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# EASIER SAID THAN DONE?

## Implementing RTI-laws in Sweden


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# ABSTRACT

Transparency is widely recognized as a prerequisite for accountability, good governance and democracy. As right to information (RTI) laws have spread, it is pressing to ask to what extent having ambitious formal legislative frameworks in place also means *de facto* transparency. This paper deals with this overarching question in two ways. First, we ask how well local governments in Sweden – a 'most-likely country' for implementing RTI-laws – comply with its ambitious *Public Access to Information and Secrecy Act*. Second, we ask if Swedish *New Public Management*-reforms – here exemplified with increased public ownership of private enterprises – imply lessened compliance with RTI-legislation. Employing a field experiment, requesting information from 462 public administrations and publicly owned municipal enterprises, counter-intuitive findings are observed. Less than half of the population respected the RTI-legislation, and no significant differences were found between the public administrations and publicly owned enterprises. The findings have methodological as well as empirical implications. They highlight the importance of not only studying legislative frameworks, but also analyzing *de facto*-implementation of RTI-frameworks in everyday situations. Also, they demonstrate that problems relating to openness can be found in low-corrupt, mature democracies with strong bureaucratic capacity, that traditionally are hailed for their long history of ambitious RTI-laws; and interestingly, that NPM-reforms do not necessarily imply lack of transparency.

**Key words:** Right to information, freedom to information, transparency, accountability, new public management, public enterprises, hybrid organizations, corruption, Sweden, local government

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## Introduction

> To encourage the free exchange of opinion and availability of comprehensive information, every Swedish citizen shall be entitled to have free access to official documents (Chapter 2, Article 1, The Swedish *Freedom of the Press Act*).

It is widely acknowledged that transparency is an important prerequisite for accountability. Therefore, it is also crucial for good governance and quality of democracy (cf. Hood & Heald 2006; Stiglitz; Cox & Wallace 2002).[1] As the connection between transparency and democracy has increasingly come to be recognized by key political actors across the globe, Right to Information (RTI)[2] laws have virtually swept through the world (e.g. Ackerman & Sandoval-Ballesteros 2006). Today, as Fox (2007) puts it, RTI has come to be regarded as a basic democratic right, perhaps best emphasized by the fact that the UN in 2015 made public access to information a sustainable development goal (UN 2015).

As RTI-legislations has spread, several actors – scholars, NGOs, INGOs – have started to monitor this progress with a variety of approaches (e.g. Lemieux et al 2015). An illustration of such monitoring initiatives is *Centre for Law and Democracy's* 'Global Right to Information Rating'[3], which attempts to gauge the strength of legal frameworks for RTI. However, ratings of this kind demonstrate a general limitation in the study of RTI-laws. Having ambitious legal frameworks in place does not guarantee actual implementation, i.e. *de facto*-compliance. Without well-organized archives, proper commitment to implementation by a well-educated and professional civil service, backed up my proper economic resources, the strongest of laws will neither secure transparency nor accountability (e.g. Neumann & Calland 2007; Roberts 2006; Grigorescu 2003).

Against this backdrop, this paper has dual purposes: 1) first, we investigate *de facto*-compliance of RTI-laws in a most-likely setting for, with a comparatively strong RTI-legislation, a long history of public access to official documents and a reputation of having an effective bureaucracy (Sweden); 2) secondly, we attempt to gauge if the far-reaching *New Public Management*-reforms in Sweden – illustrated by the increased willingness of local governments to corporatize public services – have

[1] However, see for example Lindstedt and Naurin (2011) for a slightly different and critical perspective on the positive effects believed to emanate from increased transparency.
[2] These kinds of laws are sometimes referred to as freedom of information (FOI) laws or access to information (ATI) laws; here, we have chosen to call them RTI-laws.
[3] http://www.rti-rating.org/

had a negative impact on the compliance with Sweden's RTI-legislation. Hereby, the paper aims to contribute not only to the general study of RTI, transparency and conditions for accountability; but also to the literature on the alleged effects of NPM-reforms accountability.

