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PROACTIVE TRANSPARENCY:

What has been done in Brazil

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INTRODUCTION

"A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives." James Madison (letter to W. T. Barry, August 4th, 1822).

This paper is about "proactive transparency," focusing on this concept and the Brazilian experience. The goal of this paper is to show what Brazil, through the Office of the Comptroller General (CGU) has been doing in terms of proactive transparency, specifically in the realm of fiscal transparency. The focus is to present the Brazilian experience; compare Brazil's actions in promoting proactive transparency with similar actions taken by the United States government; explore similarities and differences between Brazil and the United States regarding proactive transparency; and based on these comparisons provide suggestions on how CGU can improve its efforts in this matter. Moreover, this work explores why transparency is important to economic development, while providing clear definitions for proactive and reactive transparency. The work addresses the questions raised in a research paper titled *Proactive Transparency - The Future of the Right to information? The review of standards, challenges, and Opportunities,* written by Helen Darbishire (2009).

This paper is divided in five sections. Section one presents an overview of the concepts of transparency, disclosure and accountability and their importance to economic development. Section two defines proactive transparency and explores the differences between proactive and reactive transparency. This section also explores the different types and classes of information which should be made available and explore the experiences of proactive transparency related to how, when and where information is structured, organized and edited. Section three explores the experience of proactive transparency in the Brazilian federal government, focusing on the Transparency Portal but exploring other examples as well. This section focuses on CGU and its responsibility to increase government transparency, the mechanisms used to promote public

transparency, and its current laws and enforcement. Section four explores proactive transparency in the United States and compares the American and Brazilian experience in this area, emphasizing the similarities and differences between these two countries at the federal level. Finally, section five summarizes the discussion while providing some recommendations for what needs to be done in terms of proactive transparency in Brazil.

1.   What is Transparency and why it is important to economic development

In recent years the concept of transparency has received considerable attention in various sectors. It has become an all-too-familiar subject of discussion relevant to decisions of the public sector in public policy. Transparency is on the spotlight of national and international discussions about governance because it is an indispensable mechanism for the prevention of corruption and strengthening of public integrity. Jorge Hage Sobrinho (2009) –Minister of State, head of the Office of the Comptroller General of Brazil –in his presentation on the international day against corruption said: "…*Our practice has proven that there is no better antidote against corruption than public transparency. ... To paraphrase that famous American judge (Louis Brandeis), 'the sunshine is the best disinfectant'."*

The financial crisis that shook the world in 2008 with repercussions throughout the global economy has as one of its main causes the lack of transparency in the transactions made by the institutions involved in the global financial system. In response to these financial crises the IMF and the G20 issued recommendations for international financial institutions and national authorities, including: regular and timely provision of data, information about economic policies and adherence to high corporate disclosure standards (IMF 2010). Transparency in fiscal policy as well as monetary, pursued by central banks, has attracted much attention from the institutional point of view. Therefore, transparency is important to any organization, government and nation, and we must explore ways of increasing transparency. According to Kotaro Tsuri (2003, p. 1):

> The "improvement of transparency" is the only available and decisively important means to enabling otherwise limited government governance to function properly. Greater transparency makes it difficult for government officials and politicians to ignore the interests of the general public when undertaking their duties, while at the same time enhancing citizen participation in politics and increasing competition

among political parties. If the reinforcement of government governance leads to the further improvement of transparency, thereby creating a virtuous circle, it may eventually evolve into a major driving force for changing the shape of a nation.*"*

The improvement of public transparency is a necessary condition for citizens to become more actively involved in the political process, exercising a kind of social control over public officials, and in this way help in preventing illicit acts from politicians and public servants.

The literature on transparency has increased greatly in the last years. There are several works addressing access to information, disclosure, publicity and accountability related to transparency (see Naurin and Fellow 2007, and OCDE 2003 for examples).However, it is a common practice in the literature to conflate the concepts of transparency, publicity and accountability. These distinctions are showed in Naurin and Fellow (2007, p. 2 and 3), where the authors explain that "accountability is primarily a function of publicity rather than transparency." In other words, publicity is a causal mechanism linking transparency and accountability. The other conclusion is that the concept of transparency covers the accessibility of information. "Transparency literally means that it is possible to look into something, to see what is going on" (Naurin and Fellow 2007, p. 2 and 3). According to the authors, a transparent organization, political system, juridical process or market is one where it is possible for people outside to acquire the information they need to form opinions about actions and processes within these institutions. The information about agency behavior is there for those principals who are willing and able to seek it. On the other hand, publicity means that the information is actually spread to and taken in by the principal. Clearly transparency will increase the chances of publicity. As a result, while transparency increases the chances of publicity, publicity promotes accountability.

Another example that highlights transparency and the right of access to information can be seen in Stiglitz's (1999) work. He asserts that in democratic societies citizens have a basic right to be informed about what the government is doing and why. He argues in favor of transparency and openness in government. While it is important to promote transparency to inform the public, it is also essential for the public to be committed in the promotion of transparency. In this sense, promoting transparency and citizen engagement is considered essential for accountability and external oversight of public organizations (OECD 2003; and 2010). Moreover, citizen engagement creates a shared responsibility for service delivery and

fiscal legitimacy. As a result it is possible to: (i) achieve better outcomes at lower costs; (ii) reach higher compliance levels with decisions; and (iii) equity of access to public policy making and services. Furthermore, transparency and citizen engagement can help improve policy performance and fiscal legitimacy by helping governments to better understand and respond to citizens' evolving needs; leverage knowledge and resources; and develop innovative solutions (OECD 2010).

Transparency, however, is not an end in itself. Transparency must be used by the population for the effective monitoring of the public administration. In order for this to happen it is necessary to push society to play the role of watchdog. Transparency implies openness in government and assumes that raw data and other information are turned into accessible documents for the population to make it possible for citizens to participate more effectively in the process.

In Brazil transparency is considered a principle of the public institutions responsible for governability and it is not directly connected to publicity. Nevertheless, transparency is a concept that is broader than publicity, since certain information can be available but not relevant, trustworthy, or comprehensible. It is important to note that more than just complying with legal norms and rules, transparency initiatives are part of government policies that promote a responsible mandate and favors citizen interaction with the government. Therefore, the comprehensibility of data and information is crucial to the development of good transparency policies. The literature shows that studies dealing with transparency are at their initial stages of development. However, transparency is directly related to concepts such as governance and responsibility of outcomes. In this sense transparency antecedes three elements or dimensions: publicity, comprehensibility and the utility of decisions. Each element complements or interacts with each other in order for transparency to happen (Platt Neto; Cruz; Ensslin - 2007).

2.   PROACTIVE TRANSPARENCY CONCEPTS

"The freedom of information is an essential right for all people. It allows individuals or groups to protect their rights. It is an important protection against abuse, mismanagement and corruption. It can also be beneficial to the governments themselves - openness and transparency in decision-making process can increase public confidence in government actions" (Banisar 2006).

Citizens can access information held by public institutions in two ways: either by what is called *reactive disclosure,* where individual members of the public file requests to receive information; or by what is called *proactive disclosure*, where information is made public at the initiative of the public institution, without a request being filed (Darbishire, 2009). Proactive transparency is the result of proactive disclosure, and can be achieved using a number of approaches ranging from publications and official gazettes, to publicly accessible notice boards, to radio and television announcements, to posting on the Internet via a public institution's website.

