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Access to Public Information: a comparison of the main aspects of Brazilian information access laws and those of other countries and the role of information science in this context

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1 Introduction

The right to access public information is currently a central pillar of Brazilian democracy. Law No. 12,527/2011, Information Access Law (LAI), is one of the tools responsible for providing citizens with the conditions to participate in the democratic process.

Information for the public sector goes beyond a tool used in strategic planning and decision-making. Information within the scope of public administration allows citizens to participate in administration, exercise social control, and develop fair public policies.

Information in public administration has the following functions: serve as a basis for state decisions in favour of improvements for the population; keep citizens informed to ensure the implementation of their rights and duties; and serve as a resource for management and development.

At first, access to public information referred to the idea of state supervision by citizens in addition to ensuring the exercise of other rights (life, liberty, equality, security, and property). Today, access to public information goes beyond the supervision of public spending. The availability of information produced/stored by the public sector can be used in a variety of ways, for example, in the planning and management of private sector

organisations.

This article presents the results of a study that investigated organisation and access to public information. This study delved deeper into the study of information access laws and compared the main differences between access laws in Brazil, Sweden, Italy, Mexico, Chile, the United States, Spain, and Argentina. Through this comparison, the Brazilian law on access to information is complete and highly regarded.

2 Evolution of Brazilian Access to Information Law

Until the middle of the 20th century, the Brazilian public administration was not obliged to expose its information to citizens. The public manager made his decisions and carried out actions without the need to motivate his choices; the citizen was just a mere spectator of the government's acts. However, with the end of the dictatorship and the beginning of the movement towards a democratic society, citizens began to seek more information about the actions of public managers and participation in public administration, making them active participants in public administration.

Expressed in the Federal Constitution of 1988, access to information in Brazil took a long

time until its regulation by law no. 12,527/2011, and all the laws created between the Federal Constitution and the LAI contributed significantly to the construction of a more transparent.

The 1988 Federal Constitution guarantees access to information immediately following its first paragraph, ensuring that the people retain power. Therefore, “if the people are the only holders of power, no information regarding the exercise of that power can be hidden from its holder, unless the public interest so requires (Canhadas, 2018, p. 94).”

Article 5, XIV, of the Federal Constitution also provides access to public information, which is necessary for professional practice. The constituent does not distinguish between information held by the individual or that held by the public authorities and personal information of the person requesting information or any other person. Thus, Canhadas (2018) understood that the aforementioned article can consider any and all information, including public information, if the Constitution itself makes no distinction.

One of the main provisions of Article 5, XXXIII, is the guarantee of every citizen’s right to receive information from the public authorities of their particular or collective interest. The right to access understandable information is protected in addition to protecting access to information (Canhadas, 2018). Article 5, LXXII, ensures the constitutional remedy of “habeas data” to guarantee access to information contained in governmental or public entity databases.

Article 37 of the Federal Constitution also addresses the right to information and establishes the principle of public publicity. The same article prescribes that direct or indirect public administration must guarantee citizen participation and regulate access to administrative records and information on acts carried out by public authorities (Brasil, 1988).

Article 58, 2 of the Constitutional Text provides for the creation of permanent and temporary commissions by the National Congress and its houses to hold public hearings with civil society entities (Brasil,

1988).

Through Articles 93, IX, and X, the Constituent Assembly also ensured that the actions of the Judiciary, including its judgments and the administrative decisions of all courts, became public. Furthermore, the Constituent Assembly requires the public authorities to disclose the amount collected from each of the taxes received monthly (Art. 162), as well as the publication of the summary report on budget execution (Brasil, 1988).

Finally, another requirement expressed in the Federal Constitution and subsequently regulated by Law 12.527/2011—Information Access Law—is that the public administration is responsible for the management of public documents and the measures to provide access to citizens (Brasil, 2011).

Some constitutional laws indirectly regulate access to public information: Law No. 6,015, of December 31, 1973 (public records); Law No. 8,159, of January 8, 1991 (national policy on public and private archives); Law No. 8,666, of June 21, 1993 (rules for tenders and contracts); Law No. 9,051, of May 18, 1995 (issuance of certificates for the defence of rights and clarification of situations); Law 9,784, of January 29, 1999 (regulates the administrative process within the scope of the federal public administration); Law No. 10,520, of July 17, 2002 (institutes the auction bidding modality); Law No. 12,426, of August 4, 2011 (establishes the differentiated public procurement regime), among others.

