

# The Trouble with Transparency: A Critical View of Openness in e-Government

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## Abstract

*Transparency in public administration is generally held to be desirable, something to be fostered and enabled. This long standing idea has gained considerable further momentum with the emergence of e-government and the affordances of computing in general and the Internet in particular. This paper examines the argument that transparency may, in certain and not uncommon circumstances, be inimical to good government and good governance and suggests that the importance of understanding why this is so has increased as information and communications technology permeates government and society. It is suggested that in an electronic age, the scope and nature of transparency needs to be carefully managed and that expectations of the benefits of ICT enabled transparency may be overblown.*

## 1. Introduction

*“Laws, like sausages, cease to inspire respect in proportion as we know how they are made.”*  
John Godfrey Saxe<sup>1</sup>

The e-government literature, be it academic, professional or governmental, abounds with assertions of the anticipated beneficial consequences of the application of information and communications technology (ICT) in public administration. e-Government, it is claimed, will lead to government which is more agile, participative, responsive, efficient, seamless and, not least, open and transparent. All of these predictions come with a strong, normative undertone; these are positive developments and will lead to desirable outcomes.

While, in recent years, some scholars writing in the e-government literature have started to question some of the assumptions about the impact and effectiveness of certain aspects e-government (e.g. Kramer and King 2006; Millard 2010, Christensen and Lægreid 2007), to date these are minority voices. Even fewer scholars in the e-government community have questioned whether these attributes themselves are always desirable features of good

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<sup>1</sup> There are many people to whom similar quotations are ascribed including Otto von Bismarck. This is believed to be the original from the *The Daily Cleveland Herald*, 29<sup>th</sup> of March, 1869.

government or good governance. This despite the fact that debates on a number of these characteristics can be found in the wider public administration literature going back many years .

The objective of this paper is to explore the limits of desirability one of these attributes: transparency. Traditional reasons for transparency in the interest of better government will be examined and the question will be posed as to whether developments in ICT over the past couple of decades changes anything in this debate? In order to assist the discussion, the term *e-transparency* will be used to designate new ICT enabled forms and ways of delivering of transparency. This term is introduced with some reluctance as it is used in different ways in a number of literatures and thus risks bringing with it an element of confusion, but on balance it serves a useful purpose in what follows.

In approaching the question of the problems and limitations of e-transparency certain areas of government activity will be excluded from the discussion. Clearly there are areas of the state and its activities where transparency must be restricted. These include the much of the work of the security services and certain aspects of policing or foreign policy which need secrecy if they are to be effective in protecting the national and the public interest as well as matters of commercial confidentiality. Having removed these from the picture, it is not self evident that there are good reasons why other routine aspects of government including data, process and decision-making should not be made visible to every citizen, especially now that the technology to make this possible at an affordable price exists. This paper will argue both not only that there are traditional reasons for limiting transparency which are unaffected by technology, but that there are additional reasons which have emerged as the technology itself has evolved. There is a case for limiting e-transparency and that there is balance to be struck between the public's right to know, good governance, the costs and risks of delivering that right, the rights of public servants and the ability of public administration to function effectively (see figure 1). Writing of transparency in government in general, Breton *et al* (2007, p1) note that:

*“The view is widespread that more transparency in institutions leads to better outcomes. The, however, is surely too enthusiastic a view.”*

This paper will argue that this is just as true of e-transparency.

