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Irregular Transparency?
An Experiment Involving Mexico's Freedom of Information Law[†]

Introduction

Freedom of information laws empower the interested parties to access all documents held by the government with only a few and stated exceptions. These laws are, thus, widely believed to strengthen transparency and promote accountability. The existence of a law, however, does not guarantee its enforcement. As Susan Rose-Ackerman explains, "Law […] will be largely irrelevant if the rules are not embedded in an institutional and organizational structure that favors compliance" (Rose-Ackerman 2004 183). This is particularly true for countries with entrenched political and economic inequalities and widespread corruption. In such countries there is scarce rule of law, which is generally understood as the subordination of all of society to the requirements of enacted legislation (Shapiro 1994; von Hayek Keohane 2003 283; Barros 2003; Ferejohn and Pasquino 2003). The question, thus, is: In a developing and recently democratized country, how resilient are political and economic inequalities? Do they translate into unequal access to public information even after the country has adopted a freedom of information law? Existing research would suggest that it does, for it is often thought that wealth can enable those with comparatively more resources to influence government (Hellman and Kaufman 2002 2; Kaufmann 1997 118; Glaeser, Scheinkman and Shleifer 2003 22; de Ferranti et al. 2004 22). In fact, in Macedonia, civilians requesting government information that signaled to be members of a vulnerable racial, ethnic, religious, or socio-economic group were routinely less likely to receive compliant responses from the government (Open Society Justice Initiative 2006 58). The present research project explores whether Mexican government officials also practice this sort of differential treatment.

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The lack of general accountability in Mexico created pressures for President Vicente Fox to propose, in 2002, the adoption of the Federal Law on Transparency and Access to Information. This law was unanimously approved by the Mexican Congress and was put into effect in June of the next year. This new law opened Mexico's historical archives to public scrutiny. It also established the *Instituto Federal de Acceso a la Información* (IFAI), a commission in charge of administrating information requests (Open Society Justice Initiative 2006 76). As a result of this, all citizens can now request information from government departments, autonomous constitutional bodies, and other government bodies at the federal level (Banisar 2004 55). The question is whether the IFAI guarantees equal information provision regardless of people's power and status.

Early in 2007, I executed a randomized experiment to investigate the effect of income and political connections on the provision of government information. Fourteen questions—ten of which were of a technical nature (for example, one of the questions asked for a copy of the office's personnel) and four of which were of a personal nature (for example, one of the questions asked for the name of any of the head of the office's family members who also work in the federal government)—were bundled into information requests that were directed to the 241 of the Mexican federal government's departments. These were sent out via the country's freedom of information online system known as the System for Information Requests (in Spanish: *Sistema de Solicitudes de Información,* or *SISI*).

Of the 241 divisions receiving these information requests, 121 were randomly assigned to one treatment group and 120 were assigned to another treatment group. The single difference between the two groups was the identity of the person making the requests. This difference was made apparent in script form via a paragraph that introduced the fourteen information requests. Those in the first group received information requests from a regular male civilian with a very common last name. Those in the second group received the information requests from someone that signaled having wealth and political connections by: (1) noting that he owned an international consulting company named *Consulta Vela*; and (2) by flaunting his high status last name, which is shared by a widely recognized Mexican politician (see Table 1).

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	Treatment Group 1	Treatment Group 2
Identity:	Average Citizen	Wealthy & Politically Connected Citizen
Number of questions asked:	14	The exact same 14
Paragraph that introduced the questions:	*My name is* [regular name] *and I request the following….*	*I am* [high status name]*, owner of Consulta Vela, an important consulting company with offices in Mexico, Los Angeles and Madrid. The object of the present message is to ask for the following….*
Information requests sent to:	120 government offices at the federal level	121 different government offices at the federal leval

An important concern was whether or not public officials receiving an information request from the wealthy and politically connected citizen would trust the validity of the high status identity. After all, through various interviews, I learned that public administrators are used to being contacted by people presenting fake identities (e.g., Mickey Mouse and Axel Rose). Thus, to increase the high status requestor's credibility I created a mock website for his consulting company (see Appendix 2).

Overall, the results show that the Average Citizen received a very similar treatment compared to the citizen that signaled wealth and political connections. In other words, for the most part, the IFAI's system guarantees equal treatment regardless of people's socioeconomic and political status. Both identities had a statistically indistinguishable number of information requests answered and denied (the Average Citizen or AC received 88 answers and 32 rejections, while the Wealthy and Politically Connected Citizen or W&PC received 91 answers and 30 rejections; the respective P-values are 0.43 and 0.38.) Both were treated equally in terms of response time (AC = 24.83 days and W&PC = 26.12 days; P-value: 0.27), average number of questions answered per information request (AC = 43.04% and W&PC = 40.42%; P-value: 0.37), average number of personal questions answered per information request (AC = 16.67% and W&PC = 13.88%; P-value: 0.42), and average amount of paperwork provided for every answered information request (AC = 16.82 pages and W&PC = 18.98 pages; P-value: 0.34).

Looking closely at the results, however, not all is as encouraging. The study did uncover some differential treatment based on status. The Wealthy and Politically Connected Citizen was significantly more frequently asked to make a payment in exchange for printed information (AC = 18 payment requests *vs.* W&PC = 29 payment requests; P-value: 0.05.) This is not a sign of corruption, for the payment system is structured in such a way that government officials do not see the money that is paid, since all payments are made through the banking system. Also, it is

probably not a sign that public officials are taking the opportunity to tax wealth (or subsidize the poor, for that matter.) Instead, that the high status citizen was asked for a payment most likely shows public officials' eagerness to provide him with relatively more information and, therefore, a better service. This hypothesis is supported by the fact that two government offices took the initiative to make personal deliveries of the information to the high status citizen. Furthermore, though based on a small number of observations, government offices at the cabinet level, where the environment is more political and a high-status citizen's name might carry greater weight, denied the average citizen's information requests a significantly greater number of times than the wealthy and political connected citizen (AC = 7 denials vs. W&PC = 2 denials; P-value: 0.01). Thus, in sum, though the IFAI's system is relatively resilient to economic and political influence, there is room for improvement.

In what follows, I provide a literature review that explores the theoretical connection between inequality of influence and government transparency. In the next section I describe Mexico's experience with transparency and inequality. The third explains the experimental design and the fourth describes the study's results. Prior to concluding, section five contains a discussion about the paper's findings.