As indicated, we believe that it could be rewarding to take a closer look at the Swedish case if one wants to gauge the quality of compliance to RTI-laws. For all intents and purposes, Sweden is close to an ideal place to study to find conformity between legislation and behavior. ***First,*** Sweden was the first country in the world to pass RTI-laws, dating as far back as 1766 and the passing of *The Freedom of Printing Act*. Theoretically, it could be expected that the length of time since the law has been passed may matter for the quality of implementation (e.g. Lemieux 2015). ***Second***, the particular RTI-law – *Principle of public access to official documents* ("offentlighetsprincipen") – is comparatively strong and ambitious; and states for example that citizens may anonymously and without giving any reason be granted the right to read public records without delay in courts as well as state, regional and local agencies. ***Third***, and closely related, Sweden tends to score very well in various international ratings on transparency, rule of law, anti-corruption, and the strength of RTI-legislation. ***Fourth***, the probability of high-quality implementation of RTI-laws is expected to be good in Sweden, since Sweden regularly rates highly in indices measuring bureaucratic professionalism, efficiency and capacity (e.g. Dahlström et al 2012; van de Valle 2006); i.e. the civil servants here should have both the knowledge and the resources necessary to implement the legislation. ***Fifth,*** and intimately related to the second aim of the paper, since the mid-1980s and specifically at the local level, Sweden has gone comparatively far in implementing reforms associated with *New Public Management* (Forsell 1999; Montin 1992, 1997; e.g. Green-Pedersen 2002), i.e. efficiency enhancing reforms that some scholars have claimed may be at odds with transparency and public ethics (e.g. Hondeghem 1998; Fredericks 1999; Box et al 2001; Sands 2006). Therefore, in this study, we will treat Sweden as a 'most likely case' where strong and ambitious RTI-laws are believed to be enforced with high quality by civil servants working within, in this case, local public administrations.

## Previous studies

Scanning the literature, there seem to be at least four overarching ways to go about studying RTI-legislation (and/or its implementation): 1) the strength of *de jure*-legislation, 2) 'objective' measures, e.g. what type of information governments make public to their citizens and submit to e.g. INGOs monitoring transparency across the globe, 3) studies based on expert judgements, and 4) case-study field experiments, attempting to gauge actual implementation of RTI-laws. All approaches have

their strengths and limitations, and below, we will argue which approach will be most appropriate for the purposes at hand for us.

As ever more countries have introduced RTI-laws, and as the UN has made public access to information a sustainable development goal, an increased scholarly interest in the subject has followed. An important strand of this emerging literature has compared *de facto* RTI-legislations between countries. For instance, several studies focus on comparing the strength of RTI-laws in terms of e.g. time limits, exceptions, sanctions, duty to publish and so forth (see Mendel 2006; *Centre for law and democracy* 2013; Trapnell & Lemieux 2014). While we agree that *de jure*-quality of RTI-laws is important, comparing strength of RTI-laws to evaluate the *de facto*-efficiency of such laws has limitations.

But does this tell us anything of substance? Without the support of well-functioning institutions, a tradition of rule of law as well as economic and humanitarian resources, it is not evident that even the strongest of RTI-laws will have an impact on the implementation of transparency in the everyday practice of street-level civil servants. Scholars have demonstrated that the implementation of relatively strong RTI-laws in developing countries is weak, implying that having strong laws does not automatically translate to accessibility, openness and transparency in practice (e.g. Nigam 2015; Trapnell & Lemieux 2014). Furthermore, many developing countries which have implemented RTI-laws throughout the last decades do indeed have stronger legislation compared to e.g. Sweden, which has a long history of RTI and is often hailed for its transparency and openness. The fact that many developing countries have comparatively strong legislation could be seen as a result of RTI-laws being subject to regulatory innovations during the last decades. Countries with newly implemented RTI-laws typically adapted these innovations, while traditional RTI countries, which already have a functioning system of RTI-laws in place, seldom reform them. Combined with differences in e.g. institutional efficiency, this result in gaps between strong regulations on one hand and not too strong compliance on the other.

Some scholars have tried to complement comparisons of regulation by searching for 'objective measures', usually employing qualitative analyses of the efficiency of RTI-laws (for example *Centre for law and democracy* 2013; *Freedom of Information Advocates Network* 2013; McClean 2011). While such approaches can be viewed as improvements compared to analyses of *de jure*-legislations in some ways – at least if one wants to know if the laws are followed to some degree – they have limitations

of their own. After all, these judgments are constrained by the information that is readily available, which usually is a combination of regulation, available government statistics and a general appreciation of institutional efficiency in the country studied. As mentioned, the correlation between the *de jure*-strength of RTI-laws, and the actual implementation of them, is not self-evident.

