

INDEPENDENT REPORTING MECHANISM (IRM):

UNITED KINGDOM END-OF-TERM REPORT 2013–2015



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Second End-of-Term Report



INDEPENDENT REPORTING MECHANISM (IRM): UNITED KINGDOM END-OF-TERM REPORT 2013-2015

The UK's second action plan commitments on beneficial ownership, aid transparency, Sciencewise, and OpenDataCommunities are some examples of major contributions to government openness. Four commitments were closer to completion. However, progress overall in the rest of commitments was sustained from the assessment at midterm. The third action plan has several commitments that flow from two priority areas and star commitments including beneficial ownership and extractives.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report covers the second national action plan from October 2013 to October 2015.

The United Kingdom (UK) was one of the eight founding members of the OGP in September 2011.

The Cabinet Office is responsible for co-ordinating the UK's OGP commitments across a wide number of departments and bodies. The implementation of each commitment was the responsibility of a lead department, often supported by a network of civil society organisations (CSOs) with an interest in the area. The UK has a centralised system with reasonably strong control over local government. However, in the past two decades new sub-national "devolved" governments have developed distinct policy agendas and, as part of this, have begun to develop their own open government agendas.

At the time of writing this report, the government had not published the end of term self-assessment report.

The UK's third national action plan launched in May 2016. It contains 13 new commitments, with five flowing from previous commitments and seven new ones. The plan committed to work with the other UK devolved institutions in Scotland, Wales, and Northern Ireland, and to collaborate with civil society (although Northern Ireland already has a separate open data strategy, and Scotland is part of the OGP's sub-national scheme). New commitments may be added during the course of the plan.

Some of the larger commitments such as beneficial ownership and extractives naturally followed with further action in the third national action plan. Several others were completed and required no further action, while others such as archives were left open-ended, and one was withdrawn.

Ben Worthy prepared this report.

TABLE 1: AT A GLANCE

NUMBER OF COMMITMENTS: 21
NUMBER OF MILESTONES: 53

LEVEL OF COMPLETION

	MIDTERM	END OF TERM
COMPLETED:	3	6
SUBSTANTIAL:	13	11
LIMITED:	4	3
NOT STARTED:	0	0
WITHDRAWN:	1	1

NUMBER OF COMMITMENTS WITH:

CLEAR RELEVANCE TO OGP VALUES:	21	21
TRANSFORMATIVE POTENTIAL IMPACT	4	4
SUBSTANTIAL OR COMPLETE IMPLEMENTATION	16	17
ALL THREE (★):	4	4

DID IT OPEN GOVERNMENT

MAJOR	N/A	11
OUTSTANDING	N/A	0

MOVING FORWARD

COMMITMENTS CARRIED OVER TO NEXT ACTION PLAN:	5
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CONSULTATION WITH CIVIL SOCIETY DURING IMPLEMENTATION

Countries participating in OGP follow a process for consultation during development and implementation of their OGP action plan. Overall, the UK developed the OGP plan in a participatory way. Key stakeholders and the general public were provided advanced notice of 83 days to comment on the draft action plan. The IRM researcher was unable to access a summary of public comments.

The government worked with the UK OGP Civil Society Network through a series of meetings and conversations to draft and agree to commitments for the plan, albeit with different degrees of interaction. During the process, CSOs expressed concern that the plan lacked ambition and recommended that steps be taken to open companies, to allow greater public scrutiny of public money, and to open the lobbying process. Overall, CSOs were satisfied with the process of consultation.

The government provided a mid-term self-assessment on time. It was supported by individual self-assessment reports for each of the three commitments.

Table 2: Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT
During Implementation	Regular forum for consultation during implementation?	Yes
	Consultations: Open or Invitation-only?	Yes [online]
	Consultations on IAP2 spectrum ¹ ?	Yes [collaborate]

PROGRESS IN COMMITMENT IMPLEMENTATION

All of the indicators and method 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, at the mid-term report, the UK’s action plan contained four starred commitments. At the end of term, based on the changes in the level of completion, the UK’s action plan maintained four starred commitments (commitments 6, 7, 14, and 21).

¹ IAP2 Spectrum information available here http://c.yimcdn.com/sites/www.iap2.org/resource/resmgr/Foundations_Course/IAP2_P2_Spectrum.pdf

Commitments assessed as starred commitments in the mid-term report can lose their starred status if at the end of the action plan implementation cycle, their completion falls short of substantial or full completion, which would mean they have an overall limited completion at the end of term, per commitment language.

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 the UK, see the OGP Explorer at www.opengovpartnership.org/explorer.

ABOUT “DID IT OPEN GOVERNMENT?”

Often, OGP commitments are worded vaguely or not clearly related to opening government, but they achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious, but fail to open government. To capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable, “Did it open government?”, in End-of-Term Reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed because of the commitment’s implementation. This can be contrasted to the IRM’s “Starred commitments” which describe *potential* impact.

IRM researchers assess the “Did it open government?” regarding each of the OGP values relevant to this commitment. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- Worsened: worsens government openness because of the measures taken by commitment.
- Did not change: did not change status quo of government practice.
- Marginal: some change, but minor in terms of its impact over level of openness.
- Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

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

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

Table 3: Overview: Assessment of Progress by Commitment

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
1. National Information Infrastructure (NII)				X	X						X				X						X	
2. National Health Service (NHS) England Website and Network				X	X	X	X	X			X		Withdrawn				Withdrawn					
3. Revised Transparency Code				X	X	X					X					X						X
4. Transparent Social Investment Market			X		X						X					X						X
5. Manage and Capture Digital Records				X	X			X			X				X					X		
6. Cross-Government Anti-Corruption Plan			X				X				X					X						X
7. Beneficial Ownership				X	X						X				X							X
8. Access to Police Records				X	X						X			X					X			
9. Transparency in Construction			X		X	X	X			X				X					X			
10. Legislative Openness				X	X						X				X					X		

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM END OF TERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
11. Whistleblowing		X			X		X				X			X				X				
12. Open Contracting				X	X	X	X	X		X					X						X	
13. Open Contracting Scotland			X		X	X	X			X					X						X	
14. Aid Transparency				X	X	X	X	X				X			X						X	
15. Better Health Care Data				X	X	X		X			X				X					X		
16. Open Policy-making			X		X	X					X			X				X				
17. Sciencewise			X			X		X		X					X						X	
18. Publication of Draft Legislation			X		X	X				X					X					X		
19. OpenData Communities			X		X	X		X		X					X						X	
20. Public Sector Information (PSI) Re-Use Directive			X		X		X			X					X					X		
21. Extractive Transparency				X	X	X						X			X						X	

GENERAL OVERVIEW OF COMMITMENTS

As part of OGP, countries are required to make commitments in a two-year action plan. End-of term reports assess an additional metric, “did it open government?” The tables below summarise the completion level at the end-of- term and progress on this metric. For commitments that were complete already at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the “did it open government?” variable. For more details on completed commitments at midterm, please see the UK IRM progress report.

The UK action plan was divided into five thematic clusters that include the following:

- open data
- government integrity
- fiscal transparency
- empowering citizens
- natural resource transparency

The five themes contain 21 commitments comprising several milestones.

Editorial Note: Given the relatively long text for the UK commitments, the author abridged some of the commitments in the sections that follow to save space. The full text of each commitment in the second action plan is available at <http://bit.ly/1CbrfZ8>.

Furthermore, some commitments consist of several milestones. In those cases, the evaluation of the commitment is based on the individual milestones, as set out in the government action plan under the sub-heading “Timescale.” Where appropriate, the IRM researcher grouped some milestones together.

THEME I | OPEN DATA

Commitment 1. National Information Infrastructure (NII)

Commitment Text:

The National Information Infrastructure (NII) is intended as a dynamic framework detailing “what data public sector bodies hold, how it is used, and how organisations can get access to it.”

Responsible Institution(s): Cabinet Office

Supporting Institution(s): Open Knowledge Foundation, Open Rights Group, OpenCorporates

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X					X					X					X	

COMMITMENT AIM

The commitment sets forth the notion that the data in the NII will have the broadest and most significant economic and social impact if they are made available and accessible outside of government. This commitment was defined as a collaborative process for identifying sets of important data, and it included the following:

- Identifying and maintaining an inventory of data held by government;
- Prioritising data to be included in the NII; and
- Supporting organisations to release data.

STATUS

Midterm: Substantial

This commitment builds on commitments in the UK’s first action plan. When the second action plan began, the UK government had published more than 10,000 datasets through its Open Data initiative. Between March and September 2014 government departments and arm’s length bodies had identified datasets and had begun moving forward with publication. This commitment changed approach during implementation. Several the milestones shifted or were superseded, as explained in the January 2015 update.

