

The Media and Open Government

Partners or adversaries?

An independent report into the Open Government Partnership.

The Media and Open Government

Introduction

In March 2013 Omidyar Network funded the formation of a Media Council to comment on the objectives and performance of the Open Government Partnership (OGP). It was felt OGP discussions to date lacked a media perspective.

The council is entirely separate from and independent of the OGP and Omidyar Network has had no input into its findings.

Members represent a diverse geography, experience of different platforms, and different levels of seniority as well as different levels of familiarity with the Open Government movement. The council members are:

Chair: Professor Richard Sambrook, Cardiff University
(former Director of BBC Global News)
Pavel Andreev, Ria Novosti, Russia
Chris Cramer, Wall St Journal, USA
Yuli Ismartono, Tempo, Indonesia
Wadah Khanfar, Sharq Foundation, Egypt
(Former Director General of Al Jazeera)
Sean Parnell, FOI Editor, The Australian
Fernando Rodrigues, Grupo Folha, Brazil
Simon Rogers, Twitter
David Schlesinger
(Former Editor in Chief, Reuters & Chairman, China, Reuters)
Juanita Williams, AllAfrica.Com

The project was supported by Rowan Emslie, Researcher, MPP Hertie School of Governance 2015.

The initial remit for the Media Council was to offer a white paper reflecting independent views on the Media and Open Government in time for the London OGP summit in October 2013.

All members of the council have been interviewed and have had further opportunities to contribute to the ideas in this paper as they emerged.

There were additional one to one interviews with journalists and researchers engaged in these issues. A list is attached in Appendix Two.

Online survey

We conducted an online survey of international journalists in order to canvas as wide a range of views as possible within the limits of this project. The questions were high level, as we wanted to appeal beyond the limited number of journalists already actively engaged with open government issues. However there were opportunities to comment in more detail on most questions.

We had 227 responses from 52 different countries. There was a reasonably even spread of responses across platforms (print, broadcast, online) with many indicating they work on more than one. Responses were divided equally between roles – reporting, editing, and managing or publishing. Seventy per cent of responses were from OGP member states. Not all respondents answered every question – although responses were higher than average for this kind of survey.

Clearly these views can only be taken as indicative of the combined views of international journalists – the survey was self-selecting and therefore not methodologically robust. However clear themes emerge which have helped to inform our findings.

Detailed answers from the survey and the full data are available from the web links in Appendix One.

Definition of terms: Media

The term “Media” is a particularly elastic label in the digital environment and can be used to cover anything from traditional media organisations to blogs and social media to government, NGO or lobby group web sites or feeds and other digital applications.

Here we principally use it to refer to professional news media – in broadcast, print or online. This paper is concerned with the engagement of mainstream news organisations with the principles of open government, with the OGP in particular, and with civil society and the public over government information.

However we should note this is an increasingly narrow definition. The virtues of social and collaborative media may offer greater and more effective opportunities for monitoring and identifying achievements and failures in open government than traditional media are able to do. This is not just a technology or skills issue but symptomatic of the way the media ecology is developing.

As such we acknowledge this paper focuses primarily on one aspect of the media – albeit one which still enjoys mass reach and political influence in most societies.

Executive Summary

Open Government requires responsive institutions, a free media, and a strong civil society. This paper offers challenges to all three constituencies. Clearly they vary from country to country making each situation and set of issues different. However, taking account of the problems of generalisation, there are clear themes which emerge relating to the media and open government.

There is ignorance of the OGP among many media organisations around the world – including in member countries. This is coupled with scepticism about motives and the depth of government commitments to greater transparency. The actions of some governments, in seeking to limit freedom of expression or poor implementation of open policies, reinforces this scepticism.

In addition, media organisations face their own challenges in developing the skills and resources to explore open government on behalf of the public. They also face challenges in adopting more open methods of reporting and greater accountability of their own.

It is therefore unsurprising that media engagement with the OGP – only two years old - and its aims, and the quantity and quality of reporting of open government, has been limited.

Media have been largely absent in discussion about the Open Government Partnership and the performance of member states. To date, civil society organisations have led the discussions with governments, monitored progress and supported the open government movement. Media have, of course, reported that governments are seeking to be more open and have offered their perspectives on that ambition. However, there has been very little mainstream news reporting of commitments, of stories which emerge from information released, or of the IRM reports which offer a means of holding governments to account against their promises.