Proactive disclosure is an obligation to public institutions, part of the right of access to information, and it provides many benefits for public bodies and citizens. One of the benefits of proactive disclosure is that it facilitates practices that lead to more accountable spending of public funds and it promotes integrity in government. The disclosure of public information and raw data create the possibility for public participation in the decision making process. Data available on the internet gives more visibility and reachability for information, providing the opportunity of greater public participation. In this sense, the use of the internet promotes transparency.

However, to promote transparency with the use of the internet we need to know what information is needed and for what purpose. In this sense, Darbishire (2009) shows that the drivers of proactive transparency are: i) the need to inform the public about laws and decisions and the public's right to be informed, to know their rights and obligations; ii) the public's demand for the information needed to hold governments accountable both during and between

elections – how they spend public funds; iii) the demand for information in order to participate actively in decision-making – it can change the way public policies are developed and reducing capture by special interest groups ; and iv) the provision to the public of information needed to access government services, which has expanded significantly in the past decade with growth of electronic access to services or "egovernment."

Access to information laws regulates the mechanisms for the release of information and they have a greater focus on passive transparency, which are normally related to the ways the public can request information from public institutions. These mechanisms normally confirm the right to information but also establish limits or exceptions to access, such as privacy protection, commercial secrets and national security. These laws also establish the legal obligation public authorities have to not only answer requests but make certain information readily available. In most countries active transparency is a consequence of passive transparency. In other words, in anticipation of citizens' requests, and to minimize the number of requests to certain information, countries decide to release such information. Thus, frequent requests should result in the proactive disclosure of certain information.

In the Brazilian case, to be explored in the next section, the promotion of active transparency happened independently from any law regarding access to information, since in the country such law is still in Congress waiting for approval. In this case, active transparency precedes passive transparency. In other words, transparency promotion was not a consequence of access to information laws. In some countries active transparency is incorporated to access to information laws. It is important to note that it is common to see the releasing of information in websites of specific government institutions, or in one single site, normally called a "Portal". In this central website information is consolidated and we see a great volume of data, filtered and classified in specific group so user can have easy access to the information.

Darbshire (2009) shows that access to information laws present a great diversity in the types of information that are incorporated into the proactive disclosure. The author compared some national legislations with the international provisions reviewed, and she suggests an

emerging standard for the types of information which should be made available at the core of any national proactive disclosure regime.

Table 1
Classes and Types of Information

Classes of information	Types of Information
Institutional Information	Legal basis of the institution, internal regulations, functions and powers
Organizational Information	• Organizational structure including information on personnel, names and contact information of public officials • Salary information
Operational Information	Strategy and plans, policies, activities, procedures
Decisions and Acts	Decisions and formal acts, particularly those that directly affect the public
Public Services Information	Descriptions of services offered to the public, guidance, booklets and leaflets, copies of forms, information on fees and deadlines
Budget Information	Projected budget, actual income and expenditure and other financial information, audit reports and evaluations
Subsidies Information	Information on the beneficiaries of subsidies, the objectives, amounts and implementation
Public Procurement Information	Detailed information on public procurement processes, criteria and outcomes of decision-making on tender applications; copies of contracts, reports on contracts and other spending of public funds
Decision-Making & Public Participation	Information decision-making procedures Information on mechanisms for consultations and/or public participation in decision-making
Open meetings information	Information on meetings including which are open meetings and how to attend these meetings
Lists, Registers, Data-bases	Information on the lists, registers, and databases held by the public body. Information about whether these lists and registers and databases are available on-line and/ or for on-site access by members of the public. Information on the databases accessible on line
Publications Information	Information on publications issued, including whether publications are free of charge or the price if must be purchased
Information about Information held	An index or register of documents/information held; details of information held in databases
Information about the Right Information	Information on the right of access to information and how to request information, Including contact information for the responsible person in each public body

Additionally, the work presents six issues related to the mechanisms of disclosing information. These issues are: i) guarantee that information reaches the general public; ii) make

information available in a way that it can be easily found; iii) organize information in a way that makes it relevant for users; iv) information must be compiled in a way that is accessible and understandable; v) information must be free; and vi) make regular updating of information without excluding old information (Darbishire 2009).

These issues lead to a number of guiding principles for the design and implementation of proactive disclosure regimes so that information is:

1) Available: Public information must be released broadly, not limiting its release to the internet. Government must use different media outlets.

2) Findable: Information must be organized in a way that is easy to find and access.

3) Relevant: Allow citizens to find information quickly and easily according to his/her search needs. Therefore, a certain level of information categorization must be observed, always paying attention to the logic in such classification.

4) Comprehensible: Information must be available in a way that is understandable to the general public. For example, the language of information must be that of an average citizen, void of strictly technical terms. It is recommended to, when possible, provide information in other languages.

5) Low cost or free: Information must be made available free of any fee or tax. The only exception would be if copies are needed, and these should be provided at low cost.

6) Up to date: Information must be updated frequently. Darbshire (2009, p.31 – 32)

Compliance with these principles is essential to promote active transparency because they relate to accessibility and quality of information. If information does not reach the public, is not easy to understand to the average citizen, or is not available in a timely manner, then active transparency is not being promoted. Therefore, it is the job of governmental institutions to promote information transparency and provide the public with simplified and comprehendible information.

In order to implement or improve active transparency it is also necessary to meet these requirements: sufficient resources to implement active release of information; compilation of an initial typology for the categories of information that will be made available to the public;

capacitating of personnel involved in the activity so they can be ready to produce and release information; monitoring with the objective of identifying possible areas that need improvement; and allow for monitoring institutions to monitor the releasing of information. Proactive release of information is an integral part of the right to information and is fundamental in the promotion of transparency, something that is intrinsic with an ethical government, committed to good administration of public goods.

According to Darbshire (2009) there is still no consensus on defining norms about which types of information must be actively released. However, some general categories have been determined, as we can see in the paragraphs above. The author suggests that it is necessary to further research the categorization of information to be released in order to develop a broader and more detailed typology, while also expanding the understanding of existing active transparency policies. It is based on this recommendation that this research presents the Brazilian experience, focusing on the development of its transparency policy originated at CGU that focuses on information about public spending. This research also compares Brazilian active transparency policies at the federal level with similar policies implemented in the United States. Based on this comparison I provide suggestions on how CGU can improve its efforts in promoting active transparency.

3. PROACTIVE TRANSPARENCY IN BRAZIL

3.1 Institutional structure

The Office of the Comptroller General (CGU) is an agency within the structure of the Presidency of the Republic of Brazil. CGU is the agency of the Federal Government in charge of assisting the President in issues related to defending public assets and enhancing management transparency through internal control activities, public audits, corrective and disciplinary measures, corruption prevention and combat, and coordinating ombudsman's activities, within the Executive Branch. CGU is in charge of inspecting and detecting frauds in the use of federal public funds, and it is also responsible for developing mechanisms to prevent corruption. The

prevention of corruption is performed by the Corruption Prevention and Strategic Information Secretariat (SPCI).

