Chapter

TRANSPARENCY AND ACCOUNTABILITY IN MUNICIPALITIES: AN ANALYSIS OF 40 YEAR EVOLUTION IN PORTUGAL

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ABSTRACT

This chapter reviews the main transparency-related initiatives that have been developed and implemented in the local government context in Portugal, over the last 40 years. A critical discussion on these landmarks allowed concluding that, in order to be effective in what concerns

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transparency and accountability, initiatives need to combine administrative and legal reforms with automatic data disclosure, embedding reporting mechanisms in already existing processes, and incorporating frameworks to regularly monitor the results. Another major recommendation could finally be derived from this analysis: it is necessary to put in place a comprehensive set of principles regarding transparency mechanisms, to be included, at a very early stage, in every Public Administration innovation programme. Transparency should be a concern when developing such programmes, as it is efficiency and effectiveness.

Keywords: transparency, accountability, municipalities, Portugal

INTRODUCTION

The interest of researching on how to measure and promote public sector transparency might be explained by the fact that transparency is commonly regarded as a requisite for accountability processes and an important component of good governance and institutional quality, which, in turn, are proven drivers of economic growth and welfare (Albalate del Sol 2013). In fact, from an economic perspective, it is argued that transparency increases efficiency in the allocation of resources and contributes to the good functioning of markets. Furthermore, transparency is also regarded as essential to improve the quality of democracy, by providing citizens with information that, while enabling their judgement regarding public managers' and politicians' behaviour concerning the proper use of public resources, is critical to democratic participation and decision-making in political processes.

In Portugal one may say that concerns with transparency have started only when a democratic political regime was installed in the middle 1970s, after forty years of dictatorship. It was not before the 1976 Portuguese Republic Constitution that local government was given autonomy and municipalities gained protagonism both in the political arena and in public services provision.

According to the Constitution, Portugal is a unitary State, embracing two levels of government: central government and local government (constitutionally autonomous). There are also two autonomous insular regions (Azores and Madeira), which have independent regional governments. Local government embraces municipalities, civil parishes and, since the 1997 Constitution, also administrative regions. A national referendum in 1998 prevented administrative regions of being implemented, so currently there are

308 municipalities (278 in Continental Portugal, 18 in Azores and 11 in Madeira) and 3,091 civil parishes (2,882 in Continental Portugal, 155 in Azores and 54 in Madeira).

Regarding the administration model, after a bureaucratic period, the focus turned to management issues as the new public management philosophy affected the Portuguese Public Administration at large (Araújo 2002). Municipalities were progressively required, both by legal mechanisms centrally defined and by increasingly demanding citizens, to disclose more information, either relating to service provision or to financial and non-financial elements about the use of (local) public resources. This demand for accountability supported by transparency practices, has been enhanced by the development of ICTs, which have helped information dissemination, service provision (e.g., e-government) and democracy improvement, while tightening the relationship between citizens' and their municipality.

This chapter presents and analyses the main initiatives that have been developed and implemented, over the last four decades, with an expected impact on transparency and accountability in Portuguese municipalities.

The existing literature about the Portuguese context mainly addresses specific issues concerning public sector entities' transparency and, particularly regarding the local government, the assessment of online information disclosure, using quantitative approaches, to obtain a snapshot of a certain moment in time. Nevertheless, such studies do not provide an overall survey of transparency-related initiatives that took place in Portugal.

This chapter contributes to fill this gap by adopting a more systematic and holistic view, with relevant initiatives being logically organized around landmark events. Furthermore, such effort allowed to derive an analysis framework that uses several perspectives (origins, main goal and nature of initiatives), which may be applied to other contexts.

Despite the diversity and the prolonged running time of some initiatives, it is not yet possible to state that a comprehensive transparency and public accountability framework exists in the Portuguese municipalities setting, calling for combining administrative and legal reforms with automatic data disclosure mechanisms.

The remaining of this chapter is structured as follows. As a theoretical background, the concepts of transparency and accountability are firstly addressed, in relation to open government. After the description of a set of relevant initiatives, this chapter concludes with a critical analysis of some factors that might contribute to their effectiveness and some recommendations to be taken into account in future efforts.

ONLINE TRANSPARENCY AND ACCOUNTABILITY

As it happens with most multidisciplinary concepts, transparency is not easy to define. One of the most cited definitions is that of Armstrong (2005), who defines transparency as the "unfettered access by the public to timely and reliable information on decisions and performance in the public sector". The OECD (2002, 7) definition of transparency as "openness about policy intentions, formulation and implementation" puts "transparency" and "openness" as synonyms. Yet, the two concepts are in fact distinct, with openness being wider and more demanding. In line with this view, according to the Open Government concept, transparency is one of its key dimensions alongside with participation and collaboration. The Open Government taxonomy distinguishes between two types of transparency: information provision regarding government's internal workings, which is associated with political accountability; and open data and information (as a service) provision, which is associated with efforts to make freely available information collected and produced as part of government functions (e.g., statistics) for public reuse of citizens and companies (Lourenço et al. 2013).

In the public sector, information provision is an essential part of the accountability processes that link politicians and public managers (principals) to citizens (agents). In the literature (see e.g., (Armstrong 2005; Bovens 2007)), *accountability* is often defined as the obligation for public officials to report on the usage of public resources and answerability of government to the public to meet stated performance objectives. Bovens (2007) identifies *political accountability* as involving elected representatives, political parties, voters (citizens), and media. As a counterpart of the provision of resources, citizens are entitled to have access to government information. In this context, political accountability is viewed as the counterpart of political delegation: citizens delegate political power and responsibilities to their representatives, which in turn delegate some of their decision power to public officials; political representatives and public officials are, in turn, expected to account for their actions by providing the necessary information for citizens to assess their conduct.

Information disclosure is influenced by the supply and demand for transparency (Fox 2007). Accountability and legal obligations push information disclosure from the supply side, whereas citizens' claims for more transparency do the same from the demand side. Taking into account the existence of legislation that make it compulsory to disclose some information, it is possible to distinguish it from 'active transparency', which reflects

voluntarism on the part of public sector entities in making available to potential users information regarding their activities.

