

Independent Reporting Mechanism (IRM): New Zealand End-of-Term Report 2016–2018

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Table of Contents

Overview: New Zealand	2
About the Assessment	6
Commitment Implementation	8
1. Open Budget	10
2. Improving official information practices	14
3. Improving open data access and practices	19
4. Tracking progress and outcomes of open government data release	23
5. Ongoing engagement for OGP	26
✳ 6. Improving access to legislation	30
7. Improving policy practices	33
Methodological Note	36

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Overview: New Zealand

Independent Reporting Mechanism (IRM) End-of-Term Report 2016–2018

Although this report reflects high commitment completion, change in government practice stood as marginal overall. Notably, the government's early efforts to improve access to legislation could provide major efficiencies for lawyers and the public. In future action plans, the government could fully reform the Official Information Act and add open government performance to public sector chief executives' contracts and to the new well-being indicators.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarises the results of the period July 2017 to June 2018 and includes some relevant developments up to 17 November 2018.

In 2014 the State Services Commission (SSC) took over as lead of OGP efforts in New Zealand. The previous lead had been the Ministry of Justice. The 2016–2018 action plan's development involved engagement with more members of the public than in previous rounds. Nevertheless, the process had little success in attracting a wider cross section of the New Zealand public.

Civil society engagement came through the Expert Advisory Panel, a multi-stakeholder group invited by the SSC. During the action plan implementation period, government changes occurred following the general election on 23 September 2017. A Coalition government replaced the National-led government, created ministerial open government responsibilities, and continued New Zealand's OGP programme.

The government's 2016–2018 action plan end-of-term self-assessment, released on 30 November 2018, reports completion on all but one action plan milestone. It also responds in detail to the IRM researcher's five key midterm report recommendations.¹

The government's 2018–2020 action plan, released on 7 December 2018, has 12 commitments supporting three themes: participation in democracy, public participation to develop policy and services, and transparency and accountability.² The government

Table 1: At a Glance		
	Midterm	End of term
Number of Commitments	7	
Level of Completion		
Completed	0	6
Substantial	4	1
Limited	3	0
Not Started	0	0
Number of Commitments with...		
Clear Relevance to OGP Values	7	
Transformative Potential Impact	1	
Substantial or Complete Implementation	4	7
All Three (★)	1	1
Did It Open government?		
Major	0	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	2	

developed the plan with the multi-stakeholder Expert Advisory Panel. This plan also saw wider engagement with civil society than did previous action plans. Carried forward commitments in the 2016–2018 action plan include Commitment 6 (*Improving access to legislation*) and Commitment 7 (*Improving policy practices*). However, the government did not carry forward Commitment 1, Open Budget’s incomplete milestone to work with agencies experienced in presenting budget data.

The government has fully or partly adopted the IRM’s key midterm recommendations in the 2018–2020 action plan or in related open government work. The government included two of the IRM researcher’s recommendations on specific 2016–2018 action plan commitments in the new action plan.³ Commitments 7 and 12 reflect those specific recommendations. Civil society and government did not prioritise the other recommendations in their discussions for the new plan.

The action plan development process also did not prioritise ongoing stakeholder goals raised with the New Zealand IRM researcher.⁴

¹ “Open Government Partnership New Zealand,” Open Government Partnership, <http://www.ogp.org.nz/assets/Publications/52cf8fb192/National-Action-Plan-2016-18-End-term-Self-assessment.pdf>. Civil society feedback is also available here.

² “Third National Action Plan 2018–2020,” Open Government Partnership New Zealand, <http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/>.

³ New Commitments 7 (*Official information [partly]*) and 12 (*Open procurement*).

⁴ These covered sustainable and regular high-level interaction between government officials and civil society representatives, aligning OGP and United Nations Sustainable Development Goals work, increasing OGP programme funding, and expanding public participation in budgetary matters.

Consultation with Civil Society during Implementation

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

The State Services Commission led New Zealand’s consultation process. The invited Expert Advisory Panel (EAP) of six members attended eight meetings from December 2016 to June 2018. EAP membership changed frequently over this time with only one of the original July 2016 members still on the panel at 30 June 2018. No meeting was attended by all members. At its meetings, as specified in its Terms of Reference, the EAP received progress reports from officials on implementation of the commitments. At four meetings between February 2017 and June 2018, the EAP provided advice to and discussed progress with government officials responsible for the commitments.¹ From August 2017 to September 2018, the EAP participated in the planning and development of the 2018–2020 action plan.

The only known engagement with the public during implementation was in Auckland on 10 November 2017 at NetHui 2017, Internet NZ’s annual community event. There, an EAP member and the IRM researcher led a session discussing how the public could get involved in OGP. The session leaders also discussed major open government issues for the EAP, OGP, and New Zealand.² About 80 people attended.

EAP members’ promotion of OGP in the community remained low, with one exception. The Transparency International New Zealand representative’s monthly magazine, *Transparency Times*, regularly covered and promoted OGP activities.³

Table 2: Consultation during Implementation

Regular Multi-stakeholder Forum	Midterm	End of Term
1. Did a forum exist?	Yes	Yes
2. Did it meet regularly?	Yes	Yes

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁴ 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 Implementation of Action Plan		Midterm	End of Term
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		

¹ See minutes of the Expert Advisory Panel at <http://ogp.org.nz/open-government-partnership/expert-advisory-panel/>. Note that the 5 June 2018 joint meeting with officials was devoted fully to discussing themes for the third national action plan.

² See abstract at <https://2017.nethui.nz/ogp/>

³ Suzanne Snively, "Transparency Times August 2018: From the Chair," *Transparency Times*, <https://www.transparency.org.nz/newsletter/transparency-times-august-2018/>, accessed 11 August 2018.

⁴ "IAP2's Public Participation Spectrum," International Association for Public Participation, http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.¹ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. 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 judgment 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.²
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, New Zealand’s action plan contained one starred commitment. At the end of term, based on the changes in the level of completion, New Zealand’s action plan retained one starred commitment.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for New Zealand, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

For Public Comment: Please Do Not Cite

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

¹ IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

² The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarise the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the “Did It Open Government?” variable. For further details on these commitments, please see the New Zealand IRM progress report 2016–2018.¹

The government describes New Zealand’s seven commitments as discrete pieces of work building on the country’s high international transparency and accountability rating and complementing existing major government work. The commitments focus mostly on access to information, and open data and technology. The National-led government established the commitments, and the Coalition government, formed following the 23 September 2017 general election, has continued this work.

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Info	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed		End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Open Budget			✓		✓	✓					✓				✓						✓		
2. Improving Official Information Practices			✓		✓		✓				✓				✓						✓		
3. Improving Open Data Access and Practices				✓	✓	✓				✓				✓							✓		
4. Tracking Progress and Outcomes of Open Government Data Release				✓	✓	✓		✓			✓					✓					✓		
5. Ongoing Engagement for OGP			✓			✓					✓			✓							✓		

6. Improving Access to Legislation				✓	✓			✓				✓			✓				
														✓					
7. Improving Policy Practices				✓		✓					✓				✓				
														✓					

¹ New Zealand IRM progress report 2016–2018: <https://bit.ly/2DU7iNJ>

I. Open Budget

Commitment Text:

We will ensure the Budget process is open and transparent and there is an accountable process for public participation.

Objective: To promote public discussion/debate and participation through accessibility of the Budget and include relevant groups outside of government in the formative phase of the Budget, ensuring they are informed about the process and issues.

Status quo: The Budget can be perceived as a closed process between agencies and the Government and information is not regarded as accessible. The Government has begun work to ensure that Budgets become focused on outcomes for citizens rather than funding for agencies.

Ambition: Making the Budget more accessible will promote discussion and debate. It will help ensure that central government spending is open and transparent. It will enhance public participation and confidence in the Budget process.

Milestones:

1. Ask key stakeholder groups how the Budget could be made more accessible
2. Invite feedback on the previous Budget – this means making it available in forms people can engage with, which could include machine readable data, plain English published material and visual presentations
3. Provide Budget data in machine readable form – this could include open source formats
4. Work with agencies that have expertise in presenting Budget data in ways that make it easy to understand.

Responsible institution: The Treasury

Start date: October 2016

End date: May 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Info	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding	
I. Open Budget			✓		✓	✓					✓				✓					✓			

Commitment Aim:

The government aimed to make New Zealand's budget more open, accessible, and understandable. This action would promote wider public discussion and debate on monetary and fiscal matters. It would also promote more public participation in the budget process. In particular, the commitment set out to provide budget data in machine-readable formats. The government would seek initial feedback from stakeholders on how the budget could be more accessible and then work with agencies with expertise in presenting budget data.

