

The Ombudsman as a Manifestation of Passive Transparency in the Special Social Security Regime of the Municipalities of Rio de Janeiro State

A Ouvidoria como Manifestação da Transparência Passiva nos Regimes Próprios de Previdência dos Municípios Fluminenses

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ABSTRACT

We identify how the Special Social Security Regime (RPPS) Ombudsman of municipalities of Rio de Janeiro State falls under the level I certification of the RPPS Pro-Management Program, in the indicator related to the Ombudsman; a tool to promote the democratic participation of citizens through passive transparency. The relevance of this study stems from the fact that the RPPS are in charge of managing a substantial number of resources, having managed around 157 billion Reais in investments for their respective insureds in 2020 (SPREV, 2021). Through documental analysis performed on the websites of the Rio de Janeiro RPPS and their respective federative entities, we concluded that among the 92 municipalities in the State, only 79 have RPPS. Furthermore, 54.4% of municipalities have a communication channel in the RPPS, while 43.1% have it available through the Federal Entity to which they are linked, and 2.5% have no such communication channel. Thus, we state that most RPPS has given due importance to the RPPS Pro-Management Manual, specifically regarding the accomplishment of the goal of providing more transparency to the relationship between the insured and society.

Palavras-chave: Special Social Security Regime; transparency; ombudsman; Rio de Janeiro.

RESUMO

Este artigo buscou identificar como as Ouvidorias dos Regimes Próprios de Previdência Social (RPPS) dos municípios fluminenses se enquadram no nível I de certificação do programa Pró-Gestão RPPS, no indicador relacionado à Ouvidoria; uma ferramenta de promoção da participação ativa da população por meio da transparência passiva. A relevância deste estudo reside no fato de os RPPS serem responsáveis pela gestão de um volume substancial de recursos, tendo administrado cerca de R\$157 bilhões em investimentos para seus respectivos segurados em 2020 (SPREV, 2021). Por meio da análise documental realizada nos sites dos RPPS fluminenses e seus respectivos entes federativos, evidenciou-se que, dentre os 92 municípios existentes no estado, apenas 79 possuem RPPS. Além disso, 54,4% disponibilizam um canal de comunicação no RPPS, ao passo que 43,1% o disponibilizam por meio do Ente Federado de vinculação, e 2,5% não possuem tal canal de comunicação. Destarte, concluiu-se que a maioria dos RPPS tem dado a devida importância ao previsto no Manual do Pró-Gestão RPPS, especificamente quanto ao cumprimento do objetivo de dar mais transparência ao relacionamento com os segurados e com a sociedade.

Keywords: Regime Próprio de Previdência Social; transparência; ouvidoria; Rio de Janeiro.

Introduction

Transparency in public management has been increasingly discussed in several studies over the past few years (Rodrigues, 2020a, 2020b; Visentini et al., 2021), given its importance for the democracy of States (Bertot et al., 2010). In this scenario, Norberto Bobbio highlighted transparency as one of the elements that characterize the superiority of democracy over authoritarian regimes (Bobbio, 2000).

Thus, several nations around the world have been taking initiatives aimed at promoting transparency, whether at a global or at a local level, as the Open Government (OECD, 2022) and the various normative acts of Brazilian federated entities, such as the Liability Law (LRF), the Access to Information Law (LAI), among others (Rodrigues, 2020a).

On this matter, corporate governance in public service consists of the technical capacity to provide services to society, manage public resources and disclose information about their acts, characterizing the latter as the manifestation of the principle of transparency, one of the pillars of public governance (Paludo, 2016). This principle can be divided into active transparency, which is the spontaneous availability of information by the government; and passive transparency, which consists of information provided by the government after a previous request of the interested party (Brasil, 2011). In this case, the interested party may be any citizen, private organization (such as newspapers and news websites), or a governmental agency (such as the District Attorney's Office and the Court of Auditors, for instance) seeking information from a particular public entity.

Aiming at the transparency and democratic participation of citizens in public administration (Brasil, 2017), Law No. 13,460/2017 was instituted in Brazil, and it aims to “ensure the participation, protection, and defense of the rights of the user of public services in public administration”. In Chapters 3 and 4 of the Law it is established the Ombudsman Offices, which have become an important communication link between citizens and the public administration.

The Ombudsmen are an important tool for democratic participation and control of public administration acts. It helps to improve public services, the formulation, implementation, and execution of public policies (Fernandes, Moreira & Ribeiro, 2016). This service can also be found in the most diverse public agencies, including social security management agencies.

It is important to point out that the Brazilian Social Security System (SSS) is part of a broader social protection policy, also integrated to health and social assistance, labeled Social Security, which is the result of a Welfare State policy incorporated into the 1988 Brazilian Federal Constitution (CF), as provided in Article 6 (Brasil, 1988; Ibrahim, 2015; Nulle & Moreira, 2019).

Thus, the Brazilian public SSS is a mechanism designed to support those facing social vulnerability and contribute financially to it. The Brazilian system was largely influenced by the Bismarckian model of social protection created in 19th-century Germany under Otto Von Bismarck. The condition for entering the aforementioned

system was the collection of contributions (Boschetti, 2009; Ibrahim, 2011; Jesus, 2015; Peixoto & Barroso, 2019).

