



# PARLAMENTO **ABIERTO**

República de Costa Rica

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## Presentation

This Institutional Policy on Open Parliament (PIPA) establishes the orientation that the Legislative Assembly must follow in the execution of institutional processes to strengthen Costa Rican democracy and legislative work, in accordance with what is established in the PEI 2017-2021, the agreements of the Legislative Board on the subject and what has been subscribed by the Heads of Fractions (see Annex 1).

For the development of this policy, experiences of similar proposals in other parliaments, bibliographical references and international inputs were analyzed. In addition, the Open Parliament Policy proposal was submitted for consultation with the legislative population, through the departmental directorates, as well as with organizations, the citizenry, the Fraction Heads and parliamentary advisors for the 2017 and 2018 periods, to finally submit it for approval by the Legislative Board of Directors.

With the development, consultation and approval by the Legislative Directory of this policy, the first commitment made by the Legislative Assembly in the Framework Agreement to Promote an Open State of the Republic of Costa Rica, signed between the Executive Branch, the Legislative Branch, the Judicial Branch and the Supreme Electoral Tribunal, on March 21, 2017 and commitment No. 8 of the III National Action Plan for Open Government, submitted by Costa Rica to the Open Government Partnership, in October 2017, is fulfilled.

The adoption of the 2030 Agenda for Sustainable Development by the member countries of the United Nations has marked a historic milestone. Both the agenda and the 17 Sustainable Development Goals (SDGs) were formulated through an unprecedented open and participatory process led by governments and involving civil society and the private sector.

The open state paradigm is a fundamental axis for meeting the 2030 Agenda for Sustainable Development Goals. Sustainable Development Goal 16 proposes to shape a new public governance framework and a renewed state architecture to promote peaceful and inclusive societies for sustainable development, facilitate access to justice for all, and build effective, accountable, responsible and inclusive institutions at all levels.

## Background

The global Open Parliament movement arose within the Open Government Partnership (OGP), launched in 2011, which formed, since its inception, a group of legislative openness to support and accompany the initiatives that have been developing in this field around the world. This alliance has developed important initiatives to promote transparency, accountability, encourage citizen participation and facilitate collaboration at all levels of government, including parliaments.

A reflection of this movement is identified in the processes led since 2012 in Opening Parliament (OP), where legislative monitoring organizations, civil organizations and parliaments collaborate with measures that facilitate contact between citizens and members of Parliament and enhance the transparency of the institution.

In addition, during the International Seminar on "Transparency and Probity in the National Congress and the Political Party System," held in Santiago, Chile, on January 12 and 13, 2012, twenty-three parliamentarians unanimously signed the "Santiago Declaration on Transparency and Integrity in Parliaments and Political Parties. That document was signed by the then president of the Legislative Assembly of Costa Rica, former deputy Juan Carlos Mendoza.

Article 7 of the Declaration recommended the establishment of a Regional Parliamentary Network for Transparency and Probity. In September 2015, the Network was incorporated into the governance structure of ParlAmericas, under the name of Open Parliament Network, with the aim of strengthening its institutional framework. This Network is made up of parliamentarians from countries in North, Central and South America and the Caribbean and its objective has been the exchange of good practices, knowledge and experiences.

During the United Nations Sustainable Development Summit, held on September 25, 2015, where more than 150 world leaders adopted the new 2030 Agenda for Sustainable Development, which includes in goal 16.10: "Ensure public access to information and protect fundamental freedoms, in accordance with national laws and international agreements".

Costa Rica in its international policy has signed a series of conventions in which it commits itself to guarantee the rights of citizens to participate in the management of public affairs (Art. 23, American Convention on Human Rights, 1969), as well as to achieve public participation in the management and control of the human environment, as well as to provide the means to stimulate the active participation of citizens (Report of the United Nations Conference on the Human Environment, 1972). 1972); to eliminate inequalities by encouraging the population to have access to information, active participation in decision-making and access to justice, as well as the implementation of effective and transparent accountable institutions at all levels (SDG, Principle 16, 2012). Therefore, the Costa Rican state acquires the commitment to comply with the control of conventionality acquired with the signing of the aforementioned international conventions (Vote of the Constitutional Chamber 6247-2013) in the field of fundamental rights, whether or not these are ratified (Vote of the Constitutional Chamber 3705-1993).