I.- The Interaction between Inequality of Influence & Transparency

Inequality of influence and differential treatment are related concepts. Both are understood as the lenient handling of some individuals on the basis of a particular factor (adapted from Nielsen 2006 873). There are a number of studies that demonstrate the prevalence of inequality of influence in a number of contexts (see for example: Hebl et al. 2002; Weichselbaumer 2003; Bertrand and Mullainathan 2004; King et al. 2006). One in particular is a well-known experiment that uncovers differential treatment based on race and gender in the market for new cars (Ayres 1991). Another study, which also hones in on race, shows that Latino males as compared to White males are significantly more likely to be asked for identification when making a small purchase with a personal check (Ditlmann and Lagunes Forthcoming).[1]

[1] The study involved recruiting six adult males that were matched on a number of key characteristics, except for race. Three of them were Latino and the other three were White. The process of preparing each participant for the study took a total of nine days. Once they mastered the study's script and methodology, the participants visited a total of 252 stores in three locations in Connecticut—Downtown New Haven, Milford Mall, Trumbull Mall and Meriden Mall, to be exact—with the intent of making $10.00 purchases of gift certificates while paying with a personal check. If asked to present an ID, the experiment's participants randomly presented their Municipal ID or a

In addition to race, wealth and status are two of the factors that can also trigger differential treatment—even from government officials who presumably serve the public on equal terms. Fried, Lagunes and Venkataramani (Forthcoming) run a field experiment in Mexico City in which multiple automobile drivers commit identical traffic violations across a randomized sequence of crossroads monitored by transit police. They find that officers are more likely to target lower class individuals with bribe requests and let more affluent drivers off with warnings. These results are consistent with those of other studies run in a number of different countries. In Indonesia and Uganda, for example, larger and more powerful firms are shielded from public officials' high bribery demands (Robinson 1986 in Rose-Ackerman 1999 19; Svensson 2003). In Denmark, large private companies are subject to more lenient inspection from government employees (Nielsen 2006 861). Finally, in Nigeria, wealthier and more established commercial traders have an easier way with border officials (Fadahunsi and Rosa 2002).

The differential treatment on the part of government officials is not only questionable on ethical grounds, but is disconcerting for several other reasons. From the perspective of democratic theory, for example, an authority that favors the wealthy is no longer equally responsive to the entire population. Thus, public officials who practice differential treatment act in favor of a faction and against the common good or, in Jean-Jacques Rousseau's terms, the general will.[2]

Differential treatment is also a problem from the legal and economic standpoints. Regarding the legal view, it is important to remember that laws must keep certain universally accepted standards. Indeed, laws are meant to be applied generally, publicly promulgated, not retroactive, clear and understandable, logically consistent, feasible, and stable over time (Fuller 1964; Finnis 1980 X.3-X.4). Thus, public officials who, trying to favor or harm a particular person or group, apply the law unequally violate the first legal standard: general application.

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non-government issued ID. A number of objective and subjective measurements were taken, including transaction time, cashiers' nonverbal behavior, card acceptance, number of questions asked by the cashier, etc.

[2] Rousseau explains the general will as it contrasts with the will of all. "There is often," he writes, "a great deal of difference between the will of all and the general will. The latter considers only the general interest, whereas the former considers private interest and is merely the sum of private wills. But remove from these same wills the pluses and minuses that cancel each other out, and what remains is the sum of the differences is the general will" (1987 [1762] 155-56).

From the perspective of development economics, a state that is perceived as being biased in favor of a particular group loses the public's trust and, in turn, sees lower rates of tax compliance (Hellman, Jones and Kaufmann 2000 18). In a similar vein, Guerrero, López-Calva and Walton (2006) argue that inequality of influence hurts competition and can therefore seriously affect a country's market performance.

Given the aforementioned concerns, inequality of influence, similar to corruption, must be curbed with mechanisms of accountability.[3] The classic mechanism is the ballot box. However, as O'Donnell (O'Donnell 1998 113) and Ferejohn (1999 133-34) argue, elections are weak tools for holding officials—particularly non-elected officials—accountable. The main problem is that voters are not able to sanction bureaucrats directly through an election.[4] This is, in part, why free and fair elections are argued to be only one of the conditions required for good governance and the rule of law (O'Donnell 1998; B. Manin, A. Przeworski and S. C. Stokes 1999; Ackerman 2005). Fortunately, there are additional tools available that assist in building performance accountability, such as: a free press (Gentzkow, Glaeser and Goldin 2006 188); independent accounting offices and statistical agencies (B. Manin, A. Przeworski and S. Stokes 1999 24); and freedom of information laws, which help ensure the public's access to government information.

Guaranteeing the public's right to information is deemed important enough that Article 19 of the Universal Declaration of Human Rights states that, "Everyone has the right […to seek…] information and ideas through any media and regardless of frontiers" (United Nations General Assembly 1948). In the same spirit, Robert Dahl, the most celebrated political scientist of the twentieth century, identifies the right to alternative sources of information as one of the key institutions of modern representative democratic governments, for it empowers the citizenry to form public political beliefs and attitudes independently (2000 86; Dahl 1971).

In view of the importance of information, countries around the world have passed freedom of information laws. These are meant to reduce the information asymmetry that exists

[3] There are two ways by which accountability can be provided. The first mechanism is termed policy-making accountability. It sees that policies follow the interests and needs of the population. Elections are one common example of this type of mechanism. The second is known as performance accountability, which refers to internal procedures by which the career bureaucracy can be kept under control (based on Rose-Ackerman 2005 5).

[4] An additional problem is that any oversight that cabinet members and bureaucrats do receive tends to be weak or biased (B. Manin, A. Przewroski and S. C. Stokes 1999 16, 21).

between government officials and the public.[5] In a context of entrenched inequalities, however, public officials may opt to divulge government information mainly to a privileged set of people who have both economic power and political influence. As a result, the information asymmetry that exists between government officials and the citizenry may be expected to diminish, but in an uneven fashion. The elite will, thus, presumably gain an additional advantage over the rest of the population, factional interests will win over, and freedom of information laws will play into inequality of influence.

