



**TRANSPARENCY AND ACCESS TO
INFORMATION AT THE LOCAL LEVEL:
AN ANALYSIS OF MUNICIPALITIES'
CAPACITIES IN SOUTHERN BRAZIL**

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UMA ANÁLISE DAS CAPACIDADES DOS MUNICÍPIOS GAÚCHOS**

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ABSTRACT

This article deals with public transparency at the local level. The aim is to identify and analyze the administrative, bureaucratic, and technological factors that influence municipal transparency actions. The municipalities in the state of Rio Grande do Sul served as the locus for this study. The work contextualizes public transparency as a fundamental attribute of democratic regimes and addresses it as a global and national public policy, highlighting the Brazilian legislation that regulates it. For the analysis, documentary observation was utilized to verify the treatment given by the 497 municipalities to public transparency, through their transparency portals. Furthermore, an online questionnaire was administered to the municipal administrations of Rio Grande do Sul. The difficulties of municipalities are found in the limitations of their governmental structures and the absence of an organization in the area responsible for handling information. Among the results, one of the most concerning is the excessive concentration of municipalities that the same company has supplied to develop the software and the fact that they comply only with what is required by law rather than establishing channels of transparency for citizens.

Keywords: Democracy. Public policy. Transparency. Municipal portals. Access to information.

RESUMO

Este artigo trata da transparência pública em nível local. O objetivo é identificar e analisar os fatores administrativos, burocráticos e tecnológicos que influenciam nas ações municipais referentes à transparência. Os municípios do Estado do Rio Grande do Sul constituíram o locus deste estudo. O trabalho contextualiza a transparência pública como atributo fundamental dos regimes democráticos, além de abordá-la como política pública, tanto em nível mundial quanto nacional, com destaque à legislação brasileira que a regulamenta. Para a análise, utilizou-se a observação documental, com o intuito de verificar o tratamento dispensado pelos 497 municípios à transparência pública, por meio de seus portais da transparência. Além disso, aplicou-se questionário on-line às administrações municipais gaúchas. As dificuldades dos municípios estão localizadas nas limitações de suas estruturas governamentais e na ausência de qualquer organização da área responsável pelo tratamento da informação. Dentre os resultados, um dos mais preocupantes refere-se à excessiva concentração de municípios atendidos por uma mesma empresa para elaboração do software e o fato de cumprirem apenas o requerido pela legislação e não se constituírem em canais de transparência aos cidadãos.

Palavras-chave: Democracia. Políticas públicas. Transparência. Portais municipais. Acesso à informação.

INTRODUCTION

Brazil is organized territorially into 5,570 municipalities. In 2015 and 2016, a survey carried out by the Federal Public Prosecutor's Office identified transparency portals in 5,568 municipal governments (Ministério Público Federal, 2016), a figure that is practically equivalent to the total number of municipalities in Brazil. From this perspective, Complementary Law 131/2009 and the Access to Information Law appear to have fully achieved their objectives (Brasil, 2009, 2011a). A comparison between the period prior to these laws and the time from 2015 onwards reveals that the existing transparency portals had issues similar to the present ones, and, notably, not all municipalities had their own portal.

Municipal transparency portals have been studied from various angles. One approach, perhaps the most prevalent, adopts a primarily quantitative perspective, employing methodologies that develop and categorize transparency indices. Examples of such approaches include the Transparent Brazil Scale (CGU, 2018), developed by the Office of the Comptroller General, and the National Transparency Ranking, produced by the Federal Public Prosecutor's Office (2016).



These surveys largely assess compliance with legislation and the fulfillment of essentially technical criteria. Nevertheless, numerous reports and articles are praising the high scores achieved by public entities.

Conversely, some studies employ other quantitative or qualitative methodologies to assess transparency portals (Ceolin; Almeida; Alves, 2015; Coelho et al., 2018; Figueiredo, Vanuza da Silva; Gazoni, 2016; Gama, 2017; Luciano; Wiedenhöft; Pinheiro dos Santos, 2018; Noceti, 2019). These investigations often evaluate the portals primarily as web tools, examining aspects such as accessibility, usability, and ease of access, among other facets, along with assessing how these portals align with legislative compliance. Thus, the focus extends beyond mere adherence to legal requirements.

The findings from these research endeavors consistently indicate challenges in locating information and navigating the portals. In addition to technological hurdles, these challenges also stem from the language and terminology utilized on these portals, which are generally familiar only to those working in related fields or who use them regularly. Furthermore, even when information is located, citizens may not easily understand or properly interpret it.

Given this context, this study sought to identify and elucidate the factors contributing to the previously mentioned paradoxical scenario, where, on the one hand, legislation, oversight bodies, and official promotional activities herald the transparency of institutions, and on the other hand, citizens remain uninformed. This may be due to information being unavailable, difficult to locate, or presented in a manner that is not easily assimilated and interpreted by the general public.

This article is organized into three sections, in addition to this introduction and the concluding remarks. The first section describes the methodological procedures employed in this research. The subsequent section offers a national and international overview of governmental initiatives aimed at establishing public policies for organizing and implementing transparency actions across various levels and spheres of government. The third and final section focuses on transparency at the local level and the challenges identified in the municipalities of Rio Grande do Sul concerning effective communication with residents.



METHODOLOGICAL PROCEDURES

In order to achieve the objectives of the study, the analysis and characterization were supported by quantitative data. This data, a portion of which was primary, was amassed through information surveys and semi-structured questionnaires, while the remaining secondary data was acquired from various institutions, predominantly the Brazilian Institute of Geography and Statistics (IBGE). The data underwent statistical manipulation with the aid of suitable software, notably R,¹ in conjunction with RStudio.² These statistical tools, essentially descriptive in nature, facilitated the characterization of the subject under scrutiny and the municipalities included in the study.