An additional, 'objective' way to study RTI and transparency, is to analyse the information governments publish for instance electronically, or how much (and the type of) data governments choose to report to international organizations (e.g. Hollyer et al 2013; Grigorescu 2003). Although objective measures of this kind have their inherent attractivity, they too have limitations. They only tell us how much, and what type of information governments are willing to openly display on, for example the internet, or freely – upon request – hand over and display to international organizations. Hence, as for instance Bauhr & Grimes (2012) point out, studies of this kind have no chance to gauge whether citizens and journalists have opportunities to request and receive information that governments themselves have not chosen to publish.

Furthermore, statistics on the actual practice of RTI-laws are typically not always available or of doubtable quality, hence, not very reliable; see for instance the trouble Lemieux et al (2015) had comparing implementation of RTI-laws because of data quality in several of the countries studied. Obviously, governments have incentives to present statistics which indicate high transparency and, in case promotion of such statistics is impossible, have no incentives to present statistics at all. For example, in a study by Worker and Caroll (2014) about requests and appeals in countries with newly implemented (or reformed) RTI-legislation, it was shown that most of the countries did not present statistics on response time or delivery. Considering that slow response time might be an actual strategy in order to minimize citizens' or journalists' incentives to request information, it can be concluded that exclusion of delivery time creates severe limitation on the possibility to evaluate the actual efficiency of RTI-laws.

Recognizing the inherent limitations of studying *de jure*-legislation and different versions of 'objective' measures of the kind described above, Bauhr and Grimes (2012) have attempted to close in on the extent of public access to government information that results from the sum of the specifics of the legal and the institutional. These scholars have employed an expert survey, and posed a question regarding experts' perceptions of the extent to which government documents and records are open to public access. The initiative is worthy of praise: **1**) the survey data still gives us ample op-

portunities to conduct large-n analyses without the kind of disturbance e.g. Lemieux et al (2015) faced, while **2**) simultaneously going beyond pure *de jure*-legislation and saying something about actual transparency and implementation of RTI-laws. However, some concerns could and should be raised against expert-survey approaches. The reliability of data based on expert judgement can be discussed. As Bauhr and Grimes (2012: 12) discuss themselves, we cannot know what actual yardstick experts are using: is it a universal, objective, normative measure to ensure comparability between experts and countries; or could it be a context-bound yardstick relative to a country's or regions own legislation or RTI-tradition? Additionally, a small number of experts per country equals big uncertainty, and in Bauhrs' and Grimes' study, we know that some of their cases only have three experts, which surely at the lower end of what ought to be accepted in expert surveys.

Taking such critical remarks into account, and setting aside the issue of between-countries comparability, for the purposes at hand, we find variations of field experiments attractive when it comes to assessing the level of implementation of RTI-laws within the one and same country. Turning to Sweden, there have been a few such attempts made to gauge how well civil servants implement the relatively strong Swedish RTI-legislation. The backdrop to these studies has been the same. As in many OECD countries (e.g. Grossi & Reichard 2008), enterprises that are owned by local governments have grown in numbers: there were circa 1 300 of them at the start of the new millennium, and today there are approximately 1 800. As mentioned, several scholars have questioned the quality of transparency in these kinds of hybrid organizations. Since enterprises owned by local government are subject to *the Principle of public access to official documents*, some have queried whether these enterprises adhere to this legislation (e.g. Hyltner & Velasco 2009; SOU 2011:43). The general results are far from impressive, demonstrating that public enterprises indeed are poor at turning over information they are required by law to do.

However, there is an inherent methodological weakness in these studies. They have only queried the public enterprises. Without comparisons, we cannot know whether they are worse – or better – than public administrations proper implementing the ambitious Swedish RTI-legislation. This flaw in previous studies of Swedish RTI-legislation has determined the specific design of our study. To know whether public administrations proper are better than publicly owned enterprises, we must test the propensity to turn over official documents of *both* ways of organizing and managing public affairs. Therefore, we now turn to our methodological considerations and descriptions of the design of our study.