Following consultation and reflection through a series of workshops in 2014, the government found that the original approach did not reflect the differing needs of departments and or changing technology: a simple list of

items held was too prescriptive and would quickly become obsolete. Something more flexible was required that could meet the needs of new situations and technology across government departments.

In March 2015, the redeveloped NII principles and approach were outlined in a new implementation plan. It explained the core principles, new governance structure, and where the NII would work with selected departments to move from being a static framework to a more open hub model.

End of term: Substantial

Based on the government's self-assessment report, there was further progress on the implementation of the NII. A prototype implementation document was produced in collaboration with more than 30 experts. The prototype document was available for public consultation until 2 February 2015, after which the Minister for the Cabinet Office launched the consultative document formally on 24 March 2015. According to its assessment, the Cabinet Office would be "co-ordinating with departments to populate the NII with key datasets according to the new framework" by June 2015.¹ The Open Data User Group (ODUG) also emphasised the need for "Core Reference Data," including National Address, Geospatial, and Ordnance Survey data.² The guiding principles, developed through the workshops and the Cabinet Office, looked at key or important data for different areas that related either to services or to the infrastructure.³

The commitment is labelled substantial because it is an iterative and ongoing process rather than one with fixed ends. Departments continued to apply the principles of the NII implementation document throughout the end of the national action plan term. According to Paul Maltby, the Director of Data at Government Digital Service and one of the central figures working on the NII, work would continue outside of the second national action plan's timeline to develop a fuller metadata record for NII datasets, a registry for vocabularies and code lists, data APIs for eligible datasets, and a reporting dashboard to track progress and compliance with the NII quality principles.⁴

DID IT OPEN GOVERNMENT?

Access to information: Major

The NII was built on a series of innovations developed by data.gov.uk and a number of government departments including the Department of Health and DEFRA (the Department of Environment, Food and Rural Affairs). It has undoubtedly opened up more data, as can be seen on data.gov.uk that holds more than 20,000 datasets. It has also succeeded in developing a range of new, flexible, approaches to data cataloguing, mapping and publication. In 2015 a new Data Leaders Network was created to 'ensure that departments' approach to the use and management of data properly enables the delivery of government policy and operational objective'⁵. As well as a Data Leaders Network across government there is a data team of 77 people with a budget of £3.7 million. In 2016 the NII led to the development of a series of data registers including local government e-registers and a country register⁶. Its true influence may be seen further into the future as the processes of creating inventories and publishing are taken up throughout government. The government's new data maturity model recommends publication of a full range of 'datasets...vocabularies, code lists and file structure information'. Although originally intended as an inventory of datasets, no precise figures are available owing to the iterative nature of the NII and the fact that the existence of some datasets cannot be made public.

In January 2015, the Open Data Users Group expressed support for the NII but called for future iterations to push for greater core data, such as address and geo-spatial data, and for more emphasis on making data open by default.⁷ As detailed in the mid-term IRM report, other CSO stakeholders were also keen that the NII become more public facing. They recommended that there be more procedures to involve external groups and allow the public to see progress and final inventories, to the extent that this is possible.

CARRIED FORWARD?

This commitment was carried forward into the third national action plan. Commitment Nine of the new plan sets out to create a high-quality national information infrastructure, making "government data more secure and easier to find, store and access." This will build on the second national action plan work and refine our national information

infrastructure to support publishing. It aims to ensure data is good enough for people and organisations in all sectors of the economy and society to use and build on; this includes exploring the creation of an open address register.⁸

Commitment 2. National Health Service (NHS) England Website and Network

Commitment Text:

NHS England will work with governments and civil society organisations internationally to create an online space to share experiences of embedding high quality standards into information, with a view to building an accreditation scheme to enable citizens and organisations to assess their progress.

Responsible Institution(s): NHS England

Supporting Institution(s):

Start Date: October 2013

End Date: Withdrawn

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X	X	X			X		Withdrawn		Withdrawn		Withdrawn				
													Withdrawn								

COMMITMENT AIM

The commitment aimed at creating a website that allows the public and others to share experiences of the NHS and offer ideas about assessment. It was intended to represent the first step in building an accreditation scheme. The website would allow access to the health information market with data that "can be readily used [and] re-used" by the public, private sector, and CSOs.

The commitment also looked into the future with a larger ambition to allow comparison of the UK health system against 15 other health systems across Europe, using clear measures established in co-operation. The policy consisted of three milestones, but the government also suggested that "additional milestones will be developed with civil society organisations and international partners."

STATUS

Midterm: Not started (withdrawn)

The commitments were developed at a time of large-scale reform to the UK National Health Service. The commitment process was weakened by—and the milestones closed because of—the lack of wider CSO interest. Decreased CSO interest was driven by privacy concerns over data-sharing under the care.data proposal and over the sale of hospital data that - as the Partridge Review revealed - had occurred for years (see commitment 15). The update from January 2015 outlined that there were "initial conversations prior to agreement with various

organisations, though this commitment proceeded unsupported.” It was superseded by ongoing organisational changes within the NHS and shifts in responsibility.

The milestones of this commitment have been registered as closed. As the commitment progressed, it encountered a series of difficulties, which meant the “milestones were superseded,” and work was transferred.

The public and media concern over care.data had a severe impact on both this commitment and commitment 15, meaning that the CSOs and stakeholders were reluctant to engage. This means that an important series of health care innovations fell some way short of the commitment and were halted.

End of term: Not started (withdrawn)

As detailed in the mid-term report above, this commitment was officially withdrawn due to administrative and legal changes within the NHS and concerns over privacy issues (see Commitment 15 over care.data).

DID IT OPEN GOVERNMENT?

As it was withdrawn, the commitment was not assessed.

CARRIED FORWARD?

The commitment has not been carried forward into the next national action plan.

Commitment 3. Revised Local Authorities Data Transparency Code

Commitment Text:

The UK government will issue a revised Local Authorities Data Transparency Code requiring local authorities to publish key information and data. This will place more power into citizens' hands and make it easier for local people to contribute to the local decision making process and help shape public services.

Responsible Institution(s): Department for Communities and Local Government

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	END OF TERM					
																	Worsens	Did not change	Marginal	Major	Outstanding	
				X	X	X				X						X					X	
																X						

COMMITMENT AIM

This commitment aimed at extending local government openness by updating the series of codes on local government openness in 2011, 2013, and 2015 and by encouraging greater use of ongoing transparency initiatives.

STATUS

Midterm: Complete

This commitment built upon initiatives undertaken in 2011, in when the government set out a recommended draft code of practice on local transparency as part of its Transparency Agenda.⁹

By 2012, the UK central government was concerned that English local authorities were not publishing as consistently as they could. In 2014, the government used secondary legislation (called statutory instruments) to amend the Local Government Planning and Land Act 1980 following a debate in Parliament. One of the instruments required positive affirmation (requiring parliamentary agreement through a debate), and one was negative (and did not require a debate).¹⁰ These instruments were passed and amended how regularly data will be published and what is included in the schemes.

Alongside this, the government produced successively updated versions of the Local Government Transparency Code. A series of three consultations took place in 2013, after which a draft code circulated and

tested on six selected local authorities. The questions from the consultation were turned into a document containing frequently asked questions to assist with good practice.¹¹ After the 2014 code, the latest version was published on 27 February 2015, extending the regulations to cover social housing data.¹² Overall, the commitment requiring local authorities to publish key information and data can be evaluated as complete.

End of term: Complete

The IRM concluded the commitment was completed midterm, as outlined above.

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Did not change

The commitment sought to extend local government transparency and empower and engage local communities. Taken as a whole, since its beginnings in 2011, the publication of data across local government in England and Wales has been a major change that has opened up local government in numerous ways. The series of codes have extended access to information with the publication of data in new areas, such as social housing. In May 2016 the government launched a new consultation around possible future publication relating to land, parking, procurement and contracts with additional questions about how the Code is to be enforced.¹³

The Local Government Association expressed concern from Local Authorities that some of the data structuring in the Code would be less flexible, making it more difficult to provide customers with data for different uses. There was also some worry that some of the new data was of 'little or no value' to the public.¹⁴ However, within the time frame there is not yet clear evidence that the new data has led to an across the board increase in public engagement with local decision-making.

CARRIED FORWARD?

This commitment was not carried forward into the third national action plan.

Commitment 4. Transparent Social Investment Market

Commitment Text:

By 2015, the UK aims to be the most transparent social investment market in the Open Government Partnership and G20, in line with the Open Data Charter principles.

Responsible Institution(s): Cabinet Office

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
			X		X					X						X						
																X				X		

COMMITMENT AIM

The social investment commitment builds on numerous programs and policies that have been ongoing in the UK for a number of years. The goals for this commitment included a combination of greater data publication, piloting innovations such as online visualisation tools, and awareness-raising events.

