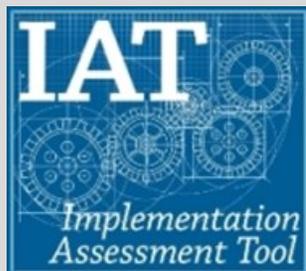
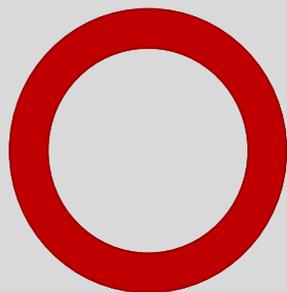
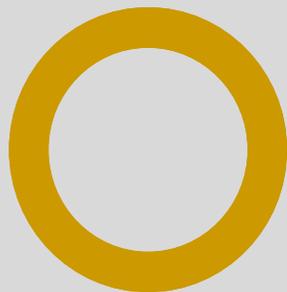


THE  
CARTER CENTER



# Findings from Select Agencies: **UGANDA**

The Carter Center's  
Access to Information Legislation  
Implementation Assessment Tool



# Findings from Select Agencies: Uganda

The Carter Center's Access to Information Legislation  
Implementation Assessment Tool

April 2016

MAKING ALL  
VOICES COUNT

A GRAND CHALLENGE  
FOR DEVELOPMENT

THE  
CARTER CENTER



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Elevated view of Nakasero Market, Kampala Photo courtesy of Kxjan (own work) at wts wikivoyage [GFDL (<https://commons.wikimedia.org/wiki/File:NakaseroMarket.jpg>)]

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**T**he application of The Carter Center's access to information legislation Implementation Assessment Tool (IAT) would not have been possible without the efforts of many talented and dedicated individuals. Laura Neuman, director of The Carter Center's Global Access to Information Program, with years of experience working in the field of access to information and good governance, identified the need to more closely focus attention and efforts on the state of implementation. Ms. Neuman was responsible for developing the IAT methodology and indicators, benefitting from the advice and encouragement of the world's premier experts on the right of access to information, reviewing the indicators and findings for accuracy and coherence, and drafting/editing this report.

The research team in Uganda was led by our esteemed colleague Dan Ngabirano, who conducted all of the interviews and input all of the indicators into the Indaba platform. Successfully engaging as the blind-peer reviewer was access to information expert Gilbert Sendugwa. The knowledge and expertise of the research team and reviewer, combined with their commitment and passion, helped to assure the reliability of the IAT findings.

The Carter Center is privileged to have incredibly committed staff and consultants who worked to finalize the IAT and assure its successful application in Uganda. Expert consultant Thomas Hart was the first line of review, working with the researcher to assure completeness of responses and appropriate use of data sources. Kari Mackey, senior program associate, provided the layout for the report and former program assistant Parker Cleveland assisted with administrative and logistical aspects, particularly those related to the Indaba online platform. Moreover, we would like to thank the many interns who provided

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We are grateful to the Making All Voices Count consortium for funding the expansion of the IAT application in Uganda.

Finally, we thank the many public servants who met with the researchers and civil society leaders that participated in the focal group reviews. Their enthusiasm for a meaningful right of access to information is inspiring. We are hopeful that the findings of the IAT serve to identify areas in which access to information implementation has been insufficient or is faltering and that it can serve to focus efforts and resources to ensure full and effective implementation, thus advancing the ability of the Ugandan people to enjoy the myriad benefits of the right of access to information.

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## Introduction

**T**he right of access to information is a powerful tool in the fight against corruption and in achieving good governance and development. It serves both government and its citizens by increasing citizen confidence as governments become more transparent and accountable. It enables citizens to participate more fully in public life, understand public policies, and help determine public priorities. Citizens also can use the information to exercise their fundamental human rights and to hold their government accountable for responding to their needs and providing high-quality service delivery.

With over 100 countries with statutory legislation, more than 5 billion people around the globe are afforded some legal rights to information; however, many of these countries are failing to fully implement their access to information laws, and there remains a dearth of information about the extent and quality of legislative implementation. Furthermore, there are few evaluative tools by which to measure implementation progress. With an insufficient focus on implementation, the community of practice is failing to adequately identify and analyze the structures and procedures that produce successful transparency regimes; governments lack the necessary diagnostic information to improve their practices in order to meet citizen demands and promote greater transparency and accountability.

Since 1999, The Carter Center has been a leader on the issue of passage, implementation, enforcement, and use of access to information regimes. Over the past 16 years, we have witnessed firsthand the difficulties that governments face in fully and effectively implementing access to information laws and the negative effects of a lack of standardized measures for developing implementation plans and evaluating their efforts. To fill this gap, the Carter Center's Global Access to Information Program developed

and piloted the access to information legislation Implementation Assessment Tool.

The IAT is the first diagnostic tool of its kind to assess the specific activities/inputs that the public administration has engaged – or in some cases failed to achieve – in furtherance of a well-implemented law. It is deliberately designed not to focus on the sufficiency of the legal framework, the user side of the equation, or the overall effectiveness of the access to information regime, but rather to look at the internal “plumbing” of the administration's implementation. The IAT does not serve as a comparative index across countries but rather is constructed as an input for each public agency in which it is applied. It provides a more surgical tool for civil society to monitor government's implementation practice and progress.

Beginning in 2009/2010, The Carter Center's Global Access to Information Program developed the IAT methodology, including a set of indicators and a scoring system. Over the course of almost four years, the IAT was tested in three pilot phases in 11 countries (Mexico, South Africa, Bangladesh, Chile, Indonesia, Uganda, Scotland, Jordan, Georgia, Guatemala, and the United States) and 65 agencies. These pilot phases consisted of application and review of more than 8,000 indicators. Each pilot phase concluded with a review meeting of the researchers as well as some of the blind-peer reviewers, government representatives, and access to information experts. The final piloting concluded in April 2014, and the IAT was shared with the community of practice.

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## Objectives and Considerations

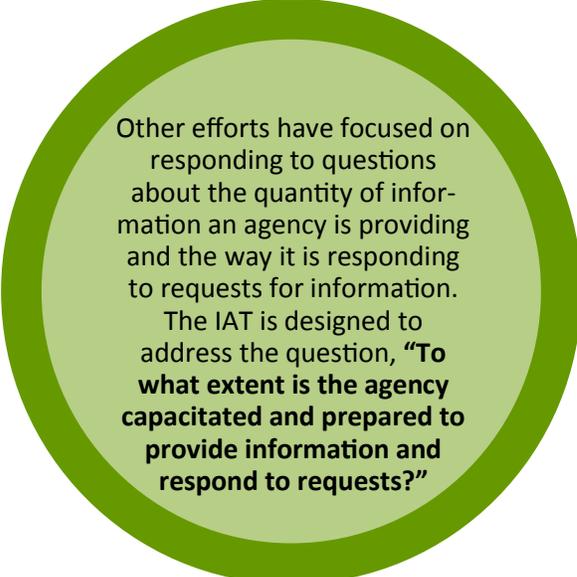
The objectives of the access to information legislation Implementation Assessment Tool are to:

1. Establish a comprehensive set of access to information implementation benchmarks
2. Identify the extent (and in some cases quality) to which a ministry/agency has implemented its law
3. Provide a road map for improvements, based on the tool's findings
4. Contribute to scholarship on implementation and to the understanding of implementation successes and challenges

The IAT looks at “the boring bits<sup>1</sup>,” the ingredients necessary to ensure the effectiveness of implementation and the desired outcomes. The findings from the assessment provide key stakeholders the data necessary to easily identify the extent and quality of access to information (ATI) implementation in each government agency. It also signals places there is a need for additional input or focus, so that the public administration may overcome challenges and positively advance in their implementation efforts.

