

Independent Reporting Mechanism (IRM): Czech Republic Progress Report 2016– 2017

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Executive Summary:

Czech Republic Year 1 Report



Action plan: 2016–2018
Period under review: July 2016–October 2017
IRM report publication year: 2018

The priorities of the Czech Republic's third action plan continue from previous action plans, with a heavy focus on open data and professionalization of public administration. The Government Anti-Corruption Council serves as the multistakeholder forum, and the action plan is closely linked to the anti-corruption agenda. Future action plans could benefit from broadening civil society involvement in the consultative forum and designing more ambitious commitments with clear objectives and measurable activities.

HIGHLIGHTS

Commitment	Overview	Well-Designed?*
4.1.1 Implementing the Civil Service Act	Complete the legislative framework for depoliticizing, professionalizing, and stabilizing public administration.	No
4.2.2 Czech Republic's Open Data Ecosystem	Develop an open data environment among public administration bodies through methods and standards and supplemented with trainings.	No

*Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact

PROCESS

OGP is not well known in the public administration and civil society. Awareness-raising for stakeholders and the general public is virtually non-existent through all phases of national OGP process. The multi-stakeholder forum consists of the members of the Anti-Corruption Council and its committees. CSOs participate in discussions on priorities but have a very limited role in implementation oversight.

Who was involved?

	Government
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Civil society		Narrow/ little governmental consultations	Primarily agencies that serve other agencies	Significant involvement of line ministries and agencies
	Beyond "governance" civil society			
	Mostly "governance" civil society			✓
	No/little civil society involvement			

OGP is coordinated by the Anti-Corruption Unit of the Regulatory Impact Assessment Department of the Office of the Government of the Czech Republic, the central body of the state administration. The Government Anti-Corruption Council served as the multistakeholder forum and membership consisted of 17 people representing seven government institutions, four associations and chambers, one member from academia and five civil society organizations. Five line ministries raised substantial comments on the draft plan, as well as one regional government and four agencies.

Level of input by stakeholders

Level of Input	During Development
Collaborate: There was iterative dialogue AND the public helped set the agenda	
Involve: The government gave feedback on how public inputs were considered	✓
Consult: The public could give input	
Inform: The government provided the public with information on the action plan.	
No Consultation	

OGP co-creation requirements

Timeline Process and Availability Timeline and process available online prior to consultation	Yes
Advance notice Advance notice of consultation	Yes
Awareness Raising Government carried out awareness-raising activities	No

Multiple Channels Online and in-person consultations were carried out	Yes
Documentation and Feedback A summary of comments by government was provided	Yes
Regular Multi-stakeholder Forum Did a forum exist and did it meet regularly?	Yes
Government Self-Assessment Report Was a self-assessment report published?	Yes
Total	6 of 7

Czech Republic did not act contrary to OGP process

A country is considered to have acted contrary to process if one or more of the following occurs:

- The National Action Plan was developed with neither online or offline engagements with citizens and civil society
- The government fails to engage with the IRM researchers in charge of the country's Year 1 and Year 2 reports
- The IRM report establishes that there was no progress made on implementing any of the commitments in the country's action plan

COMMITMENT PERFORMANCE

The Czech Republic's third action plan contains six commitments across three topics: (i) implementing the adopted Civil Service Act to carry out the depoliticization, professionalization and stabilization of public administration; (ii) improving access to data and information; and (iii) creating safer communities. These priorities were carried over from previous action plans, but implementation is limited with only one commitment complete and one substantially complete.

Current Action Plan Implementation

2016–2018 Action Plan	
Completed Commitments (Year 1)	1 of 6 (17%)
OGP Global Average Completion Rate (Year 1)	18%

Previous Action Plan Implementation

2014–2016 Action Plan	
Completed Commitments (Year 1)	3 of 9 (33%)
Completed Commitments (Year 2)	5 of 9 (56%)
2012–2013 Action Plan	
Completed Commitments (Year 1)	0 of 6 (0%)
Completed Commitments (Year 2)	N/A

Potential Impact

2016–2018 Action Plan	
Transformative Commitments	0 of 6 (0%)

OGP Global Average for Transformative Commitments	16%
2014–2016 Transformative Commitments	2 of 9 (22%)
2012–2013 Transformative Commitments	3 of 6 (50%)

Starred commitments

2016–2018 Action Plan	
Starred Commitments (Year 1)	0 of 6 (0%)
Highest Number of Starred Commitments (All OGP Action Plans)	5
2014–2016 Starred Commitments	0 of 9 (0%)
2012–2013 Starred Commitments	0 of 6 (0%)

* Commitment is evaluated by the IRM as specific, relevant, has a transformative potential impact, and is substantially complete or complete

IRM RECOMMENDATIONS

1. Improve the multistakeholder approach and action plan implementation oversight
2. Improve formulation of the commitments
3. Manage the EU GDPR concerns within open data
4. Enhance transparency of the beneficial ownership register
5. Improve open contracting

COMMITMENT OVERVIEW

Commitment Title	Well-designed (Year 1)*	Starred (Year 1)	Overview
4.1.1 Implementing the Civil Service Act	No	No	Implementation of the Civil Service Act is substantial with the issuance of a decree defining a service badge; the establishment of a selection process for service posts and department directors and deputies; and the ongoing production of reports on Civil Service Act implementation.
4.2.1. Opening Priority Data Sets of Public Administration	No	No	The commitment aims at further opening public administration data by establishing a list of priority data sets. Implementation is limited as a majority of priority data sets are outside the competence of the lead implementing agency.
4.2.2 Czech Republic's Open Data Ecosystem	No	No	Completion is limited but ongoing in line with implementing the EU-funded Open Data II project to develop methods that engage public administration bodies in adopting open data standards.
4.2.3 National Open Access to Scientific Information	No	No	Implementation of this commitment was completed with the adoption of the National Open Access to Scientific Information Strategy 2017–2020 on 14 July 2017 for open access to publicly funded scientific information.

Strategy for 2017-2020			
4.3.1 Supporting Volunteering	No	No	The objective of the commitment is to submit the new draft law on volunteering to the government and to design the Concept of the Development of Volunteering. However, as written, its relevance to OGP values is unclear.
4.3.2 Improving Local Level Safety	No	No	Activities for centralizing local-level crime statistics through the “Maps of the Future II” project are vague and have limited completion as three of the four were postponed due to a delay in implementation of the project.

*Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact

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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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder 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. OGP provides an international forum for dialogue and sharing among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

The Czech Republic began its formal participation in OGP in September 2011, when Karolina Peake, Deputy Prime Minister, declared the 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. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

The Czech Republic developed its third national action plan from February 2016 to June 2016. The official implementation period for the action plan was 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and the first year of implementation, from July 2016 to October 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation (October 2017) will be assessed in the end-of-term report. The government published its self-assessment in October 2017.²

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Vera Pachta, independent researcher, who carried out this evaluation of the development and implementation of the Czech Republic's third action plan. To gather the voices of multiple stakeholders, the IRM researcher held interviews in Prague and Brussels. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

¹ Link to letter: <https://www.opengovpartnership.org/documents/czech-republic-letter-of-intent-join-ogp>.

² Office of the Government of the Czech Republic, Minister for Human Rights, Equal Opportunities and Legislation, "Mid-Term Self-Assessment Open Government Partnership Action Plan Report of the Czech Republic for 2016-2018" (Prague, Nov. 2017), <http://www.korupce.cz/assets/dokumenty/tiskove-zpravy/Prubezna-sebehodnotici-zprava-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018---verejne-konzultace.pdf>. The Czech version is available at: <http://www.korupce.cz/assets/dokumenty/tiskove-zpravy/Prubezna-sebehodnotici-zprava-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018---verejne-konzultace.pdf>.

II. Context

Czech Republic is a consolidated democracy with a strong civil society but with persistent challenges in enforcing anticorruption legislation. Commitments of this action plan mostly build upon existing government initiatives. While the action plan helps advance the open data agenda, it falls short of addressing shortcoming in the access to information legislation and practice, an area where the country lags behind other EU members.

2.1 Background

Czech Republic is a consolidated democracy,¹ with an environment generally free for political parties, media, and civil society. Freedom of speech and press are guaranteed by the Constitution and are respected by the government. According to Freedom House, the media is considered “free,”² although there have been cases of politicians using hostile rhetoric against media outlets and there are concerns over ownership concentration among a small group of wealthy businessmen including the prime minister.³

Civil society is well-developed with a large number of organizations, including CSOs focusing on areas such as corruption, city planning, LGBT rights, food safety, and participatory budgeting on the local level.⁴ CSOs play an important role in monitoring government performance and regularly advocate for transparency and anti-corruption reforms.⁵ For example, with support from national businesses and international donors, more than 20 CSOs launched an anti-corruption campaign named the “Reconstruction of the State.”⁶ During the run-up to general elections, the CSO-coalition used this project⁷ to request that members of parliament and senators pledge support to the nine proposals of anti-corruption laws and held them accountable against their pledge based on their work in the Parliament. While vibrant and diverse, the Czech non-governmental sector suffers from a lack of funding and is largely dependent on public funding and EU grants. However, contributions from individual private donors have been on the rise and companies are starting to promote volunteering with charities.⁸

Freedom of Information is guaranteed under the law, however CSOs have reported difficulties with and reluctance among public officials to release information related to the salaries of public officials, public tender, and other uses of public finances.⁹

According to the Open Budget Index, the Czech Republic provides the public with substantial budget information and scored 61 out of a possible 100 points on budget transparency.¹⁰ While the legislature and the Supreme Audit Office provide adequate oversight of the budget, there are few opportunities for public engagement in the budget process. The report recommends the government create opportunities for public participation during both the formation of the national budget and the monitoring of its implementation.

Legislators, members of the cabinet, and public officials are required by the Conflict of Interests Act of 2006 (Act No. 159/2006 Coll.¹¹) to annually declare their assets. Amendment No. 14/2017 Coll. to the Act on Conflict of Interest, effective 1 September 2017, introduced a public online registry to directly access asset declarations of political figures and other enumerated officials without any request needed, though the provided information often lacks sufficient detail.

Czech Republic has strong anti-corruption legislation in place. The country has signed and ratified the United Nations Convention Against Corruption (UNCAC) and the Organization for Economic Co-operation and Development (OECD) Convention Against Bribery. The Criminal Code criminalizes attempted corruption, extortion, active and passive bribery, bribery of foreign officials, and money laundering. There are strong penalties in place for officials committing bribery and abusing power, including up to 12 years in prison and forfeiture of property. However, anti-

corruption laws are not always effectively enforced. The OECD has noted that there is an absence of prosecutions for foreign bribery, despite the high risk of bribery in sectors such as export of machinery and defense materials.¹² According to the Transparency International Corruption Perception Index (CPI) for 2017, the Czech Republic improved its score to 57 points out of 100 but still significantly lags behind the EU average.¹³

Public procurement is an area perceived to be particularly susceptible to corruption risks. In Czech Republic, businesses consider corruption to be widespread in national and local public procurement.¹⁴ According to the law, tenders are required for acquiring services and supplies exceeding CZK 2 million and construction work exceeding CZK 6 million. In 2014, a fifth of contracts were granted without a call for tender and another fifth were awarded in tenders with only a single bidder.¹⁵ Among the main corruption risks are customized criteria for certain bidders, manipulation of tender conditions to favor particular bidders, and the abuse of emergency grounds to justify the use of non-competitive procedures.¹⁶ According to research by the NGO zindex, donors of political parties received contracts worth USD 19.5 billion, and companies owned by political donors acquired 40 to 60 percent more public contracts than companies owned by non-donors.¹⁷

Political Developments

Implementation of the third action plan took place during several political developments. Two scheduled elections occurred: regional and Senate elections in October 2016 and general elections for the Chamber of Deputies of the Parliament in October 2017. Both elections confirmed the ANO party of Andrej Babiš taking the position as the major political force in the country. The leader of the party faced accusations of possible conflicts of interests when serving as the finance minister given his ownership of major media outlets.¹⁸ Furthermore, his ownership of Agrofert, a major Czech agricultural and food group,¹⁹ and investigation of irregularities in obtaining EU funds for building his private farm complex “Stork nest”²⁰ posed further questions about his public role and fitness to rule. In response, the Chamber of Deputies adopted amendments to the conflicts of interest act prohibiting media ownership by government ministers, and preventing firms in which ministers hold more than 25 percent from winning public contracts and discretionary subsidies.

Recently, the Czech political scene has been exposed to an increasing number of attempts to influence elections through fake news and false information undermining pro-European and pro-Western political orientation.²¹ According to the Security Information Service 2016 Annual Report,²² Russian and Chinese political and economic influence has been gradually growing in the Czech Republic as of 1 January 2017. New legislation regulating political party finance is in place,²³ creating a new office to oversee these financial activities. However, there remain major concerns over foreign funding of the Czech political parties linked to particular interests.²⁴

Legal Developments

The legislative branch of the government has worked on major reforms mostly regarding beneficial ownership and whistle-blower protection. By the end of 2016, the government transposed the fourth EU anti-money laundering and terrorism financing directive into Czech legislation.²⁵ In force as of 1 January 2018, the new law (Act No. 368/2016 Coll.) establishes a central beneficial ownership register for domestic and foreign companies and trusts doing business in the Czech Republic.²⁶ However, the law follows a narrow interpretation of the EU directive that limits access to this information to people with a “legitimate interest” in cases where there already exists reasonable grounds to suspect money laundering and financing of terrorists.²⁷ While the law introduces no sanctions for companies or beneficial users that fail to report to the register, the register itself is a tool for efficient enforcement of other legal rules that do apply sanctions, e.g., the Public Procurement Act.

At the same time, in February 2017, the Chamber of Deputies attempted to limit and amend the law on registering public contracts, introducing exceptions for state-owned companies and municipal companies. The Senate prevented this step, which would seriously limit financial transparency and

access to information. In addition, in March 2016, the Supreme Administrative Court ruled CEZ, the state-owned energy company, to be a publicly liable entity, consequently bound by the law on free access to information. However, in July 2017, the Constitutional Court overruled this decision,²⁸ claiming that CEZ is primarily a business entity with its data and information protected by trade secret and company law.

In February 2017, the government adopted a draft whistle-blower protection bill which systematizes the protective measures already codified in Czech legislation and strengthens the legal position of whistleblowers. However, the Chamber of Deputies postponed the reading of the draft bill to May 2017 and no further steps were taken until the general elections in October 2017.

Furthermore, the government also started some major reforms on free access to information in the country. In September 2016, Act No. 106/1999 Coll. on Access to Information was amended by the definition of the term “open data,” establishing the National Open Data Portal,²⁹ which will be explained later in this report. This amendment facilitates the implementation of the open data policy across the public administration, municipalities, and other public bodies. The law came into effect on 1 January 2017.

