



PART 2

A COMMUNITY ACTION TOOLKIT: A ROADMAP FOR USING ENVIRONMENTAL RIGHTS TO FIGHT POLLUTION

Finding Evidence through Research:

Collecting and Analyzing Needed Information



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Authors

Elizabeth Moses
Carole Excell

Coauthored and implemented by

INDONESIA: Rikah Fari, Dyah Paramita, and Margaretha Quina (ICEL);
Mujtaba Hamdi (MediaLink); Ode Rakhman (WALHI)

THAILAND: Somrudee Nicro and Wannipa Soda (TEI); Suthi Atchasai
(Eastern People's Network)

MONGOLIA: H. Baigalmaa and B. Enkhtsetseg (CHRD); Erdenechimeg
Dashdorj, Oyuna Jukov, Badamragchaa Purevdorj (Open Society Forum);
Bayarmaa Byambasuren (PKL); Dolgormaa Lodoisambuu (NEHC); and
Tserenjav Demberel (Transparency Foundation); Saruul Tovuusuren
(Publish What You Pay [PWYP] Mongolia)

JAMAICA: Danielle Andrade (JET) and Michael Schwartz (WRC)

MOROCCO: Abderrafi Samir (AESVT); Said Chakri, Abderrahim Kssiri
(AMCDD); Abdelaziz Janati, Oulhaj Mohammed (OPEMH)

TUNISIA: Samia Zayani (Dynamique l'Eau); Sonia Abdelhak, Sihem
Benabdallah, Latifa Bousselmi, Hela Hassairi, and Thouraya Mellah (La
Recherche en Action [REACT])

Layout

Billie Kanfer
billiekk13@gmail.com

ACKNOWLEDGMENTS

We are incredibly grateful to the Open Society Foundations for funding the development of this toolkit. We are pleased to acknowledge our institutional strategic partners, who provide core funding to WRI: Netherlands Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, and Swedish International Development Cooperation Agency.

This toolkit would not be possible without the support of The Access Initiative (TAI) and other partner organizations that used and reviewed the toolkit. This includes the Thailand Environment Institute (TEI), Eastern People's Network Thailand, Open Society Forum (Ulaanbaatar, Mongolia), Patrons of Khuvsgul Lake (PKL), Nature Environment and Health Center (NEHC), Center for Human Rights and Development (CHRD), International Transparency Foundation (TF), Wahana Lingkungan Hidup Indonesia (Indonesian Forum for Environment, WALHI) / Friends of the Earth Indonesia, Tifa Foundation, Indonesian Center for Environmental Law (ICEL), MediaLink, Jamaica Environment Trust (JET), Windsor Research Center (WRC), Alliance Marocaine pour le Climat et le Développement Durable (Moroccan Alliance for Climate and Sustainable Development, AMCDD), Association des Enseignants des Sciences de la Vie et de la Terre (Association of Teachers of Life and Earth Sciences, AESVT), Observatoire de Protection de l'Environnement et des Monuments Historiques (Observatory for the Protection of the Environment and Historic Monuments, OPEMH), La Recherche en Action (Research in Action, REACT), Water Dynamic Organization, and Article 19. We would also like to thank our reviewers: Ratchada Arpornsilp, David Boyd, Kathleen Buckingham, Jonathan Fox, Robin King, Saad Filali Meknassi, Constance Nalegach, Uttara Narayan, Lily Odarno, Ugo Taddei, Stefanie Tye, Peter Veit, and Jesse Worker. Chen Shen provided critical support researching and developing the solid waste indicators used in this toolkit. Joseph Foti helped develop the air and water indicators.



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MODULE

4

Assessing Proactive Disclosure: Law versus Practice

Highlights

WHAT:

Evaluating the amount and quality of proactively disclosed information through indicator-based policy research or a website review.

WHY:

Documenting the gap between the information whose public release is required and the information actually released provides important evidence that can be used to both document compliance with legal requirements and support pollution accountability campaigns in their demands that more information be provided to local communities.

WHEN:

Research on proactive disclosure should be completed after a more comprehensive legal assessment, as outlined in Module 3. Input from the community needs assessment will also be helpful.

WHO:

We strongly recommend that partners with legal or policy analysis expertise conduct both the legal assessment and the proactive disclosure evaluation.

HOW:

- Decide which research method best fits with your overall project goals and objectives.
- If using an indicator-based approach,
 - assemble relevant laws and review articles or clauses that outline the proactive disclosure requirements;
 - choose the indicator spreadsheet that best matches the primary focus of your pollution concerns (air, water, or solid waste);
 - review indicators and look for public websites, gazettes, or other publicly available documents that contain the indicator information or data; and
 - record answers on an Excel spreadsheet or an online data collection and analysis template.
- If reviewing websites,
 - select key government portals, specific ministry websites, and/or company websites for review;
 - discuss the type of information you are interested in investigating and modify the website review template as needed; and
 - review websites for specific types of information and answer the indicator questions provided.
- Write up findings, share with other stakeholders, and highlight key insights.

INTRODUCTION

Collecting, organizing, and presenting information is critical to effective advocacy. Information will help you justify needed policy improvements, deepen your understanding of pollution prevention, and develop credible recommendations for change. But getting information requires research. Whether this includes reviewing existing reports and policy documents, conducting surveys or interviews with local community members, or using citizen science to collect pollution-level data, research provides you with the necessary information to persuade policy and private sector decision-makers to address your pollution concerns. Part 2 of this toolkit presents different options for collecting and analyzing pollution policy and data information in your advocacy.

- Module 4 will guide you through a process to evaluate the quality and quantity of publicly available government information.
- Module 5 outlines how to use your right to information to collect government data and information through formal requests.
- Module 6 discusses ways to support local community members' ability to collect information through requests and citizen science techniques, as well as the communities' understanding and use of technical data and policy information collected.

Additional information on how to analyze participation and advocacy forums and

use collected information in your advocacy is presented in Module 7, “Strengthening Participation: Identifying and Using the Right Forums to Address Pollution,” and Module 8, “Bringing It All Together: Using Accountability and Advocacy to Tackle Pollution.” Module 2, “Understanding Community Needs, Concerns, and Interests,” has additional information about helping local community members.

As delineated in Module 3, “Conducting a Legal Assessment of Environmental Rights to Address Pollution,” understanding your right to information means understanding your right to proactively disclosed environmental information. This module will help partners understand which information is required to be publicly disclosed under the law and evaluate if this information is actually available. It will also help partners understand the quality of the available information.

Evaluating the amount and quality of proactively disclosed information can be a powerful tool for advocacy (Darbishire 2010). Previous STRIPE projects have documented that local, facility-specific documents wanted by local community members, like environmental impact assessments (EIAs) or water quality monitoring reports, are typically not provided proactively despite legal requirements to do so (Excell and Moses 2017). This lack of access creates many obstacles for community members and civil society groups. It keeps local people in the dark about the level of pollution and potential impacts in their community and limits their ability to

contribute to policy and technical solutions that address their concerns.

Even in countries where proactive disclosure will not be an obvious or easily accessible source of information, documenting the gap is an important advocacy and engagement strategy. Especially when used in conjunction with the identified needs of local communities (as documented in Module 2), it provides targeted evidence to support demands for expanded access to information and ensures that local community members have the knowledge needed for effective participation. The recommendations you offer for fixing the gap between requirements and practice can provide governments with a specific set of actions to address local community concerns. For example, instead of demanding that the government “clean our river,” you can tell officials, “Enforce the water pollution discharge permit of company A. It is releasing x percent of pollutant y , but its permit only allows it to release z percent.”

In past STRIPE projects, civil society partners conducted the proactive disclosure evaluation. But you should consider how to involve local community members in the investigation. Don’t automatically assume that no one in the local area has the technical and policy expertise or interest to be part of the investigation team. Community residents with access to a computer can also help review websites for needed information. The community needs assessment results, as well as ongoing community engagement, should help identify the men and

women with the interest and skills necessary to be part of this process. Project leaders should ask community members and not wait for them to volunteer.

This toolkit provides two options for evaluating proactive disclosure: a comprehensive and detailed indicator-based policy review and analysis and a shorter, more limited review of website-based, proactively disclosed information and data. Both methods allow partners to evaluate the amount and quality of information proactively disclosed. An online tracking template to record and analyze results is also available on WRI’s website for both methods.

TWO OPTIONS FOR THE EVALUATION

- 1 Evaluating proactive disclosure requires reviewing and evaluating laws and regulations and technical pollution control information. We strongly recommend that partners with expertise in legal or policy analysis conduct both the legal assessment and the proactive disclosure evaluation, as their experience reading and analyzing laws and regulations will help them know where to look and how to assess the documents’ importance to meeting campaign objectives.
- 2 The choice of which method your team will use depends on your broader STRIPE goals and objectives, resources, and time available. Table 1 outlines the advantages and disadvantages of each method.

Table 1 | Pros and Cons of Each Evaluation Method

APPROACH	PROS	CONS
Indicator-based method	Results in comprehensive analysis of transparency and pollution control framework	Requires legal background to understand and interpret laws
	Provides a stronger comparison of law versus practice and advocacy evidence	More time-consuming, and tracking is more complicated and detailed
Website-based method	Requires less time and legal expertise	Only provides a snapshot of proactive disclosure in practice
	Can be more easily used to evaluate a combination of air, water, and land-based pollution concerns	Doesn't allow for comparison with legal requirements, thus minimizing advocacy entry points

TRACKING CHANGES OVER TIME

The research used in previous STRIPE projects provided a snapshot of the current status of proactively disclosed information because it was conducted at a single time. If you have more time and resources, a richer picture of transparency can be created by including multiple comparisons over time. This includes comparing your current review to

- historical data and key administration milestones, such as passage of new laws, changes in administration or ministries, or key national political events; or
- research conducted annually or biennially.

This more robust research method will not only help you gain perspective on changes in local, regional, and national administrations but can

also be used as an indirect measurement of your project's impact. For example, you can measure an increase in the amount of proactively discussed information available in practice after conducting a campaign.

PROACTIVE DISCLOSURE INDICATOR-BASED EVALUATION

Your legal assessment should have helped you identify the relevant laws and regulations with respect to transparency, participation, and accountability in pollution control. The indicator-based evaluation of proactive disclosure requires researchers to review the articles or clauses within these laws and outline proactive disclosure requirements (see tips in Box 1). The indicators provided in the Module 4 annex follow the pollution control regulatory framework typically used by governments to control air, water, or land-based or solid waste

pollution outlined in the “Understanding Pollution Control” subsection of this toolkit's background document. They allow researchers to record the degree to which information is disclosed as required under the laws. In the case of solid waste management, additional indicators on the closing of existing dumps and landfills are also provided.

For each indicator researchers identify if the question covers a regulatory requirement, if that requirement is required to be proactively disclosed, and if so, if it can in fact be found. More detailed instructions and the specific indicators are provided in Module 4 Annex A.



BOX 1

Tips for Conducting an Indicator-Based Evaluation

- Pay attention to exceptions and definition of public bodies when reviewing the laws and regulations.
- When considering advocacy using proactively disclosed documents, researchers should review the substance of what is disclosed to ensure it is of high quality (for example, whether an environmental impact assessment statement provides an objective view of a project's impact) as well as what substantive information is not available about a facility or the quality of the environment.

An online *proactive disclosure data collection and analysis template*, structured as an online questionnaire form, can be created to collect and analyze the indicator results. For every indicator found to be relevant to the country's pollution control regulatory system, toolkit users can answer the template questions on the form about proactive disclosure. With these types of forms, answers are automatically provided on a spreadsheet, which can then be used for analysis. A sample data collection template is provided on the WRI website.

