

Pre-analysis plan

Who, what and how: Assessing government compliance with right-to-information laws in Chile, Peru, and Uruguay

Rafael Piñeiro Rodríguez¹
Paula Muñoz Chirinos²
Fernando Rosenblatt³
Cecilia Rossel⁴
Fabrizio Scrollini⁵
Emiliano Tealde⁶

MAY, 2021

WORK IN PROGRESS.

PLEASE DO NOT CIRCULATE WITHOUT THE AUTHORS PERMISSION.

This pre-analysis plan will be posted to the study registry of the Evidence in Governance and Politics (EGAP) network. The authors are grateful to the Fondo Clemente Estable, Agencia Nacional de Investigación e Innovación, Uruguay, project # FCE_1_2017_1_136604. In addition, Fernando Rosenblatt is grateful to the Chilean Millennium Science Initiative–Millennium Institute for Foundational Research on Data for their support and Paula Muñoz is grateful to the Vicerrectorado de Investigación at Universidad del Pacífico.

¹ Universidad Católica del Uruguay.

² Universidad del Pacífico, Peru.

³ Universidad Diego Portales, Chile and Millennium Institute for Foundational Research on Data.

⁴ Universidad Católica del Uruguay.

⁵ Iniciativa Latinoamericana de Datos Abiertos.

⁶ Universidad Católica del Uruguay.

Table of Contents

| | |
|------------------------------------|----|
| Abstract..... | 3 |
| Theory..... | 6 |
| Case selection | 10 |
| Empirical Strategy and Design..... | 13 |
| Outcome Measure..... | 16 |
| Analysis | 17 |
| References | 28 |

Abstract

This project analyzes the conditions that promote compliance with right-to-information (RTI) laws in three Latin American countries (Chile, Peru and Uruguay). We conduct a field experiment to understand how the status of the requester (*who*), the content of the request (*what*) and the way the request is presented (*how*) influences governments' response in these three countries. We test whether these three governments' responsiveness to RTI requests depends on the requester's public status as a known journalist, the political sensitivity of the request and the level of formality characterizing the request. In contexts of low compliance, bureaucrats and politicians assess reputational and political costs at the time of deciding whether or not to comply with an RTI request. The assessment of both types of cost depends on the combination of *what* information is requested, *who* requests it, and *how* the information is requested. The characteristics of the person who requests the information and how they request it mediate the final assessment of the reputational and political costs associated with the content—the “what”—of the request. Carrying out the same experiment with variations across our three countries of interest increases the external validity of our conclusions and yields a better understanding of cross-country differences.

Introduction

Right-to-information laws (RTI) have been recognized as an important tool for promoting government transparency and better governance (Blanton 2002, Ackerman and Sandoval-Ballesteros 2006, Banisar 2006). In theory, RTI laws provide citizens with more rights and enhanced opportunities for monitoring governments. In practice, however, there are at least three daunting challenges that undermine RTI principles. One principle is that information should be freely available. However, achieving this goal largely depends on governments' willingness to provide the information and the existence of institutional mechanisms set up to deliver it. The second principle is that information should be provided regardless of who the requester is. Information should be available for all. If RTI laws only work for businessmen, journalists or politicians and not for regular citizens, then, far from improving the rule of law, they may even increase inequality among citizens. The third principle is that all types of information should be available, except for that which has previously been defined as classified. If the only type of information publicly available is irrelevant to public concerns, RTI becomes useless.

A growing literature is focused on assessing whether governments respond differently to different types of requests or to different requesters (Lagunes 2009, Peisakhin and Pinto 2010, Peisakhin 2012, Michener and Rodrigues 2015, Worthy, John, and Vannoni 2017, Piñeiro and Rossel 2018, Spáč, Voda, and Zagraban 2018, Lagunes and Pocasangre 2019, Michener et al. 2019). Most of these studies focus on one particular factor—the identity of the requester, the content of the request, the way the request is formulated—but they fail to provide a theory of how these factors to-

gether shape governments' overall transparency performance and the underlying mechanisms that explain governments' behavior. The lack of theoretical development about how these three factors affect the costs that bureaucrats and politicians assess when deciding whether to comply with an RTI request yields flawed empirical results. Inconclusive empirical results obscure the interaction of these factors in bureaucrats' and politicians' assessment of the costs of not complying. In contexts of low compliance, bureaucrats and politicians assess reputational and political costs at the time of deciding whether or not to comply with an RTI request. The assessment of both types of cost depends on the combination of *what* information is requested, *who* requests it, and *how* the information is requested. The characteristics of the person who requests the information and how they request it mediate the final assessment of the reputational and political costs associated with the content—the “what”—of the request. Both the “who” and the “how” signal the social status of the requester. When the requested information is not politically sensitive, the reputational costs for not complying are higher than the political costs. Because reputational costs depend on bureaucrats' perception of the status of the requester, they determine bureaucrats' and politicians' willingness to comply. However, when the requested information is politically sensitive, bureaucrats and politicians infer that the requester has high status regardless of *who* requests the information and *how* it is requested. Thus, in these cases, *who* and *how* do not influence the probability of receiving a prompt response.

This theory regarding the assessment of the reputational and political costs of complying with an RTI request in low enforcement contexts has policy implications. In these contexts, increasing citizens' knowledge of the RTI law and of how to submit requests increases bureaucratic compliance only for non-politically sensitive issues. Therefore, increasing citizens' knowledge without increasing the enforcement of RTI

laws only partially improves compliance, i.e. for information that is not politically sensitive.