Insights into the situation observed in the municipalities of Rio Grande do Sul emerged from an analysis focusing on factors relevant to these municipalities' structure, organization, and resources. Special attention was given to aspects associated with Information and Communication Technologies (ICTs), public servants, suppliers, and IT services and software providers. This focus extended to their use in the internal workings of the municipal administration and in the operation of municipal portals, particularly the transparency portal. This information was investigated using two distinct instruments: dispatching a questionnaire to the mayors' offices across all municipalities in Rio Grande do Sul and directly examining the municipal internet and transparency portals of the 497 municipalities within the state. The aim of gathering information through both methods was to highlight the challenges encountered by the municipalities and any apparent disinterest in meeting the requirements of legislation and democratic principles concerning transparency.

The first instrument deployed was an online³ questionnaire, the individual access address for each municipality being disseminated via email. The questionnaire received responses from 162 municipalities, though not all responses were fully complete. The queries pertained to the structure and organization of Information Technology (IT) operations, the information systems employed by the municipalities, the various internet portals in use, and initiatives related to public transparency, civic participation, and the provision of open data.

1 R is a free software for statistical processing and graphing. It can be downloaded from <https://cran.r-project.org>

2 The RStudio integrated development environment is a set of visual tools for using R. It can be downloaded from <https://posit.co>.

3 The questionnaire was prepared with the help of the Limesurvey software, hosted on a server hired specifically for this purpose and with its own domain. Limesurvey can be downloaded from <https://www.limesurvey.org>.



Observations of municipal portals and transparency portals commenced with the development of applications in Python,⁴ which navigated to the municipalities' websites. These applications attempted to identify, via data mining strategies, their developers and the presence of certain specific services or functionalities. For those sites where the applications were unable to discern the required information, a direct visit to the sites by the researcher constituted the second phase of the investigation.

TRANSPARENCY AS PUBLIC POLICY

Modern democracy has introduced a state structure that was unimaginable in the era of Athens. During that period, both the state and its institutions were in their nascent stages, bearing no resemblance to the complexity of today's governmental apparatus. Despite this, for the effective practice of *Isonomia*⁵ and *Isegoria*,⁶ all citizens needed to possess a thorough knowledge of public and communal affairs.

Bobbio (1997, p. 10), in his analysis of democracy's future, asserts that "Democracy can be defined in the most diverse ways, but there is no definition that does not include in its connotations the visibility or transparency of power." In a democratic nation, decisions and the reasons behind them must be transparent to all. Thus, according to Bobbio (1997, p. 83, our emphasis), one of the "commonplaces of all the old and new discourses on democracy is to assert that it is the governance of **visible power**. That it is inherent in the **nature of democracy** that **nothing should be cloaked in mystery**." An opaque power, Bobbio emphasizes, is not truly a democracy.

Information plays a pivotal role in ensuring government transparency. Government websites, created by the public entities themselves or in response to transparency legislation, typically provide abundant accounting, fiscal, and financial information. However, this information is often published in formats that hinder its reuse, and the "government decides what and how it will be seen" (Vaz; Ribeiro; Matheus, 2011, p. 45). These are standardized reports filled with technical jargon, necessitating a certain

4 Python is a programming language whose interpreter and extensive standard library are freely available at <https://www.python.org>.

5 The term *isonomia*, the first and most significant of the principles of Athenian democracy, is made up of the particles *isos* (equality) and *nomos* (law). At first glance, it could refer to the equality of all before the law. Another interpretation, however, could mean equal political rights for all citizens enshrined in law.

6 Democracy in Athens also established the principle of *Isegoria*, which represents the possibility for anyone, without social differentiation, to speak in the assemblies.

level of expertise to read and interpret the information correctly. Furthermore, it is acknowledged that, within any community, there are few individuals capable of undertaking this task. As Gisele Craveiro, in an interview with Issa (2013, p. 62), points out, “instead of being portals of transparency, they are portals of opacity.”

Democracy can be conceptualized as a framework for deciding how to govern with the participation and intervention of citizens. In a democracy, the exercise of power is not perpetual and must be monitored, subject to sanctions to prevent abuse, arbitrariness, and, potentially, the reappointment of rulers. Public transparency should be viewed as an ensemble of these rules and instruments, as the actions promoting transparency cannot solely rely on public officials’ ethical spirit and goodwill. Conversely, it is imperative that public transparency is regarded as a state policy. (Bobbio, 1997, p. 101) articulates that

[...] There is always a difference between autocracy and democracy since in the former, state secrecy is a rule, and in the latter, it is an exception regulated by laws that do not permit undue extension. I will not dwell here on another issue that warrants reflection, which is the problem of the resurgence of the *arcana imperii* in the guise of governance by technicians or technocracy: the technocrat possesses knowledge inaccessible to the masses and which, if accessible, would likely not be comprehended by the majority or, at the very least, the majority (i.e., the subjects of democratic power) would not be able to contribute meaningfully to the discussion to which they might be invited. [...] What distinguishes democratic power from autocratic power is that only the former, through free criticism and the lawful expression of differing viewpoints, can generate internal antibodies and allow forms of ‘unhiddenness.’

