

RESEARCH BRIEF / 2018

Testing Access to Information in Kenya with Mystery Shoppers

All citizens need information to support their families and livelihoods—whether it's information on starting a business, school pass rates, doctor's fees, or water access. Moreover, access to public information, such as government plans, budgets, and activities, is crucial for citizens to hold government accountable for providing basic services. The national government of Kenya passed the Access to Information Act in 2016, meant to enable citizens to act on their right to information enshrined in the 2010 Constitution. Using a 'mystery shopper' methodology, MIT GOV/LAB partnered with Twaweza East Africa to assess how well Kenya's Access to Information Act is currently known and followed at the local level. The experiment allowed us to capture a baseline of how local governments respond to citizen requests, which can inform forthcoming regulations and implementation of the law.

This research brief provides a summary of MIT GOV/LAB research results for practitioner and policy audiences. Results have been internally replicated, but may undergo further revisions. MIT GOV/LAB reserves all rights over data, methods, and results for publication.

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Key Takeaways

- Kenyan researchers made information requests at 315 local offices in 45 out of 47 counties across Kenya.
- Of those requests, 11% were fully processed, 26% partially processed, and 63% denied.
- Partially- and fully-processed requests were answered verbally 26% of the time and directed to answers on websites 24% of the time. Information was provided in the most accessible formats, hard copy or via email, in only 38% of cases.
- When requests were fulfilled, 84% were answered in English only.
- In some cases, government officials reacted to information requests with suspicion, hostility, or with demands for identification or personal information.

Research Process

What is a mystery shopper? Companies often use “mystery shoppers” to test brand consistency and to control the quality of chain locations and products around the world. The concept is simple: a trained researcher tests service delivery and quality by acting as a real customer and rating the experience. Applying this methodology to test government transparency, MIT GOV/LAB, in partnership with Twaweza East Africa, trained a group of Kenyan citizens as mystery shoppers to make information requests at local county offices where they live.

Using a step-by-step protocol, each researcher requested 2-3 pieces of information from seven county offices responsible for a variety of public services, including education, health, water, and infrastructure. The researchers then assessed the response rate and overall experience on a survey that included both closed and open ended questions. The protocol was piloted in Nairobi and researchers were

recruited from 45 of 47 counties¹ to provide a representative baseline assessment of government openness. Field work took place in January and February of 2017.

The mystery shoppers approached local government offices in their home districts and requested specific pieces of information (e.g. annual plans and budgets, audited financials, lists of water, roads, and other development projects, and high-level statistics). They were trained not to reveal their affiliation with Twaweza or GOV/LAB nor to reveal that they were working as part of a research study. The goal was to replicate the situation that an average citizen searching for information would experience.

If necessary, the mystery shoppers would return to the office up to three times after the initial interaction. Follow-up visits were included in the research protocol to better understand the process for how local government handled

¹ The study excluded the two urban counties of Nairobi, where piloting took place, and Mombasa. As large cities, they are functionally distinct from other counties in Kenya.

information requests. Researchers filled out a survey for each visit and noted each official and office they encountered in order to understand when a denial was direct or indirect (i.e. a “runaround” with endless transfers to other offices). We coded both direct and indirect denials as denials.

MIT GOV/LAB conducted the ‘mystery shopper’ research with Twaweza in both Tanzania² and Kenya, and is now working with new partners to pioneer this methodology in different countries.

High-Level Findings

Though the 2016 Access to Information Act in Kenya is relatively new, research findings show that the government will need to put forth significant effort to realize citizens’ rights to transparency and openness.

The law states: “Information shall be disseminated taking into consideration the need to reach persons with disabilities, the cost, local language, the most effective method of communication in that local area, and the information shall be easily accessible and available free or at cost taking into account the medium used”.³