## Methodological considerations

Before we go into the details of our research strategy, more context for our case – Sweden – is needed. For the purposes at hand, it is important to note that Sweden is an old and mature democracy and was a relatively early adopter of universal and equal suffrage; which was approved in 1919, and implemented for the first time in the election of 1921. Today, the country is not only viewed as one of the world's strongest democracies (e.g. *Global Democracy Ranking* 2016; *EIU Democracy Index* 2016) with a high degree of freedom for the press (*Freedom of the Press* 2016), it also has a reputation of having a strong, professionalized and effective bureaucracy (Dahlström et al 2012; van de Valle 2006), being incused by a strong rule of law (*Rule of Law Index* 2016) and having very few problems with corruption (*Corruption Perception Index* 2016).

Well before laying the foundations of a developed representative democracy, Sweden embarked on a path towards a strong Weberian type of bureaucracy through a series of reforms in the mid-19th century, eradicating much of the corruption that had allegedly plagued its civil service in the 18th century (Rothstein 2011). However, it is a law dating back over 250 years – *the Freedom of the Press Act* from 1766 – that is crucial for the aims of this paper, since it grants the public access to official documents. It is the first known RTI-legislation in the world, and is better known as the *Principle of Public Access* (i.e. 'offentlighetsprincipen'). This principle states that the public is entitled to access the activities of governments at all levels, and that public information should be handed over immediately upon request. Also, and importantly, all official documents that are handled by the governments are public, unless they contain information that has been classified as secret under the Public Access to Information and Secrecy Act. The principle applies to all levels of government, i.e. including Sweden´s 290 municipalities, which are at the center of this study. In addition, since 1995, all enterprises where local governments own half or more of the shares are subject to this law; bound to hand over official documents immediately upon request.

In the introductory section, we made the case that Sweden is a suitable case to study the implementation of RTI-laws. When choosing *what* we should target within Sweden, there are methodological, as well as substantial empirical reasons, to precisely focus on public administration at the local level. The methodological argument is that there are many municipalities to choose from (290); hence it is simple to design and conduct a large-n study, therefore, to get reliable results. The empirical argument for choosing the municipal level is twofold. First, local government in Sweden is important.

It is responsible for the implementation of core policy areas in the welfare state – e.g. schools, elderly care, social security; which means that local government expenditure is extensive and amounts to approximately 25 per cent of GDP. Secondly, studying compliance to RTI-laws at the local level is relevant for policy reasons, since several of the responsibilities handled by the local level have been deemed to be danger zones for corruption (Bergh et al 2015; Andersson & Erlingsson 2012).
To test the compliance of the Swedish *Principle of public access to official documents* (sw. "Offentlighetsprincipen") in Sweden, we conducted a field experiment. First, we asked *all* local public administrations, and *all* enterprises owned by municipalities, in a representative sample of 30 Swedish municipalities[4] to submit information that – according to law – should be made available upon request. The information we requested was 1) salaries and benefits for CEOs (for the enterprises) and the directors (for the public administrations); 2) the Curriculum Vitaes (CVs) for the CEOs and the directors from when they applied for their current positions; and 3) the name of all individuals that applied for the position of CEO and director the last time the respective organizations hired their current heads. The number of local public administrations from this sample was 168, and the number of enterprises owned by the municipalities was 107. All in all, a total of 275 organizations were included in the first field experiment.

However, this test is potentially vulnerable for criticism. Some policy areas are almost exclusively run as administration proper (for instance, social services), while others nearly always as municipally owned enterprises (for instance, housing). If our first experiment should reveal differences in the level of compliance to RTI-regulations between administrations proper and publicly owned enterprises, one could ask whether it is the mode of operation that affects the level of compliance (i.e. 'administration' versus 'enterprise'), or if it could hinge on the substance of the policy area respective operations tend to manage (i.e., for instance, 'social services' versus 'housing').

Hence, in an attempt to control for the role mode of operation might play, we conducted a second field experiment. A policy area that municipalities sometimes choose to operate as administration proper, sometimes through the enterprises they own, is the management of water and sewage. After mapping how water and sewage is organized and managed by local government in Sweden, we

[4] The 30 municipalities were randomly drawn from a stratified sample of Swedish municipalities. We first divided the total number of municipalities into five groups, depending on how many public enterprises they owned, and the total number of employees in those enterprises. Then we drew six municipalities from each group in order to ensure that our sample was representative when it came to the structure of ownership of enterprises.

included 140 public administrations and 52 municipally owned enterprises in this second test.[5] We also asked these organizations to hand over the same information about the CEOs and directors as in our first test.

