

Independent Reporting Mechanism: NETHERLANDS Progress Report 2013-2014



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First Progress Report

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Executive Summary

Independent Reporting Mechanism (IRM) Netherlands Progress Report 2013-2014

The Dutch action plan focused on initiatives to enhance access and accountability through online tools. While a number of commitments were potentially transformative, the lack of specificity of the action plan made progress and impact difficult to assess. Moving forward, the Dutch government should work with civil society to create a measurable and ambitious action plan.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

The Netherlands officially began participating in OGP in September 2011, when the Minister of the Interior and Kingdom Relations, Piet Hein Donner, declared the Government's intent to join.

The OGP in the Netherlands is led by the Ministry of the Interior and Kingdom Relations with a team of five government officials responsible for the administration of the action plan and the co-ordination of international OGP efforts. Government created an "Inspiration Team" of civil society, local government, and private enterprise stakeholders to guide the implementation process. The action plan was developed to operate within existing government programmes, thus most action plan commitments were funded from previously demarcated budgets. New budgets were created only for specific open government processes and co-ordination activities.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development and implementation of their OGP action plan.

Overall, the Netherlands developed the OGP plan in an interactive but not very participatory way. The Government treated OGP plan development as a professional topic to connect stakeholders under an umbrella theme of open government. While the process was open to all, awareness-raising and event invitations occurred through direct professional networking, and the media did not cover these events.

The Government held four focus group meetings and a CSO-public servant "boot camp" between February-March 2013 to consult on the action plan. It is unclear what effect these consultations had on the final action plan since the draft action plan and minutes from the meetings were not published on the Government's open data portal.

The Government organised a forum for regular multi-stakeholder consultation on OGP implementation (the "Inspiration Team") and established a separate Expertise Centre to assist public professionals in implementing open government policies.

At a glance

Member since: 2011
Number of commitments: 18

Level of Completion:

Completed: 2 of 18
Substantial: 8 of 18
Limited: 4 of 18
Not started: 0 of 18
Unclear: 4 of 18

Timing:

On schedule: 6 of 18

Commitment Emphasis:

Access to information: 14 of 18
Civic participation: 7 of 18
Accountability: 15 of 18
Tech & innovation for transparency & accountability: 11 of 18

Number of Commitments that Were:

Clearly relevant to an OGP value: 16 of 18
Of moderate or transformative potential impact: 8 of 18
Substantially or completely implemented: 10 of 18
All three (☆): 4 of 18

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarises each commitment, including its level of completion, ambition, whether it falls within the Netherlands's planned schedule, and the key next steps for the commitment in future OGP action plans. The Netherlands's plan focused on increasing accessibility and transparency through online tools. The language of many of the commitments lacked measurable milestones and deadlines. These were marked "unclear" in table 1 below. The Netherlands completed two of its commitments. Table 2 summarizes the IRM assessment of progress on each commitment.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>⊕ COMMITMENT IS SPECIFIC AND MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										INCLUDE THIS COMMITMENT, IN PART OR IN TOTAL, IN THE NEXT PLAN?
1a. Active publication of government information									Unclear	Yes
1a.1. Study of categories of government information									Unclear	Yes
1a.2. Make categories of government information accessible									Unclear	Yes
1a.3. Adaptation of the Government Terms and Conditions for Public Service Contracts (ARVODI)									Unclear	Yes
1b. Active access									On schedule	Yes
1b.1. Complete four open-by-design pilot projects									On schedule	Yes
1b.2. Create government information systems requirements									On schedule	Yes
2. Open data								Unclear	Unclear	Yes
2.1. Explanatory data insert								Unclear	Unclear	Yes
2.2. Open data examples								Unclear	Unclear	Yes
2.3. Thematic relay-meetings									Unclear	No
2.4. Digital cities agenda								Unclear	Unclear	Yes
2.5. Metadating findability and open datasets								Unclear	Unclear	Yes
⊕ 3. Open budgets and spending									On schedule	Yes
3.1. Open budgeting									On schedule	Yes
3.2. Active access to spending data									On schedule	Yes

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ COMMITMENT IS SPECIFIC AND MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										INCLUDE THIS COMMITMENT, IN PART OR IN TOTAL, IN THE NEXT PLAN?
4. Open House of Representatives									Behind schedule	Yes
4.1. Parlis online									Behind schedule	Yes
4.2. Parliamentary Application Programmes Interface (API)									Behind schedule	Yes
4.3 & 4.4. House of Representatives SessionApp									On schedule	Yes
5. Instruments to enhance integrity								Unclear	Unclear	Yes
5.1. Uniform jobs disclosure								Unclear	Unclear	Yes
5.2. Unethical behaviour records								Unclear	Unclear	Yes
★ 6. Revamp the legislative calendar									Unclear	Yes
7. Increased online consultation									Unclear	Yes
8. More transparency in decision making through Volgdewet.nl									Unclear	No
9. Informal Freedom of Information (FoI) requests									On schedule	Yes
9.1. Explore informal FoI approach									On schedule	No
9.2. Launch informal FoI approach process									On schedule	Yes
10. From rules to freedom									On schedule	No
★ 11. Changing attitudes and procedures									On schedule	Yes
11.1. Smarter working									On schedule	Yes
11.2. Public Servant 2.0									On schedule	Yes
12. Water coalition								Unclear	Unclear	Yes
13. Participation policy									Unclear	Yes
13.1. Formulate participation policy									Unclear	No
13.2. Five initiatives on the energetic society									Unclear	Yes

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>⊛ COMMITMENT IS SPECIFIC AND MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										INCLUDE THIS COMMITMENT, IN PART OR IN TOTAL, IN THE NEXT PLAN?
14. Accessible government information									Behind schedule	Yes
14.1. Improve ease and access to government information									Behind schedule	No
14.2. Open communication of government information									Behind schedule	No
14.3. Top tasks approach for high-demand services									On schedule	Yes
15. Citizen access to personal data									Behind schedule	Yes
⊛ 16. Online announcements and notifications									On schedule	Yes
16.1. Create legal basis for online announcements									On schedule	Yes
16.2. Implement online announcements and notifications									On schedule	No
17. Public services and the user perspective					Unclear				Unclear	No

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
<p>1a. Active publication of government information</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment seeks to improve open access to government information, which is provided in Dutch law but limited in practice. The Government's self-assessment report acknowledges that they underestimated the resources and time needed to implement open access. Civil society advocates for open source publishing of financial and policy information that is of interest to the public.</p> <p>1a.1. Study of categories of government information: The initial study conducted was the result of a parliamentary directive and provides financial information of little value or relevance to public interests. Another study of categories of government information has started and will be evaluated in early 2015. The study identifies types of information that can be released in open format, rather than identifying categories with high public demand for open access information.</p> <p>1a.2. Make categories of government information accessible: As of writing this report, the Ministry of Finance has started publishing information on grants in open data format. However, specific guidelines for categories of government fiscal and policy information have not been determined.</p> <p>1a.3. Adaptation of the Government Terms and Conditions for Public Service Contracts (ARVODI): This milestone was not started during this phase of the action plan. As of writing this report, the ARVODI has not been put on the Ministry of Finance's agenda.</p> <p>The Netherlands is subject to the European Directive on Public Information of 2013, which sets specific requirements for open access. Next steps could include adopting the Ministry of Finance's methodology for publishing financial data and prioritise the release of information based on findings of the March 2013 focus group and relevance to implementing EU Directive.</p>
<p>1b. Active access</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>This commitment sought to incorporate access to information principles in government information systems. This commitment is ambitious for open access, although the milestones saw limited progress during this period due to IT systems development problems and budgetary delays.</p> <p>1b.1. Complete four open-by-design pilot projects: Due to budgetary constraints, the Government studied open-by-design projects that were already in progress, rather than launching four pilot projects, as indicated in the language of the commitment.</p> <p>1b.2. Create government information systems requirements: The Government identified a system development process and analysis is underway. The first storage and retrieval services should be available by the end of 2015.</p> <p>Moving forward, the government could increase accessibility by involving the public in carrying out the four pilot projects and designing requirements based on the findings.</p>
<p>2. Open data</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Unclear 	<p>This commitment furthers the Government's Open Data Agenda, which pre-dates the action plan and consists of contributions from the national government data programme. While the individual milestones contain actions with minor to moderate potential impact, since the commitment's language does not include measureable milestones and due dates, the overall impact of this commitment is minor. Civil society members interviewed by the IRM researcher report a shift in the Government's focus towards more results-oriented and collaborative activities. In the next action plan, the government can continue improving access to information by organising stakeholder collaboration on open data projects and facilitating the opening of government datasets for use by stakeholders.</p>
<p>★ 3. Open budgets and spending</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 	<p>This commitment continues existing efforts by the Ministry of Finance to improve access to budget and spending data. Progress at the national level was substantial with other ministries adopting the Ministry of Finance's best practices, although additional action is needed at the local level.</p> <p>3.1. Open budgeting: Ministry budgets have been published in open data format since 2012, and the Ministry of Finance is developing a data format to improve accessibility. Civil society seeks to build on this national-level movement to open local government budgetary and other public spending data.</p> <p>3.2. Active access to spending data: An exploratory study on active access is expected to take place at the end of 2014.</p> <p>To reinforce the progress on financial transparency, the government should require uniform financial reporting for all governing bodies at all levels of government. Civil society could contribute by developing applications for data analysis and by articulating social demands for budgetary transparency.</p>

<p>4. Open House of Representatives</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	<p>The milestones contained in this commitment are part of a pre-existing and almost completed government initiative to modernise the legislature’s information architecture. While integrating decision making data into one search engine (Parlis) enhances transparency, it is limited in its impact because it is highly technical and not accessible to the public beyond select civil society organisations. In the next action plan, the government can improve accessibility by publishing a public version of the Parlis search engine and collaborating with relevant CSOs to integrate the search engine into existing citizen-oriented programmes and applications.</p>
<p>5. Instruments to enhance integrity</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Unclear 	<p>This commitment seeks to enhance compliance with existing legislation on public sector integrity disclosure. While integrity-monitoring mechanisms have been strengthened by the development of a manual, the commitment lacks funding to fulfil legal obligations for active monitoring. The Government’s self-assessment report states that it is unclear when the effects of this commitment will be seen. The government can improve compliance by developing an implementation strategy with milestones and deadlines and legally obliging local governments to have online registries.</p>
<p>✪ 6. Revamp the legislative calendar</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	<p>This commitment aims to provide government and citizens with one integrated legislative calendar for all forms of national legislation. A revamped integrated calendar is necessary for legal openness and is a critical first step in enhancing the value of internet consultation and civil society Follow-the-Law practices. According to the Government’s self-assessment report, the overhaul should be complete by the end of 2014. In the next action plan, the calendar can include a feedback mechanism to enhance responsiveness, and milestones can be included to develop a similar calendar at the local level.</p>
<p>7. Increased online consultation</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: None • Completion: Substantial 	<p>Until the legislative calendar is publically accessible, Internet consultation tools cannot be used to their full capacity. Currently, Internet consultation is only applied in a limited number of legislative procedures, the Government decides which laws are open to consultation, and there is no universal application and enforcement mechanism. In the next action plan, binding rules for Internet consultation can be included in the Integral Agreements Framework for legislation (IAK).</p>
<p>8. More transparency in decision making through Volgdewet.nl</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: None • Completion: Complete 	<p>Until the legislative calendar is publically accessible, the “follow-the-law” website cannot be used to its full capacity. Without a comprehensive, easily accessible calendar, bureaucratic expertise is required to know the status of a piece of legislation and properly exert influence over the legislative process. The IRM researcher recommends no additional steps to be taken for this commitment in the next action plan, as this initiative is likely to flourish when the conditions for legislative openness have been created by the calendar.</p>
<p>9. Informal Freedom of Information (FoI) requests</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	<p>This commitment was developed in response to citizens’ use of formal FoI complaint procedures to criticize responsiveness and transparency in public organisations. It is intended to supplement existing FoI procedures. The Government launched three pilot projects to analyse and enhance public servant responsiveness with procedures to be implemented by mid-2015. The commitment expands public servants’ “toolkit” for responding to citizens, although additional action is required in the next action plan to disseminate best practices and to involve a wider array of public servants in developing standards for handling informal FoI requests.</p>
<p>10. From rules to freedom</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete 	<p>The “From Rules to Freedom” (2011-2014) project sought to carry out 30 pilots on new forms of legislation formulation. This project resulted in some minor policy innovations but had little impact on administrative practices. Often it is not legislation in itself that stands in the way of openness, but the way it is implemented and administered. The IRM researcher recommends no further action on the project.</p>
<p>✪ 11. Changing attitudes and procedures</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	<p>“Smarter Working” and “Public Servant 2.0” sought to establish “Social R&D Labs” to adopt, implement, and disseminate new open ways and operation modes for a standard set of encounters between citizens and public servants. These projects succeeded in engaging a wide network of professionals from government and CSOs and in providing tools to spread open government practices. In future, the projects could reinforce the connection between open government and innovation by focusing on the values of openness and transparency in relation to work innovation.</p>
<p>12. Water coalition</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: None • Completion: Unclear 	<p>This commitment seeks to optimise the water system through private enterprise and civil society partnership. The language of the commitment does not address OGP values and the IRM researcher was unable to assess what impact the Water Coalition efforts have had on open government. This commitment can be revised to include actions relevant to OGP values, although at the time of writing this report, the Government was deliberating whether to include this commitment in the next action plan.</p>

<p>13. Participation policy</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited 	<p>This commitment intended for the Directorate of Participation in the Ministry on Infrastructure and Environment to implement its citizen engagement and participation policy and to develop five citizen-driven initiatives. The five initiatives were not included in the agenda, although two citizen-based pilot projects and a policy crowdsourcing initiative were started in January 2014. This commitment has little direct impact on open government and could be improved in the next action plan by creating a thematic issue for crowdsourcing policy and engaging other ministries in developing specific measurable results.</p>
<p>14. Accessible government information</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	<p>This commitment involved multiple stakeholders in improving access and “searchability” of public information and action focused on open communication of government information. Accessible and open government information matters for transparency and accountability, but the milestones were not specific and measurable, and they focused on national government action when most citizen-government interactions take place on the local level. This commitment would be more effective if it was translated into clear measurable milestones and if there were concrete pilots on open and accessible government information in areas of citizen interest, as indicated in the March 2013 focus group study.</p>
<p>15. Citizens access to personal data</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited 	<p>Citizens have the legal right to review their personal data, and this commitment aims to increase transparency and accountability by allowing citizens to easily access and correct their data. The current online mechanism remains limited in scope and functionality, and it lacks a clear legal mandate. The next action plan can strengthen this commitment by translating the General Audit Court report’s recommendations into concrete commitments and extending the right to review to include metadata and content.</p>
<p>★ 16. Online announcements and notifications</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	<p>This commitment modernised regulations, allowing online publication of legislation as the primary format for public notification of decisions. Changing the law and creating a single online publication platform improves administrative efficiency and integrity. However, it does not guarantee enhanced public awareness, and the language of the commitment is unclear in its relevance to OGP values. The next action plan can ensure that MyGov retains a participatory element and enhances transparency by including a feedback mechanism in MyGov, and involving the National Ombudsman as a supervisory body.</p>
<p>17. Public services and user perspective</p> <ul style="list-style-type: none"> • OGP value relevance: Unclear • Potential impact: Minor • Completion: Unclear 	<p>The goal of this commitment is to improve the quality of public sector outreach and interaction with citizens, particularly with regards to online and integrated services. The language of the commitment is not clearly connected with open government core values. The IRM researcher recommends no further steps in the next action plan.</p>

RECOMMENDATIONS

In the Netherlands, the central government fulfils a service-oriented role; thus, issues of civic participation and transparency are highly salient. The theme of open government connects various debates on the modernisation of government-society relations, but the current action plan failed to engage local governments and civil society as agents for change. The action plan also suffered from a lack of measurable and time-bound milestones to ensure accountability. Based on the challenges and findings identified in this report, this section presents the IRM researcher's principal recommendations.

Top SMART recommendations

TOP FIVE 'SMART' RECOMMENDATIONS	
1. The right to correct and review personal data	<p>The IRM researcher recommends that, by the end of 2015, the government commits to providing a legal basis for granting citizens access to review personal data held by government including who has reviewed this data, when, and for what purposes.</p> <p>In order to achieve recent recommendations made by the General Audit Court on the basis registries, as a first step, Government can explicitly mandate the National Ombudsman to help citizens in realise their right to correct and review personal data.</p>
2. Open budget and open spending	<p>As part of the next action plan, Netherlands can commit central government ministries and agencies to follow the example set by the Ministry of Finances and report their finances in the General Court of Audit open data format.</p>
3. Active publication of government information	<p>The IRM researcher recommends the next action plan should contain an analysis of the categories of information that are of interest to the public and make this information available. This would help implement the European Directive on Public Information 2013/37/EU. The method for publishing open data developed by the Ministry of Finance for the national budget should be applied to financial items in all ministries and should be inserted into the national budget.</p>
4. Instruments to enhance integrity	<p>Government should enforce uniform use of existing integrity tools by local and regional governments by applying systems adopted by a coalition of forerunning municipalities. Local governments should be legally obliged to have online accessible registries on integrity violations before the end of 2015. Items from this strategy can be included as part of the next OGP action plan.</p>
5. Open working	<p>The IRM researcher recommends taking commitments to structurally embed Pleio as a platform for inter-organisational communications and sharing of innovation, as supported by various Dutch government officials and civil society organizations.</p>

Eligibility Requirements 2012: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

Budget Transparency:	N/A	Access to Information:	Law Enacted
Asset Disclosure:	3 out of 4	Civic Participation:	9.41 of 10

Frans Jorna is a professor of Governance at Saxion University. His research focuses on open governance, open data, and smart cities. He is an active member of the International Research Society of Public Management (focusing on local governance leadership) and the Network of Independent Schools of Public Administration in Central and Eastern Europe (focusing on participation, transparency, and urban governance).