Experience has demonstrated that governments are not monolithic and that not all parts of government are as successful (or unsuccessful) as others. Thus, it is misleading to characterize a government as succeeding or failing in implementation. The IAT targets assessments to individual public administrative bodies rather than to the government as a whole. Moreover, for the IAT to meet its stated goals and be accepted and used by governments – critical as they are the primary data source and the main target audience – we have chosen not to develop the findings for an index or ranking of countries. Our methodologies were established with this philosophy in mind.

While there have been a number of important studies undertaken to review access to information laws and to assess government compliance with its



Other efforts have focused on responding to questions about the quantity of information an agency is providing and the way it is responding to requests for information.

The IAT is designed to address the question, “**To what extent is the agency capacitated and prepared to provide information and respond to requests?**”

law, the focus has been on the outcome of implementation, i.e. whether people are able to receive the information requested consistent with the statutory provisions. The Carter Center’s IAT focuses exclusively on the central theme of government’s efforts toward implementation—the “plumbing” – providing critical data and knowledge as well as spurring additional areas for research.

## Developing the IAT

The Carter Center designed and created the IAT through desk research, consultant support, and periodic peer reviews. As a first step, the Center engaged in considerable research to identify the breadth of national and subnational implementation plans and to evaluate the commonalities. Remarkably, we found very few, available national or agency-specific access to information implementation plans. Additionally, we did an extensive literature review related to access to information

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<sup>1</sup> Professor Alan Doig coined this term in his paper “Getting the Boring Bits Right First” when discussing capacity building for anti-corruption agencies.

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implementation and public policy and administration; again, there were relatively few articles or studies. Based on the initial research and our experience, we developed a preliminary draft matrix of similarities and unique/innovative approaches to implementation.

Following the research phase, The Carter Center convened a group of renowned experts to consider the value and efficacy of an implementation assessment instrument and to provide input into its basic design. This first meeting considered both the key issues in implementation and prospective indicators and the means by which to measure them. It was agreed that a major goal of the IAT was to create a tool that would be useful for governments, allowing them to assess the breadth and quality of their implementation efforts, rather than as a more punitive ranking or “hammer.” The two days of robust discussion established the importance of the IAT but also highlighted a number of potential problems and risks associated with an implementation assessment. Underlying both days of discussion were the following questions:

1. How do we make the study replicable and portable across varying countries?
2. How do we ensure that the tool also assesses quality of the implementation rather than simply falling into a “check the box” exercise showing that an input/activity occurred but not demonstrating whether it was done well?

From these discussions and considerations emerged the tool’s framing question: **“To what extent is the agency capacitated and prepared to provide information and respond to requests?”**

Perhaps the most challenging aspect in developing the IAT was the lack of clearly agreed-upon universal best practices for access to information legislation implementation. This absence of consensus signaled the need for an increased emphasis on vetting determinations on good practice with expert colleagues from

government, civil society, and academia. We also were aware that the tool should work equally well when used in a mature system (where the law has existed for years) as well as in a country with a newly passed access to information law. This mandate forced us to verify that each indicator is valid in a variety of disperse contexts.

With the initial design of the IAT completed, The Carter Center convened a broader based group of ATI and transparency experts to peer review the first draft indicators, application methodology, and sampling (country and ministry/agency) determinations. After long discussions and considerations, the Center decided to retain the initial design to focus on administrative inputs (“the plumbing”), rather than assessing the quality of the outputs, i.e., compliance with the law/user satisfaction. We also made the decision to include internal reconsideration but not go further to include indicators related to judicial or quasi-judicial enforcement in the assessment.

Over the course of the next months, the design of the IAT was modified to allow for assessment on both the x- and y-axis, and a series of indicators was developed. Finally, to validate the defined indicators and measurements/scaling, The Carter Center again undertook an extensive analysis of existing implementation plans and practice.

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## Piloting the IAT

**T**o assure the efficacy and value of the IAT, the Center decided to apply the tool in a phased approach in more than 10 countries. Pilot phase I assessed three countries, pilot phase II assessed four countries and pilot phase III assessed an additional four countries. While the initial intent was to assess each country once, we decided to include the initial countries in the subsequent pilot phases in light of the significant modifications of the indicators following each pilot phase. In pilot phase III, we applied the revised indicators in all 11 countries.

### Selection of Countries/Agencies

In preparation for selecting the pilot countries to test the IAT, The Carter Center created a list of criteria and variables. For the pilot selection, we considered the following conditions:

- Regional diversity
- Variety in length of time that the ATI law/regulation has been in effect
- Distinct legal system/framework (common law versus civil);
- Types of civil service (professionalize versus more partisan)
- Contrasting development status/income level
- Availability of social scientists/civil society leaders to undertake the study
- Existing data sets or studies related to access to information
- Political will/interest
- Divergent participation in the Open Government Partnership

The IAT was applied in seven ministries and/or agencies in each country. For uniformity, we decided to engage the same ministries/agencies in each of the

countries. Criteria used in determining the specific ministries/agencies included:

- Those agencies that held information critical for fundamental human and socioeconomic rights
- Ministries and agencies that play a role in poverty reduction and in fulfillment of the Millennium Development Goals
- Ministries and agencies that are key in the overseeing or promoting the overall ATI regime
- A mix of ministries and agencies, in particular public agencies of varying size and resources

Ultimately, the ministries/agencies selected for assessment in Uganda's pilot phase II and III were Agriculture, Customs, Education, Finance, Health, Justice, and Statistics.

### Pilot Phases

In 2011, The Carter Center completed pilot phase I of the tool in three countries – Bangladesh, Mexico, and South Africa, followed by an expert review and extensive modifications to the methodology and indicators. Pilot phase II was completed in the spring of 2013 and included application of the indicators in the original three countries as well as Chile, Indonesia, Scotland, and Uganda. Once again, The Carter Center conducted a review meeting to refine the tool and methodology.

In the fall of 2013, pilot phase III commenced and included four new countries: Georgia, Jordan, Guatemala, and the United States. The researchers in these countries applied all revised IAT indicators and were joined by the researchers from pilot phases I and II who applied all new or modified indicators in their respective countries.

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### **Pilot Phase I**

Pilot phase I included 72 indicators. During this phase, we were still considering whether we could identify universally applicable best practices. However, during the review discussion, it became clear that this would be too prescriptive and not capture the nuances of each country context. Moreover, it would not reflect the terminology utilized by leading oversight practitioners, who use the term “good practice.” The participants recommended, and we concurred, that the implementation assessment tool should serve to develop and measure “good practice” and in this way more meaningfully reflect the reality that there may be multiple good practices, depending on country circumstances and administrative dynamics. Methodological changes were made following this phase, including adding a blind-peer review, assessing a smaller, less-resourced agency, and using the Indaba platform for data collection.