Public sector entities have been resorting to the Internet for service improvements, innovation and participation processes, as a means to promote transparency and accountability – especially through more information disclosure (Lourenço et al. 2013; Pina, Torres, and Royo 2007). It must be acknowledged that information disclosure is not enough to ensure transparency, since, as Larsson (1998) notes, 'full' transparency requires external recipients that are capable of processing the information provided. Additionally, there are issues of reliability to be considered, implying information to be prepared according to certain norms and requisites, so as to assure enough quality (Caba Pérez, Rodriguez Bolivar, and López Hernández 2008).

The current chapter is focused on the information disclosure dimension of transparency and, in particular, with the use of the Internet to make such information available to all potential users.

SIGNIFICANT LANDMARK EVENTS IN PORTUGAL

The way transparency is regarded necessarily reflects the leading concerns of the society at a particular moment in time and the dominant public administration model. In this regard, for instance, transparency under the bureaucratic model does not mean the same as under the new public management approach. Therefore, this section considers several stages that in Portugal were characterized by different models of public administration, describing, within these, the main initiatives towards transparency and accountability particularly in the context of municipalities.

1974-1985: The First Years in Democracy

Due to the late democratization process, by comparison to central and north-European countries, the development of a Weberian-type *Rechtsstaat* based on the rule of law could only emerge in the 1970s (Magone 2011).

The 'Revolution of Carnations' of 25 April 1974 followed a forty-eight years period of an authoritarian regime that created many rigidities and structures preventing innovation and change. Arbitrariness and lack of transparency took over. The higher echelons of public administration were

dominated by a set of carefully selected individuals, based on clientelistic and patronage criteria (Magone 2011). The structure and legal frameworks of this authoritarian period prevailed well beyond the revolution period. The first years after the revolution were of some political and economic instability, which further contributed to postpone public administration reforms.

In what the local government level is concerned, it is important to point out that during the fascist regime, the centralisation tendency was very strong and the role of local government was diminished, with scarce resources and limited chances to exercise its competencies (Ruivo 2000). In the post-revolution period, the development of an effective system of local government was regarded as an important factor to the consolidation of the democracy.

The first effort to introduce ICTs in public administration took place in 1977 with the creation of the *Instituto de Informática* (Institute of Informatics) of the *Ministério das Finanças* (Ministry of Finance) with the aim of centralising, coordinating and implementing information systems prepared to automatically analyse data and to answer to informatisation needs of the government as a whole.

In 1979 the *Instituto Nacional de Administração* – INA (National Institute of Administration) was created with the purpose of contributing to more qualified senior public servants. Within the local government context, in 1980 a specialized training entity, *Centro de Estudos e Formação Autárquica -* CEFA[1] (Local Government Studies and Training Centre) was created with the aim of improving the competences of local governments' public officials.

Public administration at this stage can be characterised as self-centered, authoritarian and focused on administrative and legal procedures (Lampreia 1997). Both at the central and at the local government, priorities in this period were to qualify public officers and improve the access to public services. Transparency had not yet emerged as a relevant topic even at the international level.

1986-2000: The Entrance to the European Union and the Emergence of the Internet

Joining the European Union in 1986 and entering a period of governmental stability has contributed to the introduction of major new public management reforms. Throughout this period, the effects of financial

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[1] Decree-Law 161/80 of May 28.

pressures, associated with the need to comply with EU and single currency membership criteria, on public administration reforms were quite visible. Belonging to OECD and EU was an important driver of the consolidation of a democratic culture of transparency and accountability. Yet, as Magone (2011) stresses, old patterns of behaviour, associated with what the author calls 'neo-patrimonialism', remain obstacles for further reforms. These old mainly patterns include: centralized decision making; inefficient human resource allocation; and low level of qualifications.

Internationally, managerialistic approaches to public administration became popular, as a response to the failure of traditional weberian models. The transition from rigid government in weberian sense to more flexible governance meant, in practice, fragmentation and segmentation of the public sector (and public administration in particular) and the emergence of a more flexible, market- and customer-oriented structure. The main features of the managerialistic model can be summarised as follows (Sá 2002): stress on greater discipline and parsimony in resource use; customer orientation; new forms of service delivery (decentralisation, contracting-out, public-private partnerships,…); fragmentation of public administration into networks of small-units; some degree of separation between policy formulation and policy implementation; performance orientation; managerial discretion and increased accountability for results; improved responsiveness through decentralisation of authority and empowerment; and adoption of new technologies.

In 1986, the 10th Constitutional Government gave priority to the relationship between citizens and public administration and to deburocratisation. The *Secretariado para a Modernização Administrativa* (Secretariat for Administrative Modernisation), directly attached to the Prime Minister, was created. Similarly, in 1987, the Enterprise-Administration Commission was set up to maintain a permanent dialogue between enterprises and the public administration so as to simplify administrative procedures, diminish bureaucracy and advise on new legislation (OECD 1996).

In the late part of the twentieth century, reforms of public sector in Portugal aimed essentially at providing better access to public services and more accurate and relevant information to citizens. It was at that time that transparency concerns become part of the public administration agenda. The introduction of quality instruments was also visible. The 'Quality Programme' imitated in 1993 sets three main targets: transparency, simplification and participation (Araújo 2001). Within the *National Council for Quality*, a sectorial commission, focused on ICTs, was created. This commission published in 1998 a Global Plan for Information Security and Privacy. Quality

Awards for public services were introduced, according to the European Foundation for Quality Management (EFQM) model. Administrative modernisation initiatives reinforced the principles of simplicity and single access, multi-agency coordination of services, local empowerment and control.

Similarly to other countries, *Citizen Charters* were introduced, which, as Rowley (1998) explains, are contracts between the service provider and its customers and constitute public statements of the standards citizens have the right to expect. In this sense, they can be considered an accountability and transparency instrument. By making service standards explicit and visible, *Citizen Charters* make public organisations more accountable (Lawton and Rose 1991), while citizens see their rights of consultation, information and redress explicitly recognised.

