

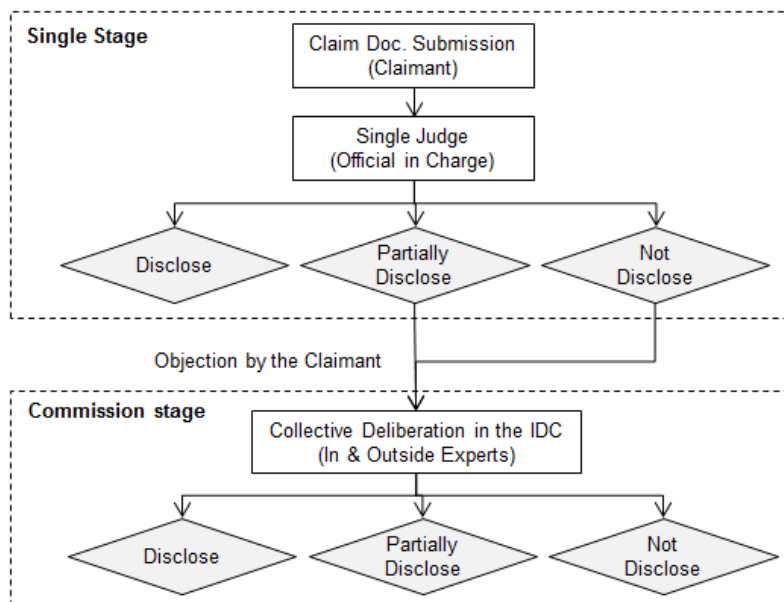
The Effect of Information Disclosure Commission on the Tendency of Information Disclosure by Public Agencies

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I. Introduction

The provisions of the Act on the Information Disclosure of Public Agencies in Korea aim to ensure people's right to know, to encourage their participation in governmental administrations, and eventually to improve the transparency in state affairs, through disclosing the information, officially written or acquired and managed by public agencies in the form of convenience file, copy or duplication according to the claim of citizens, through voluntary disclosure by public agencies or through mandatory publication abiding by a legislative regulation. Also, when it is difficult for the official in charge to judge the matter of an information disclosure claim by a claimant, or when a claimant raises a formal objection to decisions such as 'partial disclosure' or 'non-disclosure', an 'Information Disclosure Commission (IDC)' is held according to the issue in order to deliberate on the matter.⁴ <Figure-1> shows the overall procedure, according to the law; this study focuses on the 'commission stage'.

Figure 1 Overall Procedure of Information Disclosure



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⁴ IDC can be held when the official in charge cannot individually decide whether or not to disclose a certain information.

IDC is categorized as deliberative council among the governmental commission types, in which committee members from inside and outside the agency adjust difference in opinions and deliberate a specific matter before the final decision of information disclosure, and carry out the information disclosure process accordingly.

The government gathers and makes a ruling about the matter through internal deliberation and mediation. The ruling has three options, 'disclose', 'partially disclose' and 'not disclose' and it is an authoritative ruling that is respected, unless there is any critical problem. If the claimant cannot accept the ruling of IDC as well, a legal action of administrative adjudication and litigation is the last measure. Thus, the IDC led by experts is expected to guarantee fairness and objectivity and to compensate the defect of the hierarchical governmental system through collective deliberation.

There are many studies on the stage prior to the IDC, or 'single stage' of <figure-1>. They investigate, for example, the influence of agency characteristics on decisions in the single stage. However, studies on the 'commission stage' are rarely found, even though the IDC plays decisive roles in the process of the information disclosure. Due to this circumstance, this study deals with the IDC of all central agencies and local governments.

This study analyzes the correlations of composition, management, and rulings of the IDC to answer the following. In terms of the composition, 'how do characteristics of the chairperson and members influence on the rulings of IDC? What kind of difference between the central agencies and the local governments are found in the rulings?' In terms of the management, 'how does the deliberation form have an influence on the rulings?' The result will be analyzed again by the regimes of Roh Moo-hyun administration and Lee Myung-bak administration and by the positions of central agencies and the local governments.

By answering these questions, this study is expected to clarify the characteristics of IDC, and then to reveal the actual mechanism of a more efficient IDC. However, studies on the IDC is rare, as previously mentioned, and the analysis of current studies on the single stage, which draws the official's decision prior to the IDC, are generally based only on the data collected through surveys, not the actual data of the decisions. Furthermore, it is needless to say that comparative studies between the IDCs cannot be found. Therefore, as an exploratory study of the IDC, this study can answer basic questions and introduce the desirable direction to improve the administration of IDC.

II. Literature Reviews

1. The Commissions of the Government

A commission is an institution which enables policy experts and representatives of policy target group to participate in the government process. It is evaluated to be a useful institution in the democratized administration environment, because it improves both efficiency and democracy (Kim, 2004: 57). Commissions are divided into four groups of ‘administrative commission’, ‘advisory commission’, ‘deliberation commission’, and ‘voting commission’ according to the range of authority. The administrative commission exerts the authority to make enforceable decisions and implementation in practice. On the other hand, the advisory commission provides nonbinding opinions. The deliberation commission deliberates and mediates opinions of the people concerned and draws a recommendation, which should be followed unless there is any critical problem. Finally the voting commission has a function of voting on the affairs related to national responsibility and duty (Park and Jeong, 2004, 1666; Choi and Jo, 2008: 28).

The followings are expected through activities of the commission: First, in terms of the organization, the commission steers a course between interests by discussion and negotiation and secures mutuality and fairness of the public administration. Second, it improves professionalism, rationality and efficiency of the policy decision by the participation of experts from various circles. Third, it legitimizes the government’s idea or decision by receiving support and consent of the experts and representatives (Park, 1996). Fourth, it enables the policy advocacy group to share the responsibility with participants, even including the dissenters (Seidman, 1998: 19-20, cited in Kim, 2003: 333).