It should be noted that in 2016, for the Organization for Cooperation and Development (OECD), the Legislative Assembly of Costa Rica was leading the effort in terms of openness and transparency for other parliaments in the region. The President of the Parliament in 2010 signed the "Declaration towards the Construction of an Open State", in which the Legislative Assembly committed itself to the inclusion of transparency, openness and citizen participation in its institutional strategic plan. In 2015, the Legislative Assembly began working on its own open parliament initiative, which has been taken up again in 2019.

It should be recalled that since the 1960s, the Legislative Assembly has promoted various initiatives to strengthen its relationship with the inhabitants; among these, radio broadcasts, the creation of specialized departments such as those of communication and citizen participation, television broadcasts, the creation of laws such as the popular initiative, as well as the strengthening of the use of the Internet to visualize its work through the legislative portal and social networks.

Since 2015, the Legislative Directorate, together with the following organizations or collectives: Abriendo Datos Costa Rica, Accesa, Costa Rica Íntegra, Instituto de Prensa y Libertad de Expresión (Iplex) and Ojo al Voto created the first action plan to promote the adoption of the principles of Open Parliament. As part of this first action plan, emphasis was given to the training of administrative staff and the construction of some products that resulted in a new vision of Parliament.

This also facilitated that, since 2016, the legislative portal had a significant progress in two different evaluations that are made to websites of State institutions. One, that of the Ombudsman's Office and the Center for Research and Training in Public Administration (CICAP), and the other, that of the Central American Institute of Business Administration (INCAE), together with Radiográfica Costarricense (RACSA), which are presented below (Annex 2).

In the Legislative Assembly, the Legislative Directorate has approved two action plans, the first in 2015 and the second in 2016, in which institutional departments and some organizations participated. The approaches and results of both can be seen on the Legislative Assembly's website, in the Open Parliament section.

In 2017, a first Open Parliament institutional policy proposal document was prepared as part of the second institutional action plan approved by the Legislative Board of Directors in ordinary session No. 131-2016, September 6, 2016, Article 2 of the Strategic Plan of the Technical Administrative Area, 2017-2021 and Article 8 of the Commitment to Open Government signed by the presidents of the three branches of government in 2017.

As a follow-up to the actions taken, the officials, as well as some participating organizations, submitted the policy proposal to the Board of Directors and the heads of factions for their approval, so that it will guide the Open Parliament strategy as a permanent process of the Legislative Assembly, involving deputies, institutional staff and citizens in its management, in accordance with the principles of Open Parliament and Open State, with the other branches of government of the Republic.

It can be concluded that there have been several factors of success in this matter, for the progress towards a permanent Open Parliament policy: first, the political support of some deputies, on the other hand the sustained collaboration of the administration and the contribution of organizations, as well as international bodies such as OECD, ECLAC, OGP, Eurosocial and ParlAmericas, to concretize and follow up on international commitments and the agreement signed in 2017, by the presidents of the Supreme Powers of the Republic and the Supreme Electoral Tribunal (TSE) in favor of the consolidation of the figure of Open State.

At the beginning of 2018 Costa Rica joined the Network of Parliaments of Parlamericas, where it is committed to the implementation of a third action plan and for this a delegation of deputies, who lead together with the Legislative Directory, the commitment of all political fractions represented in the Legislative Assembly, with the principles of Open Parliament.

In the months of March and April 2019, the Board of Directors, as part of an institutional commitment with the citizenship, makes the agreements that lead to the approval of the Policy presented below.

We will now proceed to present the Open Parliament policy proposal.