CGU has corruption prevention as one of its main objectives. In this matter, CGU, through the SPCI, is responsible for increasing transparency in public management. Besides providing transparency to the federal public administration, CGU has the task of encouraging societal participation in monitoring government management, ensuring accountability and punishment to federal officials involved in acts of misconduct. Within CGU's institutional structure there is also the Council on Public Transparency and Combating Corruption. This council is a collegiate and advisory group linked to CGU and was established with the purpose of suggesting and debating measures to improve methods and systems designed to control and enhance transparency in public management and strategies to fight corruption and impunity (Controladoria Geral da União 2011a). [1]

CGU is responsible, through the *Portal da Transparência,* for making information about federal public spending available on the internet. The institution is responsible for coordinating the websites of other bodies connected to the executive branch that release information about budget, procurement, and per diems on their respective "Transparency Pages." (Controladoria Geral da União 2011b and 2011c). CGU is also in charge of promoting citizen awareness about the importance of social participation in the transparency process, especially through the policing of government budget through these instruments of public transparency.

3.2   Laws and enforcement

It can be argued that, even though the country does not have access to information law in place, Brazil has developed its active transparency policies throughout the years, starting with the 1988 Constitution. The Federal Constitution of 1988 stipulates principles of administration to all levels of government, including citizen participation. The principle of publicity guides administrative actions of any kind and determines communication guidelines between the State and the citizenry. It determines that the release of information by a public institution is a prerequisite to make administrative acts valid, creating access to information for all citizens. The

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[1] For more information, check the Council´s website: http://www.cgu.gov.br/english/ConselhoTransparencia/

only exceptions in regards to the need to release information are those that may lead to security risks or information that may put in risk the dignity of individuals involved (Wlassak 2002).

Since the signing of the 1988 Constitution transparency mechanisms and citizen participation has expanded greatly, thanks to the signing of the Law of Fiscal Responsibility (Complementary Law n° 101/2000), a law that focuses on budget transparency and public finance administration. This law establishes that the government is required to publish information about the budget. In 2009 this law was amended to require the release, in real time, of information regarding budget execution in all levels of government. This amendment also calls for the expansion of transparency based on new technologies available (Complementary Law n° 131, May 27, 2009).

In May of 2009 the executive branch sent to the National Congress the Access to Information Law Project. This project was approved in the lower house April 13, 2010 and is currently being discussed in the Federal Senate. This law project is another government initiative with the goal of promoting access to public information and public transparency. The law establishes access to government information as the rule and not the exception. This Law Project establishes CGU as the body responsible for ensuring information becomes available. The law also clearly defines that it is mandatory to release information related to citizen collective interest through websites, where the minimum requirements described must be met: i) registry of the organizational structure, addresses and telephones of the respective institutions and their Schedule; ii) registry of any money transaction; iii) registry of all expenses; iv) information related to procurement procedures, including the official government announcements and results, as well as all contracts used by the institution; v) General information about the programs, actions, projects and other work done by institutions; and vi) Frequently Asked Questions section created for the general public (Câmara dos Deputados 2003). The Law Project establishes that the release of information is of the responsibility of each government institution (Câmara dos Deputados 2003).

Table 2 shows the chronology of laws and regulations that deal with active transparency promotion in Brazil.

Table 2
Transparency Related Legislations

Year	Legislation
1988	*The Federal Constitution establishes that citizens have the right to obtain, from public institutions, information pertinent to private or collective interest (Article 5). Article 37 presents the principles of public administration in Brazil, including that of publicity.*
2000	*Complimentary Law no. 101 (Fiscal Responsibility Law) establishes, among other things, directives for transparency and control and audit of public finances.*
2002	*Federal Decree 4553 establishes specific rules to the protection of information, documents, and sensitive material that is of security interest for the State.* *Resolution no. 7/2002—CEGE: Establishes rules and directives for websites of the federal government* [2]
2003	*Law Project on Freedom of Information is sent to the National Congress.* *Federal Law no. 10650 establishes a landmark in access to public data and information of public institutions inside the National System of Environmental Policy.*
2005	*Decree no. 5482 (June 30) discusses the release of data and information of public institutions through the Internet[3].* *Decree no. 5481 (June 30) discusses the Internal Control System of the Federal Executive Power [4]* *Federal Law no. 11111 calls for the creation of an Investigative Commission for the Analysis of Confidential Information.*
2006	*Decree no. 262 of CGU establish norms and procedures for the release of administration reports and audit documents [5]* *Decree no. 140 of CGU and Ministry of Planning, Budget, and Administration.* *Interministerial ordinance no. 140 (March 20). Establishes rules for the release of data and information by public institutions on the Internet [6]*
2007	*Federal Decree no. 6170 establishes rules and norms related to the transfer of federal resources made through administrative deals, including the Administration System of Transfers to Partners and Contracts (Sistema de Gestão de Transferências para Convênios e Contratos, or SICONV) to make information about partnerships available to the public),*
2009	*Complementary Law no 131 (May 27)- Establishes the norms for the release, in real time, of information about budget and financial operations of the federal government, states, Federal District, and municipalities.*

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[2] http://www.governoeletronico.gov.br/biblioteca/arquivos/resolucao-no-07-de-29-de-julho-de-2002

3 https://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Decreto/D5482.htm

4 http://www.cgu.gov.br/Legislacao/Arquivos/Decretos/d5481_05.htm

5 http://www.cgu.gov.br/Legislacao/Arquivos/Portarias/p262_20050109b.pdf

6 http://www.cgu.gov.br/Legislacao/Arquivos/Portarias/p262_20050109b.pdf

	Decree no. 6932 (August 11) - Simplifies customer service operations to citizens, abolishes the need for public notary signatures in certain documents, creates the "Letter of Services to the Citizen."[7]
	Law no. 12017 (August 12) - Establishes the directives for the creation and execution of the Budgetary Law of 2010. *Revised Law Project on Freedom of Information is sent to the National Congress.*
2010	*Decree no. 7185 (May 27) - Establishes a quality level to the integrated system of financial administration and audit in each state.* *Law no. 12309 (August 9) - Establishes directives for the creation and execution of the Budgetary Law of 2011.* *Law Project Freedom of Information approved in the lower house (April) no. 219-C [8]*

3.3 What the federal government of Brazil has been doing

Ever since the democratization of the Brazilian state, politicians have called for higher levels of transparency in public administration. In order to pursue transparency it is necessary to guarantee the access to information to citizens so they can "control" the state. Access to information was one of the many democratizing tools used to guarantee accountability, defined as the construction of institutional mechanisms whereas the government is compelled to be accountable and answer the general public for its acts. In the past few years public transparency has become a popular topic and became directly connected to discussions about corruption and public integrity.

It is in this context that in 2004 CGU created the Transparency Portal, a tool that aims to increase transparency in regards to public expenses in the Brazilian Federal Government (Controladoria Geral da União 2011b).

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7 http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2009/Decreto/D6932.htm
8 http://www.camara.gov.br/sileg/integras/758673.pdf

Figure 1
Transparency Portal

The Transparency Portal was developed to advance transparency in public administration and create a tool that can stimulate citizen participation and social control. The Portal brings, in a simple language, detailed information about how public resources are spent. This Portal is known as one of the most important tools of egovernment in regard to public spending control. This becomes clearer when we look at the prizes the Portal has received in the past years. In 2008 the Portal was considered one of the five best practices of transparency policy and anti-corruption effort in the world in the Conference of Member States of The UN Convention Against Corruption, and in 2010 was considered the best transparency portal by Contas Abertas, an NGO that created a Transparency Index to compare transparency sites of the federal, state, and municipal governments.

