether they were complying with the provisions of the laws.

Interviews with Public Information Officers (PIOs) and the Heads of Public Bodies

PIOs or relevant officials in charge of disclosing information in both two selected field trip districts and two provinces were surveyed using structured interviews. The LITRI does not establish designated PIOs, however, interviews were also conducted with the heads of public authorities at different levels of government.

- **PIO’s appointment**

Ulaanbaatar: In total 27 interviews were conducted with the heads of PAs at the two

district levels and two government's implementation agencies – Property Affairs of the Mayor's Office of Ulaanbaatar and Social Welfare and Service Agency.

Provinces: 30 interviews were conducted with the PAs in two selected provinces.

Interviews from the both authorities in the selected provinces and the districts revealed that most PAs did not have proper mechanisms in place to respond to information requests, and none had designated information officers who are fully in charge of registering information requestors and handling the requests. Most of them either take the responsibility as an extra responsibilities added to their existing roles.

Throughout the questionnaires' from 64 public authorities of 20 provinces, the heads of the authorities indicated that there are no designated PIOs that handles the information requests as a main responsibility, however there are various officers, who perform different tasks, handle the information requests.

The list of the officers who handle information requests

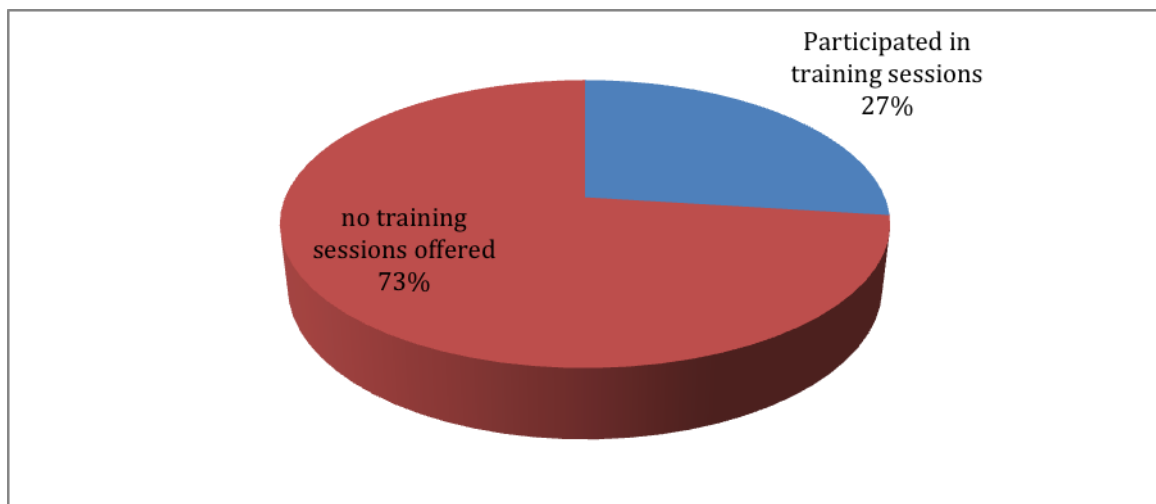
- Receptionists
- Officers responsible for registering and handling the complaints, petition and information
- Internal Affair Officers
- Archivists
- Human Resource officers
- Legal Officers
- IT officers

▪ **Training of PIOs**

Most of the PIOs and PAs interviewed across the sample had undergone numerous training on the various capacity building skills. From the questionnaires', 44 public bodies out of 64 answered there were training sessions for their officers. In percent, 73 % of participated public bodies organized some training sessions to make their organizations more transparent and comply with the transparency related laws and 27 % did not even have any training sessions to improve their capacity. However, out of 44 studied public bodies only 3 provinces of Bayan-Ulgii, Dundgovi and Gobi-Sumber specifically have done a training session on LITRI and articles of 23, 24.

Ulaanbaatar: Of 27 PIOs interviewed, only one had attended an LITRI training program.

Provinces: Of 30 PIOs interviewed, five had attended an LITRI training program. Moreover, this training was provided not by the government, but by NGOs. Most of the interviewees, especially heads of the public authorities were insisting that there were adequate number of training sessions for the relevant officers on the transparency of the organization, however when they are further asked specifically about the LITRI during the interviews, majority of the interviewee does not even know provision 23, 24 and LITRI in general.