The SSS is established by the CF in its articles 40, 201, and 202, and is divided into: General Social Security Regime (RGPS), with the National Institute of Social Security (INSS) as the managing body for the benefits of workers subjected to the rules provided in the Consolidation of Labor Laws (CLT); Special Social Security Regime (RPPS), instituted by the federated entities, which is responsible for managing the social security benefits of their active public servants; and the Complementary pension plan system (RPC). The RPC can be open (when available in the market to any interested party who wants to participate) or closed (also known as pension fund, non-profitable and restricted to a group of participants of a company or a public agency) (Oliveira, 2020). The first two regimes are of compulsory membership, while the last one is characterized by the optional membership of the insured (Brasil, 1988).

Additionally, the Federal Government instituted the “Program for Institutional Certification and Modernization of the Management of Special Social Security Regime of the Union, States, Federal District, and Municipalities”, the RPPS Pro-Management Program. Although membership is not compulsory, the Program established a series of indicators that aimed to promote good management practices and ensure greater transparency for the insureds and for society (Brasil, 2022a). The establishment and maintenance of the Ombudsman is one among several good management practices to be undertaken by the RPPS adhering to the Pro-Management Program. According to the Program’s manual, levels of adherence to be observed in order for the RPPS to obtain a certification based on the goals achieved have been established in the Corporate Governance dimension. Level I is the most basic, with a lower degree of demand, and Level IV indicates the RPPS that implements the best governance practices regarding the Ombudsman (Brasil, 2022a, p. 38).

Therefore, we aim at discussing: How does the municipal RPPS in Rio de Janeiro (RJ) State meet Level I standards of the RPPS Pro-Management Program, in the Ombudsman indicator/category? The relevance of this study stems from the fact that the RPPS are in charge of managing a substantial number of resources, having managed around 157 billion Reais in investments for their respective insureds in 2020. (Secretaria de Previdência do Ministério do Trabalho e Previdência [SPREV], 2021). Furthermore, any financial deficiency of the RPPS must be compensated for by the respective federated entity (Brasil, 1998), emphasizing the significance of good RPPS management. It is also known that the Ombudsman works as an important communication link between society and the government, as it promotes accountability and ensures passive transparency by meeting the demands of users and interested parties.

Finally, it is noteworthy that this paper contributes to the academic community by investigating the implementation of Ombudsman in RPPS, a topic that is rarely discussed, as identified in the literature review that supported the theoretical framework. In addition, the state of Rio de Janeiro has the highest percentage of municipalities with RPPS (85.9%) compared to the rest of the country, which averages 37.2% of municipalities with RPPS (SPREV, 2022a), so that the results obtained in this research, added to the great representation of RPPS in the region studied, contribute

to the advancement of other research that aims to analyze the occurrence of passive transparency not only in the Ombudsman of municipal RPPS in other states, but also in the Ombudsman of Brazilian and international municipalities.

Theoretical Framework

We next address the theoretical and conceptual framework that underlies this research, as well as aspects related to government transparency. Then, we explain how the Ombudsman can be used as a tool to improve passive transparency. Finally, we make some considerations about the ombudsmen of the Special Social Security Regime, its relevance, and how the Federal Government encourages the creation and maintenance of ombudsmen in RPPS through the certification program entitled RPPS Pro-Management Program.

Transparency in Public Administration

The Federal Constitution of 1988 presented new tools of democratic control in several provisions. Among them, the principles established in Article 37 stand out. Article 37 introduced the principle of publicity, which represented a breakthrough in regard to society's awareness of public administration acts (Zuccolotto & Teixeira, 2019). Also noteworthy is the Chapter on Fundamental Rights and Guarantees, in which subsection XXXIII of Article 5, introduces a guarantee for the citizen before the government, with respect to the right to obtain public information or information of private interest. That piece of legislation represents the foundation on which the Access to Information Law would be based on years later (Michener, Contreras & Niskier, 2018).

Equally important, Article 74, paragraph 2 of the Magna Carta states that those responsible for the Internal Control of Public Administration have an obligation to inform the cases of irregularity or illegality to the Federal Court of Auditors (TCU). In this case, there must be absolute transparency in the disclosure of information from the Internal Control of the Public Administration to the respective Court of Auditors to which it is linked. In fact, Article 162 in the Chapter on public finances in the Brazilian Constitution states that the entities must disclose tax revenue monthly. At the same time, Article 165 establishes the Budget Laws, which are fundamental to promoting budget transparency. The third paragraph addresses the need for entities to publish the bimonthly summarized report of budgetary execution (RREO).

Regarding the infra-constitutional normative plan in 2000, the Complementary Law No. 101/2000 (Fiscal Responsibility Law) enacts public finance norms aimed at fiscal management responsibility. Article 48 of the referred normative says that, among other measures, the government has to widely disclose budget, financial and tax reports and release them to the full knowledge and monitoring of society in real time. This information must detail the budgetary and financial execution in electronic public access (Brasil, 2000).

