

Most Frequently Asked Question about ICAI

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Most Frequently Asked Question about ICAI

1. What is the ICAI?

It is an autonomous, plural, impartial, non partisan and formed by people institution responsible of:

- Transmitting and guarantying all access to the Public Information
- Establishing and assuring the policy fulfillment of the organism known as Sistema Estatal de Documentación (State System of Documents)
- Guarantying the no diffusion of the confidential and classified information under control of Public Entities.
- Promoting the cultural transformation toward the informative transparency.
- Establishing the necessary technology that will allow the adequate diffusion of information.

2. What is the ICAI's mission?

The ICAI's mission is to ensure in Coahuila the existence and operation of an accurate and reliable system that offers public access to information. This System would allow people and institutions being aware of and assess governmental management issues. Also, the system would encourage Coahuilians participating democratically to increase life standards in the community.

3. What is the ICAI's vision?

It is expected that in less than 5 years, The ICAI will be recognized nationally for its ethic presence and technical efficiency as the number 1 (ONE) organization that guarantees the right to be aware about governmental management issues as well as a cultural launcher of transparent information in the different public entities and in the society of Coahuila.

4. What are ICAI's targets?

- To contribute in developing human awareness of the right of being informed about the public administration.
- To promote the society's participation in improving the development of the community.

- To promote in public entities the responsibility to provide accurate information about the governmental administration in order to improve the society's perception of this administration.
- To establish a rectory of the administration, conservation, and preservation system of the public documents.
- To establish the necessary guaranties for the right to privacy and individualism.

5. What is the ICAI's History?

In December 17th of the year 2002, the Inter-institutional Agreement was signed in the Palacio de Gobierno de Coahuila (City Hall of Coahuila) a state in the north of Mexico that borders with Texas, thus the civil research and consult on the public information access issue begins.

From this, in the year 2003, the Constitución del Estado (Constitution of the State) was modified in its article 7th and 8th of the access to public information, and the Ley de Acceso a la Información Pública (Public Information Access Law) was created and performed for the first time on the 1st of December of the year 2004 as part of the legal system that also included the Constitution reforms, The Ley de Archivos Públicos (Public Archives Law), and the Ley del Instituto Coahuilense de Acceso a la información Pública (Public Information Access Law Of The institute Of Coahuila).

The Consejo General (General Council) was created by the Ley del Instituto Coahuilense de Acceso a la información Pública (Public Information Access Law Of The institute Of Coahuila) and the assignment of its committee was developed by an election process, that according to the law, the necessary assessments, interviews, and the votes of two-thirds of the people of the Congreso del Estado (State Congress) were transparently involved.

The decision was made unanimously. This process is recognized in the national context as one of the most advanced and complete according with the requisites that aspirants and counselors must fulfill. The 16th of November of the year 2004 the General Council of ICAI was formed and compounded this organization that began counseling for the first time on the 30th of November of the same year, date in which Eloy Dewey was named Consejero Presidente (First Counselor).

Also, on the 1st of December of the year 2004, the Instituto Coahuilense de Acceso a la información Pública (Public Information Access Institute of Coahuila) began working for the first time. This institution is committed with the public organizations and citizens.

As a constitutional and autonomous group, the General Council's work has been intense in dialog and in building consensus. Thus the Council accomplishes with the Ignacio Allende y Manuel Acuña, Edificio Pharmakon, Ramos Arizpe, Coahuila, México 3 Tels. (52) 01 800 835 4224 (TEL ICAI) (52) Area Code (844) 488-3346, 488-1344, 488-2617

obligations cited in the Article 31st of the Ley Del Instituto Coahuilense de Acceso a la información Pública (Public Information Access Law Of The institute Of Coahuila). At the same time the group supervises the implementation and application of what has been offered by the organization and assures that all entities are attached to the Law and fulfill the principles of institutionalism, legality, certainty, independence, impartiality and objectivity.

6. Who are the Members of the General Council?

Eloy Dewey Castilla, First Counselor
edewey@icai.org.mx
Alfonso R. Villarreal Barrera, Owner and Counselor
avillarreal@icai.org.mx
José Manuel Gil Navarro, Owner and Counselor
jgil@icai.org.mx

7. What are the most important cases resolved by the General Council?

Solution: Educative evaluations

One of the most important and impacting issues related to the information access is "The Education". Thanks to the information request presented by the Secretaría de Educación Pública (Public Education Secretaryship), ICAI's general Council openly informed about the students' evaluation term results of public and private schools.

