



Module 4

Responsibility, Accountability, and Ethics in Public Administration

Introduction

In module four we look at three major preoccupations of public administration: ethics, responsibility, and accountability. This module explores some of the different theories of how to hold public servants to account, as well as some of the different legislative and institutional methods that are used to hold governments to account. Finally, the module explores the impact that New Public Management has had on accountability.

Upon completion of this module you will be able to:



Outcomes

- *describe* the role of values and ethics in public administration.
- *compare* the different approaches to holding public servants to account.
- *compare* the different methods that are used to hold governments to account.
- *explain* the impact of New Public Management on accountability.

Terminology



Terminology

Freedom of information

Refers to the ability of individuals to gain information about themselves from private institutions, and to gain information from government pertaining to matters of public interest.

Open government

A government where citizens can scrutinise information to ensure due process in law, encourage citizen engagement, and expose corruption.

Independent officer of the legislature

Offices that serve to enhance government accountability, like the Ombuds Office. The officer is selected from government (often by an all party committee) and reports to the legislature.

Ethics in public administration

Ethics and values have always been a central component of a good public administration. At its very basis, ethics relates to the elemental concern for doing right versus wrong. Ethics, of course, are not that simple, as what is considered right and wrong is not universal.

Ethics not only speak to the conduct of the public service, but also to the basic values of the nation-state. Specifically, ethical conduct extends to how political figures and military personnel behave, particularly in times of war or emergency situations. In previous modules we have discussed the blurring of the lines between the public and private sectors; hence a concern for the ethical conduct of corporate leaders is also important. This is of particular significance given the USA accounting scandals of 2002 where it was discovered that the five largest public accounting firms were involved in fraudulent accounting practices. At their core, ethics are based on values, which is the subject of the first section of this module.

The values framework

Values are enduring beliefs that influence choices made by individuals, groups, and organisations. Values are organised in value systems by ranking them in terms of their relative importance to one another. Thus, each public servant will have his or her own value system that includes a ranking of social, political, personal, and administrative values. Sometimes values conflict. With respect to public servants, the most common value conflicts are between personal and public service values; among competing public service values; and between public service values and those of other stakeholders.



With respect to administrative or public service values in a bureaucracy, Kernaghan and Siegel (1999) suggest that the most important public service values sought in modern administration systems are: 1) neutrality, 2) accountability, 3) efficiency and effectiveness, 4) responsiveness, 5) representativeness, 6) fairness and equity, and 7) integrity. Each of Kernaghan and Siegel's public administration values will now be discussed in turn.

Neutrality

Neutrality as a value is distinct from political neutrality, which refers to non-partisanship. Public servants are often expected to maintain political neutrality in terms of partisan politics in a competitive party system. In a system where one party consistently wins elections, however, there is a tendency for both public servants and citizens to identify the government with that of the ruling party. As such, the distinction between the two blurs. Moreover, the trend is toward decreasing non partisanship. As Kernaghan and Siegel (1999) note:

The political rights of public servants have been considerably expanded; the number of partisan political appointments to senior posts has increased; the convention of ministerial responsibility has been weakened; and the anonymity of public servants has diminished. Taken together these several developments are bringing about amore politicized public service. The extent of this politicisation varies from one government to another, but all governments need to ensure that the political neutrality of the public service does not become unduly eroded. (p. 668)

Most importantly, though, public servants cannot remain value neutral in their authoritative role of participating in the allocation of values for society (as dictated by politics). In making and recommending decisions, they necessarily put more weight on some values than others. As the discretionary powers of public servants increase, neutrality decreases, since public servants are afforded greater opportunity to interject their own views on which values take priority.

Accountability

Accountability refers to public servants answering for their actions through compliance to legal, institutional, and procedural processes. The difficulty of ensuring responsible exercise of power given that public servants are not value-neutral leads to a desire to increase administrative accountability. There has been a shift in public administration in recent years from accountability of processes, to accountability for results. This is due in part to public administrators now being expected to take a creative and innovative approach to problem solving, as opposed to simply following a particular procedure. This approach relies more on

discretionary behaviour than previous practice. Accountability will be discussed in more detail later in this module.