Through the Portal citizens can police government expenses and know where the money is being used. The Portal provides an array of information to citizens, including:

1) Section Expenses: - "Daily Information – LC 131": Budget and financial execution of all data and daily updating of the acts performed by administrators of the executive federal throughout the use of expenses, permitting the visualization of documents and payments performed (launched in May/2010); - "Transfer of Resources": to states, municipalities, companies, transfers made in foreign land, or directly to an individual (launched in November/2004); and - "Direct Expenses by the Federal Government": construction contracts, government purchases, per diems paid and expenses on government credit cards, indicating the person that expensed any of the financial operations above (launched in June/2005 – government credit cards – December/2005);

2) Section Revenue: Budget and financial execution of all data and daily updating of Government Revenue Predicted releases government revenue (launched in December/2009)

3) Section agreements: Register of Covenants - Partnerships sealed in the past years, dated since 1996 (launched in December/2008 and Janeiro 2009);

4) Section "CEIS" - List of companies sanctioned by public entities (launched in December/2008);

5) Section Public Servants - List of public servants, including information about position, function and functional position, with a link to a schedule of remuneration and government positions (launched in December/2009);

6) Sites "COPA 2014" e "Jogos Olímpicos e Paraolímpicos Rio 2016" - Estimated expenses of the 2014 World Cup and the 2016 Olympic Games (launched in May/2010);

7) Other links: - List of all institutions of the federal government that have their own Transparency Page; - Transparency Network—links for information about projects and actions of the executive federal Power, that are to be released by each government unit on their respective websites; - Procurements and Contracts – link to site "Comprasnet" Purchase Portal of the Federal Government; - Transparency Pages for states and municipalities—data of each federative unit about transfer of resources received by the federal government and registry of partnerships, extracted from the Transparency Portal. Also, present a link of transparency pages of state governments, state capital municipal governments, and other municipalities.

8) Other information / Services - Orientations about public participation and social control, including a section "saiba mais" (know more about it) about government programs and how

to police/audit it; Contact us; Glossary, FAQ, related links, navigation manuals; About the Portal, the data portal; System Push - register to receive messages via email Releases agreement;

9) Download of inquiries—make available data archives with requested information (launched in December/2010); and

10) Portal in Graphs—make available the visualization of graphs for certain information. (Launched in December/2010).

The transparency Portal is constantly being updated since its launching. Figure 2 below shows the evolution of the information made available through the website:

Figure 2
Evolution of Information Available in the Portal
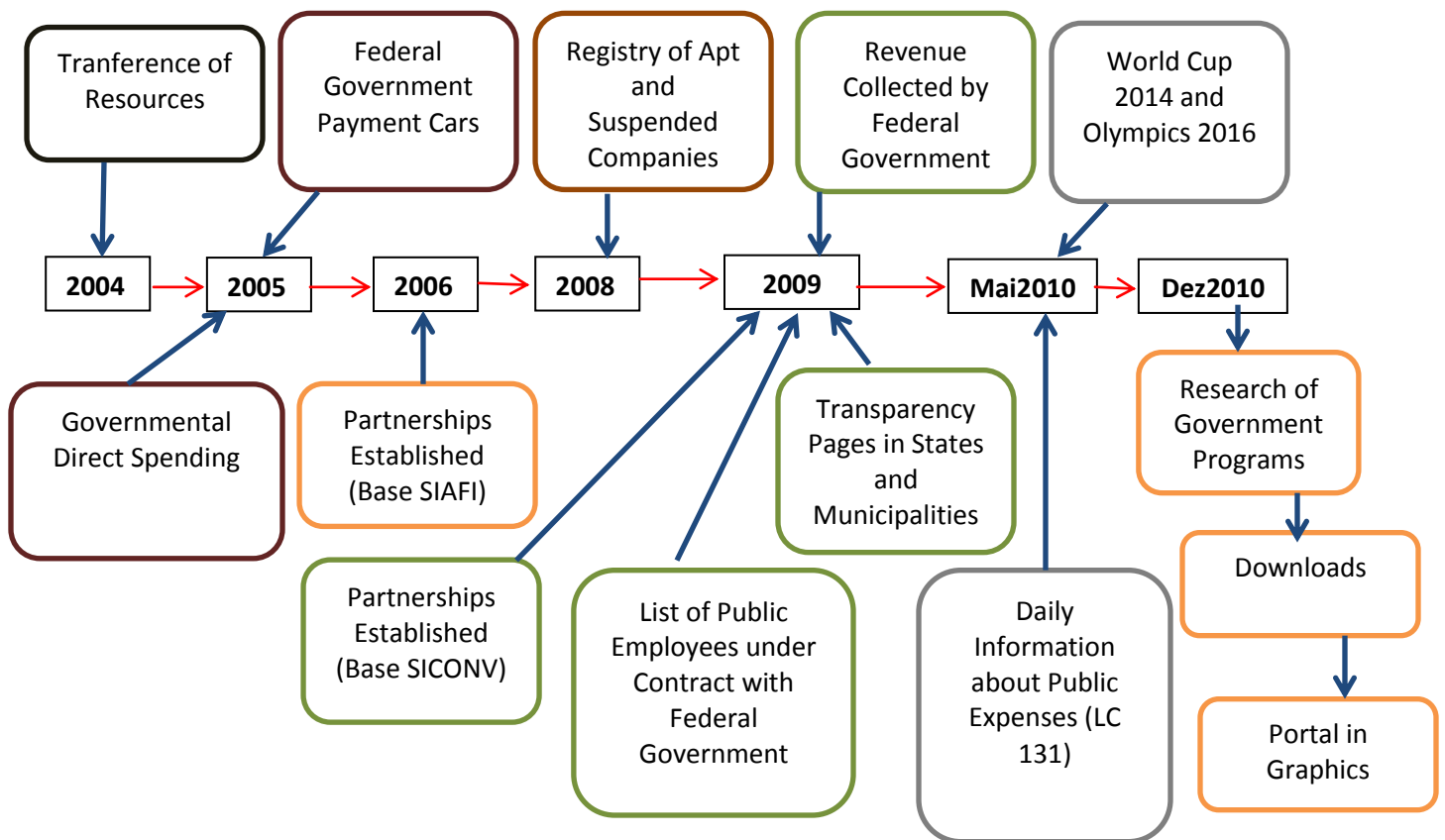
The daily release of detailed expenses of governmental units is one of the most important new features of the Portal. The citizen can follow all that is being done by the federal government since "resource commitment"—beginning stage—until the actual payment of the service. According OECD (2010), the portal extracts data directly from core management systems on a daily basis to provide free real-time information to citizens. In comparison, only a handful of OECD countries have launched permanent government expenditure reporting systems (e.g., the United Kingdom and the United States).

The Portal registers an average of 245 thousand monthly visits and offers transparency in resource application of up to R$ 8 trillion. The number of citizens accessing the Transparency Portal has grown from 10 000 to 244 846 per month, between 2004 and 2010. A total of 35,692 citizens are registered and receive information about resource transfer in government partnerships with 5, 397 municipalities. Information is sent to registered users via email.

Figures 3 and 4 provide a graphic demonstration of the evolution of resources registered and number of visits to the Portal.

