

**PUBLIC GOVERNANCE DIRECTORATE
PUBLIC GOVERNANCE COMMITTEE**

Public Consultation on the draft OECD Recommendation of the Council on Open Government

Background Report

**56th session of the Public Governance Committee
21 November 2017
OECD, Paris**

The Background Report provides an overview of the objectives of the online public consultation on the draft OECD Recommendation of the Council on Open Government that was conducted from 10 July to 10 September 2017. The background report describes the benefits and key results of the consultation as well as the generated interest on social media.

Delegates are invited to:

- **TAKE NOTE** of the results of the online public consultation.

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JT03421858

1. The Public Consultation on the draft OECD Recommendation of the Council on Open Government

1.1. Overview

1. For more than a decade, the OECD has been at the forefront of an evidence-based analysis of [open government](#) strategies and initiatives across the world. Countries are increasingly acknowledging the role of open government as a catalyst for good governance, democracy and inclusive growth. Open government principles are progressively changing the relationship between public officials and citizens in many countries, making it more dynamic, mutually beneficial and based on greater reciprocal trust.
2. Building on its existing work and in particular the Report on "[Open Government: The Global Context and the Way Forward](#)", the OECD has developed a draft **OECD Recommendation of the Council on Open Government**, which aims to help countries that will adhere to it to design and implement successful open government strategies and initiatives by identifying a clear, actionable, evidence-based, and internationally recognized understanding of what open government strategies and initiatives entail and, more specifically, what the characteristics of their governance should be in order to maximize their impact.

1.2. Objective of the Public Consultation

3. In the spirit of open government, the OECD launched an online public consultation on the draft Recommendation on 10 July 2017. The aim of the consultation was to reach government officials, civil society organizations, international organizations and interested citizens from all over the world in order to ensure that the final text of the Recommendation reflects the experience, needs and aspirations of the global open government community at large. Colleagues within the Public Governance Directorate in the Secretariat were also encouraged to participate in the consultation in an effort to improve internal consultation mechanisms. The consultation was closed on 10 September 2017 and generated significant interest on social media, with related posts being extensively shared and commented.
4. The online consultation took the form of a checkbox survey. It aimed at evaluating the relevance of the provisions and definitions included in the draft Recommendation (participants were asked to rank each provision on a scale from extremely important to not important). Participants were also given the opportunity to conduct changes to the text of the provisions as well as add comments on each provision, in addition to general comments on the draft Recommendation as a whole.

1.3. Benefits of the Public Consultation

- Reflecting the ideas of all interested and relevant stakeholders to further improve the draft Recommendation.
- Strengthening the visibility of the OECD as a standard setter on open government.
- Enhancing the legitimacy of the draft Recommendation.
- Supporting a culture of openness within the organisation.