73% of the public bodies have done a training session on the issue of anti-corruption, conflict of interest, releasing information on the websites, and the handling of complaints, petition. According to the LITRI, public bodies are required to release information for public via 4 channels; through their bulletin boards, websites, mass media and fliers/handouts. Previous existing studies by other NGOs on those 4 information releasing channels of the public bodies have shown that there has been progress in putting all sorts of information for the public, however, the interview from the public authorities indicated that officers do not have the adequate understanding about the LITRI and citizens and legal entities' right to get the information from the public bodies.

▪ **Preparedness of the officers**

67 percent of PIOs interviewed in Ulaanbaatar and 33 percent of PIOs and relevant officers interviewed in two provinces did not have a copy of LITRI Act, a fact that speaks volumes about the lack of preparedness at different levels of government to facilitate citizens' access to information. All of the 64 public bodies that have answered the prepared survey had designed budget for the implementation of the LITRI, including for

improving their websites' functions, renewing the information boards, making contracts with the newspapers, TVs in advertising the transparency of their respective organizations. For instance, Umnugobi province had 48 million MNT budgeted for the transparency of the Governor's office. Even though different amount of money at the public bodies have been budgeted on the effort of making them more transparent, officers revealed that there have been inadequate amount of money, which specifically designated for the implementation of the article 23,24 of LITRI.

Following some provinces has a budget that is for the LITRI related activities.

- ✓ Bayan-Ulgii – Salaries of the officers who receive and handle the petitions and complaints via phone and websites. (833,000 MNT per month)
- ✓ Gobi-Altai - Governor's office has a contract of 2 million 500 thousand MNT with the local TVs and newspapers to inform public about its activities.

▪ **Collecting Fees**

On February 16, 2013, the government has passed the resolution - 54 on collecting fees and waiving the fees from citizens. According to the resolution, fees can be adjusted by the public bodies, which should be in line with the inflation rate. Service fees should be the actual cost of copying and printing documents, and mailing to citizens. Throughout the survey, there were no public bodies that had higher service fees for the citizens. But, in Umnugobi, citizens pay 1000 MNT for copying documents.

▪ **Registration and the handling of requests**

As provision 23 requires keeping the records of the information requesters, all public bodies to keep 'logs' to ensure proper monitoring of the implementation of this law. None of the public bodies had the designated record keeping 'logs', however, all of the studied organizations in Ulaanbaatar and two provinces have developed a way of registration and the handling of requests, but they are rather unorganized and underdeveloped. In addition to this, 64 public bodies across 20 provinces have indicated that they keep the records of information requesters if they submit the written requests. But there were no records kept if an individual asks information directly from the officers without written requests, which prevents to monitor the implementation of the law. 'logs' that the studies public bodies keep are not designed for the information requests, its rather mixed with the all sort of requests including petitions and complaints.

It should be noted that there is a separate law that regulates petitions and complaints issued by citizens to the government organization – the Law on Resolution of Petitions and Complaints. According to this law, the government organizations are required to respond to the citizen's petitions and complaints within 30 days whereas LITRI requires to respond 7+7 days at maximum. Interviewed officers revealed that they have inadequate knowledge about the two different law and as a result keep all the requests in one 'logs'.

In addition to keeping 'logs', there are another type of mechanism to receive all sorts of requests, petitions and the complaints through websites. For instances, through the website of www.smartcity.mn, mayor's office of Ulaanbaatar receive all sorts of requests, petitions and the complaints. Similar to 'logs', there are no clear separation of information requesters, and those records of petitions and complaints. In this website, information requesters are registered under the category of petitions and complaints.

Throughout the survey – interviews and questionnaires', information officers and other relevant officers were expressing to introduce the registration of requests through the websites rather than archaic way of registering the requests on the record books because of the easiness and effectiveness of the responding mechanism.

Out of participated all 64 public bodies across 20 provinces and Ulaanbaatar, 63 (98,4%) public organizations do not have an existing designated information requester' records. Assembly of the Representatives of the Citizen in Bayankhongor province has designated information requesters' 'logs' that has been kept since the 2011 and register information requests through all of the possible ways including phone – 70440001, and written requests and the website.

CASE 1: logs – Assembly of the Representatives of the Citizen, Bayankhongor complies fully with the article 23.

#	Recieved Requests				
	Date	Number	From Whom/where	Brief content	Number of Pages
1	2	3	4	5	6
Registered and Transferred					
Date	Transferred to which divisions and to which officers		Recipients signature		responded /when, how/

Actual ‘log’ has shown that there has been 626 information requests since 2011 to 2014. However, through the inspection on the log, officers respond to the information requestors within 30 days not 7+7 days as LITRI requires.