II.- Freedom of Information in Mexico

There are at least 66 countries with freedom of information laws in their books. The first to pass such a law was Sweden in 1766. Several centuries later, transparency has boomed. The Indian Supreme Court, for example, has recognized the right to receive information regardless of frontiers on the basis that, "No democratic government can survive without accountability and the basic postulate of accountability is that the people should have information about the functioning of the government" (S.P. Gupta v. Union of India (1982) in Ackerman and Sandoval-Ballesteros 2006 91). In Latin America, Columbia was the first country in the region to adopt an FOI law in 1985. Other countries to follow are: Belize in 1994; Trinidad and Tobago in 1999; Jamaica and Peru in 2002; Ecuador in 2004; and Antigua and Barbuda in 2005 (Open Society Justice Initiative 2006 68). Of these, I will focus on Mexico, where the experiment took place.

The Mexican transparency law was unanimously approved by the Mexican Legislative Branch in April of 2002 and signed by the Executive in June of that same year. The law went into effect in June of 2003 (Banisar 2004:55).[6] The legal innovation promised widespread improvements to the government's service provision. For instance, one prominent figure assured the public that as a result of this particular law corruption would be inhibited (IFAI 2004).

[5] In addition, this particular accountability tool is expected to help expose poor governance, bureaucratic inefficiencies, and official corruption, while also reducing uncertainty and allowing capital to make better investment calculations. Stated simply, freedom of information laws "are a crucial step toward the solution of the accountability deficit" (Ackerman and Sandoval-Ballesteros 2006 87).

[6] At least 29 states in Mexico have also passed Freedom of Information (FOI) laws of their own (Reynoso Femat et al. 2006).

The country's freedom of information law opened up Mexico's historical archives to public scrutiny and established an information commission called the *Instituto Federal de Acceso a la Información* or, more commonly, the IFAI (Open Society Justice Initiative 2006 76). The law also opened the possibility for all persons to demand information from government departments, autonomous constitutional bodies and other government bodies at the federal level (Banisar 2004:55). It is worth noting that the IFAI itself is not responsible for answering information requests sent to other government related offices. These are supposed to be answered by the public functionaries the questions are directed to. What the IFAI does do is rule on controversies arising from unresolved information requests.

Since the IFAI's creation, more than 148,677 information requests have been made to individual agencies via its automated system. This equals approximately 128 requests per day (Woldenberg 2006). Regarding the supply of information, in 2006, only 26.61% of requests were rejected.[7] Thus, in view of the information commission's positive performance, it is easy to understand its approval rating.

Libertad de Información-México, A.C. (or *LIMAC*), an NGO that since 2003 has stood out for its effort in promoting freedom of information in Mexico, ran a focus group and found that citizens from various backgrounds value both government transparency and the IFAI's work (Pacheco Luna 2006). Similarly, a 2005 poll showed that since its creation the IFAI's has grown in approval (Ipsos-Bimsa 2005 8). Moreover, a 2007 poll shows that, at 85 percent, the IFAI enjoys a similar approval rating as Mexico's National Commission for Human Rights (*Comisión Nacional de Derechos Humanos, CNDH*) and the Federal Electoral Institute (*Instituto Federal Electoral, IFE*) (Sigma Dos 2007; Saúl 2007). Its popularity aside, though, the question is: Has the IFAI been able to guarantee equal access to government information for all Mexican citizens regardless of their status?

This question is particularly relevant considering the prevalence of inequalities in Mexico. Some of these inequalities are economic. After all, the wealthiest ten percent of the country's population owns as much income as seventy percent of households (Rodriguez J. 2006; Alatorre 2007). Political inequality, however, also matters and is sometimes detected by the press. As case in point, I refer the reader to the following news story. Ivette and Norma were

[7] These rejections are explained by the following factors: the request was presented to the wrong office, the solicited information was inexistent, the request was deemed not to fulfill some legal requirement, or the requested information was considered confidential (www.ifai.gob.mx).

both looking for a parking place in the same lot somewhere in Oaxaca City, which is located in the southwestern part of Mexico. Because of timing and luck, Ivette beat Norma to an open space. Dissatisfied, Norma ordered Ivette to give up the parking spot and warned her that her relative was Socorro León Monterrubio, the director of a state office. Ivette did not comply and thirty minutes later someone videotaped how fifteen officers beat, gassed and arrested her (Sánchez 2007). All of this simply for not giving up her parking spot to the relative of some government official.

III.- The Experiment

The Question and Design:

Government officials around the world do not always apply freedom of information laws in an equal manner. In Macedonia, those from a vulnerable racial, ethnic, religious or socio-economic group were routinely less likely than people from a non-excluded group to receive compliant responses from public officials when making government information requests (Open Society Justice Initiative 2006 58). These requests were made orally and in person, which means that government employees were clearly exposed to the factors that can trigger differential treatment. This begs the question of whether inequality of influence can also be found in the impersonal context of online government information requests, where the differentiating factor is not as apparent.

One way to approach this inquiry is to practice an experiment that causes impersonal interactions between public officials and two males that differ only in that one appears to be an average citizen and the other gives the impression of having wealth and contacts. This design is similar to Robert Putnam's bureaucratic responsiveness research in Italy. Both studies involve contacting government offices with questions and evaluating the promptness and comprehensiveness of their responses (1993 73). This design is also comparable to the lost-letter technique (see for example: Milgram, Mann and Harter 1965; Shotland, Berger and Forsythe 1970; Yezer, Goldfarb and Poppen 1996), and to the technique used in studies on differential treatment. As an example of the latter technique, Weichselbaumer (2003) studies discrimination against lesbians in the labor market. She does so by sending out resumes in Austria for candidates who are equivalent in human capital but different in sexual orientation. The candidate signals this last characteristic by expressing her past personal engagement in the gay and lesbian

movement. The overall finding is that there is a strong negative effect for lesbian orientation. Similarly, Bertrand and Mullainathan (2004) study race discrimination in the labor market. They do so by sending fictitious resumes to help-wanted ads. The resumes are randomly assigned African American or White sounding names. As a result, they find that white names receive 50 percent more callbacks for interviews. This form of differential treatment exists across occupation, industry, and employer size.

In the case of my experiment, instead of resumes, I sent out information requests with approval from Yale University's Human Subject's Committee. Following is a detailed description of the study's design.