Status

Midterm: Substantial

The Treasury released open government research findings that identified shortcomings in the transparency of and engagement with the budget process. These included stakeholder and citizen-based recommendations for budget development and communication (Milestone 1). The Treasury published three Budget 2017 “At-a-Glance” documents written in English. The Budget.govt.nz website offered documents and data consistent with Budget 2016 data and interactive charts and features (Milestones 2 and 3). Similar work was planned for Budget 2018. Toward the end of the midterm, the Treasury began exploring ways similar government agencies in other countries presented their budget data and documents (Milestone 4). For more information, see the 2016–2018 IRM midterm report.¹

End of term: Substantial

The Treasury completed all commitment activities planned for Year 2 except for the work with other agencies with expertise in presenting budget data and documents (Milestone 4). It released on its two websites a mini-budget in December 2017 and Budget 2018 in May 2018. The mini-budget included a Families Package document written in English. In addition to the regular budget documents, Budget 2018 included one “At-a-Glance” document. It also included budget data workbooks containing appropriation expenditures and Crown revenue and capital receipts. The Treasury explained that this “raw data has been made available to allow anyone to filter, sort and manipulate the data for their own purposes.”² The government released a new feature, an open data table of total Crown expenditure data. It described this disclosure “as part of New Zealand’s commitment to the OGP, to make a difference to openness, transparency and accountability of the Budget.”³

The Treasury placed an online survey on the Budget 2018 website seeking feedback from data users. The survey asked what information they accessed, whether the format was appropriate, whether they found what they wanted, and how usability could be improved. The Treasury noted that this feedback “will then be taken into consideration for future Budgets.”⁴ The budget website clearly displayed open licensing (the Creative Commons Attribution 4.0 International licence) and used permanent URLs for long-term accessibility.

The Treasury addressed the Milestone 4 work in its final quarterly report to the Expert Advisory Panel. It noted that work with those having “expertise in presenting Budget data in ways that make it easy to understand” was not “fully completed due to competing priorities in delivering Budget 2018.”⁵

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

The 2017 Open Budget Survey (OBS) again ranked New Zealand’s budget, together with South Africa, first in the world. The country scored 89 out of 100 for transparency. The OBS, in line with its earlier advice, recommended increasing the reporting on taxation expenditures and improving the design of the Citizen’s Budget.⁶

With respect to access to information, between 2016 and 2018 the Treasury has improved access to its budget documents. It has enhanced their content and variety to attract a wider group of readers and users. It has also disclosed a very small set of Crown expenditure data in an open format. The Treasury noted that the release of the Crown data paved the way for further releases of budget data.⁷

However, economists who researched the Budget 2018 documents and published online commentary on monetary and fiscal matters were unaware of the Treasury’s work to improve the readability of the budget.⁸

The data journalists with whom the IRM researcher spoke expressed more awareness of this work. One of New Zealand's long-standing users of budget data to create online visualisations reported:

“a lack of consistency in categories over the last ten years. Every year data is treated separately making year on year comparisons impossible. Also, in 2018, the primary output is still through Excel spreadsheets which are not the primary machine-readable format. The detailed explanation on appropriations is not available in these and is instead published as PDF/Word doc on separate pages.”⁹

The IRM researcher concludes that the improved access has brought only marginal change in government practice. The government does not publish the official budget documents and the raw budget data workbooks from the same final and official budget source. Thus, it seems likely that releasing the official budget data in open formats would require a major information system change at the Treasury.

With respect to civic participation, this commitment has resulted in marginal changes in government practice in engaging the public regarding budget participation.¹⁰ Between 2016 and 2018 the government encouraged civic participation in this process through a 2017 stakeholder survey of 35 selected members of the public. The ongoing survey on accessibility of the budget's open data constitutes further action,¹¹ but the Treasury did not publicise this survey through its regular media channels. One former senior government official interviewed by the IRM researcher observed that this survey “does not represent civic participation unless fully publicised.”¹²

Carried Forward?

The government's self-assessment of the 2016–2018 action plan states that its uncompleted work with agencies with expertise in presenting budget data is underway. It plans to release any proposed changes in Budget 2019. The IRM researcher recommends that the Treasury reports its progress through the State Services Commission's OGP progress reporting process.

The IRM researcher recommends that the government further consider the midterm recommendations for improving access to budget information. Those recommendations included setting standards, such as using internationally comparable data classifications, and keeping raw data consistent over future years. The SSC's OGP Expert Advisory Panel has called for open government performance to be added to the well-being indicators being developed by the Treasury.¹³

Two of the IRM's budget-related recommendations for the next action plan are already underway. The government has completed the consultation phase of the taxation review.¹⁴ Also, the government's consultation on its new, independent fiscal policy advisory body commenced in August 2018.¹⁵

¹ “Independent Report Mechanism (IRM): New Zealand Progress Report 2016–2018,” Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf.

² “Budget 2018 Data from the Estimates of Appropriations 2018/19,” Information Supporting the Estimates of Appropriations, the Treasury, <https://treasury.govt.nz/publications/ise/Budget-2018-data-estimates-appropriations-2018-19>.

³ “Functional Classification of Core Crown Expenses,” Spreadsheet Model, the Treasury, <https://treasury.govt.nz/publications/model/functional-classification-core-crown-expenses>. “Core Crown” is a reporting segment consisting of the Crown, departments, offices of Parliament, the New Zealand Superannuation Fund and the Reserve Bank.

⁴ “2018 Budget Survey,” Budget 2018, <https://www.budget.govt.nz/budget/2018/documents-data.htm>. As of 14 November 2018, the survey was closed.

⁵ Ibid.

⁶ “Open Budget Survey 2017,” New Zealand, International Budget Partnership, <https://www.internationalbudget.org/open-Budget-survey/results-by-country/country-info/?country=nz>, released January 2018, accessed 11 August 2018; email comment to the IRM researcher from Jonathan Dunn, the New Zealand reviewer on 12 August 2018.

⁷ “New Zealand,” Open Data Barometer, https://opendatabarometer.org/4thedition/compare/?_year=2016&indicator=ODB&open=NZL, accessed 8 October 2018.

⁸ The IRM researcher sent a five-question online questionnaire on 7 July 2018 to online commentators on the 2018 budget. These commentators were identified from a Google search.

⁹ Survey response to IRM researcher from Harkanwal Singh, Element Data Studio, 12 July 2018.

¹⁰ “Open Budget Survey 2017,” New Zealand, International Budget Partnership.

¹¹ See survey at <https://treasury.govt.nz/publications/Budgets/Budget-2018>; Survey Monkey link to now-closed survey, <https://www.surveymonkey.com/r/Z6DVVZT>.

¹² Survey response to IRM researcher from Harkanwal Singh, Element Data Studio, 12 July 2018.

¹³ This is a recommendation from the Expert Advisory Panel, 9 January 2019.

¹⁴ “Future of Tax,” Tax Working Group, <https://taxworkinggroup.govt.nz/have-your-say-future-tax>, accessed 4 August 2018.

¹⁵ “Establishing an Independent Fiscal Institution,” Consultation, the Treasury, <https://treasury.govt.nz/publications/consultation/establishing-independent-fiscal-institution>, accessed 13 January 2019.

2. Improving official information practices

Commitment Text:

We will improve government agency practices around requests for official information under the Official Information Act (OIA).

Objective: To make government information more accessible by adopting a consistent set of agency practices in response to requests for official information.

Status quo: Practice around how agencies handle requests for official information is not uniform, agencies are burdened by increasing administrative load around official information requests, and people find it hard to navigate the systems.

Ambition: We are committed to improving how government responds to requests for official information.

Milestones:

1. Ensure information about the OIA (how to make requests, etc.) and responses to requests are easy to access on agency websites. This could include development of single OIA web pages for agencies
2. Publish OIA statistics (how many requests, time taken to respond, etc.)
3. Develop a clear statement of government policy on proactive release of Cabinet papers and related material
4. Develop a suite of consistent measures about OIA performance
5. Improve access to official information by publishing responses to requests on government websites and developing principles for more proactive release
6. Agencies will be supported to deliver through the development of appropriate guidance and training.

Responsible institution: State Services Commission

Supporting institution: Ministry of Justice

Start date: October 2016

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?						
	None	Low	Medium	High	Access to Info	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Year 1	Year 2	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Improving Official Information Practices			✓		✓		✓				✓				✓					✓			

Commitment Aim:

Through consistent agency practice when responding to the Official Information Act 1982 (OIA) requests, the government aimed to make government information more accessible.¹

More specifically, the commitment aimed to improve OIA guidance and make it easier to access on agencies' websites. The commitment also called for developing policy on the proactive release of Cabinet papers and providing guidance and training to help agencies comply with the OIA.

Status

Midterm: Substantial

The government completed Milestones 1-3. The State Services Commission (SSC) prepared online guidance for agencies to publish on their websites. The guidance covered how to submit an Official Information Act (OIA) request and how the response should be provided (Milestone 1). The SSC started publishing OIA compliance statistics (Milestone 2) every six months. The Office of the Ombudsman published statistics about complaints received against ministers and agencies and issued a range of OIA guidance on its website. The National-led government added policy for the proactive release of information to the 2017 Cabinet Manual (Milestone 3). For more information, see the 2016–2018 IRM midterm report.²

End of term: Complete

The government completed all milestones. The SSC and the Office of the Ombudsman published guidance and biannual Official Information Act (OIA) response statistics (Milestone 2). The new Coalition government strengthened the policy for the proactive release of Cabinet papers in September 2018 (Milestone 3).³ The SSC released detailed performance guidance (Milestone 4),⁴ principles, and advice on proactive release (Milestone 5). It also provided training resources,⁵ a capability development toolkit,⁶ and case studies describing OIA best practice (all Milestone 6).⁷ The SSC coordinated two OIA forums in 2017 for government agency staff subject to the OIA, ran workshops in December 2017 on its capability development toolkit and facilitated a forum on proactive release in August 2018 (Milestones 5 and 6).⁸

The forums and workshops, intended from all Crown entities and government department subject to the OIA, were well attended, as were induction events on the OIA for ministerial staff after the September 2017 general election.⁹

The Office of the Ombudsman continued to release regular complaints statistics and OIA legislation and subject guides. The office also provided advice and training and published case notes and full opinions (Milestone 2).¹⁰ Its Official Information Legislation guides released over this period covered how to provide free and frank advice,¹¹ respond to frivolous or vexatious requests,¹² and how to protect confidential advice.¹³ The office's work to audit agencies' OIA capabilities and practices now includes agencies with responsibilities under the Local Government Official Information and Meetings Act of 1987.¹⁴

Did It Open Government?

