

# Passive transparency in the largest Brazilian municipalities after ten years of the Access to Information Law

*A transparência passiva nos maiores municípios brasileiros passados dez anos da Lei de Acesso à Informação*

*Transparencia pasiva en los mayores municipios brasileños tras diez años de la Ley de Acceso a la Información*

**Fabiano Maury Raupp**

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**Abstract:** The initial objective of the article is to analyze the passive transparency of city halls in the largest Brazilian municipalities ten years after the Access to Information Law. The second objective is to compare the results of the research on screen with the results of the study published in the Revista Contemporânea de Contabilidade in 2016. The study is characterized as descriptive, based on documentary research, with a predominantly qualitative approach. The empirical object refers to the city halls of the largest Brazilian cities, considered those with a population greater than 100,000 inhabitants. Data collection focused on formulating and sending a single and equal request for information to 326 city halls. Data were tabulated using electronic spreadsheets and analyzed using the descriptive analysis technique. The reality of city halls that do not comply with the law and, consequently, do not contribute to passive transparency still prevails. Such non-compliance occurs due to technology problems and lack of return to the request made. They are non-transparent city halls and are present in both studies (2016, 2021) in most of the investigated municipalities. The study undertaken provides contributions to the field of knowledge in theoretical and practical perspectives. In theoretical terms, the study joins a small group of work already developed on the subject, demonstrating, on the one hand, the incipience of the field in this regard, and on the other, the need to put into practice a research agenda in this direction. . In a practical way, it brings a current reality of the exercise, or lack of it, of passive transparency by the city halls of the biggest Brazilian cities.

**Keywords:** Passive transparency. Brazilian municipalities. Access to Information Act.

**Resumo:** O objetivo inicial do artigo é analisar a transparência passiva de prefeituras dos maiores municípios brasileiros passados dez anos da Lei de Acesso à Informação. O segundo objetivo é comparar os resultados da pesquisa em tela com os resultados do estudo publicado na Revista Contemporânea de Contabilidade em 2016. O estudo é caracterizado como descritivo, realizado a partir de uma pesquisa documental, com abordagem predominantemente qualitativa. O objeto empírico refere-se às prefeituras dos maiores municípios brasileiros, considerados aqueles com população superior a 100.000 habitantes. A coleta de dados centrou-se na formulação e envio de um único e igual pedido de informação para 326 prefeituras. Os dados foram tabulados por meio de planilhas eletrônicas e analisados pela técnica da análise descritiva. Ainda prevalece a realidade de prefeituras que descumprem a legislação e, por consequência, não contribuem para a transparência passiva. Tal descumprimento ocorre por problemas de tecnologia e por ausência de retorno à solicitação realizada. São prefeituras intransparentes e estão presentes, em ambos os estudos (2016, 2021), na maioria dos municípios

investigados. O estudo empreendido proporciona à área de conhecimento contribuições nas perspectivas teórica e prática. Em termos teóricos, o estudo se junta a um pequeno grupo de trabalhos já desenvolvidos sobre o tema, demonstrando, de um lado, a incipiência do campo neste sentido, e de outro, a necessidade que se coloque em prática uma agenda de pesquisa nesta direção. De forma prática, traz uma realidade atual do exercício, ou da falta dele, da transparência passiva pelas prefeituras dos maiores municípios brasileiros.