There are more than 250 government offices at the national level that are obliged by the Mexican Federal Transparency and Access to Public Information Law to attend information requests (Presidencia de la República de los Estados Unidos Mexicanos 2002). Of these, the 241 agencies that constitute the Federal Executive Branch, the Federal Public Administration, the Office of the Attorney General, and the Autonomous Constitutional Bodies are capable of receiving information requests directly via the IFAI's website.[8] Taking this into account, I exercised the right to direct online information requests to the 241 Mexican federal government departments via the country's freedom of information online system known as the System for Information Requests (in Spanish: *Sistema de Solicitudes de Información,* or *SISI*). All the contacted offices received the same fourteen questions (see Appendix 1). In sending this high a number of questions per information request I sought to elicit greater variability in officials' responses. That is, I assumed that one of two things could occur: (1) at least some officials would refuse to answer such an extensive inquiry, particularly from an average citizen; or (2) officials would answer more questions coming from an influential citizen than from an average citizen.

Of the fourteen questions, the first nine referred to technical matters that, given what the law states,[9] were expected to elicit complete answers. For example, I solicited a simple copy of

[8] The specific offices that the author was able to detect as not capable of receiving information requests directly from the website are those that constitute the Federal Legislative Branch, the Federal Judicial Branch, the Council of Federal Judicature, the Federal Administrative Tribunals, and the Federal Electoral Institute. I should also note that there is no alternative to the online submission of information requests. Even if a requestor presents himself or herself in person at a particular government office, he or she will have to enter his or her information request via a computer.

[9] The Mexican Federal Transparency and Access to Public Government Information Law guarantees the access of all persons to the information held by the Government Powers of the Union, as long as providing such information is not deemed to: compromise national security, public security or national defense; impair ongoing negotiations or

the office's personnel identifying their place in the organization and their respective salaries. The last five questions, however, were directed more specifically to the head of each government office and referred to personal information, which the law did not oblige public officials to provide.[10] Here, again, I sought to place government employees in a position of discretion. Thus, for example, I asked for the name of the head of the office's family members that work in the federal government (also indicating the offices in which these family members work.)

Of the 241 divisions receiving the information requests, 121 were randomly assigned to the first treatment group and 120 were assigned to the second treatment group.[11] Since both asked the same exact questions, the single difference between the two groups was the identity of the person authoring the requests. This difference was made apparent in script form via a paragraph that introduced the fourteen questions.

Those in one group received information requests from a regular male civilian with a very common last name[12] that introduced his questions with the following statement: "My name is <Name Used> and I request the following…." The e-mail address associated with this identity ended in "@gmail.com", which is a common electronic suffix. In addition, the mailing address and telephone number associated with this identity placed the individual in a lower-income area of Mexico City.

Those in the other group received the information requests from someone that signaled having wealth and political influence. More specifically, the wealth feature was indicated via the claim that the requester owned an important consulting company called "Consulta Vela" with offices in three prestigious locations around the world. To make the claim of ownership more credible, a website was created for Consulta Vela (see Appendix 2). The requester provided an e-

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international relations; harm the country's financial, economic or monetary stability; place the life, security or health of any person at risk; or severely prejudice the verification of observance of the law, the prevention or prosecution of crimes, the imparting of justice, the collection of taxes, immigration control operations, or procedural strategies in judicial or administrative processes that are ongoing. Moreover, information may also be withheld when it is deemed confidential or classified, and when it pertains to personal matters ((Presidencia de la República de los Estados Unidos Mexicanos 2002)

[10] Based on interviews of people responsible for redirecting questions to the appropriate areas in different government offices, I learned two interesting facts: (1) personal questions are sometimes filtered out before any public official has the option of answering them or not; and (2) when personal questions are not filtered out, all officials—that is, even the heads of government offices—are directly responsible for answering questions directed to them.

[11] Note: the randomization procedure was meant to equalize the effects of unknown or uncontrollable sources of variation, such as the varying inflow of information requests from office to office.

[12] Common enough to return 49.4 million hits on google.com.mx.

mail address that ended in "@consultavela.com" and a mailing address and telephone number that placed the individual in the most prestigious commercial area of Mexico City.

The potential political influence feature was proxied by adopting the compound last name of a widely recognized Mexican politician[13] associated with the political party that currently holds the presidency and a majority in the Senate and Congress. To test whether the compound last name would trigger the desired association I surveyed 31 Mexicans.[14] Of those surveyed 87% recognized the association between the compound last name and the influential Mexican politician. Thus, the results were highly encouraging for the present study.

Admittedly, combining the wealth and political influence features in a single identity eliminated the possibility of teasing out the effects of economic vs. political factors from the experiment's ensuing results. Nonetheless, this was done for two reasons. The first is that economic strength and political power are often correlated in the world. In fact, there is a famous quote in Mexico that recognizes this correlation with the following words: "A politician that is poor is a poor politician."[15] The second is that in order to test whether the IFAI's system was vulnerable to differential treatment I needed to create an identity that signaled a very high (while also believable) status. I assumed that, if there was no differential treatment found between a regular citizen and a citizen who had both apparent wealth and political influence, then no differential treatment would be found using an identity that only highlighted wealth or political connections, but not both.

After incorporating the wealth and the political influence features into the script used for the high-status individual the resulting paragraph read as follows: "My name is <Name Used>, owner of Consulta Vela, an important consulting company with representation in Mexico's largest cities, Los Angeles (US) and Madrid (Spain). The purpose of this information request is to obtain the following…."[16]

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[13] The politician's identity will be kept anonymous. Nevertheless, as evidence that he does, in fact, enjoy widespread recognition it is worth noting that one of Mexico's most popular newspapers, El Universal, returned 300 articles when running a search using his name. At the time of writing this paper, the most recent article referring to this man was a month old.

[14] A non-random method was used for surveying these Mexicans of both sexes, all of whom were between the ages of 20 and 60 and between the yearly incomes of USD$12,000 and USD$100,000.

[15] These words are attributed to the deceased Mexican politician and businessman Carlos Hank González.

[16] It is worth noting that, unless all the information provided by the requestor is false, it is impossible to maintain perfect anonymity through the IFAI's system. Based on interviews of several government employees I learned that, even if the requestor does not identify himself or herself in the information request's text, officials receiving the questions could always look up the requestor's information online.

