

The Rhetoric and the Reality of the Legal Guarantee for Freedom of Information: A Cross-National Study on the Level of Freedom of Information

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Abstract

Analyzing the longitudinal data combining several global indices, this paper empirically examines what factors determine the degree to which a country achieves freedom-of-information ideals – access to information, press freedom, and transparency. Though countries with a freedom-of-information law show greater achievement of freedom-of-information ideals, the presence or absence of the legislation itself is not significant for estimating accomplishment of the ideals after controlling both time-series and cross-sectional effects. Such determinants as the general quality of public administration and socio-political stability proved significance as an explanatory variable in the panel data regressions. Countries with Scandinavian and German legal traditions are higher achievers of freedom-of-information ideals than those with English and French heritages. From a narrow focus on the subsample of countries with a freedom-of-information law, the study found that not merely the intention behind a particular provision but also concreteness and specificity of the statute significantly affect achievement of the legal ideals.

Key Words: Freedom of information; Access to information; Right to know; Transparency; Openness; Freedom of press

I . Introduction

A law pursues to actualize our desires for a better society. The legislation for freedom of information (FOI) is a specific expression of legal protection for the right to know. We expect the law to make a

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government more accountable and transparent via a broader avenue to approaching governmental information, to which citizens and the press are more easily accessible. In this sense, I identify FOI ideals as the public's access to information, freedom of press and transparency.

Amongst about 210 countries on our globe, only 73 countries have the law that legally stipulates freedom of information. This plain fact leads to skepticism of global FOI. We should say that if an FOI law (FOIL) itself is an effective tool to realize FOI ideals, merely one third of all countries promise freedom of information. However, the level of the effectiveness of the law, despite plausibility of the general tendency that countries with an FOIL are high achievers of FOI ideals, varies from country to country. Furthermore, not all countries with an FOIL do achieve the legal ideals successfully. If an FOIL per se is actually symbolic and mythical in spite of its legal guarantee for FOI ideals, it has no better than nominal values. With such skeptical consideration of FOI realities in a global context, I raise a simple research question involving the rhetoric and the reality of an FOIL: What determines the realization of FOI ideals in global societies?

I hypothesize that the general quality of public administration, socio-political stability and legal tradition serve as a more important determinant for the degree of fulfilling FOI ideals than the simplistic fact that an individual country has or does not have an FOIL. Focusing on countries that have an FOIL, I expect the difference in FOIL features would make a distinction between high achievers and low achievers of FOI ideals. For a cross-national study, this paper, employing the panel data regressions and analysis of variance (ANOVA) as main methodologies, statistically analyzes the longitudinal data generated by merging several worldwide indices from 2001 to 2008. The paper starts with reviewing core arguments in previous studies. After expatiating on the

panel data and variables employed, its main parts report key findings and implications from statistical analyses. The final sections address limitations of this cross-national empirical study and conclusive remarks.

II. Ideals and Realities of FOI Laws

Since Sweden's pioneering adoption of an FOIL in 1776, there has been a long temporal lag until a global spread of the legislation during recent decades. With a tidal wave of democratization over the globe, the impetus factors like anti-corruption movement, international pressures, further modernization and societal informatization have triggered consideration of an FOIL as the necessity for democracy (Banisar, 2006). The law states the right of access to information (ATI) in order to make government accountable. It can be effective in three levels. In the basic level, it prevents a government from interfering with information dissemination. Its middle level requires a government to comply with citizens' demands on governmental information. On the more mature stage of an FOIL regime, we expect a government's affirmative obligation to inform public. Each level of these hierarchical goals may be either a desired state for some countries or a current reality for others. The gulf between ideals and realities differentiates a group of greater FOI countries from the other group of less FOI ones.

1. FOI ideals: Right-to-know, press freedom and transparency

FOI is regarded as a basic human right (Perritt & Lhulier, 1997; Piotrowski & Rosenbloom, 2002). The fundamental purpose of an FOIL is

to give the public the right to know and define a legal framework for the sharing of information (Islam, 2006). The law has provided “an engine that makes publicly available much of the vast and otherwise inaccessible storehouse of government information” (Gellman, 1997). The right to access to government-held information is a cornerstone of representative democracy (Mendel, 2008). As with the First Amendment to the United States Constitution, the Freedom of Information Act (FOIA) purports to “promote *democratic-constitutional* values including transparency and individual rights” (Piotrowski & Rosenbloom, 2002).

An FOIL is an essential tool to ensure democratic control of government. Feinberg (2004) identified the FOIA as “a logical extension of decades-long efforts to hold government agencies accountable for their decisions.” Without the right of access to information, a citizen’s ability to participate actively in policy deliberations or hold public institutions accountable for their conduct is compromised and even constrained. By signifying reduction in restrictions imposed on information flow (Islam, 2006), an FOIL keeps people aware of policymaking processes (North, 1999) and the value of public information (Chongkittavorn, 2002). In the United States, the FOIA has been practiced to increase governmental transparency and advance accountability (Piotrowski & Rosenbloom, 2002). The British expectation for the legislation goes toward eroding cultural and institutional secrecy by making the government more open (Worthy, 2008).

Main users and beneficiaries of an FOIL are the public and the media. Improved access to official records has not been granted only to an amorphous populace but to the press as the most influential champion for the law (Relyea, 1979). An FOIL holds little value for citizenry without free media (Martin & Feldman, 1998); thus, free press is a precondition to enhance citizens’ right to know. A FOIL’s legal protection of the right

to know helps the press perform its reportorial and journalistic work of documenting governmental activities in public interests (Rush, 1986).

2. Determinants for FOI realities: Administration, stability, legal heritage, and provisions

FOI statutes are so widely diffused that they have come to resemble “rationalized institutional myths” (Meyer & Rowan, 1991). Aside from practices of implementing an FOIL, the broad provisions provide myths and symbols to demonstrate that a country legally supports good values – i.e. freedom of information, transparency, openness and democratic control – for public administration. The legal rhetoric is similar across countries with an FOIL. The FOIA of the United States has been a template for other countries that prepare for a new FOIL, and thus most FOILs around the world are much alike under the influence of such a model law (Mendel, 2008). However, the interpretation and application of an even identical provision may vary with country, culture, regime and polity because of differences in administrative quality and disparities in social, cultural and legal contexts. This divergence can be a reason for the dissonance between our desires for FOI ideals and the current reality.

Having an FOIL is not enough to ensure that it is effective (Foerstel, 1999; Islam, 2006; Roberts, 2000). The nominal existence of the law cannot be any hallmark for its successful implementation. Government agencies must be required to publish information, and there must be some mechanisms to implement the law effectively. Gellman (1997) identified problems inherited in the FOIA as three facets: 1) poorly drafted, 2) inadequately funded, and 3) unenthusiastically implemented. As the undue level of flexibility and administrative discretion is problematic for implementation, manifold problems with the FOIA are administrative

rather than legislative.

In Commonwealth countries with longer histories of FOI legislation, the creation of a FOI regime has not ended secrecy within a government (Roberts, 2005). When considering the historical fact that the FOIA in the United States was legislated in the face of enormous opposition by the executive branch, less effective and less committed implementation of the law has no wonder. Though today's climate is not as hostile as the executive branch in the earlier FOIA regime was (Relyea, 2009), public agencies seldom have rigid motives for faithful administration of the statutes. Lombard's (2007) experiment on 408 local public bodies' responses to information requests at the state of Illinois reported that an average citizen encounters blatant resistance, numerous delays and arbitrary obstructions, which violate the original spirit of the FOIA and the state FOIL.

Regarding that information is a fragile, time-sensitive commodity (Feinberg, 1986), a delayed and inconsistent response is a frequent complaint of the press who needs the information in time for a deadline (Rush, 1986). Worthy (2008) found sources of inconsistency and tardiness in the low quality of administration and information management. Inextricably entwined in a larger context of information policy, an FOIL is an object of management and implementation apart from its normative ideals (Feinberg, 1986). The degree to which the FOI ideals are fulfilled depends on administrative discretion to implement the laws (Darch & Underwood, 2005; Davis, 2000; Feinberg, 2004; Halstuck, 2000; Islam, 2006). A key to realization of FOI goals is the change in attitude within agencies in regard to FOIA administration (Relyea, 1979).

Another problem that public administration faces in implementing an FOIL arises from the ongoing mantra of public entrepreneurialism. Since the emergence of the New Public Management (NPM) paradigm, public

administrators and managers have rejected a conventional stress on processes and democratic–constitutional values in favor of results (quantifiable performance measures). The businesslike management trend categorizes process–oriented actions to implement an FOIL as nonessential and noncore missions, especially in terms of budget priority (Piotrowski & Rosenbloom, 2002; Roberts, 2000). The reinvention movement may undermine laws that give citizens the right of access to government information.

In addition to the quality of public administration, the FOI reality is not independent of socio–political conditions and a legal infrastructure. Political stability affects the degree to which the rule of a law is effectively and seamlessly implemented and enforced. In the reverse way, a national FOIL represents a crucial opportunity to consolidate stability of a country (Mistry, 2006). Accordingly, the level of domestic socio–political stability has a positive influence on the accomplishment of FOI ideals.

Legal tradition is a rudimental background to determine the degree to which FOI ideals are realized. The influence between law and society is reciprocal. While a law affects societies and culture, a country’s legal framework evolves with diverse social, cultural factors. Legal tradition may change over time due to information exchange across different cultures and societies. A case law acts as a driver of internal information exchange; meanwhile, globalization is an external catalyst for variability in legal tradition. Institutionalized legal heritage, nevertheless, reflects a solid socio–cultural context that a country has maintained for long. Most countries largely fall into several branches of legal tradition: common law tradition (American or British) and civil law tradition (Roman, German or French). Although specific provisions in a national FOIL have a great resemblance across countries that lately benchmarked some influential models of FOI legislation in the Western world, the reference to disparate

legal traditions will distinguish the pattern in interpretation and application of a similar FOIL.

The last determinant for FOI reality is a specific feature of an FOIL. What items the law is armed with can be an important predictor for explaining the level of FOI ideals accomplishment. FOILs vary in scope (the degree of specificity and applicability) from country to country. Some laws are very detailed regarding what information is kept secret under what circumstances, and others are quite general (Martin & Feldman, 1998). As Gellman (1997) pointed out, the reason why FOI ideals are not achieved may be a problem inherent in provisions. Along with other factors, statute specificity will determine the level of FOI reality.

III. Methods and Measurements

Based on the discussion of FOI ideals and realities, I raise a research question: “*What determines the extent to which ideals of an FOI law are realized?*” FOI ideals that this study focuses on include access to information (ATI) as an individual citizen’s right to know, freedom of the press, and a government’s transparency. As a set of explanatory variables to estimate the level of FOI realities, the general quality of public administration, socio-political stability, legal tradition and FOIL features will present an answer to the research question.

