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PUBLIC GOVERNANCE COMMITTEE**

New Developments in Open Government

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This discussion paper provides background for discussion at the PGC Symposium on Open and Agile Government on 19 November 2012. It also proposes a common framework to align different sets of OECD public governance work on Open Government.

PGC Delegates are invited to COMMENT on the definition, scope and conceptual framework for Open Government in order to provide guidance to the Secretariat as it proceeds with different sets of work on this cross-cutting theme in the next biennium.

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NEW DEVELOPMENTS IN OPEN GOVERNMENT

1. Introduction – What is new in open government?

1. In 2011, 8 founding governments¹ established the Open Government Partnership in order to promote greater government openness around the world.

2. OGP's Open Government Declaration states that:

"We acknowledge that people all around the world are demanding more openness in government. They are calling for greater civic participation in public affairs, and seeking ways to make their governments more transparent, responsive, accountable and effective.

.....

We accept responsibility ... to strengthen our commitments to promote transparency, fight corruption, empower citizens and harness the power of new technologies to make government more effective and accountable.

We uphold the value of openness in our engagement with citizens to improve services, manage public resources, promote innovation, and create safer communities. We embrace transparency and open government with a view of achieving greater prosperity, well-being, and human dignity in our countries and in an increasingly interconnected world."

3. Governments must fulfil a minimum eligibility criteria in order to participate in the OGP. They have to produce demonstrated commitment in for key areas:

- *"Fiscal transparency:* The timely publication of essential budget documents forms the basic building blocks of budget accountability and an open budget system.
- *Access to Information:* An access to information law that guarantees the public's right to information and access to government data is essential to the spirit and practice of open government.
- *Disclosures Related to Elected and Senior officials:* Rules that require public disclosure of income and assets for elected and senior public officials are essential to anti-corruption and open, accountable government.
- *Citizen engagements:* open government requires openness to citizen participation and engagement in policy making and governance, including basic protection for civil liberties." (www.opengovpartnership.org)

4. In support of these objectives, the OGP, is a "...multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption and harness new technologies to strengthen governance" (OGP, 2011). It is a strategic and comprehensive initiative

¹ Brazil, Indonesia, Mexico, Norway, Philippines, South Africa, United Kingdom, United States

that has attracted already 57 countries as members whose progress will be measured by objective indicators and validated by independent experts. The OGP is governed by a Steering Committee of governments and civil society organisations.

2. What has the OECD done on open government?

5. The OECD, via its Public Governance Committee (PGC), has followed the development of the OGP since its inception, and has been invited to participate in its annual and technical level meetings. The OECD is promoting OGP both in the MENA region and in Latin America. Financial support of the US (through MEPI: Middle East Partnership Initiative) allows it to support Jordan in improving its OGP Action plan and Morocco, Tunisia and Libya in joining the OGP. This work is action oriented, with a focus on the implementation aspects and change management needed to achieve real increases in the openness of these governments. The Government of Colombia has also asked the OECD to organise a session on open government at the forthcoming meeting of the Latin American Centre for Development Administration (CLAD).

6. This work, most of it in non-OECD countries, rests on over a decade's worth of PGC experience in the OECD area. Over this time, the OECD has accumulated a large knowledge-base on practices, data, frameworks and instruments in areas such as public engagement, e-government, public sector innovation and budgeting (Table 1).

Table 1. OECD outputs on Open Government

Areas	OECD Comparative Knowledge Base and Data	OECD frameworks and instruments
Access to Information and open data	<ol style="list-style-type: none"> 1. Scope of FOI laws 2. Ease of filing a request for public information 3. Proactive disclosure of information 4. Legislation and policy measures for open government 	<ul style="list-style-type: none"> • Guiding Principles on Open and Inclusive Policy-Making (2008) • Framework to Assess Open Government Policies (2012) Framework to assess open government data initiatives and data on PSI accessibility, disclosure, reusability and use (2012)
Public engagement	<ol style="list-style-type: none"> 1. Policy frameworks and practices 2. Use of public consultation in RIA 3. Public openness for decision-making and co-delivery of public services 	<ul style="list-style-type: none"> • OECD Handbook on Information, Consultation and Public Participation in Policy-Making (2004)
Integrity	<ol style="list-style-type: none"> 1. Conflict of Interest Disclosure 2. Transparency in public procurement 3. Transparency in Lobbying 	<ul style="list-style-type: none"> • OECD principles for managing ethics in the public service (1998) • OECD guidelines for managing conflict of interest in the public service (2003) • OECD principles for enhancing integrity in public procurement (2008) • OECD principles for transparency and integrity in lobbying (2010) Reporting back to the OECD Council on the implementation of the OECD principles for enhancing integrity in public procurement (2012)
Public sector ICT use	<ol style="list-style-type: none"> 1. laws and policies enabling e-government 2. e-government strategies 3. data on public sector ICT spending 	<ul style="list-style-type: none"> • Framework to assess public sector use of ICT for openness, integrity, and transparency (2013)
Public budget transparency	<ol style="list-style-type: none"> 1. Budget disclosures 2. Legislative capacity to ensure transparency in the budget process 	<ul style="list-style-type: none"> • Good practices in budget transparency (2002) • Principles for independent fiscal institutions (2013)