However, Complementary law 101 of 2000, better known as the Fiscal Responsibility Law, is the most important law for strengthening and implementing public transparency and access to public information. The LRF establishes public finance standards for fiscal management responsibility. According to Bento (2015), this is the first law in the Brazilian legal system to establish an obligation on the state to produce and widely disseminate information of public interest, with a chapter dedicated to fiscal management transparency.

Complementary Law No. 131 of 2009 ensured the transparency of information by: encouraging popular participation and holding

public hearings during the processes of drafting and discussing plans and enforcing laws on budgetary guidelines and budgets. Complementary Law No. 131 requires the public administration to disclose information regarding revenue and expenditure on official websites.

Complementary Law No. 156 of 2016 amended item II of Article 48 of Complementary Law 101/2000 to ensure that detailed information regarding budgetary and financial execution was released in real time for the full knowledge and monitoring of society.

The Brazilian law on access to information was outlined with the presentation of Bill No. 219/2003, which consisted of the provision of information held by the public administration. After passing through several committees in the Chamber of Deputies, the project was approved at the end of April 2010 and forwarded to the Federal Senate, which was approved in October 2011 and sent to the Presidency of the Republic for sanction by then President Dilma Rousseff (Gomes; Paulino; Farranha, 2020).

According to Soares et al. (2013), the objectives and goals of LAI are as follows: advertising as a general principle; secrecy as an exception; dissemination of information of interest to citizens regardless of request; use of information technology to make information available; and encouraging a culture of transparency in administrative acts and social control. Some of these principles have been present in previous acts.

The regulation of access to information confirms that all information produced by public bodies or in their possession must be made public and made available to citizens in an active manner, strengthening the concept of a public good. This new paradigm projects information services and units, as well as the area of information science, as protagonists in this process.

3 Methodology

This work originated from a master's degree research in which a case study was conducted

on the reality of a public archive in a municipality in the state of São Paulo in relation to the organisation of its archival and access to information.

This study compares the differences between access laws in Brazil and other countries.

The laws considered most relevant as they present essential aspects in their text for broad access to information are: Sweden, Italy, Mexico, Chile, the United States, Spain, and Argentina and were objects of comparison in relation to Brazilian laws.

The main points to be compared are: bodies obliged to make information available, mandatory active transparency, creation of the Citizen Information Service (SIC), legitimate to request information, restriction on access to information, treatment of personal information, degree of secrecy of information, presentation of motivation, and deadline for making the information available.

4 Laws on Access to information: a comparative study in Sweden, Italy, Mexico, Chile, United States, Spain, Argentina, and Brazil

The laws considered most relevant as they present essential aspects in their text for broad access to information are: Sweden, Italy, Mexico, Chile, the United States, Spain, and Argentina, and will be objects of comparison in relation to Brazilian laws. As shown in the previous comments, the LAI represents the consolidation of a series of efforts towards access to information.

The main points to be compared are: bodies obliged to make information available, mandatory active transparency, creation of the Citizen Information Service (SIC), legitimate to request information, restriction on access to information, treatment of personal information, degree of secrecy of information, presentation of motivation, and deadline for making the information available. Frame 01 compares the bodies required by each country's law to make available information.

Table 1 - Bodies required to make available information

Country	What the standard says
Brazil	Executive, legislative, and judiciary powers, autarchies, public foundations, public companies, mixed capital companies, entities controlled directly or indirectly by the Union, states, municipalities, and private non-profit entities that receive public resources (Brasil, 2011).
Sweden	The constitution obliges all public authorities (Suécia, 1766).
Italy	All state administrations, including all types and levels of educational institutions, companies and state administrations with an autonomous system, regions, provinces, municipalities and communities, their consortia and associations, autonomous social housing institutes, chambers of commerce, all national, regional and local non-economic public bodies, and the national health service (Itália, 2016).
Mexico	Any authority, entity, bodies of the legislative, executive, judiciary, autonomous bodies, political parties, trusts, public funds, any natural person, legal entity, or union that receives and exercises federal public resources or carries out acts of authority under the terms provided for in the Constitution of United Mexican States and General Law on Transparency and Access to Public Information (México, 2015).
Chile	Ministries, municipalities, regional administrations, public administrations, armed forces, public order and security, public bodies and services created to comply with the law, general controllership of the republic, central bank, open companies constituted by law, companies in the state where their shareholding is greater than 50%, state bodies that comply with the provisions of the respective organic laws, public authorities whatever the name under which the constitution and laws designate, and state administration officials must strictly respect the principle of transparency (Chile, 2008).
U.S	Federal government's executive branch agencies, independent regulatory agencies, and certain components of the president's executive office. Other organisations, such as Amtrak, are subject to FOIA by statute (Estados Unidos, 1966).