Access to information: Marginal

Public Accountability: Marginal

The government has stated publicly that it wants improved Official Information Act (OIA) practice to address public frustration with making OIA requests. The ombudsman and the head of the Department of the Prime Minister and Cabinet have stated that "we are working to put our house in order."¹⁵ The ombudsman's independent investigations continue to promote public accountability.¹⁶ The State Services Commissioner regularly seeks better results by government agencies.¹⁷

With respect to access to information, practical advice on how to make an OIA request appears more consistent. Desk research by the IRM researcher reveals that 31 of the 34 departmental websites (91 percent) offer at least an OIA email address. Twenty-six (76 percent) offer the same or similar OIA request advice.¹⁸ However, a quarter offer

inadequate advice. Three (9 percent) do not refer viewers to the OIA at all,¹⁹ and five (15 percent) only provide an email address.²⁰ A small minority—including Oranga Tamariki, the Ministry of Defence, and the State Services Commission (SSC)—has OIA request information on their website home pages.

Compliance for routine OIA request responses has improved marginally.²¹ Some departments disclose more information. Desk research by the IRM researcher reveals that 12 (35 percent) of the 34 departments now provide OIA responses online (up from 27 percent in June 2017). Nine (26 percent) proactively release official information online. However, as of 5 August 2018, only seven (21 percent) public service departments are fully compliant. That is, they publish advice on making OIA requests and responses to OIA requests, and proactively release official information.²²

The Council of Trade Unions noted some government departments' progress toward proactive publication of official information. However, it noted that such progress has been uneven. The council concluded that in the absence of clear or enforceable directions from the government, progress on proactive publication has been marginal.²³

Some stakeholders report that OIA requests for other than routine information “continue to be treated with obstruction and delay.”²⁴ One senior journalist stated that “any information that might be politically sensitive either to their political masters or to the agency itself still seems to be withheld.”²⁵ Others reported reluctance to release or active redaction of official information requested under the OIA. For example, an interviewee reported 100 percent redaction of an official document.²⁶ While redaction could be required in some cases, the process for deciding that appears inconsistent.

Operation Burnham in Afghanistan serves as an ongoing example of withheld information. On 21–22 August 2010, New Zealand Special Air Service troops and other nations' forces operated as part of the International Security Assistance Force.²⁷ A current review by former Supreme Court judge Sir Terence Arnold and former prime minister Sir Geoffrey Palmer is, amongst many other matters, considering the accuracy of public statements made by the New Zealand Defence Force.²⁸

With respect to public accountability, the Coalition government has created an open government portfolio and²⁹ retained the previous government's policy on proactive release. The government also announced that Cabinet papers will be proactively released within 30 business days of the Cabinet decision, unless there is good reason not to publish.³⁰ A summary of ministerial diaries will also be released.³¹

Nevertheless, senior journalists expressed concern about public accountability. One journalist wrote that officials or ministers are not held accountable for “obstruction and delay and just plain breaking the law.” That same journalist wrote that “there is no penalty for those who do not meet the requirements of the law.”³² The Public Service Association, which represents 70,000 workers in central government, wants the number of declined OIA requests to be publicly released, “as this would be a useful quality check.”³³

In summary, at this stage, there is marginal change. Improved government practice requires more time and further change in OIA reporting. For example, the government could report more on the number and duration of notified extensions to OIA requests in its compliance reports.³⁴ The impact of the SSC's guidance on OIA statistics, urging agencies to collect more data than reported in the current statistics, is not yet evident.³⁵ The number of complaints (697) in the Ombudsman's September 2018 complaints statistics rose 30 percent from the July–December 2016 period (538 complaints).³⁶ This increase supports the State Services Commissioner's September 2018 plea for improved practice.³⁷

Carried Forward?

The IRM researcher recommends the State Services Commissioner add measures to assess open government to the performance contracts for all public service departmental chief

executives. This would enforce his statement that “New Zealanders expect government agencies to be open and transparent.”³⁸

Commitment 7 in the 2018–2020 national action plan would lead to advice for the government on whether to initiate a formal review of official information legislation. It would also progressively increase the proactive release of information. Commitment 7 would implement government policy to publish Cabinet papers proactively within 30 days of final decisions (unless there are good reasons to withhold specific papers).

The following updated recommendation from the IRM midterm report remains relevant for this Commitment 7:

Initiate work to amend the OIA legislation to encompass Parliamentary Services, the Office of the Clerk, the Ombudsman and the Controller and Auditor General, whilst retaining parliamentary privilege, in line with the recommendations by the Law Commission report in 2012 and others, and building on administrative and legislative developments since then such as the Parliamentary Privilege Act 2014.

¹ See definition of Official Information at

<http://www.legislation.govt.nz/act/public/1982/0156/latest/whole.html#DLM64785>, Section 2 (1)

² “Independent Reporting Mechanism (IRM): New Zealand Progress Report 2016–2018,” Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf.

³ “Government to Proactively Release Cabinet Papers—and Open Government Action Plan to Be Issued,” Releases, Beehive.govt.nz, <https://www.beehive.govt.nz/release/government-proactively-release-cabinet-papers-%E2%80%93-and-open-government-action-plan-be-issued>.

⁴ “Selection and Reporting of Official Information Act Statistics: Agency Guidance,” State Services Commission, <http://www.ssc.govt.nz/sites/all/files/Selection-Reporting-of-OIA-Statistics-v2.pdf>, accessed 17 November 2018.

⁵ “Proactive Release of Official Information: Agency Guidance,” State Services Commission, <https://www.ssc.govt.nz/sites/all/files/OIA%20PROACTIVE%20GUIDANCE.pdf>, accessed 23 November 2018.

⁶ “Capability Development Toolkit,” State Services Commission, <http://ssc.govt.nz/official-information-toolkit>, accessed 23 November 2018.

⁷ “Centralising the OIA Function—the Ministry of Education’s Success Story,” State Services Commission, <http://www.ssc.govt.nz/sites/all/files/oia-case-study-education.pdf>; “Proactively Releasing Extensive Industry Data and Information—The Electricity Authority’s Approach,” State Services Commission, <http://www.ssc.govt.nz/sites/all/files/oia-case-study-electricity-authority.pdf>.

⁸ “OIA Forum,” State Services Commission, <http://ssc.govt.nz/oia-forum>, accessed 10 July 2018.

⁹ Email from the State Services Commission on 15 November 2018 that 60 staff attended the January 2017 Official Information Act (OIA) Forum, 42 attended the May 2017 forum, 42 attended the December 2017 workshops on proactive release policy, 35 registered for the December 2017 workshop, 84 attended the August 2017 OIA Forum for Leaders on proactive release, 150 attended the August 2018 Practitioners Forum, and 99 attended the October 2018 Forum for Leaders on proactive release of Cabinet papers.

¹⁰ “Guides,” Office of the Ombudsman, <http://www.ombudsman.parliament.nz/resources-and-publications/guides>.

¹¹ “New Guides—‘Good Government’ Withholding Grounds,” Office of the Ombudsman, 1 March 2018, <http://www.ombudsman.parliament.nz/newsroom/item/new-guides-good-government-withholding-grounds>.

¹² “New Guide—Frivolous, Vexatious and Trivial,” Office of the Ombudsman, 18 June 2018, <http://www.ombudsman.parliament.nz/newsroom/item/new-guide-frivolous-vexatious-and-trivial>.

¹³

http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/2919/original/confidential_advice_to_government2.pdf?1538423657, accessed 19 July 2018.

¹⁴ “Three New OIA/LGOIMA Investigations Underway—Public Feedback Wanted,” Office of the Ombudsman, 9 October 2018, <http://www.ombudsman.parliament.nz/newsroom/item/three-new-oia-lgoima-investigations-underway-public-feedback-wanted>, accessed 11 October 2018.

¹⁵ Andrew Kibblewhite and Peter Boshier, “Free and Frank Advice and the Official Information Act: Balancing Competing Principles of Good Government,” *Policy Quarterly* 14, no. 2 (May 2018): 3–9, https://www.victoria.ac.nz/_data/assets/pdf_file/0006/1500828/Kibblewhite_Boshier.pdf.

¹⁶ “Request for Document Related to Coalition Negotiations between Labour and New Zealand First,” Office of the Ombudsman, 14 December 2017, http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/2441/original/467651_request_for_info_on_coalition_document.pdf?1513203449, accessed 19 July 2018.

