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À PROPOS DE NOUS

La **Revue Internationale des Gouvernements ouverts (RIGO)/ the International Journal of Open Governments** est une revue universitaire créée et dirigée par Irène Bouhadana et William Gilles au sein de l'IMODEV, l'Institut du Monde et du Développement pour la Bonne Gouvernance publique.

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ABOUT US

The **International Journal of Open Governments / Revue Internationale des Gouvernements ouverts (RIGO)** is an academic journal created and edited by Irène Bouhadana and William Gilles at IMODEV, the Institut du monde et du développement pour la bonne gouvernance publique.

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IMODEV is an international, independent, non-profit scientific organization created in 2009 that promotes good public governance in the context of the information and digital society. This network brings together experts and researchers from around the world who, through their work and actions, contribute to a better knowledge and understanding of the digital society at the local, national or international level by analyzing, on the one hand, the actions of public authorities in the context of the regulation of the data society and the digital economy and, on the other hand, the ways in which digital public policies are implemented within public administrations and open governments.

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WIKILAI: A COMPLETE AND UP-TO-DATE GUIDE FOR HELPING CITIZENS TO REQUEST PUBLIC DATA IN BRAZIL

by **Taís SEIBT**, Professor at the School of Creative Industry at the University of Vale do Rio dos Sinos (Unisinos/Brazil)¹ and **Luiz Fernando TOLEDO**, Researcher at the Brown Institute for Media Innovation (Stanford and Columbia universities)².

On the day that the Access to Information Law (LAI) in Brazil completed 10 years of publication, on November 18, 2021³, the data agency Fiquem Sabendo launched the WikiLAI⁴ platform. Conceived as a complete and constantly updated guide in wiki format, the site seeks to explain, in citizen language, the tools for accessing government information in Brazil, fulfilling the purpose of the data agency Fiquem Sabendo to popularize LAI in the country.

In one year of operations, the platform has conquered a reference space in the Brazilian journalistic and academic environment, with citations in articles and lesson plans, in addition to having received a national journalism award and featured in the programming of important data congresses in the country. In addition to the more than 100 entries available for online consultation, the WikiLAI project also provided free training on government transparency tools to more than 500 Brazilian citizens, including university students, activists and leaders of social movements.

By presenting this experience report, we problematize theoretical concepts about citizen participation in the promotion of government public transparency, seeking to promote evidence of this process from the WikiLAI platform. The theoretical concepts of reference are worked on in the next section. Then, we move on to discuss the results of the WikiLAI project, in conjunction with the theoretical framework, bringing inferences about the

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³ Law 12.527/2011, known as the Access to Information Law (LAI), was sanctioned by the Brazilian federal government on November 18, 2011, and entered into force on May 16, 2012 in all instances of the executive, legislative and judicial branches. at the federal, state and municipal levels.

⁴ Available at: <https://wikilai.fiquemsabendo.com.br/>

importance of projects to popularize access to government information in promoting public government transparency in democratic societies.

§1 – PUBLIC TRANSPARENCY AND PARTICIPATORY DEMOCRACY

The discussion on government public transparency has gained strength in contemporary Brazilian political debate, largely due to the mention of exceptional secrecy imposed by the Bolsonaro government during the 2022⁵ presidential campaign. In the history of political theory, the concept of public transparency would be linked to that of “publicity”. (GOMES; AMORIM; ALMADA, 2015, p. 3). According to the literature, Immanuel Kant (1795) would have introduced the word “publicity” in political theory to give a moral platform to Law and politics, being followed by other classic authors of philosophy and political science, such as Habermas (1992) and Rawls (1971) or even Bentham (1839).

The idea that rulers should provide information about their actions to citizens as a way of promoting social justice by giving public transparency to their decisions arises from the understanding that “an action that I am forced to keep secret is certainly not only an unjust action, but above all an action which, if made public, would arouse such a great reaction as to make its execution impossible” (KANT apud BOBBIO, 1984, p. 29). The author points out that, in current conceptions of democracy, it consists of the “government of visible power” (BOBBIO, 1984, p. 83). In this sense, transparency emerges as a fundamental principle of democracy, especially representative democracy, as it depends on decisions being taken without secrecy.

