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GOVERNMENT  
GUIDE

Customised Report

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# Introduction

At the heart of open government are the ideas of transparency, participation and accountability. As a working definition;

- **Transparency** means the public understands the workings of their government
- **Participation** means public can influence the workings of government by engaging with public policy processes and public service providers
- **Accountability** means the public can hold the government to account for its policy and service delivery performance

 More about definitions can be found at [www.opengovguide.com/glossary](http://www.opengovguide.com/glossary)





The Guide has been developed by the Transparency and Accountability Initiative (T/AI). It aims to support governments and civil society organisations to advance transparency, accountability and participation particularly as part of the Open Government Partnership. It highlights practical, measurable, specific and actionable steps that governments can, and are taking to advance open government.

The full guide covers a broad range of topics, and more are being developed.




Cross cutting topics	Focused topics
<a href="#">Assets disclosure and conflicts of interest</a>	<a href="#">Aid</a>
<a href="#">Budgets</a>	<a href="#">Construction</a>
<a href="#">Citizen engagement</a>	<a href="#">Elections</a>
<a href="#">Open government data</a>	<a href="#">Environment</a>
<a href="#">Public contracting</a>	<a href="#">Extractive industry</a>
<a href="#">Public services</a>	<a href="#">Fisheries</a>
<a href="#">Records management</a>	<a href="#">Land</a>
<a href="#">Right to information</a>	<a href="#">Parliaments</a>
<a href="#">Whistleblower protection</a>	<a href="#">Police and public security</a>
	<a href="#">Tax and Illicit flows</a>

 A full index can be found at [www.opengovguide.com/topics](http://www.opengovguide.com/topics)

Each Topic has been developed by an expert organisation and offers a flexible menu of 'illustrative commitments' which governments could adopt.

-  **Initial steps** – actions that a country can take starting from a relatively low baseline
-  **Intermediate steps** – actions that countries can take once they have already made moderate progress
-  **Advanced steps** – established best practice demonstrated by the most advance performers
-  **Innovative steps** – new approaches which countries are trying out

For each step the Guide lists.

-  **Recommendations** – detailed guidance from expert networks
-  **Standards and guidance** – key principles, guidance, reports, rankings and tools
-  **Country examples** – examples in practice from around the world

The levels of ambition do not imply that countries must work through the steps one by one, or that the country examples given in relation to a particular action implies an overall rating of national progress. Rather, it seeks to offer a flexible framework to support national dialogues about reforms in support of progress towards greater openness.

This document is a customised extract from the full online guide, which is a work in progress. [Opengovguide.com](http://Opengovguide.com) is not just a static website. We hope that it will continue to grow with new case examples, resources and ideas. Contact [info@opengovguide.com](mailto:info@opengovguide.com) with comments and suggestions.

## About T/AI


T/AI is a donor collaborative that aims to seize momentum and expand the impact breadth and coordination of funding and activity in the transparency and accountability field as well as to explore applications of this work in new areas. The collaborative includes the Ford Foundation, Hivos, the International Budget Partnership, the Omidyar Network, the Open Society Foundations (OSF), the Revenue Watch Institute, the UK Department for International Development and the William and Flora Hewlett Foundation

The contents of The Guide are attributable to the contributors for each Topic. The Transparency and Accountability Initiative members do not necessarily endorse the recommendations mentioned in the publication and website.

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# Assets disclosure and conflicts of interest

 **Lead author:** [Global Integrity](#)

## Introduction

When officials use their public office for private gain, it undermines institutions, deprives citizens of essential services and derails economic development. A conflict of interest arises when a public official is in a position to use public office for personal private gain or for the gain of other private parties. It points to the potential for--not necessarily the existence of--improper conduct. Thus, a regulatory regime of rules, guidance, and enforcement is needed to reduce the risk of real or perceived unethical conduct. Codes of conduct and regulations typically cover the following areas:

1. **Asset disclosure requirements** to make public official's assets and business activities transparent to the public.
2. **Conflict of interest rules** and guidance to identify and manage conflicts of interests and make sure public officials' decisions are not improperly affected by self interest.
3. **Revolving door regulations** to stem conflicts of interest arising from the movement of individuals between the public and private sectors.
4. **Gift and hospitality rules** preventing special interests attempting to influence policy by offering public servants items or services of value in return for favours.

Disclosure can be a powerful tool in bolstering public integrity and preventing abuses of power. While governments may put in place absolute restrictions on certain kinds of conduct, it is often supplemented with disclosures, which provide the means to monitor and resolve conflicts of interest and to detect and deter illicit enrichment.

There are multiple pathways through which asset disclosure and conflict of interest regulations strengthen public integrity. They build a culture of integrity by establishing standards of acceptable behaviour and by providing clear rules and guidance on ethical conduct in public office. Greater transparency through disclosure is a powerful deterrent against unethical behaviour by reminding public officials that their behaviour is subject to scrutiny. Moreover, they provide a valuable source of information for detecting abuse and corruption (World Bank, 2013). There is no one-size-fits-all approach to designing an appropriate regime. Absolute restrictions are often easier for governments to implement than disclosure systems, and are particularly relevant in contexts where there is low government capacity or resources. However income and asset disclosures are increasingly used, and a growing body of work points to a set of core principles that could be considered by governments seeking to adopt robust, effective disclosure measures.

### References

World Bank (2013) Financial Disclosure Systems. Declarations of Interests, Income, and Assets Background Primer prepared by the Public Accountability Mechanisms (PAM) Initiative of The World Bank Public Sector and Governance Group

### Expert Organisations

Organisation for Economic Co-operation and Development

<http://www.oecd.org/gov/ethics/managingconflictsofinterestinthepublicservice.htm>

World Bank <http://www.worldbank.org/anticorruption>

Inter American Development Bank <http://www.iadb.org/en/topics/transparency/transparency-and-anticorruption,1162.html>

African Development Bank <http://www.afdb.org/en/about-us/structure/integrity-and-anti-corruption/>

Asian Development Bank <http://www.adb.org/site/integrity/main>

Organization of American States <http://www.oas.org/juridico/english/fightcur.html>

Sunlight Foundation <http://www.sunlight.org/>

Transparency International [http://gateway.transparency.org/guides/intro/public\\_integrity](http://gateway.transparency.org/guides/intro/public_integrity)

## Summary of illustrative commitments

### Initial

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- Establish a law requiring public disclosure of income and assets by elected and senior public officials
- Establish regulations governing gifts offered to public sector officials
- Establish regulations governing post-government private sector employment

### Intermediate

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- Establish a system of oversight for asset and conflicts of interest disclosures

### Innovative

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- Publish asset and conflict of interest disclosures as open data

## Detailed Recommendations

### Initial Step: Establish a law requiring public disclosure of income and assets by elected and senior public officials

#### Justification

Disclosing the value of assets and liabilities and sources of income, acts as a deterrent against graft, collusion, and patronage in the public sector.

Making asset and income declarations public allows civil society to assist in the detection of violations of financial disclosure requirements, providing additional scrutiny, complementing the role of official oversight bodies. However in many countries disclosures are not made public. A survey by the World Bank in 2012 found that 78% of countries have financial disclosure systems in place, but only 43% make this information public (World Bank, 2012).

The United Nations Convention against Corruption (UNCAC) requires state parties to consider establishing policies requiring officials to reveal “to appropriate authorities ... their outside activities, employment, investments, assets and substantial gifts or benefits”.

Asset disclosure measures are a powerful tool but they are also prone to disappointment or political pushback if launched with overambitious mandates in the wake of corruption scandals and are not backed by adequate resources. Systems burdened with too many requirements and inadequate institutional capacity to enforce compliance are more likely to fail than those designed to serve manageable objectives. When designing an asset disclosure system, attention should be paid to the local political, institutional, and socioeconomic context.

Countries are advised to start with high priority areas of disclosure and subsequently build the political will and capacity for more ambitious reforms. Countries might want to build up from initial targeted disclosure of high risk or high profile officials, to disclosure of senior civil servants and judges. Countries could also progress from disclosure of income and assets, to disclosure of business activities, to disclosure of post-employment activities (World Bank, 2012).

#### Recommendations

1. Establish and communicate a clear roadmap for the development of the scope, and coverage of the system. It is important to build capacity incrementally and manage public expectations about what the system can realistically achieve. As the capacity for managing asset disclosures is developed the system can be gradually expanded and strengthened, to widen the pool of people required to file, reinforce verification procedures, and improve public access to information.
2. As a general rule, asset and income disclosure requirements should cover at least the leadership of the three branches of government (executive, legislative and judiciary) as well as the senior career civil service/ bureaucracy.
3. For asset and income disclosures to be most effective, they must be regular, covering a range of key information. The information to be disclosed should include a combination of the following items:
  - Assets (Personal residences, Second homes, vacant land, buildings, farms, Financial investments (e.g. stocks, trusts, options, warrants, mutual funds, commodities, futures, money owed, savings plans, insurance policies and retirement accounts) and business assets (e.g. private corporations and partnerships), Bank accounts, interest-bearing instruments and cash, Vehicles (e.g. cars, boats, airplanes) and other significant movable assets (e.g. jewellery, art, furniture, cattle).
  - Liabilities (All debts, obligations, credit cards, mortgages, guarantees and co-signatures).
  - Sources of income (Financial investments (e.g. interest, dividends, annuities, pensions, benefits).



- Business assets (e.g. corporations, partnerships, farms, rental properties, patents), Private sector employment, Professional services (e.g. consulting and other paid contracts from the private or the public sector), Boards and directorships, Other public sector employment, Lotteries, gambling, and one-time payments.
  - Gifts (All significant gifts and benefits received).
  - Potential conflicts of interest (Unpaid contracts and employment, Unpaid boards and directorships, Participation in associations, not-for-profit organisations and trade unions, Post-tenure positions and employment).
4. Establish clear requirements. Keeping the forms simple and the filing requirements clear is important. The information required should be precise and must avoid ranges to avoid ambiguity and preserve the system's utility.
  5. Mandate an agency responsible for collecting asset disclosure information with the authority, skills, capacity, and resources to conduct basic verification, request information from the public official or other public or private sector entities, and investigate complaints from the public.

## Standards & Guidance

- Guidelines for Managing Conflicts of Interest in the Public Service <http://www.oecd.org/gov/ethics/48994419.pdf>
- OGP Eligibility Criteria: Assets disclosure <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>
- Public Office, Private Interests: Accountability through Income and Asset Disclosure [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)
- United Nations Convention against Corruption [http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf)
- World Bank Financial Disclosure Law Library <http://publicofficialsfinancialdisclosure.worldbank.org>

## Country Examples

- About 137 jurisdictions implement some sort of asset disclosure regulations <http://www.opengovguide.com/country-examples/about-137-jurisdictions-implement-some-sort-of-asset-disclosure-regulations/>
- In India police officers are included in income and asset declaration requirements <http://www.opengovguide.com/country-examples/in-india-police-officers-are-included-in-income-and-asset-declaration-requirements/>
- Tanzania commits to strengthen asset disclosure regulation as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/tanzania-commits-to-strengthen-asset-disclosure-regulation-as-part-of-its-ogp-action-plan/>
- The Dominican Republic is committed to passing an asset declaration law as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/dominican-republic-commits-to-pass-an-asset-declaration-and-illicit-enrichment-law-as-part-of-its-ogp-action-plan/>

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## Initial Step: Establish regulations governing gifts offered to public sector officials

### Justification

Rules governing gifts offered to public officials are an important safeguard against special interests trying to influence policy by offering items or services of value to public servants. Statutory guidelines set out rules of acceptable conduct and disclosure requirements for public officials.

By clarifying what constitutes a gift, when it is acceptable, as well as when and how it must be disclosed, gift regulations provide public servants with a code of conduct that inspires public confidence and preserves the integrity of the public sector workforce.

## Recommendations

For gift rules to be effective, the regulations should:

1. Cover all public officials in the three branches of government including elected officials, civil servants, and the justice sector.
2. Be specific with little room for interpretation by clearly outlining what constitutes a gift and what conduct is and is not appropriate. The definition of gifts must be expansive enough to include both objects as well as services of value such as hospitality services.
3. Contain clearly defined thresholds that allow for the disclosure of all items or services of value offered to public employees.
4. Minimize exceptions and loopholes that would prevent certain gifts from being disclosed, including culturally-specific gifts that are commonly offered but may present a potential conflict of interest within a public sector management setting.
5. Regularly enforced by an independent ethics agency with sanctions applied when appropriate.

Explore processes for pre-approval of gifts and hospitality by an independent government watchdog such as an internal audit agency or ombudsman-type office.

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## Initial Step: Establish regulations governing post-government private sector employment

### Justification

For public policy and administrative decisions to be made in the public interest, policymakers and regulators must be independent. The promise of future outside employment, consulting, board memberships, or other sources of income could potentially sway an official's behavior. 'Revolving door regulations' seek to prevent real or perceived conflicts of interest arising when individuals move between positions of public office and the private sector. They are an important tool for maintaining public integrity and trust in government (Transparency International, 2011).

Revolving door regulations typically aim to prevent potential conflicts of interest before, during, or after government employment by inserting an adequate buffer of time—a "cooling off" period—that regulates the movement of employees between the two sectors. They offer an important safeguard against attempts to buy access to public officials, preserving the integrity of institutions and officials in the broader sense.

### Recommendations

1. Regulations restricting post-government private sector involvement should cover public employees from all branches of government.
2. Regulations should explicitly define the types of post-government employment opportunities that present a real or perceived conflict of interest and thus merit being controlled by the regulations. Officials taking positions outside of

government after leaving the public sector that do not present a real or perceived conflict of interest with their former positions should not be subject to these rules and regulations.

3. Regulations should contain well-defined cooling off periods during which public sector employees cannot work for the private sector where they directly lobby or seek to influence their former government colleagues.
4. The length of cooling off periods should be differentiated based on seniority of public sector employees.
5. Consider codifying sensible restrictions on pre-government employment and secondments that do not prevent the transfer of valuable knowledge and skills from other sectors to the public sector.
6. Consider sensible restrictions on secondments (or other employment arrangements) of private sector employees into public bodies that give private sector organizations insider information or an unfair advantage in promoting company interests.
7. Regulations should be codified in law as primary and secondary legislation to serve as an effective deterrent.
  - Primary legislation directly restricts certain forms of post-government employment through specific laws on integrity or as part of the general law on the civil service.
  - Secondary legislations are rules and decrees authorized by primary legislation. A post-government employment clause in employment contracts, for example, is another method of revolving door restrictions.
  - Consider codes of conduct as alternative means to establish or strengthen norms on post-government employment.
8. Revolving door regulations should be streamlined with other regulations on lobbying and conflicts of interest.
9. Regulations should contain provisions requiring the disclosure of pre- and post-government employment history for public sector employees.
10. Regulations should be monitored and enforced by an independent ethics agency with the mandate and authority to initiate investigations.
11. A robust awareness and training programme should be instituted to ensure all public sector employees are aware of the existence and compliance requirements of revolving door regulations.

## Standards & Guidance

- Post-Public Employment: Good Practices for Preventing Conflict of Interest [http://www.keepeek.com/Digital-Asset-Management/oced/governance/post-public-employment\\_9789264056701-en](http://www.keepeek.com/Digital-Asset-Management/oced/governance/post-public-employment_9789264056701-en)
- Revolving Doors, Accountability and Transparency – Emerging Regulatory Concerns and Policy Solutions in the Financial Crisis [http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/ETH\(2009\)2&docLanguage=En](http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=GOV/PGC/ETH(2009)2&docLanguage=En)

## Country Examples

- At least 32 countries have restrictions on post-government employment in at least one branch of government <http://www.opengovguide.com/country-examples/some-32-countries-have-restrictions-on-post-government-employment-in-at-least-one-branch-of-government/>
- South Korea commits to monitoring post-public employment as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/south-korea-commits-to-monitoring-post-public-employment-as-part-of-its-ogp-action-plan/>

## Intermediate Step: Establish a system of oversight for asset and conflicts of

## interest disclosures

### Justification

Establishing a system of oversight to provide effective guidance, monitoring, and enforcement is crucial. The effectiveness and credibility of a system of disclosures is only as good as its ability to detect violations and penalize wrongdoing.

Simply requiring officials to fill out a form poses little risk to an official seeking to hide certain commercial interests and sources of income from public view. Regular audits when complemented with the credible threat of swift enforcement in the face of violations create a powerful deterrent against improper behavior. Therefore, a system of oversight should be designed with the appropriate institutional and procedural mechanisms to detect risks, audit disclosures, and enforce sanctions for noncompliance. Moreover, such a system should be adequately resourced and must be integrated into the broader institutional and political context in which it operates (World Bank, 2012).

It is vital to communicate the objectives of the system to officials, and advise them about conflict of interest principles. Implementing agencies need to have the necessary skills and resources to review income and asset declarations to detect potential or actual conflicts of interest. Equally important is the ability to advise filers and provide public officials with the necessary guidance to effectively identify and manage conflicts of interest.

### Recommendations

- Provide guidance to public officials on preventing situations where their private interests might improperly influence their official duties.
- Develop a system of monitoring for assets, income and gift disclosures. While regular auditing of all submitted asset disclosures poses a non-trivial burden on government regulators, undertaking random audits of a smaller subset would go a long way towards bolstering an asset disclosure regime's deterrent effect. An effective system of audits should have the following characteristics:
- The percentage or volume of disclosures to be audited would be publicly announced ahead of time.
- A combination of risk-based prioritization and random sampling should be used to select disclosures for audits. The random selection of which disclosures to audit should be performed via a transparent lottery/raffle-type system.
- The auditing would be performed by an independent third party, ideally an outside, non-governmental auditor (whether a private auditing firm or otherwise).
- Disclosures should be compared over time and against external sources such as tax information, land registries, etc.
- The full results of the audit would be made publicly available immediately following the completion of the audit and overall compliance rates and enforcement actions should be reported publicly.

### Standards & Guidance

- Guidelines for Managing Conflicts of Interest in the Public Service <http://www.oecd.org/gov/ethics/48994419.pdf>
- Income and assets declarations: Issues to consider in developing a disclosure regime <http://www.cmi.no/publications/file/3396-income-and-assets-declarations.pdf>
- Public Office, Private Interests: Accountability through Income and Asset Disclosure [http://star.worldbank.org/star/sites/star/files/Public Office Private Interests.pdf](http://star.worldbank.org/star/sites/star/files/Public%20Office%20Private%20Interests.pdf)
- World Bank Financial Disclosure Law Library <http://publicofficialsfinancialdisclosure.worldbank.org>

### Country Examples

- Argentina, Guatemala, and Indonesia use targeted methods of selecting asset disclosures for verification

<http://www.opengovguide.com/country-examples/argentina-guatemala-and-indonesia-use-targeted-methods-of-selecting-asset-disclosures-for-verification/>

- Peru commits to strengthening the capacity of the Comptroller General to detect possible corruption as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/peru-commits-to-strengthening-the-capacity-of-the-comptroller-general-to-detect-possible-corruption-as-part-of-its-ogp-action-plan/>
- Rwanda's Ombudsman carries out audits on randomly chosen asset declarations <http://www.opengovguide.com/country-examples/rwandas-ombudsman-carries-out-audits-on-randomly-chosen-asset-declarations/>
- Slovenia uses a random sampling method to test asset disclosures <http://www.opengovguide.com/country-examples/slovenia-and-argentina-randomly-select-asset-disclosures-for-verification/>

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No commitments for this level

## Innovative Step: Publish asset and conflict of interest disclosures as open data

### Justification

Public access to information strengthens social accountability mechanisms as informed citizens are more likely to demand greater accountability from public officials.

Disclosures that can be accessed publicly strengthen the demand for accountability by provisioning essential information used in monitoring and enforcement efforts. Accessible and searchable public disclosures allow citizens, media, government, and civil society organizations to verify information and raise concerns as they are discovered. The possibility of public scrutiny will likely discourage misstatements or inappropriate conduct from public officials, strengthening the deterrent effect of disclosures. It also builds trust and confidence in institutions by demonstrating a commitment to transparency and accountability. Public accessibility of disclosures is thus a key determinant of their impact. The higher the visibility of the disclosures, the greater is its potential for effectiveness.

### Recommendations

- Make all disclosure data searchable online. While public accessibility might take different forms in different contexts, in countries where Internet penetration is reasonably high, submitted disclosures should be made available online and searchable by basic criteria such as submitter, year filed and government agency or department. For example, it would be helpful if one could verify whether a number of lawmakers had consulting arrangements with the same government contractor. Compliance rates, enforcement actions, and the results of audits should also be made available online (World Bank, 2012).
- Use open data principles in making information available online (Sunlight Foundation, 2010). Technological barriers (for example, proprietary technologies) as well as economic barriers (for example, fees for access) should be eliminated through the use of open data formats. Moreover, encourage greater standardization and machine-readability of the results to increase ease of analysis and comparability (Sunlight Foundation, 2013).
- Build in robust social accountability processes into the monitoring functions of government ethics enforcement agencies so credible concerns raised by the public can trigger investigations by appropriate authorities.


### Country Examples

- Argentina developed an electronic financial disclosure system <http://www.opengovguide.com/country-examples/moving-from-a-paper-based-to-a-fully-electronic-financial-disclosure-system-in-argentina-has-reduced->

[errors-improved-compliance-rates-and-lowered-costs/](#)

- Around 45 jurisdictions make disclosures available online <http://www.opengovguide.com/country-examples/around-45-jurisdictions-make-disclosures-available-online/>
  - Chile has committed to publish asset declarations online as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/chile-encourages-citizen-control-by-committing-to-publish-asset-declarations-online-as-part-of-its-ogp-action-plan/>
  - Estonia will create a database of declarations of economic interests as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/estonia-will-create-a-database-of-declarations-of-economic-interests-as-part-of-its-ogp-action-plan/>
  - Georgia developed an online system for public financial disclosure <http://www.opengovguide.com/country-examples/georgia-developed-an-online-system-for-public-financial-disclosure/>
  - Mexico has transitioned to online asset declaration <http://www.opengovguide.com/country-examples/the-mexican-government-has-supported-the-country%E2%80%99s-transition-to-online-asset-declaration-in-several-ways/>
  - Moldova will develop an automated information system as part of OGP Action Plan <http://www.opengovguide.com/country-examples/moldova-will-develop-an-automated-information-system-as-part-of-ogp-action-plan/>
  - Russia makes summaries of assets disclosures available online <http://www.opengovguide.com/country-examples/russia-makes-summaries-of-assets-disclosures-available-online/>
  - Ukraine will amend its law on asset disclosure as part of its OGP Action Plan <http://www.opengovguide.com/country-examples/ukraine-will-amend-its-law-on-data-openness-in-relation-to-asset-disclosure-as-part-of-its-ogp-action-plan/>
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# Budgets

 **Lead author:** [International Budget Partnership](#)

## Introduction

Every year, governments collect and spend billions of dollars in taxpayer funds and citizens have a right to know how their governments are collecting and spending their money.

Governments implement policies through ministries, departments and agencies at central and local levels. These public bodies, and their executives, are accountable to the political leadership. Politicians, in turn, are accountable to their citizens for the implementation of national policies, in health care and education for example. Budgets are the link between policies and their implementation, between political visions or programmes and their delivery: they allocate resources to plans in terms of money and time.

As part of the management of the budget, governments produce a series of reports at various points in the annual budget cycle. These include Pre-Budget Statement, Executive's Budget Proposal, Enacted Budget, Citizens' Budget, In-Year Reports, Mid-Year Review, Year-End Report and Audit Report.

In order for citizens to be able to know how their governments are collecting and spending their monies, they need access to these budget reports. Fiscal transparency allows for better-informed debate by both policymakers and the public about the design and results of fiscal policy, and establishes accountability for its implementation.

Many budget reports are already being produced by governments for their internal use and these reports can be made available on government websites at almost no cost. Further, legislative discussions on the budget happen in almost every country and it is not an expensive exercise to make these discussions public by allowing the media to cover these discussions. Fiscal transparency is often pushed forward as part of political transitions, or in response to financial crisis or corruption. External influences that promote global norms and empower domestic reformers and civil society actors can also play a key role (Khagram et al, 2013).

Recent research studies show that transparency can enable governments to raise credit from the international markets at cheaper rates (Hameed, 2011). It can also help shine a light on the efficiency of public expenditures. Further, transparency can help foster equity by matching national resources with national priorities. Transparency and public participation can enable governments to build trust and give citizens voice and dignity (IBP, 2013) Opacity on fiscal issues on the other hand can undermine fiscal discipline and as illustrated in a recent IMF publication it can lead to large unexpected debt (Cottarelli, 2012).

### References

Cottarelli, 2012, 'Fiscal Transparency, Accountability, and Risk, IMF Fiscal Affairs Department  
<http://www.imf.org/external/np/pp/eng/2012/080712.pdf>

Hameed, 2011, 'Budget Transparency and Financial Markets, OGP Working Paper 1, Open Budget Partnership'.  
<http://internationalbudget.org/wp-content/uploads/IBP-Working-Paper-1-Budget-Transparency-and-Financial-Markets.pdf>

IBP, 2013 Learning Program: Case Examples, [http://internationalbudget.org/ibp\\_publication\\_categories/learning-program/](http://internationalbudget.org/ibp_publication_categories/learning-program/)

Khagram, S., A. Fung and P. De Renzio, 2013, Open Budgets: The Political Economy of Transparency, Participation, and Accountability, Washington DC: Brookings Institute.

## Expert Organisations

International Budget Partnership <http://www.internationalbudget.org>

Global Initiative for Fiscal Transparency <http://fiscaltransparency.net/>

Global Movement for Budget Transparency, Accountability, and Participation (BTAP) <http://www.globalbtap.org/>

Organization for Economic Cooperation and Development <http://www.oecd.org/gov/budgeting/>

International Monetary Fund <http://www.imf.org/external/np/fad/tran>

Public Expenditure and Financial Accountability Program <http://www.pefa.org/>

Collaborative Africa Budget Reform Initiative <http://www.cabri-sbo.org/>

OGP Working Group: Fiscal Openness <http://fiscaltransparency.net/category/ogp-gift-fowg/>



## Summary of illustrative commitments

### Initial

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- Allow public access to budget hearings in the legislature
- Publish a Citizens' Budget
- Publish Executive's Budget Proposal and Audit Reports
- Publish the four core budget documents

### Intermediate

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- Consult with the public on budget preparation
- Enable effective oversight by legislatures and supreme audit institutions
- Publish all budget reports as open data
- Publish all eight key budget reports

### Advanced

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- Enable citizen participation in budgeting
- Publish information on resources received by service delivery units
- Publish off budget financial information

### Innovative

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- Fully implement the GIFT Principles on fiscal transparency

## Detailed Recommendations

### Initial Step: Allow public access to budget hearings in the legislature

#### Justification

Legislative discussions on the budget happen in almost every country. It is not an expensive exercise to make these discussions public by allowing public access and media broadcasting of these discussions.

#### Recommendations

- The national legislature should organize public hearings when it discusses the budget presented to it by the executive prior to approving the budget.
- The media should be allowed to broadcast these hearings so that these hearings are accessible to a larger audience.
- Reports on the outcomes of these public hearings should be published.

#### Standards & Guidance

- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>

#### Country Examples

- Increasing numbers of countries permit some form of public hearings during budget discussions in the legislature <http://www.opengovguide.com/country-examples/increasing-numbers-of-countries-permit-some-form-of-public-hearings-during-budget-discussions-in-the-legislature/>

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### Initial Step: Publish a Citizens' Budget

#### Justification

Government budgets are filled with so many numbers and so much technical jargon that the ordinary readers cannot easily understand what they mean. People need information in an accessible, understandable form to enable them to understand what government is doing with their money and allow them to participate in governmental affairs.

The International Monetary Fund in its Manual on Fiscal Transparency states that "A clear and simple summary guide to the budget should be widely distributed at the time of the annual budget."