7. Several reports have also been published on the subject, such as *Together for better Public Services : Partnering with citizens and civil society* (2011); *Focus on Citizens – Public Engagement for Better Policies and Services* (2009); *Open government – Fostering Dialogue with Civil Society* (2005); *Citizens as Partners: information, Consultation and Public Participation in Policy Making* (2001). Most of this work has been carried out under the direction of the OECD Steering Group on Open and Inclusive Policy Making, under the authority of the PGC.

8. OECD work helps support the transferability of experiences and practices regarding open government: 1) across countries; 2) across sectors; and 3) across levels of government². OECD work on relations across levels of government, lobbying, independent fiscal institutions, supreme audit institutions, and the justice sector are all serving to improve our understanding of open government and its impact from a whole of public sector perspective. OECD guidelines and principles governing the independence, co-ordination, and roles of these actors all have a bearing on the overall capacity of the public sector to be more open.

9. As the level of interest in open government grows, the OECD could expand its activities. For example, most of the binding principles produced by the OECD in the area of open government relate to transparency and integrity issues, focusing on public service ethics, lobbying, and public procurement. There is scope for additional normative work in areas such as budget transparency and citizen engagement. The OECD is also collecting a wide range of data on many aspects of open government in member countries. This is the first governance area where data is not limited only to the enumeration of existing legal provisions related to Access to Information, but it is also seeking information on their implementation (see Annex).

Question(s) for Discussion

- *Are there additional areas of work, data collection, or instruments to be developed in order to allow the OECD to support open government at all levels?*
- *How could strategic partnership between the PGC and the OGP help advance national priorities in both OECD and non-OECD countries?*

3. What governments need to consider when introducing open government policies?

10. The OECD defines open government as “the *transparency* of government actions, the *accessibility* of government services and information and the *responsiveness* of government to the ideas, demands and needs ” (OECD, 2005). How transparency is understood and put into practice, however, is changing over time. For example, while Freedom of Information (FoI) laws put the onus on citizens or organizations to request information as a one-off act, over time the *onus has shifted to governments to make all information proactively* available, with certain exemptions such as for privacy or security reasons, to foster a regular interactive relationship with citizens.

11. In addition to providing information for transparency and accountability, *public consultation* and *citizen participation* were also identified as key elements of open government (see Annex 1). New forms

² This last issue is of particular importance because the relationship between government and citizens is very different at the local and central level, and yet oftentimes policymakers seek to extrapolate open government practices and lessons from the local to the central level where there are relatively few direct services to citizens. This raises issues about how central and local governments can work together to be more open to citizens (e.g. mashing central and local data; sharing databases; electronic identification) and what is the appropriate level decentralisation and subsidiarity to bring services and decisions closer to citizens.

of relation between governments and citizens and business, however, are transforming even the traditional modes of interaction. With a more active and vocal citizenry and civil organizations, *citizen engagement is permeating all government activities* starting with the creation and collection of public information – such as corruption data collected by Transparency International – and extending beyond participation in policy development and in regulatory decision-making to service delivery and the evaluation of policy results. Citizen participation in policy-making is now expanding to include *more direct forms of citizen engagement, such as joint decision-making and co-production of public services*.

12. Finally, *public sector information (PSI)* and data is now recognised not only as an important tool for transparency and accountability, but also as an important *public asset* in and of itself. ICTs in general – and new technologies in particular – enable more agile processes to gather, access, share and analyse information in a timely manner, making PSI easier to find and access, and enabling its free use, re-use and distribution. This shift can *empower communities and businesses to create products and drive innovation to improve public sector performance and agility*. Similarly, improved information flows can *provide the evidence to ground policy choices and help individuals make more informed decisions on public services*, e.g. education, healthcare, energy use patterns. Critical decisions remain, however, such as what data gets published and how government ascertain that what is published is of real interest to the public as opposed to simply what is available, i.e. aligning supply and demand of public information.

