PRINCIPLES RELATING TO TRANSPARENCY BY DESIGN

Preamble

- Recalling the ICIC's Mission to share knowledge and best practices, to build capacity, to help identify what is needed for global progress and to act as a collective voice in international fora with a view to improving people's right to public information and their ability to hold to account authorities that provide public functions;
- Recalling the ICIC's Goal to promote the development and adoption of international standards in access to public information;
- Recognising the importance of guaranteeing access to public information and the protection of fundamental freedoms, such as freedom of expression, in accordance with national legislation, policies, and international instruments;
- Noting Sustainable Development Target 16.10 which aims to ensure public access to information and the protection of fundamental freedoms, in accordance with national legislation and international agreements.
- Further Noting Sustainable Development Indicator 16.10.2 which measures the number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.
- Recognising Access to Information's role as a fundamental pillar to social, economic and democratic governance;
- Recognising Access to Information's role as a key enabler of transparency in public functions;
- Recognising that government information is a public resource;
- Recognising the relationship between transparency and the building of trust between the public and authorities that provide public functions;
- Recognising the value of Transparency in supporting democratic accountability, good governance, good administration and the effective use of public funds, enhancing public accountability, fighting corruption and maladministration, and in empowering people, enabling their participation in decision-making processes.

Overarching Principle

To harness fully the benefits of openness and transparency afforded by Access to Information, the authorities responsible for providing public functions should increase the ease and speed of access to information for all sectors of the population, taking transparency into account in the early phases of designing new systems, administrative processes, procedures, and governance models and embedding it in their daily operations.

Transparency by Design Principles for Authorities Subject to ATI

These principles have been developed to assist authorities in complying with the overarching principle, and in leveraging for themselves the benefits of openness and transparency, such as increasing trust with citizens and service users, enabling valuable public participation, fostering efficiencies in the delivery of public services, and fighting corruption and maladministration.

1. As providers of public functions and services, and in view of the functions entrusted to them, the provision of information in the public interest should be strengthened and be viewed as a core duty.

2. Transparency as the default setting – information in the public interest should be provided unless there is a sound legal reason for not doing so.

3. Transparency should be embedded into the design, development and delivery of new systems, administrative processes and procedures – this includes data governance, as key information should be produced and stored, by default, separating sensitive and non-sensitive data, to facilitate access to information.

4. Transparency should be proactive and not reactive wherever appropriate so that people should not have to ask for information which is in the public interest. Information should be readily and quickly available to all, without discrimination.

5. Disseminated information should be easily accessible and the use of formats allowing reuse should be considered – harnessing the value of digital, but also making information available in other ways for those who do not have access to the digital space.

6. Authorities that provide public functions and services should consider how information can be made available in a way and format that facilitates analysis of information across sectors.

7. Authorities that provide public functions should publish and update key information proactively; in doing so they should have regard to the public interest of promoting the transparency and efficiency of public administration and to encourage informed participation by the public in matters of general interest. This should include key information such as:
   a. Institutional information, including key roles, supporting legislation, contact information, how they are managed and their external relations;
   b. How the body delivers its functions and services, through its own internal resources or under outsourcing arrangements or through the provision of government grants, including information on public programs' and projects' goals and associated performance indicators;
   c. How the body plan and allocate budget, makes decisions, what key decisions have been made and the basis of those decisions;
   d. What the body spends and how they spend it, including details of procurements, senior salaries and key equality/diversity information;
   e. How the body manages its human, physical and information resources;
   f. Proactive disclosure of high-level public authority meetings and engagements, specially those involving private and lobbying stakeholders;
   g. How to access information produced and managed by the body, either through transparency and open data portals or through information requests; and answers to frequently asked questions.

8. Authorities that provide public functions should avoid confidentiality or secrecy clauses in contracts or other public documents, except where clearly and legally justified.

9. Listening to public demand – authorities that provide public functions should keep thinking about what information they have which it would be in the public interest to proactively disseminate – they should regularly assess requests received, or requests made to similar authorities or sectors, to help identify issues of potential public interest.

10. Transparency should be integrated in ongoing operations and daily actions as business as usual – both in capturing and recording information as well as making it both proactively and reactively available, so that openness and transparency are embedded in the body's ethos and actions at all levels, from Chief Executive to front-line services as experienced by service users. The body should publicly report upon its proactive release of information annually and include statistics about the body's' performance of proactive release functions.

11. At every phase of data governance, a data management approach should be integrated, that focuses on ensuring the availability of valuable and timely open data, made available under open licensing frameworks.

12. Recognising the potential benefits of artificial intelligence, from the initial design phase, the creation and implementation of artificial intelligence solutions and automated decision-making systems should embrace the appropriate standards of transparency regarding their existence and operational mechanisms and inputs, alongside providing clear and understandable explanations of the outcomes they produce.