Efficiency and effectiveness

A value that is gaining dominance in public administration circles is efficiency. Efficiency is defined by NPM as putting into place accountability measures to ensure public servants make economic and effective use of public resources. The values of efficiency, economy, and effectiveness are connected but distinct. Kernaghan and Siegel (1999, pp. 326-327) describe these as follows:

- **Economy** refers to the acquisition of satisfactory goods and services at the best possible price. So for example, the government might ask providers to submit proposals to conduct courses for unemployed clients; it would select the most competitively priced provider.
- **Efficiency** is understood to mean the ratio between input and output. This is the ratio of the output (clients who complete the course) compared to the input (clients who register in the course).
- **Effectiveness** refers to activities meeting their objectives (clients who find work).

The difficulty with the emphasis on economy, however, is its emphasis on the monetary value of the input. This is not always the paramount value, particularly in non-western nations. But even in the West it is not always the most important value; many consumers from the global north will buy more expensive goods and services if they believe the global south producers of those services are paid a living wage. They will avoid purchasing the lowest price product if they believe the corporation is engaged in practices that they believe are morally wrong. These values extend to their governments; for example, during the apartheid era in South Africa, many states refused to buy goods from that country.

Responsiveness

Responsiveness as a value refers to the tendency as well as the capacity of public servants to respond to the demands of both the public and political institutions. Public servants are expected to be responsive to two main groups in the political systems in which they operate:

1. political executives and legislators
2. the general public, including smaller groups that are affected by particular policies that are implemented by public servants.

It is this latter “responsiveness” in public administration that is typically highlighted, i.e., responsiveness to the public.



Representativeness

Representativeness refers to the extent to which the public service proportionately reflects the major ethnic, religious, socioeconomic or other groups that comprise a society. Representativeness is interconnected with other public service values such as responsiveness, since a public service comprised of a plurality of people that represent the composition of the general public is more in tune with overall public attitudes and therefore should be able to respond to society's demands. Importantly, a representative public service also has more legitimacy than one whose composition is skewed toward one ethnic, religious, linguistic, or gender group. If the public service seeks to hire people based on these characteristics, in order to promote representativeness as opposed to merit, the effectiveness and efficiency of the public service will be called into question. That said, hiring based on merit is itself a value-based process, as the definition of qualities considered important to a particular job may itself be skewed unfairly to a particular group; these qualities may not actually be critical to job performance.

Fairness and equity

The values of fairness and equity are often used interchangeably to refer to a balance in determining merit for public service appointments, and procedural fairness in the court system. According to Kernaghan and Siegel (1999):

Considerations of procedural fairness have gradually expanded beyond the boundaries of administrative law to the administrative processes of the public service. Public servants are increasingly expected – or required- to consider whether their decisions and recommendations are fair both in substance and in procedure.
(p. 329)

The basis of this expectation/requirement is that public servants have power over the lives of individual citizens through their positions in the government.

Integrity

Integrity, as a value in the public service, refers to ethics in public administration. Public trust and confidence in government depends on the integrity of public servants. Sadly, the betrayal of this confidence in the form of corruption or immorality is the news that is reported by the media; stories about ethical public servants do not sell many newspapers. Though it is necessary to report this behaviour, it corrodes confidence in government. The means by which governments can nurture and maintain ethical conduct within their civil service will be discussed later in this module.

New values

New Public Management values have emerged more recently, such as service, teamwork, innovation, quality, openness, and leadership. These new public service values centre on the NPM approach to public administration discussed in the previous module.

Facts, values and the public servant

While the public servant in a perfect world would make value-free judgments based on “the facts,” this is not possible. The meaning of facts are determined by how they are assembled; the assembly of these facts depends on the value set that the public servant uses to assess the relevance of particular facts.

