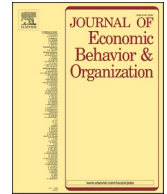




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Research Paper

## Response, awareness and requester identity in FOI law: Evidence from a field experiment

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## ABSTRACT

Freedom of Information (FOI) is considered a crown jewel of reforms fostering public administration transparency and accountability. However, FOI's symbolic power alone cannot overcome the organizational barriers and obstacles to its effective implementation. This paper presents the results of a field experiment performed in Italy, a late FOI adopter, where an FOI request was sent to the 307 municipalities with more than 30k inhabitants. The experimental design exploits marginal wording variation in the requests to test whether municipalities discriminate between ordinary citizens and high-profile requesters. The experimental evidence suggests that most Italian municipalities reply to FOI requests. The results show two opposite types of discretionary bias: Northern municipalities tend to favor high-profile requesters, whereas Southern municipalities tend to respond to them with a higher degree of attrition. The study investigates the determinants of this difference.

## 1. Introduction

The Freedom of Information (FOI) laws, also known as Right to Information (RTI) or Freedom of Information Acts (FOIA), are considered “a benchmark of democratic development” (Carson and Darbishire, 2006 p. 21) because they improve the functioning of democracy by fostering accountability and trust, preventing corruption and malpractices, and securing better decision-making and public administration performance (Roberts, 2002; Abouassi and Nabatchi, 2019). In recent decades, this claim has powered an international wave of adoption of these laws and, more generally, promoted government openness policies (Worthy, 2017).

Nevertheless, due to the symbolic power and political imperatives underpinning the adoption of Freedom of Information (FOI) laws, governmental efforts frequently exhibit a tendency to narrowly concentrate on these laws' formulation, thereby overlooking the critical significance of their proficient implementation. As emphasized by scholars: “this focus on politics and policy has overshadowed another critical aspect of FOIA: the on-the-ground administration of FOIA by public managers” (Abouassi and Nabatchi 2019, p. 21). Instead, prioritizing the implementation of FOI measures is relevant, given the growing empirical evidence that attests the challenges faced by public administrations in realizing effective and impartial performance, especially in the realm of FOI reactive transparency

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(Grimmelikhuijsen et al., 2018; Worthy et al., 2017; Wagner 2021; Yang et al., 2022; Michener and Nichter, 2022).

This paper adds to the existing body of literature in three distinct ways. Firstly, it augments the scholarly discourse by presenting experimental findings that scrutinize the responsiveness of public bureaus to citizens' FOI requests within the context of Italy – a country whose performance in implementing FOI remains unexplored. Italy serves as a pivotal case study because of its status of late adopter of FOI and its historical inclination towards reluctance in embracing disclosure commitments (Di Mascio et al., 2019). Secondly, this research distinguishes itself by engaging with the Transaction Cost Theory (TCT) within the domain of public administration (Williamson, 1997) to formulate hypotheses pertaining to the emergence of bureaucratic discretionary bias in the handling of FOI access requests. Thirdly, it adds to the previous empirical literature by explicitly incorporating citizens' signalling of legal expertise (i.e., whether or not they are lawyers) in examining bureaucratic responses to FOI access requests. Earlier experimental studies mainly controlled for mentioning the FOI law in the request (Grimmelikhuijsen et al., 2018; Worthy et al., 2017). The novelty of incorporating citizens' legal expertise is at the core of the paper as it holds implications for understanding uncertainty-related transaction costs, on which the experimental design is framed.

From the perspective of Public Administrations, each FOI request generates transaction costs linked to the management of the relationship with the requester. This encompasses tasks such as determining communication strategies and resolving potential disputes arising from the disclosed information or non-disclosure (i.e., bargaining and sanctioning costs, Dyer 1997). When public administrations receive a FOI request, these costs are wrapped in a veil of uncertainty. Bureaucrats lack insights into the requester's background, specific interests in the sought information, and potential reactions to a reply or the absence thereof. In other words, they operate as boundedly rational individuals (Williamson, 1997). Consequently, their ability to predict the trajectory of these interactions is limited. This study explores the uncertainty of transaction costs as a source of behavioral heterogeneity (Fussell et al., 2006) in the case of public administrations' implementation of the FOI law.

Our investigation focuses on Italy, where the FOI law has been instituted only in recent years (Cicatiello et al., 2022). Employing a field experiment, we subject all municipalities with more than 30,000 inhabitants to FOI requests randomly manipulated to vary the amount of information provided about the requester. The experiment assesses the effect of three distinct treatments.

The first one involves the inclusion of a reference to the national FOI law in the request, thereby constituting an explicit reminder of the FOI obligations. This qualifies the requester as a citizen expert in FOI matters. Specifically, it denotes an individual who knows that public administrations are obliged to reply to citizens' requests to access information within a timeframe mandated by national law. The second treatment involves signing the requests using the honorific title commonly attributed to lawyers in Italy, thereby constituting an explicit appeal to professional authority. According to Article 116 of the Italian Code of Administrative Proceedings, the procedural safeguarding of the right to access information, in cases of non-response or negative response from public administration, is entrusted to the regional administrative courts. Appealing to these courts necessitates legal expertise concerning the principles of administrative law and a lawyer title. Therefore, signing the request as a lawyer signifies someone with comparatively lower costs than other citizens when initiating an appeal to the judicial authority against the non-disclosure of information. Finally, the third treatment combines the first two, by incorporating a reference to the FOI in the request and signing it with the lawyer honorific title.

We posit that the greater the legal expertise of the requester, explicitly manifested through the inclusion of references to the FOI law in the request and the use of a legal expert honorific title in the signature, the higher the transaction costs (encompassing bargaining and sanctioning costs) anticipated by public administrations if they choose not to disclose the requested information. This assumption rests on the premise that individuals with legal expertise are more inclined to initiate disputes against public administrations that refrain from disclosing the requested information.

It is noteworthy that Italy currently lacks a functional system for monitoring and sanctioning in the event of denied FOI requests. In accordance with the Italian FOI law, citizens who have requested information may file an appeal against non-disclosure with an internal body of the same administration that denied access. In the event of an unfavorable outcome at this internal stage, the recourse available involves navigating the Italian administrative court system — which necessitates either being or hiring a lawyer. This process is typically long, with an average duration of approximately two years to reach a first-instance decision (Angei and Paudice, 2020).

The credibility of activating these procedures is heightened when the applicant is acquainted with the FOI law and/or possesses legal expertise, enabling them to personally pursue an appeal through the administrative court system. Consequently, from the perspective of public administrations, the expected transaction costs are elevated when the veil of uncertainty surrounding the requester's identity is lifted, revealing a certain level of expertise in the FOI domain or legal matters. In essence, we expect public administrations to discriminate in favour of the requesters who reference the FOI law or exhibit a legal profile, as a strategy to minimize transaction costs.

Our experimental findings suggest that the Italian municipalities achieve higher rates of reply to FOI requests than those reported by the public administrations from other countries covered by previous studies. This observation serves as a reassuring indication, especially considering that Italy is among the less experienced nations in the implementation of FOI measures.

Within this framework, our findings reveal that mitigating uncertainty concerning the requester's profile—specifically, clarifying their familiarity with the Freedom of Information (FOI) law or their status as a legal expert—positively influences the likelihood of bureaucrats disclosing the requested information. Stated differently, dispelling uncertainty about potential bargaining and sanctioning costs, which may arise in the event of non-disclosure, exerts discernible effects on the behavior of public administrations.

Remarkably, the impacts of referencing the FOI law (an explicit signal of expertise), signing the request as a lawyer (a signal of expertise that also implies lower costs for accessing judicial courts to contest public administration behavior), and the combined application of both treatments are of comparable magnitude. In essence, public administrations interpret any indication of legal expertise as a potential threat of augmented transaction costs in the event of non-response.

Nevertheless, our analysis reveals that these findings exhibit regional variations along the North-South divide of Italy. In the Southern part of the country, the awareness of the requester possessing legal expertise results in a contrasting response from public administrations, wherein they lean towards refraining from responding to FOI requests. Supplementary analyses suggest that this reaction may be correlated with a higher incidence of corruption and a lower quality of institutions in this region. These contextual factors shape the cognitive framework of bureaucrats, prompting them to perceive playing the game of inertia against potentially threatening requests as a more favorable strategy. This finding underscores that in low-quality institutional contexts, which ostensibly stand to benefit from transparency, the positive outcomes of FOI norms may be dampened.

On the whole, the disparate implementation of the Italian Freedom of Information (FOI) legislation, as illustrated by our research findings, raises questions about the efficacy of the law in realizing the positive outcomes posited in existing literature. Consequently, there exists a compelling imperative for policy interventions aimed at addressing discriminatory practices and regional disparities. One suggested approach involves the establishment of a unified national web platform designed to aggregate requests, anonymize them, transmit them to local institutions, and systematically monitor the responsiveness of these institutions to the submitted inquiries. The implementation of such a platform holds promise as a constructive instrument in addressing the biases revealed through our investigation.