However, it has some reverse effects. As an instance, due to the excessive number of participants, the officials should consume more cost and time to manage the commission as an additional duty. It could hinder the speed and efficiency of the decision-making. In other words, it is to mistake the means for the ends (Kim and Jo, 2007: 179; Kim and Kim, 2002: 80-81). Additionally, as Schneider (1987)’s comment points out, civic participation does not influence the decision-making as great as the legal authority and the economic resource of the commission.

The most critical factor hindering the efficiency of Korean commissions can be found in the behavior of officials and the management of meetings. In order to revitalize the commission, it not only needs to rationalize its functions and authorities but also to improve professionalism and representativeness of the members (Chung and Kim, 1991). A balanced member composition has a positive influence on the effectiveness of the ruling by the commission (Karty, 2008; Choi and Jo, 2008: 45). Furthermore, in order to secure its objective activities and access possibility of the people,

the contents and process of the meetings should go public, except for cases of special circumstances requiring confidentiality. Especially, if a certain conference result has a great ripple effect on the people and requires the accountability of members, they need to be opened to the public (Kim, 2004: 71).

2. The Information Disclosure Commission

The information disclosure of public agencies signifies, in a narrow sense, the information access to which a citizen requests and, in a broad sense, all voluntary and involuntary information dissemination of public agencies (Lee, 1995: 1227). It is a governmental activity to secure the participation of the people, improve transparency of public management and guarantee people's right to know, by defining arrangements required to be made for peoples' request to disclose the information of public agencies and regulating the public agencies' duty to disclose it (Kim, 2005), based on the principle to guarantee free flow of information between the government and the citizens (Mehra, 1986).

Central agencies, local governments, and even public enterprises conduct the IDC to decide whether to disclose the requested information or not. According to the amendment of the Act on the Information Disclosure (July 2004), IDC is comprised of five or seven members including a chairperson. The members are constituted of outside experts and inside officials of the responsible agency. The chairperson is appointed by the head of the agency. Half of the members should be experts, who have professional knowledge about the operation of the corresponding agency or the procedure of information disclosure. Exceptionally, as for public agencies related to the national security, national defense, trial and investigation, which the section 1, 2 and 4 of the provision of Article 9 define, the agency head can change the ratio of member composition, but must nevertheless appoint at least one expert.

The IDC deliberates whether to disclose certain information, of which the officials in charge, who received the request, fail to make an independent decision whether to disclose or not. And it deliberates whether to disclose the information, which is rejected to be disclosed or is partially disclosed according to the independent decision of the official in charge. Since the IDC rulings play a decisive role in the result, which would have a direct effect on citizens, it is essential to conduct studies over the IDC.

3. Previous Studies and Approach method

The existing studies on the governmental commission can be divided as follows: (1) the studies to analyze the commission to have its role as a channel for civic participation (Chung and Kim, 1991; Park et al. 2003) (2) the studies to indicate problems and suggest solutions after analyzing the concept, type and status of the commissions (Kim, 2003; Kim, 2004; Jeon and Jang, 2005; Kim and Cho, 2007) (3) the studies to analyze the administration case of the commission and the role in policy process (Cho, 2004; Seong and Kim, 2005) (4) the studies to analyze the effectiveness of member composition in the commission (Ahn, 2000; Choi and Cho, 2008).

Chung and Kim (1991) conducted a survey asking how to revitalize the commission to the civilian members of commissions. The survey indicates the greatest two obstacles for an efficient management to be an uncooperative behavior of the officials and formal but superficial management of meetings. They conclude that it not only needs to rationalize functions and authorities of IDC, but also requires to improve professionalism and representativeness of the members, in order to revitalize the commission. However, Lynn and Busenberg (1995) point out that the influence of the advisory commission varies depending on the individual policy. Park et al. (2003) researched a commission to solve civic complaints about traffic in the district and a commission to deliberate adjustments to mediate the lines of shuttle buses based on the data of interviews and information disclosed by the information disclosure institution. They found out the mechanism of civilian participation in both cases. By demonstrating that citizens can participate in the policy process and hold a dominant role as well, they conclude that even if it is true that most commissions end up being nominal in its existence, the role and possibility of civil participations should be reconsidered.

Kim (2003) analyzed whether or not the reform of governmental commission achieved its goal in solving the problems, decreasing the side effects and revitalizing the good functions. The analysis shows that the reform did not have actual influences and civil participation was a mere formality. Kim (2004) examined the Commission for Management of the State Affairs, which tried to reject the government departmental selfishness and create an innovative atmosphere. The case study shows that ambiguity in the commission's authority, responsibility and role caused conflicts between the commission and the government department, contrary to all expectations. He concludes that the commission needs to rationalize functions and authorities, improve professionalism and representativeness and to secure transparency by opening the contents and process of the meetings to the public. Kim and Cho (2007) point out that excessive establishments, overlapped roles, indecisive activities and superficial formality in the administrations of the commission were the main problems of the administration. As a solution, they suggest rationalization of the administration standards to, for

example, to open the meeting minutes to the public, and to expand the participation opportunities of the stakeholders and they emphasize the rationalization of the administration and maintenance to define, for example, working period of the commission.

Jeon and Jang (2005) analyzed the problems of the institutions, management and organizational composition of the local governmental commissions in Daegu City by reviewing the information disclosed through information disclosure institution. They found the problems in the management and organizational composition, rather than in the institution itself. Democracy and fairness of public administration are hindered by not even taking conference minutes, let alone disclosing it to the public. Other causes are defined as serving excessively consecutive terms, holding plural offices and not representing the population. They conclude that these defects should be mended through means such as ordinance in composition and management of the commission. Also, they suggest rationalization of functions and authorities, and improvement in professionalism and transparency as an essential condition for solution.

