

The Impact of Emotional 'Affect' on Municipal Budget Transparency in South Africa

A Randomised Control Trial using PAIA Requests

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ABSTRACT

This paper aims to assess the effectiveness and transparency outcomes of an access to information mechanism in South Africa enshrined in the Protection of Access to Information (PAIA) Act of 2000. A randomized control trial is conducted to assess whether emotional influences known as 'affect' in PAIA requests can improve the transparency outcomes of the request process. The hypothesis that aggressive requests can achieve more transparent outcomes is supported by the data, with response times to requests being 3.6 days shorter on average in the treatment group relative to the control group. However, aggression in requests has a weak effect in terms improving other transparency outcomes. The robustness of the outcomes is limited by low response rates overall leading to limited measurable statistical significance. The social implication suggested by the results is that the PAIA request mechanism is often ineffective in achieving increased transparency, and is subject to manipulation.¹

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1. INTRODUCTION

The past decade has seen a rising trend of NGOs and civil society pressurising governments across the world to increase open access to government data (Robinson et al., 2009). In Apartheid South Africa access to government information was legally blocked, resulting in barriers to the realisation of human rights (Tapula, 2010). Consequently, under the new democracy the right to access to information required for the exercise and protection of human rights is constitutionally enshrined (SAHRC, 2013a). This area is particularly contentious in present day South Africa in light of recent movements towards greater protection of state information (SAHA, 2012; Razzano, 2011).

The Protection of Access to Information Act (PAIA) of 2000 exists to protect transparent access to information in South Africa by establishing a statutory mechanism through which citizens can request access to information from public bodies² (Acts Online, 2000). While transparent access to information does not imply that a government is being held accountable for its actions, it is nonetheless the vital first step if this is ever to be a possibility. However, the effectiveness of this mechanism in practice has been disappointing to date (Razzano, 2011). Therefore, this paper aims to examine which factors affect the successfulness PAIA requests as a means access transparent budget information from South African municipalities, as measured by binary metrics of different aspects of transparency, as well as response time. Additionally, the extent to which transparency outcomes can be influenced by aggression in requests will be assessed.

In order to do so, a randomised control trial (RCT) was conducted to compare transparency outcomes between municipalities which received emotionally neutral access to information requests, and those which received aggressive requests. The exogenous variation in outcomes achieved through the RCT methodology allows the impact of emotional manipulation of requests to be isolated while controlling confounding influences. The outcomes suggest that whilst aggression can shorten the time taken to respond to requests, the impact on overall responsiveness is limited. In this trial, aggression does not appear to impact other metrics of transparency, such as the completeness, accuracy and usability of information (Bronić et al., 2012).

²Requests to private bodies are also possible, but these fall beyond the scope of this paper.

Section 2 reviews literature regarding evaluating access to information mechanisms, and introduces the concept of ‘affect’ and its applicability to behavioural economic analysis. Section 3 describes the experimental setting, followed by an explanation of the experimental design in Section 4. Section 5 explains the data and presents summary statistics. A model of transparency is proposed in Section 6. Section 7 presents the results of regression analysis and a discussion of these outcomes, while caveats to the results are considered in Section 8. Section 9 concludes.

2. LITERATURE REVIEW

2.1 Evaluating PAIA requests as an access to information mechanism

Increasing demands for access to government information are justified on a number of grounds. Firstly, democratic rule requires that government be transparent in order for citizens to be able to hold it accountable (Tapula, 2010). Secondly, citizens can fairly claim ‘ownership’ of government information if they have funded the generation of the information via taxes, or if the information relates to the spending of public money (Yu and Robinson, 2012). Thirdly, states which allow citizens greater access to government information can achieve efficiency gains, as this information can be used to improve business processes or generate innovative solutions to flaws in service delivery (Manyika et al., 2013). Finally, access to government information can be necessary to resolve disputes around government actions.

Recent international studies have ranked South Africa’s legal framework for the provision of access to information as well as budget transparency highly, both within Africa and internationally (Bastida and Benito, 2007; APAI, 2013). In a comparison across African countries APAI (2013) find that, relative to similar mechanisms in other African countries, inconsistency of implementation practices across different public bodies makes it difficult to consider the PAIA mechanism successful overall. McKinley (2003) finds that the PAIA framework has largely failed to realise its anticipated transparency gains due to a number of practical challenges. This is evident in low response rates to PAIA requests overall, with two separate studies recording disappointing response rates of 31% and 32% respectively (Razzano, 2011).

Furthermore, even when responses are received, the information provided is often incomplete (Razzano, 2011). The process often already fails in its earliest stages, with too

few public officials being appointed to serve as a public body's 'information officer' responsible for handling PAIA requests (SAHRC, 2013b). The findings of this paper concur with those of studies by several South African civil society organisations that PAIA has been implemented poorly in general with few exceptions (McKinley, 2003; Razzano, 2011; SAHA, 2012). As many as 50% of public officials in South Africa have never heard of PAIA (McKinley, 2003). Information officers often receive inadequate training and are poorly equipped to handle the requests they receive (SAHRC, 2013a). Poor record management results in significant delays in processing requests despite a statutory response time of 30 days (McKinley, 2003). On the part of requesters, PAIA is often found to be a cumbersome process (SAHA, 2012). Whilst appeals procedures exist for failed requests, they are often too costly and complex to pursue in practice (Razzano, 2011; SAHRC, 2013b).

2.2 Behavioural Economics and Modelling Emotional Influences on Decisions

Transparency can be viewed as a good which is demanded by citizens of a state (Zhang, 2012). In this paper, the PAIA process serves as a mechanism for the exchange of this good between municipalities and requesters. Behavioural economic theory, combined with insights from the fields of psychology and marketing, is used to model the extent to which a requester can manipulate an otherwise standardised process to influence information officers' decision to provide information or not. Ideas42 (2013) find that 'affect', an emotionally driven weighing of incentives and disincentives in responding to requests, can be achieved by differentiating the tone and appearance of otherwise similar correspondence between a treatment and control group³. Taute *et al.* (2011) further show that the emotional valence or quality of content can significantly impact responsiveness.

Traditionally, a great deal of economic theory has relied on a rational utility maximisation model to understand economic actors' decisions (Becker, 1962). However, human behaviour often deviates from this model in reality. This is due to cognitive errors such as bounded rationality and bounded willpower which constrain actors from making decisions based on purely rational responses to available information (Mullanaithan, 2000). Furthermore, empirical evidence suggests that the cognitive complexity of decision making is often confounded by the influence of emotional factors (Loewenstein and Lerner, 2003).

³ This study considered the difference in responses to foreclosure warning letters written in different emotional tones.

Loewenstein and Lerner (2003) argue that despite the difficulty and imprecision inherent in quantifying the effect of these factors, building the role of emotional factors into economic frameworks of decision making often enhances the explanatory power and completeness of these frameworks.

This trial aims to induce affect by composing an unusually aggressive PAIA request and comparing responses to it to an emotionally neutral version of the same request. Fehr and Gächter (2000) find that, actors often reciprocate emotional outcomes. Thus, in response to an aggressively worded request, according to Fehr and Gächter's (2000) model actors would be likely to reciprocate the negative emotional affect in their responses. This could be through a refusal to respond, or a response denying access to information. By contrast, Taute *et al.* (2011) observe that negative emotional valence may increase the persuasiveness of a request or appeal, and consequently may improve the transparency outcomes. However, Taute *et al.* (2011) also note that affect which relies on inducing fear, for instance through threats, can have mixed outcomes. Despite potentially increasing persuasiveness, negative affect may also have a counteracting impact by reducing the receiver's willingness to comply (Taute *et al.*, 2011: 32)⁴.

Ideas42 (2013) find that the intensity of affect achieved can be influenced by communication tactics⁵ which emphasise the emotional valence of a request (Ideas42, 2013). In order to measure the impact of an induced affect, a randomised control trial model is used to control for extraneous factors which can cause differentiation in individuals' responses by balancing these factors across the treatment and control group (Bulpitt, 1996).

3. EXPERIMENTAL SETTING

The trial targeted South African local and metro municipalities⁶. Of the possible population of 230 local and metro municipalities, 223 were included in the sample. Thus, this sample comprising 97.0% of the possible population can be considered representative of the background features of South African municipalities. The remaining 7 municipalities were excluded due to a lack of background information required for balancing of the treatment and

⁴ The impact of inducing positive affect is not considered in this study due to the limited size of the sample.

⁵ These include, amongst others, enhancing the visual impact of correspondence through the use of colour, bolding, underlining and capitalising words or phrases for emphasis.

⁶ District municipalities were excluded because their budget frameworks are not comparable to those of local and metro municipalities due to functional differences.

control groups. There is no clear factor which may have caused these municipalities to be self-selected out of the sample (Wooldridge, 2013). The sample includes 8 Metropolitan Municipalities which are larger and more densely populated than their local counterparts. This difference is controlled for in the analysis⁷. The distribution of municipalities across the provinces ranges from 10 in Gauteng, to 47 in Kwa-Zulu Natal. Therefore the potential differential impact of province-level factors is also accounted for in the analysis⁸. Additional differential background characteristics of the sample are accounted for in the balancing of the treatment and control groups, presented in section 4.