¹⁷ For example, “Latest Official Information Act Statistics Released,” State Services Commission, 5 September 2018, <http://ssc.govt.nz/latest-official-information-act-statistics-released>.

¹⁸ IRM research of central government agencies’ websites on 6 September 2017 and 9 July 2018.

¹⁹ Education Review Office, Ministry for Pacific Peoples, and Social Investment Agency.

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- ²⁰ Crown Law Office, Government Communications Security Bureau, Ministry of Education, Ministry of Foreign Affairs and Trade, and Ministry of Transport.
- ²¹ “Latest Official Information Act Statistics Release.”
- ²² Ministry of Business, Innovation and Employment—immigration group; Ministry of Education (though minimal requesting advice), Ministry of Primary Industries (though intermittent proactive releases), Ministry of Social Development, Oranga Tamariki, State Services Commission, and the Treasury.
- ²³ Email to the IRM researcher from the Council of Trade Unions, 12 October 2018.
- ²⁴ Twitter, [#FixTheOIA](#), 20 July 2018.
- ²⁵ In response to the IRM researcher’s email survey to journalists, 19 July 2018.
- ²⁶ Zac Fleming, “Zac filed an OIA and It Came Painted Black,” RNZ, 20 July 2018, <https://www.radionz.co.nz/national/programmes/checkpoint/audio/2018654542/zac-filed-an-oia-and-it-came-painted-black>.
- ²⁷ Ongoing investigative journalism of allegations that New Zealand forces committed war crimes against civilians in two villages, extensive OIA requests by the media, and an investigation by the ombudsman.
- ²⁸ “Approval for Inquiry into Operation Burnham,” Beehive.govt.nz, 11 April 2018, <https://www.beehive.govt.nz/release/approval-inquiry-operation-burnham>
- ²⁹ The Minister of State Services also has a specific open government portfolio.
- ³⁰ “Government to Proactively Release Cabinet Papers—and Open Government Action Plan to Be Issued,” Beehive.govt.nz, 18 September 2018, <https://www.beehive.govt.nz/release/government-proactively-release-cabinet-papers-%E2%80%93-and-open-government-action-plan-be-issued>.
- ³¹ “Government to Proactively Release Ministerial Diaries,” Beehive.govt.nz, 10 December 2018, <https://www.beehive.govt.nz/release/government-proactively-release-ministerial-diaries>.
- ³² “Has Coalition Kept Open Government Promise?” *National Business Review*, 5 July 2018, <https://www.nbr.co.nz/clare-curran>.
- ³³ “OIA Improvement Good News—but More Needed,” *Scoop Politics*, 27 February 2018, <http://www.scoop.co.nz/stories/PO1802/S00323/oia-improvement-good-news-but-more-needed.htm>.
- ³⁴ Mark Hanna, “Official Information Kept Secret Too Long,” *Honest Universe*, 20 August 2018, <https://honestuniverse.com/2018/08/20/official-information-kept-secret-too-long/>.
- ³⁵ “Selection and Reporting of Official Information Act Statistics: Agency Guidance,” State Services Commission, <http://ssc.govt.nz/sites/all/files/Selection-Reporting-of-OIA-Statistics-v2.pdf>.
- ³⁶ “Ombudsman Releases Latest OIA Data,” Office of the Ombudsman, 5 September 2018, <http://www.ombudsman.parliament.nz/newsroom/item/ombudsman-releases-latest-oia-data-560809441805305>, accessed 23 November 2018.
- ³⁷ See note 17.

3. Improving open data access and practices

Commitment Text:

We will enhance access to information by reviewing and strengthening the principles under which New Zealand releases open data and information.

Objective: To review and strengthen the principles under which New Zealand releases open data and information.

Status quo: New Zealand has a set of principles guiding the management of government data and information, including proactive release in reusable formats. But the New Zealand principles lack the 2016 level of specificity in the Open Data Charter for data, and include wider information management principles that are still required.

Ambition: New Zealand has fully modernised and world-leading principles for government-held data and information that provide a strong foundation for open access to data and information, building capability for data reuse, improving the openness of government operations and supporting informed participation by citizens in government decisions through the availability of open data.

Milestones:

1. Review potential adoption of the International Open Data Charter, using public feedback
2. Review New Zealand Data and Information Management Principles
3. Determine what principles will guide release of, and access to, New Zealand open data and information, using public feedback
4. Engage with citizens and government on application of the new/amended open data principles
5. Implement new/amended open data principles.

Responsible institution: Land Information New Zealand (Lead from 1 October 2016 – 10 March 2017), Statistics New Zealand (Stats NZ) (Lead from 11 March 2017 onwards)

Supporting institution: Department of Internal Affairs

Start date: October 2016

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Did It Open Government?						
	None	Low	Medium	High	Access to Info	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Improving Open Data Access and Practices				✓	✓	✓				✓				✓					✓		

Commitment Aim:

This commitment aimed to enhance access to information. It planned to do so by adopting the international Open Data Charter (ODC) and strengthening New Zealand's open data

and information principles in consultation with the public. The government would review the potential adoption of the ODC and the current principles guiding government information and data management in New Zealand. It would then engage with citizens and the government to implement new principles to guide the release of and access to New Zealand open data.

Status

Midterm: Limited

Due to changes in ministerial portfolios and the agency leading this commitment, the end date for Milestones 3-5 was extended to 30 June 2018. At the midterm, the then lead agency, Land Information New Zealand, had consulted widely on the Open Data Charter (ODC) and the New Zealand Data and Information Management Principles (NZDIMP) (Milestones 1-2). However, the government did not make a decision regarding adoption of the ODC or additions or amendments to the NZDIMP (Milestone 3). Milestones 4 and 5 were deferred to the end of the term. The IRM researcher recommended a new, concurrent activity. It suggested the government clarify which government agency has leadership responsibility for developing New Zealand's government-held information and data policy. For more information, see the 2016–2018 IRM midterm report.¹

End of term: Complete

Stats NZ completed the commitment at the end of term. In August 2017, New Zealand signed up to the Open Data Charter (ODC) and officially adopted it in March 2018 (Milestone 1).² Stats NZ updated the open data action plan with specific time-bound activities for applying the ODC principles and tracking progress.³ Its first report in June 2018 revealed progress in developing data inventories and working with data champions in government agencies. The report also highlighted progress in facilitating extensive training and meetings in main centres and increasing disclosure of open data on the data.govt.nz website (Milestones 4 and 5).⁴

In June 2018, Stats NZ released a draft overview of New Zealand's 2010 Data and Information Management Principles (DIMP). The draft describes these and the government's other information-related principles (Milestones 2-3).⁵ The document also sought feedback from the public and government officials on whether there are other principles or frameworks that need to be included in the draft overview (Milestone 3).⁶

Technically, the government completed all of this commitment's milestones. However, the government did not update its 2010 policy principles for all government-held information (including data on personal and restricted information). This means that the ODC and DIMP have conflicting principles about charging for information. Further, the DIMP lacks principles covering governance and citizen engagement, innovation, and sustainable development. The government has advised the IRM that "at this stage there is no plan to revise or add to the existing NZDIMP."⁷

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

With respect to access to information, the government released more open data. It added 656 new datasets to the data.govt.nz directory in 2016–2017 and 821 in 2017–2018. Fifty-one percent of the 2016–2017 additions and 90 percent of the 2017–2018 additions were geospatial. These datasets mostly constituted large releases of local governments' open geospatial data.⁸ One regular user informed the IRM researcher that data practices have improved, especially for geospatial data.⁹ The machine-readable, geolocated, and daily updated Family Services Directory, first published in September 2017, stands as an example of improved data practices.¹⁰

Overall progress opening up government's non-geospatial public data is slow. For example, the Earthquake-Prone Buildings Register, the Drinking Water Register for New Zealand, and Drinking Water Online each contain official information on very topical New Zealand matters. However, the relevant departments have not made them available as open data.¹¹ Given the short time frame since adoption of the ODC, improvements, leadership, and behavioural change due to its adoption are not yet evident.

The Open Data Barometer 2017 results confirm New Zealand's high ranking for most of the government datasets the barometer assesses. However, the country has continued to have low scores for government expenditure data, the company register, national environmental statistics, and public contracts. These scores attest to the small amount of progress in improving the format of these datasets during the implementation of this action plan.¹²

With respect to civic participation, engagement with New Zealand's open data community across metropolitan areas has increased since Stats NZ started leading the government's open data activities. With this engagement, 182 new members across four New Zealand cities signed up to attend meetups.¹³ The global Open Data Charter team has noted that New Zealand is the only government to have created its open data action plan as a living document. The government makes the document open to ongoing input from the public, and it has committed to regular iterations of the plan.

Carried Forward?