13. One of the major changes in open government today is that *governments are no longer in the driver's seat of citizen engagement*. While governments have been very aware of citizens becoming increasingly sophisticated “clients” of theirs in line with their experience of consumers, the qualitative change to “emancipated” citizens is a new phenomenon for governments: citizens set their own agenda, demand policy action, suggest solutions, and call for results from governments, more often than not in time spans unfamiliar for almost all governments and public administrations. And it is not only a challenge for the executive branch. The traditional forms of democratic participation through political parties, and the representation of citizens in parliaments are facing similar challenges, including being bypassed, or their monopoly as the voice of the people undermined.

14. While the expected positive outcomes of open government policies have been described in detail in the previous sections, government also faces some dilemmas and trade-offs when introducing open government. Some of those issues relate to the policy-making process, others to the responsiveness to citizens’ needs (see also Annex 4).

15. Hard evidence on the impact of openness on government performance and/or public value creation is still very limited. What emerges is that countries have experienced mixed progress in applying the ten “Guiding Principles for information, consultation and active participation in policy making” (OECD, 2008). Overall, governments indicated that “we have established rights, we have active citizens and a commitment to engage them in policy making but we face challenges of resources, time and lack of evaluation”. The report identifies therefore a number of remaining challenges for governments that are still relevant. These are the following:

- How to design cost effective and useful public consultation and engagement initiatives?
- How to make public policy more interesting and relevant to more people?
- How to earn and keep people’s trust that government will actually use their input?
- How to address the very real constraints of time that characterise modern urban societies in OECD countries?

16. Public participation in policy making is expected to produce better policies by bringing more experiences and diverse point of views to the process. At the same time, however, as participation by the public at large is not the norm but rather the exception, there is a risk that it could result in policies that represent the opinions and interests of vocal individuals or groups who are most willing and able to participate. This makes it more difficult to ascertain the legitimacy of the opinions expressed, but the OECD is working on issues such as lobbying rules to address the most extreme forms of influence peddling in public policy making.

17. Public consultations have the potential to improve policy outcomes as they offer an opportunity to engage with stakeholders. However, they also have the potential to slow down the policy making process, to create additional administrative steps and to open the possibility of challenge. This could reduce agility of governments in case of emergencies – such as during the financial crisis. For this reason, some countries have created specific exemptions to allow for a temporary and fast track process during an emergency, provided that consultations be conducted in a follow-up phase. These exemptions have to be reserved for the most serious cases in order to limit the opting out of public engagement on pressing policy issues. For these reasons, countries need a clear *ex ante* framework, balancing the need for openness with the flexibility needed to manage emergencies.

18. Open government is also a tool for ensuring accountability of public officials to the public. However, this could also lead to disincentives in articulating all the major decision making factors or bringing relevant evidence to the table by the bureaucracy. This could result, for example, in cases where a public debate is perceived as a sign of a lack of leadership or where decision-makers become more risk adverse because they do not want the decision-making process to be dissected in public. As a result, open government policies could lead to more opaque policy development processes, discussions at decision-making bodies becoming less honest and more restrained, and to the avoidance of paper trails, etc.

19. In terms of opening up government data to the public, openness in practice is currently supply driven, that is governments offer up the data that they already collect. However, what data governments collect does not necessarily reflect what citizens want. It is also worth considering that governments should use open data initiatives to examine what data citizens want and need, so that it can put in place the processes to collect demand-driven data. The current supply driven approach could in extreme cases lead to unintended consequences, such as when data collection is terminated altogether in order to avoid making uncomfortable information open to the public. However, this will have a negative impact on evidence-based policy making, as the evidence disappears altogether from the policy process.

Questions for discussion

- *How do you interpret openness?*
- *How does your government address these dilemmas?*

4. How could the OECD further contribute to better open government policies both in member countries and members of the OGP?

20. While plenty of information exists on the legal and institutional framework of open government policies, there is almost no evidence on *how those existing laws and other instruments are implemented* and what is the actual *impact of open government policies*. Rather than viewing open government as an absolute good to be upheld at all costs and in all situations, it may be more useful to have a *balanced approach* to open government by examining its *costs and benefits*. However, this requires first *enumerating and measuring those costs and benefits* that would eventually produce much needed *data on*

open government. Information that is lacking and needed to understand and evaluate open government policies fall into the following three areas:

- *monitoring the implementation* of existing laws and other instruments (with special attention to how open government policies are implemented in a whole of government context);
- *monitoring new developments* in open government, such as open data, co-design and co-production of services;
- *measuring and monitoring the impact* of open government policies (e.g. economic and public value creation).