All requests were sent out by e-mail to the dedicated e-mail addresses of the organizations included in our test. Where such official addresses were not available, the requests were directed to the CEOs' or administrative directors' e-mail addresses. Our requests were submitted between 13th March and 1st May 2017; and during this period a new request was sent to the organizations which had not responded to our requests after seven working days. Importantly, we did not disclose in our letters the purpose of the study, or inform about the content of the law. The latter, for example, was done in the experiment conducted by the OFUKI-investigation. We made clear that we represented academia and a research project on how publicly run enterprises are run, and then simply asked for the information we wanted without giving further context.

At the end of the day, a key decision is what yardstick to use to estimate whether the organizations can be judged to have complied with the Swedish RTI-legislation or not. To provide us with the information we asked for at all, is the minimal requirement for our test. However, the temporal aspect is central too. But where should the time limit be drawn? A few previous tests used a three-day limit (*Dagens Nyheter* and the OFUKI-committee); while others have been more generous and used a week as their yardstick (Hyltner & Velasco, *Sveriges Radio*). We opted to stay as close to the wording of the law as possible. *The Freedom of Printing Act* (2 ch, 12§) states that public records must be made available 'immediately' or 'as soon as possible' upon request. However, how this has been interpreted in individual cases has a certain subjective element. This said, the Parliamentary Ombudsmen (Justitieombudsmannen, JO), has tried cases, and concluded that normally, public records should be made available *the same day* as they are asked for. Nonetheless, JO has also stated, a delay of one or two days can be accepted if a secrecy examination is needed; or, if the material one asks for is deemed to be very extensive (see for example cases tried, JO 4209-09, JO 5308).

Taking our cue from *The Freedom of Printing Act*, as well as the reasoning in the cases that JO has ruled, we set our yardsticks at (1) answering our questions within four days with e-mail, or (2) with-

[5] Since the sum of tested organizations in this test is not 290 – the same as the number of municipalities in Sweden – this is not an exhaustive list of the ways water and sewage is managed. In our test, we have not included some less common ways to organize water and sewage: inter-municipal joint arrangements (in total 8), publicly owned enterprises, that are owned jointly by two or more municipalities (in total 16).

in six days with snail-mail. Since we wanted to give the surveyed organizations the benefit of the doubt; it is generous compared to RTI-regulations, but not too far from the intentions of the law-makers.

## Results

Let us turn to our results, and see how willing the organizations in our sample are to hand over the information we asked for. We will start by 1) presenting the results from our broader, general field experiment, where all administrations and municipally owned enterprises in 30 municipalities were asked to hand over the information we wanted, and then 2) present the results from the narrower field experiment, that asked for information from all administrations and municipally owned corporations in all of Sweden´s municipalities that operate water and sewage.

Below, in table 1, we show the results from the first test, that included 168 administrations and 107 municipally owned enterprises. Those who answered our request within four days (by mail) or six days (by snail mail) were categorized as 'passing' the test, according to the yardstick which was agreed upon in the methods section above.

TABLE 1, PUBLIC ADMINISTRATIONS VERSUS PUBLIC ENTERPRISES: HOW MANY PASSED THE YARDSTICK? (TEST 1)

| Type of organization | Total number | Total number passed | Share passed (percent) |
|---|---|---|---|
| *Public administration* | 168 | 74 | 44 |
| *Public enterprise* | 107 | 55 | 51 |

***Comment:*** *The table shows the number and share of public administrations and municipally owned enterprises that passed the test of handing over the information asked for within the time-frame which the law stipulates.*

The results are surprising and provide additional information, considering how the issue has traditionally been discussed: 1) theory suggests that publicly owned enterprises should have lower levels of transparency than public administrations proper, and 2) previous empirical research in Sweden claim that this also is confirmed in their data. However, table 1 demonstrates that the enterprises fare somewhat better than public administrations in our test. 51 percent of the publicly owned enterprises passed our test and responded within the time-frame, while the corresponding figure for public administrations was 44 percent. The difference is not statistically significant, but given the findings, we can at least say that both ways of organizing public affairs are equally poor at adhering to the Swedish *Public Access to Information and Secrecy Act.*

To show how many passed our yardstick is one way to demonstrate our findings. Another way to display them is to take a closer look at mean and median values of the time it took for the respective organizations to hand over the material; and also, to check the quality of the information we received. As table 2 shows, the overarching impression remains: the differences between public administrations proper and municipally owned corporations are small.