The government has not yet decided who has responsibility for the development and implementation of information policy across all government agencies. On 6 August 2018, officials stated that this matter is still under discussion.¹⁴ The IRM researcher recommends that this responsibility be clarified and that work to address the policy conflicts be undertaken. A former senior New Zealand government official endorses these recommendations. These actions would acknowledge information-related policy issues raised by civil society at the workshops to develop the third action plan.¹⁵

¹ "Independent Reporting Mechanism (IRM): New Zealand Progress Report 2016–2018," Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf

² "New Zealand Adopts International Open Data Charter," Beehive.govt.nz, 2 March 2018, <https://www.beehive.govt.nz/release/new-zealand-adopts-international-open-data-charter-0>; see Cabinet paper noting it is consistent with the existing Declaration on Open and Transparent Government and the New Zealand Data and Information Management Principles: <https://www.data.govt.nz/assets/Uploads/Adoption-of-the-International-Open-Data-Charter.pdf>.

³ "New Zealand Open Data Action Plan," Stats NZ, 2 March 2018, <https://data.govt.nz/assets/Uploads/NZ-Open-Data-Action-Plan.pdf>.

⁴ "Open Data Implementation Plan Progress Report," Open Data, Data.govt.nz, <https://www.data.govt.nz/community/news/open-data-implementation-plan-report-back-and-review/>, accessed 6 August 2018.

⁵ "An Overview of New Zealand Data and Information Principles," Policies, Manage Data, Data.govt.nz, <https://www.data.govt.nz/standards-and-guidance/open-data/an-overview-of-new-zealand-data-and-information-principles/>.

⁶ Jocelyn Morrison, "How Could We Improve Our Guides on Data and Information Principles?" Loomio, <https://www.loomio.org/d/9lI8S6Dz/how-could-we-improve-our-guides-on-data-and-information-principles->, accessed 17 November 2018.

⁷ SSC email to OGP responding to the draft OGP IRM end-of-term report, 20 December 2018.

⁸ Email to the IRM researcher from Paul Stone, Open Government data lead, 16 August 2018.

⁹ Email correspondence with Harkanwal Singh, Elements Data Studio, 12 July 2018.

¹⁰ "Family Services Directory," Ministry of Social Development, Organisations, Data.govt.nz, <https://catalogue.data.govt.nz/dataset/family-services-directory>, accessed 12 August 2018. This is updated using the Service Registration Pipeline.

¹¹ "Register of Earthquake-Prone Buildings," <https://epbr.building.govt.nz/>; "Drinking-Water Register for New Zealand," Institute of Environmental Science and Research, <https://www.esr.cri.nz/our-services/consultancy/water-quality-and-sanitation/register-of-suppliers/>; "Drinking Water for New Zealand," <http://www.drinkingwater.esr.cri.nz/default.asp>, accessed 13 August 2018.

¹² "New Zealand," Open Data Barometer, https://opendatabarometer.org/country-detail/?_year=2016&indicator=ODB&detail=NZL.

¹³ “Open Data Implementation Plan Progress Report,” Open Government Data Programme, Data.govt.nz, <https://data.govt.nz/open-data/open-government-data-programme/open-data-implementation-plan-report-back-and-review/>, accessed 9 October 2018.

¹⁴ Meeting at the SSC with government officials that have responsibility for the action plan commitments, 6 August 2018.

¹⁵ John Roberts, chief privacy officer and archivist of Ontario, Canada, 11 November 2018; see flipcharts at <http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/>.

4. Tracking progress and outcomes of open government data release

Commitment Text:

We will help government agencies improve public access to, and outcomes of, non-personal, government-held data by openly tracking progress on efforts to open up data stores.

Objective: To help drive the government agency culture change required to gain value from open government data.

Status quo: Open data is not currently managed through a set of consistent or cohesive objectives across government. One result of this is that government agencies have a limited understanding of how and why to address barriers to releasing open data.

Ambition: Government agencies will be knowledgeable about what data they should and should not publicly release and why, how to remove obstacles to reuse, and will be consistently applying these filters to their data holdings. This will increase the amount and quality of data released.

Milestones:

1. Develop an open government data action plan, based on feedback gathered from the open data community and government officials
2. Publish the action plan
3. Develop a public dashboard for reporting against the action plan goals
4. Seek public feedback on the proposed public dashboard
5. Regularly update the public dashboard on government progress toward the goals.

Responsible institution: Land Information New Zealand (lead from 1 October 2016-10 March 2017), Statistics NZ (lead from 11 March 2017 onwards)

Supporting institution: None specified

Start date: October 2016

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?						
	None	Low	Medium	High	Access to Info	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Midterm	End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Tracking Progress and Outcomes for Open Government Data Releases				✓	✓	✓	✓			✓				✓							✓		

Commitment Aim:

The government sought to help agencies improve their public data release. It would do so by developing and publishing an open government data action plan. This plan would be based on

feedback from the public and government officials. The government would track agencies' progress toward goals through a regularly updated public dashboard.

Status

Midterm: Limited

Due to changes in ministerial portfolios and the agency where the programme was located, the government extended the deadline for all milestones. By midterm, Stats NZ had partially completed all milestones. The first open data action plan, with a deadline of 30 June 2020 for goals and initiatives, took effect on 1 July 2017. The plan involved public consultation (Milestones 1 and 2), and work started on the public dashboard (Milestone 3). For more information, see the 2016–2018 IRM midterm report.¹

End of term: Complete

The government had completed Milestones 1 and 2 when the updated open data action plan was released. These events occurred simultaneously with New Zealand's official adoption of the Open Data Charter in March 2018. The updated action plan included a six-month implementation plan listing 21 specific activities to improve access to government-held data. The activities would also increase use of such data, build an "open by design" culture, and offer training and meetings in main centres.²

Stats NZ's June 2018 progress report on implementation of the open data action plan stated that work to publish data inventories for three government agencies was on track. The report also stated that they had defined requirements for a prototype dashboard and begun a dashboard procurement process.³ As of 18 November 2018, the IRM researcher could not find progress updates on the data inventories from any other online source.

Stats NZ used an online discussion forum and social media⁴ to seek feedback from the public about the dashboard. It also used these methods to receive a detailed submission from Transparency International New Zealand⁵ (Milestones 3 and 4). Stats NZ then incorporated the feedback into the business requirements for the interactive dashboard. It completed these milestones when it released results from data maturity surveys in July 2017 and June 2018 on a static prototype dashboard on 29 June 2018. The survey results assessed how government agencies govern and release open data and how much they value datasets.⁶

The new interactive dashboard, released on 25 September 2018, used the same data but presented it differently (Milestone 5).⁷ The dashboard displays survey results showing 39 agencies' progress in six focus areas. The focus areas cover data management, knowledge and skills, stakeholder engagement and support, licencing, investment and financial performance, and strategic oversight. The IRM researcher notes that as of 17 November 2018, there has been no comment from civil society on the blog announcing these results.

Stats NZ intends to continue this annual survey. Doing so will allow agencies to meet their Cabinet obligation to report annually on their open data maturity. It will also help them prioritise open data release.

Stats NZ's open data meetups across four New Zealand cities (Auckland, Christchurch, Dunedin, and Wellington) met the intent of Commitments 3 and 4. Previous meetings had been held only in Wellington, the capital city. Membership of the meetups increased from the initial 181 in Wellington in April 2017 to 616 in the four main centres in November 2018.⁸ The IRM researcher was informed that the purpose of these meetings is to raise awareness, build community, and foster a relationship between government and nongovernment open data advocates.⁹ Stats NZ also published a newsletter (emailed to around 387 people), has a Twitter account (Open Data NZ has 1,714 followers), and uses the Open NZ forum (hosting 352 people).

Commitment 3's activities that invigorated agencies' data champions' network also contributed to achievement of this commitment. This network encourages senior leaders to ensure their agencies publish all public data in accordance with open data principles.

Did It Open Government? Access to Information: Marginal Civic Participation: Marginal

With respect to access to information, it is too early to observe any significant changes in government open data release practice, given the changed milestone timelines. However, the government's 2018 dashboard reports show early signs of a change in agencies toward regular publishing of open data.¹⁰

With respect to civic participation, the government developed its ambitious and comprehensive open data action plan in consultation with stakeholders. Stats NZ demonstrated open data leadership, and the open data community reciprocated by responding to requests for comment on the dashboard design.¹¹ Since Stats NZ started leading the government's open data activities, the public has had increased opportunities to engage. On average, 22 people attended each meeting in the four main centres over the period of this action plan. Social media membership indicates widespread interest in the programme. It is noteworthy that Stats NZ now holds physical events beyond Wellington, the capital city. However, at this early stage, this has resulted only in marginal change in practice across government.

Carried Forward?

The government has completed this commitment. It is expected that the Open Government Information and Data Programme at Stats NZ, funded through June 2020, will continue to openly track progress. It will also report on the outcomes of open government data release.

¹ "Independent Reporting Mechanism (IRM): New Zealand Progress Report 2016–2018," Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf.

² "New Zealand Open Data Action Plan," Open Government Data Programme, Data.govt.nz, <https://data.govt.nz/community/news/open-data-action-plan/>; Cabinet minutes note that "adoption of the International Open Data Charter is consistent with the existing Declaration on Open and Transparent Government and the New Zealand Data and Information Management Principles," <https://www.data.govt.nz/assets/Uploads/Adoption-of-the-International-Open-Data-Charter.pdf>; "Background to the Open Data Action Plan," Open Government Data Programme, Data.govt.nz, <https://data.govt.nz/community/news/about-the-open-data-action-plan/>.