Spain	General administration of the State, autonomous communities, the cities of Ceuta and Melilla, and the local administration. Social security management entities, mutual insurance companies for accidents at work and occupational diseases, autonomous state bodies, public law entities that have regulatory or supervisory functions, public law entities with their own legal personality, public universities, societies of public law subject to administrative law, House of Majesty, congress, constitutional court, general council of the judiciary, bank of Spain, council of state, ombudsman, court of auditors, economic and social council, entities that are subordinate to administrative law, commercial companies with share capital greater than 50% public, public foundations and associations constituted by the administrations of the entities provided for here (Espanha, 2013).
Argentina	The central public administration and decentralised bodies, social security institutions, legislative and judiciary powers, Public Fiscal and Defence Ministry, Council of the judiciary, State companies and companies, joint stock companies with majority state participation, mixed capital companies, organisations in which the government has majority participation in capital, companies and society without the State having minority state participation, concessionaires, permission holders, public service or use of public domain, business organisations, political parties, unions, universities and private entities that have received public funds, institutions or funds whose custody is the responsibility of the State, public legal entities, trusts constituted wholly or partially with State resources, Central Bank, jurisdictional entities in which the State has participation or representation, concessionaires, operators or administrators of games of bad luck (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

The laws mentioned above oblige all bodies of direct and indirect administration to make information available, except for American law, which does not cover the legislative branch or the courts; its application is concentrated in the executive branch. Chilean, Spanish, and Argentine laws provide a more detailed description of the entities obliged to provide information. Sweden's constitution, in

turn, obliges every public authority to make information available, but its text does not specify the list of entities that are part of the public authority.

Through frame 2, it is possible to see which countries have adopted the obligation to make information available without a request.

Table 2 - Mandatory active transparency

Country	What the standard says
Brazil	It obliges bodies and entities to promote the disclosure of information of collective or general interest, regardless of their request, with disclosure on the internet being mandatory. Access must be achieved through objective, agile, transparent, clear, and understandable procedures (Brasil, 2011).
Sweden	Absence of active advertising obligations (Suécia, 1766).
Italy	Each body must publish the information in a clearly identifiable part of the "Transparent Administration" section (Itália, 2016).
Mexico	The obliged must make themselves available to the public and keep information updated on their respective electronic media (México, 2015).
Chile	State administration bodies must keep information permanently available to the public through electronic websites and provide updated and complete information (Chile, 2008).
U.S	The FOIA recognised the use of technology in disseminating information. Agencies must make FOIA library information available on a website. Agencies must maintain and make available current indexes in electronic format that provide identification information to the public (Estados Unidos, 1966).
Spain	It obliges bodies and entities to promote active advertising in a periodic and updated manner of relevant information to guarantee the transparency of public activities. Information must be published on the Internet in a clear, structured, and understandable manner using mechanisms that facilitate accessibility, interoperability, quality, and reuse (Espanha, 2013).

Argentina	The information must be accessible in an open electronic format that facilitates its processing by automatic means that enable reuse and distribution by third parties. Documents must be published as quickly as possible and in a time compatible with preserving their value (Argentina, 2016).
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Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

Active transparency, especially in electronic media, is provided for in all laws researched, except Swedish law. Sweden's law on access to information is the oldest and was enacted in 1766. Although the law contained many progressive aspects, the proactive disclosure of information was not expected at the time.

However, to make information available electronically in the field of information science, it is necessary to implement information processing, preservation, and dissemination processes, which are not always carried out for physical media.

The frame below enables us to identify which countries require public bodies to have the Citizen Information Service in their structure.

Table 3 - Citizen Information Service (SIC)

Country	What the standard says
Brazil	Yes. To assist and guide the user, receive requests for information, file documents, provide requested information, and inform about the processing of documents (Brasil, 2011).
Sweden	No. Information must be obtained from the body that holds it (Suécia, 1766).
Italy	No. The request must be presented to the obligated body that has or is presumed to have it (Italia, 2016).
Mexico	Yes. It plans to establish an institute to manage public transparency (Mexico, 2015).
Chile	No. The bodies responsible for the information must directly provide the requested information (Chile, 2008).
U.S	No. Each federal agency is responsible for receiving and responding to information requests (Estados Unidos, 1966).