Such a '*Citizens' Budget*' serves the public, but can also serve the government by enhancing public knowledge about the budget and the reasoning behind the choices made in putting it together.

Citizens' Budgets tend to present an accessible version of either the Budget Proposal or the Enacted Budget. But producing a Citizens' Budget can help a government to develop its capacity to make technical information more accessible, more broadly.

#### Recommendations

- Develop a strategy for producing a Citizens Budget, defining the goals and objectives, and the plan for production.
- Ensure that the ministry responsible has the structure, resources, and capacities to properly develop and disseminate a Citizens Budget.
- Hold a consultation with potential users to understand their interests and needs.
- Design and write the Citizens' Budget to meet users needs and include important basic information about the budget, including assumptions, the budget process, revenue collection, priorities in allocations and spending, sector-specific information and information about targeted programs and contact information for follow up by citizens.
- Present it in languages and through media (such as newspapers, radio, and video) to make it accessible, as well as publishing it on the web and in hard copy.
- Publish the Citizens Budget within a timeframe that makes it available at the same time as the technical document.
- Disseminate it widely
- Evaluate the process and planning for the next year's Citizens Budget.

## Standards & Guidance

- The Power Of Making It Simple: A Government Guide To Developing Citizens Budgets <http://internationalbudget.org/publications/the-power-of-making-it-simple-a-government-guide-to-developing-citizens-budgets/>

## Country Examples

- Brazil provides citizens education on public budgets <http://www.opengovguide.com/country-examples/brazil-budget-education/>
- Guatemala developed a Citizens' Budget <http://www.opengovguide.com/country-examples/guatemala-developed-a-citizens-budget/>
- Kazakhstan's Citizen's Budget is mandated by legislation <http://www.opengovguide.com/country-examples/kazakhstans-citizens-budget-is-mandated-by-legislation/>
- Mexico has established a budget transparency portal <http://www.opengovguide.com/country-examples/mexico-established-budget-transparency-portal/>
- Rwanda started publishing a Citizen's Guide to the Budget in 2009 <http://www.opengovguide.com/country-examples/rwanda-started-publishing-a-citizen%e2%80%99s-guide-to-the-budget-in-2009/>
- The Philippines has developed a Citizen's Budget Portal <http://www.opengovguide.com/country-examples/philippines-developed-citizens-budget-portal/>

## Initial Step: Publish Executive's Budget Proposal and Audit Reports

### Justification

The timely publication of essential budget documents forms the basic building blocks of budget accountability and an open budget system. The publication of the Executive's Budget Proposal and Audit Reports is recommended in the IMF's fiscal transparency code and the OECD's best practice guidelines on budget transparency. INTOSAI (the global association of supreme audit institutions) recommends the publication of audit reports. Further, the IBP's Open Budget Index evaluates these reports.

## Recommendations

- The executive, led by the Ministry of Finance, should publish the Executive's Budget Proposal, ideally three months before the start of the year. This report presents the government's detailed plans, in terms of policy priorities and budgets for each ministry and agency, for the coming budget year.
- The supreme audit institution should publish an Audit Report, ideally within six months to a year after the end of the relevant budget year. This is an agency that is independent of the executive and has the mandate to review through audit the financial performance of the government in the previous budget year; audits can also cover specific agencies and non-financial aspects of the executive's performance.

## Standards & Guidance

- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- INTOSAI Basic Principles in Government Auditing [http://www.issai.org/media/12943/issai\\_100\\_e.pdf](http://www.issai.org/media/12943/issai_100_e.pdf)
- OECD best practice guidelines on budget transparency <http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>
- OGP Eligibility Criteria: Fiscal Transparency <http://www.opengovpartnership.org/eligibility>
- OGP Eligibility Criteria: Fiscal Transparency <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

## Country Examples

- Afghanistan has established a roadmap to improve public financial management <http://www.opengovguide.com/country-examples/afghanistan-has-established-a-roadmap-to-improve-public-financial-management-including-improving-regular-reporting/>
- Many countries publish the Executive's Budget Proposal and Audit Report <http://www.opengovguide.com/country-examples/many-countries-publish-the-executive%e2%80%99s-budget-proposal-and-audit-report/>
- Mexico has established a budget transparency portal <http://www.opengovguide.com/country-examples/mexico-established-budget-transparency-portal/>
- The Philippines has developed a Citizen's Budget Portal <http://www.opengovguide.com/country-examples/philippines-developed-citizens-budget-portal/>

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## Initial Step: Publish the four core budget documents

### Justification

Governments that currently produce, but do not publish their core budget documents could publish them immediately at little cost. The four most important documents are:

- **The Executive's Budget Proposal** which outlines the government's revenue and expenditure plans. Timely publication of this document is essential for the public to be able to engage in the debate over the government's proposals.
- **The Enacted Budget** which is the result of legislative consideration of the executive's proposal. Because this report documents the commitments that have been approved, it will form the basis of any monitoring of government execution.

- **Audit Reports** which contain the audit institution's formal, independent evaluation of whether the government has collected and spent public funds as set out in the Enacted Budget, and has done so in accordance with the law. Citizens must have access to this document to be able to gauge the government's performance.
- **A Citizens' Budget** which provides a non-technical presentation of the budget (either the Executive's Budget Proposal or the Enacted Budget) that is widely accessible to all citizens.

These form the most basic building blocks of budget accountability, thus publishing them is the minimum requirement for an open budget system.

## Recommendations

- To increase the public's access to these reports, and avoid unequal access, budget reports should at a minimum be posted on the government's website. Where internet access is limited, governments could make hard copies of their budgets widely available via public libraries and information desks throughout the country.
- In multilingual countries, budget reports should be published in multiple official languages.
- Each document should be made available according to a timetable and without delay. Late publication of these reports denies the public the ability to use the information to engage in decision-making processes.

## Standards & Guidance

- IBP guide to transparency in government budget reports [http://internationalbudget.org/wp-content/uploads/Government\\_Transparency\\_Guide1.pdf](http://internationalbudget.org/wp-content/uploads/Government_Transparency_Guide1.pdf)
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- OECD best practice guidelines on budget transparency <http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>
- OGP Eligibility Criteria: Fiscal Transparency <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

## Country Examples

- Increasing numbers of countries publish the Executive Budget, Enacted Budget, Audit Report and Citizen's Budget <http://www.opengovguide.com/country-examples/increasing-numbers-of-countries-publish-the-executive-budget-enacted-budget-audit-report-and-citizen%e2%80%99s-budget/>
- Mexico has established a budget transparency portal <http://www.opengovguide.com/country-examples/mexico-established-budget-transparency-portal/>
- The Philippines has developed a Citizen's Budget Portal <http://www.opengovguide.com/country-examples/philippines-developed-citizens-budget-portal/>

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## Intermediate Step: Consult with the public on budget preparation

### Justification

Although they are responsible for taking key decisions about how best to address their country's needs and prospects for development, governments often lack important information and have limited research capacity and analytical resources

for making choices about how to raise and spend funds. By increasing the opportunities for the public and civil society organisations to directly engage in and influence these process governments can benefit from their knowledge.

## Recommendations

Establish sector and ministry level consultation meetings with the public on overall budget priorities, as well as macroeconomic policy and inter-sectoral resource allocation issues and provide detailed feedback to the public on how its inputs have been used.

## Standards & Guidance

- GIFT High Level Principles on Financial Transparency <http://fiscaltransparency.net/wp-content/uploads/2012/09/GIFT-High-Level-Principles-2012-08-ENG.pdf>
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>

## Country Examples

- New Zealand uses a wide range of mechanisms to seek public input <http://www.opengovguide.com/country-examples/new-zealand-uses-a-wide-range-of-mechanisms-to-seek-public-input/>

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## Intermediate Step: Enable effective oversight by legislatures and supreme audit institutions

### Justification

The legislature and Supreme Audit Institution (SAI) play key roles in holding the executive to account for the conduct of fiscal policy. The legislature requires clear authority, together with sufficient time, information, and financial and non financial resources. If the legislature is to enjoy public confidence trust and legitimacy, it must also operate in a transparent, participatory and accountable manner.

In many countries the executive holds very limited consultations or no consultation at all with the legislature during the formulation of the budget, with legislatures in some countries receiving the Executive's Budget Proposal less than six weeks before the beginning of the budget year, and sometimes after the start of the fiscal year, or not at all.

In many countries legislators have to rely on either understaffed research offices or external researchers to inform their deliberations and some have no access to any research capacity whatsoever.

An adequately resourced and independent supreme audit institution is also crucial. Supreme Audit Institutions (SAIs) provide assurance of the integrity of financial information, and of compliance with budgetary rules. SAIs can also play a role in performance auditing; monitoring and assessing both financial and non-financial information in the budget cycle.

### Recommendations

- The executive and/or the legislature (as appropriate in the country) should facilitate the creation of an independent research office that can assist the legislature in analysing the budget presented to the legislature by the executive.
- Even after the budget is approved by the legislature, their approval should be sought before the executive spends any new revenues or contingency funds.

- Supreme audit institutions need adequate resources to be able to implement their audit mandates effectively. They also need to be made independent of the executive (for example the executive should not be able to remove the head of the supreme audit institution without advance approval from the legislature or judiciary).

## Standards & Guidance

- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- INTOSAI Basic Principles in Government Auditing [http://www.issai.org/media/12943/issai\\_100\\_e.pdf](http://www.issai.org/media/12943/issai_100_e.pdf)
- INTOSAI's Lima and Mexico Declarations on Supreme Audit Institutions independence <http://www.intosai.org/issai-executive-summaries/view/article/issai-10-the-mexico-declaration-on-sai-independence-eger.html>

## Country Examples

- In 2011, the Parliamentary Budget Office was established in Kenya <http://www.opengovguide.com/country-examples/in-2011-the-parliamentary-budget-office-was-established-in-kenya/>
- In many countries, fiscal councils are providing independent analysis of government budgets and policies <http://www.opengovguide.com/country-examples/in-many-countries-fiscal-councils-are-providing-independent-analysis-of-government-budgets-and-policies/>
- The Congressional Budget Office in the United States offers credible and impartial support to legislators across party lines <http://www.opengovguide.com/country-examples/the-congressional-budget-office-in-the-united-states-offers-credible-and-impartial-support-to-legislators-across-party-lines/>

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## Intermediate Step: Publish all budget reports as open data

### Justification

National budget reports typically include thousands of revenue and expenditure items. In order for these numbers to be properly understood, citizens and researchers need to analyse and manipulate the data in budget reports. Modern technology allows data to be relayed in formats that can be easily manipulated. In order to facilitate the use of budget data, governments should publish the data in machine-readable formats that can easily be retrieved, downloaded, indexed, and searched by all commonly used Web search applications.

Open formats, for example nonproprietary CSV files, are ones where the specification for the format is available to anyone for free, thereby allowing the data contained in a file to be opened by different software programmes.

### Recommendations

Publish all budget reports on the internet in machine-readable formats,

1. A first step would be to publish budget documents as Excel spreadsheets.
2. In the longer term relevant budget data should be published directly from Financial Management Information System (FMIS) and comply with open data standards.

## Standards & Guidance

- Open Data Index <http://https://index.okfn.org/>

- World Bank: Financial Management Information Systems and Open Budget Data  
<http://www.worldbank.org/publicfinance/FMIS>

## Country Examples

- The Brazilian ministry of finance publishes large amount of budget data in machine-readable formats  
<http://www.opengovguide.com/country-examples/the-brazilian-ministry-of-finance-publishes-large-amount-of-budget-data-in-machine-readable-formats-2/>

## Intermediate Step: Publish all eight key budget reports

### Justification

Internationally accepted good practices require governments to publish at least eight key budget reports at various points in the budget year:

- **The Pre-Budget Statement** presents the broad parameters and macroeconomic assumptions of the Executive's Budget Proposal.
- **The Executive's Budget Proposal** which outlines the government's revenue and expenditure plans.
- **The Enacted Budget** which is the result of legislative consideration of the executive's proposal.
- **Audit Reports** which contain the audit institution's formal, independent evaluation of whether the government has collected and spent public funds as set out in the Enacted Budget, and has done so in accordance with the law. Citizens must have access to this document to be able to gauge the government's performance.
- **A Citizens' Budget** which provides a non-technical presentation of the budget (either the Executive's Budget Proposal or the Enacted Budget) that is widely accessible to all citizens.
- **Execution reports (In-Year Reports and Mid-Year Review)** provide timely feedback on the progress of budget execution, thus allowing for mid-course corrections, reallocations or supplemental allocations, where necessary.
- **Year-End Reports** allow for a comparison between planned and actual spending, increasing accountability and informing decisions for the coming budget year.

In order for these reports to be useful, they need to provide adequate details that will enable citizens to get a comprehensive picture of how their governments are collecting and spending their monies. This means that budget reports should provide information on both the flows (expenditure, revenues, balance) as well as stocks (government debt, financial and non-financial assets and liabilities). Budget reports should also include performance information (objectives, outputs and outcomes) of key programs. This information should be supplemented by statements of fiscal strategy and reports on how they are being met. Finally, governments should report on how it is managing fiscal risks, such as government guarantees, macroeconomic shocks, and financial sector exposure.

The publication of key reports during budget planning, implementation and evaluation is recommended in the IMF's fiscal transparency code, the OECD's best practice guidelines on budget transparency, and the IBP's Open Budget Survey, which describe the information that should be provided in these key budget reports. The IMF offer periodic assessments of fiscal transparency through their fiscal transparency ROSCs. The [OECD](#) and the IBP evaluate budget transparency through their respective surveys. The World Bank-led PEFA framework also assesses some of these issues. Good practices on the timeliness and comprehensiveness of published budget reports are provided by the IBP in its Open Budget Survey, the IMF in its fiscal transparency Code, and the OECD in its best practice guidelines on budget transparency.

### Recommendations



1. Publish a comprehensive Pre-Budget Statement at least one month before the publication of the Executive's Budget Proposal.
2. Publish a comprehensive Executive's Budget Proposal, ideally three months before the start of the budget year.
3. Publish a comprehensive Enacted Budget, ideally as soon as the budget is approved by the legislature.
4. Publish a comprehensive Citizens Budget, ideally alongside the Executive's Budget Proposal or Enacted Budget
5. Publish comprehensive monthly or quarterly In-Year Reports on revenues collected, expenditures made, and debt incurred, ideally within 30 days or six weeks after the end of the relevant reporting period.
6. Publish a comprehensive Mid-Year Review, ideally within 30 days or six weeks after the mid-point of the budget year.
7. Publish a comprehensive Year-End report, ideally within six months to a year after the end of the budget year.
8. Publish comprehensive Audit Reports, ideally within six months to a year after the end of the budget year. In addition to Audit Reports, government should also publish reports on steps taken to address audit recommendations.

## Standards & Guidance

- IBP guide to transparency in government budget reports [http://internationalbudget.org/wp-content/uploads/Government\\_Transparency\\_Guide1.pdf](http://internationalbudget.org/wp-content/uploads/Government_Transparency_Guide1.pdf)
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- OECD best practice guidelines on budget transparency <http://www.oecd.org/gov/budgeting/best-practices-budget-transparency.htm>

## Country Examples

- A few countries publish all eight key budget documents <http://www.opengovguide.com/country-examples/a-few-countries-publish-all-eight-key-budget-documents/>
- Honduras publishes all eight key budget documents <http://www.opengovguide.com/country-examples/honduras-publishes-all-eight-key-budget-documents/>
- Mexico has established a budget transparency portal <http://www.opengovguide.com/country-examples/mexico-established-budget-transparency-portal/>

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## Advanced Step: Enable citizen participation in budgeting

### Justification

Citizen participation in budgeting is a relatively new concept in public financial management.

Citizen engagement in the budget process is important for a number of reasons. An OECD publication (Tanaka,2007) identifies several such important reasons for public engagement in budgeting.

- Budget decisions have a significant impact on the lives of the public, and therefore should be informed by the views and values of citizens.
- Engaging citizens in the budget process increases the information available to decision makers concerning the likely effects of their decisions in communities, and can help to guard against unintended consequences.

- The scrutiny of citizens can help to ensure that decision makers are diligent in the decisions they make, improving the efficiency, responsiveness and accountability of government, and guarding against corruption.
- Through engaging citizens in the budget process, they can address the same trade-offs that decision makers are forced to make, and generate a more fruitful discussion between citizens and government.
- Engaging citizens in fundamental decisions, such as budget decisions, can help to overcome public distrust and cynicism, and increase the legitimacy of government.
- Citizen engagement can help to ensure that government is responsive to the needs, views and values of citizens.

## Recommendations

Develop citizen audit request system, social audit mechanisms, and participatory budgeting systems.

Below, we identify some principles that could guide governments as they develop mechanisms for public engagement in budgeting. These principles have been used in indicators on public engagement in the Open Budget Survey, and are the responsibility of the finance ministry:

1. Take responsibility for developing and implementing a strategy of citizen engagement in the budget process.
2. Identify examples of international, national and local good practice.
3. Define a clear purpose or set of purposes for engaging citizens in the budget process, and define clearly the scope of their involvement.
4. Identify institutional and cultural barriers to engaging citizens in the budget process, and consider ways in which they could be overcome
5. Carefully consider who it should engage in the budget process, and how they can be best involved and at which stage of the process.
6. Develop a range of opportunities for citizens, civil society, and other interested parties to engage in the budget process.
7. Ensure that all engagement with the budget process is open and transparent to allow for effective scrutiny.
8. Report back to participants on the results and impacts of consultation and publish the results for wider scrutiny.

## Standards & Guidance

- IBP guide to participatory budgeting <http://internationalbudget.org/wp-content/uploads/A-Guide-to-Participatory-Budgeting.pdf>
- IBP open budget survey <http://internationalbudget.org/what-we-do/open-budget-survey/full-report/>
- World Bank participatory budgeting book <http://siteresources.worldbank.org/PSGLP/Resources/ParticipatoryBudgeting.pdf>

## Country Examples

- Botswana has developed a “budget pitso” forum <http://www.opengovguide.com/country-examples/botswana-has-developed-a-%e2%80%9cbudget-pitso%e2%80%9d-forum/>
- Citizens in South Korea can submit requests for audits of programs or agencies <http://www.opengovguide.com/country-examples/citizens-in-south-korea-can-submit-requests-for-audits-of-programs-or-agencies-that-they-are-concerned-about/>
- Germany invites economists, business and trade unions to give testimony to budget hearings <http://www.opengovguide.com/country-examples/germany-invites-economists-business-and-trade-unions-to-give->

[testimony-to-budget-hearings/](#)

- South Africa invites interested parties to present on budget proposals <http://www.opengovguide.com/country-examples/south-africa-invites-interested-parties-to-present-on-budget-proposals/>
- South Korea has systems to enable citizens to participate in budget decisions <http://www.opengovguide.com/country-examples/south-korea-has-established-systems-to-see-public-input-on-budgeting-decisions/>
- State governments in India use social audit techniques to monitor government programs <http://www.opengovguide.com/country-examples/state-governments-in-india-use-social-audit-techniques-to-monitor-government-programs/>
- Trinidad and Tobago uses stakeholder forums and Facebook to gather budget input <http://www.opengovguide.com/country-examples/trinidad-and-tobago-uses-stakeholder-forums-and-facebook-to-gather-budget-input/>

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## Advanced Step: Publish information on resources received by service delivery units

### Justification

Problems frequently arise in front-line service delivery units providing services at the community level (such as schools and health clinics) in obtaining resources that were intended for their use, whether in terms of cash transfers, distribution of materials in kind (e.g. drugs and school books) or provision of centrally recruited and paid personnel. The intended resource provision may not be explicit in budget documentation, but is likely to form part of line ministries internal budget estimates preparation. Front line service delivery units, being furthest in the resource allocation chain, may be the ones to suffer most when overall resources fall short of budget estimates, or when higher level organisational units decide to re-direct resources to other (e.g. administrative) purposes. There may be significant delays in transfers of resources to the unit whether in cash or in kind. Tracking of such information is crucial in order to determine, if the PFM systems effectively support front-line service delivery.

### Recommendations

Publish data on resources (cash and in-kind) received by service delivery units (such as, primary schools & primary health clinics)

### Standards & Guidance

- Public Expenditure and Financial Accountability Field Guide <http://siteresources.worldbank.org/PEFA/Resources/PEFAFieldguide.pdf>

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## Advanced Step: Publish off budget financial information

### Justification

Governments often implement financial activities outside of the national budget, for example through pension or social security funds, state-owned enterprises and banks, Public resources from natural resource extraction, foreign aid, debt cancellation and proceeds from privatization operations may also not show up in national budgets.

In recent years there has been an increased emphasis on governments having a balanced budget and low levels of debt. Such prescriptions may increase incentives for governments to use quasi-fiscal activities that mask the true cost of their policies.

Quasi-fiscal activities are subsidies and deficits which don't show up on government financial accounts, such as subsidised bank loans provided by the central bank noncommercial public services provided by state-owned enterprises or multiple currency exchange rates used for different transactions.

Tax expenditures are another financial measure that is generally less well understood and often hidden from public scrutiny. Tax expenditures are usually defined as a government's estimated revenue loss that results from giving tax concessions or preferences to a particular class of taxpayer or activity. The revenue loss, or "expenditure," is calculated as the difference between whatever tax would have been paid under a defined benchmark tax law (which identifies what tax structure should normally apply to taxpayers) and the lower amount that was actually paid after the tax break.

All these issues should be adequately disclosed so that they receive the same level of oversight that the national budget receives.

## Recommendations

1. Publish timely, regular, comprehensive, accessible, and accurate information on financial activities that go beyond the routine items in a national budget including extra-budgetary funds, tax expenditures and quasi fiscal activities.
2. Budget documentation should include statements on the purpose, duration, and intended beneficiaries of each quasi-fiscal activity, based on information provided by those agencies that undertake these activities, whether state-owned enterprises or the central bank.
3. Public corporations should include in their reports specific information on, for example, noncommercial services that the government requires them to provide or lending to other government-owned agencies, while central banks should report on any non-monetary policy activities that they conduct on behalf of the government.

## Standards & Guidance

- IBP Looking beyond the budget <http://internationalbudget.org/wp-content/uploads/Looking-Beyond-the-Budget.pdf>
- IMF fiscal transparency code <http://www.imf.org/external/np/fad/trans/code.htm>
- OECD Guidelines on Corporate Governance of State-owned Enterprises <http://www.oecd.org/daf/ca/corporategovernanceofstate-ownedenterprises/34803211.pdf>

## Country Examples

- In Azerbaijan, fuel subsidies provided by the national oil company were put on the budget <http://www.opengovguide.com/country-examples/in-azerbaijan-fuel-subsidies-provided-by-the-national-oil-company-were-put-on-the-budget/>
- In South Africa information on quasi-fiscal activities is provided in the main budget or the budgets of the relevant agencies <http://www.opengovguide.com/country-examples/in-south-africa-information-on-quasi-fiscal-activities-is-provided-in-the-main-budget-or-the-budgets-of-the-relevant-agencies/>

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## Innovative Step: Fully implement the GIFT Principles on fiscal transparency

## Justification

The Global Initiative for Fiscal Transparency (GIFT) is a multi-stakeholder action network working to advance and institutionalise global norms and significant, continuous improvements on fiscal transparency, participation, and accountability in countries around the world. High Level Principles on Fiscal Transparency, Accountability and Participation represent an attempt to distil a set of broad principles from across the body of existing standards and norms. They are intended to guide policy makers and all other stakeholders in fiscal policy in their efforts to improve fiscal transparency, participation and accountability.

In December 2012, the UN General Assembly adopted a resolution titled 'Promoting transparency, participation and accountability in fiscal policies' endorsing the GIFT High Level Principles on fiscal transparency and participation, and encouraging Member States to intensify efforts to enhance transparency, participation and accountability in fiscal policies.

## Recommendations

Implement the 10 High Level Principles on fiscal transparency, participation, and accountability developed by GIFT, which are summarised below:

1. Establish a clear presumption in favour of the public availability of fiscal information without discrimination
2. Publish clear and measureable objectives for aggregate fiscal policy, regularly report progress against them, and explain deviations
3. Present high quality financial and nonfinancial information on past, present, and forecast fiscal activities, performance, fiscal risks, and public assets
4. Communicate the objectives being pursued and the outputs produced and endeavour to disclose the anticipated and actual social, economic and environmental outcomes
5. Ensure that all financial transactions of the public sector have their basis in law. Laws, regulations and administrative procedures should be available to the public, and their implementation should be subject to independent review
6. Government financial relationships with the private sector should be disclosed, conducted in an open manner, and follow clear rules
7. Assign clear roles and responsibilities for raising revenues, incurring liabilities, consuming resources, investing, and managing public resources
8. No government revenue should be raised or expenditure incurred or committed without the approval of the legislature through the budget or other legislation
9. The Supreme Audit Institution should have statutory independence, the mandate to access information, and appropriate resources to audit and report publicly
10. Citizens should have the right and they, and all non state actors, should have effective opportunities to participate directly in public debate on budgets

## Standards & Guidance

- GIFT High Level Principles on Financial Transparency <http://fiscaltransparency.net/wp-content/uploads/2012/09/GIFT-High-Level-Principles-2012-08-ENG.pdf>

# Citizen engagement

 Lead author: [Involve](#)

## Introduction

Citizen engagement is what open government is all about. It underpins many of the other topics in this guide - with active citizenship often being a vital link between transparency and accountability. The Open Government Partnership recognises this in its [eligibility criteria](#), stating that: 'Open Government requires openness to citizen participation and engagement in policymaking and governance, including basic protections for civil liberties' (Open Government Partnership).

In an increasingly complex world, citizens' input is a critical resource for policy-making. Good decision-making requires the knowledge, experiences, views and values of the public. Implementing difficult decisions depends on citizens' consent and support. Unless citizens understand and are engaged in the decision themselves, trust is easily lost (OECD, 2009).

Civil liberties provide the critical foundations which enable people to participate without fear and to disagree peacefully with each other and with their government. Basic human rights including freedom of speech, expression and the press; freedom of religion; freedom of assembly and association; and the right to due judicial process are critical in supporting a political culture where citizens are willing and able to participate in public debate.

People around the world consistently indicate that they are not content simply to engage with government through periodic elections. But they are discouraged by the real and perceived control of public decisions and decision-makers by small political and economic elites.. It is important that citizen engagement is well designed and properly resourced, and that it is born from a genuine desire to involve the public and take their input into account. Good citizen engagement can support the effective functioning of democracy, the legitimacy of government, the successful implementation of policy and the achievement of social outcomes. Bad engagement practice can lead to poor decisions, and disengagement by citizens (Brodie et al, 2011)

Overcoming public disengagement, and effectively responding to citizens requires a culture change in how governments interact and cooperate with the public, mechanisms for hearing and taking into account the voices of citizens institutionalized into the behaviour and culture of public institutions.

NB: Our use of the word "citizen" in this chapter is to be understood in its broadest possible sense, including all inhabitants of a country or locality. There is understandable concern that the term can be used to exclude groups without voting rights and/or are not naturalised in a country, including children and young people, migrants and refugees. This is not our intention; indeed, it is groups such as these that should be the focus of particular efforts to engage them with decisions that affect their lives.