³ "Open Data Implementation Plan Progress Report," Open Government Data Programme, Data.govt.nz, <https://data.govt.nz/open-data/open-government-data-programme/open-data-implementation-plan-report-back-and-review/>, accessed 9 October 2018.

⁴ For example, Open Data NZ (@opendatanz), "Our new #opendata Maturity Dashboard is now live. Read about some of the insights it gave us to put into our plans in this blog, then check out the dashboard itself. (Our thanks to @dumpark for their help). <https://data.govt.nz/blog/open-data-maturity-dashboard/>," Tweet, 24 September 2018, <https://twitter.com/opendatanz/status/1044355557065457665>, accessed 17 November 2018.

⁵ "Open Government Data Dashboard Prototype 2017," Data.govt.nz, <https://www.data.govt.nz/blog/open-government-data-dashboard-prototype/>; "Open Data Dashboard," Loomio, <https://www.loomio.org/g/FfqHtMDG/open-data-dashboard>.

⁶ "Open Government Data Dashboard," Data.govt.nz, <https://data.govt.nz/community/news/open-government-data-dashboard/>, 29 June 2018.

⁷ "Open Data Maturity Dashboard," Data.govt.nz, <https://data.govt.nz/blog/open-data-maturity-dashboard/>, accessed 9 October 2018.

⁸ "Open Data Implementation Plan Progress Report," Open Government Data Programme, <https://data.govt.nz/open-data/open-government-data-programme/open-data-implementation-plan-report-back-and-review/>, accessed 9 October 2018.

⁹ Email from Paul Stone, Open Government data lead, 16 November 2018.

¹⁰ "Open Government Data Dashboard," Data.govt.nz, <https://data.govt.nz/community/news/open-government-data-dashboard/>, accessed 13 August 2018.

¹¹ Paul Stone posted a message on the Open NZ discussion list on 8 November 2017 to thank "everyone who has contributed feedback on the dashboard in both the Loomio discussion (at <https://www.loomio.org/g/FfqHtMDG/open-data-dashboard>) and in this forum discussion"; <http://groups.open.org.nz/groups/ninja-talk/messages/topic/4jhtO5chvVWwSiIpo2Es7B0/>

5. Ongoing engagement for OGP

Commitment Text:

We will build a flexible and enduring platform for engagement between the New Zealand government and New Zealand communities around the Open Government Partnership.

Objective: To ensure that government and communities are able to engage on open government topics using a variety of stable methods – including online platforms and face-to-face meetings and other forums – as part of a wider engagement plan.

Status quo: In facilitating the development of New Zealand’s National Action Plan for the OGP, the State Services Commission (SSC) has built an online platform to engage with New Zealand communities, using both government tools and software provided by an independent vendor. The SSC wants to build on this to improve engagement over the life of the next action plan. It is also supported in its work by an independent Expert Advisory Panel and a government officials group. The SSC intends to expand the ways people can get involved over the duration of the plan.

Ambition: The SSC is committed to building a stable, fit-for-purpose platform for New Zealanders to engage with their government, using the technology and channels that people expect to use in a modern society. It will work toward ways of managing NZ’s participation in OGP that will reflect a spirit of co-creation with communities.

Milestones:

1. Work with the Department of Internal Affairs to improve government’s access to, and use of, digital public engagement tools
2. Work with the Expert Advisory Panel to decide how best to report on progress against OGP milestones
3. Engage with New Zealanders to develop the approach to the next plan.

Responsible institution: State Services Commission

Supporting institution: Department of Internal Affairs

Start date: October 2016

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?						
	None	Low	Medium	High	Access to Info	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Midterm	End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Ongoing Engagement for OGP			✓			✓					✓			✓							✓		

Commitment Aim:

The government aimed to create a more sophisticated level of engagement with the public around the Open Government Partnership. In particular, the government sought to improve its access to and use of digital public engagement tools. It also planned to decide how best to

report to the Expert Advisory Panel on OGP milestone progress and engage with the public on the approach for the next action plan.

Status

Midterm: Limited

In the midterm, Milestones 1 and 3 commenced, and Milestone 2 was completed. The Department of Internal Affairs (DIA) completed its draft review of the government's current engagement process, which used a pilot survey tool. But the department did not publish the review (Milestone 1). The State Services Commission (SSC) and the Expert Advisory Panel (EAP) agreed that officials' OGP milestone progress reports would be published in a standard format on the OGP New Zealand website. The reports would be published following approval by the EAP (Milestone 2).¹ Also in the midterm, the SCC started to engage with New Zealanders on the approach for the next action plan (Milestone 3). For more information, see the 2016–2018 IRM midterm report.²

End of term: Complete

The SSC and DIA completed work on Milestones 1 and 3. Milestone 1 included three activities. The first was DIA's review of the government's pilot survey tool, which was published. The review found that government agencies needed all of government guidance, better access to digital tools, and training on the available tools and facilitation methods.³ Feedback from members of the public fell outside of this review's scope.

DIA then undertook a six-week discovery project to understand how digital technologies can best support public participation in government. DIA talked to 195 citizens, nine nongovernmental organisations, and 20 government agencies.⁴ Its report concluded that "we want to be moving beyond informing and consulting to a more sophisticated level of engagement, including public participation in co-creation of policy, co-design of public services and products, and citizen-led initiatives."⁵

Finally, DIA tested public engagement tools and published engagement advice and principles.⁶ It added New Zealand's Loomio decision-making product and the Delib Citizen Space consultation tool⁷ to its new online procurement service, Marketplace. (Marketplace launched in October 2018.)⁸

The government notes that these activities completed Milestone 1. It envisages no further work. DIA states that the discovery project report findings will inform any future programme moving toward co-creation of policy, co-design of public services and products, citizen-led initiatives, or change measurement.⁹ DIA officials informed the IRM researcher of an unsuccessful funding bid to continue this public engagement work. They stated that their work is now focused on New Zealand's Digital Inclusion Blueprint¹⁰ and the Service Innovation Lab.¹¹ The officials also noted that they are preparing another public engagement funding bid for the next financial year.¹²

SSC completed Milestone 3. The external provider contracted by the SSC to lead the engagement with New Zealanders on the approach for the next action plan used several channels. These included an online pre-engagement survey to almost 800 respondents, interviews with representatives from community organisations, and the Expert Advisory Panel. The then associate minister launched formal engagement on the next action plan on 4 April 2018.¹³ The new Minister, the Minister of State Services continued this approach. The third national action plan was released in December 2018 and will be assessed by the IRM in 2019.

Technically, the government completed this commitment's milestones. However, DIA has not realised its own stated ambition to advance public participation in co-creation of policy, co-design of public services and products, and citizen-led initiatives. Given the Coalition government's commitment to open government and civic participation, the IRM researcher recommends that the government prioritise and fund further public engagement work.

Did It Open Government? Civic Participation: Marginal

All civil society stakeholders interviewed by the IRM researcher, including Expert Advisory Panel (EAP) members, observed improved commitment to open government and public engagement following the change of government in October 2017. The EAP chair stated that the approach to developing the 2018–2020 action plan is “a step change in the right direction.”¹⁴ EAP members noted that the government’s OGP officials were friendly and receptive. They also noted that the development process for the 2018–2020 action plan was better than in past years, despite no increased funding or resources for this work. EAP members reported that 449 public submissions were made on the new action plan, though mostly at the public workshops. For the 2016–2018 action plan, 87 public submissions were made.¹⁵ The EAP states in the 2018–2020 action plan that “we are aspirational for the engagement approach to be developed further” and seek “as many voices from our communities as possible.”¹⁶

The EAP chair told the IRM researcher that EAP members are now prepared to actively promote OGP in their communities. This is because “the new government is authentic and genuine to hear what their communities say.”¹⁷ Another EAP member saw progress toward addressing the “seeming tension between representative and participatory (or deliberative) democracy” raised in the IRM midterm report.¹⁸

Online publication of officials’ quarterly OGP progress reports to the EAP has improved access to information. Stakeholders are pleased that New Zealand’s OGP website design has improved.

With respect to civic participation, the Coalition government is consulting with the public. Desk research by the IRM researcher indicates increased use of survey platforms such as Delib and Survey Monkey. The government has also increased use of social media and video. Examples of such use include the Future of Tax consultation¹⁹ and the Ministry of Education’s use of social media engagement during its Education Conversation.²⁰ These examples suggest the occurrence of more government engagement than in September 2017.

These engagement activities appear to be a feature of the Coalition government’s open government approach. That is, they do not appear to be a result of this commitment’s ambition to move New Zealand toward participatory democracy and genuine co-creation and co-design. When this report was written, the IRM researcher had not found evidence that directly links the increased central government consultation activities with the intent and activities of this commitment. This supports the feedback from the Council of Trade Unions. The council stated that it:

“would attribute these developments to a shift in policy and governance style of the incoming government from 2017. Aspects of the 2016-18 OGP Action Plan are consistent with these developments, but have had no more than a marginal impact in driving change.”²¹

The lack of funding for future work supports this conclusion.

