

Chapter Four

Transparency in Local Government

A Case Study of Transparency in Hamburg and Antwerp: Giving People What They Need?

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1 Introduction

For dialogue and consultation to take place and change to happen, the authorities need to communicate to their electorate. Indeed, citizens need to be informed in order to become politically active. And only an engaged electorate can influence state capability, accountability and responsiveness. In other words, public transparency initiatives – ultimately aiming at increasing trust and participation- can only be successful insofar they allow the citizens to access and decode all relevant information. For the ideals strived for by transparency to come true and thus for democracy to become fully legitimized, it is vital that real transparency is achieved. It is in the nature of the matters treated by local governments to be intrinsically linked to the social environment of the citizens. The fact that local governments deal with citizens' daily needs and problems adds to the importance of the relationship between these two parties.

This paper examines through what means local government can realize transparency policies and to what extent real transparency is achieved. We conduct a comparative study of information policies in Hamburg and Antwerp. In these studies we compare how both cities score on building real transparency in implementing laws aimed at increasing transparency. We define six indicators of real transparency in section 2 *Indicators of Real Transparency*. The aim of this paper is to show that there can be limits to the transparency effect of information distribution in terms of what is necessary, useful and understandable information transmitted to the public. Ill-considered implementation of right of information and transparency policies is not sufficient. We claim that, the subjective quality of the information, in terms of accessibility but also understandability is of overriding importance.

This paper adopts a qualitative, inductive, and case study based analysis. The first case

selection is based on the 'transparency law' in Hamburg. In October 2012, the regional government of Hamburg passed the new transparency law which from that point onwards substitutes the former right for information of Hamburg's citizens. The case of this northern metropolis constitutes an interesting point of analysis. The law's novelty within Germany and even Europe makes Hamburg a case worthwhile for examination. In the era in which transparency seems to become ever more important, the 'transparency law' shows an example of policy implementation, still undetermined to function or fail. Since the law is not yet fully implemented and the online open archive of governmental documents will not be in place before 2014, the research is based on an analysis of the rationale behind the incentive and the methodological and implementation plans of the city of Hamburg.

Primary sources such as online documents stemming from Hamburg's government website will be used for retrieving facts and details on the project of Hamburg as the 'capital of transparency'. Online newspaper article as well serve as an additional source for information. Furthermore, a study conducted on the Transparency law provides the case analysis with main information on background and purpose of this act. Websites of the initiators such as 'Transparency International' and 'Transparenz schafft Vertrauen' are being elaborated on for motivations and non-governmental opinions on transparency in Hamburg's government.

Our second case study treats the communication strategy of the city of Antwerp with regard to proactive access to information. Antwerp is a medium sized city with a striking diversity in its citizenry. As an important economic motor, arts center and cultural melting pot Antwerp enjoys a very unique though multifaceted identity. The city seems to handle this diversity well, and has developed communication guidelines in order to reach all citizens in a way which is understandable and useful for them. Is attention for communication enough to constitute real transparency? The research looks at *how*, but also at *what* is communicated in order to boost transparency. The communication methods as well as the information itself are analyzed. The case study is based on a combination of desk research and qualitative field research. Use is made of primary sources. These include official documents such as the Flemish Public Access decree and its evaluation, Antwerp's Digital Communication Strategy, and so on. Additionally, the two key communication channels are looked into. Recent editions of Antwerp's door to door magazine are taken into consideration, and the central official website of the city (antwerpen.be) is put under the microscope. Finally, a semi-structured interview with the Communication and Marketing and with the Juridical department of the city of Antwerp sheds light on the rationale behind the cities approach.

There are certain limitations to this project which might restrict the impact of the outcomes as such. In the case of Hamburg, the law has not yet been fully implemented. This could pose difficulties in collecting all necessary information regarding the impact or concretely intended impact of the legal act. The specific incentive behind Antwerp's approach is not clearly visible. It is therefore challenging to trace back how the current strategy developed and what particular situation sparked it in the first place. In the case of Hamburg, the ignition point of the targeted transparency initiative is identifiable, Antwerp on the other hand, can only be situated in a general tendency.

This chapter first introduces six indicators for achieving real transparency that we derived from transparency and communication theories. Next the cases of Hamburg and Antwerp are presented and the criteria are applied to both situations respectively. The implications of our findings are elaborated upon in the final section.

2 Indicators of Real Transparency

Bringing together notions common to transparency and communication theories, we set up a model of objective indicators for measuring the degree of real transparency. These criteria are based on the analytical framework of the previous sections. The impact of each one of these criteria on transparency was highlighted in several large-scale studies (Fung, Graham, Weil; AGA; Darbshire; Shedroff). This research brings them together as a model for measuring real transparency, and consequently as implementation guideline.

