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Study of the Impact of the Federal Transparency and Access to Governmental Public Information Act on the Public Security Sector

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Introduction

What is the impact of the laws on access to information and the transparency policies in diverse political and economic fields? This question has been researched very little. In general, the approval of laws promoting transparency and access to public documents is intended to become a public output or a set of actions that aim to affect the political, social and economic outcomes of the government, or other organizational units such as companies (Lane and Ersson 2000, 61). In this respect, the body of findings is only in its initial stages. Finkelstein (2000, 1) points out, “We do not know exactly how to prove that a policy is transparent, nor the level at which the transparency of the policy contributes to the results sought, nor the consequences of the policy.”

In this study, the aim is to identify the impact of the Federal Transparency and Access to Governmental Public Information Act (LFTAIPG) on the federal public security sector² using one of the most efficient public policy instruments of the Act: the rulings on writs of review (WR) issued by the Federal Institute of Access to Public Information (IFAI). To this end, all the writs of review filed against five departments of the Federal Executive are analyzed, with the aim of establishing the informational issues that have become “transparent” through the rulings on these writs, as well as identifying specific subjects or matters where it can be determined that the IFAI work implied the disclosure of information of clear interest to the public.

The study is divided into four sections. In the first, the theoretical framework is established both for the subjects of transparency and information access and for public security. In the second section the analytical model and the instruments for collecting information are explained, that is, the suppositions behind the study in relation to the nature of the information to be analyzed and the methods for obtaining this information. In the third section an analysis of the information is made, and two category types are established: those connected with the information requests contained in the writs of review and those connected with the instructions or actions ordered by the IFAI within its rulings to the disclosing parties. Following this, in the fourth section there are provided both statistical analyses and groups of writs of review dealing with specific subjects in the public security area, with the aim of establishing the impact of labor on the Institute in the federal public security sector. Finally, the conclusions of the study are presented.

1 Theoretical Framework of the Study

The theoretical framework in terms of this study handles two aspects in particular. In the first place, there is the conceptual framework of transparency and access to information and the theoretical advances in the influence that they have had in political and economic sectors in general. In the second place, and similarly to the previous aspect, there is the conceptual framework of public security and its theoretical links to transparency and access to information.

² For this study, “federal public security sector” is understood as the composite of the Federal Peace-keeping Force (PFP), Office of the Federal Attorney General (PGR), the National Defense Secretariat (SEDENA), the Executive Secretariat of the National Public Security System (SESNSP) and the Public Security Secretariat (SSP).

1.1 Transparency and Access to Information in the Context of Accountability³

Conceptual Framework

Access to information and transparency are essential components of one of the pillars of democratic governance: accountability. In a representative democracy, the *principals* or citizens delegate the responsibility of decision-making to the *agents* or government officials⁴. The problem arises when the principals lack the means to ensure that the agents are working for the benefit of the citizens and not for their own benefit, a situation that is very common due to the fact that the agents control the information for decision-making. In this context of asymmetry of information, accountability becomes an extremely important instrument for the enjoyment of a democracy where the government fulfills the citizen mandate.

According to Schedler (2004, 20), an agent is accountable to a principal “when he is obliged to inform him of his actions and decisions (past or future), to justify these and to suffer the corresponding sanction in the case of bad behavior”. In this sense, the information, the justification (or argument) and the sanction in the case of non-fulfillment constitute the three dimensions of accountability. According to Schedler, the first two —information and justification— form what is called answerability, which has to do with the capacity of the principal to demand not only information on the agent’s acts (informational dimension) but also to demand explanations, reasons or justifications of these acts (justifying or argumentative dimension) (Schedler 2004, 13-14). The aspect of sanction for accountability, on the other hand, emphasizes the importance that agents be punished when they fail to fulfill their duties, independent of whether they report their acts or justify their decisions. As Schedler (2004, 16) states, accountability without sanction mechanisms is more like an act of simulation than a real restriction to power.⁵

In summary, accountability implies the obligation of the agents to inform and justify their acts and decisions to the principals and also implies the possibility that these may be sanctioned in the case of non-fulfillment of their duties.

However, transparency has to do precisely with the informational aspect of accountability⁶ and can be seen as an action or set of actions that make available relevant information on the part of the agents so that the principals can safeguard and evaluate these (Florini 1999). According to this definition, for transparency to exist

³ This section is based on Hernandez-Valdez (2009).

⁴ The same thing happens in a company where the owners or shareholders delegate this responsibility to their managers or employees.

⁵ It should be pointed out that in a democratic context sanctions are not limited to the legal aspects that can be contained within the regulations or standards within these public institutions. Electoral sanctions are also important, where the citizen has the opportunity in the elections of evaluating the behavior of institutions through their votes (Przeworski 1991, 13)

⁶ There are authors like Jonathan Fox (2005) who consider that transparency is also connected with the argumentational aspect of accountability, which would imply that one can also refer to the justifications and explanations that the agents should offer on their actions.

information should contain at least two characteristics: availability and relevance⁷. Availability of information means that this is within the reach of the principal when necessary, either because it is in a source with public access —as, for example, internet— or because it can be obtained in some specific place without this incurring other costs than those involved in traveling to this place. Many definitions emphasize availability as a quality of transparency. Thus, Roumeen Islam (2003) defines economic transparency as the opportune availability of economic data while the Open Budget Project defines budgetary transparency as public access to budgetary information (Bellver and Kaufmann 2005, 4).

On the other hand, the information is considered to be relevant when it may be used by the principal to control or evaluate the agent's behavior. The simple fact of making this information available does not mean that the agent or person involved in this action is completely "transparent". Government agencies make available a large amount of information periodically —pamphlets, bulletins— but this does not imply that the agency publishing the information is considerably more transparent than before. For this to be the case, the information should provide elements through which the principal can judge whether the information provided by the agent is in line with what is expected of him in the performance of his duties.

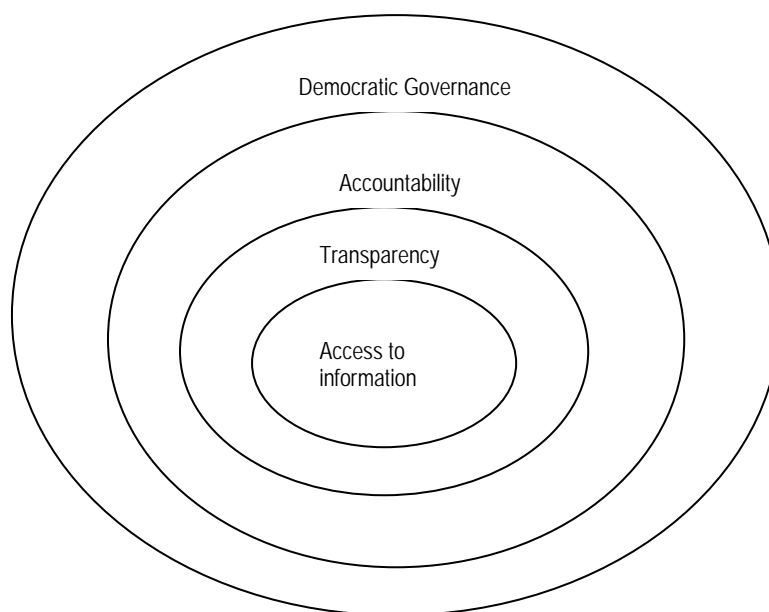
There are several ways that the information can be made available and consequently transparent. One of these is through the right of access to information which "allows individuals the right of direct access to government information — normally contained in documents— and the correlated obligation of the organs of the State to deliver this" (Lopez-Ayllon 2006, 241). In this sense, the fact of citizens being able to ask and obtain information through this right⁸ renders the obtained information transparent and therefore it can be stated that access to information constitutes a means of achieving greater transparency, at least in the area of governance (Hernandez-Valdez 2007, 48).