Figure 3
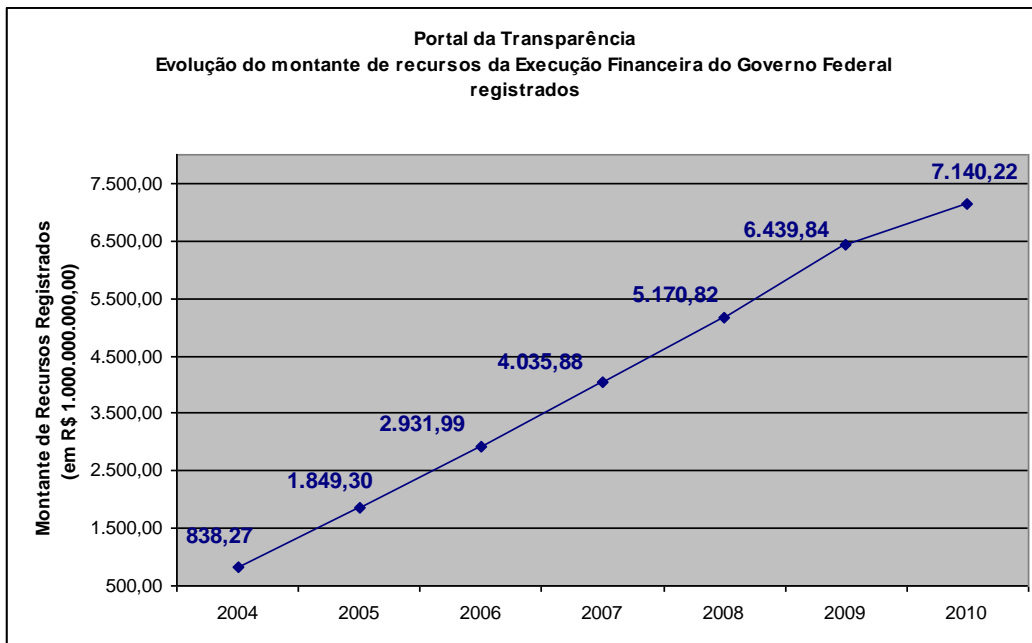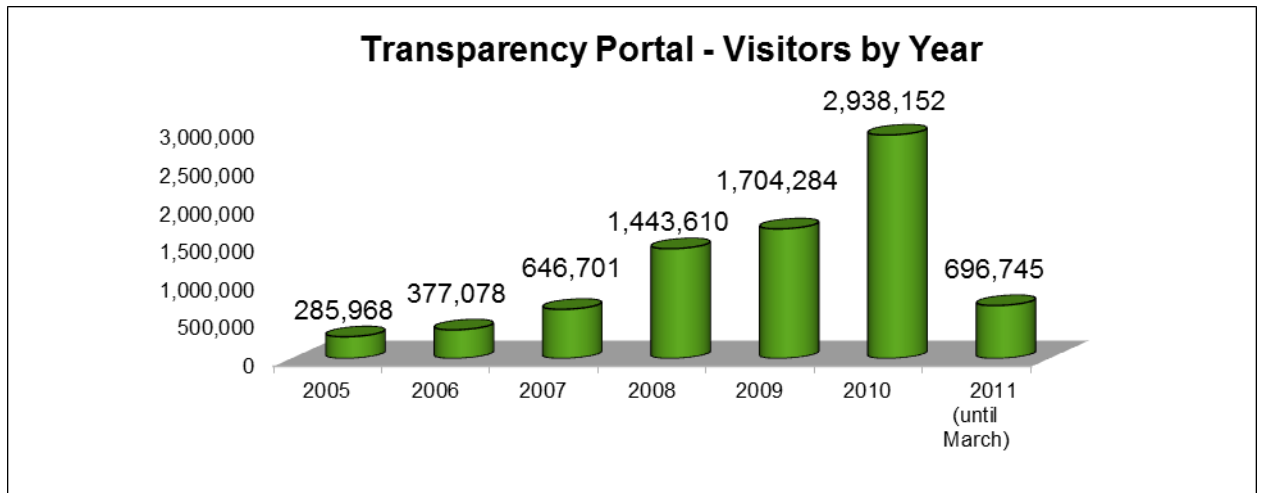Evolution of Resources Registered in Portal

Figure 4
Number of Website Visits per Year

CGU has created other transparency mechanisms to broaden the access to public information. These mechanisms include the Transparency Pages and the publication of Audit Reports of the Program for Audit Based on Public Lottery (Controladoria Geral da União 2011c and 2006). Transparency Pages provides data about budget execution, procurements, contracts, partnerships, per diem and airplane ticket information from each of the units of the Federal Public Administration. Each unit has its own link to the public transparency pages that is managed by CGU. Each governmental unit has a "transparency page" available on their own websites. Such information can be found in one place as well where citizens can conduct searches of which governmental units have their own transparency page (Controladoria Geral da União 2011c).

The Transparency Pages complement the information available on the Transparency Portal since in it the citizen can find detailed information on expenses accrued by governmental units, including the amount of money a public servant received as per diem, how much a plane ticket cost, the length of a trip, and the reason for such trip. Citizens can also find detailed information about procurements and the possibility to obtain copies of contracts and other terms. Today, there are a total of 449 transparency pages available.

Another mechanism of active transparency, the release of reports from the Program for Audit Based on Public Lottery (Programa de Fiscalização a partir dos Sorteios Públicos) can be accessed by any citizen directly through the CGU website (Controladoria Geral da União 2006).

3.3.4   Actions planned for 2011

According to the presidential message of 2011, available on the Presidency website, the government is planning to increase transparency in a number of ways, such as: i) further action in the implementation of Complimentary Law nº 41/2010, that calls for immediate and free access to public information and protection of personal and secret information—Access to Information Law of Brazil; ii) improvement of Transparency Portal through the implementation of new search modules, improvement of database information, and the provision of cross-data analysis tools as well as the ability to download raw data; and iii) organize the National Conference about Transparency and Social Participation, where the main goal will be to debate with the different groups from civil society the active participation of society in activities related to planning, administration, and control of public policies in all government sectors.

The evolution of active transparency in Brazil can be seen on Figure 5 below.

Figure 5
Evolution of Active Transparency in Brazil

21
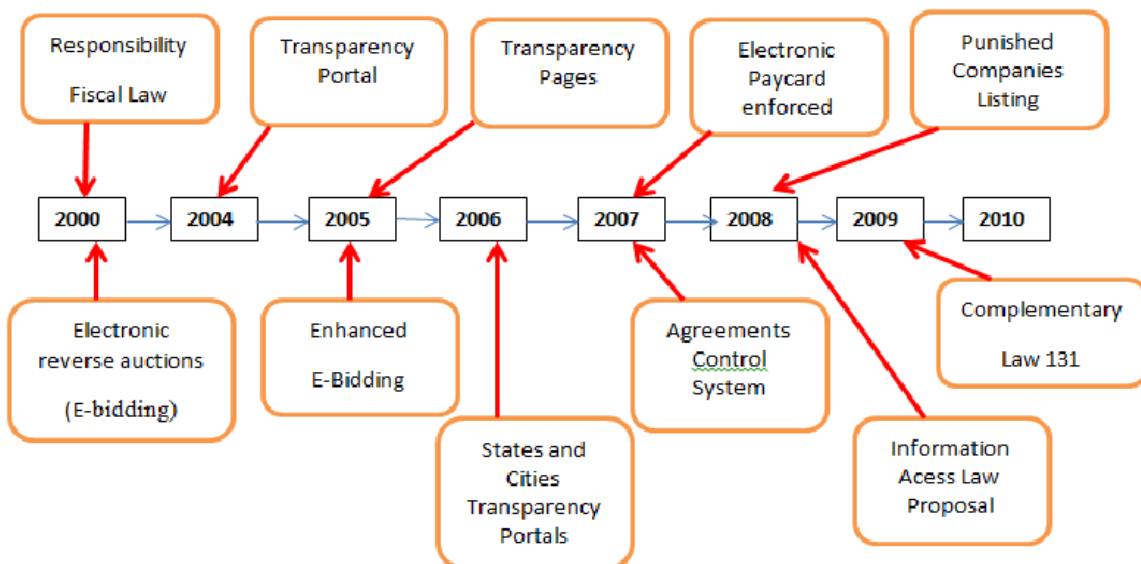
4.   PROACTIVE TRANSPARENCY IN THE USA