On November 18, 2011, Law No. 12,527/2011, known as the Law on Access to Public Information (LAI), was enacted to guarantee and regulate access to information

provided for in item XXXIII of art. 5, in item II of § 3 of art. 37, and in § 2 of art. 216 of the Federal Constitution (Brasil, 2011). The LAI is an important mechanism for promoting transparency. Through this law, Brazil is no longer a holder of the monopoly of official documents to assume the position of guardian of public information, both in terms of active and passive transparency (Michener, Contreras & Niskier, 2018).

Regarding the term “transparency”, researchers have debated its meaning over the centuries due to its fluidity. Nowadays, the term has acquired a more political connotation (Zuccolotto & Teixeira, 2019). In this sense, an important factor to be highlighted is the democratic nature currently attributed to transparency, so the use of the term is related to modern democratic States (Paludo, 2016).

On the relationship between transparency and democracy, Dahl (2001) explains that when it comes to the democratic claim for alternative and independent sources of information, it is the government’s responsibility to ensure the accessibility of information in a way that citizens can understand. The author refers to this insight as “enlightened understanding”.

The term “transparency” originates from Latin. It refers to something transparent, translucent, or visible. In terms of its political aspect, Jeremy Bentham elevated transparency to the status of a fundamental principle of public management during the 19th century. Thus, transparency at the time had political implications (Zuccolotto & Teixeira, 2019).

In the public management system, transparency is a multifaceted concept that encompasses a range of values, such as the rule of law, democratic participation, economic efficiency, anti-corruption initiatives, and human rights, among other values (Oliveira & Ckagnazaroff, 2022). According to various government sources that define the term for the Brazilian Federal Court of Auditors, transparency is elevated to the status of a fundamental tenet of governance, and it is conceptualized as the “possibility of access to all information related to the public organization as one of the requirements of State control by civil society” (Tribunal de Contas da União [TCU], 2014).

An important fact to highlight is that several studies have pointed to transparency as a principle that conducts public governance (Rodrigues, 2020b; Zuccolotto & Teixeira, 2019) and open government (Oliveira & Ckagnazaroff, 2022). Thus, based on these concepts, it is understood that transparency in the current context is one of the foundations of good governance. It entails the wide dissemination of all public government data in an open, accessible, and understandable way.

Moreover, accountability is understood, among its various conceptions, as the obligation to be responsible for actions or decisions taken by a person or organization in public administration (Morais & Teixeira, 2016). It constitutes an essential element of contemporary democracy (Zuccolotto et al., 2015). In this way, transparency is considered one of the pillars of accountability (Bertot, Jaeger & Grimes, 2010; Filgueiras, 2011).

According to Michener and Bersch (2013), for full transparency to occur, the mere provision of information is not enough. In line with the authors, transparency is made up of two elements, called “visibility” and “inferability”. Visibility is made up of the “findability” indicator, which refers to the ease with which information can be

found, and the “completeness” indicator, meaning that the information must be made available in a complete manner. The element entitled “inferability” is made up of three dimensions: “disaggregation”, which is the greatest possible detail of the data; “simplification”, which is the use of simple language in making information available; and “verifiability”, through which the information can be attested by a third party.

Another term that is important to mention in this research is the definition of accountability. According to Brazilian legislation, transparency can be understood from two points of view: active transparency and passive transparency. Active transparency is the periodic act of releasing information about government management based on voluntary actions by public managers (Brasil, 2021). On the other hand, passive transparency refers to the State’s obligation to disclose information to society upon request, unless this information is confidential under the terms of the relevant legislation (Figueiredo & Gazoni, 2016; Rodrigues, 2020b; Zuccolotto & Teixeira, 2019).

Passive transparency in the public sector also is an important tool for social control of public administration, thus ensuring greater citizen participation in public management (Bataglia & Farranha, 2018).

One of the tools that materialize passive transparency in the public sector is the Ombudsman, as discussed in the following section.

The Ombudsman as a Tool for Passive Transparency

The Ombudsman is the control authority in charge of encouraging user participation in public administration in order to ensure the effectiveness of public service delivery and propose improvements in public services. The Ombudsman may also establish a relationship with society to handle and respond to users’ complaints, requests, reports, ideas, and praises (Brasil, 2017).

The Ombudsman’s Office goes back to the *ombudsman*, a term whose contemporary meaning has its origins in the Swedish Constitution of 1809 (Cardoso, 2010). Diversely, in Latin America, the development and growth of the Ombudsman are associated with the re/democratization movement in the region during the 1980s and 1990s (Uggla, 2004), while in Brazil, the Ombudsman was reinforced as an institution from the 1990s onwards (Bezerra, 2014). The Ombudsman’s Office has advantages over other citizen participation instruments, such as accessibility and freedom of action, since it is easy and cheap to use the Ombudsman’s channel, and it does not require from the complainant an effort that, for instance, a lawsuit would. (UGGLA, 2004).

The Law No. 13,460, of June 26, 2017, dedicates an entire Chapter to regulating the Ombudsman’s attributions. It provides for “participation, protection and defense of the rights of users of public administration services”. Thus, this Chapter is the main legislation on the subject. According to the law, the users’ claims must be answered with a final administrative decision within a maximum period of 30 days, extendable only once for the same period, with justification. The Ombudsman Offices must, among other duties, statistically consolidate user’s claims, highlighting recurring issues, pointing out the identified flaws, the measures taken in the proposed solutions, and suggesting improvements in the provision of public services. The latter occurs through an annual

management report directed to the highest authority of the entity and making it fully available on the Internet (Brasil, 2017).