From what has been said up to this point, it can be concluded that there is a close, if differentiated, relationship between governance, accountability, transparency and access to information. A model that helps us to understand the relationship between these concepts has been proposed by Lopez-Ayllon (2007, 9-10) who recommends imagining them as concentric circles. At the center is the right of access to information. In the next circle we find transparency, which includes right of access but has a wider content than this. The third circle, still wider, represents accountability, also including transparency and other aspects such as sanction. Finally we find democratic governance. Figure 1 presents a scheme of this model.

⁷ Sergio Lopez-Ayllon (2007,7) identifies a greater number of qualities of transparency such as accessibility, opportunity, relevance, verifiability, inclusion, intelligibility, and integrality.

⁸ It should be mentioned that the right of access to information forms part of the right to information. The United Nations considers this to be a fundamental human right, for which reason access to information is of the highest importance in guaranteeing freedom, and democracy (UNDP 2004, 8). In turn, the right to information can be considered part of the right to freedom of expression. In fact, Article 19 of the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR) establishes that the right to freedom of expression includes not only the freedom to disseminate information and ideas of any kind but also the freedom to seek and receive this by any means (UNDP 2006, 13). Besides, the right to information has been guaranteed by several regional treaties and declarations such as the Council of Europe, through its Recommendation R(2002)2 of the Committee of Ministers of the Member States on access to official documents, adopted on February 21st, 2002.

Figure 1. Model of Concentric Circles: of Access to Information to Democratic Governance



Source: López-Ayllón (2007, 10)

The Effects of Transparency and Access to Information

In the last few years, studies have begun to appear that allow the establishment of some of the possible effects and benefits of transparency and access to information. These can be divided into two large sections: governance and economy.

a) Impacts on Governance.

The information that the public officials possess is important since it allows us to understand government action and what it plans to do. In fact, having opportune information about government plans and programs can help citizens to make decisions directly connected with their lives. This has been the case in India where the involvement of several popular organizations in the public affairs of their community has given rise to participative social audits where government officials periodically present different official plans to the citizens (UNDP 2004, 16).

Then again, diffusion of public information can be related with the decrease in corruption within the government. For example, several authors argue that the adoption of transparent and competitive policies in public tenders limits corruption considerably (Thomas et al, 2000, 156). Along the same lines, another series of findings indicates that the lack of reliable information on the part of the national government encourages corruption and discourages international investment (Bellver and Kaufmann 2005, 8).

More specifically, Lindstedt and Naurin (2006) analyzed the effects of several transparency mechanisms –such as the existence of laws of access to information and a

free press— on government corruption. Although their conclusions confirm that transparency inhibits corruption, these authors argue that a country may obtain more substantial results in the presence of hard-fought elections, a citizenship with high levels of education and where accountability mechanisms are adopted that establish exemplary sanctions on the public officials that do not fulfill their functions adequately. In fact, “just making information available will not prevent corruption if the conditions of publicity and accountability are weak. The interaction effects of transparency and education, newspaper circulation and electoral democracy demonstrate the conditionality of the link to corruption” (Lindstedt and Naurin, 2006, 23)

Paul Hubbard (2007) comes to a similar conclusion. He analyzed some of the findings contained in the work of Reinikka and Svensson (2003), who argued that a press campaign publishing the monthly subsidies authorized to local schools in Uganda at the end of the Nineties considerably reduced corruption in the country’s educational sector. In their research, Reinikka and Svensson declare that the availability of data from the campaign permitted heads of family and school authorities to supervise the use of the money, which contributed to the reduction of “leakage” from funds destined for the schools. However, Hubbard questioned these assertions in his comment that the information contained in the press campaign was part of a chain of events that began within this very government which was the first to diffuse this kind of information internally. This led to several government reforms that included, among others, the launching of the press campaign. In any case, what Hubbard made clear is that publicizing information is “important to reduce corruption”, although it is rarely the only important factor (Hubbard 2007, 9).

b) Impacts on the Economy.

According to economic theory, access to information and transparency can help to resolve the agent-principal problem. In a context of corporative transparency, the argument is that the policies on disclosure reduce information asymmetry in different parts of a contract (Bellver and Kaufman 2005, 9). For example, with reliable financial information, the owners of a company can verify whether the company is being adequately administered by the managers, and the investors are in a better position to determine whether to become owners (Florini 1999, 5).

It is also argued that transparency improves the functioning of the financial markets. As Bellver and Kaufman (2005, 7) comment:

Distortions in information within financial markets are crucial in explaining the large influx of foreign capital into emerging markets as well as its rapid departure in times of crisis. Lack of transparency in policy decision-making and unsystematic disclosure of information relevant for the formation of rational expectations obliges private agents to review their expectations raising the variability of asset prices, consumption and investment, increasing the risk of investments.

Although there is a need for more research connecting disclosure of information with the existence of more efficient financial markets (Florini 1999, 35), some studies provide evidence in this direction. For example, Drabek and Payne (2001) argue that the lack of government transparency considerably reduces the expected amount of direct

foreign investment in a country. Also, Roumeen Islam (2003) has found that there is a positive correlation between an index of transparency —composed of economic, fiscal and financial indicators— and the quality of governance of a country (composed of economic and political indicators).

Finally, an aspect of access to information and transparency that is frequently ignored is the use of legislation in this area to facilitate business practices. As Mendel (2003, iv) comments, “Public bodies hold a vast amount of information of all kinds, much of which relates to economic matters and which can be very useful for businesses.” This should decrease “the concerns of some governments about the cost of implementing such legislation.” In Canada and the United Kingdom, for example, the private sector is one of the most frequent users of the laws of access to information (Glover et al. 2006, 38).

1.2 Public Security

Conceptual Framework

There is a debate on how the State should approach security policies and, in general, two concepts are identified. On the one hand there is the one that teams public security with national security, since security policies are conceived as a set of actions that should respond primarily to the interests of the State, seeking stability and conservation of the regime, with which the State becomes the central player and principal recipient of security (PNUD s/a, 12). On the other hand, in *citizens' security* the citizen is the recipient of the security policies “it is he who benefits from security and not the authorities” (Perez Garcia, 2004, 11). So every security policy should be centered on citizens as the main object of state protection. According to Perez Garcia (2004, 11) there are authors such as Miguel Sarre that differentiate between citizens' security and the criminal justice system, giving the former a predominant role in the prevention of crime and the second the goal of investigation and persecution of transgressions against the law.

In Mexico both in official discourse and in public discussion on the subject, reference is made to “public security”, although the concrete security policies are closer to the concepts of citizens' security. So, Article 21 of the Political Constitution of the United Mexican States establishes that public security is a function of the three orders of government that comprise “the prevention of crimes, the investigation and persecution to make this effective and the sanction of civil offences, in the terms of the law, in the respective areas that this Constitution indicates”.

Furthermore, Article 3 of the *General Law Establishing the Bases for the Coordination of the National Public Security System* defines public security as a function of the State “to safeguard the integrity and rights of individuals and to preserve freedom, order and public peace”. As Perez Garcia (2004, 15) comments, in the Mexican concept of public security it is recognized that “it is not sufficient to guarantee the stability of government and its institutions, (‘maintain public order’) but the conditions must also be created, through prevention and punishment of delinquency, that allow the individual to fully enjoy the rights that the Mexican Constitution authorizes him”.

According to Guillermo Zepeda Lecuona (2004, 95-96), the function of public security in Mexico rests on a public security system and penal process divided into four

stages: 1) crime prevention or citizens' security measures that include citizen participation, preventative and police vigilance policies; 2) procuring justice or criminal investigation, consisting of investigations carried out by the Public Prosecution office, the criminal police, and forensic experts once apparently criminal acts have been committed; 3) the penal process or administration of justice where a judge considers whether or not to issue arrest warrants and, if he does, evaluates the indications of the Public Prosecution office, proceeds through the stages of presentation of proofs and allegations and finds the defendant innocent or guilty; and 4) the system of implementation of sanctions and social re-adaptation, that is the set of institutions responsible for executing and administering the sentences and is responsible for the re-adaptation of the convicted person. Stages 1, 2 and 4 are the responsibility of the Executive Power, the third is responsibility of the Judicial Power (courts and judges).