1.4. Participation

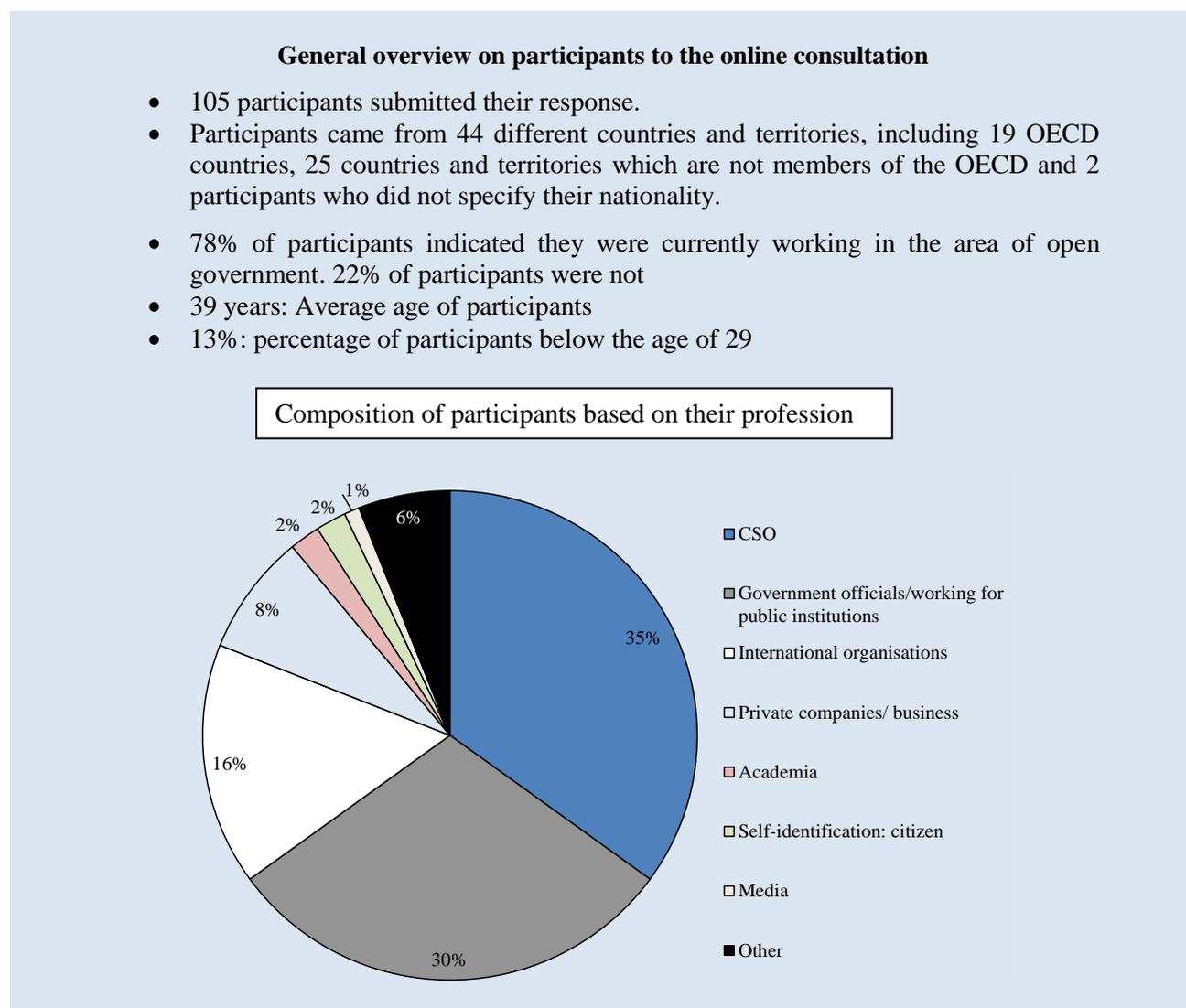
Beyond OECD

Externally, the consultation has generated great interest by the **general public, citizens, academics, experts, civil society organisations as well as government officials.**

OECD Internal

Internally, the consultation set a practical first precedent for **internal consultation mechanisms** with basic text analysis that could be used for forthcoming Recommendations or key documents.

Figure 1.1. General overview on participants to the online consultation



Source: Online Public Consultation on the draft Recommendation of the Council on Open Government.

1.5. Key results of the Public Consultation

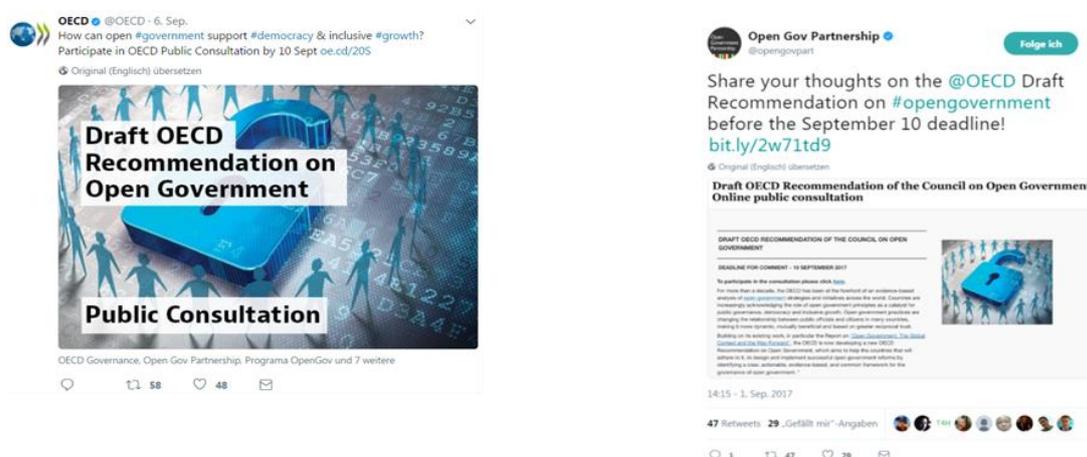
- Participants provided comments and input on all provisions and definitions.
- 67% of provisions and definitions were rated as "extremely important".
- 81% of participants agreed to the proposed definition of open government.
- 84% of participants agreed to the proposed definition of an open state.
- Based on the results of the online consultation, the OECD Secretariat discussed and analysed each submission and conducted the necessary changes whenever relevant.