### References

OECD, 2009, *Focus on Citizens: Public Engagement for Better Policy and Services*

Brodie, E; Hughes, T; Jochum, V; Miller, S; Ockenden, N; & Warburton, D, 2011, *Pathways through Participation: What creates and sustains active citizenship?*

### Expert Organisations

Civicus <http://www.civicus.org>

Involve <http://www.involve.org.uk>

Deliberative Democracy Consortium <http://www.deliberative-democracy.net>

International Association for Public Participation <http://www.iap2.org>

Society for Participatory Research in Asia <http://www.pria.org/>

Twaweza East Africa <http://www.twaweza.org>

MKSS India <http://www.mkssindia.org>

National Coalition for Dialogue and Deliberation US <http://ncdd.org>

Division for Public Administration and Development Management, United Nations Department of Economic and Social Affairs  
<http://www.unpan.org/DPADM>

World Bank Social Development Department <http://www.worldbank.org/socialdevelopment>

International Center for Not-for-profit Law <http://www.icnl.org>

European Center for Not-for-profit Law <http://www.ecnl.org.hu>

International Association of Facilitators <http://www.iaf-world.org>

## Summary of illustrative commitments

### Initial

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- Involve citizens in assessing the institutions of government and identifying priorities for reform
- Reform legislation to create an enabling environment for civil society organisations

### Intermediate

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- Encourage the use of digital tools to engage with the public
- Develop a compact with civil society to achieve common goals
- Engage citizens in deliberation on a priority issue
- Establish legislation and guidelines on public consultation in policy development

### Advanced

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- Establish a centre of expertise and designate resources to support the institutionalisation of citizen engagement
- Establish citizen engagement as a core competency of government officials
- Establish mechanisms to engage children and young people as full participants in civic life

### Innovative

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- Prototype new approaches to citizen participation



## Detailed Recommendations

### Initial Step: Involve citizens in assessing the institutions of government and identifying priorities for reform

#### Justification

Over the past three decades democracy has taken root in many parts of the world, and is now the dominant form of governance. However, there is no such thing as a perfect democracy, and democracy can take many forms, rooted in the realities of each country and the aspirations of its people.

For democracy to be effective it must connect people's demands and aspirations to accountable and representative political institutions. The role of the citizen in improving the quality of governance and in political and institutional reform is therefore fundamental.

Assessing the quality of government institutions and processes is part of the long and complex process of building and consolidating democratic institutions. While there are many external tools, frameworks, methodologies, ratings and indexes for assessing governance, initiating a process in which citizens themselves examine their own systems allows people to express their priorities and develop broad based support for reform agendas.

#### Recommendations

The NGO International IDEA pioneered a 'State of Democracy' approach which has so far been applied to over 20 countries worldwide. These recommendations are drawn from this approach:

1. The process should allow citizens and others who live in the country to assess the quality of their own democracy.
2. The prime purpose of democracy assessment should be to promote public debate and awareness, and the exercise ought to allow for the expression of popular understanding as well as any elite consensus.
3. The assessment should assist in identifying priorities for reform and monitoring their progress.
4. The criteria for assessment should be derived from clearly defined democratic principles and should embrace the widest range of democracy issues, while allowing assessors to choose priorities for examination according to local needs.
5. The assessments should be qualitative judgements of strengths and weaknesses in each area, strengthened by quantitative measures where appropriate.
6. The assessors should choose benchmarks or standards for assessment, based on the country's history, regional practice and international norms, as they think appropriate.
7. The assessment process should involve wide public consultation, including a national workshop to validate the findings.
8. The democracy assessment should not be viewed as an end in itself but a means to assist a democratic reform process by providing the systematic evidence, argument and comparative data on which reforms might be based.
9. Where governments initiate the democracy audit they should take steps to guarantee the independence of the assessment, and commit to responding to its findings.

#### Standards & Guidance

- Assessing the Quality of Democracy: A Practical Guide <http://www.idea.int/publications/aqd/>

- OGP Eligibility Criteria: Citizen Engagement <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

## Country Examples

- The government of Mongolia has institutionalised on-going national 'State of Democracy' audits <http://www.opengovguide.com/country-examples/the-government-of-mongolia-has-institutionalised-on-going-national-state-of-democracy-audits/>
- The Netherlands carried out a 'State of Democracy' assessment <http://www.opengovguide.com/country-examples/the-netherlands-carried-out-a-state-of-democracy-assessment/>

## Initial Step: Reform legislation to create an enabling environment for civil society organisations

### Justification

A strong and independent civil society (including non-governmental organisations, community groups, faith-based organisations, trade unions, and informal groups) is critical to open government. Civil society organisations have an important role in holding government to account, providing support and services to citizens and advocating for and supporting the mobilisation of citizens.

Throughout history, social movements have served as incubators of new issues that have subsequently become a core part of the State's agenda on issues such as women's rights, the environment, and indigenous people's rights. States that are aware and responsive to these nascent movements can short circuit decades of conflict and frustration (Green, 2013)

The legal frameworks in which people are allowed to organise themselves are often restrictive, either by design, or because of inherited legal and bureaucratic frameworks which are no longer fit for purpose. There have been increasing moves in many countries to limit the scope, the independence and the sources of funding for civil society organisations through legal means or by threats, harassment or violence. Restricting the capacity of civil society organisations to operate violates the fundamental human rights of freedom of association and assembly, and curbs the right of free expression. (ICNL/WMD/NED, 2012)

While laws on the formation and operation of CSOs, and on lawful protests are necessary for maintaining public safety and preventing crime and terrorism they should not be used as a barrier to the right to freedom of association. In an enabling environment, CSO formation and operation should be facilitative rather than obstructive.

The key role played by CSOs has been recognised in the UN Human Rights Council Resolution on Protecting Human Rights Defenders. The resolution calls on states to ensure that registration requirements for CSOs are non-discriminatory, expeditious and inexpensive and allow for the possibility of appeal. It further calls on governments to ensure that reporting requirements for CSOs "do not inhibit functional autonomy.

### Recommendations

1. CSO laws should be clear and well-defined.
2. The acquisition of legal status should be voluntary, and based on objective criteria.
3. Registration should not be a prerequisite for access to universal rights of freedom of expression, peaceful assembly and association.
4. The registration process should be quick, easy and inexpensive.

5. There should be a defined and reasonable time limit for registration decisions and written justifications for denials of status, which should be open to appeal.
6. All acts and decisions affecting CSOs should be subject to fair administrative or independent judicial review.
7. Reporting procedures for small, provincial, community-based organisations and alliances should be as simple as possible.

## Standards & Guidance

- Civicus Enabling Environment Index <http://civicus.org/what-we-do-126/2013-05-06-10-38-39/1886-download-the-2013-enabling-environment-index-eei-report>
- International Principles Protecting Civil Society <http://www.defendingcivilsociety.org>
- OGP Eligibility Criteria: Citizen Engagement <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>
- UN Human Rights Council Resolution on Protecting Human Rights Defenders [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=21380](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=21380)

## Country Examples

- Ukraine has established laws to simplify CSO registration and improve access to resources <http://www.opengovguide.com/country-examples/ukraine-has-established-laws-to-simplify-cso-registration-and-improve-access-to-resources/>

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## Intermediate Step: Encourage the use of digital tools to engage with the public

### Justification

Digital tools, such as social media, present policy and decision makers with a channel to communicate directly with citizens in real time. The use of digital tools should not be considered an end in itself, but rather for the particular benefits they can offer in a given situation. As such, careful consideration should be given to their appropriateness depending on the intended purpose, context and participants, as well as how they fit with institutional processes and capacity, and how any engagement will be acted upon and feedback given. Digital tools should be considered within a broader range of approaches and tools to ensure their appropriateness.

That being said, citizens themselves are increasingly using digital tools in many countries to engage with organisations (whether asking questions or providing feedback), as well as sharing their experiences of public services and commenting on the policies and decisions of governments. Therefore, in contexts where digital tools, such as social media, are widely used, they can:

- Enable Governments to communicate with citizens in the spaces that citizens already occupy and participate
- Allow policy makers to listen to the views of citizens on their policy area and engage directly with citizens individually
- Be part of conversations that are happening on social media, creating online communities and providing an authoritative voice
- Increase the impact of government communications, through the multiplier effect that social media can have

There are, however, some cultural and technical barriers to the effective use of digital tools, as well as personal and

organisational risks, that governments must address in order to leverage their benefits. One step towards this is the development of social media guidance, which provides government officials with the information necessary to use social media with confidence, to mitigate any risks and to tackle any technical barriers.

## Recommendations

1. New channels should be explored for communicating with citizens and other stakeholders in real time - particularly those already being used by the public
2. Public servants should be encouraged to use new digital tools where appropriate to inform and communicate with the public
3. Where social media is used widely by large groups of the public, the Executive should publish social media guidance for public servants, with the aim of supporting them to engage directly with citizens through new media.
  - The guidance should be developed with relevant stakeholders
  - The guidance should be designed based on a review of good practice, but take into account the specific country context
  - The guidance should be developed with reference to the practical and cultural barriers that present a barrier to the effective use of social media
  - Other channels and opportunities for engagement should be developed and maintained so as not to exclude groups of the public
4. Digital tools should only be used if they are appropriate for the given purpose, context and participants

## Standards & Guidance

- Center for Technology in Government – Designing Social Media Policy for Government: Eight essential elements [http://www.ctg.albany.edu/publications/guides/social\\_media\\_policy/social\\_media\\_policy.pdf](http://www.ctg.albany.edu/publications/guides/social_media_policy/social_media_policy.pdf)
- Delib: How and When to Use Social Media Channels to Strategically Support Government Goals [http://www.delib.net/delib\\_shared\\_assets/shared\\_documents/Delib\\_Social\\_Media\\_for\\_Government\\_2012.pdf](http://www.delib.net/delib_shared_assets/shared_documents/Delib_Social_Media_for_Government_2012.pdf)
- IBM Centre for The Business of Government: Using Online Tools to Engage – and be Engaged by – The Public <http://www.businessofgovernment.org/report/using-online-tools-engage-public>

## Country Examples

- Australia has developed guidance on online consultation <http://www.opengovguide.com/country-examples/australia-has-developed-guidance-on-online-consultation/>
- In Tanzania the government established wanachi.go.tz a website to submit and track complaints and feedback <http://www.opengovguide.com/country-examples/in-tanzania-the-government-established-wanachi-go-tz-a-website-to-submit-and-track-complaints-and-feedback/>
- The New Zealand Government has developed social media guidance <http://www.opengovguide.com/country-examples/the-new-zealand-government-has-developed-social-media-guidance/>
- The UK is establishing a fund to support developers to produce tools to make use of open aid data <http://www.opengovguide.com/country-examples/the-uk-is-establishing-a-fund-to-support-developers-to-produce-tools-to-make-use-of-open-aid-data/>
- The US government established a public open source project to facilitate the implementation and evolution of its Open Data Policy <http://www.opengovguide.com/country-examples/the-us-government-established-a-public-open-source-project-to-facilitate-the-implementation-and-evolution-of-its-open-data-policy/>

## Intermediate Step: Develop a compact with civil society to achieve common goals

### Justification

While effective civil society depends on separation and independence from the state, there are often common goals between governments and civil society organisations. Civil society organisations often work with, or for governments for example in the fields of social services, environmental protection, or international aid development.

In many countries civil society organisations and governments have recognised a need for a mechanism for cooperation. These have taken the form of negotiated agreements around key principles such as access to information, public funding, consultation and participation.

Often the publication of a framework agreement or compact is the culmination of a long period intensive relationship and trust building between the two sectors. The mechanisms give recognition of the existing practices and benefits, they send a message of political commitment and openness, and they give direction to future cooperation. Framework agreements provide a basis for developing processes of annual review, codes of practice for performance, and mechanisms for mediation. Any negotiated agreement needs to take account of the differentials in power between governments and civil society, and not act as a curb on the independence and diversity of civil society. It is essentially important to develop the policy document in a highly participatory manner to ensure that the document is addressing real needs and to create ownership among the parties.

### Recommendations

1. The Compact should be jointly developed by the Executive and representatives from civil society organisations, including grassroots groups as well as large NGOs. Representatives from organisations spanning the breadth of civil society should be involved to ensure widespread ownership
2. The Compact should set out commitments from both government and civil society. The commitments should acknowledge and promote the independence of civil society. They should be realistic and evidence based.
3. The Compact should include commitments relating to civil society's role in the policy process, in the delivery of services and in holding government to account.
4. Develop tools to monitor the implementation of institutional mechanisms.
5. On-going capacity building of key stakeholders (government officials, Parliamentarians, CSOs) is the key for the establishment and proper functioning of the institutional mechanisms for collaboration.
6. Periodically review the compact.

### Standards & Guidance

- ECNL: Improving Cooperation Between Public Institutions and Civil Society in the Western Balkans and Turkey <http://www.gamn.org/files/Report%20-%20Keeping%20up%20the%20Momentum.pdf>
- ICNL: Guidelines on the Preparation of Compacts [http://www.icnl.org/research/journal/vol3iss4/special\\_5.htm](http://www.icnl.org/research/journal/vol3iss4/special_5.htm)

### Country Examples

- Croatia has a programme of cooperation with the not-for-profit sector <http://www.opengovguide.com/country-examples/croatia-has-a-programme-of-cooperation-with-the-not-for-profit-sector/>
- The Canadian government developed an Accord with the Voluntary Sector <http://www.opengovguide.com/country->

[examples/the-canadian-government-developed-an-accord-with-the-voluntary-sector/](http://www.opengovguide.com/country-examples/the-canadian-government-developed-an-accord-with-the-voluntary-sector/)

- The Government of Macedonia includes a commitment to implement its Strategy for Cooperation with the Civil Sector as part of its OGP Plan. <http://www.opengovguide.com/country-examples/the-government-of-macedonia-includes-a-commitment-to-implement-its-strategy-for-cooperation-with-the-civil-sector-as-part-of-its-ogp-plan/>
- The UK Government has a longstanding compact with the voluntary sector <http://www.opengovguide.com/country-examples/the-uk-government-has-a-longstanding-compact-with-the-voluntary-sector/>

## Intermediate Step: Engage citizens in deliberation on a priority issue

### Justification

Mechanisms for hearing the views of citizens and other stakeholders should be institutionalised for all policy decisions. However, some policy decisions warrant and require a broader or deeper level of engagement with citizens than others. This is particularly true where issues of constitutional change are being considered, the issue in question is highly complex and requires action by many actors, and on issues that will likely impact or concern citizens in a significant way.

For such issues, it can be advantageous to use deliberative methods of citizen engagement, whereby groups of citizens engage deeply with the issue in question. Eliciting the views, values, knowledge and experiences of the public can offer new perspectives on issues and be the source of important new information and ideas - resulting in policies and services that are better designed, more efficiently and effectively implemented, and enjoy greater public support (Andersson et al, 2013).

Involving the public can strengthen the legitimacy of a decision making process and give people a sense of ownership over the final decision, lowering the likelihood that it will be challenged or rejected. In addition, involvement can give people a sense that they have contributed to an important process and that their voice has been heard - increasing their sense of efficacy and their trust in government. Publishing responses to input increases transparency, and builds public confidence that government decisions are based on appropriate criteria and evidence.

### Recommendations

1. Engagement should be focused on issues that matter most to people - whether through having a direct impact on their lives or having broader social, ethical, environmental or economic impacts. This helps to ensure that engagement is meaningful, and incentivises citizens to take action
2. The input of citizens and stakeholders must be able to influence the decision in question
3. The issue may be a single decision that needs to be taken, or part of an ongoing governance process. However take care that citizen engagement is not over reliant on one-off, intermittent events, which raise expectations that can't be met.
4. The engagement process should be carefully designed to match the purpose, context and participants - with appropriate methods chosen that are appealing and meaningful to citizens.
5. It should be carefully considered who the participants should be, and how they can be involvement
6. The outcomes of the process should be carefully evaluated and reported back to participants and wider society
7. Don't underestimate the power of having fun. Most people associate engagement with dull town-hall meetings - the same participants, talking about the same things and in a way and in an environment that alienates most citizens. Unfortunately this perception is also often a reality. The first step towards changing this is to make engagement fun (though, critically, not at the expense of it being meaningful)

### Standards & Guidance

- Civicus – Participatory Policy Making [http://www.pgexchange.org/index.php?option=com\\_content&view=article&id=140&Itemid=132](http://www.pgexchange.org/index.php?option=com_content&view=article&id=140&Itemid=132)
- IBM Centre for the Business of Government: A Manager’s Guide to Evaluating Citizen Participation <http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>
- NCDD: Legal Frameworks for Citizen Participation <http://ncdd.org/rc/wp-content/uploads/2010/09/LogoLink-LegalFrameworks2003.pdf>
- NCDD: Resource Guide on Public Engagement [http://www.ncdd.org/files/NCDD2010\\_Resource\\_Guide.pdf](http://www.ncdd.org/files/NCDD2010_Resource_Guide.pdf)
- Participation compass <http://participationcompass.org/>
- Participedia <http://participedia.net>

## Country Examples

- Estonia set up an online ‘People’s Assembly’ to make proposals for government reform <http://www.opengovguide.com/country-examples/estonia-set-up-an-online-peoples-assembly-to-make-proposals-for-government-reform/>
- In Madagascar the government established a mediation process to address tensions over a large infrastructure project <http://www.opengovguide.com/country-examples/in-madagascar-the-government-established-a-mediation-process-to-address-tensions-over-a-large-infrastructure-project/>
- The City of Gerardton developed a plan for the city’s future through participation <http://www.opengovguide.com/country-examples/the-city-of-gerardton-in-australia-developed-a-plan-for-the-citys-future-jointly-owned-by-citizens-industry-and-local-government/>
- The Danish Ministry of Foreign Affairs will conduct public hearings on the design of foreign aid programmes <http://www.opengovguide.com/country-examples/the-danish-ministry-of-foreign-affairs-will-conduct-public-hearings-on-the-design-of-foreign-aid-programmes/>
- Turkey sought broad public inputs into development a new constitution <http://www.opengovguide.com/country-examples/turkey-sought-broad-public-inputs-into-development-a-new-constitution/>

## Intermediate Step: Establish legislation and guidelines on public consultation in policy development

### Justification

Institutionalising a minimum level of citizen engagement in the policy process is important for ensuring that the views of citizens and other stakeholders are present when decisions are made, and that decisions are better informed as a result.

Public consultation is a formal process through which citizens and stakeholders can give feedback on policy analysis, proposals and options presented by the executive branch of government. It can take place at various stages of the policy process, from exploring ideas set out in policy papers through to scrutinising drafts of legislation. Public consultation typically involves citizens and stakeholders responding to something presented to them by government and, as such, is often considered to be a relatively low level form of engagement as it gives citizens limited influence in the policy process. However, its effective use is essential for any and all policy processes as it helps to ensure that decisions are informed by a good understanding of the likely impact of different policy proposals and that those affected by a decision have the opportunity to present their views.

The techniques used to consult or involve people include written responses, crowdsourcing comments on proposed

legislation, focus groups, citizens' juries, public meetings, and user panels. However, while many techniques are widely known, the potential and pitfalls of participation in practice are less well understood. The effectiveness of public consultation processes is determined by the quality of the planning that precedes it, especially the planning of how to reach relevant participants, how to handle the results and how to link the initiative with wider decision-making processes and systems.

Concerns about consultation include the potential for tokenistic engagement of citizen representatives; the capture of resources and local decision-making by local political and economic elites; and the re-creation of existing power relations within new participatory spaces – such as domination by men; or the reluctance of social “inferiors” to publicly challenge someone they rely on for work or housing. Citizen engagement must, therefore, be well designed and sufficiently resourced in order to mitigate these challenges.

## Recommendations

1. Commit to institutionalising public consultation in the policy process, and embedding good consultation practice
2. Establish legislation which requires timely and effective consultation in the policy development process. Legislation should establish basic minimum criteria for consultation, acknowledging that such formalised consultation is just one element of citizen engagement in a decision making process. Legislation should cover:
  - To what types of decisions the duty should apply
  - At what stage of the decision making process the duty should apply
  - Who should be consulted
  - Equality and confidentiality requirements
  - How consultations should be publicised
  - Information that should be provided about the purpose of the consultation
  - Information that should be provided to citizens and stakeholders (e.g. policy impact assessments)
  - The timescale of consultation
  - The expectation that consultation submissions should be published
  - How consultation input should be responded to
  - How citizens and stakeholders can challenge decisions where the proper process has not been carried out.
3. Develop broader guidance on participation, together with stakeholders (including from civil society, business and government). It should set out a range of principles against which consultation exercises can be assessed, but acknowledge that consultation exercises will vary depending upon the context and the intended purpose and participants.
4. Consider developing a portal for all active and complete consultations, where citizens and stakeholders can respond to and track issues.

## Standards & Guidance

- Involve: People and Participation – How to put citizens at the heart of decision-making <http://www.involve.org.uk/wp-content/uploads/2011/03/People-and-Participation.pdf>
- NCDD: Legal Frameworks for Citizen Participation <http://ncdd.org/rc/wp-content/uploads/2010/09/LogoLink-LegalFrameworks2003.pdf>
- OECD: Focus on Citizens – Public Engagement for Better Policy and services <http://www.oecd.org/governance/regulatory-policy/focusoncitizenpublicengagementforbetterpolicyandservices.htm>
- Public Deliberation: A manager's guide to citizen engagement <http://www.businessofgovernment.org/report/public->



## [deliberation-managers-guide-citizen-engagement](#)

### Country Examples

- In Australia consultation is required before any regulatory change <http://www.opengovguide.com/country-examples/in-australia-consultation-is-required-before-any-regulatory-change/>
- Public participation is enshrined in the Constitution of South Africa <http://www.opengovguide.com/country-examples/public-participation-is-enshrined-in-the-constitution-of-south-africa/>
- The UK government has issued guidance on consultation <http://www.opengovguide.com/country-examples/the-uk-government-has-issued-guidance-on-consultation/>
- Tuscany established a law promoting participation in development of regional policies <http://www.opengovguide.com/country-examples/tuscany-established-a-law-promoting-participation-in-development-of-regional-policies/>

## Advanced Step: Establish a centre of expertise and designate resources to support the institutionalisation of citizen engagement

### Justification

Building a body of expertise and experience in citizen engagement and working to shift organisational structures, processes, and cultures to support greater openness in policy and decision-making are essential for opening up government organisations.

Government organisations have a long history of being inwardly focused and opaque, with organisational structures, processes and cultures that support these ways of working. Organisational change of any kind requires time and proper resourcing in order for it to have a chance of success. If citizen engagement is to be institutionalised - in order that it becomes part of the way government organisations function - then resources need to be dedicated to make it happen. Designing, commissioning, delivering and evaluating effective citizen engagement is not straightforward. Careful consideration needs to be given to the purpose of engagement, the context in which engagement will take place, and the citizens and stakeholders who should be engaged. The practice of citizen engagement therefore benefits considerably from the presence of a body of expertise and experience from which government officials can draw.

While ad hoc and low impact engagement can operate within existing organisational structures, processes and cultures, the comprehensive use of citizen engagement requires that organisations fully embrace openness - being transparent about what they do and responsive to what citizens tell them. For most organisations this requires significant culture change. A centre of expertise can help to build - and commit to organisational memory - the body of knowledge and experience of citizen engagement necessary to ensure that practice is evidence-based and develops over time. It can support the evaluation of practice, the testing of new approaches, the development of the business case for engagement, the spread of relevant knowledge and skills, and the removal of organisational barriers. As such, the presence of specific engagement expertise is an addition to - not a substitute for - all government officials developing their own citizen engagement capabilities.

### Recommendations

1. Build a body of expertise and knowledge of citizen engagement
2. Prototype and evaluate new approaches to citizen engagement
3. Build and make the case for citizen engagement, and support its adoption across government institutions

4. Develop organisational capacity and capabilities for citizen engagement, through mentoring, training and networking
5. Support the growth of organisational processes and cultures that enable and promote citizen engagement

## Country Examples

- Denmark set up a centre of expertise on collaborative democracy, starting with a focus on technology issues <http://www.opengovguide.com/country-examples/denmark-set-up-a-centre-of-expertise-on-collaborative-democracy-starting-with-a-focus-on-technology-issues/>
- Denmark's Mindlab involves citizens and business in problem solving with government ministries <http://www.opengovguide.com/country-examples/denmarks-mindlab-involves-citizens-and-business-in-developing-new-solutions-for-the-public-sector/>
- The City of Edmonton has set up a Centre for Public Involvement <http://www.opengovguide.com/country-examples/the-city-of-edmonton-has-set-up-a-centre-for-public-involvement/>
- The UK government set up a center for public engagement on science policy following a national controversy <http://www.opengovguide.com/country-examples/the-uk-the-government-set-up-a-center-for-public-engagement-on-science-policy-following-a-national-controversy/>

## Advanced Step: Establish citizen engagement as a core competency of government officials

### Justification

The changing context in which governments operate requires that government officials are increasingly able to engage and collaborate with citizens and stakeholders. This shift in the required approach of government necessitates that the skills and competencies of government officials must shift too. Among other things, it requires a much more open approach to policy making, whereby:

- a shared understanding of the issue in question is developed between relevant stakeholders (including citizens)
- possible policy solutions are developed with relevant stakeholders (including citizens), and collaborative solutions are sought
- policy decisions are informed by the views and expertise of a broad range of stakeholders (including citizens), and the reasoning and evidence base for a decision is open to all
- the implementation of a policy decision is informed by, and conducted in partnership with, relevant stakeholders (including citizens)
- the impact of a policy decision are properly evaluated, including by those it affects

The ability of government officials to engage and collaborate with citizens and external stakeholders should, therefore, figure in their recruitment, appraisal and personal development.

### Recommendations

1. Undertake a review of the skills and competencies required for effective policy making, and create accessible opportunities for interested parties to contribute towards the review

2. Address any barriers to engagement and collaboration presented by organisational systems and processes
3. Explore the role of citizen engagement in the policy process, and consider the skills and competencies necessary for undertaking effective citizen engagement
4. Include these skills and competencies in the job descriptions, appraisal processes and personal development objectives of government officials
5. Develop a programme of learning and development that addresses the knowledge and skills necessary for effective citizen engagement

## Standards & Guidance

- IBM Centre for the Business of Government: A Manager's Guide to Evaluating Citizen Participation  
<http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>

## Country Examples

- Finland is committed to developing dialogue skills in public administration as part of its OGP action plan  
<http://www.opengovguide.com/country-examples/finland-is-committed-to-developing-dialogue-skills-in-public-administration-as-part-of-its-ogp-action-plan/>
- UK Open Policymaking team crowdsourced suggestions of 'Ideal Policy Team Behaviors'  
<http://www.opengovguide.com/country-examples/uk-open-policymaking-team-crowdsourced-suggestions-of-ideal-policy-team-behaviors/>

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## Advanced Step: Establish mechanisms to engage children and young people as full participants in civic life

### Justification

Governments should place particular emphasis on engaging groups of the public that are subject to exclusion and/or unable to express their views in other ways. We focus this illustrative commitment on children and young people due to the need to foster active citizenship from an early age. Commitments could, however, similarly be formed for other segments of the population including women, ethnic and religious minorities, migrants and refugees, and old people.

Under 18s make up over 30% of the global population, and in many developing countries up to 50% of the population may be under 18. Under Article 12 of the [UN Convention on the Rights of the Child](#), children and young people have a right to have their views listened to, and taken into account on decisions that affect them.

Although most young people around the world do not have the right to vote, governments are making policy decisions every day, on health, education and welfare, with large impacts on the lives of children and young people. Listening to the views of children and young people can:

- Lead to better designed policies - drawing on the lived experience, insights and innovative ideas of young people
- Engage all people under 18 as allies in *the development and sustainability of new mechanisms throughout society* - whether reporting when teachers don't turn up to school, giving feedback on projects, or getting involved in implementing social programmes
- Give children and young people a greater stake in society - and increase the likelihood that they will be civically active

as adults

- Promoting the involvement of children and young people may involve:
- Making sure consultation opportunities are accessible - for example, by using clear language, and offering a range of ways to input rather than only accepting formal written submissions.
- Specific outreach to involve young people - through dedicated consultations, events and project activities that give young people an opportunity to share their feedback, express their views and get involved in influencing policy.
- Establishing formal youth engagement structures - such as a credible and independent National Youth Council, backed by a range of local structures that support children and young people to get involved.