In the following pages, we present the research design of a randomized control trial (RCT) that aims to provide insights into how governments respond to RTI requests and the conditions under which they are more likely to comply with RTI laws. We carry out a field experiment to understand how the content of the request (*what*), and the status of the requester (*who and how*) influence governments' response in Chile, Peru and Uruguay. More specifically, we test whether governmental institutions responsiveness to RTI requests in these three countries depends on the requesters' public status (i.e., as a well-known journalist), the political sensitivity of the request and the level of formality with which the request is sent. Carrying out the same experiment across the three countries of interest increases the external validity of our conclusions and yields a better understanding of cross-country differences.

Theory

The implementation of RTI laws worldwide has created an opportunity to analyze the conditions under which public officials comply with RTI requests. These studies focus on the role played by three main characteristics of RTI requests to explain how bureaucrats respond: *what* information is requested, *who* requests the information, and *how* the request is formulated (Michener and Worthy 2018).

The effect of request content—what information is being sought—captures how politics or the perception of the politicization of a given issue affects the implementation of RTI laws (Ackerman and Sandoval-Ballesteros 2006, Lewis and Wood 2012). The political nature of RTI requests and the role that politicization might

play in the way governments behave under RTI regimes has been addressed by several studies (Lewis and Wood 2012, Michener and Worthy 2018). Scholars have argued that RTI requests might trigger a defensive posture among government officials because they may consider the requested information to be politically sensitive or that it may eventually become politically sensitive (Roberts 2006, Michener 2011, Michener and Worthy 2018). In this sense, not all requests have equal political significance; some of them may attract a lot of attention, triggering a defensive attitude among government officials, while others may go unnoticed (Hazell and Worthy 2010, Michener and Worthy 2018).

The effect of the requester's identity on government responsiveness under RTI regimes captures the role of the requester's social status in shaping governments' behavior. The evidence on this issue is mixed. Some studies show that requesters' who are publicly identified with an institution are more likely to receive a response than are individuals who lack a public profile (Michener et al. 2019). However, other studies have found no conclusive evidence of bureaucratic discriminatory bias against regular citizens as compared to members of wealthier groups or to those with known influence under the implementation of the RTI law (Lagunes 2009, Piñeiro and Rossel 2018, Lagunes and Pocasangre 2019).

Finally, the literature also focuses on how the form of a request affects governments' responsiveness. This refers to the institutional development of mechanisms meant to ensure that different requests are considered equally. Worthy, John, and Vannoni (2017), for example, tested whether British parishes are more responsive to formal RTI requests than to informal information requests. They found strong evidence of the importance of request formality; formal requests invoking RTI laws were more effective at eliciting responses than were informal requests. Spáč,

Voda, and Zagraban (2018) obtained similar results for the Slovakian case. They found that requests citing RTI legislation were more likely to receive a response than were other forms of information requests; this effect was greater in less populated municipalities than in bigger cities (Spáč, Voda, and Zagraban 2018). In the case of India, Peisakhin and Pinto (2010), Peisakhin (2012) also found that invoking the RTI law increased the likelihood of response. Piñeiro and Rossel (2018) obtained similar results for the case of Uruguay. They found that citizens who showed knowledge of the existence of the RTI law and invoked it when making a request were more likely to receive a response from bureaucrats. For the US, (Cuillier 2010) found that the use of a legalistic tone in the request—as opposed to using more friendly and informal language—was more effective at promoting government compliance. There is also some evidence regarding the positive effect of requesting public information through institutional platforms (Bizzo and Michener 2017, Fumega and Scrollini 2017, Michener et al. 2019). Platforms signal to bureaucrats that the requester is aware of his right to ask for public information. Institutional platforms also imply monitoring, i.e. that bureaucrats' behavior is being observed by a third party, such as an institutional platform that traces the process of the request.

In sum, there is an increasing amount of theoretical development and empirical evidence concerning how identity, content, and format—the *who*, *what* and *how* of RTI requests— may affect how governments respond to such requests (Michener and Worthy 2018). Experimental studies of these three factors have tested them separately, ignoring possible interactions. The content of the request might be mediated by the identity of the requester and by how is requested. To understand how RTI laws operate in contexts of low compliance, we need a theory that adequately connects these three factors (*what*, *who*, and *how*).

In contexts of low compliance with RTI laws, politicians and bureaucrats have more discretionary power to decide whether to answer requests for information. The reasons for non-compliance might include the lack of knowledge about RTI laws, the lack of response capacity, the lack of interest, or the fear of disclosing sensitive information. While the lack of capacity or knowledge are relatively easy to overcome with sound public policies, lack of interest and, especially, the lack of response for fear of disclosing sensitive information are more difficult to overcome. Thus, it is important to understand the underlying mechanisms that account for response behavior and to understand the degree to which non-compliance is explained by an unwillingness to disclose information.

In contexts of low enforcement, the cost that politicians and bureaucrats face for not complying is low or nonexistent. The two costs we consider are the reputational cost and the political cost of disclosing sensitive information. When the former increases, the likelihood of providing the requested information also increases. By contrast, when the latter increases, the likelihood of providing the requested information decreases. The assessment of both costs is related to officials' perceptions concerning the characteristics of the person requesting the information. When the political sensitivity of the request is low and bureaucrats or politicians infer that the individual requesting the information is a regular citizen, both reputational and political costs for not complying are low. However, when the bureaucrats infer that the requester is of high status, the reputational costs increase and so does the likelihood of providing the information. When the requested information is politically sensitive, the likelihood of receiving the requested information decreases because the government official takes into account the political costs associated with disclosing such information. As in the case of non-politically sensitive information, the status of the person requesting it matters.

