

# Innovation, Transparency and Public Participation in Oversight Activities Carried Out by Control Agencies: the *Contraloría y Ciudadano* Portal of the Comptroller General of the Republic of Chile



**Klaus Henry de Oliveira Nogueira**

is civil servant of the Federal Court of Accounts – Brazil (TCU), in the Department of External Control in the State of Minas Gerais



**Renilson Barboza dos Santos**

is a civil servant of the Federal Court of Accounts – Brazil (TCU), in the Department of Internal Audit

## ABSTRACT

This article presents the initiative of the Comptroller General of the Republic of Chile (CGR) to bring citizens closer to the control agency activities through a web portal that allows the submission of complaints, suggestions for audits and contributions to planned audits. The aim of the portal is for citizens to become collaborators in the oversight work of the CGR. After evaluating the portal against an academic model that seeks to classify the level of citizen participation in decision-making, it was concluded that through the *Contraloría y Ciudadano* portal, the CGR is willing to listen to the opinions of citizens. They consider them when defining oversight activities and providing feedback on the influence of these opinions in control activities, thus breaking with the one-way communication pattern normally associated with these portals.

**Keywords:** Transparency; Social Control; Citizen Participation; Electronic Portal; Innovation.

## 1. INTRODUCTION

According to Ackerman, the opening up of the core activities of the State to society participation is one of the most effective ways to improve accountability and governance (ACKERMAN, 2004: 448).



Gaventa and Barrett identify the construction of citizenship, increased civic and political knowledge and a greater sense of empowerment as positive results of citizen participation (GAVENTA; BARRET, 2012:2400).

Bevir argues that instead of appealing to a fallacy of expertise, we might explore the possibility of more direct involvement and control by citizens throughout the formation and implementation of policies (BEVIR, 2011:113).

Ribeiro recalls that the use of information and communication technology has been touted as a possibility to increase citizen participation and provide a space for interaction between government and society based on transparency, accountability and social control (RIBEIRO et al, 2011:105).

In this regard, Cepeda points out that the Comptroller General of the Republic of Chile has been making a remarkable effort to create links between the control agency and civil society, by encouraging citizen participation in its oversight activities (CEPEDA, 2013: 40).

In Chile, the Comptroller General of the Republic (CGR) is the supreme audit institution of the State Administration. The CGR is essentially responsible for controlling the legality of State Administration actions and operates independently from the Executive Branch and Congress (CHILE, 2015).

Its basic functions, which are provided for in the Political Constitution of the Republic, the Constitutional Organic Law and other specific laws can be divided into four areas:

- **Legal function** – control the legality of the Administration’s actions;
- **Audit function** – conduct audits in order to ensure compliance with the law, the safeguarding of public assets and respect for the principle of administrative probity;
- **Accounting function** – generate structured and systematic information on economic events that modify the resources and obligations of the State in order to support the decision-making of the branches of government; and
- **Jurisdictional function** – review the accounts of persons or officials responsible for public funds or property or for ensuring the legality of the receipt and spending thereof as well as for the integrity of state assets.

This text addresses specifically the participation of citizens through a web portal accessed

**Figure 1:**  
*Contraloría Y Ciudadano portal*



Source: CHILE, 2015b

via the Internet, in the audit function performed by the CGR.

## 2. CONTRALORÍA Y CIUDADANO PORTAL

On September 28, 2012, the CGR incorporated to its website, at <http://www.contraloria.cl/>, the *Contraloría y Ciudadano* portal, through which it receives complaints, suggestions for oversights and contributions for audits either under way or planned. The purpose of the portal, according to the text on its homepage, is for citizens to become collaborators in the oversight activities of the CGR (CHILE, 2015). Figure 01 below shows the portal home page.

The portal explains that suggestions and complaints should be focused on State Administration actions that are under the supervision of the CGR, thus including: centralized and decentralized public services; public companies established by law; businesses, companies, public and private entities with capital contribution from the State or its institutions; and all municipalities in the country. On the other hand, the portal informs citizens

that the CGR does not audit the Legislative and Judiciary, the Central Bank, the Public Prosecution Service and commercial entities (CHILE, 2015b).

The portal also presents the formal definitions for submitting oversight-related complaints and suggestions. Complaint is a statement in which citizens provide the CGR with concrete information on one or more specific events related to a possible irregular situation carried out by an employee or to a service subject to oversight by the CGR, with the aim to investigate and determine the veracity of the complaint and the ensuing responsibility (CHILE, 2015b).