Spain	No. The information must be requested from the body that has the information, which must establish systems to integrate the management of requests (Espanha, 2013).
Argentina	No. The request must be presented to the obligated body that has or is presumed to have it (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

Of the countries studied, only the Brazilian and Mexican laws provide for the creation of a responsible body to receive requests for information, in addition to guiding and serving citizens. The SIC facilitates the user's information request process. Citizens know where to go to request information with this established service because the user is not always aware of which body has the information they want. This lack of knowledge can be a barrier for citizens who want more information.

Other research could be conducted to evaluate SICs and highlight the difficulties in accessing information. Structured information must be easy to understand; however, websites at different levels of public administration require prior knowledge of categories/subjects, departments/sections of bodies, and types/formats of documents that are difficult for ordinary citizens to assimilate. It is precisely in this niche that information professionals can act by promoting studies of portal and SIC users and promoting the review of categories, standardization and language adaptation. Without the work of these professionals, the process of locating and understanding information will be more complicated.

Frame 4 presents each country's legislation on who can request information from public bodies.

Table 4 – Legitimate to request information

Country	What the standard says
Brazil	Any interested party and the request must identify the applicant and specification of the information (Brasil, 2011)

Sweden	Any interested party may apply to the public authority that holds it (Suécia, 1766).
Italy	Anyone can submit a request for information (Italia, 2016).
Mexico	Anyone can request information (Mexico, 2015).
Chile	Except in exceptional cases, any person has the right to request and receive information contained in acts, resolutions, minutes, files, contracts, and agreements, as well as all information prepared with a public assumption, regardless of the format or support. The request must be made in writing and must contain the applicant's full name and address, clear identification of the information desired, the applicant's signature, and the body to which it is intended (Chile, 2008).
U.S	Anyone, citizen or not, can make a FOIA request. There are no specific forms to use. This must be done in writing, where the applicant must describe in detail the information they need and how they wish to receive the response. Each agency may have its own rules for requesting information (Estados Unidos, 1966).
Spain	In the application, any interested party must include the applicant's identity, desired information, contact information, and how they wish to receive the information (Espanha, 2013).
Argentina	A natural or legal person, public or private. The document must contain the applicant's identity and clear identification of the desired information, and the applicant's contact should follow formalities (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

With regard to holders of the right to access to information, all compared laws are unanimous in legitimising the right of any natural or legal person to request information. The expressions used by the laws, any interested party, any person, and every natural and legal person, make it clear that there are no restrictions on residence, domicile, or citizenship to request information.

The need to identify the applicant is one of the main factors that inhibit the request for information. Therefore, the federal government intends to amend the decree that regulates the Information Access Law with rules that guarantee the requester's identity confidentiality.

Access to information has some exceptions. As shown in frame 5, each country imposes its own restrictions on access to public information.

Table 5 - Restrictions on access to information

Country	What the standard says
Brazil	When it puts national sovereignty or the integrity of the national territory, international negotiations or relations, the life, safety, or health of the population at risk, it poses a risk to financial, economic, or monetary stability, harms scientific and technological research and development projects, endangers the security of institutions or high-ranking national or foreign authorities, and compromises ongoing intelligence, investigation, or inspection activities (Brasil, 2011).
Sweden	The right to participate in public documents may be limited if they concern national security or its relationship with another state or international organisation, fiscal and monetary policy, activities of inspection, control or other supervisory authorities, public economic interest, the protection of circumstances personal or financial interests of individuals or interest in conserving animal or plant species (Suécia, 1766).
Italy	Information may be refused to avoid harm to the protection of public security and public order, national security, defence and military issues, international relations, political and financial and economic stability of the state, carrying out investigations into crimes and their criminal prosecution, performing regular inspection activities, for the protection of personal data, freedom and confidentiality of correspondence, the economic and commercial interests of a natural or legal person, including intellectual property, copyright law, and