The article is structured as follows: Section Two establishes the context for our study by delineating the principal characteristics of the Italian Freedom of Information (FOI) regime. Section Three offers a comprehensive review of the burgeoning empirical literature focused on the implementation of the Freedom of Information Act (FOIA). Section Four furnishes an overview of the Transaction Cost Theory (TCT) perspective, elucidating its relevance to the interactions between public administrations and citizens within the FOI framework. The fifth section delineates the intricacies of the experimental design, while Section Six articulates and expounds upon the results obtained. Lastly, Section Seven encapsulates a final discussion and conclusion, summarizing the key insights derived from the study.

## 2. Setting the stage: FOI in Italy

Inspired by the oldest example in history - i.e., Sweden's Freedom of the Press Act of 1766 - more than 100 countries around the world adopted Freedom of Information Laws over the XX century. Although there is some cross-national variability, these laws establish two types of obligation: proactive disclosure of a defined set of information and passive (or reactive) response to citizens' requests of access. FOI laws allow citizens to submit requests that concern information held by national, regional and local public administrations without providing a reason for wanting it. There are usually few exceptions that concern those records of information that are explicitly protected from disclosure or vexatious requests and requests that concern personal data.

The case of the Italian FOI law is particularly interesting because of its late adoption. The story of Italy's movement towards a full access law has been, as one study put it, "long" and "incoherent" (Savona and Simonati 2019, p.259). Despite a strong reputation for administrative secrecy, Italy underwent a remarkable "transparency shift" in 1990s, driven by political competition, "political uncertainty" and the "increasing politicization of corruption" (Di Mascio et al. 2019, p.2).

The original Italian access law, dating from 1990, was famously not requester-blind. Unusually, and almost uniquely for an access regime, the access law required "a reason or relationship legally relevant, serious, real, not emulative, not related to a mere curiosity" (Dragos et al. 2019, p.259).

Nevertheless, the aforementioned act underwent a significant transformation through a 2013 reform that encompassed proactive publication and civic access. This reform, widely acknowledged as a comprehensive access law, was further solidified in 2016 (Savona and Simonati, 2019). The legislative decree 97/2016 marked a pivotal moment, elevating the freedom of access to information to the status of a fundamental right, thus establishing a "generalized access" in Italy. According to the Global Right to Information rating (<https://www.rti-rating.org/>), Italy ascended from the 103rd to the 55th position in 2017 for the quality of its Freedom of Information (FOI) law. This legal framework now grants every citizen the right to access any document and data held by public administration, subject to certain limitations. Importantly, the request does not necessitate the requester to demonstrate a specific interest in the matter, and the receiving office is obligated to respond within a 30-day timeframe.

However, the current landscape is characterized by a proliferation of overlapping and conflicting access rights, encompassing separate legislation governing access requests, proactive disclosure, and open data. A debated question persists regarding whether Italy possesses a complete FOI law (Carloni and Giglioni, 2017). Despite constituting a substantial leap in the Italian transparency regime, the legislative decree 97/2016 does not entirely supplant the two earlier laws, resulting in the coexistence of three forms of access to information. This complexity has implications for the enforceability of citizens' right to information, as it poses challenges for common citizens to navigate these multiple avenues (Carloni and Giglioni, 2017). Furthermore, the Italian FOI law lacks some common features found in FOI regimes, such as external review from independent oversight bodies or robust sanctions, significantly weakening the enforcement of the right to information. The National Anticorruption Agency (ANAC) has provided limited guidance through soft law in the form of guidelines and monitoring (Cicatiello et al., 2022). Notably, the pressure group FOIA4Italy has highlighted the loose and catch-all nature of some exceptions, particularly those pertaining to "public interests pertinent to economic and budgetary policies and the stability of the State."<sup>1</sup>

Despite this fragmentation and weakness, a recent study by Cicatiello et al. (2022) reveals that Italian municipalities generally

<sup>1</sup> See <https://www.foia4italy.it/news/il-primo-foia-italiano/> (last accessed 16/10/2022).

exhibit a good rate of compliance in the disclosure of proactive information. However, approximately a third of municipalities appear to ignore the provisions of FOI publicity. The study underscores a considerable heterogeneity among municipalities, aligning with the notion that transparency is spatially determined (Galli et al., 2020; Albanese et al., 2021). It is important to note that this study primarily focused on proactive compliance, a dimension that has been shown in other contexts to not necessarily correlate directly with responsiveness (Michener and Nichter, 2022). The diverse approaches to proactive compliance also raise pertinent questions about how reactive transparency, particularly in response to citizen-initiated requests, manifests in practice.

### 3. Experimental evidence on reactive transparency under FOI regimes

The relationship between citizens and public officials can be examined within “the basic agency structure of a principal and an agent who are engaged in cooperative behavior, but have differing goals and differing attitudes toward risk” (Eisenhardt 1989: 59). Access to information granted by FOIA improves the public decision-makers accountability as it empowers citizens verify that they behaved according to their responsibilities, thus aligning the interests of the agents with the interest of the principal (Prat, 2005). The primary virtue of FOIA is reducing the cost of information gathering thus and enabling oversight mechanisms to be more effective (Camaj, 2016).

Field experiments examining the efficacy of Freedom of Information (FOI) laws remain relatively underdeveloped but have seen substantial growth in recent years. These studies primarily involve data collection through the submission of FOI requests to national or local public administrations. They assess how these administrations respond and whether alterations in the request—such as its content, tone, or the profile of the requester—affect the response from public authorities.

Cuillier (2010) conducted two field experiments in Arizona, USA, with the assistance of student journalists from the University of Arizona’s news reporting classes. The initial experiment involved requesting 106 police agencies in Arizona to disclose use-of-force reports dating from 2000. The experiment utilized both amiable (‘honey’) and assertive (‘vinegar’) letters. Results showed a higher response rate (67 % versus 49 %) when a more assertive letter was used. Moreover, there was a suggestion that the assertive letter might expedite response times, while the amiable letter encouraged cooperative behavior from agencies.

The second experiment involved 219 public school districts in Arizona. Three types of letters—a threatening, friendly, and neutral baseline letter—were sent requesting contracts of head high school football coaches and superintendents. The threatening letter yielded better response rates (77 % versus 50 %) and expedited the process, while the friendlier letter prompted agencies to go beyond legal obligations, potentially resulting in cost savings for the requester.

In a 2015 study, Michener and Rodrigues (2015) conducted two field experiments in Brazil. The first experiment involved four different identities—two females and two males—submitting 322 information requests to 8 federal and state jurisdictions. The results indicated favoritism towards institutional identities among females, with a higher response rate (73 % versus 57 %) for a female participant affiliated with a Ph.D. program compared to a non-institutional identity. However, there was no such disparity among males, with both institutional and non-institutional identities receiving similar response rates (75 % versus 72 %).

Their second experiment involved 194 requests submitted to 29 Brazilian Ministérios Públicos by two male citizens with distinct identities. The results revealed a 50 % response rate across requests, irrespective of the requester’s profile.

Worthy et al. (2017) conducted a seminal field experiment focusing on English parish councils, submitting FOI requests and informal non-legal requests for organization charts. While the response rate was low (15 %), requests mentioning FOI norms received more frequent replies, showing no correlation between preexisting transparency levels or organization size. Requests mentioning FOI also resulted in more collaborative behavior by administrative clerks, which were more inclined to follow the “spirit of the law”.

Grimmelikhuijsen et al. (2018) replicated Worthy et al. (2017) experiment in the Netherlands, involving Dutch local government bodies. Similarly, requests framed as official FOIA requests received a significantly higher response rate (~77 %), indicating a higher inclination among public administrators to respond to FOI requests than informal ones, with no influence from organization size.

Spác et al. (2018) focused on Slovakian local governments, studying requests for information about election candidates. Their findings supported higher response rates for FOI-framed requests, particularly among smaller municipalities.

In a 2018 study, Lagunes and Pocasangre (2018) conducted a field experiment in Mexico, submitting FOI requests to 197 national government entities. They observed response rates ranging from 71 to 81 %, noting no discrimination between regular citizens and seemingly influential individuals. However, while response rates increased over time, the speed and quality of responses diminished.

Wagner (2021) sent out 1002 FOI requests across nine U.S. states and 334 jurisdictions, each requesting specific information. Results indicated positive outcomes were correlated with various contextual factors, such as demographics and political affiliations. Requests in central and Southern US regions had a lower probability of positive outcomes and required longer processing times.

The results of these studies show that mentioning FOI norms in a FOI request increases the response rate of local governments. They also suggest that public administrators may be reluctant to follow the spirit and the letter of FOI when not explicitly reminded of the binding requirements of the law. Evidence is emerging of territorial divides in implementation (Koningisor, 2020; Wagner, 2021) and heterogeneity among different tiers of public administration (Poole, 2018). Although local government sits on the ‘frontline’ of most systems, and should play a primary role in implementation (Worthy, 2013), there are worrying signs that they fare systematically worse than higher-level governments (Michener et al., 2021a; Nkwe and Ngoepe, 2021).

In short, the growing literature in this field suggests that FOI laws work but responsiveness is driven by discretion. This consideration leaves the door open to conceptualization of the reasons why some discriminations in implementing FOI reactive transparency exist. The following section builds on the theoretical perspective of TCT to provide hints on the reason why discrimination may arise.

