Independent Reporting Mechanism (IRM): South Korea Progress Report 2014-2015

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Executive Summary: South Korea

There is little evidence that South Korea has actively participated in OGP. The country needs to engage openness experts to increase the scope of its ambition, moving beyond the current e-government focus to fundamental issues of open governance, such as corruption and online participation.

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 Republic of Korea officially began participating in OGP in September 2011.

South Korea's Ministry of Interior (MOI) is the lead institution responsible for coordinating OGP activities. MOI is also responsible for the general coordination of public service in the country, including e-governance initiatives.

For three out of the five commitments, the national action plan does not specify responsible government bodies for implementation. As a result, there is a significant lack of clarity on how the commitments are implemented.

OGP PROCESS

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

Similar to the first action plan cycle, it remains unclear how, if at all, the government engaged the public in the development and implementation of the action plan. It is also not clear if any awareness-raising activities have taken place as most CSOs active in the field of transparency remain largely unaware of OGP commitments and the process.

To collect input for the OGP action plan, the government reports to have used the pre-existing forums of the "Government 3.0" program, largely focused on e-governance and open data. The pre-existing National Open Data Forum was also used to consult with a select number of stakeholders involved in open data. Since minutes of the meetings are not publicly available, it is unclear what OGP commitments were discussed, which stakeholders attended, and whether the consultation was open to the public.

During implementation, MOI privately consulted experts and businesses on open data-related commitments. These meetings were not open to public and did not involve civil society.

The OGP support unit published the mid-term self-assessment report on 30 September 2015, but the document is not available on Korean websites.

At a glance

Member since:	2011
Number of commitments:	5

Level of Completion:

Completed:	0 of 5
Substantial:	1 of 5
Limited:	3 of 5
Not started:	1 of 5

Timing:

On schedule:	1 of 5

Commitment Emphasis:

Access to information:	4 of 5
Civic participation:	5 of 5
Public accountability:	2 of 5
Tech & innovation for transparency & accountability:	1 of 5

Number of Commitments that Were:

Clearly relevant to an OGP value:	5 of 5
Of transformative potential impact:	0 of 5
Substantially or completely implemented:	1 of 5
All three (✪):	**0 of 5**

COMMITMENT IMPLEMENTATION

As part of OGP participation, countries make commitments in a two-year action plan. The South Korea action plan contains five commitments. The following tables summarize each commitment: their level of completion, their potential impact, whether they fall within South Korea's planned schedule, and the key next steps for commitments in future OGP action plans.

The IRM method includes starred commitments. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. The South Korea action plan contains no starred commitment.

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the previous criteria, South Korea would have received one starred commitment (Commitment 3.E.). See (www.opengovpartnership.org/node/5919) for more information.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Theme 1: Improving Public Services									
1a. Strengthen Public-Private Collaboration	X	X			X	X			**Behind Schedule**
1. Establish channels of consultation	X	X			X	X			Behind Schedule
2. Examples of public-private collaboration	X				X	X			Behind Schedule
3. Online discussion platform	X				X	X			Behind Schedule
4. Online discussions of state projects	X				X	X			Behind Schedule
1b. Provide Customized Services	X				X	X			**Behind Schedule**
1. Select and promote fifty flagship projects	X	X			X	X			Behind Schedule
2. Develop flagship projects	X				X				Behind Schedule
3. New public services	X	X			X	X			Behind Schedule
Theme 2: Improving Civil Service Integrity									
2c. Civil Service Integrity	X	X	X		X	X			**Behind Schedule**
1. Enhance Information Disclosure	X	X	X			X			Behind Schedule
2. Form a citizen watch group	X	X			X	X			Behind Schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
3 Announce list of data to be disclosed	�ču	▒			▒	▒			Behind Schedule
2d. Civil Service Integrity: Strengthen Public Service Ethics	▓	▓			▓				**Behind Schedule**
1. Develop plan and carry out inspections	▒	▒				▒			Behind Schedule
2. Hold advisory group meetings	▒	▒				▒			Behind Schedule
3. Online guidelines on asset disclosures	▒	▒				▒			Behind Schedule
4. Post ethics inspections online	▒	▒				▒			Behind Schedule
Theme 3: Efficient Management of Public Resources									
3e. Encourage the Private Sector to Utilize Public Data (This commitment seeks to increase access to information and improve the open data rate from 16.1% to 60% by 2016.)	▓	▓	▓		▓	▓	▓		**On Schedule**
1. Increase data disclosures by 2016	▒	▒	▒		▒	▒	▒		On Schedule
2. Identify public data priorities	▒	▒	▒			▒	▒	▒	On Schedule
3. Consult task force teams on disclosures	▒	▒	▒		▒	▒	▒		On Schedule
4. Expand best practices	▒	▒	▒		▒	▒	▒		On Schedule

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
Theme 1: Improving Public Services	
1a. Strengthen Public-Private Collaboration • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	This commitment sets out to strengthen citizen participation in debates concerning the government's major projects. This includes establishing channels of consultation by utilizing various platforms, such as the "e–People" website, as well as offline expert consultation meetings. A number of e-government forums established prior to this commitment have continued. However, their relevance to the intended purpose of this commitment is unclear. There is no evidence showing that online platforms like e-People have been utilized for public consultations in the period under review. As formulated and executed, the commitment does not stretch government practice. More specific milestones might include an oversight mechanism to monitor the effectiveness of the e-People platform, including benchmarks that track the time frame in which petitions are resolved.

1b. Provide Customized Services • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	This commitment seeks to develop and expand public services through selecting and developing fifty flagship projects in consultation with citizens. The completion level is limited, as only twenty projects have been published and further developed to address public needs. In addition, the government has only initiated one new public service. Stakeholders noted that "customized" services for specific target groups (the elderly, the disabled, etc.) already exist and are of good quality. Due to this commitment being an expansion of existing government services, the potential impact is minor. The government should lay out a more detailed commitment of how open government mechanisms can be used to improve existing public services and to initiate new ones.
Theme 2: Improving Civil Service Integrity	
2c. Enhance Information Disclosure • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	This commitment aims to enhance information disclosure by expanding the number of annually disclosed documents, creating a citizen watch group, and publishing a list of data considered to be the "ten areas of high interest." Due to the lack of publicly available information on the amount of data released in the period under review, the completion is limited. Despite promising wide access to government documents, the government has been unclear about what data it will release, making the potential impact moderate. The government will need to engage closely with CSOs to determine "high interest areas" and to facilitate public monitoring of the commitment's progress.
2d. Strengthen Public Service Ethics • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started	This commitment seeks to improve the oversight of post-public employment, specifically to mitigate the issue of "revolving doors" where senior public officials abuse their position in exchange for lucrative private-sector positions. The completion level has been evaluated as not started. No evidence was available to verify completion for any of the milestones, including planned inspections, advisory group meetings, publishing of online asset disclosure guidelines, and inspection results. While tackling an important issue, the commitment does not stretch government practice. The government should form advisory groups in a transparent way and publish results of inspections online. In addition, the government could enhance anti-corruption efforts through universal application of the punitive provision of the law for white-collar crimes.
Theme 3: Efficient Management of Public Resources	
3e. Encouraging the Private Sector to Utilize Public Data • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	The commitment draws largely on the government's pre-existing Government 3.0 vision. It prioritizes the release of large datasets and more information that would be of use to businesses through consulting with the private sector and CSOs. Many datasets have been released in the period under review. Although Government 3.0's data disclosure plans, first released in the summer of 2013, are innovative, a greater level of specificity concerning the nature of data will be necessary to gauge potential uptake. For purposes of tracking progress, the government can publish regular updates on the number of datasets released. In addition, if the government is to integrate its transparency programs, it will need to release data on how it processes freedom of information requests.

RECOMMENDATIONS

South Korea has made progress in setting more concrete commitments in the areas of information disclosure and open data, specifically increasing opportunities for civic participation during the implementation of open data commitments. More, however, could be done to include commitments that advance OGP-specific values by mainstreaming public accountability and civic participation policies in more government agencies and decision-making processes. In particular, there is a need for commitments that address censorship and surveillance, public health information concerning the spread of diseases, and transparency relating to state involvement in the private sector. Based on the challenges and findings identified in this report, this section presents the principal recommendations.

TOP FIVE 'SMART' RECOMMENDATIONS
1. **Develop an OGP-specific stakeholder forum and include a diverse array of stakeholders** in the drafting and implementation of the national action plan. Stakeholders should include civil society groups, businesses, other stakeholders in a wide range of sectoral areas, and regular citizens with an interest in open data.
2. **Identify and address core, national, open-government challenges** rather than focusing solely on Government 3.0 commitments. Pertinent areas may include: 1) defamation laws, the National Security Law, state secrecy, and future directions for the National Intelligence Service; 2) vague guidelines for the release of information in the Freedom of Information Act; and 3) e-government programs that clearly respond to OGP values of participation, accountability, and transparency.
3. **Participate in the IRM process** in a timely manner and follow the general membership guidelines of OGP.
4. **Include more ambitious and measurable commitments** to stretch current practices.
5. **Write the national action plan** with the intention of circulating and promoting it in Korean and among national stakeholders.

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

Open Government Partnership

I. National Participation in OGP

History of OGP Participation

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

The Republic of Korea officially began participating in OGP in September 2011 when Duk-Soo Han, the ambassador of the Republic of Korea to the United States, declared the government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Indicators produced by organizations other than OGP to determine the extent of country progress on each of the dimensions, with points awarded as described below. South Korea entered into the partnership exceeding the minimal requirements for eligibility, with a high score in each of the criteria. At the time of joining, the country had the highest possible ranking for Open Budgets (4 out of a possible 4),[1] an access to information law,[2] Asset Disclosure for politicians,[3] and a score of 8.82 out of a possible 10 on the Economist Intelligence Unit's Democracy Index Civil Liberties subscore.[4]

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

The Republic of Korea launched its first national action plan in July 2012, and that plan ran until the end of June 2014. According to the OGP schedule, officials and civil society members were to revise the first plan starting in January 2014 or develop a new plan by no later than mid-June 2014. The second national action plan was launched in July 2014.

Basic Institutional Context

South Korea's Ministry of Interior (MOI) is the lead institution coordinating OGP activities. The ministry was renamed twice during the second action plan cycle, starting with the Ministry of Security and Public Affairs (MOSPA), then to the Ministry of Government Administration and Home Affairs (MOGAHA), and then finally MOI. MOI is responsible for the general coordination of public service in the country, including national administration, government organizations, personnel management, e-government, and disaster safety. It also offers support to local governments for administration, finance, and regional development.

The national action plan did not specify which government bodies were responsible for the implementation of three out of the five commitments. Throughout much of the IRM

process, MOI did not deliver this (and related) information to the IRM researcher and would not agree to meet, despite repeated requests.

Methodological Note

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country's first action plan. In the Republic of Korea, the IRM partnered with Geoffrey Cain—who is the CEO of Asia Pacific Research (APR) and has expertise in media and Internet censorship and business-government relations—to author this progress report. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. APR gathered the views of civil society and appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report follows an earlier review of OGP performance, "South Korea Progress Report 2012-2013," which covered the development and implementation of the first national action plan.

To gather the voices of multiple stakeholders, APR organized two stakeholder forums, one in Seoul and one via a webinar, which were conducted according to a focus group model. The government point of contact (POC) was unavailable to attend the first stakeholder forum. However, some of the relevant civil servants attended the second forum, which was a webinar. Before the second forum, and throughout much of the research period, the POC was not available for in-person meetings or interviews. Without a list of implementing agencies, the points of contact for each implementing body could not be reached. At the time of drafting this report, the government had not published a self-assessment report for the period under review. The government did, however, subsequently make a self-assessment report available to the researcher on October 1, 2015.

The OGP IRM support unit together with the country researcher requested supplementary information from the government regarding commitment completion via an email sent on the 1st of December 2015. Information was subsequently sent to the OGP IRM support unit and IRM researcher on the 7th of December 2015.

Summaries of stakeholder forums, list of interviews, and more detailed explanations are given in "Section VIII: Methodology and Sources."

[1] Open Budget Partnership, *Open Budgets Change Lives* (Washington, DC: Open Budget Partnership, 2012). http://internationalbudget.org/wp-content/uploads/2011/06/2010_Full_Report-English.pdf.

[2] http://www.right2info.org/laws/constitutional-provisions-laws-and-regulations#section-108.

[3] 3 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians" (Tuck School of Business Working Paper 2009-60, 2009). http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in Government at a Glance 2009, (OECD, 2009). http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). http://bit.ly/1cIokyf.

[4] Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: http://bit.ly/eLC1rE.

II. Process: Action Plan Development

No consultation took place during the development of the second national action plan.