STATUS

Midterm: Complete

Social investment is “finance offered to voluntary and community organisations with the expectation of financial repayment.”¹⁵ This OGP commitment on social investment builds on a long-term UK interest in this area since before the second national action plan.

The social investment commitment followed a series of programs and policies that have been ongoing in the UK for a number of years. The milestones and goals for this commitment fit with this previous initiative, offering a series of online reporting requirements and updates on progress.¹⁶

The commitment created a number of informational innovations, including publishing data from 65 investments and a series of online visualisations via data.gov.uk.¹⁷ There is also now a directory of social enterprise, which re-launched in February 2015.

The inaugural Social Investment Awards to increase public awareness and help for those involved, held in October 2014, are intended to be offered again in 2015 and beyond.¹⁸

Overall, this commitment to publish key information and data on social investment can be evaluated as complete.

End of term: Complete

As described above, the commitment was evaluated as complete in the midterm.

DID IT OPEN GOVERNMENT?

Access to information: Major

As detailed in the mid-term IRM report, taken together these measures have increased the openness and awareness of the social investment sector and have provided the tools to encourage others, either in government or from the sector, who were interested in this area to better understand it. The resulting experiments with visualization tools and events certainly gave the issue a higher profile. However, the scope of the work was focused on a very specific and rather small sector and therefore has not been scaled up.

CARRIED FORWARD?

This commitment was not carried forward into the next national action plan.

Commitment 5. Manage and Capture Digital Records

Commitment Text:

The UK government will manage and capture digital records and there will be a comprehensive, accessible and timely paper and digital record of UK government available to the citizen.

Responsible Institution(s): The National Archives (TNA)

Supporting Institution(s): The International Records Management Trust

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X		X			X					X				X		
															X						

COMMITMENT AIM

This commitment aims to provide access to records of the UK government in ways that are more accessible and more usable. This means creating a new system to capture, manage, and preserve digital records through innovative solutions, making larger amounts of documents more accessible and more usable, and creating an efficient, scalable, and sustainable process for the transfer of digital records.

STATUS

Midterm: Substantial

This commitment builds on a longer-term aim of The National Archives (TNA) to preserve physical and digital records. This includes revising the rule that keeps Freedom of Information (FOI)-exempt documents closed for 30 years, which now will be closed for 20 years. It also includes identifying important records for preservation and creating new mechanisms for analogue and digital management.¹⁹ The change from 30 to 20 years officially began on 1 January 2013 and begins a 10-year transition period that finishes in 2023.²⁰ The transition will deal with more than three million documents. TNA has been publishing information earlier under the new 20-year rule, when possible.

TNA also is moving towards a new system for preserving digital records through the Digital Records Infrastructure (DRI). The digital transfer project remains on track but is undergoing conceptual testing and refinement. At the time of writing this report, TNA is running a series of pilots due to be completed by December 2015.

One key challenge has been sensitivity review. TNA currently is testing software to see how it could be help the government with this issue.

Other challenges include the government department's use of different information formats and systems as well as a variety of digital records management procedures.

A review by Alex Allan in 2014 emphasised that government departments are responsible "for the management, safe-keeping and destruction of their records and for the review and selection of records for permanent preservation and their eventual transfer to the TNA."²¹

Overall, the level of completion of this commitment is substantial. While the level of completion varied across the individual milestones that make up this commitment (with only one milestone being substantially complete), for the most part, the government advanced significantly in its commitment to manage and to capture digital records.

End of term: Substantial

The commitment is considered substantial because it is part of an ongoing project until 2023. Nevertheless, the records captured in 2013 doubled from 33,000 to 69,000 files, and innovations in capture represent a step forward and a considerable achievement. According to the final update in June 2015, so far the Digital Transfer Project has captured "high level details on the date and volume of the earliest born -digital information held by government departments" and "work is being undertaken to identify the volume of paper records that will continue to require processing as the amount of digital records increases." As the end of the commitment time approached, there was still a range of ongoing pilot projects, software developments, guidance, and training programs.²²

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Assessing the commitment was problematic because it was part of a wider and longer-term two decades' project, and it aimed to manage digital records rather than specifically open up government. Consequently, the direct access to information benefits are yet to be seen and are more indirect, focusing on preserving rather than opening up documents and representing only the beginning of a longer process described above. Although the effect on access to information is marginal, the focus on capture will become significant in the future, especially as it adopts what is describes as 'a 'lean' approach – evolving our solutions as technology evolves'.²³ Moreover, it amounts to an important first step and essential background to future transparency efforts.

CARRIED FORWARD?

This commitment will not be carried forward, although outside of the national action plan such as work on digital transfer continues into 2016.

¹ See three exemplar datasets. "Health Theme," Datasets, [Data.gov.uk](http://data.gov.uk); <http://bit.ly/2flsYHB>; "Transport Theme," Datasets, [Data.gov.uk](http://data.gov.uk), <http://bit.ly/2ejPLqf>; "Environment Theme," Datasets, [Data.gov.uk](http://data.gov.uk), <http://bit.ly/2eKmfFIF>

² Heather Savory, "National Information Infrastructure (NII)," Blog, Data in Government, Government of the United Kingdom (UK Government), 25 January 2015, <http://bit.ly/2flrZXX>

³ Open Data User Group UK (ODUG), *The National Information Infrastructure (NII): Why, What and How*, by Heather Savory (Report, UK, January 2015), <http://bit.ly/2fBygzH>

⁴ Paul Maltby, "Progress on the National Information Infrastructure Project," Blog, Data in Government, UK Government, 24 March 2015, <http://bit.ly/2flwix>

⁵ See <https://www.gov.uk/government/organisations/government-digital-service/about/our-governance#digital-leaders-network>

⁶ See the local government registers <http://local-authority-eng.alpha.openregister.org/> and Foreign and Commonwealth Office data register <https://country.register.gov.uk/>

⁷ See the ODUG report here https://data.gov.uk/sites/default/files/library/odugUK_NII_final%20%281%29.pdf

⁸ UK Government, *UK Open Government National Action Plan 2016-18*, by the Cabinet Office (Policy paper, London, 12 May 2016), <http://bit.ly/2fAVfg3>

⁹ "Local Council Transparency and Accountability," Policy, UK Government, <http://bit.ly/1QOOoue>

¹⁰ UK Government, "Local Government, Planning and Land Act 1980," The National Archives (TNA), <http://bit.ly/1OIJHhU>; UK Government, "Explanatory Memorandum to the Local Government (Transparency) (Descriptions of Information) (England) Order 2015," TNA, <http://bit.ly/1GIVJWu>; UK Government, *Local Government Transparency Code 2015 Impact Assessment No: DCLG-2015-01*, by Department for Communities and Local Government (DCLG) (Impact Assessment, London, 26 February 2015), <http://bit.ly/1Gz2eLL>

¹¹ UK Government, *Improving Local Government Transparency*, by the DCLG (Consultation outcome, London, 12 December 2013), <http://bit.ly/1bAe2xQ>; and the FAQ created from it at <http://bit.ly/1lrDjeS>

¹² UK Government, "Local Government Transparency Code 2015," DCLG, 27 February 2015, <http://bit.ly/1wsQcfU>; UK Government, "Local Government Transparency Code 2014," DCLG, 8 April 2015, <http://bit.ly/1o71KIK>

¹³ See the consultation document here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522767/Strengthening_the_local_government_transparency_code_consultation.pdf

¹⁴ See the LGA's response here <http://www.local.gov.uk/documents/10180/11655/local+transparency+-+LGA+response+strengthening+local+government+transparency+2016-07-08/a99c532d-342a-45f8-b676-56741c0210d2>

¹⁵ "Social investment," Research, Big Lottery Fund, <http://bit.ly/1CC2w6m>

- ¹⁶ See the report of the international social impact investment task force from 2014 at <http://bit.ly/1HUP11a>, information on domestic policy at <http://bit.ly/1KxDiFj>; Social Impact Investment, *Building a Social Impact Investment Market: The UK Experience*, by the UK National Advisory Board (Report, September 2014), <http://bit.ly/1uAtunC>
- ¹⁷ "Exploring: Social Investment and Foundations," Datasets, UK Government, <http://bit.ly/JvuWnJ>; "Data," Inclusive Economy, Collection, UK Government, <http://bit.ly/1glOOu>
- ¹⁸ "Members Directory," Social Enterprise UK, <http://bit.ly/1zUz0Tb>; UK Government, *Growing the Social Investment Market: The Landscape and Economic Impact*, by the ICF GHK (Research report, London, 3 July 2013), <http://bit.ly/1EUvCOV>
- ¹⁹ See the National Action Plan Commitment at 5 <http://bit.ly/11152E1>
- ²⁰ See the National Action Plan Commitment at 5 <http://bit.ly/1EvxyKm>
- ²¹ UK Government, *Records Review*, by Sir Alex Allen (Report, 6 November 2014), 7-8, <http://bit.ly/1zurkLQ>
- ²² UK Government, "OGP UK National Action Plan 2013-15: Commitment Progress Update," Open Government Partnership (OGP), 30 June 2015, <http://bit.ly/2eT6tZL>
- ²³ See National Archives blog <http://blog.nationalarchives.gov.uk/blog/digital-dark-age-digital-enlightenment/#more-26741>

THEME II | GOVERNMENT INTEGRITY

★ Commitment 6. Cross-Government Anti-Corruption Plan

Commitment Text:

The UK government will, for the first time, bring together all of the UK's anti-corruption efforts under one cross-government anti-corruption plan.