Cho (2004) studied the administrations of personnel commissions in 6 local governments⁵ in terms of its composition and management through a survey over the officials and in-depth interviews with the officials in charge and outside expert members. Independence, professionalism and representativeness were examined in reference to the composition. The administration of meeting, the process of investigation and the result of the investigation were examined in reference to the management. Cho concludes that the commissions need to guarantee the independence of members from the head of the local government and to hire real experts instead of retired officials. Besides, he points out that the commissions need to improve the attendance rate, to assign the agendas for investigation in advance and to open the criteria and result of evaluation for promotion. Seong and Kim (2005) analyzed the role of the commission which was regarded as the success factor of the Seoul's Cheonggye River Restoration Project which had a number of conflict possibilities. They identified that the dissenters also participated in the decision-making, and the commission could secure the legitimacy by doing so. These studies on the specific cases of the commissions show the same implications and alternatives as ones of the general studies on the commission. They highlight independence from the head of the government, more face-to-face meeting, and more professional member composition. Beniners and Swank (2004) point out that the commission, which various stakeholders participate in can improve the quality of the decision-making and contribute to the successful implementation of the policies.

⁵ It is well known that the head of local government have more authority over personnel affairs than the head of the central agencies. The commissions were established to prevent the head from abusing his or her authority.

Choi and Jo (2008) studied the influences of member composition of the commission on policy decision through a survey over the officials in the central agencies on the representativeness and professionalism of the governmental commission. According to the survey the officials made positive valuations for professionalism of the commission and recognized that professionalism has the greatest influence on the effectiveness of policy decision. They perceived that the advisory commission which had relatively less intervention capacity had more professionalism, and the deliberation or voting commission which had relatively more intervention capacity had rather less professionalism. Therefore, the officials preferred the commission that does not infringe their own duties and rights in decision-making. An (2000) also point out that the experts, providing professional information are more influential in the advisory commission than in the deliberation or voting commissions. Seventy percentage of the deliberation or voting commissions were found to be led by the governmental officials. Karty (2005) explains that the balanced personnel composition of the commission has a positive influence on the policy decision of the commission (Choi and Jo, 2008: 45-46). He offers the following as solutions: (1) A general law which supports the balanced composition, such as the Federal Advisory Committee Act, should be enacted. (2) The pool of experts who have professionalism and representativeness should be expanded, using the database of the National Personnel Committee. (3) The member ratio of the commission should be able to be adjusted flexibly to the characteristic of the commission. (4) Educations and information programs for the officials should be strengthened to change their understanding and perception.

In the early days when the institution of the commission was introduced, doubts were expressed about its usefulness. However, henceforward the studies have focused on the administration of the commission rather than the institution itself. They tried to find the problematic factors and to offer solutions in terms of the composition and management. The factors are categorized into personnel, institutional and environmental factors (Chung and Kim, 1991: 439). Among these factors, the personnel factors are related to issues such as whom to allow participation in the commission and how to appoint the members. They can be distinguished by their orientation: the government, the stakeholders and the neutral position to provide professional knowledge. Also, the process is analyzed to confirm whether to appoint them by fair procedures to suffice the level of professionalism and representativeness. The institutional factors are divided into structural factors and administrative factors. For example, the institutional factors can be evaluated by examining whether time and information for the deliberation are sufficiently provided to the private participants (Chung and Kim, 1991). The environmental factors include the situational environment such as organizational characteristic, the cultural environment and the political environment. A representative case is an organizational culture that fosters democratic discussion and allows difference in opinions (An, 2000:

5).

The IDC is a deliberation commission to deal with governmental information. Therefore, professionalism is relatively more important than participation or representativeness. The careers of members from outside are centered on professors, researchers, lawyers, NGO staffs and journalists. The total number of members varies from five to eleven. From two to six members are from outside of the agency. Referring to previous studies, this study will analyze the influence of the number of outside members on the rulings of IDC.

This study takes a differentiated approach as follows. It was verified that previous studies on the governmental commission analyze the correlation between the composition and the rulings through a survey over the officials, that is, without the actual data of personnel composition. On the other hand, this study conducts its analysis based on actual data. Additionally, most previous studies are found to analyze specific cases of the central agencies and local governments in order to explain in broad generalities. This study examines all IDC of the central and local governments and draws furthermore the difference between the IDC of the central government and the IDC of the local governments. Finally, studies that analyze the environmental factors in addition to the personnel and institutional factors are rarely found. This study examines the influence of environmental factors by analyzing the changes of IDC rulings between the political regimes.

III. Research Questions and Method

1. Research Questions

This study considers the factors of composition and management to be correlated to the rulings of the IDC. First, the composition and management factors are examined. Subsequently, after classifying the IDCs of the central government and the IDCs of the local governments, they are examined by the regional position. Finally, after categorizing the IDCs of Roh Moo-hyun administration and the IDCs of Lee Myung-bak administration, they are examined by the political regimes.

The deliberation of the IDC is carried out through a face-to-face meeting, but the IDC allows a document meeting in an exceptional situation. The document meeting refers to a meeting that exchanges opinions by various means of written communication like fax, mail and e-mail. In the exceptional situations identified by regulations of the agencies, a document meeting is allowed to replace the face-to-face meeting. The statistical difference between the rulings by document meeting and the rulings by face-to-face meeting will be examined as a factor of the management of the IDC.

The member ratio will be examined as a factor of the composition of the IDC. The

appointment of outside members who are experts helps to hear various opinions, to use professional knowledge and to organize more transparent process (Kim, 2003: 331). Accordingly, the influence from the rate of outside members and the background of the chairperson are examined. In addition, the background of the IDC chairperson in the local governments is not the decisive factor in the appointment while the IDC chairperson in the central agencies is ex officio. Occasionally the outside member is appointed to the chairperson of the IDC. Therefore the influences of the background of the IDC chairpersons are examined.

RQ1: Are there any differences in the rulings of the IDC in terms of its composition and management?

The central agencies reformed the IDC according to a newly established guideline to operate the governmental commissions. However the IDCs of local governments encounter various administration problems with greater severity. Every bill employs the article that calls for the establishment of IDC in local governments, even though a proper arrangement of evaluation system is absent to observe the administration status of various committees. Also, local governments are abusing and misusing the commission for justification of their policy and for their convenience (Jeon and Jang, 2005: 2). This study will check the observation of previous studies on the general commission to determine whether the administration of the IDCs also varies between central agencies and local governments.

RQ2: Are there any differences in the composition and the management of the IDC between the central agencies and local governments? And how are the difference correlated to the rulings of the IDC?