**Palavras-chave:** Transparência passiva. Municípios brasileiros. Lei de Acesso à Informação.

**Resumen:** El objetivo inicial del artículo es analizar la transparencia pasiva de los ayuntamientos de los mayores municipios brasileños diez años después de la Ley de Acceso a la Información. El segundo objetivo es comparar los resultados de la investigación en pantalla con los resultados del estudio publicado en la Revista Contemporânea de Contabilidade en 2016. El estudio se caracteriza por ser descriptivo, basado en la investigación documental, con un enfoque predominantemente cualitativo. El objeto empírico se refiere a los ayuntamientos de las mayores ciudades brasileñas, consideradas aquellas con una población superior a los 100.000 habitantes. Recolección de datos enfocada a formular y enviar una solicitud de información única e igual a 326 ayuntamientos. Los datos se tabularon mediante hojas de cálculo electrónicas y se analizaron mediante la técnica de análisis descriptivo. Aún prevalece la realidad de los ayuntamientos que no cumplen con la ley y, en consecuencia, no contribuyen a la transparencia pasiva. Dicho incumplimiento se produce por problemas tecnológicos y falta de devolución a la solicitud realizada. Son ayuntamientos no transparentes y están presentes en ambos estudios (2016, 2021) en la mayoría de los municipios investigados. El estudio realizado aporta aportaciones al campo del conocimiento en perspectivas teóricas y prácticas. En términos teóricos, el estudio se suma a un reducido grupo de trabajos ya desarrollados sobre el tema, demostrando, por un lado, la incipiencia del campo en este sentido, y por otro, la necesidad de poner en práctica una agenda de investigación en este sentido. dirección. De manera práctica, trae una realidad actual del ejercicio, o falta de ella, de transparencia pasiva por parte de los ayuntamientos de las mayores ciudades brasileñas.

**Palabras clave:** Transparencia pasiva. Municipios brasileños. Ley de Acceso a la Información.

## 1. INTRODUCTION

Transparency is increasingly present on the national and international agenda, and the debate around the topic goes beyond the academic environment. When it comes to the Brazilian context, even if the article moves in the direction that transparency should be above the legal issue and be consolidated as a fundamental value, the Fiscal Responsibility Law - LRF (Brasil, 2000) is a first “kick off” of note. Years later, the Transparency Law (Brasil, 2009) was enacted, confirming some provisions of the LRF and advancing in others. It should be mentioned that the focus of these laws is on public finances aimed at accountability in fiscal management, consequently transparency is also restricted to this aspect in both laws. In relation to the Access to Information Law - LAI (Brasil, 2011), even though it has reinforced some issues already pointed out in previous legislation (Brasil, 2000; Brasil, 2009), it advances, among other issues, in the way “how government agencies should proactively make informa-

tion available to the public and also specify how governments should handle requests for information” (Angélico & Teixeira, 2012, p. 9), that is, it establishes active and passive transparencies.

Considering that the focus of the article is on passive transparency, it is assumed here that the contributions of this typology of transparency are based on two central questions: the first, already provided for by law, in which the public entity responds to the citizen’s demands; and the second, which presents passive transparency as an instrument capable of contributing to the improvement of active transparency, that is, requests for information received can serve as a basis for updating the set of information made available actively. Based on the first question, the initial objective of the article is to analyze the passive transparency of city halls of the largest Brazilian municipalities after ten years of the Access to Information Law. The second objective is to compare the

results of the survey under analysis with the results of the study published in the *Revista Contemporânea de Contabilidade* in 2016 (Raupp, 2016).

Based on Raupp and Pinho (2021), it is assumed that in 10 years, the construction of passive transparency received important impulses, with technological advances being among the main ones. On the other hand, according to the authors, obstacles are still perceived, explained, for example, by the presence of formalism, whose characteristics are rooted in Brazilian culture. Even though the interval of ten years can be considered relatively short to promote substantial changes in the direction of passive transparency, it is known that digital technology has undergone a significant boost and institutions have had to adapt to this new civilizational level, which instigates the investigation of the topic (Raupp & Pinho, 2021).

The study is justified from a theoretical point of view because it deals with a topic that has been little investigated. Raupp and Pinho (2016), based on national searches to identify works on passive transparency, concluded that there is a gap in the area of knowledge that approves, from an academic perspective, the carrying out of works on the subject. This scarcity seems to continue as pointed out by Peres et al. (2020). “While it is possible to perceive a greater amount of research focused on the study of active transparency, there are fewer studies that try to classify and measure passive transparency” (Silva, Eirão, & Cavalcante, 2015, p. 728).