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

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

A fifth requirement during consultation is set out in the OGP Articles of Governance. This requirement is dealt with in the "Section III: Consultation During Implementation":

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

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

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No
	Was there advance notice of the consultation?	No
	How many days of advance notice were provided?	N/A
	Was this notice adequate?	N/A
	Did the government carry out awareness-raising activities?	No
	Were consultations held online?	No
	Were in-person consultations held?	No

	Was a summary of comments provided?	No
	Provide any links to summary of comments.	N/A
	Were consultations open or invitation only?	N/A
	Place the consultations on the IAP2 spectrum.[1]	N/A
During Implementation	Was there a regular forum for consultation during implementation?	No
	Were consultations open or invitation only?	N/A
	Place the consultations on the IAP2 spectrum.	N/A

Advance Notice and Awareness Raising

It is not clear if the government has informed stakeholders on the development of the OGP action plan. It is also not clear if any awareness-raising activities have taken place. According to the information provided by the government, consultation on the action plan seems to have been subsumed under the pre-existing Government 3.0 program, largely focusing on e-governance. Within the framework of that program, the Ministry of Interior (MOI), the National Information Society Agency (NISA), and a variety of other coordinating bodies held multiple forums from late 2013 to May 2014, which are listed in the second OGP action plan. These most prominently include the National Open Data Forum that was launched in July 2013 with 300 members. It has convened at least twice since October 2014.[2] However, following the comments of CSO stakeholders at the first forum and a lack of follow-up information from the government, there is little available evidence of a two-way dialogue that directly led to the formation of OGP commitments. Civil society stakeholders did not believe they were included in a national discussion or that their opinions were used to advance government policy in a significant way.[3]

Nevertheless, meetings like this, for the most part, appeared to inform a wide variety of CSOs, business representatives, and other stakeholders on the government's open data efforts. People who attended the events told the IRM researcher they received personal invitations by e-mail and attended alongside a hundred or more attendees. But it is unclear whether these were open to the public.

Depth and Breadth of Consultation

The researcher could ascertain limited information on the depth and breadth of consultation for the development of the action plan. The government did not respond to a detailed list of questions about the consultation process, and the self-assessment failed to reveal information concerning this aspect, among others. It also remains unclear how stakeholders were selected and invited.[4] Relevant civil society groups in open data and anti-corruption overwhelmingly stated that they had not been consulted in the formation of the action plan.

The government named another forum called the Grand Open Forum for Public Data, held in May 2014, as a key venue for gathering the views and priorities included in the OGP national action plan. However, there is no evidence to suggest that these forums included direct consultations on the drafting of the action plan. Due to the lack of detail in the action plan, the self-assessment report, and the personal interviews with civil servants, the researcher has found little evidence that there has been an active and inclusive two-way consultation process in the development of the OGP national action plan.

The government claims that stakeholder input and opinions from an April 2014 consultation on the drafting of the "Government 3.0 Action Plan" were later adapted to the second OGP national action plan.[5]

MOI has tied a number of pre-existing open data forums into the drafting and implementation of its action plan, although their frequency, and the process for selecting and inviting stakeholders, is not entirely clear. In particular, MOGAHA hosted a forum in April 2014 to share the Government 3.0 plan and to collect opinions on the plan from CSOs. It is also not clear how or if the government included stakeholder opinion from this forum in the development of OGP commitments. While mentioning this consultation briefly in the OGP national action plan, the government has not made public any other notable details of the event.

Various nongovernmental news websites in Korea reference other National Open Data Forum meetings, but not the forum meetings mentioned in the second OGP national action plan.

From October 2013 to December 2013, MOI commissioned a consultative group of five academics to conduct a study on developing a model to improve public-private sector relations, which is listed as a consultation informing the development of the OGP national action plan. How this informed the action plan is not made clear. However, this consultation existed long before the formation of the new OGP national action plan, and as it was an invitation-only study it would not qualify as an open consultation in line with OGP values. Furthermore, the study and the names of the academics were not published online. Findings are included in various OGP commitments throughout the second national action plan, referencing the role of public-private sector research partnerships in the formation of policy; however, this qualifies as research and not public consultation.

In February 2014, the government held a discussion with an unstated number of stakeholders, though the OGP national action plan specifically names the Open Information Center for Transparent Society and the Wirye Citizens' Union as two groups that were consulted. It was unclear if this event was invitation only. The discussion focused on improving the release of unrequested information, a key part of the Government 3.0 plan, and ideas on a system for monitoring the process of information disclosure. In an interview with the assistant researcher, both organizations said that because there were dozens of related meetings they were unfamiliar with this specific meeting and were not able to locate further documentation concerning these meetings.

Since March 2014, government agencies that are associated with sixteen strategic areas for sharing data have each run separate data-sharing task forces that collected opinions from private companies and associations, although it is unclear how these task forces and the participating CSOs were selected.

Early in the research process, the IRM flagged a section in the second OGP national action plan that would suggest MOI is, to some extent, consulting the usual suspects—organizations with long-standing business and government ties—rather than including a diverse array of voices. The section in question stated that it had developed a "customized service manual" throughout a two-month partnership with the Korean Management Association (KMA). (The KMA is a non-profit, business-management training association connected to several major member companies. Its chairman is a former minister of energy). This does not qualify as stakeholder "consulting" but rather as consulting services. The KMA is involved in executive training that raises management capacities in companies, and the manual produced by the KMA was included in the Government 3.0 Action Plan

revealed in April. MOI did not state the purpose and contents of this manual in the second OGP national action plan.

The rationale behind consulting the KMA before presenting the manual to all the other CSOs in April is not entirely clear, and this is just one example of a consultation that cannot be considered inclusive of the national community. A common concern in South Korea, frequently discussed by lawmakers and CSOs, is the close relationship between large, wealthy conglomerates (and their representative associations) and the government.[6]

[1] *International Association for Public Participation*, "IAP2 Spectrum of Political Participation." http://bit.ly/1kMmlYC.
[2] Open Data Korea Forum. http://www.opendatakoreaforum.kr/index.php?module=Board&action=SiteBoard&iBrdNo=1&sMode=SELECT_FORM
[3] Key stakeholders who said either they did not believe their opinions had been included or who noted difficulty in ascertaining the level of stakeholder involvement in commitments, included OpenNet Korea, Transparency International Korea, IndiLab, CodeNamu/Code for Seoul (two related organizations). Wirye Citizen's Union and the Open Information Center for a Transparent Society (in Korean, OpenGirok) were two organizations that could not recall the specific discussions that the government cited them as having joined in February 2014 during the formation of the national action plan. This was simply because these groups attend many stakeholder and government-related meetings.
[4] Ministry of Security and Public Administration and National Information Agency, "Seoul, Korea: International Open Data Workshop" (2014).
[5] International Open Data Workshop, Ministry of Security and Public Administration and National Information Agency. www2014.kr/program/intl-open-data-workshop, accessed 3 September 2014. Researcher's note: This appears to be the workshop that the national action plan says was used to assemble the Government 3.0 action plan. Because this was not covered further in the self-assessment, the researcher could not ascertain this for certain. Furthermore, the agenda lists a number of international and Korean speakers and does not show much evidence that stakeholder opinions were taken into account in a two-way manner.
[6] TY Kong, *The Politics of Economic Reform in South Korea: A Fragile Miracle* (London: Routledge. 2013).

III. Process: Action Plan Implementation

Similar to the first action plan cycle, there was no regular multi-stakeholder consultation during the second national action plan cycle (2014 – 2016). Although Ministry of the Interior (MOI) seems to have improved engagement on open data-related commitments by privately consulting academic experts and businesses, it did not engage civil society in the implementation of OGP commitments. CSOs remain at the periphery of the OGP process.

According to the government, during the implementation of open data commitments the government engaged with a select number of stakeholders in a pre-existing group called the Grand Open Data Forum and a number of other invite-only and public meetings. However, there is no evidence that the participants discussed the progress of implementing OGP commitments that go beyond open data. Even for the forums organized on open data, key stakeholders such as CodeNamu and Transparency International Korea called into question the meaningfulness of the forums, believing that they were not actually consulted but were mostly on the receiving end of lectures, speeches, and "finished products".

For nearly the entire research period, the government did not publish a self-assessment report for the second national action plan, making it difficult to judge the contents and value of these meetings in implementation. On 1 October 2015, the government sent a self-assessment report to the IRM researcher. This report assisted in measuring the implementation of some commitments but shed little light on others. The OGP IRM support unit sent a further request for additional information concerning commitment implementation to the government contact on the 1st of December 2015, and the contact responded with this information on the 7th of December 2015.

Given South Korea's global leadership role in open data and e-government, the continued lack of meaningful participation in the IRM process is perplexing, especially when considering the lengths that the Korea IRM team went to keep the government informed of due process during the implementation and research periods. Efforts included a Korean-language IRM newsletter; the translation and circulation (in response to low government OGP promotion) of an unofficial Korean-language national action plan summary for stakeholders; regular commentary and media outreach; guidance on the IRM process; attempts to schedule meetings concerning OGP commitments; and an invitation extended to the government to attend the first stakeholder forum on 23 September 2015. After the IRM's numerous and failed efforts to engage the government, a MOI point of contact attended a webinar forum on 25 September 2015.

The MOI point of contact was unfamiliar with OGP, which has been a reoccurring challenge. A general lack of government recognition of OGP procedures hindered progress during the first and second cycles. OGP points of contact were shuffled in and out of the MOI liaison role, and upon starting they were repeatedly unsure of what OGP was and how to proceed. In September 2015, shortly before the IRM draft deadline, MOI's designated contact stated that she was not the correct liaison in the IRM process.

IV. Analysis of Action Plan Contents

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

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core, open government values:

Access to Information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;

- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;

- May include information disclosures in open data and the systems that underpin the public disclosure of data;

- May cover both proactive and/or reactive releases of information;

- May cover both making data more available and/or improving the technological readability of information;

- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);

- Must provide open access to information (it should not be privileged or internal only to government);

- Should promote transparency of government decision making and carrying out of basic functions;

- May seek to lower cost of obtaining information; and

- Should strive to meet the 5 Star for Open Data design (http://5stardata.info/).

Civic Participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (http://bit.ly/1kMmlYC).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;

- Can include elements of access to information to ensure meaningful input of interested members of the public; and

- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision-making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;

- Reforms on association, including trade union laws or NGO laws; and

- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as "access to information");

- Commitments on decentralization that do not specify the mechanisms for enhanced public participation; and

- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

Commitments that may be marked of "unclear relevance" also include those mechanisms where participation is limited to government-selected organizations.

Public Accountability

Commitments improving accountability can include:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of "Open Government," to be counted as "clearly relevant," such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and may meet an OGP grand challenge, they do not, as articulated, meet the test of "clear relevance" due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public-facing element such as:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);

- Citizen audits of performance; and

- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;
- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;
- Improving public scrutiny of justice mechanisms; and
- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change would **not** qualify as an accountability commitment. See http://bit.ly/1oWPXdl for further information.

Technology and Innovation for Openness and Accountability

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration;
- Making more information public in ways that enable people to both understand what their governments do and to influence decisions; and
- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;
- May commit to supporting the ability of governments and citizens to use technology for openness and accountability; and
- May support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Key Variables

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

All of the indicators and methods used in the IRM research can be found in the IRM Procedures Manual, available at (http://www.opengovpartnership.org/about/about-irm). One measure deserves further explanation due to its particular interest for readers and usefulness for encouraging a race to the top between OGP participating countries: the "starred commitment". Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.

2. 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.

3. The commitment would have a "transformative" potential impact if completely implemented.

4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, South Korea's action plan contained no starred commitments.

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments.

Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, South Korea's action plan would have received one starred commitment:
• Commitment 3.E. - Encourage the Private Sector to Utilize Public Data

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

General Overview of the Commitments

The national action plan is largely built on the Park administration's campaign of Government 3.0, a series of technological endeavors unveiled in June 2013 to improve transparency, accountability, and public participation. Government 3.0 pledged the release of more government data for entrepreneurial use. In October 2013, the government implemented the Open Data Act, the legislative vehicle for enacting Government 3.0.

As such, three out of the five commitments in the OGP national action plan emphasize the use of open data, e-government, or other online services to strengthen public-private collaboration and enhance information disclosure. During the second national action plan cycle, the government made progress by setting more concrete commitments in the areas of information disclosure and open data.

The other two commitments—1b (Providing Customized Services) and 2d (Strengthen Public Service Ethics)—address a number of public concerns in public participation and anti-corruption. In 1b, the government appears to be attempting to set up a better public-private consultation system for selecting and establishing new programs to address a

number of social welfare problems raised by the public, such as elderly poverty, a high suicide rate, alcohol abuse, a lack of workplace daycare for female workers, etc. Commitment 2d addresses widespread and ongoing public concern over opaque government-business ties.