### **Pilot Phase II**

With the revisions and refinements based on the pilot phase I review, the IAT now included 75 indicators to test in pilot phase I and II countries: Chile, Indonesia, Scotland, and Uganda joined South Africa, Bangladesh, and Mexico. The local researchers tested the tool in the original six ministries as well as in the seventh smaller agency, and in this phase we engaged the Indaba platform. During the two-day review meeting following data collection, analysis, findings, and validations, the experts actively revised the indicators, removing any indicator deemed repetitive and making necessary language changes to accommodate a variety of government contexts. One of the main modifications made for pilot phase III was to include indicators that looked more specifically at implementation in practice, which was accomplished through the use of four “wild cards.” We also reduced the indicators to a more manageable 65 and strengthened the indicators related to records management.

### **Pilot Phase III**

Pilot phase III was the final testing of the indicators. For this phase, we retained the same methodology and workflow, including the blind-peer reviewer and the focal groups. As with the other phases, Carter Center staff reviewed each finding, submitted questions to both the researchers and the blind-peer reviewers, and assured the quality and consistency of each finding. At the conclusion of pilot phase III, we held the final expert review to make any necessary, last adjustments to the indicators and presented the IAT to the community of practice.

Overall, during the three phases of piloting, the IAT had been applied in six to seven agencies in eleven countries, with many of the countries assessed more than once, resulting in the review of over 8,000 individual indicators.



For a more comprehensive explanation of the IAT methodology and piloting, please see:

**<http://www.cartercenter.org/peace/ati/IAT/index.html>**

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# Methodology

**T**he IAT is intended to assess the specific activities/inputs that the public administration has engaged in furtherance of a well-implemented access to information regime. A series of indicators is used to assess the extent to which the agency is capacitated and prepared to provide information and respond to requests, proactively disclose information, and assure quality records management.

The tool is deliberately designed not to focus on the sufficiency of the legal framework, the user side of the equation, or the overall effectiveness of the access to information regime. Because the IAT is not designed to measure outputs/compliance, its methodology does not include the systematic filling of requests for information.

Moreover, the IAT is constructed as an “open instrument,” carried out with the collaboration of public authorities. Its success does not depend on the level of confidentiality held during its application. On the contrary, it is crucial for governments to welcome the tool’s application, as gathering many of the key data points requires access to documents and information in the ministries’/agencies’ possession.

## The Architecture

The IAT is designed as a matrix, with indicators related to government functions/responsibilities on the x-axis and baskets of components/elements on the y-axis. Regardless of the type of information an agency possesses, there are universal components that allow public officials to fulfill their functions of managing information properly, handling requests for information adequately, and making information available to the public efficiently. These functions and elements were identified and serve as the framework for the IAT.

## Functions

All access to information regimes rely on the public agencies’ capacity to fulfill three main functions: 1) receiving and responding to requests; 2) automatically publishing certain information; and 3) managing records. There are a number of initiatives/efforts specific to these functions while others apply to more than one of the functions. For those initiatives/efforts that apply more broadly – for example, the designation of a responsible officer or the agency’s strategic plan – we have created the category “fundamental functions.”

## Components

In order to successfully implement an access to information law, public agencies need a number of verifiable components. These components are assessed by a set of indicators that can be observed through different data-points or sources of information. The components are the bone and marrow of access to information implementation, and include leadership, rules, procedures, resources, and monitoring.

## Key Elements

The key elements are those actions that have been identified as necessary for supporting successful implementation, and each element is accompanied by an indicator. When properly combined, these elements provide government with the capacity to successfully perform all access to information duties and obligations. The elements that comprise the assessment, among others, include whether the agency has established, reviewed, and revised access to information policies and guidelines; the issuance of plans/instructions for the implementation and institutionalization of the access to information regime; the identification of



This instrument **will not** tell whether public agencies are in compliance with established laws. It **will** tell you if the agencies have the necessary components to implement a vibrant access to information regime.

responsible officers for overseeing the application of the law; sufficient training and capacity-building; determination of necessary financial resources; infrastructure; and awareness-raising within the agency and for the public.

## Assessment Results and Output

The IAT indicators engage both quantitative and qualitative assessments of the comprehensiveness and quality of a ministries'/agencies' access to information implementation. The indicators are scored on the "stoplight method," with a scale that includes green, yellow, red, and black and white stripes (for those rare cases in which the indicator will not apply). In using the stoplight method, we easily display the extent and quality of implementation while dissuading the potential for indexing/ranking countries. The stoplight colors signify the following:

- **Green:** The administration has done well and has met the defined good practice.
- **Yellow:** There has been some activity/engagement, but the administration does not meet the defined good practice.

- **Red:** The administration has either not engaged or done very little to advance on this part of its implementation.
- **Black and white stripes:** The indicator is not applicable.

Data are acquired through both desk research and interviews and then input into Indaba, an online software platform that allows The Carter Center to manage the researchers and data and review the inputs. The data is then reviewed by a blind-peer reviewer and, subsequently, the preliminary findings are validated through focal group review. In addition to quantitative data, we include a narrative that provides supplementary qualitative information and accompanying explanations for the measurements.

## Types of Indicators

The IAT utilizes two types of indicators: 1) self-reporting indicators that are addressed through an interview (questionnaire) with the head of the agency/ministry, general director, public officials tasked to oversee ATI functions and duties, or other relevant public officers;<sup>2</sup> and 2) document-based indicators that require desk research or onsite verification of different documents and/or sources of information. While we tried to limit the number of questions that relied solely on interviews, as they have the greatest potential for bias, in practice the researchers often used interviews (sometimes coupled with secondary data) as their primary data source.

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<sup>2</sup> As these indicators have the greatest potential for bias, we have limited their use in the IAT and they will rarely serve as the preferred data point.

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## Country Context<sup>4</sup>

It is ten years since Uganda passed an Access to Information Law, which grants citizens the right to access information in possession of the public agencies. Prior to the passing of the law, the right to information was enforceable by the courts on the basis of the Article 41 of the 1995 Constitution.

When passed in 2005, the Access to Information Act was expected to expand the scope and potential of citizen's access to information. Unfortunately, the law was off to a cold start for a number of reasons. First, the Act contained an extremely broad exemptions regime, which was subsequently utilized by public bodies to deny citizens information. Secondly, there was a long delay in passing the requisite regulations necessary to enforce some of the provisions of the Act, particularly those to do with requests in a prescribed form and payment of fees. The biggest challenge, however, has been the prevalent culture of secrecy in the public sector. For these various reasons, the right to information remained a daunting challenge for Ugandans that sought access information in the public realm.

The difficulties in accessing public information over the years are well illustrated by findings of The Carter Center designed global access to information legislation Implementation Assessment Tool (IAT). The objective of the tool is to measure the readiness of government ministries in complying with tasks imposed by the Act. In the case of Uganda it was applied during the IAT pilot phases to eight government agencies in two separate years i.e. 2013 and 2014. Results from the earlier application of the indicators showed that a number of ministries were yet to comply with the Act in various ways and this greatly limited the flow of information from such agencies to the people.