The local government focuses on local issues rather than the national issues, due to limited regional domain (Lee, 1995: 52). Therefore, the local governance should not be understood as the microcosm of the central governance (Park et al, 2003: 107). However, according to the press, there is a difference in the IDC administration between Roh Moo-hyun administration and Lee Myung-bak administration. In reference to a report⁶, in the Lee administration, the rate of acceptance in the single stage is decreasing, even though the number of the disclosure request is increasing. The rate of non-

⁶ *Rejecting the information disclosure*. Segyeilbo. April 25, 2001.
<http://www.segye.com/Articles/News/Opinion/Article.asp?aid=20110425004720&subctg1=02&subctg2=01>

disclosure on grounds of ‘the breach of confidentiality’, provided by the law and regulation ranged from 15% to 17% between 2004 and 2007, whereas the rate in Lee administration increased to 21% in 2008 and 27% in 2009. If the cases of withdrawal were to be counted in, the substantial rate of non-disclosure would be higher. Furthermore the frequency of the IDC decreased from 1,554 in 2009 to 1,293 in 2009.⁷ These reports are about decision of the single stage, in other words, the decisions of the officials in charge in the central agency, who receives the request. Therefore, it needs to be analyzed if the commission stage is in the same situation.

RQ3: Are there any differences in the composition and the management of the IDC between Roh Moo-hyun administration and Lee Myung-bak administration? And how are the difference correlated to the ruling of the IDC?

RQ4: Are there any differences in the composition of the IDC in the central agencies and local governments between Roh Moo-hyun administration and Lee Myung-bak administration?

2. Research Methods

The authors also use the Information Disclosure Institution for acquiring the IDC data. The authors requested for a disclosure of the status data of the institution to 28 central agencies in the central government and 16 local governments and collected the data successfully. On December 9 and 10, 2010, the authors requested the disclosures of the data about the management of the IDC held from 2004 to 2009 to 28 central agencies including 21 ministries (15 ministers of the President, 2 ministers of the Prime Minister, 4 commissions of the President), the Board of Audit and Inspection, the Presidential Office, the Prime Minister’s Office, the National Police Agency, the Office of the National Tax Service, the Supreme Public Prosecutors Office, and the Office of Forestry. From May 30 to June 13, 2011, the authors additionally requested for a disclosure of the data about their member composition. Moreover, the authors requested to the 16 local governments for a disclosure of the management data on June 12, 2011 and the composition data on June 27, 2011.

In sum, this study analyzes 629 data, provided by 27 central agencies except the Supreme Public Prosecutors Office, and 210 data provided by 16 local governments. The total number of data from the central agencies amounts to 664. Since 15 commissions were held for the discussion on the

⁷ *Too Often Non-disclosure, the Information Disclosure Institution Reversing the Current*. Kyunghyangsinmoon. December 10, 2010.

http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201012100017365&code=940100

management of the IDC itself, they were not counted in. In addition, the Supreme Public Prosecutors Office rejected the disclosure claim by ‘closing’ the request.

Even though the authors requested the data since 2004, the Ministry of Foreign Affairs and Trade was only able to provide the data from years after 2007, because the ministry archived its data from then on. The Presidential Office did not have the data before 2007, because they transferred those data to the National Archives of Korea. The Ministry of Knowledge and Economy omitted the data of 2004 due to organizational reform. The Ministry of Unification and the Ministry of Public Administration and Security omitted the data of 2004 without any explanation. Gyunggi Province and North Chungcheong Province failed to provide the data of 2004 and 2005 due to absence of the data. Gwangju City, Daejeon City, and South Jeolla Province provided only the data since 2005 without any explanation.

IV. Research Result and Analysis

1. Summary of the IDCs

The agency to hold the IDC most frequently is the Minister of Justice of 152 times. The second agency is Office of Forestry of 50 times. Prime Minister’s Office held just 1 time of the IDC. As for the local governments, Jeju City came in first rank with 31 times of IDC session. With only 3 times of session, the North Gyungsang Province held the IDC least frequently.

Most of agencies and governments have 7 members for the IDC. Exceptionally, Office of National Tax Service has 11 members of IDC. Minister of Patriots & Veterans Affairs, Minister of Justice, Office of Forestry and Jeju City have 9 members for the IDC. Prime Minister’s Office, Minister of Gender Equality & Family, Minister of Foreign Affairs & Trade, and Minister of Public Administration and Security have only 5 members for the IDC. Most central agencies have more inside members than outside members. However, 10 governments of 16 governments have more outside members. The number and ratio of the members rarely changed. Exceptionally, Financial Services Commission had a change in the member ratio from 4:3 (inside members : outside members) between 2004 and 2008, to 4:4 between 2008 and 2010, and 3:2 in 2010.

All chairpersons of the commission in the central agencies and local governments were appointed from the responsible agency. Chairperson from outside were found only in Gwangju City, Daegu City, and Jeju City.

Table 1 Number of held IDC and Member Composition of the IDC (200X)