Numerous political and social actors engage in the processes that construct transparency. The interactions among these actors, which shape transparency practices, are intricate and governed by formal and informal rules, various organizational routines, cultures, and individual or collective customs. These processes are further facilitated by the options and variety of available technologies that are continually evolving (Meijer, 2013). Consequently, when actions aimed at enhancing transparency are the result of public policies institutionalized by the state, their sphere of influence encompasses the entire state, not merely its agents (Naessens, 2010). For Berrones (2016, p. 200), public transparency emanates from processes

that intertwine tense relationships between opacity and visibility, secrecy and disclosure, subjects and citizens, shadows and illumination, bureaucratic centralism and individual and collective freedoms, privileges and equality. These dichotomies elucidate the manner in which public power is designed and executed with the involvement of specific actors, agencies, strategies, timings, and goals. Such dichotomies have, to varying extents, impacted the journey toward strengthening transparency as a public policy. This suggests that the democratization of power through its distribution, openness, and accessibility are not simply mechanical actions or processes. Instead, they are part of struggles, pressures, demands, and responses that collectively contribute to the progress of modern societies.



Berrones's statement succinctly summarizes the trajectory of public transparency throughout global history. Similar to democracy, it was only in the 20th century that an increasing number of countries implemented laws and procedures governing the right to and access to public information. The expansion of democracy spurred burgeoning demands for control, oversight, participation, governance, and, ultimately, citizenship itself. Moreover, while not yielding immediate effects, one of the first incentives for nations to recognize and politically define the right to information was provided by the United Nations (UN) in 1942, when it adopted Resolution 59. This resolution declared that "freedom of information constitutes a fundamental human endo and the cornerstone of all the freedoms to which the UN is dedicated" (Mendel, 2009, p. 17). The declaration was reaffirmed two years later by the Universal Declaration of Human Rights (Mendel, 2009).

A sequence of international treaties and agreements have incorporated references to and incentives for freedom and access to information in their agendas. These documents include, in chronological order, the European Convention on Human Rights (1953), the International Covenant on Civil and Political Rights (1966), the African Charter on Human and Peoples' Rights (1986), the American Convention on Human Rights (1992), the Inter-American Declaration of Principles on Freedom of Expression (2000), the United Nations Convention against Corruption (2005), and the Atlanta Declaration and Plan of Action to Advance the Right of Access to Information (2008) (Mendel, 2009).

The 20th century, aside from witnessing the extraordinary advancement of democracy worldwide, displayed a second pivotal characteristic: the remarkable development of information and communication technologies. Accessibility to information, serving as a practical means to facilitate transparency processes and actions, represents "one of the fastest processes of global dissemination of legislation" (Malin, 2012, p. 6).

The Global Right to Information Rating program identifies 128 nations with some form of specific policy or legislation related to public transparency (Rti Rating, 2019). Given that these are sovereign nations, the level of scope and depth among these legal instruments naturally varies. In almost all of these countries, implementation remains inadequate because "Without full implementation, laws have little chance of success" (Transparency International, 2019).



Sweden led the way in 1766 as the first country to establish legislation on access to information. According to the Global Right to Information Rating program, it was not until 1951 that Finland, the second country, implemented legislation on the matter, followed by the United States of America in 1966. Summarizing the program's data, by the end of the 20th century, only 32 countries had enacted specific legislation. This amount represents 25% of the nations that currently possess some form of legislation on access to information. Thus, establishing official policies is a recent phenomenon characteristic of the 21st century (RTI Rating, 2019).

An additional initiative for tracking and monitoring policies related to access to information in various countries is the project "The Right to Information: Good Law and Practice."⁷ Although its data may not be as comprehensive as the data found in the Global Right to Information Rating, it nonetheless facilitates the identification of legal instruments used in the monitored countries. Generally, the predominant approach in these countries has involved the creation of ordinary laws, typically entitled either the Access to Information Act or the Freedom of Information Act. Notably, 82 countries have also incorporated elements associated with transparency or access to information into their constitutions (Right2Info, 2019).

For much of its history, Brazil has scarcely incorporated access to information into its legal framework. Several factors account for this oversight. During periods absent of dictatorship, the patrimonialist and bureaucratic nature of public administration often stifled any initiatives aimed at promoting public transparency (Lopes, 2007).

The current Constitution of the Federative Republic of Brazil, enacted in 1988, incorporates various references to transparency and access to information within the Public Administration. Specific references, such as Item XXXIII of Article 5, Item II of Paragraph 3 of Article 37, and Paragraph 2 of Article 216, which articulate the right to obtain information, whether it is private or public, have played a pivotal role in inspiring the development of a comprehensive set of specific legal instruments (Brasil, 1988).

7 The organization gathers information on the constitutional and legal framework for the right of access to information, as well as case law from more than 80 countries, organized and analyzed by topic. It can be accessed at <https://www.right2info.org/>.



Access to information represents a prevalent method for implementing public policies related to transparency. Following the lead of several countries, Brazil has, particularly in the 21st century, established a collection of regulatory instruments. These instruments delineate both the obligations of various public entities and the rights of citizens regarding access to information.

Table 1 | Access to information in Brazilian legislation

Legal instrument	Objective
The 1988 Federal Constitution	The right to obtain information, whether private or public (Article 5(XXXIII), Article 37(3) (II) and Article 216(2))
Law 8.159	Provides for the national policy on public and private archives
Law 11.111	Regulates some constitutional provisions related to access to public documents
Law 9.755	Provides for the disclosure of data on all federal entities by the Federal Court of Accounts on the internet
Law 10.683	Creation of the position of Minister of State for Control and Transparency and, attached to it, the Public Transparency and Anti-Corruption Council
Decree 5.482	Provides for the disclosure of data and information by federal public administration bodies and entities via the World Wide Web – the Internet
Complementary Law 101 Complementary Law 131	It established public finance rules aimed at responsibility in fiscal management. It made it compulsory to provide information on financial and budgetary execution in real time
Decree 7.185	It complies with the provisions of Item III of the sole paragraph of Article 48 of Complementary Law 101 and defines a minimum quality standard for the integrated financial administration and control system within the scope of each member of the federation.
Law 12.527	It regulates the procedures to be observed by the Federal Government, States, <i>Distrito Federal</i> [the Federal District], and Municipalities to guarantee access to information, as provided for in various parts of the Federal Constitution.