Nevertheless, when the request is politically sensitive, politicians and bureaucrats naturally infer that the requester is someone with the capacity to inflict political damage. Signaling the status of the requester does not impact the bureaucrats' assessment of reputational costs, because they already infer that the requester is of high status. The mechanism that mediates between the level of political sensitivity of a request and the likelihood of obtaining a prompt response is the status of the requester and his or her capacity to inflict political and reputational costs.

How the information is requested operates as a signal for bureaucrats regarding the status of the requester. When the request includes a mention to the right to access public information or is issued in accordance with all the requirements set by the RTI law, bureaucrats infer that the requester is a high-status individual who knows his rights and can inflict reputational costs. Not complying with a formal request implies a willful act. For highly sensitive requests, bureaucrats naturally infer that the requester has high status. Thus, signals that the requester is of high status (a high status public profile or a formally issued request) do not alter the bureaucrats' or politicians' assessment of the reputational or political costs.

Our theory yields three observable implications in contexts of low compliance with RTI laws. First, requests with high political sensitivity will receive fewer responses than will those with low political sensitivity. Second, requests with low political sensitivity where the requester signals a high status will receive more prompt responses than will those that do not signal a high status. Third, for politically sensitive requests, high requester status does not change the likelihood of receiving a prompt response.

Case selection

Beyond the role played by identity, content, and format in governments' compliance with RTI requests, the literature frequently points to institutional capacity and RTI environment to explain different levels of compliance with RTI requests. Lack of resources, bureaucrats' poor training and lack of awareness of legislation (Roberts 2000), as well as legal and technical barriers influence why in some countries compliance with RTI laws is high while compliance is limited in other contexts (Piotrowski 2010, Welch 2012, Meijer 2013). For example, Scrollini (2015) shows that compliance with RTI requests tends to be higher in countries that have stronger transparency regimes, that is, stronger systems of institutions, actors and practices that regulate the flow of official information between state and society. By contrast, in contested or weak transparency regimes the conflict to release and obtain official information is more present.

In contrast to developed countries, which generally have well established RTI policies, (Darch and Underwood 2005, Hazell and Worthy 2010), most countries in Latin America are struggling to implement RTI legislation (Open Society Justice 2006, Scrollini 2015). Institutional weakness, a culture of secrecy, and the limited availability of resources to implement transparency measures explain deficiencies in Latin American countries' implementation of RTI laws (Michener 2010, Bizzo and Michener 2017, Piñeiro and Rossel 2018, Lagunes and Pocasangre 2019).

Chile, Peru and Uruguay represent three different stages of RTI regime development and strength. Chile has a relatively strong RTI regime by Latin American standards (Scrollini 2015). Its RTI law, passed in 2008 (Law 20.285), established that all public offices at all levels must provide access to public information. It also created a new autonomous institution, the Consejo para la Transparencia (Council for Transparency, CPLT), that oversees compliance with the law, resolves complaints,

issues instructions, proposes new transparency standards, trains and informs stakeholders, publishes reports on transparency, and protects personal data. Since the passage of the law, Chile has moved quickly to implement it, increasing the Council's budget, the public awareness of the law and the number of public information requests received by the public administration (CPLT 2010, 2018).

The design and implementation of the RTI law in Peru can be characterized as weak. Although Peru has a long history of efforts to regulate the right to information and was the first of the three countries in our sample to approve a law of Transparency and Access to Public Information, it exhibits the features of a highly contested regime due to its institutional weakness and difficulties in implementation. For several years, the country had no regulatory institution to guarantee the right to information. Only in January 2017, when the *Autoridad Nacional de Transparencia y Acceso a la Información Pública* (National Authority for Transparency and Access to Public Information, ANTAIP) was established, did Peru take its first steps to create an institution to regulate RTI, propose policies, monitor compliance with transparency standards and resolve queries concerning the application of the rules. However, the ANTAIP depends on the Ministry of Justice and Human Rights. This dependency severely limits its institutional autonomy and ability to enforce the law (Scrollini 2015). The implementation of the RTI law in Peru has been fragile. Few public entities provide information on how they manage RTI requests.

Uruguay has been identified as a “contested arena,” where “RTI is becoming an institution, but the limits are not yet clear” Scrollini (2015, 169). Uruguay's law of Access to Public Information (Law 18.381) was approved in October 2008 and established the *Unidad de Acceso a la Información Pública* (UAIP) as an institution under AGESIC, which depends directly on the Presidency. Uruguay's UAIP is not an

autonomous institution, and it has a minimal budget. Compliance among public institutions with UAIP's recommendations remains limited and usage of the law is relatively low and limited to particular groups, such as journalists. Also, government institutions have relatively low levels of compliance (Cainfo 2011a, b, 2013, Cainfo and Ucu 2013, 2016).

In sum, these three countries provide varying contexts in which to analyze compliance with RTI laws, in a region where compliance with this type of legislation is low. In this sense, disentangling the influences of identity, content, and format on governments' response to RTI requests helps elucidate the sources of non-compliance and can suggest ways to promote compliance in the context of relatively low compliance. Carrying out similar experiments in the three cases will yield systematic evidence and increase the external validity of our research. Although our cross-country variation is not random, it provides insight into how identity, content, and format—the *who*, *what*, and *how*—and the interactions among them operate differently in different contexts. In this case, Chile's relatively higher levels of compliance and higher capacity for enforcing the RTI law help us distinguish between different settings regarding RTI law enforcement in comparable social and economic contexts.