Technologies started to change the way citizens interacted with public administration. A user-friendly database, *Sistema Interdepartamental de Informação ao Cidadão* – INFOCID (Interdepartmental Systems for Citizens' Information), was set up in 1991 to improve citizens' access to relevant information on administrative procedures, formalities and their rights and obligations as public administration clients. In 1994, an information service for enterprises (*Sistema de Informação de Apoio ao Empresário* - SIAE), based on information technology providing administrative information to enterpreneurs who want to start or modernise their business activity, was also launched (OECD 1996).

The *Livro Verde para a Sociedade da Informação* (Green Book for the Information Society) was approved in 1997 setting up as priorities boosting the education and identifying bureaucratic public administration practices that prevent the emergence of an Open State (Costa 2012). A study (CISI 2001) found out that 35% of Central Administration agencies, out of the 71% with internet presence, became online in between 1999 and 2000.

All in all, the shift towards a more citizen-oriented public sector has favoured information disclosure. This has potentially improved the level of transparency towards the public, which has reinforced stakeholders' power and fostered citizens' participation.

Most of the initiatives included in this section were not specifically aimed at the local government. They were part of the central government agenda, but were also implemented in many municipalities, even if in many cases with a slight delay.

From 2000: The Quick Development and use of ICTs and the New Transparency Focus

This period was still under the major influence of NPM, with the introduction of some managerial measures, such as management by objectives, and new performance appraisal schemes, but it was essentially dominated by the quick development and use of ICTs.

In 2002, as an indication of the importance given to the Electronic Public Administration, the *Unidade de Missão para a Inovação e Conhecimento –* UMIC (Mission Unity for Innovation and Knowledge) was created with the purpose of defining a national strategy for innovation based on the critical role of ICTs. Later, the *e-Government Action Plan* was published.

At the local government level, it is worthwhile to mention the efforts conducted by municipalities to develop their webpages, both to provide information to their citizens and as a way to deliver (fully or partially) services online. In line with the EU e-Europe Plan, which defines four different degrees of maturity of e-Government initiatives, from information to transaction, the *Laboratório de Estudo e Desenvolvimento da Sociedade da Informação -* GÁVEA's (Laboratory of Study and Development of Information Society) studies have assessed the municipalities presence on the Internet. According to the first of these studies (Santos and Amaral 2000, 24), in 1999 only 50% of all Portuguese municipalities (153 out of 305) had a website. Over the next years, these authors have updated their studies and, for the first time, in 2009 the assessment found 100% of municipalities (308) had a website (Santos and Amaral 2012, 9).

Apart from noting the presence (or absence) of a web site, these studies were not specifically concerned with online transparency. One specific study addressing online financial transparency (Lourenço et al. 2011) found out that, according to a Transparency Index of 100 points, no single municipality reached 50 points and more than 50% scored below 25 points. The study concluded that municipalities were not taking advantage of the internet potential as a transparency tool to disclose relevant information.

In this period, transparency has clearly emerged as a major concern in public administration worldwide and Portugal was not immune to this tendency. Therefore, the number of initiatives aimed at improving transparency is significantly higher, some of them deserving a closer look. Next, those are described with some detail without any particular concern regarding their sequence.

Municipal Administrative Supervision

Since 1974, although with different designations, the *Direcção Geral das Autarquias Locais* – DGAL (Directorate-General for Local Government; since 1998[2]) has the responsibility to supervise Portuguese municipalities. This includes, according to its Mission Statement[3]: to conceive and develop financial, asset, administrative and personnel information systems for municipalities; to monitor municipalities' organizational and management systems; to monitor municipalities' debt and personnel recruitment and management; and to monitor *Sector Empresarial Local – SEL* (Local Business Enterprises).

Among other initiatives, DGAL was responsible for the development and implementation of the *Sistema Integrado de Informação das Autarquias Locais* – SIIAL (Local Government Integrated Information System), which currently allows municipalities to report, in an integrated way and using a single point-of-access, all required financial, budgetary and management-related information, including all information required by the local government budgeting, accounting and reporting system (DGAL 2009, 4). Until the development of SIIAL, all data were being reported by municipalities to different authorities using several dispersed information systems.

The data collected is used for internal control purposes (by DGAL), but it is not directly available to ordinary citizens for (external) public accountability purposes and in accordance to some of the Open Data principles (e.g., "Data Must Be Complete; Data Must Be Primary; Data Must Be Machine processable") as recommended by the Open Government Working Group (2007). Instead, DGAL uses these data to regularly produce monitoring reports (available for consultation at its website – *Portal Autárquico*[4] (Municipalities' Portal)) and part of it is used to feed the official *Portal de Transparência Municipal*[5] (Portal of Municipal Transparency), created by the XX Constitutional Government in power between 2011-2015.

The Municipalities Portal serves both as the DGAL official website (with information about its structure, mission,) and as a single-entry-point (portal) were it is possible to find all information concerning Portuguese municipalities, including municipalities characterisation data, applicable legislation and policy framework, ongoing programmes, studies and

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[2] http://www.portalautarquico.pt/.
[3] http://www.portalautarquico.pt/pt-PT/dgal/quem-somos/#searchTabs2.
[4] http://www.portalautarquico.pt/.
[5] https://www.portalmunicipal.pt/home?locale=pt.

supervision reports. This portal also provides municipalities themselves with an interface to several information systems such as SIIAL.

Although it is not its primary objective, the Municipalities Portal does provide relevant information, which ordinary citizens may use for accountability purposes. Apart from regular studies and reports, it is possible, for instance, to download from this portal a spreadsheet containing municipal expenditure data for each municipality referring to a particular year.

As to the Portal of Municipal Transparency, it was launched in July 21st 2015 with the sole and specific intent to "increase transparency of local public administration management toward citizens". As said, the portal is, among other sources, fed by DGAL, but the technical infrastructure is maintained by the national *Agência para a Modernização Administrativa* – AMA (Administrative Modernization Agency). The portal makes available over 100 indicators concerning financial management (revenue, expenditure, debt,…), administrative management (human resources, local business enterprises, public procurement and transparency), tax decisions, economic competitiveness and dynamics, and public services (water and environment, education, housing, …), of all 308 Portuguese municipalities and 25 intermunicipal entities (in this case, only a subset of indicators is available). The interface makes it is possible to browse through indicators, municipalities and intermunicipal entities, and select and download specific data of interest. Part of the available data could be found in several, dispersed, public databases, and currently the entire data is also available in the official Portuguese open data portal (Dados.gov.pt).