2.2 Scope of Action Plan in Relation to National Context

The process of developing commitments and milestones for the national action plan lacks an overall strategic approach. In the current plan, the majority of the commitments reflect tasks and goals that the public administration has to deliver under pre-existing international or domestic frameworks or those that are already part of a ministry’s legislative plan. OGP is largely seen as additional support for these goals. While internal accountability by these public bodies has intrinsic value, it doesn’t affect the goal envisaged by OGP, i.e. opening the administration to the citizens. A change of approach to OGP would most likely require a structural change and additional powers entrusted to the coordination body similar to the neighboring Slovak Republic, where the coordination and distribution of tasks is managed by the Plenipotentiary of Slovak Government for the Development of Civil Society who is endowed with enhanced authority over the line ministries.

Compared to other European Union (EU) countries, the Czech Republic lags behind in the area of access to information. In the 2017 Global Right to Information Ranking,³⁰ the Czech Republic scored 81 out of 111 reviewed countries. There should be a further debate about amending Act No. 106/1999 Coll. On Free Access to Information. Representatives from both civil society and the public administration have stated that administrative procedures regarding access to information were burdensome and that there are cases of misuse. The concerns of both sides—those advocating for access to information and the public administration, which requires the capacity to retain sensitive information—should be reflected.

¹ Lubomir Kopecek, "Nations in Transit 2018, Czech Republic" (Freedom House, 2018), <https://freedomhouse.org/report/nations-transit/2018/czech-republic>.

² Freedom House, Freedom of the Press report 2017, <https://freedomhouse.org/report/freedom-press/freedom-press-2017>.

³ Freedom House, Freedom of the Press report 2016, <https://freedomhouse.org/report/freedom-press/freedom-press-2016>.

⁴ Bertelsmann Stiftung, *BTI 2018 Country Report – Czech Republic* (Guetersloh: Bertelsmann Stiftung, 2018), http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2018/pdf/BTI_2018_Czech_Republic.pdf.

⁵ Freedom House, Nations in Transit report 2017, <https://freedomhouse.org/report/nations-transit/nations-transit-2017>.

⁶ Bertelsmann Stiftung, *BTI 2018 Country Report*, http://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2018/pdf/BTI_2018_Czech_Republic.pdf.

⁷ "5 anti-corruption bills in 3 years? Here is how we did it..." (Rekonstrukce statu, 2017), <http://www.rekonstrukcestatu.cz/en>.

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- ⁸ USAID and the Association of Public Benefit Organizations - Czech Republic, *Index Udržitelného Rozvoje Občanského Sektoru v České Republice za Rok 2015* (June, 2016), <https://www.avpo.cz/wp-content/uploads/2016/08/Zpráva-ROZVOJ-OBČANSKÉHO-SEKTORU-V-ČR-ZA-ROK-2015.pdf>.
- ⁹ Mgr. Lenka Franková, *Přístup k informacím* (Ozivení, 2014), https://www.oziveni.cz/wp-content/uploads/2014/08/oziveni_analyza_cz_04.pdf; Adam Rut, "Informace o platech úředníků? Nejprve pošlete slohovou práci!" (Nadací fond proti korupci, 21 May 2018), <http://www.nfpk.cz/glosy/adam-rut/5355>; "Right to Information" (Otevřená společnost) <http://www.otevrenaspolecnost.cz/pravo-na-informace>.
- ¹⁰ International Budget Partnership, "Open Budget Index 2017 – Czech Republic" (2017), <https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=cz#participation>.
- ¹¹ <http://www.psp.cz/en/docs/laws/2006/159.html>.
- ¹² OECD, *Implementing the OECD Anti-Bribery Convention Phase 4 Report: Czech Republic*, 2017, <http://www.oecd.org/corruption/anti-bribery/Czech-Republic-Phase-4-Report-ENG.pdf>
- ¹³ "CR získala v Indexu vnímání korupce za rok 2017 o dva body více než loni. Do evropského průměru má však stále daleko a celí velkým rizikem" (2017), <https://www.transparency.cz/cpi2017/>.
- ¹⁴ European Commission, EU Anti-corruption Report, February 2014, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf.
- ¹⁵ OECD, OECD Economic Survey, Overview, Czech Republic, 2016, <https://www.oecd.org/eco/surveys/Czech-Republic-2016-overview.pdf>
- ¹⁶ European Commission, EU Anti-corruption Report, Annex Czech Republic, February 2014, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report/docs/2014_acr_czech_republic_chapter_en.pdf
- ¹⁷ Jiri Skuhrovec, Vitezslav Titl, Miroslav Palansky, "Analysis of Czech Political Party Donations" (ZIndex 2015), <http://cae.zindex.cz/wp-content/uploads/2015/03/2015-01-12-Analysis-of-Czech-Political-Party-Donations.pdf>
- ¹⁸ Freedom of the media in the Czech Republic was, for example, on the agenda of the plenary of the European Parliament in June 2016. European Parliament, "Czech media freedom: Let citizens decide fate of media-abusing politicians," <http://www.europarl.europa.eu/news/en/press-room/20170529IPR76231/czech-media-freedom-let-citizens-decide-fate-of-media-abusing-politicians>.
- ¹⁹ Adam Drda, "Andrej Babis – Czech oligarch" (Politico, 25 Jan. 2016), <https://www.politico.eu/article/andrej-babis-czech-oligarch/>.
- ²⁰ Jennifer Rankin, "EU antifraud office finds 'irregularities' in payments allegedly obtained by Czech PM" (The Guardian, 5 Jan. 2018), <https://www.theguardian.com/world/2018/jan/05/eu-antifraud-office-finds-irregularities-in-payments-allegedly-obtained-by-czech-pm>.
- ²¹ James Shotter, "Czechs fear Russian fake news in presidential election," Financial Times, <https://www.ft.com/content/c2b36cf0-e715-11e7-8b99-0191e45377ec>.
- ²² Security Information Service (BIS), "Annual Report of the Security Information Service 2016," <https://www.bis.cz/vyrocnizpravaEN16e1.html?ArticleID=1136>.
- ²³ Filip Mazel, "Financování politických stran" (Frank Bold, 1 Jan. 2018), <http://frankbold.org/poradna/kategorie/korupce-a-jednani-uredniku/rada/financovani-politickyh-stran>
- ²⁴ Doug Bolton, "US to investigate Russian funding of European political parties amidst fears of 'new Cold War'" (Independent, 17 Jan. 2016), <https://www.independent.co.uk/news/world/europe/russia-funding-europe-political-parties-new-cold-war-a6818236.html>.
- ²⁵ European Parliament and The Council of the European Union, "Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015" L 141/73 (Official Journal of the European Union, 5 Jun. 2015), http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_2015_141_R_0003&from=ES.
- ²⁶ The directive does not specify who will have access to the register beyond "persons who are able to demonstrate a legitimate interest." *Id.*, 76.
- ²⁷ "Under the Shell, Ending Money Laundering in Europe," Transparency International, 2017, p.11, <https://www.transparency.cz/wp-content/uploads/UNDER-THE-SHELL-Ending-Money-Laundering-in-Europe-2017.pdf>
- ²⁸ "Obchodní společnost CEZ není povinným subjektem podle zákona o svobodném přístupu k informacím," (Czech Constitutional Court, 18 Jul. 2017), <https://www.usoud.cz/aktualne/obchodni-spolecnost-cez-neni-povinnym-subjektem-podle-zakona-o-svobodnem-pristupu-k-informa/>.
- ²⁹ <https://opendata.gov.cz/>.
- ³⁰ Access Info Europe and Centre for Law and Democracy, "Global Right to Information Ranking, Year 2017," <http://www.rti-rating.org/year-2017/>.

III. Leadership and Multistakeholder Process

OGP is not well-known across public administration and civil society according to those interviewed by the IRM researcher. Awareness-raising among stakeholders and the general public is virtually non-existent across all phases of the national OGP process. The multistakeholder forum consists of members of the Anti-Corruption Council and its committees. While the powers of the government’s coordination unit are limited to managing the process, CSOs participate in discussions about priorities but have a very limited role in implementation oversight.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in the Czech Republic. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

I. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✓	
	Shared	Single
Is there a single lead agency on OGP efforts?	✓	
	Yes	No
Is the head of government leading the OGP initiative?		✗
2. Legal Mandate	Yes	No
Is the government’s commitment to OGP established through an official, publicly released mandate?	✓	
Is the government’s commitment to OGP established through a legally binding mandate?		✗
3. Continuity and Instability	Yes	No
Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✗
Was there a change in the executive leader during the duration of the OGP action plan cycle?	✓	

OGP in the Czech Republic has been closely intertwined with the government’s anti-corruption agenda but without prominence and political ownership. There lacks a political declaration of the importance of OGP-related activities and the initiative is relatively poorly known among uninvolved stakeholders from public administration, politics, and civil society. OGP is coordinated by the Anti-Corruption Unit of the Regulatory Impact Assessment Department of the Office of the Government of the Czech Republic (the Unit). The Office of Government is the central body of the state administration. Within the reported period, responsibility for this agenda transferred to the Minister for Human Rights, Equal Opportunities and Legislation.¹

The Unit coordinates preparation and monitoring of the OGP action plan but has no enforcement power over the implementing agencies and their respective commitments. Two staff members are assigned for the preparation and coordination of the action plan. There is no specific budget allocated for implementation of OGP-related activities. All OGP materials are accessible and

published at the korupce.cz website. The government Rules of Procedure, particularly those of the Anti-Corruption Council, set certain limits on the plan's preparation and monitoring. The lead implementing agencies, most often the line ministries, are responsible for implementing and reporting on the commitments directly to the Minister for Human Rights, Equal Opportunities and Legislation.

3.2 Intragovernmental Participation

This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organizations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan.	36 ²	2	5	24	14
Propose: These institutions proposed commitments for inclusion in the action plan.	3 ³	0	0	0	0
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	2	0	0	0	0

The process for developing the new 2016–2018 commitments began 10 February 2016. The members of the Government Anti-Corruption Council, considered the relevant multistakeholder forum for OGP purposes,⁴ were explicitly invited to draft the OGP commitments. The working committees of the Council were also included. The Council consists of 17 people representing seven government institutions, four associations and chambers, one member from academia and five civil society organizations.⁵ Additionally, proposals from a CSO not represented in the Council or its committees were also heard. Based on the input from the stakeholders, the draft commitments were prepared and grouped according to the main challenges facing OGP success. The number of commitments was not fixed or deliberated in advance.⁶ Commitments already represented within other frameworks or ministerial legislative plans were included also.

On 29 February 2016, the Unit organized a workshop where the draft commitments were discussed with 39 attendees,⁷ 27 of whom represented government institutions. According to the minutes of the workshop,⁸ the government representatives commented on proposals of the civil society representatives. However, it is unclear whether the lead agencies had drafted commitments by this meeting; therefore, it is unknown if civil society representatives had an opportunity to comment on agency proposals. The moderator explicitly stated during the workshop that the new action plan should include the non-finalized commitments from previous years and incorporate the recommendations of the IRM report.

After the workshop, the Unit conducted a series of bilateral consultations with lead implementing agencies. Government institutions responsible for implementation have veto power over the commitments.

The draft action plan was submitted for official comment in early March and finalized later that month, in accordance with the Rules of Procedure of the Government. All state institutions and bodies on the mandatory list for inclusion in the consultation process were informed. At the same time, the draft action plan was submitted for public comment. This process ended 16 May 2016. All comments submitted during the official comment period were addressed in writing during the second workshop on 1 June 2016.⁹ Of the government institutions, five line ministries had substantial comments (Ministry of Finance, Ministry of Interior, Ministry of Environment, Ministry of Industry and Trade, and Ministry of Labour and Social Affairs), as well as one regional government and four agencies (Czech Statistical Office, Czech Telecommunication Office, the Office for Personal Data Protection, and the Office for Government Representation in Property Affairs). The final draft of the action plan was discussed and approved at the Government Anti-Corruption Council meeting on 9 June 2016¹⁰ before its submission to the government. The government approved the Action Plan of the Czech Republic, Open Government Partnership for 2016–2018 on 22 June 2016.¹¹

According to one civil servant, communication between current implementing agencies has improved over the 2014–2016 plan implementation. Responsible employees now have a better understanding of what is expected from the implementation process.

3.3 Civil Society Engagement

Despite efforts from the Unit to engage more CSOs in action plan consultations and implementation, the group remains rather limited to the members of the Government Anti-Corruption Council and its working committees. The Unit tried to engage other individual CSOs based on personal relations but managed to involve only one new organization (EDUin, an education organization).

Several civil society representatives interviewed for this report see the consultation process as a formalistic exercise. The Government Anti-Corruption Council, considered the OGP multistakeholder forum, is composed of both civil society and government representatives. However, government representatives outnumber civil society representatives and, as decisions are adopted by simple majority with each member having veto authority, the ultimate decision-making power rests with the government institutions. One civil society representative stated that the Council's work is not well-reflected in legal initiatives or implementation and the whole process serves as a box-ticking exercise, proving the multistakeholder approach. Another civil society representative noted that the prestige and influence of government councils has been gradually decreasing over the years, suggesting limited influence of the Council.

On the other hand, another CSO representative suggested that the government is doing the “maximum possible” in terms of consultations, given the coordination Unit is bound by the Rules of Procedure and therefore inflexible during intragovernmental consultations. The same civil society representative noted that ultimate responsibility for the plan's implementation and its required resources rests with government institutions; civil society should adopt a more cooperative attitude

toward the public administration. To the IRM researcher, the current structure lacks any substantial CSO involvement or impact. For a more collaborative multistakeholder forum, the government must adopt a more inclusive format that allows for further discussion on matters pertaining to open government. This change will require a show of clear political will.

Generally, the consultation rules and timetable were communicated well in advance via standard communication channels, i.e., the council’s website and mailing list. Consultation participation was not formalized; rather the pre-existing Government Anti-Corruption Council and its working committees served this purpose. Representation of regional stakeholders was weak as the capital is the general hub of country-wide meetings. There were no additional publication efforts, such as print or broadcast media, or regional events.

The consultation process has three steps and is comprehensive within the limits of the Rules of Procedure. It seems only government stakeholders had a limited possibility to influence the final selection of the commitments. Debate was not restricted to specific topics. However, it is evident from the minutes of the workshops and the background material summarizing the proposals and comments that the overwhelming majority of the proposals submitted by civil society were not reflected in the final action plan. For example, the plan doesn’t include proposals for institutional reform of access to information assembled by the nonprofit Otevrena Spolecnost, or the proposal related to registering contracts put forward by the law firm, Frank Bold.

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Czech Republic during the 2016–2018 action plan.