21. The ability to monitor is currently hampered by a lack of existing *methodologies for measuring open government and its impacts*. In the past, for example, open government was often defined by its rules and institutions, with limited attention to its impact (Annex 2). As the concept of *openness becomes less periodic* (e.g. responding to citizen requests for information) and *more continuous* (e.g. proactive disclosure, opening up public databases), new ways to measure openness need to be developed, expanding from simple disclosure to embrace notions of accessibility, usability and take-up of government information.

22. Through Government at a Glance 2011, the OECD is already collecting some open government information such as the ease of filing a request for public information and collecting data on the exemptions to Freedom of Information laws (see details in Annex 3). In order to go further, for example to get information on the implementation of open government policies, *surveys of government officials* could be *useful, but not sufficient*. The first step to improving open government data would be to explore the *existing administrative data sets* in countries in order to find out what kinds of information exist on the various aspects of the implementation of open government policies, how it differs from country to country, and how it could be standardised with the agreement of countries.

23. Implementation of open government policies and the challenges encountered could be explored by *in-depth country studies* as well, which could provide rich description of the contextual factors, its impact of open government policies, the various tools utilized to implement those policies, and their interactions. They could also be used to *pilot approaches to measuring the impact / outcomes of those policies*.

24. There is almost nothing to go on when it comes to the measurement of the impact of open government policies. Expected outcomes from open government are described in very general terms, and *seldom do governments articulate their clear objectives* with various open government policies, *which will be needed to evaluate the effectiveness of those policies*. An additional problem in measuring the outcomes of open government policies is that there are multiple objectives that governments want to achieve with those and the interaction of those objectives is not well understood.

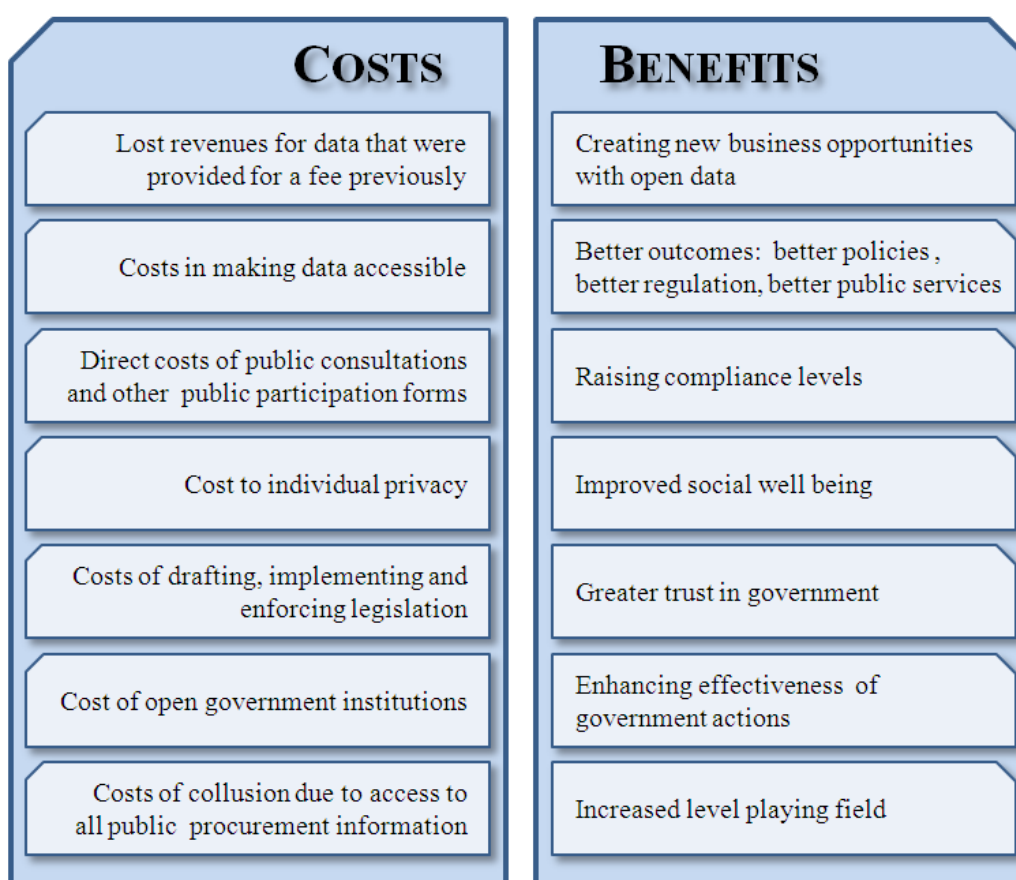
25. In order to progress with the measurement of the impact of open government policies a theoretical framework is first needed, systematically enumerating: key and changing objectives of open government; major policy principles that open government encompasses; major contextual factors that influence its development, including key drivers of recent changes; governance instruments through which open government principles are carried out; and finally, its major outputs and outcomes. Such a draft framework is described in the Annex 4 of this document.