Central Agencies	A	B	C	D	Local Governments	A	B	C	D
Board of Audit & Inspection.	26	4	3	7	Kangwon Province	13	2	5	7
National Police Agency	17	6	1	7	Gyeonggi Province	12	4	3	7
M. of Employment & Labor	11	4	3	7	South Gyung-sang Province	21	3	4	7
Fair Trade Commission	32	3	4	7	North Gyung-sang Province	3	4	3	7
M. of Education, Science & Technology	7	4	3	7	Gwangju City	10	2	5	7
M. of Patriots & Veterans Affairs	25	5	4	9	Daegu City	12	3	4	7
Prime Minister's Office	1	3	2	5	Daejeon City	15	3	4	7
Anti-Corruption & Civil Rights Commission	22	4	3	7	Pusan City	16	4	3	7
M. of National Defense	11	5	2	7	Seoul City	9	3	4	7
Office of National Tax Service	33	5	6	11	Ulsan City	7	4	3	7
M. of Public Administration and Security	39	4	3	7	Incheon City	21	4	3	7
Financial Services Commission	12	4	3	7	South Jeolla City	4	3	4	7
M. of Strategy & Finance	30	4	3	7	North Jeolla City	15	3	4	7
M. of Food, Agriculture, Forestry, & Fisheries	7	4	4	8	Jeju City	31	3	4	7
Supreme Public Prosecutors Office	Closed				South Chungcheong City	11	4	3	7
Presidential Office	11	4	3	7	North Chungcheong City	10	2	3	5
M. of Culture, Sports & Tourism	19	3	4	7					
Korea Communications Commission	12	4	3	7					
M. of Justice	152	7	2	9					
Office of Legislation	8	4	3	7					
M. of Health & Welfare	15	4	3	7					
Office of Forestry	50	5	4	9					
M. of Gender Equality & Family	12	3	2	5					
M. of Foreign Affairs & Trade	16	3	2	5					
M. of Knowledge & Economy	7	4	3	7					
M. of Unification	14	5	2	7					
M. of Public Administration & Security	32	3	2	5					
M. of Environment	23	4	3	7					
Total	644					210			

A: Number of held IDC

B: Number of the member from inside

C: Number of the member from outside

D: Total number of the members

2. The Composition and the Management, and Correlation to the Rulings of the IDC

<Table-2> shows the ratio of the rulings by the IDC according to the management of the IDC. It is found that the information tends to be disclosed more frequently after deliberation through document meeting than through face-to-face meeting. However the high ratio in the document meeting could not be complimented. The previous study (Cho, 2004: 150) mentions that the spread of the document meetings causes the IDC to work as a mere formality, and leads the members to deliberate insincerely. It could result in lack of objectivity. The cause and solution of the high ratio in the document meetings should be explained through further studies.

Table 2 Management and Rulings of IDC

			Rulings of the IDC			Total
			Disclose All/Partial	Not Disclose	Etc.	
Management of IDC	Document Meeting	Frequency	86	338	37	461
		%	19%	73%	8%	100%
	Face-to-face Meeting	Frequency	111	187	50	348
		%	32%	54%	14%	100%
Total		Frequency	197	525	87	809
		%	24%	65%	11%	100%

The IDC with a preponderance of outside members tends to disclose the information more frequently, as <table-3> shows. However the differences between ratios are not considered significant.

Table 3 Composition and Rulings of IDC

			Ruling of the IDC			Total
			Disclose All/Partial	Not Disclose	Etc.	
Composition of IDC	More Inside Members	Frequency	153	422	73	648
		%	24%	65%	11%	100%
	More Outside Members	Frequency	57	119	15	191
		%	30%	62%	8%	100%
Total		Frequency	210	541	88	839
		%	25%	65%	11%	100%

Meanwhile, the amount of data from central agencies was much greater than that of local governments. Accordingly, the result could be biased toward the data of the central agencies. The next chapter reviews the difference of the rulings between central agencies and local governments more in depth.

3. The Difference between the Central Agencies and the Local Governments

1) The Regional Position, the Composition, the Management, and Correlation to the Rulings of the IDC

67% of the IDC in central agencies is held through document meeting. However, 78% of the IDC in local governments is face-to-face meeting, which is four times higher than the percentage of document meeting.

Table 4 Regional Position of Agency and Management of IDC

			Management of IDC		Total
			Document Meeting	Face-to-face Meeting	
Position Of Agency	Central Agencies	Frequency	414	200	614
		%	67%	33%	100%
	Local Governments	Frequency	47	163	210
		%	22%	78%	100%
Total		Frequency	461	363	824
		%	56%	44%	100%

92% of the IDC in central agencies have more inside members. This is due to the fact that most central agencies tend to appoint IDC members from inside the agency. However, only 33% of the IDC in local governments have more inside members.

Table 5 Regional Position of Agency and Composition of IDC

			Composition of IDC		Total
			More Inside Member	More Outside Member	
Position Of Agency	Central Agencies	Frequency	593	51	644
		%	92%	8%	100%
	Local Governments	Frequency	70	140	210
		%	33%	67%	100%
Total		Frequency	663	191	854
		%	78%	22%	100%

The differences in the rulings of the IDC are not great, even though there are very distinct differences in their management and composition. Especially, the disclosure rate of the local governments that managed the IDC in the type of face-to-face meeting stands just at 27%, although it was expected to show a high value. The result can be explained as follows: the disclosure rate in the single stage is found to be already high. Therefore the disclosure requests passed to the IDC of local

governments are more likely to be rejected than the requests of the central agencies. But also, it could be considered that the deliberations of face-to-face meetings in local governments are run perfunctorily. Further studies need to clarify this issue by analyzing the factors of composition and management in depth.

Table 6 Regional Position of Agency and Rulings of IDC

			Rulings of the IDC			Total
			Disclose All/Partial	Not Disclose	Etc.	
Position Of Agency	Central Agencies	Frequency	154	402	73	629
		%	25%	64%	12%	100%
	Local Governments	Frequency	56	139	15	210
		%	27%	66%	7%	100%
Total		Frequency	210	541	88	839
		%	25%	65%	11%	100%

2) Analysis by Regional Position of the Agency

So far, the merged data of central agencies and local governments are analyzed. For more systemic understanding, analyses by the regional position of the agencies and the governments are conducted. In the case of central agencies, document meetings were held 414 times and face-to-face meetings were held 185 times. Whereas only 19% of the information were disclosed by the deliberation through document meetings and 74% of requests were rejected, 34% of the information were disclosed through face-to-face meetings, which is relatively high.

This pattern is found again in the IDC of local governments. The disclosure rate of the document meetings and the face-to-face meetings are quite lower than the nondisclosure ratio. But the difference between disclosure rate and nondisclosure rate in the face-to-face meeting is smaller than that of the document meeting.