The Effects of Transparency on Security: a Hypothesis to be Proven

The relationship between security (in general) and transparency and access to information has been established very recently and is characterized by regulatory aspects rather than empirical ones. There are very few studies exploring this relationship and those that exist are generally connected to subjects of national security⁹. Nevertheless, there is a hypothesis that maintains that the opening up of information impacts security in a positive sense. For example, Alasdair Roberts (2007, 320-325) states that transparency and access to information strengthen the capacity of the government and society to preserve security in the following terms:

- They contribute towards better decision-making on public policy, since the responsibility of analyzing data and finding solutions to complex problems is shared with other social agents.
- They contribute towards better coordination inside the government. The rules protecting sensitive information hinder an adequate flow of information inside the government itself.
- Bureaucratic inertia is reverted, forcing the security agencies to maintain a high level of alert during prolonged periods and avoiding internal self-complacency.

One of the first antecedents of a link between security and transparency and access to information is to be found in the "Johannesburg Principles", which were formulated in 1995 in relation to the subject of secrecy in security, and include the following propositions (Roberts 2007, 325):

- That the right of access to information held by the security sector must be recognized.
- That the agencies of the security sector should be authorized to withhold only "specific and narrow" categories of information or documents, enumerated in law, in order to protect national security.

⁹ In the United States there are civil organizations that have specialized in the use of the Freedom of Information Act of this country in order to investigate subjects of national security, such as The National Security Archive and The Carter Center.

- That the justifications for retaining information must be put aside if some larger public interest would be better served by disclosure.
- That there should be independent review of a government decision to deny access to information on the grounds of national security.

As can be observed, these principles sketch what would later become a common guideline in many laws on access to information passed at the end of the Nineties and more recently; the possibility of accessing documents held by the State security agencies, with the specific reservations of law according to how this is defined in each country. In this respect, in Mexico section I of Article 13 of the LFTAIPG establishes that that information whose disclosure may “compromise national security, public security or national defense” could be classified as reserved.

However, to classify a document as reserved it is not sufficient for the disclosing party to base this on this case of exception, but instead it is necessary to give determine the classification through the application of the so-called “proof of damage”. According to the *General Guidelines for the Classification and Declassification of Information on the Departments and Agencies of the Federal Public Administration*, issued by the IFAI and published on August 18, 2003 in the Official Gazette of the Federation, the proof of damage requires the existence of objective elements that determine whether the disclosure of information could cause present, probable and specific damage to the protected public interests.

The nineteenth guideline of the *General Guidelines* specifies at which moment the information will be classified as reserved in terms of public security, that is, “when the disclosure of information endangers the integrity and rights of the individual, as well as the public order”. With this definition the “integral” concept of public security is recaptured in the sense that it should attend to the interests of both public order and citizens’ security. With respect to the latter, the same guideline considers that the integrity and the rights of individuals are endangered when the disclosure of information may:

- Undermine the capacity of the public security authorities to preserve and protect the life or health of the individual
- Affect the rights of the individual.
- Undermine or hinder the strategies to combat the different criminal activities of organized crime.

Then again, with reference to public order, the same nineteenth guideline establishes that this is at risk when diffusion of information can:

- Hinder the inter-institutional coordination systems in terms of public security
- Undermine or hinder the strategies against criminals escaping
- Undermine or limit the capacity of authorities to avoid the crimes being committed
- Undermine or limit the capacity of the authorities attempting to dissuade or prevent social disturbance that could cause a blockage in general communication routes or violent demonstrations

In the framework of the LFTAIPG, apart from Article 13, section I, another reserve cause that has been widely quoted is section III of article 14, which establishes that criminal investigations (CI) will also be considered as reserved information. With respect to this, the twenty-sixth guideline of the *General Guidelines* clarifies that the information that forms part of previous criminal investigations is only “what results from the stage at which the Public Prosecution Office is implementing all those acts and procedures essential to discover the true history of a possibly criminal fact in order to prosecute or not”. As will be seen later, this has allowed the IFAI to establish a series of criteria consistent with the information on the criminal investigations that should be made public and/or be delivered to the applicants for information.

2 Analytical Model and Instruments for Collecting Information

Analytical Model

A model employing two levels of analysis is proposed to study the impact of the IFAI rulings on writs of review in the federal public security sector. At the first level, the intention is to analyze which informational issues “became transparent” through the IFAI rulings. In other words, what is hoped will be verified is the information connected with public security that the IFAI ordered to be disclosed —through the delivery of documents— to different departments and agencies that form part of the federal public security system. On the second level, the analysis is further tuned through the follow-up of specific cases of writs of review that, by the nature of the information ordered to be delivered, are of special interest in establishing the impact that the IFAI has achieved, in terms of transparency, within the public security sector. In particular, at this level there is also an analysis of whether the Institute’s ruling has had some effect on the web pages of the departments and agencies of the public security sector.

At both levels the hypothesis is similar: the IFAI rulings have made —and still make— a *relevant* impact in terms of public security. The approach is therefore relatively direct: the information divulged as a result of the IFAI rulings (first level of analysis) or of a group of rulings (second level of analysis) has propitiated changes in the results of the public policies on public security at the level of the federal government.

Of course, a large number of documents requested from the departments and agencies are clearly of individual interest to the applicant (or person filing a writ of review) and because of this it would be an exaggeration to suppose that all the information that the IFAI orders to be disclosed will make an impact on the public policy results. However, the general hypothesis is that even this kind of information (of a more individual type) generates changes within the departments and agencies in the way that they relate to the citizen. And although this kind of change does not necessarily propitiate substantial and immediate adjustments or modifications in the majority of programs or public policies of the public security sector, they do present a new way of administering public matters on the part of governmental agencies.

On the other hand, this study does not seek to establish a finished theory that accounts for the changes in public security policies through the existence of new information obtained through instruments of the Law. However, the project utilizes tools that are appropriate to the causal models’ line of action in order to understand

social phenomena. In some sense, the available data are analyzed as ‘approximations’ of variables. Thus the information disclosed through the rulings issued by the Institute on public security is assumed to be an explanatory variable —it is supposed— of the changes in the results of public security policies (dependent variable). These “changes” are more difficult to observe and to measure, but as far as possible the study attempts to approximate these through different analytical elements (such as changes in the web pages of the departments or press coverage of relevant subjects).

Instruments for Collecting Information

The central starting point of the study is based on the information —generally contained in documents— that, through their rulings¹⁰, the IFAI ordered to be delivered to the persons filing a writ of review. To obtain these data, the rulings on writs of review were taken as the analytical universe, where the IFAI ordered confirmation with delivery instructions, modification or revocation of the decisions of the Committees of Information of the departments and agencies of the Federal public sector, from June 23, 2003, until August 31, 2008, according to article 56, section III of the LFTAIPG.¹¹ The following table shows the number of writs of review filed forming this universe.

Table 1
 Number of Writs of Review with a Ruling to “Modify” (M), “Revoke” (R) or
 “Confirm with Delivery Instruction” (C) in the Federal Public Security Sector
 (June 23, 2003 — August 31, 2008)

Year	PFP			PGR			SEDENA			SESNSP			SSP			Total
	M	R	C	M	R	C	M	R	C	M	R	C	M	R	C	
2003	0	0	0	5	0	0	1	4	0	0	0	0	6	12	0	28
2004	4	5	1	5	14	3	7	9	1	0	1	0	4	12	0	66
2005	11	5	0	21	18	1	22	14	3	1	0	0	9	7	0	112
2006	10	9	1	29	47	1	16	17	2	0	0	0	6	9	1	148
2007	17	14	1	65	42	2	42	10	2	2	2	0	23	92	1	315
2008	9	5	1	25	22	1	10	5	1	0	1	0	7	8	0	95
Total	51	38	4	150	143	8	98	59	9	3	4	0	55	140	2	764

It should be emphasized that the files of the 764 writs of review shown in Table 1 are contained in 720 rulings of the Institute, since there are 44 writs of review that were “accumulated” in several rulings.¹² So, the present study is based on the analysis of these 720 IFAI rulings, in which proceedings were followed on the 764 writs of

¹⁰ The rulings analyzed are those that were found available at the time of elaborating this investigation on the IFAI website in the section rulings of the Plenary Session <http://www.ifai.org.mx/Sesiones>.