Measurement:

All information requests were sent between 8 PM and 2 AM on Friday, January 12 of 2007 and between 8 AM and 1 PM of the following Saturday. Sending them out on these particular days of the week and at these particular times of day placed all information requests at an equal starting point in time, for not a single one of them was viewed until the following Monday, a workday. As a precaution, however, the order in which the agencies received the information requests was also randomized.

To measure the quality of the responses the following factors were observed: whether an answer was provided; the number of days that it took the offices to respond to the information requests; and the directness and completeness of the answers provided by the various agencies.

IV.- Results

As Table 1 shows, both identities had a statistically indistinguishable number of information requests (i.e., bundled questions) answered and denied. The Average Citizen received 88 answers and 32 rejections, while the Wealthy and Politically Connected Citizen received 91 and 30, respectively (the P-value associated with the differences is 0.43 for answers and 0.38 for rejections.)[17]

It is important at this point to clarify what I am classifying as "answer" and as "rejection." On the one hand, an answer counts as any message that shows a disposition to address the submitted questions. Thus, if an agency responded to even one of the fourteen questions in an information request, that agency was counted as having answered. Similarly, if the agency promised its answers in print form (as opposed to using online delivery) in exchange for a payment, then that agency was also counted as having answered.[18] On the other hand, a rejection equaled an ignored or denied information request. Thus, for example, there were ten cases where agencies refused to answer arguing that too many questions had been bundled into a single information request. These ten were counted as rejections.

[17] Based on my initial priors, which were influenced both by local knowledge and the existing literature, I expected to find differential treatment in favor of the Wealthy & Politically Connected Identity. For this reason, all statistical tests were one-tailed.

[18] This is the case even though, given that my name differed from that of the simulated identities, I was not legally able to collect the printed answers at the government offices and personally verify that the agencies did, in fact, respond to the information requests.

[Insert Table 1]

Turning to Table 2, based on the data that could be obtained (see Section IV for details on the missing data and its consequences), both identities appeared to experience an almost identical answer rate. Of all the questions sent out through the 241 information requests (3,374 in total), the Average Citizen and the Wealthy and Politically Connected received 43.04 percent and 40.42 percent of them answered respectively (P-value associated with the difference: 0.37). Similarly, of all personal questions, the Average Citizen obtained 16.67 percent and 13.88 percent of them answered respectively (P-value associated with the difference: 0.42).

When it comes response time, Table 2 also shows that both identities shared a similar experience. On average, the response time for the Average Citizen equaled about 25 days, while the response time for the Wealthy & Politically Connected equaled about 26 days.

[Insert Table 2]

At this point it should be evident that both identities received similar overall treatment from the federal government employees in charge of handling information requests. To examine whether the similarities between identities extend to the quality of the answers provided I compared the amount of information provided to both identities. As Table 3 shows, the number of pages sent via the online system is similar for both the Average Citizen (about 17) and the Wealthy and Politically Connected Citizen (about 19). The P-value associated with this difference is 0.34.

[Insert Table 3]

The next test looked at how often each identity was asked for a payment in exchange for a response. In this case an important statistical difference was found. As observed in Table 1, the Wealthy and Politically Connected Citizen was significantly more frequently asked to make a payment in exchange for printed information (AC = 18 payment requests *vs.* W&PC = 29 payment requests; P-value: 0.05.) It should be noted that these payment requests are not inviting a bribe. After all, payments go through the banking system. Furthermore, as confirmed by an important official working at the IFAI, these payment requests are probably not a tax or subsidy.

Instead, that the high status citizen was asked for a payment most likely shows public officials' eagerness to provide him with relatively more information and, therefore, a better service. This hypothesis is supported by two facts. First, as shown in Table 3, the Wealthy and Politically Connected Citizen was promised almost double the amount of paperwork in exchange for a payment than the Average Citizen (AC = 340.67 vs. W&PC = 601.1). Second, two government offices actually took the initiative to make personal deliveries of the information to the high status citizen.

As Table 4 shows, there is some additional evidence of differential treatment. Though based on a small number of observations, government offices at the cabinet level, where the environment is more political and a high-status citizen's name might carry greater weight, denied the average citizen's information requests a significantly greater number of times than the wealthy and political connected citizen (AC = 7 denials vs. W&PC = 2 denials; P-value: 0.01).

[Insert Table 4]

Further tests show that differential treatment is not found based on the location and volume of information requests received by government offices (see Tables 5 and 6).

[Insert Tables 5 & 6]

Thus, in sum, the results show that, overall, the Average Citizen received a similar treatment compared to the Wealthy & Politically Connected Citizen. These findings are consistent with the well documented fact that the IFAI's system does some sometimes reject important business executives' information requests (see: Gómez-Robledo 2006; Oficial Mayor 2007).[19] This, however, is not to say that Mexico's federal government's freedom of information system is perfectly egalitarian. As this study shows, even through the impersonal context of online information requests wealth and political connections still attract some preferential treatment.

V.- Discussion

[19] I am especially thankful to Manuel Salvador Matus Velasco, an important IFAI official, for bringing these two cases to my attention.

There are a few concerns that should be addressed regarding the experiment's results. First, there is the question of whether public officials in different government offices may have communicated with each other and, thus, realized that the same questions were sent by someone using two different identities. This would have caused the two treatments to become ineffectual and, therefore, would have undermined the experiment's internal validity. In light of this, I examined the risk of interdepartmental communication through in-depth interviews with people involved in the process of administering information requests. They agreed that there was a very low probability that public officials in different agencies may have discussed an information request with each other. Thus, in this regard, the experiment stands validated.

Second, there is also a question regarding the experiment's design. Instead of submitting their information requests directly, many influential people have law firms do it for them. Thus there is the concern that the status of the Wealthy & Politically Connected Citizen may have seemed unbelievable to the public officials receiving the information requests. However, there is evidence that high-status people do sometimes submit their own questions via the IFAI. In fact, those interviewed named several high-status people (including legislators and business executives) who have personally submitted their own information requests. Thus, the experiment's design mirrors an actual practice and is also validated in this regard.