#### 4. Bureaucrats-citizens interaction within the FOI reactive transparency framework

Bureaucrats play a pivotal role in the operationalization of active transparency within the process of Freedom of Information (FOI). Their significance stems from the considerable discretion wielded in handling FOI requests and from the personal interactions with petitioners. While bound by laws and regulations, bureaucrats exercise interpretative authority and enforce FOI legislation. A nuanced understanding of the factors governing bureaucrats' responses to FOI requests holds the key to comprehending local administrative decisions and, by extension, the broader landscape influencing FOI law implementation.

Within this context, Transaction Cost Economics (TCE) offers a pertinent theoretical framework. TCE posits that interactions between market participants incur coordination costs, encompassing search, contracting, monitoring, and enforcement costs (Williamson, 1997; Dyer, 1997). Williamson advocates that “any issue that arises as or can be reformulated as a contracting problem is usefully examined through the lens of transaction cost economizing” (Williamson 1998, p.23), suggesting applicability of TCE to public sector transactions (Williamson, 1997). Accordingly, we propose leveraging TCE to understand the dynamics of the interactions between public administrations and citizens in the context of FOI reactive transparency.

These interactions can be analogized to transactions between bureaucrats and citizens, aimed at information exchange. When responding to information requests, bureaucrats bear all the costs needed to providing a reply, e.g., identifying the involved offices, collecting the information to release, drafting the reply. Additionally, they have to sustain the costs linked to disclosing potentially sensitive information, i.e., an information that puts public administration at risk because of its specific content or nature. Alternatively, they have to face costs arising from a denial (or not replying) to the citizen's request. For example, when the bureaucrats do not disclose the requested information, the requester might defend her/his right to receive the requested information and act against the administration in judicial courts. This implies further costs for the public administration.

The probability of incurring such costs hinges upon the political risk associated with the requested information (Berliner et al., 2021) and the behavioral inclinations of the requester –i.e., her willingness to use such an information against public administration or to contest any refusals or inertia. Bureaucrats experience the uncertainty enveloping the intentions of the requester, thereby influencing their decision-making processes. The “difficulty in monitoring a transaction's execution or evaluating the performance of a transaction partner” (Li and Fang 2022, p. 4) can be referred to as behavioral uncertainty (on uncertainty see also Fussell et al., 2006). In human interactions where the outcome depends on trustworthiness of other players, social risk “are the prime source of uncertainty” (Bohnet et al., 2008, p. 294). In the context of FOI acquiring information about the characteristics of the involved parties becomes essential to elucidate the asymmetrical dynamics between petitioners and officials: behavioral uncertainty can explain why public officials involved in FOI activities engage in identity-questioning by profiling citizens on the internet (Michener et al., 2020).

In essence, possessing access to the requester's profile data becomes valuable as it facilitates the formulation of an anticipative understanding of their potential actions upon receiving or not receiving the requested information. This anticipatory analysis assists in estimating the potential transactional costs. Armed with this knowledge, bureaucrats can calibrate their responses, choosing to disclose the requested information or refrain from replying if the perceived transactional costs outweigh the benefit of responding.

Additionally, bureaucrats grapple with environmental uncertainty: “an unpredictable, complex, and volatile transaction environment” as articulated by Hsie et al. (2016, p. 2138). In the context of the Italian FOI, this uncertainty stems not only from the context-specific traits of municipal offices but also from the absence of a standardized framework for the submission and processing of requests. The coexistence of varied forms of access to information governed by differing regulations further aggravates this environmental uncertainty (Cicatiello et al., 2022). This environmental uncertainty can explain why the reference to the FOI law can trigger a different response by public administration.

In this theoretical construct, as outlined by Tummers et al. (2015), officials, upon receiving requests, may adopt one of three coping strategies: moving towards, moving away, or moving against clients. As posited by Liu et al. (2022), “moving toward requires additional efforts in terms of extra attention, energy, time, and resources”. Consequently, it is more prevalent in contexts where: i) the quality of public administrations is higher, i.e., where there is a lower political risk to disclose information; ii) transaction costs arising from moving against or away seem high because officials argue from the request that the petitioner may more easily file an appeal against any silence or denial.

Conversely, the decision to deny requests (moving against) or adopt a passive approach by ignoring them (moving away) is more likely in contexts characterized by higher political risk, lower institutional quality, and where officials do not anticipate potential actions aimed at protesting the silence or denial by the public administration.

#### 5. Experimental design

Our analysis focuses on a subset of 307 municipalities out of the nearly 8000 in Italy, specifically targeting those with over 30,000 inhabitants. This selection is deliberate for several reasons. Primarily, the majority of Italian municipalities have fewer than 3000 inhabitants, and it is presumed that the regulatory burden associated with overlapping transparency laws significantly impacts smaller municipalities due to their limited administrative staff. Second, despite the seemingly modest size of our sample concerning the total number of municipalities, approximately half of Italy's population resides in the 307 municipalities with more than 30,000 inhabitants. Third, this sample aligns with the study by Cicatiello et al. (2022), providing a basis for meaningful comparison in their analysis of proactive transparency among Italian municipalities.

Our experiment involved sending four distinct types of requests to municipal offices. We designed our requests with a generic focus to minimize controversy (Cuillier, 2010; Abouassi and Nabattchi, 2019) and to avoid overburdening public administrations. The request pertained to the number of electronic ID cards issued in 2018. This information in the number of electronic ID cards issued is

owned by the Civil Registry (*anagrafe* in Italian) in all the municipalities and is not usually posted online by public administrations as it does not fall in the mandatory cases (law no. 33/2013).

Electronic ID cards represent an evolution of traditional paper ID cards. In addition to establishing the holder's identity, these ID cards are equipped with an electronic component that encapsulates the digital identity of citizens. Consequently, these cards facilitate access to online Public Administration (PA) services, aligning with the concept of digital citizenship defined as "the ability to participate in society online" (Mossberger et al. 2008, p. 1). The issuance of electronic ID cards alongside traditional paper ones in Italy commenced in 2016. However, a pivotal shift occurred at the end of 2018, the specific year for which our Freedom of Information (FOI) request sought information. From that point onward, Italian municipalities were exclusively permitted to issue electronic ID cards, marking a significant transition in the national approach to identity documentation. Electronic ID cards were a topic of relevance in the Italian public discourse in 2018, particularly regarding extended waiting times for electronic ID card appointments.<sup>2</sup> This topic became even more relevant in the subsequent years.<sup>3</sup>

The requests, whose text is available in the appendix, were identical except for the following differences:

- a. "Control" request: did not include a specific reference to FOI law or the title of the requester;
- b. "Lawyer" request: did not include a specific reference to FOI law but includes the honorific title commonly attributed to lawyers in the requester's signature;
- c. "FOI" request: included a specific reference to FOI law but did not include the title of the requester;
- d. "FOI + lawyer" request: included a specific reference to FOI law and the lawyer honorific title in the requester's signature.

Requests b), c), and d) signify that the requester possesses a degree of legal expertise. In request c), this is straightforwardly indicated by the requester's familiarity with the Freedom of Information (FOI) law.<sup>4</sup> Conversely, in requests b), the indication lies in the use of the lawyer honorific title within the signature. As previously emphasized, Article 116 of the Italian Code of Administrative Proceedings designates regional administrative courts to safeguard procedural rights in cases of non-response or negative responses from public administrations. Legal representation well-versed in administrative law becomes imperative for such appeals. Consequently, being identified as a lawyer implies reduced costs in initiating judicial proceedings against public administrations that either withhold the requested information or fail to respond to access requests. In request d), both knowledge of the law and the lawyer honorific title are concurrently presented.

Consistent with the conceptual framework outlined in Section Three, wherein the requester possesses legal expertise, we posit that public administrations are inclined to perceive a heightened risk of incurring sanctioning costs. Consequently, this presumption suggests a greater propensity on their part to disclose the requested information.

Adhering to the established Freedom of Information (FOI) protocol, our requests were sent to the certified email address of the office primarily concerned with the content of our inquiry, namely the Civil Registry. This contact information was obtained from the municipal website. In cases where the Civil Registry email was not publicly available, the requests were directed to the Protocol Office as an alternative. All the requests were submitted under the name of a pro bono collaborating lawyer integral to our project. The engagement of this private citizen holds paramount significance. The necessity of employing an actual lawyer for request submissions arose from the imperative of adding the honorific title to the signature in some of the requests. Failing to engage a legal professional would have rendered the inclusion of the title infeasible.

Moreover, considering that administrative clerks frequently engage in identity-questioning (Michener et al., 2020), opting for an external requester was essential to mitigate the risk of ecological fallacy. For instance, an acknowledgment that the requester is a university professor might erroneously suggest that the requests are associated with an academic study.

The choice to enlist an external requester provided an additional benefit. The requester's common name strategically safeguards anonymity, ensuring that a Google search yields no discernible information on its profile and title. In order to further avoid profiling of the requester, requests were dispatched by means of an email address specifically created for the experiment identified by the name and surname of the lawyer collaborating on the project. The requests were sent on the 23rd of October 2020.

