



Insights from Freedom of Information research: Recommendations for transparency policymaking and practice

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Abstract

Freedom of Information (FOI) laws are essential for promoting a culture of transparency and accountability in public administration, yet their practical impact often falls short of expectations. This article synthesizes findings from two empirical studies analyzing citizen information requests submitted via a German FOI platform. The studies highlight the compliance gap between legal provisions (de jure transparency) and actual organizational behavior (de facto transparency), influenced by variations in FOI laws across Germany's federal states and factors such as request topics and communication tone. Drawing on the findings of this prior research, this article offers recommendations for public managers and policymakers to effectively design and implement FOI. In light of Austria's late FOI implementation in fall 2025, the article specifically addresses the Austrian use case. The practical implications, however, extend beyond the German and Austrian research context and aim to improve responsiveness, foster a culture of openness in the public sector, and leverage digital tools for FOI usage.

Key words

Freedom of Information, transparency, bureaucratic responsiveness, Open Government, accountability

Extra information

This article is based on findings from the following studies:

Trautendorfer, J., Hohensinn, L., & Hilgers, D. (2024). From de jure to de facto transparency: Analyzing the compliance gap in light of freedom of information laws. *Regulation & Governance*, 19, 253–283. <https://doi.org/10.1111/rego.12615>

Trautendorfer, J., Schmidhuber, L., & Hilgers, D. (2023). Are the answers all out there? Investigating citizen information requests in the haze of bureaucratic responsiveness. *Governance*, 37(3), 845–865. <https://doi.org/10.1111/gove.12805>



Acknowledgements

The author thanks the Institute for Public and Nonprofit Management at Johannes Kepler University Linz and the Institute for Public Management & Governance at WU Vienna for their support in the underlying research. Additional thanks to the study co-authors Lisa Hohensinn and Dennis Hilgers for their contributions.

Introduction

In democratic societies, transparency is a fundamental pillar of ‘good governance’, enabling citizens to hold public institutions accountable and participate meaningfully in decision-making processes (e.g., [1], [2], [3]). Freedom of Information (FOI) laws, which grant citizens the right to access public records, have been adopted globally as a mechanism to enforce this principle (e.g., [4], [5], [6]). In Germany, for example, FOI regulations vary across the federal level and the 16 states (*Länder*), creating a fragmented landscape that challenges uniform implementation and legal compliance. Despite these laws, public organizations often respond inconsistently to citizen requests, resulting in delayed or outright ignored requests. A phenomenon that is observable worldwide, not only in Germany.

This practitioner-oriented article draws on two interconnected studies from a dissertation project to bridge theoretical insights with recommendations for practice and transparency policymaking. One study [7] examines how the strength of FOI legal elements affects de facto compliance, while the other [8] explores the human dimensions of bureaucratic responsiveness, such as the accountability potential of request topics and emotional tones in communication. By synthesizing the findings, this article aims to provide public managers and policymakers with strategies and ideas to close the compliance gap and make FOI more operable in practice. The goal is to equip practitioners with recommendations to transform FOI from a (burdensome) legal obligation into a proactive driver of transparency and innovation. While some of these recommendations are specific to the Austrian case because of the recent federal FOI implementation, they are nevertheless applicable in an international context.

Study overview

The two baseline studies analyze data from over 100,000 citizen information requests directed at more than 7,000 public organizations in Germany, utilizing the online FOI platform FragDen-Staat. This platform, operated by the nongovernmental organization Open Knowledge Foundation Germany, facilitates anonymous citizen requests and tracks responses, thus offering a rich dataset for evaluating transparency and responsiveness in practice.

The 2024 study in Regulation & Governance focuses on the regulatory compliance mechanisms within FOI laws. It identifies six core legal elements (legal provisions or clauses): the right to information (including proactive disclosure requirements), coverage (which entities are bound by the law), exemptions (what information can be withheld), ease of access (procedural barriers like deadlines and anonymity), fees (cost structures), and oversight (enforcement bodies like FOI officers). By ranking the stringency of these elements across Germany's states and the federal law, the research reveals significant variations: For instance, states like Hamburg or Schleswig-Holstein have strong transparency laws with low access barriers, proactive disclosure clauses and broad coverage, eventually leading to higher response rates. In contrast,



states without FOI laws, such as Bavaria, show lower responsiveness, with many requests being ignored entirely.