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

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INDEPENDENT
REPORTING MECHANISM

I. National Participation in OGP

I.1: History of OGP participation

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In pursuit of these goals, OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to a common pursuit of open government. OGP stakeholders include participating governments as well as civil society and private sector entities that support the principles and mission of OGP.

The Netherlands began its formal participation in September 2011, when the Minister of the Interior and Kingdom Relations Piet Hein Donner declared his country's intention to participate in the initiative.¹

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions, with points awarded as described below. The Netherlands entered into the partnership exceeding the minimal requirements for eligibility, with a high score in each of the criteria. At the time of joining, the country had an access to information law,² received a score of 3 out of 4 asset disclosure for senior officials,³ as well as a score of 9.41 out of a possible ten on the Civil Liberties category of the Economist Intelligence Unit's Democracy Index.⁴ The International Budget Partnership did not evaluate the country for budget transparency.

All OGP participating governments are required to develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programmes. Action plans should then set out governments' OGP commitments, which move government practice beyond its current baseline with respect to the relevant grand challenge. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Along with the other 58 countries participating at the time, the Netherlands developed its draft National Action Plan from September 2011 to September 2012. On 12 September 2012, elections resulted in the formation of a new government coalition. The new Cabinet was sworn in on 5 November 2012. Without formal cabinet approval, the adoption and subsequent implementation of the plan halted. The outgoing cabinet left the adding of new commitments or increasing the level of commitments to its successor and limited itself to communication on the process of open government in social media. Interdepartmental co-ordination led to a number of smaller alterations to the wording of commitments.

In October 2012, the Ministry of the Interior and Kingdom Relations organised an "Open Government Month" with many events related to open government themes organised by the Ministry and its partners. The series of events were set up to share the draft of the action plan with civil society to build a broad social alliance around it and gain input for the National Action Plan.

The National Action Plan was finally approved in a formal Cabinet meeting on 27 September 2013⁵ and sent to Parliament shortly after. This cleared the way for

implementation. Although the plan does not set a clear due date for implementation and does not contain specific time-measurable milestones, it does refer to a two-year implementation period. Thus, the formal implementation period is assumed to be October 2013-September 2015.

The government published its self-assessment report mid-September 2014 with a consultation period until September 29. At the time of writing (mid October 2014) the final self-assessment report, including comments from online consultation, had not been published yet.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Frans Jorna, Professor of Governance at Saxion University of Applied Sciences, who carried out this evaluation of the development and implementation of the Netherlands first action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

I.2: Basic Institutional context

The Ministry of the Interior and Kingdom Relations is the leading office responsible for the OGP process in the Netherlands. Within the Ministry, all activities on Open Government are co-ordinated by the Interaction Team of the Directorate Citizenship and Information Policy. The Ministry of Interior and Kingdom Relations is responsible for the system of government in the Netherlands and is one of the central co-ordinating ministries. It has a strong direct working relationship with local and regional governments and is the driver for the agenda on the modernisation of public governance with a focus on making government citizen-oriented.

Horizontal co-ordination is needed to implement and oversee the actions following the OGP action plan. The action plan was deliberately devised to integrate and reinforce pre-existing programmes and projects in the domain of open government by stretching them and linking them to new commitments. This is reflected in the large number of ministries, regional and local governments, civil society organisations, and even legislatures that were consulted in drafting the action plan and contributed commitments to it.

While broadening the coalition for open government, this grassroots approach complicated the co-ordination, compilation, and implementation of the action plan. Two groups aided and co-ordinated the process. The “Stimulus Group,” initially designed as a steering committee, including all the general directors formally responsible for the actions in the action plan,⁶ functioned as a soundboard for the ministry and had the task of making ‘open government’ a government-wide approach.⁷ Departmental and interdepartmental discussions on how to devise the implementation structure of the open government agenda led to a very cautious non-outreaching involvement of the two groups. The Stimulus Group met twice: in December 2013 in a formal meeting, and according to government interview, in May 2014 as a study-visit to the municipality of Tilburg.

To provide a wider social platform for the action plan, the Ministry created the “Inspiration Team,” consisting of some 260 professionals from civil society, local government, private companies, and central government organisations that had indicated their interest to contribute. The Inspiration Team met in November 2013 to develop a bottom-up open government agenda with grassroots initiatives.

Including open government in the existing government programmes instead of developing a whole new agenda means that the action plan is mostly funded from

previously demarcated budgets. New budgets were created only for specific open government processes and co-ordination activities.

Within the Ministry of the Interior, open government is closely associated with the open data programme, and until July 2014 on the official government website the open government section was part of a set of pages on open data.⁸ The agenda was broadened to include pre-existing and new commitments on active freedom of information and citizen participation. A team of five government officials, two of whom worked on open government as their primary focus, were responsible for the administration of the action plan as well as co-ordination of international OGP efforts. A switch of staff after the action plan had been adopted limited the personnel capacity the Ministry could muster to co-ordinate and oversee all of the activities.

I.3: Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In the Netherlands, the IRM partnered with Saxion University of Applied Sciences' Chair of Governance. Chair of Governance Frans Jorna reviewed the government's self-assessment report, gathered the views of civil society through an online debate, organised three in-depth stakeholder meetings, a large focus group, and interviews with appropriate government officials and civil society stakeholders.

The development and implementation of the action plan was well documented by the Ministry of the Interior and Kingdom Relations. Government stakeholders were involved in a government project to assess the social impacts of their actions, which required them to document their activities and outcomes. As these descriptions are detailed and the IRM researcher was able to validate the descriptions in talks with CSO stakeholders involved in the actions, this assessment relies largely on these existing documents.

¹ J.P.H. Donner, Minister of the State Office of the Comptroller General, letter to Minister Sobrinho, 8 September 2011, <http://bit.ly/1yGY1Do>

² <http://www.right2info.org/laws/constitutional-provisions-laws-and-regulations#netherlands>

³ Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), <http://bit.ly/19nDefK>; Organisation for Economic Co-operation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level of Transparency," in *Government at a Glance 2009*, (France: OECD Publishing, 2009), 132, <http://bit.ly/13vGtqS>; Richard Messick, "Income and Asset Declarations: Global Experience of Their Impact on Corruption" (paper prepared for the Conference on Evidence-Based Anti-Corruption Policy organised by Thailand's National Anti-Corruption Commission (NACC) in collaboration with the World Bank, Bangkok, Thailand, 5-6 June 2009), 16, <http://bit.ly/1clokyf>

⁴ The Economist, *Democracy Index 2010: Democracy in Retreat*, by the Economist Intelligence Unit (Report, London, 2010), <http://bit.ly/eLC1rE>

⁵ Open Government Partnership (OGP), *Netherlands Action Plan Open Government* by the Ministry of the Interior and Kingdom Relations (Report, 29 October 2013), <http://bit.ly/1BJysCe>

⁶ Open Government Partnership (OGP), *Netherlands Action Plan Open Government* by the Ministry of the Interior and Kingdom Relations (Report, 29 October 2013), 11, <http://bit.ly/1BJysCe>

⁷ Parliamentary documentation system, Letter 2013-0000668186

⁸ "Open Data NEXT," Netherlands Ministry of the Interior, <https://data.overheid.nl/>

II. Action Plan Development

Action plan development in the Netherlands was a lengthy process due to the sudden change in government in the fall of 2012. The outgoing government did not approve the already designed action plan. This resulted in twelve months of limbo, which affected the process as well as the content of the action plan.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views, and make a summary of the public consultation and all individual written comment submissions available online
- Undertake OGP awareness-raising activities to enhance public participation in the consultation
- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in section “III: Consultation during implementation”:

- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation –this can be an existing entity or a new one.

This is discussed in the next section, but evidence for consultation both before and during implementation is included here in Table 1 for ease of reference.

Table 1. Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	Yes
	Provide any links to the timeline.	https://www.facebook.com/OpenOverheidNL/events https://twitter.com/OpenOverheidNL http://bit.ly/1rLYTV8 The official OpenGov homepage, a very general link containing documents only: https://data.overheid.nl/openoverheid
Was there advance notice of the consultation?	No	

	How many days of advance notice were provided?	N/A
	Was this notice adequate?	No
	Did the government carry out awareness-raising activities?	Yes
	Provide any links to awareness-raising activities.	https://data.overheid.nl/node/177
	Were consultations held online?	No
	Provide any links to online consultations.	No reports were published. Instead, the government used the updated version of the action plan to record what it learned from the consultation and to reformulate the commitments. Updates were provided mostly through the government's open government Facebook page. The Facebook page did not function as a consultation forum. ¹
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	No
	Provide any links to summary of comments.	N/A
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum. ²	Consult
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.	Involve

Advance notice and awareness-raising

The Dutch government followed an interactive approach in drafting the action plan, which focused on three themes: transparent government, engaging government, and accessible government. Awareness-raising relied largely on direct professional networking. Open government was not considered a new theme, but more of an umbrella concept that connected the various debates and communities existing on topics like transparency and citizen engagement. Central government deliberately choose to reach out on the various subthemes of open government and treat the open government debate as a more professional topic. Invitations for events were shared through professional networks. Anyone indicating interest was welcome, but the circle of participants was limited and national media did not cover these events. A more fixed and transparent form of consultation was considered but not adopted for two reasons: an interregnum period between two governments and the simultaneous consultation of

the same community on the new draft Freedom of Information (FOI) law, leading to the parliamentary initiative to replace the existing FOI law with an “Open Government Law” (currently in the Upper House).³

Depth and breadth of consultation

Treating open government as a more professional, technical container concept connecting various pre-existing public debates and communities, the Dutch government deliberately opted for awareness-raising through existing networks of organisations working on open data, participatory democracy, open governance and freedom-of-information, as well as through contacts with local governments. Through one-on-one contacts and smaller thematic events, the open government team working from within the Ministry of the Interior and Kingdom Relations collected input for the draft action plan.⁴ To gain national attention and connect the various communities and initiatives involved, the Ministry of Interior invited its partners to organise a highly diverse series of open-entry activities connected with the theme of open government in October 2012 and programmed these as “The Open Government Month (October 2012).” These activities attracted many (but largely professionally interested) participants and succeeded in coherently publicising open government as an integrated theme.⁵ Few of these initiatives were new, however, and none of the results were published online or documented.⁶

In early February 2013, the Ministry of the Interior and Kingdom Relations held four focus group meetings organised by a consulting firm⁷ to probe the public’s perception of open government in an effort to validate the draft action plan. The focus groups showed that: (1) the label “open government” is counterintuitive to most citizens because government is perceived as being opaque, not very accessible, passive, abstract, and cumbersome; (2) transparency should be the main issue; (3) the action plan should focus on local governments as they are the first governments with which citizens interact; and (4) the action plan was perceived as abstract and not very relevant to openness.

A second series of activities was organised in March 2013 in the form of a mixed ‘boot camp’ of public servants and CSO-representatives. The series largely targeted the same audience, but was much smaller in scale because of a moratorium on policy-sensitive events during national elections, which took place in the same month.

As the draft action plan was in the process of interdepartmental co-ordination, the focus groups and boot camp had little effect on the text of the action plan. Neither the draft action plan nor the minutes of the open government boot camp were published on the open government website within the open data portal. In June 2013, Minister Plasterk notified Parliament that the action plan would not become available until September 2013.

¹ Open Overheid, <http://bit.ly/15tKxjd>

² “IAP2 Spectrum of Political Participation,” International Association for Public Participation, <http://bit.ly/1kMmlyC>

³ “Elections,” Eerste Kamer der Staten-Generaal, <http://bit.ly/15tKxjd>

⁴ <http://www.ogphub.org/blog/netherlands-going-local-with-open-government-country-article-7/>

⁵ Open Overheid, <http://bit.ly/15tKxjd>

⁶ Between 29 October 2012 and 15 February 2013, neither of the two preferred social media for OpenGov (Facebook and Twitter) showed substantial action: <https://twitter.com/OpenOverheidNL> and <http://bit.ly/1rLYTV8>.

⁷ “Rapportage over een Focusonderzoek, “Open Overheid,” 26 March 2013. Internal document, not available online

III. Action Plan Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This section summarizes that information.

Regular multi-stakeholder consultation

On 28 November 2013, the Ministry of Interior and Kingdom Relations organised the first formal meeting of the Inspiration Team during the implementation period. The team had as its objectives: (1) Gather feedback on the commitments and progress of the action plan; (2) Identify developments that as yet have not been identified in the action plan; and (3) Collect and connect experiences in the quest for open government.

All civil society and public actors who had previously shown an interest in open government or had been part of the earlier meetings, especially the consultation meeting on 17 May 2013, were invited. The Inspiration Team is an open forum that convenes twice a year. It has 260 members, 46 of which were present at the November meeting. The audience was composed of the following:

Central government	Local government	Civil society	Academia	Companies	Media	Parliament	Other
18	4	5	1	8	2	4	4

The meeting was used to announce the establishment of the Expertise Centre on Open Government.¹ Minutes of the meeting were not made available. Since May 2014, the Inspiration Team's mission has been supported by the Open Government Focal Point (Dutch: Point of Expertise on Open Government) within the national Information and Communication Technology Agency (ICTU). The Ministry of the Interior commissioned two staff members to do the following: (1) Map trends and developments within open government themes; (2) Develop useful toolkits; (3) Setup and develop pilots; and (4) Organise knowledge sharing and information dissemination on open government.

Establishing the Point of Expertise is expected to provide a strong impulse to the decentralised and distributed open government implementation strategy of the Ministry, focusing on concrete initiatives, pilots, and projects rather than broad scale implementation. The Expertise Centre on Open Government focuses on public professionals as drivers for change. Civil society organisations are not actively involved.

¹ "Waarom Open Overheid?" Expertisepunt Open Overheid, 14 January 2015, <http://bit.ly/1Cfy0kc>

IV. Analysis of Action Plan Contents

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programmes. Action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

OGP commitments are to be structured around a set of five “grand challenges” that governments face. OGP recognises that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and related concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

- **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
- **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
- **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
- **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
- **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, OGP commitments should be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

- **Access to information** — These commitments:
 - pertain to government-held information;
 - are not restricted to data but pertain to all information;
 - may cover proactive or reactive releases of information;
 - may pertain to strengthening the right to information; and,
 - must provide open access to information (it should not be privileged or internal only to government).
- **Citizen participation** — Governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative, and effective governance. Commitments around access to information:
 - open decision making to all interested members of the public; such forums are usually “top-down” in that they are created by government (or actors empowered by government) to inform decision making;

- often include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- often include enhancing citizens' right to be heard, but do not necessarily include the right to be heeded.
- **Public accountability** — Rules, regulations, and mechanisms in place call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments. As part of open government, such commitments have an "open" element, meaning that they are not purely internal systems of accountability without a public face.
- **Technology and innovation for transparency and accountability** — Commitments for technology and innovation promote new technologies, offer opportunities for information sharing, public participation, and collaboration. Technology and innovation commitments:
 - should make more information public in ways that enable people both to understand what their governments do and to influence decisions;
 - may commit to supporting the ability of governments and citizens to use technology for openness and accountability;
 - may support the use of technology by government employees and citizens alike;
 - may focus on the national, local and/or subnational level, wherever the government believes their open government efforts will have the greatest impact.

Recognising that achieving open government commitments often involves a multi-year process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible.

This section details each of the commitments the country included in its initial action plan. While most indicators used to evaluate each commitment are self-explanatory, a number deserve further explanation.

1. **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and OGP grand challenges.
 - **OGP values:** To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate a clear link to fundamental issues of openness.
 - **Grand challenges:** While some commitments may be relevant to more than one grand challenge, the IRM researcher only marked challenges that had been identified by government.
2. **Ambition:** The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
 - **Potential impact:** To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's findings and experience as a public policy expert.
 - **New or pre-existing:** Based on the facts, the IRM researcher also recorded whether a commitment was based on an action that pre-dated the action plan.
3. **Timing:** The IRM researcher evaluated each commitment's timing, even when clear deliverables and suggested annual milestones were not provided.

- Projected completion: In cases where this information was not available, the IRM researcher made a best judgment based on the evidence of how far the commitment could possibly be at the end of the period assessed.

General overview of the commitments

Overview

The Dutch OGP action plan consists of two components: the Vision on Open Government¹ and the Action Plan of commitments on open government.² The Vision focuses on an open government modernisation strategy for the upcoming ten years. The Action Plan 2013-2015 specifies the commitments that will have to be implemented in the upcoming two years in order to enable the long-term strategy for change. Only the action plan has been submitted to OGP.

The Dutch government's action plan follows a somewhat different change strategy than specified by the OGP Guidelines.³ According to these guidelines, governments begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s), including specific open government strategies and ongoing programmes. Then, action plans set out governments' OGP commitments, which stretch government practice beyond its current baseline with respect to the relevant policy area.

The action plan is not a coherent, well-programmed plan devised to produce tangible results in relation to pre-set goals. Rather, it is an effort to collect, to connect, and to stretch pre-existing activities of Dutch public and civil society organisations. Consequently, the Dutch open government effort started with a visionary document that the Ministry of the Interior shared with other central government departments, branches, lower governments as well as its partners. The initiatives and ideas that were picked up along the way were collected into the action plan, with little central government budget available. As stated in the action plan, "The actions ... set out in the action plan will be funded as far as possible from resources already available, by performing planned activities in a different way."⁴

The plan also provides a platform for existing stakeholders promoting open governance that can help strengthen the national agenda: parliament, local governments, civil society organisations, and private enterprise. The plan is built on the premise that "openness is created in a highly practical manner, by just doing and experimenting, so that ideas and learning experiences start small and over time evolve into new ways of doing and insights."⁵

The action plan includes 17 commitments, most of which are pre-existing. Their description contains no deadlines or measurable deliverables. Specifications are available in the project documents but these measurable results have not been included in the action plan. Thus, many commitments cannot be measured and evaluated according to the IRM-criteria.