The Creation of Municipal Enterprises

The impact of alternative models of service delivery on transparency is not straightforward. Cuadrado-Ballesteros (2014) argues that decentralisation (associated with the provision of public services through autonomous organizations, public companies, public foundations and public business entities) has a positive impact on transparency because politicians and agents become more directly responsible for their actions and, consequently, more accountable to citizens. Quite the opposite, the author argues, happens with externalisation. In fact, the process of selecting providers is rather often associated with favouritism in the assignation of contracts meaning, in practice, that local governments become less transparent in an effort to avoid citizens' scrutiny. Externalization of public services involves private markets, which generally operate for profit motives rather than public accountability.

In Portugal, municipalities were able to create local enterprises with equity since 1998[6], thus given origin to a *Sector Empresarial Local* – SEL (Local Enterprises Sector). But it was the 2006[7] legal framework revision that marked a steep increase in the number of entities composing SEL. According to the 2006 law, DGAL was legally mandated to make available at its portal (*Portal Autárquico*) a complete and regularly updated list of all entities composing SEL. However, a study on online SEL transparency (Lourenço, Jorge, and Sá 2011) found out that, despite the DGAL legal mandate, it was extremely difficult to know exactly how many Public Local Enterprises existed at a given moment, and several discrepancies were found in the latter list when compared with other sources (e.g., (Carvalho et al. 2010)). The study had to resort to several sources of information to compile a list of 280 of SEL entities, and was able to identify a website for only 71% of the entities in that list (200 entities). The web site of those 200 entities was then checked to assert whether or not a list of 24 items of information was available, and the results showed that no entity made available more than 17 items, around 50% of entities disclosed 6 or less items (most entities disclosed only 3 items).

The overall perception about the opacity induced by the creation of SEL led to further law revisions[8], which included more stringent rules concerning SEL entities' creation and even imposed elimination of some existing entities. Nowadays it is possible to find a list of existing SEL entities in the DGAL web site (*Portal Autárquico*), although some of the information was last updated in May 2015[9].

Performance Appraisal Schemes

The introduction of the Common Assessment Framework (CAF) for quality assessment, developed by the EUPAN network in the German University for Administrative Sciences in Speyer during the Portuguese presidency of the EU in 2000, had a major impact on performance assessment. The CAF was based on the EFQM model and identifies a set of principles that contribute to organisational excellence. Such principles broadly correspond to the TQM core elements and give raise to a set of nine assessment criteria: leadership, strategy and planning, people, partnership and resources,

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[6] Law 58/98 of August 18.

[7] Law 53-F/2006 of December 29.

[8] Law 50/2012 of August 31; Decree-Law 133/2013 of October 3.

[9]   http://www.portalautarquico.pt/pt-PT/administracao-local/entidades-autarquicas/atividade-empresarial-local/.

processes, citizen/customer-oriented results, people results, social responsibility results, and key performance results.

In relation to the adoption of the CAF, statistics show[10] its increasing popularity among local government organisations. In Portugal, the DGAL uses the CAF criteria to select the winners of the Good Practices of Public Administration Award. Organisations that achieve a certain score against the CAF criteria are also acknowledged[11].

One of the most important landmarks of public sector reforms in Portugal in line with the NPM approach is the introduction, in 2004-2007, of the management by objectives in line with a new performance appraisal system *Sistema Integrado de Avaliação de Desempenho da Administração Pública*[12] – *SIADAP* (Integrated Performance Appraisal System of Public Administration). The system calls attention to the need of aligning strategic, operational and individual objectives. Within this scheme, the use of the CAF is strongly recommended to assess the performance of public sector entities.

The system provides the *Quadro de Avaliação e Responsabilização - QUAR* (Evaluation and Responsibility Chart) as a governance instrument giving stakeholders important information about the organization (Madureira and Ferraz 2010). All the QUARs of public organizations must be published and updated on-line, accessible to all stakeholders[13]. QUAR provides information about what public organizations are doing considering the main objectives defined by the elected government (in three defined categories: efficiency, effectiveness and quality). Each defined objective has indicators, with specific goals, and organizations have to update it three times a year. Apart from this information, which is provided in the 1st part of the QUAR, there are two more important categories of information: (2nd) financial information and (3rd) human resources information. Regarding the financial information, the QUAR provides the budget each organization has at the beginning and at the end of each year. Finally, on the topic of human resources information, QUAR provides data about the assiduity of human resources by career, including senior civil servants.

In particular, the QUAR legislation requires public services to publicly disclose information on their objectives, performance indicators and final assessment. This disclosure should be done on a yearly basis through the GeADAP portal. Yet, a recent study (Lourenço, Moura e Sá, and Veloso 2015)

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[10] http://www.eipa.eu/.
[11] http://www.portalautarquico.pt/pt-PT/administracao-local/boas-praticas/.
[12] https://www.siadap.gov.pt/PaginasPublicas/Siadap.aspx.
[13] http://www.quar.gov.pt.

reveals that the Directorates-General have little aptitude to disclose the core elements of their performance evaluation systems through the electronic channels, especially when it comes to the self-evaluation results. The role of the integrated GeADAP portal is particularly discarded with most entities giving preference to the publication of the QUAR elements in their institutional web pages. If the scenario is not specially promising at the top of the Public Administration structure, it is possible to expect lower transparency levels at the local government, where the resources and competencies tend to be scarcer.

Taken together, CAF and QUAR represent a new way to enhance, on the one hand, more transparency to the public administration activities and, on the other hand, to provide important information to make public managers accountable for the results there are responsible for.

