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Methodology for transparency evaluation: procedures and problems

Pedro Molina Rodríguez-Navas [CV] [ORCID]  0000-0002-1586-881X [GS] 
<http://scholar.google.es/citations?user=S4FPIHEAAAAJ&hl=es&oi=ao> – Department of Journalism and Communication Sciences, Universidad Autónoma de Barcelona, Spain - pedro.molina@uab.cat

Núria Simelio Solà [CV] [ORCID]  0000-0002-9220-5155 [GS] 
<https://scholar.google.es/citations?user=0OPsGd8AAAAJ&hl=es> – Department of Journalism and Communication Sciences, Universidad Autónoma de Barcelona, Spain - nuria.simelio.sola@uab.cat

Marta Corcoy Rius [CV] [ORCID]  0000-0001-9283-7884 – [GS] 
<http://scholar.google.es/citations?user=kwH6UDIAAAAJ&hl=es&oi=ao> – Universidad Autónoma de Barcelona, Spain - marta.corcoy@uab.es

Abstract

Introduction: The approval of the Transparency Law in Spain in 2013, along with concern about corruption, good governance and accountability has led to a significant increase in studies on transparency of administrations in recent years. **Methods:** The objective of this article is to expose the different methodological complexities in order to analyse the transparency of the contents published by the public administrations in aspects such as the definition of transparency itself, the object of study, the users or the recipients. **Results:** A model of analysis of the transparency of the webs of the municipalities is presented: the *Infoparticipa* project. The methodology we present is based on innovative tools that have established a map of local transparency in Spain. **Discussion and conclusions:** The *Infoparticipa* Map has transcended the academic field showing its social utility by allowing the improvement of the information published in the webs.

Keywords

Transparency; webs; public communication; methodologies; accountability.

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Translated by **Yuhanny Henares**
(Academic translator, Universitat de Barcelona)

1. Introduction

In the last years, the studies about transparency of public administrations have multiplied. This increasing interest is the result of different factors such as the proliferation of corruption cases and the media monitoring involved therein, the approval of transparency and the good governance laws, from the State *Law 19/2013 dated December 9, on Transparency, Access to Public Information and Good Governance* (Spain, 2013) up to the different autonomous laws or the interest of international governments which promote transparency, relating its application with benefits in terms of democracy and development (United Nations, 2000: III; European Commission, 2001; European Commission, 2010).

These studies do not only originate from academic initiatives. Different public entities, responsible for promoting the enforcement of laws, order to be done or conduct their own evaluations or develop self-evaluation systems. Therefore, for example, the *Síndic de Greuges* of Catalonia, published in 2016 the *Report about transparency, access to public information and good governance* (Síndic, 2016), elaborated by order of the Parliament of Catalonia with the objective of evaluating law enforcement. The Council for Transparency and Good Governance of Spain, with the State Agency for Evaluation of Public Policies and Quality of Services (AEVAL), has developed a self-evaluation procedure, of compliance with the Law of State Transparency, called MESTA (methodology of evaluation and monitoring of transparency in administration), available for Public Administrations in Spain. The Council itself presented in 2017 a *Report of evaluation of compliance with the Law of Transparency* (Transparency Council, 2017) where the main political and juridical institutions in Spain have been evaluated, together with the entities of constitutional relevance set forth in the Law of Transparency itself.

Likewise, civil organizations interested in the development of democracy, participation and accountability, create their own monitoring systems. Some of these are international and others are targeted to contexts nearby such as local policy. The most known is the activity of Transparency International, represented in Spain by the NGO *Transparencia Internacional* Spain (in <http://transparencia.org.es>) which regularly evaluates the transparency of different public administrations and of other private organizations such as football clubs.

The procedures applied in these analyses have different characteristics, related with different groups of issues that determine the methodology of evaluation, the procedures used for the calculation of results, the publication of researches and other problems we handle in the next section.

Therefore, in this article our purpose is to study what are the issues that define the methodology used in the end, as well as the scope of possible solutions for each one of them. Next, we will expose the characteristics of the *Infoparticipa* procedure, a methodology with which we have given a complex response to the problems derived of managing this object of study from an academic and civic perspective.