	commercial secrets (Italia, 2016).
Mexico	All information generated, obtained, acquired, transformed, or in the possession of federally obligated subjects is public and accessible to anyone and may exceptionally be classified as confidential and temporarily reserved for reasons of public interest and national security. Individuals will have access to them under these laws (México, 2015).
Chile	The reasons for applying secrecy and reservation in cases where publicity affects the due fulfilment of the functions of the requested body, when it is a generic request or referring to a large number of administrative acts, when it becomes necessary to use a large number of employees and affect their activities, when it affects the rights of people, particularly when it concerns their safety, health, private life and rights of a commercial and economic nature, when it affects national security, public security, international relations and the country's economic and commercial interests. When dealing with documents, data, or information that the law declares to be reserved or confidential (Chile, 2008).
U.S	The FOIA establishes categories of restrictions called exemptions. There are nine categories of exempt information: to protect national security; information relating to an agency's internal personnel rules or practices; information whose disclosure is prohibited by federal law; information related to commercial or financial secrets; information related to communications between agencies protected by legal privileges, which include: lawyer's professional secrecy, lawyer-client professional secrecy, professional secrecy of the deliberative process; professional confidentiality of presidential communications; information that may invade personal privacy; information compiled for law enforcement purposes; information associated with the supervision of financial institutions; and geological information in wells (Estados Unidos, 1966).
Spain	The right of access may be limited when access to information harms

	national security, defence, foreign relations, public security, the prevention, investigation and sanction of criminal, administrative and disciplinary offences, the equality of parties in judicial proceedings, the administrative functions of surveillance, inspection and control, economic and commercial interests, economic and monetary policy, professional secrecy and intellectual and industrial property, ensuring the confidentiality of the secrecy required in processes and the protection of the environment (Espanha, 2013).
Argentina	The right of access will be limited when the information is classified as reserved, confidential or secret for reasons of defending foreign policy, information that could endanger the correct functioning of the financial and banking system, industrial, commercial, financial, scientific, technical secrets and technological that may harm the competitiveness of those obliged to provide information, which compromises the rights and interests of third parties obtained on a confidential basis, information held by the Financial Information Unit that is part of the investigation of illicit acts, information produced by regulatory and supervisory bodies of financial institutions, information prepared by legal advisors of the national public administration whose access could harm the processing of legal proceedings, professional secrecy, personal information, information that could cause danger to the life and safety of the individual, information protected by international treaties, the disclosure of which could hinder the success of an investigation, information from a corporation subject to the public offering regime (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

The laws in question present a series of restrictions on access to information, which often leads public bodies to classify information to fit it into one of the restrictions imposed by law. National security, as observed in all laws, is one of the most used restrictions, especially regarding federal government information, since individuals find it difficult to evaluate information that could

harm the country.

The laws impose a series of restrictions that allow the classification of various information as restricted, making it difficult to judge which information will harm the country's economic, financial, professional, institutional system, etc. Access to personal information will also be limited. Frame 6 presents personal information processing in each country.

Table 6 - Processing personal information

Country	What the standard says
Brazil	The processing of personal information must be conducted in a transparent manner with respect to intimacy, private life, honour and image of people, and individual freedoms and guarantees. Personal information relating to intimacy, private life, honour and image will have restricted access to legally authorised public agents and the person to whom they refer, regardless of secrecy classification and for a maximum period of 100 (100) years from the date of production (Brasil, 2011).
Sweden	Restricted access to information about an individual's health or sexual life, such as information about illness, abuse, sexual orientation, gender change, sexual crime, or other similar information, when it causes distress to someone close to them (Suécia, 1766).
Italy	Protection of personal data in accordance with applicable legislation (Italia, 2016).
Mexico	Personal information is protected. Individuals who provide information to public bodies must identify what is confidential. Personal information may only be made available with the authorisation of the individual who provided it. Personal information relates to ethnic origin, physical, moral, emotional, affective, family characteristics, home, contact, heritage, ideology, politics, beliefs, religion, and physical or mental state (México, 2015).
Chile	Restricted access affects personal rights, particularly their safety and health in the sphere of their private life (Chile, 2008).

U.S	Personal, medical, and similar file information meets exemption requirement number 6. When disclosure can reasonably be expected to constitute an unwarranted invasion of personal privacy (Estados Unidos, 1966).
Spain	If the requested information contains personal data that reveal your ideology, union affiliation, religion, and beliefs, it can only be provided with the express authorisation of the person concerned. If the information contains personal data relating to race, health, and sexual orientation, genetic data, or criminal and administrative offenses, the express authorisation of the affected person or if any law authorises it. When personal interest overrides public interest. When the requested information contains specially protected data (Espanha, 2013).
Argentina	Restricted access (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

Laws protect personal information by guaranteeing special treatment aimed at protecting individuals' dignity, intimacy, private life, honour and image. Some countries, such as: Brazil, Sweden, Chile, the United States, and Argentina, restrict the laws in these cases; others, such as Mexican and Spanish law, provide for their availability with the authorisation of the individual to whom the information belongs. Italy has a specific law that regulates access to and protection of personal information. The shall by this law. With the need to regulate the processing of personal data in Brazil, Law No. 13,709—General Personal Data Protection Law was enacted in 2018 to protect personal data made available in physical or digital media. Some information may be classified as confidential; each country adopts a method for classifying its information's degree of confidentiality, as shown in frame 7.

