

PROTOCOL FOR OPENNESS AND TRANSPARENCY BEFORE RISK:

PREVENTION, REACTION
AND RECOVERY



#Prevention**WithOpenness**

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Foreword

Facing adverse situations sparks the ability to recognize danger and face our strengths and weaknesses when confronted with them, but above all, it opens the possibility to transform our deficiencies into opportunities to learn and grow into more resilient people and societies.

That is the main contribution of this protocol, which collects the knowledge and experience of a variety of sources -civil society, academia, public and private sectors and citizens- and interweaves them with the sole objective of paving the way for transparency and accountability towards the construction of a true open agenda in favor of the people.

Strengthening good practices and providing institutions with tools that allow them to react with openness to a situation of risk, evolved from a necessity to a commitment and a call to action, which was fortunately met by various actors, who from their different trenches pointed out the challenges where openness could be the key material for building solutions.

This protocol seeks to guide us through the different stages of a situation of risk, so that regardless of where we're confronted by it, we can assume our role as agents of change through the openness of information, and contribute to fighting corruption, reducing vulnerabilities and even saving lives.

Maria del Carmen Nava Polina

Citizen Commissioner of the Institute of Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City

Disasters are often thought of as sudden events caused by a random manifestation of nature. However, disasters are the materialization of pre-existing underlying factors reacting to one another, such as the layout of the territory, the process of economic development, environmental deterioration, political decisions, and an excessive exploitation of material resources. The impact of these disasters is not only financial, but also negatively affects human development, quality of life and the exercise of fundamental rights, including the human right of access to information.

It is certain that people need to be given access to information that allows them to know the threats to which they are exposed, and provide them with tools to protect themselves and recover from the negative impact of disasters, thus building more resilient societies.

CENAPRED (the National Disaster Prevention Center) appreciates the opportunity to participate with the Institute of Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City (InfoCDMX) in the co-creation of the ***Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery***. This protocol contemplates a series of innovative proposals for implementing mechanisms pertaining access to information which, for clarity purposes, have been divided into three stages: prevention, reaction and recovery. However, it is necessary to clarify that due to its complexity, Comprehensive Risk Management is a transversal process in which these three stages are not sequential, but instead constantly interact with each other, so the recommendations in this protocol must be implemented with a holistic and forward-thinking vision that allows its maximum use.

The protocol presented is one of a kind, and the historical moment could not be more relevant. The current health emergency caused by COVID-19 has made it clear that society seeks to obtain reliable and timely information that helps reduce uncertainty and implement preventive measures to safeguard their lives and those of their loved ones.

The **Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery** allows to identify, internalize and ensure processes that in the short term will translate into effective and timely actions in Mexico City, with the vision that in the long term, will be replicated and homologated in other states and different spheres of authority in order to contribute to the generation of resilience in the country.

P.E. Enrique Guevara Ortiz

General Director of the National Disaster Prevention Center

The Project for the Strengthening of Civil Society Organizations/ (PROFOSC) is implemented by the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (German Cooperation for Sustainable Development, GIZ) in collaboration with the *Mexican Agency for International Development Cooperation* (AMEXCID) and the *General Direction of Entailment with Civil Society Organizations* (DGVOSC) of the Secretariat of Foreign Affairs (SRE). Among other objectives, PROFOSC strengthens spaces for dialogue to promote the active participation of Mexican CSOs (Civil Society Organizations) in the creation of inclusive public policies on good governance issues, thus contributing to the fulfillment of SDG 16 of the 2030 Agenda in Mexico.

It is in this framework that we collaborate with Info CDMX, civil society, academia and other actors involved in the creation of the **Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery**. We consider that this tool is an innovative citizen effort to ensure the freedom of information, which was interrupted by the health emergency of COVID-19 in Mexico, and the statements made in this context by various organizations undoubtedly represented a call to action.

This tool is a clear example of the opportunity to co-build and civilize public policies, of the richness that exists in collaboration and of how antagonism between governments and civil society has no place when what you want to achieve is a better city and a more just country. Even in the face of the complex external challenges of a health emergency, we all have something to contribute.

This protocol represents an opportunity to see that all rights are ensured by enhancing a key right such as transparency and access to public records. This is achieved with strong and committed institutions, with standardized processes, with a clear gender and inclusion approach, with an active and informed citizenry, but above all with the action plan that this protocol facilitates through recommendations for before, during and after an emergency. In this way we ensure prepared and proactive institutions who work hand in hand with civil society, guaranteeing good governance in Mexico and anywhere this exercise is replicated.

Project for the Strengthening of Civil Society Organizations (PROFOSC)
Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

Introduction

In 2020 the world faced one of the greatest global challenges: an international health emergency declared by the World Health Organization. In the context of the COVID-19 pandemic, governments, civil society, individuals and communities, as well as the private sector, encountered unprecedented challenges.

The COVID-19 lockdown also affected transparency and openness actions. The public disclosure of documents under Freedom of Information was initially suspended throughout the country and in some cases were reestablished for some essential activities, however, the lack of a policy and regulatory instruments for openness in emergency situations **led to violations of not only the Freedom of Information, but many other rights**. Thus, the emergency situation due to COVID-19 reiterated the importance of openness for prevention, reaction and recovery in situations of risk in order to have accurate and timely information to know and evaluate the actions developed in emergency situations.

The **Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery** is conceived as a participatory instrument of a governance model, which contemplates the minimum recommended actions to **attend the three stages** in an emergency situation: **prevention, reaction and recovery**, that lead to a **new form of openness, co-creation and public innovation** to help people, communities, public institutions and private sector to be better prepared and know what to do in terms of institutional openness.

Therefore, in the construction of the Protocol, the **five elements of openness were considered**: 1) transparency and accountability, 2) participation and co-creation; 3) integrity and prevention of conflicts of interest, 4) simple language and accessible formats, 5) records and archive. The basic provisions to attend the different stages of an emergency situation were also considered: **the preparation, the moment of the emergency and the subsequent situation**. In this sense, the narrative structure of the document is divided into three stages that consider the basic provisions to address the different stages of risk management: **prevention, reaction and recovery**. The Protocol considers the minimum actions to be followed in each stage to ensure institutional openness in emergency situations, by the regulated bodies, the FOI Commission of access to information and protection of personal data, individuals and communities, and the private sector.

The different actors can know what measures to take before an emergency thanks to tools such as the digitization of documents, and so identify what information they should publish and broadcast during the emergency situation and know how to monitor and evaluate the openness actions, while they can arrogate the document to develop **local responses, with the capacity to replicate in different contexts, to improve resilience, and thus build a more sustainable world.**

The **Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery** contemplates diversity and equal opportunities with the commitment to leave no one behind. At the same time, it is aligned with the United Nations **2030 Agenda** Sustainable Development Goals (SDGs) , specifically SDG 5 Gender Equality, SDG 11 Sustainable Communities and Cities and SDG 16 Peace, Justice and Solid Institutions.

Background

The idea of co-creating an openness Protocol was born from the conclusions of the 1st Colloquium for an Open Reconstruction organized by the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City (Info CDMX) in 2019. The colloquium detected the need for a guiding instrument to guarantee **minimum conditions of openness and transparency in risk situations.**

The lack of a policy, as well as of normative openness instruments that articulate the people's need for information about the actions implemented by States in emergency situations, **has led to violations not only of the Freedom of Information, but also of many other rights.**

In Mexico City, earthquakes are the natural phenomenon that most frequently are responsible for emergency situations. However, and despite the prevention efforts associated with these experiences, the current COVID-19 pandemic reiterated the importance of prevention in these situations.

This is why the Open State team of Info CDMX prepared a triggering proposal to discuss the elements that the **Protocol of Openness and Transparency in the Face of Risk: Prevention, Reaction and Recovery** should contemplate and, supported by the Project for the Strengthening of Civil Society Organizations (PROFOSC) of the *Deutsche Gesellschaft für internationale Zusammenarbeit* (GIZ

Mexico), made a proposal for a co-creation exercise to be implemented in different phases.

Methods

This instrument is a proposal that can contribute to the creation of **innovative solutions to the problems the people face, using the available resources**, as well as an exercise in which **the value of information is re-thought** and solutions are generated by **thinking outside the box**. The importance of this Protocol lies in its adaptability and replicability, as well as in recognizing that within a health emergency scenario, **information helps to save lives**.

