



## THE ROLE OF OMBUDSMEN IN THE PUBLIC COMMUNICATION OF THE MUNICIPAL LEGISLATIVE BRANCH: A CASE STUDY IN THE ALTO TIETÊ REGION/SP

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**Abstract:** The Access to Information Law brings important implications for Public Communication, including the need to implement municipal ombudsmen. Technology can be an ally of the Public Administration by offering citizens online tools for accessing information and the right to exercise citizenship. To present elements for the debate on the role of municipal public ombudsmen and demonstrate the number and conditions of existing municipal ombudsman offices in the Alto Tietê region, the research used a literature review, documentary survey, exploratory research and application of questionnaires. The low number of ombudsmen on the town hall (present in only 30% of the cities analyzed) indicates the possibility of improvement and the need to comply with the laws that determine their obligation, in the context of LAI and Law No. 13,460. Without exhausting the theme, but to initiate a debate on its importance, it appears that communication between government and governed needs to be elaborated in order to allow the expression of the population's demands and, at the same time, constitute forms of legitimization of the objectives, policies and management criteria of governments. From the results found in the research, difficulties of professionals involved in the topic and gaps in law enforcement were observed.

**Keywords:** public communication; Access to Information Act; ombudsman; Legislative Branch.

### 1 Introduction

With the growing demand of Brazilian society for transparency in public management, especially after the promulgation of the new Access to Information Act (in November 2011 – BRASL, 2011), the role of the public ombudsman assumed prominence in the relationship of the various bodies of Public Administration with the citizen user of the services provided. In this new scenario, the population comes to understand that the citizen has the right to access information and that the public administration has the duty to guarantee and facilitate this access, efficiently providing fast, accurate and quality information to the whole society, actively using the public communication tools available to ensure the required transparency.

In this context, several questions arise about the responsibility of public agencies to offer access to information through viable instruments for the entire population. For the present study, from the activities carried out in the areas of Communication, Law and Scientific Research by the authors, the following research problem was selected: in what way have the ombudsmen of the municipal legislative branch of the cities in the Alto Tietê region acted?

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This article aims to propose a debate on the role of municipal ombudsmen in the social communication process of the Brazilian legislative power. The intention is to discuss the contributions of this important tool for popular participation and promotion of citizenship for the improvement of public communication carried out by municipal councils, more specifically in the cities of the Alto Tietê region (Arujá, Biritiba Mirim, Ferraz De Vasconcelos, Guararema, Itaquaquecetuba, Mogi das Cruzes, Poá, Salesópolis, Santa Isabel and Suzano), from an exploratory approach on the existence and functionality of Ombudsman offices in this region. This reflection becomes necessary in the current scenario, which is marked by the demand for greater transparency in public administration.

In this journey, the text touches on the following specific objectives: i) conducting a survey on the existence of Ombudsman channels in the cities of the Alto Tietê Region; ii) verifying which channels are used by the Ombudsman; iii) verifying the existence and availability of reports on the progress of Ombudsmen's offices. In order to reach these objectives, we made use of two techniques: I) exploratory research in the web portals of City Councils of the mentioned cities and ii) application of electronic questionnaire.

In this sense, it is necessary to conceptualize terms such as: public communication, transparency, Access to Information Act, as well as legal documents that address the institutionalization of municipal ombudsmen, specifically in the Legislative Branch.

In 2017, law 13460/2017 regulated the implementation of Ombudsman offices in public bodies (direct and indirect administration) at the federal, state and municipal levels and provided for their operation. The same law indicated deadlines for all bodies to adapt to its regulations.

However, the deadlines ended in 2019 and the results of this survey indicate that the majority (70%) of the municipalities surveyed have not yet formally implemented Ombudsman offices as provided for in the legislation. Thus, there is a vast field for new studies of instruments of citizen participation in the exercise of Brazilian democracy according to the precepts of AIA (Access to Information Act).

## **2 Public Communication, transparency and participation**

The concept of public communication refers to the communication carried out in the democratized public space, with discussions of issues of public interest and participation of various social actors, including government, companies, the third sector and civil society (MATOS, 2009). Brandão conceptualizes public communication as “the communicative process that is established between the state, the government and society with the objective of informing in order to build citizenship” (BRANDÃO, 2007, p.10).