Responsible Institution(s): Home Office

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X			X					X									X	
																X					

*Specificity was marked "low" in the UK IRM mid-term progress report. This was a typographical error. Please see published progress report for explanation and erratum.

Editorial Note: This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

COMMITMENT AIM

The commitment was intended to create a strategic plan to bring co-ordination and coherence across government. The intent was not to set out new policies but to harmonise and to co-ordinate existing plans and to introduce strategic direction. There was no strict time frame within the plan itself, although there was for publication. It was viewed as an iterative process and a first step, a combination of narrative and actions.

STATUS

Midterm: Complete

This commitment builds on a series of initiatives from 2010. It is a further step in a long line of international and national measures intended to fight corruption. The government recognised the need for a new cross-cutting approach in this area. The plan had cross-party support and the work of the All Parliamentary Group on Anti-Corruption helped it.

The UK Anti-Corruption Plan was published on 18 December 2014, behind the original schedule of June 2014. It contained 66 actions covering a range of national and international areas from lobbying to money laundering.

In addition to a series of steps towards implementing the plan, including creating an inter-ministerial body and an anti-corruption champion, the January 2015 self-assessment report also committed to continuing to work with CSOs and to using the ministerial group to oversee progress. The plan highlighted the importance of openness and data in fighting corruption in numerous areas.

A coalition of CSOs called the BOND Anti-Corruption Group saw the plan as a major step forward in UK efforts to combat corruption at home and abroad. However, the coalition highlighted several major blind spots in the plan, including whether the strategy will be subject to a formal, transparent review process and the existence of loopholes in the actions proposed.

End of term: Complete

The commitment was complete with the publication of the report in 2014. Nevertheless, outside of the commitment the UK government has continued to press ahead with anti-corruption campaigns and held an Anti-Corruption Summit on the 12 May 2016, with promises of international co-operation over Beneficial Ownership, the closing of legal loopholes and greater public contracting.²⁴

As of the IRM Progress Report, the government has brought a number of departmental initiatives into a single UK government coherent strategy, with progress overseen by a Ministerial Group. The resulting plan, developed with ten UK-based NGOs (The Bond Group) addresses five areas: building a better picture of how corruption is affecting the UK's society and economy; strengthening legal and operational tools and activity; enhancing law enforcement response; denying use of the UK's financial system for those who are trying to abuse it; and stepping up efforts internationally.

DID IT OPEN GOVERNMENT?

Public Accountability: Major

The effect so far is major, and an important first step. Although as the plan was bringing together existing actions rather than implementing new policies or pushing new reforms. In terms of public accountability, the new framework has set the groundwork for new ways of promoting accountability over corruption and created new mechanisms of coordinating policy and action. Taken together with the document, it makes for a real shift in government practice to tackle corruption issues, perhaps symbolized by the Anti-corruption summit in 2016.

In May 2016 the government published a report on progress on each of the 66 actions in the Plan— reporting that 62 of the 66 actions have been delivered or are on track to be delivered.²⁵ The UK government acknowledges there is still more to be done, however, the developments of a co-ordinated cross government anti-corruption plan, the establishment of a new cross agency Taskforce to respond to any identified wrongdoing, the actions taken in compliance with the plan, together with the international leadership being shown by the UK government through the global Anti-Corruption Summit, are all indicative that government practice has changed.

CARRIED FORWARD?

The anti-corruption push has been carried forward into two new commitments in the 2016 to 2018 national action plan. Commitment Three promises to “develop, in consultation with civil society, and publish a new Anti-Corruption Strategy ensuring accountability to Parliament on progress of implementation” and to create “a living document which evolves alongside the nature of the threat from corruption and our response both here in the UK and abroad.”²⁶

Commitment Four aims to create an “Anti-Corruption Innovation Hub to connect social innovators, technology experts and data scientists with law enforcement, business and civil society to collaborate on innovative approaches to anti-corruption.”²⁷

★ Commitment 7. Company Beneficial Ownership Information

Commitment Text:

The UK government will lead by example by creating a publicly accessible central registry of company beneficial ownership information. The registry will contain information about who ultimately owns and controls UK companies.

Responsible Institution(s): Cabinet Office

Supporting Institution(s): Companies House

Start Date: October 2013

End Date: June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X						X										
															X					X	

Editorial Note: This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

COMMITMENT AIM

The UK government committed to place a requirement on companies to obtain and hold adequate, accurate and current information on their beneficial ownership - defined as the natural person(s) who ultimately owns or controls a legal person or arrangement. The new company beneficial ownership information will be held in a central registry maintained by Companies House. The commitment also included the following:

- Transposition of the Fourth EU Money Laundering Directive,
- Amendments to the UK Money Laundering Regulations; and
- Other relevant bilateral and multilateral agreements led by the HM Treasury.

STATUS

Midterm: Substantial

Beneficial ownership is a legal term referring to anyone who has property rights and who exercises ultimate effective control over a legal person or arrangement, yet who does not nominally own the asset. The creation of a publicly accessible central registry of company beneficial ownership information stemmed from a series of international commitments on money laundering at the G8.

The ability to create a register of company ownership, detailing who owns or has a sizable interest (labelled “controlling,” “person with significant control,” or PSC), is a central part of fighting corruption and tracing numerous activities.

The commitment was linked to a number of EU-wide and G8 agreements, as well as to individual countries across the world working on corporate transparency and tax evasion.

Given its cross-cutting nature, the policy is divided between Her Majesty’s Treasury and the Department for Business, Innovations and Skills (BIS).

Nationally, the publicly accessible register was consulted on in 2013. It was taken forward in primary legislation as part of the Small Business, Enterprise and Employment Bill that became law in late March 2015. The intention, according to the provisional implementation plan, is to then have a publicly accessible register up and running by April 2016 following secondary legislation. A BIS-led working group was created, and a draft set of regulations for PSCs drawn up in January 2015.²⁸

Internationally, the commitment involved discussion and work around implementing the EU Fourth Money Laundering Directive, as well as a series of bilateral and multi-lateral negotiations via the G20 Anti-Corruption Working Group.

In December 2014, the European Parliament and Council reached political agreement on it, specifying the following:

The ultimate owners of companies would have to be listed in central registers in EU countries, accessible to people with a “legitimate interest,” such as investigative journalists and other concerned citizens.²⁹

This openness of the EU level register was somewhat less than the UK’s legal provisions and was a disappointment to campaigners across the EU. At the time of writing this report, the directive is heading for formal adoption, and, at some point in early 2015, it will be implemented in the UK.³⁰

David Cameron was keen to push the policy with Crown Dependencies and overseas territories linked to the UK, including the Cayman Island, Bermuda, Jersey, and Guernsey. In a letter of April 2014, he urged them to consider registers of beneficial ownership, although campaigners were not hopeful.

End of term: Substantial

The commitment related to beneficial ownership was one of the central commitments of the second national action plan, and there has been substantial progress. In November 2015, at the end of the process, the government published its implementation plan for beneficial ownership.³¹ As the plan shows, a number of the commitments remain in progress, and the full implementation will not be complete until long after the two-year cycle ends.

Some legislative and policy work remains ongoing until the register and other parts are running between 2015 and 2016 or 2017.