"Going local"⁶ in drafting the action plan, enlisting nongovernmental actors and opting for interdepartmental co-ordination in the final draft stages, resulted in a complicated implementation and co-ordination of the action plan. First, civil society organisations contributed initiatives to the action plan but were not accountable for their completion. Having a Stimulus Group that largely functioned as a sounding board instead of a steering committee meant that there was no single forum that could hold all of the stakeholders and the Ministry accountable for their progress. Second, implementing the plan without allocation of a specified budget, but rather through pre-specified activities led open government to be perceived as an add-on to the existing government agenda. Local governments and ministries other than the Ministry of the Interior and Kingdom Relations showed reservations regarding the costs associated with the action plan. These reservations contributed to the delay in action plan drafting between April 2013

and September 2013. They also led to a scaling down in ambition and specificity for a number of commitments between the first draft and the final action plan.

Clustering

The action plan consists of three thematic clusters:⁷

- Open information (10 commitments): accessible government open to all and independent of location and time, with commitments on the active publication of government information; open access; open data; open spending; open House of Representatives; instruments to enhance integrity; an open legislative calendar; internet consultation and grassroots initiatives to follow legislative processes; and an informal approach to freedom of information requests.
- Open work (4 commitments): collaborative, facilitating government seeking partners in society to address social issues, with commitments on professional freedom and openness instead of rules as a basis for administration; changing the attitudes of professionals and procedures on openness; the Water Coalition on citizen involvement in public service delivery; and the development of participation policies.
- Open access (4 commitments): accessible government information open to all and independent of location and time, with commitments on accessible and easy to find government information; public inspection and correction of information records; online announcements of legislation and strengthening users' digital competences.

Because of the link to the Vision on Open Government, most of the commitments are extensively introduced, contextualised, and linked to initiatives outside the National Action Plan. For review purposes, the descriptions of each commitment have been kept as brief as possible. The reader is referred to the original text of the action plan.⁸

¹ "Visie Open Overheid," Documenten en Publicaties, Rijksoverheid, <http://bit.ly/1zvqwVU>

² Open Government Partnership (OGP), *Netherlands Action Plan Open Government* by the Ministry of the Interior and Kingdom Relations (Report, 29 October 2013), <http://bit.ly/1BJysCe>

³ <http://www.ogphub.org/blog/netherlands-going-local-with-open-government-country-article-7/>

⁴ Open Government Partnership (OGP), *Netherlands Action Plan Open Government* by the Ministry of the Interior and Kingdom Relations (Report, 29 October 2013), 12, <http://bit.ly/1BJysCe>

⁵ Ministry of the Interior and Kingdom Relations, *Vision Open Government* (Report, 2013), 5, <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2013/09/01/visie-open-overheid.html>

⁶ Dolar Vasani, "Netherlands: Going Local with Open Government," Blog, Open Government Partnership, 2 August 2013, <http://bit.ly/1Jb8IPE>

⁷ The IRM researcher named the clusters with the aim of staying closer to OGP-terminology and of brevity.

⁸ Open Government Partnership (OGP), *Netherlands Action Plan Open Government* by the Ministry of the Interior and Kingdom Relations (Report, 29 October 2013), <http://bit.ly/1BJysCe>

Cluster 1. Open Information

1a. Active publication of government information¹

Action 1a: Designate categories of government information for active access.
Information from the government should be actively made accessible. Though this principle is enshrined in the Government Information (Public Access) Act, it does not happen as a matter of course. The House of Representatives has adopted a motion “the Voortman motion of 20 December 2012” calling for a presumption in favour of openness to be applied to government information.

Some catching up will be required, and it will not be technically - or financially - possible to provide immediate access to all government information.

In autumn 2013 the Ministry of the Interior and Kingdom Relations will launch a study to determine which categories of information would bring the most added value if actively made accessible. Demand from citizens and companies will be identified, and the study will also consider public-sector organisations’ technical, practical and financial capacity for actively making information accessible. This will highlight not only low-hanging fruit, but also future potential. There will be a clear link between this and the following action in this plan: “open by design.”

Pending the outcomes of the study, the following types of information will be considered for active release in the future, since consultation has revealed a demand for such a release policy.

Central government research reports (ARVODI)

Feasibility tests

Central government procurement information

Central government grant information.

Commitment Description		
A n s w e r a b i l i t y	Lead institution	Ministry of the Interior
	Supporting institutions	None
	Point of contact specified?	No
Specificity and measurability	1a.1. Study of categories of government information that can be made actively accessible	Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)
	1a.2. Make first category of government information actively accessible	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)
	1a.3. Identify potential for adapting the Government Terms and Conditions for Public Service Contracts (ARVODI) and prepare strategy	Low

Relevance	OGP grand challenges	Increasing public integrity, More effectively managing public resources				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	1a.1. Study of categories of government information	✓		✓		
	1a.2. Make first category of information accessible	✓		✓		
	1a.3. Identify potential for adapting ARVODI and prepare strategy	✓		✓		
Ambition						
Milestone		New vs. pre-existing	Potential impact			
1a.1. Study of categories of government information		New	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.			
1a.2. Make first category of information accessible		New	Minor: An incremental but positive step in the relevant policy area.			
1a.3. Identify potential for adapting ARVODI and prepare strategy		New	Minor			
Level of completion						
1a.1. Study of categories of government information						
Start date: 01-09-13			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Limited		
1a.2. Make first category of information accessible						
Start date: Not specified			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Limited		
1a.3. Identify potential for adapting ARVODI and prepare strategy						
Start date: Not specified			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Not started		
Next steps						
1a.1. Study of categories of government information.			Further steps required in next action plan.			
1a.2. Make first category of information accessible			Further steps required in next action plan.			
1a.3. Identify potential for adapting ARVODI and prepare strategy			Further steps required in next action plan.			

What Happened?

This commitment aims to speed up the process of open access to government information. The general purpose is to enable citizens to be better informed about what happens in government and to help public servants make better use of each other's information. Although Dutch law is clear on the intention of improving open access, in practice open access is limited.

The commitment proposed three new concrete milestones, but the project plans designed to put the commitments into practice were formulated in such general terms that the already limited specificity of the original milestones was diluted. The project that was included in the action plan was conflated with the adoption of a parliamentary motion to release certain categories of fiscal data important to Members of the House of Representatives. This financial information is primarily relevant to parliamentarians and has little relevance to the information that the public finds valuable, as specified in the open government focus group report.² The focus group report specifies, for example, citizens' interest in the comparative costs of homecare solutions or the efficacy and costs of maintenance of public spaces in various municipalities.

The Ministry of Finance has started to publish all information on grants as specified by commitment three in an open data format. A study of what categories of government information can be made public has started and will be evaluated in the beginning of 2015. However, the study seeks to identify the types of information that can be published in open format, rather than identifying the types of information to which the public would want open access. Furthermore, two ministries have started a pilot on open access to research publication opportunities. Adaptation of the Government Terms and Conditions for Public Service Contracts (ARVODI) is still off the agenda.

According to the government's self-assessment report, the government underestimated the resources and the time needed to implement open access. The original tender for suitable proposals did not produce workable approaches, so a new, reformulated tender was published, leading to a study on citizens' needs for open access information. As the House of Representatives had adopted the motion "Voortman" requiring the government to send all research reports related to open access to Parliament within two weeks,³ most of the actions set in motion by this commitment were focused on fulfilling this parliamentary requirement.

Did it Matter?

As the milestones were not completed, the impact has been highly limited. The only concrete results have not been produced as part of the action plan, but in response to a motion adopted in the House of Representatives that had no connection with the OGP initiative. The focus groups on open government called for a concrete reason for not providing open access. The groups also called for the establishment of concrete criteria for selecting information for open access that directly affects citizens, such as processes of spatial planning, infrastructure, and area development.⁴

Civil society organisations like the Open State Foundation⁵ and the collective associations of journalists call for urgent modernisation⁶ of the government's existing access to information system, which would introduce "active information" such as open source publishing of financial- and policy-related information that is of interest to the public.

The Netherlands is subject to the European Directive on Public Information of 2013, which sets specific requirements for open access. Specifically, the revised Directive on the Re-use of Public Sector Information (2013/37/EU) calls upon the European Commission to assist Member States in implementing this Directive in a consistent way. They do this by issuing guidelines, particularly on recommended standard licenses,

datasets to be published as a matter of priority, and charging for the re-use of documents, after consulting interested parties. Member states have to implement the directive by 2015. At the time of writing (November 2014), the initiative law on open government on the open access of information relevant to the public interest⁷ was being considered in the Senate. The adoption of this law would make the current supply-driven approach, in which decisions on releasing information are based on availability of data rather than public demand for it, obsolete.

Moving Forward

The open government focus group report of March 2013 identified certain categories of information to be prioritised for active publication.⁸ This report should guide government decisions for the type of information to be published by the end of 2015. Consequently, the next action plan should include an analysis of the categories of information of public interest to be opened up in order to implement the European Directive on Public Information 2013/37/EU. Additionally, the methodology developed by the Ministry of Finance for publishing open data should be applied to financial items in all ministries and to the national budget.

¹ The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² "Overview," Open Government Partnership, Netherlands, <http://www.opengovpartnership.org/country/netherlands>

³ Prime Minister to the House of Representatives, letter filed on Representative Voortman's motion on openness in external contacts, 28 November 2013, TK 33 750 VII, nr. 31.

⁴ "Rapportage Over Een Focusgroeponderzoek," Open Overheid, Ministry of the Interior, 26 March 2013.

⁵ "Open Data: Vijf Aanbevelingen Voor Regering en Parlement," Open State, 15 September 2014, <http://bit.ly/1tY2kbL>

⁶ Frits Campagne et al., journalists, letter to Minister of the Interior and Kingdom Relations, Dr RHA Plasterk, in response to the amendment to the Freedom of Information Act, 18 August 2014, <http://bit.ly/1BCAzsV>

⁷ "Initiatiefvoorstel-Voortman en Schouw Wet Open Overheid," Eerste Kamer der Staten-Generaal, <http://bit.ly/15tKxjd>

⁸ "Open government focus group report, Ministry of the Interior and Kingdom Relations, project number 4598, 26 March 2013, unpublished"

1b. Active access¹

Action 1b: Rethink information management and active access: four ‘open by design’ pilot projects.

To provide good, rapid access to government information, freedom of information and open standards must be incorporated into the design of information systems. For example, the system must allow non-public information to be labelled as such when information is first created or a form completed. Exactly what this implies for information systems will first have to be determined in a number of pilot projects.

The pilot projects will compile a set of functional requirements so they are available when the applications in question need to be put in place. At least four pilot projects will be launched at four different public-sector organisations before any choices are made or directions defined. Opportunities for conducting such projects will be sought in central, local and provincial government, and at water authorities and implementing bodies.

The outcomes of the pilot projects will be used to determine when and to what extent open-by-design practices can be introduced into the public sector’s information management regime and implementation processes. The costs of implementation will also be considered.

CIOs, the National Archives and the Standardisation Board and Forum will be important partners in efforts to achieve the necessary preconditions for active access and open-by-design practices in central government.

The proposed measures must of course comply with the measures agreed by the Government (cost savings, Reform Agenda). The financial implications of this action item (open by design) will be further investigated during and after the pilot projects.

Steps to be taken:

- Complete and publish open-by-design pilot projects
- Have functional requirements ready for new government information systems

Commitment Description		
A n s w e r a b i l i t y	Lead institution	Ministry of the Interior
	Supporting institutions	Chief information officers within the national ministries, the National Archives, and the Standardisation Board and Forum
	Point of contact specified?	No
Specificity and measurability	1b.1. Complete and publish 4 open-by-design pilot projects	Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)
	1b.2. Have functional requirements ready for new government information systems	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)

Relevance	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	1b.1. Complete 4 pilot projects	✓		✓	✓	
	1b.2. Functional requirements ready	✓		✓	✓	
Ambition						
	Milestone	New vs. pre-existing	Potential impact			
	1b.1. Complete 4 pilot projects	New	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.			
	1b.2. Functional requirements ready	New	Transformative: A reform that could potentially transform “business as usual” in the relevant policy area.			
Level of completion						
1b.1. Complete 4 pilot projects						
	Start date: September 2013			End date: September 2013		
	Projected completion	Limited	Actual completion	Limited		
1b.2. Functional requirements ready						
	Start date: September 2013			End date: December 2015		
	Projected completion	Limited	Actual completion	Limited		
Next steps						
	1b.1. Complete 4 pilot projects		Further steps required in next action plan.			
	1b.2. Functional requirements ready		Further steps required in next action plan.			

What Happened?

The goal of this commitment is to determine how, when, and at what cost “open-by-design” can be realised within the information architecture of the Dutch central government. There are two reasons for why little progress is reported on this commitment. First, after a failed attempt at an IT systems development within the central government, the House of Representatives conducted a parliamentary inquiry on IT systems development in the public sector between November 2012 and October 2014. During this time, central government projects and processes involving systems development were delayed or temporarily put on hold.

Second, the pilot projects had to be carried out within the framework of the central government coalition agreement of September 2012 that specified central government priorities. In terms of budget allocation, ‘new priorities’ can only be funded if they are formulated within the framework of the agreement. Because the pilots were designed after the new coalition agreement of September 2012, no new funds were allocated for their completion. As a result of these budgetary limitations and delays, the commitment focused on identifying open-by-design projects that were already in progress and determining which new system development process could serve as a potential pilot. These processes have been identified and analysis is underway. By the end of 2015, the first generic document storage and retrieval services should be available.

Did it Matter?

No definite progress can be reported. However, the commitment is ambitious and potentially transformative, as indicated in the analysis of the Center for Budget information and Citizen Participation² and the Open State Foundation's project on opening financial spending data.³ Having 'open by design' databases and information systems is a prerequisite for active openness, and the link proposed in this commitment between structured information (databases) and unstructured information (information systems) is a potentially powerful one. The limited progress, however, signals a lack of urgency on the part of the central government ministries and agencies.

Moving Forward

The IRM researcher recommends that the government carry out the four planned pilots and compiles a set of requirements for open-by-design projects based on those pilots. To increase accessibility, information users could be actively involved in the pilot projects. This commitment should then be implemented as part of the Directive on the Re-use of Public Sector Information (2013/37/EU).⁴

¹ The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² Mariëtte de Groot, "Open Spending 2.0: Civil Society Zoekt Transparent Overheid," Magazine, iBestuur Online, 4 September 2014, <http://bit.ly/1tkFAhO>

³ "Gemeenten Hebben Baat Bij Open Data," Open State, 20 March 2014, <http://bit.ly/1ulq59I>

⁴ The European Parliament and Council, "Directive 2013/37/EU," Official Journal of the European Union, 27 June 2013, <http://bit.ly/1mPZcLV>

2. Open data¹

Action 2: Further develop and promote disclosure and use of Open Data.

The basic principle of public access to government information is that data must be provided in a re-usable format. The Ministry of the Interior and Kingdom Relations, the Ministry of Economic Affairs and the Ministry of Infrastructure and the Environment are currently in the process of making their data accessible. These ministries have issued a political statement concerning open data, declaring that they will pursue a policy based on a “presumption of active access.”

This is likely to become the guiding principle for all public-sector organisations. The Netherlands Court of Audit also increasingly recommends in its reports that information be made available in the form of open data.

- *Open Data NEXT was launched in 2012. To demonstrate the opportunities open data can bring to government, the programme identifies social and economic issues that can be addressed using open data.*
 - *Open Geodata breakthrough project: “Open geodata as a resource for growth and innovation.” The focus is on the demand side: what kind of open geodata do businesses need? Public-private partnerships involving public authorities, businesses and research institutions (the “golden triangle”) are bringing together the supply and demand sides of open data. The network organises “relay meetings” on certain themes, chosen on the basis of market demand.*
 - *Open data knowledge network. The open data knowledge network focuses mainly on disseminating knowledge to public authorities that wish to start providing open data. A guide is currently being prepared. The knowledge network holds an annual open data conference.*
 - *Digital Cities Agenda: It will focus specifically on a top-20 list of easily implementable projects on open data for local authorities. Work is also underway to make open data on energy and education available. Workshops will be organised to promote commercial use of open data.*
- Data.overheid.nl: Data.overheid.nl (“data.government.nl”) is the central portal for all information on Dutch government open data. The index will be further developed to ensure it meets requirements concerning metadata, standardisation and the findability of open datasets Quality of data: Every dataset published online comes with an “explanatory insert.”*

Commitment Description		
Availability	Lead institution	Open Data Programme Ministry of the Interior and Kingdom Relations Open Data Innovation Network
	Supporting institutions	Ministry of Economic Affairs Ministry of Infrastructure and the Environment Digital Cities Agenda
	Point of contact specified?	Yes
Specificity and measurability	2.1. Explanatory data insert	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)

	2.2. Open Data Next: re-usable examples of open data for governments and re-users	Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
	2.3. Open Geo data thematic relay-meetings	Low				
	2.4. Digital Cities Agenda: Top 20 easily realisable open data projects identified. Workshops 'Entrepreneurs with open data'	Medium				
	2.5. Data.overheid.nl: Metadating, findability, open datasets	Low				
R e l e v a n c e	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	2.1. Explanatory data insert	✓		✓	✓	
	2.2. Open Data Next	✓			✓	
	2.3. Open Geo data thematic relay-meetings	✓			✓	
	2.4. Digital Cities Agenda	✓			✓	
	2.5. Data.overheid.nl: Metadating, findability, open datasets	✓		✓	✓	
Ambition						
	Milestone	New vs. pre-existing	Potential impact			
	2.1. Explanatory data insert	Pre-existing	Minor: An incremental but positive step in the relevant policy area.			
	2.2. Open Data Next	Pre-existing	Minor			
	2.3. Open Geo data thematic relay-meetings	New	Minor			
	2.4. Digital Cities Agenda	New	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.			
	2.5. Data.overheid.nl: Metadating, findability, open datasets	Pre-existing	Minor			
Level of completion						
2.1. Explanatory data insert						
Start date: Not specified			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Unable to Tell from Government and Civil Society Responses		

2.2. Open Data Next			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Unable to Tell from Government and Civil Society Responses
2.3. Open Geo data thematic relay meetings			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Substantial
2.4. Digital Cities Agenda			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Unable to Tell from Government and Civil Society Responses
2.5. Data.overheid.nl: Metadating, findability, open datasets			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Unable to Tell from Government and Civil Society Responses
Next steps			
2.1. Explanatory data insert		Further steps required in next action plan.	
2.2. Open Data Next		Further steps required in next action plan.	
2.3. Open Geo data thematic relay-meetings		No further steps required in the next action plan.	
2.4. Digital Cities Agenda		Further steps required in next action plan.	
2.5. Data.overheid.nl: Metadating, findability, open datasets		Further steps required in next action plan.	