From a practical perspective, the research brings an analysis of the current stage of passive transparency in administrations of the largest Brazilian municipalities, after ten years of LAI’s existence. At a later time, it seeks to demonstrate the evolution of these results as compared to those obtained by Raupp (2016). The study can be considered exhaustive as it investigates the status of passive transparency through the analysis of 326 Brazilian municipalities, which can be a robust number. Still from a practical point of view, it is understood that municipal executives are the ones responsible for investing resources in services intended for the population, with the publicity of executive data, for example, being relevant to the local population, in addition to the volume and diversity of data that these entities maintain (Raupp, 2016).

## 2. THEORETICAL REVIEW

This section discusses the basic concepts that supported the empirical object. Initially, passive transparency is discussed, followed by an approach to national studies already undertaken on the subject.

### 2.1. Passive transparency

For Cruz and Zuccolotto (2021), publicity as a fundamental principle of public administration was established by article 37, § 1, of the Federal Constitution of 1988 (Brasil, 1988). Also, according to article 5, XXXIII, of the Magna Carta, it is a fundamental right of citizens to receive information from public bodies that is of their collective or private interest, except for those confidential matters. For the authors, the most recently created normative instrument, which sought to protect the right of access to information, guaranteed by the Political Charter of 1988, was the LAI. Therefore, the LAI brings advances in terms of transparency when it consolidates a regulatory framework on access to public information, establishing norms and processes for responding to requests for information from citizens and determining that access to public information must be the rule, and confidentiality the exception (Saraceno & Monteiro, 2021).

Cunha Filho (2018, p. 903) understands that the “enactment of an Information Law is just a first step in a much broader universe of effectiveness of the right of access”. Even in the face of the legal apparatus on transparency, “there are several conflicts and disputes around the concept and scope of advertising as a constitutional principle” (Idem). The author proposes three approaches to the analysis of public transparency: the first, the normative approach, which considers transparency as a “universal remedy” against corrupt practices, abuse of power or lack of representation in the political system; the second, the conceptualist approach, which seeks to define what transparency and secrecy are, creating types of transparency that may or may not generate the desired effects; and the third, the empirical approach, which seeks to empirically measure the effects observed from the adoption of transparency mechanisms. Based on the empirical object, transparency is considered in this study as:

the set of mechanisms that allow access to public information (produced or held by the State) – either through proactive

publication by the Public Administration or through formal procedures for requesting information – capable of clarifying the functioning of government institutions (Angelico, 2015, p.26).

Therefore, transparency can be active or passive. “The former concerns the spontaneous dissemination of information, for immediate access by citizens; the latter refers to the disclosure of information upon request” (Peres et al., 2020, p. 143). Passive transparency is “an indispensable complement to active transparency, mainly because it is not possible for all public information to be readily available” (Idem). Passive transparency refers to the “obligation of the State to grant all citizens who so require timely access to official documents, except for those that are legally protected for reasons of national security, public investigation, the rights of third parties, etc” (Zuccolotto, Teixeira & Riccio, 2015, p.148).

In its article 10, the LAI establishes that “any interested party may submit a request for access to information to the bodies and entities referred to in art. 1 of this Law, by any legitimate means, and the application must contain the identification of the applicant and the specification of the required information”

(Brasil, 2011). However, Silva and Bruni (2019, p. 417), highlight the usefulness of the information provided as a fundamental point in this process. Even if the government chooses to preferentially use the internet to make mandatory information available through transparency portals, if the information is not useful to the citizen, we will be facing “mere electronic waste” (Silva & Bruni, 2019).

## 2.2. Previous national studies

The search for previous studies that could contribute to the analysis of empirical results focused on national publications, as it is understood that transparency in the Brazilian reality is unique. For this purpose, the Spell database (<http://www.spell.org.br/>) was used, which was chosen because it houses the main journals in the area of knowledge. The searches were performed on November 30, 2021, using the exact term *transparência passiva* (passive transparency), considering the title, abstract and keywords of the documents. The summary of previous national studies, highlighting the central objective of the work and the main results obtained, is presented in Table 1.