1. Dataset

This study constructs a new panel dataset by merging multiple secondary longitudinal datasets that consist of various yearly country-level indicators. Analyzing panel data instead of cross-sectional data allows us

to know the impact of focal explanatory variables on dependents while controlling for year-specific and country-specific noisy influences. Additionally, the increased number of observations will reduce the possibility of violating the normality assumption and mitigate a potential problem from the lack of data in particular years and units of the original datasets.

〈Table 1〉 The number of countries included in each index

Year	Dependent variables			Independent variables			
	Freedom House ¹	Transparency International (Corruption Perception Index) ²	Global Integrity Index ³	Worldwide Governance Indicators ⁴	Worldwide Governance Indicators ⁴	from (Porta et al., 2008; Djankov et al., 2003) ⁵	from (Tromp, 2008) ⁶
	Press freedom	Transparency	ATI	Public Admin	Stability	Legal	FOIL's
2001	186	90	–	–	–	188	216
2002	193	102	–	197	190	188	216
2003	193	132	–	197	200	188	216
2004	194	145	25	204	207	188	216
2005	194	155	–	204	208	188	216
2006	194	163	41	206	209	188	216
2007	194	180	50	207	209	188	216
2008	–	180	46	–	–	188	216
Total	1,348	1,147	162	1,215	1,223	1,504	1,728

Source 1: <http://www.freedomhouse.org/template.cfm?page=1>

Source 2: http://www.transparency.org/policy_research/surveys_indices/cpi

Source 3: <http://www.globalintegrity.org/data/downloads.cfm>

Source 4: <http://www.govindicators.org>

Source 5: <http://www.economics.harvard.edu/faculty/shleifer/paper>

Source 6: <http://www3.telus.net/index100/foi>

As shown in Table 1, both dependent variables and independent variables have different data sources. The indicator of press freedom is acquired from Freedom House online. Transparency International annually provides the indicator of national corruption. This index has been broadly used as a proxy for national transparency in previous cross-national studies. The open dataset that Global Integrity releases presents surveys pertinent to a citizen's access to government information in limited number

of countries (Appendix 3). I derived the quality of public administration and political stability from World Bank's Worldwide Governance Indicators (WGI). This study imported the taxonomy of legal heritages categorized in the political-economics papers of Porta, Lopez-de-Silanes and Shleifer (2008) and Djankov, Porta, Lopez-de-Silanes and Shleifer (2003). Based on Tromp's (2008) study, I generated a set of dummy variables germane to FOIL features.

2. Methodology

The study employs four regression techniques as a main methodology to analyze the panel data: 1) a simple OLS model without time dummy variables; 2) an OLS model with time dummies; 3) a random effects model (REM) or an error-components model (ECM) estimated by generalized least square (GLS); and 4) a fixed effects model (FEM) to consider time-specific and country-specific effects. The model specifications are as follows.

For i -th country and t -th year,

$$\begin{array}{ll}
 \text{OLS} & R_{it} = \alpha + \beta \cdot F_{it} + \gamma \cdot Q_{it} + \delta \cdot S_{it} + \eta \cdot L_{i0} + \varepsilon_{it} \\
 \text{OLS with T} & R_{it} = \alpha + \beta \cdot F_{it} + \gamma \cdot Q_{it} + \delta \cdot S_{it} + \eta \cdot L_{i0} + \theta \cdot T_{0t} + \varepsilon_{it} \\
 \text{REM (GLS)} & R_{it} = \alpha + \beta \cdot F_{it} + \gamma \cdot Q_{it} + \delta \cdot S_{it} + \eta \cdot L_{i0} + \theta \cdot T_{0t} + u_{i0} + v_{0t} + w_{it} \\
 & (u_{i0} = \text{cross-sectional error}; v_{0t} = \text{time-series error}; \text{ and } w_{it} = \text{combined error}) \\
 \text{FEM} & R_{it} = \alpha + \beta \cdot F_{it} + \gamma \cdot Q_{it} + \delta \cdot S_{it} + \eta \cdot L_{i0} + \theta \cdot T_{0t} + \lambda \cdot C_{i0} + \varepsilon_{it}
 \end{array}$$

R = realization of FOI ideals

F = FOIL dummy (1 if a country has an FOIL)

Q = quality of public administration

S = socio-political stability

L = legal tradition dummies

T = year dummies

C = country dummies

The first model (OLS estimation in a pooled data) does not allow us to know both the change in a dependent variable over time and the variation

in the dependent across countries at a given point in time. Estimates in the second model, despite inclusion of time variables, are likely to be still inflated and consistently biased due to inconsideration of hidden cross-sectional effects. Thus, the best regression model for analyzing this panel data is selected between FEM and REM.

Two panel data techniques have differential assumptions. While FEM adds dummies (both C_{it} and T_{it}) to allow for the changes in the cross-sectional and time-series intercepts, REM assumes error terms are correlated across years and individual countries (Pindyck & Rubinfeld, 1997). REM treats an intercept term in FEM as two random components (time-series error v_{it} and cross-sectional error u_{it}). The basic assumptions underlying both models do not perfectly fit this panel data; reversely saying, the dataset partially match both assumptions. If error terms and regressors are correlated, FEM should be preferred over REM (Gujarati, 2002). Since I expect the size of error terms moves with the variation in independents like the quality of public administration or political stability, FEM would be more appropriate than REM. In the meantime, the inclusion of binary variables (FOIL dummy and legal tradition dummies) with a value constant over years substantially decreases an overall level of the correlation between regressors and error terms. Accordingly, the decline in the correlation between error terms and regressors weakens imperativeness of selecting FEM. Moreover, the REM assumption is tenable with the expectation that the error variance is correlated across specific years and individual countries (heteroskedasticity).

Gujarati (2002) recommended that when the number of time-series data is small but the number of cross-sectional units is large (the same situation as in this dataset), REM is appropriate if the cross-sectional units in the sample are regarded as random drawings from a much larger population. However, the global dataset does not meet the REM

assumption of random sampling because a group of available countries in the whole sample is almost the same as the population. REM, nevertheless, has a practical appeal from using up fewer degrees of freedom as well as a conceptual appeal from broad characterization of the sources of error (Pindyck & Rubinfeld, 1997). A practical problem of FEM in analyzing this panel dataset is that it drops some of critical main variables due to the collinearity between multiple dummies.

There is a simple rule for a choice between FEM and REM. The Hausman test recommends we select FEM when we can reject the null hypothesis that slope coefficients are equal between both models (Gujarati, 2002). Nonetheless, I cannot hinge on the convenient criterion without consistency in both underlying assumptions. Since there is no last resort to select one of two models, I consider both. Still, the panel data techniques provide more meaningful implications and more precise (consistently unbiased) estimates than an OLS model in a simply pooled data.

Along with this main methodology, I rely on ANOVA to examine the significance of the mean difference in FOI achievement scores across groups of countries (between countries with an FOIL and those without the law, and among disparate legal traditions). Contingency tabulation and charts will illustrate the cross-group difference.

3. Dependent variables: ATI, press freedom and transparency

Dependent variables represent three ideals of an FOIL discussed in the previous section. The first variable is the level of citizens' access to government information. I employ five sub-indicators of Global Integrity Index in 2004, 2006, 2007 and 2008. A newly created index is an average of the following five percentage-scale scores: 1) "In practice, citizens

receive responses to access to information requests within a reasonable time period”; 2) “In practice, citizens can use the access to information mechanism at a reasonable cost”; 3) “In practice, citizens can resolve appeals to access to information requests within a reasonable time period”; 4) “In practice, citizens can resolve appeals to information requests at a reasonable cost”; and 5) “In practice, the government gives reasons for denying an information request.”

The second dependent variable is an index of press freedom provided by Freedom House. It is an aggregate of three sub-indicators: 1) laws and regulations that influence media contents; 2) political pressures and controls on media contents; and 3) economic influences over media contents. The summated score has a percentage scale. Islam (2006) found that the presence of an ATI law is positively correlated with press freedom and negatively correlated with journalist abuse. The indicator of press freedom is expected to have a substantial correlation with whether a country has an FOIL.

The third dependent variable is governmental transparency or openness, which refers to the ability to find out what is going on inside government (Piotrowski & Ryzin, 2007). I adopt Transparency International’s Corruption Perception Index (CPI) as a proxy for the level of national transparency. An individual country’s CPI score indicates the degree of public sector corruption as perceived by business experts and government analysts. An original value (interval scale) of the index ranges between 0 (highly corrupt) and 10 (highly clean and transparent). For visible comparability with other dependent variables, I also use the percentage-scale transformation (multiplied by 10) of the index. The cross-national study by Relly and Sabharwal (2009) provides a ground for adopting the three indicators as dependent variables, showing that countries ranked as most transparent have significantly a higher level of

mass media freedom and legal protection for ATI.

<Table 2> Descriptive statistics in 2007 data

Variable	N of obs	Mean	Std. Dev.	Min	Max
PRESS FREEDOM	194	53.469	24.367	2	91
TRANSPARENCY	180	3.993	2.090	1.401	9.423
Access-to-information [ATI]	50	0.424	0.242	0	0.851
*FOIL	216	0.333	0.472	0	1
PUBLIC ADMINISTRATION	207	0	1	-2.374	2.188
STABILITY (z-score)	209	0	1	-3.010	1.650
*Legal tradition: ENGLISH	188	0.324	0.469	0	1
*Legal tradition: FRENCH	188	0.532	0.500	0	1
*Legal tradition: GERMAN	188	0.101	0.302	0	1
*Legal tradition: SCANDINAVIAN	188	0.027	0.161	0	1
*Legal tradition: SOCIALISM	188	0.016	0.126	0	1
FOI-related variables					
Specificity	79	6.443	2.500	0	11
History (the number of years)	72	11.708	12.027	0	61
*Constitution	79	0.734	0.445	0	1
*Who request	79	0.937	0.245	0	1
*Anyone request	79	0.658	0.477	0	1
*Citizen request	79	0.278	0.451	0	1
*Fee	79	0.646	0.481	0	1
*How to request	79	0.722	0.451	0	1
*How to response	79	0.899	0.304	0	1
*Public interest override	79	0.570	0.498	0	1
*Officials' duty	79	0.646	0.481	0	1
*Officials' penalty	79	0.494	0.503	0	1
*Other laws override	79	0.810	0.395	0	1
*Affirmative disclosure	79	0.759	0.430	0	1
*Policy advice exemption	79	0.342	0.477	0	1
*Cabinet record exemption	79	0.241	0.430	0	1
*Whistleblower protection	79	0.139	0.348	0	1

*: binary variable (dummy)

Note 1: Public administration and stability are measured in z-score.

