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# Factors influencing public officials' responses to requests for information disclosure

Jeong Min Choi

Graduate School of Public Policy, Sogang University, Korea, 35 Baekbeom-ro, Mapo-gu, Seoul 04107, Republic of Korea

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## ABSTRACT

This study sought to define factors that influence bureaucrats' decisions on whether to grant information disclosure requests. Whereas previous studies of this issue focused mainly on factors related to the work of a specific government agency, this study expanded that focus to include information-related and environmental factors, drawing on blame avoidance motivation theory, street-level bureaucracy theory, and principal–agent theory. Decision-tree analysis revealed that, while various factors influenced public officials' disclosure decisions, information-related factors were the most influential, and blame avoidance was a stronger motivator than realizing public interests. Therefore, a crucial point for successful implementation of an information disclosure system is to prevent in advance the interference of blame avoidance motivation in the release of information.

## 1. Introduction

The Act on Information Disclosure by Public Agencies in Korea aims to ensure people's right to know, to encourage their participation in government, and eventually to improve transparency in state affairs. This can be achieved by providing copies of official information that is produced, acquired, and managed by public agencies in response to requests by citizens, through voluntary disclosure by the agencies or through disclosure mandated by law.

This study investigated factors that influence officials' decisions on whether to disclose information in response to a citizen's request. Previous studies on information disclosure have focused on the awareness of officials and citizens, the efficiency of the information disclosure system, and agency features, using questionnaire analysis. However, the crucial starting point of an information disclosure system is the public officials who manage the information and determine whether it should be disclosed. Therefore, a study based on theories that are appropriate for the analysis of these officials and their decisions is imperative.

Due to the enforcement of the information disclosure system, information that was exclusively retained by the government in the past can now be disclosed, which grants citizens a means of checking on government activities (Oh, 2003, p. 115). The annual number of information requests was only 26,338 in 1998 at the time of initial implementation; however, by 2014 it reached 612,859, more than 23 times the first year's total. The disclosure rate by public agencies is high, exceeding 90% yearly. However, although information disclosure requests related to general civil complaints are frequently granted,

disclosure of sensitive information is rare. Also, requests for the same information to different agencies often receive different responses (Heo, 2010).

Logically, it could be expected that when a claimant asks for information with the same content, which does not fall into a category that requires nondisclosure, different public officials would respond in similar ways. However, in a recent study (Choi, 2015), when the same information was requested from 28 different central administrative agencies, the disclosure decision and disclosed content were different at each agency. This reveals that decisions on disclosure or nondisclosure are, to a certain degree, left to bureaucrats' discretion.

From the perspective of the principal-agent theory, in many cases the principal (claimant) has less knowledge of the relevant field than the agent (public official) (Koh, 2001, p. 46). The public official makes a phone call not only to find out the details of the information request but also to sound out the claimant's level of knowledge about the requested material (Jeong, 2011; Seo, 2009), information the official can use in making the disclosure decision. Thus, a principal–agent problem may occur due to asymmetric access to information within the information disclosure system. That is, public officials may use claimants' lack of knowledge to induce them to withdraw a request or to decide for partial disclosure or nondisclosure.

Although all public officials in charge of information disclosure are not minor officials, they could be considered street-level bureaucrats, because they are in direct contact with citizens and their work practices are similar to those of street-level bureaucrats. Thus, this study applies principal-agent theory and street-level bureaucrat theory to an investigation of bureaucratic information disclosure.

E-mail address: [mingg11@gmail.com](mailto:mingg11@gmail.com).

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Previous studies on information disclosure (Ahn, 2009; Lee & Moon, 2010) consistently found that officials' disclosure decisions are influenced by the features of their agency (referred to in this article as work-related factors). Although it is important to study these decisions at the level of the individual agency, a more systematic study would focus specifically on how an agency's features influence the disclosure decisions of public officials in that agency.

In addition to work-related factors, this study sought to identify other factors, not considered in earlier studies, that also influence officials' disclosure decisions. It drew information-related factors from blame avoidance motivation theory, and work-related and environmental factors from street-level bureaucracy theory and principal-agent theory, while organizing the discretion degree of factors discovered from theories and previous studies. Finally, the study examined whether there are changes in the influence factors bearing on disclosure decisions bureaucrats make before and after the revision of act in 2004.

## 2. Theoretical background and previous research

### 2.1. Operation of information disclosure system

#### 2.1.1. Significance of information disclosure system

During the period, when secrecy in government, especially in the executive branch was prevalent, the documents or information written, acquired or maintained by the government were considered exclusive domain of the government. Therefore, it was completely left to the government's discretion whether or not these documents should be made public to the people. It was not considered the people's right to claim for the disclosure of these information. However, under the sovereignty of people, 'ideology of people's right-to-know' emerged, which claims for a divine right to know whether the control agency entrusted by the people is exercising its authority properly. The notion of people having right to request disclosure of information held by the government emerged.