¹¹ Section III speaks only of modifying or revoking the decisions of the Committee, while section II speaks of “confirming” but not of confirming and ordering delivery of information. However, some rulings of the IFAI Plenary Session have established this last practice, where the response of the Committee is confirmed and at the same time the disclosing party is instructed to deliver certain kinds of information to the person filing a writ of review.

¹² The IFAI Plenary Session frequently resorts to the accumulation of files, especially when the subjects of requests for information causing the writs are very similar and the base of the issue to be resolved is the same, according to what is established in Articles 71,72 and 73 of the Federal Code for Civil Proceedings, supplementary to the Federal Law on Administrative Procedures

review files (357 modifications, 384 revocations and 23 confirmations with instructions to deliver). In the following sections the results of the analysis are detailed.¹³

3 Analysis of the Information

The writ of review is the instrument through which the citizens can complain to the IFAI when they are not in agreement with the authorized response to their request for information on the part of the disclosing party. The ruling on this writ, by the Institute, represents a guarantee to make effective the right of access to public information. However, in certain cases —when the response of the disclosing party is revoked or modified— a ruling can also be considered as a small piece of public policy: its content forces the action of a department or agency which must perform several activities within the public area to fulfill the instructions of the Institute.

There are rulings that are relatively simple to fulfill, such as delivering a specific document to the person filing a writ of review or declaring the non-existence of certain kind of information. However, there are many others that order the department to carry out a large quantity of actions. In fact, in one ruling it is possible to order a disclosing party to revoke the classification that he had made of certain documents from determined fundamentals of the Law; deliver specific information to the person filing a writ of review; and declare the non-existence of other documents. This is generally due to the fact that the request for information that motivated the filing of the writ of review was relatively “complex” in itself, in the sense that numerous “contents” of information or documents were being ordered within the request.

For example, in the request for information, file 0413100022905, the PFP is asked for varied information on the helicopter Bell 412-EP where the then Secretary of Public Security, Ramon Martin Huerta, lost his life. In it, the applicant asked for documents relative to the bill of sale of the helicopter; maintenance contracts from 2000 to the date of request; the parts or spare parts that were changed during this period; the aircraft’s radar and electronic equipment; and photos of the cabin. The applicant appealed against the department’s reply, and in the writ of review 2047/05 the IFAI Plenary Session ordered the PFP: to carry out an exhaustive search for a simple copy of the helicopter’s bill of sale; to hand in both the maintenance contracts and the generic data of the aircraft’s radar and electronic equipment; to confirm the reply of the department through which a chart was delivered with information on the parts and spare parts that were changed; and to confirm the PFP’s failure to produce with respect to the photos of the aircraft cabin.

This situation is increasingly common in the LFTAIPG framework. As the users of the Law become better acquainted with its range and the instruments to access public information, the requests for information become wider reaching and so the rulings on writs of review must, on average, attend to larger contents of information, and citizen’s complaints, within each request.

With this in mind, and with the aim of establishing which areas of public federal security have been strongly impacted by the work of the IFAI, the analysis of the rulings of the present study are focused on two informative elements: 1) the request for

¹³ It is important to mention that the departments and agencies of the public security sector that are object of this study received 21,552 information requests in the period analyzed, of which only 3.5 percent became core writs of review (revokes, modifies and confirms with instruction to deliver).

information that motivated the writ of review, and 2) the precise instructions or notification establishing which type of document or information should be delivered and which type of action should be carried out by the disclosing party in order to comply with the rulings on the writs of review. The following passage details the treatment that was given to these two elements of information contained in the writs of review.

3.1 Subjects of the Requests for Information

The requests for information are classified by subjects or *categories*. An effort was made to try to classify each request within a unique category of information. This represented an important challenge. As has been mentioned, there are requests composed of multiple contents of information and, on occasions, one content of information is related with a particular subject —let us say an administrative issue— while another has to do with a totally different subject. And all of this is contained in one request. However, in the great majority of requests it is possible to identify a central subject motivating¹⁴ its dispatch and because of this every one of these is analyzed very carefully to determine the most adequate category of classification. This increased the number of categories but at the same time produced more precision on the analysis.

In those cases where it was impossible to classify a request within one sole category, either because the contents of information requested were totally unconnected one from the other or because it was not possible to determine a unique category of classification in a reasonably objective manner, it was decided to classify the request in more than one category. However, only 84 writs of review from a total of 764 were classified in two categories and none in three or more. In all of these writs, and as far as it was possible, an attempt was made to place the subject in the first category of classification with which the request was most related, or which attended to the first information content in those requests that had two or more contents on very different subjects.

At least 26 categories or information subjects were identified. Each one of these is presented below in alphabetic order.

Table 2 Classification of the requests for information	
1.	Administrative matters: to do with administrative activities of the disclosing party, generally connected with dispatch of internal documents or information about processes or services of the departments or agencies.
2.	Institutional matters: referring to subjects connected with management, planning or communication of the department or agency, as well as their connection with other agencies of the Federal Public Administration.
3.	Authorizations, licenses and permits: in this category are the requests on license or permit administrative procedures, or questions about authorizations given by the disclosing party to carry out certain kinds of activities or enjoy some kind of benefit or prerogative.
4.	Criminal investigations or MP documents: referring to requests for information on criminal investigations (CI) or documents issued by the Public Prosecution Office (MP) and that are not connected with the subjects of any of the other categories.
5.	Purchases, contracts, bids: information on purchases made by departments or agencies as well as on contracts carried out by these with other organizations, generally companies or external suppliers. All the requests whose main subject of interest is connected to public bids are also placed in this category.

¹⁴ Of course interpreting the last and unequivocal motivation of a request for information is not possible, however many information categories are established. In reality the motivation that an applicant has to seek specific information from the government is known only to himself.