Table 7 Management of IDC in Central Agencies / Local Governments and Rulings of IDC

				Rulings of the IDC			Total
				Disclose All/Partial	Not Disclose	Etc.	
Central Agencies	Manage ment of IDC	Doc. Meeting	Frequency	78	305	31	414
			%	19%	74%	8%	100%
	Face Meeting	Frequency	63	81	41	185	
		%	34%	44%	22%	100%	
Sub-total			Frequency	141	386	72	599

			%	24%	64%	12%	100%
Local Govern- ments	Manage- ment of IDC	Doc. Meeting	Frequency	8	33	6	47
			%	17%	70%	13%	100%
		Face Meeting	Frequency	48	106	9	163
			%	29%	65%	6%	100%
Sub-total			Frequency	56	139	15	210
			%	27%	66%	7%	100%

However, the difference of the rulings ratio according to the composition of the IDC is not found significant. In the case of central agencies the disclosure rate of the IDC with a preponderance of inside members is 24% and the disclosure rate of the IDC with a preponderance of outside members is similarly 29%. In the same manner, there is no difference in the rate of disclosure between two types of meetings even in the case of local governments.

However a distinct pattern is found in the composition ratio of the IDC. The disclosure rate of the IDC with a preponderance of outside members is higher than that of inside members in the central agencies. However the opposite result is found in the local governments. In other words, the disclosure rate of the IDC with a preponderance of inside members is slightly higher than that of outside members.

The outside members are likely to be hired by personal acquaintance or popularity, not by their professionalism or representativeness. There were cases in which irrelevant persons were hired, who show a cooperative attitude to the local governments (Chung and Kim, 1991: 458). Furthermore, the members, appointed by the head of the local government cannot break away from the influence of the head (Cho, 2004: 144). As a consequent phenomenon, the disclosure rate of the IDC with a preponderance of outside members is rather lower, against the prediction. Further studies should clarify the validity of this argument.

Table 8 Composition of IDC in Central Agencies / Local Governments and Rulings of IDC

				Rulings of the IDC			Total
				Disclose All/Partial	Not Disclose	Etc.	
Central Agencies	Compos- ition of IDC	More Inside M	Frequency	139	371	68	578
			%	24%	64%	12%	100%
		More Outside	Frequency	15	31	5	51
			%	29%	61%	10%	100%
Sub-total			Frequency	154	402	73	629
			%	25%	64%	12%	100%

Local Governments	Compos ition of IDC	More Inside M	Frequency	28	65	8	101
			%	28%	64%	8%	100%
	More Outside	Frequency	28	74	7	1009	
		%	26%	68%	6%	100%	
Sub-total			Frequency	56	139	15	210
			%	27%	66%	7%	100%

The backgrounds of the chairperson in the local governments do not cause a significant difference in the rulings of the IDC. The disclosure rate of the IDC, of which the head is appointed inside the local governments, is slightly higher than that of which the head is appointed outside the local governments. This result is also against our prediction. Cho (2004: 153) argues that the independence of the chairperson should be guaranteed to manage the IDC without the interference of the head, in the case of the National Personnel Committee. Even though the National Personnel Committee seems to require stricter independence, the independence of the IDC also needs to be further studied.

Table 9 Background of Chairperson and Rulings of IDC

			Rulings of the IDC			Total
			Disclose All/Partial	Not Disclose	Etc.	
Background of Chairperson in Local Governments	Inside	Frequency	20	42	6	68
		%	29%	62%	9%	100%
	Outside	Frequency	36	97	9	142
		%	25%	68%	6%	100%
Total		Frequency	56	139	15	210
		%	27%	66%	7%	100%

4. The Difference between Roh Moo-hyun Administration and Lee Myung-bak Administration.

1) The Regimes, the Composition, the Management, and Correlation to the Rulings of the IDC

The significant difference of the management between two continual regimes is found as in <table-10>. The rate of document meeting in the Roh administration is 44% and is lower than the rate of face-to-face meeting. On the contrary to this, the rate of document meeting in the Lee administration is 71% and quite higher than the rate of face-to-face meeting.

Table 10 President and Management of IDC

			Management of IDC		Total
			Document Meeting	Face-to-face Meeting	
President	Roh, M. H.	Frequency	199	255	454
		%	44%	56%	100%
	Lee, M. B.	Frequency	262	108	370
		%	71%	29%	100%
Total		Frequency	461	363	824
		%	56%	44%	100%

Unlike the ratio of the management, the ratio of the composition is almost maintained. The rate of the IDC with a preponderance of outside members is 75% in the Roh administration and 81% in the Lee administration. Because the Information Disclosure Law has provisions to regulate the composition of the IDC, the composition ratio is kept even when the number of members changes. Only the composition ratio of the Fair Trade Commission was changed from inside 4: outside 3 to inside 3: outside 4 in 2008. The change displayed in <table-11> occurs due to the change of the number of held IDC.

Table 11 President and Composition of IDC

			Composition of IDC		Total
			More Inside Member	More Outside Member	
President	Roh, M. H.	Frequency	353	119	472
		%	75%	25%	100%
	Lee, M. B.	Frequency	310	72	382
		%	81%	19%	100%
Total		Frequency	663	191	854
		%	78%	22%	100%

A significant change between two regimes is found in the rulings of the IDC. The rate of non-disclosure changed from 58% to 72%. The reason why the rate of ‘etc.’ in the Roh administration is relatively high is because the internal meetings to discuss the institution itself were held frequently.

Table 12 President and Rulings of IDC

			Rulings of the IDC			Total
			Disclose All/Partial	Not Disclose	Etc.	
President	Roh, M. H.	Frequency	126	268	67	461
		%	27%	58%	15%	100%
	Lee, M. B.	Frequency	84	273	21	378
		%	22%	72%	6%	100%
Total		Frequency	210	541	88	839
		%	25%	65%	11%	100%

2) Analysis by the Regimes

When the data of the Roh administration and data of the Lee administration are analyzed separately, the difference of the management in rulings is found in both administrations. The rate of non-disclosure is quite higher than the rate of disclosure in both administrations. The rate of etc. in the Roh is higher in both document meeting and face-to-face meeting. In both administrations, face-to-face meeting had higher disclosure rate and lower non-disclosure rate than document meeting.