In 2015, the IAT was applied for the third time to five different ministries including the Ministries of Lands, Public Service, Local Government, Energy, and Water. The findings show increased traction in these particular ministries to meet the requirements of the Act. The Ministry of Lands for instance has published an access to information manual in accordance with the Act. Remarkably, there is effective devolution of authority to communication officers in these respective ministries by the permanent officers who are the designated chief information officers under the Act. Unlike the permanent secretaries who, for the most part, are preoccupied with general administrative duties, junior information officers are solely dedicated to providing information and assisting with information requests.

The success in most of these five recently evaluated ministries is attributable to a number of factors. First and foremost is the renewed government commitment to strengthen communication with its citizens. This commitment is driven by the Government of Uganda Communication Strategy of 2011. The overall goal of the strategy is to "establish an effective, well-coordinated and proactive communication system across Government and with the public that will meet the nation's information needs." To achieve this, every government agency is mandated to appoint a communication officer to handle the needs of the public, including the provision of information.

The appointment of these officers has had a significant impact on the operationalization of the ATI law. Most of these communication (information) officers have received specialized training and are enthusiastic about their role notwithstanding the routine challenges that they face.

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<sup>3</sup> The country context was largely drawn from the narrative drafted by researcher Dan Ngabirano.

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Their approach contrasts sharply with that of public relations officers to whom the information function originally had been delegated shortly after the Access to Information Law was passed in 2005 and whom at times saw the provision of requested information – some of which would not show the agency in the best light – as contradictory to their primary function and mandate.

Moreover, in the past years the government’s access to information guidelines were issued, providing clearer guidance and uniformity. These variables – the government commitment, specialized and dedicated staff, and guidelines – have led to great improvements in the implementation of the access to information law in Uganda.

# Findings for Uganda

## Aggregated Findings by Indicator

Table 1. Key for Findings

Key:	
color	significance:
	Green: administration has done well and has met the defined good practice
	Yellow: there has been some activity/engagement, but does not meet the defined good practice
	Red: administration has either not engaged or done very little to advance on this part of its implementation
	Black and white stripes: indicator is not applicable (n/a) in this agency

Table 2. Uganda Findings

Fundamental Functions: Leadership											
#	Indicator question:	Uganda Energy and Mineral		Uganda Land		Uganda Local Government		Uganda Public Service		Uganda Water, Environment	
1	Does the agency's strategic plan incorporate ATI, such as by including specific mention of access to information and/or principles of openness and transparency?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	
2	How often does an agency official with authority over policy participate in meetings with public officials responsible for ATI activities?	Finding: Green		Finding: Green		Finding: Red		Finding: Red		Finding: Green	
		A		A		C		C		A	

### Fundamental Functions: Rules

3	Has the agency created or adopted specific guidelines on ATI?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
4	How often are ATI guidelines reviewed by an agency official with authority over policy?	Finding: Red	C	Finding: Red	C	Finding: Red	C	Finding: Red	C	Finding: Red	C
5	How often are ATI guidelines revised by an agency official with authority over policy?	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C	Finding: n/a	C
6	Does the agency make all guidelines available for reference?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
7	Does the agency have a document(s) that establishes instructions for ATI implementation and/or operation?	Finding: Red	B	Finding: Green	A	Finding: Red	B	Finding: Green	A	Finding: Red	B
8	Does the document(s) detailing instructions for ATI implementation and/or operation currently reflect the agency's ATI policy?	Finding: Red	B	Finding: Green	A	Finding: Red	B	Finding: Green	A	Finding: Red	B
9	Has the agency internally disseminated the document(s) detailing instructions for ATI implementation and/or operation?	Finding: Red	C	Finding: Green	A	Finding: Red	C	Finding: Yellow	B	Finding: Red	C

### Fundamental Functions: Procedures

#	Indicator question:	Uganda Energy and Mineral	Uganda Land	Uganda Local Government	Uganda Public Service	Uganda Water, Environment
10	Does the agency's public outreach specifically include a component regarding ATI?	Finding: Green A	Finding: Green A	Finding: Green A	Finding: Green A	Finding: Green A
11	Does the agency specifically provide information on how to make a request and to find proactively published information?	Finding: Red B	Finding: Green A	Finding: Red B	Finding: Red B	Finding: Red B

### Fundamental Functions: Resources

12	Has one or more public official been made responsible for ATI functions and duties?	Finding: Green	A								
13	Has the name of the public official(s) appointed/tasked responsible for ATI functions and duties been made known to the public?	Finding: Green	A								
14	Does the public official(s) appointed/tasked responsible for ATI functions and duties have the authority needed to comply with ATI mandate?	Finding: Green	A								
15	Does the public official(s) appointed/tasked responsible for ATI functions and duties have the time and staff needed to fulfill his/her ATI responsibilities?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Yellow	B	Finding: Green	A
16	Does the public official(s) appointed/tasked responsible for ATI functions and duties and his/her staff receive specialized training on ATI?	Finding: Yellow	B	Finding: Green	A	Finding: Yellow	B	Finding: Green	A	Finding: Yellow	B
17	Are all public officials made aware of basic ATI principles?	Finding: Yellow	B	Finding: Green	A	Finding: Yellow	C	Finding: Red	D	Finding: Yellow	C
18	Are training materials related to ATI created and maintained for future reference by public officials?	Finding: Yellow	B								
19	Does the public official(s) responsible for ATI functions and duties have regular access to necessary equipment?	Finding: Green	A								
20	Has the agency created a space, physical or virtual, to make requests, review documents, and share proactively published information?	Finding: Green	A								
21	Does the agency specifically allocate the financial resources necessary for fulfilling its ATI functions and duties?	Finding: Red	B	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Yellow	B

<b>Fundamental Functions: Monitoring</b>											
#	Indicator question:	Uganda Energy and Mineral		Uganda Land		Uganda Local Government		Uganda Public Service		Uganda Water, Environment	
22	Does the agency monitor its ATI functions and duties?	Finding: Red	C	Finding: Yellow	B	Finding: Red	C	Finding: Red	C	Finding: Red	C
23	Does the agency's internal oversight body/auditing mechanism take into account ATI functions and duties?	Finding: Red	B	Finding: Red	B	Finding: Red	B	Finding: Red	B	Finding: Yellow	B
24	Does the agency's performance review of persons appointed/tasked with ATI functions and duties take these responsibilities into account in their review?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
<b>Fundamental Functions: Wildcard</b>											
25	In your expert opinion, in practice does the agency effectively fulfill its fundamental functions related to access to information?	Finding: Yellow	B	Finding: Green	A	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B
<b>Receive and Respond to Requests: Rules</b>											
26	Does the agency have written guidelines for receiving requests?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
27	Does the agency have written guidelines for processing requests?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
28	Does the agency have written guidelines for responding (release or deny) to requests?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
29	Does the agency have written guidelines for internal review?	Finding: Red	C	Finding: Yellow	B	Finding: Red	C	Finding: Red	C	Finding: Red	C
<b>Receive and Respond to Requests: Procedures</b>											
30	Does the agency have a procedure for logging and tracking requests and responses?	Finding: Red	C	Finding: Yellow	B	Finding: Red	C	Finding: Red	C	Finding: Red	C
31	Does the agency have a procedure for processing a request?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
32	Does the agency have a procedure for transferring requests to other agencies?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
33	Does the agency have a procedure for issuing and serving responses?	Finding: Yellow	B	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Yellow	B