For the purpose of our paper effective communication, and thus achieving real transparency, involves *the disclosure of information by the local government, made easily accessible and understandable to all subjects in the municipality. This is done so with regard to the different needs and decoding capacities of the citizens, and in a timely and accurate fashion, stating purpose, use and context of the document. This way it allows the electorate to transform data and information into knowledge and understanding.* The effort of the local governments of Hamburg and the city of Antwerp will be tested against these indicators.

-1- Target audience based communication

"To be successful, transparency policies must [...] above all, must focus on the needs of ordinary citizens" (Fung, Graham, Weil, 2007, p.i). To find out what the people want and need, however, it is important to understand the intended recipients (AGA, 2011, p.6). The target audience cannot always simply be defined as 'the citizens'. Sometimes

public or private organizations, or categories such as ‘taxpayers’, ‘immigrants’, ‘parents of college goers’,... constitute the specific target audience for a piece of information. It is also possible that different audiences or categories have different needs and interests concerning certain topics. Different segments of the overall citizen audience can require different approaches. To find out what the intended recipients want, AGA suggests carrying out surveys.

-2- (Physical) Accessibility

“For real transparency, the information or data should be easy to find” (AGA, 2011, p.6). Accessibility in this context simply relates to costs and efforts demanded by the citizen to access the information (both aggregate information and raw data), and the channels of information distribution.

-3- Understandability (Cognitive accessibility)

For the purpose of this research understandability is understood in terms of organization and display of the information, and in terms of the clarity of its content and presentation. In designing understandable information regard needs to be had to the intended recipients. This is because the purpose of the communication and the audience’s capacities to decode it may differ.

Organizing the information can play an important role in facilitating the digestion of the message. Depending on the situation different organization methods should be used (Shedroff, 1994, p.5-6). For example, chronological ordering of documents or alphabetic registers can be very useful when the user knows exactly what he is looking for, but can be cumbersome and discouraging to those who are not yet introduced to the topic or are looking for more general information. The organization of information is closely linked to its accessibility.

The information disclosed by a government to her citizens is often complex and covers many aspects, details, numbers and raw facts on a specific topic. Effective and understandable communication is not about ‘dumbing down’ this information and reduction to empty, “bite-sized” chunks of data. As opposite to such simplicity, effective public communication needs *clarity* aimed at illuminating the information by focusing on one message at a time and presenting the information in an accessible and orderly manner (p.9). Clarity refers both to linguistic coherence and adaptation of the language to the audience, as to the body and structure of the communication.

-4- Context and purpose

Providing the recipient with context and purpose aids the understandability. Some context is needed for the audience to understand the meaning of the disclosed information. “The ideal way to provide information is as a top-level summary with the ability to drill down to the actual [transition] data level” (AGA, 2011, p.6). User-friendly reports should introduce the reader to the bigger picture and provide him with aggregated and summarized information. At the same time the report should refer to where to find the raw and detailed information, which should at its turn also be easily accessible. It is important to provide the audience with information in a context that it can relate to. Again, it is important to keep the intended recipients in mind.

-5- Careful selection: relevance

What and how much information should be disclosed is in essence a question of relevance. In a time of digitalization, with a multitude of relatively easy and little time consuming communication tools at hand, one should be vigilant not to create an overload of information. Our current societal focus on information technology and need for transparency might expose a government to the risk of leaving her citizens, to quote John Naisbitt, “drowning in information but starved for knowledge”.

A research of the World Bank Institute identifies a standard of 14 classes of information that should be automatically disclosed. The list includes institutional, organizational and operational information as well as information on rights and budgets for example (Darbishire, 2010, p. 21-22)¹⁷. Also, frequent requests for certain information to an authority can act as an indicator as to what information to disclose proactively (p.17).

Without guidance and selection, the citizen would inevitably find himself lost in an insurmountable volume of data and information. Public communication would be ineffective as prioritization and meaning would fade, as the citizen loses sight over what to care for and why. Publishing every bit of information does not increase the audience’s understanding, but on the contrary leads to confusion and rising distrust. Consequently, publication of all information without careful selection will lead to less transparency. In the words of Kurt Vonnegut: “Everything is nothing, with a twist”.

-6- Accuracy and Timeliness

Information should be available in a timely fashion. Proactive disclosure –at least for

17 See Annex for the complete list and brief explanation of this “emerging minimum standard for proactive disclosure”.

some major classes of information-, instead of disclosure upon request, is therefore an indispensable step towards increased transparency. “Information is a perishable commodity and to delay its publication even for a short period may well deprive it of all value and interest” (ECHR, 2008). One of the most common grievances is when dealing with proactively disclosed information, for example online, is that “information is not regularly updated, thus undermining public confidence and potentially causing problems for users who might be relying on information that is not accurate” (Darbishire, 2010, p.30).