The Protocol was **designed** from a perspective of **inclusivity**, integrating a variety of actors and levels, including activism as an important citizen component, and sought to promote **empowerment, collective strength, creating capacities in people** and to **construct positive peace**.

In the process of preparing the methods, an important source of information was the **Regional Study on Access to Information in the Context of a Health Emergency**, published by the Regional Alliance for Freedom of Expression and Information, which shows the status of the Freedom of Information in the context of health emergency due to the SARS-CoV2 virus for the Latin American region.

Information helps to save lives under a health emergency scenario. Another material that was also analyzed was the **Proposal: Principles of Access to Public Information in Emergency Health Situations**, prepared by Fundar - Center for Analysis and Research, with the support of the Regional Alliance for Free Expression and Information, which seeks to indicate principles of access to information in times of health emergencies to respond to the challenges faced by States to guarantee the right to information in extraordinary circumstances.

Also, we revised the Inter-American Commission on Human Rights on Pandemic and Human Rights in the Americas, which establishes recommendations under the conviction that the measures adopted by the States regarding the care and containment of the pandemic must respect human rights at their core. Other sources reviewed were **press releases R78 / 20, 119 and 130**, which indicate the link and importance between the Freedom of Information and the right to freedom of expression, since the press plays a fundamental role in emergency contexts.

In this sense, **information acquires an essential role in emergency contexts** in order to guarantee human rights, so it must be reliable, timely and truthful. Thus,

there will be a full guarantee of the institutional control system (human rights, democracy and the rule of law) in emergency contexts. At the same time, it provides the democratic system with solid foundations so that, although certain human rights may be limited in emergency contexts (attached to the rule of law, being necessary and proportional limitations), that they are never undermined or frustrated completely.

Finally, we also reviewed the **information requests** related to the COVID-19 pandemic that arrived since March 20 to the Institute of Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City, the 10 recommendations of the Decalogue of Openness and Anticorruption in COVID19, the websites with exercises of **proactive and focalized transparency**, as well as the Commitments of the Open State Action Plan in Mexico City.

The objective is to guide the **design of mechanisms for institutional openness, transparency, accountability, anti-corruption and personal data protection that help reduce the potential impact** of disasters and their negative consequences on people's lives. Three elements are required for this:

1. Relevant and quality public information, easily accessible to everyone;
2. Guaranteed spaces for interaction and incidence on public sector decisions in disaster risk management, and
3. Effective devices for the protection of personal data when going through moments of greatest vulnerability.

Therefore, the risk management in its preventive, reactive and recovery phases, is vital to ensure that there are **public records** and that they are accessible, timely and of good quality. The entire population must be able to have access to standardized and truthful information in an **open, simple and decentralized** system.

This is why the co-creation exercise for the development of the Protocol considered the implementation of three phases: the first and second phases are completed, the third and final phase is being implemented.

It is important to mention that for the implementation of the 1st and 2nd phases, information and communication technologies were used to avoid exposure to the contagion of the SARS-CoV2 virus to the people involved.

As it is a collaborative openness exercise, the documents generated were shared in an open format with all the actors involved in the respective phases, so that they

could add, specify, modify or detail the content. The idea of the co-creation forums was to generate a brainstorm of ideas, concrete proposals and definitions that should at least contain the Protocol index and later, in the second phase, the content was developed based on the sections established in the index which resulted in the preliminary phase.

First phase

During the **first phase**, between July and August 2020, the Open State team of Info CDMX supported by the Project for the Strengthening of Civil Society Organizations (PROFOSC) of GIZ Mexico, we held **six co-creation forums**, in which people from academia, private sector and civil society organizations participated, as well as members of the Citizen Participation Committees of Anti-Corruption Systems, Freedom of Information (FOI) Regulated Bodies from the national and local spheres, and FOI Commissions.

The objective was to generate the necessary inputs, establish definitions, topics to consider and develop, bibliography to consult, locate good national and international practices -among other factors that must necessarily be considered- to start the second phase in the collaborative development of the contents of the Protocol.

As a result of the collaborative openness exercise carried out in this phase, **65 agreements** were established from which the members involved made their contributions in a **collaborative document** to add, specify, modify or detail its content to develop the index. Thus, the first phase of the Protocol concluded with the presentation of its index at the 2nd Colloquium for an International Open Reconstruction, on September 8, 2020.

Second phase

The **second phase** was implemented between October 2020 and April 2021 by the Info CDMX Open State team, with the support of **the National Disaster Prevention Center** (CENAPRED) and a group of specialists, with whom the content of the Sections established in the index were developed to have an **open, accessible** Protocol that serves as a **guide to replicate** in different locations and contexts.

During this phase, we had three co-creation panels review the progress of the document that was worked on in a collaborative way. Once the preliminary version was concluded, it was shared with all the participants of the first and second phases

so that from their experience they could make adjustments to the narrative content. The follow-up and punctual accompaniment were vital to resolve doubts, clarifications or comments that facilitated and made the collaboration process more efficient.

The second phase concluded with a plenary session with the people who participated in the previous phases to **validate the final version** of the *Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery*, and with the **launch of the Protocol** through an event held in April 2021 in the framework of the World Day of Creativity and Innovation.

Third phase

The **third phase will** be implemented after the launching event and will consist of presenting and socializing the Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery, and collaboratively developing a toolkit aimed at the different sectors of society that contribute to the implementation of the recommended actions.

In this phase, replicability, adoption and implementation at a national level will be promoted to generate **local responses that adapt to different contexts, to improve resilience and, thus, build a more sustainable world**. It is also expected to promote it internationally so that it can be used in other countries.

Members of the team that elaborated the Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery

1. Abril Ariadna Sasai Bonifaz Tamayo from the Council to Prevent and Eliminate Discrimination in Mexico City.
2. Aldo Antonio Trapero Maldonado from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
3. Alfredo Elizondo from Gesoc A.C.
4. Ana Lilia Cariño Sarabia from the Citizen Participation State Council of Chiapas.
5. Ana Lucía Hill Mayoral from I am Civil Protection - The Initiative.

6. Ana Virginia Corzo Cosme from the City Council of Cuauhtémoc.
7. Andrés Efraín Martínez Ruíz from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
8. Araceli García Vega from the National Center for Disaster Prevention.
9. Beatriz García Guerrero from the City Council of Azcapotzalco.
10. Cecilia Castro García from the City Council of Tlalpan.
11. Claudia Guzmán from the Democratic Development and Competitiveness Institute - COPARMEX.
12. Cynthia Dehesa from the Citizen Participation Committee of the Anticorruption System of the State of Quintana Roo.
13. Daniel Saavedra Lladó from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
14. David Guzmán Corroviñas from the City Council of Miguel Hidalgo.
15. David Alejandro Martínez Huerta from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
16. Eduardo Escobar Escalona from the Ministry Secretariat of Integral Management of Risk and Civil Protection of Mexico City
17. Eduardo Pérez Romero from the City Council of Benito Juárez.
18. Esther Albarrán from the City Council of Azcapotzalco.
19. Fabiola Navarro Luna from the Observatory against Corruption and Impunity of the UNAM.
20. Gabriela Godínez from the City Council of Benito Juárez.
21. Gabriela Téllez Hernández from the Secretariat for Integral Management of Risk and Civil Protection of Mexico City.
22. Héctor Javier Rubio Trejo from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
23. Ignacio Pérez de León Peña from the City Council of Miguel Hidalgo.
24. Iran Sosa Díaz from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.

25. Janet Aguirre Dergal from the Citizen Participation Committee of the Anticorruption System of the State of Quintana Roo.
26. José Carlos Guerrero Ascencio from the Ministry of Health of Mexico City.
27. José Samaria Resendiz Escalante from the Ministry of Health of Mexico City.
28. Juan Manuel Casanueva from SocialTIC.
29. Justine Dupuy from Fundar, Analysis and Research Center A.C.
30. Karla Margarita Méndez Estrada from the National Disaster Prevention Center.
31. Leticia Ramírez Cuevas from the National Disaster Prevention Center.
32. Leticia Reyes from the City Council of Cuauhtémoc.
33. Lorena Sánchez Ortega from Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ Mexico).
34. Lothar Rast of Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ Mexico).
35. Lourdes Morales Canales from the Accountability Network.
36. Luciana Cataldi from the Neuroser Program in Argentina.
37. Lutwin López López from the Mexico City's Human Rights Commission.
38. Madelin Stephany Ocadiz Espinoza from the City Council of Azcapotzalco.
39. María Claudia Lugo Herrera from the Ministry of Mexico City.
40. María de los Ángeles Estrada from the Transparency and Anti-Corruption Initiative of the Government and Public Transformation School of the Tecnológico de Monterrey. (ITESM)
41. María del Carmen Nava Polina from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
42. María Soledad Rodrigo from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
43. Mariana Belló from the Citizen Participation Committee from the Anticorruption System of the State of Quintana Roo.
44. Mariana Cendejas Jáuregui from the Transparency and Anti-Corruption Initiative of the Government School and Public Transformation School of the Tecnológico de Monterrey. (ITESM).
45. Marisol Bárbara Calzada Torres from El Colegio de Jalisco.