**TABLE 1. SUMMARY OF PREVIOUS NATIONAL STUDIES**

AUTHORS	OBJECTIVE	MAIN RESULTS
Cruz and Zuccolotto (2021)	To investigate how the State Judiciary responds to demands for information supported by the LAI.	Low rate of satisfactory classification of requests, revealing, in addition to excessive formalism, little commitment to providing information.
Saraceno and Monteiro (2021)	To analyze the results of the implementation of the Access to Information Law (LAI) at the Federal University of Bahia.	It was found, in the passive transparency dimension, incomplete convergence in meeting the demands under the law.
Peres et al. (2020)	To analyze the association between the types of response and the characteristics of the requesters of requests for access to information from the Brazilian federal government.	Responses to requests for access to information do not have a strong association with the characteristics of the requesters. Therefore, there are other factors that could explain the type of response, such as the content of the information requested and/or the complexity of the request.
Drehmer and Raupp (2020)	To investigate the contributions of the conditions of the information platforms of Brazilian state powers to the construction of passive transparency.	In terms of communication, login and receipts, the state executive branch received better scores. Considering the barriers indicator, the judiciary and the legislature received better scores. It is still not possible to say that such platforms contribute to the construction of conditions of passive transparency.

AUTHORS	OBJECTIVE	MAIN RESULTS
Lima, Abdalla and Oliveira (2020)	To assess whether the 63 Federal Universities in Brazil are transparent regarding the active and passive transparency requirements stipulated by the Access to Information Law (LAI).	Universities are more committed to passive transparency, given a high percentage of responses within the population studied (71%), to the detriment of active transparency (56%). In each of the stages, obstacles were detected, such as misinterpretation of what was asked or the sending of numerous files, in varied, complex and unfriendly formats, in the case of passive transparency.
Rodrigues et al. (2020)	Understand how information about the new coronavirus pandemic is being made available by Brazilian municipalities.	They observed problems related to the quality of the information made available and a very low level of response to requests for access to information.
Baldissera et al. (2020)	To analyze the influence of socioeconomic, financial-budgetary and electoral political aspects on the active and passive transparency of Brazilian local governments.	Passive transparency does not seem to be easily explained in the model used in this study. One explanation for this is the fact that these are situations in which the municipal entity seeks to respond to society's wishes based on requests for information, which represents a longer and more difficult process for the government.
Vieira, Pegoraro and Visentini (2020)	To propose an instrument for the assessment of active and passive transparency in educational institutions, in the perception of social actors.	The proposed instrument is a precursor in the joint assessment of active and passive transparency in educational institutions in the perception of social actors, enabling the public manager to have a comprehensive view of actions related to transparency, based on the evaluation of these actors.
Visentini et al. (2020)	To measure the level of transparency, through the Transparent Brazil Scale (EBT), in the electronic portals of the municipalities that are part of COREDE Missões-RS, as well as the relationship between transparency and socioeconomic indicators.	They realize that the investigated municipalities have low levels of electronic transparency, especially with regard to passive transparency.
Machado et al. (2020)	In view of the publication of Provisional Measure No. 928/2020, and its subsequent suspension by the Federal Supreme Court, this article sought to verify whether such measures had an impact on subnational governments.	As a result of data collection, it appears that: 23% of the entities changed the LAI deadlines; 62% of the entities stated that they had not changed; and 15% did not even respond or provided evasive answers.
Drehmer and Raupp (2019)	To investigate the compliance of the executive, legislative and judiciary branches of the Brazilian states with the legal requirements of making information available to society through passive transparency.	Most states presented better results in their executives compared to the judiciary and legislatures. The gap between the transparency imposed on governmental entities and its effective compliance is highlighted in the literature as one of the characteristics of formalism.
Drehmer & Raupp (2018)	To compare, at the level of passive transparency, the bodies representing the three branches at the state level (state government, legislative assemblies and tribunals of justice).	Even though state governments are more advanced in passive transparency in relation to the other two branches, in general organizations of the three branches at the state level have barriers to accessing information in passive transparency and do not fully comply with the associated legislation.
Silva and Bruni (2019)	To present determinant socioeconomic variables for passive public transparency in Brazilian municipalities based on the Transparent Brazil Scale (EBT).	The descriptive results revealed the low rate of passive public transparency in Brazilian municipalities, which obtained an average score of only 1.93 (on a scale between 0 and 10).
Sasso et al. (2017)	To analyze the relationship between the topics demanded by the citizen on the Access to Information Portal of the Federal Executive Branch and the status of the request	Statistical tests showed that the subjects or themes that are more likely to result in the request being denied refer to "Economy and Finance", "Defense and Security" and "Labour", in that order.