The configuration of facts and values in decision-making will differ significantly from one set of circumstances to another. Decisions that are routine or are repetitive in nature (i.e., programmed decisions) do not require conscious selection of one value over another. Where circumstances are not routine (i.e., non-programmed decisions), the public servant will rely more heavily on his or her values in the decision-making process.

Given the importance of values, it is important to understand how a person’s value system is developed both prior to joining the public service and after. A person’s general value-system is developed through a process of *socialisation*, where he or she will have learned cultural value patterns from others in his or her environment. Socialising agencies include family, schools, peer groups, etc. After joining the public service, however, the organisation can also act as a powerful socialising agent on an individual bureaucrat’s value system through a process called *organisational socialisation*. This process refers to the selective internalisation of the values and expectations of those with whom the bureaucrat interacts in the workplace. A public service that is representative has the task of integrating the different value-sets that its diverse work force brings with them through a socialisation process. The question becomes, how best to socialise public servants to enhance administrative responsibility?

Responsibility, accountability, and ethics

Concern for administrative responsibility has increased worldwide. This concern is due to greater information being made available by media who are undertaking careful scrutiny of all actions of the civil service but especially where illegal, unethical, and questionable activities of politicians and public servants are noted. Media includes not only traditional print, radio, and television, but increasingly, social media. Ordinary people with cameras on cell phones are capturing the images of



wrong doing, posting them to the internet, and in doing so, forcing public officials to account for their actions.

Since the scope and complexity of government activities can be vast, determining the locus of responsibility for specific decisions is difficult. While political executives (i.e., cabinet ministers) are held responsible for personal wrongdoing, they are not required to assume responsibility for the actions of their administrative subordinates about which they could not be reasonably expected to have knowledge. Moreover, since many public servants may contribute to any one decision-making process, it is often very difficult to assign individual responsibility for a particular decision.

Administrative responsibility and accountability

The main questions relating to administrative responsibility of public servants are:

- Who is accountable?
- To who is accountability owed?
- For what is accountability owed?
- How can accountability be achieved?

This last question has been the focus of scholarly attention for many years. Traditional concepts of administrative responsibility are largely based on arguments made by Carl Friedrich and Herman Finer in the 1930 and 1940s. Both Friedrich and Finer stated that the source of increasing power of a bureaucracy was a result of the expansion of government services and its regulatory function. They disagreed on how to guard against the abuse of administrative discretion. The disagreement stemmed from their differing conceptions about the capacity of political systems to change the role of public servants.

Finer (1941) said that the primary way to ensure good behaviour was the use of controls and sanctions over public servants, members of the legislature, the judiciary, and administrative hierarchy. He believed that political responsibility (i.e., responsibility to elected officials) was of paramount importance. As such, this perspective takes a negative view of human nature, and as such methods of accountability external to the actor are the most useful in holding public servants to account.

Friedrich (1940), on the other hand, argued that public servants tended to be self-directing and self-regulating, which he attributed to their responsiveness to an increase in technical knowledge. He argued that a responsible administration was one that was responsive to two primary factors: technical knowledge, and popular sentiment. Friedrich also argued that parliamentary responsibility was largely inoperative and

ineffective since the task of policy formation was increasingly being transferred into the hands of administrators. As such, Friedrich (1940) contended that administrative responsibility could be elicited by the development of sound work rules and effective morale such as the granting public servants the right to bargain collectively with the government. He also argued that in order for public servants to demonstrate responsiveness and responsibility of new technical knowledge to the public, they should be permitted to publicly discuss policy issues. Most importantly, Friedrich argued that public servants with a strong ethical framework are best placed to ensure administrative accountability. As such, Friedrich's perspective can be described as taking a positive view of human nature; with the proper internal moral compass, actors will hold themselves to account.