Treatment assignments were executed through simple randomization, stratified based on macro areas. The appendix shows the assignment to treatment and a balance test for the treated groups after randomization. Italy's historical dualism, marked by socio-economic disparities among macro areas, is well-documented in the literature (see Daniele and Malanima 2014; Ercolano 2012, among others). Adopting a stratified randomization strategy enabled us to conduct comparisons within macro-areas, enhancing the precision of our analysis. The experiment has been pre-registered on EGAP (registry ID 20201020AA).

<sup>2</sup> See, for example, the Italian national newspaper article from 2018 available at the following link: <https://www.ilfoglio.it/roma-capoccia/2018/02/25/news/carta-identita-roma-180293/> (accessed on 10<sup>th</sup> November 2023). It reports that 114 days were needed to obtain an ID card in Rome on February 2018.

<sup>3</sup> See, for example, the Italian newspaper article from 2022 available at the following link: <https://www.today.it/attualita/carta-identita-elettronica-attesa.html> (accessed on 10th November 2023).

<sup>4</sup> In presenting the request, this letter includes the sentence: "pursuant to and for the purposes of Article 5, paragraph 2 and following of Legislative Decree No. 33/2013, as amended by Legislative Decree of May 25, 2016, No. 97". See the appendix for the complete English translation of the requests

## 6. Results

Around two thirds of the municipalities replied to the request. Compared with previous field experiments performed on administrative entities comparable to Italian municipalities, only the response rate in the Netherlands was higher (77 %), while it was substantially lower in Slovakia (30 %) and England (15 %). However, this comparison needs to take into account that this study focuses on larger municipalities, where administrative capacity may be higher than smaller ones. The responses were categorized as “no reply” if we did not receive a reply that was not an automated message within 60 days from the request (twice the legal requirement of 30 days), as “no disclosure” in case the municipality staff replied without releasing the requested information, requiring additional personal information, reasons for the request, or by plainly denying the request. Responses that provided just a part of the information required (i.e., just the electronic IDs, just the non-electronic IDs, or just the total number of IDs) were coded as “partial disclosure”, whereas responses that provided all the information required were coded as “complete disclosure”.

Across all request types, 29 % of municipalities remained silent, 6.2 % denied disclosure, 5.2 % gave partial disclosure and 59.6 % provided complete disclosure. Response rates varied along the familiar North-South divide, as 69.1 % of Northern municipalities provided complete disclosure compared to the 51.5 % of the Southern ones.

Treatments did trigger different behaviors, exhibiting significant heterogeneity between Italian macro-areas. Fig. 1 presents the means, standard errors and statistical significance of each outcome for the different treatments, both overall and by macro-areas. Overall, control requests received more replies than the other types of requests (20.3 % of no reply for control compared to an average of 30.9 % for the treatments). However, the control request also received more denials (13.5 % compared to an average of 3.9 % for the treatments) and partial disclosure (12.2 % compared to an average of 3 % for the treatments). Consequently, control requests had the lowest share of complete disclosure (51.4 % compared to an average of 62.3 % for the treatments).

The lower panels of Fig. 1 depict contrasting reactions to the treatments between Northern and Southern municipalities. The lower-left panel shows that Northern municipalities more often ignored control letters (28 %) than treated ones (24 %, 18 % and 20 %, albeit the difference is not statistically significant) but provided significantly more full disclosure to each treatment (69 %, 77 % and 71 %) compared to the control request (44 %). Conversely, the lower-right panel shows that Southern municipalities more often ignored treated letters (41 %, 48 % and 43 %) than control letters (16 %) and provided complete replies to control requests (61 %) more than to treated requests (50 %, 45 % and 50 %, albeit the difference is not statistically significant). These preliminary findings suggest the need for inferential analyses that consider two main aspects: the polarization of the responses by public administration and regional heterogeneity between Northern and Southern Italy.

Our outcome variable has four orderable categories (i.e., no reply, no disclosure, partial disclosure, full disclosure). For this reason, we built binary variables out of the original dependent variable and conducted three regressions, collapsing the outcome variable categories into two groups (following what Williams (2006) suggests for improving the analysis of ordered dependent variables). The first regression estimates the probabilities of transitioning from no reply to any reply; the second estimates the probabilities of transitioning from no reply or no disclosure to partial or complete disclosure; the third estimates the probabilities of transitioning from no reply, no disclosure and partial disclosure to complete disclosure.

As a first step we estimate a regression with just the outcome variable and the treatments, then we add two groups of controls. The first group includes i) a dummy identifying if the municipality is located in the South; ii) one variable indicating municipalities' resident population in 2020 (as extracted from the Italian National Institute of Statistics - ISTAT); iii) a dummy indicating if the municipality is the capital of the region (NUTS-2); iv) a proxy for the strictness of Covid-19 related measures<sup>5</sup>; v) a dummy indicating whether the municipality did not comply with proactive disclosure on FOI publicity (see Cicatiello et al. 2022).<sup>6</sup> The second group of controls includes an index of control of corruption and an index for institutional quality (excluding control of corruption). Both indexes are extracted from the Institutional Quality Index (Nifo and Vecchione, 2013). Basic descriptive statistics on these variables are available in Table 1.

The results of the analyses are printed in Table 2. Each column represents progressive estimations of the collapsed binary variables. For the sake of simplicity, we define the estimation in Column (1) as those related to the probability of receiving a reply, those in Column (2) as those related to the probability of receiving at least partial disclosure, and those in Column (3) as the probability of full disclosure. Columns (4) to (6) replicate the analyses including the first set of controls, while columns (7) to (9) include the additional set of controls on institutional quality.

Overall, the estimates are in line with predictions, indicating that treatments increase the likelihood of receiving more information. Nevertheless, most of the coefficients associated to the treatments fail to reach statistical significance. While these results suggest a negligible treatment effect, it is crucial to note that the sample represents the entire population of large municipalities in Italy. Moreover, the substantial regional variations observed in Fig. 1 caution against interpreting these outcomes at a national scale.

The coefficients associated with the control variables indicate that non-compliance with proactive disclosure on FOI reduces the

<sup>5</sup> During the experiment, a three-zone system was at work in Italy. Regions were included in yellow, orange or red zone depending on the intensity of the contagion, with red zone having the strictest limitations. Despite stricter limitations, there was no pause in work activity, though the combination of high-level contagion and the reorganization of offices may have caused delays in the administrative activities of municipal offices. Therefore, we include a variable indicating the share of days in red zone as being at 60 days after the request was sent.

<sup>6</sup> Proactive disclosure operates on the principle that information should be accessible to the public before any specific request. In the case of publicity of FOI, the information regards the publication on institutional websites of basic information about citizens' right to information and how to file a request of access to information.

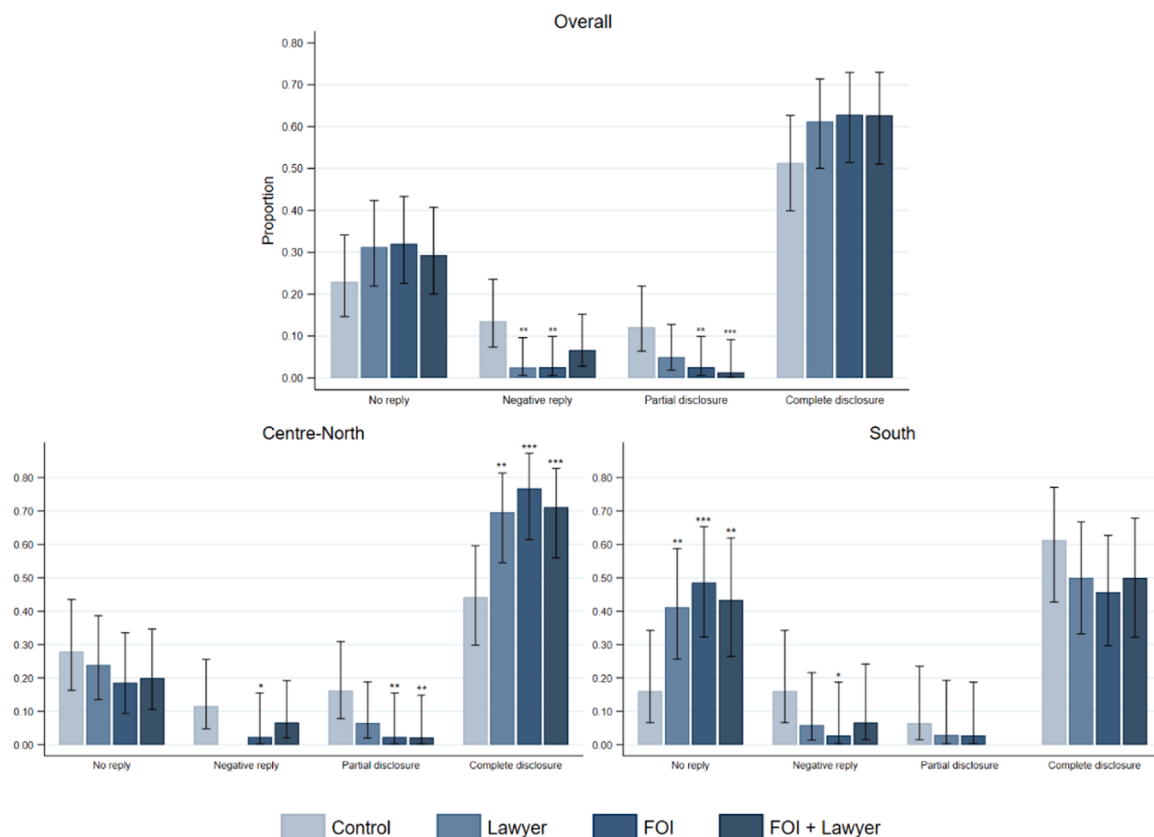


Fig. 1. Compliance rates by request types and macro-area. Bars represent the mean values, capped lines represent 95 % confidence intervals and stars indicate statistical significance (\*= $p < 0.10$ ; \*\*= $p < 0.05$ ; \*\*\*= $p < 0.01$ ).