Source: Prepared by the authors

The regulatory framework for transparency in public administration was established by Complementary Law 101 of May 4, 2000 (Brasil, 2000), which underwent amendments through Complementary Law 131 of May 27, 2009 (Brasil, 2009). However, the most pivotal legal measure introduced is Law No. 12,527 of 2011, which governs access to information and encompasses

public entities within the Executive and Legislative Branches, including Courts of Auditors, the Judiciary, and the Public Prosecutor's Office, as well as autarchies, public foundations, public companies, mixed-capital companies, and other entities controlled directly or indirectly by the Federal Government, States, *Distrito Federal* [the Federal District], and Municipalities (Brasil, 2011a).



It outlines procedures to ensure access to information as stipulated in the Federal Constitution. Additionally, it aims to foster a culture of transparency and the use of ICTs, as previously addressed in Complementary Laws 101 and 131. These legal measures collectively facilitate various approaches by public administrations. They may proactively disclose information they are accountable for or, alternatively, fulfill citizens' requests for information passively. Importantly, apart from legal exemptions, the information and data should not be perceived as exclusively owned or utilized by public authorities or their administrators.

The legal framework mentioned above offers guidance to public entities regarding the disclosure of information and the processes involved. Achieving transparency through legislation is explicitly targeted, yet it extends beyond mere compliance with legal requirements. The challenge lies not only in the quantity of available information but also in its presentation, ensuring it is accessible and comprehensible to the general populace. As Ribeiro (2009, p. 7) emphasized,

it is essential for the government to operate transparently, enabling citizens to gain an understanding of its structures and decisions. Such transparency necessitates a reduction in administrative opacity, implying that it is not sufficient for the government to simply make information available; it must also ensure that this information is accessible to citizens and comprehensible. For instance, the budget and financial statements could be fully posted on the public agency's electronic portal. Theoretically, thanks to the ease of internet access, any citizen could review these documents. However, one might question whether the average citizen can understand the technical terms used in these documents. In this respect, an agency would not be entirely transparent if it makes data available but fails to ensure its comprehension by the intended audience, which is the society at large. Merely hosting data on a portal does not enhance transparency if the information is difficult to find or not consistently updated.

Article 5 of Law 12,527 asserts the state's duty to guarantee the right to information access (Brasil, 2011a), which should be facilitated through "objective and agile procedures, in a transparent, clear, and easy-to-understand language." This provision underscores the intention to make information intelligible to all citizens, irrespective of their expertise, educational background, or profession.



TRANSPARENCY AT THE LOCAL LEVEL: THE MUNICIPALITIES OF RIO GRANDE DO SUL AND THEIR TRANSPARENCY INITIATIVES

Rio Grande do Sul is partitioned into 497 municipalities, predominantly small and lightly populated, especially in the northern half of the state. Approximately 55% of these municipalities lie within the Intermediate Geographical Regions (RGIIn) of Caxias do Sul, Ijuí, and Passo Fundo, where nearly half of them have populations not exceeding 5,000 inhabitants. This is particularly noticeable in the RGIIn of Passo Fundo, with almost 65% of municipalities falling below this demographic threshold (IBGE, 2019).

A second distinguishing feature of most Rio Grande do Sul municipalities is their limited size, which, combined with their small populations, impacts their administrative frameworks, consequently affecting their capabilities relating to ICTs. With a limited number of civil servants and challenges in accessing ICT suppliers and service providers, these municipalities face constraints in acquiring software for internal administration purposes and developing municipal web portals, including transparency portals.

The municipalities of Rio Grande do Sul, when examined from the perspective of public transparency and the conditions of both the municipal portal⁸ and the transparency portal, are in a situation very similar to that of municipalities in the rest of the country. Studies in municipalities within Rio Grande do Sul support this inference (Bittencourt; Reck, 2018; Bortulini, 2016; Brocco et al., 2018; Klein, 2018; Visentini; Santos, 2019). The same legislation governs these municipalities and are subject to inspection and control actions by the State Court of Audit, the Federal Court of Audit, and the Public Prosecutor's Office.

One can find possible explanations for this scenario within the municipalities themselves. The results obtained from responses to a questionnaire submitted to the municipal administrations are presented in a consolidated manner, focusing on two aspects: the internal structure of the municipal government in relation to information technologies and systems, and the municipal portals, including their origins and the services offered by the municipality via the internet.

8 Website where the municipality disseminates information and services relating to municipal administration.



IT STRUCTURE AND INFORMATION SYSTEMS

In responding to the questionnaire, 48 municipalities disclosed how the Information Technology area is organized. In 27 of these municipalities, the technical staff responsible for IT is allocated to a specific unit. This entity, referred to as the Data Processing Center, IT Department, Information Technology Department, or other similar names, is tasked with maintaining equipment, installing and configuring software, and providing technical support to other civil servants. Almost all these units are allocated under the Administration Secretariat.