In order to reduce the distance between institutions and citizens, public communication involves the process of interlocution that gives rise to a public sphere of “dialogue and debate

between the state, government and society, in which themes of collective interest and plural interests are discussed and negotiated” (MATOS, 2009, p.101).

In this context, public communication should be thought of as a political process of interaction “in which expression, interpretation and dialogue built in an inclusive and participatory public sphere prevail” (MATOS, 2009, p.105). Among the functions of public communication, the following stand out: a) to inform (bringing knowledge, reporting and valuing); b) to listen to demands, expectations, questions and public debate; c) to contribute to ensuring the social relationship (feeling of belonging to the collective, awareness of the citizen as an actor); d) to monitor changes, both behavioral and in social organization.

For Matos (2009, p.127), “the inclusion of communication in public action is a criterion of democracy: good communication of public institutions requires transparency, quality in the services offered and respect for dialogue”. Stating that public communication needs to involve the state, government and society, Matos (2011, p. 45) admits the need for the participation of society and its segments “not only as recipients of government communication, but mainly as active producers in the communication process”. In order for social actors to have effective space in the communicative process, it is necessary to create channels of discussion and deliberation that enable the formulation of demands and, from this, the implementation and monitoring of public policies that affect the citizen: “public communication requires the participation of society (...) not only as recipients of government communication and its powers, but also as active producers of the process” (MATOS, 2011, p.52).

Therefore, public communication should be thought of as a political process of interaction, in which expression, interpretation and dialogue built in an inclusive and participatory public sphere prevail. It should be noted that the understanding of public communication as a dynamic focused on communicative exchanges between institutions and society is relatively recent. Thus, the guiding idea for the concept of “public communication” aims to include emerging social actors in the public sphere.

Public communication also plays an important role in the process of accountability (of the State), in which visibility is associated with credibility, either for the actor or the political process: “the State complies with the principles of public communication governed by public interest by informing, explaining, making available, training, enabling, listening and contributing to the exercise of citizenship” (WEBER, 2011, P.105).

In this sense, communicative actions, intensified by the internet's power of diffusion and interactivity, can work to provide more transparency and accountability, which we understand as the State's responsibility towards the policies it designs and executes: “advances in information and communication technologies have been decisive in the search for new forms of accountability in the relationship between the State and society, as well as an interactive resource for knowledge and debates around issues of public interest” (MATOS, 2006, p.72).

Accountability highlights how transparency has been transformed into a normative category. Even though there is an idea of accountability regarding the State's responsibility and transparency, it is well known that “the ability of constituents to supervise their representatives is reduced, due to factors that include the complexity of public issues, weak incentives towards political qualification and control over the agenda”, as explained by Miguel (2005, p.28); these same reasons are mentioned as demotivators of participation (CAMARGO, 2020).

Although technologies are changing the way politics is done, we remain with the same institutions from the nineteenth century, which no longer have the capacity to channel in a real way the needs of those they represent. This scenario generates political mobilizations that seek a new social-political configuration. At the same time, on the margins of current power, new ways of doing politics emerge, based on mutual trust, collaboration and the establishment of citizenship rights based on participatory culture.

In this scenario, decentralized and open social technologies act as tools for inclusion, education and participation, and there is a movement to appropriate technologies for collective action. Thus, there are new forms of collective action with citizen mobilization infrastructure that transforms indignation into insurgency.

The twenty-first century displays politics isolated from society. Traditional leaders, political parties and public institutions suffer a crisis of legitimacy and credibility. Apathy, lack of interest in political issues, drops in voter turnout<sup>3</sup> and low adherence to electoral parties and unions, for example, are some of the consequences of the current situation in the country.

Considered a central element for the quality of democracy, political participation has received attention from researchers around the world. As stated by Norris (2001), “unconventional” forms of participation, such as protests, petitions and boycotts, have gained empirical and theoretical importance in recent decades, some of which have become even more frequent than political activities considered more traditional, such as voting and associativism.

Even with this growing importance, there are relatively few studies that deal with some of these forms of political action, especially in more recent democracies, for two reasons: first, studies on political participation, in general, are more frequent in more developed countries. Second, most studies are limited to voter participation.