The trial makes use of a statutory mechanism for requesting access to information known as a PAIA request. As public bodies, municipalities are required to appoint an information officer to manage any PAIA requests they may receive in accordance with their legal mandate (SAHA, 2012). On receipt of a request for access to information, the relevant department must respond as promptly as possible, noting that are allowed a maximum of 30 days in which to respond by law⁹. The trial included both a request round, and an appeal round for the eligible portion of the sample. While further legal recourse exists should an appeal not be responded to or be denied, this falls beyond the scope of this paper. Allowing some time for administration, the time frame over which the experiment was executed was approximately 75 days. The South African municipal financial year runs from 1 July to 30 June each year. In order to account for 2014-2015 budgets not yet being available on commencement of the first round of access to information requests, municipal budget documents for the financial year 2013-2014 were requested.

Figure 1¹⁰ below presents a breakdown of the responses received. Treatment group totals are shaded in pink, with control group totals in blue. The response types are split into four categories: responses are ‘positive’ where a fee exemption¹¹ was accepted and ‘negative’ otherwise; non-responses are classified as ‘deemed refusals’ as the legal interpretation of a

⁷ Since the Metro Municipalities are outliers in certain aspects of municipal background characteristics, they can distort the usefulness of averages as measures of central tendency in this small sample (Wooldridge, 2013). For this reason, a dummy variable indicating whether or not a municipality is local is included in all regression analysis to control for this difference.

⁸ A categorical variable indicating which province a municipality is in is included in the regression specifications.

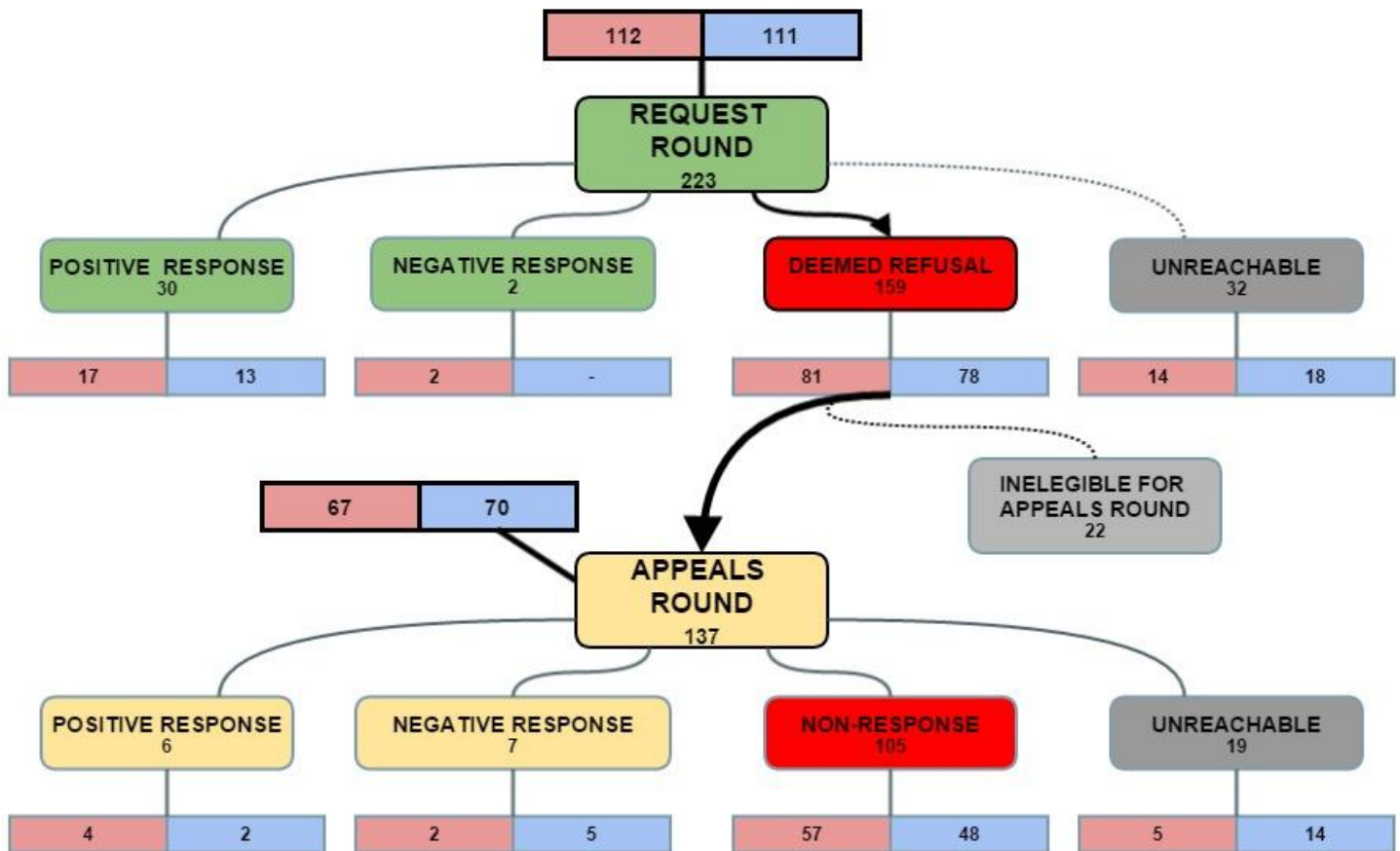
⁹ The municipality may request an extension of 30 days if necessary. In this trial, no requests for extension were received.

¹⁰ Author’s own synopsis of PAIA process.

¹¹ Where applicable a requester may apply for exemption from the standard request fee of R35.00 per request on form A. In this instance, the author was eligible to apply for this exemption, and the necessary proof of income was attached to form A as evidence of this.

failure to respond to a PAIA request is that this effectively constitutes a refusal of the request; those municipalities for whom up to 4 email addresses returned delivery failures are classified as being ‘uncontactable’. This is to distinguish between active and passive deemed refusals.

Figure 1: Flow Diagram of Responses to Request and Appeals Rounds, by Treatment Group



‘Active’ deemed refusals¹² are classified as those where an information officer, having received the PAIA request in a functional email address and seen it, actively chooses not to respond to it within the allowed time frame or at all. This is a failure of transparency because it prevents access to information. Examples of active deemed refusals in this sample include late responses in the request round, as well as responses to the appeals round in which apologies were made for the original failure to respond, as these demonstrate that the request was received and seen by the receiver.

¹²Author’s own definition used for clarification purposes.

For a ‘passive’ deemed refusal, an information officer would not have received the request, and therefore not been able to respond. The most probable cause of a ‘passive’ deemed refusal is the use of a faulty or inaccurate email address by the sender¹³. While every care was taken to procure accurate email addresses for each municipality, the large number of emails which bounced suggests that the sources¹⁴ from which the email addresses were drawn contain many errors. For this sample, some cases of ‘passive’ deemed refusals were identified where delivery failure reports were received by the sender. In the request round, 32 of 223 emails sent (14.3%) returned delivery failure reports.¹⁵ Consequently, these cases were not recorded as deemed refusals, but rather ‘unreachable’.

It is possible that some ‘passive’ deemed refusals have not been identified if, despite a functional email address being used, it was not the correct address for contacting the relevant information officer. Thus, no delivery failure report would have been received by the sender to identify such a case as a ‘passive’ deemed refusal. These cases appear to be ‘active’ deemed refusals and have been recorded as such, even though they may not be. This poses a difficulty in correctly interpreting the causes of deemed refusals as some ‘passive’ deemed refusals may have incorrectly been included among the ‘active’ deemed refusals. However, even ‘passive’ deemed refusals can be considered failures of transparency, as a municipality which fails to publish accurate contact details for its information effectively prevents access to information even if they do not actively choose not to respond to a specific request. As such, this imprecision in the recording is not of great concern¹⁶. Therefore the regression analysis in section 7 treats both the deemed refusal and unreachable categories as deemed refusals.

¹³ It is also possible that an email could not deliver due to an inbox being overfull, or a server failure.

¹⁴ A local government directory published by the Department of Government Communication and Information Systems on 31 March 2014 was the primary source of email addresses. Where these email addresses failed, an NGO-compiled directory of municipal information officers dated 2013 as well as municipal websites were consulted for alternative email addresses.

¹⁵ For initial delivery failures, up to 3 alternative email addresses were attempted. The remaining 32 represent those municipalities for which neither the original nor any alternative email address was functional. For perspective, the number of delivery failures in the request round is identical to the number of responses received.

¹⁶ Comparative regression analysis of a responsiveness variable which distinguished between active and passive refusals and one which did not yielded similar outcomes.

4. EXPERIMENTAL DESIGN

4.1 Methodological Approach: Randomised Control Trial

This experiment was run as a randomised control trial or RCT. Randomisation was performed at the level of individual municipalities. In order to maximise the sample size, no inclusion or exclusion criteria were used. This was also not deemed necessary due to the low risk of specific municipalities being objectively more or less likely to respond to treatment. The risk of both spill-over and cross-over¹⁷ effects is minimal due to the use of separate mailing lists as well as the geographical and functional separation of municipalities. Due to the concealed nature of the randomisation, selection bias is also improbable (Reeves, 2011).

4.2 Randomisation Process and Concealment

A stratified randomisation process was used. This process identifies key defining variables of the sample, and balances the treatment and control groups across these criteria in order to ensure that known potential confounding factors of the treatment effect are minimised (Ideas42, 2013). One of the main differentiating features of municipalities is the distinction between primarily urban as opposed to primarily rural municipalities. Whilst this variable did not exhibit enough variation to allow for a successful stratified randomisation, unemployment rates vary starkly between urban and rural websites. This variable also exhibited sufficient variation to support the randomisation process. A second important differentiating factor between municipalities is the level of service delivery¹⁸. Individual municipalities tend to exhibit similar performance levels across the different service delivery categories considered. Thus, the choice of service delivery variable used was trivial, with the refuse removal variable being selected. Finally, a major differentiating factor between municipalities is the amount of revenue they earn. Thus the third stratification variable chosen was a measure of municipal revenue.