Table 7 - Degree of information confidentiality

Country	What the standard says
Brazil	They can be classified as top secret: 25 years, secret: 15 years and reserved: 5

	years) (Brasil, 2011).
Sweden	The obligation to provide confidentiality of information may be waived (Suécia, 1766).
Italy	We did not find any information on the confidentiality degree of the information (Itália, 2016).
Mexico	Reserved: Confidential information is not subject to temporality until 05 years; only those authorised by law may have access (México, 2015).
Chile	Secret or reserved. The law does not specify in its text the duration of each degree of secrecy (Chile, 2008).
U.S	The Congress has provided special protection for three narrow categories of national security and law enforcement records. They are known as exclusions (Estados Unidos, 1966).
Spain	We did not find any information on the degree of confidentiality of the information (Espanha, 2013).
Argentina	Reserved, confidential or secret. The law does not specify in its text the duration of each degree of secrecy (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

Brazil is the only country in which the degree of information confidentiality is classified as top secret, secret, or reserved, and the confidentiality period is assigned for each classification. Argentina classifies the degree of confidentiality of its information as reserved, confidential, or secret, but does not assign the period during which the information must remain confidential. The Italian and Mexican laws did not specify the secrecy degree of restricted information. Frame 8 presents the reasons for requesting information and the guidelines established by each country.

Table 8 - Motivation Presentation

Country	What the standard says
Brazil	Any requirements relating to the reasons for determining the request for information of public interest are

	prohibited (BRASIL, 2011).
Sweden	No public authority is authorised to inquire into the purpose of your request, except to the extent that such inquiry is necessary to enable the authority to judge whether there is any obstacle to the disclosure of the document (Suécia, 1766).
Italy	The applicant does not need to provide reasons for requesting the information (Italia, 2016).
Mexico	According to the law, motivation is not relevant to the provision of information (México, 2015).
Chile	The applicant does not need to provide motivation to support their request (Chile, 2008).
U.S	The applicant was not required to provide a reason for their request (Estados Unidos, 1966).
Spain	The applicant need not provide reasons for the request. However, you can indicate the reasons why you requested the information, which can be considered when the resolution is issued (Espanha, 2013).
Argentina	The applicant does not need to motivate their request (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

As provided for in the Brazilian information access law, the interested party does not need to motivate their request in any compared law. In the case of Swedish law, the public authority may request motivation to judge whether the availability of information may cause harm to the state or to an individual. The Spanish law does not require the motivation to be presented; however, this helps to fulfil the request.

A relative consensus does not consider the reasons for the demand for such information. Population control over the activities of public entities is facilitated when citizens do not need to explicitly express their intentions explicit. This would be a type of “inverted Foucauldian panopticon,” as public authorities can be asked to provide information to any

individual at any time without knowing the requester’s motivation.

The applicant hopes to receive information as quickly as possible. Each country determines the deadline for meeting information requirements in its law, as shown in frame 09.

Table 9 - Deadline for making available information

Country	Standard states:
Brazil	Deadline of 20 days, which can be extended for another 10 days (Brasil, 2011)
Sweden	Immediately or as soon as possible (Suécia, 1766).
Italy	Deadline of 30 days (Italia, 2016)
Mexico	Notification of a decision must be made within 20 working days. After notification, the information must be provided within 10 working days (Mexico, 2015).
Chile	Deadline of 20 working days, which can be extended for another 10 working days (Chile, 2008).
U.S	The time response depends on each request’s complexity. However, the established standard deadline is 30 days (Estados Unidos, 1966).
Spain	Deadline of 30 days, which can be extended for another 30 days (Espanha, 2013).
Argentina	Deadline of 15 days, which may be extended for another 15 days (Argentina, 2016).

Source: Brasil, 2011; Suécia, 1766; Itália, 2016; México, 2015; Chile, 2008; Estados Unidos, 1966; Argentina, 2016.