The researcher derived milestones for each of these commitments by identifying portions that lay out goals for implementation and, where stated, methods for achieving them. The researcher derived four milestones from 1a, three from 1b, three from 2c, four for 2d, and four for 3e. Commitments are analyzed in terms of their milestones.

Theme 1. Improving Public Services

1.a. Strengthening Public-Private Collaboration

Commitment Text:

Various channels, both online and off-line, are planned to be used to communicate with a wide range of stakeholders and tap into the collective intelligence. Offline channels include expert group meetings and citizens' jury; online channels include social networking services, web discussions on policies, and mobile applications. In addition, the Korean government will present exemplary cases of the private-public collaboration to government agencies at different levels, and continue to provide an online discussion platform on the e-People websites of local governments throughout the country in earnest until 2015. Given that the private-public collaboration is not the result of policy-making but part of policy-making process that engages public participation, the Korean government will focus on engaging a wider range of stakeholders in discussions and sharing best practices with various government agencies rather than setting out quantitative targets. In pursuing such a policy, the government will arrange a schedule for online debates for major projects, and any citizen or civic group is encouraged to participate in those online policy debates.

Editorial Note: Four milestones were derived from this commitment:

1. To improve public-private communication, the government will establish "offline channels" that include separate consultations for experts and regular citizens and "online channels" that make use of social networking services, web discussions on policies, and mobile applications;
2. Present strong examples of public-private collaboration to various government agencies;
3. Continue to provide an online discussion platform on the "e-People" websites of local governments until 2015; and
4. Schedule online discussions of major government projects, encouraging any individual or CSO to participate without an invitation.

Responsible Institution: None specified

Supporting Institution(s): None specified

Start Date: Not specified   End Date: Not specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1.a. Overall		✔			✔	✔		✔		✔				✔		
1.a.1. Establish channels of consultation		✔				✔				✔				✔		
1.a.2. Examples of public-private collaboration	✔					Unclear			✔					✔		
1.a.3. Online discussion platform		✔				✔		✔		✔				✔		
1.a.4. Online discussions of state projects		✔			✔	✔		✔		✔				✔		

This commitment sets out measures to strengthen citizen participation in debates concerning the government's major projects. This includes establishing channels of consultation by utilizing various existing platforms such as the e–People website as well as offline expert consultation meetings.

South Korea has long provided exemplary e-government services to its citizens (as well as to non-Korean speaking non-citizens) through its e-People website. This commitment, therefore, attempts to build on past successes and expand the scope of what is already being done, although not significantly.

Most stakeholders interviewed question whether the government heeds their concerns. The relevance of these existing fora to the intended purpose of this commitment is also unclear. There is also no evidence showing that online platforms, such as e-People, have been utilized for public consultations in the period under review. The lack of evidence concerning commitment completion is compounded by vague wording, making it difficult to measure progress against a baseline and resulting in a "limited" overall completion level for the commitment.

The government has made limited progress on milestone 1. The IRM researcher has been unable to verify, through interviews with the government or with CSOs, whether the government has completed establishing channels of consultation. However, the government instituted a number of forums for e-government, developed the e-People policy, put on the National Open Data Forum, and established and expanded websites, such as data.go.kr, which together give the impression that this is an existing and well-established focus area.

The second milestone was vaguely formulated. According to the self-assessment report, the Ministry of Science, IT, and Future Planning, the Presidential Committee for National Cohesion, and the National Police Agency received opinions gathered through policy discussions. Nevertheless, a number of challenges remain in the milestone, which went unaddressed by the government during the follow-up to the self-assessment. It is unclear how and when the government presented strong examples of public-private collaboration to its agencies, how the government selected these examples, their purpose, and whether these examples were internal or made available to the public. (Web searches did not reveal this, and stakeholders were unfamiliar with these examples.) On this basis the completion level for this milestone has been coded as limited.

It was similarly difficult to ascertain completion levels for milestones 3 and 4 given the lack of clear benchmarks and the vagueness of the commitment's language. The self-assessment notes progress particularly in the relevant areas of policy discussions and the expansion of the e-People online platform. As of 2014, the self-assessment notes, policy discussions on the e-People platform had successfully integrated the platforms of 199 separate government agencies. The government also notes that it has communicated with citizens on 2,869 policy issues through "electronic hearings, policy forums, and surveys," although the extent to which these communications have informed the implementation of commitments is still unclear. Discussions included "regulatory reform in the internet sector (April 2015)," "Countermeasures for single households (June 2015)," "Solving inconveniences related to traffic accidents (September 2015)," and "Establishing future visions for Korea (October 2015)."
Although the MOI did not present these consultation processes as part of a major government project, the researcher understands them to fall under this milestone.

The government has reported to have engaged with citizens through its e-People website. However, the most recent data available on the usage of e-People is from 2012, and it is not clear how many people have used this website during the period under review.[1] The IRM researcher was however unable to verify completion levels for these milestones despite repeated requests to the government for further information, including a request sent by the OGP IRM support unit on the 1st of December, resulting in a limited completion level.

Did it matter?

The commitment did not significantly stretch government practice. It was difficult to measure implementation and the likely impact given the lack of clear benchmarks. Even if implementation were a success, any advances would result in only a minor impact for the relevant policy area. The researcher checked the e-People website at intervals of two weeks to a month but could not fully gauge what changes occurred without additional context, such as updating, which resulted in coding three out of four milestones as having a minor impact.

Milestone 2, which pledges to present "exemplary cases" of public-private collaboration to government ministries, is not clearly connected to OGP values and is essentially a matter of internal communications. It therefore does not stretch the government beyond previous practice. Furthermore, the wording of this milestone is different from how it is presented in the self-assessment, which frames it as presenting opinions gathered from online discussions to government agencies rather than presenting strong examples of "public-private collaboration" to government agencies.

Milestone 3, which covers e-People.go.kr, continues to provide an online platform for citizens to petition and file complaints, and stakeholders in both the first and second OGP membership cycles almost always praised its high quality and efficient design. However, stakeholders, such as Park Kyung-sin and Park Ji-won of OpenNet and Lee Sang-hak of Transparency International Korea, question the extent of the dialogue. Lee, a policy expert, stated that the government sometimes passes around online complaints and e-People petitions between various offices, many of which are reluctant to take responsibility. Park Kyung-sin, director at Open Net, stated that complaints at Minwon often go unresolved. Most other stakeholders at the first forum reaffirmed this sentiment, noting a sense of disorganization when dealing with the civil service via online platforms.

Much of the challenge in this commitment is the fact that the South Korean government already runs a number of award-winning e-government websites long predating the OGP action plan, such as e-People and Minwon24. These online services have already engaged in activities described in the commitment, so it is difficult to measure how implementation has built on past successes and offered something new. The government appears to have done little to promote the new groundbreaking online platforms that are described in this commitment, instead relying on what has already been done.

Moving forward

The IRM researcher and stakeholders have three recommendations for the next national action plan:

1. In consultation with stakeholders, the commitment should include a dialogue framework or mechanism to ensure the meaningful and timely development and implementation of the specific milestones and commitments.

2. Building on previous successes in e-government, the IRM recommends the expansion of these efforts in a way that stretches previous practice, such as laying down a series of benchmarks for achieving more petition resolutions each year and for improving communications among government bodies to provide feedback to citizen proposals.

Stakeholders, in particular, suggest that MOI streamlines its process of locating and delegating responsibility for online and offline petitions and then resolves them in a timely manner. The researcher agrees that the government can write this commitment in a number of ways, including setting up an oversight mechanism to monitor the percentage of petitions resolved within a specific time frame.

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[1] Ministry of Security and Public Administration, "e-People: Operational Outcomes." http://www.epeople.go.kr/jsp/user/on/eng/intro05.jsp, accessed 2 September 2014.

1.b. Providing Customized Services

Commitment Text:

In order to provide customized services that address different public needs, the Korean government has divided public services with a high demand into four groups: general services (public safety, etc.), target group-specific services (for mothers/newborn babies, elementary/secondary school students, college students/job seekers, and the elderly), services for vulnerable groups (people with disabilities, rural residents, and other underprivileged people), and business-specific services (for small businesses, SMEs, and other general businesses). In 2014, the Korean government will select 50 flagship service projects for the central and local governments based on private-sector expert groups' opinions and promote them in earnest. In doing so, in order to ensure transparency and accountability through public participation, an advisory committee, a national survey, and the private-public task force for public service design will help make sure that hose selected service projects are in line with the public's demand. In 2015, those flagship projects will be adjusted and further developed to address the public needs. Also, by holding multiple consultations and workshops intended for civil communities and citizens, the Korean government will reach out to people in need, and will come up with new public services that they need.

Editorial Note: Three milestones were derived from this commitment

1. By 2014, select and promote 50 flagship service projects for the central government and local governments based a consultation with "private-sector experts' groups."
2. By 2015, develop these flagship projects in line with public needs.
3. The Korean government will come up with new public services by holding multiple consultations and workshops.

Responsible Institution: None specified

Supporting institution(s): None specified

Start date: Not specified   End date: Not specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1.b. Overall		✔				✔				✔				✔		
1.b.1. Select and promote fifty flagship projects			✔			✔				✔				✔		
1.b.2. Develop flagship projects		✔				✔				✔			✔			
1.b.3. New public services		✔				✔				✔				✔		

This commitment seeks to develop and expand public services by selecting fifty flagship projects. The government will further develop and tailor these flagship projects to be in line with public needs based on information gathered from public consultation.

According to the action plan, the government already runs a large number of public services, which can be divided into four groups: general services like public safety; target group services aimed at new mothers, students, job seekers, and the elderly; services for vulnerable groups such as people with disabilities, rural residents, and underprivileged people; and business-specific services for small businesses, small and medium enterprises, and large businesses.

The progress on this commitment is limited. During the OGP membership cycle, the government selected its first twenty out of fifty planned flagship projects and published these online (milestone 1).[1] Once all fifty projects are selected, progress can possibly be labeled more substantial. The government point of contact in December 2015 stated that the information concerning the selection of the twenty flagship projects was distributed to organizations as well as posted for downloading on a government website.[2] The point of contact did not specify the names and work areas of these organizations. It is also unclear how the government used the opinions of its consultative groups in selecting flagship service projects.[3]

Milestone 2 is marked as not started, as there is no evidence available that the government has adjusted and further developed the selected projects to address the public needs.

The completion for milestone 3 on new public services has also been coded as limited. The National Action Plan briefly mentions setting up special services for public needs, but the self-assessment does not shed light on the overall status of implementation. The report mentions one example of a new public service, a new "safe-inheritance one-stop service," which allows inheritors to register the death of the deceased and identify assets and properties at district offices where the records of their ancestors are registered. The information on local taxes owed and assets, such as real estate, can be obtained immediately. In addition, the Ministry of the Interior (MOI) stated that yet unspecified services selected as part of this commitment were related to "finance, law and business consulting."

Additional searches of MOI's online bulletin board, Google, and Naver (in Korean) revealed no public plans or meeting minutes of public-private collaboration for 2014, although there were a number of government announcements, pamphlets, and general informational documents about its open data-related projects.

Did it matter?

The commitment is essentially an expansion of existing government services and has been evaluated as having a minor impact.

Although the commitment stated that government would consult with the public, this did not take place in the period under review. Instead, the government consulted with two of South Korea's most prominent private companies: the web portals Naver and Daum. The researcher believes this to be an example of working with the "usual suspects" in a bilateral manner rather than including a diversity of voices from the national community.

As an OECD country, South Korea has long maintained a strong set of customized public services, such as assistance for people with disabilities, the elderly, welfare recipients, and

other marginalized groups. Stakeholders noted that these customized services for people with disabilities, rural residents, and others are good in quality but questioned their relevance to OGP values.

Most stakeholders reiterated their belief that public-private sector consultations are not particularly inclusive and that they have not been consulted in an inclusive manner, which makes it difficult to tell whether the government and CSOs are truly cooperating. Some simply do not believe public opinions are being included in implementation at all.[4] At the first OGP stakeholder meeting, Lee Sang-hak, the senior policy expert at Transparency International Korea, said that while public services are excellent he believes that the government is not sufficiently involving outside stakeholders in the drafting and development of those services. Kim Bo-ram, a local organizer at Open Knowledge and LiST Inc., believed that public service delivery is not particularly strong from an "open government" framework, as benchmarked on a standard definition of open data that he cited: "Open data and content can be freely used, modified, and shared by anyone for any purpose." Im Young-jae, an activist at Codenamu/Code for Seoul, added that the government is right to focus on key targets, but its efforts are not sustained because it tries to complete them unilaterally largely without the help of outside actors.

