

Guidelines for digital proactive disclosure under the RTI Act (and its proactive monitoring and enforcement)

What information should be pro-actively disclosed through digital means

1. Unlike for non-digital media, there is very little cost in making all information that is available to a department/ Public Authority (PA) in digital form completely public. The key operational issue with regard to proactive disclosure therefore changes from which information to pro-actively disclose, to which may not be so disclosed, and why. Every information available with governments in digital form should by default be considered for proactive disclosure through digital means. Automated processes for proactive disclosure, discussed later, further reduce the cost of doing so.
2. It is obligatory under section 4.1.b.xiv of the RTI Act for every PA to pro-actively disclose 'details in respect of the information, available to or held by it, reduced in an electronic form'. In such a listing required under this section, it should also be required to indicate which digitally held information is made available publicly over the Internet and which not, and the specific reason thereof.
3. With huge investments going into e-governance, more and more information is held by government today in digital means. The proposed Electronic Delivery of Services (EDS) Act seeks to make it mandatory to deliver all services in a digital form within five years of its enactment. Present paper based processes, due to structural constraints of such processes are designed keeping in mind two key objectives; management's right to know and review (addressed by MISes) and maintaining a complete audit trail. Digital processes allows all information to be simultaneously structured with a view to another all-important objective – the citizen's right to know and monitor governance activity. It is required that as process re-engineering is done for e-governance and EDS, citizen's right to information is considered at par with that of the management and auditors, unless there is some compelling reason to the contrary, in keeping with the legitimate exceptions allowed under the RTI Act. RTI is therefore to be taken as a key 'design principle' for new digital process re- engineering. This represents the real import of proactive disclosure in a digital context. (We can call this design principle as '*CC. Citizen*').
4. To maintain reliability of information and its real time updation, information generation in a digital work flow should be 'locked' to key work outputs, like a muster roll and salary slip (NREGA in Andhra Pradesh) or formalisation of a government order (Andhra Pradesh). Such an approach will lead to automation of proactive disclosure.
5. In an effort to move towards 'as complete a disclosure of information as possible' as required by the letter and spirit of the Act 'so that the public have minimum resort to the use of this Act to obtain information', every department must come out with an 'public information policy' (or proactive disclosure policy) every year. This policy should contain the department's plan for proactive disclosure and progress towards full conformity with the letter and spirit of the RTI Act. This policy should be put up for public comments/ consultations and then be submitted to the concerned Information Commission to obtain its concurrence. Such a policy should specifically mention what new categories of information have been declared under section 4.1.b.17 as requiring proactive disclosure. In UK and Australia, all public authorities must adopt a publication scheme approved by the Information Commissioner.
6. Such a public information policy should interpret the intention of the RTI Act in terms of the

specific mandate and activities of the department, with respect to all levels of the department's activity and presence. Such a policy should describe in detail the record-keeping scheme (all issues vis-a-vis compliance with section 4.1.a) apart from mentioning what information is being pro-actively made available and how, what is not made available and why, and steps taken for compliance with 4.1.c and 4.1.d. Public information policies of all departments should be a part of the annual report of the Information Commissions under section 25.1 and should be widely publicized.

7. All information and documents covered under proactive disclosure norms as per the approved public information policy should be specifically marked as such at the time of the origin of the information/ document itself. In Australia, all such information is called as IPS (information publication scheme) information (or IPS documents). All government websites have an IPS button where all such information/ documents are made available. Similar classification, mark and website button should be used in India (A catchy term like '*CC. Citizen*' for such marking and for the website button may be employed.)
8. Frequently asked questions and frequently occurring problems should be listed on the website. A glossary of frequently used terms should be displayed.
9. Some of the most useful information is very dynamic, Such information must be updated on a real term basis, preferably as an automated process. If for some reason it is not possible to do so in the real time, such information should be updated on a monthly basis, or at the most, quarterly basis. Proper standards and records for such regular updation should be maintained, and mentioned in the concerned public information policy.