Table 1  
Descriptive statistics.

Variable	Obs	Mean	Std. Dev.	Min	Max	Source
Reply	307	0.71	0.45	0	1	Authors' elaboration
Partial disclosure	307	0.64	0.47	0	1	Authors' elaboration
Full disclosure	307	0.59	0.49	0	1	Authors' elaboration
Covid restrictions	307	0.17	0.18	0	0.48	Authors' elaboration
Corruption	307	0.72	0.26	0	1	Institutional Quality Index
Government effectiveness	307	0.43	0.18	0	1	Institutional Quality Index
Regulatory quality	307	0.46	0.23	0	1	Institutional Quality Index
Rule of law	307	0.49	0.24	0	1	Institutional Quality Index
Voice and accountability	307	0.49	0.24	0	1	Institutional Quality Index
Institutional Quality Index (excluding corruption)	307	0.47	0.18	0.08	0.78	Authors' elaboration
Non-compliance with FOI publicity	307	0.18	0.38	0	1	Cicatiello et al., 2022
Local capital	307	0.06	0.24	0	1	Authors' elaboration
Population	307	88,702	200,791	30,709	2,872,800	ISTAT

likelihood of a response. Southern municipalities are less likely to respond or disclose information, although the South's association with the outcome variables disappears when controlling for corruption and institutional quality. Conversely, control of corruption is positively correlated with partial and complete disclosure.

To further explore regional disparities, additional regression analyses introduce an interaction term between treatments and macro-areas and an interaction term between treatments and corruption. To avoid issues of multicollinearity, the interaction terms are included one at a time. The results of the inclusion of the first interaction term, presented in the initial three columns of Table 3, align with preliminary evidence, revealing substantial discrepancies in how Northern and Southern municipalities respond to treated requests.

Because of the inclusion of a multiplicative interaction, the coefficient printed in Table 3 cannot be interpreted as unconditional effects as they can in linear-additive regression models (Brambor et al., 2005). For this reason, we compute marginal effects and



**Table 2**

Main results – overall analysis. Linear probability models estimating the probability of the observed outcomes.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Reply	Partial disclosure	Full disclosure	Reply	Partial disclosure	Full disclosure	Reply	Partial disclosure	Full disclosure
Lawyer	−0.0828 (0.0717)	0.0274 (0.0775)	0.0990 (0.0802)	−0.0513 (0.0734)	0.0611 (0.0789)	0.125 (0.0830)	−0.0417 (0.0741)	0.0787 (0.0796)	0.146* (0.0828)
FOI	−0.0908 (0.0725)	0.0187 (0.0782)	0.115 (0.0803)	−0.0655 (0.0724)	0.0456 (0.0781)	0.135* (0.0809)	−0.0668 (0.0733)	0.0433 (0.0788)	0.134 (0.0815)
FOI + Lawyer	−0.0636 (0.0723)	0.00486 (0.0793)	0.113 (0.0811)	−0.0439 (0.0752)	0.0254 (0.0816)	0.130 (0.0840)	−0.0397 (0.0757)	0.0331 (0.0815)	0.140* (0.0838)
South				−0.148*** (0.0537)	−0.176*** (0.0562)	−0.142** (0.0579)	−0.0343 (0.117)	0.0322 (0.124)	0.130 (0.126)
Population				−0.0918 (0.191)	−0.107 (0.183)	−0.126 (0.159)	−0.0733 (0.192)	−0.0736 (0.186)	−0.0826 (0.160)
Local capital				0.0410 (0.130)	0.122 (0.126)	0.0947 (0.128)	0.0336 (0.131)	0.109 (0.127)	0.0690 (0.129)
Covid restrictions				−0.232 (0.149)	−0.230 (0.155)	−0.185 (0.160)	−0.147 (0.159)	−0.0739 (0.165)	−0.0301 (0.170)
Non-compliance to FOI publicity				−0.134* (0.0749)	−0.126 (0.0766)	−0.0754 (0.0777)	−0.131* (0.0752)	−0.119 (0.0763)	−0.0677 (0.0771)
Corruption							0.254 (0.173)	0.464*** (0.171)	0.491*** (0.172)
IQI							0.0407 (0.315)	0.0755 (0.324)	0.241 (0.333)
Constant	0.770*** (0.0492)	0.635*** (0.0563)	0.514*** (0.0585)	0.882*** (0.0594)	0.752*** (0.0673)	0.607*** (0.0712)	0.612*** (0.226)	0.258 (0.237)	−0.0124 (0.240)
Observations	307	307	307	307	307	307	307	307	307

Note: Linear probability models estimated on binary variables indicating a reply vs. a no-reply (columns (1), (4) and (7)); partial and full disclosure vs. no-reply and no disclosure (columns (2), (5) and (8)); full disclosure vs. partial disclosure, no disclosure and no-replies (columns (3), (6) and (9)). Control request is the base value for the estimation of Lawyer, FOI and FOI+Lawyer coefficients. \*  $p < 0.1$ .

\*\*  $p < 0.05$ .

\*\*\*  $p < 0.01$ . Robust standard errors are reported in parentheses.

confidence intervals of treated requests compared to the control letter conditional on macro areas.<sup>7</sup> Fig. 2 illustrates that in Northern municipalities treated requests do not affect the probability of receiving any type of reply (left panel). Indeed, the coefficients are positive for the three treatments but they fail to reach statistical significance. On the contrary, the corresponding marginal effects in Southern municipalities are negative and significant for lawyer treatment (statistical significance at the conventional level of 10 %), for FOI treatment (statistical significance at the conventional level of 1 %) and for the Lawyer+FOI treatment (statistical significance at the conventional level of 5 %).

The centre panel of Fig. 2 shows that Northern municipalities are more likely to disclose information to two treatments out of three (Lawyer, statistical significance at 10 % and FOI, statistical significance at 5 %), while the marginal effect for the treated requests is never statistically different from zero when observing Southern municipalities, even though the signs of the coefficients are consistently negative. The rightmost panel shows the marginal effects on the probability of full disclosure. Again, treated requests elicit higher rates of full compliance in Northern municipalities. The effect is sizable and statistically significant at the conventional level of 1 % for the three treatments. Instead, in Southern municipalities treated request do not have statistically significant effects.

In sum, these outcomes support the notion that bureaucrats in Northern and Southern municipalities react differently to a better-informed requester and/or one who presents herself as a lawyer. In other words, across Italy we observe discrimination towards the

<sup>7</sup> The general form of the equation form of our multiplicative interaction model is  $outcome_i = \beta_0 + \beta_1 treatment_i + \beta_2 area_i + \beta_3 treatment_i \times area_i + \gamma controls_i + \varepsilon_i$  therefore the marginal effect of treatment is  $\frac{\partial outcome}{\partial treatment} = \beta_1 + \beta_3 area$  and the standard errors are calculated as  $\widehat{\sigma}_{\frac{\partial outcome}{\partial treatment}} = \sqrt{var(\widehat{\beta}_1) + area^2 \times var(\widehat{\beta}_3) + 2area \times cov(\widehat{\beta}_1, \widehat{\beta}_3)}$  The equations apply also to the model including the interaction between treatments and corruption (with *corruption* instead of *area*).

**Table 3**

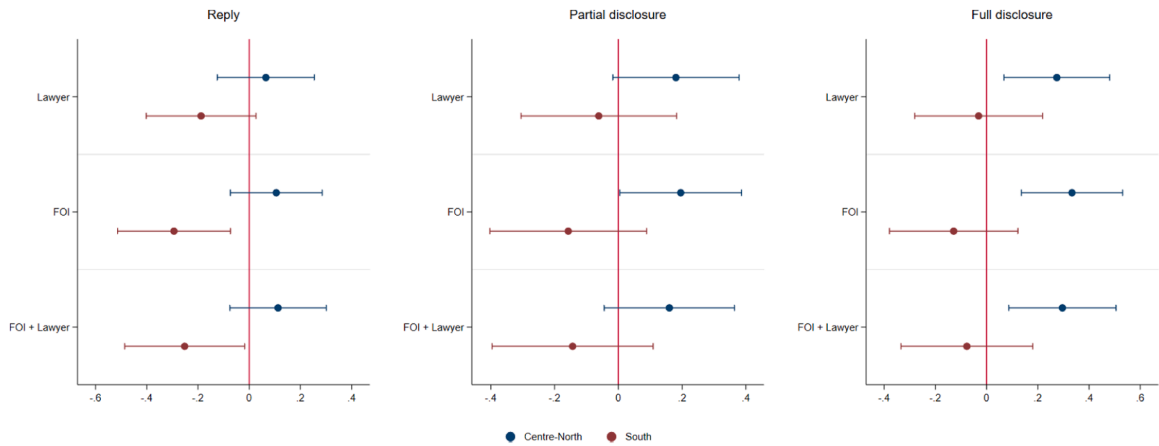
Main results – regional heterogeneity. Linear probability models estimating the probability of the observed outcomes, including an interaction between area and treatments (columns (1), (2) and (3)), and an interaction between Corruption and treatments (columns (4), (5) and (6)).