46. Marlene Marisol Gordillo Figueroa from the Citizen Participation Council of the Anti-Corruption System of the State of Chiapas.
47. Matilde Pérez from Fundar, Analysis and Research Center A.C.
48. Melisa Citlali Romero Castillo from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
49. Monica Tapia from Ruta Cívica A.C.
50. Naxhelli Ruiz from the Geography Institute of the National Autonomous University of Mexico and University Seminar for Socio-Environmental Risk Studies.
51. Norma Sánchez Castillo from the Citizen Participation Committee and Municipal Anti-Corruption System of the State of Sinaloa.
52. Patricia Ordóñez León from the Institute for Transparency and Access to Public Information of Tabasco.
53. Paulina Fuentes from the City Council of Cuauhtémoc.
54. Rafael Enrique Valenzuela from the Citizen Participation Committee of the Anticorruption System of the State of Sonora.
55. Rafael Humberto Marin Cambranis from the Secretariat of Integral Management of Risk and Civil Protection of Mexico City.
56. Raúl Cazares Urban from the Citizen Participation Committee of the Anticorruption System of the State of Quintana Roo.
57. Ricardo León Caraveo from the Institute for Transparency and Access to Public Information of Tabasco.
58. Rolando Tinoco from El Colegio de la Frontera Sur.
59. Saraí Zulema Oviedo Hernández from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
60. Soledad Asunción Victoria Cruz from the Institute for Transparency, Access to Public Information, Personal Data Protection and Accountability of Mexico City.
61. Tania Macedo from the City Council of Benito Juárez.

1. Preventive measures regarding openness: Before the emergency

1st. Freedom of Information Regulated Bodies

i. To identify actions for the continuity of operations in terms of access to information, to identify natural and man-made hazards and to establish continuity plans to ensure institutional openness

In this section, the Protocol proposes that the local civil protection agency (Coordination, Secretariat, Committee) delivers the risk scenarios of the municipality or region to all the Freedom of Information (FOI) Regulated Bodies of the locality. Based on these risk scenarios, the FOI regulated bodies must define, among others, the condition of their files and the priority issues that they provide in emergency contexts, so that based on this, preventive measures can be established to ensure continuity in the openness of institutional information. For this purpose, the FOI regulated bodies must have a **hazard and risk atlas**. This representation of the hazard and risk conditions of the locality will facilitate the prioritization of the problems, as well as the formulation and execution of the intervention actions required not only to reduce the risks, but also to outline the **type of information needed** by the general population, especially by groups in vulnerable situations. Therefore:

1. Hazard and risk atlases must be prepared and kept up with, as well as any other permanently **updated** technical documents. The Protocol recommends that these atlases can be used to make a **matrix that identifies** the corresponding actions and that allows a **complete vision** of the risk construction process, to identify the situations that could result in the violation of any of the **five openness elements** (transparency and accountability, participation and co-creation, integrity and prevention of conflict of interest, simple language and open and accessible formats, records and archive) in the event of an emergency or disaster. The mentioned matrix can be built by recording in axis 1, the type of threat (seismic, chemical, sanitary, etc.) and in axis 2, the institutional openness action under the approach of the 5 elements.

With the support of the atlas, it is necessary to identify the probable impact that the community would have when facing a new similar event. The Protocol recommends making an **evaluation matrix to determine the vulnerable population groups that could be affected by different types of risk**. With this information it is possible to decide openness actions to respond towards the protection of priority vulnerable

populations, but above all to contribute to give efficient and focused attention to the general population in the event of an emergency.

2. It is also necessary to develop and implement an **Interoperable System for risk management and governance** [\[1\]](#). The purpose of this system is to ensure the capacity of the information and communication technology systems, in order to interconnect data and processes to **open information** and knowledge within the risk management framework, in an agile, efficient and **transparent** manner. The ultimate objective is to make decisions based on solid, objective and updated information.

Interoperability makes it possible to build systems that can be started with few actors, and scale orderly until incorporating a greater number of institutions, thus generating a platform that grows and strengthens. The **data exchanged through interoperable systems has the advantage of maintaining veracity at the source**, since they are not altered, copied, duplicated and / or with a margin of error, which generates greater transparency in their handling, management and publication. Likewise, through interoperable systems it is possible to generate aggregate information and manage data crossings, validate transactions, apply rules and policies to the data and, from there, generate reports, detect anomalous situations or non-compliance with policies, validate trends and publish **transparent information based on reliable data**.

3. In the same way, it should seek to promote the design of business **continuity plans that focus on access to information** and protection of personal data. The objective of the continuity plans is to maintain the functionality of the organization at a minimum acceptable level in the event of an emergency and to have procedures that allow the main activities to restart in the short term.

These continuity plans must also determine **who are the people who will take the first response step**, and seek to train them and be clear about where they are going to start their action plan in the face of the emergency, in order to keep **the community informed** about the task of the institution, as well as other information that is of interest.

Finally, the continuity plans must also define responsibilities regarding the Freedom of Information (FOI) and the protection of personal data. Among the regulated bodies that will intervene in risk situations, the **areas responsible for the intervention and implementation of openness and response actions** (under work groups with their respective leaders) should be considered in the event of an emergency, as well as what responsibilities within Freedom of Information must be attended to.

ii. Diagnoses, actor mapping, information catalogs and simulation exercises regarding institutional openness

This section establishes the need to have documents that allow to anticipate and understand the state in which the institution is, identify the actors and to **arrange** adequate coordination, and categorize the necessary information for when an emergency situation arises. **The information that is relevant in an emergency situation must be identified.** Each obliged subject must develop a section that identifies and indicates what information they have that must necessarily be provided during emergencies. With this in mind the Protocol proposes:

1. That the regulated body defines **catalogs with information of public interest** that must be provided in emergencies and that consider the needs of the people. The catalog should indicate the minimum information that must be published in the three phases of risk (prevention, reaction and recovery). It is recommended that the document is articulated to possible emergency events and should be flexible and dynamic. The information catalogs will seek to **guarantee that there is a minimum level of information** that allows both citizens and institutions to make decisions. It is suggested to adapt a technical sheet to support the identification of **key information, timelines, tasks and target population** that can be standardized by types of emergencies, levels of reaction and response mechanisms. The standards and procedures established in **international instruments** that improve emergency response capacities must be taken into consideration, for the standardization of actions in the event of disasters, emergencies and catastrophes.

2. The Protocol suggests developing **an actor mapping**, not only within government institutions, but also in civil society organizations, academia, and private sectors who could collaborate, strengthen and increase the institutional response capacities of the State in the event of an emergency. Through this mapping it will be possible to develop mechanisms of action, form networks, and create joint strategies for **communicating and spreading information** of public interest. For proper coordination, inter-institutional relations must be clearly established, where each person's role is defined to avoid conflicts of action and even legal competence.

3. In order to optimally implement the protocol, each subject must make a diagnosis of their institutional and structural capabilities. It is also necessary to **diagnose the infrastructure and data interoperability** in order to reinforce these tools through Annual Administrative Improvement Programs with a focus on Information and Communication Technologies (ICTs). With the objective of ensuring the development and implementation of **the Interoperable System for Risk**

Management and Governance, as well as continuing the normal functions of the obliged subjects, and especially to provide mechanisms and capacities for the **digitization and storage of information** to have **remote digital offices**. This, coupled with the strengthening of institutional cybersecurity systems, contributes to avoid data loss and even privacy violations.

