

T19P06 / Design, Implementation, and Challenges of Transparency Policies

Topic : T19 / SECTORIAL POLICY

Chair : Giovanni Esposito (Université Libre de Bruxelles)

Second Chair : Vincent Mabillard (Université Libre de Bruxelles)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

The proposed panel critically examines the functioning of transparency policies, focusing on the design and implementation of instruments such as Freedom of Information (FOI) laws and Open Government Partnership (OGP) initiatives. The primary objective is to explore how these tools are structured and operationalized to promote transparency, foster citizen engagement, and strengthen democratic governance through open and accountable government practices (Howlett, 2009; Hood, 2006). By analyzing both the design and practical implementation of FOI and OGP, the panel aims to understand how these initiatives enhance government efficiency and accountability.

A particular focus will be placed on FOI laws, which, despite their widespread global adoption (Michener, 2011), often fall short of achieving their intended transparency outcomes (Michener et al., 2021). A significant gap persists between formal compliance (de jure) and practical implementation (de facto), as many jurisdictions struggle to meet the transparency goals established by FOI legislation (Michener & Nitcher, 2022). The panel will assess how FOI and OGP initiatives operate in different institutional contexts and identify the factors influencing their success or failure.

Research Questions:

1. How are FOI laws and OGP initiatives designed to promote transparency and strengthen democratic governance?
2. What are the key barriers to the effective implementation of FOI laws, and how do bureaucratic behaviors affect transparency outcomes?
3. Why is there often a gap between the formal adoption and practical implementation of FOI laws, and what factors contribute to this discrepancy?
4. How do political motivations and institutional pressures shape the adoption and operationalization of transparency reforms?

Scientific Relevance:

This panel addresses a critical gap in the study of transparency policies by focusing on the persistent challenge of bridging the divide between the formal adoption and actual implementation of FOI laws and OGP initiatives (Mabillard et al., 2024). Although these tools are designed to enhance democratic governance, they frequently fall short due to various institutional, political, and bureaucratic obstacles (Tejedo-Romero & Ferraz Esteves Araujo, 2023; Cicatiello et al., 2024; Esposito et al., 2024).

By exploring the design and operational aspects of FOI and OGP across diverse political and institutional contexts, the panel will provide valuable insights into why these instruments succeed or fail in practice. Additionally, the panel will investigate the influence of political ideologies and bureaucratic behaviors on transparency outcomes, offering an interdisciplinary perspective that draws on public administration, political science, and governance studies. This inquiry is crucial for understanding how transparency reforms are not only adopted but also effectively implemented. Another relevant aspect relates to the fact that FOI and open government policies make certain government information public, sometimes conflicting with privacy laws that protect personal data. Therefore, balancing privacy and transparency is essential in these policies. FOI laws, for example, allow public access to information but often include exceptions to protect privacy. Bennett and Raab (2017) note that countries set boundaries to define what can be shared without compromising privacy, especially in sensitive areas like health or fiscality. Both transparency and privacy build public trust: privacy safeguards personal data, while FOI fosters accountability. Bennett (1992) argues that effective governance requires a careful balance to maintain confidence in both.

Bennett, C. J. (1992). *Regulating Privacy: Data Protection and Public Policy in Europe and the United States* (Vol. 132). Cornell University Press.

Bennett, C. J., & Raab, C. D. (2017). *The governance of privacy: Policy instruments in global perspective*. Routledge.

Cicatiello, L., De Simone, E., Di Mascio, F., Gaeta, G. L., Natalini, A., & Worthy, B. (2024). Response, awareness, and requester identity in FOI law: Evidence from a field experiment. *Journal of Economic Behavior & Organization*, 220, 12–30.

Esposito, G., Cicatiello, L., Mabillard, V., & Gaeta, G. L. (2024). Toward a citizen science framework for public policy evaluation: Lessons from a field experiment on Freedom of Information laws in Belgium. *Evaluation*, 0 (0). <https://doi.org/10.1177/13563890241270195>

Hood, C. (2006). Transparency in historical perspective. In C. Hood & D. Heald (Eds.), *Transparency: The key to better governance?* (pp. 3–23). Oxford University Press.

Howlett, M. (2009). Government communication as a policy tool: A framework for analysis. *Canadian Political Science Review*, 3(2), 23–37.

Mabillard, V., Esposito, G., Cicatiello, L., Gaeta, G. L., & Pasquier, M. (2024). Barriers to freedom of information: Insights from an experiment in Belgium. *International Journal of Public Administration*, 1–13.

Michener, G. (2011). FOI laws around the world. *Journal of Democracy*, 22(2), 145–159.