The principle of democracy enshrined in article 1 of our Constitution is based on citizen participation; the Constitutional Chamber in its resolution No. 10693-2002 mentions that this is nothing more than the recognition of the existence of the right of each citizen to participate in the construction and maintenance of the society in which they live.

Article 9 of the Constitution of the Republic of Costa Rica states that "The Government of the Republic is popular, representative, participatory, alternative and responsible. It is exercised by the people and three distinct and independent branches of government. The Legislative, the Executive and the Judiciary" and article 105 states: "The power to legislate resides in the people, who delegate it to the Legislative Assembly by means of suffrage".

In addition, article 11 states that "Public officials are mere depositaries of authority. They are obliged to perform the duties imposed on them by law and may not arrogate to themselves powers not granted therein. They must take an oath to observe and comply with this Constitution and the laws. The action to hold them criminally liable for their acts is public. The Public Administration, in a broad sense, shall be subject to a procedure of evaluation of results and accountability, with the consequent personal responsibility for the officials in the fulfillment of their duties. The law shall establish the means for this control of results and accountability to operate as a system that covers all public institutions.

From the above, the institutional commitment is born to enforce its functions of representation, legislation, political control and budgetary oversight, and to facilitate the knowledge of the inhabitants of these functions.

Therefore, the aim is to open up information, facilitate access to documents, data and the work of parliament itself, in order to regain trust and strengthen democracy.

### **Concept of Open Parliament**

Active and effective engagement and interaction of citizens with legislators and officials. Open parliament should essentially consider the following practices:

- Proactive and broad communication of legislative work.
- Guarantee citizens' access to information on legislative and administrative activities.
- The effective recognition of the right to citizen participation, in accordance with current regulations, without detriment to the constitutional powers of deputies, in the formulation, discussion and drafting of legislation, allowing an exchange of opinions for decision-making that facilitates the management of the legislator in the parliamentary process.
- The use of technological tools to guarantee the principle of transparency of legislative acts, for access to information, communication and participation, guaranteeing accessibility through LESCO interpreters and other mechanisms for inclusion.

### **Pillars of Open Parliament**

The set of open parliament principles that underpin this policy are as follows:

- Transparency and access to public information.
- Accountability.
- Citizen participation.
- Ethics and probity.



**Transparency:** Transparency will imply that the right of access to reliable and accessible information on the acts carried out by the Legislative Assembly.

**Accountability:** The duty of all authorities to explain, justify, substantiate and communicate the decisions and actions they take regarding the public resources they receive or use to the public.

**Citizen participation:** active participation of citizens in those decision-making processes of parliamentary business such as the law-making process and political oversight in which they have a legitimate interest.

**Ethics and probity:** The highest standards of integrity to be observed and adhered to by officials and legislators in the course of their parliamentary work. These standards should be compiled in a code of conduct that regulates the behaviour of legislators, setting out what conduct is considered acceptable.

It is assumed that the information, functioning and outcomes of parliamentary processes should be open to scrutiny and participation.

### Referring terms

**Accessibility and dissemination:** this consists of ensuring that the facilities and sessions are accessible and open to the public, promoting real-time transmission of plenary and committee sessions, taking into account institutional sustainability, gender and disability policies.

**Collaboration with citizens, organizations and institutions:** this is understood as the opening of spaces for dialogue, communication and permanent construction, in which deputies and parliamentary officials participate, taking into account current regulations, as well as institutional sustainability, gender and disability policies.

**Open data:** consists of the publication of data on parliamentary activities related to the fulfillment of the functions and activities of the office of the deputies, available and updated online, unprocessed, in open, neutral format that allows its use and reuse, available for downloading in full, without cost or registration requirements and computer processable. All this in accordance with the limits to the right of access to information and especially that derived from the protection of personal data, as established by the Law for the Protection of the Person against the processing of Personal Data Law No. 8968, published in La Gaceta No. 170 of September 5, 2011 and its amendments. Institutional sustainability, gender and disability policies will be taken into account.