For example, the Fourth Money Laundering Directive will be transposed into domestic legislation soon, but, as the government notes, “The UK has until 26 June 2017 to transpose this into legislation.”³²

As of 30 June 2016, Companies House will publish the PSC register, although not all the information will be completed by then, and it will take up to 12 months to complete, as companies file their data over the course of the year.³³ Other ongoing aspects include the UK’s National Risk Assessment. As per the Financial Action Task Force recommendations, it will “assist the UK in shaping its future anti-money laundering and counter terrorist financing policy to ensure that policies are resources are targeted effectively.”³⁴

Outside of the plan, there has been progress on various parts of the beneficial ownership agenda, especially in the wake of the “Panama Papers” leak that affected the Prime Minister personally because of his family’s tax arrangements.³⁵ In April 2016, the UK government published a new action plan for anti-money laundering. The EU also committed to continue to blacklist territories, although the media claimed the UK government had lobbied

against it earlier.³⁶ By end of summer 2016, there will be an agreed EU-wide list of non-co-operative jurisdictions.³⁷ Research from Access Info Europe and the Organised Crime and Corruption Reporting Project (OCCRP) found that, even when exercising FOI or Right to Information (RTI) laws, most allegedly public ownership registers could not be accessed.³⁸

Internationally, the UK made an agreement with five other European countries to share data on beneficial ownership. The government published details of information-sharing agreements between the UK, overseas territories, and dependencies—many of which are tax havens—following demands from the National Crime Agency.³⁹ However, a number of territories appear to be resisting registration. The Labour Party opposition called for using legislative instruments to force them to comply and co-operate, as in 2009.⁴⁰

DID IT OPEN GOVERNMENT?

Access to information: Major

Given the ongoing nature of the commitment, precise judgement is difficult but the new reforms have had a major effect so far. The first tranche of data was published in July 2016 with some interesting provisional assessment, though it is too early to tell what use it may be put to in the future.⁴¹

Groups such as the Financial Transparency Coalition, Global Witness and Open Corporates have welcomed the move. The Open Corporates team, who innovate with corporate data and lobby for greater corporate openness, called it a 'significant step forward' and though there were 'significant data quality problems' it felt that 'many of them are teething problems, which can be solved fairly easily.'⁴² An analysis by global witness on the first batch of beneficial ownership data release recognizes the value of this effort and found that some companies are filing new information not contained within their previous filings.⁴³

The Financial Transparency Coalition spoke of there being 'serious interest in this new data amongst economists, business, campaigners and journalists' and of the need to harness 'the many eyes of the crowd' to improve the quality of the data. It praised Companies House's work in creating forum but argued that 'crowdsourcing would be a real innovation'.⁴⁴

There have also been a series of ripple effects from the UK's example. As well as the publication of the data itself, the opening up has led to promises of similar Beneficial Ownership registers in countries as diverse as France, the Netherlands and Afghanistan.⁴⁵ It has also led to a series of data sharing agreements across borders within EU countries but also between the UK and Overseas territories and dependencies, which have been the source of considerable controversy as important tax havens.

CARRIED FORWARD?

The commitment to beneficial ownership was carried over and extended in the UK's third national action plan for 2016 to 2018. The new proposal extends to the collection of data to foreign companies doing work in the UK. Commitment 1 outlines how. It states:

We will establish a public register of company beneficial ownership information for foreign companies who already own or buy property in the UK, or who bid on UK central government contracts to 'bring greater transparency to who bids on public contracts and owns or buys UK property.'⁴⁶

Commitment 8. Police Records

Commitment Text:

The UK government will establish by 1 January 2014, a high-level working group to ensure greater transparency and accessibility of police records in England and Wales. The group will explore the range of options for achieving this, including bringing police force records under legislative control, by adding police forces to the Public Records Act 1958, alongside other options that may not require legislation. The working group will report with a clear proposal and Action Plan by 30 June 2014.

Responsible Institution(s): Home Office

Supporting Institution(s): The International Records Management Trust

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?									
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	END OF TERM									
																	Worsens	Did not change	Marginal	Major	Outstanding					
				X	X					X										X						
													X													

COMMITMENT AIM

The commitment involves bringing police records in line with the Public Records Act 1958 that sets out the process for record access and preservation in England and Wales. The proposals stemmed from the Hillsborough Independent Panel of 2012 that reported on the football disaster of 1989 after a long campaign for justice and access to records by the families of victims.⁴⁷ The panel recommended that police records closure periods on certain documents exempted under FOI be reduced to 20 years.⁴⁸

STATUS

Midterm: Limited

Apart from the Metropolitan Police Service (London police), the other 42 police forces across England and Wales are not subject to record requirements.⁴⁹

Police records currently are not designed around public access, but rather around retention and destruction regulations via management of police information rules.⁵⁰

According to the 2015 government mid-term self-assessment report, discussion centred on establishing a baseline, deciding whether—for example—changes could match the 20- to 30-year Public Records Act changes

(see Commitment Five), and determining how retrospective any change should be. There also was concern over how to deal with sensitive or dangerous information, for example, from the Northern Ireland conflict, police informers, or murder cases. The working group held four meetings and presented a final draft document in January 2015. The self-assessment reports committed to offering proposals by the end of March 2015, but they were not available at the time of writing this report.

The issue of police records cuts across other controversial areas. Overall, the level of completion of this commitment is limited. While the milestone of establishing a working group was completed, the decision on what to do with records had not been made at the time of writing this report.

End of term: Limited

Based on the self-assessment report, progress was limited. The final self-assessment report states, "As work has progressed it has become clear that the proposal has significant administration and cost implications for police forces and others such as the National Archive and local places of deposit involved in record management."⁵¹ A draft was written by January 2015, and an update was to be given by March 2015, although it was unclear if the report was finalised.

The issue of police records came to the fore in April 2016 when the police were found guilty of unlawful killing, and the Independent Police Complaints Commission raised the possibility of new investigations into other historical events.⁵³

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Given the limited progress, the commitment did not increase access to information on police records.

CARRIED FORWARD?

This commitment was not carried forward into the next national action plan.

Commitment 9. Transparent Social Investment Market

Commitment Text:

The UK government will promote the principles of transparency and accountability in all government-funded construction projects in the domestic and international arenas, including, in the period up until 2015:

- working with others in government and civil society to identify suitable projects for the application of the Construction Sector Transparency Initiative (CoST) in the UK
- using its bilateral and multilateral relationships to encourage the establishment of at least four new national CoST programmes in countries where DFID is working

Responsible Institution(s): Department for International Development (DFID) and HM Treasury

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	END OF TERM					
																	Worsens	Did not change	Marginal	Major	Outstanding	
			X		X	X	X		X									X				

COMMITMENT AIM

The UK government will promote the principles of transparency and accountability in all government-funded construction projects in the domestic and international arenas, including, in the period up until 2015. This involves working with others in government and civil society to identify suitable projects for the application of the Construction Sector Transparency Initiative (CoST) in the UK and using its bi-lateral and multi-lateral relationships to encourage the establishment of at least four new national CoST programmes in countries where DFID is working.

STATUS

Midterm: Limited

Assessing the status and implementation of this commitment is difficult. It spreads across departments and bodies and, in some places, relies on the CoST secretariat, rather than the government.

Domestically, there appears to have been much less progress than hoped, but alternative means are being used. Internationally, the work is long-term and reliant on other bodies and networks in an area where it can be difficult to gain policy traction. Although construction is a key area for corruption and mismanagement, it is also by nature opaque.

Nevertheless, the development of inter-country partnerships appears to have moved forward. Stakeholders identified this commitment as an area that needed more CSO co-ordination and involvement during the process of development and implementation.

End of term: Limited

While the UK's domestic push did not focus on a specific area, internationally there is work in Tanzania, Ukraine, and Ethiopia. Strategic reviews and publicity events took place in late 2015. In June 2015, DFID reported that it was "finalising the details of a significant investment in the CoST programme," which may fit with a tender for a wider strategic review of the CoST initiative.⁵⁴

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

Public participation: Did not change

Given the limited progress, especially in the UK, the commitment did not increase access to information, civic participation, or public participation. However, the international aspects may produce greater openness in the future, and consultants IMC worldwide have begun a strategic review of the entire CoST initiative, examining "its vision, delivery model, governance arrangements, financing, partnerships and sustainability," which may assist the organisation.⁵⁵

CARRIED FORWARD?

The commitment was not carried forward, although CoST and DFID appear to be acting outside of the time frame of this report.

Commitment 10. Legislative Openness

Commitment Text:

The UK government will:

- Promptly publish all new primary and secondary legislation on legislation.gov.uk
- Bring the revised versions of primary legislation on legislation.gov.uk up to date by the end of 2015 and keep them up to date subsequently
- Make legislative data available in an open and accessible format to allow people to re-use content under terms of the UK's Open Government Licence

Responsible Institution(s): The National Archives (TNA)

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X					X					X				X		

COMMITMENT AIM

This initiative builds on TNA's work since 2010 to update legislation. In 2010, TNA created legislation.gov.uk, the first service of its kind in the world that would cater to different users of the site including lawyers, teachers, police officers, and researchers of various kinds.⁵⁶ This commitment aims to further legislative change, while also experimenting with new forms of updating.

STATUS

Midterm: Substantial

TNA has yet to complete the additional amendments or changes due to new or devolved legislation.

As the FAQs explains:

All legislation held on legislation.gov.uk in revised form has been updated with effects of legislation made up to 2002 (except for some effects of 2002 legislation that were not yet in force at the end of 2002).