In addition to recording the indicator results, the sample template includes questions about the quality of the proactively disclosed information, including the comprehensiveness of pollution data available, their accessibility and cost, whether they are up to date, and the form in which the information is provided. This is crucial information. For example, if information is only made available online or is out of date, it is likely not very accessible to local communities. Box 2 presents findings from the proactive disclosure analysis in Indonesia, Mongolia, and Thailand.

PROACTIVE DISCLOSURE WEBSITE-BASED REVIEW OF ENVIRONMENTAL INFORMATION AND DATA

If a thorough review of laws and regulations is not possible, you can conduct a review of government websites and evaluate the environmental information and data proactively provided as well as the quality of the information. While this exercise will not

result in a comprehensive evaluation of proactive disclosure practices, it does provide a good snapshot of the scope and quality of online information provided by government authorities. Of course, this evaluation methodology isn't ideal when internet access to websites is difficult. But it can still be used in advocacy as an illustrative example of the lack of or incomplete access to environmental information and whether websites contain the local, facility-specific data wanted by civil society and local communities. Box 3 provides an example for the STRIPE project in Morocco and Tunisia.

This should be based on the project's overarching goals and strategies. The legal assessment will have helped identify the relevant public bodies to be considered, and the community needs assessment should help identify the type of information and data desired by local communities.

You should modify the indicators used to evaluate website information based on their priorities. This can include eliminating some of the categories or narrowing the investigation to specific documents or regional or sector-specific information. As with the indicator-based analysis, an online proactive disclosure website review template can be completed to collect and analyze the results, structured as an online questionnaire form. A sample template with indicators for investigating government ministry, company, and governmental portal websites has been created. For each of these types of websites, a list of environmental information can be checked for availability.



BOX 2

Findings in Indonesia, Mongolia, and Thailand

The proactive disclosure analysis in STRIPE projects in Indonesia, Mongolia, and Thailand identified numerous gaps. Two examples are provided below.

The availability of proactively disclosed public health information was limited in all three countries. All of the STRIPE community members expressed concern about drinking water and potential negative health impacts associated with the pollution contaminating their water supplies, but no information about the community water systems and ways to avoid risks from contaminated water was provided proactively.

The information proactively available on data portals and websites did not meet the demand of communities for localized information. In Indonesia, for example, researchers found little local information available through the Ministry of Environment's official website. The website was not centralized or easily searchable, and much of the information was incomplete.

This information was used to demand that government institutions take action to protect the environment and public health.

Source: Excell and Moses (2017).



BOX 3

Illustrative Results from Morocco and Tunisia

As part of a scoping study completed in 2016, WRI compared two Ministry of Environment websites and found limited environmental information available at that time.



Completely available and up to date



Partially available but outdated



Not available

MINISTRY OF ENVIRONMENT WEBSITE REVIEW		
TYPE OF ENVIRONMENTAL INFORMATION	MOROCCO	TUNISIA
Primary laws and regulations		
List of information		
Environmental management planning documents		
Summary environmental statistics or reports		
Monitoring reports		
Data portals, registers, and/or databases		
Detailed budget		
Environmental impact assessment documents		
Geographic information system maps		
Concessions and permits		
Compliance and enforcement		
List of infractions by individual company	N/A	
Court case information	N/A	

Indicators for ease of accessibility and usability are also included. For each type of information, the questions on the form will prompt the researcher to determine the degree of availability and timeliness. The sample template is provided in the Module 4 Annex B.

HOW TO USE COLLECTED INFORMATION

Regardless of which methodology is used, you will have gained critical information about what air, water, and solid waste management information is proactively disclosed. These insights can help you strengthen and shape advocacy and support local community engagement around pollution, but only if you make a plan for how to use the collected information. This can include documenting compliance with transparency requirements in laws and regulations as well as using the collected information in advocacy materials.

More information on helping communities collect, understand, and use environmental information is provided in Module 6.

DOCUMENTING COMPLIANCE WITH LAW

Identifying the gap between the information required to be proactively disclosed and the information actually available is an important engagement tool with government officials. The gap provides a concrete implementation problem they can address. Your research can identify clues to the structural barriers, such as poor information management systems or poor allocation of human and financial resources. These challenges are critical opportunities to speak with government officials and offer concrete entry points for expanding access to information relevant to local community concerns about pollution.

USING THE COLLECTED DATA IN ADVOCACY

Working with local communities and carrying out a community needs assessment should result in a clear understanding of the information wanted by local communities and the barriers they have faced in attempting to address their concerns. This community needs-based information can be compared with the proactively disclosed information, or lack thereof, to get a sense of how well the government is meeting the needs of local men and women and addressing pollution impacts. The expansion of publicly available, locally relevant information can become a key advocacy demand. The research results provide key evidence to justify this demand.

HOW DO YOU ASSESS WHAT POLLUTION INFORMATION THE GOVERNMENT RELEASES?

The quality of information found to be proactively disclosed can be evaluated using questions regarding the comprehensiveness of pollution data available, their accessibility and cost, whether they are up to date, and the type and form in which the information is provided. These questions are included in the sample template and provided below. Other independent sources of information about disclosure from universities or private research centers can also be collected and compared against the data collected.



- **COMPREHENSIVENESS:** Is all the information or data referred to in the indicator available?
 - *Is the information or data set referenced complete?* For example, is the data for the period you are investigating available for the entire period or just a fraction of the time?
- **ACCESSIBILITY:** Is finding the required information on the official website easy and convenient? Is finding and obtaining the information at the agency’s public offices easy and convenient?
 - *Is it accessible?* For example, can you easily download the data from the website or find the information at the agency?
- **COST:** Is the information available free of cost or there is a charge or fee?
 - *Is it publicly available and free of charge?* For example, can the data be purchased from the department or in person? Are they free of charge?
- **TIMELINESS:** How frequently is the information updated?
 - *Is it up to date?* For example, is the website operational and updated frequently or does it have out-of-date information?
- **USABILITY:** Is the information understandable to the general public?
 - Is the information understandable? For example, how technical are the data?
 - Is it in the local language?
 - **TYPE:** How is the information held or presented?
 - What type of information is available? For example, map, report, or contract.
 - **FORM:** How is the information or data presented/available?
 - Is it in digital form?
 - Is it machine readable? For example, in a spreadsheet not a PDF.
 - Is it openly licensed? That is, is anyone free to use, reuse, and redistribute it—subject, at most, to the requirement to attribute or share?
- A comparison of the legal requirements for environmental disclosure, including requirements for EIAs, monitoring reports, audits, and so on, in comparison to actual practice
- Constraints or problems in using the current laws to access environmental information
- Sufficiency of provisions on proactive disclosure in right to information (RTI) and sectoral laws
- The types of information proactively disclosed and general quality of the proactively disclosed information, including how well it addresses the needs of communities
- Recommendations for changes or improvement in the current regulatory framework governing pollution control
- Recommendations for reform of the law as well as implementation of laws to promote increased environmental disclosure

SUMMARY OF FINDINGS

Once the data are collected you will be able to create a comprehensive assessment of the environmental information proactive disclosure regime in your country, including the following elements:

- A description of the legal basis for disclosure of information to the public



MODULE 4 ANNEX A: PROACTIVE DISCLOSURE INDICATOR-BASED EVALUATION

This annex includes detailed indicators on air, water, and solid waste pollution as well as more guidance on evaluating the quality of proactively disclosed information. The indicators assess the quantity and quality of pollution information in law and practice and provide important clues about the level of open government and access to environmental information. You should work together as a team to determine which set of indicators best match the community's concerns with respect to air, water, or land pollution and create a plan and timeline for the research.

AIR, WATER, AND SOLID WASTE (LAND) INDICATORS

Tables 2, 3, and 4 provide indicators to evaluate the proactive disclosure of air quality and air pollution information, water quality and water pollution information, and solid waste management and pollution information. Definitions of key pollution control terms are found in the background document of this toolkit (see Glossary and "Understanding Pollution Control"). For each indicator, the table provides guidance that should help you complete the form. This includes

- if the indicator is referring to information or data to help researchers find proactively disclosed results (for the distinction between data and information, see Table 5);
- the pollution control stage being investigated, which helps identify patterns in the type of information more or less likely to be disclosed publicly; and
- a hint as to the type of document likely to contain the indicator result and where it could be found.

Here are the steps to take in filling out the indicators:

- **REGULATORY REQUIREMENT UNDER LAW (YES/NO):** Determine whether this indicator discusses a pollution parameter, process, or document requirement included in your country's law or regulation and answer yes or no.
- **PUBLICATION REQUIRED BY NATIONAL LAW (YES/NO):** Determine whether national law or regulation requires this information to be published proactively or publicly and answer yes or no.

- **AVAILABLE PROACTIVELY:** For indicators that represent a requirement under the law, indicate if this information is available publicly in practice and answer yes or no. You must review websites, gazettes, and other publicly available documents to ascertain whether the information actually exists and is published even where there is no legal mandate to collect the data or information.
- **NAME OF PUBLIC AUTHORITY:** Write the name of the government ministry responsible for the regulation or law being evaluated for this indicator.
- **HYPERLINK:** If relevant, provide a hyperlink to the specific law, regulation, document, or website where the proactively available data or information can be found. This column can also be used if the information was found in a different source, such as a gazette or published report.

A proactive disclosure data collection and analysis template can be created to help researchers record and analyze their indicator results. Table 2 outlines the air quality indicators, while Table 3 includes water quality proactive disclosure indicators. Table 4 provides solid waste indicators. A sample online Google form is available on the WRI website. Researchers can use this form to answer indicator questions and automatically create a spreadsheet with the answers for easy analysis, including location of proactively discussed information and quality of information found.





Table 2 | Air Quality Proactive Disclosure Indicators

Indicator Number	Indicator	Information/Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
1	Are air quality standards for ambient air proactively available?	Information	Standard setting	Law and/or regulation that governs ambient air quality					
2	Are air quality standards for mobile sources of air pollution (e.g., ship, truck, train, nonroad diesel) proactively available?	Information	Standard setting	Law and/or regulation that governs air quality standards for mobile sources					
3	Are air quality standards for air pollution released by industry proactively available?	Information	Standard setting	Law and/or regulation that governs air quality standards for stationary sources					
4	Are the laws that regulate (ambient, stationary, mobile) air pollution proactively available?	Information	Standard setting	Law and/or regulation that governs discharge of (ambient, stack, source) pollution					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
5	Is information on pollutants that are released into the environment by different industries made proactively available (e.g., Pollutant Release and Transfer Register [PRTR] or website)?	Information	Standard setting	Link to website with information; law and/or regulation that governs creation and maintenance of PRTR or other form of public information on pollutants released					
6	Are the names of industries with permits or licenses to discharge air pollution into the airshed made proactively available for the targeted area?	Data	Environmental impact assessments (EIAs)	Summary report (including names of industries with pollution discharge permits) on ambient air quality or facilities that release air pollution					
7	Are the locations of industries with permits to discharge into airsheds proactively disclosed?	Information	EIAs	Summary report with map or description or addresses of industries with pollution discharge permits					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

					LAW		PRACTICE		
Indicator Number	Indicator	Information/Data	Regulatory Phase	Name of Document or Data That Should Be Public	Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
8	Are EIAs for industries discharging into the air proactively available?	Information	EIAs	EIAs for industries near communities					
9	Is information about the air quality near targeted communities made proactively available?	Information	EIAs	EIAs for industries near communities; copy of mitigation plan and reports indicating implementation of this plan for the facility					
10	Are data on the initial level of pollutants measured from an airshed available? (NO _x , SO _x , O ₃)	Data	EIAs	EIAs for industries near communities					
11	Are data on the initial level of pollutant measured and available? (particles)	Data	EIAs	EIAs for industries near communities					
12	Are official responses by governments to comments by the public on permits or licenses made publicly available?	Information	Permitting	Copy of law or regulation or permit or license that includes permitting approval process; copy of mitigation plan and reports indicating implementation of this plan for the facility					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/ Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
13	Are data on the initial level of other pollutants measured and available? (odor, smoke, toxic chemicals, volatile organic compounds [VOCs])	Data	EIAs	EIAs for industries near communities					
14	Are data on the initial level of pollutants measured and available? (persistent bioaccumulative toxic chemicals)	Data	EIAs	EIAs for industries near communities					
15	Are studies that assess potential health impacts and links between contaminants and air quality for the particular communities proactively available?	Information	EIAs	Health impact assessments conducted in the target area; EIAs for industries near communities; copy of mitigation plan and reports indicating implementation of this plan for the facility					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