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2. Definition of the methodology of analysis

To define indicators of evaluation and the set of procedures for measuring transparency of public administrations, we must think about some issues and determine the responses that will orientate the methodology design. We will talk about them in the following subsections.

2.1. Identification of the objective of evaluation and definition of transparency

Firstly, the objective of evaluation will determine the characteristics of the procedure. Even though it is true that, initially, the general objective can be knowing whether a public administration is more or less transparent, the idea underlying the concept of transparency ends up determining the characteristics of the procedure. Even though the term is not new, it is currently being related to the expansion of Internet and the possibilities of the new technologies which facilitate administrations to promote transparency in the context of experiences on application of electronic government, which increases the relevance of the notion of transparency in the academic and political fields. Nevertheless, there is an alert regarding the fact that a very generic form of this is being used, without developed criteria and methodologies to verify whether these practices have been successful (Bertot, Jaeger and Grims, 2010).

Some authors focus on approaching it in relation to the control of corruption, stating that a transparent electronic administration makes its reduction easier (Anderson, 2009). If we conceive transparency, exclusively or preferably, from this point of view, that is, as a preventive factor of corruption, indicators will mainly address economic control and will look forward to confirming whether information such as budget, control of expenses, contracts allocation is published as well as the rest of information that allows to know where resources come from and how they are used. We find an extreme case in the evaluation that *Transparencia Venezuela* (in <https://transparencia.org.ve/>) did from a sample of local governments between 2004 and 2010, with indicators divided into five groups in the economic area: elaboration and execution of budget, acquisition of goods and contracting services, process for License of Economic Activity, bank allocations and process of License for Building. Undoubtedly, this case happens due to the severity of corruption problem in the country, but we mustn't forget that in any of its national sections, this is the perspective of Transparency International, just as its motto says, "the global coalition against corruption", and the definition of organization itself offered on their website (*What is Transparency International?* In <https://www.transparency.org/about/>):

From villages in rural India to the corridors of power in Brussels, Transparency International gives voice to the victims and witnesses of corruption. We work together with governments, businesses and citizens to stop the abuse of power, bribery and secret deals.

As a global movement with one vision, we want a world free of corruption. Through chapters in more than 100 countries and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

Therefore, the same idea appears in the explanation of TI Spain:

Through its chapters in the world and its International Secretary, *Transparencia Internacional* manages different facets of corruption, both in the interior of countries as well as in the plane of economic, commercial affairs and international policies. The purpose is to understand and confront the two faces of corruption: who corrupts and who allows to get corrupted (in <http://transparencia.org.es/que-es-ti>).

However, in the section dedicated to the organization in Spain, new elements are introduced:

Transparencia Internacional Spain assumes that transparency is a relevant objective of the current society, and is inherently joined to the rights of citizens to know, who increasingly demand to be informed enough and have a greater level of participation in the decision that affects them (in <http://transparencia.org.es/acerca-de-ti-espana/>).

In general, transparency is related with the essential right for democratic participation and it includes, besides the prevention of corruption, information about political decisions and actions so that they can be made known and evaluated, and provide true information for citizens and media (Bertot, Jaeger and Grims, 2010) in benefit of democratic control and the possibilities of dialogue, participation and accountability. In this sense, transparency would be defined as a democratic ideal that would oblige public administrations to make accessible all information of general interest to all citizens, considering that citizens themselves fund the resources used by administrations and hence, have the right to know how they are used (Gandía, Marrahí and Hugué, 2016: 29).

This idea is present in the Spanish law, as we can see in the definition of transparency that appears in the Law of Transparency of Catalonia, oriented to promoting participation.

Transparency: the proactive action of the Administration to make known information regarding their fields of action and its obligations, with permanent and updated character, in a way that it is more understandable for people and through spreading means that enable a wide and easy access to data and make participation in public affairs easier (*Law 19/2014, December 29, on transparency, access to public information and good governance*, art. 2, a.; BOE number 18, dated January 21, 2015, reference: BOE-A-2015-470, in <https://www.boe.es/buscar/pdf/2015/BOE-A-2015-470-consolidado.pdf>).