A suggestion for oversight, in turn, is defined as a proposal presented by citizens, who provide general information on any subject matter they believe should be inspected. The CGR informs that it reviews the suggestions and the relevance and impact of the subject matter which, if accepted, may be included in the audit planning process for the following year. After each audit planning process, the CGR generates an audit operating plan containing all oversights to be conducted during the calendar year (CHILE, 2015b).

Once defined, the audit operating plan is also posted on the *Contraloría y Ciudadano* portal, and citizens, in addition to viewing the name, purpose and time frame of the planned audits, can contribute information and documents they deem important to be reviewed in the oversight process. If citizens so desire, they can provide an email address to receive a copy of the audit report resulting from their contribution (CHILE, 2015b).

For both complaints and oversight suggestions, citizens identify the service or entity to be questioned, inform the approximate time frame of the occurrence and choose one or more classifications for the subject matter of the complaint or oversight suggestion. Subject matters listed on the form include quality of the service delivered; non-compliance with the function requirements; failure to respond to complaints; irregularities in bidding processes; matters relating to personnel and remuneration; provision of unpaid services; irregularities in the execution of contracts; financial irregularities; acquisition of non-income producing assets; malfeasance; and labor harassment (CHILE, 2015b).

The reason for the contribution is provided in a free text field, but for complaints it is also possible to attach files with photos and documents, and citizens can identify the possible parties involved (CHILE, 2015b).

### 3. RESULTS AND STATISTICS

The portal hosts a glossary and a list of answers to frequently asked questions, as well as statistical information on petitions and contributions posted since its launch. It informs, for example, that from September 2012 to May 2015, 8,439 petitions from citizens were registered, of which 7,627 (90%) correspond to complaints and 812 (10%) are oversight suggestions.

Table 01, taken from the portal statistics, shows how complaints and oversight suggestions are addressed. It is noteworthy that of the 8,439 petitions,

4,505 led to oversight activities by the CGR or were incorporated into other audit assignments in progress or already planned when the petition was posted. In the audit planning activity, 361 petitions were accepted.

In 917 of the petitions, citizens were requested to provide additional information in order to allow a better assessment of both the petition and the actions to be undertaken (*Solicitud de antecedentes*).

If the petitions are related to purely legal matters, the CGR rules on the interpretation or enforcement of laws, but this does not lead to oversight activities (*Pronunciamiento Jurídico*).

If the matters relate to substantive consultations or litigation, the CGR refrains from issuing an opinion (*Abstenciones*). Similarly, petitions outside the scope of action of the CGR are referred to other(s) institution(s) (*Derivación a Otros Servicios*).

It should also be noted that in May 2015 (the table generation cut-off date) only 31 petitions were pending analysis. This corroborates another statistical datum of the portal, which establishes at 8 business days the average time for the CGR to inform citizens, by e-mail, of how their petitions will be addressed. Moreover, the average time between the moment a citizen posts a petition and the answer by official letter or the transcription of the resulting research report is 88 business days (CHILE, 2015b).

It should be noted that all the necessary measures for the CGR to check the veracity of the information before initiating an oversight are taken within this response time. It is understood from the portal that the oversight activities generated by the petitions are divided into oversights and investigations. Oversight is a simplified procedure aimed at finding material and/or legal evidence of one or more events, actions or omissions. The investigation, in turn, is carried out in cases in which the financial amounts, authorities, individuals or geographical coverage of the events involved have an impact on citizenship (Chile, 2015b).

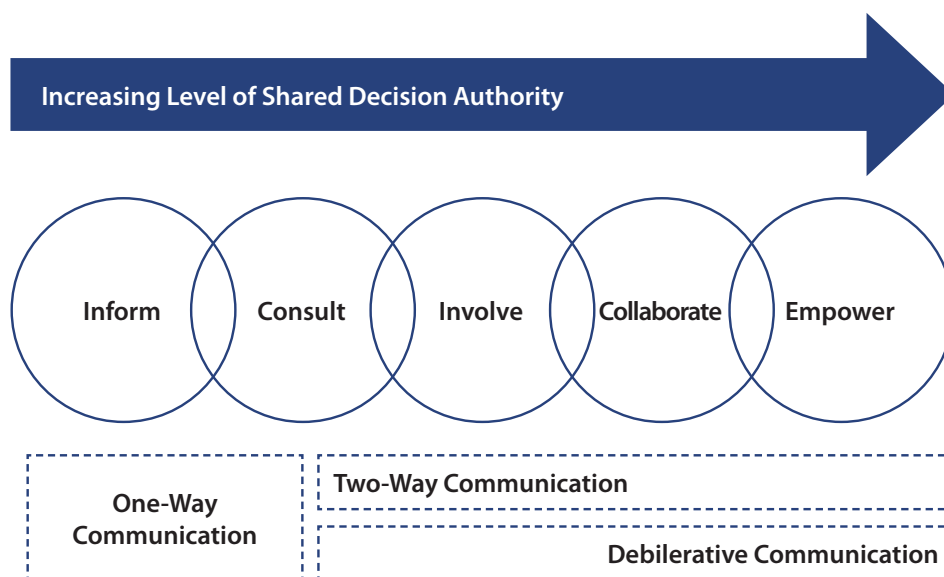
**Table 1:**  
Processing of complaints and oversight suggestions taken from the Contraloría y Ciudadano Portal