					LAW		PRACTICE		
Indicator Number	Indicator	Information/Data	Regulatory Phase	Name of Document or Data That Should Be Public	Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
16	Are permits or licenses to conduct industrial activities that discharge air pollution publicly available?	Information	Permitting	Copy of specific company permits or licenses governing industrial activity in target area; copy of mitigation plan and reports indicating implementation of this plan for the facilities in target area					
17	Are permits or licenses to discharge air pollution from facilities and mobile sources publicly available?	Information	Permitting	Copy of specific permit or license governing air quality discharges for facilities and/or mobile sources in target area					
18	Are comments about the grant or refusal of permits or licenses made publicly available?	Information	Permitting	Copy of law or regulation or permit or license that includes permitting approval process					
19	Is information about the renewal of a permit or license for a facility to discharge pollution made publicly available?	Information	Permitting	Copy of facility permit; any document with criteria for renewal of permit to discharge pollutants into the air					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/ Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
20	Is the frequency of testing ambient air quality by the government or facility documented and made proactively available?	Information	Monitoring	Ambient air quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
21	Are ongoing measurements (e.g., monthly or quarterly) of level of pollutants (NO _x , SO _x , O ₃) made proactively available after issuing a new permit to a facility?	Data	Monitoring	Ambient air quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
22	Are ongoing measurements (e.g., monthly or quarterly) of air quality (particles) made publicly available after issuing a permit?	Data	Monitoring	Ambient air quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/ Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
23	Are ongoing measurements (e.g., monthly or quarterly) made publicly available (odor, smoke, toxics, VOCs, ash) after issuing a permit?	Data	Monitoring	Ambient air quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
24	Are ongoing (e.g., monthly or quarterly) measurements of releases of persistent bioaccumulative toxic chemicals made publicly available after issuing a permit?	Data	Monitoring	Facility monitoring report; ambient air quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
25	Is ongoing monitoring of accidental releases and unplanned releases included in monitoring data?	Information	Monitoring	Ambient air quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/ Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
26	Are monitoring reports of annual releases made proactively available?	Information	Monitoring	Facility monitoring report; monitoring reports that list pollutants released per parameter and amounts per tonnage per year for monitoring period (monthly, quarterly, annually, etc.)					
27	Is information on the frequency of government inspections of the facility available?	Information	Monitoring	Copy of any document detailing the number of inspections of facility carried out for one year; copy of inspection report for facilities					
28	When pollution control authority is delegated, is the actual document that provides this delegation made proactively available?	Information	Enforcement and review	Copy of law or regulation governing pollution control authority's mandate					
29	When pollution control authority is delegated, is the process for revoking authority for failure to achieve pollution reduction made publicly available?	Information	Enforcement and review	Copy of law or regulation governing pollution control authority's mandate; copy of law that includes power and/or process for revoking authority					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/ Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
30	Is any information proactively disclosed about ways to avoid risks from poor air quality (e.g., advice on exposure to pollution)?	Information	Enforcement and review	Documents or websites with public health information for target area; copy of facility-specific mitigation plan and reports indicating implementation of this plan for facilities in target area					
31	Is any information proactively disclosed about significant risks from toxic chemicals discharged into the air and its impact on health?	Information	Enforcement and review	Documents or websites with public health information for target area; copy of facility-specific mitigation plan and reports indicating implementation of this plan for facilities in target area					
32	Are phone numbers or lists of persons in government the public can contact about concerns about pollution proactively available?	Information	Enforcement and review	Documents or websites with contact information for relevant public officials					
33	Is the ownership information of facilities made publicly available?	Information	Enforcement and review	Copy of permit or license to operate for specific facilities; document or website with names and addresses of specific companies operating in target area					



Table 2 | Air Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information/ Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
34	Is information on environmental compliance actions to be taken against facilities, such as audits or monitoring actions, made publicly available?	Information	Enforcement and review	Compliance record reports indicating number of breaches of the permits per year for specific facilities					
35	Are enforcement or administrative notices sent to facilities made publicly available, including violations of standards?	Information	Enforcement and review	Copy of enforcement notification letter that indicates that enforcement action was taken by the government against facilities for violation or breach of legal rules, permits, or standards, regarding pollution discharges within the last year					
36	Does the government make proactively available a list of infractions or breaches by individual and company?	Information	Enforcement and review	List of violations by x facility over y years before the courts and actions taken, including penalties					
37	Is contact information for official inspection or enforcement hotlines proactively available?	Information	Enforcement and review	Copy of any document detailing the number of inspections of facility carried out for one year; reports or websites with relevant public official contact information					



Table 3 | Water Quality Proactive Disclosure Indicators

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
1	Are drinking water standards for well water or underground water proactively available?	Information	Standard setting	Law and/or regulation that governs drinking water standards for wells and underground water sources					
2	Are drinking water standards for river water proactively available?	Information	Standard setting	Law and/or regulation that governs drinking water standards for river water sources					
3	Are drinking water standards for tap water proactively available?	Information	Standard setting	Law and/or regulation that governs drinking water standards for tap water					
4	Are standards for waste water discharges from industry/waste water facilities made public?	Information	Standard setting	Law and/or regulation that governs classification or uses of water; drinking water standards for wells and underground water sources					
5	Are ambient standards for uses of water proactively available (washing, recreation, bathing, fishing)?	Information	Standard setting	Law and/or regulation that includes drinking water standards for wells and underground water sources					
6	Are the laws that regulate the granting of water pollution permits/licenses proactively available?	Information	Standard setting	Law and/or regulation that governs release of water pollutants					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
7	Is the process for establishment of the standards of the river, such as a carrying capacity study, made proactively available?	Information	Standard setting	Law and/or regulation that creates and/or defines grade or class of river					
8	Is information on pollutants released to the environment by different industries (e.g., pollutant release and transfer register [PRTR] or website) made proactively available?	Information	Standard setting	Link to website with information; law and/or regulation that governs creation and maintenance of PRTR or other form of public information on pollutants released					
9	Are the names of industries with permits or licenses to discharge pollutants into water bodies proactively available for each river system?	Data	Standard setting	Summary report on water body or bodies that includes names of industries with pollution discharge permits					
10	Are the locations of industries with permits to discharge into water bodies proactively disclosed?	Data	Standard setting	Summary report with map or description or addresses of industries with pollution discharge permits					
11	Are environmental impact assessments (EIAs) for industries discharging into the water body proactively available?	Information	EIAs	EIAs for industries near communities					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
12	Are comments about the grant or refusal of permits made publicly available?	Information	Permitting	Copy of law or regulation or permit or license that includes permitting approval process					
13	Is information about the community's water system (how it gets its water) proactively available?	Information	EIAs	EIAs for industries near communities; copy of mitigation plan and reports indicating implementation of this plan for the facility					
14	Are studies that assess potential health impacts and links between contaminants and water consumption for the particular communities proactively available?	Information	EIAs	Health impact assessments conducted in the target area; EIAs for industries near communities; copy of mitigation plan and reports indicating implementation of this plan for the facility					
15	Are data proactively available on the measurement of basic conditions of the river (temperature, pH, dissolved oxygen, conductivity, oxidation reduction potential, and turbidity)?	Data	EIAs	EIAs for industries near communities					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
16	Is any data proactively available on drinking water quality from tap water, underground water, or river water (alkalinity, color, pH, taste/odor, dissolved metals, salts, metalloids, microorganisms, dissolved organics, radon, heavy metals, pharmaceuticals, hormones)?	Data	EIAs	EIAs for industries near communities					
17	Are permits or licenses to conduct industrial activities, including mining, publicly available?	Information	Permitting	Copy of specific company permits or licenses governing industrial activity in target area; copy of mitigation plan and reports indicating implementation of this plan for the facilities in target area					
18	Are permits or licenses to discharge waste from facilities publicly available?	Information	Permitting	Copy of specific permit or license governing water discharges for facilities in target area					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
19	Are official responses to comments on permits made publicly available?	Information	Permitting	Copy of law or regulation or permit or license that includes permitting approval process; copy of mitigation plan and reports indicating implementation of this plan for the facility					
20	Is information about the renewal of a permit or license to discharge pollution made publicly available?	Information	Permitting	Copy of facility permit; any document with criteria of renewal of permit to discharge pollutants into the water					
21	Is the frequency of testing of water bodies, water supply systems, and well water documented and proactively available?	Information	Monitoring	Ambient water quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
22	Are ongoing measurements (e.g., monthly or quarterly) of water conditions (temperature, pH, dissolved oxygen, conductivity, oxidation reduction potential, turbidity) made proactively available after issuing a new permit?	Data	Monitoring	Ambient water quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
23	Are ongoing measurements (e.g., monthly or quarterly) of drinking water quality (alkalinity, color, pH, taste or odor, dissolved metals, salts, metalloids, microorganisms, dissolved organics, radon, heavy metals, pharmaceuticals, hormones) made publicly available after issuing a permit?	Data	Monitoring	Ambient water quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
24	Are ongoing measurements (e.g., monthly or quarterly) of baseline environmental quality (salinity, dissolved oxygen, BOD, COD, nitrates, phosphates, pesticides) made publicly available after issuing a permit?	Data	Monitoring	Ambient water quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
25	Are ongoing measurements (e.g., monthly or quarterly) of releases, transfer, and storage of toxic pollutants and those that bioaccumulate made proactively available?	Data	Monitoring	Facility monitoring report; ambient water quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
26	Is ongoing monitoring of spills and unplanned releases included in monitoring data?	Information	Monitoring	Ambient water quality report for x area for y period, including location of devices, tests taken of samples, results of monitoring parameters, methods used					
27	Are monitoring reports of annual releases from each facility discharging into the water body made proactively available?	Information	Monitoring	Facility monitoring report; monitoring reports that list pollutants released per parameter and amounts per tonnage per year for monitoring period (monthly, quarterly, annually, etc.)					
28	Is information on the frequency of government inspections of the facility available?	Information	Monitoring	Copy of any document detailing the number of inspections of facility carried out for one year; copy of inspection report for facilities					
29	Is any information proactively disclosed about significant risks from pollution that is discharged into the water body and its impact on health?	Information	Enforcement and review	Documents or websites with public health information for target area; copy of facility-specific mitigation plan and reports indicating implementation of this plan for facilities in target area					
30	Are phone numbers or lists of persons in government the public can contact about concerns about pollution proactively available?	Information	Enforcement and review	Documents or websites with contact information for relevant public officials					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
31	Is a description of the process to investigate potential sources of contamination of water proactively available?	Information	Enforcement and review	Health impact assessments conducted in the target area; EIAs for industries near communities; copy of mitigation plan and reports indicating implementation of this plan for the facility; law or regulation governing water contamination health impacts					
32	Is the ownership information of facilities made publicly available?	Information	Enforcement and review	Copy of permit or license to operate for specific facilities; document or website with name and addresses of specific companies operating in target area					
33	Is information on environmental compliance actions to be taken, such as audits or monitoring actions, made publicly available?	Information	Enforcement and review	Compliance record reports indicating number of breaches of permits per year for specific facilities					
34	Are enforcement and other administrative notices made publicly available, including violations of standards?	Information	Enforcement and review	Copy of enforcement notification letter that indicates that enforcement action was taken by the government against facilities for violation or breach of legal rules, permits, or standards regarding pollution discharges within the last year					



Table 3 | Water Quality Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
35	Does the government make proactively available a list of infractions or breaches by individual and company?	Information	Enforcement and review	List of violations by <i>x</i> facility over <i>y</i> years before the courts and actions taken, including penalties					
36	Is contact information for official inspection or enforcement hotlines proactively available?	Information	Enforcement and review	Copy of any document detailing the number of inspections of facility carried out for one year; reports or websites with relevant public official contact information					



For Solid Waste Indicators Only: Indicators can be used to record information about landfills or dumps depending on which form of solid waste management you want to investigate. If you want to evaluate both, answer the indicator questions for both but record the answers for each type of solid waste management system individually. The template, as provided in Table 4, will help track answers for each set of indicators. An asterisk (*) designates an indicator that must be answered separately for dumps and landfills.