Therefore, if the priority focus of attention pertains to aspects such as the monitoring of government action or if it is understood that the publication of information must contribute to promoting citizen

participation in the public policies, other information about planning and execution of projects or about budget and participation processes, among others, will be as important as the economic information. So, the agenda of politicians responsible or the government plans, are relevant information so that citizens can evaluate the action of politicians responsible or the rules for citizen participation and information about plenary sessions, in the case of local corporations, they must determine whether there is specific information about the management and execution of the government plans and/ or whether open policies are being promoted for participation of citizens in the definition of public policies. A methodology that considers that transparency affects these aspects must have indicators measuring information offered about these issues.

On the other hand, some researches have focused specifically in how the new technologies have facilitated this process of transparency and how specifically the information has improved with the use of new uni-directional platforms, but also with the incorporation of social networks that have favoured the social dialogue. (Cameron, 2004; Simelio and Molina, 2014). In this line, CIT would offer three basic opportunities regarding transparency: promotion of participation, co-production of contents between administration and administered parties and open collaboration to look for solutions to social challenges (Bertot, Jaeger and Grimes, 2012: 86). Considering these aspects, an evaluation procedure grounded like this, must incorporate indicators that show which are the results of said will for collaboration put into practice.

2.2. Legality versus rights

A second aspect, derived from the previous one, is determining the relevance granted to legal obligations in the definition of indicators. It is possible to apply a procedure that exclusively considers legal obligations to determine its compliance and, in that case, we would need to consider the territorial field studied and the one of its law application. For example, in the Spanish case the national law can be exclusively considered, but also autonomic laws can be taken into account, when applicable, therefore extending obligations, or if a procedure is designed to be applied in different countries, we must consider the law of every country where it is applied, as well as the differences in the public administrations studied and their competences. In Spain, since the application of the Law of Transparency (Spain, 2013) researches have been conducted to analyse the level of compliance in the administration, showing the difficulties they face to adapt to the new guidelines, of academic (Beltrán-Orenes and Martínez-Pastor, 2006) or institutional character, like the aforementioned report of the Council of Transparency and Good Governance of Spain (Council of Transparency, 2017).

But also, a procedure can be designed that considers the law at the same time that considers other elements suggested from the perspective of rights, thus widening demands. This is projected when, for example, participation is considered as fundamental objective of transparency. In either case, the definition of the point of view involves thinking to what extent observation of legal demands is enough or insufficient, both regarding active and public advertisement, so that a list of indicators coherent with the objective is proposed.

2.3. Target groups

Third, the interest that the research in this field arises makes it worth it to consider that it will be useful for different target group collectives, such as politicians, technicians and professionals responsible of

public administrations, social organizations or citizens in general. If results of evaluation are disseminated exclusively in the academic field or if there is the will to transfer them to these interested parties, it will affect both the methodology and the diffusion procedures. Thus, an evaluation intending to communicate its results to citizens, must elaborate a methodology that is easily understandable and some publication procedures that are adequate, using mass media, infographies, interactive cartographies, etc.

At this point, we need to think therefore, about the amount of information provided. An excessively brief communication, simplifying the evaluation procedures and results to be able to get to the maximum public possible, can be valued as insufficient by professional or affected collectives. On the contrary, the technical over-information can cause the undesired effect of expelling individuals who want simplified or brief information as well, but who want to be informed about the enforcement of their rights anyway.

In this sense, it is interesting to keep in mind the research of Gértrudix *et al.* (2016) who shows how there is a lack of trust from citizens towards open data provided by the Spanish Public Institutions. It is necessary to keep this in mind to think how the information and communication between administration and administered parties should be managed so to overcome the scarce credibility that citizens grant to politicians responsible. Besides, this lack of trust created by the “bad practices” of governments has also led to the reduction of interest of citizens for public affairs, which causes the need to look for methodologies that promote citizen engagement (Minguijón and Pac-Salas 2012). This is one of the main factors that promote the expansion of civil organizations, such as OCM (Municipal Citizen Observatory, see <http://ocmunicipal.net>) which gather data from proximity and offer them in a plane of equal interests that intends, not without hurdles for success, to be credible by nature.