Note 2: Specificity of an FOIL is an aggregate of 11 binary items so that it has a minimum of 0 and a maximum of 11.

4. Independent variables: FOIL, administration, political stability and legal tradition

Including a dummy variable of whether a country has an FOIL is important because its coefficient can signify the difference between FOIL countries and no-FOIL countries. Also, this categorical variable is

necessary for finding out the relationship between the presence of the law and the real level of FOI. Studies to date have regarded the presence of the law as a dummy variable. Relly and Sabharwal (2009) examined whether the presence of an ATI law influences business executives' perceptions of national transparency in government policymaking. Using an FOIL dummy, Islam's (2006) analysis concluded the presence of an FOIL affects governance. Unlike in other studies, the sample of FOIL countries in this study includes countries – Argentina, China, Hong Kong, Pakistan and Philippines – that have similar legal provisions as a form of code or regulation though it is not exactly an FOIL. The longitudinal dataset includes the latest FOIL joiners – Chile (2008), Cook Islands (2008), Indonesia (2008), Jordan (2007), Nepal (2007), and Nicaragua (2007).

〈Table 3〉 Collinearity between WGI indices

Variable	Variation Influential Factor (VIF)	Tolerance (1/VIF)
WGI: Government Effectiveness	19.61	0.0510
WGI: Rule of Law	16.80	0.0595
WGI: Control for Corruption	14.01	0.0714
WGI: Regulatory Quality	10.16	0.0984
WGI: Political Stability	1.98	0.5051
Mean VIF	12.53	–

〈Table 4〉 Scoring by factor analysis

Variable	Factor 1 (Eigenvalue = 3.71)	Factor 2 (Eigenvalue = 0.03)	Uniqueness
WGI: Government Effectiveness	0.9789	0.0623	0.0379
WGI: Rule of Law	0.9583	-0.0811	0.0751
WGI: Control for Corruption	0.9644	-0.0977	0.0603
WGI: Regulatory Quality	0.9480	0.1170	0.0877

Focusing on the gap between legal ideals and realities, this study hypothesizes factors influencing FOI realities are more significant than the FOIL dummy. There are three influential factors. First, the general quality of public administration will affect the level to which a country

accomplishes the ideals. WGI provides four indicators related to public administration. Table 3 describes substantial collinearities among its sub-indicators. Four indicators (i.e., how effectively a national government is operated, how well the rule of law is implemented, how well the public sector controls corruption, and how well a regulation is implemented) have too high correlation (low tolerance) to be included together in a model (Table 3). They are combined into one score by factor scoring (Table 4). I name the newly created score as Public Administration. Contrary to other government-related WGI indicators, Political Stability that has a lower VIF (less serious collinearity) is independently adopted as another main explanatory variable to be a proxy for socio-political stability in an individual country.

The third force to affect FOI ideals is legal tradition, which evolves within a social context, and thus it reflects changes in society and culture. This study employs the categorization of legal tradition used in the studies by Djankov et al. (2003) and Porta et al. (2008). In their categorization, all legal traditions fall into five heritages: English, French, German, Scandinavian, and Socialist. Countries categorized into English heritage (the United States and Commonwealth countries following Westminster tradition) are regarded as to have common law tradition (Djankov et al., 2003; Porta et al., 2008).

5. Independent variables: FOIL features

While an FOIL dummy may significantly differentiate between FOIL countries and no-FOIL countries, multiple characteristics of an FOIL may help explain significant differences across countries within an FOIL group. Thus, these variables are employed to answer the question of “*What FOIL features have an important influence on FOI ideals?*” Across

countries, an FOIL has a common set of diverse provisions, but some items bring fundamental differences in legal provisions. Except the history of FOIL, I coded all FOIL features as a dichotomous status of yes (1) or no (0).

FOIL history The history of an FOIL is to find out whether countries with the law in presence for longer years are more likely to raise the level of ATI, press freedom and governmental transparency. It is measured as the number of years since the passage by subtracting the adopted year (Appendix 1) from a specific year in the panel dataset. To eliminate Sweden's potential leverage as an outlier, I used the year of revision (1949) instead of the precursor year of 1776 in global FOIL history. Sweden, despite such transformation, is still the oldest FOIL country in the dataset. Columbia that adopted a law on access as prematurely as in 1885 is also suspected of another leverage as an outlier. The initial law has been unused for a century until the year of 1985 when the modern law was established (Banisar, 2006). In my dataset, the adopted year of Columbia is coded as 1985. Since most countries have short history except some advanced countries, I use the first adopted year in each FOIL country instead of a revision year.

Specificity Concreteness or specificity of an FOIL is measured by the number of particular provisions (among 11 items that this study focuses on) that it has. In addition to the ordinal variable, the study uses its dichotomous transformation. If a country has more provisions than 6, the binary variable is coded as 1 (more specific), and as 0 (less specific) for otherwise.

Constitutional guarantee The constitutional status of FOI is a legal precondition to protect specific statues of an FOIL constitutionally (Tromp, 2008). If the national constitution states the public's right to know, this variable is coded as 1, and as 0 for otherwise.

Who may ask (“Anyone can request,” “Only citizen can request”) A majority of countries allow anyone to ask for information regardless of citizenship, residence or interests (Banisar, 2006). Whereas there are countries allowing for anonymous requests, some countries require a requester to show proof of citizenship. This study uses two binary variables: “anyone can request” and “only citizens can request.” Both are mutually exclusive. If an FOIL has either one, the variable for the provision of “who may ask” is coded as 1.

Fee Demanding fees from requesters limit the ability of the less well off to ask for information. The premise “fees are barriers” existed as early as in the time of Reagan administration (Feinberg, 1986). Governments’ attempts to sell information and increase FOI fees may create economic barriers to openness (Roberts, 2000). With the aggressive pursuit of new sources of nontax revenue, NPM governments in the United States have attempted to package and sell information instead of releasing it at low costs in response to FOI requests (Piotrowski & Rosenbloom, 2002). A fee provision can reduce requests to a substantial degree so that a government’s economic motive deters citizens and the press from exercising their FOI rights. By imposing new fees on applications and appeals, Ireland experienced the decline in the number of requests by half (Banisar, 2006). Commodification of government information may be a threat to openness. The absence or presence of a fee provision is an important dummy variable to predict the level of realizing FOI ideals.

How to request and How to response An FOIL in some countries lacks description of procedures of request and response. Without explanation of the step-by-step process from request to disclosure, the FOIL may be no more than its title. Concreteness of the described schedule will be correlated to performance of the law. If an FOIL describes how to request and how to response, the variables would have a

value of 1.

Public interest override The provision of public interest override is crucial for governmental transparency because it limits the scope of exemptions. Public interest test requires public authorities to balance the interest in withholding information against the public interest in disclosure (Banisar, 2006). The provision contains the following items for public interest test: 1) Should the provision apply to all statutory exemptions?; 2) Should it override exemptions absolutely? Or should other needs be weighed and balanced against it?; and 3) Should the state have a duty to proactively publish such information? (Tromp, 2008). If a country has a clear provision about these items, this variable is coded as 1.

Duty to publish One of common principles in an FOI regime is an obligation to publish; that is, public bodies should be under an obligation to publish key information (Mendel, 2008). While some information is routinely released, other information is proactively published under the FOIL (Tromp, 2008). If an FOIL includes officials' duty to publish government-held information, the variable has a value of 1.

Noncompliance penalty The presence of a penalty provision is a vital factor for greater openness (Tromp, 2008). A feature of FOILs designed to encourage open administration is the sanctions provision to punish the arbitrary and capricious withholding of documents (Gellman, 1997). Reylea (1979) identified threatening penalties for the arbitrary or capricious withholding of records as a key driver for faithful execution of an FOIL. Without severe penalties, transparency requirements are merely aspirational (BGA, 2002, 2008). The relevant provision stipulates penalties for officials who destroy, falsify records, or delay, refuse responses to requests. If an FOIL includes a penalty provision for officials' noncompliance with the law, the variable is coded as 1.

Other laws override Whether an FOIL allows other laws to override

the statute on information release is a critical provision. Especially, a secrecy provision related to national defense may override an FOI statute. This variable is coded as 1 when an FOIL contains a provision that other laws override it.

Affirmative disclosure An active provision of information publication is a common feature of most FOILs (Banisar, 2006). Proactive disclosure of government-held information implies voluntary, routine publication of non-requested information. If a government releases particular information without having to make an FOI request, the variable is coded as 1.

Policy advice exemption Unlike other FOIL exemptions of privacy and national defense, an exemption for policy advice seems “innocuous” (Tromp, 2008). This exemption is based on the assumption that the actions and decisions of a government should not withstand too much exposure. The public’s access to records on policy development might hinder policymaking processes because “the threat of public scrutiny would curb free and frank discussion, inhibit the candor of advice, and therefore seriously hamper the smooth running of government” (Tromp, 2008). The presence of the exemption for policy advice is coded as 1, no matter how the provision is broad or narrow.

Cabinet records exemption Strict cabinet secrecy is a strong tradition in Commonwealth countries (Tromp, 2008). Some specific types of cabinet documents are excluded for cabinet confidences in FOIL applications. If an FOIL has the provision of cabinet records exemption, the variable is coded as 1.

Whistleblower protection This provision offers legal protection for individuals who release information on wrongdoing (Mendel, 2008). It would facilitate the disclosure of information on negative activities (corrupt practices or mismanagement) in public agencies and give people an incentive to come forward without fear of being sanctioned for their

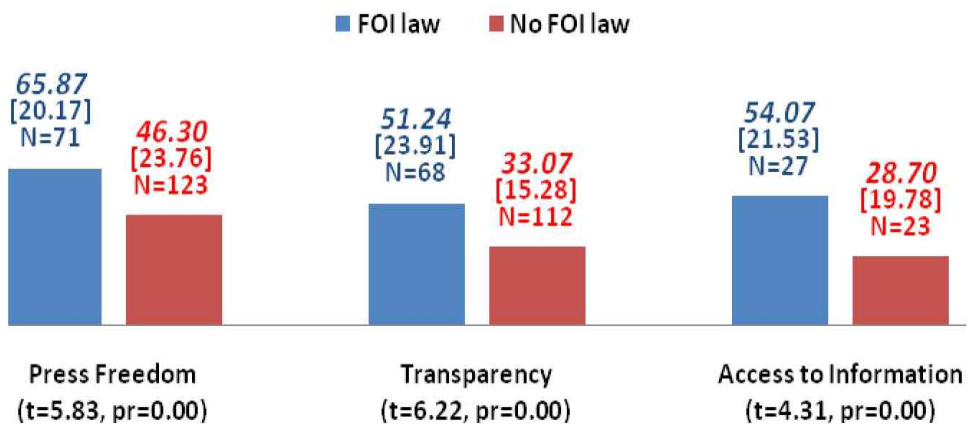
disclosures (Banisar, 2006). If an FOIL contains a whistleblower protection provision, this variable is coded as 1, otherwise as 0.

