

Global Information Society Watch 2009

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*Dedicated to A.K. Mahan - an activist who valued
intellectual rigour and concrete outcomes.*

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Introduction

The media in Uruguay have historically been dominated by the private sector, with ownership strongly concentrated in a few companies that control television, newspapers and radio. This situation has resulted in some restrictions regarding access to information and the exercise of communication rights, as it has been difficult for social, political and cultural actors to broadcast their information, ideas and productions.

However, it must be said that since the end of the military dictatorship (1973-1985) the country has enjoyed a relatively high level of freedom of expression. It is also one of the countries in Latin America with the highest access to the internet – creating new possibilities outside of the domain of traditional mass media – although there is still much to do compared to other regions in the world.

The current government (2005-2010) has promoted new policies and laws in the field of information and communications technologies (ICTs) that impact on citizen's rights to access online information, and communications rights generally. However, it is too early to evaluate them.

Policy environment

The current government in Uruguay has not implemented relevant policies regarding the concentration of ownership in private media. However, it has encouraged the presence of other actors, strengthening public media (state-owned) and starting to legalise community media.

ANTEL, the state telecoms company, has since 2005 implemented a policy aimed at increasing access to broadband, lowering the cost of household connections and installing free Wi-Fi connections in educational institutions and some public spaces. In 2008, 22% of the population had household internet connections, and it is estimated that 39% of Uruguayans are internet users, including those who connect from public access institutions and cybercafés.¹

The most visible public policy on increasing access to ICTs has been Plan Ceibal,² the local version of the One Laptop per Child (OLPC) initiative. The implementation of this plan began in 2007 in public schools outside the capital, Montevideo. It is expected to be implemented in all public schools in Montevideo by the end of 2009. In addition to the distribution of laptop computers, the plan includes student and teacher training, as well as the creation of educational content.

The Ministry of Education and Culture (MEC) has developed policies to encourage access to online information and the production of local content. This has included the installation of 50 MEC Centres³ in small towns and villages, offering free internet, training programmes and support for creative content production.

In 2006 the Agency for the Development of Electronic Government and the Information and Knowledge Society (AGESIC)⁴ was created, with the aim of modernising the public administration using ICTs.

Legislative environment

Several laws relating to information and communications were recently approved. These include the Community Broadcasting Law (2007), the Cinema Law (2008) and reforms to the Press Law. Among these new laws, three of them have a direct or indirect impact on access to online information.

AGESIC, created by law in 2005 and officially instituted in 2006, has the mission to promote good state practices regarding ICTs, including a modernised and transparent public administration. The agency has also developed the Digital Agenda 2008-2010, which includes goals related to social equality in the use of ICTs and the generation of educational content. The agency has proposed legislation in this regard. It is currently also responsible for implementing the legislation discussed below.⁵

The Personal Data Protection and Habeas Data Law (2008)⁶ governs all public and private databases that contain personal information that must be registered. Restrictions were introduced for the use of personal information for commercial purposes, including political preferences and healthcare data. New ways to demand the deletion of personal data and information on how these data were obtained have also been put in place.

The Access to Public Information Law (2008)⁷ establishes the right of all citizens to access information generated by public institutions. It is compulsory for all public institutions to have a website where they publish relevant data, including government tenders and the details of official salaries.

3 www.mec.gub.uy/centrosmec

4 www.agesic.gub.uy

5 AGESIC (2008) Agenda digital Uruguay 2008-2010. www.agesic.gub.uy/Sitio/agenda-digital-uruguay.asp; AGESIC (2009) Segundo taller de seguimiento de la Agenda Digital Uruguay. www.agesic.gub.uy/Sitio/descargas/seguimiento_ada.pdf

6 Ley de Protección de Datos Personales y Acción de Habeas Data (2008). www.agesic.gub.uy/Sitio/normativa-y-estandares.asp

7 Ley de Acceso a la Información Pública (2008). www.agesic.gub.uy/Sitio/normativa-y-estandares.asp

1 Grupo Radar (2009) *El perfil del internauta uruguayo. Sexta edición, 2008*. www.gruporadar.com.uy

2 A *ceibal* is a grove of *ceibos*, the Uruguayan national tree, as well as the acronym of "Conectividad Educativa de Informática Básica para el Aprendizaje en Línea" (Basic Computer Connectivity in Education for Online Learning).

Accessing information in schools and from the state

Among the new policies and laws recently formulated, two need closer attention: Plan Ceibal and the Access to Public Information Law.

Plan Ceibal was initiated by the Office of the Presidency, and received the support of all political parties. The impact of delivering a computer to each teacher and child, beginning with children living in poverty, became an unquestionable social policy that was seen to narrow the digital divide and promote a “revolution in education”.

However, there have been critical views about Plan Ceibal, especially from educational actors. They have pointed out that no previous consultation was undertaken, and there was no participation during the development of the Plan. Other criticisms include a lack of attention to pedagogical aspects and insufficient teacher training programmes. Financial costs have been criticised as well, given the concern that the initiative could not be sustainable in the medium term (due, in part, to laptop repairs and maintenance). Internet access outside schools has also not been satisfactorily resolved yet.

In response, others have said that laptops by themselves do not change education – rather they “shift gears” in the classroom, diversifying knowledge sources. Children rapidly appropriate these technologies, taking advantage of their potential for expression, often teaching their teachers and parents how to use them. Because of this, the initiative’s supporters counter, the high investment is worthwhile. They add that the technical problems are being solved during implementation.

Ultimately, the broad social and political legitimacy gained by the plan should facilitate financial sustainability and the proper attention to technical problems. Pedagogical problems require specific, expert attention. The start of this is the creation of the Ceibal website,⁸ which offers educational materials and resources.