TABLE 2, PUBLIC ADMINISTRATIONS VERSUS PUBLIC CORPORATIONS: MEDIAN AND MEAN VALUES (TEST 1)

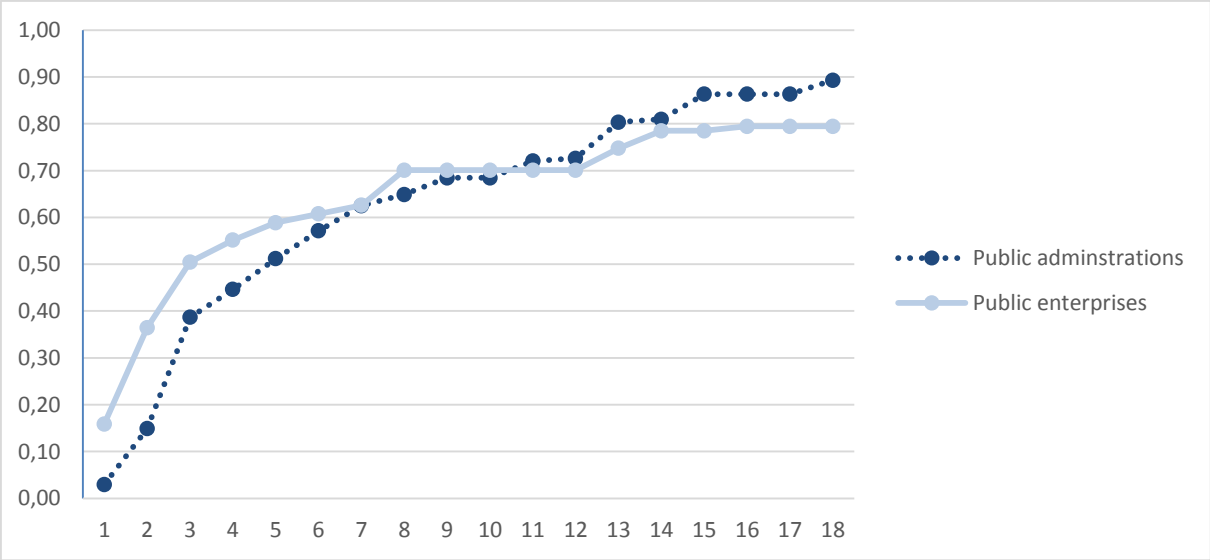
| Type of organization | Median (days) | Mean (days) | Share non-response (percent) |
|---|---|---|---|
| *Public administration* | 5 | 6.4 | 11 |
| *Public enterprise* | 3 | 4.4 | 20 |

***Comment:*** *The table shows how long time it took for the organizations we tested to hand over the information we asked for, as well as the quality of the information that was handed over.*

As is evident, when it comes to the speed of response, the enterprises in our sample performed far better than the public administrations; and the difference in response time is statistically significant. However, it is noteworthy that when it comes to the quality of the information that was handed over, public administrations performed better: the quality of the information we got from them was in better accordance with what we asked for, and 89 percent of them had actually responded to us when the cut-off time for the experiment was reached. The corresponding figure for the enterprises was 80 percent, i.e. one fifth of the enterprises did not give any response to our questions.

A third way of displaying our results, as in table 3, is to cumulatively visualize on which day after our initial question we received answers. This way of looking at the data confirms the picture that public administrations were somewhat tardy at the outset, but eventually picked up, and after eight days they were on the same level as the enterprises.

*FIGURE 1, HOW MANY ANSWERED AFTER X NUMBER OF DAYS (TEST 1)?*




***Comment:*** *The vertical axis indicates the percentage of the organizations in the sample that had answered our requests after x number of days. The horizontal axis depicts the number of days after our first request. We have subtracted two days from those who responded by snail mail.*

The figure shows that two days into the test, just about 15 percent of the public administrations had responded to the requests, while the corresponding figure for the administrations was 36 percent. After that, public administrations picked up speed. All in all, in this first and more general test, we can conclude that public administrations performed worse when it comes to adhering to speed and expedition; however, they did better when it came to the actual quality of the information that was eventually delivered.