Thanks to the Institute's help a historical decision was made and now parents count on more elements so they can choose the appropriate and most convenient school for their children.

Opening the Begasa Information

ICAI's Council resolved at ordinary session on March 8th, 2006, the opening of the information corresponding to the payments to the building firm Begasa made by El Gobierno del Estado (The Government of the State).

At first, The Finance Secretaryship (Secretaría de Finanzas) denied to deliver such information under the argument that stated that delivering such information would undercover and reveal both institutions' account numbers.

ICAI'S General Council considered that The Finance Secretaryship (Secretaría de Finanzas) should put forward the public version of the documents that evidences the delivery of the public resources to the building firm.

Town Council of Acuña and Concessions

The Town Council of Acuña (El Ayuntamiento de Acuña) was requested to inform about the number of Urban Transportation & Taxi concessions given as well the

name of beneficiaries that receive these concessions since January 2006 to the present.

The Town Council of Acuña (El Ayuntamiento de Acuña) informed that in this period, no taxi concessions have been given, and it was affirmed that the council had information that stated the delivery of 3 acts, for that, and answering the new request, the council attached 2 acts of the fraction remaining one document left.

The Institute's personnel carried out a conciliation diligence in the city of Acuña, in which the public entity provided all the adequate information and all doubts requested were clarified. Therefore a stay of proceeding resolution was submitted, so that, thanks to the institute's intervention, the requesting party obtained the necessary information.

8. What are ICAI's Projects for the 2006?

The target for the 2006 is that by November 31st, the ICAI will have guaranteed the right to the information access with its resolutions, training public entities and socializing the transparency culture throughout the implementation of technology all over the state. The ICAI will have set the basis of the consolidation of the institution's inner structure.

9. Where and how can I reach ICAI's personnel?

At Instituto Coahuilense de Acceso a la Información Pública
Allende y Manuel Acuña, Edificio Pharmakon, Ramos Arizpe Coahuila,
MEXICO. C.P. 25900
Phone y Fax: (52) 01 800 TELICAI (835 4224),
Country Code (52) Area code (844) 488-3346, 488-1344 Y 488-1667
transparencia@icai.org.mx
www.icai.org.mx and www.resi.org.mx

10. Why is the information useful for?

It helps to make the appropriate decisions, to understand the "know how" of the scent and duty of the public entities in order to participate actively in making decisions that benefits the community.

11. What is the type of information the ICAI provides?

According to La Ley de Acceso a la Información Pública de Coahuila de Zaragoza (The Public Information Access Law of Coahuila of Zaragoza) there is public information that is temporally reserved and delivered under request and there is also confidential information.

12. What is the Public Information?

All information that the Government shelters is public, open and people have the right to learn about it under the terms and conditions that the law proclaims. Only in exceptional cases, this information will be set as temporally confidential.

13. In what cases the Information is set as temporally confidential?

The Information that is being delivered jeopardizing life, health, people and the security of the Estate is set as temporally confidential. Also, the information is set as confidential when its delivery puts at risk and damages the prevention or persecution activities, the justice, and democratic governance.

14. What is Confidential Information?

Confidential information is the one regarding the privacy of people.

15. What is the Minimum Public Information?

It is the information that Public Entities must provide without any request. This information must be up dated and published on the internet. The law obliges to inform about all organic structures, new laws, decrees, agreements, organization manuals, public services people directories, salaries per position, convocations or works contest, acquisitions, lease contracts, and El Sistema Integral de Información Financiera (The Integral System of Finance Information).

16. Who is allowed to request the information?

All People are allowed to request information. It doesn't matter the person's nationality, gender or age.

17. How can I request this information?

This information can be requested in all Public Entities of the State of Coahuila. There are 120 public officers that are open to provide this information to citizens. These entities are The Executive Power, The Legislative and judicial Power, The Towns Council, Political Parties, Autonomous and Public Organizations, and Public Universities. The list of the people responsible of transparency can be found at ICAI's website. www.icai.org.mx.