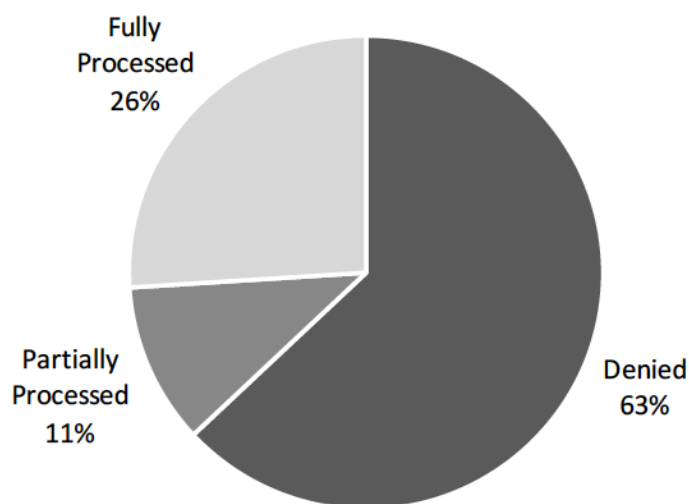
Below we report on our findings:

- **Access to information is poor.** A majority of information requests (nearly two-thirds) were denied. Moreover, some requests were met with outright rejection or hostility, as described further below. About a quarter of requests received some but not all of

the required information, and just 11% of requests were completely fulfilled.

- **Information was offered in a hard or electronic format less than half of the time.** Of requests that were partially or fully processed, information was received via hard copy in 19% of cases and sent by email in another 19% of cases. These are the best formats for shareability and verification. It was also common for information to be dictated verbally (26% of the time), meaning researchers had to write down the information and it was difficult to verify. About a quarter of the time (24%), requesters were directed to the office's website, a practice that limits access to citizens with internet and search capabilities. Of the researchers who were directed to check online, only three reported that the website had all the information they requested.

Figure 1: What percentage of information was fulfilled?



² For Tanzania research results, see: MIT GOV/LAB Research Brief. 2018. “Testing Access to Information in Tanzania with Mystery Shoppers.” Cambridge, MA: Massachusetts Institute of Technology Governance Lab.

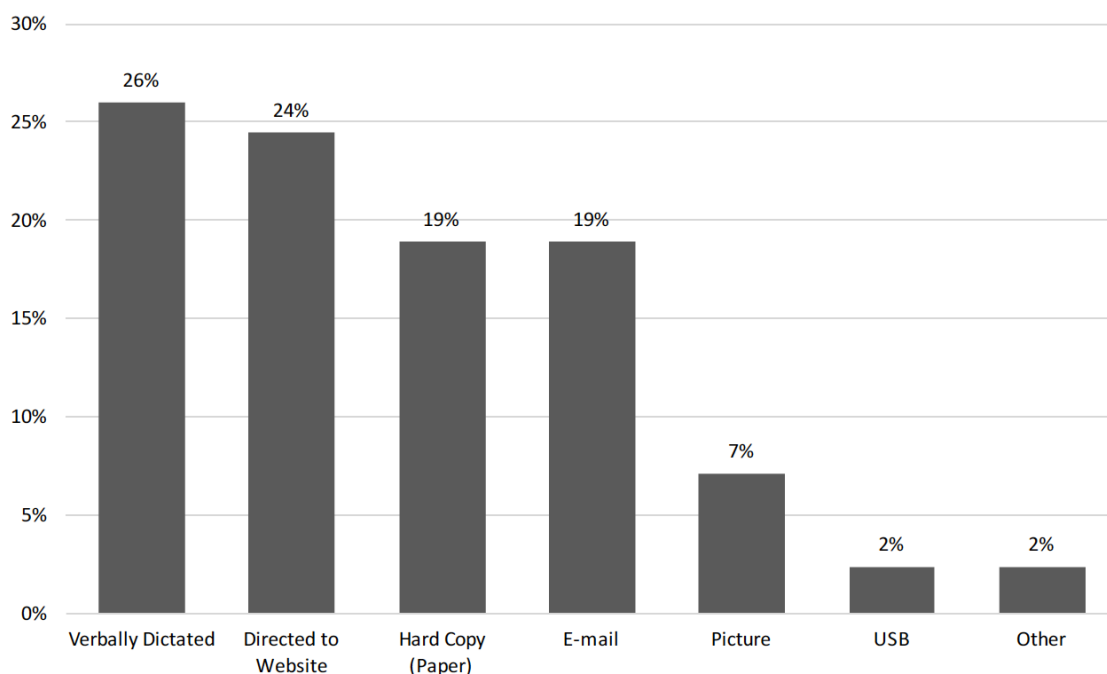
³ Section 5(2), the full text of the 2016 Access to Information Act can be found online: <https://africafoicentre.org/download/kenya-access-to-information-act-2016/>.