There is opportunity here. If governments pursue their commitments to greater openness, if media acquire the skills to better interpret data to the advantage of the public and so engage them more deeply in how they are governed, a virtuous relationship might be achieved. Media, supported by civil society, can act as the bridge between the governing and the governed, holding public services to account, (so improving standards) and engaging the public (so strengthening democracy). Currently however, the gulf between governments, media and the public is often wide, there is an absence of trust, and much of the media is ill-equipped to bridge it.

The challenge for governments is:

- To support free media and freedom of expression as a core principle of openness.
- To reconcile their OGP commitments with other policies which inhibit openness and free expression.
- To ensure the barrier to entry to the OGP is not so low as to undermine credibility but not so high as to exclude countries aspiring to best practise
- To ensure freedom of information and other access legislation and policies are fully understood throughout departments and implemented effectively.
- To review classification policies which often lag behind the rhetoric of open government.
- To educate more actively the public (and the media) about the open government programme and its objectives.
- To include media in decisions about how to communicate open policies.
- To be open about commitments and the extent to which they have or have not fulfilled them. This alone can encourage the necessary cultural change within departments and agencies.
- To ensure information is released which is relevant to citizens lives and concerns and released in a timely and usable fashion.

The challenge for media is:

- To recognise open government as a potentially rich area of relevance and value to audiences and readers.
- To develop the specialist skills and resources to report data and government information in an accessible and engaging way.
- To hold governments consistently to account against published commitments.
- To recognise that “accountability journalism” can be as much about promoting good governance as constraining bad practices.
- To recognise the opportunities inherent in more open methods of reporting which, by including citizen perspectives and expertise, can strengthen journalism and bring media closer to the public they serve.
- To recognise the legitimacy and expertise of new media and civil society actors and seek to partner where appropriate.
- To recognise that the growing appetite for transparency and accountability will apply to the media as much as to any other institution and improve their own record accordingly.

The challenge for civil society is:

- To continue to support governments to develop and implement best practise around openness.
- To support media organisations to develop the skills and resources required to report open government more thoroughly.
- To encourage media to adopt more open reporting methods and to facilitate partnerships across sectors to increase skills and understanding.
- To hold both governments and media to account for their public responsibilities.

- To consider new forms of motivational rankings.
- To explore more thoroughly how different aspects of the Open movement fit together and to communicate and educate the public and the media on the differences and the synergies.

Recommendations

1. The OGP should develop a joint statement which recognises the importance of free expression and free media in the context of open government and encourages OGP signatories to reconcile open government commitments with their policies towards free speech.
2. The OGP should launch a major engagement initiative to educate the public – and media – on the aims and purpose of the partnership and open government. This should include a resource centre to support better understanding of open government including educational tools and developed case studies as examples.
3. Civil Society organisations should seek to establish a regular index of “open governance” which establishes best practise, benchmarks, and can generate greater levels of reporting and debate.
4. Media should be encouraged to seek partnerships with civil society organisations and others who can better inform their reporting of open government and support the development of appropriate expertise and skills within media organisations

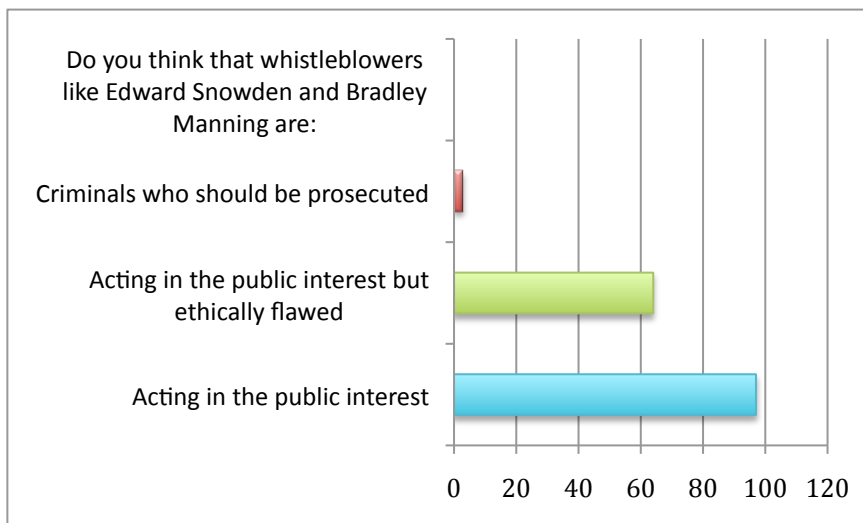
Media - Government tensions

The OGP should support free media and argue for the virtues of freedom of expression among member countries and beyond.