3 Hamburg – Capital of Transparency?

3.1 Context

In 2011, members of the non-profit and non-government organisations ‘Mehr Demokratie e.V. Hamburg’, ‘Transparency International’ and the ‘Chaos Computer Club’ started to collect signatures for their initiative “Transparenz schafft Vertrauen” (“Transparency creates Trust”) to increase transparency in the government of the free hanseatic city of Hamburg - this metropolis being one of the 16 ‘Länder’ of Germany. Generally, ‘Mehr Demokratie e. V.’ promotes the right for public referenda in order for citizens to directly engage in, and vote on important and diverse political matters (Mehr Demokratie! Hamburg, 2013). More commonly known are the basic principles of ‘Transparency International’ namely the ones of integrity, responsibility, transparency, the participation of civil society, and the fight against corruption (Transparency International Deutschland e.V., 2013). The Chaos Computer Club constitutes a network formed by technology specialists which deals with security and privacy aspects of technology. More specifically it aims at promoting freedom of information and the creation of a human right enabling people to have access to unhampered communication (CCC, 2013).

These three organizations met after it was made public that the construction project of the Elbphilharmonie – a new concert hall in Hamburg – would severely exceed the anticipated costs (to around 500 million Euro) and that its opening would need to be postponed to 2015 instead of the initial date in autumn 2009. Members of these meetings were convinced that it was the lack of transparency in government and involved firms which led to the disastrous situation they put themselves and, in turn, Hamburg’s citizens in. Therefore, an increase of transparency and the inclusion of citizens in processes at an early stage would prevent corruption and incorrect planning of such large-scale projects financed by taxes paid by the population. Hence, the relative proximity of this concern to the population of Hamburg

ensured the immense public support for the initiative. By the end of 2011 15,000 signatures were collected which prompted the city parliament to put this initiative on its agenda. The parliament discussed the submitted paper with the consultation of experts in February 2012 and issued a revised version of the document. After some alterations were added by the initiators in April, the law was unanimously decided upon in June and entered into force on the 6th of October 2012. The absence of opponents to this law was striking. However, this could be explained by the pressure put on the Hamburg politicians to hear the citizens that were recently overrun by the miscalculations concerning Elbphilharmonie. The process of this initiative can be rated as a success considering the small amount of time that was necessary for the parliament to vote in favor. Within a transitional period of two years, the law should be implemented and enter into practice in its entirety by 2014 (Volksinitiative: *Transparenz schafft Vertrauen*, 2013a).

Consequently, what changes are introduced by the HmbTG (Hamburger Transparenzgesetz – Hamburg Transparency Law) in comparison to the former German Freedom of Information Act (FOIA)? Put simply, what does it legally state? In comparison to the former German Freedom of Information Act (FOIA), the HmbTG established a central Information Registry which allows for insights into all publications. This Registry is generally and freely accessible online and only chargeable where a request is needed. The former law was based on request and, hence, was associated with costs in any case. More important is the newly introduced duty to publish information that in every aspect could be of potential public interests. The HmbTG does not just enable natural and legal persons to gain access to that information, but also any other kind of group - such as citizens' initiatives - by extending the right of access to information. Furthermore, it precisely states exceptions to the law (e.g. courts) instead of just vaguely determining criteria for them. At the same time, it extends the authorities term to integrate private companies that administer public tasks or services (Volksinitiative: *Transparenz schafft Vertrauen*, 2013b). On these grounds, the Free and Hanseatic city of Hamburg has “currently one of the most progressive Freedom of Information Acts in Europe” (NYC Global Partners, 2012). Additionally, with the implementation of this law, Hamburg is seemingly the most transparent German state by moving away from official secrecy to the ‘Open-Government Data’ principle (HmbTG, *Allgemeine Begründung [General Rationale]*).

3.2 Capital of Transparency: Illusion or Reality?

Hamburg’s Transparency law has five specific objectives at its core. First, it aims to impede corruption and manipulation of contracts. Second, it envisages to reduce waste of tax

money and, third, bureaucracy. In addition, it should strengthen trust of governmental administrators and the general public to finally facilitate participation of its citizen (NYC Global Players, 2012). Can these aims be realized by the articles of the HmbTG as they are elaborated on in the previous section? Is this law really turning the northern German metropolis into the 'Capital of Transparency'? The HmbTG might be one of the most far-reaching attempts in creating Open-government structures. However, does this law with dissemination duty lead to real transparency? The following subsection seeks answers to these questions by analysing Hamburg's Transparency Law according to the criteria explained above. The organization and realization of the law into practice through the open data portal is still taking place. Nevertheless, a first analysis of what is already being provided and what is expected to be disclosed by full implementation can already be executed. This could give valuable insights enabling a proactive improvement of the law.