2.4. Quantitative or qualitative methodology

On the other hand, the evaluation can be exclusively quantitative or can incorporate qualitative elements. In this sense, it is possible to make an evaluation that exclusively considers the publication of the required information or even the amount of information and published data. But it is important to keep in mind that one of the basic objectives of transparency is to break digital barriers to enable that the change in websites could be accessible for all collectives (Fernández-Aquino, 2009). Therefore, qualitative aspects like accessibility, intelligibility of information, easy access, typology of documents published, etc. can be evaluated. (Garrido *et al.*, 2014; Hong *et al.*, 2015).

Also in this case, the objective of analysis and target groups must coincide with choosing the best methodology. So, if the procedure intends to be a guideline for the practice of transparency, the compliance must be requested by using criteria such as, for example, in what sections information should be published or evaluate whether it is enough that the administration observed has a transparency portal available or whether it is necessary that the corporate web is transparent as a whole. The qualitative analysis needs a greater attention to delimit the demand in application criteria of each indicator, because it is always possible to publish something more concrete or defined.

In either case, it doesn't seem useful to develop an exclusively qualitative methodology, because these aspects rely on the previous availability of information.

Another related issue, which differences some procedures from others, is the formula chosen for the calculation of the results of evaluation. While in some cases we have decided to consider all indicators as equally valuable, in others, they are weighed differently, depending for example, whether information is of economic character or of any other nature. Moreover, more complex systems can be considered, incorporating a double score that evaluates quantitative aspects on one hand and, on the other, qualitative aspects.

2.5.Characteristics of the subject studied

We also need to think whether within a same typology of analysis it is possible or it is necessary to establish differences. This problem is formulated, for example, when websites of local governments are analysed, because some are large cities, while others are small populations. In Spain, even though the legislation does not establish any difference, many local governments of small dimensions argue that their scarce resources hinder them of completely complying with the law, but we shouldn't forget that the right to access information is equal for all citizens, despite the municipality they live in.

However, in a still initial moment of the application of the law (although we shall recall, it is already in effect) it is possible to think about some differential margins, considering that larger administrations are not fully compliant. The issue is in what aspects can these differences be done, considering the difficulty to get the documents, as well as the difficulties of publication and also others like the need or other priorities established.

All the factors we talked about before, determine the procedure and its materialization should eliminate any assessment subjectivisms of evaluators. However, in practice there are elements that interfere in evaluation. Therefore, analysed spaces, generally websites, can be very different, with very diverse menus, epigraphs that are confusing and organized under specific criteria. Likewise, every information is published in different documents with diverse levels of accuracy, with other characteristics that are difficult to contrast and under permanent evolution. Hence, it is necessary to have evaluation guidelines that are as accurate as possible, train the evaluator teams so that they know the problems they will face and establish a quality control that grants uniformity to results.

Also regarding websites, it is often observed that information is confined to specific spaces called of transparency, while in others, information can be found in different sections. Therefore, we look after the fact that the space of publication is a space for transparency. Must this be valued? Is one option better instead of the other and this must affect the evaluation or is it about a tangential aspect that shouldn't be considered because we should let the corresponding administration decide about which option seems better?

In this context, studies about the use of web 2.0 by administrations show that there are important limitations for its development regarding the lack of budget and technological limitations (Ganapati and Reddick, 2012).

2.6.Accreditations

Lastly, we must consider the incidence in the stimuli process such as seals or certifications of transparency, which can improve quality punctually in the considered aspects.

Many evaluating organizations grant some kind of award or, at least, establish rankings depending on scores with which it is expected to stimulate evaluated organizations, especially in the cases where scores have been low, looking forward that this negative comparison could drive changes of behaviour.

3. *Infoparticipa* methodology

The *Infoparticipa* methodology is conceived as a civic audit on transparency of public administrations. Up until now, it has been applied preferably to the evaluation of local administrations in Spain but also the websites of Comarcal Councils and Governments in Catalonia and municipalities of Ecuador. Currently, it is being extended to other countries like Colombia or Argentina. The project has a fundamental tool which is the *Infoparticipa Map* (www.infoparticipa.com).

Once all issues treated in the first section have been treated, we explain in a reasonable manner, the solutions *Infoparticipa* procedure contributes with and the achievements obtained up until now. We position this research in a complex approach because it is originated in the academic field but including professionals with experience in communication of public administrations, which moreover, it intends to add to the scientific perspective, the will of incidence in the professional, political and civic field.