Table 3.3: National OGP Process

Key Steps Followed: 6 of 7						
Before	1. Timeline Process & Availability			2. Advance Notice		
	Timeline and process available online prior to consultation	Yes ✓	No	Advance notice of consultation	No	Yes ✓
	3. Awareness Raising			4. Multiple Channels		
	Government carried out awareness-raising activities	Yes	No	4a. Online consultations:	Yes ✓	No
			✗	4b. In-person consultations:	Yes ✓	No
	5. Documentation & Feedback					
Summary of comments provided				Yes ✓	No	
During	6. Regular Multistakeholder Forum					
	6a. Did a forum exist?	Yes ✓	No	6b. Did it meet regularly?	Yes ✓	No
After	7. Government Self-Assessment Report					

	7a. Annual self-assessment report published?	Yes	No	7b. Report available in English and administrative language?	Yes	No
		✓			✓	
	7c. Two-week public comment period on report?	Yes	No	7d. Report responds to key IRM recommendations?	Yes	No
		✓			✓	

Table 3.4: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.¹² This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of public influence		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.	✓	✓
Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

The Government Anti-Corruption Council is the official consultation body established by the government and acts as the OGP multistakeholder forum for the plan’s implementation. The Council’s rules of procedure and statute were amended in January 2017¹³ and went into effect on 1 February 2017. The focus of its work is the anticorruption agenda with OGP as only one of its priorities. The Minister of Justice currently chairs the Council,¹⁴ with the Ministers of Finance and Interior both acting as deputy chairs. Out of 17 possible nongovernmental participants, five representatives of civil society, one academic and four representatives of chambers and associations take part in the Council deliberations.

The official list of members is not gender neutral with thirteen men compared to four women, however, replacements are frequent and this balance may change. The government appoints council members and the meetings are by invitation only and rarely attended by ministers beyond the Council Chairman. Full members of the Council can influence and vote on the Council’s actions. Actions are usually adopted by acclamation but can be adopted by voting as well. In this case, simple majority is needed. These actions or statements are not legally binding for the government.¹⁵ During the period covered in this report (July 2016–October 2017), the Council met six times but OGP-related issues were not always on the agenda. According to the Council’s rules, the Council has to meet at least twice per year but is convened more often as the need arises. The chair of the Council

can invite guests to the meetings. At its 19 September 2017 meeting, the Council approved the Midterm Self-Assessment Report of the 2016–2018 OGP Action Plan after a presentation of the coordination Unit and without a discussion.¹⁶

In July 2016, the government decided the lead implementing agencies must report progress on the action plan implementation directly to the Minister of Justice, who is also the chair of the Council.¹⁷ The reporting deadline was three months before the required delivery of the midterm self-assessment report.

Implementation progress is tracked by the Council’s working committee on transparency of public administration. According to the rules of procedure, the Council can establish working committees and invite experts to participate. In the reported period, there were six working committees (economic management of government’s property, transparency of public administration, whistleblowing, conflict of interest, lobbying, and a conceptual committee). Civil society, academia and the interested public may participate in each working committee with guests allowed to take part in the meetings. The process of participation is still rather formalized.

At its meeting on 27 March 2017, the committee on transparency of public administration discussed the state of implementation of the national action plan. Representatives of the leading implementing agencies presented progress on five out of six commitments. (The last commitment was presented by the coordination unit based on information provided by the lead implementing agency.) It is unclear from the minutes of the meeting whether there was any debate on the implementation progress.¹⁸ The preparation and adoption of the Midterm Self-Assessment OGP Action Plan Report was also mentioned during two meetings of the conceptual committee on 8 September 2017 and 13 October 2017,¹⁹ but there was no debate or elaboration on the implementation progress.

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The Midterm Self-Assessment Report of the Czech Republic 2016–2018 was published following the government’s approval via the korupce.cz website on 11 October 2017.²⁰ The English version of the report became available 22 November 2017.²¹

The report mentions a two-week, public consultation period on its content.²² The coordination unit sent an official email invitation for consultation and feedback between 15 and 29 August 2017. Thirteen central administration bodies, fifteen professional associations or chambers, six CSOs, five representatives of academia, two regional/municipal associations, and one trade union received this email. The unit received no feedback by the deadline; therefore, there are no minutes from this procedure.

The self-assessment report covers the consultation process during the development of the action plan, commitments, and milestones. It summarizes the progress, constraints, and delays in implementation. However, the report lacks comprehensive evidence supporting its conclusion of completion. For example, while the report mentions workshops, conferences, and public events, it lacks references to websites for the agendas, participant lists, or photos. In section 7.3, the report suggests a working mechanism for consultations with civil society and general public during the plan’s implementation; however, this remains to be put in practice.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Next Action Plan?
1	All future updates of the action plan should be made in consultation with the public in a timely manner.	✓	✓
2	The action plan should promote (1) the independence of any top authority ensuring implementation of the Act on Civil Service (e.g., the Section for Civil Service) and (2) apolitical compositions of committees for appointing candidates to senior civil service positions.	✗	✗
3	The action plan should include a commitment related to finalizing the legal environment for publishing data in open formats.	✓	✓
4	If current commitments are finalized, the next action plan should include a commitment concerning the misuse of public resources and enhancing transparency of planning and financing of public investments.	✗	✗
5	Preparation of a new action plan could serve as a model for the establishment of public participation standards. The action plan should include measures with public-facing elements, such as citizen audits of performance and the inclusion of citizens in oversight mechanisms to guarantee the openness of government in the implementation of the action plan commitments.	✗	✗

Of the five recommendations, the government addressed four in their self-assessment report. Two recommendations target the multistakeholder consultation process and public participation. The coordination unit addressed Recommendation 1 and improved the communication, timetable, and management of the action plan preparations. Recommendation 5 sought to use the OGP process as model for public participation but this has not occurred. There remains no public monitoring of the plan's implementation.

Recommendation 3 was addressed in September 2016 by adopting amendments to Act no. 106/1999 Coll. on Access to Information, which defines "Open Data" and establishes a National Open Data Portal. The law came into effect on 1 January 2017. Though the wording and commitment structure were different, the recommendation's intent was implemented through Commitment 4.2.1.

Recommendation 2 was not reflected in the action plan as it is no longer necessary. The Deputy Minister of Interior and the leader of the Section for Civil Service are appointed according to the Civil Service Act 234/2014 for six years, which provides stability and independence from political interference. The mechanisms for setting up the committees for appointing candidates to various levels of senior civil service positions are stipulated in the government Rules of Procedure and published on the Civil Service Information System (ISoSS) and its OSYS module.²³

Recommendation 4 was not reflected and might be incorporated into future next action plans.

¹ The situation changed after the general elections in October 2017 when this responsibility was taken over by the Minister of Justice.

² In line with the Rules of Procedure of the Government, the draft OGP action plan was submitted to the official comment procedure. All state institutions and bodies on the mandatory list were addressed. For a full list, please see: <http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Vyporadani-pripominek-k-Akcniimu-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018.pdf>.

³ See the Annex to the Action Plan, <http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Priloha-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018.pdf>.

⁴ Office of the Government of the Czech Republic Minister for Human Rights, Equal Opportunities and Legislation “Czech Republic 2017, Mid-Term Self-Assessment Open Government Partnership Action Plan Report of the Czech Republic for 2016–2018” (Aug. 2017), <http://www.korupce.cz/assets/dokumenty/tiskove-zpravy/Prubezna-sebehodnotici-zprava-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018---verejne-konzultace.pdf>.

⁵ A full list of members can be found here: <http://www.korupce.cz/assets/rada-vlady/Seznam-clenu-Rady-vlady-pro-koordinaci-boje-s-korupci.pdf>.

⁶ Recommendations from the previous action plan assessment served as one of the guiding principles for deliberations on the new commitments.

⁷ The researcher has not seen the signed attendance sheet. The protocol is an annex to the Action Plan, “Priloha Akcniho planu Ceske republiky Partnerstvi pro otevrene vladnuti na obdobi let 2016 az 2018,”

<http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Priloha-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018.pdf>

⁸ Office of the Government of the Czech Republic Minister for Human Rights, Equal Opportunities and Legislation, “Priloha Akcniho planu Ceske republiky Partnerstvi pro otevrene vladnuti na obdobi let 2016 az 2018,”

<http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Priloha-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018.pdf>.

⁹ Office of the Government of the Czech Republic Minister for Human Rights, Equal Opportunities and Legislation, “Vyporadani Pripominek k Materialu s Nazvem: Akcni plan Ceske Republiky Partnerstvi pro otevrene vladnuti na obdobi let 2016 az 2018,” <http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Vyporadani-pripominek-k-Akcniimu-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vladnuti-na-obdobi-let-2016-az-2018.pdf>.

¹⁰ The minutes are available here: <http://www.korupce.cz/assets/rada-vlady/zapisy-ze-zasedani/Zaznam-z-11--jednani-RV-konaneho-dne-09-06-2016.pdf>.

¹¹ The Office of the Government, Government Resolution no. 566, “Usneseni Vlady Ceske Republiky ze dne 22. cervna 2016 c. 566 o Akcnim planu Ceske republiky Partnerstvi pro otevrene vladnuti na obdobi let 2016 az 2018,”

<https://apps.odok.cz/attachment/-/down/RCIAABBJACSX>.

¹² iap², “IAP2’s Public Participation Spectrum,” (2014),

http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

¹³ <https://apps.odok.cz/attachment/-/down/RCIAAHVB5WIZ>.

¹⁴ In the previous government, this was held by the Minister for Human Rights, Equal Opportunities and Legislation.

¹⁵ “Stanoviska Rady vlady pro koordinaci boje s korupci,” http://www.korupce.cz/cz/rada-vlady/stanoviska_rady/stanoviska-rady-143139/.

¹⁶ Office of the Government of the Czech Republic Minister for Human Rights, Equal Opportunities and Legislation, “Zaznam z 16. jednani Rady vlady pro koordinaci boje s korupci konaneho dne 19. zari 2017,”

<http://www.korupce.cz/assets/rada-vlady/zapisy-ze-zasedani/Zaznam-z-16--jednani-Rady-vlady-konaneho-dne-19--zari-2017.pdf> (meeting minutes).

¹⁷ Government Resolution no. 566.

¹⁸ Urad vlady Ceske republiky Oddeleni boje s korupci, “Zaznam z 11. jednani pracovni komise predsedy Rady vlady pro koordinaci boje s korupci k transparentnosti statni spravy konane v pondeli dne 27. brezna 2017,”

http://www.korupce.cz/assets/rada-vlady/pracovni-komise/Komise_k_transparentnosti_statni_spravy/Zaznam-z-11--jednani-pracovni-komise-k-TSS_2017-03-27.pdf (meeting minutes).

¹⁹ Urad vlady Ceske republiky Oddeleni boje s korupci, “Zaznam z 16. jednani Koncepcni komise predsedy Rady vlady pro koordinaci boje s korupci konane dne 8. zari 2017,” http://www.korupce.cz/assets/rada-vlady/pracovni-komise/Koncepcni_komise/Zaznam-z-16--jednani-Koncepcni-komise_08-09-2017.pdf. See also

http://www.korupce.cz/assets/rada-vlady/pracovni-komise/Koncepcni_komise/Zaznam-z-17--jednani-Koncepcni-komise_13-10-2017.pdf (meeting minutes).

²⁰ “Czech Mid-Term Self-Assessment.”

²¹ See <http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Mid-Term-Self-Assessment-Open-Government-Partnership-Action-Plan-Report-of-the-Czech-Republic-2016-2018.pdf>.

²² The public consultation notice was published on the Government Anti-Corruption Council website (<http://www.korupce.cz/cz/dokumenty/tiskove-zpravy/dvoutydenne-verejne-konzultace-k-prubezne-sebehodnotici-zprave-ogp-158982/>) and the website of the Office of the Government of the Czech Republic (http://www.vlada.cz/cz/clenove-vlady/pri-uradu-vlady/jan_chvojka/aktualne/dvoutydenne-verejne-konzultace-k-prubezne-sebehodnotici-zprave-ogp-158997/).

²³ The OSYS module shows the system of civil service authorities and work posts.

<https://portal.isoos.cz/irj/portal/anonymous/dokument?cd=home>.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹

What Makes a Good Commitment?

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyzes the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
 - **High:** Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
 - **Medium:** Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
 - **Low:** Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
 - **None:** Commitment language contains any measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
 - **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?²
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's 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.

- The commitment would have a "transformative" potential impact if completely implemented.³
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Czech Republic's action plan contained no starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Czech Republic and all OGP-participating countries, see the OGP Explorer.⁴

General Overview of the Commitments

The action plan focuses on three topics: (i) implementing the adopted Civil Service Act, putting depoliticization, professionalization, and stabilization of public administration into practice; (ii) improving access to data and information; and (iii) creating safer communities.

The first and second topics mostly continue actions undertaken during the previous two action plans. There is a new commitment for opening scientific publications and data resulting from state-funded projects addressing the second topic (data access). The third topic of "creating safer communities" is new, including its two commitments focusing on volunteering and improving local safety. The report does not identify any milestone that could be transformed into a self-standing commitment.

¹ Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.

² IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx.

³ The International Experts Panel changed this criterion in 2015. For more information visit: <http://www.opengovpartnership.org/node/5919>.

⁴ OGP Explorer: bit.ly/IKE2VWj.

4.1.1 Implementing the Civil Service Act

Commitment Text:

The adoption of Act No. 234/2014 Coll., on civil service, as amended, ensuring the depoliticization, professionalization and stabilization of public administration, was a very important commitment for the Czech Republic. The Act was promulgated on 6 November 2014, when some of its provisions also became effective. The Act became fully effective on 1 January 2015. Since then the Act has been put into practice, especially by subsequently systemizing civil service posts and work posts, separating clearly political and non-political (white-collar) posts, running the Civil Service Information System, etc. The overwhelming majority of its legal regulations have also been adopted and promulgated in connection with adopting this Act. Since 1 July 2015 fundamental changes in the civil service have been started based on the transitional provisions of the Act in connection with the first systemization of civil service posts and work posts, employing existing employees as civil servants in civil service employment based on their applications, transferring existing chief employees to the positions of senior civil servants in civil service employment, and subsequently announcing new competitive hiring procedures for all the posts of deputies and directors of sections. Although the commitment was assessed as substantially completed in 2016, implementing the Act cannot be understood as a one-off event. It must continue with the implementation of the basic institutes of the Act.

Main Objective: Ensuring the depoliticization, professionalization and stabilization of state administration. Depoliticization – transparent competitive hiring, the term of civil service employment not dependent on political changes (e.g. changes in the composition of the Government), and setting up a more rigid process for changing the organization of a civil service authority. The approval of the systemization of civil service posts guarantees that ad hoc organizational changes are more difficult. Stabilization – systemization, changes in systemization and defined types of changes in civil service status. Professionalization – a civil service examination, civil service assessment/appraisal and civil service discipline, and education of civil servants.