IV. Analysis

1. Between-group comparison

As illustrated in Figure 1, the mean difference between FOIL countries and no-FOIL countries is significant in three dependent variables. FOIL countries show a consistently higher level of citizens' ATI, press freedom and governmental transparency than no-FOIL countries. This trend corresponds to the general tendency (significant χ^2 statistics) in frequency distribution in Table 5, but findings from conditional contingency in the cross-tabulation are not as promising for FOI ideals as a simplistic mean comparison in Figure 1 is.

<Figure 1> The mean difference in dependent variables between FOIL countries and No-FOIL countries (% scale, 2007 data)



[] = Standard Deviation

In Table 5, 29% of FOIL countries fall in high ATI group; whereas, merely 6% of no-FOIL countries are categorized as high level of ATI. The percentage distribution of FOIL vs. no-FOIL in the lowest level of ATI (83%:17%) is opposite to that in the highest ATI group (18%:82%). However, while 60% of FOIL countries lie in a middle level of ATI, the equal proportion in the no-FOIL group takes the low level of ATI. The percentage of high ATI countries in the FOIL group is not as great as that of low ATI countries in the no-FOIL group. Thus, the significance in the mean difference does not necessarily imply a sharp contrast of FOIL vs. no-FOIL countries.

The distribution in the press freedom index is more supportive for the effectiveness of an FOIL than that in the ATI index. While 55% of FOIL countries have free press, only 27% of no-FOIL countries have free press. The FOIL vs. no-FOIL contrast is also sharp in the not-free category, but the frequency in the ideal (free) state is less desirable than that in the non-ideal (not-free) state. In the not-free state of press freedom, the ratio of FOIL to no-FOIL countries is 13%:87%; whereas, the ratio in the free state is 54%:46%. The distribution in the ideal state does not correspond to our high expectation for the positive impact of an FOIL on press freedom.

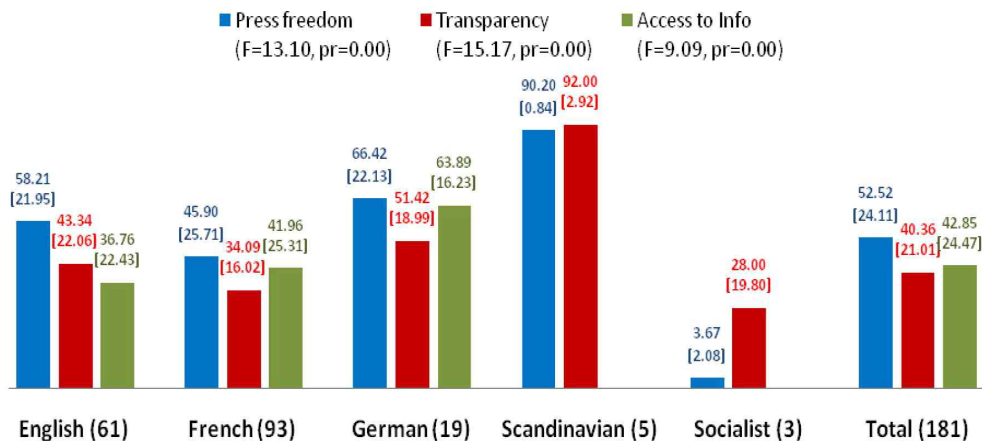
Despite a general tendency of high transparency in FOIL countries, the frequency in transparency is almost evenly distributed between the middle (38%) and the high (40%) level. The contingency tabulation between transparency and FOIL exhibits that in spite of the significant p-value in the χ^2 statistic, the middle vs. high contrast (38%:40%) in the FOIL group is not as sharp as the frequency difference between low and high transparency (46%:28%) in the same group. In no-FOIL countries, the frequency is also equal between the middle (28%) and the high (26%) level. Hence, t and χ^2 statistics serve as a more lenient criterion to signify

the between-group difference than the comparison between cell percentages in the cross-tabulation is.

<Table 5> Contingency between the FOIL dummy and dependent variables

(Row/Column/Cell %) $\chi^2=42.30$, pr=0.000	Practices of ATI (panel)			
	Low (0-33)	Middle (34-66)	High (67-100)	Total
FOIL	10 (12/18/6)	50 (60/65/31)	24 (29/83/15)	84 (100/-/52)
No FOIL	46(59/82/28)	27 (35/35/17)	5 (6/17/3)	78 (100/-/48)
Total	56 (-/100/34)	77 (-/100/48)	29 (-/100/18)	162 (100/100/100)
(Row/Column/Cell %) $\chi^2=25.51$, pr=0.000	Press freedom (2007)			
	Not free	Partly free	Free	Total
FOIL	8 (11/13/4)	24 (34/41/12)	39 (55/54/20)	71 (100/-/37)
No FOIL	55 (45/87/28)	35 (28/59/18)	33 (27/46/17)	123 (100/-/63)
Total	63 (-/100/32)	59 (-/100/30)	72 (-/100/37)	194 (100/100/100)
(Row/Column/Cell %) $\chi^2=11.50$, pr=0.003	Transparency (2007)			
	Low	Middle	High	Total
FOIL	16(22/20/7)	27 (38/40/13)	29 (40/43/13)	72 (100/-/33)
No FOIL	66 (46/80/30)	40 (28/60/19)	38 (26/57/18)	144 (100/-/67)
Total	82 (-/100/37)	67 (-/100/32)	67 (-/100/31)	216 (100/100/100)

<Figure 2> The mean difference in dependent variables across legal heritages (% scale, 2007 data)



[] = Standard Deviation

Note: There is no ATI data of countries with Scandinavian and socialist legal heritage.

On the other hand, Figure 2 portrays the mean difference in three dependent variables across legal traditions. Overall, countries with Scandinavian and German legal heritage have a higher level of indices. English and French traditions have a within-group mean value around a grand mean (total average). The between-tradition mean difference is significant in all three variables. English and French groups have more mean-droppers decreasing the average level or more outliers than Scandinavian and German groups do. The distribution within English and French groups, thus, reflects heterogeneity across countries with the same legal tradition.

Charts and contingency tabulation sketch the visible distinction across disparate groups – between FOIL countries and no-FOIL countries, and among differential legal tradition groups. The hitherto analysis by conditional frequency and mean comparison, however, does not bring a valid evidence for the impact of an FOIL on achievement of its goals. I posit determinants for FOI realities have a significant influence on realization of FOI ideals. The next sections, presenting the result of regression analyses on the panel data, test the significance of determinants for estimating the level of ATI, press freedom and transparency.

2. Access to information

Table 6 describes the result of regressions for predicting the ATI level for the whole sample. Whether a country has an FOIL is not significant for estimating the ATI level when controlling for time-series and cross-sectional effects. In the FEM that controls hidden effects from individual countries and particular years, the presence of an FOIL does not have an independent explanatory power. The impact of an FOIL dummy on the ATI level is substantially diminished by direct or indirect

influences from year-specific and country-specific effects (influences by omitted variables related to year or country).

〈Table 6〉 Regressions of ATI for all countries

	Simple OLS	OLS with time	FEM	REM
FOIL	16.174 [†] (3.778)	16.006 [†] (3.783)	11.273 (16.157)	15.698 [†] (4.013)
PUBLIC ADMIN	11.294 ^{**} (3.318)	10.994 ^{**} (3.333)	7.297(37.733)	11.229 ^{**} (3.517)
STABILITY	0.970 (2.600)	0.782 (2.604)	10.022(15.817)	0.883(2.748)
ENGLISH	-14.942 [*] (6.713)	-14.736 [*] (6.718)	Dropped	-14.509 [*] (7.105)
FRENCH	-6.546 (6.420)	-6.383 (6.424)	Dropped	-5.869 (6.780)
GERMAN	Dropped	Dropped	Dropped	Dropped
SCANDINAVIAN	Dropped	Dropped	Dropped	Dropped
year2006	–	-3.526 (3.636)	-3.135(4.269)	-3.364(3.453)
Constant	77.322 [†] (11.169)	78.371 [†] (11.224)	69.445 ^{**} (19.943)	76.064 [†] (11.115)
N of obs	113	113	113	113
N of groups	–	–	71	71
Adjusted R ²	0.4551	0.4548	0.3930	0.4886
F or χ^2	F=16.59 (pr=0.00)	F=14.35 (pr=0.00)	F=0.87 (pr=0.51)	$\chi^2=89.24$ (pr=0.00)
Hausman test	–	–	$\chi^2=1.27$	(pr=0.94)

*: pr < 0.05, **: pr < 0.01, †: pr < 0.001

Note: Dummy variables other than year2006, ENGLISH and FRENCH are dropped due to collinearity.

On the other hand, political stability is not a predictor for an individual citizen's ATI in all models. With the exception of FEM, the quality of public administration is significant at the 1% level. Amongst legal traditions, only English heritage is significant. The sign and magnitude of the slope coefficient implies that as shown in an overall lower mean value of an English heritage group in Figure 2, English tradition has a lower score of ATI by 14.5 than German and Scandinavian tradition – here, two dropped variables are a comparison category. The result of the Hausman test supports preference of REM over FEM. The GLS estimation of REM is almost the same as OLS estimation. Under the REM assumption that an error term changes with respect to year and country, the FOIL dummy, public administration and the English-tradition dummy are a set of significant regressors to estimate ATI for all countries.

The result of regression of ATI for the FOIL sample in Table 7 is slightly different from Table 6. REM for the subsample still shows significance of the quality of public administration, but its significance drops to the 5% level. English tradition loses its significance. In this model, public administration is solely a significant predictor for explaining the level of citizens' ATI. As in the regression of a whole sample, the Hausman test suggests reliance on REM. However, this result lacks efficiency of the regression estimates due to the small number of observations and many degrees of freedom. Notwithstanding, it is invariable that public administration is a more important variable than others are.