What Happened?

The Open Data Agenda largely consists of contributions from the national government data programme, which was pre-existing at the time of drafting the action plan. The portal data.overheid.nl is a national government open data portal offering information on public government datasets and the national Register Open Data, including links to public open datasets. The Open Data Agenda seeks to encourage central government agencies, ministries, municipalities, and private sector to work with open datasets.

In terms of projects, the Ministry of the Interior and Kingdom Relations focused on developing Open Data Next, a needs-based open data approach for solving social problems connected with demographic change and urban deprivation. The various instruments and tools used in the project were published in the open data portal.²

As an outcome of the government initiative, an active community formed around the theme of open data. The Digital City agenda, OpenDataNext, and Open Geo Data have organised a large number of meetings involving hundreds of delegates from private enterprise, academia, civil society organisations, and governments.³

However, written reports on the results and the effects of these meetings are not available. Because the open data agenda aims to generate attention on open data, rather than deliver specific results, the open data portal is organised around activities. The government self-assessment does not specify results either.

Did it Matter?

The potential impact of this commitment is difficult to determine because of the way the commitment is written. There is no clear programme plan with measurable milestones and due dates to serve as benchmark measures.

The Open State Foundation, a CSO working on open information access, has called for increased attention on the open data agenda, pointing out that previous studies have proven the economic benefits of open data for the Netherlands.⁴ Private sector companies like Pink Roccade that deal with open data initiatives have reported a shift in focus to the development of apps in concrete open data labs. This marks a move away from the relay-like series of meetings and other conference activities that bring together all of the organisations and enterprises involved in open data to meet and talk, but do not actually produce tangible results.⁵

The Government's Open Data Programme has been responsive to these criticisms. It has shown a move away from bigger network meetings to more results-oriented, hands-on activities (often in co-operation with CSOs) such as data hunts and hackathons for concrete social problems solutions in local open data labs.

Moving Forward

Because governance is decentralised and multi-level in the Netherlands, co-ordinating open data processes is not an easy job. There are a great many datasets built in diverse ways, and many stakeholders are invested in these datasets.

Following the recommendations of the Open State Foundation,⁶ the IRM researcher recommends that the next action plan set deadlines and include local public datasets. Most innovation on open data takes place locally, but opening datasets requires central government facilitation. The explanatory insert on datasets⁷ that was announced in the action plan should be further developed.

In regards to Data.overheid.nl, the Government should: (1) develop the format explanatory data insert to be added to open datasets published by central and local governments, (2) provide a calendar for the publication of open datasets, and (3) publish all public information already available online in PDF format in open data format.

For the Digital Cities Agenda, locally based innovation hubs could bring together local governments, private sectors stakeholders, research institutions, and citizens to collaborate on results driven projects. Similarly, for Open Data Next, local entrepreneurs and data-experts could collaborate in national, regional, and local hackathons.

¹ In the action plan, this commitment is "Action 2: Further develop and promote disclosure and use of Open Data." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BjysCe>.

² "Tools en Techniek," Open Data Portal of the Dutch Government, <https://data.overheid.nl/tools-techniek>

³ "Nulmeting MKBA," Open Overheid, SEO, August 2014.

⁴ "Open Data: Vijf Aanbevelingen Voor Regering en Parlement," Open State, 15 September 2014, <http://bit.ly/1tY2kbL>

⁵ Open Data Living Lab Deventer, Saxion See First Milestone 'Quality of Data,' 1-3 March 2014.

⁶ Ajan al Fassed, interview with the IRM researcher, 22 October 2014.

⁷ For an example, see the open data insert on public motor vehicles records:

<https://www.rdw.nl/SiteCollectionDocuments/Over%20RDW/Naslagwerk/Bijsluiter%20gebruik%20Open%20Data%20via%20RDW.pdf>

3. Open budgets and open spending¹

This commitment is a starred (★) commitment.²

Action 3: Increase financial transparency through Open Budget and experiments with Open Spending and Budget Monitoring

Budgets will increasingly be drafted in digital form over the coming years. In collaboration with all parties involved and as part of existing practice, the Ministry of Finance will therefore provide access to the annual central government budget, amended budgets and accountability information in the form of open data.

However, financial information consists of more than just budget information; income and expenditure are also important. "Open Spending" is an international project and an open source platform administered by the Open Knowledge Foundation (OKFN), an international non-profit organisation that promotes open knowledge through open content and open data.

Non-profit organisation Open State is currently implementing Open Spending in the Netherlands. Over the coming period, talks will be held with Open State concerning the possibility of setting up open spending pilot projects (e.g. insight into the financial data of the four levels of administration: central, provincial, local and water authorities).

Budget monitoring is a means of allowing citizens, communities and organisations access to financial information, giving them an insight into budgetary processes and public spending.

The Ministry of the Interior and Kingdom Relations plans to explore the opportunities and prerequisites for publicising its spending data with the idea of providing active access to public spending data. This exercise will lead to a strategy. It will also identify the costs and benefits of releasing this data.

Commitment Description						
Answerability	Lead institution	Ministry of Finance Open Government Programme Ministry of the Interior and Kingdom Relations				
	Supporting institutions	Open State Foundation				
	Point of contact specified?	Yes				
Specificity and measurability	3.1. Open budgeting	High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
	3.2. Active access to spending data	High				
Relevance	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	3.1. Open budgeting	✓	✓	✓	✓	
	3.2. Active access to spending data	✓	✓	✓	✓	

Ambition			
Milestone	New vs. pre-existing	Potential impact	
3.1. Open budgeting	Pre-existing	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.	
3.2. Active access to spending data	New	Transformative: A reform that could potentially transform “business as usual” in the relevant policy area.	
Level of completion			
3.1. Open budgeting			
Start date: September 2011		End date: September 2012	
Projected completion	Complete	Actual completion	Complete
3.2. Active access to spending data			
Start date: September 2011		End date: Fall 2014	
Projected completion	Substantial	Actual completion	Substantial
Next steps			
3.1. Open budgeting		Further steps required in next action plan.	
3.2. Active access to spending data		Further steps required in next action plan.	

What Happened?

Over the past two years, the Ministry of Finance has laid the groundwork for open budgeting and open spending. Although this is a pre-existing commitment still mostly in the design stage, the commitment expands on current practices. From 2012 on, the budgets of all ministries are accessible as open data, but with limited specificity. Although accessible, the budgets are published on the date required by parliament rather than when they become first available. The datasets are published on the Government’s open data website.³ It is up to CSOs such as the Open State Foundation to access the site. To further the effort, the Ministry of Finance is developing a data format that specifies which information should be delivered at each level, so that the open budget effort can move from design to actual implementation. A “data hunt” in the Ministry of Finance resulted in a number of open datasets that will be published in the upcoming years. Currently, other ministries are in the process of planning similar data hunts.⁴

As to budget monitoring and open spending, in 2013, the General Accounting Chamber published its reports as open data for the first time in an attempt to encourage other public organisations to do the same. The Open State Foundation set up a number of budgetary spending pilots that allow citizens to compare local expenditure, but the availability of financial information from the different levels of administration remains limited.⁵

The exploratory study on active access to open spending data is expected to take place after an interdepartmental consensus is reached on the level and pace of open budget data at the end of 2014.

Did it Matter?

The progress on budget monitoring and open spending has been significant. At the national level, the Ministry of Finance’s groundwork on opening up the data on the national budget was adopted by other ministries. This is particularly important in the Netherlands today. The need to economize, prompted by the economic crisis, and the large transfer of social spending from the national to the local government in 2014, increase the need for budgetary and spending transparency.

Outside the central government, closed financial data are still the norm. The aim of the Open State Foundation is to open up local finances of budget data⁶ through the Central Bureau of Statistics and to add metrics for data opening. Now that over 50% of public authorities have opened up their spending data and platforms and instruments are in place, a powerful movement has been created to open up other types of public spending.⁷

Moving Forward

In order to reinforce the financial transparency of government and help elected politicians to monitor, check, and control public expenditure, open data is the prerequisite. The Open State Foundation, for instance, calls upon the national government to make open spending the norm and apply openness principles to public sectors financial data at the national and local level.

To increase fiscal and budgetary transparency, other central government bodies should follow the Ministry of Finance's initiative and apply the General Court of Audit format to their own financial reporting schemes. Local and regional governments and agencies could open up their spending data in machine-readable formats. CSOs could contribute to these efforts by developing applications, adding metrics, and articulating social demands, needs and opportunities for budgetary transparency.

¹ In the action plan, this is, "Action 3: Increase financial transparency through Open Budget and experiments with Open Spending and Budget Monitoring." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria. (1) It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity. (2) Commitment language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. (3) The commitment must have a "moderate" or "transformative" potential impact, should it be implemented. (4) Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

³ "Opendata Sets," Open Data, Rijksbegroting, <http://opendata.rijksbegroting.nl/>

⁴ Open Government Partnership, *Netherlands OGP Self Assessment Report 2014* (Report, September 2014), <http://bit.ly/1KZpzsu>

⁵ Openspending, <http://openspending.nl/>

⁶ Openspending, <http://openspending.nl/>

⁷ Openspending, <http://openspending.nl/>

4. Open House of Representatives¹

Action 4: Open House of Representatives

In 2012 the House of Representatives began releasing parliamentary data. The process started with a “hackathon” entitled Apps for Democracy. This will continue along the following lines in the future:

1. *Parlis online: Information on the parliamentary process will be made accessible via Parlis. Papers, agendas, schedules and reports will all be disclosed to the public.*
2. *Further development of API: Initially, an API was made available to a limited group of users. On the basis of experience to date, it is now being made openly available. This will make it possible to retrieve real-time information, among other things.*
3. *House of Representatives SessionApp.*
4. *All sessions can be followed via a livestream, and opportunities to watch again and search footage will be expanded in the longer term.²*

Commitment Description						
Answerability	Lead institution	President of House of Representatives				
	Supporting institutions	None				
	Point of contact specified?	Yes				
Specificity and measurability	4.1. Parlis online	High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)				
	4.2. Parliamentary API	High				
	4.3. & 4.4. Session app	High				
Relevance	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	4.1. Parlis online	✓		✓	✓	
	4.2. Parliamentary API	✓			✓	
	4.3. & 4.4. Session app	✓		✓	✓	
Ambition						
	Milestone	New vs. pre-existing	Potential impact			
	4.1. Parlis online	Pre-existing	Minor: An incremental but positive step in the relevant policy area.			
	4.2. Parliamentary API	Pre-existing	Minor			
	4.3. & 4.4. Session app	Pre-existing	Minor			

Level of completion			
4.1. Parlis online			
Start date: 2012		End date: 2012	
Projected completion	Complete	Actual completion	Limited
4.2. Parliamentary API			
Start date: 2008		End date: 2012	
Projected completion	Complete	Actual completion	Substantial
4.3. & 4.4. Session app			
Start date: 2008		End date: 2012	
Projected completion	Complete	Actual completion	Complete
Next steps			
4.1. Parlis online	Further steps required in the next action plan.		
4.2. Parliamentary API	Further steps required in the next action plan.		
4.3. & 4.4. Session app	Further steps required in the next action plan.		

What Happened?

This commitment to open up parliamentary information was laid down by the Presidency of the House of Representatives. It is connected to the projects to modernise the information architecture of the House of Representatives and to enhance its transparency and accessibility, which the Information Support Unit of the House implemented between 2008 and 2009. In 2012, a number of “Apps for Democracy” including beta versions of a Session App and the parliamentary API were shared with users, private sector organisations, media, and academia.³ Since then, as part of its regular tasks, the Support Unit works to improve the API, the search engine Parlis, and video streams. Unfortunately, these tools are highly technical and not accessible to the general public and therefore these milestones only have a minor potential impact on open government. This commitment was already part of a pre-existing and nearly completed government initiative, rather than specific to the OGP process.

Did it Matter?

The commitment has been limited in its impact. It is designed to allow users to increase transparency of decision making processes by integrating video feeds, written information and spending data to track how government decisions are made. This is precisely the information that was identified in the March 2013 focus groups where citizens were interviewed on the frames they associated with open government.⁴ However, Parlis is designed to meet the information and work needs of members of the House of Representatives. Direct use by the general public is unlikely because the interfaces are highly technical and hard to navigate. But, in theory, the applications could be useful to CSOs involved in the Center for Budget Monitoring and Citizen Participation’s grassroots campaigns.⁵ In 2012, the Open State Foundation obtained direct access to the otherwise closed beta-version of Parlis. The current web version of Parlis has not been updated. In terms of technological innovation, the groundwork has been done. Parliamentary information has made publically available, an API is in place, and a basic video stream is available.

Moving Forward

The House of Representatives could improve Parlis so that non-expert users can navigate parliamentary information. This would include redesigning the API and including a session app. As a first step, the beta-version should be made publicly available. CSOs like Netwerk Democratie, the Center for Budget Monitoring and Citizen

Participation, and Transparency International could use the parliamentary apps in grassroots campaigns to engage citizens. CSOs also could integrate them into existing citizen-oriented programmes and applications that were developed in the past five years to stimulate the interaction between citizens and local politicians. One such example is the Action Programme, which ran between 2007 and 2014, that local Government set up to help local politicians innovate local democracy.⁶

¹ In the action plan, this is “Action 4: Open House of Representatives.” The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BjysCe>.

² Milestones 3.3 & 3.4 are closely related and have been combined for the purposes of analysis

³ Apps Voor Democratie, <http://appsvoordemocratie.nl/>

⁴ “Rapport Over een Focusgroeponderzoek,” Open Overheid, Ministry of the Interior and Kingdom Relations, 26 March 2013.

⁵ Center for Budgetmonitoring [sic] and Citizens [sic] Participation,” <http://www.budgetmonitoring.nl/english/index.html>

⁶ Vereniging van Nederlandse Gemeenten, Actieprogramma Lokaal Bestuur, <http://bit.ly/1zvulKD>

5. Instruments to Enhance Integrity¹

Action 5: Instruments for integrity

The Ministry of the Interior and Kingdom Relations developed a new integrity monitor in 2011/2012, in collaboration with Dutch National Office for Promoting Ethics and Integrity in the Public Sector (BIOS), the Association of Netherlands Municipalities (VNG), the Association of the Provinces of the Netherlands (IPO), the Association of Regional Water Authorities (UvW) and the central government sector.

The goal was to devise a benchmark evaluation mechanism which would reveal, at four-year intervals, how things stand with the integrity of public administration. The monitor looks at both the implementation of integrity policy, and the experiences of staff. A general request for information on the number of recorded incidents of unethical behaviour and cases settled has also been made.

The Ministry of the Interior and Kingdom Relations intends to repeat the exercise once every four years and to make the results available in searchable form. Two measures over and above current practice are proposed here.

- *Disclosure of outside jobs and activities of senior officials and administrators: By law, information on outside jobs and activities of senior officials and administrators must be disclosed and updated. Different organisations do this in different ways. The Ministry of the Interior and Kingdom Relations, along with the VNG, IPO and UvW, will disseminate best practices and study the possibility of achieving a more uniform method of disclosure.*
- *Records of unethical behaviour: In 2008 the Ministry of the Interior and Kingdom Relations developed a uniform national registration system for unethical behaviour. Various evaluations have revealed that many organisations still do not use this system. Arrangements have now been made with the VNG to assess the extent to which existing registration tools can be adapted in order to record unethical behaviour. This will ultimately provide more insight into ethics and integrity within organisations and the public administration. The possibility of tying the registration systems in with the “windows on operations” application - designed to provide clear and well-ordered information on all elements of operational management, including ethics and integrity - will also be examined.*

Commitment Description		
Availability	Lead institution	Ministry of the Interior and Kingdom Relations
	Supporting institutions	Union of Dutch municipalities Interprovincial Association and Union of Water Boards
	Point of contact specified?	No
Specificity and measurability	5.1. Uniform additional jobs disclosure	None (Commitment language contains no verifiable deliverables or milestones)
	5.2. Unethical behaviour records	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)

Relevance	OGP grand challenges	Increasing public integrity				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	5.1. Uniform additional jobs disclosure	✓		✓		
	5.2. Unethical behaviour records	✓		✓		
Ambition						
	Milestone	New vs. pre-existing	Potential impact			
	5.1. Uniform additional jobs disclosure	New	Minor: An incremental but positive step in the relevant policy area.			
	5.2. Unethical behaviour records	New	Minor			
Level of completion						
5.1. Uniform additional jobs disclosure						
Start date: 1 September 2014			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Unable to Tell from Government and Civil Society Responses		
5.2. Unethical behaviour records						
Start date: Mid 2013			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Unable to Tell from Government and Civil Society Responses		
Next steps						
5.1. Uniform additional jobs disclosure			Further steps required in next action plan.			
5.2. Unethical behaviour records			Further steps required in next action plan.			

What Happened?

Publishing and updating the registry of outside jobs and activities is a legal obligation for local governments² as well as regional water authorities.³ The current practice is to keep the registries for public inspection in the town hall, county hall, or secretary of the regional water authority. However, compliance has been limited, as reported by the Ombudsman and the National Police's research unit and academics.⁴⁵ This commitment seeks to modernise registration and ensure 90% to 100% compliance.