About half of all items of legislation are also up to date to the present. For the remainder, there are still effects outstanding for at least one of the years 2003 to the current year.⁵⁷

As of 2013 when the commitment began, there “were less than 129,000 outstanding effects still to be applied to legislation.gov.uk.”⁵⁸

The two-fold approach of publishing new legislation and amending older work had different degrees of difficulty. While publishing, new legislation was relatively simple, revising older legislation was problematic. TNA decided that a more iterative “rising tide approach,” where amendments, not documents, would be the basis for mapping and would be a better way forward. Work on the amendments increased alongside the development of new experiments such as key word searches.⁵⁹ By January 2015, this new approach had created a systematic solution to the problem. The remaining time in the plan was used to develop the new system and new applications.⁶⁰

End of term: Substantial

It is unclear if all the legislation on site has been fully updated. According to the FAQs the status of progress remains the same as described in the mid-term report.⁶¹ TNA’s update of June 2015 explains that it is “working with partners to bring the revised legislation on legislation.gov.uk up to date by the end of 2015, including with the Welsh and Northern Ireland governments, Defra and the Department for Work and Pensions.”⁶² The team has “completed work with the Commencement Orders ... and has a high quality, granular dataset about the commencement of legislation in the UK over the last 10 years.”⁶³ The team are “now fully engaged in the final updating stage, which involves applying the textual amendments to the documents.”⁶⁴ TNA also held a special “update week” with participants from government departments, including Defra and the Office of the Parliamentary Counsel.⁶⁵ A member of the updating team outlined how TNA widened the team of expertise and created a new forum for experimenting with legislative research with academics. TNA’s customer satisfaction survey revealed slightly higher satisfaction from 71 per cent in 2014-2015 to 76 per cent in 2015-2016, although satisfaction rates were slightly higher in the past.⁶⁶

DID IT OPEN GOVERNMENT?

Access to information: Marginal

As reported in the mid-term report, opening and updating legislation is an important subset of opening government. Access to up-to-date information on laws that govern the country forms a key part of helping democratic awareness. As well as updating laws, the commitment also led to a series of interesting applications such as the legislation word search tool that allow users to research and to analyse the legislative data in new ways by, for example, date or key word search terms. This allows researchers to track if certain phrases, issues, or ideas emerged or faded in UK legislation over time (e.g. drugs, immigration). However, at the time of writing this report, the applications are still prototypes, and it is too early to tell if their effect could be more than marginal.

CARRIED FORWARD?

This commitment will not be carried forward, but it is ongoing as part of the wider process.

Commitment 11. Whistleblowing

Commitment Text:

The UK government is committed to ensuring a strong legislative framework to encourage workers to speak up about wrongdoing, risk or malpractice without fear of reprisal.

Responsible Institution(s): Department for Business, Innovation and Skills (BIS)

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?						
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding		
		X			X		X				X												
														X									
															X								

COMMITMENT AIM

The commitment builds on pre-existing whistleblower protection contained in the Public Interest Disclosure Act (PIDA) of 1998 that was widely praised for its scope and force.⁶⁸ However, the coalition government argued that scandals over banking and controversy over failings in the NHS, particularly the 2013 Mid-Staffs case, highlighted the need for greater protections for those wishing to expose wrongdoing.⁶⁹ The government concluded that the current framework “has not worked as effectively as hoped, and ... there is a need for a cultural shift in attitudes to whistleblowing.”⁷⁰

STATUS

Midterm: Limited

In 2013, the charity Public Concern at Work (PCW) commissioned a group of experts to examine and make recommendations on whistleblowing. In April 2015, a Transparency International study of the UK open government commitments concluded that, while the legislation was strong, the culture of whistleblowing within public organisations remained weak.⁷¹ The commitment comprised a series of smaller milestones that were developed during the implementation of the plan.

One of the milestones involved the introduction of a duty to report (meaning small and medium business must report timings of their payments and invoices) under the Small Business, Enterprise and Employment Act 2015, following consultation in 2013 and a government response in 2014.⁷²

Slightly ahead of schedule, the government also presented its extended proscribed list of persons.⁷³ The analysis of employment tribunal (ET1) claim forms, whereby a claimant can cite whistleblowing in an employment tribunal hearing, is ongoing. As stated in the progress report, "Work is currently being carried out to build a clearer picture of suitability and whether improvements are required (April 2015)."⁷⁴ The one milestone that caused difficulty was the event or celebration of whistleblowing, although the update in January 2015 set April 2015 as a date for an event. The overall commitment was implemented amid continuing concerns about whistleblowing in the UK.⁷⁵

End of term: Substantial

According to the final June update, the commitment was completed except (i) the 2018 review, where the law will be reviewed as part of the wider evaluation strategy for the Enterprise and Regulatory Reform Act 2013 ... [that] will draw conclusions by 2018 and (ii) the celebration of whistleblowing event. Between the mid-term and final reports, student nurses were included, with ongoing discussions about including medical students.⁷⁶ In 2016 there were a series of awareness raising events including a Whistleblowing Awareness week in October 2016 supported by the Chief Executive of the Civil Service⁷⁷. However, both a Parliamentary Select Committee and the charity PCW expressed disappointment at the overall changes and the consistency of whistleblowing policy (see below).

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Public accountability: Did not change

It is unclear how far the changes will have altered access to information, or public accountability. The Public Accounts Committee, described the commitment's implementation as 'steps in the right direction' but there has been criticism that the changes will not go far enough or alter the deep cultural resistance to accepting whistleblowing across government. In March 2016, the Public Accounts Committee concluded that 'a lack of cross-government leadership on whistleblowing had resulted in an inconsistent approach across departments' and said it was 'disappointed by the lack of urgency and at the slow progress pointing' to the fact that the appointed task force had met only once. The Committee claimed that the Cabinet Office could not provide any evidence for which departments were performing well or badly. This disappointment was echoed by Public Concern at Work that spoke of government policy being 'all talk no action'.⁷⁸

CARRIED FORWARD?

This commitment was not carried forward, although review of the Enterprise and Regulatory Reform Act 2013 that covers a number of the legal provisions will not take place for another two years.

⁷⁴ UK Government, *Anti-Corruption Summit Communiqué*, by the Cabinet Office (Policy paper, London, 12 May 2016), <http://bit.ly/1TRwt72>; Associated Press, "Nations Make Anti-Corruption Vows, but Hard Action Varies," *Wires*, Daily Mail, 12 May 2016, <http://dailym.ai/2fYRbXy>

⁷⁵ UK Government Progress Report Update on Anti-Corruption Plan, May 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522802/6.1689_Progress_Update_on_the_UK_Anti-Corruption_Plan_v11_WEB.PDF

⁷⁶ UK Government, *UK Open Government National Action Plan 2016-18*, commitments 3 and 4, <http://bit.ly/2fAVfg3>

⁷⁷ UK Government, *UK Open Government National Action Plan 2016-18*, commitment 4, <http://bit.ly/2fAVfg3>

⁷⁸ As of writing this report, the government bill is at the report stage of the House of Lords. UK Government, "Small Business, Enterprise and Employment Act 2015," Parliament, 30 March 2015, <http://bit.ly/1ivHb4y>; See UK Government, *Company Ownership: Transparency and Trust Discussion Paper*, by the Department for Business, Innovation and Skills (BIS) (Consultation outcome, London, 24 April 2014), <http://bit.ly/1nD5QSo>; UK Government, "Provisional Implementation Plan for Parts 7 and 8 of the Small Business, Enterprise and Employment Bill," BIS, 15 January 2015, <http://bit.ly/187XbW1>; UK Government, *PSC Register: Draft Terms of Reference for Working Group*, by BIS (Policy paper, London, 15 January 2015), <http://bit.ly/1GJogv4>

⁷⁹ "Money Laundering: Parliament and Council Negotiators Agree on Central Registers," Press release, European Parliament, 17 December 2014, <http://bit.ly/1J1dDp2>; Nick Mathiason, "Beneficial Ownership Registers in EU States Won't Be Made Completely Public," *Bureau of Investigative Journalism*, 16 December 2014, <http://bit.ly/1wB61UZ>

⁸⁰ "Money Laundering: Parliament and Council Negotiators Agree on Central Registers," <http://bit.ly/1J1dDp2>; Mathiason, "Beneficial Ownership Registers in EU States Won't Be Made Completely Public," <http://bit.ly/1wB61UZ>

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⁸² See <https://www.gov.uk/government/consultations/transposition-of-the-fourth-money-laundering-directive>

⁸³ Gareth Lloyd, "The New 'People with Significant Control' Register," *Blog*, Companies House, 13 April 2016, <http://bit.ly/2b3BY16>