First of all, as far as the available information concerns, the law does not specifically take the *target audience* into account. A particular audience is not mentioned nor is it defined. It seems that there is just no focus on target audience based communication. This in turn implies that there is no regard to the needs of the citizens and no efforts made to understand the potential recipients who could be taxpayers, immigrants and private organizations and more and who are in need for different approaches in information dissemination. The emphasis is rather on general disclosure of documents and information regardless of characteristics of its consumers' needs.

Nevertheless, the law envisages creating a free Open data portal which should enable the citizens to easily *access* information, without any charges attached to it. Even though this is not yet realized in its entirety, the aim is to completely rely on this kind of pro-active Information Registry from 2014 onwards. Whether or not everyone is being reached by then, is hard to estimate considering the relative novelty. For now, insights into documents are still only available after having them requested for which charges regarding delivery costs by mail or other associated finalities are levied. Therefore, easy and free accessibility is not yet achieved. The implementation process has to be overseen in order to secure the future improvement of the law's objective although for some information requests the current method (as it is explained in section two of the HmbTG) might remain.

As already pointed out, the open data portal is still in its 'beta-version' which means that final statements cannot be made. Yet, the current state of development can be commented on in regard to *understandability*. The available documents are ordered thematically according to the responsible departments which makes it at first sight easy to find information if the content of it is already known. Unfortunately, only a few documents or files are introduced by their summarized content. There is still a lack of

coherence in the display of data as such. Furthermore, the form of electronic files which sometimes are not wide spread among the ordinary citizen, does assume every citizen to hold the specific program to access those. Consequently, the lack of the content's summary – lack of simplicity and clarity – the disregard of language towards the audience poses difficulties to understand the key meaning of the information provided. This should be developed further and improvement in this direction should be considered.

In addition, aggregated and summarized information is important to give *the context and purpose* of the data available. This shall lead to a better understanding of its meaning and the grasping of the bigger picture. Nowhere is referred to the attempted achievement by disclosing a particular document, or to the key message or goal. References to other useful data are not provided either. This might be due to the little development that took place so far. Nonetheless, again it gives the impression that there is no focus on how - in which form - the information is provided, but instead merely on *that* it is put online in whatever way.

Another point that might be worth taking into consideration while establishing a well-functioning open-data portal for enhanced transparency within Hamburg's administration is the careful *selection* according to the *relevance* of informative documents. It is vital to estimate what and how much information should be provided to the public in order to avoid the danger of an overload of information. As already mentioned above there are 14 classes of information that should be disclosed (cfr. Annex). The HmbTG specifies an extensive list of information categories to be disclosed proactively (Article 3).

Thus, a great deal of the 14 classes of information is included within the HmbTG disclosure mechanism. While personnel information is not as deliberately disclosed, some more data on construction plans such as on potential environmental issues and, more generally, local development plans and landscape plans are at the focus of the duty to inform and publish. This could be linked to Hamburg's case of the Elbphilharmonie which was stigmatized by misinformation to the public regarding anticipated costs and duration of its construction. However, specific selection criteria and a proper reasoning for or against particular kinds of information are not mentioned. A proper discussion on what and how it shall be published is essential to circumvent confusion and distrust of the citizens.

Although until 2014 a large amount of documents still needs to be requested, - what concerns accuracy and timeliness - the law through its open data portal aims mostly for pro-active disclosure combined with case-by-case requests. Moreover, as it is stated in article 10, changes to the information disclosed must be added at any point of time to ensure accuracy of the data. Whether or not previous reports will be still accessible is not

possible to evaluate yet. Nonetheless, the law aims at disclosure of contracts one month before the final decision is taken within which reactions could be considered. Thus, the HmbTG incorporates the principle of accuracy and timeliness which have to be evaluated throughout the whole process of implementation and the aftermath.

4 The City of Antwerp

4.1 Context

In line with international developments and trends, the principle of public accessibility of official documents is enshrined in Belgian federal and regional law. It is important to underline that the legal duties on governmental entities concerning proactive transparency are in no means restrictive, but on the contrary, constitute minimum regulations. Local governments can therefore opt for a broader interpretation (Schram, 2002, p.169). Next passive accessibility of official documents to the public (via requests), the 2004 Flemish Public Access Decree (Vlaamse openbaarheidsdecreet van 26 maart 2004¹⁸, later referred to as public access decree) frames proactive disclosure by public institutions. The decree endorses proactive transparency and openness by stating that

“Every [concerned] instance has the obligation to inform the population or the concerned target groups in a systematic, correct, balanced, timely and understandable manner on her policies, regulations and service provision, as well as on the rights the population acquires by virtue of this decree” (Art. 28 §1 Flemish Public Access decree; own translation).