To ensure compliance, the Ministry of the Interior and Kingdom Relations developed a national integrity monitor for public organisations to assess, monitor, and report integrity violations in 2011-2012, in collaboration with the Dutch National Office for Promoting Ethics and Integrity in the Public Sector (BIOS), the Association of Netherlands Municipalities (VNG), the Association of the Provinces of the Netherlands (IPO), the Association of Regional Water Authorities (UvW), and the central government sector. However, this monitor has not been made available online.

Until now, registering integrity violations in a uniform way has only been done at the national government level. Since 2007, some 100 local governments have developed and applied a uniform guide and application on violence and integrity violations.⁶ The practice of local integrity registration remains diverse, however.⁷ This commitment did result in a report that offers insight in the functioning of local integrity systems and the way they are perceived and used by public servants.⁸

Did it Matter?

A uniform online registration mechanism for integrity violations is a systemic improvement, both for tracking public servants' work outside the government and integrity violations. The lack of systematic attention to public servants' and politicians' integrity violations and outside jobs has been a source of public attention in recent years.⁹ Instituting the integrity violations registry and a uniform registry of additional jobs has mostly been an ad hoc, bottom-up approach. Strengthening the registries by developing a manual for public managers has shifted the focus of integrity monitoring from integrity officers to regular management.¹⁰ The pace and voluntary approach, however, does not keep up with the media and public attention to integrity. It also falls short of the legal obligations to monitor integrity actively. As no earmarked funds have been committed to this aim, the government's self-assessment report states that it is unclear when the effects will first be seen, how parties outside government will be affected, and which parties will be involved.

Moving Forward

The action plan commitment lacks a strategy in how to increase compliance of local governments. The report on local integrity systems focuses on how these are perceived to work, but does not connect local systems with the applications that municipalities already use to register violations. With over a fourth of all local governments already applying these applications, the fastest way forward seems to be the regulatory enforcement of these applications.

The IRM researcher recommends:

- Develop a clear implementation strategy following the systemic approach as advocated in Transparency International's National Integrity Studies;
- Set milestones and deadlines on local governments' uniform use of registries which build on systems already adopted by forerunning municipalities;
- Legally oblige local governments to have accessible online registries of integrity violations before the end of 2015.

¹ In the action plan, this is "Action 5: Instruments for integrity." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² Gemeentewet, articles. 41b:3, 67:3; Provinciewet, articles. 40b:3, 66:3.

³ Waterschapswet, articles. 44a:3, 48:3.

⁴ "Kennis," Bureau Integriteitsbevordering Openbare Sector, <http://bit.ly/1AKzLGP>; Tweede Kamer der Staten-Generaal, "Vergaderjaar 2004-2005, Appendix of the Acts," 2005, <http://bit.ly/1zvLk9>; Vrije Universiteit Amsterdam, *De Toetsing van Integriteitschendingen Getoetst* by Prof. Dr G.H. Addink (paper presented at the Staatsrechtconferentie, Amsterdam, 13 December 2013), <http://bit.ly/1E0qpDh>

⁵ Integriteitsmonitor, 2012

⁶ Gemeentelijk incidenten registratiesysteem, A+O fonds, Hengelo, 2007.

⁷ http://www.integriteitoverheid.nl/fileadmin/BIOS/data/Publicaties/VU_onderzoek/Rapport_Interne_meldsystemen_bij_de_overheid_Definitief.pdf

⁸ See note 7

⁹ Transparency International Nederland, *National Integrity System Assessment Netherlands* by Willeke Slingerland et al. (Report, Den Haag, 2012), <http://bit.ly/1CfB1MB>

¹⁰ Gemeentelijk Incidenten Registratiesysteem, *Groeifase – Leidinggevende Gaan Werken in/met het System* (guide, 16 June 2014,) <http://bit.ly/1BcYfkW>

6-8. Legislation Online¹

Action 6: Revamp the legislative calendar

This commitment is a starred (★) commitment².

The legislative calendar is being revamped. Data on legislative bills and orders in council under preparation will be published on a publicly accessible website; the information provided will include the title, ministry, first signatory, type of legislation, latest stage completed, reference number, current internet consultation etc. The idea is that it should be possible to track the process from beginning to end: in other words, from the announcement of the fact that an act of parliament/order in council is being prepared up to its entry into force. The process will be made transparent (current stage, stages already completed, stages still to come). The text will be made available as soon as it is public, either on internetconsultatie.nl or as a parliamentary paper. The information published on the website will be in the form of open data which can be re-used on the websites of third parties, such as www.volgdewet.nl. With a view to re-use of existing data, the legislative calendar will be updated on the basis of Kiwi, the interdepartmental system supporting the legislative process. Formal arrangements will be made as to the quality of the data supplied (in terms of how up-to-date, complete and reliable they are). The lead organisations on this project are the Ministry of the Interior and Kingdom Relations and the Ministry of Security and Justice.

Action 7: More online consultation

Online consultation is being used successfully to inform and consult with citizens, businesses and institutions on planned legislation and policy documents. Participants can submit suggestions for improving the quality and practicability of proposals. Since the launch of the website www.internetconsultatie.nl in 2009, citizens, businesses and institutions have responded 22,383 times to a total of 250 online consultations on new legislation put out by the government.

Online consultation has proved particularly effective in the case of legislation that has a substantial impact on the rights and obligations of citizens, businesses or institutions, or on implementation practice. The Government wants to sustain this trend and will encourage ministries to systematically consider whether online consultation is useful and effective in individual cases.

As proposals for new legislation, orders in council or ministerial orders are being prepared, consideration must be given as to whether online consultation has added value and is an effective method of reaching the intended target group. These issues are incorporated into the “integrated decision-making framework for policy and legislation”(IAK), which is based on the principle that proposals that will entail significant changes to the rights and obligations of citizens, businesses and institutions, or have a major impact on implementation practice, should be put out for consultation online, unless there are compelling grounds for not doing so.

Action 8: More transparency in decision making through Volgdewet.nl legislation-tracking website

The legislation-tracking website volgdewet.nl (literally: “followthelaw.nl”) is an initiative of Netwerk Democratie and an example of grass-roots action aimed at making government processes more transparent. The website shows how current legislation comes into being, in an effort to demonstrate to people how they can influence the legislative process. Among other things, it uses open data from wetten.nl (“laws.nl”). The website allows citizens and interest groups to track specific legislative proposals, thus promoting transparency in the legislative process. At every stage in the process, they explain what is happening, and show how they are attempting to exert their influence.³

Commitment Description						
Answerability	Lead institution	Ministry of the Interior and Kingdom Relations Ministry of Security and Justice Netwerk Democratie				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		6. Revamp the legislative calendar	Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)			
		7. Internet consultation	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)			
		8. Transparency in decision making through Volgdewet.nl	Low			
Relevance	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	6. Revamp the legislative calendar	✓	✓	✓	✓	
	7. Internet consultation	✓	✓	✓	✓	
	8. Transparency through Volgdewet.nl	✓	✓	✓	✓	
Ambition						
Milestone		New vs. pre-existing	Potential impact			
6. Revamp the legislative calendar		New	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.			
7. Internet consultation		Pre-existing	None: Maintains the status quo.			
8. Transparency through Volgdewet.nl		Pre-existing	None			
Level of completion						
6. Revamp the legislative calendar						
Start date: Not specified			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Substantial		
7. Internet consultation						
Start date: Not specified			End date: Not specified			
Projected completion	No Dates or Milestones Inferable		Actual completion	Substantial		

8. Transparency through Volgdedwet.nl			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Completed
Next steps			
6. Revamp the legislative calendar		Further steps required in next action plan.	
7. Internet consultation		Further steps required in next action plan.	
8. Transparency through Volgdedwet.nl		No further steps required in the next action plan.	

What Happened?

This commitment aims to provide government and citizens with greater transparency and government interaction through one integrated legislative calendar for all forms of national legislation. The functional design of the legislative calendar was delivered in the first months of 2013. According to the self-assessment report, completion is projected for the end of 2014. Revamping the calendar is a necessary condition for legal openness as it enhances the value of Internet consultation and civil society “Follow-the-Law” practices. If citizens can follow legislative procedures in an easy, visual way, they are better able to understand each step of the legislative process, engage in the debate, inform politicians, and understand the outcomes.

Did it Matter?

The Internet consultation mechanism and Volgdedwet.nl are operational but until the revamped integrated calendar is publicly available, they have no real-life impact. With the current technologies, lobbyists and other legislative experts profit from the lack of transparency. This is because it takes bureaucratic expertise to know in what stage a piece of legislation is and it takes a network in order to influence it. Most legislative processes can be followed through meetings, discussions in journals, and dedicated websites. But none of the instruments are well-known by the public, although they are potentially a powerful tool for citizens to know and actually be engaged in legislative processes.

Internet consultation is only applied in a limited number of legislative procedures. The House of Representatives and government departments themselves decide which laws are open to consultation, but there are no binding rules to establish Internet consultation as a rule instead of the exception it currently is.⁴

Moving Forward

The legislative calendar would be more useful to the public if it included a feedback mechanism that allows citizens to ask questions. Local governments could develop a similar calendar for public access. The interface between the legislative calendar and Internet-consultation, however, would be more effective if it were redesigned based on a needs-based study among citizens. Lastly, binding rules for Internet consultation should be included in the Integral Agreements Framework for Legislation and Policy (IAK).

No further steps need to be taken on Follow-the-Law. These initiatives are likely to flourish when the conditions for legislative openness have been created.

¹ This section covers three interrelated commitments from the original action plan, “ACTION 6: Revamp the legislative calendar. ACTION 7: More online consultation. ACTION 8: More transparency in decision making through Volgdedwet.nl legislation-tracking website.” The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BjysCe>.

² Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria. (1) It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity. (2) Commitment language should make clear its relevance to

opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. (3) The commitment must have a "moderate" or "transformative" potential impact, should it be implemented. (4) Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

³ In the action plan, this is, "Action 8: More transparency through Follow-the-law legislation tracking website."

⁴ "Wetgeving en Rechtsgebieden," Rijksoverheid, <http://bit.ly/1sX8SrE>

9. Informal Freedom of Information Requests¹

Action 9: Informal approach to freedom of information requests

The “Pleasant Contact with Government” project found that informal interventions during government decision-making procedures and in the handling of complaints and objections led not only to better-quality decisions, significantly fewer complaint and appeal procedures, lower costs and shorter lead times, but also to greater public trust and satisfaction and greater job satisfaction for public servants. Although the informal approach is currently being used in 300 pilot projects in 16 areas of the public sector, it is seldom applied to freedom of information requests or to complaint and appeal procedures in response to rejected freedom of information requests.

Following a survey of the potential for applying the informal approach to freedom of information requests and a description of several practical examples, a new pioneering process will be launched in autumn 2013. For a year, participants’ experiences will be monitored and the potential for and effects of informal interventions in response to freedom of information requests will be identified. The outcomes and experiences of the pioneers will be recorded and made available at the end of the process, to serve as a source of inspiration and a basis for implementing this approach nationally, where appropriate.

Commitment Description						
Answers er ability	Lead institution	Ministry of the Interior and Kingdom Relations				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		9.1. Exploring potential for informal approach to FoI	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)			
		9.2. Launch pioneering process	Low			
Relevance	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	9.1. Exploring potential for informal approach to FoI	✓		✓		
	9.2. Launch pioneering process	✓		✓		
Ambition						
Milestone		New vs. pre-existing	Potential impact			
9.1. Exploring potential for informal approach to FoI		New	Minor: An incremental but positive step in the relevant policy area.			

9.2. Launch pioneering process	New	Minor
Level of completion		
9.1. Exploring potential for informal approach to FoI		
Start date: September 2013		End date: September 2014
Projected completion	Completed	Actual completion
		Completed
9.2. Launch pioneering process		
Start date: December 2014		End date: June 2015
Projected completion	Substantial	Actual completion
		Substantial
Next steps		
9.1. Exploring potential for informal approach to FoI	No further steps required in the next action plan.	
9.2. Launch pioneering process	Further steps required in the next action plan.	

What Happened?

Dutch experience with right-to-review procedures since the early 1990s shows that the majority of formal requests and objections do not concern the substance of decisions. Rather, formal complaints tend to be about the lack of transparency in how public organisations work and their lack of responsiveness.² These past lessons culminated in a project called “Pleasant Contact with Government” that has been ongoing since 2011.³ The core objective of this commitment is to supplement (1) formal FoI-procedures and (2) the often cumbersome, formalised, distanced modes in which public organisations deal with FoI-requests. The supplement offers more informal modes of creating transparency and responsiveness, without tampering with the right to file FoI requests or procedures.

A government analysis of citizen-authority interaction suggested three pilots with public servants from a variety of local and regional authorities.⁴ First, a substantial part of FoI requests were based on the restrictions authorities made in giving citizens access to their data. By implementing open access processes, many FoI requests can be prevented. The second pilot focused on the often highly formal intake-procedures surrounding FoI-requests and the Government’s slowness in replying to them. The third pilot focused on FoI legislation’s formalising effects on the way in which public servants communicate.

The pilots resulted in four deliverables to create more openness and responsiveness in FoI-procedures:

1. A final report recommending improvement in the existing FoI-procedures;
2. Two training modules for the public servants participating in the pilots;
3. One guide to supplement formal procedures with informal approaches in FoI requests;
4. A monitoring system to monitor citizen satisfaction with FoI-procedures.

The pilots are still underway and expected to translate into a practice that can be implemented by mid-2015.

Did it Matter?

Replacing and complementing vertical modes of operations with more horizontal ways of working with citizens expands the public servants’ toolkit to respond to citizens. As of writing this report, participation in the pilot projects was limited to public servants, with no civil society involvement and limited local government involvement. As a result,

the findings of the projects have received only scant attention. Currently, there are no means to transmit and share the experiences of the current group of participants with a wider array of public servants from, for instance, other local governments, as was intended originally with the launch of a pioneering process.

Moving Forward

The milestone of launching a pioneering process could be expanded with a strategy to disseminate the practice among other public authorities. The Association of Netherlands Municipalities and the Quality Institute of Dutch Municipalities develop standards and products for local government. They can be seen as the potential future owners of these project results. In the next action plan, the Association of Netherlands Municipalities and the Quality Institute of Dutch Municipalities should be the actors formulating a commitment on improving the practice of handling of FOI-requests.

¹ In the action plan, this is "Action 9: Informal approach to freedom of information requests. The commitment language was abridged for formatting reasons." For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² F.B.A. Jorna et al., *De Implementatie van de Awb. Subsidiebeschikkingen*, Vuga, 1997.

³ "Prettig Contact Met de Overheid," Ministry of Interior and Kingdom Relations, <http://prettigcontactmetdeoverheid.nl/>

⁴ These included the Municipalities of Gouda, Pijnacker-Nootdorp, Eemmond, as well as the province of North-Holland and the National Ombudsman. Source: Ministry of the Interior and Kingdom Relations, Self assessment Open Government Action Plan, September 2014

Cluster 2. Open Work

10-11. Open Working¹²

Action 10: From Rules to Freedom

The “From Rules to Freedom” project offers citizens, businesses, institutions and public authorities the opportunity to submit ideas that lead to better public services, more scope for professionals and businesses, and greater self-reliance on the part of citizens. Under certain conditions, legislation can be temporarily suspended in order to experiment with these ideas/alternatives, making it possible to study the implications of abolishing or altering a rule. Successful experiments may lead to structural changes to the legislation in question. The project is also exploring whether there is a need for more scope to experiment with legislation.

Action 11: Change attitudes and procedures through Smarter Working and ‘Public Servant 2.0’

This commitment is a starred (★) commitment³.

A transparent government is achieved not only through rules and agreements, it also requires awareness among public servants of the added value of transparency in the workings of government and society, and a knowledge of how they can best approach this in their work. The “Smarter Working” and “Public Servant 2.0” projects bring public servants together to discuss the subject and stimulate awareness, knowledge-sharing and knowledge development.

Smarter working: Smarter working means doing more with fewer people while maintaining the quality of services and job satisfaction.

Smarter network: The goal of this network for innovative professionals is to link up innovators –both managers and professionals- to gather and disseminate knowledge of how the public sector can work in a smarter way.

Do-Tanks: Do-Tanks are about new ways of collaborating and organising, with the focus on ‘learning by doing’.

Scope for professionals: This project aims to create a culture of trust, freedom and connection. One of the methods it employs is a business-case tool that can be used to calculate the benefits of giving professionals more latitude for action.

Public servant 2.0 consists of a number of activities designed to achieve more open government.

Public servant 2.0 Network: Online platforms allow the sharing of knowledge and examples related to open government and transparent working, thereby raising awareness among the network’s members, who currently number almost 10,000. On the sites, members can ask and answer questions and post information.

Work 2.0 training: In 2013, training courses will be launched for public servants at all levels of administration and all job levels to help them put Work 2.0 and Transparent Working into practice.

Network meetings: A Public Servant 2.0 Day will be held once a year [...], and meetings focusing on a particular theme will be held throughout the year.

Pleio, platform for transparent working: Pleio enables public servants to work with others outside their own organisation, via an interface that allows open working.

Commitment Description		
A	Lead institution	Ministry of the Interior and Kingdom Relations

ns w er ab ili ty		Public Servant 2.0 Network Smarter Network				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		10. From rules to freedom	Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)			
		11.1. Smarter working	None (Commitment language contains no verifiable deliverables or milestones)			
		11.2. Public servants 2.0	Medium			
R el ev an ce	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	10. From freedom to rules		✓	✓		
	11.1. Smarter working			✓		
11.2. Public Servant 2.0	✓	✓	✓	✓		
Ambition						
Milestone	New vs. pre-existing	Potential impact				
10. From rules to freedom	New	Minor: An incremental but positive step in the relevant policy area.				
11.1. Smarter working	Pre-existing	None: Maintains the status quo.				
11.2. Public Servant 2.0	Pre-existing	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.				
Level of completion						
10. From rules to freedom						
Start date: April 2012			End date: June 2014			
Projected completion	Completed		Actual completion	Complete		
11.1. Smarter working						
Start date: 2010			End date: 2014			
Projected completion	Substantial		Actual completion	Substantial		
11.2. Public Servant 2.0						
Start date: January 2012			End date: December 2014			
Projected completion	Substantial		Actual completion	Substantial		
Next steps						
10. From rules to freedom			No further steps required in the next action plan.			
11.1. Smarter working			Further steps required in next action plan.			
11.2. Public Servant 2.0			Further steps required in next action plan.			