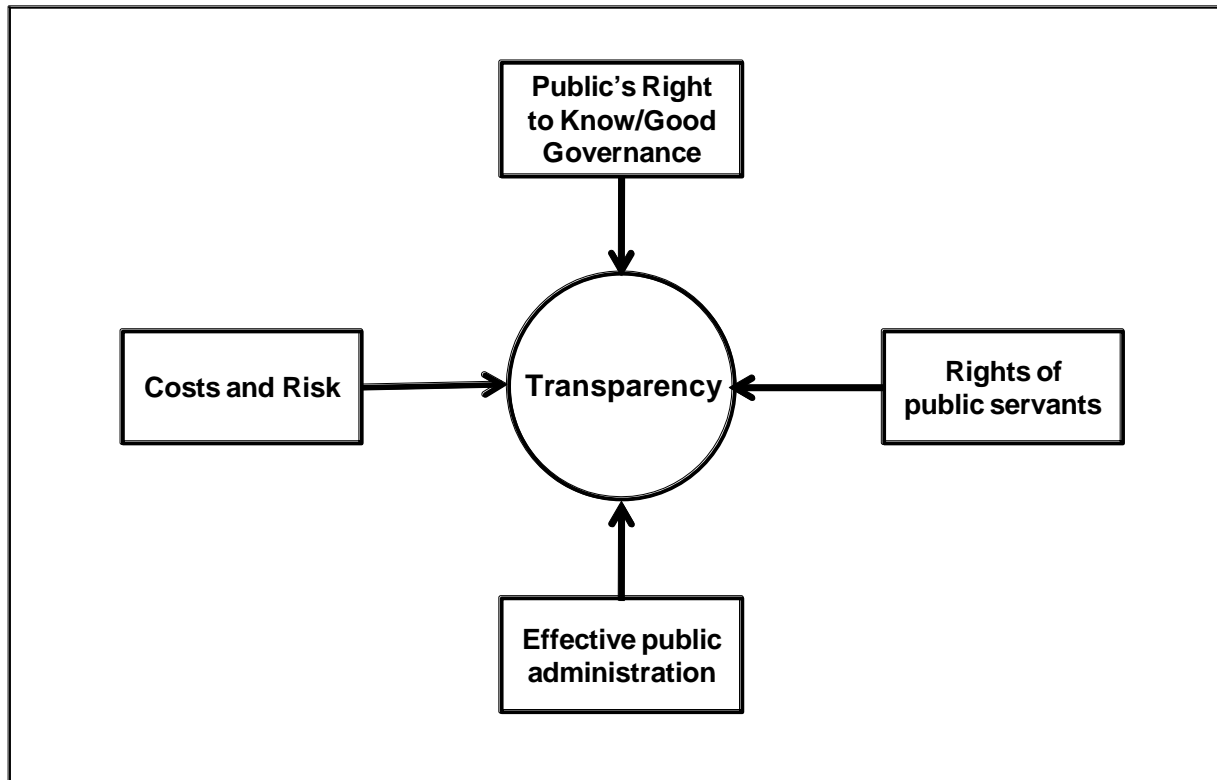


Figure 1: Factors influencing policy on transparency

The remainder of this paper is organised as follows. First, the question of what constitutes and differentiates openness and transparency is discussed. Some of the questions that surround the operationalisation of transparency are outlined. This is followed by a discussion of the challenges associated with different aspects of transparency including data transparency, process transparency and decision/policy transparency. The paper concludes with a summary and reflection on the limits of e-transparency.

## 2. Questions of Definition

The terms ‘transparency’ and ‘openness’ are interwoven in discussions of what constitutes good government and good governance. Openness and transparency, while they are not the same thing, are closely linked and though the focus here is on the latter, a brief discussion of each and the differences between them is useful. There are various views on this matter. To take but a few examples, Fiorini (2007) suggests that neither term has a generally accepted definition whilst Birkenshaw (2006) questions whether a line can be meaningfully drawn between them. Larsson (1998) asserts that the difference between the two terms is that transparency requires a receptor whilst Wong and Welch (2004) cite the Cyberspace Policy Research Group as saying that openness is a *function* of transparency and interactivity.

Openness in government is a matter of culture and politics as much as of policy. Openness can be seen most clearly when contrasted with its opposites: secrecy, obfuscation and opacity.

Secrecy is deliberately not revealing information as a matter of formal policy. In many countries, including Ireland, all civil servants and many private citizens who do business with the state still have to sign some form of Official Secrets Act<sup>2</sup>. Obfuscation is deliberately making information that is officially available hard to find, often by simply not revealing its existence or making rules or processes so complicated that it is hard for outsiders to understand what is going on or what the likely outcome will be. Opacity is what results from secrecy and obfuscation. Openness, in contrast to all of these, is a willingness not just to disclose information, but do so in an accessible manner. It is also about a willingness to engage in frank and honest discussion about processes, policies and decisions.

Transparency is one (but not the only) form of operationalisation of openness. Transparency is about visibility, both as a matter of policy and as to how openness is delivered or achieved. However a key difference between transparency and other virtuous attributes of e-government listed in the opening paragraph is that it is not an instrumental value. Transparency is not quite the same as, say, fairness and equality. Making this point, Heald (2006, p70) concludes:

*“There is sufficient force in these limits to urge caution about claims made for transparency. Specifically, transparency should not be elevated to an intrinsic value”.*

This is important as this it makes for a different and less clear cut debate than a discussion of, say, honesty or integrity. For example, one might agree that in certain circumstances being dishonest is the lesser of two evils, but one would (hopefully) not doubt that dishonesty is wrong. In contrast, there are circumstances when lack of transparency may be necessary or even correct and transparency wrong and opacity is not only publicly accepted, but publicly desired.

While there may be no agreed definition of transparency, the word itself has, in Hood's (2006) words, acquired a quasi religious significance. As a political term, Hood suggests that goes back at least as far as the late 18<sup>th</sup> century and the English philosopher Jeremy Bentham. Discussing the problem of definition, Hood proposes that transparency is about openness to public scrutiny. He proposes a working definition of transparency as the right and the ability of citizens (and organisations where relevant) to access government information and information about government. This is not dissimilar to the definition used by the United Nations Public Administration Network (UNPAN 1999) which defines transparency as citizen access to information and facilitating citizen understanding of government decision making processes. With this working understanding, the nature of e-transparency can now be further explored.

## **2.1 The Nature of (e-)Transparency**

Whether ICT changes the nature, definition or rules of transparency and, if so, how is a matter of considerable contemporary importance as ever more of government become ICT enabled or delivered. The literature on e-transparency in public administration tends to concentrate on

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<sup>2</sup> Both of the authors of this papers have signed this, one of them on no less than three occasions.

specific questions or be located in specific contexts rather than address broad principles. Academic writers on this subject such as Frick (2008), Heeks (2005) and Michael and Bates (2005) discuss e-transparency only in particular circumstances. A couple of recent contributions illustrate this pattern. Bertot *et al* (2010) examine the use of ICT enabled transparency as a way of changing the culture of corruption whilst Pina *et al* (2010) look at the effect of e-government and e-transparency and local government accountability. One of the few scholars to address e-transparency in more general terms is Margretts (2006) who outlines three ways in which ICT increases transparency, namely its ability to handle large volumes of data, the way in which ICT tends to lead to greater formalization of rules (thereby making them easier to explain) and ease of access. At the same time, she notes a number of barriers to greater transparency including limited knowledge of the technology and absence of good tools, pointing out, however, that both of these barriers were rapidly decreasing in significance. Importantly, she also notes, citing the case of Singapore, that an advanced use of ICT in government does not automatically lead to more transparency.