AUTHORS	OBJECTIVE	MAIN RESULTS
Raupp (2016)	To investigate the reality of passive transparency of city halls of the largest Brazilian municipalities	Failure to comply with the law occurred in most municipalities, due to problems with the portal or due to problems in responding to requests in which sending was possible.
Raupp and Pinho (2016)	To investigate compliance with the requirements of passive transparency by the councils of Brazilian municipalities with a population of over 300,000 inhabitants.	It is a scenario that reveals little passive transparency in the face of an available technological apparatus. There are councils that fail to comply with a succession of legal texts that regulate the transparency of government acts.
Cruz, Silva and Spinelli (2016)	To investigate whether the presence of a Comptroller General in the organizational structure of Brazilian municipalities has had an effect on promoting municipal transparency and monitoring the LAI.	They conclude that, at the subnational level, it is necessary to improve internal control institutions, in order to advance in the culture of transparency and publicity provided for in the 1988 Federal Constitution and in other normative acts.

Source: Prepared by the author (2021).

In the set of previous national studies presented in Table 1, one can observe a dispersion of empirical objects, government levels and methodological approaches adopted. It is likely that this characteristic is largely due to the low number of works already undertaken on passive transparency, that is, there are still no consolidated lines of research on the subject. Even so, among the few works, research with the executive branch at the municipal level and with a qualitative approach stand out. In this sense, the present study joins the subset of research with the municipal executive branch, seeking to contribute with theoretical and empirical contributions to the area of knowledge.

### 3. METHODOLOGICAL PROCEDURES

The study is characterized as descriptive, carried out from a documental research, with a predominantly qualitative approach. The empirical object of the study refers to the administrations of the largest Brazilian municipalities, considering those with a population greater than 100,000 inhabitants. The choice for this population size can be justified from different perspectives, the two main ones being: first, because larger municipalities tend to provide a greater set of information about public acts and actions (Styles & Tennyson, 2007); second, the fact that municipalities with more than 100,000 residents concentrate millions of inhabitants and, therefore, with this object, information concerning a significant portion of the population can be investigated (Cruz et al., 2012). Based on this context, the research steps identified in Table 2 were defined.

TABLE 2. RESEARCH STAGES

PHASES	DESCRIPTION
1st Stage: Identification of municipalities with a population of over 100,000 inhabitants	To identify municipalities with a population of over 100,000, Raupp (2016) consulted the Synopsis of the 2010 Demographic Census, from the Brazilian Institute of Geography and Statistics (IBGE, 2011), and reached 283 municipalities. For the present study, a new query was carried out based on the estimate of the population residing in Brazil and federation units (IBGE, 2021) and reached 326 Brazilian municipalities with more than 100,000 inhabitants.
2nd Stage: Formulation of the information request	A single and equal request for information was made for the 326 Brazilian municipalities with the following content: What is the number of new teachers hired in 2020 for elementary and secondary education due to the pandemic and what is the total amount of expenses that these hirings represented in the year?
3rd Stage: Identification of the addresses of the electronic portals	A search for the addresses of the city halls's electronic portals was carried out through the Google website, on October 4 and 5, 2021, to send the request for information.
4th Stage: Sending the information request	The order of priority used by Drehmer and Raupp (2020) to send the information request was considered: first, the electronic system of the citizen information service (e-SIC) was searched on the website; in case of non-existence of the e-SIC, the request was sent through a form available on the website for sending requests for information; as a third option, we sought to locate an e-mail address dedicated to receiving requests for information. In situations where no means of communication was identified, a general contact form was used, such as "contact us".
5th Stage: Data Analysis	The descriptive analysis technique was used for data analysis. The electronic spreadsheets served as an instrument for tabulating the data.