¹⁷ Cross-over occurs when members of the non-treatment group are unintentionally exposed to treatment, and spill-over occurs when treated members of a sample influence the behaviour of the control group (Reeves, 2011).

¹⁸ The service delivery indicators refer specifically to services provided by the municipality or outsourced by the municipality. Where residents of the municipal population are receiving these services from a third party not hired by the municipality itself, these services have been excluded from the count in order to get an indication of the level of service delivery supplied by the municipality specifically.

Based on these variables, eight strata were formed. These are groupings of municipalities which are similar across these three criteria. Random number generation is then used to create a treatment variable to split the sample into two equally sized groups which are balanced across the strata. The treatment group for this sample consists of 112 municipalities, with the remaining 111 municipalities forming the control group. None of the differences between the treatment and control group means are statistically significant at the 10% level. This indicates that the balancing successfully separated the sample into two groups whose baseline characteristics are similar enough that any differences in the treatment and control group transparency outcomes are due to a treatment effect (Reeves, 2011).

Table 1: Background Descriptive Statistics and Balancing

<i>Municipal Background Covariates</i>	Full Sample (1)	Control (2)	Treat (3)	Difference (4)
<i>Municipal Demographics</i>				
Population Size of Municipality in '000	224.68 (533.12)	210.50 (516.19)	238.99 (551.66)	28.49
Predominantly African Municipality Dummy	1.20 (0.40)	1.21 (0.41)	1.20 (0.40)	-0.01
Proportion of Main Race Group	84.94 (14.74)	86.28 (12.82)	83.59 (16.40)	-2.68
Proportion of Females	51.52 (2.29)	51.37 (2.43)	51.67 (2.14)	0.31
<i>Economic Indicators</i>				
Log of Municipal Revenue in R '000	19.47 (1.27)	19.38 (1.26)	19.56 (1.28)	0.18
Average Income Per Capita in R	1773.59 (967.01)	1749.45 (979.78)	1797.95 (957.78)	48.50
Strict Unemployment Rate	27.02 (7.36)	26.74 (7.76)	27.30 (6.95)	0.55
Broad Unemployment Rate	40.93 (14.55)	40.60 (14.96)	41.26 (14.18)	0.66
<i>Service Delivery Indicators</i>				
Proportion of Municipal Population with Access to Piped Water	68.34 (21.26)	67.50 (21.31)	69.18 (21.27)	1.68
Proportion of Municipal Population with Access to Flush Toilets	44.36 (31.48)	44.09 (32.09)	44.64 (31.01)	0.55
Proportion of Municipal Population whose Refuse is Removed	47.24 (32.55)	46.56 (32.43)	47.94 (32.80)	1.38
Proportion of Municipal Population with Access to Electricity	65.23 (22.19)	65.47 (21.33)	64.98 (23.11)	-0.50
<i>n</i>	223	112	111	
<p><i>Notes:</i> Standard deviations robust to heteroskedasticity in parentheses. Table reports the outcomes of t-tests on the independent variables, by treatment. All covariates at municipality level. ***p<0.01, **p<0.05, *p<0.1.</p> <p><i>Source:</i> Author's calculations based on StatsSA data.</p>				

4.3 Treatment Implementation

The intended treatment in this trial was to induce affect by communicating a PAIA request in an aggressive and threatening manner¹⁹ relative to the control group, which received emotively neutral requests. PAIA requests are required to be submitted via a standardised form for this purpose (see Appendix A)²⁰. While this limits the potential to convey a specific emotional undertone, it is nonetheless possible to differentiate requests through alterations in the tone, formatting and content of the cover letter to the request. Specifically, the aggressive formulation of the cover letter created a sense of urgency by pressurising the receiving information officer to act immediately, despite the statutory allowance of 30 days to respond. The legal ramifications of a failure to respond appropriately were stressed²¹. Contrastingly, the neutral requests explicitly acknowledged that a response received within 30 days would be deemed acceptable, and made no mention of the potential consequences should the information officer fail in his or her duties.

Due to the weak effect of aggression on response variables in the first round, the intensity of the alterations to induce affect was increased in the appeals round²². This was achieved through the use of bolded, underlined and capitalised text to emphasise the most threatening points in the aggressive text²³. Red highlighting further enhanced the appearance of urgency and anger on the part of the sender (Ideas42, 2013). Furthermore, an appeal to a deemed refusal of a PAIA request can be considered inherently more threatening than a first round requests as it stems from a failure to successfully perform one's duties in the first round²⁴.

The main differentiating factor between the aggressive and neutral appeals was the motivation for the appeal. The standard template allows for the submission of a separate

¹⁹ The methodology employed to convey aggression was based on the approach undertaken in a study undertaken by a think tank in the USA to assess responsiveness to foreclosure warnings (Ideas42, 2013). While aggression cannot be objectively measured, the treatment effect on response outcomes indicates that the emotive tactics employed had some effect.

²⁰ The standardised request form is freely available from the South African Human Rights Commission website, as well as a number of municipal and NGO websites.

²¹ A legal professional with a background in matters relating to access to information assisted with the drafting of the cover letters in order to ensure that their content was legally sound.

²² Due to the limited sample size, the treatment and control groups were unchanged in the appeals round, with a roughly even split between aggressive and neutral requests sent.

²³ See Appendices B and D for treatment request and appeal cover letters, as well as Appendix E for treatment group motivation for appeal.

²⁴ This can, however, confound the interpretation of a potentially enhanced treatment effect as it is possible that variation in the response variables could be caused by the innate threat of an appeal rather than the increased intensity of aggression.

document detailing the grounds of an appeal where necessary. In the neutral appeal, no separate document was submitted and the grounds stated were simply the lack of response to the original request. However, for the aggressive appeal, a detailed supplement argued that the failure to respond to the original request violated a number of legal provisions of PAIA. The appropriate legal sanctions for these violations, which include fines and possible imprisonment for up to two years were highlighted (SAHRC, 2013b). The supplement further noted the author's right to pursue further legal recourse via the South African Human Rights Commission in the event of a failure to respond to the appeal within the statutory period. This is in contrast to the neutral appeal which makes no mention of either consequences or the prospect of future legal action.

5. DATA

5.1 Data Collection

Two different approaches to accessing municipal budget information were employed, namely the PAIA process and a survey of all municipal websites. The availability of information on municipal websites serves as a potential proxy for unobservable characteristics which affect a municipality's willingness to provide transparent access to information. PAIA requests can be submitted to an information officer in hardcopy, via fax or by email. For the purposes of this study, email was chosen for practical reasons. The following documents were requested:

1. The Municipal Annual MTREF 2013/2014 Budget, including budget documentation as set out in Schedule A of the Municipal Budget and Reporting Regulations (main Tables A1- A10 as well as supporting Tables SA1-SA37)
2. Budget document including narratives to prescribed table of content and budget tables, covering at least Tables A1- A10
3. Certification that budget has been locked

The Medium-Term Revenue and Expenditure Framework (MTREF) is a comprehensive overview of a municipality's operational and capital revenues and expenditures. It is required to be based on a standardised template provided by the Department of National Treasury, in which the terminology used and the line items to be

included are specified in order to allow for clarity and comparability across municipalities (Department of National Treasury, 2012). Completeness of information is enhanced by supporting tables to this document which provide a disaggregated overview of specific revenues and expenditures, and of adjustments made to the provisional budget. Municipal budget documents also include narratives to improve the usability of the information provided in the budget tables (Department of National Treasury, 2012). While it is mandatory for the full MTREF and supporting tables to appear on the municipal website, the author's full survey of these sites indicated that only 49.9% of municipalities had actually published their 2013-2014 budget documentation online²⁵.

Locking certificates give an indication of the accuracy or truthfulness of the budget²⁶. Municipalities are permitted to make adjustments to the initial budget within a limited timeframe. At the end of this period, however, no more adjustments are permitted and as assurance that the final budget will be adhered to, the financial managers of each municipality are required to submit a signed certificate that the budget has been 'locked' to the National Treasury (Department of National Treasury, 2012). The signed locking certificate is not required to appear on the municipal websites

Thus, all three of the documents described above are eligible to be requested under PAIA given the criteria stipulated in the Act. Firstly, municipal budgets are relevant to the realisation of human rights. Secondly, the requested records should already exist and be in the municipalities' possession, and do not have to be generated specifically to meet the request. Finally, none of the documents is subject to restrictions on access for reasons of confidentiality or security (SAHA, 2012). According to PAIA protocol²⁷, municipal budget documents are required to be issued automatically on request (SAHRC, 2013b). Therefore, no objective grounds exist for the denial of the requests submitted in this trial (Razzano, 2011).

It is common for blinding²⁸ to be enforced in RCTs in order to prevent possible measurement bias. This involves ensuring that those capturing information are not aware of whether a subject is part of the treatment or control group, in order to ensure that the

²⁵ Razzano (2011) notes the importance of PAIA requests for addressing failures of proactive disclosure.

²⁶ However, assessing the actual content of the budget documents is beyond the scope of this paper.