Table 4 | Solid Waste Proactive Disclosure Indicators



Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
1	Are the standards for the siting of a dump or landfill publicly available? *	Information	Standards	Law and/or regulation that governs waste management and disposal					
2	Are specific zoning standards (e.g., no landfills near areas with cultural and natural values) that control the location of landfills or dumps publicly available? *	Information	Standards	Law and/or regulation, planning laws that govern siting standards for waste disposal					
3	Are specific engineering and geological criteria (e.g., quantity of waste allowed, whether the landfill has a leachate system) for choosing the site publicly available?	Information	Standards	Law and/or regulation, standards, or guidelines that govern siting standards for waste disposal					
4	Are specific liner requirements such as permeability and thickness publicly available?	Information	Standards	Law and/or regulation, standards, or guidelines that govern siting standards for waste disposal; copy of permits					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
5	Are zoning maps and plans that provide information relating to siting requirements publicly available?	Information	Standards	Zoning map, plan					
6	Are exemptions for specific items not allowed on landfills publicly available?	Information	Standards	Law and/or regulation that governs waste management and/or prohibitions on land disposal					
7	Are source separation requirements (e.g., glass, plastics, biodegradables, paper, metals) in the waste collection process for citizens publicly available?	Information	Standards	Law and/or regulation that governs waste management and/or source separation					
8	Are source separation requirements (e.g., glass, plastics, biodegradables, paper, metals) in the waste collection process for companies publicly available?	Information	Standards	Law and/or regulation that governs waste management and/or source separation					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
9	Are requirements for siting locations near sensitive or unstable areas (e.g., prohibited or protected zones, seismic impact zones) or areas with high potential impact publicly available?	Information	Standards	Environmental impact assessments (EIAs) for establishing waste disposal facilities					
10	Are requirements for the quantity of waste allowed on the site publicly available?	Information	Standards	EIAs for establishing waste disposal facilities					
11	Are technical requirements or methods of treatment, recovery, and disposal of waste (e.g., landfill gases, water, or soil protection plan) publicly available?	Information	Standards	Copy of permits or licenses governing waste disposal in target area; copy of the mitigation plan for the facility					
12	Is the detailed design of the landfill publicly available?	Information	EIAs	EIAs for establishing waste disposal facilities; copy of implementation plan for constructing the facility					
13	Is information on the leachate system publicly available?	Information	Standards	EIAs for establishing waste disposal facilities					
14	Are EIAs for landfills proactively available?	Information	EIAs	EIAs for establishing waste disposal facilities					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
15	Are monitoring data of the initial level of ambient air pollutants (e.g., CO ₂ , CH ₄ , N ₂ O) publicly available?	Data	EIAs	EIAs for establishing waste disposal facilities					
16	Are monitoring data of the initial level of ground and surface water pollutants (pH, chloride, sulfate) publicly available?	Data	EIAs	EIAs for establishing waste disposal facilities					
17	Are monitoring data of the initial level of land pollutants (pH, chloride, sulfate) publicly available?	Data	EIAs	EIAs for establishing waste disposal facilities					
18	Are the name and address of the proponent (operator of the landfill or dump) publicly available?	Information	EIAs	EIAs for establishing waste disposal facilities					
19	Are the requirements for sharing health risks of the landfill or dump for nearby communities publicly available?	Information	EIAs	EIAs for establishing waste disposal facilities; health impact assessment conducted in nearby communities					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
20	Is the description of how to avoid, mitigate, or remedy adverse effects from contamination of water, air, and land publicly available?	Information	EIAs	EIAs for establishing waste disposal facilities; copy of the implementation plan for how to mitigate environmental risks					
21	Is the forecasted project cost or current operating cost publicly available?	Data	EIAs	EIAs for establishing waste disposal facilities					
22	Are permits of handling, transporting, and disposing of wastes in dumps or landfills publicly available? *	Information	Permitting	Law and/or regulation that governs permitting for waste disposal					
23	Are permits of air pollution discharges in dumps or landfills publicly available? *	Information	Permitting	Law and/or regulation that governs permitting for waste disposal					
24	Are permits of water pollution discharges in dumps or landfills publicly available? *	Information	Permitting	Law and/or regulation that governs permitting for waste disposal					
25	Are permits of land pollution discharges in dumps or landfills publicly available? *	Information	Permitting	Law and/or regulation that governs permitting for waste disposal					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
26	Are permits or licenses of waste disposal in dumps or landfills publicly available? *	Information	Permitting	Copy of permits or licenses governing waste disposal in target area					
27	Is information that details person or persons applying for permits publicly available?	Information	Permitting	Copy of permits or licenses governing waste disposal in target area					
28	Are comments about the grant or refusal of permits or licenses publicly available?	Information	Permitting	Law and/or regulation that governs permitting approval process					
29	Are official responses to comments on permits made publicly available?	Information	Permitting	Law and/or regulation that governs permitting approval process					
30	Is information on the renewal of a permit or license to dispose of waste publicly available?	Information	Permitting	Law and/or regulation that governs permitting approval process; copy of permits or licenses governing waste disposal					
31	Are monitoring reports of annual releases of air, water, or land pollution made proactively available?	Information	Monitoring	Facility monitoring report; monitoring reports that list pollutants released per parameter and amounts per tonnage per year for monitoring period (monthly, quarterly, annually, etc.)					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
32	Are ongoing measurement data of air conditions (e.g., CO ₂ , CH ₄ , N ₂ O) publicly available?	Data	Monitoring	Facility monitoring report documenting samples drawn, methods and results for monitoring parameter					
33	Are ongoing measurement data of groundwater conditions (e.g., pH, chloride, sulfate) publicly available?	Data	Monitoring	Facility monitoring report documenting samples drawn, methods, and results for monitoring parameter					
34	Are ongoing measurement data of surface water conditions (e.g., pH, chloride, sulfate) publicly available?	Data	Monitoring	Facility monitoring report documenting samples drawn, methods, and results for monitoring parameter					
35	Are ongoing measurement data of land conditions (e.g., heavy metals, acid, chloride, fluoride) publicly available?	Data	Monitoring	Facility monitoring report documenting samples drawn, methods, and results for monitoring parameter					
36	Are measurements or monitoring of leachate collection publicly available?	Information	Monitoring	Law and/or regulation that governs waste on landfills and/or monitoring scheme					
37	Is frequency of inspection by the government or facility publicly available?	Information	Monitoring	Government report on pollution monitoring					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
38	Is contact information for official inspection or enforcement hotlines publicly available?	Information	Monitoring	Government report on pollution monitoring					
39	Are delegation documents pertaining to a pollution control authority for landfills or dumps publicly available?	Information	Enforcement and review	Law and/or regulation that governs enforcement scheme for waste disposal					
40	Are the enforceable orders, fines, or other administrative procedures, as necessary to ensure compliance, publicly available?	Information	Enforcement and review	Law and/or regulation that governs enforcement scheme for waste disposal					
41	Is contact information for a list of persons in the government the public can contact about pollution concerns publicly available?	Information	Enforcement and review	Documents and/or official websites that include contact information for government officials					
42	Are inspection reports from the pollution control authority publicly available?	Information	Enforcement and review	Copy of inspection plan					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
43	Is ownership of the facilities publicly available?	Information	Enforcement and review	Copy of permits or licenses for the facility					
44	Is a list of infractions or breaches by individual and company publicly available?	Information	Enforcement and review	Copy of lists of violations, including description of violation and corresponding penalties					
45	Is a written closure plan for closing landfill sites publicly available?	Information	Closing of sites	Law and/or regulation that governs closure of waste disposal facilities					
46	Are technical requirements for the final coverage of the site (e.g., permeability and thickness of the cover) publicly available?	Information	Closing of sites	Law and/or regulation that governs closure of waste disposal facilities					
47	Is description of the final cover, and methods and procedures to be used to install the cover, publicly available?	Information	Closing of sites	Copy of written closure plan					
48	Are dates and deadlines for implementing the site rehabilitation plan publicly available?	Information	Closing of sites	Copy of written closure plan; copy of rehabilitation plan					



Table 4 | Solid Waste Proactive Disclosure Indicators (Cont'd)

Indicator Number	Indicator	Information or Data	Regulatory Phase	Name of Document or Data That Should Be Public	LAW		PRACTICE		
					Regulatory Requirement under Law (Yes/No)	Publication Required by National Law (Yes/No)	Available Proactively (Yes/No)	Name of Public Authority Disclosing Information	Hyperlink (If Relevant)
49	Is environmental monitoring plan for monitoring quality of groundwater and surface water, quality of air and leachate publicly available?	Information	Closing of sites	Copy of written closure plan; copy of environmental monitoring plan after closure					
50	Is emergency response plan in event of an accident, especially in case of leachate, gas emanation, fire, or landslide, publicly available?	Information	Closing of sites	Copy of written closure plan; copy of emergency response plan detailing on how to deal with accidents in the facility					



MODULE 4 ANNEX B: PROACTIVE DISCLOSURE WEBSITE REVIEW METHODOLOGY

If a comprehensive review of proactively disclosed information is beyond the scope or capacity of project leaders, you can perform a more limited review of key government websites. Specific indicators and a proactive disclosure website review template have been created to help you record results. This section provides a detailed description of the methodology and indicators used for this type of analysis.

You should work together as a team to determine which websites to review based on which ones best match the community's air, water, or land pollution concerns and then create a plan and timeline for the research.

METHOD OVERVIEW

Researcher responsibilities

- Review key government ministry portals, specific ministry websites, and company websites for specific types of information and answer indicator questions provided. Suggested websites to review for each country as well as the list of specific types of information to be investigated are provided below.
- For each website, fill out a survey answering questions on availability of information.
- Write up a summary report and share finding.

Target websites

Websites that can be reviewed include any

- overall government portals that contain environmental information,
- specific government websites such as that of the Ministry of Environment, or
- state-owned company websites.

In cases where more than one regulatory sector is housed in a single ministry, each sector should be investigated separately. For example, in examining the website of the Ministry of Energy, Mining, Water, and the Environment, search for energy, mining, water, and environment information separately. The

indicators and template allow for multiple entries. Regional or local divisions of the government or other types of research institutions should be categorized as a government ministry for the purposes of the survey and can also be included in the review. Just be sure to indicate the name of the institute and regional or local government agency when prompted in the template.

INDICATORS

Specific indicators have been developed to evaluate the disclosure quality of the government portals, ministry websites, and state-owned company websites. Researchers will evaluate and score the quantity and quality of information available. The scoring rubric, definitions, and specific indicators are provided below.

Numerical scoring of amount and quality of information available

For each type of information, the indicator questions will prompt the researcher to determine if the information is

- not available,
- partially available but outdated,
- partially available and up to date,
- completely available but outdated, or
- completely available and up to date.

Definitions

Determining the timeliness and completeness of the information available is inherently subjective, and researchers will have to use their best judgment on a case-by-case basis. However, the following definitions can help guide the answers.