Understanding the determinants of participation is important to understand its consequences. Thinking more specifically in the Brazilian context, it is necessary to consider, when it comes to political participation, some issues such as socioeconomic inequality and the rising level of distrust in political institutions.

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<sup>3</sup> Available at: <https://g1.globo.com/politica/eleicoes/2018/eleicao-em-numeros/noticia/2018/10/08/abstencao-atinge-203-maior-percentage-desde-1998.ghtml>. Access in: dec. 22, 2021.

### **3 The Access to Information Act**

The Access to Information Act is the result of debates in the Council for Public Transparency and Fight Against Corruption, an agency linked to the Office of the Comptroller General of the Union (CGU). The AIA was discussed and voted on by the National Congress between 2009 and 2011, through Bill 5.228/2009, which was converted into Law 12.527 (Brazil, 2011). Based on the regulatory framework, organs and entities of the public power must to provide a "Serviço de Informações ao Cidadão" (Information Service to The Citizen - or SIC), through which it will be possible to "protocol documents and requests for access to information; to offer guidance with access procedures, indicating date, place and way in which the consultation will be made; to inform about the processing of documents" (BRASIL, 2017, p.14).

The AIA determines that "it is the duty of public bodies and entities to promote, regardless of requirements, the disclosure in a place of easy access, within the scope of their competences, of information of collective or general interest produced or guarded by them " (BRASIL, 2011, p. 3). For the disclosure of this information, it is established the need to inform about: expense records, contact information, general data for monitoring programs and actions, as well as answers to frequently asked questions of society.

The Act provides that "public bodies and entities must use all the means and instruments at their disposal, and disclosure on official websites of the World Wide Web is mandatory". The AIA also provides for deadlines, free provision, exceptions (personal data and information classified as confidential) and availability of information in various formats and technologies, including electronic addresses, with data such as: "addresses and telephones of units and hours of public service; general data for monitoring programs, actions, projects and works; answers to frequently asked questions of society". (BRASIL, 2017, p. 15).

Based on the progress represented by the implementation of the AIA, access to public information will only be realized when public administration bodies "organize their archives, both in physical and virtual media; broadcast these spaces and their services; and enable society, through organization, communication and dialogical mediation, to appropriate all these resources". (BATISTA, 2012, p. 217).

Among the mechanisms of social participation institutionalized by the state, public ombudsmen occupy a prominent position, establishing themselves as a privileged locus for listening and defending the rights of citizens, acting as mediators between the people and public administration. It is not the only form of it, but they are a robust channel where public communication can be given unilaterally, informing citizens about public interest demands.

#### **4 Implementation of Ombudsman Offices in Municipalities – Legal Aspects**

As a result of several debates held in the Municipal Legislative Branch, as well as in seminars promoted by the CGU in 2017, the regulation of Ombudsman offices provided for in the AIA occurs with the advent of law 13.460/2017 (BRASIL, 2017). This provides provides for the “[...] participation, protection and defense of the rights of the public administration's user of public services”. Its provisions contain important precepts that indicate that all entities of the administration, that is, “direct and indirect public administration of the Union, the states, the Federal District and the municipalities” are subject to it.

Thus, this legislation establishes the basic principles for the establishment of Ombudsman offices in public bodies at all federal levels. The provision of Ombudsman offices guarantees citizens the human right of access to information provided for in the AIA and seeks to consolidate the expectations of the population regarding the democratic exercise of citizenship. In this sense, the act establishes as “user” any “natural or legal person who benefits from or uses, effectively or potentially, a public service” (BRASIL, 2017).

In the same way, it states that citizen/user public services provided by public agencies need to observed “(...) the principles of regularity, continuity, effectiveness, security, timeliness, generality, transparency and courtesy”. (Brazil, 2017). Therefore, in the exercise of the Ombudsman, public agencies must pay attention to quality service and respect for all citizens who call on them.

In this regard, the availability of the Ombudsman guarantees users the operationalization of other rights provided for by law. In this sense, it should be noted that the law also indicates, in Article 5, II, a “(...) presumption of good faith of the user” (Brazil, 2017). That way, when analyzing the manifestations of users, the government should always evaluate the manifestation considering that the user is in their legitimate exercise of the right.