3.1. Origins and perspective

The *Infoparticipa* project emerges before the approval of the Law of State transparency and the autonomic regulations in Spain. It was suggested after confirming that previous studies developed by the own team concluded, always verifying that the information provided by public administrations to citizens was insufficient and deficient. Moreover, the proposals derived from these studies weren't put into practice because the lack of existence of a legislation that obliged administrations to be transparent and inform about their plans and how they will be executed, hindered progress in this sense. Repeatedly, publications, first in printed version and then using digital means, were used as a propaganda means of power in every moment. Therefore, it was necessary a method that contributed to improve public information and communication, triggering reactions and offering solutions at the same time.

The answer to these problems was suggested by addressing two dimensions. Firstly, considering that research in Social Sciences developed in a public university must provide innovative solutions to new social problems. Secondly, addressing the relevance of defining criteria of quality of information and the communication of public administrations so that they can behave as transparent sources of information that ground citizen participation.

This perspective was reflected in the *Map of the Good Practices of Local Public Communication in Catalonia*, a web platform constituted by a contents manager and tools for visualizing information, so that every person could obtain information about evaluations, and participation, so that they could get in touch with the responsables of the project and communicate discrepancies whenever it was necessary.

That first platform is in the origin of the current *Infoparticipa Map* and allowed to evaluate the lacks and strengths of the project to detect necessary amendments and act accordingly. In the next year, the first version of the *Infoparticipa Map* was formulated and one year later the second version was developed, which is currently active, to incorporate new functionalities that enabled extending the project to other fields and with a flexible architecture capable of adapting to those new circumstances.

3.2. Procedure

The evaluation procedure has a list of indicators which were initially 41 and now are 52. The first relation, considering the lack of a specific legislation, was build starting from the Law of Basis for Local Regime (Spain, 1985), the Revised Text of the Municipal Law and of Local Regime of Catalonia (Catalonia, 2003), and with other documents such as the Decalogue of Good Practices of Public Local Communication (Labcompública, 2016). The second one, is based on the legislation of State transparency (Spain, 2013) and partly on the Catalan (Catalonia, 2014), which is much stricter and of which not all obligations have been gathered, because in the current development and implantation phase of the project, this doesn't seem possible nor desirable.

The 41 indicators used in the evaluations of 2013, 2014 and 2015, were divided into 4 groups: who are the political representatives?, how are collective resources being managed?, how the management of collective resources is informed? And what tools are offered for citizen participation in the democratic control?

In 2016 and 2017, 52 indicators adapted to legislation have been applied, divided into two groups and five subgroups:

1. Transparency of corporation
 - 1.1 Who are the political representatives?
 - 1.2 How are collective resources managed?
 - 1.3 How are economic resources managed: budgets, salaries, contracts, subsidies...?
2. Information for participation
 - 2.1 What is the information provided about the municipality and the management of collective resources?

3.3. What are the tools offered for citizen participation?

The list of indicators can be consulted in the Map's website. Besides, the evaluation guideline with criteria applied in the evaluation of every indicator is also available. This document has been conceived

and elaborated thinking that evaluators have homogeneous criteria, as well as for politicians and technicians responsible of analysed websites to understand the procedure and know which are the criteria which they will be evaluated with, and that also every citizen, political party or civic entity could contrast evaluation data with their assessments. Thus, every indicator is developed in the guideline in three sections: (a) information, theme and contents; (b) location or place in the website where it must be; and (c) Recommendations. In the two first sections the corresponding aspects are detailed, without determining a unique standard, because every website can be different regarding its structure, design and other characteristics. In the third section, there are some suggestions about quality of information. These criteria show that the methodology is not exclusively quantitative, but there are also principles of quality of information incorporated, among the most outstanding due to their relevance are that the information must be understandable and easily accessible. The evaluation guideline has been updated, besides than to adapt it to the change of indicators in 2015, also to improve the wording and to delve into some qualitative aspects, because the demanded level has been increasing.