Also, such duties described in the applicable prevailing legislation give the Ombudsman more authority and set it apart from simple channels of communication, either by strengthening the role of the position itself – for instance, by allowing the Ombudsman to propose improvements to the public service or by requiring a higher standard of accountability – through the monitoring and evaluation of the Ombudsman's performance to be done by the Users' Council (Brasil, 2017a; Bastos & Pereira, 2019).

Despite the importance of an ombudsman channel accessible to citizens, its availability alone does not mean that there is full passive transparency. In other words, full passive transparency depends on meeting the standards set forth by the legislation to ensure that citizens have access to information and the right to manifest themselves. Consequently, the Ombudsman is characterized as one of the main instruments of passive transparency, as it represents the bridge between the public administration and the users of public services in the resolution of their demands. Finally, the Ombudsman also makes an important contribution to the continuous improvement of public service provision to society.

The study by Piccini and Falcão (2022) shows Ombudsman as essential instruments to promote transparency and its strengthening with the advent of the following legal instruments: Law No.12,527/2011, known as the Access to Information Law, and Law No.13,460/2017, also known as the Defense Code for Users of Public Services, as well as the use of the “Public Ombudsman Maturity Model”, prepared by the Brazilian Office of the Comptroller General (CGU), as a reference for the structuring of these units, given the lack of a general law that established the minimum standards.

Ramalho and Bliacheriene (2021) analyzed the structures of services related to information access in Brazilian capital cities and observed the importance of internal control bodies in the implementation of the Ombudsman and a variation in the modeling of the appeal levels of the Access to Information Law, adapted to the local institutional reality. Lessa (2018) reflected on the potential for generating institutional content from the reports produced in public Ombudsman environments.

Rocha, Zuccolotto and Teixeira (2020) have researched the ineffectiveness of the exercise of social control in the Brazilian Courts of Auditors (TC), because even though Ombudsmen were installed in these public bodies, in practice, they did not guarantee a reduction in the informational asymmetry between representatives and the represented, keeping the TCs isolated.

Despite the importance of the Ombudsman in the public sector, as reported above, this research did not identify any studies dealing with its implementation in the RPPS.

Therefore, it is necessary to investigate the relationship between the use of the Ombudsman as a tool for promoting democracy through passive transparency and the RPPS, which materializes public social security policies designed to help individuals and their beneficiaries from social risk events, such as incapacity to work, old age, illness, or death (Ibrahim, 2011).

The Ombudsman in Special Social Security Regime (RPPS)

The Special Social Security Regime (RPPS)

In general terms, Brazilian social security system is composed of three elements designed to uphold social rights outlined in the 1988 Federal Constitution, aligning with the concept of a Social Welfare State. These components encompass assistance, healthcare, and social security. The latter demonstrates contributory and supportive characteristics and encompasses private and public pensions. According to Goes (2015), the General Social Security Regime (RGPS) and the Special Social Security Regime (RPPS) categorize the public pension system, and both demand mandatory enrollment.

In brief, the RPPS are units that manage the social security of the civil servants of the Federal Entity it is linked to, which are responsible for managing a significant number of public resources at the municipal, state, and federal levels. Currently, there are about 2,000 RPPS in Brazil that generate more than R\$277 billion Reais (Damasceno & Carvalho, 2021).

As stipulated in art. 40 of the Brazilian Constitution (CF/88), the RPPS is funded by the federated entity (municipalities, states, or the Union) to which it is linked, as well as by the civil servant who is also linked to that RPPS. In addition, RPPS must comply with criteria that safeguard its financial and actuarial balance (Brasil, 1988), which, if not met, must rely on the contribution of resources from the federated entity to which it is linked to cover any deficit (Brasil, 1998). In this way, resources that could be used to provide other public policies for the population can be used in the RPPS that are in deficit to pay the pensions of those insured under the RPPS.

As the CF/88 gives the Union the power to legislate on general social security rules, Federal Law No. 9,717/1998 was created, which sets out rules designed to guarantee the financial and actuarial balance of the RPPS, as well as to give the federal government responsibility for guiding, supervising and monitoring the RPPS (Brasil, 1998). It is under these premises that the institutional certification program entitled RPPS Pro-Management Program was created.

The Pro-Management Program and RPPS Ombudsman

The RPPS Pro-Management Program assesses and determines levels of adherence to the suggested guidelines through a series of indicators. Members of the Court of Auditors, directors of RPPSs at the municipal and state levels, and executives of organizations focusing on social security in the public sector are among the members of its accreditation and evaluation commission (Brasil, 2022b).

Initially instituted through Ministry of Social Security (MPS) Ordinance No. 185/2015, the RPPS Pro-Management Program is implemented in the interested municipalities, and adherence is optional. The municipality that enrolls in the program will have its performance taken into consideration for the attribution of a grade in a national RPPS ranking, which is the Social Security Situation Indicator (ISP-RPPS). Thus, the entity that partakes in the Program and obtains a good performance may have a better position in the ISP-RPPS than those that do not participate, by assessing the management modernization indicator (Brasil, 2022c).