Milestones:

- 1. Completing the legislative process for the regulations implementing the Civil Service Act – Decree defining a service badge specimen*
- 2. Ensuring competitive hiring for the posts of Directors of Departments and Units – appointment of Directors of Departments and Units*
- 3. Controls resulting from the Act (civil service employment of civil servants, evaluation of the observance of the systemization of civil service posts, control of creating a work and life balance of civil servants – the number of controls carried out at civil service authorities*
- 4. Meeting the requirement that newly hired civil servants take a civil service examination – the portion of newly hired civil servants in the period under consideration and meeting the requirement that a civil service examination is taken*
- 5. Civil service bodies recognising the equality of examinations – the number of civil service examinations recognized based on equality for the period under consideration*
- 6. Investigating whistleblowing – the total number of claims; the number of claims handed over to another investigator for investigation, to an investigative, prosecuting and adjudicating body or to an administrative body competent to hear an administrative delict and the number of completed investigations in the period under consideration*
- 7. Exercise of disciplinary authority in a civil service authority – the number of disciplinary actions and disciplinary measures imposed*
- 8. Developing and extending the Civil Service Information System to include other supporting functions – improving user comfort and creating additional functions supporting the exercise of acts under the Civil Service Act – the number of newly created modules and functions*
- 9. Producing annual reports on implementing the Civil Service Act (regular annual task) and submitting the reports to the Government – the number of reports*

Responsible institution: Ministry of the Interior

Supporting institution(s): N/A

Start date: 2014

End date: 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Overall			✓		✓			✓			✓		Yes			✓	

Context and Objectives

Adoption and implementation of the new civil service legislation dates back to the late 1990s when a Civil Service Act was discussed as a condition for joining the EU. The Czech Republic joined the European Union in 2004 but the Civil Service Act (Act No. 234/2014 Coll.) did not enter force until 2015: this legislation replaced the first Civil Service Act that was adopted in 2002 (Act No. 218/2002 Coll.) though which never legally entered into force. The lack of such legislation governing the modern, professional, and independent public administration was criticized by stakeholders and civil society as one of the most negative features hindering an open and transparent public service. Absence of this law allowed opacity and perpetuation of old methods in public service, including extensive political interference and corruption. The Civil Service Act's implementation is a long process that requires relentless effort for improvement and good political support.

Adoption and implementation of the Civil Service Act was a commitment in the second OGP action plan and was carried over to this plan. As in the second plan, the main objective is depoliticization, professionalization, and stabilization of public administration. By completing the legislative framework for the law's implementation and the competitive hiring of civil servants (partly Milestones 1 and 2), the commitment is increasing resistance of the civil service to political interference and allows for public scrutiny via media and civil society.

Professionalization and stabilization of the civil service is addressed in Milestones 2–7. These actions concern competitive hiring, civil service appraisals, controls from the Civil Service Act, examinations, internal whistleblowing, and disciplinary actions in civil service authorities. Milestone 2 seeks to complete the selection process for the posts of Directors and Deputies of Departments and Units. Currently, the selection is according to the Administrative Code but there is no public information available on the applicants or selectees. Service performance appraisals are not specified in the milestones but are mentioned in the brief description of the commitment and in the self-assessment report. Per the self-assessment report, in the first quarter of 2016, a service performance appraisal was carried out for the first time for employees who had been civil servants for more than two months by 2015. This applied to 60 percent of civil servants.¹ According to this appraisal² and from the 2016 annual report on public service,³ the performance of over 80 percent of directors or deputy directors was “equal to excellence.” There is no information available on the evaluation methods as it is not standardized but rather determined by the relevant authority to suit its individual needs and operating environment. However, a comparative analysis on effective service across public administration was written and published by the Civil Service Section in both 2016 and 2017.

The controls (Milestone 3) are checking implementation of the law within a civil service authority and can include evaluating the systemization within a civil service post, inspection of civil servants' work-life balance, and service performance appraisal. They are measured by the number of internal

inspections performed during a defined period. The result of Milestone 3 is a protocol on service relations within a civil service authority. The protocol can be requested under the Right to Information Act and can be shared publicly in compliance with personal data protection legislation. Results from Milestone 3 can be summarized and communicated by the Section for the Civil Service of the Ministry of the Interior (the coordination and supervision body) to other civil service authorities.

Milestone 4 seeks compliance with the law requiring newly hired civil servants to successfully pass examinations. Lists of successful candidates who passed examinations (both current and newly hired officials) are public and contain candidates' names, evidence numbers, fields, and the composition of the committee. This public, searchable database is part of the Civil Service Information System (ISoSS).⁴ The preparatory materials and test questions are accessible on the portal of the Ministry of the Interior.⁵ However, contents of the exam, the success rate, and a list of unsuccessful candidates are not publicly accessible. A civil servant responsible for this milestone stated that the anonymized statistics are not published regularly on the portal but annual statistics, including the success rate, can be found in the annual civil service reports.⁶ The statistics are also presented during the internal methodical meetings of the Section for the Civil Service and consequently published.⁷ Since the system is new, it is unclear as to how this information will be useful. In addition, lack of information limits public ability to assess whether the new examinations are established and serve as a good tool to select qualified civil servants. However, the annual report on civil service is accessible on the website of the Ministry of Interior.

Milestone 5 seeks equal recognition of examinations by the civil service. Through regulation no. 136/2015 Coll., certain qualification examinations like tax advisor certification or auditor licensing are recognized. As written in the action plan, this milestone has low relevance to OGP values as it focuses on the number of internally recognized exams instead of opening the civil service to the public.

Investigating whistleblowing within public administration (Milestone 6) seeks to determine the number of notifications of suspicious behavior committed during public service and the resulting investigations. Every service authority appoints an investigator responsible for assessing notifications. All service authorities should establish a system allowing for anonymous submission of notifications, as required under the regulation. The self-assessment report stated that whistleblowing mechanisms are not widely used by civil servants but there is no analysis as to why; data from 2015 and 2016 is insufficient to establish a trend. One explanation might be the newness of these mechanisms and that whistleblowing remains a new concept in both civil service and in society in general. Additionally, there is no bill protecting whistleblowers. In a government survey of 2,056 civil servants in December 2015, 84 percent of respondents agreed the legal framework for protection of whistleblowing has to be improved.⁸ In the same survey, 16 percent of respondents stated that corrupt behavior occurs at their workplace, 7 percent witnessed someone committing an offence, and 9 percent were encouraged to take part in an offence.⁹ A civil society representative stated that the system of anonymous notification via email or publicly accessible boxes does not provide sufficient protection to whistleblowers as the boxes are often located in areas under surveillance. On the other hand, only a minority of notifications are submitted anonymously. Data on the number of submissions and investigations is available on an annual basis, every March of the following year and is published in the annual report on civil service.¹⁰

Milestone 7 seeks to determine the number of disciplinary actions and disciplinary measures imposed. After investigating complaints, disciplinary measures may be imposed by the authority's first-level disciplinary board or the disciplinary board within the Civil Service Section of the Ministry of the Interior. By publishing the statistics and the disciplinary measures, the civil service signals to the public that rectification of wrongdoing is important. Information on the disciplinary actions is published in the annual report on civil service.

Milestone 8 seeks to extend the functionality and facilitate access to information on the other milestones via new features of the Civil Service Information System. However, there is no target-number of new modules or functions and datasets have not been specified.

Milestone 9 aims to produce annual reports on implementing the Civil Service Act and submitting the reports to the government. The reports would summarize the annual statistics, activities, and implementation. The reports may be downloaded from the Section for Civil Service website and are mentioned during Civil Service Section meetings with other civil service authorities. However, they are not advertised to the general public.

The commitment and milestones overall do not contain specific benchmarks but rather general indicators that cannot be checked against performance; for this reason, the specificity is considered moderate. The commitment and milestones as defined are relevant to access to information as they seek to open new, publicly available information on civil service performance; add new abilities of the Civil Service Information System (ISoSS) to increase transparency and accountability; and support public accountability by publishing whistleblowing information. Although all the reports can be downloaded from the Section for Civil Service website, the underlying data and statistics are not easily accessible or available to civil servants only. Also, the transparency and public-facing element of this commitment is not evident. The targets within the milestones are measurable but often lack information to assess their impact; rather, they document procedures introduced in accordance to existing legislation. For these reasons, the potential impact is considered moderate.

Completion

The completion of individual milestones is difficult to determine as the end dates are set generally for 2018 with one exception (Milestone 2, which is 30 July 2017). In the self-assessment report, the government declared six milestones (3, 4, 5, 6, 7, and 8) completed and three ongoing (1, 2, 9). However, by the time of this report, there was no evidence of completion for Milestones 3, 4, 6 and 7. Furthermore, there is no data available to verify completion of Milestone 5. For Milestone 8, there is no clear target for completion or further steps determined by the nature of the activity.

Milestone 3: Implementing the Civil Service Act – civil service employment

In 2016, three inspections were carried out in total; they began in the last quarter of 2016 and were completed in early 2017. The subject of the inspection was the systemization and organizational structure of a service authority, requests for appointment to civil service processed by the authority in accordance with the temporary provisions of the Civil Service Act, selection processes, service performance appraisals, and implementation of the civil service examination. Details can be found in the annual report on civil service for 2016.¹¹ The data for 2017, as stated in the self-assessment report, cannot be verified as the annual report is unavailable. It is, however, evident procedures are in place and controls are ongoing. The milestone is considered completed.

Milestone 4: Civil service examination

In the self-assessment report, the lead implementing agency states that from the available results between July 2016 and May 2017, the pass-rate for civil servants required to take a civil service exam was 67 percent. Data on the overall number of examinees in 2016 is found in the annual report on civil service for 2016.¹² Data for 2017 was not available at the time of writing, nor was the overall number of civil servants required to take the exam. The stated percentage thus cannot be verified. It is, however, evident that the procedure is in place and exams are ongoing. The milestone is considered completed.

Milestone 5: Civil service bodies recognizing additional examinations

In the self-assessment report, the lead implementing agency recognized 164 examinations between July 2016 and May 2017. However, this cannot be verified due to a lack of data in the 2016 civil service report or elsewhere. The report covering 2017 is not yet available.

Milestone 6: Investigating whistleblowing

In the self-assessment report, the lead implementing agency declared 110 notifications in compliance with the Government Resolution No. 145/2015 Coll. In 2016, 76 notifications were submitted to public authorities, 61 notifications were investigated, and two notifications were forwarded to the criminal proceedings authorities. This data is verified in the annual civil service reports for 2015 and 2016.¹³ It is evident the procedure is in place and investigations are ongoing. This milestone is considered completed.

Milestone 7: Disciplinary authority in civil service authorities

The second-level disciplinary board established within the Ministry of the Interior held no disciplinary proceedings in 2016. According to the 2016 civil service report,¹⁴ 21 disciplinary proceedings were held at first-level disciplinary boards established at any public authority with at least 25 civil servants employed. Conclusions of the self-assessment report cannot be verified as 2017 data was not yet released. However, the process is in place and disciplinary proceedings are ongoing. This milestone is considered completed.

Milestone 8: Developing and extending the Civil Service Information System

According to the self-assessment report, over the course of 2016 the processes for submitting, assessing, and approving proposals for organizational structures and systemizations of service authorities and work posts (OSYS) was developed within the Civil Service Information System (ISoSS). As of December 2017, information on vacant civil service positions and open competitions is published in open data format on ISoSS.¹⁵ As the milestone does not determine the number of modules and functions to be developed, the milestone can be considered completed.

Milestones 1, 2 and 9 are declared ongoing in the self-assessment report.

Milestone 1: Regulations implementing the Civil Service Act

According to the self-assessment report, preparatory work started on the decree determining the model of the service badge as envisaged in 2017.

Milestone 2: Ensuring competitive hiring for Directors

The selection process for service posts and department directors and deputies is ongoing and should be finalized by 30 June 2017.

Milestone 9: Producing annual reports on implementing the Civil Service Act

The 2016 annual civil service report was completed in June 2017. Submission to the government was planned for the end of the third quarter of 2017. The report is available online.¹⁶

Early Results

As the evidence above shows, the internal governance and practices within the civil service have been changing in line with the implementation of the Civil Service Act. Internal processes are established and civil servants have a framework for career development. CSOs¹⁷ working with several official consultation bodies under the Government Anti-Corruption Council contributed to shaping these changes. In order to support the Civil Service Act, the Advisory Board of the Deputy Minister of the Interior for Civil Service on the Civil Service Act began started working April 2016.¹⁸ This board includes twenty representatives of service authorities, experts, and academia, however, its exact representation is unknown. Several journalists requested information concerning these milestones, like the disciplinary authority. Due to these and other requests, the annual civil service reports are now regularly published.

An important result is the solution for submitting, assessing, and approving proposals for organizational structure and the systemization of service authorities and work posts (OSYS) developed within the Civil Service Information System (ISoSS). OSYS is a new tool for systemization of work posts where individual service authorities submit their organizational charts and all work posts. A workshop for service authority managers and IT workers was conducted 12 April 2016 and its presentation is available online.¹⁹ Use of OSYS is internal within the public administration.

According to a civil society representative, public access to complex data from OSYS is unlikely because it is politically sensitive information, though the basic systemization data, approved by the government, is accessible. Press releases and information are also available on the Section for Civil Service website.²⁰

In connection to the Commitment 4.2.1., the lead implementing agency started publishing data from the database of vacant work posts in civil service and open competitions in open data format on ISoSS. Since this data was only available beginning December 2017,²¹ there was no available feedback on its public use. There is a possibility that the data in open format can be used by the private sector, for example the online job portals.

As stated in the self-assessment report, at the end of 2016, a project promoting professionalism and quality of civil service and public administration was approved, funded from the Operational Programme Employment (EU funds and state budget). This project will be implemented by service authorities, managed by the Civil Service Section, and will run until 2021 with a comparative component of Czech practices relative to other EU member states.

Next Steps

During 2016, seven amendments to the Civil Service Act were adopted. Furthermore, additional issues were addressed in an extensive amendment to the law in 2017 (Act No. 144/2017 Coll., amending the Act No. 234/2014 Coll. on Civil Service), resolving issues such as the simplification of the admission process to the civil service.²² In October 2017, before the general elections, the front-runner and leader of ANO movement, Andrej Babiš, announced planned amendments to the Civil Service Act.²³ He considered the current procedures established under the law too bureaucratic and rigid, and argued for making the rules, namely for hiring senior positions, more flexible.

This commitment should be taken forward in the next action plan but should be modified to include clearly worded, relevant milestones. The public and stakeholders are still awaiting a thorough and deep evaluation of the Civil Service Act. The OGP process could contribute substantially to this analysis. In the next action plan, this commitment should focus on transparency and active involvement of citizens, as well as further efforts to publish available data in open format. The milestones and targets should be clearly defined and allow for qualitative assessment. The following priorities can be suggested:

- To include a specific commitment on the service performance appraisal, creating a standardized performance evaluation that would be public and controllable. The appraisal is a tool for discharging underperforming employees, and given that the performance of top civil servants is often a target for political interference, a clear methodology and verifiable benchmarks could protect the service from unjustified political pressure;
- To analyze the underuse of internal whistleblowing measures and mitigate concerns of civil servants. Another survey similar to the 2015 polling might be conducted to learn employees' concerns and address them accordingly (e.g., awareness-raising). A functioning internal whistleblowing mechanism is a necessary element of public accountability for the civil service; and
- To further develop the Code of Ethics for civil service in cooperation with civil society and other stakeholders, which can be prioritized outside the framework of OGP.