## **2.2 A model of e-transparency**

Analysing the concept of (non e-) transparency, Heald (2006), divides transparency into two types: event transparency and process transparency. Events can be inputs, outputs or outcomes and processes can be procedural or operational. Heald points out that transparency can be in four directions: inwards, outwards, upwards and downwards. While this is a useful point, in practice it is transparency inwards that tends to dominate discussions public and academic discourse on this subject.

For the purposes of this paper, a modified version of Heald's approach is proposed dividing e-transparency into three categories rather than two, namely:

- *Data transparency.* This type of transparency is concerned with the facts and figures of government. Although expressed as 'what?', it may include 'who?', 'when?' and 'where?' as appropriate.
- *Process transparency.* This means making available information on the steps in various processes of government from policy formulation to issuing of a dog licence. The primary question is here is 'how?' though 'where?', 'who?' and 'when?' may also be relevant.
- *Decision/policy transparency.* This encompasses the requirement to explain the rationale for decisions and/or the actions and policies of government. The primary question here is 'why?', though other questions may also be of importance depending on the circumstances.

The relationship between primary questions and type of transparency is summarised in table 1 below.

	What?	Who?	Where?	When?	How?	Why?
Data	✓	✓	✓	✓		
Process			✓	✓	✓	
Decision					✓	✓

Table 1: Types of transparency and principal type of question addressed.

In many practical situations, two or three of these will be applicable; process transparency will usually, though not necessarily, require data transparency and decision transparency will require, though again not necessarily, both process and data transparency.

### 2.3 Transparency and Trust

One of the benefits of transparency which is most often discussed is that it leads to, or even is fundamental to, trust and/or trustworthiness. The relationship between transparency and trust has increased in importance in modern discourse about democracy. In part, this is the result of increasing citizen apathy and disenchantment with Western governments, which is expressed in low levels of trust in government (Bouckaert & Van de Walle, 2003; Glaser & Hildreth, 1999; Putnam, 1993; Simonsen & Robbins, 2000). This is a matter of concern, particularly as citizen trust in government has been shown to influence citizens' compliance with the political order (Barber 1983), the development of social capital (Brehm and Rahn 1997), political efficacy and citizen participation in politics (Citrin & Muste, 1999).

As engendering public trust is an important objective of government, the relationship between transparency and trust beliefs is worthy of exploration. In the literature there is strong support for the view that a perception of openness and honesty influences the formation of trusting beliefs (e.g. Barber, 1983; Covello, 1992). For example, researchers such as Mishra (1996) contend that trust is the result of attributes that include *openness*, whilst an examination of the determinants of trust and credibility in the area of risk communication (Peters *et al.*, 1997) indicates that perceptions of trust and credibility are dependent on three factors, one of which is again a perception of *openness and honesty*.

In the literature, this perception of openness and honesty has also been referred to as a perception of integrity, and is considered to be an essential antecedent to trust (e.g. Gabarro, 1978; Butler and Cantrell, 1984; Lieberman, 1981; Butler, 1991). For example, trust researchers such as Butler and Cantrell (1984) have created a model that identifies the five characteristics of trust as: *integrity, competence, consistency, loyalty* and *openness*. Later research by Butler (1991) also suggests multiple characteristics associated with trustworthiness and these include *consistency, discreteness, fairness, integrity* and *promise fulfilment*. In both cases, the proposed characteristics correlate closely with 'integrity'. Integrity is a derivative of the trustor's perception that the trustee behaves in a manner that indicates consistent and positive values. Factors which may influence the perception of trustee integrity include: the consistency of the party's past actions, credible communications about the trustee from other

parties, belief that the trustee has a strong sense of justice, and the extent to which the party's actions are congruent with his or her words (McFall, 1987). It would appear therefore that citizens' perceptions of government consistency and integrity is likely to be influenced by access to relevant performance information and the willingness of government to provide that information. Such transparency will in turn influence the generation of citizen confidence in government and engender a strong trust response on their part.

It should be noted that the literature emphasises 'perceptions' of trustworthiness rather than 'established' trustworthiness. For example, it is possible that some trust beliefs may be based on perceptions of integrity rather than direct experience of these characteristics. In the domain of government in particular, the antecedents of trust are likely to be perception-based, as the citizen may not have directly engaged in, nor had the opportunity to monitor previous interactions with government bodies. This distinction between perceived and actual trustworthiness has been noted by both Barney and Hansen (1994) and Williamson (1985), who contend that an accurate appraisal of trustworthiness is complicated, as a perception of trustworthiness does not necessarily indicate genuine trustworthiness. In fact, Hardy *et al.*, (1998; 65) suggest that "*perspectives that focus on surface dynamics ignore the fact that power can be hidden behind a façade of trust and a rhetoric of collaboration and can be used to promote vested interest through the manipulation and capitulation of weaker partners.*" This reminds us that some surface manifestations of trustworthiness may be misleading. Recognizing this fact does not lessen the importance of these characteristics in generating citizen trust beliefs. Rather it is an acknowledgement that simply because these characteristics are perceived to be present is not necessarily a guarantee of trustworthiness.