	(1)	(2)	(3)	(4)	(5)	(6)
	Reply	Partial disclosure	Full disclosure	Reply	Partial disclosure	Full disclosure
Lawyer	0.0651 (0.0964)	0.181* (0.101)	0.274*** (0.105)	−0.549*** (0.194)	−0.379 (0.252)	−0.466* (0.247)
FOI	0.106 (0.0911)	0.196** (0.0970)	0.334*** (0.100)	−0.552** (0.236)	−0.425 (0.285)	−0.484* (0.288)
FOI + Lawyer	0.113 (0.0956)	0.160 (0.104)	0.296*** (0.106)	−0.568** (0.220)	−0.491* (0.252)	−0.500** (0.253)
South	0.213 (0.141)	0.251 (0.157)	0.408*** (0.157)	−0.0492 (0.117)	0.0189 (0.123)	0.112 (0.126)
Lawyer * South	−0.253* (0.145)	−0.242 (0.159)	−0.305* (0.164)			
FOI * South	−0.399*** (0.143)	−0.353** (0.158)	−0.462*** (0.162)			
FOI + Lawyer * South	−0.365** (0.154)	−0.303* (0.166)	−0.373** (0.169)			
Corruption	0.220 (0.175)	0.433** (0.174)	0.454*** (0.175)	−0.359 (0.232)	−0.115 (0.325)	−0.257 (0.323)
Lawyer * Corruption				0.686*** (0.255)	0.617* (0.322)	0.826** (0.320)
FOI * Corruption				0.651** (0.300)	0.628* (0.361)	0.830** (0.367)
FOI + Lawyer * Corruption				0.710** (0.284)	0.707** (0.324)	0.861*** (0.327)
Population	−0.112 (0.187)	−0.104 (0.182)	−0.119 (0.153)	−0.0884 (0.194)	−0.0900 (0.187)	−0.101 (0.160)
Local capital	0.0526 (0.133)	0.123 (0.129)	0.0853 (0.127)	0.0465 (0.136)	0.121 (0.132)	0.0848 (0.132)
Covid restrictions	−0.167 (0.162)	−0.0895 (0.167)	−0.0464 (0.173)	−0.175 (0.162)	−0.102 (0.167)	−0.0624 (0.172)
Non-compliance to FOI publicity	−0.128* (0.0737)	−0.116 (0.0755)	−0.0630 (0.0761)	−0.130* (0.0744)	−0.119 (0.0753)	−0.0660 (0.0759)
IQI	0.0578 (0.310)	0.0903 (0.318)	0.257 (0.323)	0.0792 (0.317)	0.112 (0.325)	0.286 (0.332)
Constant	0.530** (0.223)	0.186 (0.233)	−0.106 (0.232)	1.064*** (0.232)	0.685** (0.303)	0.539* (0.308)
Observations	307	307	307	307	307	307

Note: Linear probability models estimated on binary variables indicating a reply vs. a no-reply (columns (1), (4) and (7)); partial and full disclosure vs. no-reply and no disclosure (columns (2), (5) and (8)); full disclosure vs. partial disclosure, no disclosure and no-replies (columns (3), (6) and (9)). Control request is the base value for the estimation of Lawyer, FOI and FOI+Lawyer coefficients. \*  $p < 0.1$ .

\*\*  $p < 0.05$ .

\*\*\*  $p < 0.01$ . Robust standard errors are reported in parentheses.



**Fig. 2.** Marginal effects and 95 % confidence intervals of treated request in Northern and Southern municipalities (see columns (1), (2) and (3) of Table 3). The coefficients are estimated with the control request as base value.

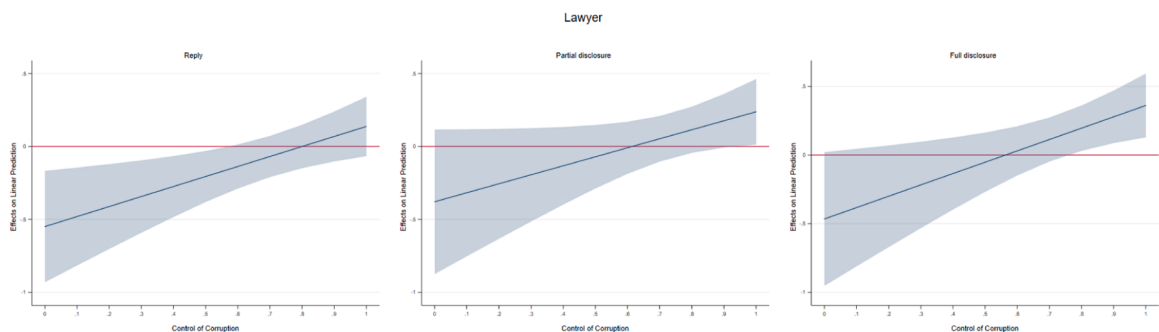
requester: in the North, "common citizens" requesting information are less likely to receive a complete answer, whereas in the South, lawyer requests or mentions of FOI law often prompt administrative silence.

Such findings are partially unexpected. Indeed, the result found in Northern regions is in line with our predictions and conforms with the existing literature, which uniformly finds that mentioning the FOI law makes the request more likely to be fulfilled and suggests that public administrations have a preference towards higher profile requesters. Instead, the finding we obtained for Southern regions are unanticipated. To the best of our knowledge, while some examine geographical variations in FOI implementation (see Wagner 2021), no other study finds two opposite types of discrimination towards the same type of requester.

In order to assess whether contextual factors can explain such regional heterogeneity, we include in the regression an interaction term between corruption and treatment. The resulting estimations are reported in columns (4)–(6) of Table 3. Again, the coefficients for the constitutive terms of the interaction cannot be interpreted as unconditional effects. Marginal effects and confidence intervals of the treated requests have to be calculated at meaningful values of corruption (Brambor et al., 2005). Fig. 3 plots the marginal effects and confidence intervals for lawyer requests compared to the control request at different levels of corruption for each of the outcome categories.

The left panel shows that at lower levels of control of corruption the marginal effect of the treatment on the probability of receiving any type of reply is negative. Therefore, municipalities that experience higher levels of corruption reply less to treated requests than to control ones. This effect is statistically significant up to a level of control of corruption of about 0.6. The centre panel of the figure shows that the treated request does not significantly affect the probability of partial disclosure, except for very high levels of control of corruption (0.9 and higher), where the coefficient is positive and statistically significant.

The right panel shows that treated requests do affect the probability of receiving full disclosure. The effect is negative at low levels of control of corruption (the coefficient achieves statistical significance at the conventional level of 10 % when control of corruption is up to 0.2), and positive at high levels of control of corruption (statistical significance at the conventional level of 5 % when control of corruption is 0.8 and above). The results comparing FOI and Lawyer+FOI with the control requests show the same magnitude and size and are not reported for the sake of space, but are available in the appendix.



**Fig. 3.** Marginal effects of Lawyer treatment at relevant levels of Corruption (see columns (4), (5) and (6) of Table 3). The line indicates the effect of the treated request compared to the control request and the shaded area indicates 95 % confidence intervals.

When including the interaction term between control of corruption and treatments, the South dummy does not reach statistical significance (see columns (4), (5) and (6) of Table 3). This result suggests that the differential effect of the treatments for the South are explained by the South's control of corruption.

A potential bias in this analysis could stem from municipal offices communicating among themselves, potentially alerting one another about ongoing 'tests.' This reactive behavior might exploit unevenly distributed communication systems among municipalities in Northern and Southern Italy. If such communication occurs, it will likely result in minimal variation in outcomes among neighboring municipalities. To address this concern, we conducted a test for equality of variance (Brown and Forsythe, 1974) in the outcome variable between regions at a NUTS-2 level. The resulting test statistic of 0.78 does not reject the null hypothesis of equality between variances (p-value 0.72). Furthermore, we assessed whether the timeliness of replies is consistent among neighboring municipalities. The rationale is that if neighboring municipalities alerted each other and coordinated their responses, they likely replied within a limited timeframe after discussion. Once again, the test statistic suggests no significant difference in the variance of reply timeliness between regions (test statistic 0.74, p-value 0.76).

In aggregate, these findings indicate that the diversity among bureaucrats in interpreting information within requester profiles is contingent upon the contextual milieu in which they operate (Weber and Mayer, 2014). Various environmental characteristics underscore these distinctions.