In the United States, the Freedom of Information Act (FOIA), enacted in 1966, covers information regarding the federal executive power in the country, excluding information about the White House staff as well as information about the National Security Council. The law stipulates that any person or organization in the world can have access to information pertaining to American federal agencies (Department of Justice 2009). The FOIA also outlines the types of information that cannot be provided to the public, mainly information related to national security, sensitive information of certain government bodies, and information that is considered strictly personal. Because there is not a central institution to deal with these issues, if a citizen or group has their request for information denied they can appeal the decision with the governmental unit that the information was requested or in the American judicial system. The model used in the United States is decentralized, meaning that each governmental unit is responsible for maintaining its own staff and resources to address requests for information. In order to strengthen the requirements of the FOIA, the Department of Justice (DOJ) maintains the Office of Information Policy (OIP). In 1996 the FOIA was amended to include a section about E-FOIA, which determined that each governmental unit must make available to the public certain information, as well as provide a room for citizens to research the electronic reading of the information made available.

In December 2007 Congress enacted amendments to the Freedom of Information Act, for the first time in well over a decade. Entitled the "Openness Promotes Effectiveness in our National Government Act of 2007," or the "OPEN Government Act of 2007" (Department of Justice 2008). But it was in January 2009 that the US government moved towards a more serious active transparency plan. It was then that President Barack Obama released the "Transparency and Open Government" memorandum, guaranteeing the creation of a Transparency System that would increase public confidence in the government and improve public participation and collaboration. The main goal of Obama´s transparency plan is to strengthen democracy and promote efficiency in the government. The memorandum targeted governmental unit managers and is based on these principles: Government should be transparent; Government should be participatory; and Government should be collaborative (Obama 2010).

The memorandum calls for measures that need to be adopted in order to speed up the process of providing information to the public so they can use the information. It also calls for the use of new technologies in the release of information, with information easily accessible to the public. In regards to citizen participation, the government offers Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information. The executive departments and agencies should also solicit public input on how they can increase and improve opportunities for public participation in government. The goal is to create and utilize state of the art technology to create cooperation between different government institutions and NGOs, private companies, and citizens. The President's message "take affirmative steps to make information public" without waiting for requests and "use modern technology to inform citizens" (Obama 2010).

The Obama Administration has taken a series of steps to implement Executive Branch transparency in its first year. One of these active transparency mechanisms was released in May 2009 in a project called Data.gov (http://www.data.gov/). Data.gov is a website that makes economic, health care, environmental, and other information available in multiple electronic formats, allowing the public to access more government information online. The site centralizes hundreds of datasets from many federal government units. In this website the government has also created and maintained a list of software developed by civil society based on the raw data available on government website.

Another active transparency tool developed by the American government is the Transparency Portal called USA Spending (http://www.usaspending.gov). This portal follows the guideline of Data.gov and provides a collection of raw data and all technical information needs to use this data. Within the website, developers have created the "IT Dashboard," which is a site that focuses on the investment done in the Information Technology sector. USA Spending has been considered one of the most innovative tools to improve control over government spending in the United States.

A third website has been developed by the US Government that has as its main goal increase active transparency. In the Recovery Act spending website (http://www.recovery.gov/), citizens can track the money with data related to the United States Recovery Act spending. In

addition, the site offers the public an opportunity to report suspected fraud, waste, or abuse related to Recovery funding. One of the main goals of this website is to track stimulus spending, and it provides citizens with a number of tools to ensure the stimulus money is being used accordingly in any region of the country.

These websites (data.gov, Recovery.gov, USASpending.gov, and the IT Dashboard) allow American taxpayers to see which entities receive federal money and how and where the money is spent. The Administration has provided visibility into the expenditure of taxpayer dollars by visualizing the investments and impact of stimulus dollars (Recovery .gov), general expenditures (usaspending. gov), and IT budgets (IT usaspending.gov) in easy-to-understand "dashboards." According a report on open government, "the Administration has empowered agencies and the public to spot, and halt, wasteful projects." The main idea behind this effort is that by democratizing data, citizens can help in reducing cost and eliminating waste, fraud, and abuse" (United States Government 2010a, p. 3).

In December 2009, the White House issued an Open Government Directive, instructing every agency to take immediate, specific steps to open their operations up to the public. The product of an effort to tap the public's ideas, the Directive instructs agencies to place high-value information to the public online in open, accessible, machine-readable formats. It also aims to implant the values of transparency, participation, and collaboration into the culture of every agency by requiring each agency to formulate, in consultation with the American people, an Open Government Plan and website.

American active transparency policy can be seen, in detail, on a memorandum release by the Executive Office of the President on December 8th, 2009 (Orzag 2009). In this memorandum the office defines the detailed steps needed to further president Obama´s Open Government agenda, which include: i)Publication of governmental information online; ii) Increase the level of governmental information available; iii) Create and institutionalize a culture of "Open Government" in government agencies; and iv) Create a political scene favorable to "Open Government" policies.

The American Government made an important addition to the FOIA, by ordering agencies and departments to adopt a presumption of disclosure for information requested under FOIA. This way it becomes easier for citizens and media outlets to obtain information under the FOIA rules. The American government is trying to establish a high level of transparency in the government, putting in use technology, especially the internet, to make information about government operations easily accessible to citizens and the media.

The government developed a number of policies defining Open Government and has made information available to the public on the internet at a fast rate. These policies include providing information about White House meetings with private interests; policies to streamline the information being provided in response to Freedom of Information Act requests; and information about the interests that seek stimulus funding, government contracts and waivers of ethics rules.

On December 16, 2010, the State Department and the U.S. Agency for International Development (USAID) launched Version 1.0 of the Foreign Assistance Dashboard, a platform devoted to making it easier than ever for policymakers, civil society, and the public to understand U.S. investments and their impact around the globe. The Foreign Assistance Dashboard is the one of milestone in the Obama Administration's commitment to create "a level of openness in Government" (Weinstein and Sturm 2010).

Another important source for data and information about the use of government resources come from the reports and testimonials available on the Government Accountability Office's (GAO) website.[9] These reports are posted on the website on the same day they are written, giving the general public the ability to follow closely GAO results, conclusions, and recommendations. An additional transparency mechanism present in the American government is the Government wide Performance and Accountability Report (GPRA). In these reports government agencies are required to present, on an annual basis, information about the performance of their programs together with financial information and accounting information about them. This is another way to provide politicians and the public with the information

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[9] http://www.gao.gov/docsearch/repandtest.html

necessary to evaluate how tax money is being spent. Moreover, many organizations such as the Federal Reserve provide a Press Release after meetings and many governmental agencies publish minutes or provide open meetings of their respective boards to provide transparency.