**Right to information:** is the right of citizens to request and receive information held by the Public Administration. Access should be promoted through mechanisms, systems, regulatory frameworks and procedures that allow, in a timely manner, its



easy location and use.

**Historical information:** Publication of reliable, comparable and systematic information on legislative activity in a historical, accessible and open archive, in a place that remains constant over time. This information may be parliamentary or administrative, will be built according to the principles of open parliament, will be provided by the Executive Directorate, and may also incorporate the requests made and the analysis of the annual demand made by the institution, taking into account the policies of sustainability, gender and institutional disability.

**Parliamentary information:** This refers to all information derived from the analysis, deliberation, voting, agendas, as well as reports received from external actors of the legislative institution, providing access to information on the process of law and political control in a proactive manner, and on the functioning of the legislative bodies in legislative matters. This information will be issued by the Legislative Assembly and according to the requests made and the analysis of the annual demand, by the available means and according to the institutional installed capacity, with the conditions and deadlines stipulated by the regulations and jurisprudence in force, taking into account the policies of sustainability, gender and institutional disability.

**Budgetary and administrative information:** Information on the management, administration and expenditure of the budget allocated to the Legislative Assembly, such as hiring, use of resources, inventories, among others. This information will be provided according to the means available and in accordance with the conditions and deadlines established in the regulations and jurisprudence in force. It may be detailed and in open formats.

## Overall objective

Guarantee the incorporation of the principles of transparency, citizen participation, accountability, ethics and probity, in all the work of the Legislative Branch, in order to strengthen Costa Rican democracy, establishing a relationship of open institutionality, improvement in the provision of services and fulfillment of functions to guarantee a better quality of life for citizens, taking into account institutional sustainability, gender and disability policies.

## Specific objectives

- To build channels and spaces for citizen participation in an active, effective and inclusive manner, promoting transparency in the process of law formation.
- Promote institutional dissemination and communication strategies to ensure effective and inclusive channels and spaces for citizen participation, allowing them direct access and real-time monitoring of the progress of each of the stages of the bills and other issues related to legislative work.
- To promote a transparent, accessible and comprehensible Legislative Assembly by promoting the development of educational products for the training of citizens, using the means available and by signing cooperation agreements with other entities to achieve this objective.
- Promote the process of opening institutional data in open formats, carrying out at least once a year a process of consultation with the users of institutional services, about their interests and needs, so that the data are useful.
- Incorporate the institutional policy of Open Parliament in the institutional planning, control, monitoring and evaluation system, for its updating and sustainability. Submit an annual report on what has been done (institutional report, parliamentary journal, etc.), to be published by the available institutional media.
- Use technological tools that allow interaction with the inhabitants, free access to legislative information and institutional accountability in accordance with current jurisprudence and regulations.
- To develop mechanisms for access to information and communication that guarantee and facilitate citizen participation in the services offered by the Legislative Assembly, by means of different formats, LESCO interpreters, a web page compatible with mobile technologies and accessible to blind and low vision persons.

All of the above should be done through methodological actions that guarantee citizen participation and access to information, considering populations without

access to technology and with various forms of disability. Policies should consider indigenous populations and remote coastal areas, not focus exclusively on the GAM as a frame of reference, as well as institutional sustainability, gender and disability policies.

Draw up indicators of work, commitment and follow-up on the objectives to be included in an action plan.

Create a joint agenda with social organizations in which the objectives of the open parliament policy are addressed through working commissions, with clearly defined times and functions, in the first three months following the approval of the policy.

Organize at least a biannual meeting with the social organizations promoting this policy for the presentation of results.

Strengthen relations between social organizations and governmental institutions (CONAMAJ, National Commission for Open Government, Open Parliament Commission) through joint work tables in which the themes of capacity building and training and creation in cross-cutting issues are addressed.

## Reference and regulatory framework for Open Parliament in Costa Rica

- Agreements of the Legislative Directory:

Regular Session No. 073-2015, July 07, 2015. Ordinary Session

No. 088-2015, October 13, 2015.