What Happened?

The “From Rules to Freedom” (2011-2014) project originally sought to carry out 30 pilots over two years on exploring new forms of legislation formulation. Over time, the number of experiments was reduced to 12 because many of the potential projects that various central government departments contributed did not contain legal obstacles to openness and, therefore, could be solved easily without having legislative change, for instance, on authorisation of access to public data. Often, it is not legislation that stands in the way of openness, but the way legislation is implemented and administered.

The project resulted in a handful of minor policy innovations such as the automated remission of municipal and water board taxes and an automated income check for specific social assistance applications. Two pilots are still running as integral parts of regular administrative programmes. The pilot project was finalised with a report in June 2014.

“Smarter Working” and “Public Servant 2.0” are both financed from a budget for “Innovation by Professionals” from within the programme called “Better Work in the Public Sector.” Because the budget for this programme runs from December 2011 to December 2014, both projects were consolidated into one implementation programme in 2014. The project aimed to establish “Social R&D Labs” to adopt, implement, and disseminate the product of the programme. The programme was aimed at solving social problems through social design. It aimed to develop new, open operation modes for a standard set of encounters between citizens and public servants. A final conference was organised in Fall 2014 in co-operation with the Association of Public Managers and the Association of Municipal CEOs. Currently, the project is being integrated into regular central government programmes.

Did it Matter?

The “From Rules to Freedom” project has had little impact on administrative practices. The self-assessment report recommends using the project output wherever possible. At the same time, the self-assessment report states that through the project, the government has learned that more openness-oriented horizontal modes of operation are feasible, even in the context of more vertical administration of government programmes. The project provides case studies for practical and fundamental debates between public professionals, debates that are waged in the various networks on open working such as Smarter Working and Public Servant 2.0.

Smarter Working and Public Servant 2.0 have produced a wide and engaged network of professionals working in government and CSOs fulfilling core functions in social programmes. Pleio, for instance, the platform that these professionals use for co-creation has over 57,000 users, over 700 sub-communities for specific policy domains. In 2012, it won the international Intranet innovation award.⁴ Pleio offers a collaborative work environment as well as tools and apps for public professionals from all domains and levels of public administration to share experiences on openness and innovation. By including professionals from the semi-public sector such as health and education, this platform has proved highly valuable and instrumental in spreading open government practices.⁵ The weak point of these networks, however, is that despite their structure, they are still largely public in terms of membership. They are not focused on transparency and openness per se, but on work innovation generally. Thus, the connection between open government and innovation should be reinforced.

Moving Forward

The existing organisational networks would benefit from focusing on the values of openness, transparency, and open government practices. For example, by the end of 2014, the Smarter Working and the Public Servant 2.0 projects could be consolidated

and could include semi-public servants from CSOs. The Pleio platform could be incorporated into the daily practice of inter-organisational innovation, supported by the Digital City Agenda, professional association of public organisations, branch organisations (e.g. the Association of Public Controllers), and universities of applied sciences, which see the instruments, methods, and skills of future public servants as their core business.

No further action is needed for the From Rules to Freedom project because it has been terminated, and its results have been merged with other open government projects.

¹ In the action plan, this is "Action 10: From rules to freedom. Action 11: Change attitudes and procedures through 'Smarter Working' and 'Public servant 2.0'." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BJysCe>

² Commitments 10 and 11 are related but separate actions in the Action Plan. They have been combined for the purposes of analysis in this section.

³ Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria. (1) It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity. (2) Commitment language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. (3) The commitment must have a "moderate" or "transformative" potential impact, should it be implemented. (4) Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

⁴ Rianne Waterval, "Pleio Valt in de Prijzen," Nieuws, Re.public, 10 October 2012, <http://bit.ly/1Chyamr>

⁵ Pleio, <https://www.pleio.nl/>

12. Water Coalition¹

Action 12: Water Coalition

The Netherlands is experiencing major developments when it comes to water, too, and we must act now in anticipation of changing circumstances. The economic downturn has forced us to be more creative with the opportunities we have. The climate is changing, and we have to plan for hotter summers, wetter winters and heavier rainfall when developing our physical environment. This means that measures must be taken in both the water system and the water processing cycle (the chain of processes from drinking water supply to sewerage and wastewater treatment).

The National Administrative Agreement on Water sets out arrangements that should help us cope with these changes. One such arrangement involves cost savings by optimising the water processing cycle through an integrated approach. The agreement forms the basis for collaboration between drinking water suppliers, local authorities and water authorities, which will be vital for the goals to be achieved. The Water Coalition, which brings together public and private parties and civil-society organisations, is currently focusing on households in the water processing cycle. What can households do to make the water processing cycle more sustainable, while also saving money, both for themselves and for society as a whole? Clever combinations can help us meet the social challenges we face in relation to water management.

The Water Coalition hopes to reinforce a trend in society, and to harness it to achieve water-related goals by entering into consultation with potentially interested parties, bringing them together in coalitions, sharing and disseminating their knowledge, and providing procedural support for initiatives if necessary.

Commitment Description					
A n s w e r a b i l i t y	Lead institution	Water Coalition			
	Supporting institutions	None			
	Point of contact specified?	No			
Specificity and measurability		None (Commitment language contains no verifiable deliverables or milestones)			
R e l e v a n c e	OGP grand challenges	None specified			
	OGP values				
	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
					✓
Ambition					
New vs. pre-existing		Potential impact			
Pre-existing		None: Maintains the status quo.			
Level of completion					
Start date: Not specified			End date: Not specified		
Projected completion	No Dates or Milestones Inferable		Actual completion	Unable to Tell from Government and Civil Society Responses	

Next steps

Further steps required in the next action plan.

What Happened?

In the past two years, the Water Coalition has operated largely outside the scope of the programme on open government. The Water Coalition consists of the branch organisation of water suppliers Waternet, social housing corporation Ymere, ASN Bank, and DIY chain Gamma. It is unclear how the Water Coalition has functioned, where it stands, and what it has produced because all of the members of the Water Coalition are private entities and no single government authority is associated with them. At the time of writing, the Ministry of Interior and Kingdom Affairs was in deliberation with the Water Coalition on whether there are sufficient grounds for including this commitment in the next action plan. The Water Coalition organises regular events and carries out projects,² but these are not related to the implementation of the action plan.

Did it Matter?

As currently written, the language of the commitment does not make clear its relevance to OGP values. The IRM researcher was unable to assess what impact the Water Coalition efforts have had. The Government's self-assessment report did not address the activities of the Water Coalition, and the activity reports of the Water Coalition make no reference to activities directly related to their milestones in the action plan.

Moving Forward

Clearly, water policies matter to citizens, as do safety and energy. However, as included in the action plan, the Water Coalition was only indirectly relevant to OGP grand challenges. In the next action plan, an item should be included that (1) falls directly in the domain of one ministry, (2) matters directly to citizens in terms of safe service delivery and sustainable, fair energy production, and (3) is clearly and directly relevant to OGP grand challenges and values.

¹ In the action plan, this is "Action 12: Water Coalition. The commitment language was abridged for formatting reasons." For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² Watercoalitie, <http://www.watercoalitie.nl/actueel>

13. Participation Policy¹

Action 13: Develop and implement participation policy at the Ministry of Infrastructure and the Environment

The Ministry of Infrastructure and the Environment has set up a Directorate for Public Participation, which provides services to help engage citizens, civil-society organisations and businesses, and advises on and develops policy for public participation. The directorate actively monitors and responds to new developments such as the “energetic society”² transparent government and social media. The authorities are considering how to use the energetic society in decision and policymaking and in the implementation of government projects. The Ministry of Infrastructure and the Environment is working on a vision, a strategy and specific products and services to underpin its dealings with the energetic society.

In this way, it intends to put into practice the Government’s policy document on stimulating social engagement - “do-ocracy”- and particularly the objective of enhancing the government’s capacity to connect with society. Openness and transparency are important if this is to be achieved in an effective and efficient manner.

Commitment Description						
Answerability	Lead institution	Ministry of Infrastructure and Environment				
	Supporting institutions	None				
	Point of contact specified?	No				
Specificity and measurability		13.1. Formulate participation policy	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)			
		13.2. Five initiatives on the energetic society	Low			
Relevance	OGP grand challenges	None specified				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	13.1. Formulate participation policy		✓			
	13.2. Five initiatives on the energetic society		✓			
Ambition						
Milestone		New vs. pre-existing		Potential impact		
13.1. Formulate participation policy		Pre-existing		Minor: An incremental but positive step in the relevant policy area.		
13.2. Five initiatives on the energetic society		New		Minor		

Level of completion			
13.1. Formulate participation policy			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Not started
13.2. Five initiatives on the energetic society			
Start date: Not specified		End date: Not specified	
Projected completion	No Dates or Milestones Inferable	Actual completion	Limited
Next steps			
13.1. Formulate participation policy		No further steps required.	
13.2. Five action plans on the energetic society		Further steps required in next action plan	

What Happened?

The Directorate of Participation of the Ministry on Infrastructure and Environment is responsible for connecting all central government expertise on participatory special planning processes. In this commitment, the Directorate committed to formulate a government-wide participation policy modelled off its best practices. The Government self-assessment report indicates that the Directorate started to develop the policy and will continue doing so through the next action plan. At the time of writing this report, the Directorate had not published a government-wide participation policy.

The Ministry of Infrastructure and the Environment also committed to developing a series of five “action plans” to realize the participation policy. However, the five action plans were not included in the Directorate’s work plan. Instead, the Government self-assessment report noted progress on two pilot projects: 1. Climate Agenda and the Utrecht Central Station, which involves citizens and private enterprise in the redevelopment of the Utrecht central area in a climate-neutral way and, 2. *Duurzaam Doen* sustainability programme, which is an effort to involve citizens in energy efficiency and sustainable living projects

The Ministry of Infrastructure and Environment enlisted the help of the Ministry of the Interior to run the participation component of these two pilot projects.

These two pilots could be considered as fulfilling part of the five action plans that were promised by the Ministry of Infrastructure and the Environment in the language of the commitment.

Did it Matter?

The commitment does not innovate on existing public participation practices in the Netherlands. Most of the policies on participation in the past two years have been initiated as part of the national “Participation Society” agenda, and it is this agenda that civil society organisations and national media are focused on. The separate actions of the ministry of Infrastructure and Environment have not captured the attention of the general public. For these reasons, the IRM researcher found this commitment to be of minor potential impact.

Moving Forward

In the next action plan, government should introduce specific, measurable milestones in the language of the commitment. The Ministry of Infrastructure and Environment should continue its cooperation with the Ministry of Interior and Kingdom Relations to implement the other three pilots mentioned in the language of the commitment. The result of these pilots should be the basis for the government-wide participation policy mentioned in the commitment.

¹ In the action plan, this is “Action 13: Develop and implement participation policy at the Ministry of Infrastructure and the Environment.”

² “Energetic Society” is the Directorate’s slogan for enhanced citizen involvement in creating participatory society.

Cluster 3. Open Access

14-15. Accessible, Easy-to-Find, and Correctible Government Information¹

Action 14: Make government information accessible and easy to find

Actively disclosing information involves more than simply publishing documents. Information has to be released in a communicative and accessible manner, so that it actually helps citizens and stakeholders independently form their own opinion or take decisions. Information must be presented in a form appropriate to the context in which citizens and stakeholders operate, particularly when it is made available in greater quantities than is currently the case. There are various approaches to releasing government information. The Council for Public Administration recommends an activities index. Other approaches may be based on life events or top tasks. Active access to government information requires ease of access via the central government portal rijksoverheid.nl. The ministries' communication directorates and the Public Information and Communications Department are willing to advise on the best way to release information in a communicative and accessible manner.

People generally access a website with a particular goal in mind. The websites of public sector organisations contain huge amounts of information. Confronted by this, people often find it difficult to achieve their goal (make an appointment, submit an application), or perhaps they are not able to find an answer because the website does not “speak their language.” Some do not even manage to reach the site they want because they use a search term that the organisation concerned does not use (e.g. a brand name that has become the generic term for something, such as the “kliko” bins used in the Netherlands; most local authorities do not use the term “kliko”).

Liverpool City Council (UK) has already introduced the “top tasks approach” and thus constitutes a good example for the Netherlands. Top tasks are identified by researching which products and services people most frequently search for, and what search terms they use. Those products and services are then given a prominent place on the website. For local authorities, for example, these tasks are likely to be associated with waste disposal and passports. These tasks can also be made more findable by adding synonyms and ensuring that the most important information shows up as the first search result. This sounds logical, but most public-sector websites are not set up like this. Thinking in terms of top tasks requires a different attitude, oriented more towards demand than supply.

Action 15: Make citizens informed and more empowered: public inspection and correction of information

In today's information society, people's data are stored once and used multiple times. This leads to benefits in terms of efficiency, but it also means that no one can imagine the full implications of one instance of data registration by an individual whose data are subsequently used in multiple processes. The National Ombudsman, the Rathenau Institute and the Scientific Council for Government Policy have called for people to be better informed, in order to put them on a more equal footing in their dealings with government. Citizens should be able to act as a countervailing force. They can currently access a large number of data registers via mijn.overheid.nl (“my.government.nl”) and other internet portals.

A strategy is currently being devised for expanding individual access to data in the municipal register wherever reasonably possible. This will enable the person concerned to point out errors in the data recorded. The authorities are also exploring ways of clarifying how the data held by local government is used. This should make it clear who is re-using the information and provide insight into what data exist and how they are used by the “i-government.”

Commitment Description						
Answerability	Lead institution	Information Council ² Ministry of the Interior and Kingdom Relations Association of Netherlands Municipalities				
	Supporting institutions	Ministries of Economic Affairs, Social Affairs and Employment, Infrastructure and Environment, Finances				
	Point of contact specified?	Yes				
Specificity and measurability	14.1. Accessible government information	None (Commitment language contains no verifiable deliverables or milestones)				
	14.2. Open communication of government information	None				
	14.3. Top tasks approach for high-demand services	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)				
	15. Strategy to give citizens the right to access and correct personal data	Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables)				
Relevance	OGP grand challenges	Improving public services				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	14.1. Accessible government information	✓				
	14.2. Open communication	✓				
	14.3. Top tasks approach	✓		✓	✓	
15. Strategy to access personal data	✓		✓	✓		
Ambition						
Milestone	New vs. pre-existing	Potential impact				
14.1. Accessible government information	Pre-existing	None: Maintains the status quo.				
14.2. Open communication	Pre-existing	None				
14.3. Top tasks approach	New	Minor: An incremental but positive step in the relevant policy area.				
15. Strategy to access personal data	New	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.				

Level of completion			
14.1. Accessible government information			
Start date: February 2014		End date: October 2014	
Projected completion	Completed	Actual completion	Substantial
14.2. Open communication			
Start date: February 2014		End date: October 2014	
Projected completion	Completed	Actual completion	Substantial
14.3. Top tasks approach			
Start date: June 2014		End date: November 2014	
Projected completion	Completed	Actual completion	Completed
15. Strategy to access personal data			
Start date: January 2013		End date: December 2014	
Projected completion	Substantial	Actual completion	Limited
Next steps			
14.1. Accessible government information		No further steps required in next action plan.	
14.2. Open communication		No further steps required in next action plan.	
14.3. Top tasks approach		Further steps required in next action plan.	
15. Strategy to access personal data		Further steps required in next action plan.	

What Happened?

This cluster of commitments focuses on active access, contains concrete milestones, and involves multiple stakeholders. The research on improved access and “searchability” of public information, as well as the action focused on open communication of government information, have been made part of the project. The Ministry of General Affairs and the Ministry of Interior Affairs and Kingdom Relations carry out the project called “Tailor-Made Information.” Research was commissioned in January 2014 and finalised with a report in October 2014.³ However, the scope of the research and the report is much wider than envisaged by this commitment. The goal of Tailor-Made Information is to present a vision for the central government’s information architecture in 2020, including a business case of the costs and benefits of an open government information architecture.

The cities of Vught and Best have continued their work to implement Liverpool city’s top-tasks approach, and over 20 other municipalities have followed suit. An investigation by the Ministry of the Interior into key performance indicators sought to ensure that local governments are providing customer-oriented e-services. The investigation started in June 2014⁴ and the results were presented on 5 November 2014.⁵ Over 130 local governments participated in a study comparing “top task” websites with non-top task websites to determine how many citizens are now using digital means to communicate with local authorities, instead of the telephone or paper forms. The study also determined the number of forms which are now filled out on the website as a result of having adopted the top task approach.⁶

The right to review and correct has focused on the types of citizen data stored by the national personal database administration.⁷ Citizens already have the legal right to review their personal data,⁸ but that right can only be exercised through direct contact with the authority responsible for the registry. It is rarely clear to citizens who that

authority is, so that the right to review (let alone to correct) is not proactively communicated. Instead, it is seldom used and little known. Citizens do not know which personal data the government stores in which registries. In June 2012, a digital mailbox, MyGov, for contact between citizens and governments was implemented.⁹ Since January 2014, Dutch citizens can request online insight in which government organizations use their personal information by filling out a short questionnaire on the website WhoGetsMyData.nl (Dutch: wiekrijgtmijngegevens.nl). In the past two years, more and more citizens have filed a request for review. However, MyGov is not a one-stop-shop: requests cannot be filed online, and only a limited number of registries and records are accessible.

In November 2013, the Minister of the Interior and Kingdom Relations announced to Parliament the first steps in digital review through MyGov. MyGov gives citizens an overview of which governments have access to what personal data on a regular basis.¹⁰ The Ministry had the various scenarios for active access developed.¹¹ A business case study calculating the costs and benefits of this action concluded that implementing such a system for the entire government is not feasible¹² due to technical, legal, organisational, and financial implications. The study states that citizens hardly use correction and review mechanisms and that the quality of the data is unlikely to improve because of such limited use. Correction and review mechanisms were calculated to be economically not viable.¹³ The business case study was limited to government only. Citizen costs and benefits were excluded, as well as the social benefits of increased trust in the digital government.