The AIA also established that public agencies have the duty of “proactive” disclosure of information, making it widely available, which includes the Internet, regardless of the request of users, about individual remuneration of employees/servers/contractors. This is called Active Transparency. The legislation also requires the creation of a Citizen Information Service (SIC) that aims to meet user requests. This conduct is called Passive Transparency (BRASIL, 2017).

The Citizen Information Service (SIC) was created on May 16, 2012, within the scope of the state of São Paulo by state decree nº 58.052/2012 (SÃO PAULO, 2012). From the system, it is possible to request documents and data related to agencies and entities of the São Paulo Public Administration. In order to facilitate this procedure, the Comptroller General of the Union (CGU) has made available an online solution: e-SIC.

In order for agencies and entities to be able to follow the rules, deadlines and guidelines set by the law, the Office of the Comptroller General of the Union (CGU) has developed the e-SIC tool (Electronic System of the Citizen

Information Service). The system works on the internet and centralizes requests and resources directed to the Federal Executive Branch, its related entities and state-owned companies. The e-SIC channel is available on the website [www.esic.cgu.gov.br](http://www.esic.cgu.gov.br) (Brasil, 2016).

Thus, the regulations that emerged in 2011 (AIA) and 2017 (Law 13.460) transformed the constitutional obligation of public agencies to provide information to citizens into an opportunity to establish a direct channel for users to perceive their services.

As for Active Transparency, websites especially need: i - to present information clearly and objectively in accessible language; ii - to enable the issuance of reports in various formats; iii - to enable access by external systems; iv - to provide periodically updated information; v - to guarantee the integrity of data and forms of verification of authenticity; vi - to enable registration of user manifestations, digitally and/or via telephone (BRASIL, 2017).

As for passive transparency, the request must be fulfilled within 20 days of registration by the user. The registered application does not have to specifically contain the motivation, but must indicate the identification of the applicant (name, address, valid identification number) as well as the description of the information specifications.

Deliberations regarding negative access need to be accompanied by the justification of the requested body. In this case, the user may file an appeal that must comply with Article 15 of the AIA: “in the event of refusal of access to information or the reasons for refusal of access, the interested party may file an appeal against the decision within 10 (ten) days from its knowledge”. (Brazil, 2017). This appeal must be considered by at least one instance higher than the body that denied the provision of the information before being considered by the Office of the Comptroller General of the Union:

Art. 16 [...]. § 1º the appeal provided for in this article may only be addressed to the Office of the Comptroller General of the Union after being submitted to the consideration of at least one authority hierarchically superior to the one that issued the contested decision, which will decide within 5 (five) days (BRASIL, 2017).

The right of access, according to the AIA, does not include confidential data such as tax, banking, or judicial, for example. Examples of requests for access to information that can be denied are: I - generic; ii - unreasonable; iii - disproportionate; or iv - that require additional analysis or data processing work external to the requested body (BRASIL, 2017). The services, however, must be provided free of charge, except in the case of requests for copies of documents or files saved on media (BRASIL, 2011).

The law also indicated a deadline for public bodies to adapt to its content, as follows:

Art. 25. This Act shall enter into force, from the date of its publication, within:  
I- three hundred and sixty days for the Union, the states, the Federal District and Municipalities with more than five hundred thousand inhabitants;

II- five hundred and forty days for Municipalities with one hundred thousand to five hundred thousand inhabitants; and  
III-seven hundred and twenty days for municipalities with less than one hundred thousand inhabitants (BRASIL, 2017).

In force since June 26, 2017, the deadlines for municipalities to adapt to its precepts ended in 2019. We understand, from the AIA, that the role of the ombudsmen consists of, therefore, in summary: I-interpretation of the different forms of manifestation of the user as legitimate claims, provided for by law; ii – treatment of citizens, without any distinction, as subjects of rights; iv - responses to manifestations in an adequate manner and complying with the deadlines; v – preparation of reports on the results achieved (BRASIL, 2011).