Another relevant point is that the federal government does not provide the certification, but rather uses a certifying entity that has previously obtained accreditation. Consequently, the accredited certifying entity conducts meticulous analysis procedures of each Special Social Security Regime (RPPS) to evaluate their compliance with the program. Despite the Federal Government's endeavor to promote management practices in numerous Brazilian RPPS through an institutional certification program, only 498 out of 2,117 operational RPPS have opted to participate (Brasil, 2022d).

Furthermore, the Program encompasses four levels of certification (I, II, III, or IV). The municipality's certification level directly influences the requirements imposed on the Special Social Security Regime (RPPS), as depicted in Table 1.

Table 1 - Adherence levels of the Ombudsman item in the RPPS Pro-Management Program

Level	Requirement
I	Availability, on the website of the federative entity or the RPPS, of a communication channel in the "contact us" model.
II	In addition to the Level I requirements, at least one public servant fulfilling the Ombudsman job in the structure of the federative entity or the RPPS management unit.
III	In addition to the Level I requirements, at least one public servant fulfilling the Ombudsman job in the structure of the federative entity or the managing unit of the RPPS.
IV	In addition to the requirements of Level I, at least one public servant fulfilling the job of Ombudsman within the structure of the RPPS management unit, in possession of the Ombudsman certification and with performance procedures properly defined in a specific act.

Source: Adapted from the RPPS Pro-Management Program Manual (2022a, p. 35).

The requirements for the installation and maintenance of the Ombudsman's Office increase with the amount of RPPS demand. Notably, Level I simply calls for the creation of a public communication channel on the RPPS website or the website of the municipality to which it is attached. In addition to this channel, the highest level (IV) stipulates that there must be an Ombudsman post held by a civil servant within the RPPS structure who is duly certified to carry out the duties.

It is important to highlight that Level I adherence allows the RPPS to provide a channel in the "contact us" model that is easier to set up and operate than an Ombudsman's Office, which must meet an array of legal standards. This is because Law No.13,460/2017, articles 13 to 17, stipulates the responsibilities of the Ombudsman's Office, including the obligation to produce an annual management report suggesting improvements in the provision of services, respond to citizen demands within the legal timeframe, undergo assessment by the users' council, among other duties.

Moreover, the RPPS Pro-Management Manual has three major dimensions: Internal Controls, Corporate Governance, and Social Security Education. The item intended to be addressed in this study is the Ombudsman, which is incorporated in the Corporate Governance dimension, given the interdependence relationship between them.

Under the terms of the RPPS Pro-Management Manual, in its 3.3 version, the RPPS Ombudsman "provides a permanent communication channel between the

institution and the people or groups who have investments, other interests or have participated in its participation, investments or other interests in it” (Brasil, 2022a, p. 38). Its operation must meet the following requirements:

The managers must use the reports to improve services and the management of the RPPS, by analyzing and accepting those suggestions, compliments, and criticisms that are pertinent;

Ensure confidentiality and secrecy of records;

Forward the demands to the responsible departments;

Provide the necessary information to the claimants about their requests;

Promote an assessment of the degree of satisfaction of the insured regarding the service;

Monitor the steps taken by managers and the deadlines for compliance (Brasil, 2022a, p.35).

The Ombudsman, in this conception, serves not only the insured, but also the entire surrounding society, to obtain information and file claims. Also, according to the aforementioned manual, the Ombudsman’s Office must be implemented and maintained according to the desired level, as shown in Table 1.

Therefore, the importance given by the RPPS Pro-Management Program to the Ombudsman is evidence of its contribution to promoting passive transparency in the RPPS. This motivated this study, which consists of analyzing the electronic availability of information on the RPPS Ombudsman, following the procedures detailed in the next section.

Data Collection

Firstly, the adoption of the RPPS was determined for the 92 municipalities within the state of Rio de Janeiro. A comprehensive analysis was conducted on a total of 79 municipal RPPS, excluding the 13 municipalities that had their social security system governed by the RGPS rules. These excluded municipalities were not considered in the research, as illustrated in Figure 1.

These are the RPPS of the municipalities of Bom Jesus do Itabapoana, Engenheiro Paulo de Frontin, Guapimirim, Macuco, Paracambi, Paraty, Porto Real, Rio das Flores, Santa Maria Madalena, São Francisco do Itabapoana, São José do Vale do Rio Preto, Tanguá and Três Rios.

To check that the RPPS are adhering to the Pro-Management Program, we used the monitoring spreadsheet made available by the Ministry of Social Security, via the following websites: <https://www.gov.br/previdencia/pt-br/assuntos/rpps/pro-gestao-rpps-certificacao-institucional> and <https://www.gov.br/previdencia/pt-br/assuntos/rpps/pro-gestao-rpps-certificacao-institucional/arquivos/2020/PROGESTAORELAOENTES23022024.pdf>.

Subsequently, data was collected from the RPPS websites of the municipalities in Rio de Janeiro State and from the website of the respective city hall of the municipality

to which the RPPS is linked between 12/13/2022 and 12/17/2022. Below, Table 2 shows the parameters used for data collection.