Freedom of expression and a free media are closely aligned to the principles behind open government. A free, independent and plural media can provide a crucial check on abuse of power and corruption, enable informed public debate on critical issues and provide public recognition to all sectors of society. It can help build trust in, and oversight of, institutions and encourage engaged citizens.

However, even among some OGP members, there are growing government restrictions on free media. For example, concerns have been expressed about proposed media legislation in South Africa, intimidation of journalists in Turkey, the recent media law in Hungary, the banning of newspapers in Tanzania, and media polices in a number of other OGP countries. Supporting freedom of expression and media plurality should be a core principle for countries subscribing to the principles of open government and this needs to be more fully reflected in the OGP agenda. This should not be confined to traditional media – it should extend to other areas of the “open” agenda and individual rights including open data, freedom of expression, governance of the internet and policies on personal privacy.

The debate about the media and open government is currently overshadowed by the NSA/GCHQ surveillance issue which was revealed earlier this year. Details of secret surveillance of citizens stand in stark contrast to promises of more open and accountable government and undermine the rhetoric about transparency, accountability and citizen engagement. Most journalist respondents would quote this as an example of why they are sceptical of government commitments to greater openness.



Our survey showed overwhelming support for recent whistleblowers. Almost half thought their actions ethically flawed but still in the public interest.

In some ways this may be unfair. As Tim Berners Lee and Nigel Shadbolt have said, the aims of the Open movement cannot be confused with issues of national security

and personal privacy. “We have always argued that it is essential to respect individual privacy and national security. So long as privacy is respected, there are opportunities for us to benefit from a new kind of government data becoming available.”¹ Nevertheless it is a major tension which needs to be reconciled.

“Governments still keep too many secrets” – survey respondent

This consolidates impressions that many governments pay only lip service to openness. There is criticism that the bar to entry to the OGP is set too low and governance and scrutiny of commitments and performance is too weak for it to be meaningful. There is a balance here between inclusiveness - with encouragement of governments to adopt an open agenda - and poor performance or lack of integrity on those issues undermining the movement. The alternative of a higher threshold and tighter standards however risks a higher wall around open government, excluding other countries aspiring to best practise. This is an acknowledged issue for the OGP. As Jeremy Weinstein has written: “The emerging concept of “open government” was loose and flexible, not attached to any particular ideology. It allowed everyone to bring his own agenda to a common goal.”² However, it is not clear what sanctions there are for acting badly or for poor performance beyond ejection from the OGP after two negative IRM reports.

As John Wonderlich recently wrote on the Sunlight Foundation blog: “The National Action Plans to date have committed themselves chiefly to low-hanging fruit (like the frequent, “open data” commitment), resulting in a bias *against* fundamental questions of power, like military and state power, or money in politics. OGP’s incentive structure to join the overall effort prioritizes the easy questions over the hard ones. But political reality has shown us that the openness we are demanding from modern democracies has rarely developed through the good will of officials who hold power.”³

The OGP signatories might well be in it together but that does not mean that differences of opinion, aims and methods are not widespread. The continued dominance of governments over their civil society cohorts in many countries – particularly those with less obviously transparent governments – undermines the promise of progress that OGP’s principle-based regulatory vision sets out. The asymmetry of the OGP could be related to a number of factors and issues: budget, access to information, intersections between national and international laws, external crises, mandates and many more. What is clear is that civil society organisations alone cannot act as a significant counterweight to governments, neither should they be expected to undertake such a task.

¹ <http://eprints.soton.ac.uk/273090/1/Times%20OpEd%20TBL-NRS%20Final.pdf>

² Innovating Government on a Global Stage, Page 4 - <http://www.scribd.com/doc/135980983/Innovating-Government-on-a-Global-Stage-OGP-Stanford-Social-Innovation-Review-SSIR-Supplement>

³ <http://sunlightfoundation.com/blog/2013/10/10/ogp-opportunities-and-limitations/>

Incorporating the media into the transparency movement is a simple way of improving this imbalance – checking the actions of governments in favour of the public interest and holding government feet to the flames. It is needed and overdue.