Our analysis points out that one pertinent feature could be the degree of corruption. In regions such as the Southern part of Italy, characterized by heightened corruption and diminished regulatory quality (Di Mascio and Natalini, 2013), public administrations tend towards conservatism, exhibiting a proclivity for maintaining confidentiality. In such a milieu, the receipt of FOI request from a legal expert is perceived as a potential catalyst for resource-intensive litigation and additional workload on a specific issue. To circumvent, or at least defer, this administrative burden, bureaucrats may opt for a strategy of inertia—namely, denying access to information or refraining from responding altogether. This approach emerges as the most effective coping mechanism when faced with barriers hindering the successful implementation of FOI, such as a shortage of skilled personnel, a lack of information pertaining to timely request processing, and the absence of an effective system of checks and balances. Notably, Italy lacks a functional non-judicial system for monitoring and sanctioning in cases of denied or unanswered FOI requests.

Conversely, in regions like Northern Italy, where corruption is lower, regulatory quality and transparency investment are higher, and the workforce possesses technical skills and professionalization, FOI requests from legal experts evoke less apprehension.

Of course, speculations can be made on other factors that might play a role. Another conceivable factor is civic capital, which is markedly more abundant in Northern Italian regions than their Southern counterparts (Putnam, 1993). Albanese et al. (2021), through an econometric analysis of data from a sample of municipalities, establish a positive correlation between civic capital and transparency, asserting that the political dividends of transparency are influenced by the level of civic capital. Our findings align with this perspective, suggesting that in Northern regions, public administrations are more inclined to respond to FOI requests from legal experts, foreseeing potential political benefits. Conversely, in Southern regions, public officials may eschew responding (or at least delay their response) to legal expert inquiries, cognizant that such responses do not lead to political rewards.

Furthermore, in consonance with the latter interpretation, the role of cooperation could also be considered as salient. Bigoni et al. (2016) observe a North–South disparity in cooperative behavior unrelated to self-interest or social capital differentials. They posit that this behavioral gap may originate from distinct social norms of conditional cooperation or expectations thereof, or from a Southern aversion to the social risk of being deceived by others (Bigoni et al., 2016, pp. 21–21). According to these interpretations, expectations of reciprocal cooperation correspond to an increased willingness to collaborate. Conversely, adherence to the betrayal aversion perspective may lead individuals to withhold cooperation to avoid vulnerability to an untrustworthy counterpart (Bohnet et al., 2008). If optimistic expectations of others' cooperation prevail in the North, public officials are more disposed to collaborate, especially when they view petitioners, particularly those with legal expertise, as trustworthy. In Southern municipalities, characterized by high betrayal aversion and lower generalized trust, public officials may decline engagement in situations where they perceive dependence on an untrustworthy counterpart. In an atmosphere of general suspicion, signalling FOI knowledge or legal expertise may arouse suspicion among public officials, prompting a defensive response to preclude the risk of betrayal.

## 7. Conclusions

An FOI law constitutes a pivotal stride towards fostering a more transparent government. Previous research underscores the necessity of vigilant monitoring in the implementation of these regulations, revealing varying degrees of compliance and discernible discretionary biases favoring specific requesters beneath the overarching aspiration for universal access. This article contributes to this body of literature by conducting a field experiment involving the largest municipalities in Italy—an adopter of FOI laws with a fragile and relatively fragmented transparency framework.

Our findings affirm that FOI reactive transparency in Italy is contingent upon response, awareness, and requester identity. The results illuminate the discriminatory practices among Italian municipal offices concerning requesters, with the direction of such discrimination being influenced by the social, institutional, and economic context. Notably, the renowned North/South divide in Italy manifests itself in the handling of FOI requests, with Northern municipalities more inclined to disclose information to lawyers and FOI-aware requesters, while Southern municipalities are more prone to silence in response to such requests. This divergence seems to be driven by a combination of overall poor compliance with openness, heightened corruption, and the absence of sanctions or consequences for non-compliance.

From a TCE perspective, the signals embedded in FOI requests impact bureaucrats' behavior. However, given that actors employ cognitive frames to interpret transaction-related information, differing cognitive structures within various organizations may result in "different understandings of the goals and tasks in an exchange" (Weber and Mayer, 2014, p. 347). Our results underscore the significance of the divide between Northern and Southern public organizations, where officials' behavior within these organizations potentially shapes interpretations of the requests, leading to varying levels of information disclosure.

This study carries manifold implications. Firstly, it substantiates previous research by affirming that FOI laws indeed function, even in systems with relatively weak or belated FOI adoption, such as Italy (see Worthy et al. 2017; Grimmelikhuijsen et al. 2018). It further underscores the local and frontline nature of the implementation, emphasizing the importance of local efforts in ensuring effective FOI systems (Worthy, 2013).

Secondly, the results emphasize that enacting a law marks only the initial phase, especially in countries with a tradition of administrative secrecy like Italy. Evidence points to resistance against disclosure due to ignorance or delays, facilitated by the absence of enforcement, attributed to normative gaps or a lack of monitoring and guidance from central administration (Cicatiello et al., 2022).

Thirdly, in alignment with a growing body of experiments and analyses, both awareness and requester identity are significant. In Italy, knowledge of the law can encourage greater openness, while being a lawyer can elicit both openness and resistance depending on geographical location.

Finally, this article contributes to the literature exploring the relationship between corruption and transparency (see Cordis and Warren 2014; Zuffova, 2023). It presents evidence that in an environment of weak or non-existent enforcement, corruption may mitigate the positive outcomes of FOI regulations. This underscores the notion that transparency alone is not a panacea and is highly contingent on the context (Michener and Rodrigues, 2015).

Our findings hold several policy implications. Firstly, the uneven implementation of FOI, as observed in Italy and elsewhere, prompts contemplation of reform. A national system for monitoring FOI requests, akin to the one in Mexico (see Berliner et al. 2021), could offer advantages such as data collection, monitoring, and streamlining replies for administrative clerks. Adopting a unified system could also minimize discretionary bias, as requests could be easily anonymized.

Secondly, the importance of awareness of the law is discussed not just as a democratic right but also as a potential catalyst for the effective functioning of the law. Lastly, the case of Italy sheds light on the intersection of identity and requesters, emphasizing the impact of professional identities on requests. Concerns across various systems regarding potential discrimination against groups such as journalists raise questions about which specific groups benefit or suffer in terms of accessing information (Camaj, 2016; Zuffova, 2023).

#### Declaration of competing interest

We confirm that the following submitted article "Response, Awareness and Requester Identity in FOI Law: evidence from a field experiment" has not been published and it is not under consideration for publication elsewhere. Submission is approved by all authors, and, if accepted, the paper will not be published elsewhere in the same form, in English or in any other language, including electronically without the written consent of the copyright-holder. Authors have no conflicting interests to disclose. Sincerely, the authors Lorenzo Cicatiello, Elina De Simone, Fabrizio Di Mascio, Giuseppe Lucio Gaeta, Alessandro Natalini, Ben Worthy.

#### Data availability

Data will be made available on request.

#### Appendix

Fig. A1, Fig. A2, Fig. A3, Fig. A4, Fig. A5, Fig. A6, Table. A1, Table. A2

The appendix reports the four types of requests, omitting sensitive data of the requester, and the respective translation in English. Tables A1 and A2 report respectively the assignment to treatments and the tests for balance after randomization. Figs. A5 and A6 show the marginal effects of FOI and FOI+Lawyer treatments at relevant levels of corruption (see columns (4) (5) and (6) of Table 3).

## ISTANZA PER LA RICHIESTA DI ACCESSO CIVICO

Agli Uffici interessati

**OGGETTO: Richiesta di accesso generalizzato ai documenti, dati e informazioni non soggetti a obbligo di pubblicazione.**

Il sottoscritto [REDACTED], codice fiscale [REDACTED], nato a [REDACTED] il [REDACTED],  
recapito PEC [REDACTED]

### CHIEDE

il rilascio via posta elettronica dell'informazione, detenuta dall'Amministrazione comunale, relativa al:

**Numero di Carte di identità elettroniche e cartacee rilasciate nel corso del 2018.**

Il sottoscritto autorizza formalmente il trattamento dei dati personali nel rispetto del decreto legislativo n.196/2003.

Si allega copia del documento di identità.

Distinti saluti

[REDACTED]

Fig. A1. "Control" request.

#### Control request:

REQUEST FOR CIVIC ACCESS

To the Concerned Offices

Subject: **Request for generalized access to documents, data, and information not subject to publication obligation.**

I, the undersigned XXX, tax code XXX, born in XXX on XXX, with a PEC address XXX,

REQUEST the release via email of information held by the Municipal Administration, related to:

**The number of electronic and paper identity cards issued in 2018.**

I hereby formally authorize the processing of personal data in accordance with Legislative Decree No. 196/2003.

Attached is a copy of the identity document.