Table 2 - Parameters used for data collection

Information to be obtained	How to fill in the data in the spreadsheet
What is the Social Security System?	RPPS; RGPS.
Does the RPPS have its own website or is it integrated with the city's website?	INDEPENDENT; INTEGRATED; DOES NOT HAVE; Not applicable.
RPPS adhered to Pro-Management Program?	YES; NO.
Website	Access link to the RPPS website or to the city hall website.
Does it have a service channel (akin to "contact us") on the RPPS website?	If yes, paste the link to the respective RPPS website; if not, inform "NO".
Does it have a service channel (akin to "contact us") on the city hall website?	If yes, paste the link to the respective city hall website; if not, inform "NO".
Does it have its own Ombudsman on the RPPS website?	If yes, paste the link; if not, inform "NO"; if the RPPS or municipality only uses the Fala.br channel, inform "FALA BR".
Does it have its own ombudsman on the city hall website?	If yes, paste the link; if not, inform "NO"; if the RPPS or municipality only uses the Fala.br channel, inform "FALA BR".

Source: The authors.

The contacts and links to websites provided by the municipal entity, which were links to the "Fala.br" website and other communication means of the Federal Government, were not considered. That is because those websites were not specific to the municipal entity/RPPS. Likewise, access links that were inoperative at the time or that redirected to other pages not related to the service channels described above were ruled out.

In addition, the number of clicks when accessing the RPPS websites to locate information about the Ombudsman was set and limited. A limit of five attempts was set. If no information on the Ombudsman was found after the attempts, it was considered that the RPPS did not have an Ombudsman channel, and the question "Does the RPPS have its own Ombudsman on its website?" was answered with "No".

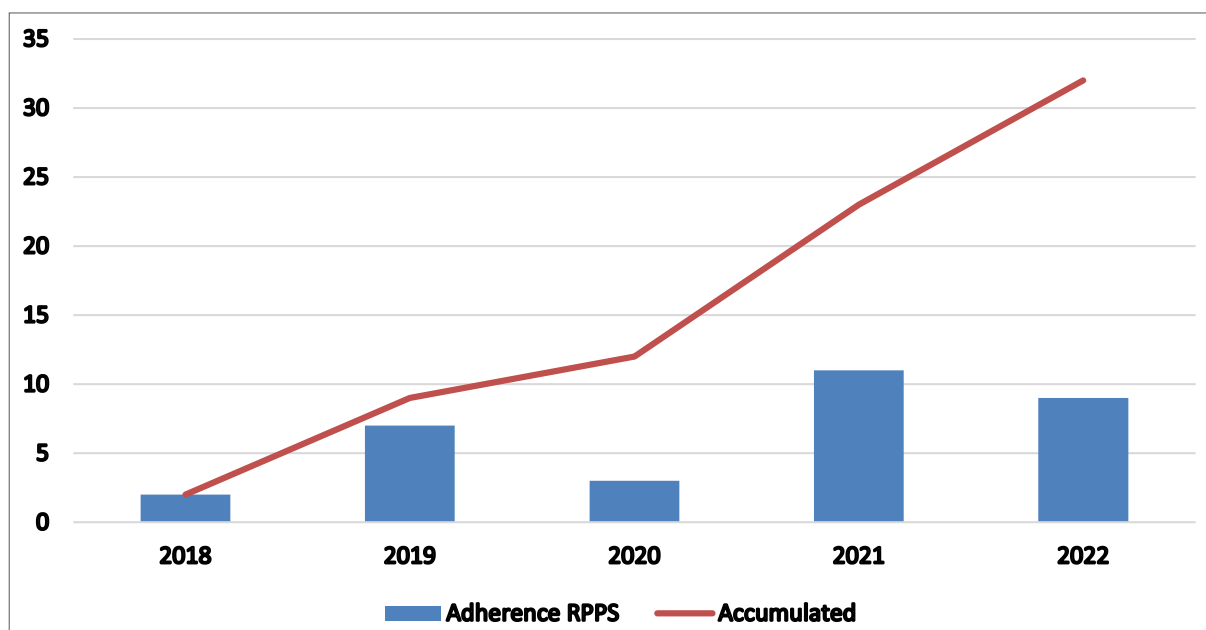
Finally, after collecting the data, all information was filtered in order to indicate the number of RPPS under municipal regulation, in addition to those that have their own website or not, as well as the number of RPPS that fit or not in Level I of the "Ombudsman" item of the Corporate Governance dimension of the Pro-Management Program.

Findings and Discussion

The process of adhesion of the Federative Entities to the RPPS Pro-Management Program began in 2018, with the publication of SPREV Ordinance No. 3, of January 31, 2018. This Ordinance approved the Pro-Management Manual and the procedures of enrollment, operation, and certification. The first entity to receive it, still in 2018, was the State of Rio de Janeiro and its own RPPS, the Rio de Janeiro State Single Social Security Fund (Rioprevidência).

Thus, since the program was first opened for enrollment in 2018, among the 79 RPPS managed by cities in the State of Rio de Janeiro, 32 of them have adhered to the Pro-Management Program over the years, as shown in Graph 1.

Graph 1 - Adherence of Rio de Janeiro State's RPPS municipalities to the Pro-Management Program



Source: Survey data (2022).