A key insight is that not all legal elements equally influence de facto transparency. Elements that signal broader organizational commitment—such as low fees or low access barriers—correlate with increased responsiveness. These provisions create normative pressure and operational support, encouraging public officials to prioritize FOI duties. Interestingly, legal elements like strong exemption clauses or proactive disclosure have weak or no association at all with responsiveness. Stronger oversight mechanisms even negatively correlate with responsiveness. This suggests that compliance with FOI is more about cultural buy-in and organizational practice, than punitive measures. Overall, the study underscores a persistent compliance gap: While de jure transparency exists on paper, de facto outcomes depend on how laws are interpreted and operationalized, with ignored requests representing the lowest bar of non-compliance.

Complementing this regulatory perspective, the 2023 study in *Governance* adopts a citizen-driven lens, investigating how request characteristics shape responsiveness. Using text mining techniques like topic modeling and sentiment analysis, it categorizes requests by their accountability-seeking potential. High-accountability topics, such as government budgets, environmental policies, or corruption allegations, are more likely to receive responses because they carry public salience and potential reputational risks for public organizations. For example, requests about topics such as public security or safety often receive immediate attention and high responsiveness to avoid perceptions of secrecy. In contrast, low-salience topics, like routine hygiene regulations in restaurants or individual citizen needs (e.g., assistance with family allowance applications, etc.), are frequently overlooked. This could reflect both the resource prioritization typical of overburdened administrations and the leeway officials exercise in the practical use of FOI.

The study also highlights the role of communication tone: Requests with positive, courteous language strongly increase response likelihood, fostering reciprocal professionalism. Negative or demanding tones, however, can trigger defensiveness, leading to denials or silence. These findings again emphasize the human element in FOI processes: Street-level bureaucrats exercise discretion, possibly influenced by workload, perceived legitimacy, and emotional cues (see [9]). Taken together, the studies illustrate that transparency is not only a legal issue but an interplay of regulations, organizational culture, and citizen engagement.

Recommendations for policymakers and practitioners

Based on these study outcomes, public managers are advised to implement targeted strategies to make FOI more operable, thereby enhancing compliance and responsiveness. The following recommendations are designed to be feasible within existing constraints, drawing on prior research findings, successful practices from high-performing states, and digital innovations.

Build an organizational culture of openness

The finding that individual official's discretion plays a key role in responsiveness suggests that a shift from viewing compliance as a burden to transparency as a core value is necessary. Thus, public managers should invest in staff training programs (see also [10]) that explain and emphasize the relevance of FOI compliance and the role of transparency in building public trust. An idea would be to offer workshops on specifically handling high-accountability



requests, thereby also reducing officials ‘fear’ of responding to such requests [11]. In addition, proactive disclosure can be supported by creating internal guidelines or hand-books for routinely publishing datasets (e.g., datasets on budgets or environmental impacts, as seen in Berlin's open data initiatives). The availability of such source datasets may not only preempt requests in the first place but also signal organizational commitment to transparency and foster public trust [12].

Related to this, fostering a culture of openness cannot be forced. The study findings show that strong oversight mechanisms only take compliance and responsiveness so far. Thus, to address bureaucratic discretion and eventually bureaucratic discrimination, performance metrics could be implemented that reward responsiveness, balancing workload with accountability goals. So, rather than punishing non-compliance, it may be more effective to focus on the opposite: Rewarding compliance.

Prioritize and respond to high-accountability requests

Citizen requests addressing publicly relevant topics that might affect many citizens demand priority due to their potential to shape public attention. One idea to address this could be to develop triage systems to filter requests on highly sensitive topics (like public spending or policy decisions), allocating dedicated resources to ensure they are processed and answered quickly. This mitigates reputational risks for the organizations and also aligns with public expectations for accountability. For low-salience requests, standardized templates for quick information provisions, denials or referrals to already proactively published data or documents can be provided, freeing capacity without neglecting duties.