4. Finally, it is recommended to establish a **link between Transparency Units and Municipal Civil Protection Committees** [\[2\]](#) (or the City Council, in the case of Mexico City), that will ease the task of conducting **drills for openness and coordination** with the different FOI regulated bodies. It is fundamental to promote the practice of the drill, which in turn considers the different scenarios and types of **openness actions** in each of them, as well as establishing evaluation instruments that guarantee the quality of the action and response, with a **responsible person in charge** of corroborating the data.

iii. Communication, publication of information and participation mechanisms for institutional openness

This section outlines some considerations prior to an emergency situation, in order to know what to report, how to communicate, what to publish and how to encourage participation. This section allows users to know how they should prepare and plan to transmit the information in an open and accessible way. It should seek to create awareness in the target population about the risk scenarios their locality has. This will help to plan, design and develop the most sensible individual and collective strategies to prevent or address the risk situation. It will also help generate opportunities to participate in collaborative mechanisms to identify risk scenarios that local civil protection agencies have.

1. First, the Protocol recommends establishing the **official tracks and channels** through which the regulated bodies will share information with the general public, as well as which mechanisms will be used for direct communication with public authorities.

2. FOI regulated bodies must use a **simple and inclusive language** in the actions of openness and publication of information, and consider **accessibility** to all sectors of the population. In emergency situations it is necessary to break down physical, structural, linguistic and social barriers so that information can reach and be used by all people.

That is why a variety of channels must be used to inform: from **websites and social networks** to printed documents. When it comes to **specialized transparency**

microsites, the information should be published in a single place, and it should be grouped by topic for a better understanding by the users.

For more efficient communication and to promote participation in the institutional openness strategy, the Protocol suggests to ask how relevant information can be made more effective in areas of high cultural diversity during the emergency. Among the strategies to consider is sending **messages via SMS, chatbots, megaphones or television**, or identifying **citizen and community networks** that bridge from City Hall or Municipality personnel to the general public, **community radios or loudspeakers**. The **target audience must be considered** before choosing which media to use. Similarly, it is suggested to give greater weight to local institutions, such as Territorial Units.

iv. Transparency Obligations, proactive disclosure, digitization, archiving and platforms for institutional openness

In this section, it is acknowledged that **archives are the main input for institutional openness**, hence the need for their digitization -especially in emergency situations- since they represent or may represent interruptions in the access to and consultation of information. The need for specialized platforms and microsites is important, as well as the need and importance **of Transparency Obligations, and proactive and focalized transparency** in the face of emergency.

1. The Protocol suggests contemplating the **digitization of information in archives**: Archives are key in making information transparent, and allow the exercise of the right of access to information in an emergency. For this, the Protocol recommends creating an **"ABC"** for an agile and correct **archival work** of the things that will be carried out remotely. The purpose is for the obligated subject to digitize most of its functions, especially those related to citizen procedures and services.

The regulated bodies must **issue guidelines** for the digitization processes, such as the **electronic formats** that will be used, their characteristics, use of **electronic signature** to replace autograph signature, the use of **electronic notifications, authentication** processes, and they must also **issue work from home and flexible work schemes**.

2. Regarding the platforms for institutional openness, a suggestion is to create a collaborative **"wiki page"** to upload information - updated in real time - of **proactive disclosure of information and focalized transparency**, data and archives (for historical consultation). This is part of the action plan in the prevention stage, with an institutional openness approach in order to keep the public informed about

emergency updates, as well as the digital processes of procedures and services. The use of **open data**, indicators and categories of information should be considered.

Open data must comply with six principles: 1) Be open by default, 2) Be timely and comprehensive, 3) Be accessible and reusable, 4) Be comparable and interoperable, 5) Be useful to improve governance and citizen participation and 6) Contribute to inclusive development and innovation.

The "**wiki page**" will have a **complaint section** for individuals and public servants. Mechanisms should be enabled through which anyone can report the absence of information and these needs are met by a customer service representative. In addition, there must be **citizen surveillance mechanisms** for **compliance** by the various actors involved.

4. The **transparency obligations** must define clearly which obligations are **related to the emergency**, and determine an **update period that should be shorter** than the one established in the transparency laws. Special attention should be paid to the transparency obligations that are related to prevention and preparation. An example of preventive obligations are the diagnoses of structural vulnerability that the Institute for Construction Safety in Mexico City has, and the structural safety reports of public and private schools. An example of obligations pertaining preparation are emergency services isochron maps (average time it takes for an emergency service to get to a certain point), as well as the updated list of local civil protection committees. Information of public interest must be identified, so that it can be published and included as part of a **catalog of proactive and focalized transparency**. Another obligation is any through which the population is given certainty about the correct application of resources and rendering of reports.

1 B. Freedom of Information and Personal Data Protection Commissions

i. Known risk scenarios and continuity plans to ensure institutional openness

In this section the Protocol proposes that the FOI Commission -who are in charge of safeguarding access to information and protection of personal data- employ technical instruments to identify the existing risk levels for each area. Based on this, they should **establish preventive measures that ensure continuity in the**

openness of institutional information and thus guarantee the Freedom of Information and the personal data protection.

1. FOI Commissions should distinctly characterize a variety **of risk scenarios in order** to plan the openness actions required for each one. A section should outline the **type of information** required by the general population, especially groups in vulnerable situations.

This is why, the hazard and risk atlases provided by local civil protection agencies, as well as any other technical documents, must be continuously **updated**. Similarly, it is recommended to make a **matrix that identifies** the corresponding actions **from the hazard and risk atlas** and that allows a **complete vision** of the risk construction process, to pinpoint the situations that could result in a violation of any of the **five elements of openness** in the event of an emergency or disaster (transparency and accountability, participation and co-creation, integrity and prevention of conflict of interest, simple language and open and accessible formats, records and archive). The mentioned matrix could be constructed as follows: in axis 1 the type of threat (seismic, chemical, sanitary, etc.) and in axis 2 the institutional openness action following the approach of the 5 elements.

It is important to foresee the probable impact that a population might suffer in the event of a new similar situation of risk. Therefore, it is recommended to make an **evaluation matrix to determine the population groups in situations of vulnerability**, in order to establish the actions or measures that guarantee the exercise of the Freedom of Information and the protection of personal data, which must be carried out for the attention of its priority local population and thus contribute to the efficient and focused attention to the population in an emergency.

2. It is also important to promote the design of business **continuity plans regarding access to information** and protection of personal data, especially of the most vulnerable people potentially affected, or direct beneficiaries of emergency programs and actions. This is to ensure that the organization can function at least at a minimum acceptable level in case of emergency, **having procedures** that allow it to restart the operation of the main activities, even remotely. **Criteria** for the performance of the FOI Commission must be considered **so as not to suspend** access to information in emergency situations.

Continuity plans must also define **who are the people who will take the first response step**, to train them and be clear about where they are going to start their action at the time of the emergency, in order **to keep the community informed** about the situation, as well as other information that is of public interest.

Finally, the continuity plans must define responsibilities regarding the Freedom of Information guide (FOI) and the protection of personal data. Within the FOI Commissions that will intervene in risk situations, it should be considered which **areas** will be **responsible for the intervention and implementation of openness and response actions** in the event of an emergency (under work teams with their respective leaders), and what responsibilities they will have regarding both rights.

ii. Diagnoses, actor mapping, information catalogs and simulation exercises regarding institutional openness

This section establishes the need to have documents that allow anticipating, evaluating and knowing the state in which the institution is, identify the actors to establish adequate coordination and categorize the necessary information for when an emergency situation arises. In parallel, it includes **the actions that must** be taken by **local transparency institutes in the event of** an emergency.

1. The Protocol recommends that FOI Commissions establish **information catalogs of public interest** so that they can be activated in an emergency situation and allow regulated bodies to disseminate information with an approved structure that meets society's demand and promotes its reuse. The **information** items that must be defined in the catalogs will be: 1) General information, 2) Emergency plans [\[3\]](#), 3) Social actions and programs, 3) Procedures and services, 4) Expense programs, 5) Complaint mechanisms and 6) Statistical information.

The Protocol proposes that these **information catalogs**, which are of public interest, should be provided in emergencies and consider the needs of the community they are attending. To do this, an analysis must be carried out about the information published by the regulated entities in emergency situations, to **expand** the existing catalog of information of public interest. With the above, **the information that should be relevant in an emergency situation** can be **identified**. Each FOI Commission must develop a section that identifies and indicates what information it has and that is essential to provide. The catalog should indicate what minimum information should be published in the three phases of risk (prevention, reaction and recovery). It is advisable to adapt a technical sheet to support the identification of **key information, timelines, tasks and target population** that can be standardized by types of emergencies, levels of reaction and types of response. The document should be focused on possible emergency events and should be flexible and dynamic. The information catalogs will seek to **guarantee that there is a minimum level of openness** that allows both citizens and institutions to make decisions.