In many countries young adults (18 - 30) are also commonly excluded from public consultation or opportunities for decision making, even though they may have formal voting rights. Many of the recommendations below should also be applied to youth in these cases.

## Recommendations

1. Establish shared values & leadership. The government should affirm a public commitment to involving children, young people and young adults in all decisions that affect them.
2. Set out clear standards for the involvement of children and young people - drawing on international good practices
3. Work with a group of children and young people to assess current participation opportunities, and to identify future areas for development
4. Develop training in child and youth participation for professionals working with young people, and for decision makers

## Standards & Guidance

- UNICEF: Child and youth participation resource guide [http://www.unicef.org/adolescence/cypguide/index\\_intro.html](http://www.unicef.org/adolescence/cypguide/index_intro.html)
- Youth participation in development guide <http://ygproject.org/>

## Country Examples

- In Uganda a consultation with young people provided inputs to the National Development Plan <http://www.opengovguide.com/country-examples/in-uganda-a-consultation-with-young-people-provided-inputs-to-the-national-development-plan/>

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## Innovative Step: Prototype new approaches to citizen participation

### Justification

Citizen engagement is a continuously developing field, with new evidence of its benefits and limitations in different contexts emerging on an ongoing basis. There is no one "correct" model that should be adopted in any given scenario, but a range of possible approaches, the design of which can be tweaked to result in different outcomes. A common finding of evaluations of citizen engagement programmes is that context is key.

It is therefore important that governments and other actors continue to explore the efficacy of different approaches to

citizen engagement in different scenarios, but do so in an agile way that enables the development of the approach as evidence of its impact emerges. As such, high quality evaluation is needed to ensure that approaches are developed in the best possible way, and to add to the body of knowledge to inform the development of new approaches by others.

## Recommendations

1. Consider what other approaches have been tried in similar contexts, and their benefits and limitations.
2. Commit to ongoing evaluation in order to develop the approach as necessary.
3. Support independent formative evaluation of the approach to build the evidence base of what works, in which contexts and why.


## Standards & Guidance

- IBM Centre for the Business of Government: A Manager's Guide to Evaluating Citizen Participation <http://www.businessofgovernment.org/report/manager%E2%80%99s-guide-evaluating-citizen-participation>
- Participation compass <http://participationcompass.org/>
- Participedia <http://participedia.net>

## Country Examples

- The plan for rebuilding New Orleans was developed through participation with people across 16 cities <http://www.opengovguide.com/country-examples/the-plan-for-rebuilding-new-orleans-was-developed-through-participation-with-people-across-16-cities/>
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# Open government data

 **Lead author:** [Sunlight Foundation](#) and [Open Knowledge Foundation](#)

## Introduction

Open Data is the idea that data should be freely available for everyone to access, use and republish as they wish, published without restrictions from copyright, patents or other mechanisms of control. Public sector information made available to the public as open data is termed 'Open Government Data'. Governments and their contractors collect a vast quantity of high-quality data as part of their ordinary working activities. Typically this results in the state becoming a powerful data monopoly able to structure and homogenize the interactions between itself and its citizens. These one-sided interactions are expensive and unresponsive to citizens' needs and can unnecessarily restrict government activities, as well.

Opening government data involves both policy and technical considerations. If governments' data is made open, it can have huge potential benefits including:

- **Transparency:** In a well-functioning, democratic society citizens need to know what their government is doing. To do that, they must be able freely to access government data and information and to analyse and share that information with other citizens.
- **Efficiency:** Enabling better coordination and efficiency within government, by making data easier to find, analyse and combine across different departments and agencies.
- **Innovation:** In a digital age, data is a key resource for social and commercial activities. Everything from catching a bus to finding a doctor depends on access to information, much of which is created or held by government. By opening up data, government can help drive the creation of innovative business and services that deliver social and commercial value.

Where many public records laws and policies regulating the right to information [link] have traditionally relied on *reactive* disclosure, meaning public information has to be requested before it is shared, a government fully engaged in open data is choosing to *proactively* disclose information - meaning public data is released as it is collected and before it is requested. Put another way, the vision of open data is for government information to be 'open by default'. Open data also has a number of technical implications, with special consideration given to the particular formats chosen for data release. Open formats are those that are structured and non-proprietary, allowing the public and the government to extract maximum value from the information now and in the future.

Governments around the world cite many different reasons for starting open data initiatives, including increasing government transparency and accountability, catalysing the creation of new digital services and applications for citizens, unlocking the full economic potential of public information, and evolving current government services for anticipated future needs. Although much of this top-level government interest is new, there are many professions and communities engaged in dialogue, policy, and development around this issue, including from government officials, journalists, developers, transparency reformers, issue advocates, and interested citizens.

### Expert Organisations

Global Open Data Initiative <http://globalopendatainitiative.org/>

Sunlight Foundation <http://sunlightfoundation.com/>

Open Knowledge Foundation <http://okfn.org/>

World Bank's Open Government Data Working Group <http://data.worldbank.org/>

Web Foundation <http://www.webfoundation.org/>

Open Institute <http://openinstitute.com/>

OGP Working Group: Open Data <http://www.opengovpartnership.org/get-involved/join-working-group>

## Summary of illustrative commitments

### Initial

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- Establish a strong, public commitment to opening data
- Identify and publish some public information as open data

### Intermediate

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- Develop a government-wide policy on open data, through an inclusive process
- Mandate the publication of new data sets

### Advanced

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- Create or appoint an oversight authority
- Create public listings of government data, and audit data availability and management
- Establish new legal rights to empower the public
- Proactively engage with and support data users
- Require that open data commitments apply to all organizations handling public data

### Innovative

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- Create unique identifiers for organisations, things and places



## Detailed Recommendations

### Initial Step: Establish a strong, public commitment to opening data

#### Justification

Governments seeking to reap the benefits of open data often start by publicly committing to the idea of open data and setting ambitious, but achievable goals for data release. Beginning with a strong, public commitment makes open data a cross-government practice and can provide a solid foundation for continued policy and technical development, as well as opportunities for engaging with the public, entrepreneurs and the private sector.

Commitments can and should outline the benefits of publishing data proactively and in open formats. Commitments can also help governments to welcome new stakeholders into the process of data release and deliberation. Including the public early on -- even in the commitment drafting process -- helps to build interest, advocacy prioritization, and technical support for later open data efforts, and empowers advocates to prioritize this issue and continues to monitor progress over time.

A strong, well-crafted commitment can be a useful tool for creating political space for other reform efforts, interim studies, and new policies, even while acknowledging that it is only a first step.

#### Recommendations

Make a visible, substantive, and ideally high level commitment to open data. For example, key steps that governments have taken are:

1. Public statement by the head of state to all government departments, making the case for open data, establishing key principles open format and license and presumption in favour of transparency and, setting priorities for action.
2. Establishing a coordinating body (e.g. in a Cabinet Office) or working group including members of the government and public for exploration of this issue.
3. Supporting legislative resolutions demonstrating support for transparent operations and the integration of open data into policy considerations.

#### Standards & Guidance

- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

#### Country Examples

- The City Council of Enschede passed a motion recognizing the importance of reusable open data and encouraging citizen participation <http://www.opengovguide.com/country-examples/the-city-council-of-enschede-passed-a-motion-recognizing-the-importance-of-reusable-open-data-and-encouraging-citizen-participation/>
- The UK Prime Minister set out a broad commitment to open data in a letter to government departments <http://www.opengovguide.com/country-examples/the-uk-prime-minister-set-out-a-broad-commitment-to-open-data-in-a-letter-to-government-departments/>
- The US government has made a public commitment to open data <http://www.opengovguide.com/country->

<examples/the-u-s-open-government-initiative-includes-a-commitment-to-open-data/>

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## Initial Step: Identify and publish some public information as open data

### Justification

An essential first step in any open government data initiative is to actually engage in the process of making information available online in structured, machine-readable formats (such as spreadsheets or CSV files, mapping data or marked up official documents) under an open license that clearly lets third parties use them without restriction. Unstructured data formats, such as scanned pictures of government documents, only allow the data to be seen, rather than extracted. Structure allows for machines to parse the information with more detail and accuracy and allows data to be searched, sorted, and analyzed more easily. Specific open data formats include JSON, CSV, and XML (for databases), and HTML and plain text (which are only semi-structured, but provide flexibility) for documents.

At the national level, there are at least 25 countries that have published open government data (listed at [datacatalogs.org](http://datacatalogs.org)). Initial, early publishing of new datasets can help governments move toward proactive government data publishing at scale. Ideally the selection of what data to start with or prioritize should respond to demand from prospective users, whether directly solicited from these users or interpreted from related sources, such as freedom of information requests.

When considering proactive data publishing at scale, governments should take advantage of the opportunity to publish data in bulk. Bulk access is a simple, but effective means of publishing datasets in full, giving the public the ability to download all of the information stored in a database at once. Whether offered as a feature of a data portal or even as a simple “click to download” button on a government agency, bulk access to information is often one of the simplest and most direct steps a government entity can take to share information with the public.

### Recommendations

1. **Identify data valuable to internal and/or public processes for release**, working with government officials and members of key public stakeholder groups. While prioritising data, look for the opportunity to provide information that helps reveal and inform decision-making.
2. **Explore making the data both machine and human readable** by enriching it with semantics, metadata, and identifiers;
3. **Start to release some public information as open datasets** – i.e. in structured, machine-readable, platform-independent formats under an explicit open license.
4. **Explore avenues for government agencies to participate** at identifying data for publishing, both individually and in coordinated efforts.
5. **Identify data liaisons or coordinators** among existing staff who can help facilitate early conversations about data publishing with their department.

### Standards & Guidance

- Open Data Definition <http://opendefinition.org/>
- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- OpenGovData.io <http://opengovdata.io/>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>

- Ten Principles for Opening Up Government Information <http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>
- The 10 Principles for Open Data <http://sunlightfoundation.com/policy/documents/ten-open-data-principles/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>
- World Wide Web Consortium: Publishing Open Government Data <http://www.w3.org/TR/gov-data/>

## Country Examples

- In Denmark, enabling free access to 'basic data' will save the government an estimated USD 45 million per year <http://www.opengovguide.com/country-examples/in-denmark-enabling-free-access-to-basic-data-will-save-the-government-an-estimated-usd-45-million-per-year/>
- The government of Chile has published 1,003 datasets <http://www.opengovguide.com/country-examples/the-government-of-chile-has-published-1003-datasets/>

## Intermediate Step: Develop a government-wide policy on open data, through an inclusive process

### Justification

The centrepiece of many governments' open data initiatives is a government-wide policy committing to releasing new government data and to setting standards for how data is released. This policy serves as the primary substantive description of how the government will manage and release information. Open data policies should be practically aspirational, meaning that they should both define a vision for why the policy is being implemented, while also being able to provide actionable steps for government and relevant oversight authorities to follow to see the policy through to implementation. Creating regulations or guidance can ensure a strong, reliable policy, and usually means the difference between a policy passed for show versus policy passed for substance.

Open data access is a broad concept, and a well-designed open data policy should be relevant to many different communities. A strong policy requires consultation and collaboration with stakeholders both inside and outside government, both during the development of the policy and in its implementation.

Open government data policies are often best when developed iteratively, adapting to help strengthen and grow fledgling efforts and to identify where continued revision is needed. By being open (or even requiring) future review and iteration, open data policies will be able to keep current with best practices, technological advances, and feedback from existing policy oversight.

### Recommendations

1. Create opportunities and channels to engage with data users – such as consultations, social media accounts, dedicated email addresses and staff who are able to process and respond.
2. Hold broad, inclusive consultations to take advantage of public expertise and build a legitimate process. Assign specific responsibilities for hosting consultations and pay special attention to excluded communities.
3. Proactively solicit for information from prospective data users about what kinds of information they would like – both initially and on an ongoing basis.
4. Review existing policies and barriers to open data access and reuse that may exist in the country.

5. Assign specific responsibility for drafting the policy, while involving government officials from across government. This should include responsibility for incorporating public suggestions into the policies.
6. Create requirements to establish open data as the default, ranging from data standards to new requirements for designing new data systems, to crafting complimentary laws with publication and data standards built in from the start.
7. The policy should include deadlines and actionable goals and benchmarks that can be used as a metric for compliance.
8. Consider establishing a single authority empowered to resolve conflicts, provide consistent oversight, and ensure compliance. This may be a role for an existing Information Commissioner [link] or a new authority.
9. Ensure sufficient funding is dedicated for implementation.
10. Build new iterations of the policy after its release, to strengthen it.

## Standards & Guidance

- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

## Country Examples

- The Australian state of New South Wales opened up its draft open data policy to comments on the web <http://www.opengovguide.com/country-examples/the-australian-state-of-new-south-wales-used-a-web-platform-to-receive-comments-from-the-public-on-a-draft-open-data-policy/>
- The city of Oakland drafted their open data policy using a collaborative method involving open, online comments and public meetings <http://www.opengovguide.com/country-examples/the-city-of-oakland-drafted-their-open-data-policy-using-a-collaborative-method-involving-open-online-comments-and-public-meetings/>
- The Flemish government's open data policy that makes open-by-default the standard <http://www.opengovguide.com/country-examples/flemish-governments-open-data-policy-that-makes-open-by-default-the-standard/>
- The US government established a public open source project to facilitate the implementation and evolution of its Open Data Policy <http://www.opengovguide.com/country-examples/the-us-government-established-a-public-open-source-project-to-facilitate-the-implementation-and-evolution-of-its-open-data-policy/>

## Intermediate Step: Mandate the publication of new data sets

### Justification

Governments produce tremendous amount of information, but often only a small subset is available on the Internet, even as more and more people look online for these records and resources. Open data initiatives provide an opportunity to identify data sets and records that could be, but are not yet, made available publicly – or online. Identifying and publishing this 'new' data is key to fulfilling the vision of any government's open data programme as it integrates open data norms into government procedure.

Requiring 'new' data to be published can in some instances refer to information that will be created, collected and released for the first time -- a unique opportunity to follow best practices in open data publishing from the start. In other instances,

'new' data can mean identification of existing datasets and mandating their release as open data.

Information can run the gamut from corporate registration data to the video, audio, and minutes from a public meeting. It can also include historic information that has previously been locked in paper-based archives. Specific mandates can be made about a variety of kinds of data -- information ranging from transportation data to lobbying registration databases to the video and audio of public meetings -- though careful consideration should be given to the language used to describe what information is affected. Descriptive phrases such as 'high-value' or 'high priority', when used without direction or indication of how to assign value or priority, can open up loopholes that slow or prevent the release of information desired by the public.

## Recommendations

1. Work with government officials and members of key public stakeholder groups to identify data valuable to internal and public processes that can be released.
2. Establish open data legislation which requires the release of specific classes or categories of datasets as open data.
3. Be clear about the scope of 'new' information and identify key agencies, committees or other relevant agents necessary for the digitization and publishing process.
4. Create specific requirements for ongoing updates of open data, and aim to release government data as quickly as it is gathered and collected (in 'real time').
5. Release new data online in a way that is free of intellectual property restrictions or fees, in a structured format and ensure that the data is kept updated in a timely manner.

## Standards & Guidance

- Open Knowledge Foundation Open Data Handbook <http://opendatahandbook.org/pdf/OpenDataHandbook.pdf>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

## Country Examples

- In Japan, the Parliament's National Library plans to digitise its entire collection to make available online <http://www.opengovguide.com/country-examples/in-japan-the-parliaments-national-library-plans-to-digitise-its-entire-collection-to-make-available-online/>
- In Slovakia, government contracts are published online <http://www.opengovguide.com/country-examples/in-slovakia-government-contracts-are-published-online/>
- The Brazilian ministry of finance publishes large amount of budget data in machine-readable formats <http://www.opengovguide.com/country-examples/the-brazilian-ministry-of-finance-publishes-large-amount-of-budget-data-in-machine-readable-formats-2/>
- The Senate of Italy publishes legislative data on its own open data portal <http://www.opengovguide.com/country-examples/the-senate-of-italy-publishes-legislative-data-on-its-own-open-data-portal/>

## Advanced Step: Create or appoint an oversight authority

## Justification

A single authority empowered to resolve conflicts, provide consistent oversight, and ensure compliance with new open data measures is a valuable asset to any open data policy. Commonly, open data initiatives either direct a pre-existing officer (i.e. a chief technology or administrative officer) or a specific department to oversee execution and compliance, although new positions and authorities can also be created. Specifying an authority, review board, or similar body is an important step to making sure that an open data policy can actually be executed and provides a resource to address unforeseen hurdles in implementation. New oversight bodies should conduct their work independently and publicly, and can be bolstered by creating new regulations or guidance for implementation.

## Recommendations

For any authority created or granted, care should be given that the new position has powers of enforcement to follow through on their work and address resistance or non-compliance.

## Standards & Guidance

- OpenGovData.io <http://opengovdata.io/>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

## Country Examples

- Australia's information commissioner is responsible for all information held by the government <http://www.opengovguide.com/country-examples/australias-information-commissioner-is-responsible-for-the-collection-use-disclosure-and-management-of-all-information-held-by-the-government/>
- In Canada, the information commissioner investigates access to information complaints and advocates for more proactive disclosure within government <http://www.opengovguide.com/country-examples/in-canada-the-information-commissioner-investigates-access-to-information-complaints-and-advocates-for-more-proactive-disclosure-within-government/>
- In the U.S. state of Utah, a Transparency Advisory Board acts as the oversight authority for the state's open data policy <http://www.opengovguide.com/country-examples/in-the-u-s-state-of-utah-a-transparency-advisory-board-acts-as-the-oversight-authority-for-the-states-open-data-policy/>

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## Advanced Step: Create public listings of government data, and audit data availability and management

### Justification

Government officials, policy-makers, and members of the public can only request or analyse what they know exist. Too often, government officials themselves are not aware of the details or amount of information that they possess. A comprehensive index or listing of government information both enables policy-makers and administrators to determine whether information is being appropriately managed, and empowers public oversight of those determinations. Publicly accounting for agency information helps ensure that information is managed to benefit the public interest, and can create efficiencies among government departments.

To provide up-to-date information, agencies can also be required to regularly audit their information holdings.

## Recommendations

1. Craft a high level policy requiring each individual department to index all of their data.
2. Design the variables and labels that will accompany all listed government datasets -- i.e. is it public or not, could it be made public, is it accessible through FOI request, what is the justification or classification for non-release, if public, where it can be found, etc.
3. Publish data indexes online so that public datasets can be directly linked to.
4. Explore opportunities to use the auditing process as an empowering mechanism for government agencies to be recognized for the information they collect, handle and share.

## Standards & Guidance

- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>

## Country Examples

- In Canada, a government wide initiative has been undertaken to identify all government data holdings <http://www.opengovguide.com/country-examples/in-canada-a-government-wide-initiative-has-been-undertaken-to-identify-all-government-data-holdings/>
- In the U.S. city of San Francisco, the government's open data policy calls for all departments to publish an inventory of data held <http://www.opengovguide.com/country-examples/in-the-u-s-city-of-san-francisco-the-governments-open-data-policy-calls-for-all-departments-to-publish-an-inventory-of-data-held/>
- In the United States, the 2013 Open Data Policy called for federal agencies to perform an audit and create an index of datasets <http://www.opengovguide.com/country-examples/in-the-united-states-the-2013-open-data-policy-called-for-federal-agencies-to-perform-an-audit-and-create-an-index-of-datasets-2/>
- The England and Wales Land Registry contains an inventory of all available data <http://www.opengovguide.com/country-examples/the-england-and-wales-land-registry-contains-an-inventory-of-all-available-data/>
- The National Audit Office in the UK audited government data holdings and released a report on their findings to the public <http://www.opengovguide.com/country-examples/the-national-audit-office-in-the-uk-audited-government-data-holdings-and-released-a-report-on-their-findings-to-the-public/>

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## Advanced Step: Establish new legal rights to empower the public

### Justification

Laws regulating access to data and public records are not limited to managing internal processes for publishing; they can also give the public new oversight powers to defend their access and support continued compliance with open data policies, and even the quality and integrity of the data. These powers can be expressed through the right to sue or by strengthening the powers of ombudsmen, anti-corruption agencies or other mechanisms for the public to investigate and settle disputes about government data.

## Recommendations

## Standards & Guidance

- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>

## Country Examples

- In Indonesia, individuals have the right to pursue legal recourse if they are prevented from obtaining information under the freedom of information act <http://www.opengovguide.com/country-examples/in-indonesia-individuals-have-the-right-to-pursue-legal-recourse-if-they-are-prevented-from-obtaining-information-under-the-freedom-of-information-act/>
- Many government's FOI laws give citizens the right to sue the government over freedom of information requests <http://www.opengovguide.com/country-examples/many-governments-foi-laws-give-citizens-the-right-to-sue-the-government-over-freedom-of-information-requests/>
- Some countries, such as Canada, have freedom of information ombudsmen with special legal enforcement powers <http://www.opengovguide.com/country-examples/some-countries-such-as-canada-have-freedom-of-information-ombudsmen-with-special-legal-enforcement-powers/>

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## Advanced Step: Proactively engage with and support data users

### Justification

Many of the most successful open data initiative do not stop at publishing open data and waiting to see what happens. To maximise the impact of public information they proactively engage with citizens and end users, to understand and respond to their needs and demands. This might include running or supporting events, workshops, hackathons, competitions, and fellowships, as well as having dedicated staff and communication channels through which to support data users and intermediaries.

### Recommendations

To engage data users, governments can:

1. Run or support events, workshops, hackathons, competitions, fellowships or other initiatives to facilitate the reuse of public information.
2. Ensure that there are government officials who are able to proactively engage with, and understand and respond to, the demands of data users (e.g. at events or through relevant online channels).
3. Set up and resource dedicated communication channels to engage with data users such as social media accounts, email lists, webinars and events.

### Standards & Guidance

- Open Data Definition <http://opendefinition.org/>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Bank Open Data Toolkit <http://data.worldbank.org/open-government-data-toolkit>



- World Wide Web Consortium: Publishing Open Government Data <http://www.w3.org/TR/gov-data/>
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## Advanced Step: Require that open data commitments apply to all organizations handling public data

### Justification

Governments often use third-party entities, contractors, and quasi-autonomous government agencies to carry out public services and generate, handle or research, government information, but the use of outside services should not obscure access to government information. Ensuring that open data is defined not solely as data held by the government but as information collected, stored, processed, or housed otherwise on behalf of the government ensures that public data is treated consistently.

### Recommendations

1. Communicate to agencies, and contractors about the role and value of open government data.
2. Integrate open data requirements into grants and contracts with quasi-governmental agencies and other similar actors, such as multi-state agencies, government-sponsored entities, publicly-funded universities, and self-regulatory organizations should release.
3. Specify open data formats and disclosures in contracts with private sector providers.
4. Employ open source solutions whenever possible to enable sharing.

### Standards & Guidance

- Open Data Guidelines for Procurement <http://sunlightfoundation.com/procurement/opendataguidelines>

### Country Examples

- In the US, the White House Office of Science and Technology Policy requires federal agencies that fund research make the results and underlying data available to the public <http://www.opengovguide.com/country-examples/i-in-the-us-the-white-house-office-of-science-and-technology-policy-requires-federal-agencies-that-fund-rd-make-the-results-and-underlying-data-available-to-the-public/>
  - The US city of Chicago is developing contract provisions to promote open data in technology related procurements <http://www.opengovguide.com/country-examples/the-us-city-of-chicago-is-developing-contract-provisions-to-promote-open-data-in-technology-related-procurements/>
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## Innovative Step: Create unique identifiers for organisations, things and places

### Justification

Many government datasets refer to other entities – for example national budgets refer to departments, company registers refers to companies, charity registers refer to charities (which may also be companies) and education performance tables refer to schools. Without a standardised way of referring organisations, locations and things, cross referencing between

different datasets requires manual cross-examination against other contextual information. Some analyses can become difficult or impossible, since similar names may or may not refer to the same entities.

When identifiers are shared across data silos, they create connections and make the data more adaptable. The value of the two connected datasets becomes more than just the sum of their parts.

## Recommendations

1. Create guidelines for the naming and using of unique identifiers for government datasets and the entities they refer to.
2. Create reusable sets of identifiers for common sets of public entities, such as Government Departments, Local Authorities, Schools and Railway Stations.
3. Work with governments, and through standards bodies and other consensus groups to unify unique identifiers in key areas of collaboration.

## Standards & Guidance

- 6 Degrees of Corporations <http://sunlightfoundation.com/sixdegrees/resources/>
- Open Data Guidelines for Procurement <http://sunlightfoundation.com/procurement/opendataguidelines>
- Sunlight Foundation: Open Data Policy Guidelines <http://sunlightfoundation.com/opendataguidelines/>
- World Wide Web Consortium: Linked Data <http://WWW.W3.ORG/DESIGNISSUES/LINKEDDATA>

## Country Examples

- Belgium piloted a system to develop unique identifiers for addresses and streets <http://www.opengovguide.com/country-examples/belgium-piloted-a-system-to-develop-unique-identifiers-for-addresses-and-streets/>
  - The UK government published guidelines on the use of unique resource identifiers <http://www.opengovguide.com/country-examples/the-uk-government-published-guidelines-on-the-use-of-unique-resource-identifiers/>
  - The US White House requires predicable URLs for committee documents and data <http://www.opengovguide.com/country-examples/the-us-white-house-requires-predicable-urls-for-committee-documents-and-data/>
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# Public contracting

 **Lead author:** [Open Contracting Partnership](#)

## Introduction

Public contracts play a vital role in the financial health of a country and the lives of its citizens by generating revenues and providing essential goods, works, and services. Public contracts cover all economic sectors and types of agreements, including **procurement, licenses and concessions** and the **sale of public property**. It has been estimated that public contracts procuring goods, works, and services alone are worth approximately USD 9.5 trillion per year.(Kenny, 2012)

Therefore, it is critical that public contracts should be fairly awarded and offer good value-for-money. However, in many countries around the world, public contracting has been identified as the government activity most vulnerable to wastefulness, mismanagement, inefficiency, and corruption.(World Bank, 2011)

Citizens, media, and civil society want to know why a school was not built, why medicines are so expensive, why a road is in disrepair after only one year, or how many local workers the new mine will be hiring. To answer these questions requires access to information contained in contracts and documents related to their procurement and performance. But, in many countries there is limited public information about how contracts are negotiated, what has been contracted for, how they are being performed, and who is responsible. Sometimes even parliamentarians and supreme audit institutions are prevented by confidentiality clauses from understanding how the government is allocating public resources. Likewise, there are few chances for citizens to monitor public contracts.

It is increasingly recognised that 'open contracting' is required for governments to be held accountable for the use of public resources.(OECD, 2007) Disclosure and participation are critical tools to improve the management of public resources and *open contracting* refers to norms and practices for increased disclosure and participation in public contracting. It covers the entire process, including formation, award, execution, performance and completion of public contracts, and the full range of contract types, from basic procurement to joint ventures, licenses and production sharing agreements. Open contracting practices can be implemented at all levels of government and can apply to all public contracting, including contracts funded by combinations of public, private and donor sources.

### References

Kenny, Charles with Jonathan Karver, 2012, Publish What You Buy The Case for Routine Publication of Government Contracts, Center for Global Development Policy Paper 011

World Bank, 2011, Curbing Fraud, Corruption, and Collusion in the Roads Sector

OECD, 2007, Integrity in Public Procurement: Good Practice from A to Z

### Expert Organisations

Open Contracting Partnership <http://www.open-contracting.org/>

## Summary of illustrative commitments

### Initial

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- Develop a framework for public contracting that ensures a transparent and equitable process
- Recognize the right of the public to access public contracting information

### Intermediate

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- Proactively disclose core classes of documents and data about public contracting
- Provide capacity building to support stakeholders to understand, monitor and act upon contracting data

### Advanced

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- Create mechanisms for participation and redress in public contracting

### Innovative

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- Facilitate funding to support participation in public contracting

## Detailed Recommendations

### Initial Step: Develop a framework for public contracting that ensures a transparent and equitable process

#### Justification

Clear, transparent and fair frameworks for public contracting are linked to operational benefits such as saving time and money on finding and processing bids. At the same time transparent processes deter a culture of corruption and create conditions for open competition, supporting the goal of securing goods and services that deliver greater value money. (Kaspar and Puddephatt, 2012) Transparent contracting frameworks should not require excessive bureaucracy which prevents small firms and organisations from competing for tenders, but rather should open up a level playing field.