5. The input received enhanced the overall quality and scope of the draft Recommendation, with comments from relevant experts, leading academics, civil society (such as “Involve”, the Extractive Industries Transparency Initiative or the Arab Anti-Corruption and Integrity Network for example) as well as key international organizations working on open government such as the Open Government Partnership and UNDP as well as other actors such as the European Ombudsman. Government representatives from Argentina, Australia, Canada, Chile, Colombia, Costa Rica, Czech Republic, France, Germany, Jordan, Lebanon, Mexico, Morocco, Palestinian Authority, Paraguay, Slovenia, Spain and Tunisia participated in the online consultation. With around one fifth of the respondents currently not working on open government related issues, the draft Recommendation has also benefitted from input from the broader governance community. The submissions to the consultation were anonymised, aggregated and will be uploaded to the OECD website in an open and re-usable format.

1.6. Generated interest on social media

- The dedicated OECD webpage of the consultation had over 4,500 views, with 26% of traffic coming from Twitter and a further 10% coming from LinkedIn & Facebook promotions.
- 1,500 people have started taking the survey for the online consultation.
- The social media campaign on Twitter reached over 73,000 people and resulted in over 1,300 interactions (including tweets & comments).
- By way of example, the call for participation was shared among others by Denmark’s Ambassador to the OECD; the Open Government Partnership (and its Director for CSO Engagement); NGO “Article 19”; the European Anti-Corruption Centre; and the Vice- President of the NGO “Results for Development”.
- 8,000 people were reached through the OECD's Facebook page.
- >2,000 people were reached on LinkedIn.

Figure 2. Example of snapshots from tweets by the OECD and OGP



Source: OECD tweet: <https://twitter.com/OECD/status/905407799517175808>

OGP tweet: <https://twitter.com/opengovpart/status/903727918312017924>

1.7. The way forward on consultation at the OECD

6. For the first time, the Governance Directorate cooperated closely with the OECD's Digital, Knowledge and Information Service (DKI) to process and analyse the submissions received through the online public consultation. To this end, DKI developed a system that detected any suggested changes by participants to the respective provisions and definitions in the draft text of the Recommendation and collected them according to each provision of the draft Recommendation. This system allowed the open government team to analyse the responses in a practical manner in order to take them into consideration and include the relevant amendments to the updated draft Recommendation.

7. The valuable expertise and support of the OECD's DKI could be of great added value for future public consultations on OECD legal instruments to facilitate the analysis of comments received from internal as well as external consultations.

8. This inclusive approach was welcomed by the OECD's Secretary General's Office and recognized as good practice for future OECD Recommendations.

1.8. Next steps

9. The OECD Secretariat will present the updated draft Recommendation during the upcoming 56th session of the Public Governance Committee (PGC) on 21 November 2017. In case of approval by the PGC, the draft Recommendation will be transmitted to Council for adoption. Should the OECD Council approve the Recommendation, it would constitute the first internationally recognised legal instrument on open government.

Annex: Detailed results of the input received

1.1. Agreement to Definitions

- 81% of participants agreed to the proposed definition of open government
- 84% of participants agreed to the proposed definition of an open state

1.2. Evaluation of importance of respective provisions in the draft Recommendation

	Average rating	Intro	P1	P2	P3	P4	P5	P6	P6.1	P6.2	P6.3	P7	P8	P9	P10
Extremely important	67%	79%	72%	77%	78%	70%	56%	69%	56%	59%	61%	63%	71%	59%	63%
Rather important	27%	18%	27%	18%	19%	26%	35%	26%	34%	32%	30%	32%	21%	32%	28%
Not very important	4%	1%	0%	3%	2%	3%	5%	4%	7%	5%	8%	4%	5%	6%	3%
Not important	0%	0%	0%	0%	0%	0%	1%	1%	1%	1%	0%	0%	0%	1%	1%
Do not know	2%	2%	1%	2%	1%	2%	3%	1%	2%	3%	1%	1%	3%	2%	6%

I = Introduction

P1= Provision 1

1.3. Number of changes received to the respective provisions in the draft Recommendation by participants

Number of changes made	I	Def. Open Government	Def. Open State	P1	P2	P3	P4	P5	P6	P6.1	P6.2	P6.3	P7	P8	P9	P10
Total	31	72	39	10	34	25	11	7	16	8	17	22	13	16	9	16

I = Introduction

P1= Provision 1

Note: This number include minor changes made, such as adding or changing punctuation marks.