Friedrich and Finer's theories have had considerable influence on approaches to accountability over the years. Take for example the Government of Ontario Canada's working definition of public service accountability:

...the obligation of public servants answerable for fulfilling responsibilities that flow from the authority given them...*Internal accountability* holds public servants answerable to their line superiors for their own actions and the actions of their subordinates... *External accountability* holds public servants answerable to the public as well. The normal channel through which this requirement is satisfied is the minister. (Ontario, 1982)

Such a definition highlights that public servants are only directly accountable to a limited number of political actors. Furthermore, it implies that in order to hold public servants accountable, authority must be exercised over them. The definition also differentiates between internal accountability whereby public servants are directly accountable to their administrative and political superiors, the courts, and any other central government bodies/agencies/authorities. In contrast, they are not directly accountable to the legislature, interest groups, the media, or the public. While public servants may not be held directly accountable to the general public, they may nonetheless feel responsibility toward them and as such, may be required to explain their decision on those grounds.

It is difficult to pin down individual responsibility because of the sheer complexity and number of public servants involved in the decision making process. Another main obstacle to enforcing accountability is the wide range of different authorities that public servants are held accountable to. Although it is widely accepted that public servants are first held responsible to their minister, in reality, public servants receive directions, rewards, and penalties from a number of other sources. NPM further complicates lines of accountability, as the traditional bureaucratic



hierarchy with clearly defined rules is broken down into networked groups staffed by public servants who are empowered to be innovative and responsive to the customers they serve. In this environment then, it would seem that Friedrich's emphasis on developing a strong ethical framework that guides the activities of public servants is particularly relevant.

Administrative ethics

Kernaghan and Siegel (1999) define the role of ethics in public administration as a narrow application of the value of integrity. Ethics are described as the principles and standards or right conduct required of public servants. Some principals and standards of ethical behaviour, like honesty, are broadly applicable to all walks of life, and as such are considered ethical values. Integrity and ethics, as values, can be used as the guiding or overriding value to reconcile conflicts that arise among competing values in a given situation. Values can be described as the internal controls that encourage responsible behaviour.

The opportunity for public servants to participate in unethical behaviour arises from the power they are able to exercise in the development and administration of public policy. Public servants in senior positions that have access to confidential information and the greatest levels of discretion within the public service, have the greatest opportunity to act unethically. Nonetheless, unethical behaviour may occur at any level within the government administrative hierarchy.

The media commonly discusses public service ethics including:

- conflict of interest
- political partisanship
- public comment
- confidentiality.

These aspects of ethics lead to clarification or guidelines for public servants in the following:

- Public servants interactions with those with whom they would like to do business (including limitations on gift exchange, food and entertainment);
- Public servants working at other paid positions in their free time;
- To whom public servants owe their loyalty (i.e., political or administrative master or public);
- Perceived conflict of interest vs. actual conflict of interest;

- The extent to which public servants should participate in partisan political activity;
- The extent to which public servants should criticise government policies and programs in public.
- The circumstances, if any, where it is permissible for a public servant to lie to the public;
- The extent to which the public service be altered to accommodate beliefs and cultures of citizens from different backgrounds; and
- The balance between a representative public service and an efficient and effective one.

Governments can draft statutes, regulations, guidelines and codes regarding ethical conduct to address these issues and thereby ensure public trust and confidence in the government. In addition other components of a government's ethics framework may include: a statement of values, provisions for administering legislation, regulations, etc., creating positions such as ethics advisory counsellors, ombudsmen or committees, education and training, and ongoing evaluations and audit of ethics policies and procedures.

The most common approach to promoting ethical conduct, however, is to use a code of ethics for dealing with conflict of interest problems. Codes of ethics or codes of conduct are written rules to regulate ethical behaviour of public servants. They are statements of principles and standards about the right conduct of public servants (as opposed to general ethics statutes and regulations). The form, content, and administration of such codes vary among different governments. In some cases, a public servant may be subject to more than one code of conduct for example a code of conduct for a profession (e.g., doctors, engineers, lawyers, etc.).