The IRM researcher notes that this commitment complements this 2016-2018 action plan’s Commitment 7’s work on improving knowledge of tools and techniques policy makers can use to create more open and user-led policy. The IRM researcher also acknowledges the 2018–2020 action plan statement that “across government, responsibilities related to public participation have evolved separately and are somewhat ad hoc.”²²

Carried Forward?

The government has accepted the IRM researcher’s midterm report recommendation. The report had recommended the government provide, as a regular OGP operational activity, an enduring OGP platform to engage with New Zealanders in developing the next plan. This

will require the State Services Commission to continue to prioritise and allocate adequate funds to allow the government to fully fulfil its OGP responsibilities.

¹ “Open Government Partnership Expert Advisory Panel Meeting Minutes,” State Services Commission, 5 December 2016, <http://www.ssc.govt.nz/sites/all/files/Expert%20Advisory%20Panel%20-%20minutes%205%20December.pdf>.

² “Independent Reporting Mechanism (IRM): New Zealand Progress Report 2016–2018,” Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf.

³ “Review: Government Online Engagement Services (GOES) Pilot,” Department of Internal Affairs, September 2017, <https://www.digital.govt.nz/assets/Uploads/GOES-review-and-recommendations-v6-1.pdf>.

⁴ “Open Government Partnership New Zealand: National Action Plan 2016–18 End-Term Self-Assessment,” Open Government Partnership New Zealand, November 2018, 26, <http://www.ogp.org.nz/assets/Publications/52cf8fb192/National-Action-Plan-2016-18-End-term-Self-assessment.pdf>.

⁵ <https://www.digital.govt.nz/standards-and-guidance/engagement/online-engagement/research-how-digital-can-support-participation-in-government/research-project-overview/>

⁶ “Risk Assessments Completed by Agencies,” Guidance and Resources, ICT.govt.nz, <https://www.ict.govt.nz/guidance-and-resources/using-cloud-services/assess-the-risks-of-cloud-services/risk-assessments-completed-by-agencies/>; “Participation Principles—Draft,” Research: How Digital Can Support Participation in Government, Digital.govt.nz, last updated 20 June 2018, <https://www.digital.govt.nz/standards-and-guidance/engagement/online-engagement/research-how-digital-can-support-participation-in-government/participation-principles-draft/>, accessed 8 August 2018.

⁷ Loomio, <https://loomio.org>; Delib, <https://www.citizenspace.com/info>, accessed 8 August 2018.

⁸ Marketplace, <https://marketplace.govt.nz/>, accessed 9 October 2018.

⁹ SSC email to OGP responding to the draft OGP IRM end-of-term report, 20 December 2018.

¹⁰ <https://www.digital.govt.nz/blog/building-a-blueprint-for-digital-inclusion/>

¹¹ “Posts Tagged as Service Innovation Lab,” Digital.govt.nz, <https://www.digital.govt.nz/blog/tag/service-innovation-lab>, accessed 21 August 2018.

¹² Karl McDiarmid and Christine Bennett (Department of Internal Affairs), interview with IRM researcher, 20 August 2018.

¹³ “How a Plan Is Developed,” Open Government Partnership New Zealand, <http://www.ogp.org.nz/new-zealands-plan/how-a-plan-is-developed/>.

¹⁴ Interview with the IRM researcher, 5 July 2018.

¹⁵ See IRM’s midterm report, <https://www.opengovpartnership.org/report/new-zealand-mid-term-report-2016-2018-year-1>, page 21.

¹⁶ “Third National Action Plan,” Open Government Partnership New Zealand, <http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/>.

¹⁷ At a meeting with the EAP and SSC officials on 8 August 2018.

¹⁸ See IRM midterm report on New Zealand’s OGP national action plan 2016–2018, page 52, <http://www.ogp.org.nz/new-zealands-plan/second-national-action-plan/>.

¹⁹ “Future of Tax,” Tax Working Group, <https://taxworkinggroup.govt.nz/have-your-say-future-tax>, accessed 10 October 2018.

²⁰ “Education Conversation,” Korero Mātauranga, <https://consultation.education.govt.nz/education/korero-matauranga/>, accessed 8 August 2018.

²¹ Email to the IRM researcher from the Council of Trade Unions, 12 October 2018.

²² “Third National Action Plan,” Open Government Partnership New Zealand, 24, <http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/>.

★ 6. Improving access to legislation

Commitment Text:

To improve access to legislation by ensuring there is a single source for this information online.

Objective: To improve access to legislation by publishing all subordinate instruments (regardless of who drafts them) on the NZ Legislation (NZL) website. The result will be a single, comprehensive, official, public source of all NZ's legislation.

Status quo: There is no single place where people can see all of NZ's legislation. All Acts of Parliament are published in full on the NZL website. Subordinate instruments (often referred to as regulations) are made under the delegated law-making authority of Parliament. Those that are drafted by the Parliamentary Counsel Office (PCO) are called legislative instruments and are also published in full on the NZL website. Those that are drafted by government departments and agencies, and by other non-governmental bodies, are published either in the Gazette or on a variety of different websites, in newspapers or are not readily available to the public. This has a direct impact on the cost of doing business in NZ, people's ability to comply with the law, and people's rights.

Ambition: We are committed to improving access to legislation – access to the law is central to the rule of law, and people expect easy access to legislation.

Milestones:

1. Consultation and engagement with all involved actors, including all government and regulatory agencies and Crown entities that produce legislation or regulation
2. Consideration for approval by Cabinet.

Responsible institution: Parliamentary Counsel Office (PCO)

Supporting institution(s): More than 100 agencies who have delegated power to make secondary legislation

Start date: October 2016

End date: June 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed			Worsened	Did Not Change	Marginal	Major	Outstanding
★ 6. Improving Access to Legislation				✓	✓		✓					✓				✓				✓			

Commitment Aim:

The government committed to creating a single online legislative resource in open formats for New Zealanders. In particular, the commitment called for consulting and engaging with all government agencies that produce legislation or regulation. It also involved seeking Cabinet approval to create this resource.

Status

Midterm: Substantial

In the midterm, the Parliamentary Counsel Office (PCO) made progress on Milestone 1. It completed most of its analysis of the empowering provisions in New Zealand's statute book. It also discussed its legal research with 23 of the 33 administering agencies. Three agencies with delegation authority to draft legislation piloted a proposed drafting template. The National-led government approved the commitment's activity (Milestone 2), and the Legislation Bill was introduced into Parliament. Further progress of the bill depended on the new Coalition government's legislative programme. For more information, see the 2016–2018 IRM midterm report.¹

End of term: Complete

PCO completed its work on Milestones 1 and 2. It completed its legal research on current legislation (2,100 acts) to identify the provisions that empower agencies to make secondary legislation. It also concluded discussions with the 33 central government agencies that administer acts of Parliament. These discussions clarified which provisions empower the making of secondary legislation and which empower the making of administrative instruments.

PCO notified the IRM researcher that it carried out external, independent research on how end users find secondary legislation. It interviewed users who were representative of New Zealand citizens and businesses (large and small) to gain insights of their experiences and challenges when searching for secondary legislation. This research is informing how the PCO will incorporate a large collection of secondary legislation into its existing website (www.legislation.govt.nz).²

PCO further stated that its quantitative and qualitative analyses of secondary legislation informed its planning for delivery of future services. Its end-user research is contributing to the development of its information technology (IT) systems. In addition, some agencies continue to pilot the drafting template.

The Legislation Bill received its first reading in the House of Representatives on 5 December 2017. It was referred to Parliament's Justice Select Committee. The committee reported back to the House on 1 June 2018, recommending changes that ensure earlier access to the secondary legislation. The bill now awaits the legislative process through Parliament.³ Within one year from the commencement of the new Legislation Bill, secondary legislation makers will have to provide information about their in-force secondary legislation to the PCO. The PCO will publish it all as hyperlinks on the New Zealand legislation website for improved interim public access.

The Cabinet decided that secondary legislation made by local authorities and council-controlled organisations falls out of scope for this stage of the work. The Cabinet reached this conclusion while considering the scale of and time to complete the work. It directed the Department of Internal Affairs to explore options for making legislation by local authorities more accessible to users.⁴ PCO is scoping its upgraded IT system development to allow for future local government secondary legislation.

PCO expects that a companion bill, the Secondary Legislation (Access) Bill, will be introduced into Parliament in 2019. That bill will amend each identified provision in each act to expressly state which provisions empower the making of secondary legislation. Preliminary PCO analysis indicates that this bill could amend approximately 1,500 acts.⁵ PCO's research found that about 4,000 provisions empower the making of secondary legislation. This suggests that there may be many thousands of items of secondary legislation currently in force.⁶

Did It Open Government? Access to Information: Marginal

The work completed in this commitment constitutes the first stage of a long-term Parliamentary Counsel Office (PCO) project to create one official source for all of New Zealand's legislation. The completed product will provide easy access to legal information, major efficiencies for the legal profession and the public, and encourage further innovation. The PCO will eventually make many regulations and other secondary legislation currently unavailable in open machine-readable formats or not published at all available on the same site as New Zealand's primary legislation. At this early stage of the project third parties are already developing new products and services using government's online legislation.