Michener, G., Coelho, J., & Moreira, D. (2021). Are governments complying with transparency? Findings from 15 years of evaluation. *Government Information Quarterly*, 38(2), 101565.

Michener, G., & Nichter, S. (2022). Local compliance with national transparency legislation. *Government Information Quarterly*, 39(1), 101659.

Tejedo-Romero, F., & Ferraz Esteves Araujo, J. F. (2023). Critical factors influencing information disclosure in public organisations. *Humanities and Social Sciences Communications*, 10, 315.

CALL FOR PAPERS

This panel invites original contributions that explore the design, implementation, and impact of transparency policies, with a focus FOI and OGP instruments . We seek submissions that examine the gap between formal adoption and practical implementation of these policies, how FOI and OGP instruments are designed to contribute to democratic governance. Submissions may engage with issues such as policy design, bureaucratic behavior, political incentives, stakeholder engagement, and participatory research methods.

We welcome theoretical, empirical, and methodological approaches from disciplines such as political science, public administration, sociology, economics, and management. Submissions using policy process frameworks (e.g., Advocacy Coalition Framework, Punctuated Equilibrium Theory, Narrative Policy Framework, or Multiple Streams Framework) or exploring the role of political ideologies, institutional pressures, and digitalization in transparency reforms are particularly encouraged.

Submissions may address, but are not limited to, the following themes:

- **Policy Design and Implementation**: How are FOI and OGP policies designed and operationalized to achieve transparency and democratic governance?
- **Bureaucratic Behavior** : What are the barriers to effective FOI implementation, and how do bureaucrats respond to requests?
- **Policy Failures**: Why do FOI laws fall short in practice, and what political or institutional pressures influence their adoption without full implementation?
- **Political Incentives**: How do electoral incentives and political ideologies shape the promotion and success of transparency reforms?
- **Participatory Research Methods** : How can citizen science and action research improve the evaluation of transparency policies and foster collaboration?
- **Digitalization and Technology** : What role do digital tools and open data play in enhancing transparency outcomes?
- **Comparative Studies**: How do transparency policies differ across political systems, and what can be learned from cross-national comparisons?
- **Balancing Transparency with Individual Privacy**: How can policymakers balance the demands for transparency with the need to protect individual privacy in Freedom of Information and open government policies?

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Session 1

Friday, July 4th 10:15 to 12:15 (C4)

Recordkeeping legislation in Thailand and Challenges for establishing transparency policies in Digital Age

Pimphot Seelakate (Chulalongkorn University)

Records and archives management and transparency support fostering accountability and trust within organisations. Since public records are evidence of activities and decisions made by the government thus effective records management ensures that records and information are managed, organised, accessible, and properly preserved, leading to efficient retrieval when needed or requested under the Freedom of Information law. Similarly, transparency relies on this system to provide clear, accurate, and timely information to stakeholders, promoting openness and reducing the risk of misinformation or corruption. It is crucial for the country to enforce legislation regarding recordkeeping by implementing robust records management practices, organisations can demonstrate their commitment to transparency, making it easier for internal and external stakeholders to track actions, decisions, and compliance with regulations. This ultimately enhances credibility and strengthens public confidence.

In Thailand, there are primary recordkeeping legislation providing a broad framework for public recordkeeping practice, for instance, the Official Information Act B.E. 2540 (OIA 1997), the Electronic Transactions Act B.E. 2544 (ETA 2001), the National Archives Act B.E.2556 (NAA 2013), and Personal Data Protection Act B.E. 2562 (PDPA 2019). Whereas, there are also secondary recordkeeping legislation specifying details on public records and archives management such as the Regulations of the Prime Minister's Office on Records Management B.E. 2526, 2548, 2560, and 2564 (RPMORM 1983, 2005, 2017, and 2021), the Rule on Maintenance of Official Secrets 2001 (RMOS 2001), etc. (Seelakate, 2018).

Additionally, Thailand has introduced the concept of e-government and modern information technology in the administration of government agencies which led to the establishment of national policy such as Thailand 4.0 policy (Chusri, Noimanee, & Phansin, 2019). Information technologies reduce the potential for human error or manipulation, offering an auditable trail of actions and decisions. Moreover, digital platforms allow more interactive citizen engagement, where citizens can track progress, access public records, and gain insights into organisations or governments' operation. Also, the integration of information technology in the Digital Age must foster a culture of openness, empowering individuals and communities to hold entities accountable.