〈Table 7〉 Regressions of ATI for the FOIL subsample

	Simple OLS	OLS with time	FEM	REM
PUBLIC ADMIN	11.947* (4.633)	11.938* (4.706)	4.077(61.382)	12.315*(5.067)
STABILITY	0.336 (4.856)	0.332 (4.911)	1.891(19.872)	-0.033(5.255)
ENGLISH	-15.385 (8.890)	-15.372 (9.020)	Dropped	-15.076 (9.772)
FRENCH	-6.981 (7.462)	-6.990 (7.553)	Dropped	-7.236 (8.155)
GERMAN	Dropped	Dropped	Dropped	Dropped
SCANDINAVIAN	Dropped	Dropped	Dropped	Dropped
year2006	-	-0.104 (5.576)	-1.964(6.568)	-0.484(5.271)
Constant	84.362† (14.868)	84.398† (15.146)	77.624**(21.947)	83.981† (14.881)
N of obs	55	55	55	55
N of groups	-	-	34	34
Adjusted R^2	0.2632	0.2479	0.2562	0.3310
F or χ^2	F=4.86 (pr=0.001)	F=3.97 (pr=0.003)	F=0.41 (pr=0.800)	$\chi^2=21.13$ (pr=0.002)
Hausman test	-	-	$\chi^2=1.27$	(pr=0.94)

Note: Dummy variables other than year2006, ENGLISH and FRENCH are dropped due to collinearity.

3. Press freedom

Despite a general tendency of the similar result between OLS on the pooled data and REM on the panel data, REM for estimating press

freedom drops a significance of the FOIL dummy. Though the Hausman test recommends using FEM, its dropping of all legal traditions allows for attention to REM. Legal heritage dummies are all significant in predicting the level of press freedom. The magnitude is directly comparable. The slope magnitude of Scandinavian and German traditions is much larger than that of English and French traditions. The Scandinavian vs. non-Scandinavian difference is as high as 64.6 scores.

The contrast between FEM and REM is notable in the variable of public administration. When controlling for country-specific and year-specific effects in FEM, the quality of public administration is not a significant variable any more. However, with the REM assumption of heteroskedasticity caused by year-variant and country-variant error terms, public administration is highly significant in a modest positive magnitude. Here, assumptions grounding both models are equally appealing to this panel dataset. Thus, I underscore a common finding from two models. Political stability is, in spite of the different level in significance, an important predictor for estimating press freedom.

Regressions for the FOI subsample in Table 9 exhibit a dramatic change in slope coefficients on legal tradition dummies. Not only OLS models but also REM loses the significance level. Furthermore, the sign of English and French dummy, despite insignificance of the coefficients, shifts from positive to negative. This implies legal traditions do not significantly affect the level of press freedom in the FOIL subsample. As like the result for the whole sample, the Hausman test selects more appropriateness of FEM. In both FEM and REM, political stability in countries with an FOIL is a significant explanatory variable for predicting press freedom. The significance of public administration fundamentally differentiates between FEM and REM. Socio-political stability is persistently important in estimating press freedom no matter how an individual country has an FOIL.

〈Table 8〉 Regressions of press freedom for all countries

	Simple OLS	OLS with time	FEM	REM
FOIL	9.853 [†] (1.198)	9.853 [†] (1.200)	0.129 (0.634)	0.591 (0.647)
PUBLIC ADMIN	9.068 [†] (0.867)	9.068 [†] (0.869)	1.709(0.923)	5.444 [†] (0.835)
STABILITY	7.508 [†] (0.778)	7.508 [†] (0.779)	1.117*(0.505)	1.594** (0.509)
ENGLISH	35.478 [†] (3.863)	35.478 [†] (3.871)	Dropped	45.921 [†] (9.437)
FRENCH	31.364 [†] (3.774)	31.364 [†] (3.781)	Dropped	37.221 [†] (9.306)
GERMAN	32.932 [†] (4.080)	32.932 [†] (4.087)	Dropped	51.403 [†] (9.932)
SCANDINAVIAN	32.832 [†] (5.024)	32.832 [†] (5.033)	Dropped	64.628 [†] (11.844)
year2003	–	0.070 (1.500)	-0.061(0.303)	-0.070(0.316)
year2004	–	-0.102 (1.422)	-0.181(0.287)	-0.158(0.300)
year2005	–	0.040 (1.419)	-0.026(0.287)	-0.019(0.300)
year2006	–	0.077 (1.487)	0.086(0.300)	0.087 (0.313)
Constant	21.068 [†] (3.951)	21.074 [†] (4.093)	54.784 [†] (0.368)	13.361 (9.200)
N of obs	1,077	1,077	1,077	1,077
N of groups	–	–	181	181
Adjusted R^2	0.6005	0.5990	0.5312	0.4793
F or χ^2	F=203.20 (pr=0.00)	F=134.97 (pr=0.00)	F=5.50 (pr=0.00)	$\chi^2=211.81$ (pr=0.00)
Hausman test	–	–	$\chi^2=80.20$	(pr=0.00)

Note: Collinearity among dummies drops all legal tradition variables in FEM.

〈Table 9〉 Regressions of press freedom for the FOIL subsample

	Simple OLS	OLS with time	FEM	REM
PUBLIC ADMIN	10.848 [†] (0.912)	10.842 [†] (0.918)	-2.153(1.582)	5.572 [†] (1.215)
STABILITY	8.023 [†] (0.970)	8.035 [†] (0.978)	5.871 [†] (0.867)	6.337 [†] (0.873)
ENGLISH	4.718* (2.039)	4.717* (2.051)	Dropped	-0.538 (3.467)
FRENCH	2.535 (2.116)	2.536 (2.128)	Dropped	-6.217 (3.256)
GERMAN	4.385* (2.105)	4.381* (2.117)	Dropped	Dropped
SCANDINAVIAN	Dropped	Dropped	Dropped	4.436 (5.325)
year2003	–	0.176 (1.695)	0.549(0.408)	0.277(0.476)
year2004	–	0.179 (1.523)	0.326(0.381)	0.522(0.435)
year2005	–	0.382 (1.435)	0.232(0.378)	0.402(0.407)
year2006	–	0.360 (1.444)	0.086(0.300)	0.207 (0.405)
Constant	58.407 [†] (2.441)	58.275 [†] (2.798)	69.536 [†] (0.975)	67.098 [†] (2.741)
N of obs	349	349	349	349
N of groups	–	–	69	69
Adjusted R^2	0.7912	0.7888	0.4558	0.7516
F or χ^2	F=220.83 (pr=0.00)	F=130.99 (pr=0.00)	F=11.13 (pr=0.00)	$\chi^2=232.33$ (pr=0.00)
Hausman test	–	–	$\chi^2=56.96$	(pr=0.00)

Note: Collinearity among dummies drops all legal tradition variables in FEM.

4. Transparency

Regressions of transparency reveal an apparent difference between the OLS models and the panel data models. The significance in both the FOIL dummy and political stability distinguishes results by simple OLS models from results by panel data techniques. Whether a country has an FOIL is not a significant variable in the panel data regressions. While political stability loses its significance in both panel data models, public administration consistently has a significant influence on transparency. Three legal tradition dummies are significant at 5% level, but their sign is negative despite a moderate impact in magnitude of the slope coefficients. Instead of considering a negative sign on the dummies, the coefficients are interpreted as the relative distances in score of the proxy for transparency across legal heritages because they make a difference in intercepts.

<Table 10> Regressions of transparency for all countries

	Simple OLS	OLS with time	FEM	REM
FOIL	-0.159** (0.052)	-0.160** (0.052)	0.104(0.074)	0.040(0.064)
PUBLIC ADMIN	2.153+ (0.041)	2.156+ (0.041)	0.591+ (0.157)	1.912+ (0.066)
STABILITY	-0.109** (0.039)	-0.111** (0.039)	-0.059(0.073)	-0.081(0.054)
ENGLISH	-1.262+ (0.212)	-1.272+ (0.212)	Dropped	-1.042* (0.431)
FRENCH	-1.274+ (0.207)	-1.285+ (0.207)	Dropped	-1.080* (0.423)
GERMAN	-1.432+ (0.217)	-1.445+ (0.217)	Dropped	-1.203** (0.447)
SCANDINAVIAN	-0.226 (0.250)	-0.240+ (0.250)	Dropped	Dropped
year2003	–	-0.103 (0.076)	-0.073(0.040)	-0.107*(0.042)
year2004	–	-0.055 (0.068)	-0.041(0.037)	-0.068(0.038)
year2005	–	0.093 (0.065)	0.030(0.034)	0.056(0.036)
year2006	–	0.028 (0.065)	0.022 (0.034)	0.023(0.036)
Constant	5.267+ (0.215)	5.357 (0.226)	4.160 (0.051)	5.184+ (0.425)
N of obs	866	866	866	866
N of groups	–	–	177	177
Adjusted R^2	0.9163	0.9165	0.8921	0.9147
F or χ^2	F=1,184 (pr=0.00)	F=792 (pr=0.00)	F=2.65 (pr=0.007)	$\chi^2=2,009$ (pr=0.00)
Hausman test	–	–	$\chi^2=101.79$	(pr=0.00)

Note: The dummy of Scandinavian tradition is dropped due to collinearity in REM.

With the rejection of the null hypothesis that FEM and REM are not systematically different, the χ^2 statistic by the Hausman test supports a better fit of FEM in estimation of the transparency level. If the equivalent significance of FEM and REM in model fitness allows us to accept simultaneously the basic assumptions behind the two models, the quality of public administration remains as a significant determinant for governmental transparency.

The result of running the subsample is not different from that in a whole sample. Public administration is significant across models. Legal traditions are significant, but have a negative sign reflecting a relative distance to an average of a comparison group. A noteworthy difference between the whole sample and the subsample appears at the coefficient on stability in REM. Its negative sign gains the significance in the subsample. This does not indicate political stability negatively correlates with transparency in countries with an FOIL. Table 12 reveals that high pairwise correlation between political stability and transparency have positive Pearson correlation coefficients in both the FOIL subsample ($r=0.74$) and the whole sample ($r=0.73$).

Differently to reasonable coefficients in pairwise correlation, partial correlation delivers results that may be counterintuitive. When controlling other independent variables, the partial correlation coefficient of political stability on transparency is negative but marginally small in its absolute value. Moderately high pairwise correlation between transparency and stability disappears in partial correlation due to the lockstep relation among multiple variables included in regression. This mismatch between partial correlation and pairwise correlation can be the compelling evidence that public administration is a consistently important estimator for predicting governmental transparency, but socio-political stability is not.