The relationship between transparency in government and trust beliefs is supported by the work of Bok (1997) who contends that citizens' lack of trust in government does not stem from government inadequacy, but rather from subjective opinion (rather than objective facts) about government performance and consequently in citizens who are not adequately informed to make reliable judgments about government. Researchers such as Orren (1997), Blendon (1997) and Nye and Zelikow (1997) concur. In support of this viewpoint, Campbell (2003) argues that a primary cause for the lack of trust in government is that citizens are not provided with factual documentation about government performance and transparency regarding the process of that accomplishment. She suggests that such performance reporting is critical for building citizen trust. These researchers consider that citizen distrust of government emanates from lack of access to and processing of accurate information on government performance. If correct, this leads to the implicit assumption that increased information about government performance should result in an increased level of citizen trust.

It should be pointed out that this perspective is in sharp contrast to the views of some researchers (Delli Carpini and Keeter 1996) who contend that increased political knowledge does not have any impact on citizens' trust beliefs whatsoever, and others (Hibbing and Theiss-Morse 2002; Kimball and Patterson 1997) who take the pessimistic view that that increased

citizen knowledge can have the effect of increased expectations and consequently result in greater disappointment with government performance.

In a recent attempt to resolve this question and determine whether increased access to information about government performance results in increased levels of citizen trust, Cook et al (2010) examined the impact of factual information about the performance of specific government institutions and programs on the public's knowledge of and trust in government. The findings of their study show that the transparent provision of objective information can enhance citizens' confidence and trust in government and thus confirms the view of Bok (1997) that it is citizen's lack of knowledge that contributes to lower levels of trust in government. On the basis of this discussion, it appears that transparency in relation to documentation and performance reporting results in a perception of openness and integrity on the part of government, a perception that can positively influence citizens' confidence in government and the consequent development of positive trust beliefs.. It is therefore a necessary precursor for the development of citizen trust in government.

### **3. Delivering e-Transparency**

Over the past four decades ICT has created several new ways of delivering e-transparency. While the tendency is to think of e-transparency in terms of the Internet, it needs to be borne in mind that it rests on a whole host of other technologies from databases to e-mail, all of which process and store data in ways that are (in theory) easily transmissible to or viewable by outsiders. The ways in which e-transparency is operationalised can therefore take a number of forms and this, in turn, leads to a number of questions. Some of these questions are new; others have a long pedigree, but one that is given a new twist by technology. These questions include:

- *What information should be made available?* There are circumstance<sup>3</sup>s where it is in the public's own interest that they do not know. Sometimes the public prefers not to know. Salmon and Wolfelsperger (2007) refer to the latter phenomenon as acquiescence to opacity. ICT impacts on this not just by changing the economics of making data available, but also by the way that it has changed the scale of the volume of data being recorded. There is now much more data about which decisions need to be made and with this comes greater legal and other forms of risk. For example, the volume of e-mail alone in a modern government agency dwarfs the volume of written material of 50 years ago.
- *To whom will what data to be made available?* Transparency is often talked about in terms of creating information symmetry by making the same data available to everybody. In many cases data may indeed be made freely available to all citizens, but there may be different types of information that are only made available to certain groups (such as doctors, lawyers, pharmacists, veterinarians) or in certain circumstances. Determining who has a

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<sup>3</sup> Recall that security related matters are excluded from this discussion.



right to see what data may be affected by, for example, competency to understand the data being provided and the social risk of data release as well as questions of privacy and commercial sensitivity. Freedom of data access might be restricted if there were likely to be widespread panic buying or public disturbances as a result of its release. e-Transparency offers new possibilities of targeted or micro-targeted information dissemination through intranets and secure websites.

- *In which media will data be made available?* Once there was only paper; today there is not just the Web, there are several other media which can be used as vectors of information. These include as intranets, extranets, picanets, interactive television, mobile phones, SMS, Twitter, DVD, MP3, podcasts and video. To make certain information available in print form may be a statutory requirement; in other cases it may be optional. Is it necessary to provide data in multiple media and if so which ones? Of particular relevance is whether information made available on-line needs to be made available in other formats?
- *At what point in time will information be made available?* In an age of instant news and reaction, the media and the public increasingly expect continuous and immediate information. Transparency is not just about making information available, it is about making it available in a timely manner. Some types of information have long release times (for example the 30 year rule on certain government papers). The rationale for delayed release is, *inter alia*, based on the assumption that political decision making will be better if decision makers know that their discussions and thinking will not be on the front page of tomorrow's papers. Such a policy might also inhibit debate. e-Transparency creates pressure for more immediate release of such information not least because of changes in public expectation.
- *In what form will it be made available?* The question of format of release is more complicated than it might at first appear. ICT means that data can usually be easily extracted from operational systems and put on-line automatically. Whether this is wise is an open question. There are other questions. At what level of granularity should data be released? Should data be downloadable and if so in what formats should it be provided? Are there any potential legal implications or risks in releasing certain data? How is it ensured that the correct data are released and that the data that are released are correct? These problems are non trivial and lead to the problem of meta data maintenance (see below).
- *Will information be provided free and if not, what will be the basis of charging?* One of the traditional administrative arguments against widespread transparency is its cost. This is discussed further below. Although electronic publication and transmission is considerably less expensive than physical equivalents, costs can be high even in e-transparency; the problem can then be that e-transparency is perceived to be inexpensive when in fact it is not. While some information can be provided at virtually zero cost, other information can be expensive to obtain, cleanup, process, edit, vet and maintain, especially when the information is once off and/pr not currently available and/or has to be compiled and/or when it has to be pre-processed to remove information or data which cannot be released.