2. In addition, the Protocol proposes to **develop a mapping** not only of government institutions, but also of civil society organizations, academia, and private sector that could collaborate, strengthen and increase the institutional response of the State at the time of an emergency. This mapping will allow us to develop action systems, form networks, and create joint strategies for **communication and broadcasting of information** of public interest. For proper coordination, inter-institutional relations where each person's role is clearly established will avoid conflicts of action and even legal competence.

3. In order to optimize the protocol, a **diagnosis** should be made **of the institutional and structural capacities** of each FOI Commission. It will be necessary to **diagnose the infrastructure and data interoperability** in order to reinforce these tools through Annual Administrative Improvement Programs, with a perspective on information and communication technologies. This is to ensure the continuity of activities, and especially to provide the means for the **digitization and storage of information** in order to install **remote digital offices**.

4. Finally, the Protocol recommends establishing a **link between Transparency Units and Municipal Civil Protection Committees** [\[4\]](#) (or the City Council, in the case of Mexico City). These links should enable the performance of **drills for openness** and **coordination** with the FOI Commissions, as well as with different regulated bodies. It is fundamental to promote the culture of the drill, which in turn considers the different scenarios and types of **openness actions** in each of them, as well as establishing evaluation instruments that guarantee the quality of the action and response, with a **responsible person** in charge of corroborating the data.

iii. Communication, publication of information and participation mechanisms for institutional openness

This section outlines the considerations prior to an emergency situation in order to know what to report, and how to communicate, publish and encourage participation. This section will allow users to know how they should prepare and plan to carry out the plan for information transmission in the most open and accessible way.

1. The **official channels** through which the FOI Commission will share information with the people must be established, as well as which mechanisms will be used to ensure direct communication with the authorities.

2. The FOI Commissions **must use a simple and inclusive language when openness and publishing information are done, and consider accessibility to**

all audiences. In emergency situations it is necessary to break down physical, structural, linguistic and social barriers so that information can reach and be used by all people.

The resources used to publish information must be varied, from **internet pages and social media**, to printed documents. Regarding **specialized transparency microsites**, it is recommended to focus all information in one place, and to group the information by topics, so that it is more user-friendly.

For more efficient communication, and to promote participation in institutional openness, it is suggested to ask how relevant information can reach a wider audience in areas of high cultural diversity during the emergency. Strategies can include sending **messages via SMS, chatbots, television** or identifying **citizen and community networks** that range from City Hall or Municipality personnel to the general public, **community radios or speakers**. It is recommended that before choosing which media to use, **the target audiences are considered**.

iv. Transparency Obligations, digitization, archiving and platforms for institutional openness

In this section, it is acknowledged that **archives are the main input for institutional openness**, hence the need for their digitization, especially in emergency situations, since they represent or may represent interruptions in the access to and consultation of information. Likewise, the need for specialized platforms and microsites is raised, as well as the need and importance **of Transparency Obligations, and of proactive and focalized transparency** in this type of situation.

1. The Protocol suggests digitizing **information in archives**: archives are a key axis in making information transparent and allowing the continuity of the right to access information in an emergency. For this, it's useful to create an **"ABC" for an agile and correct archival system** of the work that will be carried out remotely. The end will be for the FOI Commissions to have digitized most of their functions, especially those related to **citizen service and the transparency unit**.

FOI Commissions must **issue guidelines** on the digitization processes, clearly defining the **electronic formats** to be used, characteristics, use of **electronic signature** to replace autograph signature, use of **electronic notifications, authentication** processes, as well as **issuing work-from-home policies and flexible work schemes**.

2. Regarding the platforms for institutional openness, a suggestion is to create a collaborative **"wiki page"** to upload information - updated in real time - of **disclosure and focalized transparency**, data and archives (for historical consultation). This is part of the action plan in the prevention stage, with an institutional openness approach in order to keep the public informed about emergency updates, as well as the digital processes of procedures and services. The use of **open data**, indicators and categories of information should be considered. It is recommended to have indicators that allow measuring, evaluating and monitoring compliance with the different **openness actions** implemented by the obligated parties in emergencies.

Open data must comply with six principles: 1) Be open by default, 2) Be timely and comprehensive, 3) Be accessible and reusable, 4) Be comparable and interoperable, 5) Be useful to improve governance and citizen participation and 6) Contribute to inclusive development and innovation.

The **"wiki page"** will have a **complaint section** for individuals and public servants. Mechanisms should be enabled through which anyone can report the absence of information and these needs are met by the comptroller. In addition, there must be **citizen surveillance mechanisms** for **compliance** by the various actors involved. Within the **"wiki page"** it is suggested to generate personal data systems that are activated in situations of emergency care and recovery, as well as to have criteria to recognize the difference between personal data and public records.

The Protocol suggests contemplating at least **three mechanisms**: 1) **Complaints for breaches of the laws on transparency**; 2) **Complaints for breach of personal data protection laws**, and 3) **Anonymous complaints for irregularities, abuse, mistreatment or any other situation in which the person has been a victim in a state of emergency**.

3. The citizen vigilance mechanism must include the **FOI awareness guide** to strengthen the exercise of Freedom of Information and provide the civil society, academia and the general population with the right capacity. The aim is to empower the users to understand the tools available to obtain public records as an elementary input for the surveillance to be carried out. The guide must include topics related to: a) Information requests; b) Transparency obligations portals and c) Proactive transparency portals.

4. The **transparency obligations that are related to the emergency in terms of prevention and attention to risk scenarios must be defined**, and determine an **update period shorter** than the one established in the different transparency Laws.

Catalogs of transparency obligations must be defined, **both common and specific**, which must be established in the respective local transparency laws and which are essential **to be prepared to face any emergency**. Such catalogs should include: a) **data on contact** b) regulatory framework, c) hiring and aspects related to the planning, exercise and evaluation of public resources and donations and, d) social programs, aid, subsidies, incentives and support. In the latter case, the procedures and specific requirements for access to them must be considered.

5. Information of public interest that can be published and that forms part of a **catalog of proactive and focalized transparency** must be identified, as well as information through which the population is given certainty about the correct application of resources and accountability.

Information established in the catalog of information of public interest must be considered an action of proactive transparency , which should **include periods for updating the information: daily, weekly, biweekly and monthly**. The section where the information is published must indicate the **date of the last update** and indicate the date or period when the information was collected.

The protocol recommends developing **proactive transparency monitoring methods** that contemplate the periodic review of information of public interest that is established in the catalog and that will be activated during the emergency situation.

6. Finally, the protocol proposes to develop **verification mechanisms with shorter deadlines** for those transparency obligations established by the law, essential to face any emergency, such as those related to: a) contact details b) regulatory framework, c) hiring and related aspects with the planning, exercise and evaluation of public resources and donations and, d) social programs, aid, subsidies, incentives and support.

1 C. People and communities

i. Diagnoses, actor mapping, information catalogs and simulation exercises regarding institutional openness

This section establishes the need to prepare a document that helps and allows the identification of key actors so that, if necessary, during the time of emergency or

possible disaster, can implement actions to open information in a coordinated manner. For this reason:

1. The Protocol suggests having a **map of actors** that can intervene in different emergency situations and, based on this, develop mechanisms of action. The map must consider the communication, collaboration and coordination between those actors. It is important that people **are informed and know what are the risks that can occur in their community and city**, as well as how to be prepared.

Likewise, it is convenient to **map and form a network of volunteers** who can help to **identify the specific information needs of their community**, according to the risks detected and the possible emergency situations in their locality. This way it will be possible to report constantly, and will allow people to support and collaborate voluntarily and in solidarity to help victims of disasters. It will also allow detecting specific information needs that can be included in **information catalogs** with a bottom top perspective.

2. Finally, the protocol suggests to carry out **simulation exercises regarding the openness of information** so that it is the community organization itself that enables the generation of capacities in the population, based on the fact that the affected people are the first responders in situations of emergencies.

ii. Communication, publication of information and participation mechanisms for institutional openness

This section outlines the considerations for communicating and publishing information that should be taken prior to an emergency situation, as well as considerations for promoting participation focused on institutional openness. For this purpose, the Protocol proposes to identify **citizen** and **community networks** that involve staff of the City Council or Municipality and coordinate strategies and content on **information** that the locality **needs**, and broadcast or publish it through **messages via SMS, megaphones, community radios, speakers and social networks**.