Record keeping for digital proactive disclosure

1. Proper digital proactive disclosure is contingent upon appropriate digital record keeping. 4.1.a of the RTI Act makes a clear recommendation for digitising and extensive networking of government records. This issue is also connected to the earlier made point on informational aspects of e-governance based process re-engineering. New government-wide as well as department-specific electronic record keeping norms and schemes should be developed, and a study group can be set up for this purpose. Citizen's right to information should be a key design principle for these new electronic record keeping scheme. All information and documents should have appropriate meta-data which ensures easy discovery of information. It also enables organisation and presentation of information along many different parametres as required (for instance, it would be easily possible to arrange it village-wise).

Form in which digital information should be presented

1. Information must be presented from a user's perspective, which may require re-arranging it, simplifying it etc. However, original documents in original formats should continue to be made available because these are needed for community monitoring of government's functioning.
2. Information should be easily searchable and discoverable, and therefore not just in a scanned document form. In order to search scanned documents, optical character recognition techniques are available and these should be incorporated. Information/ documents should be time-stamped with proper version-ing. Earlier versions should be archived and be publicly accessibility.

3. Information should be uploaded using only open standards like ODF, PDF/A, JPG, OGG etc, so that it is neutral to the technology platform of the user. Since, the accessed information is the user's right to access and she cannot be forced to use certain technology platforms rather than others. The Department of Information Technology has come up with a policy on 'open standards in e-governance' which should be meticulously followed. Information and documents Not following open standards, and other technical standards mentioned in this section, for digital proactive disclosure should be considered non-compliance to the provisions of the RTI Act. All standard web accessibility guidelines, especially relating to visual disabilities should be followed.
4. There is a continuum between what is generally called as information and its more granular and relatively formalised form, data. Proactive disclosure applies to government data as well, as mentioned in the draft 'data sharing and accessibility policy' being prepared by the Department of Science and Technology. Publicly funded data is citizen's right to access. Information and data should be presented in open data formats whereby it can be pulled by different Application Protocol Interfaces to be used in different fashions more appropriate to specific contexts and needs. Information/ data can, for instance, be presented in powerful visuals ways using visualisation techniques. Such visual representation of information/ data can give insights that may remain largely hidden in a textual or tabular presentation of data. Open data initiatives are quite advanced in many countries of the world, and developing countries are also picking up fast (Kenya recently inaugurated an open government data portal).
5. Just textual presentation of information may not be the most appropriate form in some contexts, where pictures, audio/ videos recordings etc may be more useful. There have been moves in some part of the country to video record gram sabha meetings. A picture of a NREGA worksite, for instance, may tell much more than words can. All such different media and forms should be used for proactive disclosure.
6. Every PA may not have enough capacity, technical and otherwise, to arrange the information under proactive disclosure norms in effective manners. While all proactively disclosed information should be available on the concerned website of the PA under a specific 'mark' which is prominently displayed, it will be useful if all the proactively disclosed information is also pulled together in one place for every government. Such a central website dedicated to proactive disclosures has been found very useful in Mexico. The proposed 'data accessibility and sharing policy' of the Department of Science and Technology also envisages such a common across-the-government portal called *www.open.gov.in* . A specialised agency operating such a common portal makes it possible to pull all the required information for all PAs and arrange in a user-friendly ways as described above. Sections 4.1.a and 4.4 of the RTI Act suggests that all information available in the electronic form should be networked and also made available at one central point in the government. All information marked for proactive disclosure and available electronically with PAs should be able to be pulled automatically into the centralised proactive disclosure systems.
7. A common proactive disclosure website will also put competitive pressure on different departments/ PAs to comply with proactive disclosure norms. Such a website should carry the annual public information policy of every department/ PA along with its proactively disclosed information/ documents.
8. Individuals/organisations should be able to register to receive alerts when proactively disclosed documents are added in specific categories that they have registered for.