⁸⁴ See http://www.opengovpartnership.org/sites/default/files/UKNAPupdate_June2015_Beneficial_ownership.pdf

- ³⁵ Anushka Asthana, "David Cameron Defends Tax Affairs as Commons Demands Answers," Politics, Guardian, 11 April 2016, <http://bit.ly/2fB2ncr>; Will Dahlgreen, "Public Verdict on Tax Furore: Dave Not so Dodgy," Politics, YouGov UK, 14 April 2016, <http://bit.ly/2fCAKMr>
- ³⁶ "Biggest Reforms to Money Laundering Regime in Over a Decade," Announcements, 21 April 2016, <http://bit.ly/1SmtuRI>
- ³⁷ Simon Bowers and Arthur Neslen, "Tax Haven Blacklist Omits Luxembourg as Brussels Announces Reform Plans," World, Guardian, 17 June 2015, <http://bit.ly/2fB1B5P>; Josh May, "UK Lobbied Against EU 'Blacklist' of Tax Havens – Report," PoliticsHome, 31 January 2016, <http://bit.ly/2fB6jty>; "EU to Draw up Tax Haven Blacklist," World, BBC News, 22 April 2016, <http://bbc.in/2fBF1QO>
- ³⁸ Helen Darbishire, "It's None of Your Business!" Access Info Europe and Organised Crime and Corruption Reporting Project (OCCRP), 7 April 2016, <http://bit.ly/2eVJHJG>
- ³⁹ UK Government, "UK Leads European Calls for G20 Action on Beneficial Ownership," News story, HM Treasury, 14 April 2016, <http://bit.ly/1Mxl7FF>; UK Government, "The British Virgin Islands: Sharing Beneficial Ownership Information," Correspondence, Cabinet Office, 21 April 2016, <http://bit.ly/2fCvEjc>; Caroline Davies, "National Crime Agency Demands Quicker Access to Offshore Firm Records," UK News, Guardian, 10 April 2016, <http://bit.ly/1oNPhsz>
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- ⁴¹ See the first analysis of the data here <https://financialtransparency.org/first-look-uk-beneficial-ownership-data/> and analysis here <https://blog.opencorporates.com/2016/07/06/uk-beneficial-ownership-information-now-in-opencorporates/> and here <https://blog.opencorporates.com/2016/08/02/modelling-the-uk-beneficial-ownership-data/> and 8 reasons the data is important by Global Witness <https://www.globalwitness.org/en/blog/eight-reasons-why-we-all-need-be-able-see-beneficial-ownership-information-rather-just-police/>
- ⁴² See <https://blog.opencorporates.com/2016/07/06/uk-beneficial-ownership-information-now-in-opencorporates/>
- ⁴³ Global Witness blog "A first look at the UK Beneficial Ownership Data" <https://www.globalwitness.org/en/blog/first-look-uk-beneficial-ownership-data/>
- ⁴⁴ See <https://financialtransparency.org/first-look-uk-beneficial-ownership-data/>
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- ⁵⁵ "IMC to Conduct Review of Construction Sector Transparency Initiative (CoSt)," IMC, <http://bit.ly/2f1ELW7>
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- ⁵⁸ "Open Government Partnership UK National Action Plan 2013 to 2015," commitment 10, <http://bit.ly/1CbrfZ8>
- ⁵⁹ Robert Richards, "The Good Law Hackathon: 22 November 2014, London," Storify, November 2014, <http://bit.ly/1QPMxFi>
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- ⁶¹ "Frequently Asked Questions (FAQs)," Help, UK Legislation, <http://bit.ly/2fYVP8d>
- ⁶² http://www.opengovpartnership.org/sites/default/files/UKNAPupdate_June2015_Legislation.pdf
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- ⁷³ "Whistleblowing: List of Prescribed People and Bodies," Guidance, UK Government, <http://bit.ly/1BtaAU3>; UK Government, "2014 No. 2418 Terms and Conditions of Employment: The Public Interest Disclosure (Prescribed Persons) Order 2014," Statutory Instruments, UK Legislation, 8 September 2014, <http://bit.ly/1bH0mp7>; "Whistleblowing: Guidance and Code of Practice for Employers," Guidance, UK Government, <http://bit.ly/1CURGYA>
- ⁷⁴ "Open Government Partnership UK National Action Plan 2013-15 Commitment Progress Update," whistleblowing commitment, <http://bit.ly/1fG6WyW>
- ⁷⁵ "Whistleblowing - Public Accounts Committee," Publications and Records, UK Parliament, <http://bit.ly/1KxWbbb>; the 2015 Freedom To Speak Up Review commissioned by the government is at <http://bit.ly/1DFeTrF>; and the report and summary are at <http://bit.ly/1DFeVQc>; "The Observer View on Whistleblowing," Opinion, Guardian, 14 February 2015, <http://bit.ly/1dxY0Kp>
- ⁷⁶ "Open Government Partnership UK National Action Plan 2013-15 Commitment Progress Update," whistleblowing commitment, <http://bit.ly/1fG6WyW>
- ⁷⁷ See the blog post here <https://civilservice.blog.gov.uk/2016/10/17/be-confident-to-speak-up-encouraging-a-positive-whistleblowing-culture-in-the-civil-service/>
- ⁷⁸ See the PAC reporting here <https://www.parliament.uk/business/inquiries/committees/committees-a-z/commons-select/public-accounts-committee/parliament-2015/making-a-whistleblowing-policy-work-progress-update-15-16/> and PCAW blog <http://www.pcaw.org.uk/latest/blog/all-words-no-action-pac-criticises-governments-approach-to-whistleblowing>

THEME III | FISCAL TRANSPARENCY

Commitment 12. Open Contracting

Commitment Text:

The UK government endorses the principles of open contracting. We will build on the existing foundation of transparency in procurement and contracting and, in consultation with civil society organisations and other stakeholders, we will look at ways to enhance the scope, breadth and usability of published contractual data.

Responsible Institution(s): DFID, Foreign and Commonwealth Office (FCO) and the Crown Commercial Service (CCS)

Supporting Institution(s): CoST

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X	X	X							X						
									X						X					X	

COMMITMENT AIM

The commitment comprises a series of distinct programs across a number of government bodies, from the DFID to the FCO and the CCS. Part of the commitment also relates to the UK government’s broader push for open contracting via its 2012 Open Standards Principles and the push for outsourced companies to maintain the levels of transparency provided by the FOI Act through contractual clauses.⁷⁹

STATUS

Midterm: Substantial

The procurement pipeline was functional in March 2015. The FCO published 400 contracts in 2014, and DFID published 56 in the last quarter of the same year.⁸⁰

However, the FCO has not converted contracts into local languages due to the prohibitively high costs.⁸¹ The proposed solutions exchange website had limited uptake, and it was merged with the new Contracts Finder site.

The Contracts Finder site, originally created in 2011, was seen as an important step forward though it was criticised for holding incomplete data and obtaining information by “scraping from the EU portal.”⁸² Contracts Finder 2 was launched on 26 February 2015 in a beta version.⁸³

The government also published its model services contract in March 2014. The contract asks that contractors abide with the government's open standards principles in relation to "software interoperability, data, and document formats," but guidance has been delayed.⁸⁴ New regulations in February 2015 set out a legal duty to put adverts and other details on Contracts Finder.⁸⁵ There was another newer updated model service contract in May 2016.⁸⁶

The transparency clause in contracts relating to FOI remains the subject of discussion but the current draft asks for the right for a public authority to have information from the contractor that is reasonably relevant to performance of the contract. It is hoped that the clause will be ready before October 2015. In March 2015, the Institute for Government (IFG) worked with the Information Commissioner's Office (ICO), the Confederation of British Industry, and various CSOs to draft a set of standardised transparency provisions for future contracts with a recommended set of subjects for proactive disclosure. In parallel, the government published its policy paper, Transparency of Suppliers and Government to the Public. The paper "set out the requirement for the proactive release of information under the government's existing commitment to publish contract information."⁸⁷

End of term: Substantial

The Government's own assessment concluded that progress had been 'mixed...primarily due to resource issues'.⁸⁸ While at midterm the commitment had progressed, there had been problems with the publication of contracts over £10k. However, a government assessment in 2015-2016 found that all central government departments, 95% of police authorities, 86% of principal councils (district and above), (now increased to 95%) and 75% of all NHS bodies used the site. The same mystery shopping exercise identified 395 opportunities from 200 local authorities. The number of local authorities using the site increased from 64% to 86% following intervention by the CCS.⁸⁹

The commitment on new transparency clauses in public sector contracts had fallen behind schedule. However, by June 2015 the government claimed it would 'go further than FOI by asking departments to discuss with suppliers early in the procurement process the types of additional information that might be disclosed on contract award and during the life of a contract...and publishing this information'. By July 2015 the government had also published its promised procurement note.⁹⁰

The Campaign For Freedom of Information welcomed the new transparency note but argued that certain parts of it were 'defective'. Regarding the state of contract transparency overall, the Institute For Government warned in November 2015 that progress had 'stalled' with 'little tangible progress' despite the end of the second NAP timeline.⁹¹

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Marginal

Public participation: Marginal

In terms of Access to information the new website has been a clear advance on the previous site, while the model contracts appear to have a high degree of uptake from public bodies. The new transparency clause also offers a clear opportunity to extend openness to government contractors through FOI. Until the policy is fully rolled out (see below) and until data is collected on how or if the web data is being used or FOI clauses used, it is unclear what effect the new reforms will have, particularly on participation and accountability.