In awarding licenses in the extractive industries competition among potential investors is crucial to help offset some of the asymmetry regarding access to information that tends to disadvantage governments.(World Bank, 2012)

#### Recommendations

Public contracting frameworks should be characterised by:

1. Well-defined, concise, and comprehensible regulations, guidelines and procedures that are enforceable and open to public scrutiny.
2. Transparent advertising of opportunities, clear and standardised tender documents and guidelines.
3. Clear and public selection and award criteria.
4. Disclosure of awards.
5. Rationale behind awards.
6. Conflict of interest policies for officials.
7. Mechanisms for appeal and information requests.

Public contracts should be awarded through competitive processes whenever possible.

Information relating to procurement procedures and contracts that have been awarded should be made publicly available.

#### Standards & Guidance

- OECD Methodology for Assessing Procurement Systems (MAPS) <http://www.oecd.org/dac/effectiveness/45454394.pdf>
- OECD Principles for Integrity in Public Procurement <http://www.oecd.org/gov/ethics/48994520.pdf>
- Open Data Guidelines for Procurement <http://sunlightfoundation.com/procurement/opendataguidelines>

#### Country Examples

- In Ecuador, the introduction of an e-reverse auction in the purchase of medicines achieved an expenditure reduction of USD 327 million <http://www.opengovguide.com/country-examples/in-ecuador-the-introduction-of-an-e-reverse-auction-in-the-purchase-of-medicines-achieved-an-expenditure-reduction-of-usd-327-million/>
- In Peru public land for sale must be advertised for a minimum of 90 days <http://www.opengovguide.com/country-examples/in-peru-public-land-for-sale-must-be-advertised-for-a-minimum-of-90-days/>

- In Sierra Leone the law requires that oil contracts must be awarded through competitive auctions <http://www.opengovguide.com/country-examples/in-sierra-leone-the-law-requires-that-oil-contracts-must-be-awarded-through-competitive-auctions/>
  - The Philippine Procurement law requires the proactive publication of key information <http://www.opengovguide.com/country-examples/the-philippine-procurement-law-requires-the-proactive-publication-of-key-information/>
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## Initial Step: Recognize the right of the public to access public contracting information

### Justification

Many countries have enacted access to information laws or regulations, reflecting the growing recognition of the right of citizens to access State-held information. This right has been interpreted as imposing a positive obligation on States to proactively disclose information of public interest, including contracts.

Therefore, it is important that contracting information is made available to the public in as complete a form as possible, with any exceptions or limitations narrowly defined. Where contracting information is exempted from disclosure by government, it is important that citizens, as well as parliaments and other oversight authorities, have recourse to subject the exemptions to impartial review.

### Recommendations

1. Adopt rules to make contracts, including licenses, concessions, permits, grants or any other document exchanging public goods, assets, or resources (including all annexes, schedules and documents incorporated by reference) and any amendments accessible to the public, as well as any applicable pre-studies, standard bid documents, performance evaluations, guarantees, and auditing reports.
2. These rules may take the form of a national or sub national level law, that governs all or a particular sector, or agency level policies or guidance.
3. The rules should clearly lay out the circumstances in which contracting information may be exempted from disclosure, provide for reasons to be given for the exemption or redaction, and a mechanism for redress, preferably judicial review.
4. Ensure that laws and policies governing public access to public contracting information are applied to state-owned companies and sovereign wealth funds.
5. Include in model agreements and standard contracting documents language indicating the disclosable nature of the contracting documents.
6. Preclude confidentiality clauses, draft them narrowly to cover permitted exemptions, or include provisions to allow for the contract and related information to be published.

### Standards & Guidance

- Open Contracting Principles [http://www.open-contracting.org/global\\_principles](http://www.open-contracting.org/global_principles)

### Country Examples

- Denmark's Model License for Exploration & Production of Hydrocarbons contains a standard provision on disclosure

<http://www.opengovguide.com/country-examples/denmarks-model-license-for-exploration-production-of-hydrocarbons-contains-a-standard-provision-on-disclosure/>

- Ethiopia launched a new Procurement Proclamation which requires disclosure of contracting information <http://www.opengovguide.com/country-examples/ethiopia-launched-a-new-procurement-proclamation-which-requires-disclosure-of-contracting-information/>
- In Victoria, Australia disclosure requirements are part of the standard terms and conditions for contracts <http://www.opengovguide.com/country-examples/in-victoria-australia-disclosure-requirements-are-part-of-the-standard-terms-and-conditions-for-contracts/>
- Liberia publishes information on bids and contracts <http://www.opengovguide.com/country-examples/liberia-publishes-information-on-bids-and-contracts/>
- South Sudan enacted a law that makes confidentiality clauses in petroleum contracts invalid <http://www.opengovguide.com/country-examples/south-sudan-enacted-a-law-that-makes-confidentiality-clauses-in-petroleum-contracts-invalid/>
- The Indian Right to Information Act makes contracts disclosable <http://www.opengovguide.com/country-examples/the-indian-right-to-information-act-makes-contracts-disclosable/>
- The UK issues guidance on what information can be exempted from tenders <http://www.opengovguide.com/country-examples/the-uk-issues-guidance-on-what-information-can-be-exempted-from-tenders/>
- Transparency in public contracting is written into the South African Constitution <http://www.opengovguide.com/country-examples/transparency-in-public-contracting-is-written-into-the-south-african-constitution/>

## Intermediate Step: Proactively disclose core classes of documents and data about public contracting

### Justification

Developing a system of proactive disclosure (meaning that contracts and the other core classes of information are routinely published) has several benefits:

- Promotes equality of access to information as all members of society can access without having to file requests.
- Improves records management system.
- Saves time and money - proactive disclosure may even be more affordable than dedicating staff time to search for documents and evaluate every access to information request individually.[1]

This information needs to be available in a systemized and organized manner so that it can be read and processed by computers and can be easily reused and analyzed by citizens, civil society, the private sector and government.

Many governments are shifting to e-procurement and standardised contracting documents to provide a simple, secure and efficient means for managing the whole procurement process online. This reduces the obstacles to disclosure as documents are already in digital form and are organised with metadata. While e-procurement portals are aimed at bidders, a separate interface should be developed that allows ordinary people to find out about projects or contracts affecting them or their area.

### Recommendations

Define core classes of information for proactive disclosure. This should include:

1. **Contracts**, including licenses, concessions, permits, grants or any other document exchanging public goods, assets, or resources (including all annexes, schedules and documents incorporated by reference) and any amendments.
2. **Related documents** such as Pre-studies, standard bid documents, performance evaluations, guarantees, and auditing reports;
3. **Key pieces of information concerning contract formation**, including: The planning process, method of award, scope and specifications for each contract, criteria for evaluation and selection, bidders or participants in the process, their validation documents, and any procedural exemptions for which they qualify, any conflicts of interest uncovered or debarments issued, results of the evaluation, including the justification for the award; and the identity of the contract recipient and any statements of beneficial ownership provided.
4. **Information related to performance of the contract**, including subcontracting arrangements, schedules and milestones, status of implementation, dates and amounts of stage payments made or received, service delivery and pricing, arrangements for ending contracts, final settlements and responsibilities, risk assessments, including environmental and social impact assessments, assessments of assets and liabilities of government, provisions in place to ensure appropriate management of ongoing risks and liabilities; and appropriate financial information regarding revenues and expenditures, such as time and cost overruns.

Develop systems to collect and publish this data in a structured manner on a timely, current, and routine basis and in a form that enables easy use, participation, and analysis.

1. Where feasible, contracting information should be digitized and made available to the public on an online portal.
2. Structured formats such as structured XML and inclusion of all relevant meta-data allows for user-friendly searching and access.
3. Digital information should be retained and made available in perpetuity.
4. Where possible use non-proprietary software applications
5. Where possible, citizens should have the ability to subscribe to services to alert them of certain types of contracting developments through the use of email, SMS text, or other technologies.

## Standards & Guidance

- Developing Data Standards for Open Contracting [http://www.open-contracting.org/developing\\_data\\_standards\\_for\\_open\\_contracting](http://www.open-contracting.org/developing_data_standards_for_open_contracting)
- OECD Methodology for Assessing Procurement Systems (MAPS) <http://www.oecd.org/dac/effectiveness/45454394.pdf>
- OECD Principles for Integrity in Public Procurement <http://www.oecd.org/gov/ethics/48994520.pdf>
- Open Contracting Principles [http://www.open-contracting.org/global\\_principles](http://www.open-contracting.org/global_principles)

## Country Examples

- In Afghanistan the Ministry of Economy is required to publish all contracts <http://www.opengovguide.com/country-examples/in-afghanistan-the-ministry-of-economy-is-required-to-publish-all-contracts/>
- In Colombia the law requires all documentation related with a public contract to be published <http://www.opengovguide.com/country-examples/in-colombia-the-law-requires-all-documentation-related-with-a-public-contract-to-be-published/>
- In Slovakia, government contracts are published online <http://www.opengovguide.com/country-examples/in-slovakia-government-contracts-are-published-online/>
- In the Democratic Republic of Congo, all contracts relating to natural resources are required to be published



<http://www.opengovguide.com/country-examples/in-the-democratic-republic-of-congo-all-contracts-relating-to-natural-resources-are-required-to-be-published/>

- In the UK potential opportunities that might be advertised in the future are published, so that all companies can view the pipeline of opportunities <http://www.opengovguide.com/country-examples/in-the-uk-potential-opportunities-that-might-be-advertised-in-the-future-are-published-so-that-all-companies-can-view-the-pipeline-of-opportunities/>
- Many countries have developed electronic databases of public contracting information <http://www.opengovguide.com/country-examples/many-countries-have-developed-electronic-databases-of-public-contracting-information/>
- Mongolia addresses contracting specifically in its Right to Information Law <http://www.opengovguide.com/country-examples/mongolia-addresses-contracting-specifically-in-its-right-to-information-law/>
- Mongolia addresses contracting specifically in its Right to Information Law <http://www.opengovguide.com/country-examples/mongolia-addresses-contracting-specifically-in-its-right-to-information-law-2/>
- New York City's Checkbook NYC website integrates budgets and contracts <http://www.opengovguide.com/country-examples/checkbook-nyc/>
- The Philippine Procurement law requires the proactive publication of key information <http://www.opengovguide.com/country-examples/the-philippine-procurement-law-requires-the-proactive-publication-of-key-information/>
- The State of Minas Gerais, Brazil requires proactive disclosures about PPP projects <http://www.opengovguide.com/country-examples/the-state-of-minas-gerais-brazil-requires-proactive-disclosures-about-ppp-projects/>

## Intermediate Step: Provide capacity building to support stakeholders to understand, monitor and act upon contracting data

### Justification

In some cases governments have gone to great effort to make information available to the public, only to have low usage of this information.(Smith, 2011)

In order for information to be useful, citizens must be empowered to access it, must have the capacity to use it, and be incentivised to engage.

Governments can play a key role in empowering people to understand, monitor and act upon contracting data by establishing a program of capacity building to support relevant stakeholders, both within and outside of government. The importance and impact of public contracting is such that it is likely worth the efforts of companies, governments and donors to build citizen capacity and create an enabling environment for participation. For example, civil society may lack the skills necessary to analyse and understand the technical, legal and financial elements of the deals that their government negotiated with companies.

### Recommendations

1. Work with CSOs and business organisations to put in place civic education programs for citizens or groups wishing to engage in the monitoring of contracting activities. This engagement can also be used to help identify the most useful contracting information.
2. With regard to individual contracts of significant impact, contracting parties should craft strategies for citizen understanding of the key terms and benefits and engage citizen monitoring groups.

## Standards & Guidance

- OECD Principles for Integrity in Public Procurement <http://www.oecd.org/gov/ethics/48994520.pdf>
- OECD Public Engagement for Better Policy and Services <http://www.iadb.org/intal/intalcdi/pe/2009/03785.pdf>

## Country Examples

- Brazil provides citizens education on public budgets <http://www.opengovguide.com/country-examples/brazil-budget-education/>
- In the Philippines, both government and private sector are active at training monitors <http://www.opengovguide.com/country-examples/in-the-philippines-both-government-and-private-sector-are-active-at-training-monitors/>

## Advanced Step: Create mechanisms for participation and redress in public contracting

### Justification

Contracting processes and outcomes can be improved with citizen feedback. Such citizen participation mechanisms complement government oversight and redress mechanisms. Feedback enables projects to be better designed to meet local needs, and issues to be identified in implementation.

Public hearings and consultations are particularly relevant where contracts affect land or delivery of services to a particular constituency. Constituents or affected communities should be invited to participate during the planning and pre-bidding phases, in needs assessments, feasibility studies and environmental and social impact assessment. Their inputs are crucial to ensure that the contracting process ultimately meets needs and delivers to the public good. (Human Rights Watch, 2013)

Civil society and the media can play a significant role in promoting transparency and accountability in public contracting. If issues are observed then government implementing agencies and oversight authorities can be alerted to take action. However often citizens groups seeking to participate in public contracting are frustrated by a lack of legal basis or support for stakeholder participation and hesitance of officials to engage with them.

### Recommendations

1. Establish legislation or policies calling for public consultation, civil society observers of public contracting, and civil society monitoring of contract performance, and requiring that public bodies are receptive to these inputs and take corrective action as a result of citizen feedback.
2. Enter into cooperation agreements with civil society organizations to monitor their public contracting.
3. Enact whistle-blower protection mechanisms.
4. Provide a suitable avenue of redress for citizens, including unsuccessful bidders, to resolve contracting issues.

## Standards & Guidance

- Open Contracting Principles [http://www.open-contracting.org/global\\_principles](http://www.open-contracting.org/global_principles)
- The Open Contracting Community of Practice <http://pro-act.org/>

## Country Examples

- In Colombia citizens' oversight organizations can supervise the entire public contracting process <http://www.opengovguide.com/country-examples/in-colombia-citizens-oversight-organizations-can-supervise-the-entire-public-contracting-process/>
- In Guatemala the government has taken action where multistakeholder reviews found problems in public construction projects <http://www.opengovguide.com/country-examples/in-guatemala-the-government-has-taken-action-where-multistakeholder-reviews-found-problems-in-public-construction-projects/>
- In Mexico "social witnesses" oversee public procurement <http://www.opengovguide.com/country-examples/in-mexico-social-witnesses-oversee-public-procurement/>
- In Mongolia, civil society and professional organizations play a formal role in bid evaluation and contract monitoring <http://www.opengovguide.com/country-examples/in-mongolia-civil-society-and-professional-organizations-play-a-formal-role-in-bid-evaluation-and-contract-monitoring/>
- In the Philippines, citizens participate in all stages of the procurement process and may also observe implementation <http://www.opengovguide.com/country-examples/in-the-philippines-citizens-participate-in-all-stages-of-the-procurement-process-and-may-also-observe-implementation/>
- The Philippine National Textbook Delivery Programme uses citizen participation to improve accountability in public procurement <http://www.opengovguide.com/country-examples/the-philippine-national-textbook-delivery-programme-uses-citizen-participation-to-improve-accountability-in-public-procurement/>
- The UK created a "Mystery Shopper" service to resolve complaints related to procurement processes <http://www.opengovguide.com/country-examples/the-uk-created-a-mystery-shopper-service-to-resolve-complaints-related-to-procurement-processes/>

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## Innovative Step: Facilitate funding to support participation in public contracting

### Justification

A key challenge to sustainability of open contracting remains the lack of sustainable resourcing to enable participation.

Civil society organizations in particular, require funding and there is often competition for limited resources, particularly from the government. However providing direct funding may undermine the role of civil society as independent watchdogs and create the potential for conflicts of interest. In order to preserve this independence, innovative sustainable funding solutions must be reached.

### Recommendations

1. Developing countries can opt into the [Global Partnership for Social Accountability](#), a donor-funded grant system that provides strategic and sustained support to beneficiary groups and civil society organizations (CSOs) working with their governments, to promote greater transparency and accountability. This would allow civil society groups to apply for core funding for monitoring activities.
2. Governments, foundations and/or companies could convene, or contribute to a national multi-stakeholder governed fund (potentially from funds set aside from public contracts themselves) from which civil society can apply for funds to undertake this work.


### Standards & Guidance

- Global Partnership for Social Accountability  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:23017716~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

## Country Examples

- Seventeen countries have joined the Global Partnership for Social Accountability  
<http://www.opengovguide.com/country-examples/seventeen-countries-have-joined-the-global-partnership-for-social-accountability/>
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# Public services

 **Lead author:** [Twaweza](#) and [Involve](#)

## Introduction

The provision of public services—such as health care, education, sanitation and criminal justice—is a key task for government. People care about public services and depend on them being delivered well. Public services provide the most common interface between people and the state, and their functioning shapes people’s sense of trust in and expectations of government. At a national level, public services underpin human welfare and economic growth.

Public services need to be delivered with integrity, centred around citizens, and responsive to their needs, particularly the needs of the most vulnerable. Promoting greater transparency and enabling ordinary citizens to assess the quality, adequacy and effectiveness of basic services, to voice their needs and preferences and to become involved in innovation offers an opportunity to enable better use of public funds, and improve service delivery (Ringold et al, 2013)

Public services account for a large proportion of government budgets, but increased spending has often not been matched by improvements in outcomes. In the worst case, public services can be bedeviled by corruption which leads to money intended for books, teachers, dispensaries, medical supplies and infrastructure being syphoned off by officials or private contractors (World Bank, 2004). Around the world, children still leave school unable to read and do basic arithmetic, and the quality of healthcare remains uneven. Data show that just increasing resources, equipment, financial, or personnel, does not guarantee that the quality of education or health care will improve. The quality of service delivery is critical.

Even where the integrity of public resource flows can be secured, approaches to public service delivery designed for a previous age struggle to respond to present day needs driven by complex challenges, such as those created by aging populations, chronic health conditions, mega cities and poverty and inequality.

Public services are traditionally organized in a way that puts the public in a passive role, as the recipient of a standardised service. This contrasts with innovations in other areas of life such as retail, travel and media where people are used to giving feedback on the goods and services they receive, and playing an active role in making choices. Citizens are connected like never before and have the skill sets and passion to solve problems. Local people often know what the solutions to problems in their area, but are rarely empowered by bureaucratic processes, instead facing public services which may be impersonal, irrelevant, and inefficient.

Governments are experimenting with redesigning parts of the system so that citizens can play a more active role as a user community for public services. This can mean participative processes and forums, community monitoring and citizens’ budgets, or new forms of commissioning. Technology and open data enable a different kind of participation. Open government data APIs [link to topic] allow anyone to write a citizen-facing application using government data, creating new interfaces to government, and opening up new possibilities. (Lathrop et al, 2010)

However translating information into action is a difficult challenge. The relationships between citizens, policy-makers, program managers, and service providers are complicated and are not easily altered through a single intervention, such as an information campaign or scorecard exercise. (Ringold et al, 2012)

Particular attention needs to be given to human motivation and incentives. Research by Twaweza in Uganda for example found that formal information sources were not seen as particularly influential and citizens are often either too afraid to act, do not consider it their responsibility or do not know what to do. (Twaweza, 2013)

Lathrop, Daniel and Laurel Ruma, 2010, Open Government, Collaboration, Transparency and Participation in Practice, O'Reilly Media [https://github.com/oreillymedia/open\\_government](https://github.com/oreillymedia/open_government)

Ringold, Dena, Alaka Holla, Margaret Koziol and Santhosh Srinivasan, 2012, Citizens and Service Delivery: Assessing the Use of Social Accountability Approaches in Human Development, Washington DC: World Bank

World Bank, 2004, World Development Report 2004: Making Services Work for Poor People, Washington D.C.: World Bank

Twaweza, 2013, Uganda baseline report <http://twaweza.org/uploads/files/TwawezaBaselineReport-AIID-18April13.pdf>

#### Expert Organisations

World Bank The Participation and Civic Engagement Group <http://go.worldbank.org/FMRAMWVYV0>

OECD <http://www.oecd.org/gov/publicengagement.htm>

Twaweza <http://www.twaweza.org>

Involve <http://www.involve.org.uk>

Feedback labs <http://feedbacklabs.org>

Govlab <http://thegovlab.org/>

South Asia Social Accountability network <http://www.sasanet.org/>

Affiliated Network for Social Accountability in East Asia and the Pacific <http://www.ansa-eap.net/>

Affiliated Network for Social Accountability <http://www.ansa-africa.net>

## Summary of illustrative commitments

### Initial

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- Establish easy feedback mechanisms for public services
- Publish and promote information on the public services people are entitled to

### Intermediate

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- Involve citizens in the commissioning, design, delivery and assessment of public services
- Provide cooperation to independent monitoring efforts and take action on issues raised
- Publish key public service performance data

### Advanced

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- Systematically track and publish performance indicators across public services

## Detailed Recommendations

### Initial Step: Establish easy feedback mechanisms for public services

#### Justification

User feedback can play an important role in improving public services. User feedback can:

- help service providers to improve their efficiency and effectiveness
- be a source of innovative ideas for the improvement of services
- help commissioners and policy makers to identify issues with policy and/or delivery
- ensure that public resources are spent effectively
- uncover instances of negligence or corruption

Often there are formal complaints mechanisms in place for public services (including the option of contacting political representatives) but these routes require individuals to put a lot of effort into pursuing a complaint, and require them to challenge powerful institutions and professionals. Citizens may not be willing or able to challenge providers if they lack information or time or if they do not feel empowered to do so. Where providers come from more powerful or affluent backgrounds, citizens may not feel in a position to question them, or they may be concerned about the repercussions of giving negative feedback. Many people will simply grumble and accept poor service. Policymakers meanwhile can often have little access to the everyday experiences and realities of a large majority of citizens. This makes it difficult to know whether policies are properly implemented or actually working.

Making it easy for people to give feedback and empowering them to report things that aren't working, without having to escalate it into formal complaint mechanism can create a powerful feedback loop for public services. Feedback mechanisms should be set up that are built around what people already use and like (e.g. mobile phones, markets, prayer groups, schools). Technology opens up new avenues through which citizens can give their views, such as using SMS, and online.

Collecting feedback is only the beginning. Service providers must respond. This often requires culture change on the part of public service deliverers. Receiving feedback from public service users, particularly complaints is often seen as something to be wary of, not celebrated. However effective public sector organisations should view complaints not as a problem, to be ignored, dismissed or under-valued; but as useful early warning signs that something has gone wrong, which then enable public services to engage with citizens (Simmons et al, 2013)

#### Recommendations

Governments should

1. Require that public service providers put feedback and complaints mechanisms in place and provide data on complaints and feedback received;
2. Conduct comparisons across services.
3. Aggregate public feedback on services to inform policy and/or commissioning decisions
4. Support the development of channels operated independently of service providers and government by civil society, and respond to feedback gathered through mechanisms developed independently.

While feedback mechanisms should be tailored to the specific context, common best practice is to:

- Keep a range of channels open for feedback and complaints, providing choice in the way feedback can be given and



issues raised, and ensuring they are tailored to the needs of users, including disadvantaged groups.

- Make it easy to give feedback and make complaints, for example using use new technology such as SMS messages and websites, as well as through intermediary organisations.
- Ensure that suitable processes and requirements are in place that citizens feedback is acted upon by service providers and policy makers.
- Ensure that the result of user feedback is reported back to users individually (where possible) and collectively Evaluate the use and effectiveness of mechanisms, and adapting and/or replacing as necessary

## Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services [http://www.pgexchange.org/index.php?option=com\\_content&view=category&id=59&Itemid=135](http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135)
- The World Bank: Citizens and service delivery <http://elibrary.worldbank.org/content/book/9780821389805>

## Country Examples

- In Tanzania the government established wanachi.go.tz a website to submit and track complaints and feedback <http://www.opengovguide.com/country-examples/in-tanzania-the-government-established-wanachi-go-tz-a-website-to-submit-and-track-complaints-and-feedback/>
- In the UK the National Health Service asks all patients leaving hospital if they would recommend it to their friends and family <http://www.opengovguide.com/country-examples/in-the-uk-the-national-health-service-asks-all-patients-leaving-hospital-if-they-would-recommend-it-to-their-friends-and-family/>
- Indonesia set up a social media channel for complaints <http://www.opengovguide.com/country-examples/indonesia-set-up-a-social-media-channel-for-complaints/>
- Montenegro developed a mobile app to allow citizens to report local problems <http://www.opengovguide.com/country-examples/montenegro-developed-a-mobile-app-to-allow-citizens-to-report-local-problems/>

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## Initial Step: Publish and promote information on the public services people are entitled to

### Justification

Too often citizens do not know what their basic entitlements and responsibilities are, or what are the expected performance of service providers. The lack of information prevents people accessing services, allows for under-performance of services and makes it easier for local officials and service providers to divert public resources for illicit gain. Many countries have established Service Charters, backed by information campaigns which make clear what services and benefits people are entitled to receive, the performance standards they should expect, and the grievance redress channels they can use when things go wrong (Centre for Good Governance, 2008).

This lets people know about the services and programs available to them and arms them with information that they can use to hold providers accountable for delivering those services. Citizens can use information to have better-informed direct interactions with individual providers, such as physicians, and with provider organizations, such as village education committees, and they can have better-informed indirect interactions with policy makers, including through voting.

### Recommendations

1. **Require public sector organisations (ministries, departments, agencies, local government) to publish information on what level of service people are entitled to.** This may take the form of a service charter detailing the role of the organisation, services provided to each client group, any user costs involved, details of grievance redress mechanism and how to access it; and expectations from the clients.
2. **Develop the Charter not only with senior experts,** but with interaction of frontline staff.
3. **Disaggregate service commitments to the lowest level** (e.g. 'x and y services are free for pregnant women, z dollars per student will be sent to each school per student, x functioning water points per 1000 population in a ward). However the charter does not have to imply a uniform pattern on every service and can also indicate choices.
4. **Communicate the information internally within each public organisation** and integrate into internal performance management.
5. **Set specific targets for communication:** e.g. 'At least 80% of all citizens will be easily able to access this information'.
6. **Make this information easily accessible using simple language and visual displays,** and deliver it through public noticeboards at public service locations and local government offices, TV, internet and mobile phone platforms. The information should also be published as open data to enable third parties to reuse and disseminate it.
7. **Work with civil society organisations and the media to inform citizens** of their rights, the services and benefits they are entitled to receive, the performance standards they should expect, and the grievance redress channels they can use when things go wrong. Cooperate with independent monitoring efforts that seek to assess the reach and quality (meaningfulness, value) of the public dissemination of information, and should commit to specify and take swift measures to remedy problems.