The legislation allows the ombudsmen of public agencies to act regarding: i- requests for information in the SIC – carrying out the protocol, forwarding it to the area responsible, monitoring deadlines and verifying the internal processing of the request; ii - preparation of responses to the applicant – assisting the internal bodies in the preparation and processing of the response, pointing out, in case of refusal of the information, if the requirements of Article 16 of the AIA were met; iii - the body indicated for the protocol of appeal – monitoring the internal processing of the request and assisting in the preparation of the opinion to the hierarchical superior authority for analysis of the merits; iv - responses to appeals – monitoring the return period of responses and the analysis of applications, also in accordance with the LAI; v - reports – preparation of quarterly reports for monitoring, preparation and compliance with deadlines; vi - satisfaction surveys – with the elaboration of consolidated data on frequently asked questions and/or reasons for a higher incidence of denial (BRASIL, 2017).

In this sense, the biggest challenges for the implementation of the AIA and Ombudsman's offices in the municipalities are: i - the change in the culture of public agents when it comes to availability of information both proactively (active transparency) and in responding to manifestations (passive transparency); ii – detailing the responses in reply to the manifestations, indicating the exact manner the requested information was provided; iii – improvement of information systems improving the management of procedures and extraction of reports (BRASIL, 2017).

## **5 The contribution of digital technologies**

We consider here the potential of the internet to offer a variety of Information, reduce costs of political participation and allow different participants to engage in dialogue through the exchange of e-mails, chats and electronic discussion groups. The internet represents a means of communication with unprecedented interaction, when compared to traditional media. The network represents a means by which the public (represented) and politicians (representatives) can communicate, exchange information, consult and discuss, directly, quickly and with less bureaucracy.



In civil society, there is no doubt that virtual communities are creating important additional platforms for political participation. However, we seek to discuss in this chapter the function of the internet as a virtual public sphere and the possible impacts of that. ICTs (Information and Communications Technologies) are the main driver of government modernization and serve as mediating technologies to support interaction between governments and citizens. The goal of using mediation technologies in the public sector governance is to bring greater transparency, increase citizen participation in public policy making, increase collaboration with ordinary citizens, and make the public sector more efficient and transparent. Thus, communication through the computer offers an alternative to mass communication and its linear flow of information, proposing a two-way channel, a more plural and democratic type of communication (CAMARGO, 2016).

With the increasing complexity of government, policymakers must allow free access to data in order to engage citizens and promote accountability and efficiency. But access goes beyond the mere availability of data: “citizens must know where to find the data they deem relevant and must understand what is shown to them; therefore, organization, presentation and context are fundamental elements for effective transparency” (LBJ, 2010, p.11).

According to Spigner et al (2012, p.23), the term transparency refers to the idea that information is made available in a well-organized and accessible manner. “When government information is made available to a wide range of stakeholders, communication is facilitated, which can lead to improved management, resource and policy decisions.”

Thus, a higher level of transparency can lead to greater accountability, producing the results that citizens seek. In the LBJ transparency document (2010, p. 7-8), four principles are presented as guidelines for promoting transparency: 1) “Public” means “online”: “whatever information is held by the government, all data that management commits to making public must have guaranteed online access”; 2) the data provided must be usable: “data on budgets and expenditures are fundamental for accountability, participation and public education, but only to the extent that they are usable”; 3) the data must accompany the money. Publishing budget and spending data online can unify citizens' understanding, evaluation, and participation in government, but “only if they are able to follow the state budget and its expenditures”; 4) transparency enables participation, encourages collaboration, and increases efficiency.

Noveck (2009, p.121) stresses that information should be transparent: accessible, searchable, and usable: a) making information accessible: government transparency policies endeavor to “liberate” more data online and thereby create greater accountability to the public. Before people can seek to influence policy decisions, they need to know what decisions are being made; b) making information searchable: the overall navigability of the website, the consistency and integrity of the data; c) making information usable: more data doesn't always mean more usable data. “Purely passive consumption is not enough, it is necessary to release

structured data, in open reading formats, so that they can be reused, manipulated and visualized by third parties” (NOVECK, 2009, p.124).