Open Data Movement Impact

The Open Government Obama Directive, issued in 2009 (Obama 2009; Orszag 2009) marked a turning point in open government efforts and initiatives. Such ideas behind open government were not entirely new (Linders and Wilson 2011), but the Directive established an umbrella term, Open Government, and gave these previous efforts more notoriety and systematisation.

Transparency aiming at public accountability is among the several objectives stated in the Directive (Linders and Wilson 2011) and, since, then several open data portals have been created as part of open government strategies around the world to address the need for more transparency in government. Perhaps the most prominent of these portals, the US Data.gov lists more than 300 such portals worldwide[14].

The equivalent Portuguese open data platform, Dados.gov.pt, was launched in 2011 but it is still in a Beta version. Currently, Dados.gov.pt has 23 registered data providers, including just two municipalities: Lisboa (capital and the largest city of Portugal) and Amadora. The portal includes just 11 datasets disclosed by the Lisbon municipality, all of them from 2011 and last updated in 2012, which present the latitude and longitude coordinates of several municipality equipment such as playgrounds and bicycle parking facilities. There are 9 datasets disclosed by the Amadora municipality, made available in 2014 and 2015, which make available general municipality data (PDF brochure with several municipality indicators that "help to understand,

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[14] http://www.data.gov/open-gov/

promote and advertise the City of Amadora") and, again, municipality equipment locations.

Apart from these two municipalities, DGAL via *Portal Autárquico* was also found to disclose 32 datasets. These include municipalities' general characterisation data, municipal expenses and revenues synthesized data (2010-2015), several management indicators (Financial Sustainability and Public Financial Management Quality; 2010-2015), and a brief characterization of municipalities' human resources (2010-2015) and Local Public Sector Enterprises – SEL (including number of entities by municipality, number of employees, financial results, total debt; 2012-2014).

Despite the momentum created by the Obama's Directive and the whole Open Government movement worldwide (including, for instance, the Open Government Partnership), it seems that the Portuguese open data platform (Dados.gov.pt) is not being widely used by municipalities. Given the very low number of municipalities using the portal (2 among a total of 308), and the low update rate, it seems municipalities ignore it as a one-stop-platform for data disclosure, including that associated with transparency aiming at public accountability. DGAL, the municipalities supervising entity, does indeed disclose more datasets but all disclosed data is already available in other platforms and several reports, which means the portal is being used simply as an additional (alternative) disclosing media.

In sum, the creation of a data.gov type portal as part of an Open Government strategy, does not seem to have significantly impacted Portuguese municipalities' transparency.

Public Procurement

In 2008, a new *Código dos Contratos Públicos – CCP* (Public Procurement Code) was approved to systematize disperse legislation and comply with European directives 2004/17/CE and 2004/18/CE. Such code regulated all public tendering and procurement procedures, and required that all such procedures were dematerialised and publicised. In what concerns the dematerialization process, the Portuguese public administration began to licence private e-Procurement platforms, compliant with all legal requirements, which could be used by public entities (including municipalities) on their tendering processes. Also, a specific web portal (BASE Portal[15]) was created in 2010 to fulfil the legal requirement that public agencies must publicly disclose contract data resulting from these processes. Failure to

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[15] http://www.base.gov.pt

disclose data concerning a particular contract would, ultimately, render it legally invalid. Although it was possible to publicise contract data using an online form, all licenced tendering platforms would do that automatically.

In March 2010, the Portuguese Parliament issued the Parliamentary Resolution 17/2010 calling for several improvements in the BASE Portal, including providing more efficient browse and search mechanisms, releasing more detailed and precise contract data, as well as providing statistical indicators concerning the parties involved.

As Portuguese municipalities started adopting certified e-Procurement platforms, more contract data become available in the BASE Portal, thus enhancing the transparency of their tendering processes. Nowadays, all 308 municipalities are present in this portal and, considering a small sample of them, it is possible to see that tendering data seems to be updated regularly.

However, despite most of the initial technical limitations were overcome, access to all data concerning a specific municipality is still not fully straightforward:

- The search mechanism is still sensitive to accented characters and small differences in the search term used (several records were found, for the same municipality, using slightly different designations);
- Although it is possible to search using the municipality *Número Identificação Fiscal* – NIF (Tax Identification Number) available in DGAL, several records were found, for a single municipality, associated with different NIF;

Summing up, the combination of legal requirements, certified e-Procurement platforms with embedded transparency mechanisms linked to a specific portal, have contributed decisively to make municipalities more transparent in what concerns public tendering.

Administrative Documents Access

The Portuguese Constitution (2004 revision) establishes the general principle of an open administration and formally guarantees access to Public Sector archives, with the exception of matters related to internal and external security, criminal investigation and individual privacy. Furthermore, in 1993, specific legislation was created to regulate the access to administrative documents (*Lei do Acesso aos Documentos Administrativos* – LADA[16]), which

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[16] Law 65/93 August 26.

the *Comissão de Acesso aos Documentos Administrativos* – CADA[17] (Independent Commission for the Access to Administrative Documents), working under the Parliament, is in charge to uphold. LADA has undergone several amendments, including those needed to transpose several European Union Directives such as Council Directive 90/313/EEC of 7 June 1990, on the freedom of access to information on the environment[18], and Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information[19]. In its current formulation, LADA[20] defines the concept of an 'Open Administration' where "access and reuse of administrative documents should be assured in accordance to the principles of publicity, transparency, equality, justice and impartiality" (Law 46/2007, Article 1).

Figure 1 shows the number of complains filled in by CADA against several public administration entities who refuse access to administrative documents, from 2005 to 2014, under LADA.
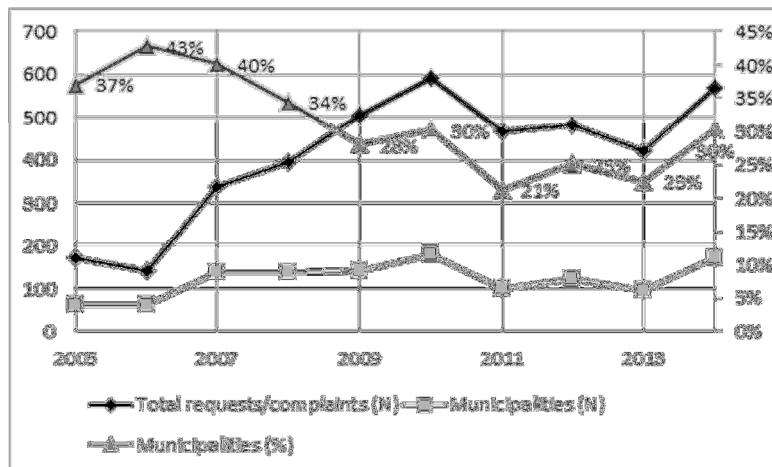

Figure 1. Denied documents access complaints received by CADA (2005-2014)[21].