Empirical Strategy and Design

We will conduct a randomized field experiment which involves sending information requests to public agencies in Chile, Peru and Uruguay that are required by law to respond to public information requests. Our main hypotheses are the following:

Hypotheses

Hypothesis 1: Bureaucrats are more likely to respond to non-politically sensitive requests (operationalized as referring to institutional characteristics) than to politically sensitive requests (operationalized as referring to the performance of the public agency).

Hypothesis 2: Bureaucrats are more likely to respond to requests from high-status citizens (operationalized as well-known journalists or citizens who invoke the RTI law) than to requests from regular citizens, when the requests are for non-politically sensitive information.

Hypothesis 3: Bureaucrats are not more likely to respond to requests from high-status citizens than to requests from regular citizens, when the requests are for politically sensitive information.

Hypothesis 4: Formal RTI requests (operationalized as requests that invoke the RTI law) are more likely to receive a prompt response than are requests that do not invoke the law.

Experimental setup

In order to test these hypotheses, we will contact in each of the three countries institutions subject to RTI mandates. The number and distribution of these institutions by type in each country is presented in the following table:

Table 1. Institutions included in each country

| | CHI | PER | UY |
|-----------------------|----------------|----------------------------------------------------------------|----------------------------------------------------------------|
| Included institutions | Municipalities | National government institutions and provincial municipalities | National government institutions and provincial municipalities |

Blocking Randomization [To be completed]

Treatments

We will employ a factorial design that provides, following Imai, Tingley, and Yamamoto (2013) and Acharya, Blackwell, and Sen (2018), an identification of the effect of mediators and the average treatment effect. We will operationalize the first factor (treatment), political sensitivity of the requested information, as referring either to institutional performance (high sensitivity) or to institutional characteristics (low sensitivity). We will operationalize the second factor (mediator), *status*, as being a request from either a well-known journalist (high status), a person who signals knowledge of the right to exercise the law (high status), or a regular person. There are thus six possible combinations of the treatments and mediators (see Table 1). Each institution in the sample will be randomly selected to receive one of the six possible combinations of request.⁷

⁷ In Peru and Uruguay, we will include all three factors. In the case of Chile, we cannot test the role of request formality because all requests are submitted via the governments' transparency portal and invocation of the RTI law is implied.

Table 2. Factorial Design

| | | Requester Status | | |
|-------------|----------------------|------------------|------------|-----------------|
| | | Regular Citizen | Journalist | Invokes the Law |
| Sensitivity | High (performance) | a | b | c |
| | Low (characteristic) | d | e | f |

The following table presents the detailed requests that will be sent in each country:

Table 3 here (detail of the emails that will be sent)

To send the requests, we will follow the guidance that the legislation in each country establishes for citizens who want to request information (see Table 1 in the appendix).

Outcome Measure

The outcome is the percentage of requests that receive responses during the period of time within which the law in each country requires governments to respond.

Table 4. RTI compliance requirements in Chile (CH), Peru (PER) and Uruguay (UY).

| | CHI | PER | UY |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compliance regulations | The institution has 20 working days from the date the request is received to either deliver or deny provision of the information. The response period may be extended by up to 10 working days when the information is hard to find. In this circumstance, the institution is required to inform the requester of the need for an extension before the first deadline occurs, as well as the basis for the extension. The information can be delivered, if authorized, to an e-mail address. | The institution has 7 working days from the date the request is received to either deliver or deny provision of the information. It may be extended by up to 5 working days. In this circumstance, the institution is required to inform the requester of the need for an extension before the first deadline occurs, as well as the basis for the extension. The information can be delivered physically or electronically. | The institution has 20 working days to accept or deny the request, with the possibility of a 20-day extension in exceptional cases. After the initial 20-day period expires, if the institution has not responded or filed for an extension, the requester has the right to access the requested information, while the institution's failure to comply is considered illegal. When the request is accepted, the requester is given access to the documents in the institution's office or given an authentic copy of the document. Additionally, the law states that this access must be free of charge. |

For each country, we will consider a request to have received a response if we receive a reply containing the requested information within the legal period set by law (see Table 4). After this legal response period concludes, all explicit refusals and nonresponses will be coded as refusals.

Unlike other similar experimental studies (White, Nathan, and Faller 2015), we will only send one request to each institution instead of sending more than one or sending a treatment and a control email. This decision is based on the possibility that receiving more than one e-mail in a short period of time could modify bureaucrats' behavior and violate the non-interference assumption (Gerber and Green 2012).

Analysis

We will estimate the average treatment effect (ATE) of the political sensitivity of a request on bureaucrats' rate of response to RTI requests, what Acharya, Blackwell, and Sen (2018) refer as the “baseline causal effect” (359). Our theory suggests that the effect of the political sensitivity of a request is mediated by the perception of the status of the requester. Thus, we will also estimate the average controlled direct effect (ACDE), an average natural-mediator effect (ANME), and the average eliminated effect (AEE). The ACDE is the effect of the politically sensitive treatment with the other factor, status (the mediator in our theory), having a fixed value. The ANME is defined by what Acharya, Blackwell, and Sen (2018) describe as “...the effect of changing the mediator to its natural value for a particular treatment value relative to some fixed baseline level of the mediator...” (365). This is a quantity of interest because it allows us to test whether our assumption about the natural mediator, under different levels of the treatment, is correct. The AEE is the difference between the ATE and the ACDE, i.e. the effect of the mediator (in our cases, status).