Throughout further studies on the legal framework, possible factor that may have been confusing the officers in responding in a timely manner have identified; the government resolution-143 that has been approved in 2009 is still in effect despite the LITRI has been passed in 2011. According to the resolution 143, government bodies can respond to the information requestors according to the Law on Resolution of Petitions and Complaints.

CASE 2. Governor’s office of the Zavkhan Province.

Information officers at the Governor’s office have created an application for the information requestors.

**ЗАВХАН АЙМГИЙН ЗАСАГ ДАРГЫН ТАМГЫН
ГАЗАРТ ХҮСЭЛТ ГАРГАХ НЬ**

20... оны ... сарын ... өдөр Улиастай

Мэдээлэл авах тухай

А. Хүсэлт гаргах шалтгаан, үндэслэл	
В. Хүсэлт гарсагч/ирсэн/	
1. Ургийн овог:	2. Эцгийн нэр: 3. Нэр:
4. Төрсөн огноо:	5. Регистрийн дугаар:
7. Хүйс: эрэгтэй / эмэгтэй	8. Ажлын газар, албан тушаал
9. Оршин суугаа хаяг:	
10. Гар утас:	11. Гэрийн утас:
12. Ажлын утас: дотуур:	13. И-Мэйл:
Г. Мэдээллийн төрөл	
<ul style="list-style-type: none"> <input type="radio"/> үйл ажиллагааны ил тод байдал <input type="radio"/> хүний нөөцийн ил тод байдал <input type="radio"/> төсөв, санхүүгийн ил тод байдал <input type="radio"/> төрийн болон орон нутгийн өмчийн хөрөнгөөр бараа, ажил, үйлчилгээ худалдан авах ажиллагааны ил тод байдал <input checked="" type="checkbox"/> /тэмдэг тавих/ 	/Мэдээллийн агуулга бичих/

Хүсэлт гаргагчийн гарын үсэг: _____ Огноо: ____/____/____

Зөвхөн эрх бүхий ажилтан бөглөнө.

Аймаг, нийслэл, сум, дүүрэг:

Байгууллагын нэр:

Хүлээн авсан огноо:

Гарын үсэг:

On this application, information requestor had to provide some information that are not required by the LITRI. For instance, date of birth, employer's information, the position and the reasons for receiving information.

Monitoring studies on the registraton and the handling of the information requesters have shown that there are number of different type of channels to recieve the information requests as such via websites, phone, social media- twitter, facebook, in writing form, there are not a single exemplary model or standard set by the government.

1. Number of case refused

The limitations of the quantitative studies made the monitoring team to look for an actual case of refusal from the 'logs'. During the interviews, most of the information officers

have revealed that there have been almost no refusals, but through the inspection on the ‘logs’, monitoring team have identified a few of the registered refusals. Unorganized record keeping systems, which do not separate the information requesters from the others, have also prevented the team from producing the number on the refusals.

Case 3. “Transparency Fund” NGO requested an information from the Assembly of the Representatives of Citizens, Bayanzurk District and the Governor’s office, but the both public bodies neither released the information to “Transparency Fund” NGO nor explained the reasons why they can not release the information. During the interview, an officer at the Assembly of the Representative of Citizens of Bayanzurkh district insisted that since “Transparency Fund” NGO did not express in their writing requests about the date they would like to receive the information, it can not be released to them. This is a clear violation of the LITRI.

- **Result Based Contract**

The monitoring and application of the laws on governmental organizations within the scope of application are set in the article 24. The article 24.2 stipulates that during the signature of the result agreement with budget’s general chief and manager, the information transparency should be included and will be the main criteria of valuation.

The members of the research team sent the request to obtain the copy of the result agreements made with general chief, managers and specialists of 20 provinces through Independent Authority Against Corruption Agency and traveled to 2 provinces and worked on total of 69 (42) result based agreements. The information transparency were included in 47 agreements which is 68.2% of the total agreements, 22 agreements, 31.8% didn’t have any stipulation of information transparency.

Even though the criteria of valuation is the information transparency, we can generally see from the result based agreement that the criteria of valuation is human resources, financial statements and broadcasting via media in the provinces of sales and trading of private and public products. Furthermore, the transparency valuation of activities is notified in the report based on complaints and feedbacks from the citizens.