The evaluation of this public access decree, regulating the disclosure of official documents, revealed that Antwerp, as largest participating city, did not encounter a large number of information requests (passive disclosure). This could be due to the way in which requests were treated, but it can also be indicative of successful active information dissemination. Indeed, the more a city communicates actively, the less often interested citizens are necessitated to file a request (Vlaamse overheid, 2009, p. 9).

18 Decreet van 26 maart 2004 betreffende de openbaarheid van bestuur, accessible on http://www2.vlaanderen.be/openbaarheid/openbaarheid/downloads/openbaarheid_decreet.pdf; for more information on this Flemish Parliament decree refer to: www.vlaanderen.be/openbaarheid; Schram, F. (2012). *Openbaarheid van bestuur*, Brussel, Politeia; Schram, F. (2012). *(Her)gebruik van overheidsinformatie*, Brussels, Politeia. – for federal matters (such as police department, fire fighting department, and population) the law of 11 April 1994 concerning the public access of government data (wet van 11 april 1994 betreffende de openbaarheid van bestuur) remains in force.

4.2 Transparency through Communication: Illusion or Reality?

The city of Antwerp gives effect to the Public Access decree in three major ways. First, active disclosure of determined policies, and practical information. Second, citizens can inquire further information to dig further into proactively disclosed issues, or official documents that are not made public at first instance can be requested at the city's authorities. Finally, an open data initiative.

As the diversity of neighbourhoods and people in the Antwerp's community is high, citywide communication is not sufficient to ensure that the information will reach everyone concerned. Sometimes general issues have to be communicated in another way or more intensively to certain segments of the entire audience that is the city. This is done through *target based communication*. Such 'extra' information can for example be needed on the new procedure for parents to subscribe their children in a school in Antwerp. It is important that all parents are fully aware of this and understand the steps they have to take. An additional and very focused communication will then be sent to the segment that is 'parents of children with school going age' (Neuts & Heirman, 2013). Another example is the additional communication towards new residents who are not yet well established in the community, or people from a foreign origin, who might need additional information on practical issues or have different linguistic capabilities.

Currently, the city is working out a digital communication strategy that will bring together all official websites of different local authorities that now exist separately. The major innovation, however, is not the single access point but rather the individualized approach. Each citizen will be given an individual 'A-profile' on which he/she can indicate what information he/she would like to receive and what he/she finds interesting. Through the use of this profile, the homepage of Antwerp will be 'customized' to whomever accesses it, and relevant information meaningful to that particular citizen will be found easily. A first phase of this project is expected to be completed by May 2014. The key tone of this initiative is customer friendliness and service improvement. Though the project is not about disclosing more official documents, it arguably can integrate transparency and participation more in the mind-set of citizen and authorities (Neuts & Heirman, 2013; Digital Communication Strategy, 2013).

The city of Antwerp is also concerned with the *accessibility* of the official documents and more generally of policy information. Since not everyone regularly visits the official web pages of the city, the authorities use various additional communication channels (Diversiteitmanagement, 2012, pp.19-20), such as bulletin boards, leaflets and brochures,

and a door to door magazine. A part for some publications, all communications are available free of charge at authorities' offices and online. The door to door magazine has as key purpose to inform citizens but also to improve services. In the period running up to the holidays for example, all relevant information on how to acquire travelling passes is re-published, so that the requests can be treated more efficiently (Neuts & Heirman, 2013). The city of Antwerp deploys multiple communication channels. The principal citywide channels are the website and a door to door magazine. Both means are successful in reaching a large part of the citizenry. The website (www.antwerpen.be) receives 230,000 unique visitors a month, and the door to door magazine has a reach of 63% of the city's residents (Neuts & Heirman, 2013).

Despite of the efficiency of the current approach, Antwerp plans to focus more on digital communication and will make all offline channels complementary to the digital one. The printed channels will be reduced to a minimum, mirroring what has been published online. An evaluation has shown that 80-90% of the city's population has a good and regular internet connection. For those who do not, the city has established some Digipoints, where citizens can freely access the internet. The city is also working on installing more of those and creating wifi spots in the city centres (Digital communication becomes the norm, 2013; Digital Communication Strategy, 2013).