This looseness of structure in the OGP feeds scepticism about the effectiveness of the partnership. That scepticism grows further in the face of obstacles or a lack of promised access by governments publicly committed to doing so. Respondents quoted many examples in many countries of FOI requests being frustrated or simply ignored. “Walking the talk” is seen as a real challenge for many governments. This was often referred to as an issue of cultural change. However some respondents were clear it stemmed from political will at the top.

Only this month, in the US, a report on the record of the Obama administration has urged them to: “Make good on promises to increase transparency of government activities and end government intimidation of officials who might speak to the press. Enforce prompt and less restrictive responses to FOIA requests and more systematic and far-reaching efforts to reduce over-classification. Encourage administration officials to be open and responsive to press inquiries.”⁴

Openness of course can lead to public criticism which is a significant disincentive for many officials and departments. Initial reporting of new transparency measures usually centres on what was previously secret and may be embarrassing – for example, details of paybills and expenses. This can discourage government departments and agencies from releasing further potentially uncomfortable information. It can also lead to databases remaining closed or to excessive PR spin. However initial criticism is inevitable, a sign of the system working, and may be short lived. As one respondent reported, “the first year was all about expenses, after that it was about public services.”

The risk is of governments being selective about what they release for fear of criticism. There were some examples of this cited – for example the concealing HIV/AIDS figures in one country which would have demonstrated the failure of government health policy. Media are not always resourced or sufficiently skilled to identify and expose such problems.

Only clear political will from the top, with consistent commitment to open goals, can overcome this.

It should be acknowledged that in some countries “openness” is less of a priority. Those facing security concerns or seeking strong government after an unstable period will have less public pressure to adopt the open agenda. For example, transparency was hardly mentioned in the recent Australian election campaign - where the focus was on establishing a majority government after a period of political uncertainty.

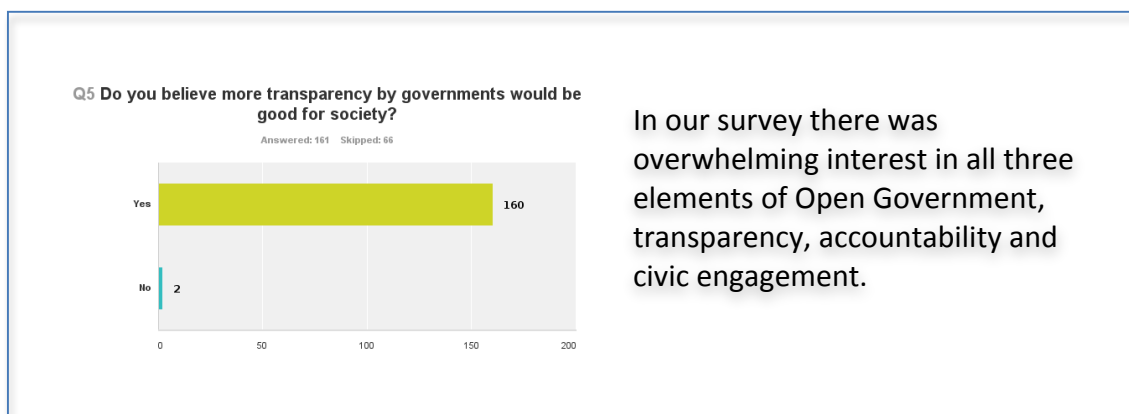
⁴ <https://www.cpi.org/reports/2013/10/obama-and-the-press-us-leaks-surveillance-post-911-recommendations.php>

“Open government needs to be seen as part of the new wave of politics and citizen engagement. Only then will moves away from open government be more newsworthy than moves towards it,” – survey respondent

This is related to another set of “open” issues – those surrounding internet governance. There, too, is a complex set of international relationships, marrying different political and legal jurisdictions, with varying commitment to and interpretation of the goal. In both cases, public expectations of a global standard may be at odds with the policies of some countries and with an underlying direction of travel. Those are not the subject of this paper except to note that open access to the internet is increasingly a pre-requisite for citizen engagement and a core platform for free expression. A free media also relies on an open internet. Governments may be challenged on any difference of approach between open government, support for free expression and commitment to open access to the internet.

Media has the potential to play a crucial role in achieving the stated aims of the OGP – but it has a very different view from government or civil society. In particular, for the reasons above and more, media tends to define itself in opposition to governments and adopts a sceptical view of government openness. It tends to see transparency as a constraint on the abuse of power rather than a means of promoting better governance. This perception can limit the media’s range of reporting but it is an entrenched professional perspective – the 4th estate, holding power to account. Most politics is reported as a “power game” rather than delving into the granular detail of the processes of government which is where the opportunity for open government reporting lies. To report governance as an accessible and engaging issue takes greater expertise than most media organisations have available. This skills gap may explain the lack of rich or critical engagement with the detail of open government.