26. It is easier – although far from easy – to measure the gains achieved by the use of open data in terms of new businesses established or innovations achieved and their results. It is much more difficult to do so in terms of the impact of increased public engagement on the quality of public policies, regulations

or services. In order to achieve the latter, both *objective and subjective data need to be gathered*. Objective in the sense of how policies were modified as the result of public consultations, measured for example by the number of modifications (although whether those were for the better or worse is a theoretical proposition). Subjective measures include citizens' perception of improvement of government policies due to their involvement. This could be measured through citizen opinion surveys focusing on their evaluation of the impact of citizen participation. In this regard, it would be important to separate out the opinions of those who participated in various open government initiatives from those who did not.

27. In terms of identifying the major items that need to be considered in the costs and benefits analysis of open government, Figure 1 lists some of the key ones - and the list is far from exhaustive. However, the measurement of those items raises the same issues that were discussed earlier.

Figure 1. Costs and Benefits of Open Government



28. Open government is a broad concept that needs to be addressed using a co-ordinated, whole of public sector approach. This paper is a starting point for aligning and integrating existing OECD knowledge, data and instruments in order to provide a basis for better understanding, measuring, and collecting data on open government 1) across OECD countries through existing vehicles such as the Observatory on Innovation in the Public Sector (OPSI) and Government at a Glance (G@G); 2) in a more targeted way through work such as Public Governance Reviews and MENA reviews in the context of the Open Government Partnership; and 3) to identify where new instruments may be needed along the lines of the OECD principles on integrity (e.g. public service ethics, lobbying, and public procurement). This is also an opportunity for the PGC to identify gaps in the framework that may need to be addressed in future work.

Question(s) for Discussion

- *What should be the next steps for the PGC?*
- *Should the focus of open government work be on data gathering and the collection of best practices?*
- *Should the OECD organise an expert meeting or workshop on open government?*

ANNEX 1.

Three levels of interaction for strengthening government-citizen relations

29. In 2001, the OECD Handbook, *Citizens as Partners*, set out a framework for understanding the ways in which government can open itself up to its citizens, with progressively higher levels of interaction:

- **Information** is a *one-way relationship* in which government produces and delivers information for use by citizens.
- **Consultation** is a *two-way relationship* in which citizens provide feedback to government.
- **Active participation** is a *relation based on partnership with government*, in which citizens actively engage in defining the process and content of policy-making.

ANNEX 2.

Institutions and legal framework for open government

30. In the last decades many countries have launched open government initiatives. Countries began by focusing on building institutions and a legal framework for open government to create a solid basis for implementation of policies and to build institutions to ensure accountability. The legal and institutional framework consists of:

- laws on access to information;
- laws on privacy and data protection;
- laws on administrative procedures;
- laws on ombudsman institutions;
- laws on supreme audit institutions; and
- institutions: dedicated agencies in charge of supervising the application of the above laws.

31. By 2009, almost all OECD countries had both the legal framework and the institutions for open government in place. For example, almost 90 per cent of OECD countries have adopted access to information laws.

ANNEX 3.

Depth of central government freedom of information laws (2010)