Stakeholders, such as Park Kyung-sin and Park Ji-hwan of OpenNet and Lee Sang-hak of Transparency International Korea, believed this commitment would be far more useful and pertinent if it pledged to improve transparency and reveal more about public-private collaborations. Stakeholders would generally like to be better informed. This would include explaining how the government selects members for consultation, who they are (and whether they are the "usual suspects"), what was discussed in the meetings, how various opinions were included, and whether these meetings were open to the public. Such details should be easily locatable online and searchable through Google as well as South Korean search portals Naver and Daum.

Some degree of innovation was possible in the government's proposed establishment of an advisory committee, a national survey, and the public-private task force for public service design. If the government followed through with these pledges in an open and transparent manner, it would suggest that the development is not the result of unilateral action that stakeholders currently believe has taken place.

Moving forward

This commitment is a good starting point to advance public services, but future success will require connecting the need for public services with the broader values of OGP and, in particular, civic participation. The researcher recommends that MOI:

1. Lay out a more detailed OGP commitment concerning how open government mechanisms such as public opinion surveys and expert meetings can be used to improve existing services and initiate new public service offerings;
2. Offer more measurable benchmarks in each milestone; and
3. Publish and keep a detailed archive of public-private consultations that may impact public service delivery.

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[1] Ministry of Interior, "국민행복시대를 열어가는 맞춤형서비스 2014" (17 November 2014). http://www.gov30.go.kr/gov30/cop/bbs/selectBoardArticle.do?bbsId=BBSMSTR_000000000054&mId=2&dId=1&nttId=4802, accessed December 7, 2015.

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[2]Ministry of Interior, "국민행복시대를 열어가는 맞춤형서비스 2014,를 y of Interior" (2014).
http://www.gov30.go.kr/gov30/cop/bbs/selectBoardArticle.do?bbsId=BBSMSTR_000000000054&mId=2&dId=1&nttId=4802, accessed December 7, 2015.
[3] Ministry of Foreign Affairs, email correspondence, 7 December 2015.
[4] This was a topic of general agreement among stakeholders at the first forum on 23 September 2015.

Theme 2. Improving Civil Service Integrity

2.c. Enhancing Information Disclosure

Commitment Text:

Since late March in 2014, any government documents signed by director generals or higher have been disclosed no matter whether they are requested to be disclosed or not. Those documents are uploaded on information disclosure portal (open.go.kr). However, in accordance with the Public Information Act, documents that contain private information (8 items) must not be disclosed. At the end of May, about 80,000 original documents were disclosed, and the range of documents to be disclosed will be expanded from 2015. To be specific, even those documents signed by directors will be disclosed, which will result in 10 million documents to be disclosed annually.

In order to make sure the shared information met the demands of civil society, the Ministry of Security and Public Administration (MOSPA) will form a citizen watch group that oversees the process of information disclosure by the end of June 2014, and the watch group is composed of civil society members, experts, and other ordinary citizens. The watch group members were selected through an online contest among those who were interested in disclosure of information, and those who had most actively requested for disclosure of information became the members of the group. This group will be responsible for reviewing how disclosure of information is conducted in the central government agencies as well as local governments and monitoring the performance of each agency by requesting disclosure of information themselves.

Another goal to be met in 2014 is to improve the quality of disclosed information. To do so, the Korean government will announce in advance the list of to-be-disclosed information categorized under ten specific areas of high interest (health, welfare, food safety, child-rearing, finance, education, consumer protection, leisure, job, and housing).
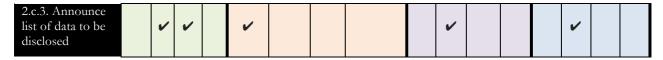
Editorial Note: Three milestones were derived from this commitment

1. Expand the number of disclosed documents in 2015 to 10 million documents disclosed annually.
2. A citizens' watch group, decided through an online contest, will oversee information disclosure.
3. Improve the quality of disclosed information by 2014 after announcing a list of data to be disclosed under ten "areas of high interest."

Responsible Institution: None specified

Supporting institution(s): None specified

Start date: Not specified   End date: Not specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2.c. Overall			✔		✔	✔	✔				✔			✔		
2.c.1. Expand the number of disclosed documents			✔		✔						✔			✔		
2.c.2. Form a citizen watch group		✔			✔	✔	✔			✔				✔		

| 2.c.3. Announce list of data to be disclosed | | ✔ | ✔ | | ✔ | | | | | ✔ | | | | ✔ | |

What happened?

This commitment aims to enhance information disclosure by expanding the number of annually disclosed documents (milestone 1), creating a citizen watch group for oversight of information disclosure (milestone 2), and improve the quality of information disclosure (milestone 3).

After announcing the Government 3.0 policy in June 2013 and passing the Open Data Act in October 2013, the government has taken a number of steps to improve information disclosure. In its public-data road map (not listed in the action plan), the government plans to release 60% of source documents by 2017, increasing from the projected number of 36% in 2014. It has a goal of releasing 100 million total documents, although it is not entirely clear when the government intends to reach this benchmark.[1]

Due to the lack of publicly available information on the amount of data released in the period under review, the overall completion rate for this commitment is limited.

Progress on milestone 1, which expands the amount of released data, is limited. In December 2015, the MOI point of contact confirmed that close to 5.5 million items have been released, pointing to the metrics displayed on the home page of open.go.kr, the official Government 3.0 website. Stakeholder interviews with OpenNet and Transparency International Korea as well as discussions at the first stakeholder forum suggest the government is making substantial progress when it comes to numbers. However, while the government insists that is on track to meet the goal of 10 million disclosures annually by 2015, stakeholders such as OpenNet pointed out that the numbers are misleading. The government releases local and provincial datasets separately from national datasets, but those datasets have similar content to national datasets, allowing the government to essentially count the same dataset more than once. (This concern is also covered in commitment 3e.).

Milestone 2 has also demonstrated little progress. According to the government, fifty citizens were chosen to be part of the citizen watch group, which commenced in March 2015. It is not clear how the government selected the citizens and how this group exercises oversight on information disclosure. According to the government, the watch group's opinions are noted on a closed bulletin board that is only accessible to watch group members. The MOI website and Korean government's search engine contains no information on the watch group or its activities. The government will not say how often this group meets, the extent of its power and mandate, and how it comes to key decisions. Furthermore, throughout the research period, the IRM researcher was unable to locate this watch group, although a similar MOI-established citizen watch group that monitors government tax spending was noted.[2] Given the implicit secrecy of a group intended to improve public oversight, completion for this milestone has been evaluated as limited.

For milestone 3, the IRM researcher could not locate information in Korean or English on the list of "to-be-disclosed information" under ten planned areas, resulting in limited completion. Although the government had set a milestone deadline for the end of 2014, it is also unclear what issues the ten areas are to cover, how and when MOI intends to make the announcement of to-be-disclosed information, and how it will choose to release information. The government self-assessment does not shed much light on this, although it

states that progress has been made: "All central and local governments were required to open government-owned data by the end of March 2015, and total number of 116 public entities (e.g. state-run committees, state-invested institutions) will be required to disclose information until March 2016." OpenNet and Transparency International Korea agreed that the quality of information has increased to a great extent.

Did it matter?

Despite promising a vast opening of government documents, this commitment lacks clarity on what data the government will release, resulting in a moderate impact.

The commitment is nevertheless ambitious because it sets out to significantly improve information disclosure. Such a pledge is fundamentally innovative and has the potential to shift previous practice. Particularly welcome is the Park administration's decision to switch disclosure on non-sensitive information to the default status rather than passively wait for Freedom of Information (FOI) requests before releasing new documents.

Stakeholders had mixed feelings about this commitment. They believed that while the government is making progress, it has so far not lived up to all of its promises. Rather, most agreed, various ministries have simply not been disclosing information of actual "high interest" issues—as promised in the action plan—but are releasing a surfeit of trivial and miscellaneous datasets with little bearing to the needs of CSOs and businesses.

Park Kyung-sin, head of Open Net Korea, said that problems remain with the freedom of information law, such as allowing local governments to classify documents without many specific guidelines. Once they are classified, there are few legal mechanisms for challenging the decision. Anna Ji-eun Jeon, Founder and CEO of Indi Lab, gave a specific example; her recent FOI request for basic information on international development aid was rejected because it was classified as a diplomatic secret.[3] This information is typically available to the public in OECD countries.

During the OGP stakeholder forum discussion on this commitment, the IRM researcher asked if any CSO had been included during the research period in the government's efforts to improve FOI and declassification procedures for this commitment. Kim Bo-ram, local organizer at Open Knowledge, responded that he has been invited on multiple occasions to Government 3.0-related forums and conferences but never specifically to help address or consult on OGP commitments. Nearly all other stakeholders echoed the sentiment that the government—while making efforts to invite them and speak with them at conferences—did not actually consult them or include their voices in the implementation of this commitment.[4] While the government interacted with a large number of other stakeholders, the IRM researcher could not locate significant evidence through desk research, interviews, the self-assessment, and follow-up correspondence with the government that two-way consultations were the norm for this commitment.

Moving forward

The IRM researcher has a number of suggestions to improve implementation for the next action plan:

1. To develop, in consultation with CSOs and businesses, a set of "high interest areas" that are core to the needs of CSOs and businesses.
2. Follow up with implementing bodies regularly to ensure basic FOI requests are being processed and responded to in a reasonable way.

3. Publish information concerning the selection and meeting contents of the citizen watch group.

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[1] Ministry of Security and Public Administration, "Supplementary Report: In Response to IRM Partner Researcher‚Äôs Progress Report of the Republic of Korea" (2014). Accessed August 2, 2014. **(Document is not available online and will need to be uploaded.)**

[2] Korea.net (official portal of the government of South Korea), article on citizens' tax watchdog, 14 September 2015. http://www.korea.kr/policy/economyView.do?newsId=148800656&call_from=naver_news, accessed September 23, 2015.

[3] First stakeholder forum, 23 September 2015.

[4] First stakeholder forum, 23 September 2015.

2.d. Strengthening Public Service Ethics

Commitment Text:

In order to discourage retired public officials from seeking lucrative positions outside the public sector, post-public employment will be more strictly inspected in 2014 with a target restriction rate of 9.7 percent. A detailed plan to strengthen the inspection is scheduled to be made available within the month of April 2014. The Korean government will hold regular advisory group meetings at least twice a year with retired officials, public administration professors, and experts to gain feedback constantly on the inspection process in place. The target restriction rate will be adjusted upward every year from 2015. Also, retired public officials will be provided with guidelines about post-public employment restrictions on the website for asset disclosure as soon as they sign in to declare their retirement status. In addition, from the second half of 2014, the result of inspections on post-public employment will be posted on the websites of government official ethics committees for the purpose of making the ethics committees more transparent and accountable and enhancing their reliability to citizens.

Editorial Note: Four milestones were derived from this commitment

1. Develop post-employment inspection plan and carry out inspections in 2014 and 2015
2. Hold advisory group meetings at least twice a year with retired officials, public administration professors, and experts to gather opinions on the inspection process.
3. Post online guidelines for retired public officials on asset disclosures upon declaring retirement status
4. Post finding of inspection findings on post-public employment on the websites of government ethics committees.

Responsible Institution: None specified

Supporting institution(s): None specified

Start date: Not specified　　　　　　　　　End date: Not specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2.d. Overall			✔		✔	✔	✔			✔			✔			
2.d.1.Develop plan and carry out inspections			✔				✔			✔			✔			
2.d.2. Hold advisory group meetings			✔			✔	✔			✔			✔			
2.d.3. Online guidelines on asset disclosures			✔		✔		✔			✔			✔			
2.d.4. Post ethics inspections online			✔		✔		✔			✔			✔			

What happened?

This commitment seeks to improve oversight of post-public employment for civil servants. It is an attempt to lower the possibility of corruption that can occur when civil servants leave government and obtain work in the same industries that they once oversaw, a process called the "revolving door." The issues of post-public employment, "revolving doors," and *nakhasan* ("parachute employment" a phenomenon for senior government officials about to retire or in the process of retiring) have long been a concern to stakeholders.

No verifiable evidence was available to determine the completion for any of the milestones, despite repeated requests by the IRM researcher, including the note sent by the OGP IRM support unit to the government. Desktop research and inspection of the relevant websites also did not reveal any information regarding implementation of post-employment restrictions (milestone 1). The researcher could not locate the meeting minutes or summaries of "advisory group meetings" (milestone 2). Relevant web searches did not reveal that any guidelines for asset disclosures of public officials had been posted (milestone 3). The IRM researcher could not find the specific "government ethics websites" that publish audit findings (milestone 4), and it is not clear whether that refers to the website of the National Anti-Corruption Commission or to a separate website.