²⁷ See Appendix G for PAIA response protocol.

²⁸ Blinding refers to the practice of ensuring that the person recording outcomes is not aware of which treatment group the outcome being measured corresponds to (Reeves, 2011).

measurement of outcome variables is not biased by prejudicial ideas about the treatment effect (Bulpitt, 1996: 12). Therefore, responses were captured without referring to the original email sent. Subject lines of emails were identical for both the treatment and control groups in order to prevent a response from being identifiable as belonging to a specific group during data capture.

5.2 Summary Statistics

Of the total sample of 223 municipalities, 112 were assigned to the treatment group with the remaining 111 serving as the control group. A total of 159 (71.3%) deemed refusals were recorded. Of these, 137²⁹ were eligible to receive appeals to the deemed refusal. A total of 105 (76.6%) non-responses were recorded in the appeals round, suggesting that response rates do not differ greatly between different stages of the PAIA process. The ‘uncontactable’ group in the appeals round are classified as such due to delivery failure reports being returned for these email accounts, despite successful delivery to the same addresses in the request round. Due to the small number of responses in the appeals round and the qualitative difference between requests and appeals, as well as the differential treatments applied in these rounds, only the outcomes of the request round are considered for analysis.

²⁹ 22 deemed refusals were ineligible to receive appeals due to excessive lags preventing these outcomes being captured timeously. This group received their original PAIA requests at a later stage than the remainder of the sample due to multiple email attempts failing initially.

Figure 2: Positive Transparency Outcomes by Treatment Group

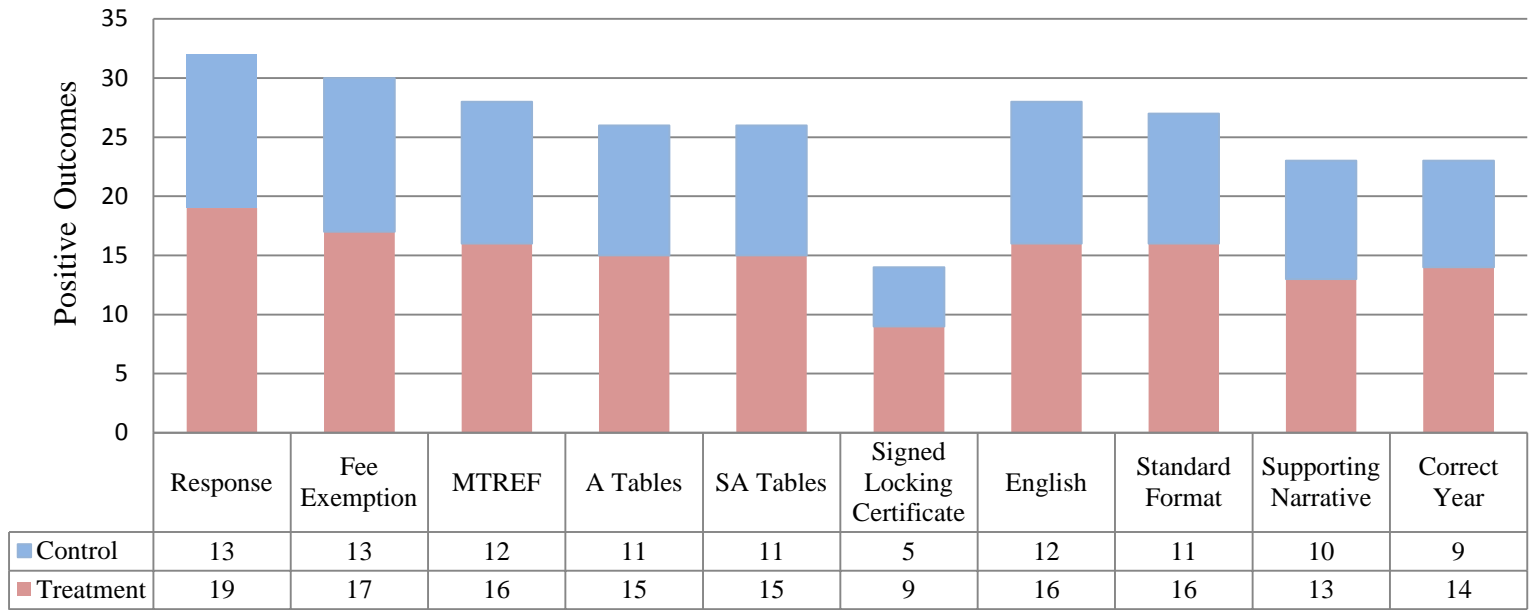


Figure 2 presents the total successful transparency outcomes by treatment group. In this initial overview, the treatment group comprises marginally more of the successful outcomes for each metric of transparency³⁰. In order to test whether these outcomes are statistically significant, the treatment effect as observed as the difference in means between these two otherwise similar groups as follows

$$treatment\ effect_i = E(y_i | transparency_i = 1) - E(transparency_i | treat_i = 0) \quad (1)$$

is measured. Both parametric t-tests as well as non-parametric Mann-Whitney u-tests were conducted to test the significance of the treatment effect on different transparency outcome variables. No treatment effects are significant at the 10% level in the absence of additional control variables, although the effect on response time is significant at the 12% level³¹.

The outcomes of these tests are displayed in Table 2. The similar results of the t-tests and u-tests suggest that the sample does not deviate significantly from the normal distribution despite the risk of this occurring in small samples (Reed College, 2013). Thus, standard robustness controls suffice for the analysis which follows (Noether, 1987). The output shows that, on average, in this sample the treatment group is 5 percentage points more likely to respond to PAIA requests, and responds 3.6 days sooner than the control group. The treatment effect on other transparency outcomes is minimal.

³⁰ Response time is not reflected in this table as this variable was measured in days, unlike the binary outcomes measured for all other variables.

³¹ The impact of the limited variation inherent in smaller samples suggests that statistical significance at somewhat higher levels than expected in larger samples can also be considered meaningful (Wooldridge, 2013).

Table 2: Treatment Effect on Outcome Variables for Request Round						
<i>Outcome Variables</i>	Full Sample (1)	Treatment (2)	Control (3)	Difference	p-Value (t test)	p-Value (u test)
<i>Accessibility of Information</i>						
Response	0.14	0.17	0.12	0.05	0.27	0.26
Response Time (days)	53.37	51.57	55.17	-3.60	0.12	0.19
Fee Exemption Allowed	0.09	0.10	0.07	0.03	0.49	0.17
<i>Completeness of Required Information</i>						
MTREF Sent	0.08	0.09	0.07	0.02	0.64	0.63
A Tables Sent	0.08	0.09	0.07	0.02	0.64	0.63
SA Tables Sent	0.08	0.09	0.07	0.02	0.64	0.63
<i>Accuracy of Information</i>						
Signed Locking Certificate Sent	0.06	0.08	0.05	0.04	0.28	0.13
<i>Usability of Information</i>						
English Language Used	0.08	0.09	0.07	0.02	0.64	0.63
Standard Format Used	0.08	0.09	0.07	0.02	0.64	0.63
Supporting Narrative Included	0.08	0.09	0.07	0.02	0.64	0.63
Records for Correct Year	0.07	0.07	0.06	0.01	0.80	0.80
<i>n</i>	223	112	111			
<i>Notes:</i> Table includes result of standard parametric t-test as well as non-parametric u-test (Mann-Whitney) test statistics from comparisons of transparency outcomes between treatment and control groups.						
*** p<0.01, ** p<0.05, * p<0.1.						

6. A MODEL OF THE IMPACT OF NEGATIVE AFFECT ON MUNICIPAL TRANSPARENCY

All of the dependent variables in this model other than response time are binary transparency outcomes, with a value of one indicating a transparent outcome, and zero indicating a failure of transparency for a given metric. Therefore for the continuous outcome, response time, an Ordinary Least Squares (OLS) regression is estimated. For the binary outcome, responsiveness, a Linear³² Probability Model (LPM) is estimated using OLS. The parameters on the explanatory variables are therefore interpreted as the change in the

³² In the LPM the probability of a transparent outcome is linear in the parameters β_j (Wooldridge, 2013).

probability of observing a transparent outcome when the vector of explanatory variables \mathbf{x}_j changes *ceteris paribus*, as follows (Wooldridge, 2013):

$$\Delta P(\text{transparency}_i = 1 | \mathbf{x}_j) = \beta_j \Delta \mathbf{x}_j. \quad (2)$$

The following linear econometric model of the impact of the treatment effect on municipal transparency outcomes is proposed for both outcome variables:

$$\text{transparency}_i = \beta_0 + \beta_1 \text{treat}_i + \beta_2 \mathbf{M}_i + \beta_3 \mathbf{S}_i + \beta_4 \text{website}_i + u \quad (3)$$

where transparency_i is a place holder for the relevant indicator of transparency for municipality i . \mathbf{M}_i is a vector of demographic and socio-political characteristic variables, including the size (local or metro) of the municipality. \mathbf{S}_i is a vector of service delivery performance variables. Finally, website_i is a transparency score based on each municipality's budget transparency as measured from their websites³³.

The coefficient of interest is β_1 on the dummy variable treat_i . This variable takes on a value of one for municipalities in the treatment group, and zero for those in the control group. The sign, magnitude and statistical significance of this coefficient provide evidence for how inducing negatively valenced emotional affect influences municipal transparency in responding to PAIA requests, when all other variables are held constant.