It is also important to consider the fact that some of the most densely populated municipalities in the State of Rio de Janeiro had not yet joined the Pro-Management Program and most of them are part of the metropolitan area: Rio de Janeiro, Niterói, São Gonçalo, Duque de Caxias, São João de Meriti, Nilópolis, Magé and Petrópolis. Collectively, they have an estimated population of 10,511,511 inhabitants, or 60.19% of the population of the State of Rio de Janeiro, which amounts to 17,463,349 inhabitants (Brasil, 2022e).

Figure 1 - RPPS that adhered to Pro-Management Program until 2022

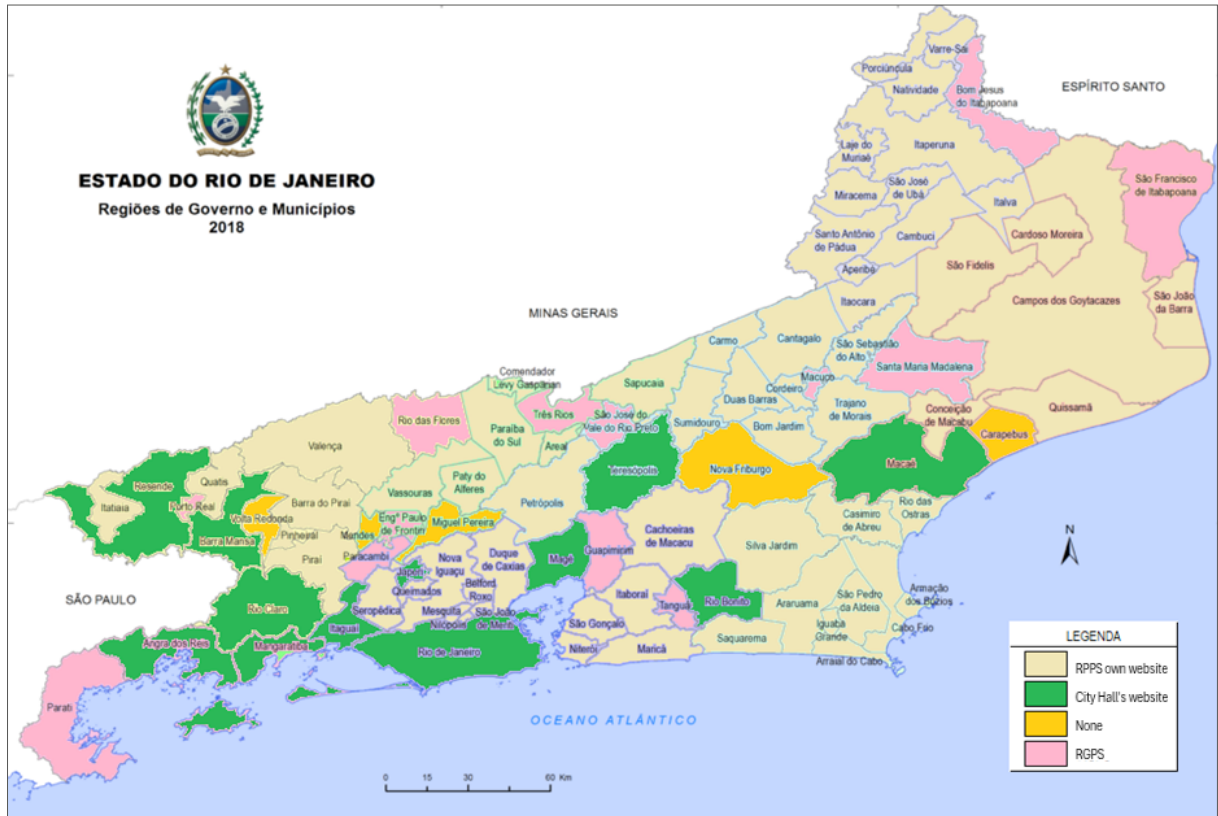


Source: Survey data (2022).

Although some of the city-managed RPPS in the State of Rio de Janeiro have enrolled in the Program, this research assesses whether all 79 RPPS in the state met the Program criteria.

Regarding the kind of electronic channels provided by government entities, it was verified whether each RPPS has its own institutional site or uses the Federal Government’s electronic address to communicate its information. We identified a total of 62 RPPS that have their own website and 12 RPPS that use the website of the municipality to which they are linked. It was also detected that 5 RPPS do not have their own site, nor do they make their information available in an integrated way on the city hall’s website to which it is linked, as seen in Figure 3.

Figure 2 - RPPS that offers information through its own website, through the city hall's website, or none



Source: Survey data (2022).

After identifying the websites of each RPPS, we analyzed the number of city-managed RPPS in the State of Rio de Janeiro which (i) have a customer service channel (similar to Ombudsman or “Contact Us”); and (ii) those that use some customer service channel (similar to Ombudsman or “Contact Us”) through a Federal Government body’s website that they are associated with, in an attempt to identify which city-managed RPPS fit into Level I of the Pro-Management institutional certification program, in the category Ombudsman, a component item of the Corporate Governance dimension. The data are arranged in Chart 1.