These two mechanisms can be developed for the participation of people, focused on the promotion, publishing and articulation of information:

1. **Citizen or community networks** from the previous mapping and that is activated for the detection of information needs, as well as its broadcast.

2. Construction of a **citizen observatory** that operates permanently in order to follow up on the recommendations that are reflected in this Protocol.

1d. Private sector

i. Diagnoses, actor mapping, information catalogs and simulation exercises regarding institutional openness

This section establishes the contribution of the private sector in identifying the actors to establish adequate coordination and help identify potentially useful information in risk contexts. It **includes proposals** for openness and transparency **actions** that companies could carry out in an emergency.

1. First, the Protocol recommends that companies contribute with the **elaboration of diagnoses** about **potentially useful information in risk contexts**, such as the identification of the general characteristics of the population where they are located, as well as the levels of organization before emergencies. The participation of the private sector is very important to know the situation of the essential sectors for the community in emergency situations, and issues such as health, telecommunications, security, as well as their own infrastructure, their action capacity and possible coverage regarding the publishing of information.

2. Likewise, the Protocol proposes to **develop a mapping of actors**, not only of government institutions, but also of civil society organizations, academia, and private sector that could intervene and make information transparent in different emergency situations. An example of the content of this mapping should include the Local Mutual Aid Committees, because they are figures that seek collaboration between the private and public sectors to share resources and strategic information. Based on this, the mapping should consider action mechanisms on communication, collaboration and coordination that the actors have between them in order to collaborate, strengthen and increase the institutional response capacities of the State at the moment of an emergency. Joint strategies for **communication and broadcast of information** of public interest can be developed following this mapping.

3. Finally, the Protocol recommends to **carry out drills for openness and coordination** with different actors. This in order to promote the coordination and culture of drills that, in turn, consider the different scenarios and types **of openness actions** needed. It is fundamental to establish evaluation instruments that guarantee

the quality of the action and response, with a person responsible for corroborating the data.

ii. Communication, publication of information and participation mechanisms for institutional openness

This section outlines the considerations prior to an emergency situation, to know what and how to communicate, publish and encourage participation. This section will allow users to know how they should prepare and plan to promote different participation mechanisms.

1. The Protocol recommends establishing the **official communication channels of the companies** through which they will share information with people. They should use **simple and inclusive language** that considers **accessibility criteria**. In emergency situations it is necessary to break down physical, structural, linguistic and social barriers so that information can be reached and used by all people.

That is why the media channels must be varied, from **internet pages, social networks**, to printed documents. When it comes to **specialized transparency microsites**, it is recommended to concentrate the information to be concentrated in one place, as well as to group the information by topic for an easier understanding by the users.

2. At the same time, the Protocol suggests publishing **this material**, as well as the action protocols in case of emergencies. It is noted that **continuous training** for personnel is essential so that they know what to do and how to help, and identify personnel in situations of vulnerability, with special requirements and personnel with potential risk in order to draw possible **strategies of openness and transparency** in emergency contexts.

3. Finally, the Protocol recommends continuing to participate in the development of protocols (such as this one), projects and technical documents to promote and socialize good practices in the **openness of information**. Facilitating and promoting coordination between the public, private and social sectors will make it possible to transform enthusiasm into specific, institutionalized and formal actions.

2. Expected openness actions during and in the immediate post-emergency stage

Many civil society organizations made a statement on the importance of knowing the actions of the administration in emergency contexts and avoiding arbitrariness in public decision-making. In that sense, **the Freedom of Information cannot be restricted** since it is a fundamental right for the exercise of other rights, and in the event that **limitations** are established, these should **only affect information not linked to the care of the emergency**. Therefore, it is important that measures are not decreed and therefore, suspend this right. Similarly, **proactive disclosure of information policies** should be **promoted** in priority sectors, and also **compliance with the Transparency Obligations** is essential, for which the publication of **information on contracting, hiring and public spending, shelter directories and lists of beneficiaries should be considered** in an open data format to enable real-time auditing. It is considered that special attention should be paid to publish a) what is spent and who benefits? b) Implement an audit and, c) what recovery processes are evaluated and under what parameters?

2nd. Freedom Of Information regulated bodies

i. Communication, publication of information and participation mechanisms for institutional openness

Information is of vital importance since it can save lives, so this section proposes an exercise to **identify what information is available during an emergency situation in order to have policies and principles of transparency and access to information**, that is, to know what and how to communicate, publish and thus encourage participation. This section will allow the different actors to know what information has to be communicated and published in the reaction stage.

1. One of the first steps should be to **consider that the information related to the emergency in question should be established in specific actions** that contribute to immediately informing the population, including **the use of telephone lines and text messages** as alternatives for the attention of the community.

2. The Protocol proposes **not to focus only on social networks and the Internet**, but also to consider the communication mechanisms used in the communities as **alternative means** (community radios, megaphones, posters in indigenous languages, among others).

3. In this sense, it is recommended to publish information regarding the emergency and to ensure that it **reaches groups in vulnerable situations or with limited access to the Internet**:

- a. The **institution's directory** of the people trained to issue opinions and of the public servants who can tend to the community.
- b. The **Office of Citizen Services and Transparency Units** and -as far as possible- to **enable them in the streets**.
- c. Public version of the **emergency plans** visible for the citizens.
- d. It is suggested to share **damage maps and statistics, and identify the social, political and economic conditions of the potentially affected population**, as well as guides and recommendations directed to the public.

ii. Transparency Obligations, digitization, archiving and platforms for institutional openness

This section acknowledges the need to **have specialized platforms and microsites** (both new and existing) that **are constantly updated** on the necessary information in relation to the emergency that is being experienced. At the same time, emphasis is made on the importance of complying with Transparency Obligations, and proactive disclosure of information policies in this kind of situations and the creation of microsites.

For this reason:

1. The Protocol recommends the **construction of a simple and easy-to-navigate microsite** that contains relevant, timely and updated information, with **spaces for interaction and citizen service**.
2. In a situation such as confinement, **how is staff trained to implement online activities?** How will the Freedom of Information be guaranteed? In this sense, proactive and focalized transparency exercises are especially relevant in these situations, as well as **having digitized information** that allows safeguarding, organizing and preserving the documents and files, which make up their collections to **facilitate their consultation and public use and access to the information**.
3. At all times, **compliance with the Transparency Obligations is essential** and should consider the publication of **information on contracting, hiring and exercise of public spending, shelter directories and lists of beneficiaries** in an open data format to allow the exercise of real-time auditing. It is considered that special attention should be paid to broadcasting a) what is spent and who benefits?

b) Implement an audit and, c) what recovery processes are evaluated and under what parameters?

2b. Freedom of Information and Personal Data Protection Commissions

i. Communication, publication of information and participation mechanisms for institutional openness

In this section, the Protocol proposes to identify from the FOI Commissions what data and information should be promoted to be available during an emergency situation, in order to know what and how to communicate, publish and thus encourage participation. This section will allow users to know what data has to be communicated and published in the reaction stage.

1. Thus, **a constant analysis of the environment and information needs to be done during the emergency.** It is necessary to always bear in mind that **the information in emergency contexts must be adapted** and updated according to the **evolution of the damages and effects of the specific needs of the different sectors** and affected populations, as well as the evolution of the emergency as a whole. For this reason, the FOI Commission **must continue with the priority activities that allow the Freedom of Information.** The necessary conditions must be guaranteed so they are not forced to suspend priority activities, and they must establish **reasonable deadlines for non-priority activities.**

2. In the same way, the Protocol recommends to **provide permanent virtual support through the authorized offices** of citizen attention and Transparency Units in the streets, to the regulated bodies and society, ranging from private sector, different organizations and individuals and communities, so that they share the best transparency practices. As a **result of the monitoring** carried out on the information that is published as proactive disclosure, **virtual meetings** should be contemplated **with the regulated bodies individually and in groups to guide them in the identified areas of opportunity, as well as to have feedback from them.** They should be meetings that are adaptable to the flow of information.