Source: Prepared by the author (2021).

The presentation and discussion of the results in the next section followed the model of Raupp and Pinho (2016). In this sense, three categories of city halls were identified: the *first* brings together the city halls in which it was not possible to submit the application; the *second* considers the municipalities where the request was sent, but there was no response, the response was insufficient or the response occurred after the legal deadline; finally, the *third* includes the municipalities where the request was sent and there was a satisfactory response.

## 4. RESULTS AND DISCUSSIONS

The results and discussions based on the empirical research are presented, first, according to the categories included in the model by Raupp and Pinho (2016), identified in the previous section. The section ends with a summary of the passive transparency of city halls of the largest Brazilian municipalities.

### 4.1. It is still impossible to send a request to some City Halls

After about ten years of LAI, there are still municipalities to which it is not possible to send the information request, having exhausted all the possi-

lities identified in Table 2 (*4th Sending the information request*). In this recent survey, 9 (2.76%) municipalities were identified with such a situation. The figures for 2016 revealed 11 (3.89%) municipalities with impossibility of sending (Raupp, 2016). If the years 2021 and 2016 are compared, there is a small change, with a reduction, in number and percentage, of city halls falling into this category.

Even so, it seems surprising that city halls with this framework can be identified, since we are dealing with city halls of the largest municipalities, with expectations that the technical, financial and human conditions can provide more structured portals, including the necessary tools to the construction of passive transparency. A reality of passive transparency is revealed that does not seem to be in line with the size of executives in the largest Brazilian municipalities (Raupp, 2016), that is, the availability of an electronic portal that does not work (Silva & Bruni, 2019). However, such characteristics appear to be not just part of the reality of municipalities, as Drehmer and Raupp (2020) also identified similar issues when they investigated the information platforms of Brazilian state powers.

Another factor that contributes to this surprise is the "age" of the LAI, whose time elapsed, that is, ten years, is more than enough for adjustments de-

manded due to legal requirements to have been made. These are examples of intransparent municipalities in the passive form, since the portals do not allow sending the request (Raupp, 2016). It should be noted that these municipalities are not complying with the law because, according to the LAI, article 10, § 1, “public authorities and entities must provide alternatives for forwarding access requests through their official websites on the internet” (BRAZIL, 2011).

#### **4.2. And what about the municipalities that receive but do not respond to the request?**

It was previously observed that in some municipalities the technology to promote transparency is still lacking and does not allow, for example, the sending of the request for information. In others, the technology seems abundant, but is not used for that purpose, attested here by the municipalities that received the request but did not respond to it, consequently, they are not contributing to the construction of the exercise of passive transparency. The non-fulfillment of the request may occur due to lack of response, insufficient response, or a response after the legal deadline.

A total of 195 (59.82%) municipalities were identified in this category. In the study by Raupp (2016), 209 (73.85%) municipalities were classified as having this condition. Even though there has been a percentage reduction of municipalities as compared to the study by Raupp (2016), it still remains the most expressive set of municipalities. This is the case where the technology exists but is not used for the proposed purpose. According to Pinho (2008, p. 492) “we have a lot of technology, although it can and should be expanded, but little democracy, because the technology that could be used for democratic improvement is not mobilized in this sense”.

In this set of city halls, characteristics of formalism are observed, that is, the technology exists, it follows the impulses of modernity, but such importation is not accompanied by an effective implementation of access to information. In formalism, there is a dissociation between what is foreseen in the norm and the concrete conduct (Riggs, 1964; Ramos, 1983). Raupp and Pinho (2015, p. 30) believe that “formalism serves to apprehend the meaning of portals, an instrument imported from more developed realities, but which actually does not find support in historically constructed Brazilian social practices”.

Effective implementation requires not only compliance with legal prerogatives, but also the development of what is called transparency as a fundamental value. However, to reach this value, understood as a more advanced stage of transparency, one must first attend to the preliminary stage, in this case compliance with legislation (Brasil, 2011), which is explicitly being disrespected in this set of municipalities. .