Table 13 Management of IDC in Roh / Lee Administration and Rulings of IDC

				Rulings of the IDC			Total
				Disclose All/Partial	Not Disclose	Etc.	
Roh, M. H.	Manage ment of IDC	Doc. Meeting	Frequency	37	139	23	199
			%	19%	70%	12%	100%
		Face Meeting	Frequency	81	120	43	244
			%	33%	49%	18%	100%
Sub-total			Frequency	118	259	66	443
			%	27%	59%	15%	100%
Lee, M. B.	Manage ment of IDC	Doc. Meeting	Frequency	49	199	14	262
			%	19%	76%	5%	100%
		Face Meeting	Frequency	30	67	7	104
			%	29%	64%	7%	100%
Sub-total			Frequency	79	266	21	366
			%	22%	73%	6%	100%

However, while the difference of the composition in the rulings of the IDC was not found significant in the Roh administration, the difference was significant in the Lee administration. In the Lee administration, the disclosure rate in the IDC with a preponderance of outside members was

higher than that of inside members. According to an annual report about the information disclosure institution, the disclosure rate in the single stage is relatively low (Ministry of Public Administration and Security, 2010). It could mean that the requests in the IDC have more possibility to be accepted.

Table 14 Composition of IDC in Roh and Lee Administration and Rulings of IDC

				Rulings of the IDC			Total
				Disclose All/Partial	Not Disclose	Etc.	
Roh, M. H.	Compos ition of IDC	More Inside M	Frequency	92	195	55	342
			%	27%	57%	16%	100%
	More Outside	Frequency	34	73	12	119	
		%	29%	61%	10%	100%	
Sub-total			Frequency	126	268	67	461
			%	27%	58%	15%	100%
Lee, M. B.	Compos ition of IDC	More Inside M	Frequency	61	227	18	306
			%	20%	74%	6%	100%
	More Outside	Frequency	23	46	3	72	
		%	32%	64%	4%	100%	
Sub-total			Frequency	84	273	21	378
			%	22%	72%	6%	100%

3) Difference in the IDC result between central agencies and local government according to the administration

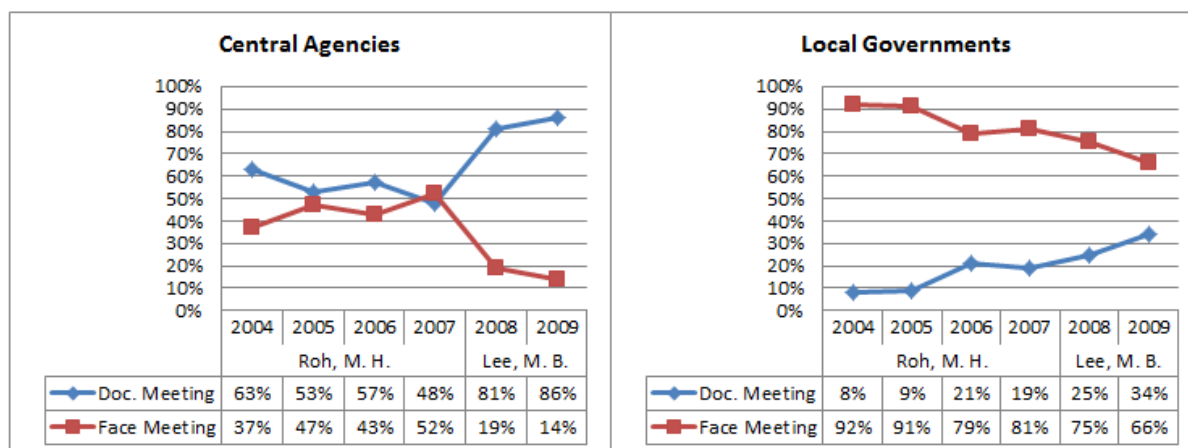
The difference between the IDCs of central agencies and the IDCs of local governments were already analyzed in the above <table-6>, <table-7> and <table-8>. The following tables show the time-series result of the difference. In the central agencies of the Roh administration, the rate of the document meetings is 54%, which is very similar to the rate of face-to-face meetings. However, in the central agencies of the Lee administration, the rate of document meetings is 84% which is 5 times higher than the rate of face-to-face meetings. In the local governments of the Roh administration, the rate of face-to-face meetings is 84%. This could be a very positive result if the face-to-face meeting is more desirable. But in the local governments of the Lee administration, the rate of face-to-face meetings falls to 70%.

Table 15 President in Central Agencies / Local Governments and Management of IDC

				Management of IDC		Total		
				Document Meeting	Face-to-face Meeting			
Central Agencies	President	Roh, M. B.	Frequency	179	154	333		
			%	54%	46%	100%		
		Lee, M. B.	Frequency	235	46	281		
			%	84%	16%	100%		
		Sub-total			Frequency	414	200	614
					%	67%	33%	100%
Local Governments	President	Roh, M. B.	Frequency	20	101	121		
			%	17%	84%	100%		
		Lee, M. B.	Frequency	27	62	89		
			%	30%	70%	100%		
		Sub-total			Frequency	47	163	210
					%	22%	78%	100%

<Figure-2> shows the change in the management of the IDC by years. In the case of central agencies, the ratio was maintained between 2004 and 2007. However there was a sudden change in 2008. The rate of the document meetings increased from 48% to 81% and the rate of the face-to-face meetings decreased from 52% to 19%. In the case of local governments, a relatively gradual changes in the ratios were found. The rate of document meetings decreased from 92% to 66% over 6 years. The ratio gap between the document meetings and the face-to-face meetings was getting narrower.

Figure 2 the Management of the IDC by Year



The difference of rulings of the IDC by the regimes is significant only in the central agencies.