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[17] www.cada.pt (published its internal regulation in DR II Série nº 16 of 95.01.19).

[18] Repealed by Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003.

[19] Ammended by Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013.

[20] Law 46/2007 August 24.

[21] The data used in this chart was collected from statistical (http://www.cada.pt/modules/ news/index.php?storytopic=13) and activity (http://www.cada.pt/modules/news/ index.php? storytopic=14) reports produced by CADA.

Among the different types of public administration entities, municipalities-related complaints account for a maximum of 43% (2006) and a minimum of 21% (2011) of the total number of complaints received. These numbers are quite significant, and they provide a clear indication that LADA and CADA are important instruments to facilitate citizens' access to information retained by Portuguese municipalities, namely when access to such information is denied. Therefore, those instruments are crucial the enhance municipalities' transparency.

Program SIMPLEX for Municipalities

An iconic program – SIMPLEX – was launched in 2006. The main idea was to implement administrative simplification measures with the input and feedback from public administration users, so that the quality of life of all citizens is improved and the administrative burden for citizens and enterprises is reduced[22]. The program, initially designed for Central Government, arrived at municipalities in 2008. In that year, 9 municipalities participated in a pilot initiative. From then on, the program has been growing. Currently, 'Simplex for Municipalities' involves 126 municipalities and contains 746 simplification measures (municipal, inter-municipal and inter-sectoral), centred on four key action areas: (1) improve and optimise the internal operation of municipal services; (2) improve the provision of services to citizens and companies; (3) promote interactions between the public administrations at different levels; and (4) contribute to strengthening citizenship and the quality of democracy.

Project 'A Minha Rua'

The project '*A Minha Rua*' (inspired in the well-known UK initiative 'FixMyStreet' and launched within the Simplex 09 Program) gives citizens the chance to communicate any occurrence that is happening on their streets/neighbourhoods directly to the municipalities and/or parishes where such situations are occurring. Possibilities of occurrences to be reported are endless, but the most common might include: sidewalk problems, lack of lightening in public spaces/gardens, electrical appliances abandoned in the street, etc. It is not necessary to be a resident of a given municipality to report the situation that is happening on that area. The communication of such situations is made through the internet by filling out a clear and straightforward form and potentially attaching photos. Being part of the

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[22] https://www.simplex.gov.pt/web/simplex/historia.

project is a voluntary choice of the municipalities, but more than 80 municipalities and 30 parishes participate.

There is an associated portal[23] where, besides reporting problems, citizens can also have access to all situations reported in any of the municipalities that participate in the project. It is possible to know how many situations were reported, when, the content of the problem reported, and whether the situation is "under review", is already "sorted out", or was "rejected". It is also possible for any citizen to comment on a given situation. The author of the participation has the choice of making his/her personal data (name, email) visible or not. Both the author and those who have made comments get an automatic email when the situation status changes.

Due to its simplicity and convenience, the impact of the project is rather substantial. More than 27,000 situations are currently in the portal. By giving any citizen the possibility of knowing which situations were reported and what their current status are, this is an important transparency initiative.

Project 'Cidades e Regiões Digitais'

In 1998, the Portuguese government launched several Digital Cities pilot-projects within the framework of the *Programa Cidades Digitais* (Digital Cities Program (1998-2000))[24]. According to (Simões 2008, 22), quoting (MCT 1998), this program aimed at "(i) improving urban life, (ii) combat geographic interiority, (iii) reinforce economic competitiveness and employment, (iv) support social integration and persons with special needs".

The experience and knowledge provided by these pilot–projects were afterwards incorporated into a new programme, *Programa Operacional Sociedade da Informação – POSI* (Information Society Operational Program (2000-2006)), approved in 2000. This new programme aimed to consolidate the existing pilot-projects and extend the experience to other cities and regions (UMIC 2003). The new sub-programme was then renamed *Cidades e Regiões Digitais* (Digital Cities and Regions) and added to its original objectives the fight against info-exclusion and the promotion of broadband access and electronic government development.

Simões (2008) analysed the different projects developed under the *Digital Cities and Regions* programme, and identified a series of strengths (such as municipalities' electronic government and technological modernisation) and

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[23] https://servicos.portais.ama.pt/Portal/AMR/.
[24] http://www.umic.pt/index.php?option=com_content&task=view&id=17&Itemid=

weaknesses (such as a deficit in strategic thinking and poor project sustainability) (Simões 2008, 81).

Despite the opportunity and potential provided by ICTs, these projects (and this programme) did not seem to have contributed directly to create further transparency and accountability mechanisms for municipalities.

Municipal Transparency Index

The *Índice de Transparência Municipal* – ITM (Municipal Transparency Index) was developed and is yearly published by *Transparência e Integridade*, *Associação Cívica* – TIAC (founded in 2010), which is the representative in Portugal of the anti-corruption international network 'Transparency International'[25].

As a civil society organization promoting values of transparency, integrity and responsibility in public opinion, citizens and private and public institutions and enterprises, TIAC has considered the development of the ITM taking as primary objective supporting local democracy improvement.

The ITM aims at allowing, both citizens and decision-makers, to assess the transparency degree in each municipality, measured through the volume and type of information disclosed online concerning each municipality structure, functioning and management and, in particular, about its performance in areas of high risk of corruption, such as public procurement and urban affairs.