## Country Examples

- Brazil's Bolsa Família program is backed by a widespread information campaign  
<http://www.opengovguide.com/country-examples/brazils-bolsa-familia-program-is-backed-by-a-widespread-information-campaign/>
- Chile set up a one-stop shop for accessing public services <http://www.opengovguide.com/country-examples/chile-set-up-a-one-stop-shop-for-accessing-public-services/>
- Chile's healthcare system sets out guarantees on access, quality and cost of public healthcare  
<http://www.opengovguide.com/country-examples/chiles-healthcare-system-sets-out-guarantees-on-access-quality-and-cost-of-public-healthcare/>
- More than 600 government organizations in India have issued Citizen's Charters  
<http://www.opengovguide.com/country-examples/more-than-600-government-organizations-in-india-have-issued-citizens-charters/>
- South Africa has carried out a national public education campaign on Know Your Service Rights and Responsibilities  
<http://www.opengovguide.com/country-examples/south-africa-has-carried-out-a-national-public-education-campaign-on-know-your-service-rights-and-responsibilities/>
- The UK Government's Choice Charter sets out what users should receive from their services  
<http://www.opengovguide.com/country-examples/the-uk-governments-choice-charter-sets-out-what-users-should-receive-from-their-services/>

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**Intermediate Step:** Involve citizens in the commissioning, design, delivery and assessment of public services

## Justification

The constituency most affected by and often most knowledgeable about the realities, constraints and opportunities regarding service delivery are the millions of citizens and grounded CSOs (including local faith and business groupings), and yet this constituency is often the least consulted or involved in solving persistent service delivery challenges.

Creating serious and practical opportunities for citizen involvement can provide a huge untapped reservoir of knowledge and good will, align incentives effectively and create greater trust, all of which are essential to solve service delivery challenges. New technologies and decreasing costs of communication, particularly the mobile phone and fast-growing social media platforms such as Facebook, enable unprecedented avenues for information sharing and demand-driven, contingent collaboration.

One approach to this is to involve citizens actively in the governance of and commissioning of public services, for example on school boards and health councils and in monitoring public private partnerships delivering public services.

Another is the co-production of public services where service users act not as passive recipients but as individuals with skills and mutual responsibilities with professionals. While still at a developmental stage in many areas of public service delivery, co-production has started to be mainstreamed in a few areas, such as health and social care. Examples include parent-run nurseries, community-led justice, peer-education and medical self-help groups (OECD, 2011).

Open government data [link] approaches offer the potential for users to become involved in developing new interfaces to public services.

Governments can take specific actions here, setting up innovation units, grants, awards and new governance mechanisms, but also important are changes in internal culture of public sector organisations to encourage easier exchange and critique, to take feedback seriously and respond to it reliably, and to set incentives to tap into new ideas, solve problems through experimentation and rigorously evaluate and adopt them at scale.

## Recommendations

1. **Promote and support the monitoring and evaluation of public services by civil society and citizens** independently of and in collaboration with policy makers
2. **Consider opportunities to involve citizens at all stages** of the development and delivery of public services or government programmes.
3. **Ensure that the participation of citizens is inclusive** and does not exclude the less powerful.
4. **Give citizens and stakeholders influence** over which services are commissioned and how public funds are allocated through the adoption of participatory [budgeting](#).
5. **Ensure that public service commissioning approaches enable user driven and innovative service approaches** to be funded.
6. **Promote [open government data](#)** as a tool for public service innovation
7. **Document and share research and stories** of how change has happened (including through this Guide)

## Standards & Guidance

- OECD: Together for Better Public Services – Partnering with citizens and civil society: <http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>

## Country Examples

- Brazil's Health Councils involve people in governing the health system <http://www.opengovguide.com/country-examples/brazils-health-councils-involve-people-in-governing-the-health-system/>

- Denmark's Mindlab involves citizens and business in in problem solving with government ministries  
<http://www.opengovguide.com/country-examples/denmarks-mindlab-involves-citizens-and-business-in-developing-new-solutions-for-the-public-sector/>
- In Karachi, the local government adopted a co-management approach to sanitation  
<http://www.opengovguide.com/country-examples/in-karachi-the-local-government-adopted-a-co-management-approach-to-sanitation/>
- US Citizen Corps trains volunteers to play a role in community safety and disaster preparedness  
<http://www.opengovguide.com/country-examples/us-citizen-corps-trains-volunteers-to-play-a-role-in-community-safety-and-disaster-preparedness/>

## Intermediate Step: Provide cooperation to independent monitoring efforts and take action on issues raised

### Justification

Because the quality and integrity of underlying data used by governments can be uneven, independent monitoring can help to provide additional means to collect feedback and provide data, through community monitoring of public works and public services. In many countries civil society groups have pioneered the development of feedback approaches such as public service report cards, social audits and community monitoring.

Social audits allow citizens receiving a specific service to examine and cross-check the information the service provider makes available against information collected from users of the service. This form of monitoring can cover all aspects of the service delivery process, such as funds allocated, materials procured, and people enrolled. The audit results are typically shared with all interested and concerned stakeholders through public gatherings, which are generally attended by users of the services as well as public officials involved in management of the service delivery unit.

Technologies such as SMS, apps, social media, online forums and websites can make it easier to people to submit feedback. For example in Tanzania Twaweza, set up a national mobile phone panel of 2,000 randomly selected residents invited to participate for two years. Participants receive mobile phones and agree to participate in monthly surveys on topics such as schools and health clinics.

### Recommendations

1. **Promote and support the monitoring and evaluation of public services** by civil society and citizens independently of and in collaboration with policy makers

### Country Examples

- In Ethiopia the Protection of Basic Services Project is working to empower citizens to assess public services  
<http://www.opengovguide.com/country-examples/in-ethiopia-the-protection-of-basic-services-project-has-sought-to-empower-citizens-to-assess-public-services/>
- In India the National Rural Employment Guarantee Act is monitored through social audits  
<http://www.opengovguide.com/country-examples/in-india-the-national-rural-employment-guarantee-act-is-monitored-through-social-audits/>
- In the Philippines the Department for Education cooperates with the Checkmyschool monitoring initiative  
<http://www.opengovguide.com/country-examples/in-the-philippines-the-department-for-education-cooperates-with-the-checkmyschool-monitoring-initiative/>

## Intermediate Step: Publish key public service performance data

### Justification

Government departments have many systems for tracking and managing performance. Making these measurements public and accessible allows citizens (and authorities) to more effectively compare performance, assess value for money and exercise choice and accountability.

Often performance data is not standardized and quality can be variable. However the absence of perfect data should not prevent transparency. Measuring performance in key areas and making data public can be a first step to improving the quality of the data and performance management

### Recommendations

1. **Provide information to the lowest disaggregated facility or community level** (e.g. school, health facility, village) so as to be meaningful and relevant to citizens, without undermining the privacy of service users.
2. **Present information about the same services and agencies from different sources** (e.g. administrative data, survey data, reports of the auditor general, reports of the public procurement authorities) side by side and using common institutional boundaries and standardized names
3. **Make available the information on user-friendly interactive online platforms** that allow users to tailor searches and queries, and in particular make comparisons across time, geographies, sectors and against policy commitments.
4. **Ensure that information is made available on public noticeboards and on popular mobile phone platforms** and foster synergies with other mass media (e.g. FM radio) and mass institutions (e.g. faith bodies, fast-moving consumer goods companies). This is particularly important in developing countries where computer-based internet access, while growing, is still constrained.
5. **Publish information in an open data format** to allow others to analyse and reuse it.

### Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services [http://www.pgexchange.org/index.php?option=com\\_content&view=category&id=59&Itemid=135](http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135)
- OECD: Focus on Citizens – Public Engagement for Better Policy and services <http://www.oecd.org/governance/regulatory-policy/focusoncitizenspublicengagementforbetterpolicyandservices.htm>
- OECD: Together for Better Public Services – Partnering with citizens and civil society: <http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>
- The World Bank: Citizens and service delivery <http://elibrary.worldbank.org/content/book/9780821389805>

### Country Examples

- In Korea city residents get up to date information on water quality <http://www.opengovguide.com/country-examples/in-korea-city-residents-get-up-to-date-information-on-water-quality/>
- In Peru the government introduced standardised tests in schools to improve school standards <http://www.opengovguide.com/country-examples/in-peru-the-government-introduced-standardised-tests-in-schools-to-improve-school-standards/>
- Several countries in Africa are working with the World Bank to collect Service Delivery Indicators on health and

education <http://www.opengovguide.com/country-examples/several-countries-in-africa-are-working-with-the-world-bank-to-collect-service-delivery-indicators-on-health-and-education/>

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## Advanced Step: Systematically track and publish performance indicators across public services

### Justification

Different countries manage their public services in different ways, in particular with regards to the degree to which services are centralised or decentralised, the involvement of private and voluntary sector delivery partners, and the extent to which users have choice between different providers. Whatever way services are delivered the state has a key role in defining outcomes, setting standards for public services and ensuring that all public service users are able to access the services they are entitled to.

Increasing focus is being put on transparency over how services are performing, both as a means for enabling service users to effectively exercise choice, and to allow them to influence the services they rely on and hold government accountable. At the heart of this are moves to systematically publish information on performance and user satisfaction.

Research into the impact of publishing performance information is limited, but it appears likely that publishing performance data encourages greater efficiency and effectiveness in public services. Beneficial effects are often due in the first instance to information by those professionally involved in providing the service than to feedback from the general public. However to be effective and gain the attention of providers, information should be meaningful and relevant and have the potential to arouse the interest of stakeholders (Mulgan, 2012).

Assessments of performance involve judgments about social value and political priorities. This must be taken into account both in the design of public service performance indicators and their interpretation. The simplest measures of the outcomes of a provider such as exam pass rates, or hospital mortality rates may need to be presented as value-added indicators to take into account factors such as the health and wealth of users. Composite indicators such as 'star ratings' can be easy to communicate, but opaque in what they assess. Any indicator can lead to gaming, for example with providers closing waiting lists to reduce the numbers waiting, or excluding children at risk of failure to increase average test scores.

### Recommendations

1. **Develop performance indicators** in close consultation between politicians, users, officials and professionals involved in service delivery
2. **Take care in developing indicators to guard against distortion** by providers seeking to improve their score without improving underlying performance. Relying on a number of separate measures, rather than just one indicator
3. **Develop public performance indicators as part of a broader performance management regime** where data is taken into account by decision makers but is subject to discussion and open judgement.
4. **Sponsor research to assess the 'before-and-after' effects** before embarking on a new performance indicators framework .
5. **Publish information to the lowest disaggregated facility or community level** (e.g. school, health facility, village) so as to be meaningful and relevant to citizens, without undermining the privacy of service users.
6. **Present information about the same services and agencies from different sources** (e.g. administrative data, survey data, reports of the auditor general, reports of the public procurement authorities) side by side and using common institutional boundaries and standardized names
7. **Make available the information on user-friendly interactive online platforms** that allow users to tailor searches and

queries, and in particular make comparisons across time, geographies, sectors and against policy commitments.

8. **Communicate indicators** in the media, through public displays, booklets and letters to parents and patients as well as online.
9. **Publish information in an open data format** to allow others to analyse and reuse it.

## Standards & Guidance

- Civicus – Monitoring and Evaluating Public Services [http://www.pgexchange.org/index.php?option=com\\_content&view=category&id=59&Itemid=135](http://www.pgexchange.org/index.php?option=com_content&view=category&id=59&Itemid=135)
- OECD: Focus on Citizens – Public Engagement for Better Policy and services <http://www.oecd.org/governance/regulatory-policy/focusoncitizenspublicengagementforbetterpolicyandservices.htm>
- OECD: Together for Better Public Services – Partnering with citizens and civil society: <http://browse.oecdbookshop.org/oecd/pdfs/product/4211131e.pdf>
- The World Bank: Citizens and service delivery <http://elibrary.worldbank.org/content/book/9780821389805>


## Country Examples

- In Sweden the government publishes performance reports on social services, health and medical care <http://www.opengovguide.com/country-examples/in-sweden-the-government-publishes-performance-reports-on-social-services-health-and-medical-care/>
- Uganda publishes comprehensive national data on the performance of the rural water sector <http://www.opengovguide.com/country-examples/uganda-publishes-comprehensive-national-data-on-the-performance-of-the-rural-water-sector/>

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No commitments for this level

# Records management

 **Lead author:** [International Records Management Trust](#)

## Introduction

Records management is the field of management responsible for the systematic control of the creation, receipt, maintenance, use and disposition of records, including the processes for capturing and maintaining evidence of and information about business activities and transactions in the form of records (ISO 15489).

Record-keeping has traditionally been regarded as a routine clerical function. However, efficient records management is crucial for effective decision-making and for transparency and accountability.

Good records management ensures that accurate and reliable records are created and remain accessible, usable and authentic for as long as they are needed to provide the basis for improving services, controlling corruption and strengthening democracy. This benefits both those requesting information, by assuring that information is complete and reliable, and those holding information, by enabling them to locate and retrieve it easily to meet their operational needs and obligations for transparency and accountability.

In many countries, government records are not managed to meet international standards, and in some countries even the most basic records management controls are not in place. Furthermore, the adoption and use of digital technologies has often outpaced capacity to manage digital records, creating new challenges.

Poorly managed records are difficult to locate and hard to authenticate or preserve. This can result in misguided policy, inadequate or inappropriate services, misplaced funding and cover-up of fraud, with serious consequences for citizens' lives.

Successful open government policies, including Open Data and Right to Information (RTI), rest on sound records management, and countries are therefore beginning to orient their records management programmes to support the objectives of open government.

### References

ISO 15489:2001 Information and Documentation – Records Management, [http://www.iso.org/iso/catalogue\\_detail?csnumber=31908](http://www.iso.org/iso/catalogue_detail?csnumber=31908)

### Expert Organisations

International Records Management Trust <http://irmt.org/>

International Council on Archives <http://www.ica.org/>

Alliance for Permanent Access <http://www.alliancepermanentaccess.org/>

ARMA International <http://www.arma.org/>

Association for Information and Image Management <http://www.aiim.org/>



## Summary of illustrative commitments

### Initial

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- Adopt a government-wide policy on records management in line with the right to information and open government goals
- Establish a public authority to lead on government records management
- Provide training on dealing with government records in line with RTI to all relevant officials

### Intermediate

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- Build the capacity of records management professionals
- Include records management requirements in the specification criteria for new IT systems and upgrades

### Advanced

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- Establish a central digital repository to provide permanent, lasting access to government records and data
- Establish standardised requirements for metadata across government

### Innovative

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- Develop a quality assurance strategy for open government datasets

## Detailed Recommendations

### Initial Step: Adopt a government-wide policy on records management in line with the right to information and open government goals

#### Justification

Government-wide records management policies identify requirements for all public authorities in creating, managing and preserving public sector records. This enables them to take a planned and consistent approach. The policy will have the greatest impact when it is harmonised with policies governing ICT, RTI and Open Data.

Normally, the central authority responsible for records management across the government should provide standards and guidance on establishing records management programmes, and requiring each government organisation to establish its own records management unit. In this way, records management can be developed as a critical organisational function similar to functions such as human resource and financial management.

#### Recommendations

A government wide records management policy should:

1. Be developed in consultation with stakeholders, including those responsible for managing Open Government, Open Data, and RTI initiatives.
2. Set out overall goals and expectations for records management.
3. Set out requirements for public authorities to assign authority for records management at a senior level, develop their own records management policies and establish professional units capable of managing records.
4. Include provisions for developing schedules on records retention and disposal, taking account of the legal and financial needs and obligations of government, and of the administrative and historical value of the records.
5. Establish overall responsibility to monitor compliance with the policy and the achievement of expected results.
6. Be aligned to policies supporting RTI, Open Government and Open Data.

#### Standards & Guidance

- ISO 15489:2001 Information and Documentation – Records Management [http://www.iso.org/iso/catalogue\\_detail?csnumber=31908](http://www.iso.org/iso/catalogue_detail?csnumber=31908)
- ISO 30300:2011 Information and Documentation – Management System for Records [http://www.iso.org/iso/catalogue\\_detail?csnumber=53732](http://www.iso.org/iso/catalogue_detail?csnumber=53732)

#### Country Examples

- In 2011, the US President established a government-wide effort to reform records management policies and practices <http://www.opengovguide.com/country-examples/in-2011-the-us-president-established-a-government-wide-effort-to-reform-records-management-policies-and-practices/>
- In Mexico the national archive and IFAI issued joint guidelines for the organisation of government archives <http://www.opengovguide.com/country-examples/joint-guidelines-archives/>
- The Government of Canada established a new policy on information management in 2007 <http://www.opengovguide.com/country-examples/the-government-of-canada-established-a-new-policy-on->

[information-management-in-2007/](#)

- The UK has created guidance for public authorities in establishing their own records management policies <http://www.opengovguide.com/country-examples/the-uk-has-created-guidance-for-public-authorities-in-establishing-their-own-records-management-policies/>

## Initial Step: Establish a public authority to lead on government records management

### Justification

It is important to establish an agency with statutory responsibility for managing records across the public sector. This could be a national records authority, an archives body or a series of state or local bodies with equivalent authority. The agency needs a clear mandate for guiding the management of records and helping to ensure that government decisions, actions and transactions are documented in a trustworthy manner. It must also ensure that records are made available to citizens as the basis for public confidence and openness.

It is also important that the relationship between RTI, Open Data and records management is clear, and that inconsistent regimes for access to information are not created [Dokenia, 2013]. The International Council on Archives has endorsed the principle that national/ state archives should play a strong leadership role in facilitating the management of current government records, including those in digital form.

### Recommendations

1. Enact a law to establish a records authority. The law should ensure:
  - The records authority is empowered to set records management policy for government, and define good practice standards and quality controls for managing government records in all formats.
  - The authority is positioned in a central cross-cutting position of authority rather than within the cultural sector.
  - The authority's role is not replicated by other agencies, for instance the ICT authority or the Office of the Information Commissioner, but strong working relationships with these and other relevant agencies are established.
  - The authority has high-level support, including budgetary support, for delivering its mandate, particularly in relation to Open Data, RTI and ICT/ e-government programmes.

### Country Examples

- In Sierra Leone the records authority has developed standards and guidelines for keeping civil servants' and teachers' records <http://www.opengovguide.com/country-examples/in-sierra-leone-the-records-authority-has-developed-standards-and-guidelines-for-keeping-civil-servants-and-teachers-records/>
- In Tanzania modern legislation empowers the national archives to define standards for keeping government records <http://www.opengovguide.com/country-examples/in-tanzania-modern-legislation-empowers-the-national-archives-to-define-standards-for-keeping-government-records/>
- In the United Kingdom the National Archives and the Information Commissioner cooperated to develop a code of practice on records management <http://www.opengovguide.com/country-examples/in-the-united-kingdom-the-national-archives-and-the-information-commissioner-cooperated-to-develop-a-code-of-practice-on-records-management-2/>
- Several countries have mandated their national archives to serve as records authorities

<http://www.opengovguide.com/country-examples/several-countries-have-mandated-their-national-archives-to-serve-as-records-authorities/>

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## Initial Step: Provide training on dealing with government records in line with RTI to all relevant officials

### Justification

For officials to implement RTI laws properly, they must be aware of their responsibilities under the law.

It is important for public officials to have training in how to ensure that records are captured and held in reliable record-keeping systems, that they are properly controlled and scheduled for retention and disposition and that those that are exempt from access are protected in line with Official Secrets, Privacy, Copyright and other information-related laws.

For practical reasons, it may make sense to focus initial training activities on information officers and other key personnel. Over time, however, it is important to provide training to all officials. This is important to ensure that they understand their obligations under the law, and also to promote better cooperation with and support to information officers.

Over time, all officials should receive at least some training on records management and the RTI. This can be provided in different ways, depending on the way the civil service is run in the country, including through incorporating modules on RTI in ongoing training courses provided to officials, by having information officers provide training to other staff at the public authority and through incorporating RTI training into entry level courses for officials.

### Recommendations

- Identify the training and guidance needed to enable public servants to assess records, datasets and other information assets for disclosure and to prepare and update information accessibility statements.
- Review existing records management training and guidance and identify components that would be relevant for inclusion in the training and guidance developed for RTI, Open Government, and Open Data.
- Provide basic but specialised training to all information officers and staff at the independent oversight body. Over time, expand this so that some training on RTI is provided to all officials (i.e. staff of public authorities).
- Conduct reviews of the training and guidance to ensure their continued relevance and effectiveness.

### Standards & Guidance

- ARTICLE 19 Training course for public officials [http://https://www.ip-rs.si/fileadmin/user\\_upload/Pdf/Publikacije\\_ostalih\\_pooblascencev/Article\\_19\\_foitrainersmanual.pdf](http://https://www.ip-rs.si/fileadmin/user_upload/Pdf/Publikacije_ostalih_pooblascencev/Article_19_foitrainersmanual.pdf)
- CLD Training course for public officials <http://www.law-democracy.org/live/wp-content/uploads/2012/08/Manual-Final.docx>

### Country Examples

- The UK Information Commissioner's Office has developed a set of training materials for use in the public sector <http://www.opengovguide.com/country-examples/the-uk-information-commissioner%e2%80%99s-office-has-developed-a-set-of-training-materials-for-use-in-the-public-sector-2/>

## Intermediate Step: Build the capacity of records management professionals

### Justification

Records management is a technical field that requires professional training and education. Records management theory and practice continue to develop rapidly, and records specialists are increasingly required to work with ICT professionals to design and implement new or enhanced systems that enable information to be made available to the public. Working in teams with Open Data/ RTI and ICT/ e-government experts, they should be capable of enabling governments and citizens to maximise the value of the information held in records.

### Recommendations

1. Identify the challenges to records management presented by changing technologies, legislation and policy, work practices, theory and client expectations and the expertise needed to address these challenges.
2. Assess the gap between required and existing expertise.
3. Create a strategy for developing the required expertise through recruitment, training, education, continuing professional development programmes, technical projects, and local and international partnerships as well as partnerships with the private sector where appropriate.
4. Secure budgetary support for the strategy.
5. Review schemes of service, organisational structures, job descriptions, salary scales, etc, to ensure that the records management function is represented at senior levels and that a career path for records specialists is clearly defined.

### Country Examples

- National Archives Australia supports capability development in the Australian government  
<http://www.opengovguide.com/country-examples/national-archives-australia-supports-capability-development-in-the-australian-government/>

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## Intermediate Step: Include records management requirements in the specification criteria for new IT systems and upgrades

### Justification

Many government operations that traditionally depended on information derived from paper records have become partially or wholly automated. As governments migrate to an on-line environment, records in digital form are providing the basis for conducting business, serving the public, managing state resources, measuring progress and outcomes, and protecting governments' and others' rights.

Technology is making significant contributions to improving government programmes and services, achieving development goals and advancing e-government strategies. However, in too many cases, ICT systems are introduced without the essential processes and controls for the capture, long-term safeguarding and accessibility of digital records.

It is important that the records authority works closely with Open Data/ RTI and ICT/ e-government experts to ensure that records and data management requirements are fully integrated in new or modified government systems. The system functionality necessary to ensure that records remain authentic and accessible over time needs to be defined in records

management requirements. This also helps to ensure that responses to formal requests for information can be processed correctly and quickly in relation to requirements defined by law and policy.

## Recommendations

1. Develop functional requirements for managing records through their life cycle in relation to international standards.
2. Consider open source systems and formats for records in the context of digital preservation and long-term access needs. [LINK to 11 – Establish A Government Digital Repository]
3. Identify existing and planned government systems that are generating records and datasets.
4. Ensure that the functional requirements are reflected in the design of existing and planned systems as well as in subsequent stages of the systems development life cycle (for instance, testing, implementation, production, evaluation).
5. Assign accountability for managing records and datasets generated in the systems.
6. Develop and apply standards and procedures for managing the records and datasets through their life cycle.
7. Provide training to technical staff, systems users and those making records and datasets available to the public to ensure that record-keeping requirements continue to be respected.
8. Undertake compliance audits, preferably within the context of systems audits, to ensure that the requirements are respected in the design of systems.
9. Conduct reviews of the functional requirements and update these as required.

## Standards & Guidance

- Integrating Records Management in ICT Systems [http://www.irmt.org/documents/educ\\_training/term\\_resources/IRMT\\_Good\\_Practice\\_Indicators.pdf](http://www.irmt.org/documents/educ_training/term_resources/IRMT_Good_Practice_Indicators.pdf)
- MoReq2010 <http://www.moreq2.eu/home>
- Principles and functional requirements for records in electronic office environments (ISO 16175) [http://www.iso.org/iso/catalogue\\_detail.htm?csnumber=55791](http://www.iso.org/iso/catalogue_detail.htm?csnumber=55791)

## Country Examples

- National Archives of Australia have developed guidelines on electronic records management <http://www.opengovguide.com/country-examples/national-archives-of-australia-have-developed-guidelines-on-electronic-records-management/>
- National Archives of the Netherlands has developed a set of functional requirements for information and archives management in government organisations <http://www.opengovguide.com/country-examples/national-archives-of-the-netherlands-through-the-dutch-archives-school-has-developed-a-set-of-functional-requirements-for-information-and-archives-management-in-government-organisations/>
- The New South Wales government has a strategy to ensure the protection and management of digital government records <http://www.opengovguide.com/country-examples/the-new-south-wales-government-has-a-strategy-to-ensure-the-protection-and-management-of-digital-government-records/>
- The Queensland State Archives has developed guidelines to assist public authorities to plan for the introduction of an electronic document and records management system <http://www.opengovguide.com/country-examples/the-queensland-state-archives-has-developed-guidelines-to-assist-public-authorities-to-plan-for-the-introduction-of-an-electronic-document-and-records-management-system/>

## Advanced Step: Establish a central digital repository to provide permanent, lasting access to government records and data

### Justification

Digital records of government decisions, actions and transactions need to be retained for their probative and evidentiary value, but they are difficult to capture and manage over time. They can include standard office documents, emails, images, videos and other formats. Digital preservation brings challenges such as format recognition, software preservation and compatibility and degradation of digital media.

Digital repositories are the means of ensuring long-term access to digital records, protecting their trustworthiness, demonstrating the traceability of data derived from them, and providing assurance that the records and data have not been compromised. National Archives, with their statutory responsibility for protecting and preserving government records, are the appropriate authority for developing digital repositories for government information.

Repositories should use open standards and formats to ensure that their contents remain accessible over time. There are internationally recognised standards that guide organisations on the establishment of Trusted Digital Repositories (TDRs) (ISO 14721) and their certification (ISO 16363) to assure the technical and organisational robustness of long-term preservation initiatives and the care of digital records.

### Recommendations

1. Assess records creation in government, focusing on key transaction points where information is produced by processes or systems.
2. Examine digital records formats in government and the requirements for managing and preserving them.
3. Assess IT infrastructure and capacity in relation to current and projected digital information production.
4. Identify and develop a digital repository solution that meets government information needs and complies with the regulatory environment.
5. Develop processes for receiving digital records from government departments, including metadata and format requirements.
6. Develop policies and procedures to ensure that digital records are managed and preserved once they are accepted into the digital repository.
7. Define rules for identifying and authorising system users, allocating and administering access rights, and establishing log and audit trails.
8. Seek independent third-party certification of the digital repository as a TDR.
9. Establish a programme of monitoring and auditing to demonstrate compliance as a TDR.

### Standards & Guidance

- Digital Repository Audit Method Based On Risk Assessment (DRAMBORA) <http://www.repositoryaudit.eu/>
- Nestor- Catalogue of Criteria for Trusted Digital Repository [http://files.d-nb.de/nestor/materialien/nestor\\_mat\\_08-eng.pdf](http://files.d-nb.de/nestor/materialien/nestor_mat_08-eng.pdf)
- Open Archival Information System (OAIS) (ISO 14721) [http://www.iso.org/iso/home/store/catalogue\\_tc/catalogue\\_detail.htm?csnumber=57284](http://www.iso.org/iso/home/store/catalogue_tc/catalogue_detail.htm?csnumber=57284)
- Repository Audit and Certification (ISO 16363) [http://www.iso.org/iso/catalogue\\_detail.htm?csnumber=56510](http://www.iso.org/iso/catalogue_detail.htm?csnumber=56510)
- Trusted Digital Repository: Attributes and Responsibilities (2002)

<http://www.oclc.org/content/dam/research/activities/trustedrep/repositories.pdf?urlm=161690>

- Trustworthy Repository Audit & Certification: Criteria and Checklist  
[http://www.crl.edu/sites/default/files/attachments/pages/trac\\_0.pdf](http://www.crl.edu/sites/default/files/attachments/pages/trac_0.pdf)

## Country Examples

- New Zealand provides options for improving digital repository in its Digital Continuity Action Plan  
<http://www.opengovguide.com/country-examples/new-zealand-provides-options-for-improving-digital-repository-in-its-digital-continuity-action-plan/>
- Norway has established a central digital repository through its Noark5 and digital archive initiatives  
<http://www.opengovguide.com/country-examples/norway-has-established-a-central-digital-repository-through-its-noark5-and-digital-archive-initiatives/>

## Advanced Step: Establish standardised requirements for metadata across government

### Justification

Digital records and datasets must be held with sufficient contextual information (metadata) to be uniquely identifiable and accessible over time and so that activity logs can be audited as a safeguard to trustworthiness. Standardised metadata requirements limit the amount of resources that will be needed to clean up or supplement records metadata when aggregating records or migrating records between systems. Many organisations have built their standardised metadata requirements into functional record-keeping requirements.