18. How can I request this information?

This information request can be addressed at any Public Office in which there is a person responsible who will receive the application form

These are the steps to follow:

Ignacio Allende y Manuel Acuña, Edificio Pharmakon, Ramos Arizpe, Coahuila, México 6
Tels. (52) 01 800 835 4224 (TEL ICAI) (52) Area Code (844) 488-3346, 488-1344, 488-2617
www.icai.org.mx – www.resi.org.mx

- a) The application form shall be presented before the Attention Unit of the Public Offices. There is a person responsible in each attention unit, this person shall receive and seal the application form. It is not necessary for the applicant to identify himself or herself. It is only necessary to specify the name of the person to whom the request is being sent to. The applicant's name, address, and signature shall be shown in the application form.
- b) In case that the application form is presented at an incorrect Public Office, the person responsible of the office shall receive and redirect to the corresponding unit. The applicant shall be always oriented by the public officer otherwise the officer will be subject to a sanction.
- c) To avoid doubts and misconceptions, all questions shall be clear and precise in order to obtain an appropriate response.
- d) There is a of 10 working days period to receive the response to the request. If the information being requested contains a high degree of difficulty, the public officer will inform the applicant that the answer will take more than the normal period. No answer will take more that 20 days to be delivered.
- e) There are two types of responses: a) the information that can be delivered, b) the information cannot be delivered. There are two options when the information cannot be given, a) There is no information that support any answer, b) The information available is on hold or confidential. All the information at any entity is open to the public. The information can be denied only in those special cases when it contains personal or classified information.
- f) If the answer is null or unsatisfactory, the applicant can present a letter through the "Guarantee to attend the Institute" at the ICAI's office as stated in the 47th article of El Consejo General de ICAI (ICAI's General Council). The case will be analyzed and resolved according to the law.

19. Is there any sign at the Institutes to identify the Access Information Area?

All Institutes must have an appropriate sign, visible and recognizable where all applications can be processed. There is a person responsible to help and direct each applicant.

20. What are the requisites to request information?

The application form must be correctly addressed. The applicant's Name, address, general information and signature must be included. The application shall contain name of the place where the answer should be sent to.

21. Can I request information even if it does not belong to the current administration term?

Yes, you can. There is access to the current and prior public information. There is no chronological limit.

22. What can I do if the entity doesn't have the corresponding webpage?

If there is no webpage, you shall request the information through the Information Access Unit at the local entity.

23. Do I have to pay for the information?

The public information has no cost, however, the reproduction such as print outs, photocopies, floppies, or discs do. The average cost for a photocopy is 50c to \$1.00 peso.

24. Do I have to identify myself? Or Do I have to inform the purpose of acquiring the information?

No, you don't have to. It is not necessary to identify yourself or explain the legal need or reason to request such information.

25. Can I request information formatted by any word processor?

All entities must help and advice the citizen, even when the law states that the information must be given in the current form or shape, our obligation is to systematize and process all possible information.

26. Can I be supported even if I do not have precisely understood the way to request the information?

The personnel must advice citizen to obtain the necessary information. If the information requested by any person is unspecified or unclear, the person shall have three working days to clarify the inquiry.

27. What does it happen if I request information at the wrong entity?

The public officer should always direct and advice the applicant, receive the information and send it to the corresponding office in less than three working days. Once this application is sent to the correct entity, the entity will contact the person or people that applied for the information.

28. How long does it take to get an answer?

The public entity has three working days to clarify any doubt to any question that it may arise and ten working days to respond. Although, and extension of ten working days can be offered in case there are circumstances that unable the gathering of information during the regular time frame.

29. What can I do if I do not receive attention, nobody answers, or I am not satisfied with the answer I receive?

Visit the ICAI to claim the guaranty established on the article 47th of the law. That way El Consejo General Del Instituto (General Council of the Institute) would determine if the information is meant to be published. You can also come to the Hierarchical Superior of the Institution and make an appeal of re-consideration.

30. How many days do I have to come to ICAI to make effective the guaranty mentioned on the 47th article of the LAIP?

In case your request has been answered and you are not satisfied, you have ten working days to make effective the guaranty and 15 working days if no answer has been received. Visit the ICAI with a written testimony mentioning your case with the copy of the corresponding application form and with the unsatisfactory answer in case of having it.

31. Can sanctions be imposed to whom does not hand in the requested information?

Yes, It can. There different types of sanctions that are applied according to the law of the Responsabilidades de Los Servidores Públicos (Responsibilities of the Public Officers). And sanctions can be applied by the Secretaría de la Función Pública (Public Function Secretaryship), and by Las contralorias de los Ayuntamientos (The Town Council Controllershship). The ICAI is an authority in this field and its resolutions are linked and obligatory to the public entities.