Having these documents available, evaluators analyse the websites and introduce data in the platform using the contents manager. In the last version of the *Map*, a tool has been incorporated so that before data are published, they can be contrasted by an expert who is responsible for the quality control of the evaluation. This control can be positive, and then the evaluation is published automatically, or can show discrepancies due to different reasons, often related with the deficient structure of the website that hinders localizing information easily or with the characteristics with which information is published, which are different in each case, so the evaluators need to estimate whether the corresponding indicator is validated or not. This control of evaluation does not only improve the quality of the final result, but it is also a mechanism that contributes to training new evaluators and which generates a reflection process about casuistic.

Once the evaluations have been validated, results are published in a geo-referenced manner on the web platform. Over the *Map*, there automatically appears a graphic mark in the location of the municipality with a colour defined in a tool we have called “Infometer”. The grey colour identifies the local governments that do not have a website, the white one those who have obtained an evaluation inferior to 25%, yellow, those between 25 and 50%, light green those who have more than 50% and dark green those who excel 75%. Besides, the mark of the local governments that have obtained the *Infoparticipa* Seal have a red signal highlighting them. All indicators have the same value and, therefore, the final percentage indicates the validated indicators.

By clicking over the mark of the municipality, there is access to information about its global result, in a first window and, in a second window, the whole set of the evaluation, indicator by indicator. These geolocalized publications are successful in raising interest and competitiveness in the technician and politician responsables of local governments, therefore they encourage improvements.

Moreover, results are communicated to evaluated local governments, they are compared and verified and then reports of results are published by groups of municipalities in a same Autonomous Community which are sent also to mass media. This communication strategy delivers results to the individuals responsible in the institutions, as well as to political parties, civic entities and citizens in

general. Therefore, reactions and interventions are produced, that cause changes in the information available in the web and it encourages a dialogue of all these collectives with the research team.

The improvements done in the websites, when they are communicated to the project team, are checked again to verify they comply with evaluation criteria and, if so, they are validated and data are updated in the database so that the new result can also appear in the map. Otherwise, the local government is informed about what are the deficiencies that hinder validation, as a consequence of insufficient information as well as deficiencies in qualitative criteria.

The final element of the encouragement strategy is granting quality seals to local governments that best comply with criteria. The seal is an annual award that is given in the form of a printed diploma and banner that entities can put in their websites. It is granted by autonomous communities and up until now it has been given in Catalonia, Aragon and Murcia.

To give the *Infoparticipa* Seal, it is considered that the larger local governments have more resources to enforce the Law, therefore a greater compliance percentage is demanded compared to smaller ones. The tables with needed percentages, according to the number of inhabitants in the municipality and the annual closure dates for its granting are also available in the platform.

4. Conclusions

The evaluation of transparency, analysing contents published on electronic websites of administrations is a complex issue. On one hand, it requires analysing multiple information with different characteristics, because they come from specialized fields such as the economic and labour field, from the communication sector, different government areas, etc. This difficulty affects the methodology and the training of evaluators. The procedure must be capable of accurately defining the characteristics with which information regarding every indicator must be offered in order to be validated. These are not only technical and formal, but instead they should consider other qualities of transparency such as intelligibility of information and easy access.

On the other hand, as we have seen, the methodology will be different depending on general and operative specific objectives and the definition of transparency used from the start, the priority target groups of the analysis, the subject studied, as well as the its character, that is, whether it is strictly conceived from the juridical and legal perspective or if, to this perspective others regarding rights and values are added.

Once these issues are solved, we still need to determine whether the procedure is predominantly quantitative or mixed quantitative-qualitative and the evaluation-measuring system. Lastly, we must consider to what extent the formulas that promote improvements following evaluations, condition the procedure.

Currently different evaluation systems are being used. We have specifically described one of them, the *Infoparticipa* project, which uses a complex methodology that suggests intervention, that is, achieve that an academic evaluation transcends the field of research to be a reference of social utility. This procedure, sustained in innovative tools, has been successful in stablishing a map of transparency of local administrations in Spain and become a reference for politicians, technicians and social

organizations. Since 2016, the project has extended to Ecuador and is starting to be implanted in other countries.

The characteristics of the *Infoparticipa* methodology and results obtained (Moreno, Molina, Simelio, 2017) show their usefulness in the different fields described even though the lack of culture of transparency in Spain ballasts the indispensable change in attitudes and it is delaying, not only the application of the Law, but also essentially the implantation of practices that guarantee the right of citizens to information as a basis for grounded participation.

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