Extraordinary Session No. 096-2015, December 02, 2015. Ordinary Session

Nº 099-2016, January 19, 2016.

Regular Session No. 102-2016, February 16, 2016. Regular

Session No. 105-2016, March 2, 2016. Regular Session No. 109-

2016, April 5, 2016. Regular Session No. 034-2019, January 30,

2019.

- Protocol of Access to Public Information of the Legislative Assembly.
- Creation of the Department of Citizen Participation.
- Letter of incorporation of Costa Rica to the Open Government Partnership.
- Political Constitution of the Republic of Costa Rica, articles 9, 11, 27, 30 and 105.
- Framework Agreement to Promote an Open State of the Republic of Costa Rica, between the Executive Branch, the Legislative Branch, the Judicial Branch and the Supreme Electoral Tribunal.
- Executive Decree Opening of Public Data, No. 40199-MP.
- Executive Decree on Transparency and Access to Public Information, No. 40200-MP-MEIC-MC.
- Law No. 8454, Law on Certificates, Digital Signatures and Electronic Documents.
- Law No. 8491, Law on Popular Initiative.
- Law No. 8220, Protection of the Citizen from Excessive Administrative Requirements and Procedures.
- Law No. 9097, Regulation of the Right of Petition.
- Law No. 6227, General Law of the Public Administration.
- Law No. 8492, Regulation of the Referendum.
- Autonomous Service Regulations of the Legislative Assembly No. 46-06-07, Chapter XXI: Ethical Duties of Public Servants.
- Law 9398 Law to Improve Accountability.
- Law 9571 Loss of deputy credentials for violation of the principle of probity, through the reform of Article 112 of the Political Constitution.
- Law 9582 Restorative Justice Act.

- Convention on the Rights of Persons with Disabilities and its Protocol, No. 8661.
- Law on the Recognition of Costa Rican Sign Language (LESCO) as a mother tongue, No. 9049.
- Sustainable Development Goals SDG 16. Targets 16.6 / 16.7 / 16.10.
- Law 8968 Protection of individuals with regard to the processing of their personal data.

### **Execution and responsibilities**

For the implementation of the activities derived from the Open Parliament Policy, several levels of responsibility and execution were determined, in terms of decision-making at the institutional level and with respect to support and staff bodies that will allow the implementation of all actions.

The design, the definition of policies, the proposal of action plans and the necessary resources for the Open Parliament will be analyzed by the Fraction Heads and the Legislative Directory will approve them.

Open Parliament Committee: is responsible for promoting the development, coordinating and ensuring the sustainability of the principles of Open State with specific application in Parliament, as well as conducting the implementation of the Open Parliament Policy. It will be appointed by the Legislative Board for a period of one year, renewable for a maximum of two terms.

The Open Parliament Committee will be made up of:

- Five deputies from different political fractions, one of whom must be a member of the Legislative Directory.
- The Executive Directorate, or its designee.
- Two representatives of the institutional Administrative Departments.
- Three representatives of civil society organizations from different organizations with their respective alternates, elected according to the regulations approved by this Board of Directors for this purpose.

It is considered essential to ensure gender equity in the composition of this body.

## Validity

This Open Parliament Policy will have an indefinite duration, however it is considered appropriate to review it at least every 4 years after it is issued, in order to review the validity of its postulates in the light of each new institutional administration and its adaptation to the requirements and needs of the Open State.

The actions set out in this policy must be translated into an Action Plan, in accordance with the guidelines established by OGP and ParlAmericas, at least 5 months after the approval of this policy.

## Agreements

For the design, execution, follow-up, monitoring and evaluation of the development of this policy, the Legislative Directorate may sign collaboration agreements with civil society organizations, academic institutions, private enterprise, state or international institutions, to strengthen the pillars of the Costa Rican open parliament.