- Information was provided mostly in English, infrequently in Kiswahili. According to the 2016 law, information is supposed to be available in the local language. However, most requests [84%] were fulfilled in English, 15% were available only in Kiswahili, and only one request was fulfilled in both English and Kiswahili.
- The reason for the request did not significantly influence whether it was fulfilled. We randomly assigned mystery shoppers in half of the counties to use a legal approach, citing their rights as a citizen. The other half presented a personal rationale for needing the information. Anecdotal evidence had suggested that citizens must either know someone in the administration or must have a believable story in order to get information. In practice, however, the justification for the request did not

seem to impact whether or not the request was fulfilled. In future research, it would be worth examining other factors that might make a difference in whether information is provided or denied, for example age, gender, tribe, or ethnicity.

- Researchers were sometimes required to show ID or provide other personal information. According to the law, citizens are not required to show identification or share their employment information in order to access information. In practice, most researchers were not required to sign in or show ID. However, in 17% of requests, researchers were asked to explain or prove identification later on in the process. Many were also required to identify their employer or the organization that sent them, despite the fact that they were acting in their capacity as citizens and county residents.

Figure 2. How was information received?



- Officials sometimes met requests with suspicion: Only a few researchers reported encountering suspicion or hostility from officials. The following is a selection of qualitative responses from researchers describing their experiences:

"The director said if I can produce a letter of an NGO doing research, she can give information under restriction. I explained about legal law and [the director] said she knows the law and cannot give me the data for my own use."

"He commented that he was ready to submit information to me but it is recommended that one commits himself in writing so as to protect government information. He said researchers, organization and government officials access information through official approach. He said it is not proper to circulate information anyhow especially during such political season because it can cause political suicide."

"I was informed that giving out such vital information to people can end up into bad hands. So, there was need to track whoever gets the information, so I have [given] out my ID card number and phone contact."

Creating a Culture of Government Transparency

Both the quantitative and qualitative data show a number of barriers for citizen access to county-level information in Kenya. The high denial rate and poor accessibility of information provided makes the information difficult to use, and also difficult to verify for the purposes of holding government accountable for basic service delivery, annual plans, and campaign promises.

Freedom of Information laws are often based on examples from developed countries where bureaucratic norms and procedures are supported by high state capacity and resources. In developing countries, regulations for Freedom of Information laws need to be thoughtfully tailored to the local context. An important contextual component in Kenya is the ongoing devolution process, which has seen a



Mystery Shoppers train on the research protocol (Alisa Zomer).

shift in certain decision-making powers and budget control as set out in the 2010 Constitution.

Though the aim of decentralization is to bring decision-making down to the local levels and closer to constituents, this may also mean uneven implementation of the Access to Information Act depending on county-level capacity and priorities. As the Kenyan government, local civil society actors, and international transparency networks finalize regulations, they will need to clearly stipulate accessibility standards (e.g. language and format) and properly train local officials on how to handle requests.

At GOV/LAB we continue to apply the 'mystery shopper' methodology to test access to information in other countries. An important

adaptation of our current methodology is to improve how we measure direct denials versus indirect denials, so we can better understand when citizens might be given the bureaucratic runaround as an indirect way of limiting access to public information. Another emerging area of our research focuses on bureaucratic culture related to open government and transparency.

To this end, we are developing research collaborations to better understand the motivations, incentives, and sanctions that influence the daily behavior of local officials, including the release of public information. By exploring both the experience of citizens requesting information and the government officials who respond, our research aims to learn from their interactions to improve citizen engagement and government responsiveness.

Featured research project: Tsai, Lily L. and Alisa Zomer. "Evaluating public information provision and government transparency using a mystery shopper methodology." *Work in progress*.

Partner: This research collaboration was undertaken with **Twaweza**, a civil society organization that works on enabling children to learn, citizens to exercise agency and governments to be more open and responsive in Tanzania, Kenya and Uganda (www.twaweza.org).



For more on the research partnership and process see: "**MIT GOV/LAB Learning Case. 2018. "Navigating Access to Information with Twaweza and MIT GOV/LAB."** Cambridge, MA: Massachusetts Institute of Technology Governance Lab.

The MIT Governance Lab [GOV/LAB] is a group of political scientists focusing on innovation in citizen engagement and government responsiveness.

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