	Class test							Harm test				
	National security	International relations	Personal data	Commercial confidentiality	Law enforcement and public order information received in confidence	Internal discussions	Health and safety	Harm to persons	Harm to international relations, or to defence of state	Harm to commercial competitiveness	Harm to the economic interests of the state	Harm to law enforcement agencies
Australia	○	○	○	○	○	○	○	○	○	○	○	○
Austria	●	●	●	●	○	○	●	●	●	○	●	○
Belgium	●	○	○	○	○	○	○	●	●	●	●	○
Canada	○	○	●	●	○	○	○	○	○	●	○	○
Chile	○	○	○	○	○	○	○	○	○	○	○	○
Czech Republic	●	○	●	●	●	○	○	●	●	●	●	●
Denmark	○	○	○	○	○	○	○	○	○	○	○	○
Estonia	●	●	●	●	●	○	●	●	●	●	○	●
Finland	○	○	○	○	○	○	○	○	○	○	○	○
France	○	○	○	○	○	○	○	○	○	○	○	○
Hungary	●	●	●	○	●	○	○	○	○	○	○	○
Iceland	●	●	●	●	○	○	○	●	●	●	●	○
Ireland	●	●	●	○	●	○	●	●	●	●	○	●
Israel	●	●	●	○	○	○	○	●	●	○	○	○
Italy	●	●	○	○	●	○	●	○	●	○	●	●
Japan	○	○	○	○	○	○	○	●	●	●	●	●
Korea	○	○	○	○	○	○	○	○	○	○	○	○
Mexico	○	○	●	○	○	○	○	●	●	○	●	○
Netherlands	●	○	●	●	○	○	○	○	○	○	○	○
New Zealand	○	○	○	○	○	○	○	○	○	○	○	○
Norway	○	○	●	●	○	○	○	○	○	●	○	○
Poland	○	○	○	○	○	●	○	○	○	○	○	○
Portugal	●	●	●	●	●	○	●	●	●	●	○	○
Slovak Republic	●	●	○	●	○	○	○	○	○	○	○	○
Slovenia	○	○	○	○	○	○	○	○	○	○	○	○
Spain	●	○	○	●	●	○	○	○	○	○	○	○
Sweden	○	○	○	○	○	●	○	●	●	●	●	●
Switzerland	●	●	●	●	●	●	●	●	●	●	●	●
Turkey	●	○	●	●	○	○	○	●	●	●	●	○
United Kingdom	○	○	○	○	○	○	○	○	○	○	○	○
United States	○	○	○	○	○	○	○	○	○	○	○	○
Russian Federation	●	●	●	●	●	○	●	●	●	●	●	●
Ukraine	○	○	○	○	●	○	●	○	○	○	○	○
Total OECD31												
● Mandatory	15	10	14	12	8	3	6	13	14	12	10	7
○ Discretionary	15	18	13	16	18	20	15	16	15	16	15	17
○ Not applicable	1	3	4	3	5	8	10	2	2	3	6	7

Source: OECD Open Government Survey (2010)

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

Data are not available for Germany and Greece. Luxembourg is currently drafting a law on access to information and is not included in the table.

According to the Australian law, documents that contain personal data, internal government discussions and health and safety must be disclosed unless there is a public interest against it. Different criteria are applied to satisfy the "harm" tests for each individual category of exemptions indicated in the table.

Ease of filing a request (2010)