<b>Receive and Respond to Requests: Monitoring</b>											
#	Indicator question:	Uganda Energy and Mineral		Uganda Land		Uganda Local Government		Uganda Public Service		Uganda Water, Environment	
34	Does the agency regularly capture statistics related to receiving and responding to requests?	Finding: Red	C	Finding: Yellow	B	Finding: Red	C	Finding: Red	C	Finding: Red	C
<b>Receive and Respond to Requests: Wildcard</b>											
35	In your expert opinion, in practice does the agency effectively fulfill its function related to receiving and responding to requests?	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B
<b>Proactive Disclosure: Rules</b>											
36	Does the agency have written guidelines for proactive disclosure?	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Green	A	Finding: Yellow	B
<b>Proactive Disclosure: Procedures</b>											
37	Does the agency have a procedure for proactive disclosure?	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B
<b>Proactive Disclosure: Resources</b>											
38	Has one or more public official been appointed responsible for proactive disclosure functions and duties?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
39	Does the public official(s) responsible for proactive disclosure have the time and staff necessary to effectively fulfill his/her functions and duties?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Yellow	B	Finding: Green	A
40	Is the public official(s) responsible for proactive disclosure trained to comply with their duties?	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Red	C	Finding: Yellow	B
<b>Proactive Disclosure: Monitoring</b>											
41	Does the agency capture statistics related to proactive disclosure on an annual basis?	Finding: Red	B	Finding: Red	B	Finding: Red	B	Finding: Red	B	Finding: Red	B
42	Does the agency regularly monitor its proactive disclosure?	Finding: Yellow	B	Finding: Red	C	Finding: Yellow	B	Finding: Red	C	Finding: Red	C

<b>Proactive Disclosure: Wildcard</b>											
#	Indicator question:	Uganda Energy and Mineral		Uganda Land		Uganda Local Government		Uganda Public Service		Uganda Water, Environment	
43	In your expert opinion, in practice does the agency effectively fulfill its function related to proactive disclosure?	Finding: Yellow		Finding: Yellow		Finding: Yellow		Finding: Yellow		Finding: Yellow	
		B		B		B		B		B	
<b>Records Management: Leadership</b>											
44	How often does an agency official with authority over policy participate in meetings with public officials responsible for records management?	Finding: Yellow		Finding: Yellow		Finding: Yellow		Finding: Yellow		Finding: Yellow	
		B		B		B		B		B	
45	Has the agency created or adopted a records management policy for managing paper-based and digital information?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	
<b>Records Management: Rules</b>											
46	Does the agency have written guidelines for records management, regardless of format (including digital records, maps etc.)?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	
47	Does the agency have written guidelines for security classification of documents?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	
48	Does the agency have a document(s) that establishes instructions/guidelines for implementation and/or operations for records management?	Finding: Red		Finding: Green		Finding: Green		Finding: Red		Finding: Red	
		B		A		A		B		B	
<b>Records Management: Procedures</b>											
49	Does the agency have a procedure for security classification of documents?	Finding: Green		Finding: Green		Finding: Yellow		Finding: Green		Finding: Green	
		A		A		B		A		A	
50	Does the agency have a procedure to manage its paper records?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	
51	Does the agency have a procedure to manage its digital records?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	
52	Does the agency have a procedure to retrieve and access paper records?	Finding: Green		Finding: Green		Finding: Yellow		Finding: Green		Finding: Green	
		A		A		B		A		A	
53	Does the agency have a procedure to retrieve and access digital records?	Finding: Green		Finding: Green		Finding: Green		Finding: Green		Finding: Green	
		A		A		A		A		A	

<b>Records Management: Resources</b>											
#	Indicator question:	Uganda Energy and Mineral		Uganda Land		Uganda Local Government		Uganda Public Service		Uganda Water, Environment	
54	Has one or more public official been appointed responsible for records management?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
55	Does the public official(s) appointed/tasked responsible for records management functions and duties have the time and staff needed to fulfill his/her responsibilities?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
56	Does the public official(s) appointed/tasked responsible for records management and his/her staff receive specialized training on records management?	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B
57	Are all public officials made aware of basic records management procedures?	Finding: Yellow	c	Finding: Yellow	c	Finding: Yellow	C	Finding: Yellow	C	Finding: Yellow	c
58	Has the agency created space and facilities for storing paper and digital records?	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A	Finding: Green	A
<b>Records Management: Monitoring</b>											
59	Does the agency regularly monitor its records management functions and duties?	Finding: Red	C	Finding: Yellow	B	Finding: Red	C	Finding: Red	C	Finding: Red	C
<b>Records Management: Wildcard</b>											
60	In your expert opinion, in practice does the agency effectively fulfill its function related to records management?	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B	Finding: Yellow	B

## Ministry/Agency Summary of Findings

Table 3. Ministry of Energy and Mineral Development

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
<b>Leadership (directs)</b>	Engagement ● Strategic Planning ●			Engagement ● Policy ●
<b>Rules (guide)</b>	Guidelines ● ● ● ● Instructions/plans ● ● ● ●	Guidelines for receiving/process ● ● Guidelines for responding ● Guidelines for internal review ●	Guidelines ●	Guidelines ● ● Instructions/plans ●
<b>Procedures (order)</b>	Public awareness raising ● ●	Procedures for receiving/ processing ● ● Procedures for transfer/ responding ● ●	Procedures for proactive disclosure ●	Classification ● Manage Records ● ● Retrieve Records ● ●
<b>Resources (enable)</b>	Staffing ● ● ● ● Training ● ● ● Infrastructure ● ● Budget ●		Staffing ● ● Training ●	Staffing ● ● Training ● ● Infrastructure ●
<b>Monitoring (adjust)</b>	Internal oversight ● ● Performance monitoring ●	Capturing of statistics ●	Capturing of statistics ● Reporting ●	Reporting ●
<b>Wildcard</b>	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●

**Table 4. Ministry of Lands, Housing, and Urban Development**

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
<b>Leadership (directs)</b>	Engagement ● Strategic Planning ●			Engagement ● Policy ●
<b>Rules (guide)</b>	Guidelines ● ● ● ● ● Instructions/plans ● ● ● ● ●	Guidelines for receiving/process ● ● Guidelines for responding ● Guidelines for internal review ●	Guidelines ●	Guidelines ● ● Instructions/plans ●
<b>Procedures (order)</b>	Public awareness raising ● ●	Procedures for receiving/ processing ● ● Procedures for transfer/ responding ● ●	Procedures for proactive disclosure ●	Classification ● Manage Records ● ● Retrieve Records ● ●
<b>Resources (enable)</b>	Staffing ● ● ● ● ● Training ● ● ● ● ● Infrastructure ● ● ● Budget ●		Staffing ● ● ● Training ●	Staffing ● ● ● Training ● ● ● Infrastructure ●
<b>Monitoring (adjust)</b>	Internal oversight ● ● ● Performance monitoring ●	Capturing of statistics ●	Capturing of statistics ● ● Reporting ● ●	Reporting ●
<b>Wildcard</b>	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●