The basic idea of transparency in representative democracy is that, if citizens are aware of the acts taken by their rulers, they will have more tools to assess the quality of those elected and, therefore, more ability to choose their representatives. In addition, there is the conception of a democracy that is not only representative, but also participatory, where citizens not only choose their representatives, but exercise a permanent supervisory role, for which there must be transparency. In this sense, the contemporary meaning of transparency refers to a type of “external cognitive control”:

“There is transparency when subjects independent of the public agent or agents who performed a certain action have access to the information necessary to know, at least, what act was performed, by whom and with what scope.” (GOMES, AMORIM, ALMADA, 2015, p. 7)

The words transparency and accountability almost always go together, to the point that there is often confusion between these two terms. The word accountability is often associated with social control and accountability. In the case of public transparency, it is

based on the idea that government officials who have their actions more exposed will also be more supervised, generating constant pressure for improvement in public services. For some authors, transparency is even a way to solve problems of democracy (ZUCCOLOTTO, TEIXEIRA E RICCIO, 2015).

This proximity between transparency and social control has gained strength with the advancement of technology and the digitization of documents. Vaz, Ribeiro and Matheus (2010) pointed this out when listing the phases of this process, which begin with closed government websites with information disclosed by governments, then websites that allow personalized consultations and, finally, raw databases that can be analyzed in programs statistics, for example. (VAZ, RIBEIRO E MATHEUS, 2010, p. 45).

Although this connection is apparently natural, questions have also arisen in the literature in the opposite direction, questioning whether all transparency leads to some kind of social control. Fox (2007), for example, said that the term transparency was used for a long time by environmental movements to assess environmental impacts, but also by corporate investors who wanted governments to open up more data to private interests. and not every type of government transparency is useful, for the author: he separates opaque transparency, which shows data without revealing relevant information, and clear transparency, which allows, in fact, to evaluate institutions (FOX, 2007, p. 667). Pozen (2019), a professor at Columbia University, brings evidence that the American transparency legislation, the freedom of information act, sanctioned more than five decades ago, actually created a “culture of suspicion” and conflicts between citizens and the State (POZEN, 2019, p. 3, in free translation).

Canadian researcher Gregory Michener, one of the leading experts on transparency in Brazil, begins an article with this exact question: when people ask what I do and I say that I research transparency, a common question is whether I really think it makes a difference in a corrupt and ignorant country like Brazil. He pointed out that since the 1990s there have been questions about the effectiveness of transparency, not only in Brazil but worldwide (MICHENER, 2019, p. 1). The author’s conclusion is that the question “does transparency bring positive results?” is not simple to answer, as a positive impact can be “extremely difficult to identify. Transparency tends to have diffuse, indirect and long-term impacts, many of which are preventive and therefore difficult to detect” (MICHENER, 2019, p. 2).

In practice, public transparency is seen in its clearest form through access to information laws. The first legislation emerged in Sweden in the 18th century. But probably the best-known law of its kind is the Freedom of Information Act, or FOIA, which has undergone several changes over time. This law established transparency as a rule and established nine exceptions. The law was resisted by some

bodies due to the risk that the State would lose its power of control (LEBOVIC, 2018, p 14). The boom in access laws began in the late 1990s. According to Mendel (2018, p. 3), only 13 countries had adopted national right to information laws at the beginning of the decade.

In Brazil, public transparency has been materializing in various ways since the enactment of the Federal Constitution. In its fifth article, the Constitution already assured that “everyone has the right to receive from public bodies information of their particular interest, or of collective or general interest, which will be provided within the term of the law, under penalty of liability, with the exception of those whose secrecy is essential to the security of society and the State” (BRASIL, 1988, Article 5, item XXXIII).