Stakeholders did not have much to say about the implementation of this commitment's milestones. Kim Bo-ram, the local organizer at Open Knowledge, commented more broadly that progress is being made in anti-corruption but that the government sees the role of transparency as a way to improve the economy but not necessarily to improve public participation and engagement.

According to the self-assessment report, the government viewed this commitment as complete citing the revision of the Civil Servants Ethics Law, going into effect in April 2015. The revised law bars retired government officials from starting a new career in the private sector for three years in a field or industry that they worked with during the previous five years. The previous version of the bill prohibited the officials from seeking a job in the private sector for two years. However, the revision of the law was not outlined as a target of this commitment. Therefore, while relevant, the passage of the law has no bearing on the completion of this commitment.

Did it matter?

While tackling an important issue, the commitment has been evaluated as having a minor impact. It did not set out to significantly stretch government practice, and stakeholders generally did not see much new thinking in the area of anti-corruption from the previous cycle.

While the commitment is relevant, it reverts to a conventional approach that seeks more process-orientated interventions, such as auditing results, consultations, and post-public employment inspections, rather than tackling more pressing issues related to state-corporate collusion.

The issue of post-public employment was emphasized in the first IRM cycle in 2013 in interviews and at the two October 2013 stakeholder forums, following revelations of a high-profile nuclear power scandal in which corporate back-scratching led to equipment safety concerns. Corporate relationships with the government are strong in South Korea, with the top fifty conglomerates amounting to 94% of GDP.[1] With concentrated economic power comes immense political power, contributing to the perception among stakeholders that powerful business interests exert undue influence and flout the law with impunity.

Presidential pardons for convicted executives under the current and previous administrations, such as formerly imprisoned SK Group Chairman Chey Tae-won in August 2015 (his second pardon), have further fueled these concerns.

Nevertheless, a continuing pattern of pardoning *chaebol* leaders runs contrary to the values behind this commitment and to President Park Geun-hye's campaign pledge of "economic democratization," which included decreasing wealth gaps and curbing the political and economic power of the conglomerates. In August 2014, following difficulties implementing that vision, the president's office formed a second economic team that implemented a number of stimulus packages and sought to pressure corporations to act in a more democratic matter by taxing those who do not invest in job-creating projects.[2] However, given recent events, stakeholder perceptions of business-government relationships remain largely unchanged; the IRM researcher agrees that the general environment, characterized by a blurring of public and private sector lines, means that implementation of this commitment is an uphill battle.

Despite repeat promises, efforts to cut down on "revolving doors" and, more broadly, the problem of strong government-industrial complexes will prove difficult given their vast influence. For instance, a single conglomerate, the Samsung Group, reports revenues each year that amount to close to one-fifth of South Korea's GDP. Its chairman, Lee Kun-hee, is a two-time convicted criminal who has received presidential pardons in both instances without serving prison time.[3]

It can, however, be noted that this is one of few OGP commitments in South Korea that appears not to fall under the Government 3.0 project, which emphasizes open data for business and entrepreneurial use. A similar commitment in the first national action plan, "A Corruption-free Society," was criticized heavily by nearly all stakeholders interviewed from September to October 2013. They believed that it was merely paying lip service to a deep-seated and long-standing historical challenge.

Although not part of this commitment, interviewed CSOs welcome the passage of the anti-corruption law and revisions to the Public Service Ethics Act, both of which are potentially strong steps forward depending on implementation of the former when it goes into effect in October 2016. The law sets out legal provisions that in part aim to address civil service-related corruption.

Moving forward

The IRM researcher recommends that the government:

- Make results of post-employment inspections publicly accessible and easily searchable;
- Include stakeholder inputs in the implementation of the commitment by bringing them on board in the advisory group meetings; and
- Look for specific ways to use the anti-corruption bill to improve administrative anti-corruption procedures. For instance, consider pledging an end to presidential pardons of powerful, white-collar criminals except in exceptional circumstances, such as the surfacing of exculpatory evidence.

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[1] D. Kirk, "Putting a Stop to South Korea's Family Empires" (10 August 2015). http://www.wsj.com/articles/putting-a-stop-to-south-koreas-family-empires-1439229055, accessed 23 October 2015.
[2] N. Chandran,"Choinomics - Breakthrough for South Korea" (CNBC, 2014). http://wD.ww.cnbc.com/id/101881453#, accessed 2 September 2014.

[3] J. Kollewe, "Disgraced Billionaire Lee Kun-hee Returns to Lead Samsung" (The Guardian, 2010). http://www.theguardian.com/business/2010/mar/24/samsung-billionaire-lee-kunhee, accessed 2 September 2014.

Theme 3. Efficient Management of Public Resources

3.e. Encouraging the Private Sector to Utilize Public Data

Commitment Text:

"The Basic Plan for the Promotion of the Provision and Promotion of Public Data (2013 – 2017)" (Open Data Master Policy Plan) is the key policy plan for achieving OGP commitment and is an important component of Korea's Government 3.0 policy.

The key components of the Open Data Master Plan are opening up of public data and building open data ecosystem. Regarding opening up public data, the total of 12,654 types of data are planned to be disclosed in order to achieve the open rate of 60%, a significant increase compared to 2013, which recorded only 3,395 types of data disclosed and the open rate of 16.1%. Relevant milestones for opening up public data are also set with 7,653 types of data and the open rate of 36.3% for 2014, 10,016 types of data and the open rate of 47.7% for 2015, and 12,654 types of data and open rate of 60% for 2016. Regarding open data ecosystem, one-stop open data provision framework is to be deployed through open data portal. In addition, government-wide and public-private open data ecosystem support framework is to be implemented.

The main implementing agency is the MOSPA, and the lead ministry on open data, and also a supporting agency, is the National Information Society Agency (NIA), which also operates the national open data portal (data.go.kr)....

At the second Open Data Strategy Council held in April 2014 and composed of enterprises, civilian experts, etc., the "Execution Plan for the Provision and Promotion of Public Data" was passed. According to the plan, 504 types of key public data (identified through agency assessment and public feedback, notably via consultative/advisory bodies and user communities which most central and local government organizations have, with examples such as Open Data Partnership of the Gyeonggi Provincial Government and open data user community of the Ministry of Education), which are expected to have high demands and relatively a bigger impact on the society, will be selected and disclosed first. Not only that, a private-public consultative body whose members include the companies that use public data for their business will be operated in order to get feedback from the private sector and reflect their views on data sharing policies.

In this regard, the "Grand Open Forum for Public Data" was held in May 2014 along with about 40 experts from the private and public sectors. At the Forum, a private-public data-sharing task force team for each of the 16 strategic areas will be officially launched. The 16 task force teams are expected to act as communication channels between the government and civil society. The task force teams are headed by chief open data officers of government agencies involved who are responsible for releasing open data and nurturing companies that use open data in collaboration with the "Open Data Ecosystem Group." The task force teams are coordinated by the MOSPA, the lead ministry on open data, and they are expected to hold meetings periodically (e.g. bi-monthly) and conferences (at least once a year) in an effort to analyze demanded data from the private sector and to consider the private sector's opinions.

In addition, the Korean government will continue to work on evolving the best practices of the use of public data among private enterprises such as Naver (Naver Map), Daum (Daum Maps), SK Planet (security cameras, public transportation information, etc.), and Solideo Systems (building information) in a hope that more and more companies will utilze public data for their businesses.

Editorial Note: Four milestones were derived from this commitment. The text of the commitment was abridged for ease of reading. Please refer to the action plan for the full text of the commitment.

1. Disclose 12,654 types of data by 2016, achieving an "open rate" of 60%, with yearly milestones until then, achieving an "open data ecosystem" and "open data framework."
2. Disclose 504 types of public data identified through a public-private consultative body and public feedback and prioritize high-demand and high-impact information first.

3. Sixteen task force teams will act as communication channels between the government and civil society, holding regular meetings and conferences to gauge public-sector opinion on which information should be disclosed.
4. Expand best practices of the use of public data among private enterprises.

Responsible Institution: None specified

Supporting institution(s): None specified

Start date: Not specified   End date: Not specified

Commitment Overview	Specificity				OGP value relevance				Potential impact				Completion			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3.e. Overall			✔		✔	✔					✔				✔	
3.e.1. Increase data disclosures by 2016				✔	✔						✔				✔	
3.e.2. Identify public data priorities			✔		✔	✔					✔					✔
3.e.3. Consult task force teams on disclosures			✔		✔	✔				✔						✔
3.e.4. Expand best practices		✔			✔					✔					✔	

What happened?

The commitment falls directly under the government's pre-existing Government 3.0 vision, first introduced in June 2013 and codified into law in October 2013 through the Open Data Act. It aims to improve freedom of information, a pillar of the Government 3.0 plan.

Since late 2013, MOI has been implementing Government 3.0 through the release of the datasets in progressively larger numbers each year as specified in this commitment. It has also held forums and discussion with the private sector and CSOs, with an emphasis on locating disclosures that would be useful in business and technology. In the bigger picture, this contributes to the president's push to implement a vision called the "creative economy," moving South Korea away from its erstwhile manufacturing and hardware base and into high-tech, creative, information-based industries.

Milestone 1 has been evaluated as substantially completed. It calls for the release of 12,654 datasets by 2016, and according to the OGP point of contact as of the end of November 2015 a total of 15,894 datasets have been released.[1]

Though not laid out in much detail in the self-assessment, the second milestone has been completed when looking at the release of "key datasets," although the process of

implementing this commitment appears to have not been open to the public. In 2014, the government released 504 of what it calls "key datasets," which it refers to in the action plan as "data types." According to the government point of contact, individual agencies in "consultations with the private sector" determined the 504 "key datasets."[2]

However, it remains unclear—from the self-assessment and follow-up correspondence— the breadth and extent of the "consultations" pledged in milestone 2. As a result of the limited information provided, it has been difficult to determine how stakeholders were selected, how data priorities were identified, or whether consultations were open to the public. The government states "industry, academia, civil society, etc." as being included but does not mention regular citizens or how feedback was included. The government states that it conducted "user demand analysis based on feedback from industry" and from CRM (Customer Relationship Management) customers and website users. Through this, the government determined that sixteen categories of information disclosure were "strategic." These included transportation, land, weather, food/medicine, culture/tourism, disaster/safety, health/welfare, procurement, and patents.[3]

The third milestone has also been verified as completed. The sixteen task force teams, launched in May 2014 at the Open Data Korea Grand Forum, are each led by the relevant ministry in weather, transportation, land, food and medicine, agriculture and livestock, culture and tourism, disaster and safety, health and welfare, procurement, patent, maritime and fisheries, law and justice, science and technology, labor and employment, environment, and ICT. The government notes that these were launched at the forum with the participation of the "relevant ministries" and seventy-nine "open data companies." In July and August 2014, the task force teams held two "joint meetings," while each ministry held its separate series of meetings for its relevant task forces, according to the government point of contact. The government stated that the companies and independent experts were selected through a feedback system consisting of academia and civil society at the Open Data Korea Forum and Open Data Strategy Council, although the precise selection procedure for stakeholder selection and task team formation is not clear. [4]

The fourth milestone is vaguely formulated. However, the IRM researcher was able to ascertain that substantial progress has been achieved in the period under review. Although not in the self-assessment, the government delivered a website with examples of private-sector best practices in construction administration at http://open.eais.go.kr/ and one on fiscal data best practices at http://www.openfiscaldata.go.kr/. This is in addition to the Open Data portal, data.go.kr, which has thirty-nine examples of best practices as evidence of progress. The website lists a number of improvements mostly among private businesses— in health, technology, and the environment—that show open data being used effectively. In one example, a health-care provider used open data to make improvements in the delivery of vaccines.[5]

Did it matter?

The commitment has been evaluated as having a moderate impact. Although the Government 3.0's data disclosure plans, first released in summer 2013, are innovative, the commitment does not contain the necessary level of specificity concerning the nature of data to be released.

The IRM researcher and stakeholders agree that progress has been made and that the government should be commended for its enthusiasm and efforts. The data.go.kr website has an efficient, user-friendly interface, making it easy to locate and view files.[6] The number

of files is relatively large—more than 18,000 that can be downloaded and viewed in many file formats.

However, several limitations remain. OpenNet, Transparency International Korea, and CodeNamu have lingering concerns that the government is not always connecting this effort to broader principles of public accountability and civic participation.[7] Information disclosures can at times be arcane and not always valuable. The IRM researcher, for instance, has noted numerous data disclosures related to areas such as lists of food manufacturers, free parking lots, and areas to ride bicycles. While useful, this type of information is already widely available on smart phone software and through web searches and should not be an immediate priority.