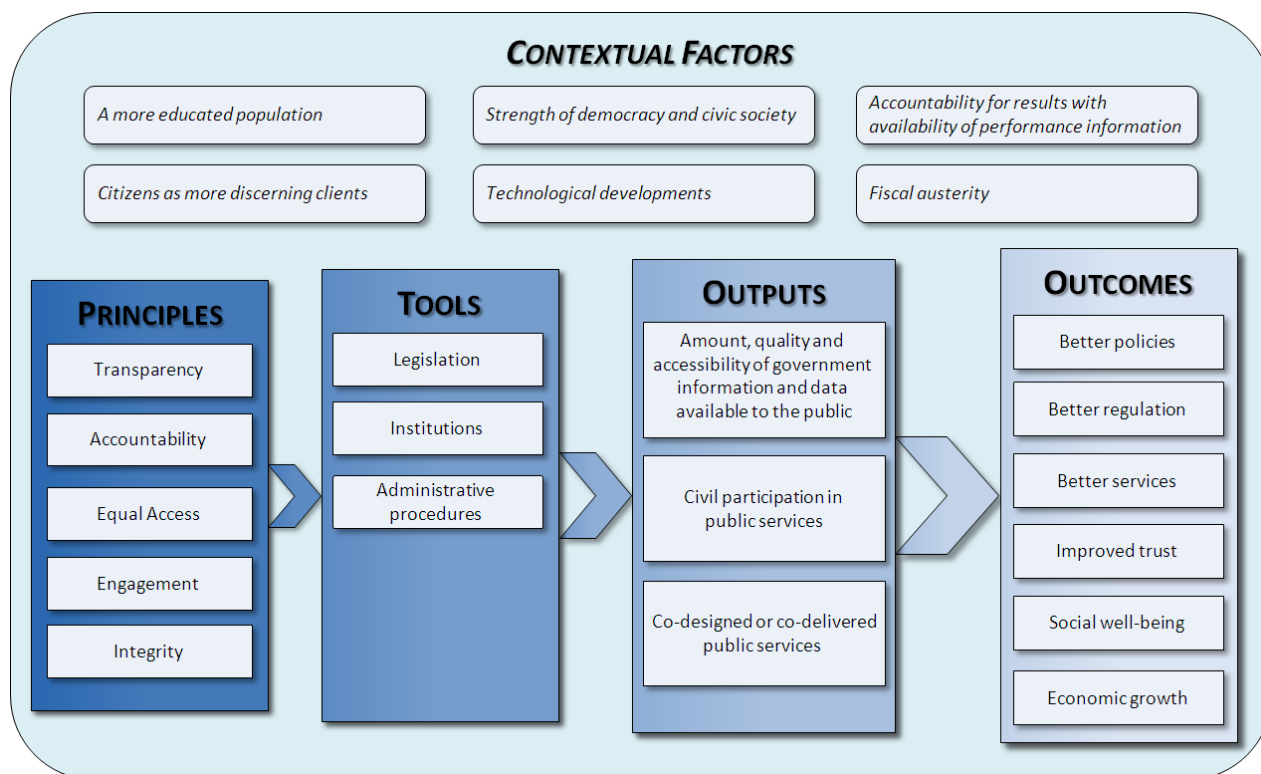
	Personal protection		Assistance to requestors			Channels to file a request			
	Provisions for anonymity	Protection from retaliation	Identifying and locating the relevant information	Fee waivers or reductions	Provisions for access to information for people with disabilities	In writing	On line	In person	By telephone
Australia	○	○	●	●	●	●	●	●	○
Austria	○	○	●	●	○	●	●	●	●
Belgium	○	○	●	○	●	●	●	●	○
Canada	○	○	●	●	●	●	○	●	○
Chile	○	○	○	○	○	●	●	●	○
Czech Republic	○	○	●	●	○	●	●	○	○
Denmark	○	○	○	●	○	●	○	●	●
Estonia	●	○	●	●	○	●	●	●	●
Finland	●	●	●	○	●	●	●	●	●
France	○	○	○	○	○	●	●	●	●
Hungary	●	○	○	○	○	●	●	●	●
Iceland	○	○	○	○	○	●	●	●	●
Ireland	○	○	●	●	●	●	○	●	○
Israel	○	○	○	●	○	●	●	○	○
Italy	○	○	●	●	●	●	●	●	●
Japan	○	○	●	●	○	●	○	○	○
Korea	○	○	●	●	●	●	●	●	●
Mexico	○	●	●	○	○	●	●	●	○
Netherlands	○	●	●	○	○	●	●	●	●
New Zealand	○	○	●	●	○	●	●	●	●
Norway	●	○	●	○	○	●	●	●	●
Poland	○	○	○	○	●	●	○	●	○
Portugal	○	○	●	○	○	●	●	●	○
Slovak Republic	○	●	●	●	●	●	●	●	●
Slovenia	●	○	●	○	●	●	●	●	●
Spain	○	○	○	○	○	●	●	○	○
Sweden	●	●	●	○	○	●	●	●	●
Switzerland	●	○	●	●	●	●	●	●	●
Turkey	○	○	●	●	●	●	●	○	●
United Kingdom	○	○	●	○	●	●	●	○	○
United States	○	●	●	●	●	●	●	○	○
Russian Federation	○	●	●	○	●	●	●	●	●
Ukraine	○	○	○	○	○	●	●	○	●
Total OECD31	7	6	23	16	14	31	26	24	17

● Yes
○ No

Source: OECD Open Government Survey (2010)

The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law. Data are not available for Germany and Greece. Luxembourg is currently drafting a law on access to information and is not included in the table.

ANNEX 4.

Draft Framework for Measuring Open Government***Objectives of open government***

32. The key objectives of open government are that by making public information and data easily available and by seeking involvement of citizens and businesses in government activities, government's performance will improve, economic opportunities will be created, and stakeholders will have a better understanding of public policies and processes. As a result, citizens' trust in government is expected to improve. Better governmental performance could stem from better policies, better regulation and better quality services as a result of citizen and business input, scrutiny and co-decision-making.

Major governance principles reflected in open government

33. Open government encompasses the following major governance principles:

- **Transparency:** The actions of government should be exposed to public scrutiny and challenge.
- **Accountability:** Those entrusted with particular public responsibilities should be obligated to present an account of, and answer for their actions. Increasingly the public is holding government accountable not only for their actions but also for their performance.
- **Integrity:** Those acting in the name of government should do so for the public good, in an ethical way, avoiding any conflict of interest.

- **Engagement:** Members of society – both citizens and businesses and their organisations – should have opportunities to participate in government activities, including policymaking, service delivery.
- **Ownership of public information:** Public data belongs to the public and the government holds it in trust. People should therefore be allowed access to data unless there is an overriding policy or privacy objection.
- **Equal Access:** Individuals should enjoy consistent treatment in terms of access to government authorities and public services.