Spigner et al. (2012, p.20) offer that “greater access to information through ICTs allows for greater transparency, increasing government accountability and effectiveness”. The need for citizens, therefore, to be active participants in government is inherent in democratic ideals. Often, because they are unaware of the mechanisms of access to bureaucratic structures, citizens live disengaged from public affairs.

Technological innovations gradually foster new environments, new patterns of behavior and consumption, and profound cultural modifications. The changes made possible by the use of new technologies tend to reconfigure people's lives and the way we relate to one other.

Neil Postman sought to draw the attention of scientists to the excessive cult of technology in his work *Technopoly: the surrender of culture to technology* (POSTMAN, 1994). His text represented a warning to the fact that, in the evolution from a technically-centered society, to the model of “Technopoly”, that is, a model that is centered on technology, it would be imperative to protect the meaning of the human being and its central place in culture. The author seeks to classify societies in three moments of evolution: tools, technocracy and Technopoly, and makes use of this division for an analysis, of ideological nature especially, that touches on the advantages of each level of development, but offers a warning, above all, as to the possible problems he foresees in relation to the skeptical enthusiasm with technological advances.

The fact that people's ways of life are changed by technology is seen as something natural, and the fact that people should sometimes be treated as if they were machinery is considered as a necessary and regrettable condition of technological development. Still, in technocracies, this condition is not embraced as a philosophy of culture. Technocracy does not aim at a great reductionism in which human life must find its meaning in machinery and technique. Technopoly does. (POSTMAN, 1994, p. 61).

In presenting us with the nuances of technologies of the past and present, McLuhan demonstrated, with the whole of his work, that the media, especially mass media, and technology influence physical and mental changes in humankind and, therefore, alter behaviors, patterns and culture. If in the First Industrial Revolution society counted on a linear, continuous and mechanical world, the new world shows itself tactile and audio electronic (MCLUHAM, 1974).

Since contemporary society is increasingly connected and digital mobility allows for real time interaction with people around the (nearly entire) world, according to the same author, mankind is faced with a sense of individualization, as opposed to previous feelings of belonging only to a civilization or culture.

The theoretical conceptualizations on the interface between citizenship and new

information technologies point to the emergence of a new model of social mediation marked by the uniqueness of its agents and a new framework of contradictions that cross the new international division of labor, as well as the processes of access and appropriation of technoculture, which highlight the centrality of information in contemporary representation policies.

There have been several and plural experiences of demands for rights based on the use of digital technologies, such as the 15M movements in Spain, the "Movimento 5 Stelle" in Italy, "Yo soy 132" in Mexico, and "#Vemprarua" in Brazil, just to name a few examples. These new processes of using digital technologies prove how connected groups have been acting in a process of reconfiguration of the cultural, political and media ecosystem around distributed networks of information and knowledge.

In this sense, the critical theory of mediation is driven to define new conceptual approaches and an ecology of communicational knowledge thought from marginal (non-dominant) perspectives, considering the centrality of immaterial work and new digital technologies in the processes of citizen participation and coexistence.

The possibilities opened and expanded by the uses and appropriations of new digital technologies point to the rupture of mass media production. In light of this, the central role that communication and new technologies have been playing makes them vectors of new forms of sociability, new processes of development and collective construction that transcend the asymmetric forms of globalization and mercantilism, primordial characteristics of capitalism.

In opposition to Cognitive Capitalism, the social appropriation of new information and communication technologies tends to overthrow a centralist sense and to access a logic in which interconnectivity meets individual and collective efforts for cohesion.

## **6 Methodology**

In order to properly determine the issues so far pointed out, we chose a methodology that would adequately contemplate and address the mechanisms of access to information available to citizens of the municipalities surveyed. Following the parameters of Gil (2002), all research aims to consolidate and consistently group knowledge for the advancement of science. So as for objectives, the present study is classified as exploratory, which, according to the same author, contemplates “[...] research that aims to provide greater familiarity with the problem, in order to make it more explicit or to constitute hypotheses” (GIL, 2002, P.41).