### Recommendations

1. Evaluate the way records, data and metadata are created, captured and used in government.
2. Identify a basic set of metadata elements needed to document the original context and the function that the records are documenting.
3. Consult with stakeholders, including senior civil servants and technical staff, to ensure that appropriate metadata elements have been identified.
4. Develop metadata requirements and issue them as a standard and/ or incorporate them in existing records management standards.
5. Ensure that any procurement of systems includes the requirement to comply with the metadata standard, for instance by making compliance with the standard mandatory for government systems.
6. Work with audit and evaluation groups to ensure the proper enforcement of the metadata requirements.

### Standards & Guidance

- ISO 23081-2:2009 Information and Documentation – Records Management Processes – Metadata for Records  
[http://www.iso.org/iso/iso\\_catalogue/catalogue\\_tc/catalogue\\_detail.htm?csnumber=50863](http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=50863)

### Country Examples

- In Norway software for government must meet the Norwegian Archive Standard



<http://www.opengovguide.com/country-examples/in-norway-the-noark-5-standard-is-mandatory-for-central-government-agencies-software-vendors-wishing-to-sell-record-keeping-systems-to-government-must-ensure-that-their-systems-meet-the-record-keepi/>

- The United States has developed discretionary record-keeping standards which include metadata schemas <http://www.opengovguide.com/country-examples/the-united-states-has-developed-discretionary-record-keeping-standards-department-of-defense-standard-dod-5015-2-which-include-metadata-schemas/>

## Innovative Step: Develop a quality assurance strategy for open government datasets

### Justification

Open Data initiatives depend largely upon the quality, trustworthiness and accessibility of the government records from which datasets are derived. If the source records lack integrity, then the data derived from the records will also lack integrity. Data quality and integrity can be difficult to determine where the procedures for managing and assessing the quality and integrity of the records are weak or incomplete. Where proper records and data management controls and effective quality assurance standards and procedures are in place, the public and government officials can have confidence that the data derived from the records can be trusted and that a comprehensive documentary record of government activities exists.

### Recommendations

1. Identify government activities that are generating datasets that could be made available as part of Open Data initiatives.
2. Assess the quality and integrity of the datasets within the context of the quality and integrity of the source records (use risk assessment models and techniques where applicable).
3. Develop record-keeping quality control standards and procedures based on international standards and practices, and ensure a close relationship with quality control standards established for government datasets.
4. Develop and apply standards and procedures for managing the documentary relationship between the datasets and the other records documenting the given government activity or programme.
5. Ensure that personnel generating and making datasets available are trained in the application of standards and procedures.
6. Establish a monitoring and compliance strategy to ensure that the integrity and quality of datasets and source records are monitored through time and the quality control standards and practices continue to be relevant and effective.

### Standards & Guidance

- The Digital Curation Centre <http://www.dcc.ac.uk/>
- UK Data Archive directory to sources on the management of valuable datasets <http://data-archive.ac.uk/create-manage/document/resources>


### Country Examples

- Archives New Zealand has developed a guide, "Managing Datasets", which provides some guidance for the management of datasets in public sector organisations <http://www.opengovguide.com/country-examples/archives->

[new-zealand-has-developed-a-guide-%e2%80%9cmanaging-datasets%e2%80%9d-which-provides-some-guidance-for-the-management-of-datasets-in-public-sector-organisations/](#)

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# Right to information

 **Lead author:** [Access Info](#) and [Centre for Law and Democracy](#)

## Introduction

Right to information legislation (RTI), also referred to as freedom of information or access to information laws, establishes a general presumption that all information held by government should be accessible and set out the mechanisms by which it can be accessed.

The case for ensuring access to information is that it supports good governance, effective and efficient public administration, compliance with laws and regulations, efforts to combat corruption and better investment climates. There is emerging evidence to support this, however there remains a lack of systematic assessments of RTI policies and whether and how they are translating into greater government transparency and participation in decision-making (Calland, 2010).

Open, participatory and accountable government is contingent on members of the public having access to information held by public bodies. The right to information is protected through the guarantees of freedom of expression found in the main international human rights treaties. This has been recognised by international human rights tribunals (Inter-American Court of Human Rights and the European Court of Human Rights) and leading international authorities (including all four special mandates on freedom of expression at the UN, OAS, OSCE and African Commission on Human and People's Rights, and the Inter-American Juridical Committee) as well as the UN Human Rights Committee (Mendel, 2008).

A key principle of Right to Information is that of 'maximum disclosure'. Information should only be withheld from the public where absolutely necessary to prevent harm to a legitimate interest and where there is no overriding public interest in knowing the information.

As of June 2013, 95 countries have adopted RTI laws, a massive increase from the 13 countries which had these laws in 1990. However, experience has shown that while the passage of the law is often a high-profile effort by its political champions, the key challenge is to maintain the political momentum needed for effective implementation (Dokenia, 2013).

### References

Calland, R., (2010) Review of Impact and Effectiveness of Transparency and Accountability Initiatives: Freedom of Information, Institute of Development Studies, Brighton. <http://www.ids.ac.uk/files/dmfile/IETAAnnex3FreedomofInfoCallandFinal28Oct2010.pdf>

Mendel, T. (2008), Freedom of Information: A Comparative Legal Survey, 2nd Ed., UNESCO, Paris. [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=26159&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=26159&URL_DO=DO_TOPIC&URL_SECTION=201.html)

Dokenia, A. (2013) Right to Information; Lessons from experience, World Bank, Washington D.C. [http://www.right2info.org/resources/publications/publications/wb\\_implementing-rti\\_lessons-from-experience\\_2013](http://www.right2info.org/resources/publications/publications/wb_implementing-rti_lessons-from-experience_2013)

### Expert Organisations

Access Info <http://www.access-info.org/>

Article 19 <http://www.article19.org/>

The Freedom of Information Advocates Network <http://www.foiadvocates.net>

Right2INFO.org <http://right2info.org/>

freedominfo.org <http://www.freedominfo.org/>

Centre for Law and Democracy <http://www.law-democracy.org/live/>

Alianza Regional por la Libre Expresión e Información, (Alianza Regional) <http://www.alianzaregional.net/>

Africa Freedom of Information Centre <http://www.africafoicentre.org>

## Summary of illustrative commitments

### Initial

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- Adopt a law which recognises the right to information, in line with international standards
- Establish institutional structures for implementing RTI
- Provide training to officials on record management and RTI implementation
- Publish core information about government on a proactive basis

### Intermediate

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- Ensure that each public authority puts in place core implementation systems on RTI
- Expand the scope of proactive publication
- Promote public awareness of the right to information

### Advanced

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- Align RTI law and practice with highest international standards on RTI
- Establish best practice monitoring and evaluation systems on RTI
- Review and amend secrecy laws

### Innovative

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- Use IT to enhance access to information

## Detailed Recommendations

### Initial Step: Adopt a law which recognises the right to information, in line with international standards

#### Justification

The basic building block for ensuring the right to information is the adoption of a law, which recognises the right to information as a fundamental right. The special international mandates for freedom of expression at the UN, OSCE, OAS and African Commission on Human and Peoples' Rights, among others, have called on States to adopt such laws. If neither the Constitution, jurisprudence nor the statutory law recognise a fundamental right, efforts should be made to do so: the strongest foundation for a RTI law is where right to information is recognised as a fundamental right in the Constitution.

For a law to be effective it must provide a robust framework that ensures that persons can access the information held by public bodies, which includes all branches of the State (executive, legislative and judicial) and other public or governmental authorities, at whatever level – national, regional or local, as well as all bodies exercising public power, performing public functions or operating primarily with public funds. International standards provide key minimum benchmarks for such laws.

#### Recommendations

Where no right to information law is in place, one which conforms to international standards should be adopted. Where a law is already in place, it should be reviewed and amended, as necessary, to bring it into line with international standards. The key criteria are that the law should establish:

1. Recognition of a human right to information, along with a broad presumption in favour of openness which applies to everyone, including non-citizens, and to all information, regardless of format, held by all public bodies, including State-owned enterprises and bodies, and private bodies undertaking public functions or operating with public funding;
2. An obligation to publish a wide range of information on a proactive basis;
3. Robust procedures for making and processing requests which are simple, free (to make requests and limited, centrally set fees for reproduction of information) and quick (maximum 20 day response time), and which involve the provision of assistance to requesters as needed (including in formats accessible to people with disabilities);
4. A limited regime of exceptions based on preventing harm to protected interests, a public interest override and severability where part of a record is exempt;
5. The principle that the right to information law prevails over other laws which place limits on the right, such as secrecy laws, in case of conflict;
6. A broad right of appeal for all failures to implement the law, including proactive publication failures, to an independent oversight body and the courts;
7. Protection for good faith disclosures and sanctions for wilful obstruction of access; and
8. A package of promotional measures, including obligations on all public bodies to report on requests received and how they were processed, backed up by sanctions for refusal to disclose information without reasonable cause.

#### Standards & Guidance

- ARTICLE 19 Principles <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>
- OGP Eligibility Criteria: Access to Information <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>

- RTI Rating <http://www.rti-rating.org/>
- Special Mandates 2004 Declaration <http://www.osce.org/fom/38632>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

## Country Examples

- 23 countries have recently adopted RTI laws which reflect the progress made in international standard setting <http://www.opengovguide.com/country-examples/23-countries-have-recently-adopted-rti-laws-which-reflect-the-progress-made-in-international-standard-setting/>

## Initial Step: Establish institutional structures for implementing RTI

### Justification

For an RTI law to be effective it needs to be supported by active implementation measures and supported by an institutional framework to undertake this task.

There are three key institutional mechanisms for implementing RTI laws. First, each public authority needs to appoint a dedicated official to receive and process requests. Often this official is also responsible for leading on the putting in place other systems as required by the law. Second, it is very useful to establish a focal point in the government to provide guidance and to monitor implementation. Finally, the law should provide for the establishment of an independent oversight body, such as an information commission or commissioner, which has the power to review complaints relating to requests and often also has a role in promoting awareness of the right (Neuman, 2011).

### Recommendations

1. Each public authority which falls within the ambit of the RTI law should nominate one or more officials as information officer(s) to receive and process requests for information and to lead the authority in implementing the law.
2. The executive should designate a central focal point (a high-level unit or committee) with responsibility for supporting and monitoring implementation across the public body.
3. An independent oversight body, or information commission, should be established; it should have a dual function covering complaints and promotional measures, along with the necessary mandate, resources and powers to carry out its functions effectively, including to review documents, inspect premises, to make binding orders for the release of information and to impose structural measure on public bodies as necessary to ensure compliance with RTI rules.

### Standards & Guidance

- Carter Center: The Access to Information legislation Implementation Assessment Tool [http://www.cartercenter.org/peace/americas/access\\_to\\_information/IAT/index.html](http://www.cartercenter.org/peace/americas/access_to_information/IAT/index.html)
- World Bank's Public Accountability Mechanisms website <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html>

## Country Examples

- In Canada rules on the right to information are overseen by the Department of Justice <http://www.opengovguide.com/country-examples/canada-rules-right-information-overseen-department-justice/>
- India has central and state level information commissions <http://www.opengovguide.com/country-examples/india-central-state-level-information-commissions/>
- Mexico has set up a federal institute for access to information (IFAI) <http://www.opengovguide.com/country-examples/mexico-ifai/>

## Initial Step: Provide training to officials on record management and RTI implementation

### Justification

For officials to implement RTI laws properly, they must be aware of their responsibilities under the law.

It is important for public officials to have training in how to ensure that records are captured and held in reliable record-keeping systems, that they are properly controlled and scheduled for retention and disposition. It is also important to make sure that officials are trained on how to meet their obligations under an RTI law. This requires not only training in legal and technical dimensions, but often a process of culture change, to shift from a defensive, 'secrecy' mindset to one in which officials accept that public scrutiny of their actions is the norm.

For practical reasons, it may make sense to focus initial training activities on information officers and other key personnel. Over time, however, it is important to provide training to all officials. This is important to ensure that they understand their obligations under the law, and also to promote better cooperation with and support to information officers.

Over time, all officials should receive at least some training on RTI. This can be provided in different ways, depending on the way the civil service is run in the country, including through incorporating modules on RTI in ongoing training courses provided to officials, by having information officers provide training to other staff at the public authority and through incorporating RTI training into entry level courses for officials.

### Recommendations

1. Identify the training and guidance needed to enable public servants to assess records, datasets and other information assets for disclosure and to undertake their obligations under the RTI law.
2. Review any existing records management and RTI training and identify components that need to be updated.
3. Establish an adequate budget allocation to enable training to be undertaken.
4. Provide basic but specialised training to all information officers, members of the central focal point and staff at the independent oversight body. Over time, expand this so that some training on RTI is provided to all officials (i.e. staff of public bodies).
5. Provide specialised training for judges, and ensure that the right of access to information is included in curriculum for future judges.
6. Training should draw on civil society inputs which provide a view from the perspective of information seekers.
7. Conduct reviews of the training and guidance to ensure their continued relevance and effectiveness.

### Standards & Guidance

- ARTICLE 19 Training course for public officials <http://https://www.ip->



[rs.si/fileadmin/user\\_upload/Pdf/Publikacije\\_ostalih\\_pooblastencev/Article\\_19\\_foitrainersmanual.pdf](http://rs.si/fileadmin/user_upload/Pdf/Publikacije_ostalih_pooblastencev/Article_19_foitrainersmanual.pdf)

## Country Examples

- The UK Information Commissioner's Office has developed a set of training materials for use in the public sector <http://www.opengovguide.com/country-examples/the-uk-information-commissioner%e2%80%99s-office-has-developed-a-set-of-training-materials-for-use-in-the-public-sector/>

## Initial Step: Publish core information about government on a proactive basis

### Justification

For most people, the most important practical means of accessing information held by public bodies, government, and by organisations acting on behalf of government, is through accessing information which is made available on a proactive basis, rather than through making requests for information (Darbshire, 2011). Many of the other sections of this guide address the proactive publication of information relating to different sectors, such as the [budget](#), [aid](#), [extractive industries](#) and [assets of public officials](#). In addition to these sectoral commitments, it is very important for all public bodies to make available a minimum platform of information about what they do, how they function, how they spend public funds, and the service and benefits they provide.

Every effort should be made to ensure that this proactively disclosed information is presented in a way which makes it easy to find and readily comprehensible to the average person.

### Recommendations

Public bodies should publish on a proactive basis the following core categories of information:

- **Institutional:** Core legal documents, internal regulations, functions and powers.
- **Organisational:** Information on personnel, names and contacts of public officials.
- **Operational:** Strategy and plans, policies, activities, procedures, reports, and evaluations and reports from supervisory mechanisms and oversight bodies.
- **Decisions and Formal Acts:** Including the background documents.
- **Public Services:** Descriptions of services offered, guidance, booklets and leaflets, forms, information on fees and deadlines.
- **Budget:** Projected budget, actual income and expenditure, audit reports.
- **Open Meetings:** Including about which meetings are open and how to attend them.
- **Decision-making and Participation:** Decision-making procedures, and mechanisms for consultations and public participation in decision-making.
- **Subsidies:** Beneficiaries of subsidies, the objectives, amounts, and implementation.
- **Public Procurement:** Detailed information on public procurement processes, criteria, outcomes of tenders; copies of contracts, and reports on completion of contracts.
- **Lists, Registers, Databases:** Lists, registers and databases held and whether these are available online and/or for on-site access.
- **Publications:** Publications, including whether they are free of charge or the price.

- **Dispute Resolution:** Mechanisms available to the public for raising concerns, complaints and making appeals regarding the decisions or actions of the institution.
- **Information about RTI:** How to make requests, complaints and appeals, contact information for information officer.

In addition, the legislative branch should ensure that all records of parliamentary proceedings are published proactively and the courts should make decisions from courts of all levels available proactively.

Regular consultations should be held with members of the public about the information which they find to be most useful and how to ensure that this is published proactively as a priority. Information which is requested frequently should be made public proactively.

## Country Examples

- Georgia issued a decree requiring proactive publication of government information [http://www.opengovguide.com/country-examples/georgia\\_proactive\\_publication/](http://www.opengovguide.com/country-examples/georgia_proactive_publication/)
- Mexico's access to information law provides for proactive disclosure of information <http://www.opengovguide.com/country-examples/mexicos-access-to-information-law-provides-for-proactive-disclosure-of-information/>
- The Indian Right to Information Act lists the types of information that must be published on a proactive basis <http://www.opengovguide.com/country-examples/the-indian-right-to-information-act-lists-the-types-of-information-that-must-be-published-on-a-proactive-basis/>
- The Peruvian Law of Transparency and Access to Public Information contains extensive proactive publication obligations <http://www.opengovguide.com/country-examples/the-peruvian-law-of-transparency-and-access-to-public-information-contains-extensive-proactive-publication-obligations/>

## Intermediate Step: Ensure that each public authority puts in place core implementation systems on RTI

### Justification

For public bodies to be able to meet their various obligations under the RTI law consistently over time, systems need to be put in place. Such systems should ensure that requests can consistently be processed within the time limit set out in the law, and should make clear what role officials other than specifically nominated information officers play in this process (including that they must cooperate with the information officer). Where the law provides for an internal appeal, a system for managing this also needs to be put in place; the same holds for appeals before the oversight body.

Many countries that have enacted ambitious right to information laws have put in place annual reporting processes to track their progress and report back to parliament and to the public. For these to function effectively, systems need to be put in place for collecting and collating information about implementation.

### Recommendations

1. Develop guidelines or model policies for public bodies to assist them to establish formal policies or systems for meeting their obligations under the RTI Law, including in relation to:
  - Ensuring requests for information are received and processed in accordance with the rules, including the timelines for responding to requests.
  - Ensuring that internal appeals are processed in accordance with the rules.

2. Establish a system collect and collate information to produce an annual report on implementation.
3. Use the annual report process to improve both implementation and to feed into law reform to bring the law more closely into line with international standards.
4. Incorporate provisions on compliance with the provisions of an RTI law as part of the general performance management systems for public sector organisations and managers.

## Standards & Guidance

- Carter Center: The Access to Information legislation Implementation Assessment Tool  
[http://www.cartercenter.org/peace/americas/access\\_to\\_information/IAT/index.html](http://www.cartercenter.org/peace/americas/access_to_information/IAT/index.html)
- World Bank's Public Accountability Mechanisms website  
<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23352107~pagePK:148956~piPK:216618~theSitePK:286305,00.html>

## Intermediate Step: Expand the scope of proactive publication

### Justification

Proactive publication of information is an effective RTI system from the perspective of both users and officials, since it is far more efficient for both parties than the piecemeal release of information pursuant to requests (while recognising that these will always be important to supplement proactive publication systems) (Darbishire, 2011).

Over time, as much information as possible should be made available proactively, as this both facilitates access for the public and reduces the cost of providing access for officials. Proactive publication is closely related to the '[Open Government Data](#)' approach in which governments make datasets available in machine readable and reusable formats to allow users and intermediaries analyse, visualise and use it in new ways.

Releasing new records and datasets proactively requires quality control, to ensure a high degree of quality and integrity and that information is kept up-to-date. Effort also needs to be put into ensuring that information is available in an accessible form to those who are likely to be interested in it. Paper based records may need to be digitised, and converted into machine-readable formats, and information covered by exceptions may need to be redacted.

Engaging the public actively in determining priorities for proactive publication can both help to prioritise the timetable for publication, and ensure that the information is made available in a form that is useful, which may also include making use of non-digital means of publishing and disseminating information.

### Recommendations

1. Require government organisations to develop, produce, and disseminate indexes of the information they hold, and its accessibility, and provide guidelines to assist go in providing user-friendly descriptions of records and datasets using a common format.
2. Hold consultations with public interest groups, representative organisations and the general public to enable them to recommend which categories and datasets should be priorities for release and to test and refine the relevance and format of proactively published information.
3. Publish all information released pursuant to RTI requests in a searchable database.
4. In addition to the initial set of information released, further categories include national companies' registers, laws, and

documents on the full cycle of [public contracts](#), and comprehensive and searchable records of parliamentary proceedings and court jurisprudence.

5. Make data available in open, machine-readable formats ensuring that it is openly licenced and free of any restrictions on reuse, present it clearly in the major languages of user communities and ensure that it is regularly updated.
6. For countries where internet penetration is still low, this more substantial step should include making more extensive use of alternative means of proactive publication and ensuring that it reaches larger sectors of the public.

## Country Examples

- A Canadian government website provides the public with information about the government's access to information and privacy programmes <http://www.opengovguide.com/country-examples/a-canadian-government-website-provides-the-public-with-information-about-the-government%e2%80%99s-access-to-information-and-privacy-programmes/>
- In Bulgaria all units of the Ministry of Interior must publish data on FOI requests <http://www.opengovguide.com/country-examples/in-bulgaria-all-units-of-the-ministry-of-interior-must-publish-data-on-foi-requests/>
- The US Federal Register website provides information on citizen rights and obligations and actions of federal agencies, and provides a forum for public participation in the democratic process <http://www.opengovguide.com/country-examples/the-us-federal-register-website-provides-information-on-citizen-rights-and-obligations-and-actions-of-federal-agencies-and-provides-a-forum-for-public-participation-in-the-democratic-process/>

## Intermediate Step: Promote public awareness of the right to information

### Justification

If citizens, civil society organisations, journalists and others are not aware of the RTI Law, their rights under it or how to use it, demand for information through the Law will be poor and the openness objectives it seeks to promote will be undermined. There is no standard approach towards promoting public awareness of RTI and in most countries this involves a range of different actors, including senior politicians, public bodies, the oversight body, civil society, the media and the education authorities. To ensure a locus of responsibility for these efforts, it is useful to allocate overall responsibility for publicity to a central body.

Public educational efforts are critical to ensure that all citizens are aware of this right. This should include incorporation of RTI as a subject in school curriculums (for example on civic education or citizenship), as well as in various university courses and programmes (for example in human rights courses, and journalism and law programmes), as well as particular efforts to reach disadvantaged segments of the population.

This effort should also include assessments of the effectiveness and appropriateness of public information systems, such as surveys on awareness of RTI and on the utility of the information which is disclosed publicly.

### Recommendations

1. Give overall responsibility for training and promotion to a central body – such as the central focal point or the oversight body.
2. A range of official actors should be involved in promoting public awareness, including senior politicians and officials, public bodies, the oversight body and educational authorities; as well as regional and local bodies particularly in larger, federal and more decentralised countries.

3. Over time, public outreach efforts should be substantially enhanced and RTI should be incorporated into school curriculums and relevant university courses and programmes, as well as programmes aimed at CSOs, and public education campaigns to build people's skills to seek and use information under the RTI law.
4. Develop promotion strategy. Depending on the needs of the country, include high level events and statements by leading individuals, prominent highlighting of RTI, along with guidance materials, on public bodies' websites and in public spaces such as receptions, notice boards, waiting rooms, meeting rooms. Also include active outreach by public bodies through their regular communication with the public as well as through public service announcement and news stories disseminated via the media, including through media which reach large sectors of the population such as television and community radios.
5. RTI should be incorporated into educational programmes, such as a session on this in a civil education or citizenship course for schoolchildren, and inclusion in university courses on human rights issues, law and journalism.
6. RTI should be incorporated as a theme in professional training for officials, both at entry level and through ongoing professional development.

## Country Examples

- In Nicaragua right to information is incorporated into school curricula by law <http://www.opengovguide.com/country-examples/in-nicaragua-right-to-information-is-incorporated-into-school-curricula-by-law/>

## Advanced Step: Align RTI law and practice with highest international standards on RTI

### Justification

Stronger RTI laws can help promote greater access to information in many ways, such as by expanding the scope of the law, by reducing the scope of exceptions, by streamlining procedures for processing requests and/or by increasing the strength of promotional measures. Countries adopting an RTI Law for the first time are encouraged to build in these features right from the outset, and many of the strongest RTI laws are indeed recent ones. Countries which already have laws should assess and amend them to bring them into line with best international practice.

### Recommendations

Governments should review the RTI Law and propose amendments to it with a view to bringing it into line with highest international standards.

#### *Key Criteria*

The highest international standards are evolving as better practices constantly emerge. Some key criteria are:

1. Proactive publication obligations include commitments to publish all information which may be of interest to the public, including information released in response to a request;
2. Extensive assistance is available; public bodies are required to undertake electronic redesign of information to provide it in requested formats;
3. Information that was traditionally sold, such as geo-spatial maps, meteorological data and company registers, is provided for free without limitations on or charges for reuse of information;
4. Most information is provided immediately or very rapidly and maximum timelines are reduced (for example to ten days);

5. Exceptions are progressively reduced in scope and applied rigorously and in a limited fashion;
6. In addition to the general public interest override, there is an explicit override for information relating to violations of human rights, crimes against humanity, corruption or abuse of power, or threats to public health or the natural environment;
7. The burden of proof rests on a public authority seeking to deny access to information; timelines for processing appeals are reduced, ideally to 30 days or less;
8. Protection for disclosing wrongdoing ([whistleblowers](#));
9. The right is extended to cover private bodies when the information requested is necessary for the protection of a fundamental right; and
10. Promotional measures include strong training requirements, public awareness raising obligations, record management systems and reporting rules.

## Standards & Guidance

- African Commission on Human and Peoples' Rights: The Model Law on Access to Information for Africa [http://www.achpr.org/files/news/2013/04/d84/model\\_law.pdf](http://www.achpr.org/files/news/2013/04/d84/model_law.pdf)
- ARTICLE 19 Principles <http://www.article19.org/data/files/pdfs/standards/righttoknow.pdf>
- RTI Rating <http://www.rti-rating.org/>
- Special Mandates 2004 Declaration <http://www.osce.org/fom/38632>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

## Country Examples

- Serbia, India and Slovenia tops the RTI Rating <http://www.opengovguide.com/country-examples/serbia-india-and-slovenia-tops-the-rti-rating/>
- South Africa's right to information law covers both public and private bodies <http://www.opengovguide.com/country-examples/south-africas-right-to-information-law-covers-both-public-and-private-bodies/>

## Advanced Step: Establish best practice monitoring and evaluation systems on RTI

### Justification

RTI systems, like all systems, may fail to deliver their intended benefits if they are not subject to robust monitoring and evaluation systems, leading to adjustments in either the law or the practice to address problems. This should include the regular and systematic collection, by all public bodies, of data on the number of requests, rates of response, exceptions relied upon and classes of information published proactively, as well as the central collation of this information. There should be a feedback loop, so that systems are in place for ensuring that remedial measures are taken to address problems. Civil society should be encouraged to input into how to improve implementation, and the government should consider setting up consultation processes with civil society and members of the public.