Leverage digital platforms and tools

Digital intermediaries (like the German FOI platform *FragDenStaat*) demonstrate the power of technology in facilitating transparency. Centralized systems for managing FOI requests [13] can reduce administrative burden, especially in smaller municipalities. Thus, digital platforms for proactive document management and request processing could be standardized nationwide, providing a uniform interface where citizens can access data and organizations can respond to requests. By offering a single point of access, such digital tools simplify the information retrieval process and reduce variability in transparency practices among all levels of governance and organizations, making transparency more operable (see [14], [15], [16]). Public organizations could partner with NGOs or develop similar platforms to enable anonymous submissions, automated tracking, and public dashboards for request statistics.

In terms of specific platform features, integrating AI-driven sentiment analysis could help prioritize requests with positive tones or high public relevance, thereby reducing delays. Alternatively, citizens could be encouraged to frame requests positively from the outset, for example by offering platform guidelines such as sample courteous phrasing to improve interaction quality and responsiveness. Moreover, on the platform's website, data availability indicators (e.g., “raw data available here” or “upon request” (see [12]) can be prominently displayed for highly requested data. This could also help reduce the number of requests submitted.

Address administrative (in)capacities

Prior studies revealed that wealthier [17] and larger municipalities [18], [19] with probably greater administrative resources and capacities tend to have higher transparency levels. FOI



laws should acknowledge this disparity and include provisions to support smaller municipalities. This approach has already been considered in the law in Austria by fully exempting small municipalities (less than 5,000 inhabitants) from proactive information release. However, this measure might be too radical, as once implemented, FOI will not fulfill its promise of delivering full transparency at the municipal level. Thus, as an alternative, FOI provisions could allow smaller municipalities more flexibility in compliance timelines, coupled with the already mentioned targeted (digital) support programs to help them meet transparency standards. Relying on mimetic institutional pressures (see [20]), larger municipalities, with more resources, could be held to higher standards of proactive disclosure, setting benchmarks for smaller jurisdictions.

Consider the user(s): Inclusivity and awareness

The beneficiaries of FOI are the citizens, which means that different socioeconomic and demographic characteristics can shape transparency outcomes. Factors such as language, access to technology, or the level of digital literacy influenced by, for instance, prior experiences with public services, education, or age, affect the way in which FOI is used and perceived. FOI laws and practice should therefore pay attention to equitable access to information. This could involve including provisions in the law that address barriers faced by marginalized or underrepresented groups, such as requiring the creation of a low-threshold digital platform, while also preserving options like hand-written letters as legally valid FOI requests. Public awareness campaigns could then accompany FOI legislation to educate especially vulnerable citizens about their rights and how to use FOI mechanisms effectively. These campaigns should also inform citizens about what is not (!) covered by FOI and raise awareness about improper or abusive requests, helping to prevent overall misuse of the system.

Monitor and evaluate transparency efforts

Finally, FOI laws should include mechanisms for the regular evaluation of their effectiveness. Especially since evaluators tend to focus on active transparency (such as proactive publishing) and compliance at the federal level [18], there is a need for more regular independent evaluations of passive transparency (such as responsiveness to requests) and compliance at the municipal level. Evaluations can inform adjustments to the law, ensuring it evolves to meet changing governance needs and public expectations. Independent assessments, through external audits or citizen feedback surveys, relying on metrics such as overall usage, response rates, average processing times, and satisfaction scores, could identify gaps in compliance and areas where socioeconomic or political influences continue to hinder transparency. Collaborations with civil society organizations or NGOs, such as the Open Knowledge Foundation, can be particularly useful in this regard. Ultimately, sharing success stories—e.g., how improved FOI handling reduced litigation in proactive organizations, states, or municipalities—can inspire broader adoption and demonstrate tangible benefits like enhanced public trust and reduced administrative costs.

Conclusion

The path to effective public sector transparency requires moving beyond legal provisions to embrace operable, practical and human-centered approaches. As the synthesized findings from the two baseline studies and other studies on FOI reveal, transparency is not solely a legal issue but a mixture of regulations, organizational culture, and citizen engagement. By taking these



recommendations into consideration, public managers may close compliance gaps, harness digital opportunities, and ultimately strengthen democratic governance. In an information-driven society, such efforts not only fulfill obligations but might as well unlock innovation, as transparent administrations invite collaboration, participation and build public trust.

Author bio

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