〈Table 11〉 Regressions of transparency for the FOIL subsample

	Simple OLS	OLS with time	FEM	REM
PUBLIC ADMIN	2.356 [†] (0.069)	2.359 [†] (0.070)	0.866 [†] (0.245)	2.197 [†] (0.110)
STABILITY	-0.251 ^{**} (0.074)	-0.258 ^{**} (0.075)	-0.194(0.130)	-0.222*(0.104)
ENGLISH	-0.709 [†] (0.151)	-0.710 [†] (0.151)	Dropped	-0.929 ^{**} (0.316)
FRENCH	-0.940 [†] (0.155)	-0.943 [†] (0.155)	Dropped	-1.208 [†] (0.325)
GERMAN	-1.181 [†] (0.154)	-1.182 [†] (0.155)	Dropped	-1.325 [†] (0.320)
SCANDINAVIAN	Dropped	Dropped	Dropped	Dropped
year2003	–	-0.096 (0.123)	-0.090(0.064)	-0.128(0.068)
year2004	–	-0.158 (0.112)	-0.139*(0.060)	-0.171 ^{**} (0.062)
year2005	–	0.023 (0.107)	-0.045(0.057)	-0.038(0.060)
year2006	–	-0.034 (0.107)	-0.036 (0.056)	-0.050(0.059)
Constant	4.686 [†] (0.179)	4.793 [†] (0.205)	4.821 [†] (0.147)	5.128 [†] (0.315)
N of obs	340	340	340	340
N of groups	–	–	68	68
Adjusted R^2	0.9290	0.9287	0.9131	0.9297
F or χ^2	F=740.19 (pr=0.00)	F=442.65 (pr=0.00)	F=2.86 (pr=0.007)	$\chi^2=1,082$ (pr=0.00)
Hausman test	–	–	$\chi^2=39.59$	(pr=0.00)

Note: The dummy of Scandinavian tradition is dropped due to collinearity.

〈Table 12〉 Pairwise and partial correlation with transparency

Correlation	Pubic Administration	Political Stability	English	French	German	Scandinavian
Pairwise $r_{Y \times X_i}$ (All)	0.946 (pr=0.000)	0.734 (pr=0.000)	0.093 (pr=0.002)	-0.327 (pr=0.00)	0.141 (pr=0.000)	0.436 (pr=0.000)
Pairwise $r_{Y \times X_i}$ (FOIL)	0.955 (pr=0.000)	0.743 (pr=0.000)	0.166 (pr=0.000)	-0.390 (pr=0.000)	-0.058 (pr=0.223)	0.503 (pr=0.000)
Partial $r_{Y \times X_i X_S}$ (All)	0.881 (pr=0.00)	-0.073 (pr=0.033)	-0.198 (pr=0.00)	-0.205 (pr=0.000)	-0.227 (pr=0.000)	-0.037 (pr=0.275)
Partial $r_{Y \times X_i X_S}$ (FOIL)	0.881 (pr=0.00)	-0.185 (pr=0.001)	-0.250 (pr=0.00)	-0.315 (pr=0.000)	-0.386 (pr=0.000)	Dropped

The negative pairwise correlation is not necessarily counterintuitive. A high level of political stability can have the tendency to reduce the pressure for governmental openness, which is often motivated by the need to keep an eye on a political opponent. In the United States history, FOIA arose from conflict between the Democratic Congress and the Republican president. The carrying-over Congress espoused the principle of openness even when the Presidency shifted to the Democratic Party, much to

President Johnson's chagrin. The lesson penetrating through this historical fact is that though a general tendency is that socio-political stability enhances the level of FOI ideals, politicians and the public under instable politics may actively and strongly push a government toward greater openness.

5. FOIL features

Although most FOIL countries have followed a role model of an FOIL, specific provisions vary with individual countries. Table 13 illustrates FOIL features with the respect to a legal tradition. Scandinavian countries own far longer history of an FOIL than other legal heritage groups do. The specificity of an FOIL, measured by the number of provision items considered in this study, significantly differentiates one tradition from the others. FOILs with English tradition are more specific.

65% of French-tradition countries have a fee provision while a third quarter of English and German heritage countries contain the provision in their FOIL. Notably, no Scandinavian country has a fee provision. Considering that fees may act as a barrier against FOI, the absence of a fee provision can partly explain a consistently high level of Scandinavian FOI scores. However, no fee-provision has two meanings: 1) like Scandinavian countries, a national government does not impose any fee (literally free request); or 2) the lack of the provision may be just an evidence of a poorly drafted FOIL if fees are actually imposed to an information requester in administrative practices.

<Table 13> FOIL features with the respect to a legal tradition

FOIL features	Legal tradition				Total
	English	French	German	Scandinavian	
History (F=17.74)†	11.9 years	10.0 years	8.4 years	41.4 years	11.7 years
Specificity (F=9.15)†	8.5 items	5.3 items	6.7 items	5.6 items	6.5 items
Constitution ($\chi^2=1.88$)	75%	76%	88%	60%	73%
Who can request ($\chi^2=6.46$)	100%	85%	100%	100%	94%
How to request ($\chi^2=3.85$)	80%	65%	88%	60%	72%
How to response ($\chi^2=4.78$)	95%	82%	100%	80%	90%
Anyone request ($\chi^2=2.70$)	60%	62%	81%	80%	66%
Only citizen request ($\chi^2=2.62$)	40%	24%	19%	20%	28%
Fee ($\chi^2=10.91$)*	75%	65%	75%	0%	65%
Public interest override ($\chi^2=13.05$ **)	85%	35%	63%	60%	57%
Duty ($\chi^2=11.68$ **)	90%	47%	75%	80%	65%
Penalty ($\chi^2=7.91$)*	75%	47%	38%	20%	49%
Other laws override ($\chi^2=9.36$ *)	90%	65%	94%	100%	81%
Affirmative disclosure ($\chi^2=1.71$)	85%	74%	75%	60%	76%
Policy advice exemption ($\chi^2=17.84$)†	70%	15%	31%	20%	34%
Cabinet record exemption ($\chi^2=21.97$)†	60%	9%	6%	40%	24%
Whistleblower protection ($\chi^2=7.37$)*	30%	15%	0%	0%	14%

*: pr < 0.05, **: pr < 0.01, †: pr < 0.001

Public interest override, officials' duty, penalty for officials, other laws override, policy advice exemption and cabinet record exemption show a remarkable difference among the four legal traditions. While 85% of English-tradition countries have a provision of public interest override, only 35% of French-tradition countries have it. The proportion of countries that have the provision to stipulate public officials' duty to publish government information is 90% in the English tradition, but merely 47% in the French tradition is. This pattern also appears in the penalty provision and the other-laws-override provision. The low proportion in German and Scandinavian heritage countries has a penalty provision. While almost all countries in other traditions have a provision of other laws override, two thirds of French-tradition countries have it.

Both policy advice exemption and cabinet record exemption are mostly included in an FOIL of English-tradition countries. The other provisions unmentioned have almost equal percentage across traditions to make little significance in the frequency tabulation (low χ^2 statistics).

<Table 14> The mean values of dependent variables in terms of FOIL features

FOIL features	ATI M=53.12 (s.d=20.89)			Press freedom M=64.23 (s.d=20.71)			Transparency M=4.96 (s.d=2.32)		
	Sig	Group		Sig	Group		Sig	Group	
		YES	NO		YES	NO		YES	NO
Specificity	F=0.78	54.53	50.63	F=0.67	62.51	66.41	F=0.23	4.85	5.11
Constitution	F=0.02	53.29	52.53	F=0.33	65.02	61.84	F=0.95	5.11	4.50
Anyone requests	F=6.18**	57.52	47.12	F=23.24†	71.17	49.80	F=10.16†	5.53	3.82
Only citizen requests	F=1.55	49.69	55.15	F=19.20†	48.55	69.74	F=5.70**	3.94	5.34
Fee	F=2.68	55.10	47.13	F=8.62†	59.38	73.22	F=3.31*	4.61	5.62
How to request	F=0.11	52.73	54.45	F=0.34	63.39	66.48	F=1.30	4.78	5.47
How to response	F=3.38*	54.02	36.60	F=0.06	64.04	65.88	F=0.14	5.00	4.68
Public interest	F=2.58	55.66	48.63	F=0.00	64.14	64.35	F=0.16	5.06	4.84
Officials' duty	F=3.38*	56.35	48.53	F=3.27*	67.24	58.35	F=4.47**	5.37	4.20
Officials' penalty	F=1.47	51.32	56.78	F=4.79**	59.26	69.34	F=10.64†	4.15	5.80
Other laws override	F=15.80†	57.37	38.64	F=12.54**	68.06	48.40	F=5.66**	5.27	3.73
Affirmative	F=0.37	52.53	55.94	F=0.29	63.50	66.47	F=1.40	4.79	5.53
Policy exemption	F=4.87**	59.29	49.68	F=0.91	67.48	62.67	F=1.67	5.47	4.72
Cabinet records	F=0.91	48.56	54.02	F=4.40**	73.00	61.56	F=1.43	5.53	4.78
Whistleblower	F=3.10*	44.81	54.77	F=2.40	55.36	65.71	F=3.20*	3.76	5.15

*: $pr < 0.10$, **: $pr < 0.05$, †: $pr < 0.01$

Note: An individual country belongs to the YES group when its FOIL has a specific provision.

FOIL features do not only present a distinction among legal traditions but also play a role as determinants for the degree of fulfilling FOI ideals. In Table 14, anyone request, officers' duty and other laws override are an FOIL's important property to discriminate between the high and the low level of achieving FOI ideals. The presence of a provision to guarantee anyone's request significantly increases scores in ATI, press freedom and transparency. The index score pattern in the provision to limit a request

to a person with legal citizenship is apparently opposite to that in the anyone-request provision. Countries where only citizens can request information have low scores in the indicators of FOI ideals. The absence of a fee provision enhances press freedom and transparency, but the provision is not significant in making a difference in the ATI level. How to respond is significant only in the mean difference of the ATI level. Informing citizens of FOIL procedures can help enhance the level of access to government information. Countries with a provision to describe officials' duty to publish exhibit higher scores in all FOI ideals than a group of countries without the provision.

On the other hand, the mean difference in a penalty provision violates the common-sensical expectation that the stipulation of penalty for officials would increase the degree of fulfilling FOI ideals. Countries that do not have the provision in their FOIL are persistently higher in all dependent variables than countries with it. When an FOIL has a whistleblower protection, its score for FOI ideals is significantly lower. These counter-expected findings can attribute to a cross-cultural discrepancy within a country. Both noncompliance penalties and whistle-blower protection may only be of value in heterogeneous and conflicting cultures rather than in homogeneous cultures as in Scandinavian countries. In addition, the efficacy of an FOIL can be explained by citizens' expectation for public officials better than by the complete presence of relevant legal provisions such as penalty and whistleblower protection. Citizens in cultures of high FOI ideals tend to expect that public officials would act not as independent agents but rather as agents of the electorate. Such expectation enhances the perceived level in achievement of FOI ideals in a country.

Ironically, the presence of some provisions to limit a scope of an FOIL displays higher scores in FOI ideals than their absence does. When other

laws can legitimately override an FOIL, scores of FOI ideals are significantly higher than otherwise. This counter-intuitive pattern also appears in policy advice exemption and cabinet record exemption. Differently from the expectation that an exemption provision dampens FOI ideals, ATI score is higher in a group of countries with a policy-advice-exemption provision than in countries without the provision. Likewise, countries with a provision of cabinet record exemption exhibited higher score of press freedom than countries without the provision.