- **Complete:** the core information in the specific category is disclosed in full.
- **Partial disclosure / partially available:** less than 100 percent of the indicator core category information is completely available on the website.
- **Up to date:** information is regularly updated with a clear date or information on when the information was released and/or updated. Note that some categories of information, such as laws and regulations, are not always updated on a yearly or biannual basis, while other categories, such as permits or state of the environment reports, are issued more frequently. Researchers will use their best judgment to determine the timeliness of the information available.

Researchers will also be asked to input a written description of the information category and provide the link to the available information in some cases.



Governmental portal indicators

By availability of the following information:

Government policies and treaties

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Announcements

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Publications

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Environmental statistics

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Consultations

not available,
partially available but outdated,

partially available and up to date,
completely available but outdated, or
completely available and up to date.

Search functionality

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Navigation to environmental information

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Government ministry indicators

Evaluation of availability of the following categories of environmental information:

Laws and regulations being enforced, issued, or used by the public body

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Categories of information held by the public body and list of offices or bodies that publish them

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Relevant environmental management or planning documents

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Reports like summary environmental statistics or summary states of environment that are relevant to the authority of the public body

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Ongoing monitoring reports on environmental quality

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Existence of any data portals, registers, and databases

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Detailed budget of the public body, including proposed and actual expenditures

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

EIA documents issued by public body or links to EIA documents in other ministries relevant to the regulatory authority of the public body

not available,

partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Geographical mapping of data points relevant to public body's regulatory authority (such as location of mines, protected areas, wastewater treatment facilities, or dams)

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Particulars of concessions, permits, or authorizations granted by the public body

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Interactivity and accessibility—Participation by the availability of the following information:

Information about the public body

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Information about the ability to request information

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.





Opportunities to submit comments online on specific policies or upload formal consultations

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Results of public consultations or surveys

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Decision-making information

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Contact details

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Usability—Functionality by the availability of the following information

Languages used for access

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Functioning links to documents and databases

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Downloadable documents

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Open and free data. Data are open if they are in a digital, machine-readable format for interoperation with other data and contain no restriction on use or redistribution in their licensing conditions.

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

For more information about open data requirements, see <http://sunlightfoundation.com/opendataguidelines/>.

Company indicators

By availability of the following information:

Environmental policies

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Environmental audits

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Goals and targets, including performance against targets, and actions taken

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Compliance with standards, including benchmarks

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Environmental impact assessments

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Air emissions

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Water effluent

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Spills

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Noise and odors

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Environmental spending and activities

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Wastes consisting of recycling, reduction, and reuse

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Land rehabilitation and remediation

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Environmental cost accounting

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Sustainable development reporting

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Education and training

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Litigation about environmental issues

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

Environmental and social benefits provided to communities

not available,
partially available but outdated,
partially available and up to date,
completely available but outdated, or
completely available and up to date.

SUMMARY OF FINDINGS

Once the data are collected you will be able to create an assessment of the environmental information proactively disclosed on government websites in your country, including

- the types of information proactively disclosed and general quality of the proactively disclosed information, including how well it addresses the needs of communities; and
- recommendations for changes or improvements in both the quantity and quality of website information on pollution control.



MODULE

5

Using Your Rights to Request Pollution Information

Highlights

WHAT:

Submitting information requests to public authorities as outlined by your country's right to information (RTI) law.

WHY:

Submitting requests helps you collect needed information and evaluate the how well your country's RTI law provides needed information in practice. The results can be used in advocacy campaigns.

WHEN:

RTI requests can be submitted during or after the proactive disclosure exercise is completed. If you complete the proactive disclosure assessment prior to making requests, you can ensure you are not asking for information already publicly available. Input from the community needs assessment will also help you identify information for requests.

WHO:

Project leaders can submit their own requests. They should also work with community members to help them submit and track requests.

HOW:

- Review your country's RTI legal framework to make sure you understand the requirements for submitting information requests and your rights to environmental and pollution-specific information and data.
- Work with local communities to identify the specific information they need and develop information requests. This includes identifying which public authority holds the information desired and how to submit the request.
- Submit and track information requests and responses.
- Analyze the information received and the effectiveness of the requesting process to determine how transparent or secretive the government is about pollution and its impacts.

INTRODUCTION

People need access to environmental information and data in order to participate in environmental decision-making and express their concerns about pollution. But what if the information or data that community activists need has not been made public by the government or by the facilities releasing the pollution? In these cases, citizens can submit requests to the government.

RTI requests are submitted by many people to seek accountability from government in many different fields, including the environment (Kravchenko 2009). Information request studies have documented that those using these laws are three times more likely to get information than those who seek it through other channels (Open Society Institute 2006). This type of information collection is often referred to as reactive disclosure because information is only given by a government agency in response to a request. Box 4 provides a reminder of the common terms used when describing access to environmental information.

UNDERSTANDING YOUR COUNTRY'S RIGHT TO INFORMATION FRAMEWORK

Before submitting information requests, you must understand your country's RTI framework and any related laws or regulations. The legal assessment should help you identify relevant laws. Figuring out if any civil society and/or local community partners have already made requests and the constraints or challenges they encountered will also help you prepare. This



BOX 4

Reminder of Key Terms

PROACTIVE DISCLOSURE: Information made public on the initiative of a public body (government) without a request for information being filed. Also referred to as active transparency.

REACTIVE DISCLOSURE: Information released following requests by interested parties. Also referred to as passive transparency.

ENVIRONMENTAL INFORMATION: Information about air, water, soil, land, endangered plant and animal species, energy, noise, waste, and emissions. Also includes information that has a clear link to environmental decisions or activities affecting the environment. Maps with concession boundaries, contracts, environmental or health impact assessment documents, air or water discharge permits, water or air quality monitoring reports, and compliance and enforcement action reports are just a few specific examples of the type of information relevant to pollution and the environment that is collected and held by governments.

includes any previous RTI requests submitted about the specific facilities in the community.

WOMEN AND BARRIERS TO ACCESS

The implementation of an RTI law can be undermined by discretionary bias and ultimately discriminatory behavior. In countries that do not allow the submission of anonymous requests, the lack of easy access to information

may impact women differently than men. Project leaders should pay close attention to the barriers facing women when they exercise their right to information. Entrenched traditional cultural norms and underlying structural obstacles such as illiteracy, household responsibilities, immobility, fear, and lack of awareness and capacity limit women's access to resources (Neuman 2016). These obstacles can also limit their ability to access information. This is particularly true for indigenous, smallholder, landless, or rural women in developing countries. According to studies conducted by the Carter Center in Liberia and Guatemala, most women who successfully solicited information from public agencies had political connections to or were accompanied by a man (Wiswedel 2014). Many faced restrictions or needed permission from men to leave home to collect information.

To minimize these challenges, it is important to discuss the barriers women may face when requesting information and take steps such as the following:

- Review the community needs assessment to ensure that the information needs, experience, and concerns of women community members are appropriately captured in information requests.
- Ensure that women leaders are available to help local community men and women develop information requests.
- Schedule information request community meetings when and where women can easily

attend, and have child care available if needed.

- To gain insights and share resources, reach out to and meet with women's civil society organizations to see if they have previously helped women access information.
- Pay special attention to power dynamics within the group and ensure that everyone involved has a voice throughout the entire process of requesting information.

Bias can be tested by having women or a women's organization submit a request, having men or an organization led by men submit the same request, and then comparing the rate of responses to the two groups. This type of exercise can be used to explore possible discretionary bias and ultimately discriminatory behavior exhibited by government agencies in answering RTI requests (Rodríguez and Rossel 2018).

PROCESS OF MAKING REQUESTS

In order to generate meaningful evidence for their advocacy and provide a basis for monitoring the functioning of the right to access information, it is important that requesters follow guidelines and record official responses to requests in the same way. These guidelines set out the procedure to be followed for both processes. These procedures need to be followed carefully because failure to follow the rules, such as by forgetting to meet the rules' requirements under the law, can result in requests being refused. Templates for an RTI request letter and

appeal letter are supplied in the Module 5 annex to aid in this process.

The aim of this exercise is not to get information from the government through personal connections but to test whether it can be obtained in formal ways by exercising the right to information pursuant to the constitution or law. Following standard practices strengthens the comparability of the results, and hence the final analyses and conclusions. We recommend that a single lead organization or point person be appointed to oversee the entire RTI monitoring process. You should use the following steps to submit and track information requests. Each step is summarized in Figure

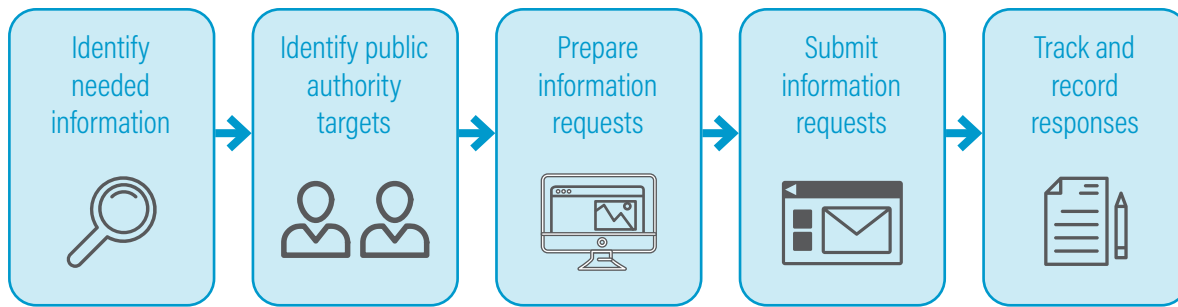
1 and discussed in more detail below. Specific advice for helping local community men and women develop, submit, and track information requests is also provided in Module 6, “Helping Local Communities Collect and Understand Environmental Information.”

STEP 1: IDENTIFY NEEDED INFORMATION

The first step in submitting information requests is to determine what information is needed. Although this seems like it should be an obvious and straightforward process, it can be difficult. Most environmental information and data collected and used by the government are very technical. Simple requests like, “What toxic chemicals have been found in the well

water I use for drinking or gardening?” may be difficult for governments to answer, as government data may not be held in this form. A request for well monitoring reports, from either the government or a company that has reported on such monitoring to the government about a facility, may be more successful. Requesters therefore need to consider what specific documents the government holds that may contain the information they are looking for and the terminology used by government regulators. Worksheets and strategies to help local community members and partners identify what specific documents they should request based on their concerns are provided in Module 6, “Helping Local Communities Collect and Use Environmental Information.” Module 3 on legal assessment and Module 4 on proactive disclosure modules should also help civil society and local community members identify the relevant information not already publicly available and can help shape the information requests submitted.

Figure 1 | Request Process



STEP 2: IDENTIFY PUBLIC AUTHORITY TARGETS

The mandate of each public authority should be the basis for determining which authority should receive each information request. You also need to identify the information officer responsible for handling requests, including that official’s street address, email, or telephone number. This information can often be found on the ministry or agency website. In the case of air pollution, for example, both the environment agency and ministry responsible for health could be sent the same request.



When a national ministry and a line agency have overlapping responsibilities, the same requests may be sent to both agencies, if needed. This decision should be made carefully, taking into consideration each public authority's main responsibilities.

STEP 3: PREPARE INFORMATION REQUESTS

LANGUAGE: Requests may be made in any language, based on the rules under your national or state RTI law; however, the request and tracking information templates in this toolkit are only available in English and must be translated.

FORM OF REQUESTS: A review of the constitution, RTI law, or regulation should provide appropriate options for submitting requests. The use of written letters enables easy documentation of requests. Some countries have online portals that can be used to send a request, and the appropriate procedures outlined in the portal should be followed.