PCO has not disclosed more information to the public but has marginally improved access to information at this stage. Its work with the agencies that draft the statutory instruments has improved the quality of the information that will be disclosed to the public. Land Information New Zealand advised that the new drafting template permits "concise drafting of what is the standard or directive." The department also noted there is "clear separation of guidance material into separate guidelines," "the conveyancing industry has been accepting of the new drafting format/ process," and there is a "discipline of better, clearer language."⁷ PCO is also creating a reference group of government officials to assist it in planning and supporting the transition.⁸

Full implementation may take up to five years. The Parliamentary Justice Select Committee's has required the PCO to release basic information about each secondary law within one year of the commencement of the Legislation Bill. This will result in significantly earlier public access to this secondary legislation.

Carried Forward?

Commitment 4 in the 2018–2020 action plan continues this transformational work, which is expected to take at least five more years. The IRM researcher repeats the IRM midterm report recommendation. The IRM researcher suggests linking or cooperating with the New Zealand Legal Information Institute site.⁹ The IRM researcher also recommends inclusion as a milestone in future action plans the Department of Internal Affairs' future work to explore options for making local authorities' legislation more accessible to users.

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"Independent Reporting Mechanism (IRM): New Zealand Progress Report 2016–2018," Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf.

² Email from PCO to the IRM researcher, 17 October 2018.

³ See "Process of Legislation," New Zealand Parliament, <https://www.parliament.nz/resource/en-NZ/00H000CProgressLegislation1/a562beef753c9a53de6f91c5311614b064afc3e8>. As of 21 September 2018, no date had been set for its second reading in the House.

⁴ See self-assessment report <http://www.ogp.org.nz/assets/Publications/52cf8fb192/National-Action-Plan-2016-18-End-term-Self-assessment.pdf>, page 31.

⁵ "Access to Secondary Legislation Project News," Parliamentary Counsel Office, <http://www.pco.govt.nz/access-project-news/>, accessed 18 July 2018; "What Agencies Need to Know and Do," Parliamentary Counsel Office, <http://www.pco.govt.nz/access-project-agencies-need-to-know/>, accessed 18 July 2018.

⁶ <http://www.pco.govt.nz/access-project-agencies-need-to-know/>, accessed 18 July 2018.

⁷ Email from Land Information New Zealand, 8 October 2018.

⁸ "Access to Secondary Legislation Project News," accessed 19 November 2018.

⁹ New Zealand Legal Information Institute, <http://www.nzlii.org/>.

7. Improving policy practices

Commitment Text:

We will improve knowledge of tools and techniques policy makers can use to create more open and user-led policy.

Objective: To ensure that policy advice to government is better informed by insights from those most affected by government policy and programmes, by input from diverse points of view, and by data and evidence.

Status quo: Commitments to consult interest groups have long been part of NZ policy making – for example, it is written into NZ’s CabGuide (Guide to Cabinet and Cabinet Committee Processes) and regulation analysis practices. We can improve consultation practices, for example, by exploring digital tools and evolving fit-for-purpose participatory decision-making practices. There is also an array of new approaches, to engage directly with ‘customers’, or those that will be affected by government decisions, that can add value to the design of policy and subsequently deliver greater public value.

Ambition: We will create accessible, easy-to-digest guidance material on: being an ‘intelligent customer/user’ of data and evidence; methods for gathering and generating insights from others, particularly those directly affected by policy and public services; using collaborative approaches, so that policy is informed by a broad range of input and expertise and meets user needs; testing and improving policy and services with citizens-as-users.

Milestones:

1. Map evidence and insights ecosystem, existing practice, expertise and guidance sources
2. Test buy-in and support for all-of-government guidance
3. Design, prototype and refine the format of the guidance for optimal usability
4. Co-produce contents with, and for, the government policy community
5. Launch and commence change management and communications campaign.

Responsible institution: Department of the Prime Minister and Cabinet

Supporting institution(s): Other policy making departments

Start date: October 2016

End date: June 2017

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency &	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Midterm	End of Term	Worsened	Did Not Change	Marginal	Major	Outstanding	
7. Improving Policy Practices				✓		✓				✓					✓					✓				

Commitment Aim:

The government aimed to create accessible, easy-to-digest guidance material for creating government policy informed by experts, including “citizens-as-users.” More specifically, the

commitment set out to map the current evidence, insights, and existing practices. It planned to test buy-in and support for all-of-government guidance. It also sought to co-produce contents with and for the government policy community and start work with them to encourage use of the guidance.

Status

Midterm: Substantial

The Department of Prime Minister and Cabinet (DPMC) completed Milestones 1-4. It mapped the evidence and insights system, existing practice, expertise, and guidance sources (Milestone 1). It gave approval to design and build an all-of-government policy methods toolbox with government policy ministries (Milestone 2). It used a wiki-style approach to authorship (Milestone 3), and the toolbox was produced with and for the government policy community (Milestone 4). The clerk of the House of Representatives notified the IRM researcher that “there is significant potential for the implementation of this commitment to result in better law-making.”¹ The IRM researcher noted there was no civic participation and recommended a new activity to test the toolbox with the public. For more information, see the 2016–2018 IRM midterm report.²

End of term: Complete

DPMC completed Milestone 5 in August 2017 with Release 1 of the policy methods toolbox.³ It published the toolbox online after receiving feedback from government agencies on the policy development methods they wanted to know more about. The toolbox included advice on starting a policy project, behavioural insights, design thinking, and ways to engage individuals and groups in policy design and development.⁴ Desk research by the IRM researcher found that (DPMC promoted the toolbox and its policy improvement frameworks. The DPMC did so across its policy community, academia, on its website, and on social media. Its promotion noted these tools contained “common themes relating to the OGP commitment around the better use of evidence and building diverse perspectives into policy.”⁵

DPMC followed the IRM researcher’s midterm recommendation that the guidance be tested with civil society stakeholders. DPMC tested it in 2018 with the Expert Advisory Panel, the OGP multi-stakeholder panel. That panel noted that “the guidance was fit-for-purpose in terms of improving the knowledge of tools and techniques policy makers can use to create more open and user-led policy.” The panel also stated that it supported the IRM researcher’s midterm recommendation for collaborative development of standards for public consultation on policy initiatives.⁶

Did It Open Government?

Civic Participation: Did Not Change

This commitment sought to improve government’s established policy-making practices by developing guidance on how to create policy informed by experts, including “citizens-as-users.” DPMC developed and released the guidance in consultation with its government policy colleagues. It also retrospectively consulted the small OGP multi-stakeholder Expert Advisory Panel. It did not consult parties beyond these groups.

The IRM researcher understands that in 2018, the Department of the Prime Minister and Cabinet (DPMC) interviewed some external public engagement experts. However, there is no sense at this stage of “a serious change to policy practice.”⁷ The EngageTech Forum 2018, jointly presented by government and civil society experts in late August, was an interactive event for government staff only.⁸

It is too early to publicly establish the uptake of the toolbox by the policy agencies. However, DPMC has promoted it widely to them. DPMC notes 4,500 hits on the toolbox’s website since August 2017, “more than the 2,800 policy officials in NZ public service.”⁹ This exposure suggests wide interest in co-creation of policy beyond government.

Carried Forward?

Commitment 5 in the 2018–2020 action plan continues this work. It extends the existing policy methods toolbox public participation guidance. That extension includes a public engagement approach. It also includes undertaking a demonstration project on public engagement in policy development that is higher on the International Association of Public Participation public spectrum than “inform” or “consult.”

Commitment 6 in the 2018–2020 action plan aims to develop an assessment model to measure implementation of the all-of-government Digital Service Design Standard by public sector agencies. It proposes “public engagement on a refresh and review of the Standard.”¹⁰

¹ Clerk of the House of Representatives. Open Government Partnership - Clerk's comments on Mid-term 2016/2018 report; submitted to the OGP IRM, 4 February 2018

² “Independent Reporting Mechanism (IRM): New Zealand Progress Report 2016–2018,” Open Government Partnership, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf.

³ “Policy Methods Toolbox,” the Policy Project, Department of the Prime Minister and Cabinet, <https://www.dPMC.govt.nz/our-programmes/policy-project/policy-methods-toolbox-0>, accessed 9 August 2018.

⁴ Commitment 7, quarterly report to the EAP March to June 2018, <http://ogp.org.nz/open-government-partnership/expert-advisory-panel/>

⁵ See footnote 3.

⁶ IRM discussion with the EAP, 8 August 2018.

⁷ Stakeholder interview, 2 August 2018.

⁸ “New and Events,” Department of the Prime Minister and Cabinet, <https://www.dPMC.govt.nz/events/engage-tech-forum>.

⁹ See footnote 3.

¹⁰ <http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf>

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organisations; and the previous IRM progress report.

The IRM researcher sought interested participants via social media (Twitter, and the Open NZ discussion list) on 17 July 2018 and through *Transparency Times*. The researcher then held 27 interviews face-to-face or by email through 12 October 2018. She had regular email conversations with the State Services Commission, the agency with lead responsibility for the action plan. She formally met government officials responsible for the commitments. She contacted online commentators on New Zealand's budget, whom she identified from a Google search. The notes taken at each interview were used for the end-of-term report, with many quotations from respondents. She also undertook desk research on each commitment to cross-check statements and identify any changes in government practice.

Her approach to writing this report included a focus on changes to the status quo, as described in each commitment.

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