One stakeholder, Lee Sang-hak of Transparency International Korea, believed that the government is inflating the actual amount of data made public by counting local and municipal datasets. For example, he mentioned that tobacco sale statistics of two adjacent towns were counted as two separate datasets, which clutters its searchability. [8]

Stakeholders were also unsure about the true extent of public consultation in the implementation of this commitment. They believed that MOHAGA's promises to consult regularly with civil society, private businesses, and academic experts had the potential to reverse a degree of public apathy toward Government 3.0, but a lack of regular two-way communication with a wide pool of stakeholders appears to have hindered this commitment's potential impact.[9]

While the commitment mattered when looking at data disclosure itself, stakeholders believed that the government was implementing these disclosures almost unilaterally, despite pledging to consult regularly with stakeholders. The government still appears to be treating the sixteen "task forces" as internal entities, as evidenced by the IRM researcher finding little information about the task forces available online. Stakeholders reiterated that they feel as if they are on the receiving end of finished products and do not have much of a say in such data disclosure programs. In this regard, the "public participation" component of the commitment was weak compared to the "data disclosure" component.

The commitment also did not address problems in the freedom of information law that potentially encouraged over-classification, such as vague provisions for declaring state secrets and a lack of appeal mechanisms against such decisions. FOI denials suggest that, during the research period, various ministries have not internalized overarching principles in this commitment concerning transparency and still treat many basic inquiries with an attitude of secrecy. In one instance, the Ministry of Land, Infrastructure, and Transport may have acted against open data and freedom of information laws when it declined to provide street signpost data to a private company designing navigation software. The firm in question told the *JoongAng* newspaper that locating and engaging with the Open Data Mediation Committee, the new government-run body for reviewing disclosure-related disputes, required significant time and effort. As of July 2014, the committee resolved only six FOI disputes, possibly signifying a low level of awareness of the freedom of information law's existence.[10] The IRM researcher could not find additional data, whether online or through repeated requests to government, that would show an improvement since then, and stakeholders believed that not much has changed.

Another stakeholder, Anna Jun Ji-eun, said that the government denied her FOI request for basic foreign aid data on the grounds that it was a diplomatic secret. Park Ji-hwan of Open Net Korea pointed out that administrative litigation for information disclosure requests are

intensive in time and resources. High-profile cases can take three to four years to get to the Supreme Court, by which time the value of the information is diluted.[11]

Overall, the IRM researcher and stakeholders believe this commitment has much untapped scope and potential to continue reversing the practices of secrecy by improving access to information and public accountability.

Moving forward

The IRM researcher recommends to:

- Include a milestone that would require a report publicly disclosing, in an accessible way, online and offline information on the number of "data types" disclosed each year, improvements from previous years, the details of how public consultations informed data disclosures, and whether the government is on track to meet its final goal in 2019;
- Include a milestone that would require a more open and transparent process in how information is disclosed to stakeholders. This would mean allowing stakeholders to be a proactive part of the disclosure process, such as through an open data appeals committee comprised of CSOs and stakeholders who have authority to critique, review, and/or change the government's FOI decisions in line with relevant laws;
- Include a milestone that would improve the FOI appeals process. While the government improved its appeals with the establishment of the Open Data Mediation Committee, this area is still lacking. For instance, the government could pledge that it will lessen the time allowed before an appeals decision to a maximum of one year, depending on the needs of stakeholders; and
- To avoid running the risk of measuring the successes of this commitment solely on the number of datasets released, there is a need for an integrated approach to data release at the national level, which includes releasing local datasets under a single unified dataset. This would contribute far more to the stated goal of improving the accessibility of public interest data, and would in addition offer a stronger method for measuring the completion and impact of this commitment.

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[1] Ministry of Interior, email correspondence, 7 December 2015.

[2] Ministry of Interior, email correspondence, 7 December 2015.

[3] Ministry of Interior, email correspondence, 7 December 2015.

[4] Ministry of Interior, email correspondence, 7 December 2015.

[5] Ministry of Interior, email correspondence, 7 December 2015.

[6] Files are accessible in a number of interactive and searchable formats, such as .xlsx, .csv, and .hwp. This is an improvement over the previous OGP cycle, in which the IRM researcher found many clunky, static PDF files that inhibited useability. Kyungsin Park, head of OpenNet, did not like the use of the .hwp format, an inconvenience because it requires a software download for people who do not use Hanword. He urged for the greater use of more common and accessible filetypes such as .doc that can be shared more easily. (However, .doc is not a machine-readable format.)

[7] First stakeholder forum, 23 September 2015.

[8] First stakeholder forum, 23 September 2015.

[9] First stakeholder forum, 23 September 2015.

[10] D.H. Lee and G.L. Moon, "Open Data Access a Work in Progress" (*JoongAng Daily*, 21 July 2014). http://koreajoongangdaily.joins.com/news/article/Article.aspx?aid=2992277,,accessed 2 September 2014.

[11] First stakeholder forum, 23 September 2015.

V. Process: Self-Assessment

The Ministry of Government Administration and Home Affairs delivered a self-assessment report during the research period but the report was not released to stakeholders and there was no public comment period.

Self-Assessment Checklist

Was the annual progress report published?	Yes
Was it done according to schedule? (Due 30 Sept. for most governments, 30 March for Cohort 1.)	No
Is the report available in the administrative language(s)?	No
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	No
Were any public comments received?	No
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of consultation efforts during action plan development?	Yes
Did the self-assessment report include review of consultation efforts during action plan implementation?	Yes
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	No
Did the report cover all of the commitments?	Yes
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	No
Did the report respond to the IRM key recommendations (2015+ only)?	Yes

Summary of Additional Information

The government did not release a self-assessment report according to schedule, nor did it engage in a two-week public comment period. However, after a long period of minimal interaction with the IRM researcher, on 25 September 2015 MOI informed the IRM assistant

researcher that it intended to deliver a self-assessment report. It was published on the OGP website on 30 September 2015. The report was e-mailed to the IRM researcher on 1 October 2015. However, as of October 2015, no self-assessment has been circulated in Korean to stakeholders or made easily accessible on an official government website.

The self-assessment report addressed some of the queries of the IRM researcher and stakeholders, such as setting out (though sometimes in vague language) progress made mostly in online data-related and anti-corruption commitments. For instance, the self-assessment revealed in its progress on commitment 1a, a number of public and online policy discussions in "regulatory reform in the internet sector (April 2015)," "Countermeasures for single households (June 2015)," "Solving inconveniences related to traffic accidents (September 2015)," and "Establishing future visions for Korea (October 2015)."

While the researcher notes that the government moved in a positive direction by making these discussions public, this did not reveal specific examples of the extent and inclusion of outside voices in the resulting policy-making process and, thus, did not allow measurement of whether implementation was in line with OGP values. (Nearly all stakeholders questioned at the first forum whether the government is truly including outside opinions gathered from discussions and conferences, pointing out that it has been incredibly difficult to document and measure public-private collaboration.)

Other self-measurements were less helpful in addressing whether the government had made a reasonable level of progress. For instance, in measuring completion of commitment 2c ("Broadening the Range of Information Disclosure"), MOI did not mention how close it was to attaining its goal of "6,150 items [data disclosures] by 2017 from the existing 2,260 items." Rather, it stated, without data, that during the research period it has "opened administrative information to the public in climate, transport, welfare, finance, and geography, all of which received a high number of disclosure requests from the private sector." In addition, it stated that it has "set up an online participation channel composed of ordinary citizens and experts in the decision-making process." Such a lack of verifiable evidence gives the IRM researcher and stakeholders little information with which to measure implementation.

Follow-up on Previous IRM Recommendations (2015 +)

During the first cycle, the IRM made several recommendations that would improve the ambition, relevance, and implementation of the second national action plan and the effectiveness of the second IRM research process. One of these recommendations was taken into account for the second national action plan focusing on anti-corruption efforts.

The degree to which this recommendation was followed, however, is questionable. The self-assessment noted that, in response to an IRM recommendation to include stronger measurements for restrictions on post-civil service employment, the Korean government included a commitment (4d, Strengthening Public Service Ethics) that it said would "toughen the ethics code of conduct for civil servants." While the IRM researcher commends the inclusion of this commitment, its benchmarks were still vague and difficult to measure (toughening inspection of post-public employment, providing a list of guidelines to retired civil servants), suggesting that the government has not entirely absorbed the importance of writing measurable commitments.

On pages 3 and 4, the self-assessment mentioned IRM recommendations—without specifying whether they were taken into account for the second national action plan—for

"disclosing a wider range of public information on government activities and enhancing public participation in the policy-making process" and differentiating between open government and e-government.

The government did not follow up on many core recommendations, such as the repeal of criminal provisions in the defamation law, vague provisions in the National Security Law that effectively ban communism, and provisions in the Communications Secrets Act that potentially criminalize legitimate whistleblowers who leak private and state communications. During the first OGP cycle, an opposition lawmaker in the National Assembly was writing a bill to decriminalize defamation, but it did not go far.

VI. Country Context

South Korea's success in advancing e-government has however not translated into tangible gains in open government. The first and second OGP action plans have failed to address an ongoing deterioration of public accountability and civic participation in government. Further signs of increasing state censorship and a diminishing space for freedom of speech are cited as additional areas of concern.

Country context

South Korea is a developed democracy with high levels of technological and human development, scoring well on most international assessments, such as the 2014 Economist Intelligence Unit Democracy Index (number 21 of 24 "full democracies").[1] It is one of few nations to encode the right to public participation in its administrative procedures. It further subjects administrative review to judicial scrutiny, serving as a firm check on the power of the civil service. Requirements such as these are laid out in a number of relevant laws, such as the Administrative Appeals Act[2] and the Civil Petition Treatment Act.[3]

This success owes in part to the efforts of a dedicated and active civil society over the past three decades. In 1987, the government, coming to terms with a growing wave of demonstrations, implemented a raft of political reforms and ended authoritarian rule, holding its first democratic elections in a remarkably stable political transition period. In a 1989 landmark ruling, the Constitutional Court ruled that access to information is a constitutional right, thereby setting legal precedent for the principle of transparency within government even though, in practice, this has taken some time to implement.[4]

The first stage of reform began in 1996, with South Korea becoming one of the first countries to pass a freedom of information law. The second stage came after the Asian Financial Crisis of 1997. Decades of undemocratic state-business collusion, an opaque and poor system of corporate governance, loose lending, and a regional economic shock all contributed to this debt crisis that roiled the South Korean economy. From 1998 to 2003, the progressive administration of President Kim Dae-jung pledged to clean up the system, prioritizing initiatives in transparency and public participation. Many of the e-government services unveiled under his tenure laid the foundation for South Korea's leadership role in open data and e-government.

The first and second national action plans were still based in large part on these innovative but pre-existing projects. Many of the new commitments were codified in President Park Geun-hye's Government 3.0 initiative announced in June 2013, which pledges a significantly larger number of data disclosures and a new system of Freedom of Information (FOI) requests in the years to come.[5]

For all of South Korea's success, the first and second national action plans failed to address an ongoing deterioration of accountability, transparency, free speech, and public participation under the current and previous administrations. Although South Korea has the OECD's seventh largest broadband penetration rate[6]—ranking eight out of eighty-six countries on Global Integrity's World Wide Web Index, which measures the social and economic impacts of web access[7]—Internet censorship remains an area of concern. Targets for censorship include websites deemed pro-North Korean, pornographic, or encouraging gambling or other illegal activities. In 2014, the Korea Communications Standards Commission (KCSC), an official body responsible for monitoring online content, requested

that a total of 132,884 websites be censored, a 27.3% increase over 2013. The results were that 24,581 websites were deleted, another 97,095 were blocked, and 10,031 were shut down.[8]

In 2011, Freedom House downgraded South Korea's media- and Internet-freedom ranking from "free" to "partially free," and the country has failed to recover from this position.[9] In 2013, the United Nations special rapporteur on the situation of human rights defenders, Margaret Sekaggya, warned that "certain laws and practices," such as "the existence of defamation as a criminal offence, and the use of vague and broad provisions in the National Security Act and laws regulating internet content," do not meet international standards in freedom of expression and peaceful assembly.[10]

Freedom House, in its *Freedom of the World Report (2014),* downgraded South Korea from 1 to 2 in the *political rights* category as a result of "corruption and abuse of authority, including alleged meddling in political affairs by the National Intelligence Service."[11] There have been several examples of a narrowing of the political space in South Korea in the period under review—notably in the handling of the sinking of the Sewol Ferry which resulted in the death of 300 passengers, mostly high school students. From March to October 2014, following the Sewol tragedy, the government moved to restrict the freedom of expression of the victims' families along with political activists who criticized the government's emergency response.