Table 2 Classification of the requests for information	
6.	Data of officials or ex-officials: this refers to request for information of a varied nature on public officials or ex-officials, of any kind of government. Generally they are requests that provide the name of the official or ex-official about whom some kind of information is sought: activities, work agenda, position characteristics and/or performance, decision-making, among others. This category also includes requests involving government officials or ex-officials that carry out certain kinds of activities or have certain administrative status (e.g. "deputies", "general directors") without their names necessarily being provided by those requesting information.
7.	Data of officials or ex-officials in criminal investigations (CI): this category deals with the requests for information on criminal investigations related with public officials or ex-officials of any order of government.
8.	Data of private citizens: this classifies the requests for any data point about one or several individuals that do not hold, or have ever held, public office, and where the applicants make no reference to any criminal investigation. In many cases the requests are related with information about individuals with certain public notoriety, either for their public activities or for allegedly committing alleged crimes (e.g. drug dealers).
9.	Data of private citizens in CI: this category is to do with documents requested on some person or persons in the framework of some procedure that ranges from the integration of a criminal investigation, to being brought before the authorities, this latter through the Public Prosecutor, and where it is resolved whether penal action is to be taken or not.
10.	Data on convicted persons: any data point or document requested about a person in any prison of any government order.
11.	Data on convicted persons in CI: referring to the request for documents connected with a criminal investigation procedure on persons confined in any government prison.
12.	Personal data: this refers to the request for documents containing personal data on the person filing the writ of review. It should be emphasized that there are, in this category, both the requests for access to personal data that become writs and the requests for access to information that result in writs for review to which the IFAI gave personal data treatment due to the nature of the information requested.
13.	Personal data of convicted persons: in this category are the requests for documents that contain personal data of persons filing writs of review confined in some prison. All the cases refer to those interned in the Cadereyta prison, Nuevo Leon
14.	Human Rights: to do with information connecting the disclosing party with the National Commission for Human Rights (NCHR) or with some subject where the words "human rights" are explicit.
15.	Statistics on capacities or performance of the department: referring to any kind of statistics that reflect or reveal the capacities (human, material, physical, resources) of the department or agency, or rather, through which one can come to some conclusion on its performance.
16.	Statistics on public security subjects: all kinds of statistics that enable the measurement of the situation of some concept related with public security through variables or indicators that are connected with different units or categories of analysis,
17.	Information on accidents: these are requests where specific information is sought on some accident that involves public officials or where material or equipment in the possession of the disclosing subject intervenes.
18.	Information on installations: this has to do with information about the properties of the departments or agencies.
19.	Information on operations: all kinds of information connected with planning, execution or development of some plan, operation, action or intervention of some authority with the purpose of preserving order or public security.
20.	Information on officials' business trips: refer to requests of any kind of information connected with public officials' business trips.
21.	Flight information: to do with requests for specific data on flights by plane, light aircraft or helicopters made by disclosing parties.
22.	General information: this classifies the requests that did not fit in any of the other 25 categories.
23.	Investigation on public security subjects: all kinds of requests for data, studies or information connected with some subject of public security, and whose classification does not fall within the definitions of the "Statistics" categories of this study.
24.	Material and public security equipment: referring to requests related with information on materials, equipments or property of the departments or agencies.
25.	Personnel or human resources (general): all kinds of information connected with data, policies, appointments, dismissals, actions, programs or performance of the personnel of the departments or agencies.
26.	Budget or expense of departments: refers to the information connected with the exercise of public resources on the part of the administrative units of the departments or agencies.

For every writ of review, Appendix 1 accounts for the category where the request for information motivating the filing at the IFAI is classified.

3.2 IFAI Instructions Contained in the Rulings on Writs of Review

The writs of review are also classified by categories, depending on the main action or instructions that the IFAI ordered the disclosing party to carry out.¹⁵ In principle, six categories were identified and are described as follows:

Classification of the Instructions Ordered by the IFAI

1. Direct delivery: the disclosing party is instructed to deliver the requested information (i.e. related with what the applicant requested in his original request for information).
2. Public version: the disclosing party is instructed to deliver a public version of the documents containing the information requested.
3. Exhaustive search: the disclosing party is ordered to make an exhaustive search for the requested information in his files. If these are found, he is ordered to deliver these, and when applicable by public version. If not, he is ordered to declare the non-existence of the information.
4. Conditional access: the disclosing party is instructed to perform one of the following actions:
 - a. Notify the person filing the writ of review of the ways in which the information will be available.
 - b. Notify the person filing the writ of review of the delivery costs of the information.
 - c. Send the information by the means of delivery chosen by the person filing the writ of review.
 - d. Direct to, or inform the person filing the writ of review of the place and/or the form in which he can consult, find, reproduce, acquire or access the requested information.
 - e. Prove to the IFAI that the disclosing party sent additional information to the person filing the writ of review (generally by written statement).
 - f. Deliver the information to the person filing the writ of review at the definitive conclusion of a process at present in process.
5. Non-existence: the disclosing party is instructed to declare the non-existence of the requested information.
6. Re-classification: the bases of classification of the information, invoked by the disclosing party in response to the applicant, is modified or revoked.

As with the requests, causing the filing of writs of review, an effort was made to classify each writ in a unique category of instructions, from the six described above. As has been already commented, a large number of requests that finish as writs of review have more than one information content, and because of this the IFAI Plenary Session frequently orders very different actions to be carried out within the one same ruling, all

¹⁵ This classification is distinct from that authorized by the Institute to the writs of review where the decision of the Information Committee of the disclosing party is confirmed, revoked or modified according to that established in article 56 of the LFTAIPG.

of which are related with one or several of the previous categories. This represented another important challenge for the study since, in many rulings, it was not immediately obvious which were the “main” instructions of the ruling among the several instructions included in this.

Because of this, in order to properly classify those writs with more than one information content, several decision criteria had to be adopted. The principle guiding force of these criteria was that of “maximum delivery”. That is, the classification of the writs was given all possible precedence according to its capacity for delivering the largest amount of information to the person filing the writ of review *according to what is stated in the original request*. In this sense, four criteria were established and are described here below in order of importance:

1. Criterion 1. If a ruling contained several instructions for the disclosing party, but at least one of these had to do with the delivery of documents that might be directly related with the contents of information of the original request, the writ of review was classified within the category 1 or 2, depending on whether a public version of the document was ordered or not. In case both the delivery of a document in an integral fashion (category 1) and a public version of another document (category 2) were ordered, the writ was classified in category 1.
2. Criterion 2. The rulings that did not comply with what is established in categories 1 or 2 (delivery of information or elaboration of public version) are classified in the remaining categories, following an order of importance from lowest to highest number of category for when there were several instructions for the disclosing party, and only on the supposition that at least one of the instructions was related with the contents of information of the original request. So, in the case of a ruling that ordered both the exhaustive search for a document and the declaration of non-existence of another document, the writ is classified within category 3 relative to the information search.
3. Criterion 3. If a ruling contained instructions that had to do with the delivery of documents, integrated or in the public version but not directly related with the contents of information of the original request, to the person filing a writ of review, this writ of review was classified in categories 1 or 2 only if there was no other instructions on the information contents of the original request, in which case the order established in criterion 2 was followed. For example, in some writs there is an order to deliver some official letter or document informing the person filing the writ of review of some process or action carried out by the disclosing party, from which the data on the location of some required information may be obtained. But in reality these are not instructions to deliver a document directly connected with the information of interest to the person filing a writ of review. Then again, in this same writ of review there may exist an order to the disclosing party to make an exhaustive search for a document that is related with some informational content of the original request. According to the criterion we are dealing with, this writ for review would be classified in category 3, and not 1.
4. Criterion 4. If a ruling contained several instructions but none that were connected with the informational contents of the original request, the writ of review was classified following an order of importance from lower to higher number of category, depending on the instructions ordered by the Institute. So, a

writ of review with instructions to elaborate a public version of a document and carry out an exhaustive search for another document was classified under category 2 referring to the public version.

In general, the follow-up of these four criteria was sufficient to classify the writs of review almost unambiguously. In Appendix 1 the categories (from 1 to 6) classifying the writs of review are presented according to the main instructions contained in the ruling.

4 Impacts of Disclosed Information

4.1 Informational Issues Rendered Transparent by the IFAI Rulings

In addition, Table 3 shows the combined impact that the IFAI has had on the federal public security sector. The figures refer to the main instructions contained in the rulings on writs of review. As can be observed, 39% of the rulings order the delivery of information, while 13% order the delivery of a public version. That is, in 52% of the writs of review (WR) the IFAI ordered the delivery of some type of document directly related with the original request for information. In another 35% the exhaustive search for information was ordered, and only in the 13% remaining was some action ordered that did not imply the immediate delivery or search for information, either because its access was “conditional” since there was an order to declare the non-existence of some document, or because there was an order to change the original bases of classification of certain information.

Table 3
Main Instructions Contained in the Rulings
on the Writs of Review of the Public Security Sector

IFAI instructions	No. WR	%
Direct delivery	297	38.9
Public version	99	13.0
Exhaustive search	269	35.2
Conditional access	25	3.3
Declaration of non-existence	64	8.4
Re-classification	10	1.3
Total	764	100.0

Table 4 shows the distribution of the subjects of public security taken from the requests for information that motivated the writs of review, according to the main type of instructions included in the Institute rulings. In this table, according to subject, the effects that IFAI rulings on transparency have had on the federal public security sector can be seen. The subject of highest interest in the WR was that of statistics on subjects of public security, with 15% of the total, followed by the personal data of convicted persons (11%) and the information on operations (10%). The category of statistics on subjects of public security was also the one that had the largest proportion of instructions to deliver information, with 10% of the relative total of deliveries, followed

by the information on operations, with 8%. However, in the case of elaboration of public versions, the subjects of data of officials and ex-officials and of data of officials and ex-officials in criminal investigations were those with the highest percentages, with 13% and 12% respectively.