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Political Constitution of Costa Rica  
Office of the Ombudsman (2018). Public Sector Transparency Index.  
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***Institutional Policy on Open Parliament approved by the Legislative Board of Directors in Ordinary Session No. 045-2019, April 29, 2019.***

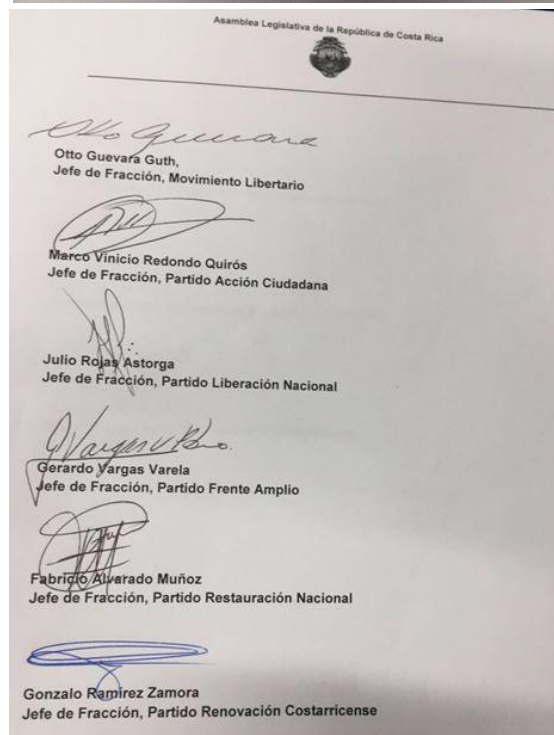
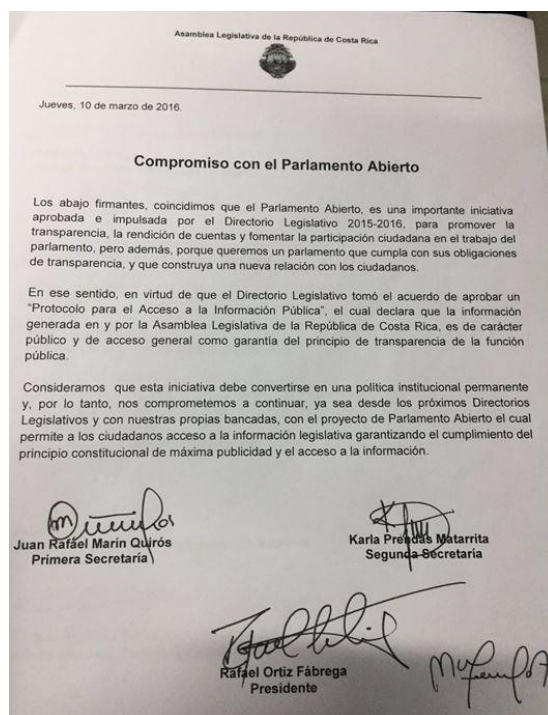
***Amended by Regular Session No. 093-2020, February 18, 2020 and Regular Session No. 146-2021 held by the Legislative Board of Directors on March 4, 2021.***