Therefore, this paper aims to examine existing legislation regarding records and archives management and discuss whether they are enablers and barriers for Thailand to establish transparency policies in the Digital Age. This paper also presents details of existing legislation about electronic records and archives management that may pose risks for transparency in the future.

Freedom of information and environmental conflict: an empirical study on the Italian case

Lorenzo Cicatiello (University of Naples l'Orientale)

Cristina Trey (Politecnico di Torino)

In a democratic society, access to information is fundamental to ensuring public participation and government accountability, particularly in contexts where social conflicts may arise. The construction of wind farms often generates local opposition due to environmental, economic, and landscape concerns, making it crucial that transparency tools—such as Freedom of Information (FOI) laws—function effectively in these

settings. This study empirically investigates whether municipalities involved in wind farm projects uphold transparency standards when facing potential social conflict.

In recent years, Italy has seen a surge in wind farm projects, driven by the National Recovery and Resilience Plan (NRRP), which was designed to support the country's green transition. As municipalities play a key role in permitting and implementing these projects, ensuring that they provide clear and accessible information is essential to fostering informed public debate and preventing institutional opacity.

First, we assess whether municipalities where wind farms are planned provide clear and accessible information on how to file an FOI request, examining official websites and public records. Second, we conduct a field experiment by submitting FOI requests to these municipalities (treated units) and to a control group of comparable municipalities not involved in NRRP projects. By analyzing response rates, timeliness, and quality of information provided, we evaluate whether municipalities engaged in wind energy development are more or less transparent than those not facing similar pressures.

Our findings will contribute to the broader debate on democratic accountability and environmental governance, highlighting whether FOI mechanisms serve their intended purpose when public scrutiny is most needed or whether transparency is compromised in politically sensitive situations.

(Virtual) OGP and the Challenges of Transformation: Between Ambition and Bureaucratization

Cristina Mariani (University of Brasilia (UnB), Brazil)

The Open Government Partnership (OGP) has emerged as an innovative model for promoting Open Government policies, built on principles such as transparency, citizen participation, technological innovations, and shared responsibility in the formulation of public policies. Since its creation, it has provided an important framework for fostering a deeper connection between government institutions and society, enabling greater accountability and responsiveness. However, 14 years after its establishment, the initiative is confronted with both structural and conceptual challenges that limit its transformative potential. While its transnational framework has driven important reforms and facilitated the dissemination of innovative governance practices across diverse contexts, there is growing concern that an overemphasis on expanding membership and adhering to formal requirements has led, in many cases, to the formulation of commitments that are superficial, easily implemented, and disconnected from broader structural changes. This article critically examines the progress and limitations of the OGP, focusing particularly on the National Action Plans as tools for democratic innovation. It argues that the prioritization of quantitative targets and procedural deadlines has increasingly shaped the partnership into a compliance-driven model rather than one that fosters genuine institutional transformation. By reflecting on the OGP's evolution, this article seeks to contribute to the ongoing debate about its future, offering potential pathways to enhance its role as a catalyst for democratic innovation and to prevent its transformation into a bureaucratic mechanism of open governance.

Missing Data: Patterns Left Visible. Uncovering Corruption Through Beneficial Ownership Opacity and Transparency Regulations

Irene Tello Arista (Central European University)

Beneficial ownership registers (BORs) are an example of digital anti-corruption interventions aimed at improving transparency in the public and private sectors by identifying the real owners of companies and other legal entities. Since 2015, several European countries have implemented BORs to prevent the misuse of corporate structures for financial crimes such as corruption and money laundering. However, despite their widespread adoption, the impact of this transparency policy on corruption levels and the adaptation strategies employed by corruption networks to comply with these regulations remain underexplored in academic literature.

This paper investigates the effectiveness of BORs as an anti-corruption measure by examining how country-specific factors—such as regulatory frameworks, institutional capacity, and implementation practices—affect the quality and reliability of beneficial ownership data. Additionally, the study explores the role of institutional weaknesses, such as lack of verification mechanisms and insufficient cross-border cooperation, in enabling the submission of incorrect BO data, which can undermine the policy's impact.

By analyzing the legal frameworks, BOR data quality, and conducting interviews with key stakeholders involved in the beneficial ownership data ecosystem across six European countries—Denmark, Estonia, Latvia, Slovakia, Ukraine, and the UK—this paper sheds light on the effects of BORs in combating

corruption across diverse contexts. The analysis will focus on how variations in data quality, including missing or incomplete information, can be systematically used to assess and predict corruption and financial crime risks.

Finally, the paper will address key methodological challenges in measuring the impact of BORs on corruption risk, offering insights into how public-sector interventions like transparency registers can be regulated to better achieve their intended outcomes.