To refine the analysis even further, the 26 categories or subjects of the requests for information that appear in Table 2 fell into six large categories or general subjects, as follows:¹⁶

1. Institutional and administrative management of departments and agencies
2. Statistics and research on the public security sector
3. Information on officials or ex-officials
4. Information on operations, flights or accidents.
5. Data on public persons, convicted persons and private citizens in general
6. Personal data

In particular, the analysis made from this re-codification left out category 6 on the writs of review on personal data¹⁷ with which the number of writs analyzed was reduced to 661 cases. Although the variety of the subjects of the requests for information is very wide, it cannot be determined *a priori* which of these may result more “public” than others. The previous re-classification, from 1 to 5, attempts to give a vision of continuity that goes from the subjects with greater public character to those with less, respectively. So, we could think that a request for information on subjects of institutional and administrative management of a department would be more “public” than another that requests information on some personage or private citizen. Of course, all would depend on the content of specific information requested in one or another case. However, the re-classification in the established order is made simply in order to facilitate the analysis that is presented below.

¹⁶ The first large category (institutional and administrative management of departments and agencies) includes the original categories 1, 2, 3, 5, 14, 18, 20, 22, 24, 25, and 26 of table 2; the second includes the original categories 15, 16 and 23; the third 6 and 7; the fourth 17, 19 and 21; the fifth 4, 8, 9, 10, and 11; and the sixth, the original categories 12 and 13.

¹⁷ This category contains the original categories 12 and 13 from Table 2. This Category 13, about “personal data of convicts” could be considered a special and extraordinary case, where all the writs of review that were classified in it were promoted by a civil organization to support the convicted persons of Cadereyta, Nuevo Leon.

Table 4. Subject of the Request for Information by Type of Main Instructions Included in the IFAI Rulings

Subject of the original request for information	Delivery		Public Version		Exhaustive search		Conditional access		Declaration of non-existence		Re-classification		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Administrative matters	8	2.7	2	2.0	2	.7	1	4.0	7	10.9	0	.0	20	2.6
Institutional matters	12	4.0	2	2.0	9	3.3	0	.0	1	1.6	0	.0	24	3.1
Authorizations, licenses and permits	8	2.7	0	.0	0	.0	0	.0	2	3.1	1	10.0	11	1.4
Criminal investigations or MP documents	3	1.0	2	2.0	0	.0	0	.0	4	6.3	0	.0	9	1.2
Purchases, contracts and bids	21	7.1	9	9.1	6	2.2	0	.0	9	14.1	1	10.0	46	6.0
Data of officials or ex-officials	23	7.7	13	13.1	12	4.5	7	28.0	9	14.1	1	10.0	65	8.5
Data of officials or ex-officials in CI	13	4.4	12	12.1	3	1.1	1	4.0	0	.0	0	.0	29	3.8
Data of private citizens	5	1.7	4	4.0	2	.7	4	16.0	2	3.1	1	10.0	18	2.4
Data of private citizens in CI	3	1.0	4	4.0	2	.7	0	.0	0	.0	0	.0	9	1.2
Data of convicted persons	9	3.0	2	2.0	2	.7	0	.0	3	4.7	0	.0	16	2.1
Data of convicted persons in CI	4	1.3	3	3.0	2	.7	0	.0	0	.0	0	.0	9	1.2
Personal data	13	4.4	1	1.0	2	.7	0	.0	3	4.7	0	.0	19	2.5
Personal data of convicted persons	10	3.4	0	.0	70	26.0	1	4.0	3	4.7	0	.0	84	11.0
Human rights	4	1.3	7	7.1	0	.0	0	.0	0	.0	0	.0	11	1.4
Statistics capacity or performance department	20	6.7	7	7.1	9	3.3	4	16.0	0	.0	0	.0	40	5.2
Statistics on public security subjects	31	10.4	1	1.0	71	26.4	4	16.0	3	4.7	1	10.0	111	14.5
Information on accidents	6	2.0	2	2.0	2	.7	0	.0	1	1.6	0	.0	11	1.4
Information on installations	6	2.0	2	2.0	1	.4	0	.0	0	.0	0	.0	9	1.2
Information on operations	24	8.1	10	10.1	34	12.6	1	4.0	4	6.3	1	10.0	74	9.7
Information on officials' trips	10	3.4	0	.0	1	.4	0	.0	0	.0	0	.0	11	1.4
Flight information	5	1.7	1	1.0	1	.4	0	.0	0	.0	0	.0	7	0.9
General information	2	.7	0	.0	0	.0	1	4.0	0	.0	0	.0	3	0.4
Research on public security subjects	17	5.7	11	11.1	18	6.7	0	.0	5	7.8	1	10.0	52	6.8
Public security material and equipment	7	2.4	1	1.0	3	1.1	0	.0	2	3.1	3	30.0	16	2.1
Personnel and human resources (general)	17	5.7	3	3.0	14	5.2	1	4.0	5	7.8	0	.0	40	5.2
Budget or expenses of departments	16	5.4	0	.0	3	1.1	0	.0	1	1.6	0	.0	20	2.6
Total	297	100.0	99	100.0	269	100.0	25	100.0	64	100.0	10	100.0	764	100.0

Table 5. Main Instructions of the IFAI Rulings by General Subject of Request for Information

IFAI Instructions	Admin. and Instit. Management		Statistics and Research		Officials or Ex-officials		Operatives		Personages, convicts, private citizens		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No..	%
Delivery	111	52.6	68	33.5	36	38.3	35	38.0	24	39.3	274	41.5
Public version	26	12.3	19	9.4	25	26.6	13	14.1	15	24.6	98	14.8
Ex. Search	39	18.5	98	48.3	15	16.0	37	40.2	8	13.1	197	29.8
Cond'l access.	3	1.4	8	3.9	8	8.5	1	1.1	4	6.6	24	3.6
Non-existence	27	12.8	8	3.9	9	9.6	5	5.4	9	14.8	58	8.8
Re-classification	5	2.4	2	1.0	1	1.1	1	1.1	1	1.6	10	1.5
Total	211	100.0	203	100.0	94	100.0	92	100.0	61	100.0	661	100.0

Table 6. Main Instructions of the IFAI Rulings by Type of Disclosing Party

IFAI Instructions	PFP		PGR		SEDENA		SESNSP		SSP		Total	
	No.	%	No.	%	No.	%	No	%	No.	%	No.	%
Delivery	47	51.6	111	37.8	68	42.8	3	42.9	45	40.9	274	41.5
Pub. version	15	16.5	49	16.7	23	14.5	0	.0	11	10.0	98	14.8
Ex. Search	19	20.9	104	35.4	29	18.2	3	42.9	42	38.2	197	29.8
Cond'l access.	0	.0	10	3.4	11	6.9	0	.0	3	2.7	24	3.6
Non-existence	9	9.9	18	6.1	21	13.2	1	14.3	9	8.2	58	8.8
Reclassification	1	1.1	2	.7	7	4.4	0	.0	0	.0	10	1.5
Total	91	100.0	294	100.0	159	100.0	7	100.0	110	100.0	661	100.0

Table 7. General Subject of the Request for Information by Type of Disclosing Party

General Subject of the Request	PFP		PGR		SEDENA		SESNSP		SSP		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Admin management.	42	46.2	51	17.3	67	42.1	5	71.4	46	41.8	211	31.9
Statistics and research.	9	9.9	131	44.6	30	18.9	1	14.3	32	29.1	203	30.7
Officials	7	7.7	47	16.0	30	18.9	0	.0	10	9.1	94	14.2
Operations	30	33.0	26	8.8	21	13.2	1	14.3	14	12.7	92	13.9
Personages	3	3.3	39	13.3	11	6.9	0	.0	8	7.3	61	9.2
Total	91	100.0	294	100.0	159	100.0	7	100.0	110	100.0	661	100.0

Once this is made explicit, Table 5 presents the results of crossing the main instruction of the WR rulings with those five large subjects of the requests for information. As can be seen, 53% of the WR containing the administrative and institutional management subjects of the disclosing parties received a direct delivery instruction, and this percentage decreases for the rest of the subjects, those of statistics and research being the ones with the lower percentage of delivery, with 34%. In contrast, in 27% of the WR with subjects related with officials or ex officials the elaboration of public versions of the documents was ordered, which contrasts with the statistics and research subject, which had the lowest percentage in this area, with only 9%. Then again, in 48% of the WR on statistics and research, the exhaustive search for information was ordered, a figure much higher than the 13% corresponding to the subject with less search orders, data of public personages, convicts and private citizens.