Did it Matter?

Accessible and open government information matters for transparency and accountability, but the goals were not specific and measurable enough. With a deadline of 2019, the Tailor-Made Information initiative remains abstract. Moreover, the commitment is focused on national government, while most citizen-government interactions take place on the local level. The focus groups that the government organised in March 2013 during the consultation on the national action plan¹⁴ clearly showed that citizens look to municipalities as primary sources of information and points of contact.

The main question to be answered is whether the top-tasks approach fits the OGP agenda. In terms of involving citizens in government, openness is key to OGP. The Dutch e-government agenda is different from open government in that it also comprises e-modernisation initiatives that have little impact on transparency and citizen-engagement and that could even be seen as running counter to these values because they harness public data in public information silos. To be included in the open government agenda, the top-tasks approach needs to involve civil society. As yet, civil society has not been involved.

The top-tasks approach effort aimed at improving local government online service delivery through applying a user perspective. Such an initiative has found strong support among municipalities.¹⁵ With the study presented in November 2014 on the effectiveness and cost-efficiency of the approach, more and more local governments are restructuring their websites, and the top-tasks approach is becoming the norm.

Review and correct rights in the Netherlands are limited, but their realisation could be transformative. The current project of implementing a basic correction and review mechanism in MyGov remains limited in scope and functionality. In addition, there is no concrete timeline for 2015, nor plans for extending review rights to all registries containing personal data. Correcting data is still cumbersome, as demonstrated by the General Audit Court in their report on the basic registries from a citizen and governance perspective. The Minister of the Interior's lack of a clear legal mandate on basic

registries is an obstacle to a transparent digital government, as the National Court of Audit concludes.¹⁶

Moving Forward

Involving citizens in the top-task approach is key for fostering a truly open government on local level. The vision on government communication would be more effective if it was translated into clear, measurable milestones. Government communication also would be more effective if coupled with concrete pilot projects on open and accessible government information in domains that matter directly to citizens, as indicated by the March 2013 focus groups study. Such domains include spatial, environmental, and infrastructural planning. A needs-based analysis should inform these pilot projects.

Providing a legal basis for citizens to have single entry to review before the end 2015 would strengthen citizens' rights to correct and review. The right to review should be extended to not only metadata but also content. The fact that the number of requests for correction and review is currently limited does not constitute a lack of demand, but rather reflects the complexity and lack of transparency of the current system. The General Audit Court's recommendations in its report on the basis registries¹⁷ are clear, but have not been translated into concrete central government commitments. As advocated by the General Audit Court, the National Ombudsman should be given an explicit mandate to aid citizens in practicing their correction and review rights.

Furthermore, the cost-benefit analysis on correction and review¹⁸ needs to be expanded to include the costs and benefits on the part of citizens, not only in qualitative terms as has been done now, but quantitatively as well.

¹ This commitment covers two highly related commitments in the action plan: "Action 14: Make government information accessible and easy to find. Action 15: Make citizens better informed and more empowered: public inspection and correction of information." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BJysCe>.

² The Information Council is comprised of central government information directors supported by the Ministry of General Affairs.

³ <http://www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2014/10/21/informatie-op-maat.html>

⁴ Rick Koopman, "Landelijk Onderzoek naar Effecten van Websites Gemeenten; Zowel Met als Zonder Toktaken," Nieuwsbrief, GBBO, 17 June 2014, <http://bit.ly/1CfrSE5>

⁵ "Presentaties Cascadis Congres 2014," Cascadis, <http://bit.ly/1yKANL9>

⁶ Epractice Editorial Team, "Top Tasks Approach," Communities, European Commission Joinup, 22 April 2014, <http://www.epractice.eu/en/cases/toptasks>

⁷ "Digitale Overheid 2017," Kamerstukken, Tweede Kamer der Staten-Generaal, <http://bit.ly/15Bcdmh>

⁸ "Dutch Personal Data Protection Act," Netherlands, 1 September 2001, Art. 35.

⁹ "Berichtenbox MijnOverheid Start met Pilot," Nieuwsberichten, Eén Digitale Overheid, 5 June 2012, <http://bit.ly/1xZNOwg>

¹⁰ R.H.A. Plasterk, Minister of the Interior and Kingdom Relations, letter Nr. 292 to the President of the House of Representatives, 5 November 2013, <http://bit.ly/1uvuLj6>

¹¹ W. J. Heroes et al., *De Burger Gaat Digital* by de Nationale Ombudsman (Report, Den Haag, 9 December 2013), 58, <http://bit.ly/1Cfy66W>

¹² Gevonden <http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/publicaties/2014/05/22/business-cases-6/business-case-6-inzage-en-correctie.pdf>

¹³ Costs for realisation were € 1 million, annual costs for exploitation were € 319,000, and benefits were between € 11,000-66,000.

¹⁴ Open Overheid, *Rapportage Focusgroepen* (Unpublished report, 26 March 2013).

¹⁵ "Toptaken," Archief voor Toptaken, Goed Opgelost, <http://bit.ly/1zxE2rY>

¹⁶ Algemene Rekenkamer, *Basisregistraties: Vanuit het Perspectief van de Burger, Fraudebestrijding en Governance* by J.G.L. Benner RE RA et al., (Report, Den Haag, 28 October 2014), 6, <http://bit.ly/1yHGAQE>

¹⁷ Algemene Rekenkamer, *Basisregistraties: Vanuit het Perspectief van de Burger, Fraudebestrijding en Governance* by J.G.L. Benner RE RA et al., (Report, Den Haag, 28 October 2014), <http://bit.ly/1yHGAQE>

¹⁸ <http://www.rijksoverheid.nl/bestanden/documenten-en-publicaties/publicaties/2014/05/22/business-cases-6/business-case-6-inzage-en-correctie.pdf>

16. Online announcements and notifications¹

This commitment is a starred (★) commitment².

Action 16: Open announcements and notifications

The announcements that the government publishes have been partly digitised. Since 2009 the Government Gazette, Bulletin of Acts and Decrees and the Treaties Series have appeared in electronic form, and from 2014 other levels of government (local, provincial, water authorities) will announce their regulations in online publications.

The move to solely online publication only is not yet legally permitted for other types of official announcements, for which the common method of notification remains advertisements in magazines and newspapers, combined with published announcement at government buildings. This is true, for example, of the publication of draft decrees to which stakeholders may submit objections. By requiring online announcement of these regulations, information could be provided in a customised way, allowing people to receive digital notifications for those issues in which they take a personal interest, such as matters affecting their local environment, for example. If the entire draft decree were published, rather than just an executive summary, there would no longer be a need to keep a printed version at government buildings. The Government will amend the General Administrative Law Act³ to make this possible.

Commitment Description						
Answerability	Lead institution	Ministry of the Interior				
	Supporting institutions	All central government ministries Association of Netherlands Municipalities Association of the Provinces of the Netherlands				
	Point of contact specified?	No				
Specificity and measurability		16.1. A legal basis	High (Commitment language provides clear, measurable, verifiable milestones for achievement of the goal)			
		16.2. Implementation	Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader)			
Relevance	OGP grand challenges	More effectively managing public resources				
	OGP values					
	Milestone	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
	16.1. A legal basis	✓		✓	✓	
	16.2. Implementation	✓		✓	✓	
Ambition						
Milestone		New vs. pre-existing	Potential impact			
16.1. A legal basis		New	Moderate: A major step forward in the relevant policy area, but remains limited in scale or scope.			
16.2. Implementation		New	Moderate			

Level of completion			
16.1. A legal basis			
Start date: 1 September 2013		End date: 1 September 2015	
Projected completion	Substantial	Actual completion	Substantial
16.2. Implementation			
Start date: June 2011		End date: 1 January 2014	
Projected completion	Complete	Actual completion	Complete
Next steps			
16.1. A legal basis	Further steps required in next action plan.		
16.2. Implementation	No further steps required in next action plan.		

What Happened?

In July 2011, the Law on Electronic Publication, requiring all public organisations to publish new legislation or other forms of general binding rules (lower levels of legislation) online,⁴ went into effect. As of 1 January 2014, all public organisations are legally bound to publish all of their legislation online. However, the General Administrative Law Act regulating the publishing of decisions does not allow for digital publication as the primary, let alone the first, source. By changing the law and creating a single online publication platform, this commitment has created the basis for an integrated e-law where citizens as well as private enterprises can stay informed of the latest legislation through free subscription. The project plan was conceived in September 2013. In August 2014, the draft law was finished, and it is now subject to interdepartmental co-ordination.

The Ministry of the Interior has, through its agency KOOP, developed the single, integrated application Joint Service for Official Publications (GVOP) for official publication for all public authorities.⁵ The system has been operational since 1 January 2013. Ten out of twelve provinces and almost all local governments now use GVOP.⁶

Did it Matter?

Electronic announcements improve the capacity of citizens and organisations to know the law, but no impact- or needs-based assessment has been made. Online publication of legislation can result in a decrease of the administrative burden of legal changes for citizens as well as private enterprise. Online legislation also enhances the ability of citizens and entrepreneurs to know the law by allowing them to subscribe for new legislation on the basis of their specific preferences and to receive notifications on a voluntary basis.

There is a negative side effect that may outweigh these advantages. By allowing public authorities to notify citizens online with an enhanced use of the MyGov inbox, authorities now notify citizens of decisions by sending a general e-mail to all registered users notifying them of new decisions. This practice opens up the possibility to discontinue individualised paper notifications. It is legal because MyGov users affirm that from now on, they want to receive notifications through the inbox and that they will regularly read their messages. Case law confirms the legality of this practice.⁷ The fact that most users do not read the extensive terms of reference and in fact mostly ignore their inbox on MyGov is potentially problematic.

This commitment improves online services, but improvement of online services does not require a legal basis per se. The main reason for introducing e-notification is administrative. To increase its relevance, the commitment should include a needs-based analysis. Having one integrated and automated system that can serve as publication

channel greatly improves administrative efficiency. It also enhances administrative integrity in that there is only one channel for notifying citizens of new binding rules, from any source.

Moving Forward

The Law on Electronic Publication and the terms of use of MyGov (mijnoverheid.nl) could be revised to take into account the character of citizen-government relations and differences in digital abilities. The next action plan can strengthen this commitment by including a feedback mechanism to MyGov, adding user preferences and a clear disclaimer.

Involving the National Ombudsman as a supervisory body would ensure citizens' needs are the focus of MyGov functionalities. The Ombudsman's involvement could be a crucial element in ensuring MyGov retains a participatory element and enhances transparency.

¹ In the action plan, this is "Action 16: Open announcements and notifications." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BjysCe>.

² Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria. (1) It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity. (2) Commitment language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability. (3) The commitment must have a "moderate" or "transformative" potential impact, should it be implemented. (4) Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

³ Amendments will be made to articles 3:41 and 3:42.

⁴ "Overheidsinformatie," Officiële Bekendmakingen, Overheid.nl, <http://bit.ly/184vcXo>

⁵ "GVOP," Producten, Kennis-en Exploitatiecentrum Officiële Overheidspublicaties (KOOP), <http://koop.overheid.nl/producten/gvop>

⁶ "Deelnemers," GVOP, Producten, KOOP, <http://bit.ly/1Bg2cFz>

⁷ Netherlands Administrative Law Library, Bekendmaking Besluit 'Op Een Andere Geschikte Wijze' by Rolf Ortlep, (Report, December 2013), <http://bit.ly/184vqh3>

17. Public services and the user perspective¹

Action 17: Public services and the user perspective

The quality of their contact with public-sector organisations matters to citizens. If they believe they are being listened to and given the appropriate attention, an effective connection will be formed between the individual and the system (government bureaucracy). Organisations that perform public tasks also benefit from this contact. As users of their services, citizens have a lot of experience and can provide good suggestions for improvement. Openness and transparency are prerequisites for collaboration between public-sector organisations, and citizens and businesses.

A special centre, Kenniscentrum Dienstverlening (known by the acronym “KING”), helps local authorities focus more on the user perspective in providing services, including online and integrated services. The centre organises learning events, runs a website and provides practical help at the request of local authorities.

As part of its Online 2017 process, the Government is also working on accessible online services, with a particular focus on the user perspective: if people are not sufficiently computer-literate, they should be given help; processes should be user-friendly and a safety net should always be in place for those who need it.

Since many public-sector service providers are engaged in activities designed to make people more computer-literate, it is important that their experiences be catalogued and shared with others, so their efforts have the maximum possible effect. A study is therefore being conducted to establish what initiatives are most effective and efficient, and how they can be introduced more widely.

Commitment Description						
Answerability	Lead institution	Ministry of the Interior Quality Institute of Dutch Municipalities (KING) Association of Netherlands Municipalities				
	Supporting institutions	None specified				
	Point of contact specified?	No				
Specificity and measurability		None (Commitment language contains no verifiable deliverables or milestones)				
Relevance	OGP grand challenges	Improving public services				
	OGP values	Access to Information	Civic Participation	Public Accountability	Tech & Innovation for Trans. & Acc.	Unclear
						✓
Ambition						
New vs. pre-existing		Pre-existing				
Potential impact		Minor: An incremental but positive step in the relevant policy area.				
Level of completion						
Start date: July 2013				End date: July 2017		
Projected completion	No Dates or Milestones Inferable			Actual completion	Unable to Tell from Government and Civil Society Responses	
Next steps	No further steps required in next action plan.					

What Happened?

This commitment describes the role, tasks, and programme of KING, a joint national and local government agency focused on improving local administration. The ambition is to create a better understanding of citizens' needs and service-delivering SMEs' needs from local government public services, including online service delivery, as well as understanding of the effect of openness and transparency on municipalities. KING has been offering its services to municipalities in recent years, but without any connection to OGP commitments.

Did it Matter?

KING's functions are highly relevant and useful for assisting local governments in improving the user accessibility of their service delivery, but as yet they are not focused or connected with any initiative in the national open government action plan. The top-task approach analysed above offers a specific set of actions to make local government websites more transparent. KING did provide analysis for local governments, but this approach needs to be clearly connected to OGP commitments to improve transparency through participation.

Moving Forward

Improving local government websites and services to IT-illiterate citizens is important, but not primarily an open government objective. The IRM researcher therefore recommends no further steps in the next action plan.

¹ In the action plan, this is "Action 17: Public services and the user perspective." The commitment language was abridged for formatting reasons. For full text of the commitment, please visit <http://bit.ly/1BjysCe>.

V. Process: Self-Assessment

V.1: Self-assessment checklist

Was the annual progress report published?	Y
Was it done according to schedule? (Due 30 Sept. for most governments, 30 March for Cohort 1.)	N
Is the report available in the administrative language(s)?	Y
Is the report available in English?	N
Did the government provide a two-week public comment period on draft self-assessment reports?	Y
Were any public comments received?	Y
Is the report deposited in the OGP portal?	N
Did the self-assessment report include review of consultation efforts during action plan development?	Y
Did the self-assessment report include review of consultation efforts during action plan implementation?	Y
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	N
Did the report cover all of the commitments?	N
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	N

Summary of Additional Information

Open government in the Netherlands is largely a top-down government initiative, despite the country's legacy on public participation and freedom of information. The wide variety of initiatives on the open government agenda made it hard to connect open government with the communities and public debates on participation, open and active access, and open data. Consequently, the story of the Netherlands joining OGP and its consequences did not reach Dutch society.

OGP in the Netherlands is based on a visionary document and an action plan that was more of a general agenda than a concrete plan with measurable initiatives. The decentralised, informal approach to consultation has had the consequence of blurring the impact of the commitments. Technically speaking, it is difficult to evaluate the impact of the commitments in the action plan and the degree of their completion.

The decentralised network approach to get many of the CSO-led initiatives in the action plan provided legitimacy to the plan, but also created co-ordination problems. Many of the commitments are co-ordinated from other programmes and other platforms. Most commitments made by non-central government actors have been described in ways that are not closely aligned with OGP guidelines. In the action plan, commitments are neither time-bound nor clearly measurable. The underlying project plans that were used to construct the open government action plan do contain milestones, but these are not explicitly listed in the action plan.

The fiscal crisis led to a debate on the cost of open government initiatives. Many of the commitments have been evaluated in terms of a social cost-benefit analysis.¹ As many of the non-central government and civil society organisations associated with the action plan were not included in the consultation process, the cost-benefit analysis predominantly reflects the costs and benefits to the central government. Consequently, many commitments were rated as "not cost-effective." While this effort to financially appraise the various commitments can be conducive to generating central government funding in times of scarcity, it limits financial support from other non-central government actors.

The self-assessment report was conceived, written, and finalised largely within the Ministry of the Interior and Kingdom Relations. The government point of contact mentioned that from June 2014 to November 2014, no meeting of stakeholders was organised because of a lack of inter- and intra-departmental support for the organisation of such a meeting.² Despite the large number of CSOs involved in and committed to the various commitments and the open government events that highlighted parts of the action plan, during the period of the IRM evaluation, a formal consultation meeting was not organised and an action plan draft was not circulated for comments. This decreased CSO and governmental interdepartmental support for the self-assessment report and negatively affected the self-assessment report's specificity.

The self-assessment report was open for comments during a two-week period in the second half of September 2014. Only a few comments were received, signalling a lack of public awareness. Reports on each of the commitments were included in the self-assessment report, but only as an annex, and as a result were not familiar to any of the interviewees from civil society. A thorough consultation on the self-assessment report did not take place.

¹ This is based on the last draft report of 3 July 2014, which is not for citation.

² A government point of contact, e-mail exchanges with the IRM researcher, 5 July 2014 - 15 September 2014.

