

RTI and OGD Synergy for Society, Economy, and Democracy

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INTRODUCTION

The availability of and access to government information has been a major issue for stakeholders worldwide for many decades now. However, there are many incidents throughout history demonstrating the inherent tendency of governments towards secrecy and opacity with some prominent examples the renowned Watergate Scandal at the beginnings of 1970s to the most recent cases of Edward Snowden leaking top-secret details on the US and UK governments' mass surveillance programs or this of Julian Assange, co-founder WikiLeaks.

Nevertheless, access to government information is an institutional right and a precondition for the proper exercise of civil rights whereon the democratic governance springs, bears economic benefits for both public administration and the stakeholders, and, from administrative point of view, the reuse of the public information leads to faster and more efficient administration.

The Right to Information (RTI) movement was born after the War World II as a result of the opacity of operations employed by US government during the War period. Its grounds is located to the right to expression under the notion that in order for an individual to be able to freely express ideas, opinions and thoughts, it should be able to freely formulate them, hence to be very well informed. More recently, another movement made its appearance demanding greater transparency and liberation of data, the Open Government Data (OGD). OGD is a technology-driven movement, which relies on the disclosure, accessibility and re-use of government information in any format available and by any means available subject to the least possible restrictions. RTI and OGD complement each other, and this is the point on which the importance of this synergy lies. The common ground of both movements is their focal point towards transparency, accountability, participatory governance, innovation and economic

growth, and the internal value for the public sector. Their main difference rests upon their nature, with RTI being ideology-driven, and mainly a civil liberties, movement, whereas OGD is a technology-driven movement focusing on the unrestricted release of raw data without necessarily having a contextual framework.

The article aims to underline the importance of both RTI and OGD for society, economy and democracy having as focal point the re-use of government information and the need for the constitutionalization of access to information as a universal right.

BACKGROUND

Even though both movements have quite different origins and evolution, the main driver and focus of both RTI and OGD movements are the re-use of government information. Allen (1992), Birkinshaw (1997) and Meijer and Thaens (2009) define government information as "the information produced, collected, maintained, managed and held by public organization for the purpose of performing their statutory functions," whereas Heron (1991) argues that "...[government information] is an inherent right or part of the social contract between government and the governed to hold government accountable to its citizenry." Also, Bertot and Jaeger (2010) explicitly focus both on how e-government can enhance the access to government information and on the measures, technical and administrative, that must be taken well in advanced in order for this access to be equal, undiscriminating and inclusive.

There is not a coherent definition on RTI, but vaguely described as "the positive obligation of each State to grant access to the information held by public organizations, and at the same time the inalienable right of citizens to access such information" (Mendel, 1999; Mendel, 2003; Access Info, 2011; Peled & Rabin, 2011). The movement has a long history

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and a well-established theoretical approach, because it relies on the principles of equality, freedom for all and civil liberties as stipulated in the Declaration of the Rights of Man and of the Citizen, the Petition of Rights (1628), the Habeas Corpus Act (1679) and the Declaration of Rights (1689). Much later in 1948 UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) where Article 19 provided for the freedom of expression right as a human right, and two (2) decades later UN Assembly adopted the International Covenant on Civil and Political Rights (ICCPR), which again in Article 19 provided for the freedom of expression right as a political right. Under these developments, the international non-governmental organization Article 19 was founded in 1987 with purpose to promote and establish a global acceptance of the RTI as a human and political right. In June 1999, Article 19 published 9 principles on freedom of information legislation, one of the fundamental documents regarding RTI movement, arguing on the universal recognition and protection of RTI as an international right. On the same page, Peled and Rabin (2011) argue on the constitutionalization of RTI anchoring their point of view to the "...its political nature and its unique role in protecting democracy" (p. 358).

On the other hand, OGD movement is a newly established movement which drivers and focus lie on how to employ technology in order to provide greater access to government information. OGD is defined as "data that can be freely used, re-used and distributed by anyone, only subject to (at the most) the requirement that users attribute the data and that they make their work available to be shared as well" (Open Knowledge Foundation, n.d.; Access Info, 2011, p. 8; Ubaldi, 2013, p. 6). Its origins lie within the governments themselves when officials realized the colossal power that the re-use of government information encloses in terms of economic growth and innovation. Examples of this commitment are the UK's "Open Data White Paper" (2012) verifying its commitment to utilize the potentials of open data within public administration and the EU's Directive 2013/37/EC on the re-use of public sector information, which introduces open data policies as an integral part of Member-States strategies. International organizations hastened into adopting OGD principles and have started to publish guidelines and standards such as the OECD Working Paper on open government data and the EU's Communication (2011) 882 on open data, which emphasized the importance

of open data for innovation, economic growth, good governance and increased transparency and accountability estimating that the financial benefits from this unexplored resource could reach up to 40 billion euros annually (p. 2). On the same pace, Gurstein (2011) concentrates on the concerns with the illicit use of open data and concludes on a seven (7) element model on the "effective data use." Accordingly, Tim Berners-Lee (2007) introduced a "5 stars" scheme for evaluating open data in order to certify the degree of openness of the released data.

Based on their communality in principles and goals, there is a continuous discussion for a more close cooperation as they considered to be the different side of the same coin. On this synergy the Access Info Europe—a non-governmental organization aiming to increase the awareness on the access to and dissemination of government information—issued in 2011 the report "Beyond Access" that delineates the problematic around RTI and OGD cooperation and the re-use of public information. Accordingly, two prominent articles of Janssen (2012) and Thurston (2012) discuss this collaboration and argue that it seems as the way to the future.

RIGHT TO INFORMATION MOVEMENT

As stated above, right to information springs from the right to expression which is regarded as fundamental human and political right institutionalized from the very establishment of the national States. The Article 11 of the Declaration of the Rights of Man and of the Citizen explicitly stipulates "*free communication of ideas and opinions is one of the most precious rights of man*" (as cited in Cendejas-Jauregui, 2007, p. 38). The freedom of expression is directly connected to the freedom of press with Thomas Jefferson to speak about the need of freedom of expression and press on the Virginia Declaration of Rights, where in Article 12 mentions "*the freedom of press is one of the greatest bulwarks of liberty and can never be restrained but by despotic governments*" (as cited in Cendejas Jauregui, 2007, p. 39).

The first legal document furnishing RTI was the second part of "Freedom of Press Act" titled "On the Public Nature of Official Documents" adopted

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