The benefits of written codes of ethics for public servants include:

- less room for argument regarding the content and penalties for violations;
- the promotion of public trust and confidence in the ethical behaviour of public servants. Citizens can expect to be treated with fairness and impartiality.
- discouraging unethical practices and providing punishments for them, thus enabling politicians and senior management to hold public servants more accountable;
- making public servants aware of the importance and often overriding values of ethical behaviour in decisions and recommendations;



- acting as a catalyst to reassess other rules regarding the participation of public servants in various activities.

Written codes of ethics for public servants are not without their own problems. Clearly, a person who is unethical will not refrain from unethical behaviour just because a code of conduct has been spelled out in writing. This is particularly true if the code of ethics is not embedded within, or runs counter to existing organisational culture. Moreover, without a deep understanding of ethical principles, the broad articulation of those principles will be difficult to apply to specific situations, particularly given the multiplicity and range of public service activities. The application of broad rules is particularly difficult in such areas as assessing what an acceptable public risk is, or, when they infringe upon the rights of public servants as private individuals in society. Finally, codes of ethics are often difficult to enforce if enforcement provisions are weak or non-existent.

This critique suggests that while internal constraints on individual behaviour have their utility, they may not be sufficient. For this reason, external controls such as preventative laws, audits and other mechanisms serve to improve administrative accountability. These are the subject of the next section.

Mechanisms to ensure administrative accountability

One of the earliest mechanisms for promoting administrative accountability is Ombuds Office. First established in 1976 in New Zealand, Guana, the United Kingdom, and the Canadian province of Alberta, these are now common throughout the world, both in the private and public sectors. They provide independent reviews to ensure administrative accountability and fair practices. Ideally, Ombuds offices in the public sector are independent officers of the legislatures – i.e., they report to the legislative assembly and are governed by an all-party standing committee. This independence ensures that the Ombuds Office is not beholden to the executive.

The mandate of the Ombuds offices is to investigate instances of maladministration, and to suggest remedies. As one observer put it, the Ombuds office “can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds. If his scrutiny and observations are well-founded, corrective measures can be taken in due democratic process, if not, no harm can be done in looking at that which is good.” (Alberta, 1970). The notion of illuminating the dark nooks and crannies of government is reflected in the reference to enabling investigative legislation as “sunshine laws.” To be effective, Ombuds Offices must have sufficient profile so that they are accessible to the general public, however, they should not be cast as a proponent of the citizen against the government – they are supposed to be neutral arbiters

of administrative process. While many recent incarnations of the Ombuds role include having order making powers, the traditional model was premised on a reliance on the power of moral suasion, relying on the media to draw attention to maladministration in cases where the executive is intractable.

There are other independent officers of the legislature that provide similar accountability functions, such as Chief Electoral Officers, Ethics Commissioners, and Auditor Generals. Of these, the latter tends to be the most visible, particularly in jurisdictions that have embraced NPM with its emphasis on audits. Relatively late to the party are the Offices of the Information Access and Privacy Commissioners. While the latter has drawn considerable attention due to the ease with which information can circulate around the globe with a click of a mouse, it is the access to information offices that hold the most promise for holding governments to account. Specifically, freedom of information laws provide access to information about government; the ability to scrutinise various forms of information is invaluable in ensuring due process in law, encouraging citizen engagement, and exposing corruption. In short, it is crucial to the concept of open government.

Activity 4.1



Activity

Now read the following article:

Lorna Stefanick, *Controlling Knowledge: Freedom of Information and Protection of Privacy in a Networked World*, chapter 3.

Available for free download from AUPress.

<http://www.aupress.ca/index.php/books/120196>

Western democracies passed the first access to information laws three decades ago. Ironically, many of the western countries that led the freedom of information revolution have now slipped behind emerging democracies because their leaders lack the political will to advance the cause of open government. The 2012 Global Right to Information Rating ranked Serbia, India, Slovenia, Liberia, and El Salvador ranked at the top of the list of 89 countries with an access regime, while Liechtenstein, Greece, Austria, Tajikistan and Germany ranked at the bottom (Access Info Europe and the Centre for Law and Democracy, 2013). Some new democracies see robust access to information regimes as a symbol of their commitment to democratic principles. Others use access to information regimes to confront past human rights abuses or to rout corruption.



