

Note on the Application of the RTI Rating Methodology

The RTI Rating is a system for assessing the strength of the legal framework for guaranteeing the right to information in a given country. It is limited to measuring the legal framework, and does not measure quality of implementation.

In some cases, countries with relatively weak laws may nonetheless be very open, due to positive implementation efforts, while even relatively strong laws cannot ensure openness if they are not implemented properly. Regardless of these outlying cases, over time a strong access to information law can contribute to advancing openness and help those using it to defend and promote the right of access to information.

At the heart of the methodology for applying the RTI Rating are 61 Indicators. For each Indicator, countries earn points within a set range of scores (in most cases 0-2), depending on how well the legal framework delivers the Indicator, for a possible total of 150 points.

The Indicators are drawn from a wide range of international standards on the right to information, as well as comparative study of numerous right to information laws from around the world. A draft set of Indicators was honed in two ways. First, CLD and AIE conducted a pilot application of the draft Indicators on a number of countries from around the world, adapting them to address any problems that arose. Second, an [Advisory Council](#) of renowned experts on the right to information provided detailed advice to CLD and AIE on the development of the Indicators.

The Indicators are grouped into seven main categories, as follows:

Section	Max Points
1. Right of Access	6
2. Scope	30
3. Requesting Procedures	30
4. Exceptions and Refusals	30
5. Appeals	30
6. Sanctions and Protections	8
7. Promotional Measures	16
Total score	150

Each of the four central elements of a right to information system – Scope, Requesting Procedures, Exceptions, and Refusals and Appeals – are given an equal

weighting of 30 points, while the other three elements have been allocated fewer points. In this way, the Indicators give appropriate weight to the different legal mechanisms needed to ensure respect for the right of access to information in practice.

The Indicators do not cover proactive publication, even though this is widely agreed to be a key element of a strong right to information regime. There are several reasons for this, including the fact that proactive publication requirements are in many countries spread across a wide range of laws, so that this issue would be very difficult to assess consistently without even more extensive research. Also, in many countries, assessing even implementation of the legal rules on proactive disclosure is not very relevant, because current "open data" initiatives are taking proactive publication far beyond the minimum requirements set out in the law; this is also now being promoted by the [Open Government Partnership](#), launched on 20 September 2011.

The methodology also includes a detailed set of scoring rules, which indicate how points are allocated under each Indicator. This ensures that the allocation of points is consistent across different countries. The original assessments were done by researchers at CLD and AIE, with each researcher conducting blind comparative assessments on countries done by other researchers, to ensure standardisation of approach. At that point, the assessments were based primarily on the main right to information law, as well as the constitution and, as appropriate, subordinate and supporting legislation. To check these assessments, and to be sure to take the wider legal context into account, local legal experts were asked to review and comment on the original assessments, and these comments were then integrated into the scoring.

We believe that the methodology for applying the RTI Rating is robust and that the scoring is, overall, accurate. At the same time, some caveats are warranted. First, we note that we were not able to obtain a local expert to review our original assessment in all countries (where this is the case, it is indicated in the introductory paragraph to the scoring for the country). Second, we became aware during the exercise that there were some points which external reviewers treated differently. We believe we were able to resolve most of these, but it is possible that some divergences remain. Third, in many cases we were working from translated versions of laws (in addition to English, we reviewed some original laws in French, German, Italian, Portuguese, and Spanish), and we cannot vouchsafe for the quality of the translations in all cases. Finally, some inherent differences between countries – for example between unitary and federal States regarding scope – meant that we had to allocate points differently depending on those differences.

We welcome feedback on our assessments and we will consider changing the scoring for a country where an appropriate case for this is made. In doing so, we will preserve the strict standardisation of interpretation based on the precise instructions in our scoring rules.

Despite these caveats, we believe that the RTI Rating assessments give an accurate picture. While this is not a perfectly scientific exercise – so that strong conclusions cannot be drawn from minor differences in score – it does give a good indication of the strength of national legal frameworks for the right to information. Any future corrections that may be needed are unlikely to result in major divergences from our current scoring, so that conclusions about the overall quality of the law remain accurate.

Overall, the RTI Rating is a stringent assessment, measured against the highest international standards. While the top scoring countries – Serbia with 135 points, closely followed by India and Slovenia with 130 points – show that high scores are possible, only 20 out of 89 countries scored more than 100 points. Of the remainder, many fell nearer to the midway point of 75 out of a possible total of 150 points; in total 37 countries scored less than this median, performing poorly compared with other countries.

One of the most interesting results of the RTI Rating is to compare countries' performance against that of other countries, rather than against the possible total. Thus, it is more relevant to note that a country that scored 75 points was a median performer, than to say it only scored one-half of the total points.

It is also useful to look at the way a country performed in each category of the Indicators relative to the others. This will provide an indication of the areas of strength and weakness in the national law.