The index, original in Portugal, was developed in 2012, resorting to a group of experts and taking as references international experiences. It was for the first time published in 2013 and it has allowed monitoring how municipalities have progressed in terms of transparency in several areas. Accordingly, ITM embraces 76 indicators grouped in seven dimensions: 1) Information about the Organization, Social Composition and Functioning of the municipality; 2) Plans and Planning; 3) Taxes, Fees, Prices and Regulations; 4) Relationship with the Society; 5) Public Procurement; 6) Economic and Financial Transparency; and 7) Urbanism. It only considers whether the information is available or not, letting aside matters such as accessibility in the website and quality of the information disclosed.

For example, Dimension 1) includes 18 indicators regarding elected positions, personnel, and organization and functioning; Dimension 5)

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[25] https://transparencia.pt/.

comprises 10 indicators relating to pre-contractual procedures, agreement and contract accomplishment, contract controlling and assessment; Dimension 6) has 12 indicators, namely the budget, statements showing the budget execution, the accounts and information about debt and suppliers[26].

The ITM score ranges from 0 to 100 points and allows fifteen levels of transparency, being Level I the best (100 points). Level VI is for 64 points and requires 50% of the information indicators considered determinant for transparency, and 25% of those considered important; Level X is for 36 points and requires between 25% and 50% of the information indicators considered determinant for transparency, and less than 25% of those considered important; Level XV is zero information indicators disclosed. Between Level I and Level VI (100 to 64 points) transparency is classified as "Good"; between Level VII and Level X (57 to 36 points) is classified as "Acceptable"; and between Level XI and Level XV (20 to 0 points) is classified as "Insufficient".

A portal has been deliberately created to disclose the ITM[27], as well as other eventual initiatives aimed at improving integrity at the local government level in Portugal. From this portal some information can be gathered for the last three years, presented in Table 1.

Table 1. ITM information 2013-2015

	2013	2014	2015
Maximum	61	82	94
Minimum	7	3	1
Average	33	33	44
Dimension 1 (average)	26	30	44
Dimension 2 (average)	22	24	33
Dimension 3 (average)	38	32	41
Dimension 4 (average)	29	43	47
Dimension 5 (average)	15	12	23
Dimension 6 (average)	67	62	79
Dimension 7 (average)	33	36	45

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[26] These indicators came from an initial list of 170 and were selected by a group of experts using operational research technics, involving assigning importance considering their relevance for transparency as well as weights to get the final index. Some indicators were considered 'determinant' for transparency, while others were merely 'important'.

[27] http://poderlocal.transparencia.pt/.

Considering that, from the ITM values, a ranking of all municipalities has been prepared, some pressure has been put towards improvement, creating incentives for municipalities to develop their tools to communicate and interact with citizens, aiming at an increasingly open, accountable and participative governance. Data in Table 1 clearly show improvements over the last three years, both in the ITM as a whole and in each dimension. Consequently, the ITM has become a reference for good practice is terms of disclosing information for citizens, hence adding to transparency and enhancing accountability.

Portuguese Municipalities Financial Yearbook

The *Anuário Financeiro dos Municípios Portugueses* ('Portuguese Municipalities Financial Yearbook') is an annual publication already in the 11th edition[28]. It started to be published in 2005, referring to the municipalities' annual accounts of year 2003. This Yearbook was initially derived from a research project developed by a group of academics, funded by the *Fundação para a Ciência e a Tecnologia* – FCT (National Agency for Science and Technology), titled "*A Eficiência no Uso dos Recursos Públicos e a Qualidade da Decisão Municipal Portuguesa*" (Efficiency in the use of public resources and the quality of Municipal decision-making), which main purpose was assessing the implementation and compliance with the then new local government accounting and reporting system and, up to what extent that new system was leading to better financial information and better decision-making within Portuguese municipalities.

In the process, budgetary and accounting information was gathered (either from municipalities directly, including their websites, or from the Court of Accounts) and increasingly completed, from the accounts of all 308 municipalities. The database allowed to produce an annual report (Financial Yearbook), analysing the budgetary, financial and economic situation of all Portuguese municipalities as a whole. There was also always a concern to address different regulations issued every year (e.g., new Local Finances Act, Law of Commitments and Arrears, etc.), highlighting the possible impact on municipalities' accounts.

With the financial support of the Certified Accountants Institute (OCC), this publication became increasingly more sophisticated and gain visibility among municipalities, especially from the Yearbook 2005 (published in 2007),

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[28] The Yearbook is available for free to everyone, in hard copies for those attending its yearly presentation, and in pdf version available at http://www.occ.pt/pt/a-ordem/publicacoes/anuario-financeiro-dos-municipios-portugueses/.

where rankings listing the best and the worst municipalities concerning matters such as debt, property tax revenue, personnel expenditure, investment and financial dependency from central government, among many, as well as a global ranking, were for the first time presented. Chapters concerning the analysis of business units of municipal services (*Serviços Municipalizados*) as well as local business enterprises (*Entidades do Setor Empresarial Local*) were also included from Yearbook 2008. In 2014 the analysis of consolidated accounts of the "Local Groups" was also for the first time included. Analysis were performed in comparative perspective with previous years.

After the research project, the *Portuguese Municipalities Financial Yearbook* was able to establish itself as a reference publication at the national level – it has been used for several academic researches as well as to sustain some public debate regarding the municipalities' budgetary and financial condition, namely in national newspapers. Additionally, it became also an important reference to local managers and politicians, inasmuch as the rankings make entities to want to improve their position, thus looking for best practices for managing local public resources and be accountable of the fact, namely disclosing related information in their websites. There have been considerable improvements too regarding completeness and timeliness of the budgetary and financial information disclosed online.

As it is underlined in the Yearbook 2014 (Carvalho et al. 2015), this publication has decisively contributed to increase the quality of Portuguese municipalities' annual accounts and reporting, also adding to the transparency of the municipalities' financial information.

DISCUSSION

This chapter presented a list of initiatives and landmark events illustrating the fact that Portuguese municipalities, in particular, have been targeted by transparency for accountability efforts. These initiatives were developed under a technological context where all municipalities have an internet presence at least since 2009 (which could be used to make transparency-related data available). Also, a legal framework exists since 1993, further reinforced in 2007, granting and ensuring citizens formal access to administrative documents.