¹ Office of the Government of the Czech Republic Minister for Human Rights, Equal Opportunities and Legislation, "Czech Republic 2017, Mid-Term Self-Assessment Open Government Partnership Action Plan Report of the Czech Republic for 2016–2018" (Aug. 2017), 10, <http://www.korupce.cz/assets/partnerstvi-pro-otevrene-vladnuti/Mid-Term-Self-Assessment-Open-Government-Partnership-Action-Plan-Report-of-the-Czech-Republic-2016-2018.pdf>.

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- ² "Newsletter Statni sluzba" (Ministry of the Interior), December 2016, <http://www.mvcr.cz/sluzba/clanek/newsletter-statni-sluzba.aspx>.
- ³ Vyrocní Zprava o Statni Sluzbe (2016), <http://www.mvcr.cz/sluzba/soubor/vyrocní-zprava-o-statni-sluzbe-za-rok-2016-pdf.aspx>.
- ⁴ "Pro verejnost," (Civil Service Information System, 17 Aug. 2016), <https://portal.isoss.cz/irj/portal/anonymous/dokument?cd=home>.
- ⁵ "Statni Sluzbe – Exam," (Ministry of the Interior, 2018), <http://www.mvcr.cz/sluzba/urednicka-zkouska.aspx>.
- ⁶ Vyrocní Zprava o Statni Sluzbe (2016).
- ⁷ "Odbor vzdelavani a mezinarodni spoluprace ve statni sluzbe" (Benesov: Ministry of the Interior, 28 Nov. 2017), <http://www.mvcr.cz/sluzba/soubor/prezentace-ovms-benesov-28-11-2017-pdf.aspx>.
- ⁸ Office of the Government, <https://www.vlada.cz/assets/urad-vlady/poskytovani-informaci/poskytnute-informace-na-zadost/Priloha-c--3---Vyhodnoceni-vysledku-dotaznikoveho-pruzkumu.pdf>
- ⁹ "Oddeleni boje s korupci" (Office of the Government), <https://www.vlada.cz/assets/urad-vlady/poskytovani-informaci/poskytnute-informace-na-zadost/Priloha-c--3---Vyhodnoceni-vysledku-dotaznikoveho-pruzkumu.pdf>.
- ¹⁰ Ministry of the Interior and European Union, Verejna sprava v Ceske republice v roce (2016), www.mvcr.cz/soubor/verejna-sprava-v-cr-v-roce-2015.aspx.
- ¹¹ Vyrocní Zprava o Statni Sluzbe (2016).
- ¹² *Id.*
- ¹³ *Id.*
- ¹⁴ *Id.*
- ¹⁵ "Open Data" (Civil Service Information System), https://portal.isoss.cz/irj/portal/anonymous/dokument?cd=EOSM/open_data&src=EOSM.
- ¹⁶ Vyrocní Zprava o Statni Sluzbe (2016).
- ¹⁷ Transparency International Czech Republic and the Anticorruption Endowment
- ¹⁸ "Advisory Board of the Deputy MV for the Civil Service" (Ministry of the Interior, 16 Mar. 2018), <http://www.mvcr.cz/sluzba/clanek/poradni-sbor-namestka-mv-pro-statni-sluzbu.aspx>.
- ¹⁹ "Publication of a presentation from the workshop to the OSOS ISoSS module of April 12, 2016" (Ministry of the Interior, 12 Apr. 2016), <http://www.mvcr.cz/sluzba/clanek/publikace-prezentace-z-workshopu-k-modulu-osys-isoss-ze-dne-12-4-2016.aspx>.
- ²⁰ "Vyjadreni ke zmene systemizace sluzebnich a pracovnich mist s ucinnosti od 1. 4. 2018," (Ministry of the Interior), <http://www.mvcr.cz/sluzba/clanek/vyjadreni-ke-zmene-systemizace-sluzebnich-a-pracovnich-mist-s-ucinnosti-od-1-4-2018.aspx>.
- ²¹ "Open Data" (Civil Service Information System).
- ²² Given the specificities of the Foreign Service, Act No. 150/2017 Coll. on foreign service was adopted as a *lex specialis* to the Civil Service Act.
- ²³ Michal Kamaryt, "ANO chce novelizovat sluzebni zakon, zmenit jednaci rad Snemovny" (Ceske noviny, 10 Oct. 2017), <http://www.ceskenoviny.cz/zpravy/ano-chce-novelizovat-sluzebni-zakon-zmenit-jednaci-rad-snemovny/1536679>.

4.2.1. Opening Priority Data Sets of Public Administration and Supplementing Them Based on Public Consultations

Commitment Text:

The Ministry of the Interior of the Czech Republic created the Standards and Methods for Publishing and Cataloguing the Public Administration of the Czech Republic and created the National Open Data Catalogue (NODC). To start the use of open data of the Czech public administration, the data sets that are of special significant economic benefit or enhance the efficiency and optimization of the services and transparency of the state must be published. The proposed list of priority data sets is not complete because there is not sufficient dialogue between the public administration and the public. Therefore, the public does not know what data sources public administration institutions work with and public administration institutions do not know what data sets the public are interested in. This “recurring” cycle can be solved by a dialogue between selected public administration institutions and the public through public consultations.

Main Objective: Publish priority public administration data sets as open data and update them regularly to ensure that they are as up-to-date as possible. To catalogue the priority data sets in the National Open Data Catalogue according to the Standards for Publishing and Cataloguing the Open Data of the Public Administration of the Czech Republic issued by the Ministry of the Interior of the Czech Republic and published on <http://opendata.gov.cz>. Update the list of priority public administration data sets based on public consultations. The method of publishing is closely interconnected with using advanced ICT technologies. A consequence of this commitment is the support of innovations and the modernization and optimization of services provided by the public sector.

Milestones:

1. Making selected public administration data sets accessible in an open form and catalogued in the NODC – see the List of Priority Public Administration Data Sets
2. Public consultations on the most required public administration data sets
3. Public administration open data sets made accessible based on public consultations

Responsible institution: Ministry of the Interior

Supporting institution(s): Ministry of Finance, Ministry of Regional Development, Ministry of Justice, Ministry of Transport, Ministry of Environment, General Financial Inspectorate, Office for Government Representation in Property Affairs, and Czech Office for Surveying, Mapping and Cadastre

Start date: 1 August 2016

End date: 31 December 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Overall			✓		✓	✓		✓			✓		No		✓		

Context and Objectives

This commitment builds on the first and second action plan where open data was featured prominently. In the last three years, the process of opening data that was primarily pushed by the civil society sector has become a priority for the Ministry of the Interior and the public administration.¹ In December 2015, the Forum for Open Data² published a manifesto, “Our state, our data,”³ promoting open data policy. Civil society and increasingly the private sector has been actively involved in the policy implementation in partnership with several public administration bodies.⁴ In December 2016, Michal Kuban, national coordinator for open data from the Ministry of the Interior, together with two colleagues received the “Kristalova lupa” award for promoting and raising public awareness on open data in the public administration.⁵ “Kristalova lupa” is a Czech internet award organized annually for the last eleven years by the portal, Lupa.cz.

Under the second action plan, the government developed and approved standards for publishing and cataloguing data in open format. In September 2016, Act No. 106/1999 Coll. on Access to Information was amended to include the definition of “open data” and established the National Open Data Portal.⁶ Within this Portal, the National Open Data Catalogue (NODC) was established as a registry of the open data sets provided by public administration bodies, including state agencies, municipalities, and regional governments. The Portal and the Catalogue are updated on an ongoing basis. The catalogue currently contains over 130,000 data sets varying in format and quality and, based on CSO review, most of the datasets are provided by the Czech Office for Surveying, Mapping and Cadastre, which might alter the final statistics.⁷

The process of incorporating open data into the government’s agenda has not been smooth and was met with resistance from some public administration bodies. Public officials have claimed that the costs of updating the existing outdated information systems is high and have raised concerns over digital privacy and intellectual property rights. Other issues include the loss of control over raw data, business interests, and the lost income to public budgets from data sales. Furthermore, there is no consistent support for the open data policy from politicians. In this regard, there still lacks the political reform necessary to expand the authority of the coordination body and push for effective enforcement. The EU General Data Protection Regulation (GDPR)⁸ directly applicable to EU member states as of May 2018, is the most complex data protection legislation ever adopted in the EU. Its implementation in the Czech Republic can potentially hinder the open data process as it can serve as another pretext for blocking the process of opening data.

The commitment aims to further open public administration data by establishing a list of priority datasets based on Government Resolution No. 425/2016 Coll. (Milestone 1). The Ministry of the Interior, as coordinator of the open data agenda, can propose the priority datasets but most of them fall under the responsibility of other ministries or agencies. Furthermore, it aims to expand the list of open datasets based on public consultations with civil society stakeholders (Milestones 2 and 3). This commitment strengthens civic participation through public consultations, cooperation with civil society stakeholders, and by facilitating access to open data by the general public. In addition, the obligation to publish open data pushes for modernizing the information systems of public administrations. There is clear relevance to the OGP values of access to information and technology and innovation for transparency and accountability regarding the commitment’s innovations, applications, and data publication facilitated by the commitment. This commitment is relevant for developing an open data atmosphere, which is already progressing in the Czech Republic and supported by public consultations, hackathons,⁹ competitions for applications developed with the open data, and the Open Data Expo, a fair where public institutions consult with data users on open data publishing.¹⁰ However, the commitment does not address effective enforcement of open data publication and mandatory publishing of all data generated by central administration bodies. For these reasons, the commitment’s potential impact is considered moderate.

Completion

Milestone 1 lists 14 priority public administration areas with one or more datasets, and their responsible administrative office, to be published in open data format in the National Open Data

Catalogue. From this list, five have been published:¹¹ datasets for the Registry of Contracts (managed by the Ministry of the Interior);¹² a list of data box holders (managed by the Ministry of the Interior);¹³ datasets of the MS2014+ information system for grant applications (managed by the Ministry for Regional Development);¹⁴ and datasets containing information about subsidies and repayable financial aid from the state budget, state funds, state financial assets, and the National Fund and their recipients (CEDR III information system, managed by the General Financial Inspectorate).¹⁵ The National Fund serves as a clearing house for payments from the EU to the Czech Republic.¹⁶ The remaining nine items are not yet uploaded. The systemization of civil service posts under the OSYS module is under the Ministry of the Interior (see the Commitment 4.1.1).

Eight of the items fall outside the Ministry of the Interior's authority. The Ministry offers methodological and technical support to ministries and state institutions, but the publication of specific datasets is the responsibility of outside departments. The Ministry of Finance did not release datasets from the Administrative Register of Economic Subjects (ARES), citing the high cost of updating the old systems. IT systems are developed and approved under criteria set by the Strategy for Development of IT Systems. However, the author of the application "State Watchdog"¹⁷ offered a solution for one Czech koruna that would open ARES in open data format, thereby removing the cost argument. Publishing other data carries further concerns, including the lost income generated by selling datasets to private companies, and privacy issues. Completion of this milestone is limited since most of the remaining items fall outside the lead agency's authority.

Milestone 2 commits to public consultations about the most demanded public administration datasets. This milestone has been implemented via the Open Data Wishlist, an online data survey placed on the Open Data Portal (opendata.gov.cz), the Czech Digital Agenda Coordinator's website (www.digiczech.eu), and the Otakar Motejl Fund's website (www.otevrenadata.cz). Through the survey, citizens can suggest specific datasets to be made available in open format. It was launched in December 2016. There were two evaluations: 86 proposals were submitted by the end of April 2017 and 19 proposals were submitted by the end of December 2017. Evaluation results are on the opendata.gov.cz website.¹⁸ The most requested data concerned the Cadaster of Real Estate (12 proposals), the Administrative Register of Economic Subjects ARES (9 proposals), a list of judges, and air pollution. The proposed datasets were categorized into five groups according to the legal feasibility to publish them in the open format.¹⁹ The milestone is completed although further consultations are envisaged also under Commitment 4.2.2.

Milestone 3 uses results of Milestone 2 to seek that the requested datasets be included in the list of mandatory datasets to be published in open format. The amended Government Resolution No. 425/2016 Coll. was expected to be sent to consultation in December 2017. The level of completion is limited until the new datasets are included in the government's resolution, thereby providing a legal basis to start the process.

The commitment and milestones overall do not contain specific benchmarks but rather general indicators that cannot be checked against the performance, for this reason the specificity is considered medium.

Early Results

The National Open Data Catalogue (NODC) that serves as a registry of open datasets provided by public administrations currently contains over 130,000 datasets. According to the European Data Portal assessment of the Czech Republic for 2017,²⁰ NODC has 580 visitors on average per month. Furthermore, to improve coordination within the public administration, the Government Council for Information Society established the Open Data Working Group in March 2017.²¹ The members of the Working Group were nominated by the Head of the Government Council for Information Society and include representatives from ministries, central institutions, and local municipalities. The Working Group serves as a government platform for open data providers and suppliers from public bodies and authorities to share knowledge and best practices as well as to identify the datasets regularly requested by the public and private sectors.²² The ministries and several state agencies are

represented in the group by their designated open data coordinators. The main aim of the working group is to facilitate and coordinate the open data process. Civil society and other relevant stakeholders outside of the public administration are not involved.

In September 2017, the Supreme Audit Office of the Czech Republic organized the first hackathon²³ of the public administration in cooperation with other ministries, state agencies, the Otakar Motejl Fund, and the University of Economics, Prague. Over sixty programmers developed 15 new applications based on the open data published on the NODC. The best applications addressed gambling and insolvency (through interactive maps showing the number of gambling-related insolvencies in municipalities) and contract linkages (through connecting Registry of Contracts data with data from public administrations and a list of public organizations). The best applications are available at hackujstat.cz. A further series of hackathons is planned for September 2018.²⁴

Next Steps

This commitment should be taken forward into the next action plan. It could set up a multistakeholder mechanism for regularly updating priority data sets. Opening data should be prioritized to prevent the Czech Republic from lagging behind EU counterparts. Effective enforcement of open data publication, as well as considering the “open by default”²⁵ principle, should be a goal of the next action plan. This would require further amendments to the Act on Access to Information, conformity of the “open data” definition and approach within relevant legislation (e.g. No. 123 /1998 Coll., on Access to Information on the Environment), and expanded authority for the coordination body. For the current commitment, the following can be suggested:

- Public administrations should not only publish the datasets from the list stated in the commitment but catalogue the datasets in NODC in open format;
- Public consultations should focus on gathering feedback on the quality of published data in open format;
- Continue to hold multistakeholder activities (hackathons, public consultations) and incorporate them later as a standard tool for the public administration; and
- Further amendments to the Act on Access to Information should include stronger enforcement mechanisms.