In April 2014, police blocked a group of victims' parents, citing "safety concerns," as they attempted to leave the island of Jindo and walk to the presidential Blue House in Seoul to present their grievances to the president.[12] Since spring 2014, police have halted a number of large demonstrations from marching near the Blue House to seek the passage of a bill to open a parliamentary investigation into the Sewol tragedy. Many demonstrators were concerned about unresolved issues of probable government-business collusion and lax safety enforcement that led up to the tragedy. In July 2015, prosecutors moved to arrest demonstration leader, Park Lae-goon, for organizing illegal protests, a move condemned by Amnesty International.[13]

In September 2014, President Park Geun-hye asked prosecutors to investigate rumors that she had been meeting a male colleague for a romantic affair as the Sewol ferry sank. Prosecutors have also been criticized for monitoring a number of private accounts on KakaoTalk, South Korea's largest mobile messaging application, prompting a national outcry and an apology from the company for handing over such information. Presidential aides stand accused of seeking the removal of online posts critical of the president.

In October 2014, Japanese journalist Tatsuya Kato, then Seoul bureau chief for the *Sankei Shimbun* newspaper, was indicted for criminal defamation of the president after reporting on the same rumors. The newspaper he was citing, South Korea's *Chosun Ilbo*, was not probed. Mr. Kato was acquitted in December 2015. This trial was merely the latest of multiple, high-profile defamation cases, many of which have originated from the government as a result of public complaints with government officials or South Korean prosecutors seeking to quell criticism.

Further signs of a narrowing of political plurality in South Korea and a regression in open and transparent government can be evidenced by the government's action to disband the democratically elected United Progressive Party (UPP) in December 2014 for allegedly espousing North Korean socialism.[14] This action was followed in January 2015 by the deportation of Shin Eunmi, an American citizen of Korean ethnicity, for allegedly making sympathetic statements about North Korea during a lecture circuit. This despite the

Ministry of Culture, Sports, and Tourism having previously placed Ms. Shin's book about North Korea on a recommended reading list and distributing it to libraries. The book was promptly removed after the controversy erupted.

Ms. Shin was not tried under the 1948 National Security Law—which effectively bars pro-North Korean statements—but was deported without trial for violating the terms of her 90-day visa waiver. Ms. Shin, who was physically attacked during a lecture before her deportation, told the IRM researcher that the measures against her were excessive and that she believed her work was misrepresented for political reasons.[15] The U.S. State Department criticized the excessive use of the National Security Law in Ms Shin's case. In 2013, authorities filed 129 cases under this law and fifty-seven in 2014, according to the Supreme Prosecutors' Office.[16]

In May 2015, following the spread of the deadly Middle East Respiratory Syndrome (MERS), the Ministry of Health declined to release the names of the hospitals treating MERS patients against the recommendations of international and Korean public health experts. The South Korean public, meanwhile, utilized Google Maps and Facebook to build a crowd-sourced "MERS map," marking the locations of each known case and challenging government secrecy on the issue. On 8 June 2015, more than two weeks after the initial outbreak, the Ministry of Health conceded to public pressure and released the names of the twenty-four affected hospitals.[17]

In July 2015, the National Pension Service (NPS), a major government-linked shareholder in Korea's largest businesses, refused to disclose the details of a controversial vote on a merger between Samsung C&T and Cheil Industries until a shareholders meeting. The vote would help secure a third generation dynastic succession over the Samsung Group.

A former NPS chief information officer told the IRM researcher that this "yes" vote—and a decision to not follow the usual, accepted procedure of first consulting a semi-independent body of experts—made little sense from a profitability and procedural perspective. He said he would not have supported the decision during his tenure and questioned the NPS' independence from political and business interests during this episode.[18]

The government has most recently attempted to assert greater control over public discussions of national history. In November 2015, it announced a plan to replace the national curriculum of private textbooks with a single government-approved textbook by March 2017. More than 200 academics from around the world issued a statement opposing the plan. The same month, in November, historian Park Yuha was indicted for defamation for her 2013 book that challenged the mainstream narrative surrounding the "comfort women," the Korean women purported to have been sex slaves for Japanese soldiers during World War II.

Episodes like these have contributed to low public trust in government, which has hindered efforts to improve access to information, participation, and accountability. The United Nations Development Programme (UNDP) reported in June 2014 that only 23% of South Koreans questioned in surveys from 2007 to 2012 trusted their national government.[19] The IRM researcher is concerned that the lack of more inclusive collaboration with civil society will hamper future efforts to develop and implement relevant OGP commitments.

Stakeholder Priorities

Stakeholders generally agreed that the national action plan focused on the relevant commitments in open data, public service delivery, and anti-corruption. They believed that advances have been made—with the caveat that Government 3.0 is still a work in

progress—and that the government continues to improve its online services since they were introduced in the late 1990s. In one victory, Transparency International Korea welcomed the passage of an anti-corruption law that would eliminate the need to prove a direct link between a gift to a civil servant and a favor that followed.

However, stakeholders also believed that the commitments sidestepped a number of equally pertinent but more politically complex challenges arising from the National Security Law, Communications Secrets Act, criminal defamation laws, and other related topics in censorship and freedom of expression. Stakeholders believe the excessive use of these laws is holding back gains for South Korea's relatively young democracy and urge for their partial or full repeal.

Many stakeholders, for instance, continue to feel alienated by the government's response to the Sewol ferry tragedy two years after the sinking. The National Assembly, they believe, has still not thoroughly investigated and exposed deeper problems relating to public-private relationships that contributed to this and other preventable public safety disasters during the research period. A transparent and high-level investigation, they say, will help South Korea come to terms with this national tragedy and prevent future ones.

Stakeholders also called for the next national action plan to contain the following commitments:

- Repeal of criminal provisions in the defamation law, which stipulate up to seven years in prison for making a false statement that defames another's public honor, and half that prison time for a true statement which does the same;

- Repeal of provisions in the Communications Secrets Act that may be used to imprison whistleblowers acting in the public interest. In one instance, this law was used to strip a parliamentarian Roe Hoe-chan of his seat after he revealed the contents of secret intelligence recordings during a legal committee meeting. These transcripts exposed an alleged bribery plot involving a former ambassador to the U.S. and a businessman who sought to influence prosecutors and high-level government officials; and

- Repeal of vague provisions of the National Security Law that criminalize illegal "activities benefiting the enemy," which have been used to stifle free speech.

Scope of Action Plan in Relation to National Context

While South Korea's open data achievements are impressive, the national action plan does not address many of the core issues hindering broader progress in transparency, accountability, and freedom of information. Limited in scope, the document at times reads like an advertisement for past and current successes rather one that significantly stretches previous practice.

The researcher is also concerned that the national action plan was published only in English—as if for the world to see—but was not translated, circulated, or promoted at all in Korean. The IRM team compensated for this with its own partial, unofficial translation for stakeholders. Upon first contact with the IRM during the first and second cycles, many of South Korea's most vocal stakeholders were unaware of the Open Government Partnership or of any government consultations related to it, suggesting that promotion was limited or nonexistent.

The researcher therefore has a number of constructive recommendations for the next national action plan:

- An expansion of scope to address pertinent "headline" issues such as censorship, criminal defamation, and the National Security Law;
- A focus on writing specific, measurable commitments that directly relate to OGP values;
- A focus on publishing the national action plan in Korean and promoting it among a diverse number of shareholders; and
- More two-way consultation with stakeholders on the drafting and implementation of the national action plan rather than one-way delivery of messages to stakeholders, such as at Government 3.0 forums.

[1] Economist Intelligence Unit, "Democracy Index" (2015). http://www.eiu.com/public/topical_report.aspx?campaignid=Democracy0115, accessed 22 October 2015.

[2] Republic of Korea, "Administrative Appeals Act" (English translation) (1984). http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=25783&type=new&key=.

[3] Republic of Korea, "Civil Petitions Treatment Act." (English translation) (1997). http://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=29278&type=part&key=4.

[4] Kyu Ho Youm, "Access to Information and Freedom of Expression: The Case of South Korea since 1996" (Working paper series, Social Science Research Network (SSRN), University of Oregon, 2010). http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2067875.

[5] An official English summary of "Government 3.0" is available at http://www.korea.net/NewsFocus/Policies/view?articleId=109276.

[6] OECD. "OECD Broadband Statistics Update" (23 July 2015) http://www.oecd.org/sti/broadband/broadband-statistics-update.htm, accessed 8 December 2015.

[7] Global Integrity and the World Wide Web Foundation, "Web Index" (2014). http://thewebindex.org/report/, accessed October 22, 2015.

[8] Freedom House, "Freedom of the Press 2015: South Korea" (4 September 2015). http://www.refworld.org/docid/55f0012324.html, accessed 22 October 2015.

[9] South Korea: Freedom House. https://freedomhouse.org/country/south-korea, accessed 21 August 2015.

[10] "South Korea should widen the space for human rights defenders," UN expert says. UN Office of the High Commissioner for Human Rights (13 June 2013). http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13427&LangID=E#sthash.GMogKo0P.dpuf, accessed 21 August 2015.

[11] Freedom House, *Freedom of the World* (2014). https://freedomhouse.org/report/freedom-world/2014/south-korea, accessed 12 October 2015.

[12] S. Mundy, "Fears Grow for Freedom of Expression in South Korea," *Financial Times,* 27 January 2015. http://www.ft.com/intl/cms/s/0/b508e294-a152-11e4-8d19-00144feab7de.html#axzz3n1YV0sJ3, accessed 21 August 2015.

[13] K.M. Lee, "Sewol Protest Organizer Indicted on Obstruction of Justice Charge," *Korea Times*, 31 July 2015. http://www.koreatimes.co.kr/www/news/nation/2015/07/116_183935.html, accessed 21 August 2015.

[14] S.H. Choe, "South Korea Disbands Party Sympathetic to the North," *New York Times*, 19 December 2014. http://www.nytimes.com/2014/12/20/world/asia/south-korea-disbands-united-progressive-party-sympathetic-to-north-korea.html?_r=0, accessed 21 August 2015.

[15] Interview with the IRM researcher, 15 January 2015.

[16] Human Rights Watch, "South Korea: Cold War Relic Law Criminalizes Criticism" (28 May 2015). https://www.hrw.org/news/2015/05/28/south-korea-cold-war-relic-law-criminalizes-criticism, accessed 22 October 2015.

[17] "Ministry discloses full MERS hospital list," *Korea JoongAng Daily*, 8 June 2015. http://koreajoongangdaily.joins.com/news/article/Article.aspx?aid=3005113, accessed 21 August 2015.

[18] Interview with the IRM researcher, 21 July 2015.

[19] United Nations Development Programme, "Human Development Report: 2014" p. 220, http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf, accessed 21 August 2015.

VII. General Recommendations

Crosscutting Recommendations

Based on the findings of this report, the researcher has a number of crosscutting recommendations that are not confined to single commitments:

- **Participate in the IRM and OGP processes.** For much of the second IRM cycle, the researcher was unable to meet with ministry counterparts, obtain a list of relevant civil servants responsible for each commitment, and did not receive responses to many basic inquiries for weeks to months. It was not until the final days of the current cycle, in September 2015, that MOI became more responsive to the IRM's entreaties. South Korea has already received a letter for its lack of civil society engagement during the first cycle; this did little to change the approach from 2014 to 2015. The lack of public documentation severely hindered not only the IRM process but also the IRM's confidence that the government is doing enough to keep the public informed of implementation. This is compounded by the lack of a self-assessment during almost the entire research period, resulting in it being difficult to assess progress in these areas. The researcher strongly urges the government to follow the IRM process and to show interest in fulfilling and communicating the implementation of its commitments.
- **Move beyond past successes and broaden the level of stakeholder inclusion in FOI disclosures.** South Korea has been a leader in e-government and similar online services since the early 2000s. Rather than focusing too heavily on expanding online platforms and releasing more datasets, there is a need to consider how the *process* of disclosure can be made more transparent and pertinent to public needs. At the time of releasing the second national action plan, stakeholders questioned the extent to which the data would be transformative in practice, building on the success of the Open Data Act of October 2013.
- **Include civil society more thoroughly in the drafting and implementation of the national action plan.** While the government has hosted forums, meetings, and consultative committees to discuss Government 3.0 initiatives, it is unclear how many of these were directly related to South Korea's actual OGP commitments. Because the most vocal of South Korean stakeholders said that they were not consulted—instead, only invited to attend and listen to government officials and independent experts at forums—the researcher recommends that MOI be more inclusive of a range of stakeholders beyond the usual suspects.
- **Write specific and measurable commitments that are more than just incremental.** For the second consecutive action plan, many commitments were simply not measurable, did not name key actors, did not stretch beyond previous practice, and drew on vague and trendy buzzwords designed to promote, rather than critically reflect on, what the government can do better. Well-written commitments will identify actors clearly, be organized under sub-headings and address steps the government can take to implement it in two years.