Amid the several landmark events listed, the 'creation of municipal enterprises' seems to be the only one which effectively led to a decrease in municipal transparency. Despite the legal requirements for administrative

supervision by DGAL, at some point it was even impossible to know exactly which enterprises existed, and a major part of them did not even had a web presence.

This list of initiatives and landmark events may be analysed from several perspectives, including their origins, their main goal (creating pre-conditions, improving service provision, enhancing transparency) and their nature (legal, technological, administrative).

In what concerns the promoters of such initiatives (their origins), the following key actors may be considered: academia and other civil society organizations, and Government and Public Administration.

As expected, those initiatives from the academia (e.g., GAVEA studies) and other civil society organizations (e.g., 'Municipal Transparency Index' or 'Portuguese Municipalities Financial Yearbook') aim to collect and process data to monitor the overall status of municipal transparency and to provide additional data which could be used for public accountability purposes. These organizations serve as information brokers between the Public Administration and the society as a whole, and therefore these initiatives appear to have greater visibility in the public sphere.

The remaining initiatives may be broadly considered as being promoted by the Government and Public Administration. One initiative seems to have resulted from an indirect external influence (the 'Open Data movement'). This was mostly a technological approach whereby a specific data portal was created (Dados.gov.pt) for voluntary data disclosure by public entities (including municipalities). However, apart from some data already disclosed in other portals (such as BASE), Dados.gov.pt does not seem to have played any relevant role in what concerns transparency for accountability.

Some initiatives aimed at creating and improving necessary technical (e.g., Project '*Cidades e Regiões Digitais*') and legal ('Administrative documents access') pre-conditions for (online) transparency. Others, such as the 'Program SIMPLEX for municipalities', illustrate the fact that programmes were launched to modernise Portuguese municipalities, both technologically and organizationally, without any specific concern to incorporate transparency and accountability enhancement mechanisms. Project '*A Minha Rua*', on the contrary, while developed primarily to facilitate service provision ("fix my street"), does indeed incorporate transparency and accountability mechanisms by allowing citizens to monitor the progress of their reported requests, and the efficiency and effectiveness of municipal services.

'Municipal administrative supervision', 'Performance appraisal schemes', 'Public procurement' and 'Administrative documents access' are among the

initiatives that may be considered as specifically targeting transparency and accountability. The different nature of such efforts (legal, administrative and technological) is also an important dimension to consider.

Efforts to improve 'Municipal administrative supervision', for instance, does combine all three dimensions: it involved the creation of a specific Central Administration entity in charge of supervising municipalities (DGAL), supported by a suitable legal framework requiring those municipalities to report specific data, and the creation of a single online channel to support such reporting (SIIAL). Also from a technological point of view, DGAL uses the data collected to produce and disclose reports for the purpose of accountability, and feed external portals. Nevertheless, it seems that only part of the data collected is in fact disclosed and not always in a raw and disaggregated way.

Besides 'Administrative documents access', already mentioned, 'Performance appraisal schemes' is also mainly characterized as a 'legal' kind of initiative (instituting a mandatory assessment framework) which also contemplate a technological dimension in what concerns transparency of assessment results: a specific portal (GeADAP) was created to make such results available. Nevertheless, its impact on transparency is somewhat limited by the fact that very few entities actually use the portal to disclose assessment results (additionally, no monitoring of such disclosure seems to be in place).

Finally, it seems that the most successful effort in achieving greater transparency for accountability purposes is associated with 'Public procurement'. This may be due to the combination of a legislative effort which required mandatory use of certified procurement platforms, with automatic reporting procedures embedded in the platforms, and a dedicated portal (BASE) where the data is organized and disclosed (technological dimension) in a fairly disaggregated way.

Summing up, while the necessary pre-conditions (legal, technological, administrative) exist for quite some time, not all initiatives and efforts seem to have had the same impact on municipal transparency. Technological development, while improving infra-structures and online service provision, does not seem to have in most cases incorporated transparency mechanisms. Promoting access to data, legally (LADA) and technologically (Dados.gov.pt), does not ensure actual and easy access. Even when there is a legal requirement to disclose data, that is not sufficient for data to be available.

The analysis of the Portuguese experience indicates that, in order to be effective in what concerns transparency and accountability, initiatives need to combine administrative and legal reforms with automatic data disclosure,

embedding reporting mechanisms in already existing processes, and incorporating frameworks to regularly monitor the results.

CONCLUSION

This chapter set out to analyse 40 years of initiatives aiming at increasing the transparency and accountability of Portuguese municipalities. From this analysis it is possible to build a picture of what happened, identifying limitations and obstacles, and suggesting some policy recommendations to address them.

It seems clear that legal and technical pre-conditions for information disclosure exist from some time and they were not difficult to achieve, amidst a growing concern about open government, transparency and public accountability. However, and despite this evolution, it is not yet possible to say that an effective and comprehensive transparency and public accountability framework is in place in what concerns Portuguese municipalities. Some initiatives achieved some success in particular areas (such as public spending) but many others areas remain opaque (e.g., performance assessment). One recommendation would be to systematically assess these initiatives and their actual impact, identifying and reinforcing good practices (such as the BASE portal), eventually dropping ineffective initiatives, and replicating good practices to other areas. In the end, care must be taken to avoid ending up with a set of unarticulated initiatives, each one with its corresponding data portal (for instance). The proliferation of such portals duplicate efforts, making it more difficult to find information and would potentially lead to data discrepancies among different sources. To prevent these pitfalls, it is necessary to put in place a comprehensive set of principles regarding transparency mechanisms, to be included, at a very early stage, in every Public Administration innovation programme. Transparency should be a concern when developing such programmes, as it usually happens with efficiency and effectiveness. Such principles should advocate automatic and process embedded online data disclosure mechanisms, consider the latest technical developments associated with open data (such as Linked Open Data and the Sematic Web), include monitoring instruments, and make provision for non-compliance consequences, a necessary condition to achieve public accountability beyond transparency.

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