Third, there is a question regarding the mechanism driving some of the results. I argue that the evidence of differential treatment that is uncovered by this study is caused by the deference often granted to people of high-status in Mexico and elsewhere. As noted in Section I of this paper, this view is consistent with a number of existing studies. For example, in Fried, Lagunes and Venkataramani (Forthcoming) we show that police officers in Mexico City are, on average, more lenient toward wealthy law infractors because they fear high-status people's capacity to call on their connections to exact retribution.[20] For the sake of argumentation, though, I must acknowledge the possibility that the evidence of differential treatment found in this experiment with Mexico's transparency law is not based on deference, but is actually more benevolent in nature. Stated differently, it is possible that the Wealthy and Politically Connected Citizen received a few more benefits than his counterpart because of his professional profile and not because of his economic standing or political influence. This alternative hypothesis is

[20] Following in a similar vein, Fisman (2001) demonstrates the value of connections by uncovering a strong association between President Raden Suharto's health and the profitability of various Indonesian firms.

particularly relevant given that many of the questions touch on technical and business-related issues.

To test between the two hypotheses, I would need to run a statistical comparison between the two identities' answer rates to personal questions. If the Wealthy & Politically Connected Citizen received more answers to personal questions than the Average Citizen, then the differential treatment would most likely be explained by deference and not by an inclination to answer professional inquiries. Unfortunately, though, this sort of test cannot be run successfully with the existing data because of missing information that affects one of the treatments relatively more than the other.

Many government offices withheld their specific answers unless two conditions were met: (1) a payment was made at the bank; and (2) the requestor personally picked up or legally entitled a representative to pick up the promised documentation at the government office. Given this second condition and the fact that both identities were simulated, information is missing from 47 government offices. Of these, more than half (29 in total) belong the Wealthy & Politically Connected identity. Thus running a test to compare the two identities' answer rates to personal questions would not provide conclusive results. Nonetheless, in spite of this limitation, I am inclined for two reasons to accept the deference argument for explaining the differential treatment uncovered by this study. First, this particular view is supported by the existing literature. Second, it is important to remember that, in seeking the high status citizen's favor, two government offices took the initiative to make personal deliveries of the information.

V.- Conclusion

The view that laws should promote impartiality is age-old. In Book III of *The Politics*, for example, Aristotle praised legal statutes for conveying intellect without appetite. However, in a context of political and economic inequalities, laws are often applied in a skewed manner to the benefit of powerful groups and to the detriment of vulnerable ones. Thus, in the case of a freedom of information law, the concern is that public officials are prey to inequality of influence and respond better to information requests from people with money and influence. This would give elites a further advantage over other members of society.

In this study, I examine whether differential treatment exists in Mexico's federal government's information provision system through a randomized experiment that focuses on whether bureaucrats respond to distinctions of status. I find that, at least in Mexico, the federal government's system is relatively protected from differential treatment based on socioeconomic class and political connections. Indeed, the high-status and average-status identities presenting the same information requests received very similar treatment.

Future research should examine whether the low-levels of differential treatment uncovered in this study are explained by the system's impersonality. After all, the IFAI's Internet portal makes it harder for officials to be affected by those factors that tend to trigger discrimination. Similarly, it is also necessary to further explore the ways in which inequality of influence might skew the government in favor of the well established.

Tables

Table 1:

Broad Comparisons Between Identities					
		Average Citizen COUNTS	**Wealthy & Politically Connected** COUNTS	**Chi-2**	**P -Value** ONE-TAILED
DENIALS	Conditional Denial◊	20	23	0.2254	0.3175
	Unconditional or Abrupt Denial◊◊	12	7	1.4738	0.1125
	Sub-Total	32	30	0.0943	0.3795
ASKED FOR PAYMENT	At least one question is answered	10	15	1.0699	0.1505
	No questions are answered	8	14	1.7464*	0.093
	Sub-Total	18	29	2.7524**	0.0485
DID NOT ASK FOR PAYMENT	Partial response	68	61	0.9471	16.5
	Provided a full response	2	1	0.346	0.278
	Sub-Total	70	61	0.7623	0.1915
TOTAL NON-DENIALS†	Responded in some way (i.e., did not deny)	88	91	0.035	0.426
REQUESTS††	Total	120	121		

*Significant at the 10 percent level.

** Significant at the 5 percent level.

◊ Answers were promised in exchange for further information. For example: some agencies claimed to have a complex management scheme and asked that the requester specify who questions 9 to 14 were meant for.

◊◊ Answers were denied. Some times no reasons were given. Other times the agency argued that each question had to be submitted as a separate information request.

† This category encompasses the data for ASKED FOR PAYMENT:NO QUESTIONS ARE ANSWERED and DID NOT ASK FOR PAYMENT:TOTAL RESPONSES.

†† This category encompasses the data for DENIALS:SUB-TOTAL and TOTAL NON-DENIALS:RESPONDED IN SOME WAY.

Table 2:

Quality of Responses I					
		Average Citizen	**Wealthy & Politically Connected**	**Means Difference**	**P-Value** ONE-TAILED
ANSWER PROVISION	Questions answered	43.04%	40.42%	0.14	0.365
	Personal questions answered	16.67%	13.88%	2.79	0.42
	Average time it took to obtain a response†	24.83 days	26.12 days	1.29	0.27

† Note that controlling for how busy a government office is by adding an IV that accounts for how many information requests were received by that office in 2007 does not change these results in a significant way.

Table 3:

Quality of Responses II					
		Average Citizen PAGES	**Wealthy & Politically Connected** PAGES	**Means Difference**	**P-Value** ONE-TAILED
INFORMATION PROVISION	When Answered In Some Way, Average Number of Pages Provided	16.82 (N=88)	18.98 (N=86)	2.16	0.3436

Table 4:

Testing for Cabinet Level Effects				
		Average Citizen COUNTS	**Wealthy & Politically Connected** COUNTS	**P-Value** ONE-TAILED F-TEST
Top Cabinet Level Offices◊	Number of offices	9	10	
	Denials (Conditional & Unconditional)	4	0	0.03**
	Asked for payment	1	7	0.02**
	Answered and did not ask for payment	4	3	0.43
	Average days it took to obtain a response	22.33	34.4	0.11†
All Cabinet Level Offices◊◊	Number of offices	18	21	
	Denials (Conditional & Unconditional)	7	2	0.04**
	Asked for payment	3	12	0.01**
	Answered and did not ask for payment	8	7	0.35
	Average Days It Took to Obtain a Response	24.72	32.67	7.94†

*Significant at the 10 percent level.

** Significant at the 5 percent level.

† Result from an T-Test.