**Table 5. Ministry of Local Government**

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
<b>Leadership (directs)</b>	Engagement ● Strategic Planning ●			Engagement ● Policy ●
<b>Rules (guide)</b>	Guidelines ● ● ● ● Instructions/plans ● ● ● ●	Guidelines for receiving/process ● ● Guidelines for responding ● Guidelines for internal review ●	Guidelines ●	Guidelines ● ● Instructions/plans ●
<b>Procedures (order)</b>	Public awareness raising ● ●	Procedures for receiving/ processing ● ● Procedures for transfer/ responding ● ●	Procedures for proactive disclosure ●	Classification ● Manage Records ● ● Retrieve Records ● ●
<b>Resources (enable)</b>	Staffing ● ● ● ● Training ● ● ● Infrastructure ● ● Budget ●		Staffing ● ● Training ●	Staffing ● ● Training ● ● Infrastructure ●
<b>Monitoring (adjust)</b>	Internal oversight ● ● Performance monitoring ●	Capturing of statistics ●	Capturing of statistics ● Reporting ●	Reporting ●
<b>Wildcard</b>	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●

**Table 6. Ministry of Public Service**

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
<b>Leadership (directs)</b>	Engagement ● Strategic Planning ●			Engagement ● Policy ●
<b>Rules (guide)</b>	Guidelines ● ● ● ● Instructions/plans ● ● ● ●	Guidelines for receiving/process ● ● Guidelines for responding ● Guidelines for internal review ●	Guidelines ●	Guidelines ● ● Instructions/plans ●
<b>Procedures (order)</b>	Public awareness raising ● ●	Procedures for receiving/ processing ● ● Procedures for transfer/ responding ● ●	Procedures for proactive disclosure ●	Classification ● Manage Records  ● ● Retrieve Records ● ●
<b>Resources (enable)</b>	Staffing ● ● ● ● Training ● ● ● Infrastructure ● ● Budget ●		Staffing ● ● Training ●	Staffing ● ● Training ● ● Infrastructure ●
<b>Monitoring (adjust)</b>	Internal oversight ● ● Performance monitoring ●	Capturing of statistics ●	Capturing of statistics ● Reporting ●	Reporting ●
<b>Wildcard</b>	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●

**Table 7. Ministry of Water and Environment**

	Fundamental Functions	Receive and Respond to Requests	Proactive Disclosure	Records Management
<b>Leadership (directs)</b>	Engagement ● Strategic Planning ●			Engagement ● Policy ●
<b>Rules (guide)</b>	Guidelines ● ● ● ● Instructions/plans ● ● ● ●	Guidelines for receiving/process ● ● Guidelines for responding ● Guidelines for internal review ●	Guidelines ●	Guidelines ● ● Instructions/plans ●
<b>Procedures (order)</b>	Public awareness raising ● ●	Procedures for receiving/ processing ● ● Procedures for transfer/ responding ● ●	Procedures for proactive disclosure ●	Classification ● Manage Records ● ● Retrieve Records ● ●
<b>Resources (enable)</b>	Staffing ● ● ● ● Training ● ● ● Infrastructure ● ● Budget ●		Staffing ● ● Training ●	Staffing ● ● Training ● ● Infrastructure ●
<b>Monitoring (adjust)</b>	Internal oversight ● ● Performance monitoring ●	Capturing of statistics ●	Capturing of statistics ● Reporting ●	Reporting ●
<b>Wildcard</b>	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●	Researcher ● Blind Peer Reviewer ●

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## Focal Group Narrative<sup>4</sup>

In March 2016, a focal group meeting was convened to discuss preliminary findings from application of the IAT across these ministries ahead of the planned launch of the final report. The focal group provided an opportunity for ATI experts, activists and practitioners to review and consider the findings in light of their own experiences. A total of fourteen civil society representatives as well as the Uganda country researcher attended the meeting.

Overall, the discussion and comments of those serving in the focal group were consistent with the findings of the IAT. In general, the focal group participants note that the IAT is limited to the extent that it only assesses the inputs and not the final outputs in the ministries to which it is applied. In light of this, a similar tool should be designed to measure the actual level of implementation of the law with local organizations working on ATI taking the lead. There also was some concern that as the indicators were developed to be portable across all jurisdictions, it does not always take the relevant and unique Uganda context into account, such as whether there is a need for guidelines when the Act is so specific. These limitations, notwithstanding, the indicators contained in the finalized IAT were considered comprehensive and sufficient to assess the inputs necessary for public agencies to comply with their obligations under the law.

### Key Reflections

The focal group participants emphasized the importance of the passing and eventual implementation of the government of Uganda's communication policy, which has ensured that all ministries appoint communication officers. Many of these officers act as information officers in their respective ministries and assist in receiving and responding to citizen's requests for information. The challenge, however,

remains the fact that the law still recognizes the Chief Executive Officer (CEO) of the Ministry as the designated information officer. In the case of ministries, the CEO and accounting officer is the Permanent Secretary. Communication officers often have to obtain clearance from the Permanent Secretary before they can release that information that is deemed sensitive.

In light of the above, the focal group emphasized the need for Permanent Secretaries to officially and effectively delegate their ATI functions under the law to the designated Ministry Communications Officers. This not only quickens citizen access to information but also ensures that communication officers are held accountable where they fall short of fulfilling the delegated obligations.

For most government ministries, including the five to which the IAT was applied in 2015, all official communication including information requests are required to go through the ministry's central registry. The challenge is that this prolongs the process especially where there is urgency for the information sought. In fact, a number of participants in the focal group noted that it is still much easier to obtain information using informal means than relying on the provisions of the law. In some cases, use of informal mechanisms may be favored depending on the categories of information seekers, such as journalists. The challenge with this kind of approach is that the information once obtained may not be easily acted on as for instance it may not be relied on by courts of law for enforcement of one's rights.

The continued existence of laws that restrict citizen access to information remains a major

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<sup>4</sup>The focal group narrative was largely drawn from the narrative drafted by researcher Dan Ngabirano.

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blow, even though in most ministries there exists parallel laws, rules, guidelines and procedures that promote access to information.

Furthermore, the difficulty in accessing information from autonomous bodies within ministries was expressed. In those ministries where autonomous bodies exist, it is a common occurrence for information seekers to be referred by the autonomous body to the ministry and vice versa. This unnecessarily prolongs the duration in which citizens can access the required information. It should be noted that autonomous bodies exist in all the five ministries to which the IAT was applied in 2015.

The participants in the focal group highlighted the attitude and behavior of civil servants within the agencies as a continued obstacle to proper operationalization of the Act. For example, despite the fact that there is no requirement under the law to provide reasons as to why an information seeker is interested in accessing a particular record, a number of ministries still insist that a cover letter outlining reasons for access should be included. Most recently, the chief magistrates court at Mengo has confirmed the position that no reason is needed in accessing a document of interest but some ministries still insist on this outside the law. Additionally, some information officers intimidate citizens when the information requested touches on sensitive issues, particularly when related to accountability. In one instance a local resident was intimidated by the sub-county chief/ district administrative assistant. He was asked the following tough questions before the officer asking him to leave his office. a) Who are you? b) Are you an auditor? c) What do you want the information for?

Another perennial challenge is that even when it is clear that the ministries have some relatively good capacity to comply with ATI law, there is limited

awareness by the public on the law and its provisions. Many citizens are not aware that there is such a thing as the right to information. Others are not conversant with the procedures for accessing information as laid out under the law, and the public agencies are not sufficiently informing persons of their rights and how to access information.