We have a treatment T_i (political sensitivity), where T_i takes the value 1 for highly political sensitive requests and the value 0 for politically non-sensitive requests. The mediator, M_i , is the status of the requester. It takes the value 0 when the requester invokes the RTI law and the value 1 when the requester is a journalist. We have a parallel experimental design, where subject i can be assigned to the natural mediator arm ($D_i = d^*$), where only the treatment (political sensitivity) is randomly assigned, or to one of the two manipulated mediator arms. In the first manipulated mediator arm ($D_i = d_0$), the subject i receives additional information about the status of the requester, i.e. high status is signaled by explicitly identifying the requester as a journalist ($M_i=0$). In the second manipulated mediator arm ($D_i = d_1$), the high status of the requester is signaled to subject i by invoking the RTI law in the request ($M_i=1$). In sum, as Acharya,

Blackwell, and Sen (2018) suggest, the various potential outcomes are associated with the combinations of the treatment and mediators ($Y_i(t, m, d)$).

Following Acharya, Blackwell, and Sen (2018) we assume perfect manipulation of the mediator and thus, the manipulation exclusion restriction holds. In their words: “...the experimental arm only affects the outcome through its influence on the value of the mediator.” (362). This supposes that the probability of providing a prompt response is the same if the bureaucrat assumes the requester is of high status or the requester’s status is signaled in the request. In this case, the potential outcome $Y_i(t, m) = Y_i(t, m, d)$.

We will measure the following quantities of interest (see Table 5):

1. A total effect of the political sensitivity of the request on the likelihood of receiving a prompt response, as the average treatment effect (ATE).

2. An average controlled direct effect (ACDE) of the sensitivity of the information given the value of the mediator: 1) a request from a journalist; 2) a request that invokes the law or 3) a request from a journalist that invokes the law. In each case, the ACDE is the difference in the bureaucrats’ rate of response to a request for a politically sensitive information compared to their rate of response to a request for politically non-sensitive information, when similar additional information is provided (whether the requester is a journalist, whether the request invokes the RTI law). The ACDE can be interpreted as the portion of the ATE that is not associated with the mediator (VanderWeele 2014).

3. An average natural-mediator effect (ANME), which is the difference between the political sensitivity treatment at a fixed level (high or low) and the mediator in the assumed natural value for the level of the treatment. In our design, we assume that the natural mediator value for the politically sensitive treatment condition is a high-status requester. Therefore, if our assumption is correct, the ANME, which is the difference between a request for politically sensitive information without further information about

the status of the requester and that same treatment but with information about the high status of the requester, should be zero.

4. An average eliminated effect (AEE), which is the difference between the ATE and the ACDE. This quantity will allow us to estimate the effect of each mediator.

Table 5.

| Treatment (T_i) | | | |
|----------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------|
| Mediator arm (D_i) | Low Sensitivity (t_a) | High Sensitivity (t_b) | Difference |
| Inferred-status arm (d^*) | $\mathbb{E}[Y_i(\text{lowsens.})]$ | $\mathbb{E}[Y_i(\text{highsens.})]$ | $ATE(\text{lowsens.}, \text{highsens.})$ |
| Manipulated-status arm (journalist and invoke) (d_0) | $\mathbb{E}[Y_i(\text{lowsens.}, \text{highstatus})]$ | $\mathbb{E}[Y_i(\text{highsens.}, \text{highstatus})]$ | $ACDE(\text{lowsens.}, \text{highsens.}, \text{highstatus})$ |
| Manipulated-status arm (journalist) (d_0) | $\mathbb{E}[Y_i(\text{lowsens.}, \text{journalist})]$ | $\mathbb{E}[Y_i(\text{highsens.}, \text{journalist})]$ | $ACDE(\text{lowsens.}, \text{highsens.}, \text{journalist})$ |
| Manipulated-status arm (invoke the law) (d_0) | $\mathbb{E}[Y_i(\text{lowsens.}, \text{invoke})]$ | $\mathbb{E}[Y_i(\text{highsens.}, \text{invoke})]$ | $ACDE(\text{lowsens.}, \text{highsens.}, \text{invoke})$ |

| | | | |
|----------------------------------------------|--------------------------------------------|---------------------------------------------|---------------------------------------------------------------|
| Difference status (journalist and invoke) | $ANME(\text{lowsens.}, \text{highstatus})$ | $ANME(\text{highsens.}, \text{highstatus})$ | $\Delta(\text{lowsens.}, \text{highsens}, \text{highstatus})$ |
| Difference journalist | $ANME(\text{lowsens.}, \text{journalist})$ | $ANME(\text{highsens.}, \text{journalist})$ | $\Delta(\text{lowsens.}, \text{highsens}, \text{journalist})$ |
| Difference invoke | $ANME(\text{lowsens.}, \text{invoke})$ | $ANME(\text{highsens.}, \text{invoke})$ | $\Delta(\text{lowsens.}, \text{highsens}, \text{invoke})$ |

Estimation

The baseline econometric specification is the following:

$$Y_{idt} = \beta_0 + \beta_1 D_{1i} + \beta_2 D_{2i} + \beta_3 T_i + \beta_4 D_{1i} T_i + \beta_5 D_{2i} T_i + \epsilon_{idt}$$

where Y_{idt} is the value of the outcome variable for the observation i under the treatment t and the arm d . The variable D_{1i} takes the value 1 when the observation belongs to the journalist arm, and 0 otherwise; the variable D_{2i} takes the value 1 when the observation belongs to the invoke the law arm, and 0 otherwise. The variable T_{it} indicates whether the observation is treated or not. It takes the value one for those observations that request highly sensitive information, and 0 otherwise. The term ϵ_{idt} is the error term.