(Andhra Pradesh's state government portal is a good practice in this regard.) Documents, information and public comments, especially about important decision-making processes should be pro-actively circulated on civil society e-lists dedicated to the concerned subject matter, and those with a general interest in policy matters.

9. The mentioned specialised agency should also build the capacity of PAs to implement digital proactive disclosure, including through training and deputing technical staff as required. An appropriate tool kit should be brought out for this purpose.

Proactive monitoring and enforcement

1. Digital proactive disclosure enables proactive monitoring and enforcement. It is easily possible to remotely monitor adherence to the stated public information policy by nodal RTI related and performance measurement related agencies within the government, by Information Commissions as well as by the wider community. It is possible and necessary to do regular informational audit of all PAs. (Centre for Good Governance, Hyderabad, has developed a scheme for such an audit of proactive disclosure.) PA-wise reports of compliance to proactive disclosure norms and commitments should be obtained from all different sources and collated. A report on compliance should also be sought from all PAs by Information Commissions under section 25 of the RTI Act.
2. The concept of information audits should be promoted, which should specifically look into how information is processed and stored in an office (record keeping) and how it is made available pro-actively, including through digital means. This can be done as a part of regular audits or as a separate specialised process anchored by the Information Commissions.
3. Appropriate indicators and measures should be devised for proactive monitoring. Star marking should be given to best compliance. Poor compliance should result in appropriate recommendations under section 25.5 to the concerned PA to ensure compliance. Such adverse notice should form a part of the Information Commission's report under section 25 along with the responses, if any, of the concerned PAs. It should also include the action taken or the lack thereof with regard to the earlier recommendations under the referred sections. These reports should also be widely and prominently published on the Information Commission's website.
4. One Information Commissioner should be dedicated to monitoring and enforcing proactive disclosure, for which purpose adequate staff and other resources should be made available for proactive monitoring. Such investments could gradually reduce the burden on the Commission of dealing with cases of refusal to provide information on demand, and could therefore even be taken as an organisational efficiency measure.
5. Specific orders under section 19 and possible penalties under section 20 (including recommendations for disciplinary proceedings under the applicable service rules) can be used to enforce compliance with the all-important section 4 of the RTI Act. Non disclosure of information required to be pro-actively disclosed, especially when it is electronically held with the PA and thus has little cost for digital publishing, can be considered as obstruction of information which can be penalised under this section.
6. Since compliance with proactive disclosure requirements is an across-the-department systemic issue, and not a one-off act as in case of furnishing information against request, it should be the responsibility of the concerned head of the Department/ office to ensure compliance and not merely of the Public Information Officer. However, since considerable

work and internal capacity is required to comply with the requirements of digital publication under section 4 of RTI, and its continuous updation, a dedicated Assistant Public Information Officer may handle this task while the accountability for proactive disclosure compliance should remain with the head of the department/ office.

7. It is important that community monitoring of proactive disclosure also takes place. For this purpose, state, district, block and *panchayat* level public information committees should be set up. In preparing their reports, the Information Commissions should take note of citizen reports on digital proactive disclosure compliance. It is very easy to check the authenticity of such reports simply by looking at the concerned official websites.
8. The attitude to and compliance with RTI provisions, especially with regard to proactive disclosure, should figure in the annual performance reports of all officials. It shows their level of sensitivity to the fact that citizens are the ultimate masters in a democracy and they have a right to receive full information regularly about government's work.