◊ The Top Cabinet Level Offices are: (1) Secretaría de Gobernación, (2) Secretaría de Relaciones Exteriores, (3) Secretaría de Hacienda y Crédito Público, (4) Secretaría de la Defensa Nacional, (5) Secretaría de Marina, (6) Secretaría de Economía, (7) Secretaría de Desarrollo Social, (8) Procuraduría General de la República, (9) Secretaría de Seguridad Pública, (10) Secretaría de la Función Pública, (11) Secretaría de Comunicaciones y Transportes, (12) Secretaría del Trabajo y Previsión Social, (13) Secretaría de Medio Ambiente y Recursos Naturales, (14) Secretaría de Energía, (15) Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación, (16) Secretaría de Educación Pública, (17) Secretaría de Salud, (18) Secretaría de Turismo and (19) Secretaría de la Reforma Agraria. (For more details visit: http://www.presidencia.gob.mx/gabinete/ .)

◊◊ All Cabinet Level Offices include those mentioned above, plus: (20) Comisión Nacional de Vivienda, (21) Consejo Nacional para la Cultura y las Artes, (22) Instituto Mexicano del Seguro Social, (23) Petróleos Mexicanos, (24) Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, (25) Comisión Federal de Electricidad, (26) Luz y Fuerza del Centro, (27) Banco Nacional de Obras y Servicios Públicos, (28) Banco Nacional de Comercio Exterior, (29) Financiera Rural, (30) Comisión Nacional del Agua, (31) Fondo Nacional de Fomento al Turismo, (32) Sistema Nacional para el Desarrollo Integral de la Familia, (33) Procuraduría Federal de Protección al Ambiente, (34) Instituto Nacional de Estadística, Geografía e Informática, (35) Comisión Nacional para el Desarrollo de los Pueblos Indígenas, (36) Comisión Nacional del Deporte, (37) Aeropuertos y Servicios Auxiliares, (38) Procuraduría Federal del Consumidor and (39) Consejería Jurídica.

Please note that all except one cabinet level office are in Mexico City. Also, some offices are not included in the analysis; these are: Presidencia de la República, Jefe del Estado Mayor Presidencial, Jefe de la Oficina de la Presidencia de la República, Coordinador de Comunicación Social de la Oficina de la Presidencia, Secretaría Particular, Coordinación de Imagen y Opinión Pública, Coordinación de Asesores, Coordinación General de Administración, Coordinación General de Gabinetes y Proyectos Especiales, Consejo Nacional para Prevenir Discriminación, Instituto del Fondo Nacional de la Vivienda para los Trabajadores, Consejo Nacional de Educación para la vida y el Trabajo, Instituto Nacional para la Educación de los Adultos and Secretaría Técnica del Consejo de Seguridad Nacional.

Table 5:

Testing for Location Effects					
		Average Citizen (counts)	**Wealthy & Politically Connected (counts)**	**Chi-2**	**P (one-tailed)**
Government Offices Located In Mexico City	Number of offices	90	88		
	Denials (Conditional & Unconditional)	23	23	0.01	0.93
	Asked for payment	15	24	2.92**	0.04
	Answered and did not ask for payment	52	41	0.23*	0.07
	Average days it took to obtain a response	24.27	26.28	2.01†	0.20
Non-Cabinet Level Government Offices Located In Mexico City	Number of offices	73	67		
	Denials (Conditional & Unconditional)	17	21	0.97	0.16
	Asked for Payment	12	12	0.05	0.41
	Answered and did not ask for payment	44	34	1.29	0.13
	Average Days It Took to Obtain a Response	23.83	24.21	0.38	0.44
Government Offices Located Outside of Mexico City	Number of offices	30	33		
	Denials (Conditional & Unconditional)	9	7	0.64	0.21
	Asked for Payment	3	5	0.38	0.27
	Answered and did not ask for payment	18	21	0.09	0.38
	Average days it took to obtain a response	22.93	22.64	0.29†	0.53

*Significant at the 10 percent level.

** Significant at the 5 percent level.

† Result from an T-Test.

Table 6:

Differential Treatment and the Flow of Information Requests				
		Average Citizen COUNTS	**Wealthy & Politically Connected** COUNTS	**P-Value** One-Tailed F-Test
Busiest Government Offices◊	Number of offices …	9	13	
	… in the Cabinet	9	10	
	Denials (Conditional & Unconditional)	4	4	0.42
	Asked for payment	1	6	0.1*
	Answered and did not ask for payment	4	3	0.28
	Average Days It Took to Obtain a Response	23	32.08	0.41†

*Significant at the 10 percent level.

** Significant at the 5 percent level.

*** Significant at the 1 percent level.

† Result from a t-test.

◊ These are government offices that received more than 1000 information requests in 2007. In other words, they received 80.65% more information requests per day than the average government office. These busy offices are: (1) Instituto Mexicano del Seguro Social; (2) Secretaría de Educación Pública; (3) Secretaría de Hacienda y Crédito Público; (4) Secretaría de Salud; (5) Secretaría de Medio Ambiente y Recursos Naturales; (6) Procuraduría General de la República; (7) Secretaría de la Función Pública; (8) Secretaría de Comunicaciones y Transportes; (9) Secretaría de Gobernación; (10) Presidencia de la República; (11) Secretaría de Desarrollo Social; (12) Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado; (13) Secretaría de la Defensa Nacional; (14) Servicio de Administración Tributaria; (15) Secretaría de Economía; (16) Secretaría de Relaciones Exteriores; (17) Comisión del Agua; (18) Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación; (19) Instituto Federal de Acceso ala Información Pública; (20) Petróleos Mexicanos; (21) Secretaría de Seguridad Pública; and (22) Comisión Federal de Electricidad.

Appendix 1

The Questions:

(1) The name of the company (or companies) that has (or have) provided this office with administrative advice on such matters as: auditing, internal regulations, the structure of decision-making, optimization of human capital, and contracts.

In Spanish:

El nombre de la empresa (o empresas) que les ha (o han) proveído de consultoría en cuestiones operativas y administrativas, como son: auditorias integrales, normatividad, estructura de la toma de decisiones, planeación estratégica, costos operativos, imagen organizacional, sistemas de información, optimización de los recursos humanos y revisión de contratos.

(2) Copy of the contracts held by this office between 2003 and 2006 with companies that provide administrative advice.