In recent years, the Brazilian government has created mechanisms to ensure the disclosure of public data through legislation that makes it mandatory to publish this information via the Internet, as is the case of Complementary Law n° 101/2000 (Fiscal Responsibility Law) and its addendum. , Complementary Law n° 131/2009 (Transparency Law), which guide the provision of information regarding the allocation of public money, without the need for the citizen to request it. The Access to Information Law (Law No. 12,527/2011) covers more generic requests on matters within the competence of the various public governance bodies.

The Manual of the Law on Access to Information for States and Municipalities, produced by the CGU (GENERAL CONTROLLERSHIP OF THE UNION, 2013), also highlights the launch of the Transparency Portal of the Federal Executive Branch, created in November 2004. with servers, daily payments, travel expenses and other information of public interest, with updates that, today, are almost in real time.

The history of LAI begins on February 26, 2003 with a bill by Deputy Reginaldo Lopes (PT), later adopted in a political campaign by then President Lula, elected for his first term in 2002. Authors who revisited this trajectory, such as Angélico (2012, p. 86), show that the law had strong participation from civil society in its creation, with organizations such as the Brazilian Association of Investigative Journalism, the NGO *Transparência Brasil*, the National Association of Newspapers, among others.

Since its enactment, the LAI has been the subject of several academic studies that try to answer questions such as: how is access to information in practice? What factors affect public transparency (or lack thereof)? For Moura (2015, p. 36):

“[...] Administrative management with the participation of society presupposes the fulfillment of the minimum conditions necessary for the participation of social actors and the dialogue between the institutions and society regarding the administrative decision, which involves

maximizing the right to information as an indispensable assumption for control.”

Some works focused on the figure of the public information seeker. One of these surveys, for example, sought to identify the use of LAI by journalists (GONÇALVES, STACCIARINI E NASCIMENTO, 2019) and showed that this professional category has made effective use of the law to obtain information, but most of them presented only one request, with a reduced group that has made continuous use of the tool in the verification of journalistic reports.

There are also works that try to understand the subject of requests for information and whether there are differences in the quality of responses due to the subject. Researchers from the *Achados e Requests project*, from the NGO Transparência Brasil and the Brazilian Association of Investigative Journalism (Abraji) identified, in 2018, that almost 70% of requests for information via LAI, out of a universe of 10,000 requests analyzed, had as their object the social control (35%) and core activity (34%) of Organs requested bodies (SALUSTIANO E GALF, 2018). For the Executive branch, for example, the most common subjects were about civil servants and funds (17%), agreements, bids and public partnerships (9%) and budget, income and expenses (8%). Another finding of the study is that “many requests concern information that is already public, but that applicants cannot find”, which could indicate “complicated and technical language with which the information is made available” (SALUSTIANO E GALF, 2018, p.2).

In general, what can be observed is that citizens rarely access government data individually on their own initiative, with journalism and civil society organizations being important mediators so that citizens can follow the decision-making processes more closely. The need to “translate” public data, which are becoming increasingly voluminous and complex, has contributed to the appreciation of civil society organizations dedicated to the production and distribution of information on government acts.

“Each in its own way, journalism and non-governmental organizations dedicated to public transparency are today two important systems, external and independent of the States and their institutions, in charge of shedding light on the behavior of public agents, specialized, therefore, in a kind of transparency that is heteronomous both as an institutional position (outside the State) and as a source of information.” (GOMES, AMORIM, ALMADA, 2015, p. 17)

At the same time, the development of digital and communication technologies makes direct access to public data by citizens increasingly accessible. It is where civic empowerment projects, such as WikiLAI, gain space with the purpose of facilitating direct

access, through training workshops and instructional articles available online.