EMAIL: Requests may be sent by email if it is commonplace to file requests in this way, but they should be written in the form of a letter. In this case, you should prepare a formal letter of request and either attach it or paste it in the body of the email, whichever is more appropriate. Be sure to include the addressee's name, address, and contact details (including email) at the top of the letter, as well as the name, position, and contact details (including email) of the person submitting it at the bottom.

POSTAL MAIL: If it is normal to file a request by postal mail, then do this. If it is normal to hand

deliver requests, then prepare two copies so that one can be stamped with the date of delivery. In this case, you may encounter problems, such as the person delivering the request not being allowed to enter the government building or to approach the desk where they would submit the request, or being refused an official stamp on the copy of the request. If, after trying politely but firmly to submit the request, they find it impossible to do so, this can be recorded as an "unable to submit" outcome on your tracking sheet.

Difference between using constitutional rights and using right to information laws

If there is only a constitutional provision providing a right to information, you must take care to determine the extent of the right and its enforceability. If you are using a RTI law, you should be aware of how to word the request as well. Under some RTI laws you can only request "documents," while under others you may request "records" or "information" or "data." Where the law provides a template, this should be used. All letters must state that this is a request for information made under the constitution or the right to information law. The letter should use the level of formality and politeness typically used in your country in communications with public authorities. A copy of all of request letters should be kept by the monitoring organization. These can be made available (as necessary) and may also be useful for advocacy purposes.



NO REASON REQUIRED FOR A REQUEST: If the law does not require that a reason be included in the request, you should not supply one. In all cases, if, when submitting a request or during a subsequent phone call, email, or letter from the public institution, you are asked the reasons for submitting the request, you should simply state, “We are carrying out research into this issue.” No other explanation need be given about why you want the information or what you plan to do with it.

REASON REQUIRED FOR THE REQUEST: If the law states that reasons must be provided for the request, you can indicate that you are carrying out research on this issue in the body of your application.

STEP 4: SUBMIT INFORMATION REQUESTS

NUMBER OF REQUESTS: Multiple requests made to the same institution should not be sent together. Making separate requests is necessary to track the outcome or response received for each request. This is especially true when more than one request is filed with the same government body, in order to ensure that the responses are not lumped together and that the requests are not perceived as vexious.

REPEATING REQUESTS: Sometimes the same request to the same agency may yield different results at different times. For example, a first attempt to make a request might result in an “unable to submit” outcome, the next a “refuse to accept” outcome, and on the third submission receipt of information. Lead organizations will need to

decide whether multiple sequenced requests are necessary.

TIMING OF REQUESTS: Consider how to space requests to agencies as not to overwhelm any one agency. Targeting multiple agencies at once is recommended with fewer requests at one time. The Open Society Institute’s (2006) Transparency and Silence found that expectations need to be realistic about the type of information which will be received and the length of time it will take to obtain the information.

STEP 5: TRACK AND RECORD RESPONSES

Tracking the outcome of information requests is critical. The data gathered can be used to document the extent to which local community members have access to the environmental information they need to effectively participate and address their pollution concerns. It also helps illustrate specific areas where poor implementation of existing RTI laws or lack of training of public officials is hampering citizens’ right to access information.

Tracking requests online makes for easier data analysis. If one is available, an online form can be adapted and used as the basis for data collection. A community RTI tracking booklet enabling local community members to track their requests for information without the use of the internet or a computer is included in the Module 6 annex.

Using an online tracking tool helps in the monitoring process. Take care to keep an

accurate record of what happens to each request, at each stage of the process, with that tool. Each result and event (or “nonevent,” such as a mute refusal or no response) should be recorded. These responses will generate data for the final analysis. Put copies of everything that happened into a hard copy file, including printed copies of all information that is in electronic format (just in case—emails and files do get deleted accidentally).

For community-based requests, civil society users can provide copies of the community tracking booklets to activists in the community who are willing to make requests under the project. The booklet found in the Module 6 annex will help community requesters track their requests and provide them to the lead organization. These should be collected and entered on an online Google tracking form.

RECORD | INITIAL RESPONSE: A requester should keep a record of any initial responses from a public authority. An initial response could be a mute refusal or a claim that the information is not held. These initial responses should be recorded, but follow up as the law requires and be guided by the response time period that the law specifies.

FOLLOW-UP: In most cases, requesters are advised to follow up as soon as they receive a response from an institution. If the institution fails to respond to a request, this is a “mute refusal.” A mute refusal applies when the period in the right to information law for responding to requests has expired. There may be no period for request



in countries with constitutional provisions. However, a court may state in this case that it should be fulfilled in a “reasonable time period.” Conduct any of the following actions if you receive no response:

- Phone the institution to see if the request is still being processed.
- Send an email to inquire about the request.
- Return in person to the institution to ask about the request.

Make a maximum of three substantive attempts (the initial request and two follow-up attempts) to get the institution to accept the request and respond to it. These attempts to resubmit should be carried out immediately. If the institution fails to accept the request or ignores it three times, that is the end of the requesting process and a final outcome of “mute refusal” should be recorded. If, however, the institution accepts the request on the second or third attempt, the response it provides then is recorded as the first substantive outcome. Attempts should still be recorded.

RECORD | CONTACT FROM THE PUBLIC INSTITUTION: In some cases, public authorities may contact a requester regarding the processing of the request. For example, they might ask how you would like to receive the information, or indicate that the information is spread across a lot of documents, the provision of which may be expensive, or indicate that processing the request will be difficult for some reason and seek ways to narrow it. There is nothing wrong with this in principle; you should make use of this opportunity and use your discretion when answering.



This will be recorded as a new request, and you should make a clear note that it was done after a referral.

Second, the original institution itself may transfer the request to the correct public body. In some countries the law requires that requests be transferred by the public body and that the requester be notified. In other cases, you may only learn that the request was transferred when you receive an answer from another institution. In either case, you should note in your record keeping that the request was transferred, and continue to process it in accordance with these guidelines.

SUCCESSFUL REQUESTS: If your request is successful, either fully or partially, you will either receive the information directly or be notified that the information is ready to be collected. A requester may also be informed to come to the institution to view the information.

RECORD | VIEWING ONLY: If you are told that you can view the information but not receive copies, you can make an appropriate appeal as outlined in your law.

RECORD | SUBMISSION FEES AND FEES FOR COPIES OF DOCUMENTS: In some countries, legislation allows public authorities to charge fees for the submission of requests. These provisions should be reviewed before making a request and the fee paid. However, where fees are only required for copying documents, researchers might want to visit the public authority and review the information before agreeing to pay the fee in total.

RECORD | REQUEST TRANSFERRED OR REFERRED: Sometimes requests are filed with the wrong institution or part of the information is held by another institution and the original authority takes steps to transfer or refer the request. This is typically done in one of two ways. First, the requester may be referred to another public institution that does hold the information, by letter or over the phone when you call to find out what happened to your request. In this case, submit the request to that new institution.

RECORD | FEES FOR RECEIPT OF COPIES: In some countries, institutions may charge fees for copying and sending you the information, and sometimes also for searching for it. If you are asked to pay for information in accordance with these rules, these fees should be paid in accordance with your budget for payment. If you are asked to pay a fee that is higher than what is allowed under national law or rules, or that seems unreasonable, you can file an internal review or appeal.

RECORD | FORMAT OF INFORMATION RECEIVED: It should be noted that widespread disclosure of official information may not be beneficial if the information is not accurate, complete, or understandable by the average person. Researchers should note the form in which they received the information (e.g., electronic document, technical report) and whether they received it in the local dialect or language(s).

RECORD | DENIALS OF INFORMATION: If you are denied, enter one of the following types of responses in your monitoring template:

- Information available without a request
- Refusal in person or over the phone

- Written refusal
- Transferred
- No response within time limit
- Unable to submit
- Partial access
- Information not held

APPEALS: If you have been denied your information, you may wish to file an appeal. If there is a constitutional provision for them, appeals may have to be filed either directly with the court or through an administrative appeal to an ombudsperson or public administrative review board. RTI laws often include a formal appeal provision. These appeal processes may include an internal appeal or complaint to a more senior official in the same public authority and/or an external appeal. Appeals can also be tracked using the tracking form provided in the Module 6 annex, “Community Tracking Booklet Template”). The model appeal letter in the Module 5 annex can be used to submit appeals. Separate rules may govern appeals, including timelines for submission of documents and whether testimony for submission hearings must be given in person, over the phone, or in writing.



RTI MONITORING PROGRAMS

In addition to collecting useful information for advocacy, tracking the information request process also helps determine

- the extent to which government agencies abide by RTI laws and their responsiveness to requests for information over time (e.g., number of days); and
- the efficacy of the right to information as a tool for civil society and community groups to access information and as a means to highlight discretionary bias against certain individuals or groups (women, civil society representatives vs. academic researchers, etc.).

Collecting data on the quality of the RTI system can be important to documenting communities' complaints about the difficulty of accessing critical information on the pollution impacts they face. It can also help local men and women learn how to participate effectively in pollution forums (see Box 5).

To ensure a comprehensive understanding of information or data provided by government agencies, requesters can answer a few more questions about the requesting process. These questions could include the following:

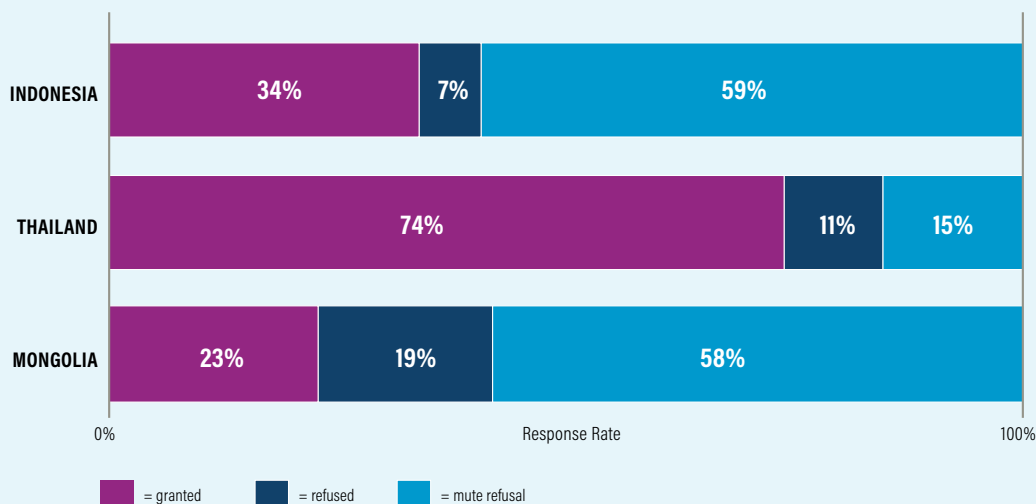
- **TIMELINESS OF GOVERNMENT RESPONSE TO REQUESTS DOCUMENTING NUMBER OF DAYS:** Did you receive the information quickly or within the time period required by the law?



BOX 5 RTI Tracking in Action

Using the RTI tracking and evaluation template, STRIPE partners in Indonesia and Mongolia were able to document that the majority of information requests submitted were either refused or ignored. They also identified a number of barriers to using the RTI information system in each country.

FIGURE B5 | RESPONSE RATES TO INFORMATION REQUESTS BY COUNTRY



Finding 5: The RTI information received was of inconsistent quality and very technical.

In all three countries, the data provided was often only tangentially related to the information requested even though specific documents should have been available as per the pollution control regulation requirements. In many cases, the very technical information or raw data provided were too difficult for community members to understand and were often sent in response to more general questions about the safety and risks of using contaminated water for everyday activities. In Indonesia, public authorities were often unable to determine the correct documents needed and required community members to identify the name of the document containing the information they wanted.