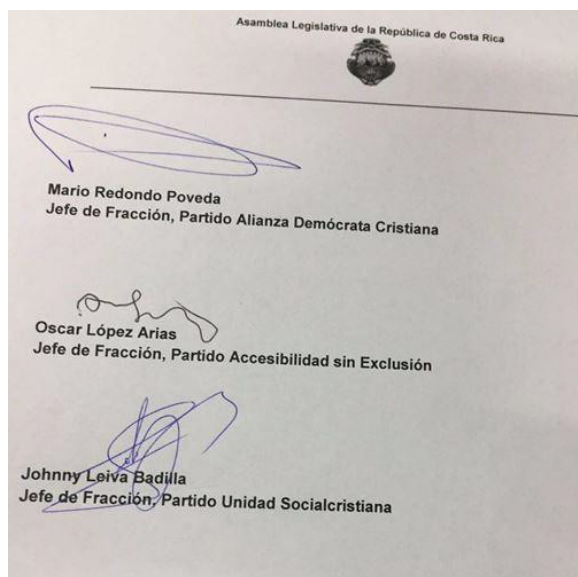




## ANNEX 1

### AGREEMENTS OF HEADS OF FACTION FOR AN OPEN PARLIAMENT IN COSTA RICA 2016





## AGREEMENTS OF HEADS OF FACTION FOR AN OPEN PARLIAMENT IN COSTA RICA 2019

**COMPROMISO POR UN PARLAMENTO ABIERTO**

Los y las diputados abajo firmantes conocimos que el tema de Parlamento Abierto es una importante iniciativa aprobada e impulsada por los Directorios Legislativos desde el año 2014 y suscrita por los poderes del Estado en el año 2017.

Mediante los planes de trabajo y políticas de parlamento abierto, se promueve la transparencia, la rendición de cuentas y se fomenta la participación ciudadana en el trabajo del parlamento, pero además porque queremos que cumpla con sus obligaciones de transparencia, y que continúe la construcción de una relación más estrecha con instituciones, con organizaciones y con las y los ciudadanos.

Consideramos que esta iniciativa debe convertirse en una política institucional permanente, con la participación de todas las y los diputados y las y los funcionarios, por lo tanto nos comprometemos a continuar desde nuestras propias bancadas, y desde los Directorios Legislativos, con el avance de este tema.

Teniendo como norte los cuatro planes de la estrategia internacional de Parlamento Abierto, impulsada por organismos internacionales como OGP, Parlamento, entre otros, esperamos continuar avanzando en:

1. Rendición de cuentas
2. Participación ciudadana y colaboración
3. Transparencia y acceso a la información
4. Ética, probidad e integridad

Suscriben:

Carolina Hidalgo Herrera  
Presidenta Directorio Legislativo

Luis Fernando Chacón Monge  
Primer Secretario Directorio Legislativo

José Antonio Cabrerá  
Segundo Secretario Directorio Legislativo

María Inés Solís Quirós  
Vicepresidenta Directorio Legislativo

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**COMPROMISO POR UN PARLAMENTO ABIERTO**

Yorleny León Marchena  
Primera Prosecretaría Directorio Legislativo

Shirley Díaz Mujat  
Segunda Prosecretaría Directorio Legislativo

Carlos Ricardo Benavides Jiménez  
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Otto Riquelme Vargas Viquez  
Jefatura de Fracción Partido Republicano Socialcristiano

Jose María Viquez Viquez  
Jefatura de Fracción Partido Frente Amplio

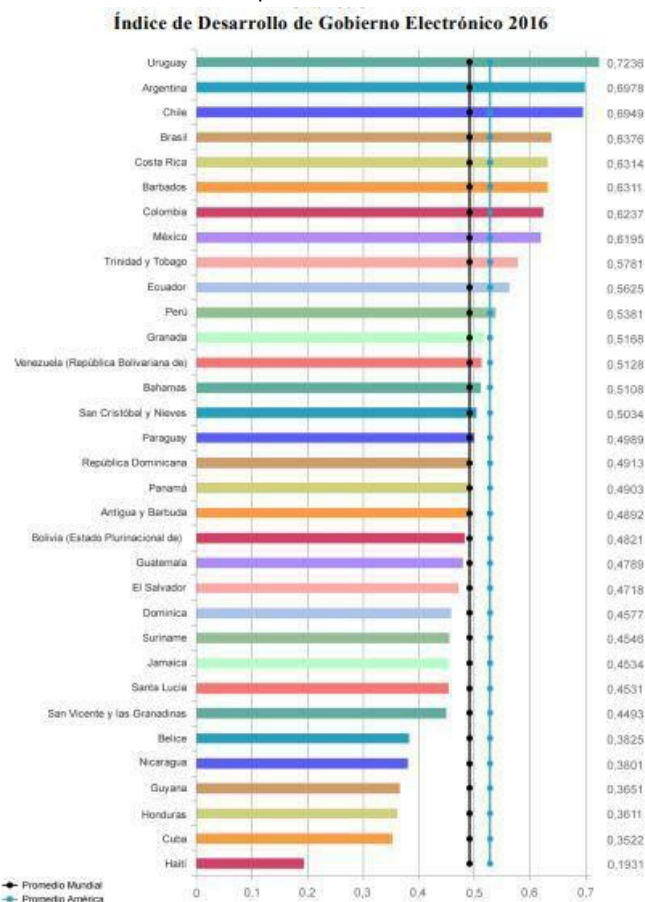
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## ANNEX 2