Conversely, in 21 municipalities that answered the question, ICT-related activities are dispersed across various departments or entities within the municipality. Though the response rate to the questionnaire does not permit broad generalizations, this finding might be more common than initially assumed. Brandi and Silva (2018) compared municipal IT governance between Brazilian and Portuguese municipalities and found that 70% of municipal managers are either unaware of or do not adopt any governance model. Only two of the responding municipalities reported having software developed by municipal employees specifically assigned to this task. This figure, which once again inhibits any definitive conclusions, further suggests that municipalities generally procure software from third parties. In addition to this, 37 of the 48 municipalities indicated this practice, and observations regarding the origins of municipal portals, described below, support this assumption.

The procurement of software also does not appear to follow any distinct policy or strategy in the municipalities of Rio Grande do Sul. Some municipalities have declared a single supplier for all the systems procured, while others have a kind of “Tower of Babel,” where a different company supplies each system. This situation suggests a near-complete lack of integration and interoperability between the software systems. It is also important to note that the logic of procurement by public entities must adhere to procedures defined in specific legislation (Brasil, 2011b), where the criterion is generally the lowest price.



PUBLIC TRANSPARENCY AND THE TRANSPARENCY PORTAL

What can municipalities do to enhance transparency? What instruments can be employed to go beyond legal procedures? The questionnaire submitted to the municipalities offered a number of alternatives selected from 38 municipalities that responded. The options that stand out are detailed in Table 2.

Table 2 | Tools used for transparency in municipalities - 2019

Transparency tools	Number of municipalities
Radio stations	27
Newspapers	31
Transparency portal	35
Municipal portal	30
Social media	28
Citizen Information Service	17
Television	4

Source: Prepared by the authors

Two instruments are directly associated with the Fiscal Responsibility Law (Brasil, 2000), the Transparency Law (Brasil, 2009), and the Access to Information Law (Brasil, 2011a): the Transparency Portal and the Citizen Information Service (e-SIC). Despite being obvious and obligatory choices, not all entities indicated their use. Traditional media, such as radio stations, newspapers, and television, are typically employed to publicize the actions of municipal administrations, essentially serving purposes of publicity. However, there has been no verification regarding the specifics of the actions publicized, the language used, or the level of detail provided in these news items.

Using municipal portals and social networks represents newer avenues toward public transparency. Observations of these portals suggest that their utilization is aimed primarily at publicity. Although the questionnaire did not specify which social networks, their use is an increasingly common alternative. These tools enable both public authorities and citizens to express themselves. The question that arises concerns how dialogue is conducted or mediated by the municipal administration and the actions that result from it.



Issues concerning public transparency are also addressed using tools related to the Access to Information Law (LAI) (Brasil, 2011a). Public administrations have established specific internet portals to facilitate the request, response, and control of information requests. Data from 34 municipalities, in response to the submitted questionnaire, revealed the origin of this portal. Five municipalities reported that they had developed this tool in-house, while the remaining 29 had purchased the software.

An additional detail about the LAI portals is that the companies providing this portal did not coincide with those supplying the transparency portals. Although the sample is not representative, in 20 municipalities, the suppliers were different. It is evident that the two tools have distinct requirements and do not need to be integrated. This situation highlights the large number of software suppliers serving the same municipality.

Regarding the second research tool, direct observation of the portals, one element considered was the range of functionalities, resources, or possibilities offered to citizens that encourage and enable their participation and access to public services. Beyond providing information, these portals allow citizens to engage in administration, construct and evaluate public policies, or simply debate community concerns.

Linked to the previous point, it was assessed whether these portals utilize, at least additionally, a language accessible to those not versed in the technical terms and standards of the fiscal, financial, and accounting sectors. The organization of these portals was also important in terms of the location and presentation of the legally required information. Navigating through their entire content provided an overview of compliance with legislation and elements related to public transparency and popular participation.

A third point of investigation related to obtaining data in formats other than just textual. The legal instruments mentioned above explicitly refer to the possibility of manipulating data using various computer tools. Decree 7.185, in regulating Complementary Law 101, states in Item II of Article 4 that the system must “allow the storage, import, and export of data” (Brasil, 2010). Law 12.527, in Article 8, Paragraph 3, Items II and III, stipulates that the portal must “enable the recording of reports in various electronic formats, including open and non-proprietary formats, such as spreadsheets and text, to facilitate the analysis of information” and “enable automated access by external systems in open, structured, and machine-readable formats” (Brasil, 2011a).



The responses to these points were verified on the municipality's official website and transparency portal. Generally, the issues or advantages of the portals were almost universal, or at least prevalent among most of them. Every municipality had a division of responsibilities for developing or supplying the municipal portal and the integrated financial administration and control system, wherein the functionalities serving the transparency portal are located.

The transparency portal is a legal requirement. All municipalities have implemented it, although depending on the structure and resources available, very few develop it. Observation of the 497 transparency portals in the executive branch of municipalities in Rio Grande do Sul shows a highly concentrated scenario. There are only 22 companies supplying 494 municipalities, and only three municipalities have developed their own tools. Table 3 presents this distribution, showing companies that supply more than ten municipalities. The concentration is evident, as only 12 companies provide transparency portals for 465 municipalities, which correspond to 93.5% of the municipalities. The table also shows that a single company is present in almost a quarter of the state's municipalities. Only four companies develop transparency portals for 308 (62%) municipalities.