The city of Antwerp subscribes to the ideal of openness and transparency, but seeks first of all to inform the citizens in a way that is easily accessible to them, with the possibility for the interested citizen to find the original official documents or to request those not proactively disclosed. The emphasis is put on guiding the citizen as fast and understandable as possible to what he needs and wants to know and why it is important, rather than on disclosing official documents. Next to proactive disclosure, the website also serves to facilitate and direct information inquiries. The citizen is encouraged to ask for more specific information if needed, and is directly guided to the right person or service. The principle is that all documents are public, though some limitations such as privacy protection laws apply. Requests for government files that are not made public proactively as well as inquiries for further information on published issues are carefully treated by the city authorities (by the juridical department and the department concerned with the specific matter respectively). Emphasis is put here on client management. All requests are registered to make sure all are answered in due time. Where more information or official documents are demanded on a certain topic, the city ensures a one-on-one reactive communication. The city tries to guide the citizen as good as possible towards the correct contact person on a specific topic. Moreover, all requests and questions are internally sent to the right person whenever this person was not reached initially. This way, a citizen is

not 'bounced around' between services and desks, but can be assured the competent official will provide him with an answer (Neuts & Heirman, 2013). On the website (www.antwerpen.be), it is indicated for each topic where additional information can be found and who can be contacted for inquiries.

Citizens are helped to easily find and *understand* the information provided by the authorities. This is realized through both *organization and linguistic clarity*. Via the website, information is easily accessible and well organized. First, the search engine is immediately visible and responds in a flexible way to the key words, enabling suggestions. The home page shows a short newsfeed indicating actualities and updates and links to the most frequently visited items and other informative websites on Antwerp. The information is divided into comprehensive key themes: living, mobility, leisure, work, districts, and 'about the city'. These tabs give way to more specific selection menus. Moreover, the e-government section allows for four different methods to make inquiries: alphabetically, and through a search engine on key words, as well as via menus per general theme, or top ten frequently accessed forms. Without compromising the direct access to specific information and forms, the structure provides the reader with its background, context and purpose. Users who do not know exactly what they are looking for are enabled to easily direct themselves to what they need via the provided summaries and contextualization of specific forms, rules, decisions and projects.

Additionally, the authorities handle a linguistic clarity standard to ensure the understandability of the information. To make sure that the information can be understood by everyone without stripping it from its meaning and dumbing it down, all communications are written in a twelve-year old reading level (Neuts & Heirman, 2013). The city issued guidelines, including a checklist, on how to communicate to everyone, in which emphasis is put on the importance of defining the target audience, reaching them, and making sure they understand your message. Concerning the latter they stress that the information should be easy to find, logical, and structured; that the lay-out and language should be easy to grasp; and that the situations and information described should be recognizable, or in other words have meaning and purpose for the targeted audience (Diversiteitsmanagement, May 2012). Next to this pre-check, the city also evaluates its communication in retrospect. Regularly residents are asked their opinion on the city's communication via enquiries, online panels and a permanent written survey (the 'Antwerpse Monitor'¹⁹) (Diversiteitsmanagement, May 2012, p. 6). Some more specific

¹⁹ The results of the written surveys are made available in raw form on www.Antwerpen.buurtmonitor.be, and all results are discussed in the annual report of the *Antwerpse Monitor* (disclosed on www.antwerpen.be).

target groups in Antwerp's diverse population participate less often in these enquiries. Therefore smaller scale evaluations are targeted specifically on these audiences and target audience organisations are asked advice. Through this feedback the city can improve its communication towards these groups to make sure they receive and understand the information disclosed. (Ibid.)

Next to the way in which information is presented, it is also important to consider *what* is disclosed. Local governments have to, in line with the applicable laws and regulations, decide what to publish and how to frame these pieces of information. The extent to which the city of Antwerp proactively provides information to the citizens is based on the assessment of three factors: what information concerns the citizen directly and thus what he should absolutely know, what information is most likely to interest the citizen, and information the city wants the citizen to act upon. Antwerp aims to provide *purpose and context* for the information disclosed, but not to the same degree. For example, all decisions of the council are automatically disclosed online, but where some are communicated to the citizens with an extensive indication of purpose, context and additional information, others are subject of minimalistic disclosure and the mention of the decision points in a press release (Neuts & Heirman, 2013). First, it is crucial to provide information on subjects the average citizen knows little about, or perceives wrongly. In line with this it is also important to communicate on those topics that are of particular importance to the citizen and to frame these concerns with care. Third, also when an authority expects the citizens to do something it is vital to bring a clear message and to indicate not only the context, but also why the citizen should care (Neuts & Heirman, 2013). Apart from decisions and meeting reports from the councils via the specific search engine and the separate website with public datasets, the information that is proactively disclosed on the city's website, is primarily descriptive, aggregate, and clarified. The web pages link to other official websites containing more detailed information on several occasions, to forms and regulations. Often the website indicates where to find further information. This is done either by indicating linked dossiers, files, or websites, either by posting the official raw document, or *cas echeant* by providing the specific contact information of the concerned service (or a combination).