¹ See, for example, the speech of the Deputy Minister of Interior at the annual conference, “Open Data in Public Administration 2017,” that was organized on 10 November 2017. The full video of the conference as well as most of the presentations are available online: <https://opendata.gov.cz/edu:konference:2017>.

² The Forum has representatives of the Otakar Motejl Fund (Open Society Fund Prague), Faculty of Mathematics and Physics of the Charles University, University of Economics, CSOs from Prague, private companies, and state institutions. <http://www.otevrenadata.cz/o-nas/forum-pro-otevrena-data/>.

³ “Manifest Nas stat, nase data,” <http://www.otevrenadata.cz/res/data/002/003575.pdf>.

⁴ The second edition of the Open Data Expo, a fair supporting dialogue between open data providers and open data users was organized by the Otakar Motejl Fund, Ministry of the Interior, PWC and CZ.NIC, the CZ domain registry, in March 2017. <http://www.otevrenadata.cz/open-data-expo/rocnik-2017/>.

⁵ Lupa.cz, “Kristalova Lupa 2016 Cena ceskeho Internetu” (2018), <https://kristalova.lupa.cz/2016/vysledky/>.

⁶ Otevrena Data, “Otevrena data v CR: Portal pro poskytovatele” (27 Jul. 2018), <https://opendata.gov.cz/>.

⁷ This is acknowledged in the annual report on open data published by the Ministry of Interior:

https://opendata.gov.cz/_media/dokumenty:v%C3%BDro%C4%8Dn%C3%AD-zpr%C3%A1va-2017.pdf.

⁸ European Parliament and The Council of the European Union, “Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016” L 119/1 (Official Journal of the European Union, 4 May, 2016), <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>.

⁹ The Supreme Audit Office, “Otevrena data maji velky potencial. Jak jej vyuzit, ukazal prvni hackathon verejne spravy” (18 Sept. 2017), <https://www.nku.cz/cz/pro-media/tiskove-zpravy/otevrena-data-maji-velky-potencial-jak-jej-vyuzit-ukazal-prvni-hackathon-verejne-spravy-id8952/>.

¹⁰ Otakar Motejl Fund, “Soutez o nejlepsi aplikaci nad otevrenymi daty” (2018), <http://www.otevrenadata.cz/soutez/>; Otakar Motejl Fund, “Open Data Expo 2018 (2018), <https://opendataexpo.osf.cz/>.

¹¹ Records from the database of vacant work posts in civil service and open competitions in open data format is available as of December 2017: <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F255131871>.

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- ¹² <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F143188380>
- ¹³ <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F170966162>
- ¹⁴ <https://MSI4opendata.mssf.cz> (still to be entered into NODC).
- ¹⁵ <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F207724671>, <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F71430997>, <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F71431010>, <https://nkod.opendata.cz/datov%C3%A1-sada?iri=https%3A%2F%2Fnkod.opendata.cz%2Fzdroj%2Fdatov%C3%A1-sada%2F204864908>
- ¹⁶ EEA Grants and Norway Grants, "Bilateral national fund - Czech Republic," <https://eeagrants.org/Partnerships/Funds-to-promote-cooperation/Bilateral-national-fund-Czech-Republic>.
- ¹⁷ State Watchman, "Hlidac statu," <https://www.hlidacstatu.cz/>.
- ¹⁸ Otevrena data, "Analyza nejzadanejsich datovych sad," <https://opendata.gov.cz/dokumenty:anal%C3%BDza-opendata-wishlist>.
- ¹⁹ For example, the survey identified demands for environmental data fall under the procedures established within Act No. 123/1998 Coll., on Access to Information on the Environment and under the open data definition codified in the Act No. 106/1999 Coll. on Access to Information.
- ²⁰ European Data Portal, "Czech Republic – Overview" (14 Aug. 2017), https://www.europeandataportal.eu/sites/default/files/country-factsheet_czech-republic_2017.pdf.
- ²¹ Ministry of the Interior, "Rada vlády pro informacni spolecnost" (22 Aug. 2018), <http://www.mvcr.cz/clanek/rada-vlady-pro-informacni-spolecnost.aspx?q=Y2hudW09Mg%3d%3d>.
- ²² Otevrena data, "Pracovni skupina uzivatelu otevrenych dat" (19 Nov. 2017), <https://opendata.gov.cz/kontakt:skupina-u%C5%BEivatele%C5%AF-otev%C5%99en%C3%BDch-dat>.
- ²³ The Supreme Audit Office, "Otevrena data maji velky potencial."
- ²⁴ The Supreme Audit Office, "Hackathon verejne spravy ver. 2.0" (2018), <https://www.hackujstat.cz/>.
- ²⁵ Open Data Charter, "Principles," <https://opendatacharter.net/principles/>.

4.2.2 Supporting the Development of the Public Administration of the Czech Republic's Open Data Ecosystem

Commitment Text:

Most public administration institutions do not publish and do not catalogue open data because there is no legislative duty to do so. In addition to enshrining open data in the legislation, it is also necessary to provide knowledge support on open data for individual public administration institutions. To advance the principles of public administration open data and their access, it is necessary to support and develop the methods and standards needed to provide and continuously improve the quality of public administration open data, both from the technical and process aspects.

Main Objective: Support and develop the open data ecosystem. Develop open and interconnected data standards. Educate public administration employees. Provide assistance for public administration authorities in opening data.

Develop the National Open Data Catalogue. Develop a dialogue between public administration institutions and the general public.

Milestones:

1. Developing open and interconnected data standards (measurement method: functioning and existing standards are available on opendata.gov.cz)
2. Public administration employee training on publishing and cataloguing open data (measurement method: according to the project application – 3 x conference on open data and 10 x 1-day training)
3. Providing assistance to public administration authorities on opening data (measurement method: 10 ministries or central authorities; unspecified number of regional authorities and municipalities)
4. Developing the National Open Data Catalogue (NODC) (measurement method: data.gov.cz available; compatibility with the EU standard: DCAT-AP)

Responsible institution: Ministry of the Interior

Supporting institution(s): Committees of Government Council for Information Society

Start date: 1 August 2016

End date: 31 December 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Overall				✓	✓			✓			✓		No		✓		

Context and Objectives

This commitment aims to support and develop the open data atmosphere. The four milestones focus on advancing and publishing the methods and standards for open data in a user-friendly manner to engage public administrations and guarantee the quality of datasets. Implementation of these methods and standards is supported by trainings and workshops for civil servants responsible for open data at public administrations. The commitment seeks three conferences on open data to

advance knowledge among the public administration and share best practices. Lastly, further work on the National Open Data Catalogue (NODC) is planned in compliance with the DCAT Application Profile for Data Portals in Europe (DCAT-AP). This commitment is based on a project titled “Implementation of open data strategies II (Open Data II),”¹ funded by the European Social Fund. The project runs from January 2017 until October 2019.

The coordinator and lead implementing agency provides methodological and training support to the public administration bodies, aiming to increase the number of datasets published in NODC in an open format. By achieving compatibility with the EU standard, the NODC will have improved functionality and usability. Trainings and workshops target only public employees, leaving no expectation for state agencies to publish open datasets. Given the limited scope of the milestones, the impact of the commitment is considered moderate.

Completion

The commitment was launched in parallel to the start of the project Open Data II in January 2017, five months later than planned.

Regarding Milestone 1, the standards and process for opening data is presented step-by-step and currently published on the front page of Open Data Portal² in a user-friendly manner. This also includes information on EU General Data Protection Regulation (GDPR)³ and information on personal data protection. The available information serves as guidelines for public bodies starting the data opening process and includes tips on publication plans, dataset publication, local catalogues, privacy and GDPR, a template for publication and cataloguing open data, technical standards, and examples of bad practices in opening data. The milestone can be considered completed although the work under the project Open Data II is ongoing.

In terms of Milestone 2, the self-assessment report stated the lead implementing agency hosted six trainings on open data in the regions and the capital with 62 participants in total between the beginning of 2017 and the end of the self-assessment reporting period. The report also mentioned the three Office of Government workshops. The Office of Government started publishing its data in open format in July 2017. The annual conference, “Open Data in Public Administration 2017,” was also held on 10 November 2017. It allowed international sharing (topics included open data policy in Poland and best European open data practices) as well as tackling national issues like open data in agriculture, the open data reality in the Czech Republic, municipality experiences with open data, and a presentation on the first hackathon based on public administration open data.⁴ The government has been organizing several training activities in line with this commitment, in addition to the ten trainings and three conferences already held, indicating this milestone is ongoing.

As for Milestone 3, the self-assessment report indicated that the lead implementing agency organized 21 workshops on open data for state agencies but only six agencies requested and received this assistance. The IRM researcher was not able to fully verify the information, however the information gathered shows that implementation of the milestone is ongoing.

Milestone 4 is currently being developed by the government. The National Open Data Catalogue (NODC) 2.0 is being developed to be more user-friendly and a fully integrated platform for citizens. The government stated in the self-assessment report that the software prototype is already prepared to provide current NODC content of open datasets which will be fully compliant with the DCAT-AP standard.⁵ Implementation of the milestone is ongoing.

Early Results

On 17 July 2017, the Office of Government of the Czech Republic launched its open data portal⁶ and consequently registered several datasets on NODC as of 25 July 2017. The Office of Government has led these actions autonomously and published some of their datasets in open format. Published data includes a list of consultative bodies; a register of certified experts in drug prevention and

gambling; analytical, statistical, and strategic documents for the Office of Government; a price list of energy commodities; and a dataset from the National Information System for Research, Experimental Development and Innovation (IS VaVal). The Office of Government plans to publish new datasets and encourage line ministries to improve their open data methods.⁷

Next Steps

Implementation of the commitment is and will be ongoing in line with the implementation of the Open Data II project. Given that the project has been approved, is it unlikely that extensive modifications will occur. The government self-assessment stated that despite the methodical and technical support offered, there is insufficient interest in training from relevant information system administrators. Therefore, recommendations include:

- A workshop can be organized for the Open Data Working Group established by the Government Council for Information Society that coordinates interministerial cooperation. A multistakeholder impact assessment on secondary use of open data could be developed under the Open Data II project, medialized, and used in public discussions in support of open data policy; and,
- The Ministry of Interior can hold workshops for other stakeholders like business and civil society, using their cooperation with the EU for funding the workshops.

¹ Ministry of the Interior, "Otevrena data II" (2018), <http://www.mvcr.cz/clanek/otevrena-data-ii.aspx>.

² Otevrena dat, "Otevrena data v CR: Portal pro poskytovatele" (27 Jul. 2018), <https://opendata.gov.cz/>.

³ European Parliament and The Council of the European Union, "Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016" L119/1 (Official Journal of the European Union, 4 May 2016) <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>.

⁴ Otevrena data, "Vyrocní konference Otevrena data ve veřejné správě 2017" (14 Nov. 2017), <https://opendata.gov.cz/edu/konference:2017>.

⁵ Office of the Government of the Czech Republic Minister for Human Rights, Equal Opportunities and Legislation, "Czech Republic 2017, Mid-Term Self-Assessment Open Government Partnership Action Plan Report of the Czech Republic for 2016-2018" (Aug. 2017), <http://www.korupce.cz/assets/dokumenty/tiskove-zpravy/Prubezna-sebehodnotici-zprava-Akcniho-planu-Ceske-republiky-Partnerstvi-pro-otevrene-vednuti-na-obdobi-let-2016-az-2018---verejne-konzultace.pdf>.

⁶ Vlada Ceske republiky, "Otevrena data" (25 Jul. 2017), https://www.vlada.cz/cz/urad-vlady/otevrena_data/otevrena-data-158324/.

⁷ Vlada Ceske republiky, "Urad vlady zacal yverejnovat otevrena data" (25 Jul. 2017), <https://www.vlada.cz/cz/media-centrum/aktualne/urad-vlady-zacal-zverejnovat-otevrena-data--158897/>

4.2.3 Forming the National Open Access to Scientific Information Strategy for 2017–2020

Commitment Text:

The Czech Republic is one of the few countries that have no national open access strategy and no document unifying the plans for developing open access to scientific information at the national level. The Czech Republic, along with other OECD and EU countries, committed to advancing open access to research data from projects financed by public funds as early as 2004.

Main Objective: Submit the National Open Access to Scientific Information Strategy to the Government for approval.

Define and implement a clear strategy for open access to scientific information from projects financed by public funds according to § 16 of Act No. 130/2002 Coll. and other legal regulations regulating the publication of RDI results (such as classified information or trade secrets). The document “Czech National Open Access to Scientific Information Strategy for 2017–2020” should be based on the recommendations of the Council for Research, Development and Innovations “Open Access (“OA”) to the Published Results of Research Financed by Public Funds of 28 February 2014 and the binding OA principles at the EU level. This is a prerequisite for the full integration of the Czech Republic into the European Research Area and enhancing the competitiveness of Czech research. The strategy also develops the principles of the National Policy of Research, Development and Innovations for 2016–2020 and other national documents.

Milestones:

1. Milestone Title: Approval of the Czech National Open Access to Scientific Information Strategy for 2017-2020 by the Government

Responsible institution: Section of the Deputy Prime Minister for Science, Research and Innovation, the Office of the Government of the Czech Republic

Supporting institution(s): N/A

Start date: May 2016

End date: May 2017

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Overall				✓	✓					✓			Yes				✓

Context and Objectives

Unlike most EU countries, the Czech Republic had no policy on open access to scientific publications and data from publicly funded projects. Adopting such a policy was a condition set by the European Commission in July 2012 before any EU member state could enter the European Research Area.¹ However, this obligation does not stipulate the type of publication repository or means for sharing the data. Some stakeholders remain skeptical of the proposed strategy. There are several factors that impede its potential. First, the strategy is not legally binding beyond the public administration, as it’s a government resolution. Second, no sanctions for non-compliance are

established. Furthermore, while the strategy defines “open access,” what should be published, and narrows down possible exceptions from the rule, it does not set any specific implementation steps or timeline. Finally, with the change of the government and the reorganization of the Office of Government, the unit that was championing this strategy was dissolved.

The National Information System for Research, Experimental Development and Innovation (IS VaVal) is in place, but not all results have been accessible to public. Furthermore, there is no standard definition of exceptions from the publishing requirement, and concerns have been raised about intellectual property rights in relation to open access.

The objective of the commitment is to adopt a strategy. This commitment could advance open and free access to publicly funded publications. Consequently, the quality and effectiveness of the research and further use of results would increase, as well as transparency in public spending. Adopting a strategy would be a positive step forward as there is no official regulation in this area, nor a consensus among academia, the Ministry of Education, and other stakeholders on publishing standards.² At the same time, the strategy is not legally binding for the end users or funders beyond the public administration and does not contain an action plan for implementation. Therefore, the commitment’s potential impact is considered minor.