	Audits	Planning	Inspection activities	Referred to other institutions	others	Abstain from issuing an opinion	Additional information required	in Progress	Total
Complaint	4.339	62	1.333	273	496	229	865	30	7.627
Oversight suggestions	166	299	52	16	219	7	52	1	812
Total	4.505	361	1.385	289	715	236	917	31	8.439

Source: CHILE, 2015b

**Figure 2:**

Spectrum of participation levels in decision making, (NABATCHI, 2012:702)



#### 4. ANALYSIS AND DISCUSSION

Nabatchi states that public participation is accepted almost universally as one of the foundations of democracy, whether indirectly through voting or directly through citizen participation in decision making that the State shares with or delegates to the community (NABATCHI 2012:700).

In this sense, Nabatchi presents a continuous spectrum adapted from the vertical spectrum produced by the International Association for Public Participation (IAP2, 2015), in which the author classifies the level of impact of public participation in decision making, emphasizing the communication methods used at each level, as shown in Figure 02.

At the initial level, **Inform**, communication is one-way, i.e. from the Administration to the citizen, often through websites, distribution of leaflets or direct mail. The goal is basically to keep the population aware of the problems, alternatives or opportunities and solutions.

At the second level, **Consult**, communication is still one-way, but from the citizen to the Administration and is generally conducted through surveys and questionnaires. The goal is to get feedback on alternatives and decisions made.

By moving along the spectrum one reaches the third level, **Involve**, in which communication is two-way, i.e. between the Administration and the citizen, and usually occurs through public hearings. The goal is

to work directly with the public throughout the process, so as to ensure that their aspirations and concerns are understood and taken into account.

Bierle alerts to the danger of using this process only to legitimize the Administration's decisions rather than engage the public in the discussion. If that occurs, the two-way communication at the **Involve** level degenerates to the initial levels (Bierle 1988 in NABATCHI, 2012:702).

In the last two levels of the spectrum, **Collaborate** and **Empower**, communication is deliberative, i.e. all participants should have the opportunity to speak, the obligation to listen carefully to the contributions of otherd, treating them with respect and reflecting carefully about the strengths and weaknesses of each solution presented (Gastil, 2005 in NABATCHI, 2012:702).

At the **Collaborate** level the goal is to share with the public every aspect of the decision, including the development of alternatives and identification of the preferred solution. At the **Empower** level, the final decision is effectively placed in the hands of the public, and the Administration undertakes to implement the decision made by the public.

In view of the above, the *Contraloría y Ciudadano* portal can be classified in the continuous spectrum of public participation proposed by Nabatchi between the **Consult** and **Involve** levels, since the CGR is willing to listen to the suggestions of citizens, consider them in the definition of oversight activities and provide feedback on the influence of the suggestions in control activities.



However, citizen participation in the process does not reach the **Collaborate** and **Empower** levels, as citizens neither participate in the development of alternative oversight activities nor have the power to decide which oversight activities the CGR should carry out.

By analyzing the transparency actions of the CGR, Cepeda adds that it would be appropriate for the *Contraloría y Ciudadano* portal to publish the results of complaints and oversights stemming from the contributions and petitions of citizens, so that these could verify the effectiveness and consequences of this encouraged cooperation (CEPEDA, 2013:40).

## 5. CONCLUSION

In conclusion, the initiative of the Comptroller General of the Republic of Chile to promote citizen participation in its control activities through the *Contraloría y Ciudadano* portal, can be considered a breakthrough in terms of transparency and participatory social control. By making public the operational plan of audits while encouraging citizens to collaborate with audits either under way or planned and enabling the submission of complaints and oversight suggestions, considering them in the definition of oversight actions and providing feedback on the influence of the contributions in control activities, the *Contraloría y Ciudadano* portal breaks with the one-way communication pattern that is commonly found in similar portals.

This article is presented in the hope that other audit institutions will assess the convenience and opportunity of offering, in their web portals, these and other forms of encouraging citizen participation in their oversight activities, thus increasing participatory social control and enabling the generation of links between control agencies and civil society.

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