Table 3 | Origin of the Transparency Portals in Rio Grande do Sul municipalities - 2019

Company	Municipalities	(%)
Company A	112	22.5%
Company B	81	16.3%
Company C	72	14.5%
Company D	43	8.7%
Company E	25	5.0%
Company F	24	4.8%
Company G	23	4.6%
Company H	23	4.6%
Company I	23	4.6%
Company J	15	3.0%
Company K	13	2.6%
Company L	11	2.2%
Other companies (10)	29	5.8%
Internal development	3	0.6%
Total	497	100%

Source: Prepared by the authors



An immediate observation is that transparency portals in some groups of municipalities are identical. This suggests that their functionalities and qualities, as well as their difficulties and defects, are common to several municipalities. In general, these portals offer practically the same functions, presenting information in real time and covering a broad spectrum of information. The major difficulty is that being an extension of the same system used in the financial and fiscal administration of the municipal government, they excessively employ technical language and terms. There is no evidence of any initiative to make this information accessible to citizens who are not technically proficient in this knowledge area.

The standard format for all portals is to present information on HTML pages or in PDF format. However, legislation specifies that the systems must produce information in formats that can be manipulated by other software, including general-use software such as spreadsheets and text editors or software developed specifically for a particular analysis. Some portals also support XML export, which could facilitate processing this information by third-party software. Nevertheless, they do not provide any documentation or specifications for the files generated, complicating the development of specific applications.

According to Branco (2012), transparency implies clear and intelligible access to information about decision-making processes that affect citizens' lives, enabling everyone to comprehend the demands imposed and to have the capacity to criticize and express indignation without being dismissed as mere political adversaries.

Branco (2012, p. 207) elucidates that

access to **transparent** information is not synonymous with over-information, which can make reality opaque and foster confusion, leading to subjugation of wills through diversionary processes that distract and ultimately alienate people, obscuring what is fundamental and highlighting what is superficial.

The presentation of transparency portals, at least in the Rio Grande do Sul municipalities, corroborates Branco's description. Although a wealth of data is available, the vast majority of the population finds it incomprehensible and indigestible.

Making information accessible is a quintessential communicative action. It is the government exercising its role of communicating how it develops its actions. Ideally, these actions should



emphasize the importance of access to information to support decisions, strengthen societal ties with the government through access to information, and foster the creation of discussion forums in the public sphere (Carniello; Santos, 2013).

Accessibility and the simplified availability of information are fundamental pillars for development. Primarily, they provide data upon which public managers, society, for social control over policies, and for assessing local and regional conditions, can base decisions. It is essential to recognize that the dissemination of this information does not necessarily prompt immediate civic participation or yield instant solutions, although it does represent a citizen's right and a condition indispensable for development, as underscored by Sen (1999) when he associated development with democracy (Carniello; Santos, 2013). Public communication efforts should extend beyond public institutions' mere transmission of information to promote dialogue and debate on issues of public interest between government officials and citizens.

Democracy and development thrive on participation. The concept of development also encompasses an understanding of public affairs, aiming to foster the implementation of actions reliant on the participants' motivation to initiate a transformational process to advance society toward a more developed stage. For Sen (1999), development correlates with the freedom of knowledge, democracy, and effective public communication, executed by public managers but involving the active participation of society.

FINAL CONSIDERATIONS

Democracy necessitates transparency from its institutions and leaders. Among the attributes and characteristics of democratic regimes, transparency stands as a cornerstone in shaping public opinion. Citizens' awareness of government organizations, their officials, and the political class as a whole is crucial for selecting their representatives or for participation in public and deliberative processes. It is essential to underscore that the topic addresses the relationship and implications of access to information (in its various forms) and public transparency, specifically within municipal public entities. Transparency is naturally associated with democracy and processes of participation, deliberative citizenship, continuous discussion, and the collective construction of knowledge,



providing better conditions for the exercise of social control and social management. In this entire context, the construction of knowledge is crucial for including different social actors in the development of pluralism and participatory equality.

Transparency has been the subject of public policies in many nations. The advancement of these sets of rules and determinations quickly led to the establishment that information is a fundamental human right and a condition for democracy. Brazil, aligned with these principles, has defined, already in the 21st century, a set of legal instruments that guide all public entities regarding the availability and access to information, which brought, to public administrations of all levels, a set of requirements directed especially at increasing governmental transparency. These new obligations of municipalities have been fundamentally responsible for expanding municipal portals on the Internet, primarily the transparency portals.

What has been observed is that these tools have been implemented in a way that some people have difficulty accessing and understanding the information displayed there. Transparency portals are available in all Brazilian municipalities due to legislative requirements. However, it is not possible to estimate how many would exist had the legal instruments not been implemented in Brazil since the beginning of this century. The difficulties in locating, understanding, and interpreting the existing information are notable. Excessively technical language is the villain of this scenario. The legislation on public transparency and access to information is sufficiently clear and, apparently, followed by all public entities in Brazil. Some provisions, however, are controversial. The major deficiency observed and reported concerning transparency portals is related to the form and language employed, which are technical, difficult to locate, and comprehend. Indeed, very few citizens benefit from such tools.

Portals generally endeavor to comply with the law, existing primarily due to legislative and advertising mandates. Addressing these challenges extends beyond mere technical issues, and political intentions and practices must acknowledge the potential of public entity portals to serve as interconnected public spheres today, as advocated by Habermas.

The state of Rio Grande do Sul, similar to most Brazilian states, consists predominantly of small municipalities, both in population size and territorial extent. These 497 municipalities face numerous



limitations beyond financial constraints. Significant deficiencies in the composition and qualifications of the civil service workforce are mirrored in their Information Technology infrastructure and the acquisition processes for their administrative systems and software tools, particularly their internet portals, including transparency portals. These hurdles often force municipalities to procure these tools from the private sector, specifically from companies that specialize in developing software for the public sector.