In Thailand, average annual discharge estimates were provided in response to requests for water quality or wastewater discharge data for a specific day or time. Documents were also often provided only in English. In Mongolia, responses included only some of the information requested and were out of date in a significant minority of the cases. A number of important regulatory gaps were identified on the basis of the information obtained.

Source: Excell and Moses (2017).

- **QUALITY OF THE RESPONSE:** Did the information received answer the question posed?
- **COMPREHENSIVENESS:** Did it cover the right time period and include information or data for everything requested?
- **USABILITY:** How easy was the information to use and understand, including technical information? How up to date was the information? Was the information available in a language commonly spoken by the local community?
- **COST:** Did you have to pay for access to the information, including any search and copying fees?
- **FORM OF THE INFORMATION:** Did the response match the type of document requested? For example, if you asked for a spreadsheet or map, did you receive a spreadsheet or map?

ASSESSMENT OF THE INFORMATION RECEIVED FROM THE REQUESTING PROCESS AND ANALYSIS OF THE TRACKING RESULTS

After making requests you will have collected important data on

- the level of government transparency on pollution and the regulatory process, including the state of compliance;

- the type and amount of pollution being released into the environment and potential environmental and health impacts being evaluated; and
- the efficacy of implementation of the RTI law.

The first step to transforming this information into action is to analyze the information

received. This includes understanding what the pollution information tells you about the state of the environment in the local community and the extent to which the information answered community concerns. It also should include insights on the implementation of the RTI law and the extent to which local communities can use this right to collect information. Box 6 presents examples from STRIPE work in Indonesia and Mongolia.



BOX 6

Information Requests Submitted in Three Countries

Although the right to information process was fraught with obstacles, the information ultimately received was valuable to civil society and communities.

In Indonesia facility-specific requests revealed the following:

- The existing legal standards in the pulp and paper industry do not cover specific chemical standards for chlorinated organic compounds (AOX).
- A renewal of a pulp and paper mill's license was issued without a public participation period as required by law.
- There is only intermittent monitoring of the water quality in the Cijung River into which discharges were being made by a pulp and paper mill.
- Ongoing breaches of facility standards and lack of enforcement was occurring.

This information has been critical to the ongoing advocacy efforts of local community members. It not only spurred the environmental audit of PT Indah Kiat Pulp and Paper but became the foundation for community-generated outreach material and greater public awareness around river pollution. It also helped local activists prioritize ongoing engagement with the local ministry office over poor compliance and enforcement of wastewater discharge permits and EIAs public consultation requirements.

In Mongolia, requesters from Khoroo No. 13 village discovered that community residents had never been consulted during the EIA process for permitting any of the gravel mines operating in their area, a clear violation of the law. They discovered that certain permits were granted in areas that are reserved against gravel mining because of their proximity to the Tuul River. With the support of STRIPE civil society partners, they have been developing advocacy campaigns to address water pollution and other impacts associated with mining, creating their own maps of mining concession locations, and actively engaging with local and national government officials to improve enforcement of water management and mining laws.

Source: Excell and Moses (2017).

Your collected information will likely include technical documents that are difficult to interpret or require understanding of the specific terminology or science. If necessary, try to find experts to help you and your partners understand and analyze the information. Experts can also help determine whether

the received information has answered your questions about the facilities or pollution. The next module provides more information on analyzing the information received.

SUMMARY OF FINDINGS

Once this RTI request module is completed you should be able to create a short summary

of your assessment. We highly recommend that you write this assessment up as a report so you can use and present your findings when you meet with government officials and other stakeholders. Box 7 provides an example from Thailand. Any report should include

- a brief introduction to the country’s RTI law or constitutional provisions with respect to the right to information;



**BOX 7
Thailand Synthesized Legal Analysis**

Thailand STRIPE partners combined findings from their legal assessment and RTI request exercise to highlight a complete picture of access to information in the country. These were their principal findings:

- Government authorities will exercise their judgment whether or not a person requesting the information is affected, although the law does not specify that this must be the case.
- Many officials also ask how information will be used before deciding whether to grant access.
- The disclosure of information may entail legal liability if not done in good faith by the public official, which creates a barrier for officials to make decisions on disclosure.

In their legal review, the partners outlined key implementation problems for all actors:

1. Agencies and officials

- Government officials lack good information management systems and appropriate technology to manage requests.
- They also frequently lack knowledge and understanding of how to exercise judgment in the disclosure of information.

2. Supervision of compliance with the law

- The centralized power of the Official Information Board poses contact and coordination problems for members of the public who want to file complaints or appeals, especially those who live in provinces outside Bangkok.

3. Members of the public who exercise their rights

- Members of the public often lack a basic understanding of the law, especially those who live in provinces outside Bangkok.

4. Deficiencies in the law

- The RTI law is seen as controversial in subject matter, and interpretation of the provision of liability for the release of information by public officials is unclear.

Source: TEI (2012).

- an overview of the outcome results, including qualitative assessment of response rate over time and by different actors who have submitted requests, including frequency of failure to respond and rate of refusal by each agency;
- an analysis of using the right to information to access data and community information on pollution and regulatory control and whether there were more mute refusals for community requests than for civil society requests; and
- recommendations for improving access to information.



MODULE 5 ANNEX: RIGHT TO INFORMATION REQUEST GUIDANCE

EXAMPLE RTI REQUEST LETTER

Date _____

Name of Public Information Officer

Name of Agency
Address of Agency
Postal Code, Country

Re: Right to Information Request

Dear _____:

This is a request under the Freedom of Information Act / Right to Information Act / Constitution.

I request that a copy of the following documents [or documents containing the following information] be provided to me: [Identify the documents or information as specifically as possible. Include identifying material, such as names, places, and the period of time about which you are inquiring (e.g., last two years)].

[If you think they will help explain what you are looking for, include questions to be answered, news clips, reports, and other documents describing the subject of your research.]

I need the information in the following form [e.g., electronic] and wish to [receive it through the mail, receive it through email, collect it in person at your offices, or other method of collection].

[OPTIONAL] I wish to inspect the information before it is copied.

Thank you for your consideration of this request.

Sincerely,

Name _____

Address _____

City, Postal Code _____

Telephone Number and Email _____

EXAMPLE RTI LAW APPEAL LETTER

Date _____

Agency Head or Appeal Officer or Information Commissioner
(check under law for appropriate person)
Name of Agency/Appeal Office
Address of Agency
City, Postal Code

Re: Right to Information Act Appeal

Dear _____:

This is an appeal under the Right to Information Act.

On [date], I requested documents under the Right to Information Act.

On [date], I received a response to my request in a letter signed by [name of official]. I appeal the denial of my request OR I never received a response to my request and am appealing the nonresponse OR I only received partial access to the information I requested.

I am appealing the failure to provide me all of the documents.

[OPTIONAL] The documents that were withheld must be disclosed under the RTI because . . .

Thank you for your consideration of this appeal.

Sincerely,

Name _____

Address _____

City, Postal Code _____

Telephone Number and Email _____



MODULE

6

Helping Local Communities Collect and Use Environmental Information

Highlights

WHAT:

Strategies that support local communities' ability to identify the type of regulatory documents that contain information answering their concerns, submit information requests, and use the collected information to strengthen advocacy.

WHY:

Community members may not be aware they have the right to information or understand how to access government information about pollution. Further, they may need support in understanding which government agencies possess or which technical document contains the information they need to address their concern and how to review websites or submit information requests.

WHEN:

Begin after you have conducted the problem tree analysis and community needs assessment to identify the information you need to collect. Multiple meetings and trainings likely will be needed throughout your work.

WHO:

Project leaders should work with active local community members. It may be necessary to engage outside experts to support learning and provide specific trainings.

HOW:

- Work with local men and women to articulate their concerns about pollution and the specific information they want.
- Investigate if any of this information is available proactively.
- Support the requesting process and make sure community members can submit, track, and record their information requests.
- Help local community members understand the technical information they obtain and how to apply it to their advocacy.

INTRODUCTION

Community members often need help articulating their concerns about environment pollution and its impact. They often need information about

- how they can use their right to know to collect government information about the pollution being released into their environment;
- pollution contaminants likely to be found in the air, water, and land and their sources; and
- how the government is regulating relevant local industries.

You should plan regular meetings with community members to help them develop information requests, review any proactively disclosed information collected, and discuss what information they need to further advocacy goals and objectives. We recommend that you identify a lead community engagement organization or individual to help community members

- identify the kind of information they need to address concerns,
- evaluate if any proactively disclosed information or data address these concerns,
- translate concerns into specific requests when information is not proactively available,

- monitor and track the submitted information requests, and
- understand and use the information received.

Identification of critical problems is a good first step when helping community members identify what information needs to be collected through information requests and what is already proactively available. Besides helping them understand and collect the answers to their questions, this process ensures that they have the skills and knowledge to meaningfully plan and implement the engagement and advocacy activities. Use the problem identification worksheet in Box 8 to support this effort.

Using RTI laws to collect needed information is reviewed in the Module 5 annex, “Right to Information Request Guidance.” Additional information on identifying and using information for participation is provided in Module 7, “Strengthening Participation: Identifying and Using the Right Forums to Address Pollution.” More information about using information in advocacy is provided in Module 8, “Bringing It All Together: Using Accountability and Advocacy to Tackle Pollution.”

Box 8 | Problem Identification Worksheet

A. Identifying injustices

The biggest environmental and environmental health problems in _____ are
(Community name)

- 1.
- 2.
- 3.

The most unfair practices in _____ are
(Community name)

- 1.
- 2.
- 3.

B. Identifying information and actions:

1. If the community knew _____, then it would be able to _____
(Key piece of information) (Important action)

1. If the community knew _____, then it would be able to _____
(Key piece of information) (Important action)

1. If the community knew _____, then it would be able to _____
(Key piece of information) (Important action)

ARTICULATE COMMUNITY CONCERNS

Community members may need support translating the identified issues into requests for specific documents that provide them with the information they need. This support includes helping them understand what information they want to know and what information they need to collect to address their problem. It also includes helping them identify the right government institution likely to have the information they are looking for and the type of regulatory document that will contain the information. Finally, it is helpful to determine if this information is already proactively available so local partners know what information requests need to be submitted.

Creating a problem identification table using the template in Table 6 will help begin the discussion. Table 7 provides an example from our Indonesia STRIPE project.

At the end of the process community members should be able to articulate

- the problem faced;
- the target of the problem that needs to be addressed (river water quality; specific water pollution released from a specific facility; underground water, air, or land pollution; etc.);

Table 6 | Problem Identification Table

PROBLEM FACED BY LOCAL COMMUNITY MEMBERS	TARGET: WHAT LOCAL COMMUNITY WANTS TO KNOW	INFORMATION NEEDED	PUBLIC BODIES WHERE NEEDED INFORMATION IS LIKELY HELD	TYPE OF DOCUMENT LIKELY TO CONTAIN INFORMATION	WEBSITE OR LOCATION WHERE INFORMATION COULD BE FOUND PROACTIVELY



Table 7 | Example of Problem Identification Table from Indonesia

PROBLEM FACED BY LOCAL COMMUNITY MEMBERS	TARGET: WHAT LOCAL COMMUNITY WANTS TO KNOW	INFORMATION NEEDED	PUBLIC BODIES WHERE NEEDED INFORMATION IS LIKELY HELD	TYPE OF DOCUMENT LIKELY TO CONTAIN INFORMATION	WEBSITE OR LOCATION WHERE INFORMATION COULD BE FOUND PROACTIVELY
Death of biota in Ciujung River (fish, shrimp)	Water quality of Ciujung River	Water standard classification of Ciujung River	Ministry of Environment (MOE, national office)	Environmental impact assessment (EIA)	Can't be found online
Decreasing quality and quantity of water in the river	Waste discharged from industries along Ciujung River	Names of industries along Ciujung River	Local environmental agency, Serang Regency/Banten Province	Water standard	Government agency, through a right to information request
	Waste treatment process standards and process actually used by companies	Document: EIA permit, RKL/RPL (Indonesia Environmental Management and Monitoring Program) control report, toxic waste management report MOE's monitoring report from the companies regarding the Ciujung River water quality and impacts	Department of Industry in regency/province, Archives Department Serang Regency/Banten Province	List of names of industries along the Ciujung River Company discharge permits	

- the information needed, which public authority would have the information, and the type of document to request that contains the needed information;
- whether information is available proactively and, if so, its location (online or at a specific agency); and
- what information gaps should be addressed by submitting formal information requests.