7. REGRESSION RESULTS AND DISCUSSION

Behavioural theory makes conflicting predictions about the impact of negative emotional affect on responses to requests. In this section, regression analysis is used to assess whether or not the outcomes of inducing negative emotional affect concur with theories which predict improved transparency outcomes. The summary statistics presented in section 5 showed that the treatment effect on transparency outcome variables was statistically insignificant at the 10% level in the absence of controls for other background variables are. However, the results of multivariate regression analysis suggests that whilst aggression does not have a statistically significant effect on response rates, amongst those who do respond

³³ This is based on a transparency score calculated as the sum of the values of a series of outcome dummy variables analogous to those used for measuring the response to PAIA requests. This resembles Bronic *et al.*'s (2012) approach in comparing budget transparency across Croatian municipalities. The variables relate to the completeness and usability of the information available, as measured for the responses to the PAIA requests.

aggression can cause a quicker response time. These regressions are based on the outcomes of the request round only³⁴.

The Linear Probability Model proposed in section 6 is estimated using Ordinary Least Squares (OLS) regression. Subsection 7.1 presents a series of OLS specifications estimating municipalities' response times to PAIA requests. Thereafter, subsection 7.2 presents a series of Linear Probability Model specifications which present the estimated effects on municipalities' general responsiveness to PAIA requests, based on variations of the unrestricted model³⁵.

7.1 Positive treatment effect on response time: increased persuasiveness of requests

Table 3 gives evidence that aggression in PAIA requests reduces the time taken to respond. Specification 1 is a short regression of the number of days taken to respond to the PAIA request³⁶ on treatment, as follows.

$$response_days_i = \beta_0 + \beta_1 treat_i + u \quad (4)$$

The response days variable is constructed as the actual number of days to respond for those municipalities who responded within the statutory 30 day timeframe or later. Where no response was received, a value of 60 days has been assigned. This is to allow for the fact that, whilst it would still constitute a deemed refusal to the request, a late response is still a possible outcome. In this sample, late responses ranged from being one day late to up to 15 days late. Additionally, in one instance, whilst an acknowledgement of receipt of the PAIA request was received within 12 days of sending, the actual information was only sent 81 days after the original request due to prolonged illness of the person managing the request³⁷.

³⁴ The number of responses in the appeals round (13) is too low to allow for meaningful regression analysis. Outcomes of the request and appeals rounds have not been combined, as differences in the intensity of the treatment applied in these rounds prevents comparability of these outcomes.

³⁵ All estimated regressions are robust to heteroskedasticity to control for deviations from the normal distribution.

³⁶ By law, responses must be sent within 30 days of receipt of the PAIA request, unless the municipality explicitly requests an extension of up to 30 days on this deadline. None of the municipalities contacted in this sample requested an extension.

³⁷ No formal request for an extension of the deadline was received in this case. No appeal was sent to this municipality, despite the information not being sent within 30 days, due to some form of response having been received.

Specifications 2-4 in Table 3 are multivariate regressions which include additional controls³⁸: Specification 2 includes a vector of municipal background characteristics (M_i); Specification 3 adds a vector of municipal service delivery performance measures (S_i); and Specification 4 adds the control for each municipality's budget transparency via their websites³⁹, with the full specification as follows:

$$response_days_i = \beta_0 + \beta_1 treat_i + \beta_2 M_i + \beta_3 S_i + \beta_4 website_i + u \quad . \quad (5)$$

The desirable outcome is a negative correlation with response time, as more prompt responses increase the convenience of the PAIA process for users⁴⁰. The response time for treated municipalities was approximately three and a half days shorter than for municipalities in the control group as indicated by the negative coefficient on the treatment variable⁴¹. This effect is statistically significant at the 10% level, and this level of significance is robust across specifications 2-4 of the model as indicated in table 3 below. Additionally, this outcome is important in practice. Whilst a difference of approximately three and a half days might not impact whether or not a municipality has responded in the legally allowed period, it nonetheless represents a shortened delay in receiving a response of up to 12.0% of the permissible waiting time.

³⁸The inclusion of the municipal background variables reduces the sample size from 223 to 218 municipalities due to missing outcomes on some variables.

³⁹The inclusion of the service delivery and website transparency controls does not improve the explanatory power of the model as indicated by the R^2 term. None of the coefficients on these variables are significant at the 10% level.

⁴⁰ This must be balanced, however, against the completeness and accuracy of the response which might require increased response time. In this trial specifically, the documents requested should not have necessitated a great deal of search or preparation time on the part of the Information Officer.

⁴¹ This outcome is consistent with the results of Table 2.

Table 3: Treatment Effect on Response Time

<i>Independent Variable</i>	<i>OLS Regression Specification</i>			
	Dependent Variable: Response Time in Days			
	(1)	(2)	(3)	(4)
Treatment Dummy	-3.6	-3.71*	-3.58*	-3.56*
<i>Municipal Background Characteristics</i>				
Urban Dummy		2.78	1.21	1.14
Predominantly African Municipality		-10.89***	-11.03***	-11.18***
Strict Unemployment Rate		0.42***	0.41**	0.41**
ANC Ruled Municipality		-9.53***	-9.22**	-9.29**
DA Ruled Municipality		-11.88**	-12.32**	-12.32**
Log of Municipal Operating Revenue in R'000		-5.22***	-5.44***	-5.49***
Population		-1.28***	-1.24***	-1.25***
Local Dummy		-16.01**	-15.73**	-15.78**
<i>Service Delivery Indicators</i>				
Proportion of Municipal Population whose Refuse is Removed			0.09	0.09
Proportion of Municipal Population with Access to Piped Water			0.04	0.04
Proportion of Municipal Population with Access to Flush Toilets			-0.06	-0.05
Proportion of Municipal Population with Access to Electricity			-0.05	-0.05
<i>Website Transparency Indicator</i>				
Website Transparency Score				0.12
Constant	55.17***	184.12***	187.89***	188.46***
<i>n</i>	223	218	218	218
R ²	0.01	0.36	0.36	0.36
<i>Notes: Analysis is robust to heteroskedasticity. All independent variables are measured at the municipal level. *** p<0.01, ** p<0.05, * p<0.1</i>				

While treatment is an important determinant of response time, the analysis indicates that certain background features of municipalities are also important. The impacts below represent the relationship between the independent variable and response time holding all other factors constant (Wooldridge, 2013).

Predominantly African municipalities tend to respond an average of 11 days slower than municipalities with a different dominant race group. The majority race group of the municipal population is a significant determinant of response time at the 1% level with lower response times recorded for predominantly African municipalities. Given that Coloured individuals are the only other race group which have majority status in some South African municipalities is Coloureds⁴², this may be an indication of provincial level causal factors such as the level of support received from provincial government in the provinces in which predominantly Coloured municipalities occur, namely the Northern Cape and the Western Cape⁴³. The relationship between the political leadership of a municipality and response time provides a possible explanation for what drives the different effect in municipalities with different dominant race groups.

The impact of which political party rules a municipality is measured against a base group of municipalities ruled by non-major parties⁴⁴. In comparison to these, the ANC responds approximately 9 days faster on average, while the DA responds approximately 12 days faster than the base group. Given that all municipalities in the Northern Cape are ruled by the ANC, the data therefore suggests that the superior performance of predominantly Coloured municipalities is due to the DA's leadership in a number of these municipalities. This is further explained by the DA's political dominance in the Western Cape⁴⁵.

Both municipal revenue and municipal population size are negatively correlated with response time, with these relationships being statistically significant at the 1% level. These relationships can be explained in terms of the impact of these variables on the administrative

⁴² 79.8% of municipalities in the sample are predominantly African, and the remaining 20.2% are predominantly Coloured.

⁴³ This outcome could not be verified by regressions of response time on dummy variables for municipalities being in the Northern Cape or the Western Cape due to insufficient observations in these subsamples.

⁴⁴ The African National Congress (ANC) is the majority political party in South Africa, ruling in 201 of the 223 municipalities in the sample. The Democratic Alliance (DA) is the main opposition party, ruling in 17 municipalities. The remaining 5 municipalities are ruled by smaller opposition parties.

⁴⁵ 15 of the 17 DA ruled municipalities in South Africa are based in the Western Cape, with the remaining two occurring in the Eastern Cape and Gauteng provinces respectively.

capacity of municipalities. In this sample, one of the major barriers to transparency was the impact of high turnover rates amongst municipal staff⁴⁶. High turnover rates make it more difficult to successfully contact the appropriate person to handle a request, and increases the likelihood of the information officer processing the request having relatively less experience and therefore being less competent at fulfilling their role than they would have had had they been in the position for a longer period. It is probable that municipalities which earn greater revenue are able to hire and retain better staff through higher efficiency wages being offered.

It is also possible that higher revenue levels allow for improved training of staff. It is also possible that municipalities with larger populations receive more administrative support than their smaller counterparts due to the political consequences of administrative failures potentially being worse for the party responsible in larger municipalities. Unfortunately, in practice this has negative implications for the attainability of transparent outcomes in smaller, poorer municipalities.

However, it is possible that the advantages of increased population size and municipal revenue may actually be reversed beyond a certain level. This is suggested by the negative coefficient on a dummy variable indicating that a municipality is local, as opposed to the larger metro municipalities. The smaller local municipalities respond 16 days sooner than their metro counterparts on average, at a significance level of 5%. This could be due to internal inefficiencies being more prevalent in the larger municipalities. Finally, the strict unemployment rate in a municipality is also a significant determinant of response time. The positive relationship between the strict unemployment rate and response time indicates that municipalities with higher unemployment rates have longer response times. This could be due to higher unemployment rates correlating with residents of the municipality having fewer resources available to spend on holding their municipalities accountable. This is especially relevant in the case of PAIA requests, for which a service fee of ZAR35.00 is charged.