Similar results were observed by Rodrigues et al. (2020) when they observe a low level of response to requests for access to information in Brazilian municipalities. However, other studies tend to show that this is a widespread problem. Cruz and Zuccolotto (2021), for example, noticed in the State Judiciary little commitment to the availability of information due to the low rate of satisfactory classification of requests. Saraceno and Monteiro (2021) concluded that the demands were incomplete when analyzing the implementation of the LAI at the Federal University of Bahia. In the same direction, Lima, Abdalla and Oliveira (2020) evaluated Federal Universities in Brazil and detected several obstacles in meeting passive transparency by these institutions.

#### **4.3. The inversion between the rule and the exception remains as a reality for city halls**

When the uniqueness of Brazil in terms of transparency of public information was mentioned in the *Methodological Procedures*, the purpose was to highlight that issues of this nature seem to have a different rhythm in the Brazilian scenario. Proof of this is the fact of the LAI, sanctioned in November 18, 2011, to have been the 89th national law of its kind (Angélico, 2015). And the evidence supporting this does not stop there. From the empirical analysis of the results of the present survey, it is observed that the group of municipalities in which the request was sent and there was a satisfactory response, 122 (37.42%), was not the most representative one among the categories considered, even though this group has grown in percentage as compared to the study by Raupp (2016), when 63 (22.26%) municipalities were identified in this situation. The reality of the city halls of the largest Brazilian municipalities demonstrates an inversion between the rule and the exception. This is because the majority does not comply with the legislation, when it should be the other way around (Raupp, 2016).



It is worth mentioning that a satisfactory response does not necessarily mean receiving a response. For Peres et al. (2020), when making a request for access to information, despite the right guaranteed through the LAI, the information is not always granted. The authors exemplify, for example, that in requests for information in the Electronic Information System for Citizens (e-SIC) of the Comptroller General of the Union (CGU), the type of response comprises eight classifications: access granted, access denied, access partially granted, forwarded to the Ombudsman System (e-Ouv), non-existent information, it is not a request for information, repeated/

duplicated question and the body is not competent to respond (Peres et al., 2020). We take the opportunity to highlight that all the responses received were included in the first classification.

#### 4.4. Synthesis of passive transparency of city halls of the largest Brazilian municipalities

After presenting the results by categories, it seems appropriate to register, through Table 3, a summary of the passive transparency of city halls of the largest Brazilian municipalities, including the results of Raupp (2016).

**TABLE 3. SYNTHESIS OF PASSIVE TRANSPARENCY**

CATEGORIAS	2016		2021	
	N.	%	N.	%
1. Municipalities in which it was not possible to forward the request for information	11	3,89%	9	2,76%
2. Municipalities whose request was sent, but there was no response, or the response was insufficient, or the response occurred after the legal deadline	209	73,85%	195	59,82%
3. Municipalities where the request was sent and there was a satisfactory response	63	22,26%	122	37,42%
<b>TOTAL</b>	<b>283</b>	<b>100,00%</b>	<b>326</b>	<b>100,00%</b>

Source: 2016 data are from Raupp (2016). 2021 data are from the current survey (2021).

It is worth emphasizing that both in the first and second categories are municipalities that fail to comply with the legislation and, consequently, do not contribute to passive transparency. In the first group, non-compliance occurs due to technology problems, in the second group, the reason is the lack of response to the request made. In any case, they are intransparent administrations and, incredible as it may seem, they represent the vast majority in both studies (2016, 2021). This low rate of compliance with passive transparency had also been pointed out by previous studies (Silva & Bruni, 2019; Machado et al., 2020; Visentini et al., 2020). Thus, the reasons used for choosing the size of the population (Styles & Tennyson, 2007; Cruz et al., 2012) were not confirmed in the empirical field.