In other words, the most relevant aspect of Table 5 is the indication that there is a higher possibility of the information being delivered directly to the person filing the writ of review the more the subject of request for information motivating the writ of review is of an administrative or institutional nature (53%). Likewise, the probability that an exhaustive search of the documents is ordered increases in proportion to the fact that the subject of the WR has to do with statistics and research within the public security sector (48%). Although, one cannot talk of a direct effect of the subject of request for information in the type of instruction contained in the IFAI rulings, what can be stated is that there is a certain link between the administrative and institutional subjects and the proportion of orders of delivery of direct information. The same thing occurs with the exhaustive search for information in the case of subjects related with statistics and research in the public security sector.

Tables 6 and 7 illustrate an analysis of the relation between the type of disclosing party and the instructions from the rulings, and between that and the subjects of requests for information motivated by the WR, respectively. In the first case (Table 6) the relative homogeneity of the information delivery figures attracts our attention. With exception of the PGR, all the departments and agencies had delivery instruction percentages greater than 40%, surpassing 50% in the case of the PFP. Only the PGR had a relatively low percentage in comparison with the other disclosing parties, with 38% of the WR within the direct delivery category. The same homogeneity is observed in the public versions delivery orders (except in the case of the SESNSP). But where there is greater variation is in the exhaustive searches, where 18% of the SEDENA WR had this type of instructions, the lowest percentage among all the disclosing parties that form part of the Federal Public Security Sector.

The PGR case stands out in Table 7. 45% of the WR in their disfavor is on statistics and research subjects, and this figure is very much greater than those corresponding to the rest of the disclosing parties. Similarly, 33% of the WR against the PFP is related with the subjects of information of operations, flights and accidents, which also stands out when this figure is compared with its counterparts in other departments and agencies. In this sense, what appears in Table 7 is a certain dependence of some of the request for information subjects on the disclosing party against which a writ of review was filed, especially for the two cases mentioned.

4.2 Cases of Related Writs of Review whose Ruling Implied Disclosing Information of Public Interest

The previous tables offer a panorama of the importance of the IFAI in terms of transparency within the Federal Public Security Sector. Through its rulings, the Institute has ordered the delivery of a large amount of public information. As shown in Table 2, at least 26 different information categories have been studied within the Institute rulings. If they are taken together, more than half of the rulings on writs of review have ordered the delivery of at least one content of information related with the original request, either directly or in public versions.

However, a different way of viewing the significance of the Institute rulings is through specific groups of writs of review or “cases” that deal with similar subjects. In many of these one can perceive the role played by the Institute when ordering the delivery of information and thus contributing to transparency and disclosure of information of clear public interest. A selection of some of these cases is presented below. These are divided into those that have to do with more than one of the disclosing parties of the federal public security sector, or only with one of these specifically.

Cases related with more than one disclosing party

a) Statistics on public security subjects.

According to Table 2, about 111 WR are related with subjects connected with public security sector statistics. Although the majority of the rulings of these WR contained instructions for exhaustive searches for information (particularly directed to the PGR) the large portion of writs of review within this section indicates the citizen’s interest in the subject. Most outstanding are the many writs related with the subjects of drug trafficking, kidnapping, robbery, assaults, homicide and organized crime, among others. It should be emphasized that a large part of the information is requested with itemization of state, gender and age.¹⁸

Specifically, there are two outstanding WR groups, one against the PGR and another against the SSP that, besides requesting statistical information, could also be considered to come within the category of investigation on public security subjects, due to the depth and detail of the information requested. In the first case there are about 25 WR that file all kinds of information on foreigners sentenced in Mexico for different kind of offences, while in the second case information is requested on criminal conduct within federal jurisdiction and the legal situation of foreign inmates of the federal centers for social rehabilitation.

It might be an exaggeration to say that the many writs of review in statistical matters filed against the disclosing parties of the public security sector have had a determining effect on these, at the time of informing the public about their activities. In order to verify this, a field study and interviews with public officials would have to take place. However, it does not seem mere chance that detailed statistical information has

¹⁸ The printed press has offered broad publication of the statistics disclosed as a result of the Institute rulings. For an example see the notes published in the newspaper, *Reforma*, “Critican a PFP por los asaltos” (PFP Criticized for Assaults), June 10, 2008, “Ordenan informar defunciones” (Order for Information on Deaths) May 8, 2008, “Reserva el IFAI rutas de heroína” (IFAI Reserves Heroine Routes), March 22, 2007, among others.

recently appeared in the websites of departments such as the PGR and the SSP. In the case of the PGR there is a link where statistics on the incidence of crime under federal jurisdiction can be consulted for the years 2007 and 2008, by year, by month and by federal entity, with multiple itemization for diverse crimes and crimes against health¹⁹ In the case of the SSP, in the links on “targeted transparency” on its website, several penitentiary statistics can be accessed, especially those related with a penitentiary population according to jurisdiction, legal situation or gender, by federal entity.²⁰

b) Operation in Oaxaca State.

The relevance of some events of public interest has affected the work of the Institute. In fact, the LFTAIPG has been used on many occasions to acquire information on events that have sparked the interest of several citizen groups because of their wide diffusion and importance for the development of the country’s political and social subjects. This is the case of the operations in the State of Oaxaca in 2006 when different federal forces intervened to attempt to re-establish order in the teacher’s union conflict there, headed by the Popular Assembly of the People of Oaxaca (APPO). Writs of review such as the 0279/07, 3313/07 and 0199/08 of the PFP, 3163/07 of the PGR; 0041/07 and 0479/08 of the SEDENA and 0197/08 of the SSP give evidence of the interest in this operation, and in the majority of these writs, the IFAI ordered the requested information to be delivered, or rather public versions of different documents (see Appendix 1).

c) “Zhenli Ye Gon” Operation.

Another case, with wide media distribution, deriving from writs of review filed with the IFAI was the seizure of more than 200 million dollars in cash by the PFP in a house in Lomas de Chapultepec, Mexico City, in March, 2007. The money was presumed to belong to the legal representative of the company, Unimed Pharm Chem Mexico, Zhenli Ye Gon. In the writ 0642/07 against the PFP it was decided to carry out a search for information of all kinds of investigations into substances such as ephedrine and pseudoephedrine where Zhenli Ye Gon had allegedly participated. Then again, in the writ 2098/07, against the PGR, the IFAI ordered the disclosing party to reveal where and how the documents specifying the destination of the money confiscated by the PGR could be consulted. They were also instructed to specify the institutions where this money was deposited as well as the documents recording the use that would be given to a third of the money insured.

d) Purchase of Bullet-proof Vests.