The Swedish law is the only one that does not provide a deadline for making the requested information available; the other laws have adopted deadlines that do not exceed 30 days, except in Spain, where the deadline for responding to the request can reach 60 days. However, to meet this deadline, information services in the various spheres of public administration need to have physical and digital document processing processes already developed and in full operation. For this to occur, especially at the municipal level,

archivists and IT professionals must make significant efforts. In Brazil, such public functions are absent at the municipal level.

In a recent study, in a municipality in the interior of the State of São Paulo, Ripoli (2022) highlighted problems in the processes of processing and disseminating information, including the lack of professional archivists and a more precise performance of information technology professionals. For deadlines to be met, from the demand for public information to the dossier with the response, this bottleneck needs to be addressed, especially in city halls, as is the case in Brazil.

When comparing the laws, several commonalities have been adapted to their reality. Countries where the law on access to information has been more recently enacted have appropriately adapted the laws previously enacted by other countries.

An increasing number of countries are recognising the right to information as a fundamental human right. In Sweden, the right to information gained recognition in 1776, not as a fundamental human right but as a utilitarian benefit. The right to information was elevated to a fundamental right only much later, specifically in Brazil, with the 1988 promulgation.

Simply creating a law that allows citizens to have access to information is not enough to realise this right. Much depends on the political will. However, the adoption of a law on information access represents the first step towards administrative transparency.

Information science and its professionals will be required to shape processes and more quickly meet demands. These skills of processing, organising, disseminating information, and conserving documents are not always present in professionals who work at the lowest levels of the public administration hierarchy.

According to Machado and Camargo (2000, p. 17), “whatever the size of the municipality, there is a close correspondence between the social demand for services and the institutions of public power created to satisfy them.” For the authors, the circulation and accumulation

of documents in archives “are a natural consequence of this process, a kind of necessary product of each body’s functioning” (2000, p. 17).

According to CONARQ (2014), the municipal public administration must create a municipal public archive to guide, coordinate, and supervise the processing of public documents from their creation and receipt to their safekeeping and preservation to guarantee full access to the information contained therein.

However, most Brazilian municipalities lack public archives with qualified professionals who manage public documents. In the state of São Paulo, according to data from the State Public Archive, of the 645 municipalities in the state, only 149 have public archives, that is, only 23% of municipalities have structured public archives to support the information service (São Paulo, 2021).

5 Final Considerations

The Information Access Law is an instrument that aims to guarantee access to public information, enabling citizens to receive information of particular, collective, or general interest from public bodies, always respecting the hypotheses in which the information is considered confidential. This law represents only the current stage of the normative development of the Brazilian state since 1988. The Brazilian law on information access is the most advanced, as demonstrated in the comparison. However, the law alone is insufficient to provide full access to information. Citizens must exercise their right to access and have tools at their disposal that guarantee access to information in an agile, transparent, and understandable manner. Although the topic is presented in different countries, the practice of transparency and ease of access to information depends on the professional conditions of the most different spaces. Accordingly, a demand exists for professionals with knowledge of information science to perform the Brazilian project of being a state whose free access to information is the rule.