The first enactment of information disclosure system was in Sweden, 1766. (Banisar, 2006; Birkinshaw, 2010). The US soon adopted this system first on the state level, and 12 states recognized the 'right to inspection for official records' even before 1940. On the federal level, The Freedom of Information Act (FOIA) was enacted in 1966 (Michael, 1987).

#### 2.1.2. Information disclosure act and its operation in Korea

In the case of Korea, the protracted hostility between North and South Korea was used to support the argument that enactment of the disclosure system is premature. However, steady efforts put forth by academia and civil society led to a pre-emptive introduction by the local government and had put pressure on the central government. At last, Korea became the 13th country in the world and first Asian country to adopt information disclosure system. Since January 1998, [Legislation on Information Disclosure of Public Institutions] has been in effect and enforced.

Concerning the content about Korean Regulation, it defines the claimant, agency of obligatory information disclosure, subject of disclosure, subject entitled to nondisclosure based on exercise of discretion, processing time, and relief process. Information disclosure system is open for all Korean citizen as well as foreigners, and the public institution shall disclose the requested information within ten days, or may extend the period up to another ten days if required. Information related to national security, national defense, unification, diplomacy, ongoing trial, personal information and those that are in the process of decision making are generally slated for non-disclosure. The claimant may file an objection, request administrative appeal or initiate an administrative litigation if he or she desires to protest against partial disclosure or non-disclosure decision.

In 2004, reflecting the continuous increase in the number of claims for information disclosure and the needs of the people for an expansion

of information disclosure, there was a complete revision of the information disclosure law. The main content of the revised law included provision of grounds to support electronic information disclosure, advance publication of administrative information, oblige to prepare and provide a list of information, shortening of processing period for information disclosure (from previous 15 days to 10 days), deletion of abstract non-disclosure conditions, establishment of information disclosure committee and composition of information disclosure inquiry committee with a majority of civilian committee members.

As for the major revisions made, there are 'advance publication of administrative information,' 'reduction of information exempt from disclosure' and 'installation of information disclosure council.' Advance publication of administrative information demands public institutions to voluntarily disclose its information in advance, even without a claim for information disclosure. Reducing the range of information exempt from disclosure, it prevents nondisclosure decisions made by self-governing rule through defining nondisclosure items only in the upper laws and regulations. Also, it deleted abstract and unclear standards such as 'other public safety and interests.' The information disclosure committee is constituted of a board that includes external specialists in order to objectively deliberate on the objections raised on nondisclosure decisions.

As an integrated website for information disclosure ([www.open.go.kr](http://www.open.go.kr)) opened in 2006, a full-fledged on-line computerization of the system began. With this as a start, the number of claim for information disclosure increased, and electronic disclosure claim via information network system instead of mail or visit has greatly increased.

Fig. 1 shows the overall procedure which the law provides. Under the system established by this law, when a claimant claims information from a government agency, an official in charge of information disclosure decides in favor of full disclosure, partial disclosure, or nondisclosure.

Public officials in charge of information disclosure<sup>1</sup> can be classified into two broad categories: one category is task manager for information disclosure claims of each institution, and they are commonly referred to as 'public official in charge of information disclosure'. They accept disclosure claims, distribute them to corresponding departments (information production department or departments related to the information), manage information disclosure committee and sometimes directly process claims. The other category is public officials, who have their own major duty separate from information disclosure but process the information disclosure requests when the information requested relates to their corresponding work of duty. This study included both categories.

If the decision is for other than full disclosure, the claimant can appeal it. If an objection is raised by the claimant, an Information Disclosure Committee is held. Public institutions establish and manage Information Disclosure Committee to make a disclosure decision of requested information when it is difficult to determine it or deliberate on the objection raised. Information Disclosure Committee is a deliberative body and does not have a decision right, but most of its decisions are reflected on the result.

It is managed by each institution, and it consists of 5 to 7 internal and external member including 1 chairman. The internal members are constituted of affiliated public officials, executives and staff members.

<sup>1</sup> Although this study have street-level bureaucrats as its primary subjects, high-ranking government officials can directly or indirectly influence street-level bureaucrats. Take the case of Seoul for example where the disclosure rate did increase since a mayor with high level of interest in (favorable of) information disclosure was elected. However, there are particular leaders with a generally negative attitude toward information disclosure and take actions to obstruct the disclosure. To prevent such cases, the institution carries out a working group information disclosure education for the street-level bureaucrats and executive education for the high-ranking officials. Moreover, it is said that decision-making of public institutions are not normally done as the directions given from above. Therefore, it seems to be quite appropriate for this study to analyze the information disclosure behavior based on street-level bureaucrats.

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