- *What is the role going forward of other forms of transparency?* There are several tools in addition to published documents and official publications, that have been traditionally been used to deliver transparency. These include parliamentary questions and representations from members of parliament or local councilors. The concept of an ombudsman dates back to early 19<sup>th</sup> century Sweden (Ombudsman's Office 2010). All of these need to be woven into the larger picture of how transparency is delivered.
- *What is the legal framework within which this technology operates or should operate?* Two widespread regulatory instruments are Data Protection Acts (DPAs) and Freedom of Information (Fol) Acts. Other frameworks include administrative procedures acts, declarations and citizens' charters. Data protection acts are limited in scope and deliver a specific type of transparency, though it is an important one (Flaherty 1984). Fol, on the other hand, provides a wide form of transparency (Birkenshaw 2006) although many governments, having initially embraced the concept with enthusiasm, have subsequently imposed more and more restrictions on this right (Roberts 2006; MacDonald 2006). Demands for e-transparency raise new problems, especially if real time access to information is proposed.

With these questions in mind, the three forms of e-transparency will now be examined. In the follow three sections, each of the types of transparency discussed above is considered under a number of headings.

#### **4. Data e-Transparency**

The most basic form of data transparency is the right of a citizen to know what information the state holds about them and/or to ensure that that information is accurate. Such data range from information routinely collected by a central statistics bureaux (such as the census, household budget surveys or monthly inventory level returns) to data gathered as a collateral product of the business of government (such as the amount of money collected in VAT last month or the number of people claiming unemployment benefit). At a further level of depth is data generated internally within the system (such as the number of staff promoted this year or the salary of the head of a government department). Some of these types of data, for example, civil service salary scales, are already in the public domain, but again a great deal of information is not readily accessible to the public though it may be accessible through freedom of information procedures (see below).

##### **4.1 Cost of provision**

It is often assumed that the *cost of provision* of e-transparency is less than that of other forms. Cost of provision be divided into two components which can be thought of as front end cost and running cost. Where systems are designed to generate information (and many government agencies publish quite large volumes of data on a regular basis), this is not an issue. Technology can reduce the costs of such publication dramatically. The problem arises when

such data are not routinely published and/or where the request for data is one-off. Two common forms of one off request are the traditional parliamentary questions and freedom of information requests. Both can be expensive to answer and can often raise questions about sensible use of taxpayer's funds. Costs can also be driven up by the need to pre process or clean data before it is made available to the citizen. Data may have to be edited to remove private information about third parties or to protect commercially sensitive information. A good insight into the costs and complications of making electronic records available is given by Lee and Lee (2009) in their description and critique of the Korean government's various electronic record management projects, collectively known as the *E-jiwon* or the electronic digital garden, a project strongly promoted and supported by the prime minister. Despite the substantial resources made available and the high level of political support, there have been several problems with the *E-jiwon*, in particular with the maintenance of the large amount of meta data necessary in such as system.

#### **4.2 Misinterpretation**

Whilst some data are straightforward, other data may be misunderstood or misused either deliberately or inadvertently, in the latter case because they may be taken out of context (see Huff 1991 for one take on this). A release of data may have socially undesirable outcomes. A controversial example is school league tables. Governments have come under increasing pressure (particularly from the newspaper industry) to make these data available. Like almost all such rankings, these tables are problematic. They rarely reflect context and need to be read with care and in the light of broader information such as local demographic and economic conditions. Unfortunately this is not the way they are likely to be presented in the media or interpreted by many parents. With more technical information, the risks of misunderstanding increase. Pressure groups are adept at seizing on selective information and using availability bias (Tversky and Kahnemen 1982) to further their own agendas. e-Transparency increases the ability of groups to manipulate such data and thus increases the risk of misinterpretation or misuse.

#### **4.3 Inadvertent release**

A particular problem created by modern technology, is *inadvertent release of confidential data*. This might occur where data which seems to have been anonymised can, using data mining techniques, be used to identify groups and individuals and, as a consequence, infringe their privacy. Modern data mining, statistical and machine learning may enable a skilled user to identify individuals even from within large anonymised datasets by combining data from a number of data sources. Not all of these sources have to be from the state. This ability to connect information is increasingly used for a variety of purposes from marketing to the diagnosis of illness (Baker 2009). Such technologies can in the right circumstance enable a researcher to identify individuals where there are multiple sources of linkable information.

#### **4.4 Societal risk**

Finally *some data may be dangerous in the wrong hands*. A simple, and real, example of risky transparency is publishing on-line information about the whereabouts of sex offenders ('Megan's Law'). This is a legal requirement in several US states (Klingfuss 2006). A UK equivalent is the so-called 'Sarah's Law' (Dugan 2001). Such data enables vigilantes or mobs to take the law into their own hands. Naming and shaming may be popular, particularly with the media, but carries risk to individuals.

All of these problems may not (to put this in its weakest form) contribute positively to best practice or best government. The wrong type of data transparency can waste government time in its preparation, waste taxpayers money and lead to forms of behavior which are not in the best interests of good government, good governance, the safety of individual citizens or a healthy society.