Referências

- Argentina. (2016). Ley 27.275, de 14 de septiembre de 2016. Ley de acceso a la información pública. Buenos Aires, Buenos Aires, Argentina: Boletín Nacional. <https://observatoriolegislativocele.com/en/access-to-public-information-law-27275/>.
- Arruda, C. S. (2020). O princípio da transparência. São Paulo: Quartier Latin.
- Bento, L. V. (2015). Access to public information: Bento, L. V. (2015). Acesso a informações públicas: princípios internacionais e direito brasileiro. Curitiba, 2015: Juruá.
- Brasil. (05 de outubro de 1988). Constituição. Constituição da República Federativa do Brasil. Brasília, DF, Brasil: Diário Oficial da União.
- Brasil. (2000). Lei complementar n.º 101, de 04 de maio de 2000. . Estabelece normas de finanças públicas voltadas para a responsabilidade na gestão fiscal e dá outras providências. Brasília, DF, Brasil: Diário Oficial da União.
- Brasil. (2009). Lei complementar n.º 131, de 27 de maio de 2009. Acrescenta dispositivos à Lei Complementar no 101, de 4 de maio de 2000, que estabelece normas de finanças públicas voltadas para a responsabilidade na gestão fiscal e dá outras providências, a fim de determinar a disponibilização, em tempo real, de infor. Brasília, DF, Brasil: Diário Oficial da União.
- Brasil. (2011). Lei n.º 12.527, de 18 de novembro de 2011. Regula o acesso a informações previsto no inciso XXXIII do art. 5º, no inciso II do § 3º do art. 37 e no § 2º do art. 216 da Constituição Federal; altera a Lei nº 8.112, de 11 de dezembro de 1990; revoga a Lei nº 11.111, de 5 de maio de 2005, e dispositiv. Brasília, DF, Brasil: Diário Oficial da União.
- Brasil. (2014). Guia resumido de como criar um Arquivo Público Municipal. Transparência e acesso à informação para o exercício da cidadania. Rio de Janeiro: Arquivo Nacional.
- Brasil. (2016). Lei Complementar n.º 156, de 28 de dezembro de 2016. Estabelece o Plano de Auxílio aos Estados e ao Distrito Federal e medidas de estímulo ao reequilíbrio fiscal; e altera a Lei Complementar no 148, de 25 de novembro de 2014, a Lei no 9.496, de 11 de setembro de 1997, a Medida Provisória no 2.192-70, de 24 . Brasília, DF, Brasil: Diário Oficial da União.
- Canhadas, F. A. (2018). O direito de acesso à informação pública: o princípio da transparência administrativa. Curitiba: Appris.
- Chile. (2008). Ley n.º 20.285, de 11 de agosto de 2008. Regula el principio de transparencia de la función pública, el derecho de acceso a la información de los órganos de la Administración del Estado, los procedimientos para el ejercicio del derecho y para su amparo, y las excepciones a la publicidad de la in. Santiago, Chile: Congreso Nacional de Chile.
- Espanha. (2013). Lei n.º 19, de 09 de dezembro de 2013. De transparencia, acceso a la información pública y buen gobierno. Madrid, Espanha: Boletín Oficial del Estado.
- Estados Unidos. (1966). Freedom of Information ACT (FOIA). Washington, Estados Unidos: Department of Justice Guide to the Freedom of Information Act .
- Flick, Uwe. Introdução à pesquisa qualitativa. Porto Alegre: Artmed, 2009.
- Gil, Antonio Carlos. Métodos e técnicas de pesquisa social. – 7. ed. – São Paulo: Atlas, 2019.
- Gomes, R. d., Paulino, F. O., & Farranha, A. (mar. de 2020). Leis de Acesso à Informação na América Latina: uma análise comparativa entre o Brasil e a Argentina. Confluências - Revista Interdisciplinar de sociologia e direito, pp. 115-136.
- Itália. (2016). Decreto Legislativo n.º 97, de 25 de maio de 2016. Revisão e simplificação das disposições sobre a prevenção da corrupção, publicidade e transparência, corretiva da lei de novembro de 2012, n.º 190 e do decreto legislativo de 14 de março de 2013, n.º 33, nos termos do artigo 7 da lei de 7 de agosto de 201. Roma, Itália: Gazzetta Ufficiale.
- Martins Júnior, W. P. (2010). Transparência Administrativa: publicidade, motivação e participação popular. São Paulo: Saraiva.
- Machado, H. C., & Camargo, A. d. (1999). Como implantar arquivos públicos municipais. São Paulo: Arquivo do Estado.
- México. (2015). Ley general de Transparencia y Acceso a la información pública. Ciudad de

México, México: Diário Oficial de la Federación.

Paes, E. (2012). International Influence on the Construction of the Right to Access to Information in Brazil. Public rights. <https://www.portaldeperiodicos.idp.edu.br/direitopublico/article/view/2125>.

Paes, E. B. (dez. de 2012). A Influência Internacional na Construção do Direito de Acesso à Informação no Brasil. Direito Público.

Ripoli, S. C. (2022). Organização e acesso à informação pública: Um estudo de caso na Prefeitura Municipal de Sabino/SP. Dissertação (Mestrado em Ciência da Informação) - Faculdade de Filosofia e Ciências. Marília, São Paulo, Brasil: Universidade Estadual Paulista "Julio de Mesquita Filho" - UNESP.

São Paulo (2022). Assistência aos Municípios: Gestão Documental. Acesso em 16 de mai de 2023, disponível em Arquivo Público do Estado de São Paulo: http://www.arquivoestado.sp.gov.br/web/guest/assistentia_municipios.

Soares, F. d., Jardim, T. D., & Hermont, T. B. (2013). Lei de Acesso à Informação no Brasil: o que você precisa saber. Brasília: Senado Federal.

Suécia. (1766). <https://www.rti-rating.org/country-data/Sweden/>. Estocolmo, Suécia: Suécia.