Nevertheless, ministries such as the Ministry of Lands, Housing and Urban Development (MLHUD) are more efficient in dealing with information requests because they are better facilitated. In particular the Ministry of Lands has been able to digitalize most of its information using funding obtained from the World Bank. This has greatly improved access to especially information on land ownership. Beyond funding, personal initiative on the part of information/ communication officers in the different ministries is equally responsible for the implementation success registered. In the Ministry of Lands, for instance, the senior communications officer has been particularly recognized for his individual efforts to improve information access in the Ministry.

The focal group participants concurred that the proactive publication function of the ministries has been less successful, stating that only that information which is less sensitive is proactively disclosed. This was felt to be true in all the five Ministries to which the IAT was applied in 2015.

The records management and archiving function also was considered by the focal group experts to be very weak across all government ministries, including the five most recently assessed. Digitalization and archiving of information is crucial if the ministries are to fulfil their ATI functions under the law. It was hoped that the

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National Records and Archives Center building when completed will improve on this gap.

Under the law, ministries are required to submit an annual report to Parliament on all information requests received and the outcome. None of the five ministries to which the IAT was applied has complied with this requirement, yet it would be a major step in assessing the capacity and compliance of individual ministries with ATI law.

Finally, the focal group discussed the value and efficacy of the Implementation Assessment Tool. Participants agreed that the wildcard indicator is a great addition as it enables the researcher to make a realistic assessment of the capacity of a particular ministry to comply with the law based on their experience. The indicator is also useful in checking the bias that the information officer or any other person responding to the indicators would have. Beyond the 12 ministries to which the IAT has been applied, it was suggested that the tool should be applied across all the remaining government ministries to assess their capacity and extent of operationalization of the ATI law. This will give a complete picture of situation and help to design a more suitable strategy aimed at enhancing access to information implementation across the board.



The wildcard indicator... enables the researcher to make a realistic assessment of the capacity of a particular ministry to comply with the law based on their experience.

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## Summary of Findings<sup>5</sup>

In Uganda, the IAT was first applied in 2013 across a total of seven government ministries and agencies.<sup>6</sup> In 2014, the IAT was applied for the second time across the same ministries/agencies. On both occasions the findings revealed relatively slow progress in implementation of the law. In terms of achievements, all ministries had a specific officer whose role was to receive and provide information to citizens, and in most cases the same official was in charge of publications and proactive disclosure. This was a more practical approach given that Permanent Secretaries (PS) who are the designated information officers under the law are often overwhelmed with other administrative duties. The challenge with this design is that most requests, especially those for sensitive information, still have to be referred to the Permanent Secretary as the designated officer under the law. In effect the delegation is not fully effective and leaves the PS with the power to decide on most information requests.

In terms of shortfalls, the proactive disclosure element was not well developed in all the seven ministries to the extent that none of them has been able to produce a manual of functions and a description of readily available records. Records keeping in all the seven ministries is equally inconsistent and save for the Ministry of Finance which had a fully-fledged records unit, in the other ministries the information and communications department doubled as a records unit.

In 2015, the IAT has been applied for the third time in five different government ministries/agencies: Ministry of Lands, Housing and Urban Development; Ministry of Energy and Mineral Development; Ministry of Local Government; Ministry of Public Service; and Ministry of Water and Environment. The highlights of the assessment and key findings are noted below.

### Summary of Key Findings

Despite the fact that the Access to Information Act appoints the agency CEO as the chief information officer, in practice the CEO does not have sufficient time to execute ATI duties and functions. In most agencies, the chief information officer has delegated his ATI duties to a junior officer. The titles of these officials vary and include communication scientists, communications officers and information officers. The delegation is partial and in most cases informal.

Moreover, not much investment has been made in ATI capacity building. Most agency officials in charge of ATI have received only basic training and have not had any specialized training to properly discharge their responsibilities, and the remainder of the agency officials are largely unaware of the law's mandates.

Positively, all agencies have freely accessible resource centers where the public can access proactively disclosed information. but only the Ministry of Lands, Housing and Urban Development has developed a manual/index of functions that contains guidelines for accessing information.

Most agencies rely on the basic registry procedures manual in dealing with classified documents and have not yet developed agency specific classification guidelines. And notably, none of the agencies has a specific budget for ATI activities nor have they developed sufficient mechanisms for monitoring their implementation/operationalization efforts.

Monitoring of implementation efforts, which is critical for improvements as well as for proper reporting on progress is an area of weakness in all

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<sup>5</sup>The summary of findings section was largely drawn from the narrative drafted by researcher Dan Ngabirano.

<sup>6</sup>The agencies assess in 2013 and 2014 include the Ministry of Education and Sports, Ministry of Finance, Planning and Economic Planning, Ministry to Health, Ministry of Agriculture, Animal Industry and Fisheries, Ministry of Justice and Constitutional Affairs, Uganda Revenue Authority and the Uganda Bureau of Statistics.

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of the ministries assessed. Only one agency had any form of internal oversight of the implementation/operationalization of the law, and none were fully capturing statistics related to receiving and responding to requests or proactive disclosure.

## Summary of Agencies

### Ministry of Lands, Housing, and Urban Development

Uganda's economy is agricultural driven and majority of the population depends on land for food and sustenance. Land is therefore one of the fundamental resources that are critical for the nation's survival. At the same time, the question of land ownership by far remains one of the most controversial and disputes over land ownership are widespread across the whole country and these sometimes degenerate through violence. Unfortunately, these disputes are bound to increase amidst population pressures and heightened investor interest in commercial agriculture. In light of these challenges, it is important that all citizens are able to access land related information in order to pursue and protect their interests.

The Ministry of Lands, Housing and Urban Development has made great strides in implementing the access to information law to ensure that citizens are able to access information. First and foremost, the ministry has appointed a spokesperson upon whom the powers of the information officer under the law have been effectively delegated. The appointed official, who has received specialized training, receives and responds to most information requests save for a few of those that require highly sensitive information.

In terms of proactive disclosure, the Ministry of Lands is one of the few agencies that has published an Access to Information Manual, which outlines the functions of the Ministry and lists available information and the procedure for accessing such information. The Manual was published in 2012 and as required by law should be reviewed every two years,



The Ministry of Lands, Housing, and Urban Development has made great strides in implementing the access to information law.

which is yet to happen. Aside from the effort of having a manual, proactive information disclosure is still limited and it is mainly policy documents and a few reports that are usually readily available on the ministry's website and resource center.

The Ministry's records system is fairly well developed as a result of recent attempts to digitize all land information under a World Bank funded project. Most land information, particularly related to land ownership, has been captured and is accessible through the internet, placing the Ministry of Land ahead of the other agencies with regard to records management and proactive disclosure.

Nevertheless, the implementation assessment demonstrated that the Ministry of Land should invest more resources in expanding the current communications department by employing and training more staff. In addition, the Permanent Secretary should formally delegate ATI duties to the communications officer. Finally as observed earlier, the access to information manual should be revised every after two years in accordance with the law.

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## **Ministry of Water and Environment**

The Ministry of Water and the Environment is responsible for setting policies and standards for management of water resources and the environment. In light of the unique role that these play on improving Ugandan's quality of life, a free flow of information is critical.