According to Marques (2016), the ability to monitor the performance of representatives is a fundamental component for the sovereignty of citizens in democratic societies. Transparency, at this level, would allow greater control over public goods, would make corruption and co-optation of state agents a riskier task, which could increase trust and social capital (MARQUES, 2016, p. 21). On the other hand, the constant disclosure of flaws, scandals and deviations in the management of public resources can have the adverse effect of losing public trust. As Marques (2016) recovers from Meijer (2009), more communication does not always mean less distrust. A greater amount of available data can lead to “a decrease in the trust that citizens have in politicians and institutions precisely because they have greater knowledge about, for example, how public money is applied (MARQUES, 2016, p. 25). Even so, it can be considered that favoring citizens’ cognitive control contributes to the promotion of government public transparency in the context of participatory democracy.

§ 2 – EXPERIENCE REPORT: WIKILAI

WikiLAI is an online guide about “Lei de Acesso à Informação”, the Brazilian version of Freedom of Information Act (FOIA). The platform was created in 2021 by the journalism data agency Fiquem Sabendo. Fiquem Sabendo is a non-profit data journalism agency, specialized in Freedom of Information, whose mission is to collaborate to strengthen our Freedom of Information Act, and make it mainstream among Brazilian citizens. The organization fights to promote greater transparency in the Brazilian government, and encourage citizen participation in government decision-making, using transparency tools available to all Brazilian citizens due to the Freedom of Information Act.

Fiquem Sabendo works in four areas of expertise: journalism, advocacy, technology, and education. The organization has a newsletter with almost 10,000 subscribers to share public data mainly with journalists; produces proposed legislation and complaints to the courts to denounce freedom of information risks; develops civic technology to reinforce public transparency and citizens’ participation in monitoring government activities; and forms hundreds of citizens annually with courses, speeches, and reference materials.

The WikiLAI project was supported by the US Embassy and Consulates in Brazil also included workshops to empower citizens to use FOIA at universities and NGOs. The platform is inspired by the FOIA.Wiki project, developed in the US. The main objective of Fiquem Sabendo with the platform was to compile its knowledge in a dynamic and up-to-date repository, available to citizens who want to learn about their information access rights. In

November 2021, the *Lei de Acesso à Informação* (Brazilian Freedom of Information Act) completed 10 years of its publication. In this mark, Fiquem Sabendo launched the WikiLAI project.

Using Wikimedia resources, the website has more than a hundred entries explaining the Brazilian FOIA process, dozens of templates for requests and appeals, and tutorials for accessing public data portals. There are 117 published entries, divided into seven categories: Introduction to the LAI (history and general terms of the legislation); Stages of access to information (from request to last appeal); LAI vocabulary (most common jargon translated into citizen language); What and how to access (topics for requests and queries, with concrete cases); Legislation (other laws and norms that impact the LAI); LAI in Education (instructions for covering educational topics with public data); US Access to Information (Displays the United States Freedom of Information Act).

WikiLAI entries are shared weekly on Fiquem Sabendo's social media channels. Also was implemented a regular section in the newsletter Don't LAI to me, sent twice a month for 10,000 subscribers. The platform figured in several publications in the media, including specialized websites such as LatAM Journalism Review⁵ and IJNet⁶. The website had almost 50,000 page views and 15,000 users in the first 12 months on the air. Implementing SEO strategies, and Google Ads campaigns updated monthly since March 2022, the WikiLAI website got good search results in key entries. For example, during the electoral process in Brazil, the entry "sigilo" (secret) got more than 5,000 views only in September 2022. Direct access brought 3,000 users to the platform, which is indicative of the WikiLAI impact as a reference about LAI in Brazil.

In this question, it is important to highlight that WikiLAI was soon mentioned as a reference in academic papers and class materials. The Superintendent of Open Government of the State of Goiás (Brazil), Bruno Rolim, used entries from the platform in modules at the Superior School of the Public Ministry of the State of Goiás. Another recommendation for training material comes from a module on data analysis in the public service prepared by Fernando Barbalho for the National School of Public Administration (Enap). In the media literacy program by the EducaMídia project, in June 2022, WikiLAI served as a didactic tool for the elaboration of a lesson plan to work on civic education at schools.