4.1   A Comparison between Brazil and the United States

The previous two sections discussed the efforts of the federal governments of Brazil and the United States in regard to active transparency. I will now provide a more direct comparison between the two countries in order to explore what CGU has done well in terms of active transparency and what it can do to improve, based on the examples set by American policies in active transparency.

First, it is important to highlight that, according to the OECD, Brazil is doing well in regards to budget transparency, when compared to other OECD countries (OECD 2010). Brazil also ranks high on the International Budget Partnership's (IBP) Open Budget Survey of 2010. The OBI shows that Brazil ranks 9th with 71 points, while the United States is ranked 5th with 82 points. This means that these countries are included in the Open Budget Survey 2010 had OBI scores above 60 and can be characterized as providing their citizens with enough budget data to enable them to develop a comprehensive analysis and understanding of their national budgets. Brazil is the second highest country in this ranking in the South American region, behind only Chile. The positives responses Brazil has received in the past years from the international community shows that the government provides the public with significant information on the central government's budget and financial activities during the course of the budget year (International Budget Partnership 2010).

Given the current world environment of internet public transparency, advocates and specialists recommend that data and information should be integrated and compiled in one single website, making it possible for the interested parties to search for aggregate data on public spending among other information. Keeping this recommendation in mind and exploring the similarities and differences between CGU's Transparency Portal and the transparency sites sponsored by the American government, I argue that CGU needs to implement a number of functionality tools to their website. These tools would not only improve active transparency in

Brazil's federal government but it would also meet some of the requirements present in the Law Project about access to information currently being discussed in the National Congress.

One important functionality tool is the open release of raw data of information regarding budget allocation in the federal government in one centralized site. This site would include all budget cycles of the administration where the information of other transparency sites would be made available in the Transparency Portal. Users would also be able to make global searches using keywords and advanced searches in the models of what we see on the Google website. Two other functionality tools, that are part of government requirements under the Law Project currently being discussed in the National Congress, are the access to automated external systems and the release of information about the format used in the construction of the datasets.

One feature of American proactive transparency operations that could be emulated in Brazil is to allow civil society to create software based on the raw data available on government websites. In order to achieve this goal the Brazilian government must interact with the technological community of the country to foster the development of solutions that are user friendly and easily accessible. The combination of government interaction with civil society and the development of software would create an incentive for new ways to use the raw data available that are not currently present in the Transparency Portal. If such partnership becomes a reality, citizens would be better equipped to evaluate more deeply government spending in specific areas or programs.

One aspect of proactive transparency policies is very similar between Brazil and the United States. The governments of both countries have developed a number of websites that focus on government spending and similar information. The majority of the information is made available on the websites of each government institution and is built to represent specific target areas, such as institutional information, institutional structure, law, mission, policies, future and past projects, among other information. One does not see, in either of these countries, the standardization of released information, a problem discussed by Darbishire (2009). The information available is scattered across different websites, which makes it harder for citizens to identify, in a systematic manner, what happens in the federal government.

Moreover, the creation of many websites dealing with transparency issues can be more harmful than helpful to citizens looking for such information. In the case of Brazil, the federal

government has a number of sites dealing with transparency related issues. Sites like the Transparency Portal, transparency pages, COMPRASNET[10], Partnership Portal[11], audit report sites, Brasil.gov, among others can help in generating confusion to those looking for information. In a similar way, American sites like data.gov, Recovery.gov, USASpending.gov, foreignassitance.gov, GAO reports, usa.gov, and others lead to a similar circumstance in the United States. In the case of the Transparency Portal in Brazil, the original focus was to explain government spending, but today the site provides an array of information such as a black list of procurement companies, information about public servants, and information about budget related information for a number of ministries and other government institutions. The information available in other sites like the transparency pages, Partnership Portal and COMPRASNET are complementary of the information available in the Transparency Portal. In the United States we see a similar phenomenon where active transparency information is available in a number of sites that complement each other.

Based on the comparison of policies in Brazil and the United States I propose some ways that we can improve active transparency in the Brazilian federal government. First, I call for the restructuring of the Transparency Portal, in a way that information is presented based on specific themes. Second, I propose that all budget and administrative data (expenses, revenue, procurements, etc.) be presented on the Portal, aggregating the primary data presently available in many different websites. Finally, I propose that the information classes mapped by Darbishire (2009) must be included in the Transparency Portal, such as Institutional, Organizational and Operational information; decisions and acts; public services and subsidies information; decision making and public participation; open meetings; list, registers and data-bases; publications and information held; and Information about the Right Information. A number of these classes are already part of the section regarding active information release in the Law Project for Access to Information, except information about salaries. The Law Project calls for the release of such information must be done by each governmental institution, but this does not mean that the information cannot be made available in a central site - Transparency Portal - with links to their

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[10] http://www.comprasnet.gov.br/

[11] https://www.convenios.gov.br/portal/

respective sites of origin. As an example this kind of central portal is Mexico's transparency portal, this Portal is organized according the provisions of their laws (Darbishire 2009). [12]

Figure 6
Mexico's Transparency Portal
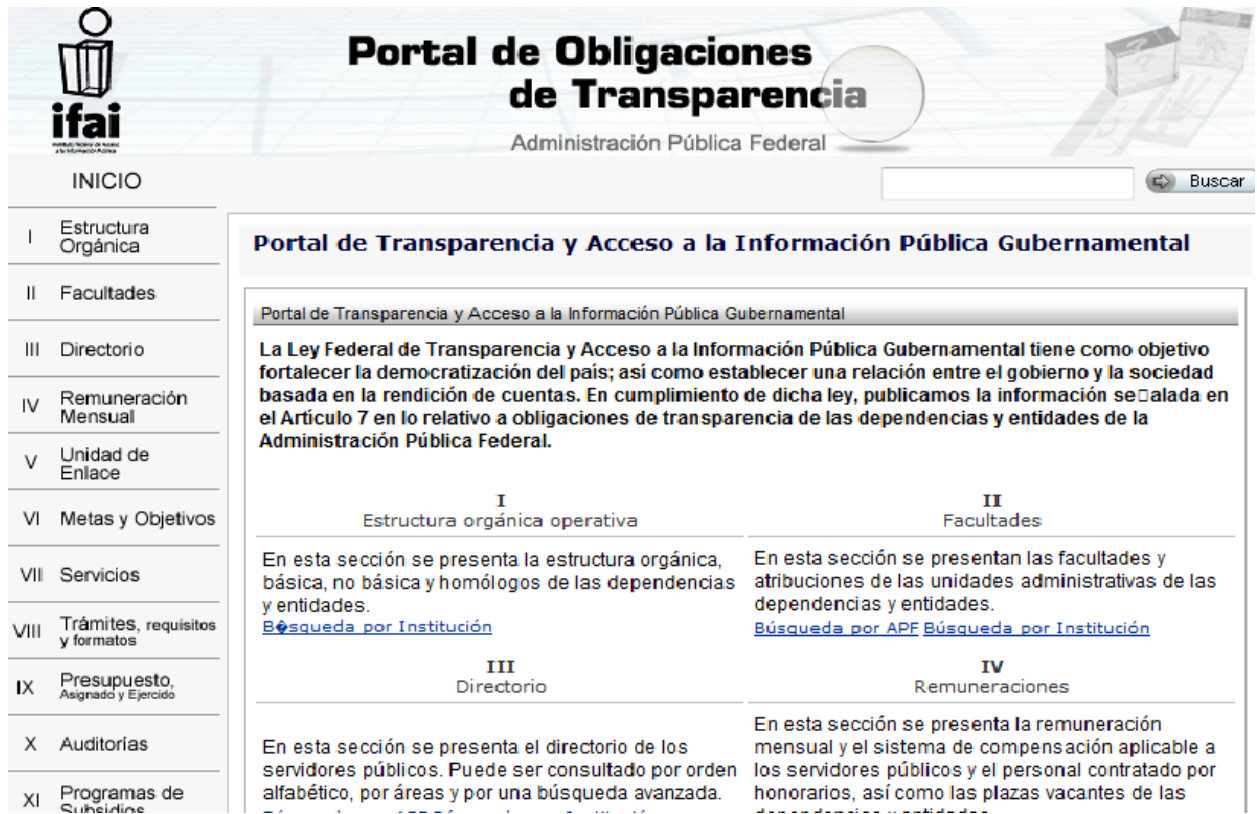
The suggestions are on Table 3 below. These suggestions are a result of the comparison between the classes mapped by Darbishire (2009), the Law Project of access to information of Brazil, and what already exists in terms of proactive disclosure currently in Brazil.