The implications of this context are particularly evident in the resources allocated for public transparency. A limited number of companies provide their software to a vast array of localities. Consequently, the issues and any potential benefits are replicated across a significant number of municipalities. This fact assumes great importance in the context of transparency portals, as reports and observations indicate that they are often ineffective and primarily concentrate on the technical presentation of information.

Notably, the extreme concentration in the supply of transparency portals and, by extension, the internal administrative and tax systems to a handful of companies. While it is not feasible to generalize these findings across all Brazilian municipalities based on the sample examined, one can infer these companies' considerable influence and responsibility. It might be suggested that these portals are offered as a standardized package, leaving municipalities with limited scope to influence their development. Conversely, the limited number of development sources might imply that modifying this software could be less complicated than it seems.

Two sets of reasons emerge for this scenario. The first, of a bureaucratic nature, pertains to the structures and resources of municipal administrations. Predominantly, this includes a cultural dimension related to the behavior of civil servants and the conservative, traditional approaches to their responsibilities. This encompasses everything from the qualifications of civil servants to the clientelistic and paternalistic practices of the past. The significance and authority given to the IT sector, the number of civil servants, and their roles further contribute to this picture. Additionally, the process of municipalities acquiring software is noteworthy. The legislation and practices surrounding procurement processes afford minimal consideration to the requirements for public transparency and citizen comprehension. Without initiative from municipal administrations,



demand, or competitive pressure, companies developing this software are unlikely to incorporate new features that address the current gaps.

Technological factors, simultaneously straightforward and complex, are closely linked to bureaucratic challenges. The computing resources in town halls are typically inadequate, outdated, and designed for individual use by civil servants. This limitation, combined with their configuration, prevents their direct use in disseminating information. Even with updated equipment, the traditional model of procuring software from external vendors does not facilitate the required conditions for enhanced transparency.

The focal concern of municipal administrators and software vendors has been the strict adherence to legislation. Nevertheless, achieving the legislation's goals entails more than merely making data available and providing access mechanisms. It is unrealistic to expect that only those with specialized training in accounting and administration would comprehend this information. Therefore, the language and formats used to present this information must be accessible and understandable to the layperson. Simply providing public access to the same technological tool used by civil servants for their technical tasks does not suffice to claim transparency.

Historical evidence suggests that public transparency, especially at the municipal level, cannot rely solely on the sporadic actions of particular administrations or political figures. Brazilian municipalities adopted tools for accessing information only after implementing specific public policies. Despite the imperfections of the existing instruments, the progress made is palpable. To conclude, refining the legislation to address the identified shortcomings appears imperative. There is no indication that voluntary initiatives alone will alter the current landscape.



REFERENCES

- BERRONES, Ricardo Uvalle. Fundamentos de la transparencia en la sociedad contemporánea. **Revista Mexicana de Ciencias Políticas y Sociales**, [s. l.], v. LXI, n. 226, p. 199–220, 2016.
- BITTENCOURT, Caroline Muller; RECK, Janriê Rodrigues. Interações entre Direito Fundamental à Informação e Democracia para o Controle Social: uma leitura crítica da LAI a partir da experiência dos Portais de Transparência dos Municípios do Rio Grande do Sul. **Revista Direitos Fundamentais & Democracia**, [s. l.], v. 23, n. 3, p. 126–153, 2018.
- BOBBIO, Norberto. **O Futuro da Democracia**: as regras do jogo. 6 ed., Rio de Janeiro: Paz e Terra, 1997.
- BORTULINI, Emanuel Felipe. **A percepção de Auditores do Tribunal de Contas do Estado do Rio Grande do Sul sobre a Transparência Pública**. 2016. 132 f. Dissertação (Mestrado em Ciências Contábeis) - Universidade do Vale do Rio dos Sinos, São Leopoldo (RS), 2016.
- BRANCO, Patricia. Transparência. In: CENTRO DE ESTUDOS SOCIAIS (org.). **Dicionário das Crises e das Alternativas**. Coimbra: Almedina, 2012.
- BRANDI, Letícia Souza Netto; SILVA, Armando Malheiro da. Governança Digital: estudo comparado em municípios brasileiros e portugueses. **Prisma.com**, [s. l.], n. 35, p. 73–107, 2018.
- BRASIL. **Constituição (1988). Constituição da República Federativa do Brasil**. 1988.
- BRASIL. **Decreto nº 7.185/2010, de 27 de maio de 2010**. 2010.
- BRASIL. **Lei Complementar nº 101/2000, de 4 de maio de 2000**. 2000.
- BRASIL. **Lei Complementar nº 131/2009, de 27 de maio de 2009**. 2009.
- BRASIL. **Lei de Acesso à Informação nº 12.527/2011, de 18 de novembro de 2011**. 2011a.
- BRASIL. **Lei nº 12.462, de 4 de agosto de 2011**. 2011b.
- BROCCO, Camila *et al.* Transparência Da Gestão Pública Municipal: fatores explicativos do nível de Transparência dos Municípios de médio e grande porte do Rio Grande do Sul. **Revista Ambiente Contábil**, [s. l.], v. 10, n. 1, p. 139–159, 2018.
- CARNIELLO, Monica Franchi; SANTOS, Moacir José dos. Comunicação e desenvolvimento regional. **Revista Brasileira de Gestão e Desenvolvimento Regional**, [s. l.], v. 9, n. 2, 2013. Disponível em: <https://www.rbgdr.com.br/revista/index.php/rbgdr/article/view/1032>.
- CEOLIN, Alessandra Carla; ALMEIDA, José Aldo Cavalcanti de; ALVES, Maria do Carmo Maracajá. Portal da Transparência e o acesso à informação: um estudo do portal da transparência e o controle social em três municípios do estado de Pernambuco. **Revista Desenvolvimento Socioeconômico em Debate (RDSD)**, [s. l.], v. 1, n. 2, p. 42–59, 2015.
- CGU. **Escala Brasil Transparente 360º**. [s.l.], 2018. Disponível em: <http://transparencia.gov.br/brasiltransparente>. Acesso em: 8 jan. 2020.
- COELHO, Taiane Ritta *et al.* Transparência governamental nos estados e grandes municípios brasileiros: uma “dança dos sete véus” incompleta? **Cadernos Gestão Pública e Cidadania**, São Paulo, v. 23, n. 75, p. 235–260, 2018.
- FIGUEIREDO, Vanusa da Silva; GAZONI, Rosenclever Lopes. Transparência nos sites dos municípios do Estado do Rio de Janeiro. **Revista de Contabilidade e Controladoria**, [s. l.], v. 8, n. 2, p. 130–143, 2016.
- GAMA, Jader Ribeiro. **Transparência pública e governo eletrônico. Análise dos portais dos municípios do Pará**. 1. ed. Belém: Universidade Federal do Pará, 2017.