7.2 Inconclusive treatment effect on responsiveness

Table 4 shows that treatment has a weak positive effect in increasing responsiveness of municipalities to PAIA requests. Specification 1 is a short regression of a binary response

⁴⁶This problem was identified in follow up phone calls to municipalities to ascertain reasons for non-response.

variable equal to one for those municipalities who responded to the PAIA request and zero otherwise, on treatment, as follows:

$$response_i = \beta_0 + \beta_1 treat_i + u. \quad (6)$$

Given that the dependent variable is a dummy variable, the coefficient on the treatment variable represents the percentage change in likelihood of a municipality responding when treated, *ceteris paribus*. The regression outcomes indicate that treated municipalities were 6 percentage points more likely to respond than the municipalities in the control group. In practice, 59.4% of responses received were from members of the treatment group⁴⁷. The size of the treatment affect is similar across all specifications. However, despite the practical significance of this outcome the treatment effect is not statistically significant in any of the specifications of the model presented in Table 4 below. This suggests that factors other than the emotional tone of the request are stronger determinants of the differential response rates.

Specifications 2 and 3 in Table 4 are multivariate regressions which add controls in a similar manner as for the response days analysis⁴⁸. The full specification is as follows:

$$response_i = \beta_0 + \beta_1 treat_i + \beta_2 M_i + \beta_3 S_i + u. \quad (7)$$

⁴⁷ 19 of a total of 32 responses. This includes 2 responses in which access to the requested information was denied. These are included because despite the lack of information received, a negative response is nonetheless a more transparent outcome than the absence of a response.

⁴⁸ Again, the inclusion of service delivery controls fails to improve the explanatory power of the model. The website transparency variable is also excluded due to a lack of practical and statistical significance.

Table 4: Treatment Effect on Responsiveness			
<i>Independent Variable</i>	<i>LPM Regression Specification</i>		
	Dependent Variable: Binary Response Variable		
	(1)	(2)	(3)
Treatment Dummy	0.05	0.06	0.06
<i>Municipal Background Characteristics</i>			
Predominantly African Municipality		0.25***	0.26***
Strict Unemployment Rate		-0.01**	-0.01*
ANC Ruled Municipality		0.20***	0.18***
DA Ruled Municipality		0.17*	0.18*
Log of Municipal Operating Revenue in R'000		0.08***	0.08***
Population		0.03***	0.03***
Local Dummy		0.31**	0.30**
<i>Service Delivery Indicators</i>			
Proportion of Municipal Population whose Refuse is Removed			0
Proportion of Municipal Population with Access to Piped Water			0
Proportion of Municipal Population with Access to Flush Toilets			0
Proportion of Municipal Population with Access to Electricity			0
Constant	0.12***	-2.17***	-2.17***
<i>n</i>	223	218	218
R ²	0.01	0.33	0.33
<i>Notes: Analysis is robust to heteroskedasticity. All independent variables are measured at the municipal level. *** p<0.01, ** p<0.05, * p<0.1</i>			

The municipal background variables influence responsiveness in a similar manner to how they influence response time, although the outcomes in Table 4 are percentage changes in the likelihood of a municipality responding to a PAIA request. Having ANC or DA leadership in a municipality is again a significant determinant of increased transparency outcomes in the region of a 20 percentage point increase in likelihood. However, the statistical significance of DA leadership is lower for this measure of transparency. Local

municipalities, higher levels of municipal revenue and larger municipal populations also correlate with improved transparency outcomes at high levels of statistical significance. However, service delivery indicators have no influence on responsiveness as indicated by the zero coefficients on these variables.

There are two possible explanations for the practically and statistically insignificant effect of aggression on responsiveness in this sample. This could either represent a rational response by information officers in disregarding the emotional valence of the request; or it could be the result of conflicting behavioural effects of the aggression treatment on response rates resulting in increased responsiveness by some, and non-compliance by others. However, given that the treatment did have an effect on response time, it is improbable that information officers reacted to the emotional valence of the treatment on the response time metric, but did not react to it on the responsiveness metric. Furthermore, this is inconsistent with Taute *et al.*'s (2011) findings that individuals are unlikely to demonstrate an emotional response in one regard, and a purely rational response in another. Rather, it is more likely that differential behavioural responses which counteract each other have resulted in the impact of treatment appearing to be neutral on the responsiveness metric.

Contrastingly, theories of reciprocity suggest that aggression increases the likelihood of non-compliance among receivers of requests (Fehr, and Gächter, 2000). In this trial, reciprocal behaviour would entail an information officer refusing to respond to a request, because of the aggressive manner in which it was written. Such behaviour is inconsistent with rational models of decision making. The strict penalties⁴⁹ imposed on information officers who fail to respond to PAIA requests timeously and in the manner prescribed by the PAIA legislation represent a strong incentive to disregard the emotional valence of a request when deciding how to respond (Razzano, 2011). Therefore, a rational information officer would disregard emotional connotations and respond only to the request based only on its technical merit. Thus reciprocity theory fails to explain the observed outcomes.

It is concerning to note that the low response rates observed are likely to have a negative impact on people's willingness to use PAIA requests (McKinley, 2003). The response rate of 14.3% achieved in this trial indicate that this is possibly more problematic at a local government level than at the national government level considered in previous

⁴⁹ See Appendix E.

surveys. Zhang (2012) finds that unresponsive government institutions can result in citizens disengaging from the political process, and actually reducing their demand for information about government activities⁵⁰. This suggests that low response rates to PAIA requests may stifle South Africans' demand for information only attainable via this mechanism. Individuals considering instituting a PAIA request will consider the monetary⁵¹ and administrative costs of doing so. Therefore from a requester's perspective, if the probability of receiving a response is too low, the costs may outweigh the potential benefit of receiving the information and therefore remove the incentive to lodge a request at all.

7.3 Treatment effect on accuracy and usability of information received

The usability and accuracy of the information received are central to evaluating transparency (Zhang, 2012). In this trial, the accuracy and usability of the budget information requested was measured by the a set of dummy variables including standard National Treasury format used, inclusion of explanatory narratives to the requested content, content provided for the correct financial year, content provided in English language, and finally the inclusion of a signed locking certificate to verify that the information presented is accurate⁵². However, measurement error is suspected in these variables.

The observability of outcomes is problematic for these variables, as an information officer who is willing to meet these requirements may not be able to do so under certain circumstances. For instance, in some instances information officers responded timeously, acknowledging receipt of a request and indicating a willingness to provide the requested information. However, doing so often required assistance from legal advisors or municipal financial managers, and in some cases the information officer failed to complete the process to provide access to the information requested. Therefore, even if a treatment affect had been achieved in these cases and the persuasiveness of the request increased, the recorded

⁵⁰ This study, conducted in Kenya, also considers budget expenditure at the level of local government.

⁵¹ Although the standard cost per PAIA request is currently (2014) ZAR 35.00 additional service charges and printing costs can also be levied. For instance, in the two cases in this trial in which the author was denied a financial exemption, the total cost for the information requested would have been over ZAR 150.00 per request.

⁵² This certificate is to be signed by the municipal financial manager and submitted to the National Treasury once the municipal budget has been finalised. This therefore meets the requirement that PAIA requests may only be made for pre-existing records.

outcomes on these variables may not be able to accurately reflect this due to the confounding influence of other individuals not directly impacted by the treatment⁵³.

Regression analysis similar to that done on the response time and responsiveness variables yielded statistically and practically insignificant outcomes for the accuracy and usability variables. Given that the recorded outcomes are likely to underreport the number of municipalities in which genuine attempts at transparency were made, the estimable equation of the restricted model is of the form:

$$transparency_i = \beta_0 + \beta_1 treat_i + u + e_{0i} \quad (7)$$

where $transparency_i$ is a placeholder for the relevant dummy variable measuring accuracy or usability of information, and e_{0i} is the measurement error⁵⁴ (Wooldridge, 2013). Underreporting on $transparency_i$ would result in a negative correlation between the modified error term ($u + e_{0i}$), and a consequent downward bias in the coefficient on $treat$ (Wooldridge, 2013). Therefore, rigorous statistical analysis on the accuracy and usability of information variables was not possible without more precise measures of the true outcomes.

8. CAVEATS

A number of potential concerns have to be considered regarding the interpretation of the results above. Firstly, due to the large number of deemed refusals, there is minimal variation in the outcome variables. Consequently, the standard errors of the independent variables are higher than is desirable, therefore reducing the statistical significance of the outcomes (Wooldridge, 2013).

There is a risk of omitted variable bias affecting the coefficients due to the absence of background controls relating to the individual information officers specifically, such as training or motivation measures (Wooldridge, 2013). No attempt to collect background data on the individual information officers was made because of the risk of an attempt to do so biasing the outcomes of the trial by alerting the information officer to the possibility of a request being done for research purposes specifically (Reeves, 2011). While the database of contact details for municipal information officers did contain information on whether a given

⁵³ Nonetheless, while these considerations may alter the likelihood of an information officer responding with the correct information in the correct format, they should have no bearing on whether or not they respond at all. For this reason the responsiveness variable used in 7.2 did not distinguish between different types of response.