In Spanish:

Copia de los contratos que tiene esta dependencia con las compañías que les prestó (o prestaron) el servicio de consultoría en cuestiones operativas y administrativas entre los años 2003 y 2006.

(3) The year in which this agency was ISO certified.

In Spanish:

El año en el que la dependencia recibió su certificación.

(4) The name of the consulting company that helped this agency obtain its ISO certification.

In Spanish:

El nombre de la empresa consultora que asistió a la dependencia en el proceso de certificación.

(5) The version of ISO with which the office is currently certified.

In Spanish:

La versión de ISO con la que cuenta la dependencia.

(6) Copy of the office's personnel identifying their place in the organization and their respective salaries.

In Spanish:

Copia simple de la plantilla del personal de la dependencia en la que se señalen los puestos que ocupan y sus percepciones.

(7) A description of the current systems used in this office for reviewing the work of its personnel.

In Spanish:

Una descripción de los sistemas que utilizan en esta dependencia para calificar el trabajo del personal.

(8) The number of employees that work in this office that were hired via the federal government's "professional career service" system and the number of employees that were hired outside of this system.

In Spanish:

El número de empleados que trabajan en esta dependencia que fueron contratados a través del sistema de servicio profesional de carrera y el número de empleados que no fueron contratados a través de este sistema.

(9) Information on whether the head of this office is the individual responsible for hiring external services, such as those provided by a consulting company.

In Spanish:

Información sobre si es el encargado de la dependencia u otro quien es responsable de la contratación de servicios externos (como es el de la consultoría administrativa).

(10) Copy of the head of this particular office's CV.

In Spanish:

Copia del curriculum vitae del encargado de la dependencia.

(11) The monthly salary that the head of this office used to receive in his/her previous job.

In Spanish:

Salario mensual que recibía el encargado de la dependencia en su empleo anterior.

(12) Document that reports the head of this particular office's amassed property and wealth.

In Spanish:

Entregar copia de la declaración patrimonial del encargado de la dependencia.

(13) Number and name of the head of this particular office's family members that work in the federal government (also indicating the offices in which these family members work).

In Spanish:

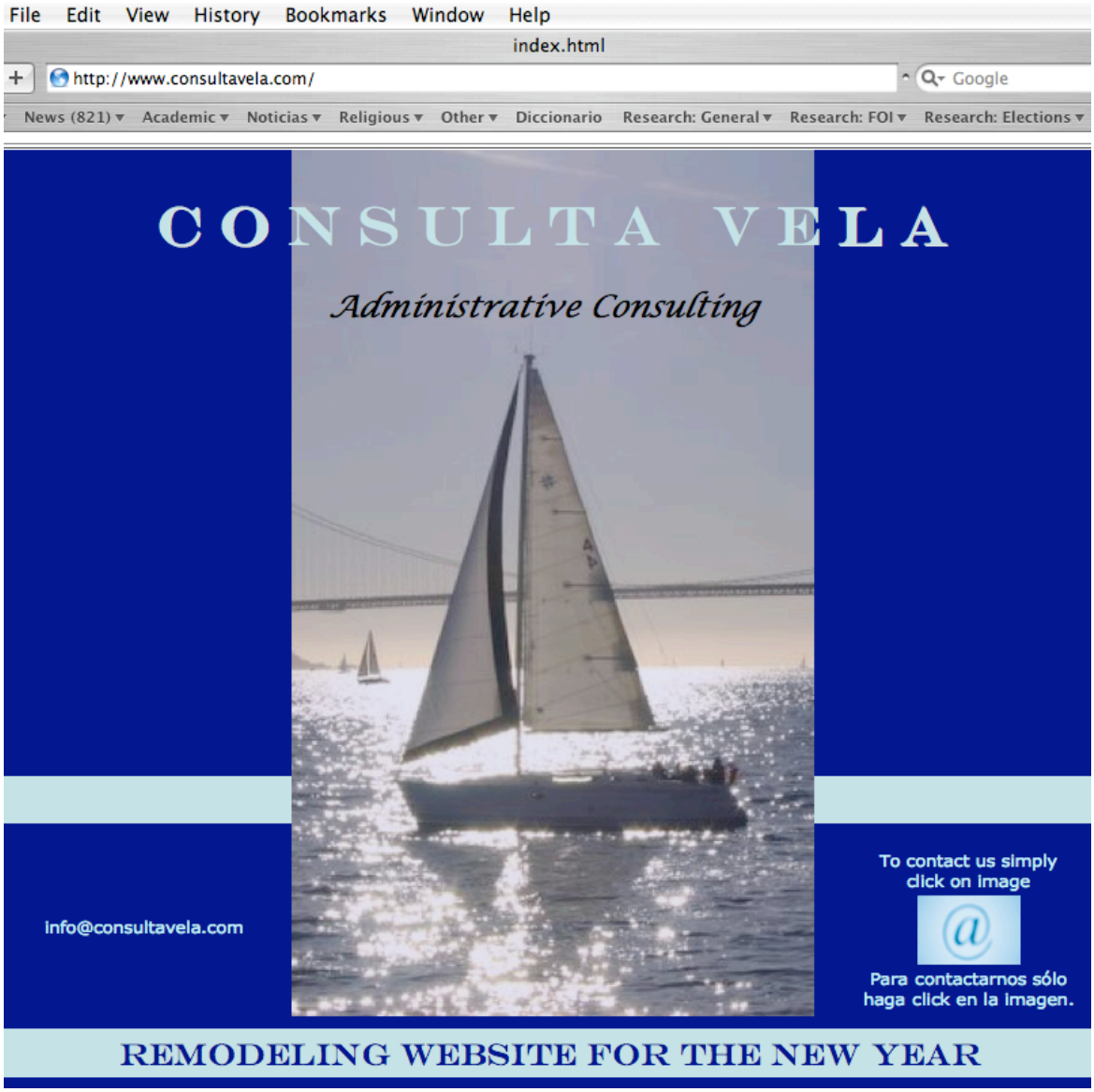
Número y nombre de familiares del encargado de la dependencia que trabajan en alguna dependencia gubernamental (indicando también el nombre de dicha dependencia).

(14) The head of this particular office's personal (i.e., non-institutional) e-mail address.

In Spanish:

El correo electrónico personal (esto es, no el institucional) del encargado de la dependencia.

Appendix 2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To contact us simply click on image
Para contactarnos sólo haga click en la imagen.
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