VI. Country Context

Country context

Dutch state and CSOs are closely linked. The Netherlands, being a heterogeneous, small and affluent democratic society in a globalising world, is an open economy relying on export and on financial openness. The Netherlands is one of the major foreign investors in the United States, for instance. Its heterogeneity -- in terms of religious denominations, regional differences, and geographical conditions -- and decentralised character of governance is built on the basis of close contact between local governments and civil society. Central government fulfils a predominantly system- and service-oriented mode. Due to this governance structure, issues such as civic participation and transparency are highly salient.

Far less attention is given to ethics and integrity in local governance (in terms of trading in influence) and international trade. The Netherlands is a tax haven for foreign companies and is one of the main European centres for so-called “mailbox-firms.”¹ Over the years, international companies have set up their European headquarters in the Netherlands or have chosen the country as its bridge to Europe, partly because of low tax rates or direct tax cuts. Starbucks is the most recent example.² Other issues that garnered international media attention in recent years focused on the involvement of Netherlands-based multinationals in corruption in Africa, Latin America, and Central and Eastern Europe. However, these integrity-related issues were not part of the public debate on open government.

The theme of open government connects various debates on the modernisation of government-society relations in general and the public sector in particular. In the early 2000s, modernisation programmes on e-government and “the other government” (on citizen oriented administration) were set in motion. At the end of the decade, these two efforts merged with a third set of social issues: the modernisation and shrinking of the welfare state, the activation of the citizen-government relationship, and the intensifying contribution of citizens to the public cause.

Shortly after the OGP initiative was announced, the Netherlands decided to join. With many of the core values of OGP incorporated in Dutch statehood, joining seemed to be a natural decision. The procedure of formally joining OGP, however, proved to be complicated. In Dutch politics, the early 2000s were characterised by political instability. After the politically motivated assassinations on politician Pim Fortuyn and cineaste Theo van Gogh, coalitions were unstable. From 2006 on, minority cabinets became the norm, and governments proved to be short-lived, with prolonged periods of intergovernmental rule by ‘acting cabinets.’ One such period coincided with the accession procedure to OGP. Dutch participation in the OGP was delayed because the government filing for membership in 2011 had to step down while the draft action plan was in the preparation process. Public participation and open government were deemed politically sensitive. Subsequently, many of the awareness-raising activities had to be cancelled. During the formation of the new government, departmental reorganisations and mergers led to further discontinuity. In an effort to speed up the process of starting the first action plan cycle, involvement of parties outside the central government was limited.

Four OGP-related issues captured the public agenda during this period. First, Participation Society was an initiative based on the idea that the government’s role is to ‘activate’ society to take on what were once public sector tasks. Participation Society led to significant decentralisation and outsourcing of government tasks to civil society organisations as well as significant reforms in social policy (community care, welfare, youth policy). Local government budgets almost doubled in four years’ time.³ Second,

open access and freedom-of-information culminated in the development of a draft Law on Open Government, led by members of Parliament, which is now in its final stages. Third, there was fundamental concern over privacy and civil liberties, prompted by NSA's efforts at gathering and interpreting data as well as public concern over the practices of big international telecom operators. Fourth, Dutch were concerned with the integrity of government, and more precisely local government, after several vice-mayors were questioned for their involvement in public-private urban development projects that allegedly furthered the financial interests of befriended businessmen.

The public debate on Participation Society and the grand scale decentralisation of central government tasks to the local level made it all the more important to involve local governments in the action plan. The debate on the open government law, by contrast, resulted in creating an alliance against openness. The transition from current 'traditional and vertical' practices of government to more open, horizontal practices led to criticisms and fears, ranging from the costs associated with transforming government to privacy concerns and the loss of state protection. Local governments have been especially vocal, with the Association of Netherlands Municipalities lobbying actively against the Law on Open Government. Privacy concerns have tended to focus on the activities of international companies (e.g. telecom providers and social media) and present government as the protector of civil liberties.

There is a strange lack of interest in the public debate on the integrity of the public sector. This may be due to the fact that traditionally the Dutch public sector is perceived as highly transparent.⁴ At the same time, the Netherlands is a high trust society where the openness of its economy creates a sphere of deal making that is consensual and involves trading in influence. This downside of social capital is generally ignored in the public debate. Public debate largely focuses on incidents and codes of conduct, and fails to focus on the impact of openness.⁵

Stakeholder priorities

Three stakeholder priorities stand out prior to and during the implementation of the action plan. The first priority is modernisation of the Dutch Freedom-of-Information (FoI) Act. Propelled by a political initiative of liberal parties as well as civil-society watchdog organisations such as Transparency International, Bits of Freedom, and journalist organisations, parliamentarians like Mariko Peters have been pushing for years for more openness. At the same time, the Netherlands Association of Municipalities, the Association of Regional Authorities, and the Minister of the Interior and Kingdom Relations lamented the costs associated with FoI procedures. This was because the timely processing of FoI requests is legally bound to a penalty, and this provision is abused by "professional FoI-ers" to garner an income, such as legal advisors and lawyers that build their livelihood on sending large or complicated FoI requests to overburden local governments. All parties concerned, including the National Ombudsman as well as the Dutch Association for Journalists,⁶ agree that, as it stands, the law does not work, that the penalty should be removed, and that active openness should be the principle. But opinions diverge as to how to realise openness.⁷ Many in government perceive the current FoI practice as costly, time-consuming, and counterproductive, leading to a decrease of openness and formalization in procedures, where responsiveness and openness should be the norm.

Second, the importance of open data and "open by design" is supported by a wide coalition that includes the Ministry of the Interior and Kingdom Relations, agencies such as KOOP, the National Land Registry, and CSOs like Open State Foundation, ProDemos, De Waag Society, HIVOS, the Network for Budget Monitoring and Civic Participation, academic institutions (Delft University and Technological Centre of Expertise TNO, for instance), and companies promoting open data (e.g. software developers and IT-

industry) associated with the Platform Open Data.⁸ Large parts of the economy are data-driven, and Dutch local governments occupy a key position. This enables government to stimulate the national and regional economies by opening datasets.⁹ But because there are so many public datasets that are hierarchically connected, modernisation of the open data processes is a salient issue, but with considerable cost in the short term.

Third, budget transparency is a key issue for the Ministry of Finance, Ministry of the Interior and Kingdom Relations, as well as CSOs such as the Open State Foundation. Budget transparency promises an increase in the cost-efficiency, leanness, and smartness of the Dutch public sector. Participation is inherent to Dutch spatial and environmental planning, but in other policy sectors, openness often conflicts with standards and practices and modernisation is time-consuming. The reliance of the Dutch government on the private sector, most notably consultancy firms and ICT-enterprises servicing local governments, has generated criticism from CSOs as well as local governments. Recent reports have highlighted the financial losses and failures of e-modernisation, partly blaming the inter-connectedness between government and ICT-firms.¹⁰

For the next action plan, CSOs like the De Waag Society, Open State Foundation, Bits of Freedom, and the Center for Budget Monitoring and Civic Participation point to open data as the driver of change, not just in the perception of costs and benefits of open government, but also in issues such as open spending, open access, budget transparency, integrity and awareness-raising. In the area of public-private partnerships, new norms have emerged that quickly generate communities with a critical mass, such as in the area of local open spending, local government service delivery, and integrity. Open data and APIs seem to be crucial to many of the issues concerned with open government. The OGP-experience has as yet had little impact on the Dutch debate on the participation-society. The two debates have been organised into separate programmes. Connecting civic participation processes with open data is a strong driver of open government and fosters an open society agenda that can provide a more society-oriented course for the next action plan.

Lastly, stakeholders in academia, journalism, law, official governmental think-tanks (such as Scientific Council for Governmental Policy, the Council for Public Administration, the Council for Social Development, the Ombudsman, and the Court of Audit) call for promoting a culture of openness in terms of legal procedures, the transfer of ownership from public data to citizens, open and active access to budget information, and transparency of political decision making processes. A new generation of public servants has led to a more responsive service-oriented and horizontal work-culture. The current debate on the negative aspects of openness from the point of view of horizontal administration, as fundamental as it may be, is generally perceived as the last stand of a more traditional approach to government. As local governments are forced to innovate and modernise, a shift in the Dutch open government approach to local governments is advocated for by this coalition.

Scope of action plan in relation to national context

The current action plan has not made maximum use of the power and knowledge residing in civil society, both as an advocate and agent of change for open government. Having an effective CSO forum reflecting on the course of open government helps stimulate concerted action on the part of the open society. Such a forum is now absent.

The open government action plan has to a large extent been realised within the context of e-government. While this has increased the salience of the national agenda to local governments and service providers, it also has had a negative impact on the aspect of citizen-engagement. As yet, the direct visible impact on civil society is limited. In the

longer run, the elision between e-government and open government is detrimental to the open government agenda.

In the past two years, a great deal of energy has been spent on themes like Participation Society and Do-It-Yourself-Democracy, but the Ministry of the Interior and Kingdom Relations has separated these debates from the open government agenda. Connecting these issues in the action plan would increase the salience of open government and attract media and public attention that so far has been absent in the drafting and implementation of the action plan. The decentralisation of central government tasks to the local level could provide an impetus to the open government agenda. Increased impact may come from having local government provide a framework of requirements that enables them to better reach and include citizens, thereby realising open government within centrally mandated tasks that truly matters to citizens. This would include having local governments monitor the realisation of the national open government action plan.

The threefold agenda for open government – open information, open work, and open access – adopted in the action plan has produced a large variety of commitments, but the action plan was overly focused on the role of the national government. Most innovation takes place at the local level, in direct government-citizen-civil society interactions. In recent years, local government has been put forward as the “first government” for citizen contact. On the other hand, local governments have been the first to criticise and actively lobby against the Law on Open Government.

Central government should continue to play an active and hands-on approach in close collaboration with local government agencies. Because the action plan was meant to be a concerted central government effort with many ministries contributing actions of their own, parts of the action plan were outside the scope and domain of the Ministry of the Interior and Kingdom Relations. Greater local government engagement would also increase the co-ordinating capacity of the Ministry of the Interior and Kingdom Relations.

¹ Stichting Onderzoek Multinationale Ondernemingen (SOMO), *The Netherlands: A Tax Haven?* By Michiel van Dijk, Francis Weyzig and Richard Murphy (report, Amsterdam, November 2006), <http://bit.ly/1yOJwis>

² Antoine Colombani and Yizhou Ren, “State Aid: Commission Investigates Transfer Pricing Arrangements on Corporate Taxation of Apple (Ireland) Starbucks (Netherlands) and Fiat Finance and Trade (Luxembourg),” press release, European Commission, 11 June 2014, <http://bit.ly/1hHXaM3>

³ Teun Oosterbaan and Rob Ruijtenberg, “Zonder Standaardisatie Geen Decentralisatie,” Opinion, Binnenlands Bestuur, 22 July 2013, <http://bit.ly/1CfRMrg>

⁴ Transparency International Netherlands, *National Integrity System Assessment: Netherlands* by Willeke Slingerland et al., (Report, The Hague, April 2012), <http://bit.ly/15uVCQt>

⁵ Marc Chavannes, “Wordt Dit Land Super-Integer of Juist Niet?,” Opklaringen Blog, NRC.nl, 14 December 2013, <http://bit.ly/1EtSC2U>

⁶ Avinash Bhikie, “Journalisten Steunen Oproep Nationale Ombudsman Voor Afschaffing Wob,” Nieuws, de Volkskrant, 30 May 2013, <http://bit.ly/1yufLl1>

⁷ “De Impact van Open,” Waag Society, <https://waag.org/nl/event/de-impact-van-open>

⁸ “Speelveld Open Data,” <http://bit.ly/1CDHnmV>

⁹ Kevin Van Nguyen, “The GovLab Selected Readings on the Economic Impact of Open Data,” GovLab Blog, GovLab, 31 July 2014, <http://bit.ly/1vfmhvN>

¹⁰ Tweede Kamer der Staten-Generaal, *Parlementair Onderzoek Naar ICT-Projecten Bij de Overheid* (Final Report, 2014-2015), <http://bit.ly/1Bg6gFI>

VII. General Recommendations

This section recommends general next steps for OGP in general, rather than for specific commitments.

Crosscutting recommendations

The IRM researcher recommends:

1. Separating the e-government and open government agenda. E-government intervention can facilitate civic participation, but only if they have engagement as their primary objective;
2. Writing the next action plan to be measurable and time-bound, with milestones that garner support and interest both from civil society and local government;
3. Ensure the deliverables and milestones of the project plans for each of the commitments match the commitments in the action plan on open government;
4. Use a single website to announce, distribute, and track the action plan, individual commitments, events, and results;
5. The Ministry of the Interior introduces a mechanism into the action plan that enhances steering and co-ordination. The Stimulus Group and Inspiration team created focus, but the co-ordinating mechanism of the first action plan is weak;
6. The Dutch government not only consult but also involve civil society organisations, both in drafting and implementing the action plan. This is in line with the Dutch participation legacy;
7. Clearly mandate and designate responsibility for the implementation of the action plan, even if the action plan reflects and subsumes the action of local governments, agencies, and CSOs;
8. Includes costs and benefits for government actors but also costs and benefits for civil society, enterprises, and citizens in any cost-benefit analysis or business case performed on commitments;
9. Specify in the next action plan consolidated results produced under the first action plan, in close co-operation with the authorities working with these results;
10. The Ministry of the Interior work with the Dutch Associations of Municipalities, Regional Authorities, and Water authorities in the next period to ensure the development, adoption, and implementation of open government commitments, since open government more and more focuses on local government;
11. The Dutch Government engage in a dialogue with other European governments on drafting effective action plans.

Top SMART recommendations

<i>TOP FIVE 'SMART' RECOMMENDATIONS</i>
<p>1. The right to correct and review personal data The IRM researcher recommends that, by the end of 2015, the government commits to providing a legal basis for granting citizens access to review personal data held by government including who has reviewed this data, when, and for what purposes.</p> <p>In order to achieve recent recommendations made by the General Audit Court on the basis registries, as a first step, Government can explicitly mandate the National Ombudsman to help citizens in realise their right to correct and review personal data.</p>
<p>2. Open budget and open spending As part of the next action plan, Netherlands can commit central government ministries and agencies to follow the example set by the Ministry of Finances and report their finances in the General Court of Audit open data format.</p>

3. Active publication of government information

The IRM researcher recommends the next action plan should contain an analysis of the categories of information that are of interest to the public and make this information available. This would help implement the European Directive on Public Information 2013/37/EU. The method for publishing open data developed by the Ministry of Finance for the national budget should be applied to financial items in all ministries and should be inserted into the national budget.

4. Instruments to enhance integrity

Government should enforce uniform use of existing integrity tools by local and regional governments by applying systems adopted by a coalition of forerunning municipalities. Local governments should be legally obliged to have online accessible registries on integrity violations before the end of 2015. Items from this strategy can be included as part of the next OGP action plan.

5. Open working

The IRM researcher recommends taking commitments to structurally embed Pleio as a platform for inter-organisational communications and sharing of innovation, as supported by various Dutch government officials and civil society organizations.

VIII. Methodology and Sources

As a complement to the government's self-assessment report, well-respected governance researchers, preferably from each OGP participating country, write an independent IRM assessment report.

These experts use a common OGP independent report questionnaire and guidelines,¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

The timeline for the review, the strategy, and all of the official documents on OGP were published on Pleio,² the independent platform for collaboration between public servants and civil society, as well as on Facebook, as of 1 September 2014.³

Interviews and focus groups

Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the “usual suspects” list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment report or accessible online.

From government, the IRM researcher interviewed Hanneke Snippen-Dullemond, the OGP contact person with the Ministry of Interior and Kingdom Relations. Despite efforts made by the government contact person to convene a meeting of government officials involved in national action plan implementation, high ranking officials could not provide clearance for the meeting.

To gather the voices of multiple stakeholders, the Netherlands IRM researcher launched an online survey⁴ through the Dutch OGP Facebook forum on open government on 17 September 2014. The survey resulted in only 14 responses.⁵ Subsequently, the IRM researcher organised an online stakeholder debate 7-9 October 2014 using Google Moderator. While 36 stakeholders signalled their interest and followed the debate, only seven took part. This limited interest reflects the limited participation in the official online consultation on the national Government's self-assessment report, and may be seen as an indication of the ambiguity that the open government agenda still has in the eyes of the public and the stakeholders. At the same time, the low participation could be the result of how incrementally the agenda was formulated and implemented. These effects and implications are further discussed in the review.

In order to involve the stakeholders in formulating next steps for the Netherlands in the open government agenda, through a Twitter call at the conference, the IRM solicited the aid of 22 CSOs during a CSO-organised seminar on the impact of openness, held 28 on October 28 2014. All these respondents were invited and contributed to validating the next steps agenda of the Dutch government, as laid down in the self-assessment report and the formulation of a civil society agenda.⁶ Last but not least, two experts from academia⁷ and civil society⁸ were interviewed to reconstruct the Dutch discourse on open government in recent years and to contextualise the findings.

Document Library

The IRM uses publicly accessible online libraries as a repository for the information gathered throughout the course of the research process. All the original documents, as well as several documents cited within this report, are available for viewing and comments in the IRM Online Library in The Netherlands at <http://www.opengovpartnership.org/country/netherlands>.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a biannual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small staff based in Washington, DC shepherds reports through the IRM process in close co-ordination with the IRM researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ Full research guidance can be found in the IRM Procedures Manual, available at: <http://www.opengovpartnership.org/about/about-irm>.

² "Online Raadpleging Onafhankelijke Review Open Overheid," Pleio, <http://bit.ly/1xB8nAt>

³ Open Overheid Review, <https://www.facebook.com/OverheidReview/timeline>

⁴ "Open Overheid Review: Waarom en Hoe," <https://www.surveymonkey.com/s/NNZGRGV>

⁵ Because response was so low, the results are not in any way representative and were not included.

⁶ The format was written interviews.

⁷ Albert Meijer, Utrecht University, interview with the IRM researcher, 24 October 2014

⁸ Arjan Al Fassed, Open State Foundation, interview with the IRM researcher, 22 October 2014