## **5. Process Transparency**

### **5.1 Categories of process**

A government process generally means something, be it a permit application or formulating a policy, mutating as it moves in stages from initiation to completion. As far as could be ascertained in a brief literature and Web search, nobody has published a count of even approximately how many processes, internal and external are to be found in a typical modern, democratic state. Even after eliminating the trivial, the number probably runs to many thousands and possibly to many tens of thousands. Each of these process has a series of characteristics or dimensions which make for a large multidimensional process space. For example a process may be:

- Routine (issue a passport) or rare/once off (issue a licence to build a nuclear power station);
- Formal, following strict rules (issue a driving licence) or following a loose structure with a good deal of informality and political involvement (determine policy on immigration);
- Simple (renew annual car tax) or highly complicated (certify a new aircraft for commercial operation);
- Individual (issue a tax refund) or corporate (check that a food factory complies with hygiene requirements).

See figure 2.

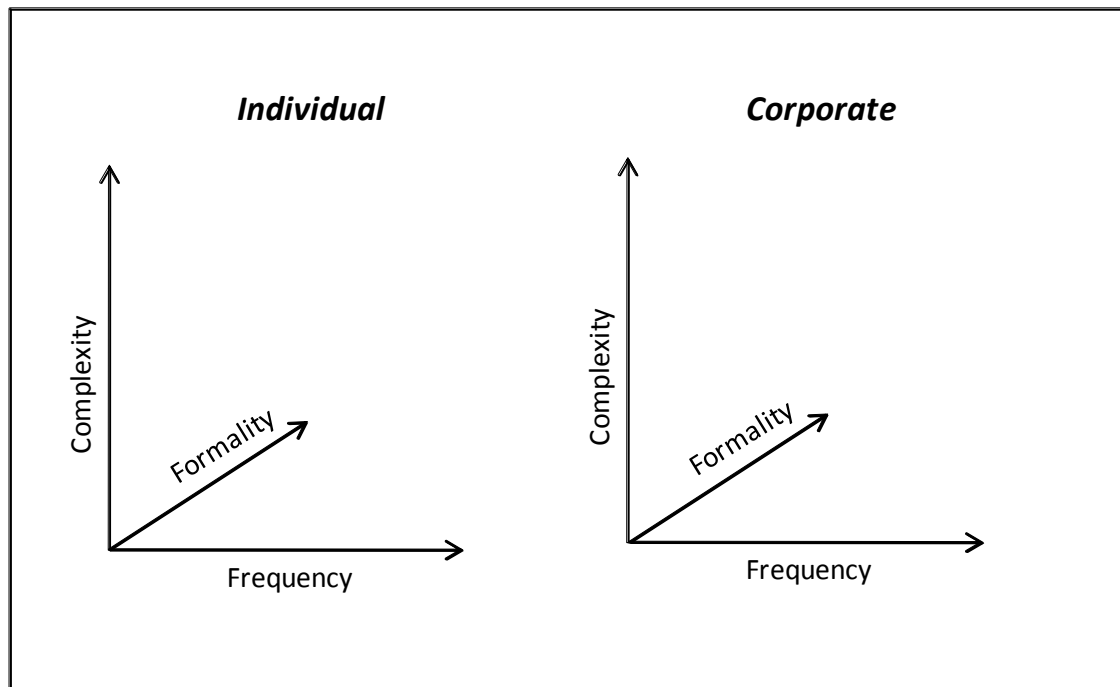


Figure 2: Dimensions of process space

Transparency is arguably of minimal interest with most routine transactions which are the ones, in Margrett's prognostication, most likely to be formalised. With common, high volume, short timeframe processes (renewing a driving licence, getting a tax clearance certificate, registering a newborn child, etc.) the need for much transparency at all is questionable. Where there are problems with such services, they are often best dealt with by appeals procedures or ombudsmen. Process transparency becomes more important in more complicated processes where more difficult and/or more complex decisions have to be made or procedures followed. This may include the relatively routine (claiming disability benefit, seeking planning permission) or major, and politically contentious (such as granting permission for building a waste incinerator or regulating banking).

## 5.2 Cost of provision

*Cost of provision* can be an even more significant issue than it is for data as the question of how the process is to be made transparent may not be obvious or trivial (see next paragraph). In many processes, there is a considerable amount of manual and verbal activity that is not carried out by or on machine and which may not be recorded directly. To make such information e-transparent, steps must be taken to put it on-line. Minutes may need to be uploaded, documents may need to be scanned, diagrams transferred from whiteboards to an electronic form, handwritten notes keyed up and so on. Formalisation and automation or semi automation of some processes may reduce costs, but making other processes transparent may be time consuming and expensive. There is then the additional cost of maintaining this information.

### **5.3 Mode of provision**

It is not always obvious how one makes a process transparent. Process transparency generally means more than simply knowing at what stage the process currently sits. Process transparency needs to make all stages of a given process clear as well as to show where in the process a particular transaction or procedure is as well as ancillary information that may be necessary to understanding including why certain steps are necessary. Where a process is repetitive, formal and well defined, this may be straightforward. Flow charts can be used to show the steps and decision points in the system and the current state of play can be illustrated by reference to this. For instance the steps in a public e-tendering process can be set out clearly on the web and the position of a given tender in the process readily shown. In other cases, say assessing a family as suitable for adopting a child, it could be quite difficult to convey at a detailed level how a process works and where it stands for a particular case at a particular point in time. To complicate matters further, some processes do not proceed in a linear or sequential manner. They may be iterative or proceed on a number of parallel tracks akin to a project. The problem here may not be one of confidentiality or data availability, but of explication and presentation. It is not obvious that e-transparency will make this any simpler, though it probably provides a better medium for explanation and undoubtedly a better mechanism for tracking.