COLLECT INFORMATION

SUBMIT AND TRACK INFORMATION REQUESTS

Because local communities often do not have consistent internet access, the Module 6 annex offers a template for a paper-based RTI community tracking booklet. Once community members have been able to translate their concerns into information requests, you should share the RTI booklet and explain how it can be used. The RTI community tracking booklet will help community requesters monitor their

requests and ensure that the information is provided to the lead organization. The booklet provides a space for each community member to write down

- the requested information and the reason for submitting the information requests;
- the method for submitting the request, including the date of submission and the public body and information officer receiving the requests;

- the response; and
- appeal information and outcome.

Data collected from communities can be entered into an online RTI request data collection and analysis template. A sample template is available on the WRI website.

CITIZEN SCIENCE AND COMMUNITY COLLECTION OF MONITORING DATA

In addition to collecting government information, local communities members can collect their own data on pollution through citizen monitoring. This type of citizen science can be an important vehicle for advocacy and action, especially when communities face challenges accessing government monitoring data or when the government’s data are not trusted by local communities. For example, in the case of an Indonesian state-owned coal-fired power plant, results of air quality monitoring and the location of the monitoring stations were not shared with the community, despite requests for the information. Further, the EIA reports didn’t cover many harmful substances released into the environment, including mercury or volatile organic compounds. In Serang, Indonesia, where independent water monitoring was conducted, community members found violations of multiple pollutant

standards, including the *E. coli* standard. Yet the government never provided information regarding what the community should do in consuming contaminated water.

As citizen monitoring becomes easier with new technologies, more popular, formal forms of participation through community monitoring are being developed around the world, including citizen science initiatives and participatory monitoring committees (Pareja et al. 2019). Some additional resources are listed in Box 9. When conducting these types of interventions, communities need to ensure that appropriate protocols are developed to address any perceived challenges to the credibility of the testing, including comparability to government tests and the completeness of the data (Conrad and Hilchey 2011). STRIPE partners used independently collected monitoring information to support conclusions about the need for more comprehensive monitoring. They worked with academic experts from the United States and Indonesia to interpret the results. They then used the findings to advocate for improved standard setting to mirror the World Health Organization standards. They demanded that local governments release information about how communities should safely consume and use water.



BOX 9 Additional Citizen Science Resources

A range of best practices and toolkits exist to support community monitoring programs.

- Citizen Science Association, “Data Quality Resource Compendium” (n.d).
- Public Lab, “Methods” (n.d).
- Marilyn Sigman, ed., *Community-Based Monitoring of Alaska’s Coastal and Ocean Environment: Best Practices for Linking Alaska Citizens with Science* (University of Alaska Fairbanks, Alaska Sea Grant, 2015). Though this technical report is directed at Alaska programs, much of the information is relevant to programs in other areas as well.
- Elena Craft, Aileen Nowlan, Harold Rickenbacker, and Fern Uennatornwarangoon, *Making the Invisible Visible: A Guide for Mapping Hyperlocal Air Pollution to Drive Clean Air Action* (New York: Environmental Defense Fund, 2019).
- University College London, Department of Geography, “Extreme Citizen Science (ExCiteS)” (n.d).

ANALYZE AND UNDERSTAND THE TECHNICAL DATA RECEIVED

Helping local community members obtain and understand the information enhances residents' ability to engage the local government to directly address their concerns and allow them to participate in environmental decision-making forums. The information received can also be used to reach more people, raise community awareness, and gain public support.

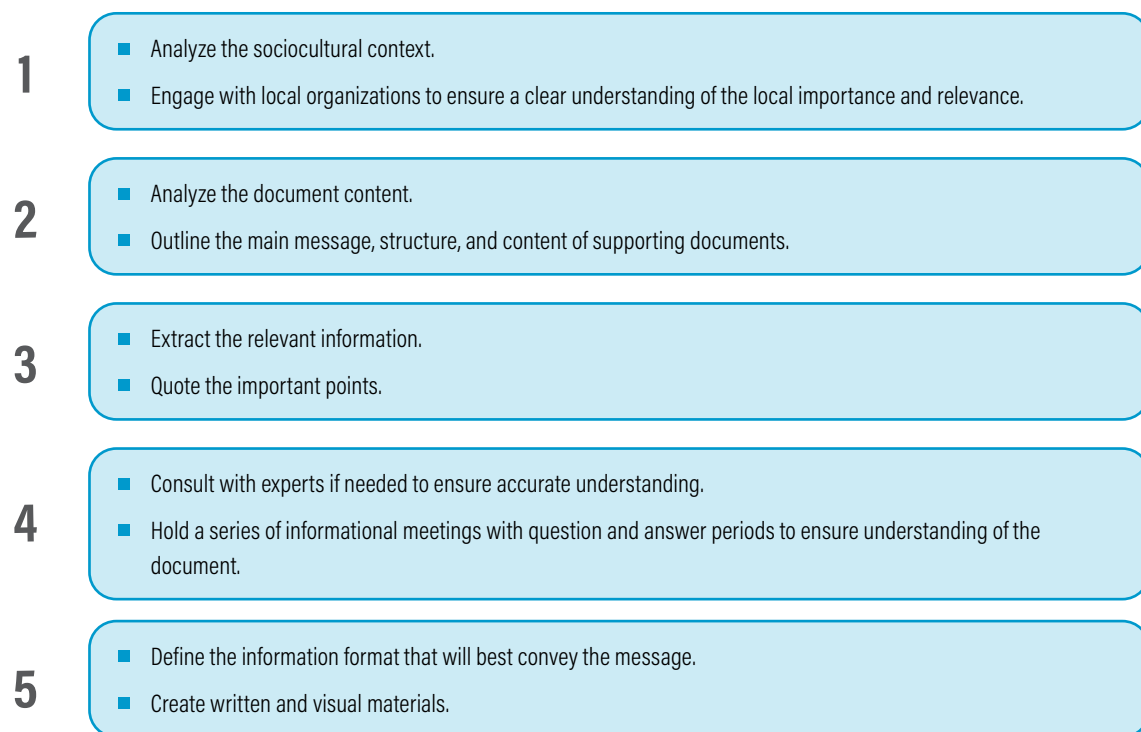
However, after receiving the data, community members will likely require support in understanding the technical information and how it can be used to advocate for change in their communities. This effort may need to continue over time to ensure improvement in environmental conditions. More information about using information in advocacy is provided in Module 8, "Bringing It All Together: Using Accountability and Advocacy to Tackle Pollution." Possible activities that could be part of this effort include

- capacity building training on understanding and using the right to access information and on finding important information in public documents;
- facilitation of peer-to-peer sharing of information and insights;

- consulting with experts, such as academic researchers, other civil society organizations, and international multilateral institutions, to analyze the content of obtained documents and data;
- translating the technical information into understandable formats and supporting the development of community-created comic books, posters, flyers, and other outreach materials based on the information obtained;
- engaging in direct community-based monitoring of air and water quality and comparing these results with official document data; and
- engaging with the media and using social media to amplify community voices.

Figure 2 shows the five-step process that MediaLink, a STRIPE partner in Indonesia, developed with local community members for translating technical information into understandable formats.

Figure 2 | [Five Stages of Information Translation](#)



MODULE 6 ANNEX: COMMUNITY TRACKING BOOKLET TEMPLATE

Community Tracking Book for Right to Information Requests

Name

Organization (if any)

Address

Telephone number

Email address

**Citizen or state
registration number**

1. WRITE YOUR INFORMATION REQUEST BELOW

2. HOW WAS THE INFORMATION REQUESTED?

In person or over the phone: Mail Email Fax

Date:

Agency to which information request was submitted:

3. RECEIVED BY

Name of RTI officer:

Date by which the request should have received a response:

4. DID YOU GET A RESPONSE? YES NO

Date of the response:

What was the response?

Information received

No response / mute refusal

Information provided was not what was requested

Denied based on exemptions **Reason for exemptions:**

Denied—no mention of exemptions

Couldn't collect because of unreasonable costs **How much?**

5. IF YOUR REQUEST WAS REFUSED OR YOU GOT NO RESPONSE . . .

Did you file for an internal appeal within the agency? Yes No

Form of appeal:

Letter Mail Email Fax

Date submitted:

Submitted to:

Office:

Did you get a response to the internal appeal? Yes No

Date of the response:

What was the response to your internal appeal?

6.	WAS THE INFORMATION PROVIDED WITHIN THE TIME FRAME UNDER THE LAW?	YES	NO
----	---	-----	----

Information delivery exceeded the time limit determined by the act by (how long).

7.	HAVE YOU FILED AN EXTERNAL APPEAL?	YES	NO
----	------------------------------------	-----	----

Date:

Grounds for appeal:

What was the result of the appeal?

Information received

Information denied

Details of appeal decision:

8. ATTACHED DOCUMENTS

- Information request
- Acknowledgment of information request
- Written response from public body
- Written letter of refusal from public body
- Internal appeal letter submitted to the RTI officer's superior
- Receipt for appeal
- Written response to internal appeal
- Copy of identification document

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ABOUT THE AUTHORS

Elizabeth Moses is an Environmental Rights and Justice Associate II with WRI's Environmental Democracy Practice and Manager of the Strengthening the Right to Information for People and the Environment (STRIPE) project. She is a natural resource governance expert with more than a decade of international and US-based experience leading technical research, policy analysis and civil society capacity building.

Carole Excell is Director of World Resources Institute's Environmental Democracy Practice and the Project Director for The Access Initiative. She is an environmental rights and legal expert with more than 15 years of professional experience promoting human rights protection, inclusive and equitable development, and advocating for increasing civic space and protection of environmental defenders.

ABOUT WRI

World Resources Institute is a global research organization that turns big ideas into action at the nexus of environment, economic opportunity, and human well-being.

Our Challenge

Natural resources are at the foundation of economic opportunity and human well-being. But today, we are depleting Earth's resources at rates that are not sustainable, endangering economies and people's lives. People depend on clean water, fertile land, healthy forests, and a stable climate. Livable cities and clean energy are essential for a sustainable planet. We must address these urgent, global challenges this decade.

Our Vision

We envision an equitable and prosperous planet driven by the wise management of natural resources. We aspire to create a world where the actions of government, business, and communities combine to eliminate poverty and sustain the natural environment for all people.

Our Approach

COUNT IT

We start with data. We conduct independent research and draw on the latest technology to develop new insights and recommendations. Our rigorous analysis identifies risks, unveils opportunities, and informs smart strategies. We focus our efforts on influential and emerging economies where the future of sustainability will be determined.

CHANGE IT

We use our research to influence government policies, business strategies, and civil society action. We test projects with communities, companies, and government agencies to build a strong evidence base. Then, we work with partners to deliver change on the ground that alleviates poverty and strengthens society. We hold ourselves accountable to ensure our outcomes will be bold and enduring.

SCALE IT

We don't think small. Once tested, we work with partners to adopt and expand our efforts regionally and globally. We engage with decision-makers to carry out our ideas and elevate our impact. We measure success through government and business actions that improve people's lives and sustain a healthy environment.

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RESOURCES
INSTITUTE

10 G STREET NE
SUITE 800
WASHINGTON, DC 20002, USA
+1 (202) 729-7600
WWW.WRI.ORG