- **Attitude of PIOs towards their job**

Most of the PIOs interviewed in both in Ulaanbaatar and two provinces viewed the

position as an extra responsibility added to their existing roles and functions within their departments. In organization as such Welfare and Social Service Agency officials interviewed were unaware of their responsibilities under the existing LITRI laws; those who were aware tended to view those responsibilities as burdensome. However, it must be noted that there were some officials in each of the public bodies who displayed a positive attitude towards LITRI and felt the government should actively promote transparency laws.

▪ **Low demand for information**

During the interviews, PIOs and public authorities reported very low demand for information under the LITRI of their respective public bodies. Through the inspections, it is understood that due to the unorganized record keeping ‘logs’ and other requests receiving ways as such websites, which is messed with the complaints and the petitions from the citizens and legal entities, collecting quantitative data was rather unattainable. Through the interviews, all the public authorities informed that most of the information requesters approach to them via phone, which however were not properly registered on the record keeping “logs”. 52 people were randomly selected and approached by the monitoring team in two districts in Ulaanbaatar and two provinces of Dundgobi and Tuv. Only 10% of the citizens knew about the LITRI and its article 23 and 24.

Constraints faced by PIOs

PIOs and other relevant officers interviewed emphasized the challenges and constraints that they faced on a day-to-day basis in providing access to information under the law. In two districts, Officers highlighted the lack of LITRI knowledge and training as a key constraint. Officers in Administration of Agency of Social Welfare and Service highlighted the need for departmental guidelines on how to process and handle requests, and recommended the framing of an information disclosure policy. Officials reported that archaic record keeping systems impeded the speedy recovery of information for LITRI requests. Interviewees at Agency of Social Welfare and Service identified insufficient budgets, inadequate resources for photocopying, and a lack of training and capacity building as major constraints.

Chapter 5

Recommendation

Demand Side

- Build greater public awareness of the law. The lack of awareness and limited use of the right to information is a key constraint to the creation of a robust information regime. Consequently, government, civil society, and the media need to actively promote the use of the LITRI among different stakeholders, especially in rural areas. Different communication and media tools (including mass media, radio/TV, and SMS) could be utilized to publicize the law.
- Link LITRI to the effective delivery of public goods and services. In some countries, independent organizations like Information Commissions have effectively used the right to information to access information on the provision of government services and the implementation of large-scale social welfare programs. Information thus obtained has been used to demand greater transparency and accountability in government. This has also proven to be an effective tool to spread awareness of the law's value to citizens seeking information directly relevant to their lives.
- Work with the media to promote, publicize, and use LITRI. Journalists should use more the LITRI to gather information and substantiate their news reports and stories. The media can play a more substantial role in creating public awareness of the law by carrying news reports, editorials, and stories about the LITRI, highlighting success stories, and turning the spotlight on implementation efforts and challenges.
- Introduce LITRI into school and university curricula. The right to information should be included in the formal curricula of schools and universities to ensure that future generations are educated about its importance as a tool for citizens' empowerment and for ensuring government transparency and accountability.

Supply side

- Train and build the capacity of the officials at the various level of governmental organization. Most of the officers does have misunderstandings about the LITRI and respond to the citizens according to the Law on Resolution of Petitions and

Complaints. In addition to this, the absence of dedicated information officers has been noted as a key implementation constraint. There is a strong need to build broadly based awareness of LITRI among officials across various tiers of government. Furthermore, government officials must be trained and encouraged to understand the advantages of disclosing information to the public and operating in a culture of trust and participatory decision making.

- Improve records management and information systems. The timely supply of information under the LITRI requires strong records management and information systems. Record keeping systems in most government departments are unorganized and that PIOs have trouble retrieving information within the stipulated timeframe. Updating the information system will require the government's commitment and the allocation of adequate resources.
- Keep working on improving the proactive disclosure of information by government departments at various levels. Government departments at various levels must be encouraged to regularly, proactively disclose information that concerns the public. Information should be made accessible by various means, including notice boards, posters, websites, etc.
- Improve records management and information systems. Information management systems must be overhauled so that public information can be retrieved efficiently by both citizens and government officials. Making complete, accurate, and up-to-date information available online is an important step in giving the public productive access to it.
- Use two different record keeping "logs" – one designated specifically for the information requesters and another one for the complaints and petitions. If the public bodies are receiving information requests on their websites, have specific categories of information requests rather than just general section of complaints and petitions.