### **5.4 Comprehension**

A typical citizen may not understand public sector processes for a variety of reasons. She may, for example, not be familiar with the legal framework within which the state has to operate or within which a process takes place. She may not be familiar in sufficient depth with the subject matter or have sufficient expertise to understand why certain steps are necessary or why they have to be done in a certain way and/or sequence. Consequently, explaining certain processes can be difficult to do effectively via electronic media in particular if understanding requires pre-knowledge on the part of the recipient. In discussing knowledge dissemination Snowden (2002) talks about the upper and lower bounds of acceptable abstraction and the problems of communicating beyond these boundaries. These difficulties apply to a quite a wide range of government procedures. To what extent therefore, are governments required to provide explanations of what is going on as well as education in how to understand this? How low a level of detail should an explanation provide? What level of pre-knowledge or expertise on behalf of the public is it right to assume and who should provide this material? Full transparency may require extensive explanations and background material being made available – an expensive and complicated process which technology may assist, but which it does not alter in a material way.

### **5.4 Infringement of employee rights**

Public servants have certain rights to personal privacy, even in the workplace. Privacy can be defined as the right to control access to information about oneself (Westin 2003). What

constitutes 'information about oneself' in a workplace is not always self evident. In a factory, workers are used to being observed by foremen, supervisors or by CCTV. Modern call centres monitor everything about worker behaviour from keystrokes to visits to the bathroom. At the most basic level, there is the question of human dignity in treating people like machines, but in seeking to track cases through the system, the question of how far the actions, e-mail, telephone calls and conversations of individual staff can and should be monitored arises. ICT provides a number of tools to monitor what people do, from keystroke recording to CCTV, but there is a need to define just how far the public should be able to snoop into the work life of public servants.

### **5.5 *Defensive thinking***

With transparency, there is a risk of a culture of excessive caution and conformity. As Prat (2006) puts it, the expectation is that the more closely we are watched, the better we behave. But it can also result in a lack of candour and increased obfuscation though Roberts (2006) suggests that the evidence for the former at least is mixed. Back as far as 1949, Moore and Turmin argued that lack of transparency was necessary to social functioning. If people have to live in glasshouses, they will not behave naturally. When public servants (or any other employees) have to operate in a sort of electronic greenhouse where any citizen may track their actions, they are likely to act defensively and to game the system (Roberts 2006; Heald 2006; O'Neill 2002). Personal decision making may be reduced as decisions are referred upwards where possible. The brilliant dissent is never heard.

### **5.6 *Failure to confront problems***

In any system where there is a 'blame culture', transparency can discourage self-criticism (and internal criticism generally) including honesty and openness. e-Transparency widens the scope of this effect. An important part of the health of any organisation is the ability to be self critical and to face up to problems. When everything written down is liable to end up on the front page of the tabloid press, there is a natural tendency not to commit to print and even an ostrich like tendency not to acknowledge problems. This can extend to destruction or censoring of documents which even mention internal difficulties. As a result problems remain unresolved, improvements do not happen and the organisation adopts a 'see no evil, hear no evil, speak no evil' mindset. In extreme cases this can result in an organisation becoming seriously dysfunctional.

Processes may be inefficient, ineffective, outdated, inequitable or suffer from a number of other pathologies. Transparency, in theory, should expose such problems and result in continual review and improvement. But unless it occurs in a climate of constructive criticism and in a culture of quality improvement which does not seek to assign blame, it is likely to lead to cover-ups and, metaphorically speaking, to a circling of the wagons. As e-transparency facilitates ever closer scrutiny, these problems are likely to worsen.

## **6. Decision/Policy Transparency**

This type of transparency is about government and public servants explaining why. This may range from the straightforward (explaining to a citizen why their application for a firearms licence was turned down or their planning application rejected) to explaining government policy and showing how it was determined (e.g. why has the government decided to limit immigration or to reduce the permissible limit of blood alcohol while driving).

### **6.1 *Acquiescence in Opacity***

Decision transparency implicitly requires the state not just to give reasons, but to explain the rationale for its behaviour. At the most trivial level, if a citizen has their application for a firearms licence turned down, it may be sufficient to tell them that, under current law, their previous conviction for armed robbery debars them from having such a licence. While such forms of transparency are important, the more critical form of transparency is in democratic dialogue between citizen and government under which government answers questions openly and frankly and a major problem here is obfuscation, i.e. where governments deliberately make policy or decision making so complicated that it is hard for the lay person or ordinary citizen to understand what is going on. Salmon and Wolfelsperger (2007) argue that in some cases, citizens conspire with opacity in the sense of preferring not to know. A classic example of obfuscation and opacity is the European Common Agricultural Policy between 1950 and 1992 whereby governments conspired (effectively as it turned out) to conceal the long term objectives of policy from the voters. e-Transparency is unlikely to change this much, but inasmuch as one tactic in obfuscation is to make information hard to get, it may undermine the ability of the public to acquiesce in the deliberate avoidance of public debate on certain issues.