### Institutional management measurement indices

Due to the development trend of Digital Government, national and international measurements have been developed that show that the Legislative Assembly has made significant progress in terms of access to public information, therefore this is an issue related to the transparency axis, which is the most advanced in the Costa Rican case, as shown by ECLAC and other organizations presented below.

Graph 1



Fuente: Elaboración propia a partir de Estudio de las Naciones Unidas sobre el Gobierno Electrónico, 2016

As can be seen, our country, in terms of state institutions, is in 5th place in this measurement and in the case of the Legislative Assembly, it has an institutional portal that was renewed in 2015.

Since 2016, the legislative portal has made significant progress in terms of access to public information and transparency. This has been shown in different evaluations that are made to websites of State institutions. For example, in the Public Sector Transparency Index, prepared by the Ombudsman's Office and the Center for Research and Training in Public Administration (CICAP). The other index is that of the Central American Institute of Business Administration (INCAE), which together with

ICE and Radiográfica Costarricense (RACSA), is preparing a study to measure institutional progress from the perspective of citizens in terms of e-government in Costa Rica, in order to demonstrate the current state and evolution of recent years.

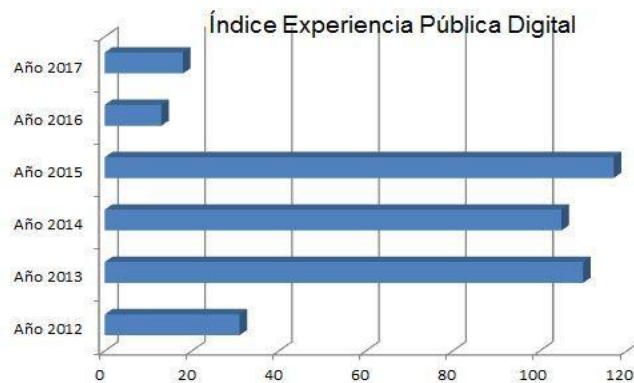
As can be seen in Figure 2 of the Costa Rican Public Sector Transparency Index, the Legislative Assembly has made significant progress since 2012 when it was in 31st place to 2017 when it is in 18th place. This index began measuring an average of 105 institutions and currently includes 254 government institutions. The monitoring of this index is carried out by the Departments of Public Relations, Library, Citizen Participation and Archive coordinated by the Executive Directorate. The information must be disclosed no later than one month after the rating, through the institutional media available internally and externally to the institution.

Figure 2



As for the Digital Public Experience Index conducted by INCAE, ICE and RACSA, as can be seen in Figure 2, the web portal of the Legislative Assembly had an advance by moving from 31st place in 2012 to 18th place in 2017; for this study they analyzed 191 websites on average. This index analyzes three indicators in the websites of public entities: quality of information, digital media and interaction with users. This index is monitored by the Public Relations, Library, Citizen Participation and Archive Departments, coordinated by the Executive Directorate. The information must be disclosed no later than one month after the rating, through the institutional media available internally and externally to the institution.

Figure 3



Finally, the study of the Latin American Legislative Transparency Index (ILTL) is also presented, which as shown in the graph, in 2016 placed the Legislative Assembly of Costa Rica in the first place of the nations evaluated with 72%; in 2018 our country is ranked 2. The monitoring of this index is carried out by the Departments of Public Relations, Library, Citizen Participation and Archives coordinated by the Executive Directorate. The information must be disclosed no later than one month after the rating, through the institutional media available internally and externally to the institution.

Figure 4

#### TABLA COMPARATIVA