Completion

This commitment is complete. The government adopted the National Open Access to Scientific Information Strategy 2017–2020 on 14 July 2017.³ The strategy is based on recommendations from the Council for Research, Development and Innovations’ “Open Access (“OA”)” to the Published Results of Research Financed by Public Funds” of 28 February 2014.⁴ Also, the binding Open Access principles at the EU level were the baseline for the working group who drafted the strategy. The strategy was referred to and presented during the Open Access Week (23-27 October 2017). The Open Access Week was an international event in which most of the academic and university libraries in the Czech Republic took part. Additionally, the strategy was presented during the conference, OpenAlt, that took place at Brno University of Technology in November 2017.⁵ The Association of Libraries of Czech Universities, that also runs the open access.cz website,⁶ has been the main promoter of open access.⁷

Early Results

When adopting the strategy, the government tasked the Deputy Prime Minister responsible for science, research and innovation to develop an action plan that would specify the missing implementation steps by 31 December 2017. The action plan has not been developed or published.

Next Steps

The commitment could be taken forward in the next action plan, focusing on:

- Emphasizing preparation, implementation and monitoring of the action plan that was envisaged for the strategy, specifying the implementation steps and timeline; and
- Considering the creation of a multistakeholder working group in charge of implementation, to include the Czech Science Foundation, Czech Academy of Science, the Technology Agency of the Czech Republic, and the Ministry of Education. Those institutions were initially tasked to ensure the priorities of the strategy by the government resolution, as well as universities, the Association of Libraries of Czech Universities, and other stakeholders including businesses.

¹ Based on the Recommendation of the European Commission, the Government’s Council for Research, Development and Innovations issued its recommendations, “Open Access to the Published Results of Research Financed by Public Funds,” on 28 February 2014. A working group consisting of 20 members was established at the Technology Agency of the Czech Republic with major universities, the Ministry of Education, and the Office of Government participating in the preparation of the draft text of the strategy.

² Businesses were not actively involved in the debate or tasks of the working group.

³ The Office of Government, Government Resolution no. 444: "Usneseni vlády České Republiky ze dne 14. června 2017 c. 444 o Národní strategii otevřeného přístupu České republiky k vědeckým informacím na léta 2017 až 2020," (14 Jul. 2017), <https://apps.odok.cz/attachment/-/down/RCIAANGCDD4M>.

⁴ Open Access to the Published Results of Research Financed by Public Funds, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjnsta2v6TdAhWHtlkKHRMGDKA QFjAAegQIARAC&url=http%3A%2F%2Fvyzkum.rect.muni.cz%2Fmedia%2F1310764%2Fopen-access-k-publik-vysledkum-vyzkumu.docx&usg=AOvVaw0vSvfvfPIMoiXMPTkWF5MH>

⁵ OpenAlt, "OpenAlt konference" (2017), <https://openalt.cz/2017/>.

⁶ Open Access.cz, "Stav open access v ČR" (29 Aug. 2018), <http://openaccess.cz/stav-v-cr/>.

⁷ Association of Libraries of Czech Universities, "Association of Libraries of Czech Universities" (27 Feb. 2017), <https://akvs.upce.cz/en/>.

4.3.1 Supporting Volunteering

Commitment Text:

Volunteering is an important opportunity for a large number of citizens to engage in activities beneficial to the public on their own free will, in their free time and without a claim to any remuneration or service in return. Currently there is no comprehensive concept for supporting and developing volunteering in the Czech Republic. The current legal regulation (Act No. 198/2002 Coll., on volunteer services, as amended) only applies to organizations that are accredited by the Ministry of the Interior and includes only a few of the total number of volunteers in the Czech Republic.

Main Objective: Create conditions for maximizing the society-wide benefit of volunteering. At both the legislative and non-legislative level, the aim is to create conditions to further support and develop volunteering in the Czech Republic. The new Act on Volunteering and its Support will regulate the conditions for all types of volunteering and the support will apply to voluntary organizations and volunteers in and outside the accredited regime. The new concept of development of volunteering will focus especially on practical support and development of volunteering in the Czech Republic and will be based on the summary of foreign and domestic experience and good practice examples. It will also contain recommendations for voluntary organizations and volunteer centres when working with volunteers.

Milestones:

1. Distribution of the proposed draft of the Act on Volunteering and Its Support for the interministerial comment procedure
2. Addressing the draft of the proposed Act on Volunteering and Its Support to the Government of the Czech Republic for consideration
3. Start of the analytical phase of drawing up the Concept of the Development of Volunteering
4. Drafting the Concept of the Development of Volunteering by the working group
5. Final version of the Concept of the Development of Volunteering

Responsible institution: Ministry of the Interior of the Czech Republic

Supporting institution(s): N/A

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Overall			✓		Unclear					✓			No		✓		

Context and Objectives

Efforts to improve the legal milieu for volunteering in the Czech Republic dates back to the 2011 European Year of Volunteering. The current Act on Volunteering (from 2002) does not provide a legal framework for all types of volunteering since it only facilitates accredited¹ volunteer centers. There is no declaratory recognition of volunteering and no legal provision for non-accredited CSOs that depend on volunteers (e.g., Scouts) that would allow them to benefit from state subsidies for volunteering or recognize the value of their volunteers' work as co-financing for their projects.² There are also no official nation-wide volunteering statistics.³ Additionally, the civil society sector,

and civic space and activities, have been under increasing verbal attack from President Milos Zeman, Senator Jan Veleba, and others.⁴ There is a need to facilitate proper functioning of the civil society and civic activism.

The objective of the commitment is to submit the new draft law on volunteering to the government and to design the Concept of the Development of Volunteering. The concept is an output of the Ministry of the Interior's project titled "The Concept of Development of Volunteering in the Czech Republic with an Emphasis on Regional and Professional Availability of Volunteering in Volunteer Centres." The project was launched in September 2016 and is run by the Department of Security Policy and Crime Prevention of the Ministry of the Interior. It is funded from the EU Structural Fund (Operational Programme Employment) and co-funded from the state budget. The concept aims to propose non-legislative and/or legislative changes, based on relevant analysis, to a legal framework that would lead to the development of volunteer activities at the regional level (whether or not the volunteering is accredited), further development of accredited volunteer centers, and the educational aspect of volunteer work.

By implementing the commitment in line with a need to codify all forms of volunteering, the new law could improve the situation of volunteers and groups organizing or benefiting from the voluntary work of its members. As written, the commitment vaguely points in this direction. It mentions submitting the proposal to the government for consideration as a final action. However, there is no evidence that the project and its activities build on the previous statistical efforts for valuing volunteer work.⁵ The results of an envisaged statistical-sociological survey implemented within the project are unclear; it seems to be merely a public opinion poll. For these reasons, the commitment's potential impact is considered minor. Furthermore, there is no evidence that the commitment is relevant to OGP values. The commitment is listed under the OGP grand challenge "Creating Safer Communities," however the link between the commitment and the challenge is not evident from the text. The commitment and milestones overall do not contain specific benchmarks but rather general indicators that cannot be checked against performance; for this reason the specificity is considered moderate.

Completion

The level of completion of this commitment is limited. For Milestones 1 and 2, the Ministry of the Interior submitted an intent to draft a volunteering law to the consultation procedure within the 2015 legislative plan. The Ministry and civil society agree that the comments and amendments submitted within the procedure would have seriously hampered the final draft of the law and brought additional red tape and financial burden to volunteer organizations. At the request of the Ministry of the Interior, the government cancelled the legislative task in its resolution no. 942 of 24 October 2016.⁶ No further steps in the legislative area are currently envisaged.

Milestones 3, 4, and 5 are ongoing but experience delays due to various reasons, namely the new procedure for public procurement. The comparative analysis, opinion poll, and methodology development are to be subcontracted to external providers. The opening conference of the project took place in December 2016.⁷ Furthermore, wider consultations with CSOs were envisaged but according to one civil society representative, they were not held. According to a civil servant responsible for the project implementation, the expected start and end dates of Milestones 3, 4, and 5 have been pushed back a month later than those stated in the midterm self-assessment report.

Next Steps

Given the current tenuous link to OGP values, the commitment should not be carried forward in the next action plan, unless refocused on gathering and publishing volunteer data via the Czech Statistical Office and possibly EUROSTAT. In this regard, the following actions can be taken:

- Published data should include the financial value of volunteer work;
- A budget line for such an activity should be approved as well as a methodology setting up the formula for determining the value of volunteer work; and

- Adoption and public dissemination of the official methodology should facilitate the possibility for the CSOs to use volunteer work value as a co-funding for their projects.
-

¹ The volunteer centers are accredited by the Ministry of the Interior of the Czech Republic. See <http://www.mvcr.cz/dobrovolnicka-sluzba.aspx>.

² The European Commission recognizes the value of volunteer work as co-funding for EU projects. EU member states must introduce methodology setting the hourly value of the work in order for their national CSOs to be eligible for such co-funding. The Czech Republic has not adopted this methodology so far.

³ There is no budget at the moment to include volunteer questions on regular surveys. Volunteer questions are also missing on EUROSTAT surveys. The Czech Statistical Office uses estimates based on data from CSOs. The Czech Statistical Office, "Dobrovolníci v Česku" (Mar. 2017), <http://www.statistikaamy.cz/2017/03/dobrovolnici-v-cesku/>.

⁴ Radko Hokovsky et al., "Českem se siri kritika neziskových organizaci; jsou jim vytkany politické ambice a parazitování na státních penězích. Jak tato kritika ovlivní vaši činnost?" (Respekt), <https://www.respekt.cz/tydenik/2017/4/anketa>.

⁵ Czech Council of Children and Youth, "Projects: SAFE" (2018), <http://crdm.cz/projekty/safe/>. This project operated 2013–2015.

⁶ The Office of Government, Government Resolution no. 942, "Usnesení vlády České republiky ke Zprávě o plnění úkolů uložených vládou s termínem plnění od 1. července do 30. září 2016" (24 Oct. 2016), <https://apps.odok.cz/attachment/-/down/IHOAAF5G64CQ>.

⁷ Ministry of the Interior, "Konference o dobrovolnictví v České republice" (2018), <http://www.mvcr.cz/clanek/konference-o-dobrovolnictvi-v-ceske-republice.aspx>.

4.3.2 Improving Local Level Safety

Commitment Text:

The ministry of the interior has been carrying out the subsidy Crime Prevention Programme focused on supporting preventive projects of municipalities and regions which concentrate on situational prevention, social prevention, victimization prevention, and recidivism prevention for a long time. In 2015 the ministry also established the subsidy programme Security Volunteer that helps to increase public integrity and develops and supports civic society by engaging local citizens in preventative activities. Crime prevention at the local level is however more difficult because there is no uniform platform providing information about criminality at the local level.

Main objective: Implement projects at the local level based on a careful analysis of the safety situation in the place concerned and provide access to information on criminality at the local level. The projects, supported by the subsidy programme Crime Prevention, are based on a careful analysis of the safety situation in the place concerned, are coordinated by professional crime prevention managers, and are implemented together with other crime prevention entities in the majority of cases. The aim of creating a crime information sharing platform at the local level is to give self-governments as well as citizens of the Czech Republic access to more detailed information about criminality (crimes and offences if need be) to raise their awareness of the safety information about where they reside, work etc. so that they can engage more in the subsequent co-creation of safer localities. The task includes setting rules for sharing and publishing information about criminality (to prevent the secondary victimisation of victims, to ensure that information is accurate, objective and undistorted and cannot be misused, etc.) and protection of personal and sensitive data. Based on this it will be possible to create and give access to tools that will allow self-governments and the public share and access information, including feedback to security forces.

The aim of the commitment is better knowledge of self-governments and citizens of criminality and related phenomena and their better engagement and cooperation with the security forces not only in reducing hidden criminality but also in finding particular offenders and generally in preventing criminality and improving the safety of the community concerned. Better engagement and cooperation should also result in the long-term development of safety and crime prevention voluntary activities.

Milestones:

- 1. Determination of rules for sharing and publishing information about criminality so that it does not contribute to the secondary victimization of victims.*
- 2. Possibility of concluding contracts for sharing information about criminality with self-governments according to the set rules*
- 3. Putting a crime information publishing platform into operation*
- 4. Executing subsidy safety and crime prevention procedures*

Responsible institution: Ministry of the Interior of the Czech Republic

Supporting institution(s): N/A

Start date: 30 June 2016

End date: 31 December 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
Overall		✓			✓			✓		✓			No		✓		

Context and Objectives

The commitment addresses local crime prevention through state-subsidized projects and access to crime statistics via a central online platform. Unlike many other countries, the Czech Republic does not have a detailed, user-friendly crime map centrally managed by state bodies and accessible to the public. However, the Czech policeforce manages aggregated crime statistics on its online portal.¹

While police data used to be dispersed across 86 different Excel tables, the police consolidated the data in one database in 2016.² Otevrena Spolecnost, an NGO, uses this data for its crime index and map.³ Local crime maps exist in several smaller cities where the Police of the Czech Republic and metropolitan police provide input to official municipal crime maps available on local government websites.⁴ However, access to crime information has been contested in the country. The Ministry of the Interior and the police were in civil litigation with the journalist, Jan Cibulka, from Czech Radio over access to crime information. In May 2017, the Municipal Court in Prague ruled in favor of the journalist and ordered the Police of the Czech Republic and Ministry of Interior to release data on territorial distribution of police districts and stations in an electronic version.⁵ It is an important dataset for achieving accurate crime maps. Consequently, the Ministry of the Interior calculated the cost of providing the requested data at CZK 25 million (EUR 1 million).⁶ The amount was challenged by the journalist and litigation is ongoing.

The objective of the commitment is to launch a unified online platform providing crime information via “Maps of the Future II.” The project should provide an assessment of what data and information on crimes the police can provide for the new platform and set the rules, including contractual relations with municipalities and local administrative bodies, for sharing and publishing the respective data. A civil servant responsible for the project mentioned that a new information system should be user-friendly for the public and local administrations to encourage feedback and co-creation of the map. At the same time, there is a lack of information on the activities carried out by the Police of the Czech Republic (the administrator of the input data), the Ministry of the Interior, as well as the specific parameters of the map and its statistics. A civil society representative points out there is no guarantee that such a map would contain more than basic statistics. Furthermore, the “value add” to the existing Otevrena Spolecnost project is unclear and there is no cooperation with the civil society sector on how to synergize and complement the two platforms.