Regarding the technical procedures we used, the research was divided into three stages:

(i) Bibliographic survey of published works on the subject, such as articles and books, whose according to Gil (2002, p.45), “[...] main advantage [...] lies in the fact that it allows the investigator to cover a much wider range of phenomena than he could indirectly research”;

(ii) Documentary research in current national legislation on the same topics researched, which, according to Gil (2002, p.45), “[...] makes use of materials that have not yet received analytical treatment, or that can still be reworked according to the objects of research”. In carrying out the documentary research, we sought to align what was found in the bibliography with the provisions in force in the researched laws;

(iii) Field study, which according to Gil (2002, p.57): “(...) seeks much more the deepening of the proposed questions than the distribution of the characteristics of the population according to certain variables”. The study of the selected group of municipalities took place by collecting data on municipal council websites, and in interviews conducted by telephone as well as with the application of questionnaires; these stages were carried out between the months of March and June of 2021.

In order to find answer to the research problem proposed in this article, we carried out an exploratory research and, subsequently, an electronic questionnaire was applied (elaborated using the Google Forms tool) with the aim of mapping not only the existence of Ombudsman offices, but also their functionality, the existence of reports, the sectors and professionals involved, as well as the types of service channels offered to the population.

The analysis of the responses was carried out quantitatively (from the application of the electronic questionnaires on the existence and performance of the Ombudsmen – Chart 1), and qualitatively (by content analysis of the questionnaire responses indicated in Chart 2).

## **7 Research outline: Alto Tietê region**

As part of the application of the methodology, the Alto Tietê region was selected, which is located around the source of the Tietê River, in the state of São Paulo, and includes 10 municipalities: Arujá, Biritiba Mirim, Ferraz De Vasconcelos, Guararema, Itaquaquecetuba, Mogi das Cruzes, Poá, Salesópolis, Santa Isabel and Suzano, totaling, according to IBGE (2019), 1.599.196 inhabitants. We chose based on the strategic position of the region in the state of São Paulo, considering that, although it is a metropolitan region close to the capital, it is considered a region with a more impoverished population (MACIEL, 2020). The region gets its name because of the geographical location of the cities. The Tietê river originates in the municipality of Salesópolis and runs through part of these municipalities before reaching the capital city of São Paulo.

The following table shows the sociodemographic profile of the cities surveyed:

**Table 1** – Demographic profile of the 10 cities that make up the Alto Tietê region/SP

<b>Municipality</b>	<b>Population</b>	<b>Area (km<sup>2</sup>)</b>	<b>Population density (hab./km<sup>2</sup>)</b>	<b>HDI</b>	<b>GDP per capita (R\$)</b>
Arujá	89.824	97,4	767,77	0,784	19.017
Biritiba- Mirim	32.598	316,7	90,21	0,712	7.660
Ferraz de Vasconcelos	194.276	30	5.692,55	0,738	8.105
Guararema	29.798	270,4	95,60	0,731	14.024
Itaquaquecetuba	370.821	81,7	3.935,75	0,714	7.245
Mogi das Cruzes	445.842	725,0	533,90	0,783	18.064
Poá	117.452	17	6.172,24	0,771	18.866
Salesópolis	17.139	425,8	36,72	0,732	7.916
Santa Isabel	3.809	361,4	139,59	0,738	13.278
Suzano	297.637	205,8	1.275,43	0,765	18.952
<b>Total</b>	<b>1.599.196</b>	<b>2.531,20</b>	<b>1.873,97 (average)</b>	<b>0,746 (average)</b>	<b>13.312,7 (average)</b>

Source: elaborated by the author, 2021.

## 8 Presentation and discussion of results

From the exploratory research, it was possible to verify that only 3 of the 10 (that is, 30%) municipal councils that make up the sample currently have Ombudsman offices. Still, only 1 of them (10%) presents reports of requests for information, as well as records of compliments, complaints, suggestions or denunciations.

We verified that all the websites of the Municipal Councils of the 10 cities of Alto Tietê provide an electronic address (link) for information requests on e-SIC. Despite the fact that the system is made available in all the Councils we analyzed, there is no report on requests for information, their responses or deadlines. In the following table, it is possible to verify the compilation of the data completely.

