

TRANSPARENCY AND THE INTERNET: THE CASE OF THE FEDERAL ELECTORAL COURT

Libby Haight and Ana Suárez Zamudio

The on-line dissemination of basic public information has been a key component of Mexico's transparency and information access reforms. Every federal government agency is mandated by the Federal Law for Transparency and Access to Information (LFTAIPG in Spanish) to have a website dedicated to transparency. In compliance with Article 7 of the LFTAIPG, the sites must publish their organizational structure, salaries, budgets and audits. Some agencies are using the internet to provide the public with a broad range of additional information about their activities.

One example of a case of "voluntary" dissemination of high quality and useful information is the Federal Electoral Court's (TEPJF in Spanish) webpage. The Court is subject to the LFTAIPG, but is not under the jurisdiction of the Federal Institute for Access to Information (IFAI in Spanish).¹ On its webpage, the TEPJF offers live feed of public sessions, outcomes of closed cases, "relevant sentences", "judicial statistics", and an electronic library complete with an internal search engine for case files.

The "Judicial Statistics" section summarizes the main results of the Court's actions, such as complaints received and resolved, presented in tables and graphs. One table stands out. It condenses information about contested elections as well as the Court's verdict in each case. This section could be considered the most valuable, since it is likely to be the one of greatest interest to the public.

The usefulness of the TEPJF's webpage was evaluated in a study by the Center of Economic Research and Instruction (CIDE in Spanish), in which they analyzed the transparency of Otros Sujetos Obligados (or OSOs in Spanish) of the LFTAIPG.²

¹ Editor's note: This classifies it as an Other Mandated Subject (Otros Sujetos Obligados or OSOs in Spanish). "Otros Sujetos Obligados" or OSOs refer to federal organs of public power that are obligated to abide by the Federal Transparency Law, but are not under the authority of the Federal Institute for Access to Information. They, therefore, fulfill their obligation under the Law by issuing their own autonomous transparency regulations. <http://www.trife.gob.mx>.

² Sergio López-Ayllón and David Arellano Gault, *Estudio en materia de transparencia de los otros sujetos obligados por la Ley Federal de Transparencia y Acceso a la Información Pública Gubernamental* (Mexico: CIDE, October 2006). Available online at: www.ifai.org.mx/oso/informes/EstudioenMateriaDeTransparencia.pdf.

The TEPJF obtained an overall grade of 0.69 (on a scale of 0 to 1); this positions it on a “medium” level ranking in terms of pro-transparency reforms.³

After the publication of CIDE’s study and the change in the Electoral Court’s judges in December 2006, the TEPJF’s webpage was updated and improved. By allowing the web user to learn about the TEPJF’s main activities online, the Court was offering the public a clear view of the institution’s work without the need to make formal information requests. The TEPJF has also included two options, email or fax, by which users can file requests with the institution itself and receive answers. These updates demonstrate that various recommendations made by the CIDE have actually been implemented.

Perhaps the most prominent limitation of the TEPJF’s webpage is that it does not provide information about the appeals process, in the case of requestors who are not satisfied with the Court’s response. As is the case with the other OSOs, the TEPJF does not have an autonomous body to adjudicate such appeals. Therefore, when citizens wish to challenge responses to information requests that they consider to be inadequate, their only option is to appeal to the Electoral Court itself, which becomes both judge and jury.



³ *Ibid.*, p. 85