By design of the experiment, it is ensured that the error term is not correlated neither with the treatment, T_i , nor with the arm, D_{di} : $\text{Cov}(D_{di}, \epsilon_{idt}) = 0$ and $\text{Cov}(D_{di} * T_{it}, \epsilon_{idt}) = 0$, for $d=1,2$. The parameter β_0 represents the expected value of the outcome variable for observations under the natural arm that requested non-sensitive information.⁸ The ANME, when non-sensitive information is requested, is represented by β_1 when we compare the natural arm with the journalist arm, and by β_2 when the comparison is between the natural arm and the invoke

⁸ We are assuming that the expectation of the error term equals zero. This assumption is unlikely to hold in our setting, as it implies that the Conditional Expectation Function (CEF) of the outcome variable depends only on the status of the person and sensitivity of the information. However, the estimates of ATE, ACDE, ANME and Eliminated Effect are not affected by relaxing this restriction, as long as the assignment of the treatment and the arm remain random. We maintain the assumption for the sake of simplicity

the law arm. The coefficients β_3 represents the ATE, whereas the coefficient β_4 represents the AEE for the journalist arm and, finally, β_5 represents the AEE for the invoke the law arm. The following table is helpful to visualize the relation between the coefficients estimated and the effects of interest.

| Treatment (T_i) | | | |
|---------------------------------------------------|---------------------------|-----------------------------------------|---------------------|
| Mediator arm (D_i) | Low Sensitivity (t_a) | High Sensitivity (t_b) | Difference |
| Inferred-status arm (d^*) | β_0 | $\beta_0 + \beta_3$ | β_3 |
| Manipulated-status arm (journalist) (d_0) | $\beta_0 + \beta_1$ | $\beta_0 + \beta_1 + \beta_3 + \beta_4$ | $\beta_3 + \beta_4$ |
| Manipulated-status arm (invoke the law) (d_0) | $\beta_0 + \beta_2$ | $\beta_0 + \beta_2 + \beta_3 + \beta_5$ | $\beta_3 + \beta_5$ |
| Difference journalist | β_1 | $\beta_1 + \beta_4$ | β_4 |
| Difference invoke | β_2 | $\beta_2 + \beta_5$ | β_5 |

The specification of the equation above allows to assess whether the journalist and the invoke the law arm have different effects. This assessment is at the cost of a lower statistical power, as we are splitting the status arm into two. We estimate also the following equation:

$$Y_{itd} = \alpha_0 + \alpha_1 S_i + \alpha_2 T_i + \alpha_3 S_i T_i + v_{itd}$$

where S is a dummy variable that represents the status of the observation. It takes the value 1 for observations that belong either to the journalist or to the invoke the law arm, and 0 to the observations belonging to the natural mediator arm. The following table shows the relation between the estimated coefficients and the effects of interest.

| Treatment (T_i) | | | |
|--------------------------------------------------------------------|---------------------------|---------------------------------------------|-----------------------|
| Mediator arm (D_i) | Low Sensitivity (t_a) | High Sensitivity (t_b) | Difference |
| Inferred-status arm (d^*) | α_0 | $\alpha_0 + \alpha_2$ | α_2 |
| Manipulated- status arm (journalist and invoke) (d_0) | $\alpha_0 + \alpha_1$ | $\alpha_0 + \alpha_1 + \alpha_2 + \alpha_3$ | $\alpha_2 + \alpha_3$ |
| Difference (journalist and invoke) | α_1 | $\alpha_0 + \alpha_3$ | α_3 |

Power Calculation

In this section we analyze the statistical power of the experiment. We perform the estimates for a 5% significance level and an 80% statistical power.

Our sample is composed by 362 observations in Chile, 692 observations in Perú, and 443 observations in Uruguay. Whereas in Perú and Uruguay we can distinguish between the natural, the journalist and the invoke the law arms, in Chile is only possible to distinguish between the natural and an informed-citizen arm.

As we have two treatments for each of the three countries, we have six groups for Perú and Uruguay and four for Chile. Thus, for a ttest of means differences between two groups, for Perú and Uruguay we have up to a third of their respective samples, and for Chile, up to half of its sample. Thus the minimum relevant number of observations to analyze the statistical power is 144 and the maximum is 230.