⁵⁴ This is defined as the difference between the true and observed values (Wooldridge, 2013).

information officer held that position permanently or was only temporarily acting in that capacity, this information was unfortunately unusable due to the high number of municipalities for which the information in the database was outdated⁵⁵. Furthermore, an advantage of the stratified randomisation methodology employed is that it tends to control for observed and unobserved background characteristics of the sample (Bulpitt, 1996).

Secondly, the Open Society Institute (OSI) (2006) observes that discrimination against those who request access to information according to race or gender is common⁵⁶. As all requests were sent under the same name in this trial, the presence of discrimination should not affect the conclusions about the treatment effect, but may have impacted response rates overall. However, measurement of the treatment effect specifically may have been rendered less accurate by other influences. Firstly, it is possible that the treatment effects of aggression on responsiveness are not clear because they only manifest at a later stage. For instance, while receiving one aggressive request might not influence an information officer's willingness to respond, it is possible that receiving multiple aggressive requests could. Secondly, inadequate training of information officers might confound the measurement of treatment effects if individuals simply do not know how to respond to PAIA requests. In these cases, the emotional tone of a request is less consequential because requests may be ignored by default regardless of their tone.

Finally, the use of emails as the primary⁵⁷ means of communication in this trial presented some inherent challenges for measuring outcomes accurately. The poor response rate observed in both the request and appeals rounds suggests that a portion of the sample may not have been receiving the PAIA requests. Insofar as this stems from a municipality's failure to publish up-to-date contact details, it is appropriate to measure these responses as deemed refusals as it is a clear failure of transparency. However, there was also evidence of possible technical failures beyond information officers' control preventing them from being

⁵⁵ This is also indicative of the high levels of churn in municipal staff, which could explain apparent training deficiencies of information officers to some extent (McKinley, 2003).

⁵⁶ This finding is based on a 14 country comparative study of access to information mechanisms including South Africa, conducted in 2006.

⁵⁷ Whilst all contact with municipalities was initiated via email, a small number of municipalities contacted the author telephonically to verify details of the request or to follow up after sending the requested information. Additionally, although the information was requested to be sent via email, some municipalities supplemented this with hard copies posted to the author. Neither telephonic nor postal interactions had a statistically significant influence on any of the main outcome variables.

able to respond. For instance, as shown in figure 1, 19 of the emails sent in the appeals round returned delivery failure reports despite emails delivering successfully to the same email accounts in the request round. Unfortunately, the number of attachments and the variations in the emails for the treatment and control groups precluded the use of mass-mailing software which could have aided in more accurate data capture around delivery successes and failures.

Follow up phone calls were made to a section of the sample who failed to respond to the initial PAIA request and the appeal round were in order to try to ascertain what the reasons for non-response were. This presented an additional challenge in terms of transparency as the majority of municipalities either did not respond to phone calls, or could not put the caller in contact with the information officer specifically⁵⁸. Nonetheless, a portion of the sample confirmed the accuracy of the email addresses used, which confirms that at least some portion of the sample is accountable for ‘active’ deemed refusals.

9. CONCLUSION

The purpose of PAIA requests as a means to gain access to information which has a bearing on the realisation of human rights underlies the practical importance of understanding the impact of negative emotional affect on transparency outcomes (SAHRC, 2013b). Many genuine PAIA requests may well contain aggressive or other negatively valenced emotional undertones is high, given that those making such requests are doing so from a position of having had their rights violated in some manner.

While South Africa’s legal framework for ensuring transparent access to information is considered one of the most progressive in the world, the results of this trial accord with those of previous studies which suggest that the PAIA process is often ineffective in practice (McKinley, 2003). The outcomes of this trial concur with prior research which suggests that transparency is difficult to attain at the most basic level of achieving initial contact between information seekers and information providers for a substantial proportion of local government in South Africa. Such a lack of transparency can greatly reduce South Africans’ incentives to make use of the PAIA mechanism, even in circumstances where a successful

⁵⁸Municipalities often assign the responsibility of handling PAIA requests to municipal managers, who in the experience of the author tend to only take communication via their personal assistants.

request could benefit them. Furthermore, the evidence of a statistically significant treatment effect robust to different specifications on an important transparency outcome, response time, indicates that the standardisation and neutrality of the PAIA request mechanism can be compromised. Finally, the data indicates that the possible manipulability of the PAIA request process is further confounded by the influence of background characteristics of municipalities which exacerbate differential outcomes to PAIA requests. The analysis suggests that those in poorer, smaller municipalities are possibly at a disadvantage in terms of attaining access to information about their local government.

The statistical findings of this paper could be made more robust by a second trial in order to build up a panel database of municipal responses to PAIA requests (Bulpitt, 1996). Incorporating individual-level variables into the analysis could also improve the accuracy of the results by explicitly controlling for factors which were unobserved in this trial (Wooldridge, 2013). The impact of positive emotional affect could also be tested to contrast against the outcomes of this trial, as improved responsiveness outcomes could possibly be achieved according to behavioural theories of reciprocity (Fehr and Gächter, 2000). Requests to municipalities for non-budgetary information, as well as to requests made by people of various racial and gender backgrounds could also be done to test whether the treatment effect observed in this trial would still hold under different circumstances.

Further research on this topic ought to assess the role of individual-level factors which may cause transparency failures and move towards finding controls to prevent this. In light of the often inadequate outcomes of the PAIA process, comparative analysis of proactive disclosure as opposed to request based mechanisms for access to information would be valuable in the South African context. A better understanding of the strengths and weaknesses of these approaches in different settings could assist in tailoring the PAIA process to the settings in which it is most valuable in maximising transparency outcomes, while possible alternatives may have to be considered in settings in which PAIA consistently fails to achieve satisfactory outcomes. This is important given the negative impact of ineffective access to information mechanisms on the demand for transparency in democracies, and the potentially harmful implications for good governance in South Africa (Zhang, 2012; Tapula, 2010). Finally, stronger grounding in quantitative research should continue to inform approaches to increase government transparency in South Africa.

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Identity/Passport number: [REDACTED]
Postal address: [REDACTED] Rondebosch, 7701
Fax number: N/A
Telephone number: [REDACTED]
E-Mail Address [REDACTED]@gmail.com
Capacity in which request is made, when made on behalf of another person: N/A

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:
Identity number:

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
(b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

- ↗ **Municipal Annual MTREF 2013/2014 Budget, including budget documentation as set out in Schedule A of the Municipal Budget and Reporting Regulations (main Tables A1- A10 as well as supporting Tables SA1-SA37)**
- ↗ **Budget document including narratives to prescribed table of content and budget tables, covering at least Tables A1- A10**
- ↗ **Certification that budget has been locked**

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
(b) *You will be notified of the amount required to be paid as the request fee.*
(c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
(d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: annual income is below minimum threshold (see attached proof of income)

F. Form of access to record

<p><i>If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.</i></p>			
<p>Disability: _____ _____</p>		<p>Form in which record is required: _____ _____</p>	
<p>Mark the appropriate box with an "X".</p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
<p>1. If the record is in printed form:</p>			
<input checked="" type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
<p>2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc).</p>			
<input type="checkbox"/>	view the images	<input checked="" type="checkbox"/>	copy of the images* transcription of the images*
<p>3. If record consists of recorded words or information which can be reproduced in sound:</p>			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input checked="" type="checkbox"/>	transcription of soundtrack* (written or printed document)
<p>4. If record is held on computer or in an electronic or machine – readable form:</p>			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy derived from the record*
<input checked="" type="checkbox"/>	copy in computer readable form*(stiffy or compact disc)		
<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>			<p>YES</p> <p>NO</p> <p>x</p>
<p><i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i></p>			

In which language would you prefer the record? English

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? **Via email:** [REDACTED]@gmail.com

Signed at CAPE TOWN this 3rd day of April 2014 .

XXX

SIGNATURE OF REQUESTER

Appendix B: PAIA Request Cover Letter – Treatment (Aggressive)

Dear Information Officer/Deputy Information Officer

Please find herewith my request for access to information made in terms of the Promotion of Access to Information Act 2 of 2000.

I am [REDACTED] of identity or passport number [REDACTED]. I can be contacted at telephone number [REDACTED], and/or postal address [REDACTED], Rondebosch, 7701.

I am requesting access to the records described as:

- Municipal Annual MTREF 2013/2014 Budget, including budget documentation as set out in Schedule A of the Municipal Budget and Reporting Regulations (main Tables A1- A10 as well as supporting Tables SA1-SA37)
- Budget document including narratives to prescribed table of content and budget tables, covering at least Tables A1- A10
- Certification that budget has been locked

Further particulars of these records are:

The relevant information officer must note that such information requested has no applicable exemption ground that could be used to prevent access. See further section 14 of the Act which insinuates such records may be proactively made available. Regardless, such records would nevertheless be the subject of mandatory release under provisions of section 46 as such records could demonstrate a substantial failure to comply with the Municipal Budget and Reporting Regulations, while their disclosure would be in the public interest given their necessity for monitoring purposes of financial planning and latter expenditure.

If access is granted, I wanted them in the format *a copy of the record.

I would prefer the record to be provided in the language English.

In relation to fees, the following exemption is applicable – I earn less than R14 721 per year (see attached details of income).

Please inform me as soon as is reasonably possible of the outcome of this request, noting that you with any event have 30 days in which to respond in terms of section 25(1) of the Act.