Annex 2: Survey on the consultation for the draft Recommendation as published online:

A.1 Do you agree with the following definition of open government?

- **Open Government:** a citizen-centred culture of governance that utilizes innovative and sustainable tools, policies and practices to promote government transparency, responsiveness and accountability to foster stakeholders’ participation in support of democracy and inclusive growth;
 - YES
 - NO

A.2 If you have suggestions for this definition, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- **Open Government:** a citizen-centred culture of governance that utilizes innovative and sustainable tools, policies and practices to promote government transparency, responsiveness and accountability to foster stakeholders’ participation in support of democracy and inclusive growth;

A.3. If you have any additional comments or suggestions for clarifications relating to this definition, please add them below:

.....

***A.4 Do you agree with the following definition of open state?**

- **Open State:** when all public institutions of the executive, parliament, and the judiciary, independent public institutions, and all levels of government join forces and collaborate with civil society, academia, the media, and the private sector to design and implement a reform agenda to make public governance more transparent, accountable and participatory;
 - YES
 - NO

A.5 If you have suggestions for this definition, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- **Open State:** when all public institutions of the executive, parliament, and the judiciary, independent public institutions, and all levels of government join forces and collaborate with civil society, academia, the media, and the private sector to design and implement a reform agenda to make public governance more transparent, accountable and participatory;

A.6. If you have any additional comments or suggestions for clarifications relating to this definition, please add them below:

.....

***B.1.a How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?**

1. **RECOMMENDS** that Members and non-Members having adhered to the Recommendation (hereafter the “Adherents”) develop and adopt open government strategies and initiatives that follow the principles of transparency, responsiveness, accountability and participation with a view to designing and delivering public policies and services in an open and inclusive manner.

extremely important ...	rather important ...	not very important...	not important ...	Don’t know
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B.1.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

RECOMMENDS that Members and non-Members having adhered to the Recommendation (hereafter the “Adherents”) develop and adopt open government strategies and initiatives that follow the principles of transparency, responsiveness, accountability and participation with a view to designing and delivering public policies and services in an open and inclusive manner.

B.1.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

To this end, Adherents should:

B.2.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

1. Take measures, in all branches and at all levels of the government, including politicians, senior public managers and public officials, to ensure commitment to develop and implement open government strategies and initiatives in collaboration with all relevant stakeholders in order to ensure their success and overcome obstacles related to resistance to change;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.2.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

1. Take measures, in all branches and at all levels of the government, including politicians, senior public managers and public officials, to ensure commitment to develop and implement open government strategies and initiatives in collaboration with all relevant stakeholders in order to ensure their success and overcome obstacles related to resistance to change;

B.2.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.3.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

2. Ensure the existence, where necessary, of a robust open government legal and regulatory framework - including laws on access to and free flow of information, open data, freedom of speech and assembly, independence and pluralism of the media, and transparency - and its successful implementation, including through standardised procedures - such as guidelines and manuals - , while establishing adequate oversight mechanisms;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.3.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

2. Ensure the existence, where necessary, of a robust open government legal and regulatory framework - including laws on access to and free flow of information, open data, freedom of speech and assembly, independence and

pluralism of the media, and transparency - and its successful implementation, including through standardised procedures - such as guidelines and manuals - , while establishing adequate oversight mechanisms;

B.3.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.4.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 3. Proactively make available clear, complete, timely, reliable and relevant public sector information and data developed in consultation with civil society stakeholders that is easy to find, understand, use and reuse and is disseminated using a multi-channel approach ;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.4.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 3. Proactively make available clear, complete, timely, reliable and relevant public sector information and data developed in consultation with civil society stakeholders that is easy to find, understand, use and reuse and is disseminated using a multi-channel approach ;

B.4.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.5.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 4. Provide public officials with adequate human, financial, and technical resources, including the necessary skills and professional incentives, to design and implement successful open government strategies and initiatives, while promoting a supportive organisational culture;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.5.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 4. Provide public officials with adequate human, financial, and technical resources, including the necessary skills and professional incentives, to design and implement successful open government strategies and initiatives, while promoting a supportive organisational culture;

B.5.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.6.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 5. Coordinate, through the necessary institutional mechanisms, open government policies and initiatives - horizontally within and vertically across - all levels of government to ensure that they are aligned with and contribute to relevant national socio-economic objectives;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.6.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 5. Coordinate, through the necessary institutional mechanisms, open government policies and initiatives - horizontally within and vertically across - all levels of government to ensure that they are aligned with and contribute to relevant national socio-economic objectives;