Contextual factors - Drivers and Trade-offs

34. Important contextual variables – social, economic, financial, political, legal, organisational and technological – can help explain how open government has been evolving over time and why it may be progressing at different rates relative to the specific context of each country. For example, recent technological advancements and the spread of virtual social networks such as Facebook may have led to an attitudinal shift in many OECD countries towards less emphasis on individual – e.g. privacy – rights in exchange for greater convenience, information sharing with personal networks, and even the creation of business opportunities. In some cases, this has led to a corresponding public reaction, demonstrating that a consensus has not yet been reached.

35. Some of the policy choices and debates can be expressed as trade-offs. At the start of many open government initiatives, the issue of privacy was a central concern and FoI legislation was accompanied by laws on privacy and data protection. However, transparency could also create new problems, for example in procurement, where there is a need to strike the right balance between transparency of public procurement information and risks of collusion. Today, countries are increasingly focusing on the costs and benefits of openness, hence the call for more “evidence-based” openness with more emphasis on evaluating the risk, cost, benefit and impact of sharing public data collected by governments in order to identify where public value can be created at a minimal cost and risk.

36. Other factors that may be *drivers* for more open government, include:

- **a more educated population** – demands information and involvement in policymaking and is able to use the information. More discerning clients also demand better services and performance information, and in some cases more say in how they receive services;
- **strength of democracy and civic society** – creates strong organisations that are able to represent the interest of various citizen and employer groups. These groups serve as both drivers for open government and mediators/intermediaries to help make sense of public information;
- **availability of performance information** – creates accountability for results and informs policy choices, e.g. league tables;
- **technological developments** – change citizens’ expectations of public sector, while lowering the cost of disseminating information and engaging citizens, and creating new ways to use data;
- **fiscal austerity** – can be both a driver by reinforcing the need for governments to do business differently, but may also a constraint in terms of implementation resources and opportunity cost of open government activities.

37. These phenomena are not simple. Some, like fiscal austerity, can push governments in conflicting directions. Other new societal developments, such as the tendency for greater individualism in society, may impact the potential and constraints for public engagement initiatives today. These are reducing the scope and impact of organised collective action and the search for shared public interest. Individual interests are replacing collective interests as driving forces for change. Evidence is increasing that when citizen's self-interest is concerned, citizens are less likely to engage in pro-social behaviour.

38. At the same time, growing inequality introduces another divide: those who can afford or even benefit from less government and those who need more government urgently because of their economic and social stress of unemployment, age, illness or indebtedness.

Governance Tools for Open Government

39. Governance tools and reforms address those government activities that support more open government. These include:

- **legislation** – laws on access to information, budget, whistle blowing, privacy, but also on consumer protection, e-government, and use of public data (Box 1);
- **institutions** – institutions that support transparency (e.g. Ombudsman, Supreme Audit institutions, Information Commissioner etc.); central government bodies responsible for implementing open government policies; mechanisms to include civil society in public decision-making and service delivery (at ministries, agencies and local level of government) (Box 1);
- **policies** – rules and guidelines that set out responsibilities, risks, costs, mechanisms for data exchange, role of intermediaries etc.;
- **whole of government context and approach** – integration of open government agenda into an overall public sector reform and public service delivery approach, including vision and strategic leadership, change management, ensuring co-operation across sectors and levels of government;
- **managing channels of information and citizen engagement** – e-government and e-consultation, social media, town hall meetings;
- **operations and implementation capacity:** central funding mechanism or incentives, training; data sharing and interoperability, etc.

Outputs

40. Outputs of open government policies include:

- **government information and data** : amount, quality, relevance and accessibility of available to the public – both in terms of raw data and data made usable and accessible to the public (e.g. plain language, explanatory narrative etc.);
- **public consultation and engagement:** ratio of policy decisions where public is consulted/participates ; ratio of legislation where public is consulted/participates;
- **public engagement in public services:** co-designed or co-delivered - ratio from all public services; ratio from all service expenditures ; ratio from all clients.

Outcomes:

41. As open government recently affects all aspects of government activities, the following outcomes are expected:

- **better public policies** – more reflective of public and business opinion and knowledge;
- **better regulation** – more attuned to interest and knowledge of all stakeholders;
- **better public services** – more reflective of needs of citizens/clients;
- **improved trust in government** – tied to higher levels of satisfaction, better accountability, and better understanding of government processes and results;
- **improved social well-being** – tied to higher levels of social capital;
- **business opportunities and economic growth** – resulting from improved access and use of public information and data.

42. It is important to note that these outcomes are hypothetical; their existence or magnitude has not been established yet.