The second group, as can be seen in Table 3, still represents most of the investigated municipalities, that is, in a current situation, approximately 60% of local governments do not show satisfactory results. Although the technology exists and makes it possible to receive the request, there is no service for this. In

this direction, we hypothesize here some reasons for this behavior. First, it is possible to affirm that in a considerable part of this group of municipalities, passive transparency still does not have a reserved place which considers it a fundamental value of the most modern democracies. As the empirical object refers to the city halls of the largest Brazilian municipalities, in this case those with a population greater than 100,000 inhabitants, it is not to be expected that the problem is one of technical/financial resources to meet the demands for information, but of political will, which includes the lack of a sense of compliance with legal requirements, since the responses to requests for information have legal provisions.

The relative improvement between 2016 and the current survey, represented mainly by the percentage reduction of municipalities in the second group, and the percentage increase in the third group, is insufficient to diagnose significant advances. It is not possible to say that the last few years were enough for significant advances in the implementation of passive transparency by city halls. The municipalities in the

three groups are scattered across Brazilian regions, without significant concentrations, which indicates the absence of association between regions and results. Technological advancement without the corresponding realization of transparency indicates the presence, still latent, of formalistic characteristics (Drehmer & Raupp, 2018; Drehmer & Raupp, 2019; Raupp & Pinho, 2021). As this movement in Brazil requires a long period of maturation, it may take a few more decades for it to be possible to verify strong advances in transparency (Raupp & Pinho, 2021).

## 5. CONCLUSIONS

The initial objective of the article was to analyze the passive transparency of city halls of the largest Brazilian municipalities after ten years of the Access to Information Law. The second objective was to compare the results of the survey under analysis with the results of the study published in the *Revista Contemporânea de Contabilidade* in 2016. Based on empirical data, it is clear that the reality of municipalities that do not comply with the legislation still prevails and, consequently, do not contribute to passive transparency. Such non-compliance occurs due to technology problems and lack of response to the request made. They are intransparent administrations and are present, in both studies (2016, 2021), in most of the investigated municipalities.

The study undertaken provides the area of knowledge with contributions from both theoretical and practical perspectives. In theoretical terms, the study joins a small group of works already developed on the subject, demonstrating, on the one hand, the incipience of the field in this sense, and on the other, the need to put into practice a research agenda in this

direction. In a practical way, it brings a current reality of the exercise, or lack thereof, of passive transparency by the city halls of the largest Brazilian municipalities. This reality can serve as a basis for local managers to rethink their practices on the transparency of public information, so that it is possible for the citizen to send the request for information and due feedback to the requests received can be given.

As stated at the beginning of the text, the advance of active transparency itself can be favored by meeting the demands of passive transparency, as they can contribute to an update of the set of data and information made available to the citizen in an active way. As a typology of transparency with legal provision and/or as a contribution to the advances of active transparency, passive transparency must be met in accordance with the legal rules, aiming at a later stage that configures it as a fundamental value.

It is noteworthy, as a limitation, that the work does not approach social, economic and regional variables to seek patterns, differences and answers, although future work along these lines is encouraged. The work in question focuses its analytical-descriptive effort based on a population criterion. In addition to this, other possibilities for future work are recommended. One of them refers to the possibility of researching city halls of municipalities with smaller population sizes. Another possibility concerns the study with legislatures of Brazilian municipalities. Studies with other bodies are also encouraged to verify possible evolutions or even backlashes. As previous national studies focused heavily on qualitative approaches, research with a quantitative focus is also needed to be able to generalize the data found, as with the use of regression, for example.

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**Fabiano Maury Raupp**

<https://orcid.org/0000-0001-9533-2574>

Universidade do Estado de Santa Catarina  
[fabianoraupp@hotmail.com](mailto:fabianoraupp@hotmail.com)

PhD in Administration from the Universidade Federal da Bahia (2011), Master's degree in Administration from the Universidade Federal de Santa Catarina (2003) and Graduation in Accounting Sciences from the Universidade Federal de Santa Catarina. He is an associate professor at the Universidade do Estado de Santa Catarina, working in the Department of Business Administration, in the Professional Master's program in Administration, in the Academic Master's program in Administration and in the Doctorate program in Administration at the Center for Administration and Socioeconomic Sciences. He is the author of books, book chapters, journal articles and works shared in the annals of scientific events.