What are the community end (or demand side) requirements

1. Making information available on the Internet is just one part of what is required under proactive disclosure. Such information must *in fact* reach all the citizens in a usable form. It must be ensured that citizens everywhere have effective access to all such information, which requires proactive assistance and facilitation at the community-end. Providing all the required means for this purpose is a part of proactive disclosure obligations of the departments/ PAs, and in general, of the governments.
2. Although, often information is available department-wise for the whole state, it is difficult to access it locally, community-wise, cutting across the mandate and activities of the different departments. All public information must be digitally republished at the panchayat/ward level in a community-centric manner pulling from multiple sources of information to give a complete local picture. It is not at all difficult to do so at every panchayat/ ward level if departments/ PAs publish information as per the norms discussed in the earlier sections. Such information can then act as the basis for planning at the panchayat/ ward level, which is mandated under law.
3. Most governments are coming out with some village information and service centre initiatives, the largest of them being the Common Service Centre scheme of the government of India. Normally, it may not be easy to mix service delivery with citizen-oriented informational engagements which is a complex and public service oriented activity. As long as it is only an issue of accessing a government website and looking up information over it, this can be done even at the business model based centres. However, especially in the case of information needs of the marginalised sections, a proactive approach is required to reach out and provide information in a contextually appropriate manner.
4. In addition to information on the Internet, the required local information may also need to be made available in print and audio-visual manner. It is therefore useful to set up village information centres with all such facilities where the citizens can access all the required public information, especially information pertaining to their locality.
5. Panchayats (and corresponding urban local governance bodies) should not only be responsible for disclosure of public information held by them but, as the government bodies closest to the citizens, be responsible for making available all public information that may be required by citizens in its jurisdiction, in a conveniently accessible and usable manner.

Panchayats are setting up NREGA Seva Kendras with the mandate of making all development related information available to people. These Kendras can be developed as generic RTI centres, where all public information is made available in web-based, audio-visual and print formats apart from person to person oral delivery. Different interest groups like women, farmers, elderly people etc can also meet in this space and discuss their information requirements, if possible, in the presence of experts.

6. There being considerable leakage in most government welfare schemes, if even one percent of the scheme budget is used for transparency, pulled together there will be enough funds for proper running of these village information centres, which can serve the transparency and community monitoring (social audit) needs of all such schemes.
7. An appropriate institutional model – covering funding, ownership, cross-departmental coordination, partnerships etc – has to be devised to set up and run these village information centres. A single transversal agency with a specific information delivery mandate can run these centres, drawing (transparency) budgets from different schemes and reporting on clear accountability parameters to them. Some states already have transversal service delivery agencies, which also deliver some informational services, like Akshaya in Kerala and E-Gram in Gujarat. However, it might have to be considered if the full requirements of citizen's right to information, and to be informed proactively, can be met by business-model based systems. It may be required to have specialised agencies for RTI at village levels managed by panchayats and CBOs and funded by an agency that draws its budget from transparency related allotments of different government schemes. The possibility of expanding the NREGA Seva Kendra concept can be explored in this regard. It may be useful however to ensure that this village information centre does not become captive of one scheme (e.g NREGA) which will mean its underutilisation, or of one agency (panchayat). A broader and more diffused ownership will ensure that it becomes a space of genuinely free and open engagement by all. Directorates of Social Audits being started in some states also seem to have some role in this area. Involvement of CBOs in this respect in running such a centre is essential. The earlier mentioned public information committee can oversee this centre. (One suggestion is to call it the *Gram Sabha Seva Kendra*, to accentuate its larger ownership beyond the panchayat's executive body, which may also give some impetus to the institution of gram sabha.)
8. The transversal information agency mentioned above must also set up call centres for people to be able to access the required information over phone. If some of the processes of such call centres are outsourced, it is important to develop and enforce strict monitoring and accountability parameters for the same.
9. This information agency should also use community media – like community radio – for propagating public information pro-actively. Local language/dialects and traditional mediums of communication should also be explored. In fact, all media, from websites, mobile, PDA devices, IP based communication channels, to print and traditional media such as loud speakers, nukkad natak, puppet shows etc should be appropriately used for proactive disclosure.
10. Digital information should be localised (use of local language) using UNICODE compliant systems and open fonts.
11. Information and data should also be possible to be pulled from government servers through sms requests. Appropriate techniques should be used so that the user need not pay for the information she accesses in this manner under proactive disclosure provisions.