The purchase of bullet-proof vests is an example of the way that the LFTAIPG has been used to investigate the contracts and acquisitions in the area of public security. In at least three departments, related WRs were filed in this subject: 0305/07 and

¹⁹ <http://www.pgr.gob.mx/temas%20relevantes/estadistica/Incidencia%20Entidad/incidencia%20entidad.asp>(site accessed December 26, 2008) Although in less detail, it is also possible to observe some figures on criminal investigation

²⁰ <http://www.ssp.gob.mx/portaWebApp/ShowBinary?nodeId=/BEA%20Repository/365162//file> (site accessed December 26, 2008).

0644/07 of the PFP; 0660/07 of the PGR; and 3498/06, 3499/06, 3509/06, 0011/07, 0245/076 and 0264/07 of the SEDENA. All kinds of information was requested in these on the purchase of “bullet-proof” vests, especially when made by the SEDENA and later supplied to other departments and agencies such as the PFP and the SSP.

e) The Guerilla Group, EZLN in Chiapas.

Another event of national importance that has appeared in the WR is that of the guerilla movement in Chiapas. The writ 1667/05 against the PGR orders the exhaustive search of the number of bodies —and their names— from the insurrection that the agent of the Public Prosecution Office attested to in Chiapas at the beginning of January, 1994. In the case of the SEDENA, the IFAI ordered it to deliver a public version of the statistics on criminal prosecutions of soldiers that were highlighted in Chiapas from 1994 to 2005 (2336/05) and to carry out an exhaustive search of the presumed Zapatista supporters detained by the Mexican Armed Forces in the first 15 days of 1994, indicating the place of detention and whether they were released or brought before some authority (0246/06). Finally the WR 0051/08 was filed at the SSP. In this the IFAI ordered a search of the lists, relations, logbooks or documents related with the Zapatist Army of National Liberation (EZLN), both de-classified and classified, or reserved.

Relevant Cases by Department or Agency

a) PFP.

As shown in table 7, the greater part of the writs of review on reports on operations, accidents or flights are filed against the PFP. Apart from the operation in Oaxaca, there are two more cases that are remarkable for the number of WR on which the IFAI had to declare. The first was the helicopter accident where the then Federal Secretary of Public Security, Ramon Martin Huerta, lost his life. In writs such as 2065/05, 2047/05, 2207/05, 0972/06 all kind of information was requested on the physical conditions and maintenance of the helicopter, the pilot’s and co-pilot’s licenses, their flight hours, the communications established between the PFP and the rescuers, among others.²¹

The second was related with the confrontations between the inhabitants of San Salvador Atenco and federal and state police agents in May, 2006. The conflict began with the evacuation of some flower growers in the Belisario market, in the town of Texcoco, but later this escalated to a road block on the Lecheria-Texcoco highway. In writs such as 0687/07, 1351/07, 0060/08 and 0305/08 the IFAI ordered the delivery of public versions of documents related with the informative reports of the facts occurred; the positions of the PFP elements that participated; and the search for documents where the State of Mexico and/or its municipal governments requested PFP intervention in the municipality of Texcoco on the 3rd and 4th May, 2006.

²¹ The rulings of the Institute on this case were disclosed in the press. See *Reforma*, “Otras resoluciones” (Other Rulings), August 17, 2006.

b) PGR.

One of the great contributions of the IFAI to transparency within the public security sector in Mexico has been its stance on the criminal investigations (CI) carried out by the PGR. The IFAI have consistently ordered the development of public versions of all those concluded CI, that is, where the non-performance of a criminal action is declared or a person has been brought before the courts. In effect, as can be deduced from Table 4, the categories related with subjects of criminal investigations (corresponding to the categories 4, 7, 9 and 11 of the table 2) produce 56 WRs, the majority of which produced rulings of direct delivery or preparation of public versions. This gives an idea of the importance that this subject has had in the Institute's work in public security matters.²²

Other subjects that are important in the PGR area were the deprivation of Andres Manuel Lopez Obrador's political rights, the extradition of drug-traffickers to the United States and the behavior of the Special Prosecutor for Past Social and Political Movements (FEMOSPP). A case of particular interest was the one where several writs of review were filed to discover whether several reliability checks were applied or not to personnel of the PGR (files 1879/06 and 0048/08 among others).

c) SEDENA.

The file 363/07 was an interesting case on how a writ of review can have important effects on transparency in the area of public security. Among other documents, the IFAI ruled in this writ that the SEDENA deliver information on the lawsuit of the German company Heckler & Koch (HK) for the presumed plagiarism of the FX-05 rifle, manufactured by this Secretariat. Along with other requests for information on the same subject, the SEDENA publicized the information that it had on the rifle, which established the quantity of rifles manufactured and clarified the accusations made by the German company. On this latter it stated, "behind an exhibition of detailed models of the FX-05 the HK remained convinced that, in spite of the similarity, there was no plagiarism of designs to manufacture the Mexican rifle and because of this concluded the disagreement."²³

As with other departments, numerous WR have also been filed with SEDENA to find out information about different operations and accidents, in this case carried out by the Mexican Army. An example of this are the writs related with the Army's combat against drug-trafficking (i.e. 2163/08 and 1663/08) or the cases where accidents have occurred at military posts, as occurred with the shots received by young girl Marlene Caballero in the municipality of Tecpan de Galeana, Guerrero. One of the operations that sparked the greatest interest in terms of transparency had to do with the events in the mountains of Zongolica, Veracruz, where several soldiers of the Army were accused of the alleged rape and murder of Ernestina Ascencio, an indigenous woman of 73 years

²² For this reason the recent reform of Article 16 of the Federal Code of Criminal Procedures is regrettable, since this will impede, among other things, public access to the concluded files on criminal investigations. The IFAI demonstrated its disagreement on this reform through a press release made public on 17th Decemeber, 2008.

²³ *Reforma*, "Reanuda la Sedena fabricacion de fusil" (Secretariat of Defense Continues Rifle Manufacturing), February 18,2007.

of age, in February, 2007. In writs such as 2332/07, 4429/07, 4430/07 and 4431/07 the IFAI ordered the department to deliver public versions of the military reports and of all the investigations made by the SEDENA in this case, as well as exhaustive searches for documents where the aim of the Secretariat to maintain the Mexican Army's presence at this part of the Veracruz mountain range was established.

d) SSP.

Without doubt, the most remarkable case within the SSP for the period under study is that of the Social Rehabilitation Center (Cereso) in Cadereyta, Nuevo Leon. In 2007, a civil association defending human rights called "Cadhac" filed more than 80 writs of review against the SSP for several negatives to requests for access to personal data related with federal inmates of this Center. In the great majority of cases, the IFAI ordered the exhaustive search for the information requested and according to the department itself two new processes were installed in prevention and social readaptation as a result of this type of request.²⁴

Conclusions

The case of Mexico demonstrates that the laws of access to information and the policies of transparency strengthen the public security policies. Instead of limiting these in their operation or efficiency, the LFTAIPG and the IFAI rulings have contributed towards a clear delineation of that information within the security agencies that, by their very nature, should be public and therefore subject to citizen scrutiny. The wide variety of subjects contained in the requests for information that resulted in writs of review and on which the IFAI had to pronounce is a good example of the widespread interest in being informed of what is happening in the area of public security in our country.

In particular, the study establishes the capacity of the Institute to deliver information to the persons filing writs of review. On average, more than half of the rulings of the writs of review proceed to the delivery of some kind of document on the contents of the requests for information, either directly or in public versions. Besides, a little more than a third of these rulings order exhaustive searches for information. In Appendix 1 the documents or specific contents of information that the IFAI has instructed to be delivered to the persons filing writs of review can be seen more clearly, as well as the kind of searches it has ordered different disclosing parties of the federal public security sector to carry out.

On the other hand, the study also takes into account the utility of the Law to publish information resulting from social interest. Through a follow-up of different groups of writs of review on similar subjects, the rulings of the Institute contributed to the disclosure of a large quantity of information on very varied matters of public security that have formed part of the national debate. The work of the Institute is highlighted in its rulings to publicize the concluded criminal investigations and in the importance of publishing statistics of all kinds on public security subjects.

²⁴ Email communication from the SSP to the author.

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