“It may be a cliché but holding governments accountable through reporting is a truly important function” – survey respondent



We should also recognise that transparency does not always equate with greater accountability. It depends what information is released in what way and the public

and institutional responses that follow. There were concerns about the poor quality and relevance of some information released in order to appear transparent but provide no greater level of accountability. Government departments need to recognise the value of releasing information in a timely fashion and in a form that is of value to citizens and the choices they have to make about their lives. Media could be consulted to assist in understanding what would be of value and in what form.

There were also concerns that much information is unnecessarily over classified. The reality of classification policies and effectiveness of access legislation often lags behind the rhetoric of open government.

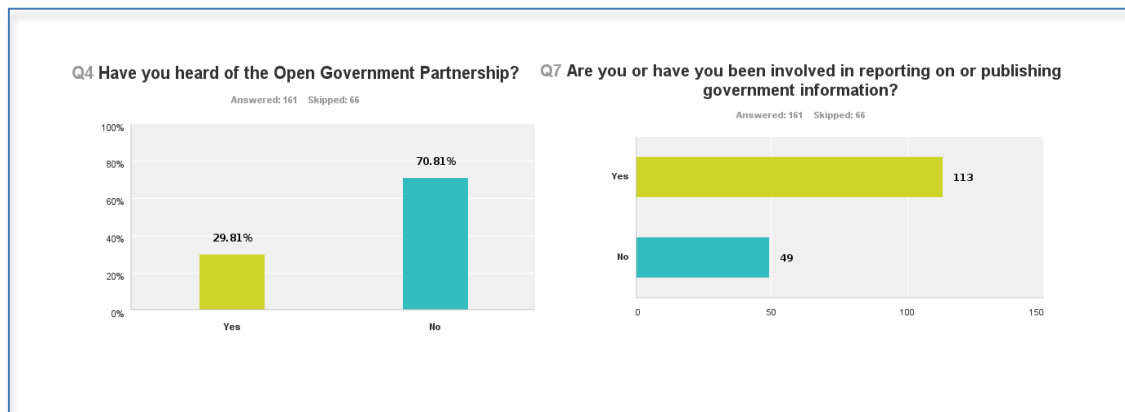
“I would like more detail and context in the information...I would like to see information, even if embarrassing to the government, that provides insight into how they make decisions.” - survey respondent.

Most respondents to our survey support the need for greater transparency and accountability in government – and clearly this is a platform that can be built upon as open government becomes more widely recognised as a means of delivering these ends.

They also support citizen engagement, but to a lesser extent. This may reflect on their organisations own approaches to open journalism – which will inevitably develop as open information becomes more commonplace. Citizen engagement and interactivity is a crucial element of ensuring that transparency leads to accountability and higher standards.



Most survey respondents had not heard of the OGP – although 70 per cent of them came from OGP member states. Yet about two thirds were involved in reporting government information. The OGP needs to invest in significant media outreach – not only about membership and objectives but if possible with developed case studies that illustrate the virtues of the partnership.



The value of transparency needs to be explained more clearly. Currently it is jargon heavy and detail light. Why should it matter to the citizen purely concerned with supporting their family? What is the economic case for transparency? It is not at all clear that the average citizen is able to understand the information presented or its public value. It is too often couched in policy, technical or legal language.

As Amitai Etzioni has argued, “Transparency, unlike other forms of regulation, has a major disadvantage: it assumes that those who receive the information released by producers or public officials can properly process it and that their conclusions will lead them to reasonable action. However, the well-known and often-cited findings of behavioural economics demonstrate that very often the public is unable to properly process even rather simple information...”⁵ Clearly the media can play an important role in explaining transparency to the public and encouraging participation and accountability. But this requires the skills, interest and above all facts to do so. We start from a low base.