In the face of significance in several FOI features, the sign of its mean difference brings an unexpected result. This result may come from an obvious contrast of German and Scandinavian vs. English and French tradition. Scores in all three dependent variables are high in German and Scandinavian legal traditions. Described in Table 13, the two traditions with overall high scores have FOIL features quite different from English and French tradition with relatively low scores. For example, the presence of a whistleblower protection and a penalty provision is expected to increase scores of FOI ideals; however, German- and Scandinavian-tradition countries with high mean scores do not have the provisions in their FOIL. The mean difference between two tradition pairs (German and Scandinavian vs. English and French) in FOI scores makes a counter-intuitive result in terms of the absence or presence of a specific provision.

V. Discussions

The aforementioned section explored ideals and realities of an FOIL through statistical analysis. The simple comparison of FOIL vs. no-FOIL countries demonstrated a group of countries with an FOIL has

accomplished FOI ideals more than no-FOIL countries. However, the regression analysis on the panel data overturns the monolithic finding from the comparison by the mean difference. Whether a country has an FOIL is not per se a promising indicator for realization of FOI ideals. The existence of an FOIL may be itself rhetoric, and thus it is not any guarantee for the ideal reality. Instead, this study confirms the presence of important determinants for FOI ideals. While the FOIL dummy has little significance in the panel data models considering influences from years and countries, the quality of public administration and political stability are significant predictors for estimating the level of FOI ideals.

On the other hand, legal traditions significantly distinguish high achievers of FOI ideals from low achievers of them. Countries belonging to German and Scandinavian tradition are more likely to accomplish FOI ideals than those with English and French tradition within which the range of FOI indicator scores is much wider due to cross-national heterogeneity in diverse contexts of society, culture, and politics.

The final focus was casted on the relationship of statute features with FOI ideals. Given the intention behind particular provisions, some of significant differences in FOI ideals scores between countries with a specific provision and those without it seem to break conventional wisdom. It is unexpected that countries with exemption provisions have higher scores of FOI. This counter-intuitive result hints that the degree of specificity in an FOIL is important. The content of a provision can itself be consequential, but this study found that concrete and sophisticated stipulation gains an importance over the intention of a provision. This finding accords with Gellman's (1997) argument that one of problems inherited in the FOIA may come from its poor draft.

VI. Limitations

Concentrating on methodological concerns, I confess three limitations of this study. First, it is no doubt that public administration and political stability have a significant impact on realization of FOI ideals, but this paper does not consider the independent impact from culture of secrecy in the public sector and over a whole society. The prevalence of such culture, to a substantial extent, predetermines the degree to which a government accomplishes FOI ideals (Banisar, 2006). Considering culture of secrecy in an empirical study would face methodological difficulties in measuring culture quantitatively.

Another issue is inherent in a cross-national study whose unit of analysis is an individual country. If implementation of an FOIL is problematic, an individual agency is appropriate as a unit of analysis because the lack of resources such as staff and budget and bureaucratic attitude unfavorable for FOIL implementation are principal constraints with an FOIL. However, a researcher confronts difficulty and even impossibility to survey individual agencies across many countries. For a cross-national analysis, this study employs a country's quality of public administration as if it can reliably represent a single level to aggregate all governments in each country. This cross-national study assumes that the general quality of public administration in a country significantly influences the degree to which the stated goals of its FOIL are achieved. The idea is not a deviation from the existing insightful albeit non-empirical argument that administrative discretion and agency culture affect the realization of the legal ideals. Rather, my assumption is still consistent with the agency-level arguments because this study extends the scope of public administration from an individual agency to a national government.

The third issue involves a statistical concern. Although panel data

techniques provide more implicative findings and more accurate estimation than OLS on the pooled data does, the study lays little attention to high likelihood of interpenetrations among an FOIL dummy, legal traditions and FOI reality determinants. Including the interactive variables causes a problem of soaking up many degrees of freedom, however. A statistically better analysis, therefore, requires the increase in the number of observations. Since the number of countries is fixed, the time-series increase is the way to enlarge the size of the global longitudinal data. With greater precision of statistical estimation and better-fitting model specification including interaction terms, an analysis on the larger dataset in the future needs to revisit implications from this study.

VII. Conclusions

A freedom-of-information law seeks for making a government accountable for and transparent to the public by enhancing access to information. The pursuit of FOI ideals is being realized in some countries, but other countries use the presence of the law as a symbol of FOI. Though FOIL countries accomplish FOI ideals more than no-FOIL countries, the regression analysis on the panel data revealed the skeptic finding that an FOIL itself is not a promoter to improve access to information, press freedom and governmental transparency. Both the quality of public administration and political stability obtain a greater significance than whether or not a country has an FOIL.

By adding legal heritage dummy variables to regression, I found that countries with German and Scandinavian traditions are overall reaching closer to FOI ideals than followers of English and French traditions. However, this is no more than a general tendency on an average statistic.

The latter heritages have much broader variation in the range of FOI scores than the former. Socio-cultural heterogeneity across countries within a larger group of the same legal heritage contributes to the wider range for estimating the degree to which an individual country accomplishes FOI ideals.

Some FOIL provisions distinguish high achievers from low achievers of FOI ideals. Countries that have provisions for anyone request, duty to publish, noncompliance penalty and other laws override are more likely to have high scores in FOI ideals indices. However, there is a counter-intuitive but impressive finding; FOI ideals are more accomplished in countries that have detailed exemption provisions than in countries without such provisions. The punch line is that not only the content but also concreteness of an FOIL makes the law come to the reality beyond its rhetoric.

References

- Banisar, D. (2006). *Freedom of Information Around the World 2006: Global Survey of Access to Government Information Laws*. London, U.K.: Privacy International, from <http://www.privacyinternational.org/foi/foisurvey2006.pdf>
- BGA. (2002). *The BGA Integrity Index*. Chicago, IL: The Better Government Association, from <http://www.bettergov.org/IntegrityIndexRelease.aspx>.
- BGA. (2008). *The BGA - Alper Integrity Index*. Chicago, IL: The Better Government Association, from <http://www.bettergov.org/IntegrityIndexRelease.aspx>.
- Chongkittavorn, K. (2002). The media and access to information in Thailand. In *The Right to Tell: The Role of Mass Media in Economic Development* (pp. 255-265). Washington, D.C.: World Bank.
- Darch, C., & Underwood, P. G. (2005). Freedom-of-information legislation, state compliance and the disclosure of knowledge: The South African experience. *The International Information & Library Review*, 37, 77-86.

- Davis, C. N. (2000). A dangerous precedent: The influence of Critical Mass III on exemption 4 of the federal Freedom-of-information Act. *Communication Law & Policy*, 5(2), 183–202.
- Djankov, S., Porta, R. L., Lopez-de-Silanes, F., & Shleifer, A. (2003). Courts. *Quarterly Journal of Economics*, 118(May), 453–517.
- Feinberg, L. E. (1986). Managing the Freedom of Information Act and federal information policy. *Public Administration Review*, 46(6), 615–621.
- Feinberg, L. E. (2004). FOIA, federal information policy, and information availability in a post-9/11 world. *Government Information Quarterly*, 21(4), 439–460.
- Foerstel, H. N. (1999). *Freedom-of-information and the Right to Know: The Origins and Application of the Freedom-of-Information Act*. Westport, CT: Greenwood Press.
- Gellman, R. (1997). Shortcomings of the proposed Electronic Freedom of Information Improvement Act (S.1090). *Government Information Quarterly*, 14(1), 1–10.
- Gujarati, D. N. (2002). *Basic Econometrics*. New York: McGraw-Hill.
- Halstuck, M. E. (2000). Speed bumps on the information highway: A study of federal agency compliance with the Electronic Freedom-of-information Act of 1996. *Communication Law & Policy*, 5(4), 423–468.
- Islam, R. (2006). Does more transparency go along with better governance? . *Economics & Politics*, 18(2), 121–167.
- Lombard, D. R. (2007). *Curiosity Killed the Cat: A Report on Compliance with Illinois's Freedom of Information Act*. Chicago, IL: The Better Government Association, from http://www.bettergov.org/pdfs/BGA_FOIA_report_full.pdf.
- Martin, R., & Feldman, E. (1998). *Access to Information in Developing Countries*. Berlin, Germany: Transparency International, from http://www.transparency.org/working_papers/martin-feldman/mart-feld.zip.
- Mendel, T. (2008). *Freedom of Information: A Comparative Legal Survey* (2nd ed.). Paris, France: the United Nations Scientific and Cultural Organization (UNESCO), from <http://unesdoc.unesco.org/images/0015/001584/158450e.pdf>.
- Meyer, J., & Rowan, B. (1991). Institutionalized organizations: Formal structure as myth and ceremony. In W. W. Powell & P. J. DiMaggio (Eds.), *The New Institutionalism in Organizational Analysis* (pp. 41–62). Chicago, IL: University of Chicago Press.
- Mistry, J. (2006). *Freedom of Information: Promoting Good Governance in Sierra Leone*. New Delhi, India: the Commonwealth Human Rights Initiative, from

- http://www.humanrightsinitiative.org/new/2006/foi_promoting_good_govrn_sierraleonne.pdf.
- North, D. C. (1999). *Institutions, Institutional Change and Economic Performance*. Cambridge, U.K.: Cambridge University Press.
- Perritt, H. H., Jr., & Lhulier, C. J. (1997). Information access rights based on international human rights law. *Buffalo Law Review*, 45(Fall), 899-929.
- Pindyck, R. S., & Rubinfeld, D. L. (1997). *Econometric Models and Economic Forecasts* (4th ed.). Boston, MA: McGraw-Hill.
- Piotrowski, S. J., & Rosenbloom, D. H. (2002). Nonmission-based values in results-oriented public management: the case of freedom of information. *Public Administration Review*, 62(6), 643-657.
- Piotrowski, S. J., & Ryzin, G. G. V. (2007). Citizen attitudes toward transparency in local government. *The American Review of Public Administration*, 37(3), 306-323.
- Porta, R. L., Lopez-de-Silanes, F., & Shleifer, A. (2008). The economics consequences of legal origins. *Journal of Economic Literature*, 46(2), 285-332.
- Relly, J. E., & Sabharwal, M. (2009). Perceptions of transparency of government policymaking: A cross-national study. *Government Information Quarterly*, 26(1), 148-157.
- Relyea, H. C. (1979). Faithful execution of the FOI Act: A legislative branch perspective. *Public Administration Review*, 39, 328-332.
- Relyea, H. C. (2009). Federal freedom of information policy: Highlights of recent developments. *Government Information Quarterly*, 26(2), 314-320.
- Roberts, A. S. (2000). Less government, more secrecy: Reinvention and the weakening of freedom of information law. *Public Administration Review*, 60(4), 308-320.
- Roberts, A. S. (2005). Spin control and FOI: Lessons for the UK from Canada. *Public Administration*, 83(1), 1-23.
- Rush, T. (1986). Journalists and the Freedom of Information Act. *Public Administration Review*, 46(6), 612-614.
- Tromp, S. L. (2008). *Fallen Behind: Canada's Access to Information Act in the World Context*. from <http://www3.telus.net/index100/foi>.
- Worthy, B. (2008). The future of freedom of information in the United Kingdom. *The Political Quarterly*, 79(1), 100-108.