The Access to Public Information Law was initially prepared by a working group made up of social and academic organisations: journalists, communicators, archivists, etc. The law puts Uruguay in a good position compared to international standards, and it is now one of the few countries in Latin America to have this type of law. Its main objective is the transparency of public administration, and it facilitates the individual and collective right to access public information. By encouraging public accountability, it contributes to the fight against corruption and increases social participation in public issues.

An Access to Information Unit works in AGESIC to implement the law. It has an Advisory Council which includes representatives from civil society.

The principle of transparency is proactively pursued. It is compulsory for all public institutions to include key

information on their websites. This includes the institution’s structure and functions, budget and balance sheets, salaries of officials, tenders (specifying who they have been awarded to), relevant statistics of general interest and mechanisms for citizen participation, including where to ask for further information. Public institutions have been given a year to comply with this (until 17 October 2009).

The law allows any citizen to ask for further information on any topic in the domain of a public institution. People requesting information must provide their personal details as well as any information that could help in meeting their information request. The reproduction of the requested information (photocopies, etc.) must be paid for by the person requesting information.

There are exceptions to the law, such as information relating to public security or protected by the right to privacy. These exceptions need to be stated in writing to the person requesting information. Information cannot be considered reserved or confidential when it relates to human rights violations.

The person requesting information does not need to explain the motives behind the request. Some lawyers argue that this poses the risk of facing a huge amount of unjustified requests which are impossible to attend to.⁹ However, up until now this does not seem to be the case.

It is also remarkable that, although it is compulsory for institutions to have information on a website, requests can only be submitted in writing (i.e., in a letter). This is probably a result of challenges in online security issues, including electronic signatures, as well as a culture that lacks confidence in dealing with telecommunications.

Once the request is presented, it must be responded to immediately, if it is possible, or within twenty days. This can be extended for another twenty days for justifiable reasons which are put in writing. However, these deadlines are not being met by institutions. One of the difficulties stems from the lack of well-organised documents and archives – one of the reasons why institutions have been given two years¹⁰ to meet the requirements of the law. During this period there will not be any penalties if responses to requests do not meet the deadlines. In this regard, the Archives Law was also approved some time ago, which aims to professionalise and regulate the field.

Practical difficulties related to disorganised information, delays in responding to requests, or a failure to respond to requests in the first few months of the implementation of the law can be attributed to the country’s historical culture of secrecy. This includes public officials who do not accept that it is part of their job to offer information to citizens. Education and training are needed here.

9 Flores, R. (2009) Análisis de la Ley N° 18381 de Acceso a la Información Pública, *Revista Electrónica Informática Jurídica*, N° 2. www.informatica-juridica.com/revista

10 The 17 October 2009 deadline applies to placing information on public institutions’ websites only.

8 www.ceibal.edu.uy

New trends and challenges

- Plan Ceibal is extending access to information rights to the next generation. But there is still so much to do and resolve concerning the potential that computers offer in producing knowledge in a collaborative way and promoting students' expression and creativity. If the computers are only being used to access information – copying and pasting and not much more – the risk would be a continuation of the present model of education, which includes passive learning focused on the transmission of knowledge, although the teacher would not be the main source of information.¹¹
- The reversal of the culture of secrecy in state institutions is a key challenge. The Access to Public Information Law will not be effective if this culture does not change. At the same time, the organisation of archives needs to be professionalised. Another challenge is how to encourage citizens to use this resource to participate in public issues.
- The Uruguayan government decided in 2007 to adopt the European standard for digital terrestrial television. But there were no resolutions regarding the framework for allocating digital signals. The issue is still pending, as is the installation of an interactive applications laboratory in digital TV, which could grow the Uruguayan software industry.¹²
- It seems necessary to create a new communications legal framework based on technological convergence, as it is increasingly difficult to separate traditional media (radio, newspapers, television) and new media. Between 2005 and 2008 some decisions about triple-play services were postponed. In 2009 there have been some advances but without clear criteria and public discussion.

Action steps

- Stronger action is necessary to promote citizen participation in discussions concerning information and communications policies.
- Institutional reorganisation is necessary to allow the coordinated development of information and communications policies that include traditional media, telecommunications, internet, digital TV, etc.
- There is a need to support the development of good quality local digital content, as well as strategies to promote the active use of ICTs by the people and communities, who should not only be consumers of information.
- There is a need for a systematic research programme to look into the information society, the use and production of local content, as well as information and communications policies, to support the three points mentioned above. ■

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11 Kaplún, G. (2006) ¿Democratización electrónica o neautoritarismo pedagógico? *Revista Eptic Online*, VIII (3). www.eptic.com.br

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GLOBAL INFORMATION SOCIETY WATCH (GISWatch) 2009 is the third in a series of yearly reports critically covering the state of the information society *from the perspectives of civil society organisations across the world.*

GISWatch has three interrelated goals:

- **Surveying** the state of the field of information and communications technology (ICT) policy at the local and global levels
- **Encouraging** critical debate
- **Strengthening** networking and advocacy for a just, inclusive information society.

Each year the report focuses on a particular theme. **GISWatch 2009** focuses on *access to online information and knowledge – advancing human rights and democracy*. It includes several thematic reports dealing with key issues in the field, as well as an institutional overview and a reflection on indicators that track access to information and knowledge. There is also an innovative section on visual mapping of global rights and political crises.

In addition, 48 country reports analyse the status of access to online information and knowledge in countries as diverse as the Democratic Republic of Congo, Mexico, Switzerland and Kazakhstan, while six regional overviews offer a bird's eye perspective on regional trends.

GISWatch is a joint initiative of the Association for Progressive Communications (APC) and the Humanist Institute for Cooperation with Developing Countries (Hivos).

GLOBAL INFORMATION SOCIETY WATCH

2009 Report

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