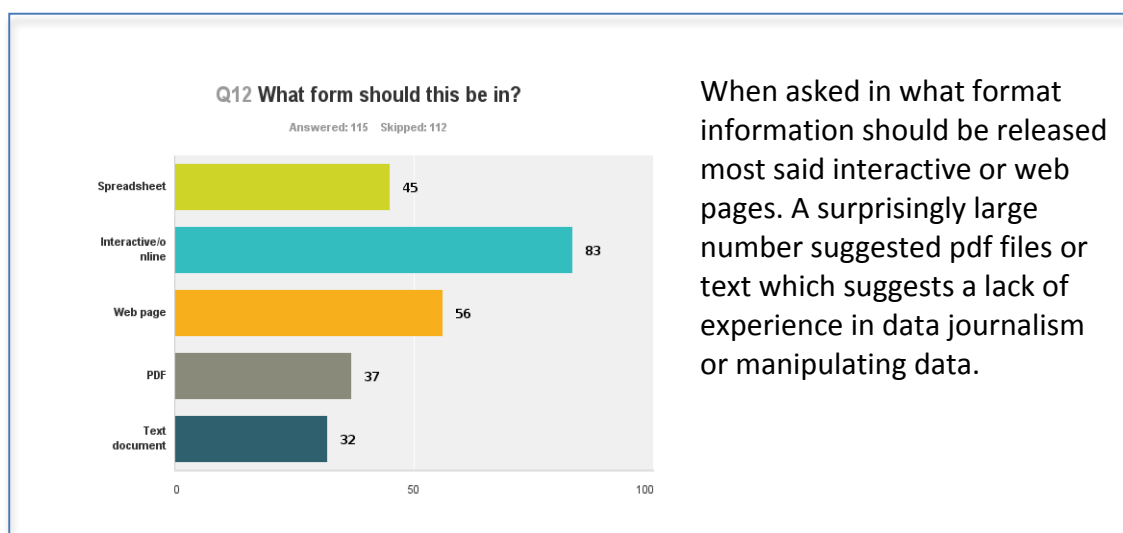
There is little tangible evidence and few case studies to explain the value of an open approach. Both governments and civil society organisations need to develop hard evidence on which the media can build. There are currently not enough “good stories” about open government.

⁵ “Is Transparency The Best Disinfectant?” Journal of Political Philosophy Volume 18, Issue 4, pages 389–404, December 2010

Opportunities for Media

Genuinely open government offers an opportunity to re-invent the civic role for media at a time when it is suffering severe business disruption and its own crisis in public trust. A fundamental question, which many media organisations are grappling with, is what is the role of the 4th estate in the 21st century? With radical changes in technology, production, delivery and consumption of news much is transformed. The media, in the West in particular, have suffered their own crisis in public trust – partly fed by greater access to information and public debate via social media and other networked communications. However, the core role of the media in representing the interests of the public to those with power will persist. Open Government provides an opportunity for media to re-invigorate their civic role and provide renewed value and closer connection to the public through evidence-based monitoring of the performance of those in power.

The Media lacks the necessary resources and skills to fulfil this role and properly process and analyse open government data. Although there are numerous examples of excellent data journalism and analysis there are more organisations that are struggling to develop these skills and expertise. At a time of economic challenge and budget cuts many organisations struggle to invest in new editorial functions. Understanding of digital technology and the opportunities presented by open data is low. There is much confusion about terms – Open Government, Open Data, Big Data and more. There is a need for civil society, academia and even governments to support media learning about these new opportunities. There is also of course an educational role for the media in helping the public understand the uses and value of data. These technical obstacles should not overwhelm or put off media however. At heart, the challenge is to find and tell compelling stories which will engage the public – and that’s what media is good at doing.



Media need to adapt to more open models of journalism. Openness does not only apply to government. As open government, and other aspects of the open movement, progress media will recognise that a traditional closed model of reporting is not necessarily in their best interests. Networked expertise from civil society, academia, digital innovators and the public will become more important to the discovery and analysis of key information. There are already many non-corporate digital media operations which take advantage of such an opportunity and compete for public attention and credit. This is both a cultural challenge and one of expertise. Currently many media organisations are unresponsive to the public – refusing to engage in debate about their operations or the news and seeking to maintain an increasingly anachronistic gatekeeper role. Open information is a public resource for which the traditional journalistic practise of keeping information close and proprietary becomes less relevant. Public access and contribution to open media sources is not yet widely recognised as a means to better reporting – but is likely to become so.