It is not possible to design an RTI system that is responsive to people's needs and interests without consulting them on the design and implementation of that system. Issues which are particularly sensitive to public input are what sorts of information are important to people (and which should then be disclosed proactively and, where necessary, presented in

more easily understandable formats), when search functions are not use-friendly (i.e. when people cannot find the information they are seeking even though it is available online) and problem areas and issues in the requesting process. To address this, mechanisms need to be put in place to foster public feedback and also participation in design of RTI systems.

## Recommendations

1. Robust monitoring and evaluation systems should be put in place, which include extensive information collection components and mechanisms for ensuring that remedial measures are taken to address problems.
2. The promotion of public feedback and participation should be fostered through regular public awareness surveys and public consultations/focus groups to permit the public to participate directly in debates about how to improve government openness.
3. Civil society should be encouraged to play a major role in providing this feedback not only to governments but also to Information Commissions/Commissioners. This can be done by setting up civil society advisory committees.

## Country Examples

- Mexico has a system to systematically track statistics on requests and responsiveness from federal agencies <http://www.opengovguide.com/country-examples/mexico-has-a-system-in-place-to-systematically-track-statistics-on-requests-and-responsiveness-from-federal-agencies/>
- The UK publishes quarterly and annual reports on the number of FOI requests, response and appeals <http://www.opengovguide.com/country-examples/the-uk-publishes-quarterly-and-annual-reports-on-the-number-of-foi-requests-response-and-appeals/>

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## Advanced Step: Review and amend secrecy laws

### Justification

In many countries, there are numerous secrecy provisions in different pieces of legislation, and sometimes even dedicated secrecy laws. In most cases, these laws were adopted prior to the RTI law, and their secrecy requirements do not conform to the standards of the RTI law. As an initial step, the RTI law should prevail over secrecy laws in case of conflict. However, this will not fully resolve the potential for conflict of laws situations, and civil servants faced with apparently conflicting rules cannot be expected to navigate complex legal issues. It is important to create a fully consistent and coherent legal framework for exceptions to give officials clear guidance as to their duties, to prevent legal uncertainty from being used to keep information secret and to reduce the number of administrative and legal appeals.

### Recommendations

Governments should review secrecy provisions in other laws and propose amendments to them with a view to creating a coherent and consistent regime of exceptions based on the three-part test under international law, namely that exceptions should: only protect recognised interests; be based on harm; and be subject to a public interest override.

### Standards & Guidance

- African Commission on Human and Peoples' Rights: Declaration of Principles on Freedom of Expression in Africa <http://www1.umn.edu/humanrts/achpr/expressionfreedomdec.html>
- Special Mandates 2004 Declaration <http://www.osce.org/fom/38632>
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to->

[access/national-security](#)

## Country Examples

- In Slovenia, all secrecy provisions are laid out in the Classified Information Act <http://www.opengovguide.com/country-examples/in-slovenia-all-secrecy-provisions-are-laid-out-in-the-classified-information-act/>
- In Sweden, all secrecy provisions are concentrated in one law: the Secrecy Act <http://www.opengovguide.com/country-examples/in-sweden-all-secrecy-provisions-are-concentrated-in-one-law-the-secrecy-act/>

## Innovative Step: Use IT to enhance access to information

### Justification

IT can be used to enable both proactive and reactive disclosure of information, reducing burdens on public bodies and significantly enhancing access to information by individuals and others.

### Recommendations

The scope of action here will continue to evolve with new technologies. Some key areas of potential include:

Substantive improvements to information accessibility:

- Enabling real time updates of documents and data, including financial data.
- Requiring government agencies to keep a register of metadata, including about requests and how they are being processed, and to publish it daily to the online access portal.
- Improving the granularity of data.
- Tagging to enable relevant searches.
- Customised and powerful search facilities.
- Adopting interoperable formats and systems for government websites and information.

Procedural improvements to information accessibility:

- Developing a citizen access portal to provide a central access point for government information that enables users to search for information across all public bodies, to make requests for information easily and rapidly, with processes for routing requests to the agency that holds the information and handling appeals.
- Ensuring that information is published in a format that is accessible for users with disabilities.
- Making information and datasets produced, collected or owned by public bodies available for free in accordance with open licences (thereby ensuring elimination of all fees and copyright/reuse restrictions).
- Requiring RTI to be designed into IT systems and the production of records, for example by building in systems for the segregation of exempt information (for example, private data).
- Fully enabling the electronic processing of appeals.

## Country Examples

- Mexico has put in place electronic systems to facilitate RTI <http://www.opengovguide.com/country-examples/mexico->



[has-put-in-place-three-key-electronic-systems-to-facilitate-rti/](#)

- Norway has developed an electronic public records tool, which is used by central government agencies to publicise their public records online, and which is open for everyone to use <http://www.opengovguide.com/country-examples/norway-has-developed-an-electronic-public-records-tool-which-is-used-by-central-government-agencies-to-publicise-their-public-records-online-and-which-is-open-for-everyone-to-use/>
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# Whistleblower protection

 **Lead author:** [Whistleblowing International Network](#)

## Introduction

Those working in or with an organisation are often the first to see misconduct, dishonest or illegal activity or a serious risk to the public interest in areas ranging from consumer safety and environmental damage, professional misconduct and child abuse, to financial embezzlement and corruption. However they can be discouraged from reporting their concerns by fear of reprisals and by the perceived lack of follow-up to address such warnings.

Responsible organisations should encourage those working for them to communicate actual or potential problems. Yet too many individuals face retaliation if they report their concern, this can include threats to their physical well-being as well as detriments in the workplace such as harassment, lack of promotion, demotion or dismissal. When lines of communication within organisations are blocked or not trusted, or the organisation itself is involved in the wrongdoing or its cover-up, it is vital that individuals can safely report such concerns to a competent external authority or more widely, where necessary.

Alerting organisations, external competent authorities or the public about risk, misconduct, dishonest or illegal activity, or matters of important public interest is termed whistleblowing. Whistleblowing covers the spectrum of such communications. It is a democratic right closely linked to freedom of speech and the right to petition; a public interest safety net which supports openness in government and democratic accountability.

Whistleblower protection is relatively new to the open government agenda, and while laws are becoming increasingly popular, it is crucial that they can be enforced. If the rights they offer are only symbolic this puts workers and others at greater risk; as they invite individuals to make disclosures while offering no genuine protection or any commitment to any appropriate follow-up of the issue raised.

Governments have a responsibility to facilitate whistleblowing and in so doing protect public interest whistleblowers. Laws which recognise the right of those who act in the public interest not to suffer harm or threats of harm and which build on the democratic principles of free speech and freedom of information are critical. They provide individuals a safe alternative to the silence that allows negligence and wrongdoing to take root. Whistleblower protection also offers an important alternative to anonymous leaks - a form of self-preservation which can compromise both the public interest and the whistleblower.

International instruments on whistleblower protection have, for the most part, recognised the importance of having whistleblower protection laws in place as part of an effective anti-corruption framework. ( See for example the whistleblower protection requirements in the United Nations Convention against Corruption (2003), the 2009 OECD Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Recommendation), the 1998 OECD Recommendation on Improving Ethical Conduct in Public Service , the Council of Europe Civil and Criminal Law Conventions on Corruption (1999), the 1996 Inter-American Convention against Corruption and the African Union Convention on Preventing and Combating Corruption (2003))

These provide a good foundation on which to develop legal and institutional frameworks to facilitate whistleblowing and protect whistleblowers for a wider category of public interest information. Governments also need to protect whistleblowing at the international level, to enhance support and protection where it falls short particularly across multinational production chains or regulatory and legal frameworks.

While it is incumbent on governments to facilitate safe and effective channels for whistleblowing and to protect whistleblowers, civil society has a complementary role in advocating for the protection of those who come forward to safeguard the public interest, particularly when it challenges government authority. An engaged civil society can ensure

that the legal and practical responses to whistleblowing are effective and appropriately applied over the long term.

NB: This topic is focused primarily on whistleblowing that arises out of a working relationship. However, there are important overlaps with the protections needed for those understood to be 'human rights defenders', and for the protection of journalists and their sources and for witness protection for those physically at risk.

#### Expert Organisations

Whistleblowing International Network (WIN) <http://whistleblowingnetwork.org>

OECD <http://www.oecd.org/governance>

Council of Europe: Group of States Against Corruption [http://www.coe.int/t/dghl/monitoring/greco/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/default_en.asp)

Federal Accountability Initiative for Reform (FAIR) <http://fairwhistleblower.ca/>

Government Accountability Project (GAP) <http://www.whistleblower.org/>

Open Democracy and Advice Centre (ODAC) <http://www.opendemocracy.org.za/>

Public Concern at Work (PCaW) <http://www.pcaw.org.uk>

Whistleblowers Network (Germany) <http://www.whistleblower-net.de>

Transparency International <http://www.transparency.org/topic/detail/whistleblowing>

Transparency International (Ireland) <http://www.transparency.ie/>

Open Society Justice Initiative (OSJI) <http://www.justiceinitiative.org>

## Summary of illustrative commitments

### Initial

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- Review and strengthen laws and policies on whistleblowing

### Intermediate

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- Establish a public awareness campaign on the value of whistleblowing
- Set up or support independent confidential advice services for whistleblowers

### Advanced

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- Ensure competent authorities have the mandate, powers and resources to facilitate whistleblowing and protect whistleblowers
- Extend whistleblower protection to those working with sensitive or classified information

### Innovative

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- Establish a public fund to support whistleblowers

## Detailed Recommendations

### Initial Step: Review and strengthen laws and policies on whistleblowing

#### Justification

It is important that governments actively review their domestic laws and policies in order to ensure that a comprehensive framework to facilitate whistleblowing and protect whistleblowers not only builds on international best practices but is properly embedded in the national system. Such a review should identify existing protections, legal principles, good practice and custom (e.g., incident reporting in civil aviation, and common law principle that there is 'no confidence in iniquity') and any laws or policies which contradict or undermine whistleblower protection (e.g., restrictive confidentiality, data protection, libel or secrecy laws).

Enshrining whistleblower protection in law is important. It sends a strong message of the value and importance of whistleblowing in a democracy. Legislation clarifies what is expected of employers and competent authorities whether in the public or private sector, informs individuals of their right to report or disclose, and enforces the remedies available to those who suffer unfairly for blowing the whistle.

Whistleblowing regulations seek to protect the interests of society by helping to ensure that information about wrongdoing or serious risk gets to the right people at the right time. In so doing, it must effectively balance three main sets of rights: the public's right to information and to know when their interests are at risk; the right of whistleblowers to freedom of expression and fair treatment; and the right of organisations to manage their operation and their reputation. In particular, the legal and institutional frameworks protecting whistleblowers must be comprehensive and strong enough to address the power imbalance between whistleblowers and organisations - particularly if the organisation itself is involved in wrongdoing or its cover-up - and to protect those who might be wrongly accused of committing wrongdoing.

It should be understood that such laws should not oblige individuals to report on wrongdoing except in the very limited specific cases where there may be a professional duty to do so (e.g., doctors and police officers). Instead, whistleblower protection laws build on the democratic principles of free speech and freedom of information and ensure that where a disclosure is made in the public domain, any interference with the right to impart that information is only that which is necessary in a democratic society.

#### Recommendations

1. Map existing laws and policies to facilitate whistleblowing and protect whistleblowers, this can include dedicated laws on protection of whistleblowers, information and criminal laws (e.g., right to information, privacy and data protection, laws on confidence and libel laws, official secrets) sectoral laws such as health and safety and competition laws, and laws regulating public servants.
2. Consult with stakeholders including trade unions, civil society groups (e.g., human rights and whistleblower advocacy or campaigning groups), the legal profession and the judiciary, ombudspersons and other independent regulators, private sector representatives, etc., on how to facilitate whistleblowing and protect whistleblowers in the public good.
3. Assess the adequacy of existing laws in protecting whistleblowers and reinforcing openness and democratic accountability. Key best practices<sup>[1]</sup> include ensuring:
  - whistleblowers protection rights are enforceable
  - protection extends to all who carry out activities relevant to an employer's mission
  - a reverse burden of proof on the employer to show that any employment detriment was fair and not in retaliation for having blown the whistle
  - full relief is available to whistleblowers : e.g., workplace remedies, compensation for losses, physical protection

- all staff and working partners are informed of their whistleblowing rights and how to seek confidential advice
- safe internal arrangements for staff and working partners to report or disclose information and an obligation on organisations to publicly report on the effectiveness of such arrangements

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[1] See in particular GAP's *International Best Practices* under Relevant Standards and Guidance for this Step.

## Standards & Guidance

- Council of Europe: (Draft) Recommendation and Explanatory Memorandum on the Protection of Whistleblowers <http://www.coe.int/t/dghl/standardsetting/cdcj/whistleblowers/Whistleblowers%20meeting%20-%20Explanatory%20notes%20.pdf>
- Council of Europe's Parliamentary Assembly (PACE): Resolution 1729 [http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17851\\_ =en](http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17851_ =en)
- Council of Europe's Parliamentary Assembly (PACE): Recommendation 1916 [http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17852\\_ =en](http://assembly.coe.int/ASP/XRef/X2H-DW-XSL.asp?fileid=17852_ =en)
- Government Accountability Project: International Best Practices for Whistleblower Policies [http://www.whistleblower.org/storage/documents/Best\\_Practices\\_Document\\_for\\_website\\_March\\_13\\_2013.pdf](http://www.whistleblower.org/storage/documents/Best_Practices_Document_for_website_March_13_2013.pdf)
- OECD: G20, Whistleblower Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislation <http://www.oecd.org/general/48972967.pdf>
- Organisation of American States: Draft Model Law to Facilitate and Encourage the Reporting of Acts of Corruption and to Protect Whistleblowers and Witnesses [http://www.oas.org/juridico/english/draft\\_model\\_reporting.pdf](http://www.oas.org/juridico/english/draft_model_reporting.pdf)

## Country Examples

- Ireland is developing a new law to provide comprehensive whistleblowing protection <http://www.opengovguide.com/country-examples/ireland-is-developing-a-new-law-to-provide-comprehensive-whistleblowing-protection/>

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## Intermediate Step: Establish a public awareness campaign on the value of whistleblowing

### Justification

In order to ensure that whistleblower protection is properly embedded as a democratic accountability mechanism, it needs to be promoted and understood.

Whistleblower protection legislation should be supported by effective awareness-raising, communication, training and evaluation efforts. Communicating to public or private sector employees their rights when exposing wrongdoing or serious risk to the public interest is essential. They need to know what arrangements are in place internally, their right to report directly to a competent authority, how to get confidential advice and what protection will be available to them.

A public awareness campaign is also important to tackle the cultural perceptions of whistleblowers as traitors or informers rather than as people acting for the public good, and out of loyalty to their organisation, profession and the interests of the society. It must be recalled that informers are individuals paid or compelled to help the state control its citizens. Such

perceptions are understandably even more difficult to shift in countries where such control was imposed under dictatorship or foreign domination. This is why it is critical that whistleblower protection builds on democratic values of openness and freedom of expression rights and that the power to disclose information in the public domain is protected. Whistleblowers are those who voluntarily put themselves at risk to try to protect the public from harm from actual or potential wrongdoing or risk, or its cover-up.

## Recommendations

1. Establish a public awareness campaign that extends to schools and professional training on the value of whistleblowing in protecting the public good, the health and safety of people, their environment and their human rights. Distinguish whistleblowing from informing by ensuring laws to protect whistleblowers emphasise open or confidential reporting and build on freedom of expression rights.
2. Provide clear statements and advice on whistleblowing procedures and protections.
3. Establish requirements for public sector employers and encourage private sectors employers to put in place internal arrangements to facilitate whistleblowing and to report on these regularly and publicly.
4. Provide training within organisations to ensure managers are adequately trained to receive reports, and to recognise and prevent occurrences of discriminatory and disciplinary action taken against whistleblowers.

## Standards & Guidance

- British Standards Institute: Whistleblowing Arrangements Code of Conduct <http://www.pcaw.org.uk/bsi>
- Brown, A.J., P. Roberts and J. Olsen (2011) Whistling While They Work: A good-practice guide for managing internal reporting of wrongdoing in public sector organisations <http://epress.anu.edu.au?p=144611>
- Stichting Van De Arbeid (Labour Foundation): Statement on Dealing with Suspected Malpractices in Companies [http://www.stvda.nl/en/~media/Files/Stvda/Talen/Engels/2012/20120829\\_EN.ashx](http://www.stvda.nl/en/~media/Files/Stvda/Talen/Engels/2012/20120829_EN.ashx)

## Country Examples

- In the US, OSHA requires federal agencies to post information about whistleblower protection <http://www.opengovguide.com/country-examples/in-the-us-osha-requires-federal-agencies-to-post-information-about-whistleblower-protection/>

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## Intermediate Step: Set up or support independent confidential advice services for whistleblowers

### Justification

While whistleblower protection laws will go a long way towards reassuring those who come across wrongdoing or malpractice that it is safe and acceptable for them to report it, questions about how such rules apply in individual circumstances will remain. At times people will be unsure about whether, how or to whom to raise their concern. They may be unsure as to the nature of what they have witnessed or how such information will be received by managers, or they may be aware of how others were treated when they raised similar concerns and be worried about their own position. Such doubts can easily lead to silence and an opportunity missed to protect the public interest before any serious damage or harm is caused.

Further, early advice and information helps ensure that whistleblowers do not suffer unnecessarily, that they are able to report or disclose information clearly and responsibly and that, should they nonetheless be treated unfairly, they are fully

protected under law and are in a strong position to seek an appropriate remedy.

Access to independent confidential advice is important to help ensure information is reported or disclosed in a way that will best allow the information to be assessed and addressed, and to make the legal rules a practical reality for those involved whether it is the whistleblower, the organisation, regulators or the public.

Currently advice, where available, is often limited and provided by voluntary sector organisations, for example Public Concern at Work in the United Kingdom, the Government Accountability Project in the United States of America, and Transparency International Ireland.

## Recommendations

1. Set up or support services to provide independent, legally protected, confidential advice and information for whistleblowers.

## Standards & Guidance

- The Hague Institute for the Internationalisation of Law: Towards basic justice care for everyone: Challenges and promising approaches  
[http://www.hiil.org/data/sitemanagement/media/TrendReport\\_Part1\\_020412\\_DEF%20%282%29.pdf](http://www.hiil.org/data/sitemanagement/media/TrendReport_Part1_020412_DEF%20%282%29.pdf)

## Country Examples

- The Dutch government has set up an independent, confidential advice service for whistleblowers  
<http://www.opengovguide.com/country-examples/the-dutch-government-has-set-up-an-independent-confidential-advice-service-for-whistleblowers/>

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## Advanced Step: Ensure competent authorities have the mandate, powers and resources to facilitate whistleblowing and protect whistleblowers

### Justification

The role of ombudspersons, independent regulators and enforcement bodies is vital as they have an oversight remit that rises above the working relations within and between organisations and are experts in their field. Their capacity to ensure that the organisations they regulate are accountable for their conduct depends on the information they receive from many sources, including the organisations themselves. However, information received from inside sources - whistleblowers - can often allow regulators to effectively and efficiently focus their energies and resources on the problem. At the same time regulators and enforcement bodies will not want to undermine good local governance and accountability arrangements. Thus having the power to receive information from a whistleblower as well as take enforcement action against an organisation that fails to facilitate internal whistleblowing, tries to block, or retaliates against a whistleblower is part of maintaining oversight and reinforcing local accountability.

Experience of protecting whistleblowers around the world has demonstrated time and again that whistleblowers report or disclose information in order for a problem to be addressed and in so doing they need to be able to enforce their rights in a meaningful way. These include, among other things, being able to seek advice, to petition their employer, ombudspersons, independent authorities, and the courts.

Whistleblower legislation should ensure that regulators, ombudspersons and independent enforcement bodies are empowered to receive and investigate complaints of retaliatory, discriminatory or disciplinary action taken against



whistleblowers. The right to appeal to court in the event that these bodies do not act properly or fairly should also be safeguarded.

## Recommendations

1. The whistleblowing mandate of competent authorities should include:
  - promoting the law and receiving disclosures;
  - investigating or overseeing investigations of the issues;
  - action or requiring action to suspend or stop the conduct alleged to be wrong or causing harm;
  - measures or requiring measures to protect a whistleblower and any other individual affected by the report (e.g., protecting confidentiality of third parties, or the rights of an accused);
  - sanctions against an employer or organisation for failing to reasonably investigate or remedy the issue, or for failing to protect a whistleblower.
2. Competent authorities in this regard are existing regulators, ombudsmen or enforcement bodies or a new independent body charged with overseeing whistleblowing and whistleblower protection.
3. Such bodies must have the remit, powers and resources to carry out their role effectively.
4. Such bodies should be mandated to regularly publish reports on their activities.
5. Appeals from the decisions of such bodies to a court of law should be allowed.

## Standards & Guidance

- Asia Pacific Forum: A Guide for National Human Rights Institutions: Undertaking Effective Investigations <http://www.asiapacificforum.net/support/files/investigations-manual-for-nhris>

## Country Examples

- In the US the Office of the Special Counsel oversees whistleblower protection for federal employees <http://www.opengovguide.com/country-examples/in-the-us-the-office-of-the-special-counsel-oversees-whistleblower-protection-for-federal-employees/>
- The Slovenian independent Anti-Corruption Commission has enhanced power to protect whistleblowers <http://www.opengovguide.com/country-examples/the-slovenian-independent-anti-corruption-commission-has-enhanced-power-to-protect-whistleblowers/>

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## Advanced Step: Extend whistleblower protection to those working with sensitive or classified information

### Justification

As a rule all government information should be accessible and open to the public for scrutiny as this enables democratic participation and the development of sound public policies even in sensitive areas such as national security. However, history has shown that governments or parts of government can use overly broad exceptions to open information which prevents effective public scrutiny and debate about government decision-making and activities, and thus there must be safeguards to ensure against such practices.

Whistleblower protection is one such important safeguard and should therefore be extended to all those working with sensitive or classified information whether in public administration, the armed services, national security, defence or intelligence services, or the private sector. Clearly whistleblower protection in such circumstances needs to allow for the proper consideration and protection, where necessary, of other important interests such as national security, international relations, personal privacy, provision of free and open advice, commercial confidentiality, etc.

The Global Principles on National Security and Right to Information (Tshwane Principles), based on international and national law, standards and good practices, provide guidance to legislators and relevant officials throughout the world - they set out a proportionate approach to facilitating internal whistleblowing for those working with sensitive information, and the protection that should be available to those who publicly disclose wrongdoing or other information of public interest. Importantly, the Tshwane Principles include a public interest defence for public servants, whether or not they meet the conditions for whistleblower protection as laid out in the Principles, if the public interest in the disclosure outweighs the public interest in keeping it secret.

## Recommendations

1. Adopt the principle that all those who work with sensitive information should be protected from retaliation for whistleblowing on public interest matters including wrongdoing, risk or government abuse.
2. Consult with stakeholders including trade unions, civil society groups (e.g., human rights and whistleblower advocacy or campaigning), legal profession and the judiciary, ombudsperson and other independent regulators on how to facilitate whistleblowing and protect whistleblowers in relation to sensitive information.
3. Review existing laws and policies to facilitate whistleblowing and protect whistleblowers against the Tshwane Principles.

## Standards & Guidance

- Council of Europe's Parliamentary Assembly (PACE): Recommendation 2024, Provisional Version [http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20194\\_en](http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20194_en)
- Tshwane Principles on National Security and the Right to Information <http://www.right2info.org/exceptions-to-access/national-security>

## Country Examples

- Canada provides a public interest defence for those who would otherwise be bound by secrecy laws <http://www.opengovguide.com/country-examples/canada-provides-a-public-interest-defence-for-those-who-would-otherwise-be-bound-by-secrecy-laws/>
- Danish criminal law provides a public interest defence for publication of state secrets <http://www.opengovguide.com/country-examples/danish-criminal-law-provides-a-public-interest-defence-for-publication-of-state-secrets/>
- Ghana's Whistleblower Act applies to the security sector <http://www.opengovguide.com/country-examples/ghanas-whistleblower-act-applies-to-the-security-sector/>
- South African law covers all whistleblowers from the public and private sectors <http://www.opengovguide.com/country-examples/south-african-law-covers-all-whistleblowers-from-the-public-and-private-sectors/>

## Innovative Step: Establish a public fund to support whistleblowers

## Justification

While much attention is given to the protections in law for public interest whistleblowers, less attention is given to how these protections are implemented in practice. Whistleblowers often need advice and support in raising their concern, preserving their position at work, and seeking redress for unfair or detrimental treatment. In extreme circumstances, the detrimental treatment extends beyond the workplace, affecting their families as well as their physical and mental well-being. A fund to support whistleblowers to seek advice, to get advocacy support and where necessary take a legal claim is lacking in all jurisdictions. Such a fund would help ensure that whistleblower protection becomes a reality and could also include relief for those for whom other forms of protection fail (e.g., insolvency of their employer) and emergency relief for those who find themselves with no means to support themselves.

The vast majority of people report wrongdoing, risk or illegality in order for it to be stopped, often at great personal cost, and very few are ever thanked for their efforts. While whistleblowing is most often associated with disclosures made in the public domain, this guidance demonstrates that it can cover a range of communications that will help governments and organisations in the public and private sectors to address problems early enough to avoid damage and harm. National governments around the world confer honours to individuals whose actions have contributed significantly to the common good of the country; some courts and law enforcement bodies also honour or reward individuals who put themselves at risk to protect or serve the interests of others. Whistleblowers should be considered amongst those deserving public honour.

A public fund could also honour those who reported or disclosed wrongdoing or risk that contributed to protecting the public interest and would help normalise whistleblowing as an act of good citizenship.

NB. Honouring and acknowledging a whistleblower who has reported or disclosed information either to an employer, a competent authority, or to the public is not the same as offering a reward. A distinct regulatory model such as that employed by the Securities Exchange Commissions under the Dodd-Frank Act in the USA -which offers monetary compensation in exchange for information on violations of securities law in order to encourage whistleblowers to come forward - has caused some controversy on the basis that it shifts the motivation away from the public interest to the personal gain of the whistleblower. In any event, this should only be seen as a complementary measure to full whistleblower protection in law.

## Recommendations

1. Establish a public fund or separate public funds to help whistleblowers a) cover legal costs b) provide other relief as necessary and c) honour those who make important contributions to protecting the public interest.

## Country Examples

- Korea's Anticorruption Commission can provide relief for whistleblowers' losses <http://www.opengovguide.com/country-examples/koreas-anticorruption-commission-can-provide-relief-for-whistleblowers-losses/>
- The US False Claims Act puts resources in the hands of the whistleblower <http://www.opengovguide.com/country-examples/the-us-false-claims-act-puts-resources-in-the-hands-of-the-whistleblower/>

# Annex: Acknowledgements

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### Open government data

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### Public contracting

This topic has been developed by the [Open Contracting Partnership](#), whose steering group is currently made up of the following organisations: [Colombia Compra Eficiente](#), [Construction Sector Transparency Initiative \(CoST\)](#), [Deutsche Gesellschaft für Internationale Zusammenarbeit \(GIZ\)](#) on behalf of the [German Federal Ministry for Economic Cooperation and Development \(BMZ\)](#), [Integrity Action](#), [Oxfam America](#), the [Philippines Government Procurement Policy Board](#), [Transparency International](#) and [World Bank Institute](#).

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## Guide to Opening Government

The Open Government Guide has been developed and edited by Maya Forstater, (consultant) under the direction of Vanessa Herringshaw (Director, T/AI) with support from Linnea Mills. T/AI is grateful to all the authors who generously contributed their time and expertise to the project, and to those who have provided comments, case studies and resources.

An advisory group provided high level comments to the development of the guide. Thank-you to Linda Frey and Paul Maassen from the Open Government Partnership, Martin Tisne from Omidyar Network, Julie McCarthy from the Open Society Foundations, Katarina Ott from the Institute for Public Finance in Croatia and Joel Salas.

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