In Antwerp's open data initiative raw data is made publicly accessible, so that private actors can use it to develop applications that are constructive for the community. The city realizes that open data is an excellent tool, though not a goal in itself (CBS, 2012b, p. 2). Through open data realizations the city council aspires to stimulate not only trust and participation, but also creative economy and improved public services (CBS, 2012a, pp. 2,3). Ultimately the success of open data will lie in its connection to the needs and social

environment of the citizen. It is, however, difficult to measure the returns of the open data initiative, in economic but also in human terms of increasing trust and stimulating debate and participation (CBS, 2012b, p. 2). Output wise, today, 54 datasets on various topics are made available, and four applications have been published (opendata.antwerpen.be)²⁰. The city regularly carries out evaluations that measure the frequency of visit and number of unique visitors (Neuts & Heirman, 2013). These could give more insight in how frequent which datasets are consulted and to what extent the applications are actually used by citizens. Taking into account the launch of the forum in November 2012, the current status seems promising.

In order not to overload the reader with too much or too detailed information, limits have to be drawn. It is not desirable to publish every little document online, but the most crucial information and official reports should be proactively made available for insight. Therefore a *careful selection* has to be made. The city makes the official documents on a number of topics available for inspection without the need to receive any request prior to their disclosure (City Antwerp, 2012). An analysis of the information given on the website (www.antwerpen.be) shows that the city proactively releases information on almost all classes of information that form the emerging standard for proactively disclosure, previously discussed. Almost always in an aggregate manner, though often with clear referral to the original documents.

The city of Antwerp communicates to its citizens in retrospect. Policy that is still under deliberation will not be proactively disclosed. The *timing* and selection for publication chosen by the city of Antwerp indicate the application of effect transparency. The decision-making process, voting behaviours and inputs of specific actors, and the weight of certain arguments are not made transparent. The communication here is based on *what*, not on *how*. As to *accuracy*, for most matters, the newest version only is published, replacing the older versions. Without a doubt this is to avoid confusion. As an exception, for issues such as the budget and target reports, and financial statements of the previous years are still available. Citizens are given notice of updates via the written as well as online channels. It is, however, hard review how soon new information is published and how regularly the information is updated.

²⁰ Previously some social environment information was available on www.antwerpen.be/buurtmonitor.

5 Conclusion

Hamburg and Antwerp served as case studies in order to examine the means used by local government to realize transparency and to what extent these reach real transparency. Effective transparency should be based and focused on an audience that is capable of processing, digesting, and using the information. Therefore, the analysis rests on six criteria for real transparency by which the approaches of the governments of Hamburg and Antwerp were tested. These criteria are the following: target audience based communication; accessibility; understandability (in terms of organization and clarity); context and purpose; careful selection (relevance); and accuracy and timeliness. Derived from transparency and communication theories, the criteria are indicators for real transparency, as opposed to nominal or illusionary transparency. Our analysis shows the intensity with which the transparency is embedded in the mind-set of the local government under examination.

Both cities score high on the emerging standard for proactive transparency, derived from a multitude of international and national provisions on proactive disclosure by Darbshire for the World Bank Institute. They both disclose, to larger or lesser extent, information and original documents on the most valued classes of information. Both cases differ, however, as to their focus. While Antwerp is primarily concerned with quality of communication, Hamburg seems to be focused on the quantity of information to disclose. This might also be due to the fact that the implementation of the law in Hamburg is not completed yet. Hamburg is thus still finds itself in between the legal stage and the practical effect, while Antwerp has been dealing with the Flemish Public Access Decree since 2004. Both cities seem to apply different approaches for meeting the criteria set out in this paper. Antwerp seems to be doing well, but it might be too early in time to conclude on the score of Hamburg. This implies that also the title of 'capital of transparency' is not really earned yet, though credit has to be given to the initiative. Antwerp's new strategy to move towards more personalized and comprehensive digital communication seems promising. The city needs to remain vigilant however, not to waste one of its primary strengths: the diversity and reach of its communication methods. Notwithstanding that this research cannot provide conclusive results on the level of real transparency reached in Hamburg by the 'Transparenz schafft Vertrauen' initiative, the analysis is still worthwhile. The core elements of both city's strategies regarding the indicators used in this research can spur Hamburg to take these pain points and examples into account and might provide the authorities with inspiration as to how to realize the practical implementation of the law. The table below provides a detailed summary of the most prominent elements of our analysis of the cases structured according to the indicators.