Media organisations must recognise the need to become more open and accountable themselves. We cannot overlook the fact that in many parts of the world there is deep distrust of corporate and public or state media. The balance between media independence and accountability is still an issue of active debate in many countries – including currently the UK. As the transparency movement progresses the public will increasingly expect it to apply to the media as well. In many parts of the world corporate media still operate in a closed and unaccountable fashion. To have legitimacy in holding open government to account they must become more open and accountable as institutions. Some are opposed both to open or networked reporting and to offering greater accountability of their own. The backlash from some corporate media to Wikileaks and to Edward Snowden, the NSA whistleblower, is one example. The political tussle over press regulation in the UK is another. The need for media accountability applies as much to new digital corporations like Facebook, Google and Twitter as it does to traditional media players.

However, it is inevitable, and important, that the press acknowledges its responsibilities and offers more robust accountability to itself.

Best Practise

Any right to access should be a public right, not a media right. It is tempting for some parties to treat the media as a special case entitled to a different set of rights of access. The majority of people we spoke to were clear this should not be the case. For the legitimacy of open government to be recognised it must be a public right. This is even more necessary with the development of a networked society which blends public and media responses. Rights of access should apply to all levels and sectors of society – including new media players such as bloggers or activists, the so-called 5th estate.⁶ The media should use its resources and expertise to develop and explain information that is publicly available. It should also seek to partner with other organisations that can offer expertise and insight to better inform the reporting of open government – including NGOs, academia and new digital organisations with advanced technology skills.

There is a significant need for greater public education about the opportunities and potential benefits of openness. Currently there is much confusion among the public and the media between Open Government, Open Data, Big data, privacy and other related issues. There is need for education in data and information literacy – for both media and the public. This is an area where both government and civil society organisations can make a difference. Beyond literacy and numeracy the potential of transparency to increase accountability and drive good practise is understood in theory – but with little tangible evidence or case studies to illustrate it. Again both civil society organisations and governments could invest more in developing and promoting key case studies to illustrate the value of OGP objectives and best practise. This would help counter the scepticism in some quarters about the value of “openness”.

Civil Society should consider a new motivational global index of open government. This would highlight the underlying drivers and value of an open approach potentially linking policies and outcomes. It would promote greater public discussion and media coverage of the extent to which governments were fulfilling their commitments.

“I think some kind of clear media score card for each government could be very effective – how many FOI requests, responses, time taken...” – survey respondent

Governments need to work with media to ensure information and data is released in a timely manageable way. A number of interviewees believed that if governments consulted media on how, when and what to release it could improve the quality of open information and strengthen its value and relevance to the public. Many respondents commented on poor understanding and practise of public communication and engagement among government departments. A clearer understanding of what the media requires, in what form, and how it would be used could greatly improve the quality of releases and consequent coverage.

⁶ http://en.wikipedia.org/wiki/Fifth_Estate

“I would like the data to be more easily understandable. Lack of standardization hampers understanding.”

“It’s not about publishing more data, it’s about the quality of the data and its relevance.” - survey respondents

Best practise for the release of data and information is now broadly established.

The latest Sunlight Foundation recommendations echo those of Open Data Institute, Open Knowledge Foundation and other organisations – and it seems the principles of best practise are largely recognised. These include a default to open, the inclusion of third party contractors within open policies, the use of open formats, and permanent lasting access. We have included links to some of the latest or best-regarded guidelines on open data and information in Appendix three.

Conclusions

The challenge for governments is:

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- To reconcile how their OGP commitments sit with other policies which inhibit openness and free expression.
- To ensure the barrier to entry to OGP is not so low as to undermine credibility but not so high as to exclude countries aspiring to best practise.
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Recommendations

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Appendix 1: Online Survey

Full responses and analysis can be downloaded from:

http://sambrook.typepad.com/OGPsurveydata/Data_All_131003.zip

http://sambrook.typepad.com/OGPsurveydata/Data_All_131003.pdf

Appendix 2: Interviewees

As well as all the members of the Media Council we conducted one-to-one interviews with the following additional journalists and academics interested in these issues.

Rosental Alves – University of Austin, Texas

Alex Howard – Freelance, formerly O’Reilly Radar

Luis Manual Botello - ICFJ

Jonathan Gray – Open Knowledge Foundation

Emilene Martinez - OGP's Regional Civil Society Coordinator for Latin America

Martha Mendoza – AP

Gavin Starks – Open Data Initiative

Appendix 3: Best practise in releasing information.

<http://sunlightfoundation.com/opendataguidelines/>

<http://opengovernmentinitiative.org/directive/V1/>

<http://opendefinition.org/okd/>

<http://opendatahandbook.org/>