**Table 2** – Survey Ombudsmen Municipal Legislative Branch Alto Tietê region/SP

Municipality	Is there an Ombudsman?	Service channels	Are reports available?	Is there an e-Sic channel?	Does it provide order reports through Sic?
Arujá	Yes	Face-to-face Online Telephone (website offline)	Website offline	Yes	No
Biritiba Mirim	No	-	-	Yes	No
Ferraz de Vasconcelos	No	-	-	Yes	No
Guararema	No	-	-	Yes	No
Itaquaquecetuba	No	-	-	Yes	No
Mogi das Cruzes	No	-	-	Yes	No
Poá	No	-	-	Yes	No
Salesópolis	Yes	Face-To-Face Telephone Online	Yes (quarterly reports)	Yes	No
Santa Isabel	No	-	-	Yes	No
Suzano	Yes	Face-to-Face Telephone	No	Yes	No

Source: elaborated by the, 2021.

After the exploratory analysis, electronic questionnaires (Google Forms) were applied to verify, among other issues, the profile of the people responsible for the Ombudsman, as well as the existence of reports and the main difficulties encountered in the performance of their function. The questionnaires were answered by the press officers of the respective chambers, all journalists.

To the question regarding the main difficulties, 4 answers were received, which are described in the following table:

**Table 3** – Main difficulties reported

Difficulty of citizens in formulating questions.
Difficulty knowing which sector to forward the questions/compliments/complaints to.
Difficulty in receiving responses from the responsible sectors.
Lack of training/ability to perform the function.

Source: author's elaboration, 2021.

We can observe, therefore, that in the surveyed region the number of Ombudsman offices implemented is small (30%) and, even in these, only one of them offers systematized reports of this type of service to citizens. We also verified that, although all cities maintain an active address in the e-SIC, none of them offer reports regarding responses to these types of demands.

As for the doubts they receive, another question featured in the questionnaire, we verified that there is: i - a distance from the language of the population; ii - slowness in the responses of the sectors responsible for the demands received, and mostly, iii - lack of training/understanding of the role of the Ombudsman by the responsible officials.

We observed that the municipal councils need to walk a long path in order to clarify a subject, preparing the professionals who work in the sector as well as establishing clarification strategies to the citizens they serve.

## **9 Final considerations**

Over the years, and especially after the redemocratization of Brazil, there has been a tendency of seeking to expand participatory practices: if on the one hand the restoration of democracy can be carried out by new models of democratic experiences, on the other the need for access to information is poignant for the construction of citizenship.

In this new context, the very notion of citizenship undergoes changes and begins to be understood in a less passive and more participatory way, in order to be reconfigured as the possibility of freely exercising rights and duties.

With that, suggestions for the improvement of public communication should mostly be regarding strategies to improve Public Management, based on the principles of Public Communication and transparency, and complying with the regulatory framework, especially the Access to Information Act and the Law on Ombudsmen.

Governments have been increasingly adopting more information and communication technology tools to improve their efficiency and effectiveness, and so they have been gradually offering more opportunities for citizen participation and online engagement. The use of Internet technologies therefore increases the degree and quality of public participation in government.

In this scenario, the general objective of this research was to identify the existence and

functionality of ombudsmen in the municipal councils of the ten cities in the Alto Tietê region, in order to, out of that, propose a discussion about the potential contribution of digital public communication and the uses of information and communication technologies for the exercise of citizenship, considered in its dimension of exercise of the right to information and participation.

To support the discussions raised here, we carried out a systematic review of relevant authors in the area. Subsequently, we sought to conduct exploratory research followed by the application of an electronic questionnaire.

The low number of ombudsmen, that is, 30% (only 3 in 10 cities analyzed), indicates the possibility of improvement and the need to comply with the laws that determine the obligation of municipal ombudsmen, in the context of the AIA and Law N°. 13.460.

Based on the specialized literature, we understand that public interest communication should be based on Transparency; Access; Interaction (creation, maintenance and strengthening of communication instruments that enable multilateral communication flows); and the social Ombudsman (interest in understanding public opinion).

Without exhausting the topic, but with the purpose of initiating a debate on its importance, we verified that communication between governors and the ruled needs to be elaborated in order to enable the expression of the wishes and demands of the population and, at the same time, to constitute forms of legitimization of the objectives, policies and management criteria of governments. From the research results we found, the professionals involved in this process face difficulties, and there is a gap in the application of the AIA.

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