TOP FIVE 'SMART' RECOMMENDATIONS
1. **Develop an OGP-specific stakeholder forum and include a diverse array of stakeholders** in the drafting and implementation of the national action plan. Stakeholders should include civil society groups, businesses, other stakeholders in a wide range of sectoral areas, and regular citizens with an interest in open data.
2. **Identify and address core, national, open-government challenges** rather than focusing solely on Government 3.0 commitments. Pertinent areas may include: 1) defamation laws, the National Security Law, state secrecy, and future directions for the National Intelligence Service; 2) vague guidelines for the release of information in the Freedom of Information Act; and 3) e-government programs that clearly respond to OGP values of participation, accountability, and transparency.
3. **Participate in the IRM process** in a timely manner and follow the general membership guidelines of OGP.
4. **Include more ambitious and measurable commitments** to stretch current practices.
5 **Write the national action plan** with the intention of circulating and promoting it in Korean and among national stakeholders.

VIII. Methodology and Sources

As a complement to the government self-assessment, an independent IRM assessment report is written by well-respected governance researchers, preferably from each OGP participating country. The team that wrote this report was:

Geoffrey Cain (lead author)

Diane Daye Jung (assistant)

Jung-hoon Lee (assistant)

Narie Park (translator of this report)

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

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

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

Interviews and Focus Groups

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

The OGP IRM support unit and the country researcher sent an email on the 1st of December 2015 requesting supplementary information from the government regarding commitment completion. The government responded with that information on the 7th of December 2015.

Stakeholder Forum 1

Seoul, South Korea

The first stakeholder forum was held in a collaborative work space near Seoul City Hall on 23 September 2015. It was carried out in the focus group format.

Attendees:

Lee Sang-hak, Senior Policy Member, Transparency International Korea.

Youngah Guahk, Researcher, IN-EAST, University of Duisburg-Essen, Germany.

Anna Jeon Jee-eun, Founder and CEO, Indi Lab.

Bo-ram Kim, Local Organizer, Open Knowledge.

James G. Kim, Strategic Planning Director, LiSt Inc.

Young-jae Lim, Activist, Codenamu and Code for Seoul.

Kyung-sin Park, Chairman and Law Professor, Open Net Korea and Korea University.

Ji-won Park , Open Net Korea.

Geoffrey Cain, IRM Researcher.

Diane Daye Jung, Assistant IRM Researcher.

Summary

Ten people, consisting of eight CSO stakeholders and two IRM researchers, had a two-and-a-half-hour meeting, which covered each commitment and the overall depth, relevance, and ambition of the action plan. Stakeholders were selected from a pool of dozens of IRM contacts working in transparency, anti-corruption, open data/big data, public participation, and related areas. To ensure a wide pool, the IRM researcher also reached out to environmental, labor, anti-poverty groups, and private businesses with possible interest in open government, but they expressed little interest in attending the forum.

The assistant researcher introduced OGP and IRM and explained the purposes of the forum. The head researcher then gave a brief follow-up talk to orient stakeholders on the state of IRM research in South Korea. He noted that MOI was invited to the forum but did not attend, that it had received a letter for lack of CSO engagement during the previous cycle, and that during the second cycle it had continued a pattern of disengagement with the IRM process. In light of these challenges, the researcher stressed the importance of this stakeholder forum to ascertain whether MOI had improved its pattern of engagement with civil society.

Stakeholders generally believed that the government should be commended for its open-data enthusiasm and that South Korea's globally leading data speeds and high-tech infrastructure are conducive to a strong, transparent democracy. However, much like earlier forums in October 2013, they were still concerned that MOI's understanding of "open government" is not entirely in line with OGP values.

This is because the end goal of Government 3.0 is to support President Park's "Creative Economy" campaign, which focuses on helping private businesses and stimulating growth. While CSOs were invited to numerous Government 3.0 forums, no major stakeholder could say they were consulted for the drafting and implementation of commitments; this was a major red flag for the researcher. Furthermore, CSOs generally agreed that the government continues to see its role as delivering finished products rather than including civil society in the creation and decision making around OGP-related initiatives.

The resulting system is, at times, insular and a work in progress. For instance, commenting on commitment 1a, Lee Sang-hak of Transparency International Korea said that a complaint through these same platforms to the Korea National Park Service was shuffled around offices without a clear resolution for some time. Stakeholders generally echoed the sentiment that while platforms are generally strong few offices seem willing to take responsibility for petitions and complaints and, instead, circulate them indecisively. Similar

to the first cycle, stakeholders also felt that the government passively listens through websites such as e-People rather than engaging petitioners in a two-way, communicative manner.

Others were concerned that, in a bid to bolster Government 3.0 statistics, the government has been releasing too much miscellaneous information, and questionably earmarking datasets from local and provincial governments as part of these national disclosures. Stakeholders have failed to secure the release of basic information via FOI requests, suggesting that government practices are still marked by a degree of secrecy. For instance, Indi Lab CEO Ji-eun Anna Jun's FOI request for basic information on overseas development aid (ODA) was denied because it was a "diplomatic secret." Concerns were also raised over the user-friendliness, organization and searchability of websites such as data.go.kr.

The forum ended on a generally positive note, although stakeholders believed that much more work is needed before commitments can be deemed successful. Park Kyung-sin, head of Open Net Korea, said that public officials' use of defamation laws to silence criticism remains an ongoing concern that became a central topic during the previous administration of President Lee Myung-bak (during the first IRM cycle). Kim Bo-ram, Strategic Planning Director at List Inc., said while the government is committed to greater openness, its general mindset is mostly unchanged.

Stakeholder Forum 2

Webinar from Seoul, South Korea

The second stakeholder forum was held as a webinar on 25 September 2015. It was carried out in the focus-group format. However, because the first forum included most of the interested CSOs, the second forum consisted of four people: three government representatives and the assistant researcher. (The head researcher was out of the country, and this meeting was scheduled with short notice as a final attempt to gain government input in the IRM process.)

Attendees:

Minju Koo, Deputy Director, International Department, MOI.

Cheon Ye-eun, Staff Officer, Open Data Utilization Centre, National Information Agency (NIA).

Park Ji-hye, Staff Officer, NIA.

Diane Daye Jung, Assistant IRM Researcher.

As a result of only government representatives in attendance, this did not constitute a standard stakeholder forum but rather a final opportunity for the government to state its position before the IRM draft deadline on 1 October 2015. The assistant researcher opened by explaining that MOI received a letter after the first cycle and that, should a second letter be necessary, a sub-committee would meet to decide on the status of South Korea's OGP membership.

Ms. Minju Koo, the government representative, stated that her role was not to coordinate the drafting and implementation of OGP commitments but rather that she is an English-language communications liaison between international organizations and MOI. She noted that during the research period she was not entirely familiar with OGP. The office actually handling many of the data-related commitments, she explained, was the Government 3.0

Department under the Creative Economy Plan in MOI (formerly MOGAHA). She added that the lack of response was due to the language barrier.

Cheon Ye-eun, the second government representative from the Open Data Utilization Centre at the National Information Agency (NIA), stated her office was willing to write a self-assessment report about data-related commitments. She said the Centre is aware of the stakeholder-raised issue that the national dataset count includes files from local and provincial governments and is working to address it. Ms. Cheon has personally integrated one full dataset by requesting data from local governments.

Park Ji-hye, the third government representative from the NIA, finished by saying that the government is recognizing the necessity of metadata, indexing, and a more searchable environment. It is trying to follow international trends in this regard. By 2017, MOI is on track to open twenty-five more data-disclosure areas, she said.

Interviews with Key Stakeholders

Anselmo Lee, Executive Director, Korea Human Rights Foundation, 3 December 2015.

Jisoo Lee, Lawyer and Corporate Governance Expert, 21 November 2015.

Kim Yong-chol, Whistleblower and Author, *Thinking of Samsung*, 20 September 2015

Roe Hoe-chan, former lawmaker stripped of his seat under the Communications Secrets Act, 15 September 2015.

Kong Jeong-ok, physician and activist, Supporters for the Health and Rights of People in the Semiconductors Industry (SHARPS).

Industry (SHARPS), on government and corporate transparency practices during a recent

high-profile worker's safety lawsuit, 20 September 2015.

Lee Yong-han, Activist, One Korea, 10 September 2015.

Former Chief Information Officer, National Pension Service, 31 August 2015. (Asked that his name be withheld.)

Human Rights Watch staff, 15 July 2015.

Michael Breen, author of *The Koreans* and head of Insight Communications, 20 April 2015.

Lee Tae-hoon, CEO, Korea Observer, 12 April 2015.

Robert Kelly, Associate Professor of Political Science, Pusan National University, 15 March 2015.

Koo Sewoong, Editor-in-Chief, *Korea Expose*, 9 March 2015.

Park Kyung-sin, professor of law at Korea University and head of Open Net Korea; Kelly Kim, general counsel of Open Net Korea, 26 February 2015. (Researcher's note: Many interviews and correspondences have been conducted with Mr. Park Kyung-sin during the research period. This interview was the most in-depth.)

Shin Eunmi, author of *A Middle-Aged Korean American Woman Goes to North Korea* (Korean), deported in January 2015 from South Korea, 13 January 2015.

Peter Daley, expert on Korean religions who is dealing with a criminal defamation complaint from a church whose leader is serving a prison sentence for rape, 21 November 2014 and 15 January 2015.

Daniel Tudor, Author, *Democracy Delayed* and *North Korea Confidential*, 5 January 2014.

The Venerable Yang Han-ung, Director of Labor Relations, Jogye Order (Buddhist order), 8 October 2014.

Chung Han-yeong (pen name Sung-ho), using title "Supreme Patriarch of Ilbe" (counter-protest leader), 8 October 2014.

Lim Tae-hoon, Whistleblower and Head, Center for Military Human Rights, 20 September 2014.

Several family members of the Sewol ferry sinking victims who were demonstrating against the government response and independent demonstrators working on the topic. Interviewed May 2014-October 2014. Many asked that their names be withheld.

Kim Jae-yeon, Lawmaker, United Progressive Party (UPP), 15 October 2013. (Researcher's note: This interview was conducted during the first cycle while Ms. Kim was a lawmaker. However, upon the court-enforced dissolution of this party, this interview became pertinent during the second cycle as well. The researcher could not track down Ms. Kim for a second meeting following the disbandment of the party during the second membership cycle.)

Supplementary Information

List of meeting requests, action requests, information requests, and attempts to inform the Ministry of Interior of OGP and IRM processes

(Researcher's note: This list does not include attempts by the OGP IRM support unit to reach MOI point of contacts. It only counts the IRM researchers' key correspondences during the research period but before the IRM deadline of 1 October 2015. The researcher followed up after this deadline for more information; a government self-assessment was delivered on 1 October 2015 and a document with additional information received on 7 December 2015.)

21 September 2015

12 September 2015

7 September 2015

2 September 2015 (The MOI attempted to schedule a meeting for the next day, but the researcher did not have enough lead time and was not in Seoul.)

26 August 2015

10 August 2015

29 July 2015

28 July 2015

14 July 2015

3 July 2015

5 February 2015

9 January to 30 January 2015 (Period of regular correspondence, explaining OGP and IRM processes to a government point of contact. She was soon moved from her position.)

11 December 2014

C. Survey-Based Data (Optional)

Stakeholders at the forum on 2 September 2015 received an optional Korean-language survey. The survey asked attendees to measure the wording, implementation, relevance, and boldness of each commitment on a scale of one to five and to offer comments in support of that rating. Three of the ten attendees filled out this survey. The results did not significantly change the findings of this report.

About the Independent Reporting Mechanism

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

The current membership of the International Experts' Panel is:

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

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

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

IX. Eligibility requirements annex: South Korea

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

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

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

	2012	Current	Change	Explanation
Budget Transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	4	4	No change	4 = Access to information (ATI) law in force 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Civic Engagement (*EIU Citizen Engagement Score*, raw score)	4 (8.53)[5]	4 (8.53)[6]	No change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible **(Percentage)**	16 / 16 (100%)	16 / 16 (100%)	No change	75% of possible points to be eligible

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

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

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

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009): ://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," *Government at a Glance 2009*, (OECD, 2009). ://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009). ://bit.ly/1clokyf; For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

[5] Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: ://bit.ly/eLC1rE.

[6] Economist Intelligence Unit, "Democracy Index 2014: Democracy and its Discontents" (London: Economist, 2014). Available at: http://bit.ly/18kEzCt.