3. Finally, **warrants and agreements on good institutional openness practices** should be **issued in emergency situations**, to guarantee the Freedom of Information and compliance with transparency obligations, as well as recommendations on what should remain open. Likewise, exhortations must be

made to the regulated bodies for the **publication of information regarding the emergency situation that correspond to the areas of contracting, budget, social programs and actions, donations and measures directed to the population regarding the emergency situation.**

Warrants must be issued regarding the **Freedom of Information for compliance with transparency obligations**, for the attention **to information requests**, for the publication of **information as proactive disclosure** and for the attention **of review appeals**, regarding the **personal data protection for the proper treatment**. The FOI Commission must monitor the proper compliance with the warrants and recommendations that they make and implement sanction measures in the cases that apply according to the law.

ii. Transparency Obligations, digitization, archiving and platforms for institutional openness

This section acknowledges the need to **have specialized platforms and microsites that are permanently updated on the necessary information** in relation to the emergency that is being experienced. **Proactive and focalized transparency** exercises **are specially relevant in these situations so that people can meet the needs that come from the emergency**, as well as exercise other rights.

Emphasis is placed on the importance of compliance with the Transparency Obligations in this type of situation, especially with the information that refers to the activities related to the emergency, as well as the effects of these measures in health matters, economic, labor, social, security and private assistance.

1. In terms of proactive and focalized transparency, it is recommended to create a **“wiki page” to standardize a basic structure and publish the information that makes the use and understanding for users much easier**. The establishment of **official lines for the broadcast of information** must be prioritized, since having it dispersed in informal media favors disinformation and blurs the direct lines of attention.

The Protocol recommends that the **“wiki page” includes simple and inclusive language to ensure that the information reaches different sectors of the public**. The minimum information to be published is grouped into six headings: 1) General information, 2) Social actions and programs, 3) Procedures and services, 4) Spending reports, 5) Complaint mechanisms and 6) Statistical information.

For this, the Protocol suggests having **information catalogs of the regulated bodies in matters of proactive disclosure**. The information considered in the catalog must: a) Be **relevant or beneficial** to society, so that it can exercise other rights and improve its quality of life. b) **Allow people to know and understand the activities carried out by the regulated entities**. c) Foster a **transparency culture, foster accountability and contribute to the fight against corruption**.

2. **The information published during the emergency situation must be verified as proactive disclosure and verification mechanisms should be developed** during emergencies for those transparency obligations essential to the attention of any emergency, such as those related to: a) contact details b) regulatory framework, c) hired personnel and aspects related to the planning, exercise and evaluation of public resources and donations and, d) social programs, aid, subsidies, incentives and support. **Always consider the use of alternative means of communication such** as those established in the prevention stage.

2 C. People and communities

i. Communication, publication of information and participation mechanisms for institutional openness

This section indicates the considerations that should be carried out from the participation of individuals and communities. In this way, coordinated actions between society and authorities are suggested so that:

1. People, through collective organization, can carry out **surveys when they go out into the streets of their neighborhood or community to identify the damage first-hand and report the needs**. For this, in the prevention stage, a mapping of people had to be identified within the communities to find out with whom, where, how and why to bring the information closer together.

2. The Protocol suggests documenting **the possible damages with photos, videos, drones and testimonies from the affected population**. It is also recommended that as many people who are able to get involved and collaborate with other people in the community to share **accurate information and thus contribute to the socialization of the official information provided by the authorities**.

2d. Private sector

i. Transparency Obligations, digitization, archiving and platforms for institutional openness

This section states the need for collaboration and participation of all sectors of society to have platforms that help make information transparent in this type of situation.

1. For this, the Protocol suggests to **enable a microsite coordinated between the public sector and the private sector to open data and render accounts on the total donations made** to the public sector, specify amounts and, if possible, list of beneficiaries.

2. If any resources were donated in kind, **find out if they were delivered directly to the people or through a different mechanism.**

3. Finally, the protocol recommends considering other cases of private intervention that do not necessarily imply resources or donations in kind. In the case of **schools and professional associations, it is important that they become contributors to transparency.** Especially those who participate in recovery processes through agreements, establishment of protocols (for example, seismic evaluation of interventions in housing) or specific actions with public impact.

ii. Communication, publication of information and participation mechanisms for institutional openness

This section outlines the considerations that should be taken during an emergency situation in order to know what and how to communicate, publish and encourage participation. Thus, it is suggested to contribute to the informative work of the government, to transmit it to the employees and, when appropriate, to the community.

1. The protocol suggests assisting in efforts to **have verified information in emergency contexts by organizing and participating with civil society groups.**

2. It is convenient to **create collaboration agreements with the government, and therefore to make directories and business information available to the government that are useful in emergency contexts.** For example, in case of a

health emergency, private hospital networks, as well as telephone hotlines and other means for remote medical services. In the case of an earthquake, make its engineering services available to the government for the evaluation of infrastructure risks.

3. The protocol recommends to provide information in coordination with government entities through Business Chambers for a reorientation of productive activities in order to meet the demands of society in emergency contexts. It is also important to **articulate support networks for the vulnerable and priority attention population groups**, as well as to employed persons and their families, and ultimately to society as a whole.

3. Post-emergency openness activities to accelerate recovery.

This section indicates the considerations that should be taken after an emergency situation in order to know what and how to communicate, publish and encourage participation. This section will allow users to know how they can disaggregate, complement and evaluate the publication of information in an open and accessible way.

3rd. Freedom Of Information regulated bodies

i. Communication, publication of information and participation mechanisms for institutional openness

Information is vital for recovery in an emergency situation, therefore this section proposes an exercise to identify what information is available after an emergency situation in order to have **transparency and access to information policies and principles**, that is, knowing what and how to communicate, publish and thus encourage participation. This section will allow the different actors to know what information has to be communicated and published in the recovery stage.

1. It is important to promote the **evaluation of disasters from a local perspective after they have occurred**. The dependencies must guarantee **continuity in the services that are essential** for the population at the time after the emergency or disaster. In addition, it must consider **what type of public care programs are going to be implemented** in order to have a faster recovery.

2. After an emergency or disaster situation, it is necessary to implement an evaluation with a method that establishes the parameters and the **generation and publication of statistical information with a gender perspective that is disaggregated** regarding the consequences and results of possible disasters. **Consider -among other sectors- people with disabilities, indigenous people and other priority attention groups.**

3. In a similar way and by identifying different communication channels in the prevention stage, **targeted messages** should be **published for the population to whom the information is directed, mainly about the programs and social supports that are accessible to them**. In this sense, it is proposed to establish what types of data and open formats should accompany each of the stages of reconstruction and recovery to assess impacts and actions. To do this, **key information and criteria should be organized by the type of disaster:**

percentage of the affected population, priority needs, areas served, areas that require attention, means of communication with different actors, as well as the **resources provided to guarantee continuity and recovery actions for society.**

For this, the different sectors of the population must be considered, in order to **establish focalized issues and minimum levels of accountability.** This includes structural and material reconstruction, as well as the psychosocial and emotional recovery of people. It is suggested to develop a **toolbox** to facilitate this matter, as well as training staff to implement online activities.

ii. Transparency Obligations, digitization, archiving and platforms for institutional openness

This section points out the importance of compliance with Transparency Obligations, as well as proactive and focalized transparency in the reconstruction and recovery stage. The regulated bodies will be notified of the updates in the guidelines made by the FOI Commissions in order to adjust and specify the publication of information.

The Protocol suggests making **use of the advantages of technology companies, such** as Waze, Facebook, Twitter and AirBnB that **can help in the publication of recovery information**, as well as to have mappings of organizations that will act in the emergency situation.

3b. Freedom of Information and Personal Data Protection Commissions

i. Communication, publication of information and participation mechanisms for institutional openness

This section indicates the considerations that should be taken after an emergency or disaster situation, in order to know what is needed in terms of openness and broadcast of information to attend to reconstruction and recovery, as well as promoting participation.

1. For this, the Protocol recommends that the Local FOI Commission **monitor and evaluate the information** that should be -or should have been- published after the emergency or disaster situation by the obligated parties. In addition, promote the publication of information on the matter through actions via the legal instruments that the FOI Commission have, such as **calls to action**, and that these in turn **are clear, explanatory and strong.** The FOI Commission should have a minimum basis to

evaluate the subjects of interest of the people, in order to be clear about what the citizenship is demanding.

2. The protocol recommends that the FOI Commissions issue **guides or codes of good practices** on how to access resources, and/or generate directories, lists of beneficiaries, among other information of public interest, which are conditioning factors for action in an emergency or disaster.