As technology continues to make the collection, retention, and dissemination of information easier and easier, access to information regimes will continue to grow in importance. Some countries that have strong regimes have weak compliance, while those with weaker laws can be very open; what is critical importance is how well the laws are implemented. The same is true with other external mechanisms to ensure government accountability; strong laws are meaningless if the political will is not there to ensure compliance. As a first step, the ability to comply requires the resources to do so; this topic is explored more fully in the last section.

The impact of NPM on accountability

Like its counterparts in other parts of the public service, the shrinkage of governments affects the abilities of audit offices to meet their mandates. So, for example, while other departments may find that some of their functions are outsourced and thus their responsibilities are reduced, the increasing complexity of government ensures a steady stream of business for the Ombuds office because citizens become lost in the administrative maze. As has been noted in previous modules, the NPM's emphasis on results-based management (RBM), means less emphasis on procedures and process. As the latter are critical components of traditional administrative accountability, there is little wonder that there has not been a dramatic shrinkage of work worldwide for Ombuds offices, whose focus is on the fairness of administrative processes. But even within the office of the Ombuds the effects of NPM are apparent. In countries where NPM principles underpin administration, these offices regularly set annual targets for the time taken to process complaints; success is evaluated according to the offices' ability to meet its targets, irrespective of how the complaint was handled. As such, the value of "fairness" may be a casualty of the emphasis on "efficiency," which is defined as the time taken to deal with a complaint.

A related outsourcing issue is the legislative framework, and in particular the limits to empowering legislation. Departments that deliver services are considered to be part of "government," and thus are covered by legislation that enables audit offices to investigate such things as financial transactions, access to information or maladministration. When services are contracted out to the private or the not for profit sector, accountability becomes difficult, particularly with respect to access to information and maladministration as government audit offices do not have the jurisdiction outside the public sector. Limited government resources further constrain the audit function. Thus some of the central tenants of the NPM (smaller government, outsourcing, and networked governance) work directly against some of the central organising principles like value for money that is ensured by the audit function.

Module summary



Summary

In this module we introduced key components of democratic governance: ethics and accountability within government administration.

The most important public service values sought in modern public administrations are:

- neutrality
- accountability
- efficiency and effectiveness
- responsiveness
- representativeness
- fairness and equity
- integrity.

NPM has introduced a new set of values: service, innovation, team work, and quality (of government services).

This module also considered the interplay between facts and values, and how values are derived from socialisation in general society, and organisational socialisation in the public service.

We examined the growing expectations of greater responsibility, accountability, and ethics within the public service. We considered the conventional theories of responsibility as well as the more current theory of responsibility that distinguishes between objective responsibility and subjective responsibility, as well as internal and external accountability.

We noted that external mechanisms to ensure accountability include the so-called “sunshine” laws, which include such things as Ombuds offices and access to information laws. In contrast, internal mechanisms include such things as written codes of ethics. The most common areas of concern with respect to unethical behaviour by public servants are: conflicts of interest (including moonlighting), political partisanship, public comment and confidentiality.

We finished this module by looking at the impact of New Public Management on accountability.

In the next module, our attention shifts to how institutions and legislation, the foundation and the output of the public service, can be strengthened.



Assessment



Assessment

Answer the following questions with reference to both the larger global context, as well as your local context. Ensure that you provide examples to illustrate your points.

1. Explain why values and ethics are important in public administration.
2. Describe the different ways in which public servants can be held accountable and outline the strengths and weaknesses of each approach.
3. Why do its critics worry that New Public Management approaches to administration might be detrimental to accountability?
4. Explain how information access regimes promote equity and fairness.
5. What are some of administrative practices that challenge the culture of openness?

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Further Reading



Reading

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