Yours Sincerely,

[REDACTED]

Appendix C: PAIA Request Cover Letter – Control (Neutral)

Dear Information Officer/Deputy Information Officer

Please find herewith my request for access to information made in terms of the Promotion of Access to Information Act 2 of 2000.

I am [REDACTED] of identity or passport number [REDACTED] I can be contacted at telephone number [REDACTED], and/or postal address [REDACTED], Rondebosch, 7701.

I am requesting access to the records described as:

- Municipal Annual MTREF 2013/2014 Budget, including budget documentation as set out in Schedule A of the Municipal Budget and Reporting Regulations (main Tables A1- A10 as well as supporting Tables SA1-SA37)
- Budget document including narratives to prescribed table of content and budget tables, covering at least Tables A1- A10
- Certification that budget has been locked

Further particulars of these records are not applicable. If access is granted, I would like them in the format *a copy of the record.

I would prefer the record to be provided in the language English.

In relation to fees, the following exemption is applicable I earn less than R14 721 per year (see attached details of income).

Please inform me as soon as is reasonably possible of the outcome of this request, noting that you with any event have 30 days in which to respond in terms of section 25(1) of the Act.

Yours Sincerely,

[REDACTED]

Appendix D: PAIA Appeal Cover Letter – Treatment (Aggressive)

To the **relevant authority** designated by the Municipal Council in terms of Section 74 of the Promotion of Access to Information Act (PAIA) **to decide an appeal against a decision of the information officer of the municipality:**

THIS EMAIL CONTAINS AN APPEAL IN LIGHT OF THE DEEMED REFUSAL TO A PAIA REQUEST BY YOUR MUNICIPALITY.

YOUR FAILURE TO RESPOND CONSTITUTES A FUNDAMENTAL DERELICTION OF THE DUTIES OF THE INFORMATION OFFICER PRESCRIBED IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA).

In the event of a continued failure to respond, note that I reserve the right to take additional action in the form of the complaint mechanisms available to me, and reconfirmed by section 83, **to submit a complaint before the South African Human Rights Commission** as arbiter of the Act, given the **gross dereliction** of duty inherent in your abject failure to respond.

Find herewith my Appeal (**Form B**) against your deemed refusal to the original request (**Annexure A** - attached) request for access to information made in terms of the Promotion of Access to Information Act 2 of 2000, submitted to your municipality on **19 June 2014**.

SUPPLEMENT A (attached) contains the **Grounds for Appeal**. Based on the Provision of Access to Information Act of 2000, this document details why there exist no possible justifiable grounds for your deemed refusal.

I expect to be informed of the outcome of this appeal as promptly as possible, noting that you have **at maximum 30 days** in which to respond in terms of the Act.

Regards,


Appendix E: PAIA Appeal Form Supplement A (Motivation of Grounds for Appeal) – Treatment (Aggressive)

APPEAL PURSUANT TO THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)

1. The appellant is [REDACTED].
2. This appeal is directed to the relevant authority designated by the Municipal Council in terms of Section 74 of the Promotion of Access to Information Act (PAIA) to decide an appeal against a decision of the information officer of the municipality.
3. On 20 June 2014 the appellant made a formal request in terms of PAIA to the Municipality. The request was for records relating to the municipal budget. A copy of this request is attached to this Appeal and marked Annexure A.
4. In spite of the clear dictates of PAIA through section 25 of the Act, the **Information Officer has failed to provide a response** within the prescribed 30-day period.
5. Section 27 of PAIA clearly states that:

“If an information officer fails to give the decision on request for access to the requester concerned within the period contemplated in section 25(1), the information officer is, for the purposes of this Act, regarded as having refused the request”.
6. **The appellant refutes this ground for refusal** and submits this appeal in terms of Section 74 of PAIA.
7. PAIA creates a presumption for release of public records. Further to this, the grounds encapsulated in Chapter 4 of the Act constitute the only justifiable grounds for a refusal of access to information.
8. It is patently clear that a **deemed refusal**, as described by section 27, *does not constitute such a justifiable ground*.
9. Further to this, section 19 details the obligations of an Information Officer to assist a requester and, when read with section 25, implicitly suggests that a fundamental role of the Information Officer is to provide justifiable and clear reasons in order to rebut the presumption of release. **A failure to do this constitutes a fundamental dereliction of the duties** of that Officer in exercising their responsibilities prescribed in terms of the Act.

10. The appellant submits **that the Department is exploiting its custody of the physical documents** by refusing access to them.
11. The appellant thus submits that the relevant authority should exercise their authority as prescribed in the Act to release the information.
12. The appellant also notes that **we reserve our right to take additional action** in form of the complaint mechanisms available to us, and reconfirmed by section 83, **to submit a complaint before the South African Human Rights Commission** as arbiter of the Act, given the gross dereliction of duty inherent in the abject failure to respond.

Appendix F: PAIA Appeal Cover Letter – Control (Neutral)

Dear Information Officer/Deputy Information Officer,

This email contains an appeal against the deemed refusal to a PAIA request, given that no response has been received within the allowed 30 day period.

I attach my Appeal (Form B), and Annexure A (the original request) for access to information made in terms of the Promotion of Access to Information Act 2 of 2000, for which the 30 day response time lapsed on 20 July.

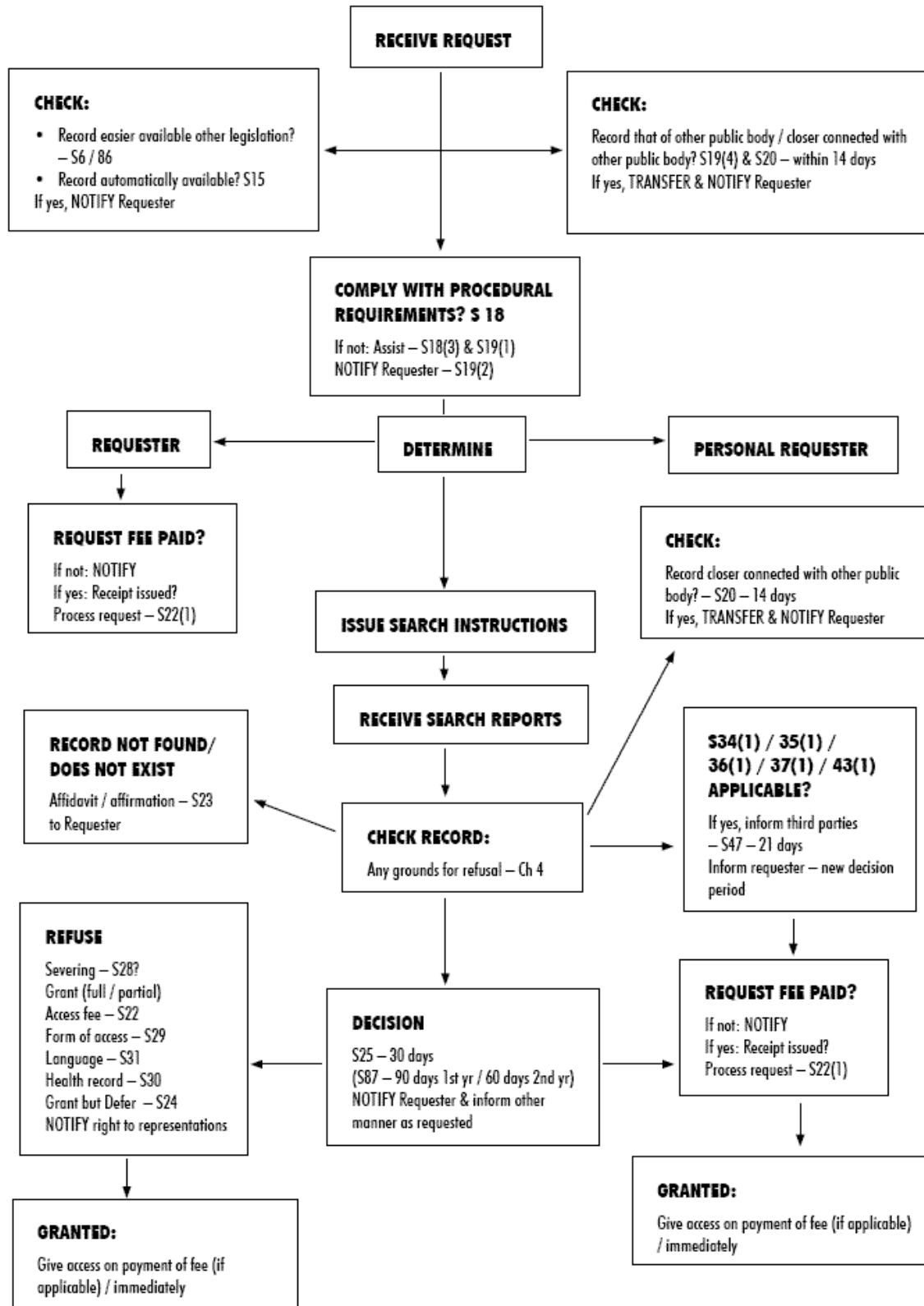
Please inform me as soon as is reasonably possible of the outcome of this appeal, noting that you with any event have 30 days in which to respond in terms of the Act.

Yours Sincerely,

████████████████████

Appendix G: PAIA Response Protocol

Flowchart 1: Request to Government



Source: Ekurhuleni Municipal Website, Available: <http://www.ekurhuleni.gov.za/promotion-of-access-to-information-act/the-procedure/print> [2014, 1 April]