In terms of receiving and responding to information requests, the Permanent Secretary has informally delegated this role to one of the officials in the ministry. Most information requests are therefore handled by this officer except those deemed very sensitive. The officer in charge of requests is also responsible for proactive disclosure of ministry information. Some of the ministry's publications including reports, strategic plans and policies are also available on line.

It should be noted that on the whole, the Ministry of Water and Environment does not receive many information requests centrally. Most requests are directed to the various agencies under the Ministry such as the National Environment Management Authority (NEMA), National Forest Authority (NFA) and the National Water and Sewerage Corporation (NWSC). This is because under the law, the CEO of each of these agencies is the recognized information officer with the mandate to receive and respond to information requests.

This notwithstanding, implementation at the central level should be strengthened through offering agency officials specialized training on the right to information and in particular the duties of information officers under the law. In addition, there should be effective delegation of duties by the permanent secretary who is preoccupied with several other administrative matters to attend to each and every information request.

## **Ministry of Public Service**

The Ministry of Public Service determines the terms and conditions of service for public servants. The

ministry also is in charge of processing and administering pensions for civil servants who have since retired.

As is the case with other ministries, the Permanent Secretary in the Ministry of Public Service has retained the greatest discretion in deciding whether or not to grant an information request, and thus the agency has not provided sufficient authority and specialized training to the communications officer.

The communications officer is also tasked with the ministry's proactive disclosure function. However, this is not well developed and so far just a few of the ministry's documents are proactively disclosed. While ministry officials participate in radio and television talk shows, this does not equate to institutionalization of the agencies proactive disclosure responsibilities. Therefore, proactive disclosure is considered highly limited and most of the documents presently available are constituted by policy documents and ministerial statements.

In terms of the record keeping function, the ministry has a relatively well developed and resourced records unit whose function is to receive and preserve all ministry records. The records system is also fairly developed to the extent that there is a registry of all ministry records which include staff records, correspondences and classified records.

Notably, most of the functions of the Ministry have been decentralized and are now exercised by local governments. To this extent the Ministry does not receive as many information requests as before. This calls for strengthening of the local government units responsible for some of the ministry functions.

## **Ministry of Energy and Mineral Development**

The Ministry of Energy and Mineral Development is one of the key government ministries

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and is expected to immensely contribute to the country's economic growth over the next few years. Revenues from minerals and petroleum if well managed are capable of transforming the economy and uplifting the lives of many Ugandans. For this reason transparency and accountability in the sector should be highly encouraged.

To this end, the Ministry has taken some steps towards implementation of the Access to Information Act. As is the case with other ministries, the permanent secretary is the designated information officer but due to other administrative duties he is unable to fully exercise this function. Day to day requests for information are therefore handled by the head of communications who receives them and responds accordingly. Some requests, particularly those deemed to be sensitive, continue to be referred to the PS.

The head of communications is also responsible for proactive information disclosure. He is in charge of the ministry's publications many of which are designed to enlighten the public and communities affected by oil and mineral activity about policies and laws governing the energy and mineral sector. Most of these publications which include policies, strategic plans and reports can be found in the ministry's resource center. In this role the head of communications is assisted by an assistant communications officer who manages the ministry website and is responsible for uploading and updating on line content.

With regard to the record keeping function, the Ministry of Energy and Mineral Development has a fairly developed records management system and all records are centrally managed in accordance with guidelines issued by the Ministry of Public Service.

### **Ministry of Local Government**

Uganda is among the first African countries to pioneer the decentralization system of governance. The system involves the devolution of power from the center to local governments and has been hailed for

improving citizen participation at local levels. The local government ministry coordinates all local governments and is at the center of service delivery for citizens at the local level.

The role of receiving and responding to information requests is shared between the ministry and local governments. Citizens can lodge their requests at the ministry and/or at their respective local government headquarters in the district.

At the ministry level, there is a communications officer whose role is to receive and process information requests. Ordinarily this role is vested in the permanent secretary but due to other competing administrative pressures part of it has been delegated to the communications officer. Only those requests considered sensitive are referred to the permanent secretary. In effect, there is partial delegation of powers and the permanent secretary still holds much discretion in determining whether a particular request should be granted or not.

At the local government level, the role of information officer is played by the chief administrative officer (CAO), who is the administrative head of the district. Although in reality there are only a few requests submitted at this level due to limited awareness on the legal right to information, the majority of CAOs are still not in position to respond to the limited requests in a timely manner. Thus, there is a need to formally appoint officers responsible for receiving and responding to information requests at local government level. CAOs are overburdened by daily administrative roles and are not in position to effectively play this role.

The proactive disclosure and records functions are not well developed at either the ministry or district levels. The Ministry of Local Government website only contains a few publications, many of which are the more general include operational guidelines, manuals, rules of procedure, policies and planning guidelines. If decentralization is to benefit the local populations for whom it was

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designed, there is a need to strengthen proactive disclosure to enable citizens to access information related to and monitor performance and service delivery at local government levels.

## Conclusion

Overall the findings of the Implementation Assessment Tool reveal that as compared to the initial seven ministries assessed as part of the piloting of the tool in 2013 and 2014, the five new ministries assessed in 2015 are generally better placed to receive and process access to information requests. This development appears to be attributable to the adoption of the Government of Uganda Communications Strategy that requires all government ministries/agencies to improve on their communication by among other things appointing communication officers and setting up the necessary infrastructure. Secondly, following adoption of the strategy, the Ministry of information has deepened its engagement with communication officers in the different ministries.

In as far as the receiving and responding to information requests is concerned, in practice this role is exercised by the communications officers in all ministries assessed. While under the law the role of information officer is vested in the chief executive officer of the agency and at ministry level this would be the permanent secretary, permanent secretaries carry a great burden of other equally pressing administrative duties and are not in position to effectively fulfill this role. For this reason they have informally delegated this duty to communication officers. The challenge, however, remains that the PSs continue to decide on those requests that touch on sensitive matters and as the delegation of duties is informal it is not easy to hold communication officers responsible for failure to fulfill ATI obligations under the law.

The above progress notwithstanding, it is clear that almost all ministries assessed they are yet to implement the law fully. Proactive disclosure and records

keeping functions are still not properly implemented in all the five ministries considered, and although all of these ministries have fully functional websites, most of the documents proactively disclosed on line are rather general and do not provide the wide range of documents considered in the law or necessary for the citizenry. Moreover, there is a conflation of duties in regard to receiving and responding to information requests on one hand and the proactive disclosure function. This greatly restricts performance of both functions, particularly as the public servants mandated with the responsibilities rarely have sufficient training to meet these specialized duties.

Finally, additional emphasis on monitoring agency implementation efforts and progress is needed. The ministries assessed rarely included their access to information duties in internal oversight mechanisms, and had no developed means of capturing statistics related to discharge of their ATI duties. This limits the ministry's ability to perfect their implementation/operationalization of the law and inhibits citizens from monitoring government's efforts to assure the full functioning the Act.

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Picture of The Royal mile between Buganda Parliament and Kabaka Palace in Kampla, Uganda on back cover courtesy of NatureDan at ms.wikipedia [GFDL ([https://commons.wikimedia.org/wiki/File:The\\_Royal\\_mile\\_in\\_Kampala.jpg](https://commons.wikimedia.org/wiki/File:The_Royal_mile_in_Kampala.jpg))



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