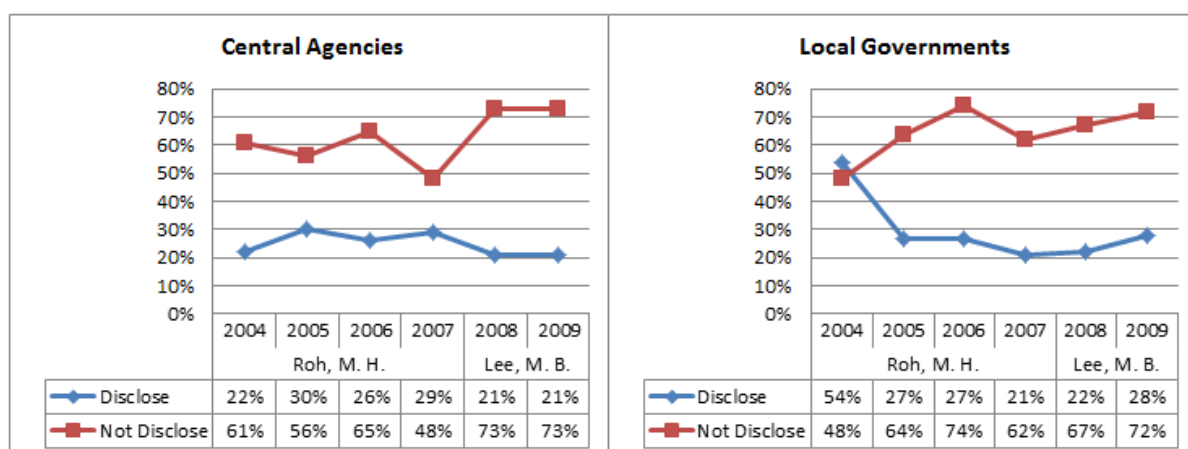
In the cases of central agencies, the disclosure rate in the Roh administration is slightly higher than the disclosure rate in the Lee administration. Also, the non-disclosure rate increased from 56% to 73%. However this patter cannot be found in the analysis of the local governments.

Table 16 President in Central Agencies / Local Governments and Rulings of IDC

				Rulings of the IDC			Total
				Disclose All/Partial	Not Disclose	Etc.	
Central Agencies	President	Roh, M. B.	Frequency	93	191	56	340
			%	27%	56%	17%	100%
	Lee, M. B.	Frequency	61	211	17	289	
		%	21%	73%	6%	100%	
Sub-total			Frequency	154	402	73	629
			%	25%	64%	12%	100%
Governments	President	Roh, M. B.	Frequency	33	77	11	121
			%	27%	64%	9%	100%
	Lee, M. B.	Frequency	23	62	4	89	
		%	26%	70%	5%	100%	
Sub-total			Frequency	56	139	15	210
			%	27%	66%	7%	100%

The changes of the ratios by years prove the difference between the Roh administration and the Lee administration. However the change is not as great as the change of the management ratio in <figure-2>. Rather, unusual values are found in the cases of local governments in 2004.

Figure 3 the Rulings of the IDC by years.



V. Conclusion

This study analyzed the IDC that were held in 28 central agencies and 16 local governments from 2004 to 2009. The management (the ratio of document meetings to face-to-face meetings), the composition (the ratio of members appointed from within to those appointed externally), and the rulings (the ratio of disclosure to non-disclosure) were analyzed. For a more systemic analysis, the data was analyzed by the regimes of the Roh administration and the Lee administration and by the regional positions of the central agencies and the local governments.

On the whole, the disclosure rate was lower in document meetings than in face-to-face meetings. The rate of face-to-face meetings and the rate of the IDC with a preponderance of outside members were higher in the local governments, suggesting that the IDCs in local governments are possibly in a more desirable status form than those of central agencies in the aspect of management and composition. Nevertheless, there was no distinct difference between the central agencies and the local governments in the rulings. Further studies need to investigate about this point through analyzing the request contents and any third variable that affects the rulings. In the case of the IDC in local governments, the officials tend to accept disclosure requests more frequently in the single stage. Therefore, it is possible that requests with less possibility in being disclosed are passed to the IDCs in the local governments. In addition, the third influential variable cannot be ruled out, such as the influence of the head in local governments who may exert pressure in the member selection for the IDC.

In the Roh administration, the rate of face-to-face meetings was higher, whereas the Lee administration showed an opposite result. Difference in the ratio of member composition between two administrations was not found. It is probably due to the restriction on member ratio by the regulations of the Information Disclosure Law. However, the disclosure rate in the Lee administration was lower than that of the Roh administration. In the case of the central agencies, the rate of document meetings was quite higher in the Lee administration than in the Roh administration. As for the local governments, a pattern was found in the disclosure rate, even though the difference was not as big compared to the central agencies. The disclosure rate in central agencies decreased significantly in the Lee administration, but there was no significant change in the local governments.

This study intends to clarify the correlation between various statuses. The results provide an assessment as followings. First, the IDCs of the central agencies were quite different from the IDCs of the local governments; the IDCs of the central agencies were changed more by the regimes than the IDCs of the local governments. This result implies that future studies need to distinguish the IDCs of the central agencies from the IDCs of the local governments. Second, the management of the IDCs is

correlated to the ruling of the IDCs. The disclosure rate after the deliberation in face-to-face meetings was higher regardless of time and space. Therefore, the face-to-face meeting is more recommended in order to prevent any treatment of the meeting as a mere formality. The face-to-face meeting needs to be activated especially in the central agencies.

However, the rulings of the IDCs with a preponderance of inside members were not significantly different from that of IDC with more external members. The provisions that demand participations of outside members are expected to secure fairness, objectivity, and professionalism. However, against the expectation, the result proves that the management of the institution is more important than the institution itself. The officials commonly tend to appoint outside members from pro-government experts. This could be the main obstacle in the efficient management of the commission (Chung and Kim, 1999: 444). The analysis of this study focused only on the numbers of the members. To complement it, further studies need to analyze the degree of professionalism and independence of the members, and the way or manner of their appointment.

The deliberations in efficient IDCs provide better rulings, which are acceptable by the requestors. It can reduce any additional actions of administrative adjudication. At the same time, it can improve the transparency of the administration by disclosing the information, which should be allowed to go public. The IDC is a critical procedure in the Information Disclosure Institution, and further studies must be conducted to find the solution for better management and composition.

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