Sincerely,

XXX

## ISTANZA PER LA RICHIESTA DI ACCESSO CIVICO

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Il sottoscritto [REDACTED], codice fiscale [REDACTED], nato a [REDACTED] il [REDACTED],  
recapito PEC [REDACTED]

### CHIEDE

il rilascio via posta elettronica dell'informazione, detenuta dall'Amministrazione comunale, relativa al:

**Numero di Carte di identità elettroniche e cartacee rilasciate nel corso del 2018.**

Il sottoscritto autorizza formalmente il trattamento dei dati personali nel rispetto del decreto legislativo n.196/2003.

Si allega copia del documento di identità.

Distinti saluti

Avv. [REDACTED]

Fig. A2. "Lawyer" request.

### Lawyer request:

REQUEST FOR CIVIC ACCESS

To the Concerned Offices

Subject: **Request for generalized access to documents, data, and information not subject to publication obligation.**

I, the undersigned XXX, tax code XXX, born in XXX on XXX, with a PEC address XXX,

REQUEST the release via email of information held by the Municipal Administration, related to:

**The number of electronic and paper identity cards issued in 2018.**

I hereby formally authorize the processing of personal data in accordance with Legislative Decree No. 196/2003.

Attached is a copy of the identity document.

Sincerely,

Avv. XXX

## ISTANZA PER LA RICHIESTA DI ACCESSO CIVICO

Agli Uffici interessati

**OGGETTO: Richiesta di accesso generalizzato ai documenti, dati e informazioni non soggetti a obbligo di pubblicazione (ai sensi dell'art. 5, comma 2 e ss. del D.Lgs. n. 33/2013).**

Il sottoscritto [REDACTED], codice fiscale [REDACTED], nato a [REDACTED] il [REDACTED], recapito PEC [REDACTED]

### CHIEDE

ai sensi e per gli effetti dell'art. 5, comma 2 e ss. del D.Lgs. n. 33/2013, come modificato dal D.Lgs. 25 maggio 2016, n. 97, il rilascio via posta elettronica dell'informazione, detenuta dall'Amministrazione comunale, relativa al:

**Numero di Carte di identità elettroniche e cartacee rilasciate nel corso del 2018.**

Il sottoscritto autorizza formalmente il trattamento dei dati personali nel rispetto del decreto legislativo n.196/2003.

Si allega copia del documento di identità.

Distinti saluti

[REDACTED]

Fig. A3. "FOI" request.

#### FOI request:

REQUEST FOR CIVIC ACCESS

To the Concerned Offices

Subject: **Request for generalized access to documents, data, and information not subject to publication obligation (pursuant to Article 5, paragraph 2 and following of Legislative Decree No. 33/2013).**

I, the undersigned XXX, tax code XXX, born in XXX on XXX, with a PEC address XXX,

REQUEST pursuant to and for the purposes of Article 5, paragraph 2 and following of Legislative Decree No. 33/2013, as amended by Legislative Decree of May 25, 2016, No. 97, the release via email of information held by the Municipal Administration, related to:

**The number of electronic and paper identity cards issued in 2018.**

I hereby formally authorize the processing of personal data in accordance with Legislative Decree No. 196/2003.

Attached is a copy of the identity document.

Sincerely,

XXX



## ISTANZA PER LA RICHIESTA DI ACCESSO CIVICO

Agli Uffici interessati

**OGGETTO: Richiesta di accesso generalizzato ai documenti, dati e informazioni non soggetti a obbligo di pubblicazione (ai sensi dell'art. 5, comma 2 e ss. del D.Lgs. n. 33/2013).**

Il sottoscritto [REDACTED], codice fiscale [REDACTED], nato a [REDACTED] il [REDACTED], recapito PEC [REDACTED]

### CHIEDE

ai sensi e per gli effetti dell'art. 5, comma 2 e ss. del D.Lgs. n. 33/2013, come modificato dal D.Lgs. 25 maggio 2016, n. 97, il rilascio via posta elettronica dell'informazione, detenuta dall'Amministrazione comunale, relativa al:

#### Numero di Carte di identità elettroniche e cartacee rilasciate nel corso del 2018.

Il sottoscritto autorizza formalmente il trattamento dei dati personali nel rispetto del decreto legislativo n.196/2003.

Si allega copia del documento di identità.

Distinti saluti

Avv. [REDACTED]

Fig. A4. "FOI+Lawyer" request.

#### FOI + Lawyer request:

REQUEST FOR CIVIC ACCESS

To the Concerned Offices

Subject: **Request for generalized access to documents, data, and information not subject to publication obligation (pursuant to Article 5, paragraph 2 and following of Legislative Decree No. 33/2013).**

I, the undersigned XXX, tax code XXX, born in XXX on XXX, with a PEC address XXX,

REQUEST pursuant to and for the purposes of Article 5, paragraph 2 and following of Legislative Decree No. 33/2013, as amended by Legislative Decree of May 25, 2016, No. 97, the release via email of information held by the Municipal Administration, related to:

#### **The number of electronic and paper identity cards issued in 2018.**

I hereby formally authorize the processing of personal data in accordance with Legislative Decree No. 196/2003.

Attached is a copy of the identity document.

Sincerely,

Avv. XXX

Table A1

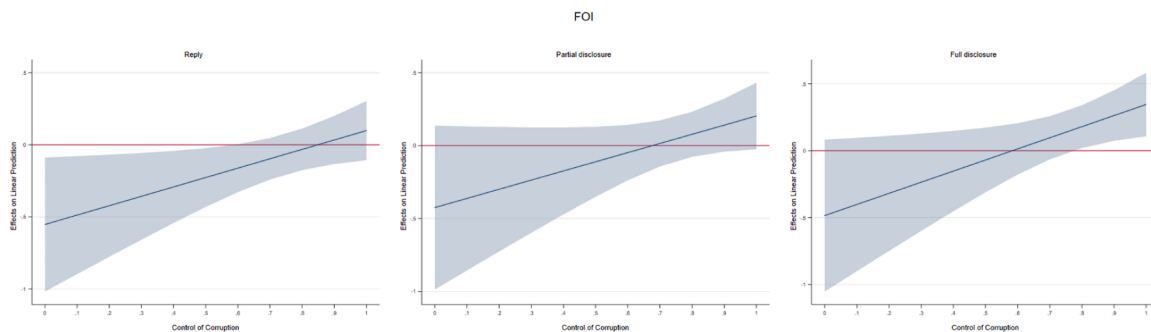
Assignment to request type by macro-area.

	North	Centre	South	Total
Control	27	16	31	74
Lawyer	29	17	34	80
FOI	25	18	35	78
Lawyer + FOI	29	16	30	75
Total	110	67	130	307

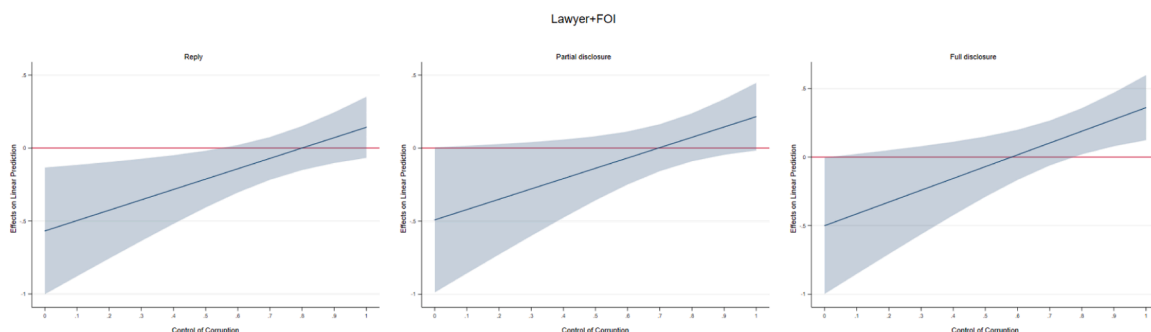
**Table A2**  
Balance after randomization.

	Population	Covid restrictions	Corruption	Government effectiveness	Regulatory quality	Rule of law	Voice and accountability	IQI	Non-compliance to FOI publicity	Local capital
Control	73,592	0.121***	0.751	0.433	0.472	0.502	0.514	0.555	0.135	0.081
Lawyer	96,717	0.194	0.686	0.428	0.470	0.473	0.481	0.520	0.213	0.050
FOI	75,500	0.174	0.727	0.435	0.437	0.503	0.472	0.537	0.192	0.064
FOI + Lawyer	108,793	0.188*	0.718	0.437	0.484	0.504	0.482	0.545	0.160	0.067
Total	88,702	0.170	0.720	0.433	0.465	0.495	0.487	0.539	0.176	0.065

Note: Stars indicate p-values for null hypothesis of equality of means across arms: \*  $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$ .



**Fig. A5.** Marginal effects of FOI treatment at relevant levels of Corruption. Shaded areas represent 95 % confidence intervals.



**Fig. A6.** Marginal effects of FOI+Lawyer treatment at relevant levels of Corruption. Shaded areas represent 95 % confidence intervals.

We confirm that the following submitted article “Response, Awareness and Requester Identity in FOI Law: evidence from a field experiment” has not been published and it is not under consideration for publication elsewhere. Submission is approved by all authors, and, if accepted, the paper will not be published elsewhere in the same form, in English or in any other language, including electronically without the written consent of the copyright-holder. Authors have no conflicting interests to disclose.

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