IBGE. **Estimativas de população. 2014 a 2019.** [s.l.], 2019. Disponível em: ftp://ftp.ibge.gov.br/Estimativas_de_Populacao/. Acesso em: 4 jan. 2019.

ISSA, Marcelo Kalil. **Dados Abertos Governamentais: implicações e possibilidades em políticas públicas.** 2013. 122 f. - Pontifícia Universidade Católica de São Paulo, [s. l.], 2013.

KLEIN, Angélica Denise. Transparência do Orçamento Público Municipal: desenvolvimento de uma ferramenta (aplicativo) digital capaz de monitorar em tempo real o Legislativo Municipal de São Leopoldo (RS). **Colóquio**, [s. l.], v. 16, n. 2, p. 207–225, 2018.

LOPES, Cristiano Aguiar. Acesso à informação pública para a melhoria da qualidade dos gastos públicos – literatura, evidências empíricas e o caso brasileiro. **Cadernos de finanças públicas**, [s. l.], v. 1, n. 8, p. 5–40, 2007.

LUCIANO, Edimara Mezzomo; WIEDENHÖFT, Guilherme; SANTOS, Fábio Pinheiro dos. Barreiras para a Ampliação de Transparência na Administração Pública Brasileira: questões estruturais e culturais ou falta de estratégia e governança?. **Administração Pública e Gestão Social**, [s. l.], v. 10, n. 4, p. 282–291, 2018.

MALIN, Ana Maria Barcellos. Reflexões sobre a adesão Brasileira ao regime global de acesso à informação pública. In: XIII Encontro Nacional de Pesquisa em Ciência da Informação – 28 a 31 de outubro de 2012 – Fiocruz – Rio de Janeiro/RJ. **Anais...** Rio de Janeiro: Fiocruz, 2012. p. 1–14.

MEIJER, Albert. Understanding the complex dynamics of transparency. **Public Administration Review**, [s. l.], v. 73, n. 3, p. 429–439, 2013.

MENDEL, Toby. **Liberdade de Informação: um estudo de direito comparado.** 2. ed. Ed. Brasília: Unesco, 2009.

MINISTÉRIO PÚBLICO FEDERAL. **Ranking Nacional da Transparência.** [s. l.], 2016. Disponível em: <http://combateacorrupcao.mpf.mp.br/ranking>. Acesso em: 1 set. 2019.

NAESSENS, Hilda. Ética pública y transparencia. In: XIV Encuentro de Latinoamericanistas Españoles, 2010, Santiago de Compostela. **Anais ...** Santiago de Compostela, 2010. p. 2113–2130.

NOCETI, Bianca. Ferramenta para análise de transparência de dados públicos de municípios do estado de Santa Catarina. **iSys: Revista Brasileira de Sistemas de Informação**, [s. l.], v. 12, n. 2, p. 89–116, 2019.

RIBEIRO, Manuella Maia. Usando a internet para a promoção da transparência: os Portais na América Latina. In: XIV Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administración Pública, 2009, Salvador. **Anais...** Salvador, 2009. p. 1–18.

RIGHT2INFO. **Good Law & Practices.** [s. l.], 2019. Disponível em: <https://www.right2info.org/>. Acesso em: 24 nov. 2019.

RTI RATING. **Global Right to Information Rating.** [s. l.], 2019. Disponível em: <https://www.rti-rating.org/>. Acesso em: 22 nov. 2019.

SEN, Amartya. **Desenvolvimento como liberdade.** São Paulo: Companhia das Letras, 1999.

TRANSPARENCY INTERNATIONAL. **Right to information: a tool for people power.** [s. l.], 2019. Disponível em: <https://www.transparency.org>. Acesso em: 15 nov. 2019.

VAZ, José Carlos; RIBEIRO, Manuella Maia; MATHEUS, Ricardo. Dados governamentais abertos e seus impactos sobre os conceitos e práticas de transparência no Brasil. **Cadernos PPG-AU/UFBA**, [s. l.], v. 9, n. 1, p. 45–62, 2011.

VISENTINI, Monize Sâmara; SANTOS, Micheli dos. Transparência na Gestão Pública Municipal evidenciada nos Portais Eletrônicos dos Municípios do Conselho Regional de Desenvolvimento (Corede) das Missões/RS. **Desenvolvimento em Questão**, [s. l.], v. 17, n. 49, p. 158–175, 2019.