Criterion	Hamburg	Antwerp
Target audience based communication	<ul style="list-style-type: none"> • not taken into account • Focus on pure information dissemination 	<ul style="list-style-type: none"> • Focused additional communication • A-profile (2014)
Accessibility	<ul style="list-style-type: none"> • Free open Data portal (Beta version) • Entire pro-active disclosure from 2014 onwards • Until 2014, partly from 2014 onwards, information has to be requested 	<ul style="list-style-type: none"> • Variety of on-and offline communication channels • Towards almost exclusive digital communication • Free charge acces spots (Digipoints) • Client oriented treatment of requests and further inquiries
Understandability: organization	<ul style="list-style-type: none"> • Ordering according to subject 	<ul style="list-style-type: none"> • Clear structure and indications (variety of navigation methods) • Some links lacking (e.g. opendata.antwerpen.be)
Understandability: clarity	<ul style="list-style-type: none"> • Still lack of coherence (not all documents are summarised) • lectronic files not for everone accessible and remain written inadministrative language 	<ul style="list-style-type: none"> • Twelve-year old reading level • Evaluations of understandability and reach
Context and purpose	<ul style="list-style-type: none"> • Not much provided (might be due to the early stage of the law's development) 	<ul style="list-style-type: none"> • Dependent on: general need and interest for the information and whether the city needs people to act.
Careful selection: relevance	<ul style="list-style-type: none"> • Variety of documents according to the 14 classes of information 	<ul style="list-style-type: none"> • Seven categories for proactive disclosure of official documents. • Focus: decisions and regulations, land use and construction plans, permits • High score on proactive information disclosure.
Accuracy and timeliness	<ul style="list-style-type: none"> • Changes have to be added immediately • Insight into former documents remain unclear • Contracts are published one month before they come into effect 	<ul style="list-style-type: none"> • Only decided policy (retrospect: effect transparency) • Only newest version (exception: several volumes of financial statements and budget strategies available). • Overall difficult to access in practice.

Figure 1: Comparative table: real transparency indicators in Hamburg and Antwerp.

With this study we hope to increase the insight into different approaches on as to how transparency can be accomplished in local government. We propose criteria for good communication that we believe local governments should be aware of in order to avoid transparency illusion. We hope that local governments, but also other official entities, can increase and improve their knowledge on how to actively communicate towards the

citizens. It would be interesting to investigate the populations' uses and perceptions of the approaches of Antwerp and Hamburg, at a time where the new digital communication strategy and the 'Transparentzgesetz' are implemented respectively. With the first phase of the Antwerp communication strategy expected to be completed by May 2014, and the extensive proactive online disclosure platform for official documents in Hamburg to be implemented by October 2014, we recommend a study to be carried out concerning the effectiveness of these modes of transparency starting from fall 2015 onwards.

Annex:

An Emerging Minimum Standard for Proactive Disclosure

Darbishire (2010) unveils an emerging minimum standard for proactive disclosure in her research for the World Bank Institute on Right of Information laws and proactive transparency, in the framework of the Access to Information Program. The standard in question is derived from a multitude of international and national provisions on proactive disclosure. In other words, this listing of fourteen classes (categories) of information, is a prioritization of information disclosure. It is however, not sure whether it can be seen as "a minimum, which places immediate obligations on public institutions, or whether it is a goal towards which public bodies should build progressively, leveraging up levels of transparency and meeting targets for increased disclosure over time" (pp.21-22).

The fourteen classes of information of which it is internationally accepted that they ought to be proactively disclosed are:

- **Institutional information:**

Legal basis of the institution, internal regulations, functions and powers.

- **Organizational information:**

Organizational structure including information on personnel, and the names and contact information of public officials.

- **Operational information:**

Strategy and plans, policies, activities, procedures, reports, and evaluations—including the facts and other documents and data being used as a basis for formulating them.

- **Decisions and acts:**

Decisions and formal acts, particularly those that directly affect the public—including the data and documents used as the basis for these decisions and acts.

- **Public services information:**
Descriptions of services offered to the public, guidance, booklets and leaflets, copies of forms, information on fees and deadlines.
- **Budget information:**
Projected budget, actual income and expenditure (including salary information) and other financial information and audit reports.
- **Open meetings information:**
Information on meetings, including which are open meetings and how to attend these meetings.
- **Decision-making & public participation:**
Information on decision-making procedures including mechanisms for consultations and public participation in decision-making.
- **Subsidies information:**
Information on the beneficiaries of subsidies, the objectives, amounts, and implementation.
- **Public procurement information:**
Detailed information on public procurement processes, criteria, and outcomes of decision-making on tender applications; copies of contracts, and reports on completion of contracts.
- **Lists, registers, databases:**
Information on the lists, registers, and databases held by the public body. Information about whether these lists, registers, and databases are available online and/or for on-site access by members of the public.
- **Information about information held:**
An index or register of documents/information held including details of information held in databases.
- **Publications information:**
Information on publications issued, including whether publications are free of charge or the price if they must be purchased.
- **Information about the right to information:**
Information on the right of access to information and how to request information, including contact information for the responsible person in each public body.