### **6.2 *Creating a non recording culture***

One of the major risks of all transparency which is amplified by e-transparency is creating a non-recording culture. Where public servants are concerned about the impact of data release, one solution is not to create or record the data in the first place. One place where this matters is in writing down views or observations. In many practical situations, these can be conveyed verbally or off the record to avoid leaving a traceable record. Meetings are either unminuted or the minutes are written for the record rather than reflecting the actual discussion (although the latter has been common practice for centuries). There is some evidence that this practice became common in parts of the Irish public following the introduction of FoI (Molony 2006) There are times when such informality is valuable and times where a written record, be it paper or electronic, is valuable. A particular problem recorded by Lee and Lee is the loss of audit trail, i.e. where it is not possible to establish how a piece of data acquired its current value or how a decision was made. There are also questions of the long-term historical record. Will future historians have a reliable record of events as they really occurred? ICT leaves a trail, so the likely impact of technology here may be to improve the audit trail, but equally it might lead to a degree of technology avoidance.



### **6.3 *Political correctness***

Where a public servant knows that everything that they commit to print or type into their computer is subject to public scrutiny, one inevitable consequence is self-censorship (although there are many lapses (an amusing recent example being about the Pope's proposed visit to the UK (Mackinnon 2010)). In such a system the question arises of whether there can be privileged relationships or not? By a privileged relationship is meant one where communications between two or more people are confidential or private. One might expect such a relationship to exist at least in certain circumstances between ministers and senior civil servants for example. The concept of cabinet confidentiality is well established in principle (if not always followed in practice). If all dialogue between a minister and his senior civil servants is open to public scrutiny, debate is likely to be muted.

### **6.4 *Conformal thinking***

In a similar way, e-transparency may discourage radical thinking. A useful analogy where is that of the scientific paradigm (Kuhn 1962). In any political system at any time there can be a prevailing political consensus and willingness to challenge such thinking often requires courage, even where such a challenge can be kept internal. Where there is a likelihood (or a near certainty) that such dissent will appear in the public domain, there will be pressure to self censor. Some politicians will seek to shift blame to public servants. Politicians may not wish it to be on the record that they were given contrary advice and the ability of public servants to speak truth to power will be undermined.

### **6.5 *Informal procedures***

Following on from all of the above is the risk of creating a network of informal procedures. This is the process equivalent of the culture of non recording of data. In such a circumstance, a process may be undertaken using informal, non recorded meetings, and verbal exchanges. In extreme cases the record may be 'made up' to create a permanently inaccurate record. An important difference here arises not primarily from the Internet, but from internal communications systems such as e-mail and instant messaging. Furthermore, in a paper based system, early drafts generally do not survive whereas everything remains on computers and is potentially subject to FoI requests. When a decision is made, the reasons for this are then retrofitted and documented.

## **7. Conclusions**

The above discussion suggest that there is a number of phenomena which are likely to delimit the usefulness of technology enabled transparency and which need to be taken into account when formulating policy for e-transparency.

- First there is the question of cost. There is evidence that, contrary to popular expectation, e-transparency may cost more money than it saves as the volume of available information increases. In much of the hyperbole about open and transparent e-government, the cost of maintaining up to date, accurate and comprehensive information on line may be seriously underestimated. As was found in Ireland after the first flush of enthusiasm with FOI, trade-offs between cost and access will have to be made. Where data and information provision can be automated, this will not be an issue; but elsewhere it will be.
- Secondly there are systemic risks arising from blame and hassle avoidance strategies. These are not new and include, non recording, increased reliance on verbal as opposed to written modes of working, unwillingness to document problems for fear of later criticism or blame and retrospectively creating documents for the record take on new dimensions in the electronic age where e-mail and even telephone conversations become part of the permanent record. Transparency may lead to defensive thinking and excessive caution, a return to the avoid-personal-risks-at-all-costs culture that new public management sought to eliminate.
- Thirdly there is a problem of conformity. This may manifest itself in a number of ways. In political correctness, a lack of willingness to dissent, a diminution of dissent and self-censorship all of which will reduce the quality of thinking and of debate. Societies need civil servants who can speak truth to power, who are willing to explore out-of-fashion policies or positions and who can provide a counterbalance to the power of politicians and particularly of the political elites.
- Fourth there are potential problems of misinterpretation and misunderstanding of information, the ability of the public to understand what it is being told and the willingness of some individuals and groups to deliberately use transparency as a weapon to socially undesirable outcomes. Modern societies are no longer willing to tolerate of the patronising 'we know best' attitudes of previous generations of public servants. However there is a limit to the wisdom of the crowd and there are times when government have to stop explaining themselves and lead.
- Fifth there is the risk of blurring in the public mind of the roles of elected politicians and unelected public servants. Former British Prime Minister Margaret Thatcher once commented that civil servants advise and government decides. The doctrines of accountability and the transparency that they imply highlight the need to differentiate these roles clearly.
- Finally there is the rights, privacy and dignity of public servants and the question as to whether they have an entitlement not to be subject to continual surveillance or to have everything they write or say subject to the public gaze.

Transparency is not a universal good. There are times and places where it is best circumscribed and even avoided. Much of the hyperbole about e-transparency is based on

assumptions about the nature of transparency and technical rationality that do not always sit well with practical politics. A real risk is that in a world of instant, real-time information, citizens come to expect a type of e-transparency from their government and their public servants which is not in the interests of best government. This paper had surveyed the scene and suggests that it is important to be measured in approach to the implementation of technology to transparency. In some cases, expectation are overblown: it simply cannot be done. But even where it can be done, that does not necessarily mean that it should be done. Sometimes it is better for the public not to know.

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