Chart 1 - Customer Service channels provided by RPPS and respective Municipalities

Category	Description	Number	Percentage
A	RPPS that provides an Ombudsman on its website	32	40.5%
B	RPPS that does not fit into category A, but the city hall website provides an Ombudsman	29	36.7%
C	RPPS that does not fit into categories A and B, but makes available a “Contact Us” type of communication channel on its own website	11	13.9%

D	RPPS that does not fit into categories A, B, and C, but the city to which it is associated with provides a “Contact Us” communication channel	5	6.4%
E	RPPS and respective municipality that do not provide any contact under Level I of the Pro-Management Program	2	2.5%
Total		79	100%

Source: Survey data (2022).

As shown above in Chart 1, only 2.5% of the cities in Rio de Janeiro State do not meet the requirements established by Level I of the Ombudsman item, which is part of the Corporate Governance dimension of the Pro-Management Program. In addition, it was also found that the majority (54.4%) uses their own websites to make Ombudsman contact channels available, such as “Contact Us” or similar.

However, it can be noted that the fact that most RPPS do not have their own Ombudsman Office contradicts the Pro-Management Program’s ultimate goal of promoting good management practices (Brasil, 2022a). Furthermore, as inferred from Chart 1, the intent of the program is continuous improvement, by means of the final goal, which would be classification at Level IV of the “Ombudsman” item. In fact, more than four years after the Program’s implementation, none of the RPPS in the State of Rio de Janeiro has yet reached the highest level (Brasil, 2022d).

Finally, we also attempted to determine the number of RPPS that fall within Level II of the indicator. Nonetheless, we faced a challenge as most municipalities refrain from providing explicit details regarding the organizational structure of the Ombudsman’s Office, focusing solely on the mention of their communication channels.

Concerning the relationship between the results found and the theoretical framework, it can be seen that the provision of an Ombudsman by the RPPS is still insufficient. However, even if there were more Ombudsmen available, this would possibly not guarantee an improvement in service provision, as in research by Rocha, Zuccolotto, and Teixeira (2020), which found that the existence of an Ombudsman alone does not guarantee a reduction in informational asymmetry. In this sense, the passive transparency of the RPPS Ombudsman must be fully effective, containing all its constituent elements, visibility and inferability (Michener & Bersch, 2013).

Concluding Remarks

Overall, the vast majority of cities in the State of Rio de Janeiro fulfill Level I requirements of the Ombudsman item in the “Corporate Governance dimension of the Program for Institutional Certification and Modernization of the Management of Public Social Security Systems of the Union, the States, the Federal District, and the Municipalities” – RPPS Pro-Management Program.

Despite this, we observe that the Level I in question has low requirements, since it allows the RPPS to be classified even if it does not have its own Ombudsman’s

Office, which is the case in the 45 city-managed RPPS in Rio de Janeiro State (57.0%). Thus, a minority of RPPS (40.5%) have their own Ombudsman offices.

According to previous research, the Ombudsman Office is a crucial tool to materialize participative democracy and passive transparency in the public sector. So, the scenario that best translates this democratic ideal would be the adoption of Ombudsman's Offices by all the RPPS studied, along the lines of Level IV of the Pro-Management Program, which was not observed in the research done on their websites, failing to foster transparency and the generation of institutional content (Piccini & Falcão, 2022; Ramalho & Bliacheriene, 2021).

Furthermore, the mere provision of information by the Ombudsman of the RPPS of Rio de Janeiro municipalities does not in itself mean that there will be full transparency. It is necessary to ensure that the information contains the basic constituent elements of transparency, namely visibility and inferability (Michener & Bersch, 2013).

We also acknowledge some limitations in this research in the standardization and the availability of information by the RPPS and respective municipalities, which did not allow the groups of researchers to have full access to data. Adding to that, some RPPS and municipalities provide service channels, but, when accessing them, the pages were offline, or the links redirected to the federal government's communication's websites.

Also, it was noticed that the RPPS generally did not make the information available, as proposed by the Pro-Management Manual ("In addition to the Level I requirements, at least one public servant exercising the role of Ombudsman in the structure of the federative entity or the RPPS management unit").

Since the RPPS handles a significant number of resources, an eventual mismanagement can lead to repercussions on other public services. As a matter of fact, Law No. 9.717/98 establishes that any financial insufficiency of the RPPS must be compensated by means of contributions from the Treasury of the respective municipality, which may compromise other public policies, such as health care, education, and public safety.

This research contributes to the academic community by tackling a little-researched topic, namely the analysis of passive transparency in RPPS, by verifying the electronic availability of information relating to the Ombudsman of these RPPS.

The results obtained in this study, together with the large number of RPPS in the region studied, contribute to further research aiming at analyzing the occurrence of passive transparency, not only in the Ombudsman's offices of municipal RPPS in other states but also in the Ombudsman of Brazilian and international municipalities.

Finally, as recommendations for future research, we suggest the study of the adherence of city-managed RPPS to the other levels of the Ombudsman item in the Corporate Governance dimension of the Pro-Management Program, as well as the addition of other descriptive or explanatory variables to what was raised by the present study, in order to identify other possible causes for the results found. It is also suggested that surveys be conducted to evaluate the effective functioning of the Ombudsman channels made available by the RPPS.

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