B.6.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.7.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 6. Develop and implement monitoring and evaluation mechanisms for open government strategies and initiatives by:

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.7.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 6. Develop and implement monitoring and evaluation mechanisms for open government strategies and initiatives by

B.7.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

***B.8.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?**

- 6. Develop and implement monitoring and evaluation mechanisms for open government strategies and initiatives by:

- 1. Selecting institutional actors to be in charge of collecting consistent, up-to-date and reliable information and data on the implementation of open government strategies and initiatives;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.8.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 6. Develop and implement monitoring and evaluation mechanisms for open government strategies and initiatives by:

- 1. Selecting institutional actors to be in charge of collecting consistent, up-to-date and reliable information and data on the implementation of open government strategies and initiatives;

B.8.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.9.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 6. Develop and implement monitoring and evaluation mechanisms for open government strategies and initiatives by:
 - 2. Identifying sound and comparable indicators to measure processes, outcomes, and impacts;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.9.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 2. Identifying sound and comparable indicators to measure processes, outcomes, and impacts;

B.9.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.10.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 3. Fostering a culture of monitoring and evaluation among public officials by increasing their capacity to conduct such exercises, in collaboration with civil society, the private sector and academia.

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.10.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 3. Fostering a culture of monitoring and evaluation among public officials by increasing their capacity to conduct such exercises, in collaboration with civil society, the private sector and academia.

B.10.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.11.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 7. Actively communicate about open government strategies and initiatives that are carried out as well as about their outcomes and impact in a transparent, accurate and timely manner in order to ensure that they are well-known, to favour stakeholders’ uptake, as well as to close the feedback loop and to stimulate buy-in both within and outside government;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.11.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

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B.11.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.12.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

8. Grant all stakeholders equal and fair opportunities to be informed and consulted, and to actively engage in policymaking and service design and delivery, at a minimal cost, avoiding duplication to minimise consultation fatigue, with adequate time, dedicating specific efforts to reach out to the most relevant, vulnerable, underrepresented, or marginalised segments of society, while avoiding policy capture by interest groups;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.12.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

8. Grant all stakeholders equal and fair opportunities to be informed and consulted, and to actively engage in policymaking and service design and delivery, at a minimal cost, avoiding duplication to minimise consultation fatigue, with adequate time, dedicating specific efforts to reach out to the most relevant, vulnerable, underrepresented, or marginalised segments of society, while avoiding policy capture by interest groups;

B.12.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.13.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

9. Explore innovative ways to effectively engage with stakeholders through experimentation to source ideas and co-produce solutions and seizing the opportunities provided by digital government tools to support the achievement of open government goals, including through the use of open government data;

extremely important ...	rather important ...	not very important...	not important ...	Don't know ...
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B.13.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

9. Explore innovative ways to effectively engage with stakeholders through experimentation to source ideas and co-produce solutions and seizing the opportunities provided by digital government tools to support the achievement of open government goals, including through the use of open government data;

B.13.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

B.14.a. How important are, in your view, the following sections and sub-sections of the draft Recommendation of the Council on Open government?

- 10. Promote, with a view to progressively moving from the concept of open government toward that of open state, the implementation of the principles of transparency, accountability, and participation across all public institutions of the executive, parliament and the judiciary, independent public institutions and all levels of government, while recognizing their respective role, prerogatives and overall independence, in order to exploit synergies, favour cooperation, build on each other’s strengths, and share good practices, for example through the development of an open state strategy and the creation of adequate coordination mechanisms.

extremely important ...	rather important ...	not very important...	not important ...	Don’t know ...
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B.14.b If you have suggestions for this provision, including specific wording changes, please edit the text here as much as possible, using the “bold and underline” features for your additions or changes:

- 10. Promote, with a view to progressively moving from the concept of open government toward that of open state, the implementation of the principles of transparency, accountability, and participation across all public institutions of the executive, parliament and the judiciary, independent public institutions and all levels of government, while recognizing their respective role, prerogatives and overall independence, in order to exploit synergies, favour cooperation, build on each other’s strengths, and share good practices, for example through the development of an open state strategy and the creation of adequate coordination mechanisms.

B.14.c. If you have any additional comments or suggestions for clarification relating to this provision, please add them below:

.....

C. Are there other dimensions/areas beyond those included previously, that you deem important to ensure effective and sustainable governance of open government reforms? Are there any general comments you would like to make?