Turning to our second test, remember that we kept the policy issue constant here (management of water and sewage), but let the form of organization vary (i.e. water and sewage managed by either public administrations or municipally owned enterprises). Table 3 shows the overall findings from this test.

TABLE 3, PUBLIC ADMINISTRATIONS VERSUS PUBLIC ENTERPRISES: HOW MANY PASSED THE YARDSTICK? (TEST 2)

| Type of organization | Total number | Total number passed | Share passed (percent) |
|---|---|---|---|
| *Public administration* | 140 | 75 | 54 |
| *Public enterprise* | 52 | 20 | 38 |

As is evident from table 3, public administrations performed better than in our first test (54 percent passed), a result which is confirmed when we look at the mean and median values of response time below in table 4. In this latter and somewhat more concentrated test – where we tried to isolate the effect of type of organization – enterprises performed considerably worse regarding response time, both compared to public administrations and compared to how they fared in the more general first test. However, there were only very small differences in the material that was eventually handed over.

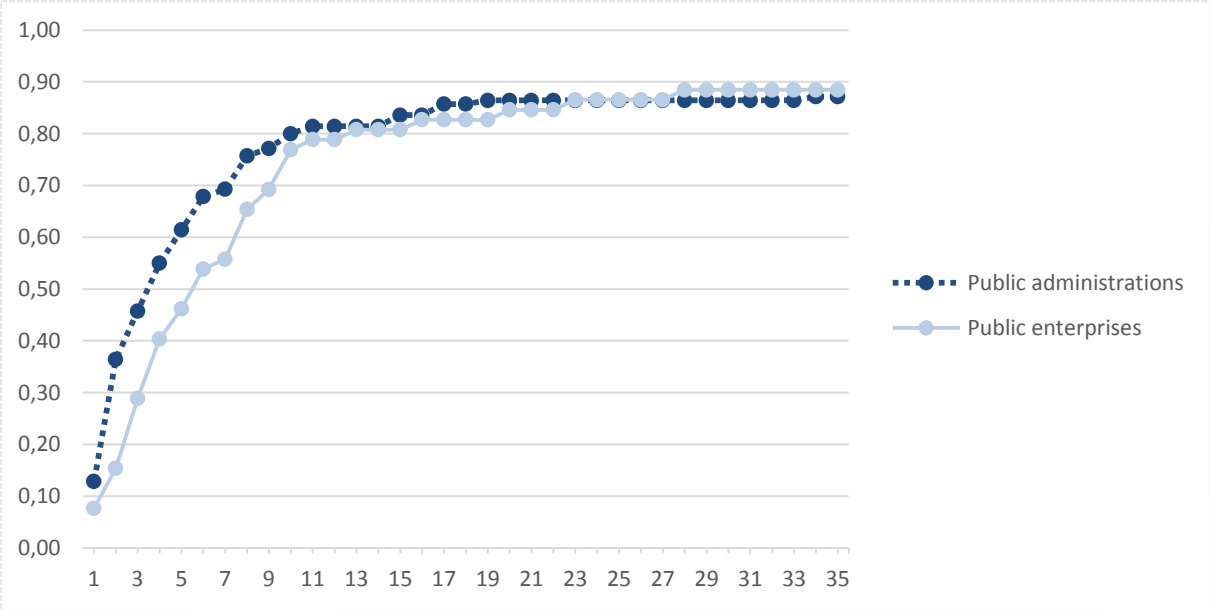
TABLE 4, PUBLIC ADMINISTRATIONS VERSUS PUBLIC ENTERPRISES: MEDIAN AND MEAN VALUES (TEST 2)

| Type of organization | Median (days) | Mean (days) | Share no response at all (percent) |
|---|---|---|---|
| *Public administration* | 3 | 4.8 | 13 |
| *Public enterprise* | 5 | 6.8 | 12 |

***Comment:*** *The table shows how long it took for the organizations we tested to hand over the information we asked for, as well as the quality of the information that was handed over.*

In figure 2, the response-time of the two types of organizations can be viewed in more detail. Contrary to test 1, public administrations were much faster than the enterprises who did reach the same level of responding first when two weeks (and one reminder) had passed; and then only 80 percent had reacted to our requests. When our test-period was over, 13 (public administrations) and 12 percent (public enterprises) respectively had not answered our requests at all.