Table 3
Suggestions for Active Transparency Actions in Brazil

Classes of information	Types of Information	Project of Law (PL) on Access to Information	Proactive disclosure Current Situation	Suggestions
Institutional Information	Legal basis of the institution, internal regulations, functions and powers	Provide in Art. 8º, § 1º - I	Decentralized (information is already disclosed in **most of** the websites of federal agencies) - not standardized	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Organizational Information	a)Organizational structure including information on personnel, names and contact information of public officials	a) Provide in Art. 8º, § 1º - I	a) Decentralized (information is already disclosed in **most of** the websites of federal agencies) - not standardized	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
	b) Salary information	b) Not included in PL	b) Contained in Section Transparency Portal Servers with link to table of positions and salaries. And posting on the site of the Planning of Ministry. There is no disclosure of individual salaries	No suggestion.
Operational Information	Strategy and plans, policies, activities, procedures	Provide in Art. 8º, § 1º - I e IV	Decentralized (information is already disclosed in **most of** the websites of federal agencies) - not standardized	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Decision and Acts	Decisions and formal acts, particularly those that directly affect the public	Provide in Arts. 8 º	Decentralized (information disclosed on the websites of **some** federal agencies) is not standardized	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Public Services Information	Descriptions of services offered to the public, guidance, booklets and leaflets, copies of	Provide in Art. 8º, § 1º - I	Decentralized (information is already disclosed in **most of** the websites of federal	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.

	forms, information on fees and deadlines		agencies) - not standardized	
Budget Information	Projected budget, actual income and expenditure and other financial information, audit reports and evaluations	Provide in Arts. 7 º e 8º, § 1º - III.	- Released on the Transparency Portal, Pages Transparency of organizations, the Sites of National Treasury, Planning of Ministry, Senate (Siga - Brazil), and the House of Representatives (enforce); - Audit Reports-Transfer Inspections resources to states and municipalities - CGU; annual statement of accounts - specific sites	Reformulate Sections Expenditure and Revenue, and aggregate budget information contained in the Transparency Pages. Present the entire flow budget since the approval by the financial execution with linkage between revenues and expenditures. Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies including audit reports.
Subsidies Information	Information on the beneficiaries of subsidies, the objectives, amounts and implementation	Provide in Art. 8º, § 1º - II	Decentralized (Information shared in part with some websites of federal agencies)	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Public Procurement Information	Detailed information on public procurement processes, criteria and outcomes of decision-making on tender applications; copies of contracts, reports on contracts and other spending of public funds	Provide in Art. 8º, § 1º - III	Comprasnet posted on the Site, the Pages of transparency of each organ and the link with the Transparency Portal	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Decision-Making & Public Participation	Information decision-making procedures Information on mechanisms for consultations and/or public participation in decision-making	Provide in Arts. 8 º	Decentralized (Information shared in part with some websites of federal agencies)	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Open meetings information	Information on meetings including which are open meetings and how to attend these meetings	Provide in PL	Decentralized (Information shared in part with some websites of federal agencies); i.e.: ANEEL	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Lists,	Information on the	Provide in PL	Decentralized	Providing on Transparency

Registers, Data-bases	lists, registers, and databases held by the public body. Information about whether these lists and registers and databases are available on-line and/ or for on-site access by members of the public. Information on the databases accessible on line		(Information shared in part with some websites of federal agencies)	Portal the raw data from on budget execution and financial. Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Publications Information	Information on publications issued, including whether publications are free of charge or the price if must be purchased	Provide in Arts. 8 º	Decentralized (Information shared in part with some websites of federal agencies)	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Information about Information held	An index or register of documents/information held; details of information held in databases	Provide in Art. 8º, § 1º - V	Decentralized (Information shared in part with some websites of federal agencies)	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies.
Information about the Right Information	Information on the right of access to information and how to request information, Including contact information for the responsible person in each public body	Provide in Art. 7º, § 1º - V	There is no publication already	Centralize on Transparency Portal, create topic related to this class of information, with links to each of the agencies when the agencies start to publish.

Some of the classes of information above are explicit in the Law Project but are not explained in detail. An example of classes not explicity detailed are the "Open Meetings Information" and the "Lists, registers, Data-Bases" classes. Based on the American example, the information about open meetings and about documents and databases should be present in the unified Brazilian Transparency Portal and actively made available by governmental institutions.

5.   FINAL CONSIDERATIONS

Society wants access to information, and such information must be available in a way that it can be understood and used by the population. There are a number of initiatives established with the goal of improving transparency in governments and providing mechanisms for information release. The promotion of transparency implies that governments have a commitment to the proactive release of information, providing reliable data that can be used with the development of new technologies. These policies are implemented in an attempt to make governments more open and responsible, increase fiscal and budget transparency, and increase citizen participation in the decision process regarding the use of public money.

However, the Brazilian government cannot keep its actions toward active transparency limited to including new information in the Transparency Portal. It is necessary to implement a transparency policy that shows the government making positive strides in the implementation and safekeeping of government transparency, policies that confirm the transparency of the federal government. One way to continue this evolution of transparency in Brazil is to implement a model of stages to evaluate transparency. The authors Cappelli, Leite and Araújo (2010) provide a model that can help in the definition of processes and implementation of transparency policies. The model would allow us to distinguish where we are and where we need to go in regard to transparency policies. Evaluation of transparency policies based on this model would focus on specific qualities that help create and increase transparency, such as accessibility—transparency through access capacity; usability—transparency based on easy use of information; informative—transparency as quality of information; understanding; and audit ability.

Both Brazil and the United States have taken concrete steps in the promotion of transparency, implementing every year new policies dealing with issues of open government and fiscal transparency. This paper explored active transparency policies being used by these two countries and provided suggestions to make proactive transparency even more present in the Brazilian system, especially in relation to the efforts made by CGU and the Transparency Portal. Some of the suggestions will be hard to implement in the short run. However, such suggestions, combined with what is currently being done, provides us a great road map to the development of a system where information is an important tool for policymaking and citizen participation,

making citizens more aware the budgetary process and consequentially creating a democratic environment with an population that is engaged and participatory. In order for citizens to become more informed I argue that information must be centralized in the Transparency Portal, a virtual place where open public data is made available so voters can obtain information about the government and consequentially participate more directly in the government.

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