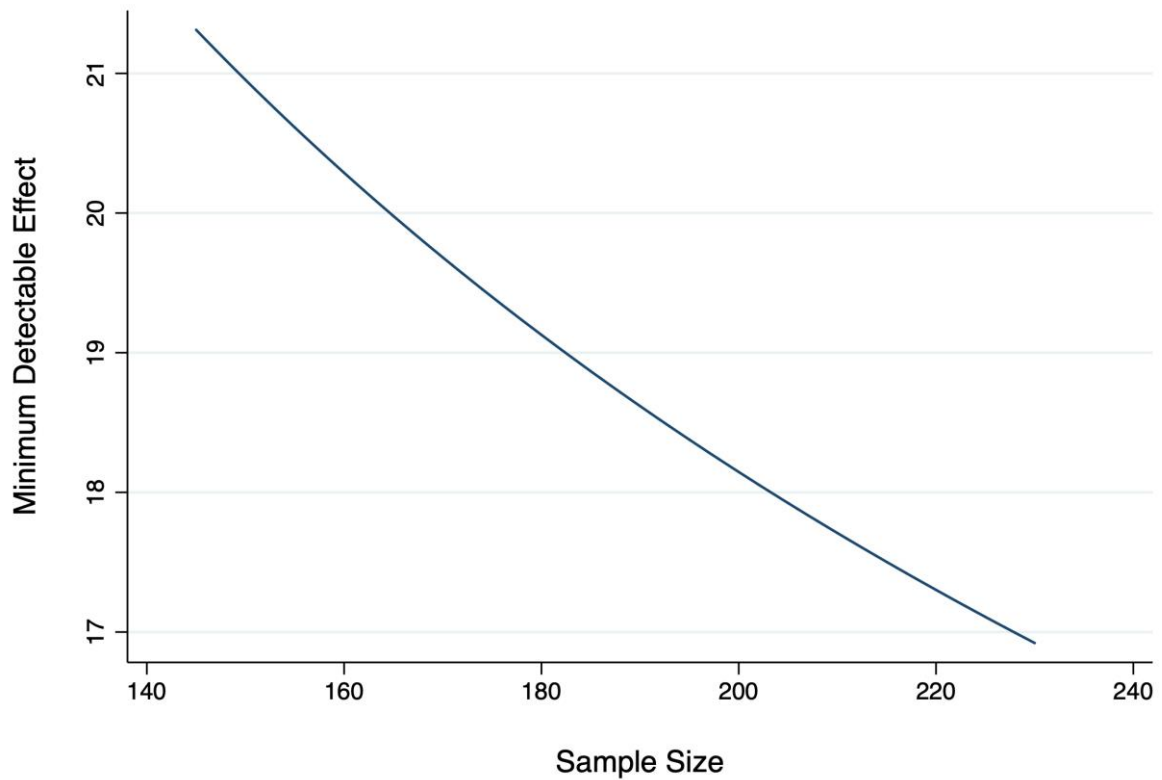


Figure X: Sample Size per Test

Note: Sample size refers to the total sample size for a ttest of means differences. Every computation assumes that the two groups are of the same size.

We can see that the minimum detectable effect ranges from between approximately 21% and 17%. Based on Piñeiro and Rossel (2018) we assume that, on average, 30% of the observations will respond the request under no treatment. Thus, we will be able to capture a statistically significant change in responses of at least 6.3 to 3.5 percentage points.

References

- Acharya, Avidit, Matthew Blackwell, and Maya Sen. 2018. "Analyzing causal mechanisms in survey experiments." *Political Analysis* 26 (4):357-378.
- Ackerman, John., and Irma. Sandoval-Ballesteros. 2006. "The global explosion of freedom of information laws." *Administrative Law Review* 85 (1):85.
- Banisar, David. 2006. *Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws*: Privacy international.
- Bizzo, Eduardo, and Gregory Michener. 2017. "Forest Governance without Transparency? Evaluating state efforts to reduce deforestation in the Brazilian Amazon: Transparency of Brazil's Amazonian States." *Environmental Policy and Governance* 27 (6):560. doi: 10.1002/eet.1776.
- Blanton, Thomas. 2002. "The World's Right to Know." *Foreign Policy* 131:50.
- Cainfo. 2011a. *Venciendo la Cultura del Secreto Obstáculos para la implementación de políticas y normas de acceso a la información pública en siete países de América Latina*. Montevideo.
- Cainfo. 2011b. *Venciendo la Cultura del Secreto: Obstáculos en la implementación de políticas y normas de acceso a la información pública en siete países de América Latina*. Montevideo: CAINFO - Open Society Foundations.
- Cainfo. 2013. ""Información reservada. Los archivos clasificados del Estado"."
- Cainfo, and Ucu. 2013. ""Índice de Transparencia Activa en Línea ITAel: El Estado uruguayo y la provisión de información pública a través de la web."
- Cainfo, and Ucu. 2016. "Índice de Transparencia Activa en Línea 2015."
- CPLT. 2010. "Memoria Institucional Consejo Para La Transparencia 2009."
- CPLT. 2018. "Memoria Institucional Consejo Para La Transparencia 2017."
- Cuillier, David. 2010. "Honey v. Vinegar: Testing Compliance-Gaining Theories in the Context of Freedom of Information Laws." *Communication Law and Policy* 15 (3):203. doi: 10.1080/10811680.2010.489842.
- Darch, Colin., and Peter. Underwood. 2005. ""Freedom of information legislation, state compliance and the discourse of knowledge: The South African experience"." *The International Information & Library Review* (37):77.
- Fumega, Silvana, and Fabrizio Scrollini. 2017. "You've got mail: The role of digital civil society platforms in improving Right to Information regimes." the 18th Annual International Conference, 2017.
- Gerber, Alan S., and Donald P. Green. 2012. *Field experiments: design, analysis, and interpretation*. New York: W. W. Norton.
- Hazell, Robert, and Ben Worthy. 2010. "Assessing the Performance of Freedom of Information." *Government Information Quarterly* 27 (4):352-359.
- Imai, Kosuke, Dustin Tingley, and Teppei Yamamoto. 2013. "Experimental Designs for Identifying Causal Mechanisms." *Journal of the Royal Statistical Society: Series A (Statistics in Society)* 176 (1):5-51.
- Lagunes, P. 2009. ""Irregular Transparency? An Experiment Involving Mexico's Freedom of Information Law"."