3. Finally, the protocol suggests establishing **co-creation mechanisms with citizens** -and not only between institutions-, for the adoption and incorporation of the protocol.

ii. Transparency Obligations, digitization, archiving and platforms for institutional openness

This section acknowledges the importance of compliance with Transparency Obligations, as well as proactive and focalized transparency in the recovery stage. **FOI Commissions must review the publication and updating of information on the Transparency Obligations, and adjust the guidelines** in order to better serve the reconstruction and recovery stage. It is essential that they consider conducting audits in real time to the publication in an open data format about the resources destined for reconstruction.

1. The Protocol suggests that the results and **assessments of the openness measures implemented**, lead to the **creation of indicators** that measure the **efficiency and transparency of the government, as well as the social benefits**; and also, that they measure the number of data sets, their quality, their level of use and the number of applications that use each data set.

2. Regarding the **publication of the coordinated work between the FOI Commission and the regulated bodies on the reconstruction and recovery stage**, which are the post-emergency or post-disaster activities that are implemented by the FOI Commission should be published, to ensure the Freedom of Information.

3. Finally, the Protocol suggests making **use of the advantages** of technology companies, such as Facebook, Twitter and AirBnB, **that can help in the publication** of recovery **information**, as well as to have mappings of organizations that act in the emergency or disaster situation.

3c. People and communities

i. Communication, publication of information and participation mechanisms for institutional openness

This section indicates the considerations that should be taken after an emergency or disaster situation, to encourage participation. This section will allow users to know how to evaluate the information available, as well as knowing how they can empower and intervene in their community through openness and transparency.

The Protocol seeks to **empower the community to monitor and follow up on the information needs that they have during and after the emergency** or disaster, in order to **know if they were covered or, when appropriate, create a record to approach the authorities and suggest their incorporation in the catalog of information** on the openness of the regulated bodies and FOI Commissions.

1. The Protocol seeks that the community organization itself voices **the first answers in the survey of recovery needs, linked to what information it would be useful to have on hand**. It is the people who normally first respond to the effects in their communities.

2. The community can **upload the reports of identified needs to the “wiki page” so that another actor can respond in real time**. Ideally this interaction would not only include structural and material recovery issues, but also serve as a platform for psychosocial support and emotional aid for the people.

3d. Private sector

i. Communication, publication of information and participation mechanisms for institutional openness

This section indicates the considerations that should be taken after an emergency or disaster situation, in order to know what and how to communicate, publish and therefore encourage participation. This section will allow users to know how they can evaluate and complement the publication of information in an open and accessible way.

1. The Protocol proposes **that the private sector should facilitate, promote and encourage the visibility of actions carried out in the reconstruction and**

recovery stage, in terms of openness, transparency, accountability, anti-corruption, and protection of personal data, among others.

2. The Protocol suggests to **encourage good practices in the matters described above**, promote citizen proposals, promote collaboration channels and provide permanent support.

3. Finally, **co-creation mechanisms with citizens, business chambers and other institutions** may be **established for the adoption and incorporation of the protocol**. In the case of schools and professional associations, it is important that they become transparency contributors. Especially those who participate in recovery processes through agreements, establishment of protocols (for example, seismic evaluation of interventions in housing), or specific actions with public impact.

Conclusions, challenges and opportunities

The Protocol for Openness and Transparency before Risk: Prevention, Reaction and Recovery **is an innovative instrument** that leads to a governance model whose pillars are **openness, co-creation and public innovation**, and can be applied at any time in different locations and contexts. It is not necessary to wait for risk situations to happen: as soon as the protocol is adopted, actions can be carried out to allow better preparation and reaction.

To achieve this, it is essential to define **multi-actor and multi-level participatory processes**. This enhances the results and facilitates the development of **inclusive actions that meet the different needs and social demands** to face emergency situations. It is a great challenge that requires the commitment of key actors.

Making the Protocol known in all the states of the country is a great challenge that requires **generating strategies and synergies** in collaboration with national, regional and local systems of the public and private sectors, academic institutions, organized civil society, community and social networks.

This Protocol is **a unique tool in its kind**, and it responds to needs that in the current organizational structure are completely relevant and pertinent. It is important because it fills a legal void regarding openness and transparency of information in times of great uncertainty, such as emergencies in the presence of disturbing phenomena. **Accountability must be a commitment for all social actors in the process of social construction in the face of risk.**

Regarding the Freedom of Information, we must not lose sight of the fact that in different emergency situations, **society has demanded actions to deal with the lack of information**, which in many cases is due to the lack of coordination mechanisms between the authorities. This leads to improvisation and limits the primary work of the FOI Commission in the matter. As a consequence, the Freedom of Information is restricted in moments where it can **save lives because having accurate and timely information allows the knowledge and evaluation of the actions** that are being developed by public institutions in order to face the emergency.

It is in this sense that the **mechanisms for institutional openness**, transparency, accountability, anti-corruption and protection of personal data help **reduce the potential impact of disasters and their negative consequences on people's lives**. All this, **so that people can make appropriate decisions** in these critical situations, influence the actions of the authorities and, at the same time, demand accountability for their performance in emergencies and disasters.

Glossary

Emergency plans: A document designed to guide responses in cases of crisis, define operational procedures that facilitate the action of actors and organizations according to their scope of competence, and establish coordination mechanisms for emergency management [\[5\]](#).

Focalized transparency: broadcasting of information, which in addition to complying with the provisions of proactive disclosure, addresses specific issues or groups of the population, with a more exhaustive level of detail.

FOI Commission: Entities in charge of safeguarding access to information and protection of personal data.

Hazard Maps: Graphic representation of the spatial and temporal distribution of the result of the analysis or modeling that expresses the intensity, frequency or exceedance rate of hazards.

Institutional Openness: promotes collaboration between society and public servants to solve everyday problems that affect our lives. Openness has five elements.

1. Transparency and accountability: people have the right to know how the FOI regulated bodies are spending public resources, the decisions they make in the exercise of their functions, as well as request and consult the public records that the regulated bodies safeguard.

2. Participation and co-creation: to bring democracy to life in our communities, people must participate so that our opinions are heard on the issues that are important to us.

3. Integrity and prevention of conflict of interest: promote the integrity and ethical behavior of public servants in the performance of their jobs, positions or commissions.

4. Simple language and open and accessible formats: public records must be clear and **accessible** to everyone.

5. Records and archives: public records must be kept in order to be consulted in the future.

Interoperable system for risk management and governance: Geo-informatic system for management, verification and access to statistical and geographic data, built collaboratively by various actors based on international standards, which allows knowing the necessary actions for disaster risk reduction, evaluate the impacts of an emergency situation on society, and obtain the necessary information for recovery.

FOI regulated bodies: In accordance with article 1 of the General Law of Transparency and Access to Public Information, the regulated bodies are any authority, entity, body and organism of the Legislative, Executive and Judicial powers, autonomous bodies, political parties, trusts and public funds, as well as any natural person, legal entity or union that receives and exercises public resources or performs acts of authority of the Federation, the Federative Entities and the municipalities.

Proactive disclosure: Information that is published to promote to some degree the identification, generation, publication and broadcast of information on the risk situation, in addition to be established on a mandatory basis by the applicable regulatory framework.

The information allows the production of useful public knowledge, focused on the needs of the general population, in order to reduce information asymmetries, improve access to procedures and services, and optimize decision-making by authorities and citizens.

Reconstruction: The transitory action aimed at reaching the environment of social and economic normality that prevailed among the population before suffering the effects produced by a disturbing agent in a given space or jurisdiction. This process should seek as far as possible the reduction of existing risks, to ensure the non-generation of new risks and to improve pre-existing conditions.

Recovery: Process that begins during the emergency, consisting of actions aimed at returning the affected community to normalcy.

Freedom of Information: Also referred to as “FOI” in this document, the Freedom of Information refers to both the right of the public to access information as well as to a written guide published to inform the public about said right.



Risk Atlas: series of maps of topics related to risk or its components, represented graphically and spatially, the probability of damage and occurrence of a phenomenon, its return period and intensity, as well as the way in which it impacts the affected systems.

Risk Maps: Graphic representation of the spatial and temporal distribution of expected damages and losses. The result of combining the hazards, the exposed assets and their vulnerabilities.

Risk scenarios: It is the projection of a possible simulated future that will be a tool for prospective analysis of damages and losses for the implementation of public policies.

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