INCREASING PEOPLE'S ACCESS TO PROCUREMENT INFORMATION THROUGH THE FOI PROGRAM:

Assessing Bottlenecks, Identifying Gaps, and Foreseeing Opportunities

1. Project Background and Description

The Government of the Philippines operationalized people's access to information through Executive Order (EO) Number 2 signed by the President in July 2016. While covering only the executive branch of the government, it allowed different users, currently numbering 4,157 (as of December 17 2018 statistics), access to key government information, managed through a program team housed under the Presidential Communications Operations Office (PCOO). The Freedom of Information (FOI) mandate was recently cascaded to local government units when the Department of Interior and Local Government (DILG), together with PCOO, issued a Joint Memorandum Circular in 2018, encouraging local government units to enact local FOI ordinances.

While significant efforts have been made by the FOI Project Management Office (FOI-PMO) to make citizens aware of the existence of the FOI EO and exact compliance of agencies, only very few has used the measure just yet to seek for information (as indicated in the above number of portal users), and very few of the agencies have been actively responding to information despite including FOI compliance a requirement for agencies to be eligible to received performance-based bonus. As of December 2018, only 34% of a total of 939 covered agencies submitted data inventories, 49% submitted FOI manuals indicating operationalization of the EO at the agency level, while 33% submitted FOI summary reports indicating the number of requests received and responded to. It must be noted, however, that the large bulk of non-compliance are local water districts constituting 55% of the total number of covered agencies.

Among national government agencies, 100% were able to comply with the preparation of FOI manuals, 75% were able to submit data inventories, and 72% have submitted FOI summary reports. The Philippine Statistics Authority topped as the agency with the most number of requests, followed by key service delivery agencies like the Department of Health (2nd place), the Department of Public Works and Highways (5th place), and the Department of Education (7th place). Others on the list are the Department of Transportation (3rd place), Department of Budget and Management (4th place), and the DILG (6th place). Interestingly enough,legal documents, including contracts, top the list of most requested information in 2018. Statistics data/research data ranked second,

The Philippine government launched an open data portal in 2013, but the initiative has stagnated since 2017. Previously available contracting data can no longer be found in the portal, albeit this lacked contract details. Currently, the only recourse for researchers and journalists to access data is to invoke the FOI mechanism. To ascertain how this mechanism can be maximized in order to answer key questions of public contracting data users regarding contracts, especially in a context where the current administration is intensifying investments in infrastructure through the Build-Build-Build imperative is important.

2. Research Questions

The questions that this research would like to ask are the following:

a. What are the barriers that make the provision of contracting data difficult to FOI requesters?
b. What are the gaps in data management systems and agency processes that hinder the provision of contracting data to potential users?
c. What opportunities are available in terms of hastening people's access to contracting data using the FOI mechanism?

3. Research Methodology

Sample agencies

To allow depth and breadth in exploring the answers to the research questions, we propose to include 3 national agencies in the sample. We used four criteria to select the agencies and these are as follows:

a. The agency must be one of the top 10 agencies in terms of number of FOI requests received.
b. It must be an agency that delivers direct services to people
c. The agency must be one of the top 10 spenders of the whole of government
d. The agency must have a functioning FOI request and response system

Based on this criteria, the following agencies are selected:

1. Department of Health (DoH)
2. Department of Public Works and Highways (DPWH)
3. Department of Transportation (DoTr)

Methods

The choice of research approach and subsequently research method is basically shaped by the research aim(s) and associated research question(s) (Neuman, 2006). The research will employ a qualitative approach using a case study method, which is suitable because the nature of the study requires inclusion of the context in which the study takes place and an in-depth understanding of the phenomenon to be observed (Yin, 2009). Furthermore, several qualitative data collection techniques will be utilized, including: data journey modelling, an in-depth semi-structured interview, group interview/focus group discussion (FGD), and document/archival analysis (project documentation, report, website, among others).

a. Data journey modelling will be conducted to understand internal flow of contracting information as well as related data management systems
b. In-depth interview: A semi-structured questionnaire will be used to gather data from selected participants - (1) from **key officials involved in implementing the FOI** and (2) **data suppliers** (i.e.units within the agency that supply the data) to answer RQ1 and RQ2. Participants will be identified together with PCOO. Individual (one-on-one) interview employed in the multiple case study allows for a detailed examination of individual's (i.e. Participant) opinion about the phenomenon under study (Kvale, 1996).
c. Focus Group Discussion: In this study, focus group discussion/group interview will be used to gather data from the **other stakeholders within the agency.** The strength of the group interview lies on the fact that there is a human tendency to discuss issues and ideas in groups (Morgan & Krueger, 1993). Sometimes, opinions about a variety of issues are generally determined not by individual information gathering, but through communication with others (Albrecht et al., 1993). For practical reason, the FGD also offers time and logistical benefits in terms of collecting data considering the time limitation for this study.
d. Document/archival analysis: In addition to the semi-structured and group interviews, this study utilizes document analysis as a secondary source of information. The secondary source serves a data triangulation purpose to corroborate and augment evidence obtained from the interviews to answer the above four (4) research questions.

In the analysis stage, the data would be analysed according themes emerging from transcripts of interview as well as from the other methods employed. The focus of data analysis is to discover regularities and patterns within the empirical data with an established rigour to answer the research question (Miles & Huberman, 1994). Depending on the objectives and availability of the data, the content analysis and sentiment analysis can be used during document and archival analysis phase.

4. Deliverables

The following are the outputs of this research process:

a. A research report that contains an executive summary and detailed findings discussing the answers to the research questions
b. A research tool (questionnaire, assessment tool) that PCOO can use and implement to assess and gauge FOI implementation in FOI covered agencies and use as a basis for supporting implementation in these agencies
c. A set of recommendations regarding how government can effectively share data with less transaction costs and at the same time ensure that people get access to the required information
d. A set of recommendations that civil society can act on in terms of enhancing public access to open contracting data

5. Timeline

Activities	May 2019	Jun - Aug 2019	Sep– Nov 2019	Dec – Jan 2019	Jan 2020
Design of research instrument	■				
Training of PCOO team for fieldwork	■				
Research fieldwork – test run – DPWH	■				
Revision of instruments	■				
Finalisation of tools	■				
DOH Assessment		■			
DOTR Assessment		■			
Assessment Tool Roll-out			■		
Research Analysis				■	
Research Finalisation and Publication					■