

THE IFAI'S APPEALS RESOLUTIONS MEET LEGAL STANDARDS

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The non-governmental organization “Libertad de Información – México”, or LIMAC (Freedom of Information – Mexico) carried out a study evaluating the quality of the legal reasoning behind the appeals decisions made by the Federal Institute for Access to Information (IFAI in Spanish). The study showed that, during 2005, the work of the five commissioners met the standards of impartiality and technical rigor required by both society and governmental institutions. The study’s results contrast with the government agency claims that they could not be certain of the quality of IFAI resolutions issued against them.

The study ranked each commissioners’ work on a scale of 0 to 100, using the following three categories as evaluation criteria: 1. the correct application of their mandate in the procedure; 2. the correct citation of the legal basis for their decisions; and 3. the quality of their legal motivation or argument.

For 2005, 2,027 appeals resolutions (which respond to citizen complaints about government agency information denials or release of incomplete information) were analyzed in this manner. The overall grade given to the decisions published in 2005 was **77 out of 100**.

The breakdown by individual for each commissioners’ work is the following:

1. Horacio Aguilar resolved 412 cases in 2005, he saw 196 (48%) of them through to completion and set aside 216 (52%) of them, with an average grade of **74.5** out of 100 for legal quality.
2. Alonso Gómez resolved 436 cases, he saw 234 (54%) of them through to completion and set aside 202 (46%) of them, with an average grade of **76.2** out of 100 for legal quality.
3. Juan Pablo Guerrero resolved 400 cases, he saw 255 (64%) of them through to completion and set aside 145 (36%) of them, with an average grade of **81.3** out of 100 for legal quality.

4. Alonso Lujambio resolved 350 cases, he saw 174 (50%) through to completion and set aside 176 (50.2%), with an average grade of **74.8** out of 100 for legal quality.
5. María Marván resolved 429 cases, she saw 230 (54%) through to completion and set aside 176 (50.2%), with an average grade of **75.1** out of 100 for legal quality.

Despite the fact that the overall average quality of the resolutions was deemed acceptable on all three of the variables evaluated, their weakest point had to do with procedural errors. Here, on a scale of 0 to 100, only 32% met the standards for technical rigor. In comparison, the other two variables evaluated received 100% (legal foundation) and 97% (legal motivation) respectively. It is therefore necessary for the IFAI to further improve procedural issues so that their final rulings are even more well-grounded in legal terms, which will guarantee the timely and reliable disclosure of public information by the government.