- Lagunes, Paul, and Oscar Pocasangre. 2019. "Dynamic transparency: An audit of Mexico's Freedom of Information Act." *Public Administration* 97 (1):162. doi: 10.1111/padm.12553.
- Lewis, David., and Abby. Wood. 2012. "The Paradox of Agency Responsiveness: A Federal FOIA Experiment." 2012 annual meeting of the Midwest Political Science Association, April 12-15, Chicago, IL, Chicago, IL, 2012.
- Meijer, Albert. 2013. "Understanding the Complex Dynamics of Transparency." *Public Administration Review* 73 (3):429. doi: 10.1111/puar.12032.
- Michener, G., and B. Worthy. 2018. "The Information-Gathering Matrix: A Framework for Conceptualizing the Use of Freedom of Information Laws." *Administration & Society* 50 (4):476. doi: 10.1177/0095399715590825.
- Michener, Gregory. 2010. "The Surrender of Secrecy: Explaining the Emergence of Strong Access to Information Laws in Latin America." School of University of Texas at Austin.
- Michener, Gregory, and Karina Rodrigues. 2015. "'Who Wants to Know?' Assessing Discrimination in Transparency and Freedom of Information Regimes."
- Michener, Gregory, Rafael B. Velasco, Evelyn Contreras, and Karina F. Rodrigues. 2019. "Googling the requester: Identity-questing and discrimination in public service provision." *Governance*. doi: 10.1111/gove.12416.
- Michener, Gregory. 2011. "'FOI Laws Around the World'." *Journal of Democracy* 2:145.
- Open Society Justice, Initiative. 2006. *Transparency and Silence: A Survey of Access to Information Laws and Practices in 14 Countries*: Central European University Press.
- Peisakhin, Leonid. 2012. "Transparency and Corruption: Evidence from India." *The Journal of Law and Economics* 55 (1):129. doi: 10.1086/663727.
- Peisakhin, Leonid, and Paul Pinto. 2010. "Is transparency an effective anti-corruption strategy? Evidence from a field experiment in India: Transparency and corruption." *Regulation & Governance* 4 (3):261. doi: 10.1111/j.1748-5991.2010.01081.x.
- Piñeiro, R., and Cecilia Rossel. 2018. "A field experiment on bureaucratic discretionary bias under FOI laws." *Government Information Quarterly* 35 (3):418. doi: 10.1016/j.giq.2018.06.001.
- Piotrowski, S. J. 2010. *Governmental transparency and secrecy: Linking literature and contemporary debate*. Lanham, MD: Lexington Books.
- Roberts, Alasdair. 2000. "'Less Government, More Secrecy: Reinvention and the Weakening of Freedom of Information Law'." *Public Administration Review* 60 (4).
- Roberts, Alasdair. 2006. *Blacked Out: Government Secrecy in the Information Age*. Cambridge: Cambridge University Press.
- Scrollini, Fabrizio. 2015. "Right to information arenas: exploring the right to information in Chile, New Zealand and Uruguay." The London School of Economics and Political Science (LSE).
- Spáč, Peter, Petr Voda, and Jozef Zagraban. 2018. "Does the freedom of information law increase transparency at the local level? Evidence from a field experiment." *Government Information Quarterly* 35 (3):408. doi: 10.1016/j.giq.2018.05.003.
- VanderWeele, Tyler J. 2014. "A unification of mediation and interaction: a four-way decomposition." *Epidemiology (Cambridge, Mass.)* 25 (5):749.
- Welch, Eric W. 2012. "The relationship between transparent and participative government: A study of local governments in the United States." *International Review of Administrative Sciences* 78 (1):93. doi: 10.1177/0020852312437982.

- White, Ariel R., Noah L. Nathan, and Julie K. Faller. 2015. "What Do I Need to Vote? Bureaucratic Discretion and Discrimination by Local Election Officials." *American Political Science Review* 109 (1):129. doi: 10.1017/s0003055414000562.
- Worthy, Ben, Peter John, and Matia Vannoni. 2017. "Transparency at the Parish Pump: A Field Experiment to Measure the Effectiveness of Freedom of Information Requests in England." *Journal of Public Administration Research and Theory* 27 (3):485. doi: 10.1093/jopart/muw063.

Appendix

Table 1. Summary of Procedures to Request Information in Chile, Peru and Uruguay

| | CHI | PER | UY |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conditions to send requests | Requests can be made by any person, physical or legal. Requesters have the right to receive the information requested, without needing to explain the reasons why they want to obtain that information. Requesters are simply required to provide contact information. | Requests can be made by any person, physical or legal. Requesters have the right to receive the information requested, without needing to explain the reasons why they want to obtain that information. Requesters are required to provide and ID, address, means of communication, detail of the requested information, and the mode in which he/she prefers the information to be delivered | Requests can be made by any person, physical or legal. Requesters have the right to receive the information requested, without needing to explain the reasons why they want to obtain that information. Requesters are required to provide and ID, address, means of communication, detail of the requested information, and the mode in which he/she prefers the information to be delivered |
| Channels available | Via platform (https://www.portal-transparencia.cl/PortalPdT/) | In person, by e-mail | In person, by e-mail or via platform (the latter only for institutions included) |