The reference in a civic education lesson plan reinforces that the contemporary media literacy concept is totally connected to civic literacy. In the same way, it is impossible to teach media literacy without considering data distortion in public speech, especially by

⁵ Available at: <https://latamjournalismreview.org/pt-br/articles/wikilai-brasil/>

⁶ Available at: <https://ijnet.org/pt-br/story/wikilai-enciclop%C3%A9dia-viva-do-acesso-%C3%A0-informa%C3%A7%C3%A3o-p%C3%BAblica-no-brasil>

authorities, in the current Brazilian political context. So, the right to information, and the open government issue, are both about fighting disinformation as well.

The *Fórum Brasileiro de Acesso a Informações Públicas* (Brazilian Forum for Access to Public Information) published a digital book commemorating the 10th anniversary of LAI, in which WikiLAI was cited in two articles. Also, WikiLAI was presented in a videoconference session at the 7th Academic Days on Open Government and Digital Issues organized by Imodev - Improving Public Policies in a Digital World, in Paris, in November 2022. Also in November 2022, Fiquem Sabendo taught a workshop about WikiLAI at CodaBR, the most important data journalism conference in Brazil.

Workshops were another important face of WikiLAI project to empower citizens to access public information in Brazil. Fiquem Sabendo taught more than 500 citizens, including undergraduate students and social activists from different regions of Brazil. One of these meetings, which took place in September 2022, for example, gathered dozens of indigenous activists, mainly from the Amazonian region. The classes were essential to promote the WikiLAI platform as a tool for citizens to understand how information access works in Brazil. In total, WikiLAI's workshops got almost 2,000 subscribers to watch the classes, and around 500 participants were certificated, but the number of citizens reached was far superior considering the live meeting and the views later in cases when the videos were available online. Only the edition at the Casper Libero university has more than 1,000 views on YouTube to date.

The organization asked about the level of LAI knowledge before the workshops: less than 20% informed to have high levels (4 or 5). In general, when questioned if knowing about FOIA was improved after the workshop, around 70% of participants answered they had high levels. Also, around 80% of participants considered the workshop excellent, and less than 5% considered it regular.

Regarding collaborative functions on WikiLAI, they are not available for general users. Considering the disinformation context and the political polarization in Brazil, Fiquem Sabendo opted for restricted editions by authorized collaborators to guarantee the credibility of the content. However, it is interesting to highlight that some e-mail suggestions were incorporated into the platform. For example, lawyer Altamir Santos sent a contribution by e-mail and it was added to the “dados pessoais” (personnel data) topic⁷. Also, the “Diário Oficial”⁸ topic was redacted by the data journalist Beatriz Farrugia, a Fiquem Sabendo's volunteer. In addition, WikiLAI had two thematic sections created in partnership with

⁷ Available at: https://wikilai.fiquemsabendo.com.br/wiki/Dados_pessoais.

⁸ Available at: https://wikilai.fiquemsabendo.com.br/wiki/Di%C3%A1rio_Oficial.

other organizations: “Legislação”⁹ with entries redacted by Law students from Insper; and “LAI na Educação”¹⁰ (FOIA in Education), produced with experts from Associação de Jornalistas de Educação (Jeduca).

With the WikiLAI project, Fiquem Sabendo won for the third time the “Troféu Rastilho”, the main prize in the Livre.Jor Journalism Award. “Since it was created 10 years ago, the Access to Information Law has become a fundamental tool for Brazilian journalists. However, many are still afraid to ask the federal, state, and municipal governments directly, because it is really scary to abandon that old scheme of calling the press office, and depend on sources. This is like riding a bicycle with training wheels. LAI, and the culture change it brings, is about taking risks on mountain bikes. And, we give our testimony, WikiLAI has helped many people to learn to ride a bicycle”, said the jury, formed by José Lázaro Jr., João Frey, Alexsandro Ribeiro and Rafael Moro Martins. “The most captivating thing about Fiquem Sabendo is that it is an extremely generous project, which shares an immense amount of data of public interest with the journalistic community and with organized civil society. WikiLAI takes this to another level by providing research topics and ready-made question templates, for example”, commented the judges (LIVRE.JOR, 2022, online).