*FIGURE 2, HOW MANY HAD ANSWERED AFTER X NUMBER OF DAYS? (TEST 2)*




## Discussion

Given the dual tasks of the paper, two results are worth highlighting and elaborating upon. The first is the low *general* level of compliance, especially regarding speed of expedition. The enforcement of the law must be judged as poor, considering the strict demands made by the Swedish RTI-legislation; i.e. that public records must be made available 'immediately' or 'as soon as possible', with a delay up to two days if arguments for this can be made. Adding both field experiments together, we requested information from a total of 462 public administrations and enterprises owned by local governments.[6] Only 220 of them – less than half – responded within the generous time-limit we employed, given how the law is worded. It is also worth emphasizing that we were generous in another way as well: we did not evaluate the quality of the answers we got, answers which in several cases were of doubtful quality, but categorized organizations as 'passing' if they responded to us in one way or another within the time-limit. Additionally, one should note that 13 percent of the organizations did not respond to our requests at all, despite the generous length of the test-period, which stretched over a prolonged period and that we submitted reminders after seven working days. Adding strength to the validity of our findings, they are basically in line with what has

[6] Note that five enterprises that operates in water and sewage were included in both tests since they fulfilled the selection criteria for both field experiments. However, only one request was sent to these enterprises since the request procedure towards enterprises was identical for both experiments.

been found when investigative journalists have made explorations with similar designs as the field experiment we conducted here (e.g. *Dagens Nyheter* 2010; *Sveriges Radio* 2017).

We do not aspire to explain the 'loose couplings' found, i.e. that we note a rather low level of implementation of the Swedish RTI-law, especially its demands on expedition. For the purposes at hand, it is sufficient – and important – to state that even though a country 1) has had ambitious *de jure* RTI-regulations in place since the 18th century; 2) is continuously ranked as being among the world´s most transparent, and 3) has a bureaucracy which is ranked among the world´s most effective; this does *not* guarantee that in everyday application its RTI-legislation is implemented with high quality. We believe that seeing this in a mature welfare state which regularly performs well in anti-corruption and rule of law-rankings, adds to the knowledge in the field, which previously has predominantly discussed the lack of implementation in relation to developing countries that have newly passed RTI-laws. Here, scholars have explained poor implementation with reference to the 'immaturity' of bureaucracies, e.g. poor archive management, lack of human and economic resources, and low levels of awareness by civil servants and citizens about the existence of the legislation (Neuman & Calland 2007). But, as we have seen, difficulties implementing ambitious laws are observed also in our 'most likely' setting.

The second result worth delving into, is the rather minor differences found between public administrations proper on the one hand, and the public enterprises owned by municipalities on the other. Previous research and theory on NPM-reforms, lead us to expect lack of transparency and hence lower adherence to RTI-legislation among hybrid organizations such as publicly owned enterprises (e.g. Box et al 2001; Hondeghem 1998). However, this is not what is observed in the field experiment. In the first test, enterprises performed better when it came to speed of expedition than did public administrations. However, eventually, they performed worse when it came to handing over the information requested.

Nevertheless, grounded in what is observed in this study, it would be misleading to conclude that enterprises owned and operated by municipalities are systematically worse at implementing RTI-laws than public administration proper. To be clear, this does not imply that publicly owned enterprises are good at adhering to RTI-legislation. Rather, it must be said that public administrations in Swedish local government are poor at doing this. All in all, our conclusion must be that both publicly owned enterprises and publicly owned enterprises are wanting when it comes to implementing

the ambitious Swedish RTI-legislation, especially when it comes to respecting the demands of speed of expedition they are obliged to follow. This is surprising and depressing from an RTI point of view, considering 1) how well Sweden fares in rankings and indices that study *de jure*-legislation and/or are based on subjective expert-surveys, and 2) that the conditions for implementation ought to be optimal in Sweden, since its bureaucracy is typically described as professionalized, efficient and having an excellent capacity.

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