Appendix 1. The list of countries with an FOI law

Country	Year passed	The formal name of an FOI Law
Albania	1999	The Law on the Right to Information for Official Documents*
Angola	2002	The Law on Access to Documents Held by Public Authorities*
Antigua and Barbuda	2004	Freedom of Information Act 2004
Argentina	2003	Access to Public Information Regulation†
Armenia	2003	The Law on Freedom of Information
Australia	1982	Freedom of Information Act 1982
Austria	1987	Federal Law on the Duty to Furnish Information*
Belgium	1994	The Law on the Right of Access to Administrative Documents*
Belize	1994	Freedom of Information Act
Bosnia and Herzegovina	2001	Freedom of Access to Information Act (FoAIA)
Bulgaria	2000	Access to Public Information Act
Canada	1982	Access to Information Act
Chile	2008	Freedom of Information Act
China	2007	Ordinance on Openness of Government Information (OGI regulation)†
Columbia	1985	The Law Ordering the Publicity of Official Acts and Documents*
Cook Islands	2008	Freedom of Information Act
Croatia	2003	The Act on the Right of Access to Information
Czech Republic	1999	The Law on Free Access to Information
Denmark	1970	Access to Public Administration Files Act
Dominican Republic	2004	The Law on Access to Information
Ecuador	2004	Organic Law on Transparency and Access to Public Information
Estonia	2000	Public Information Act
Finland	1951	The Act on the Openness of Government Activities
France	1978	The Law on Access to Administrative Documents
Georgia	1999	General Administrative Code of Georgia (Ch 3. Freedom of Information)
Germany	2005	The Act to Regulate Access to Federal Government Information
Greece	1986	The Code of Administrative Procedure
Honduras	2006	Access to Information Law
Hong Kong	1995	The Code on Access to Information†
Hungary	1992	Protection of Personal Data and Disclosure of Data of Public Interest
Iceland	1996	Information Act
India	2005	Right to Information Act
Indonesia	2008	The Law Regarding Transparency of Public Information
Ireland	1997	Freedom of Information Act
Israel	1998	Freedom of Information Law
Italy	1990	Law No. 241
Jamaica	2002	Access to Information Act
Japan	1999	The Law Concerning Access to Information Held by Administrative Organs
Jordan	2007	The Law on Securing the Right to Information Access
Korea, South	1996	The Act on Disclosure of Information by Public Agencies
Kosovo	2003	The Law on Access to Official Documents

Kyrgyzstan	2006	The Law on Access to Information
Latvia	1998	The Law on Freedom of Information
Liechtenstein	1999	The Information Act
Lithuania	1999	The Law on the Provision of Information to the Public
Macedonia	2006	The Law on Free Access to Information of Public Character
Mexico	2002	The Federal Law of Transparency and Access to Public Government Information
Moldova	2000	The Law on Access to Information
Montenegro	2005	The Law on Free Access to Information
Nepal	2007	Right to Information Act 2007
Netherlands	1978	Government Information (Public Access) Act
New Zealand	1982	Official Information Act
Nicaragua	2007	The Law on Access to Information*
Norway	1970	Freedom of Information Act
Pakistan	2002	Ordinance to provide for transparency and freedom of information†
Panama	2001	The Law on Transparency in Public Administration*
Peru	2002	The Law of Transparency and Access to Public Information
Philippines	1987	Code of Conduct and Ethical Standards for Public Officials and Employees†
Poland	2001	The Law on Access to Public Information
Portugal	1993	The Law of Access to Administrative Documents (LADA)
Romania	2001	The Law Regarding Free Access to Information of Public Interest
Serbia	2004	The Law on Free Access to Information of Public Importance
Slovakia	2000	The Act on Free Access to Information
Slovenia	2003	Access to Public Information Act (ZDIJZ)
South Africa	2000	Promotion of Access to Information Act (PAIA)
Spain	1992	Law on Rules for Public Administration*
St. Vincent and the Grenadines	2003	Freedom of Information Act
Sweden	1949	Freedom of the Press Act
Switzerland	2004	Federal Law on the Principle of Administrative Transparency
Tajikistan	2002	The Law of the Republic of Tajikistan on Information
Thailand	1997	Official Information Act
Trinidad and Tobago	1999	Freedom of Information Act
Turkey	2003	The Law on Right to Information
Uganda	2005	Access to Information Act 2005
Ukraine	1992	The Law on Information
United Kingdom	2000	Freedom of Information Act 2000
United States	1996	Freedom of Information Act
Uzbekistan	2002	The Law on the Principles and Guarantees of Freedom of Information
Zimbabwe	2002	Access to Information and Privacy Protection Act (AIPPA)

Source: Banisar, D. (2006); Tromp, S. L. (2008)

†: The provision (code or regulation) is not the FOI law itself, but plays a part of similar functions.

*: The country does not provide the formal name of the law in English.

Appendix 2. Categorization of countries in terms of legal tradition

Legal traditions	Countries (188)	
	No-FOI law countries (115)	FOI law countries (73)
English (61)	Anguilla, Bahamas, Bahrain, Bangladesh, Barbados, Bermuda, Bhutan, Botswana, Cayman Islands, Cyprus, Dominica, Fiji, Gambia, Ghana, Grenada, Guyana, Kenya, Lesotho, Liberia, Malawi, Malaysia, Maldives, Micronesia, Namibia, Nigeria, Papua New Guinea, Samoa, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, St. Kitts and Nevis, St. Lucia, Sudan, Swaziland, Tanzania, Tonga, United Arab Emirates, Vanuatu, Zambia (41)	Antigua and Barbuda, Australia, Belize, Canada, Hong Kong, India, Ireland, Israel, Jamaica, Nepal, New Zealand, Pakistan, South Africa, St. Vincent and the Grenadines, Thailand, Trinidad and Tobago, Uganda, United Kingdom, United States, Zimbabwe (20)
French (100)	Afghanistan, Algeria, Aruba, Azerbaijan, Benin, Bolivia, Brazil, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, Comoros, Congo Democratic Republic, Congo Republic, Costa Rica, Cote D'Ivoire, Djibouti, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Iran, Iraq, Kazakhstan, Kuwait, Laos, Lebanon, Luxembourg, Macao, Madagascar, Mali, Malta, Mauritania, Mauritius, Morocco, Mozambique, Netherlands Antilles, Niger, Oman, Paraguay, Puerto Rico, Qatar, Russia, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Suriname, Syria, Togo, Tunisia, Turkmenistan, Uruguay, Venezuela, Vietnam, Yemen (68)	Albania, Angola, Argentina, Belgium, Colombia, Dominican Republic, Ecuador, Estonia, France, Greece, Honduras, Italy, Jordan, Kyrgyzstan, Lithuania, Macedonia, Mexico, Moldova, Montenegro, Netherlands, Nicaragua, Panama, Peru, Philippines, Portugal, Romania, Serbia, Spain, Tajikistan, Turkey, Ukraine, Uzbekistan (32)
German (19)	Belarus, Mongolia, Taiwan (3)	Austria, Bosnia-Herzegovina, Bulgaria, China, Croatia, Czech Republic, Georgia, Germany, Hungary, Japan, Korea South, Latvia, Poland, Slovakia, Slovenia, Switzerland, (16)
Scandinavian (5)		Denmark, Finland, Iceland, Norway, Sweden (5)
Socialism (3)	Cuba, Korea North, Myanmar (3)	

Appendix 3. The list of countries included in Global Integrity Index (ATI variables)

Year	Countries
2004 (25)	Argentina, Australia, Brazil, Germany, Ghana, Guatemala, India, Indonesia, Italy, Japan, Kenya, Mexico, Namibia, Nicaragua, Nigeria, Panama, Philippines, Portugal, Russia, South Africa, Turkey, Ukraine, United States, Venezuela, Zimbabwe
2006 (41)	Argentina, Armenia, Azerbaijan, Benin, Brazil, Bulgaria, Congo Democratic Republic, Egypt, Ethiopia, Georgia, Ghana, Guatemala, India, Indonesia, Israel, Kenya, Kyrgyzstan, Lebanon, Liberia, Mexico, Montenegro, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Philippines, Romania, Russia, Senegal, Serbia, Sierra Leone, South Africa, Sudan, Tajikistan, Tanzania, Uganda, United States, Vietnam, Yemen, Zimbabwe
2007 (50)	Algeria, Argentina, Armenia, Azerbaijan, Bangladesh, Bosnia-Herzegovina, Bulgaria, Burundi, Cameroon, Canada, China, Colombia, Costa Rica, Ecuador, Egypt, France, Georgia, India, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Malawi, Mexico, Moldova, Mozambique, Namibia, Nepal, Nigeria, Pakistan, Peru, Philippines, Romania, Russia, Sierra Leone, Spain, Sri Lanka, Tajikistan, Tanzania, Thailand, Timor-Leste, Turkey, Uganda, Ukraine, United States, Vanuatu
2008 (46)	Angola, Argentina, Azerbaijan, Bangladesh, Belarus, Bosnia-Herzegovina, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Ecuador, Egypt, Ethiopia, Georgia, Ghana, Hungary, Indonesia, Iraq, Italy, Japan, Kazakhstan, Kenya, Kyrgyzstan, Lithuania, Macedonia, Moldova, Montenegro, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Philippines, Poland, Romania, Russia, Serbia, Somalia, South Africa, Turkey, Uganda, West Bank Gaza, Yemen
Panel data (84)	Algeria, Angola, Argentina, Armenia, Azerbaijan, Australia, Bangladesh, Belarus, Benin, Brazil, Bosnia-Herzegovina, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Congo Democratic Republic, Costa Rica, Ecuador, Egypt, Ethiopia, France, Georgia, Germany, Ghana, Guatemala, Hungary, India, Indonesia, Iraq, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Liberia, Lithuania, Macedonia, Malawi, Mexico, Moldova, Montenegro, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Panama, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Russia, Senegal, Serbia, Sierra Leone, Somalia, South Africa, Spain, Sri Lanka, Sudan, Tajikistan, Tanzania, Thailand, Timor-Leste, Turkey, Uganda, Ukraine, United States, Vanuatu, Venezuela, Vietnam, West Bank Gaza, Yemen, Zimbabwe