In the final report to the US Embassy, Fiquem Sabendo shared some qualitative comments about WikiLAI selected from evaluating surveys or interviews with partners during the project:

“The workshop allowed me to discover new fields of interest, in addition to being instrumental in my learning to improve my searches for public information. I feel more confident and better oriented to make LAI requests as part of my routine of work.” (Luana Melody Brasil, political journalist and researcher in political communication)

“The LAI was a victory for all citizens, but especially for journalists, who staunchly defended it in the Brazilian National Congress. Using LAI is a way to guarantee its consolidation and improvement. The Fiquem Sabendo’s workshops have been fundamental for the dissemination of knowledge about public transparency tools in Brazilian newsrooms.” (Marcelo Träsel, professor at UFRGS and former president of Abraji)

“WikiLAI is a complete and very didactic tool for obtaining references on public transparency and LAI. It is, in addition to a guide, a

⁹Available at:
<https://wikilai.fiquemsabendo.com.br/wiki/Categoria:Legisla%C3%A7%C3%A3o>.

¹⁰ Available at:
https://wikilai.fiquemsabendo.com.br/wiki/Categoria:LAI_na_Educa%C3%A7%C3%A3o.

historical record on the subject in Brazil.” (Jamilé Santana, director of the Escola de Dados - School of Data)

“WikiLAI is an important platform for strengthening LAI, as it gathers knowledge in a collaborative way in favor of the correct use of the law. When I make entries available and/or edit, I promote the exchange of knowledge, and this only strengthens the presence and use of LAI in the three spheres of government. In addition to boosting spaces for the production of free knowledge with content aimed at public transparency.” (Thays Lavor, director of Abraji and editor-in-chief of DataDoc in the newspaper O Povo - Ceará, Brazil)

“In a state like Roraima, projects like WikiLAI and its training workshops represent the chance for us to go through the meanders of the institutional labyrinth to quality strategic information. This represents a small/big revolution, at the local level.” (Vilso Junior Santi, professor at the Federal University of Roraima (UFRR) and coordinator of Amazoom - Cultural Observatory of the Amazon and the Caribbean - Roraima, Brazil)

“If you need to know state of the art about LAI, do like me, access and explore the Fiquem Sabendo’s WikiLAI. It’s pure gold.” (Fernando Barbalho, finance and control analyst at the Secretaria do Tesouro Nacional - National Treasury Secretariat, on Twitter)

Internally, Fiquem Sabendo considers that the WikiLAI project reinforced the Civic Education department in the organization, in a way to reach the organization’s primary goal, which is to democratize freedom of information in Brazil. Externally, it is possible to show, among these experience report, that projects to empower citizens are helpful in forming more citizens committed to transparency to build a real participative democracy.

FINAL CONSIDERATIONS

Considering that public transparency is a fundamental principle of representative democracy, according to the reference literature in political science, and that the participation of citizens in the external cognitive control of governmental acts is ensured by legal and technological mechanisms in contemporary democratic societies, empowerment projects such as WikiLAI, strengthen participatory democracy.

There have been considerable advances in recent years with regard to legislation and tools for promoting public government transparency in the various democratic countries, especially in Brazil, with the Access to Information Law. However, the consolidation of these mechanisms depends on broad knowledge and use by citizens. Thus, this experience report emerges as an

instrument to inspire measures in different countries, with the intention of developing the best conditions for each citizen to monitor the performance of their representatives in the conduct of public policies, contributing to the fight against corruption and ensuring fair policies in democratic societies.

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