The second objective of the commitment is to support crime prevention via three grant programmes. Two of these programs fund local administration bodies, municipalities, and regional administrations for local crime prevention and volunteer security forces. The third program funds corruption prevention implemented by CSOs and other nonprofit entities (i.e., foundations, churches). Projects funded from the first two grants support preventive measures but can also facilitate dialogue between citizens and local and regional administration bodies and municipalities. However, the Ministry of the Interior neither requires public consultations during the project’s implementation, nor are citizen consultations part of the needs assessment for the grant application. The corruption prevention projects⁷ often provide legal consultation for potential whistleblowers

and aim to motivate citizens in anticorruption efforts. The government has actively conducted these projects with the Ministry of the Interior acting as a donor, however the projects are neither linked to OGP priorities nor bear relevance to OGP values within Milestone 4 without a stronger government role. For these reasons, the commitment's potential impact is considered minor. In addition, the commitment and milestones do not contain specific benchmarks but rather general indicators that cannot be checked against the performance; for this reason the commitment has low specificity.

Completion

Completion of this commitment is limited. Milestones 1, 2, and 3 were postponed due to a delay in preparations for "Maps of the Future II." The Ministry of the Interior cooperates on preparations for the Maps of the Future II project proposal with the Police of the Czech Republic. The police requested a budgetary transfer to cover the personnel costs for employees working on the project. Due to this reason, "Maps of the Future II" will not start earlier than the beginning of 2018. The first three milestones' end dates shifted to September 2018, December 2018, and December 2019 respectively. Under Milestone 4, all three subsidy programs were implemented on time and the list of beneficiaries for 2016 and 2017 is available online.⁸

Next Steps

The unified online platform providing information on crime statistics could be carried forward in the next action plan, however, only if the following recommendations are taken on board:

- Consult and include civil society in the preparation and implementation of the platform within "Maps of the Future II;"
- Clearly state what criteria and datasets should be published; and
- Complement the existing Otevrena map and discuss synergies of the two platforms.

¹ Police of Czech Republic, "Statistiky trestne cinnosti" (13 Sept. 2012), <http://www.policie.cz/clanek/statistiky-trestne-cinnosti.aspx>.

² Otevrena spolecnost, "About the project," <http://www.mapakriminality.cz/o-aplikaci/#oAplikaciUzivatele>.

³ *Id.*

⁴ Safe Pribram, "Mapy kriminality a prestupku" (2017), <http://www.bezpecnapribram.cz/218-mapy-kriminality>; Safe Kolin, "Mapy kriminality a vyvoj kriminality ve meste Kolin" (Jul. 2018), www.bezpecnykolin.cz/mapy-kriminality.

⁵ Jan Cibulka, "Vymluva na autorsky zakon neobstala, policie musi zverejnit mapu policejnich okrsku" (iRozhlas, 18 May 2017), https://www.irozhlas.cz/zpravy-domov/vymluva-na-autorsky-zakon-neobstala-policie-musi-zverejnit-mapu-policejnich_1705180725_cib.

⁶ Dominika Pihova, "Vnitro potvrdilo castku 25 milionu za data o kriminalite. Spor se zrejme potahne roky," (iRozhlas, 11 Oct. 2016), https://www.irozhlas.cz/zpravy-z-domova/vnitro-potvrdilo-castku-25-milionu-za-data-o-kriminalite-spor-se-zrejme-potahne_1610111053_dp.

⁷ The list of beneficiaries can be found here: <http://www.mvcr.cz/clanek/prehled-zadosti-o-podporu-z-dotacniho-programu-prevence-korupcniho-jednani-v-roce-2016.aspx>.

⁸ The list of beneficiaries of the programme on criminality prevention at local level can be found here: <http://www.mvcr.cz/clanek/vysledky-programu-prevence-kriminality-na-mistni-urovni-na-rok-2017.aspx>. The list of beneficiaries of the Security Volunteer programme can be found here: <http://www.mvcr.cz/clanek/bezpecnostni-dobrovolnik.aspx>. The list of beneficiaries of the corruption prevention programme can be found here: <http://www.mvcr.cz/clanek/dotacni-program-prevence-korupcniho-jednani.aspx>.

V. General Recommendations

Awareness of OGP remains limited across the Czech public administration, civil society, and political elite. The spirit of open government is rarely translated into the design of the commitments. The multistakeholder process exists but often does not go beyond the “business as usual” approach of the members. Significant progress has been made regarding open data, a long-term priority of the Czech Republic.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

OGP in the Czech Republic has been always closely intertwined with the government’s anti-corruption agenda but lacks the same level of prominence and political ownership. The priorities of the action plan are mostly carried over from previous action plans with a focus on open data and the stabilization and professionalization of the public administration.

Civil society stakeholders, involved mainly in anti-corruption and open data efforts, perceive OGP as an additional international framework with the potential to inspire change and push the government to deliver substantive actions for its citizens. However, civil society has a limited impact on the formation and implementation of the commitments. In addition to improvements in the Act on Free Access to Information, civil society would like to see commitments related to comprehensive protection of whistleblowers and further measures increasing transparency in public procurement. Increased regard for OGP would most likely require a structural change brought about by political demand. Also needed are increased powers for the coordination body, similar to the Slovak Republic, where the coordination and distribution of tasks is managed by Plenipotentiary of Slovak Government for the Development of Civil Society who has stronger authority over the line ministries.

5.2 IRM Recommendations

I. Improve the multistakeholder approach and action plan implementation oversight

Despite improvements in the consultation process and efforts of the coordination unit, the government could take a more proactive approach to include a wider group of stakeholders and CSOs in the multistakeholder consultative forum when developing the next action plan. Such a step would increase the visibility of the initiative and consequently contribute to increased public participation. The government should focus especially on the implementation phase where the multistakeholder approach is lacking.

- At the government level, it would be beneficial to increase the number of lead implementing agencies and involvement of other public administration bodies as co-lead agencies for individual commitments. This could increase OGP ownership across the public administration. This promotion of co-ownership would need to be reflected at the drafting stage of the action plan.
- Establishing a standing OGP-working committee under the Government Anti-Corruption Council with equal representation from public administration, civil society, academia, and other stakeholders can support the action plan’s preparation and monitor its implementation on an ongoing basis. The Rules of Procedure for the Government Anti-Corruption Council would probably need to be adjusted in order to accommodate an even number of stakeholders from various groups. The working committee would be responsible for active outreach to a wider public for further input. Engagement of high-profile members would be an asset.

- The current multistakeholder process often does not go beyond the “business as usual” approach. The tools for gathering input are workshops, consultations as stipulated by the Rules of Procedure, and online consultations via a website with a very limited pool of recipients informed by email. The “burden” of organizing the multistakeholder forum could be shared with interested CSOs; existing CSO networks and platforms like “Rekonstrukce statu” could be invited to organize regular workshops or consultations with wider outreach via innovative online tools. The government stakeholders would be involved but the informal format could facilitate a larger exchange of ideas.

2. Improve formulation of the commitments

The government could revise the wording of the commitments in order to clearly state the problem being tackled, the actions proposed, and specific intended changes.

- OGP commitments should be decoupled from EU- or state-funded projects, and implemented by the lead implementing agencies if they did not sufficiently reflect OGP values.
- The implementation timeline of commitments is often vague, covering the overall period of the action plan. This is understandable since many milestones refer to the legislative process or the implementation of projects. However, the completion of such commitments and milestones are not easily verified.
- A workshop on OGP values and challenges can be organized for potential lead implementing agencies before final versions of the commitments are drafted. It can be implemented within the multistakeholder forum

3. Manage EU General Data Protection Regulation (GDPR) concerns within open data

Open data is an increasingly progressive area that empowers civil society, involves private companies, and encourages cooperation with public administration. This is supported by rotating elites between civil society and public administration. A change of mindset toward open data is under way but there are still many stakeholders that need to be involved. Implementation of GDPR can serve as another pretext for blocking the process of opening data.

- The next action plan should include a commitment on managing GDPR concerns, including active communication with stakeholders and the public. Joint ownership of this commitment by civil society, business, and public administration would be an asset.
- Under GDPR, every public body including small municipalities and bigger private companies have to appoint data protection officers. The data protection officers should be trained so that they protect data effectively but do not hinder the open data process.

4. Enhance transparency of the beneficial ownership register

The next action plan could include a commitment to enhance beneficial ownership transparency. By the end of 2016, the government transposed the fourth EU anti-money laundering and terrorism financing directive into the Czech legislation. Civil society stakeholders suggested the state follow a narrow interpretation of the directive. In force as of 1 January 2018, the new law (Act No. 368/2016 Coll.) establishes a central beneficial ownership register for domestic and foreign companies and trusts doing business in the Czech Republic. Access to the register is restricted to people with a legitimate interest. Access for CSOs and journalists is not specified. The law imposes no sanctions for companies or beneficial users who fail to report to the register.

- The legislation should be amended to open access to citizens and introduce sanctions for companies or beneficial users who fail to report to the register.

5. Improve open contracting

The Czech Republic adopted legislation establishing a register of contracts with strong provisions for transparency and legal consequences for non-disclosure. The Act no. 340/2015 Coll. took effect 1 July 2016, with the exception of the provisions for legal consequences of non-disclosure, which took

effect 1 July 2017. (At the same time, amendments extending exemptions for public institutions and state-owned companies, such as Budweiser Budvar, that were established for industrial or commercial needs or performing R&D activities, were adopted in Parliament and went into effect in August 2017 (Act no. 249/2017 Coll.)) The legislation was adopted due to effective cooperation by political actors and civil society, namely the “Rekonstrukce statu” coalition, which suggested mandatory publication of public subsidies and grant contracts as a next step.¹

6. Improve access to information legislation

Compared to other EU countries, the Czech Republic is lagging in the area of access to information. In the 2017 Global Right to Information Ranking,² the Czech Republic scored 81 out of 111 reviewed countries. There should be further debate about amending Act No. 106/1999 Coll. On Free Access to Information. Both civil society and public administration representatives stated that the administrative practice is heavy-handed and there are cases of misuse. The concerns of both sides—those defending the right to information and those afraid that the public administration will lose control over sensitive information—must be reflected. In order to start closing the gap with other EU countries, the Czech Republic should:

- Reform access to information legislation to encourage the open data process;
- Introduce an oversight body or information commissioner as part of this reform;
- Amend the legislation to codify the information order issued by the superior administrative body. This would de-burden the courts and improve enforcement of the legislation, which is critical for an effective register of contracts;
- Improve the collection of relevant statistics so that it can serve as a source for developing recommendations and best practices. Public bodies required to provide information collect individual statistics on the number of demands for access to information but these statistics are not centralized or processed.

Table 5.1: Five Key Recommendations

1	<p>Improve the multistakeholder approach and action plan implementation oversight</p> <p>Raise the OGP profile by establishing a standing working committee on OGP under the Government Anti-Corruption Council with equal representation from public administration, civil society, academia, and other stakeholders.</p>
2	<p>Improve commitment formation</p> <p>Revise the government’s logic when approaching OGP commitments in order to verify a clear relation between the objectives and goals within the OGP initiative, and the results and activities defined in the written commitments.</p>
3	<p>Manage GDPR concerns within open data</p> <p>Respond to GDPR concerns and reflect these concerns in the commitment on open data in the next action plan.</p>
4	<p>Improve open contracting</p> <p>Require mandatory publication of the public subsidies and grant contracts in the register of contracts.</p>
5	<p>Improve access to information legislation</p> <p>Introduce an oversight body or information commissioner as part of the reform and amend the legislation to codify the information order issued by the superior administrative body</p>

¹ Vaclav Zeman, "Jaka fakta senatori stezujici si na neustavnost zakona o registru smluv nezminuji?" (Rekonstrukce statu, 8 Nov. 2017), <http://www.rekonstrukcestatu.cz/cs/archiv-novinek/11877-jaka-fakta-senatori-stezujici-si-na-neustavnost-zakona-o-registru-smluv-nezminuji->.

² Access Info Europe and Centre for Law and Democracy, “Global Right to Information Ranking, Year 2017,” <http://www.rti-rating.org/year-2017/>.

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control 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 organizations.

Each IRM 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.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite 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 is provided in the self-assessment or is accessible online.

For the purpose of this report, 23 experts and stakeholders were contacted. The list of stakeholders and experts that provided substantial input is below.

1. Michal Barborik (Director of the Department of Crime Prevention and Internal Security, Ministry of the Interior), meeting on 1 December 2017 in Prague, about supporting volunteering and local level safety;
2. Jan Cibulka (Czech Radio, journalist), interview via email on 27 November 2017 about local level safety and open data;

3. Ivana Dufkova (Transparency International, CSO), meeting on 30 November 2017 in Prague about Civil Service Act implementation;
4. Michal Kuban (National Open Data Coordinator, Ministry of the Interior), meeting on 1 December 2017 in Prague about Supporting the Development of the Public Administration of the Czech Republic's Open Data Ecosystem and Opening Priority Data Sets of Public Administration and Supplementing Them Based on Public Consultations;
5. Frantisek Kucera (Czech OGP Focal Point, Office of the Government of the Czech Republic), meeting on 6 October 2017 and follow-up emails on 12 and 14 February 2018 about action plan preparation and consultation;
6. Janusz Konieczny, Nadacni Fond proti Korupci (Anticorruption Endowment CSO), meeting on 30 November 2017 in Prague about Civil Service Act implementation;
7. Jiri Kotoucek (Technology Center Czech Academy of Science), meeting on 30 November 2017 in Prague about forming the National Open Access to Scientific Information Strategy for 2017-2020;
8. Adam Rut, Otevrena spolecnost (Open Society CSO), meeting on 1 December 2017 and a follow-up phone interview on 26 February 2018 about open data and the criminality map;
9. Jan Trantina (Czech Youth Council CSO), meeting on 22 February 2018 in Brussels about supporting volunteering;
10. Petra Solska (Government Counsellor, Office of Government), interview via email on 23 November 2017 about forming the National Open Access to Scientific Information Strategy for 2017–2020; and
11. Katerina Vojtova (Senior Ministerial Counsellor, the Section for the Civil Service, Ministry of the Interior), interview via email and phone on 12 and 13 February 2018 about Civil Service Act implementation.

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 an annual 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

- César Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Ernesto Velasco

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

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.¹ When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Czech Republic

Criteria	2011	Current	Change	Explanation
Budget Transparency ²	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information ³	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration ⁴	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (9.41) ⁵	4 (8.53) ⁶	No change	EIU Citizen Engagement Index raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	16/16 (100%)	16/16 (100%)	No change	75% of possible points to be eligible

1 For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>.

2 For more information, see Table 1 in <http://internationalbudget.org/what-we-do/open-budget-survey/>. For up-to-date assessments, see <http://www.obstracker.org/>.

3 The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>.

4 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>; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), <http://bit.ly/13vGtqS>; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), <http://bit.ly/1clokyf>. For more recent information, see <http://publicofficialsfinancialdisclosure.worldbank.org>. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjLJ4Y>.

5 "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), <http://bit.ly/eLC1rE>.

6 "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), <http://bit.ly/18kEzCt>.