CARRIED FORWARD?

The UK's third national action plan set out a proposal that builds on parts of the second national action plan that appear to have fallen behind, with the aim of pushing open contracting across the government. Commitment Five aims "to implement the Open Contracting Data Standard (OCDS) in the CSS' operations by October 2016; we will also begin applying this approach to major infrastructure projects, starting with High Speed Two, and rolling out OCDS across government thereafter."⁹²

Commitment 13. Open Contracting Scotland

Commitment Text:

The Scottish government broadly endorses the principles of 'open contracting' and commits to work with civil society and wider stakeholder groups to improve transparency in its procurement practices as part of our continuing programme of procurement reform.

Responsible Institution(s): Scottish Government

Supporting Institution(s):

Start Date: October 2013

End Date: June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X	X	X								X						
									X						X					X	

COMMITMENT AIM

The commitment involves publishing details of public contracts and creating a new procurement portal. This commitment is built on top of previous reforms undertaken by the Scottish Government. This reform is being carried out by the devolved Scottish Government under its separate powers, rather than the UK.

STATUS

Midterm: Substantial

The Scottish Government already publishes information on contracts over £50,000 and established the open contract portal Public Contracts Scotland (PCS).⁹³ It also forms part of wider transparency reforms contained in the Scottish Procurement Reform Bill that became the Procurement Reform (Scotland) Act 2014.⁹⁴

A consultation began in February 2015 covering different elements of the Procurement Reform (Scotland) Act 2014 and the three EU procurement Directives being transposed.

It ran from 9 February 2015 until 30 April 2015. As part of this, Question 63 of the consultation asks:

What is your view of the Scottish Government's position to broadly endorse the principles of open contracting and commitment to work with civil society and wider stakeholder groups to improve transparency in its procurement practices as part of its continuing programme of procurement reform?⁹⁵

Section 22 of the Act concerns publication of contract details on the PCS website.⁹⁶ The Act is due to be fully implemented by the end of 2015.

End of term: Substantial

The commitment follows legislative and implementation timetables that differ from the OGP cycle. The Procurement Reform (Scotland) Act 2014 was fully implemented by the end of 2015 through the Procurement (Scotland) Regulations 2016 and Public Contracts (Scotland) Regulations 2015.⁹⁷ The new Scottish Regulations were all in place by 18 April 2016. They mean the Scottish Government rules for procurement match the rest of the UK. However, it is not clear what effect the new rules or website update will have.

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Did not change

Public participation: Did not change

The Scottish government's contracting procedures now match those of the United Kingdom in their levels of openness. As the mid-term report concluded, the potential impact of this commitment is minor. The reforms, once in place, offer a limited increase in access to information, through contracts and making the outsourced organizations more transparent. So far, according to analysis of the PCS site, there has been a 16 % increase in notices on the and bodies are publishing procurement strategies. The Scottish government is also implementing EU directives on e-invoicing.⁹⁸ They also make it easier for procurement decisions to be challenged and can impose on contractors, under a 'community benefit requirement', a duty to look after the 'wellbeing of the communities covered.'⁹⁹ There was no evidence at the time of writing that there has been any change to public accountability and civic participation so far. In November 2016 the Scottish government announced a new Open Contracting Strategy that includes a introducing a new Open Government License and making contract notices and award notices available as open data and pdf .

CARRIED FORWARD?

No, this commitment will not be carried forward, although the outcomes are outside of the time of the second national action plan.¹⁰⁰

★ Commitment 14. Aid Transparency

Commitment Text:

The UK government will show leadership in transforming the transparency of global development assistance by publishing information on official development assistance (ODA) in line with the International Aid Transparency Initiative (IATI) Standard, so that UK assistance can be tracked through the delivery chain.

Responsible Institution(s): DFID

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X	X	X				X									
															X					X	

Editorial Note: This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

COMMITMENT AIM

This commitment builds upon the previous actions of the UK government towards International Aid Transparency to encourage other providers of development assistance to make their information available in a common format, helping to create a richer global dataset of more open, timely, comprehensive, comparable and re-usable information.

STATUS

Midterm: Substantial

The UK government was one of the founders of the IATI that promotes standards in aid transparency. The Initiative now has 270 different bodies committed to its principles. The government highlighted this commitment as a key priority.¹⁰¹ Since 2011, DFID has been publishing a range of information on spending and procurement on international aid.¹⁰²

In 2012, DFID was "ranked first (out of 72 international organisations) in the 2012 Publish What You Fund Aid Transparency Index, 3rd out of 67 in 2013, 2nd out of 68 in 2014."¹⁰³

The commitment comprises a series of separate milestones which are discussed in turn below. In terms of Official Development Assistance, DFID's self-assessment report described publication as having "been mixed and incremental." DFID has been praised for its publication. However, the Aid Transparency Index found that different parts of the UK government were at varying levels. Interviewees praised DFID's work, but saw other departments as lagging.

DFID pushed implementation of the Busan recommendations, an agreement on cross-government shared development goals that includes transparency and accountability commitments. One assessment found that DFID was second out of 86 countries in progressing them.¹⁰⁴

In 2013, DFID piloted the Development Tracker, an online visualisation tool that allows users to easily see spending on overseas aid, searchable by sector or location. As of January 2015, DFID claimed that it has 3,200 projects mapped and 120 projects detailed across Africa and Asia.¹⁰⁵

DFID also has been working with Publish What You Fund on developing the Budget Identifier, a common and consistent classification allowing for mapping across government budgets. DFID piloted it, among others, and the classifications were submitted for approval to the OECD DAC Working Party on Statistics.¹⁰⁶

DFID is working with donors to publish open data on supplies and payments. After a successful pilot, DFID continues to work with BOND on the aid transparency challenge. A series of workshops planned in March and May 2015 were aimed at improving supplier and partner cooperation, with a final deadline of December 2015. There is also a clause promising publication in future contracts with suppliers.

Across the milestones, DFID has been widely praised for its commitment and energy. The drive behind the process came not only from DFID but also from the personal interest of the Prime Minister. CSOs' closeness and advice were seen as immensely valuable to the process. One of the major obstacles has been the coordination across government and other partners, as aid is only a small part of other departments' work. However, these areas may be of interest to campaigners in monitoring aid payment targets.

Overall, the level of completion of this commitment is substantial. While some of the milestones are complete, some work remains to be done for others.

End of term: Substantial

As the mid-term report pointed out, there have been important steps forward, with the Busan common standard and publication of data as particular standouts. Overall, many of the parts of the commitment were completed or on track. However, some departments lag behind and a "final push is needed to embed publishing to IATI in processes within the remaining departments," including a series of cross-government meetings.¹⁰⁷ There was progress on working with 40 major private-sector suppliers, "representing approximately 80 per cent of DFID's 2014-15 supplier-spend, to publish to IATI by 31 December 2015," with a future transparency contract for later suppliers. The commitment also retained an open-ended pledge to continue experiments and to drive up standards in the quality of information.

DID IT OPEN GOVERNMENT?

Access to information: Major

Public accountability: Did not change

The changes so far have enabled greater access to information about aid spending, an area that UK governments have given prominence since for the past few decades. Openness covers not only government departments, but also private sector suppliers. The platform allows users to search aid spending by location, department, or project.¹⁰⁸

The innovations and the visualisations make spending easier to track and to understand while pushing of the Busan standard also pushed technology and traceability in the future. It is less clear how far the commitment pushed forward civic participation and accountability, although it has been welcomed widely as a step forward.

CARRIED FORWARD?

The commitment was not carried forward.

⁷⁹ UK Government, *Open Standards Principles*, by the Cabinet Office (Policy paper, 11 September 2015), <http://bit.ly/1GJJsB1>

⁸⁰ "Procurement Pipeline," Crown Commercial Service, <http://bit.ly/1DFgJky>

⁸¹ "Open Government Partnership UK National Action Plan 2013-15 Commitment Progress Update," open contracting commitment, <http://bit.ly/1Q3HgZx>

⁸² See statement in Computerweekly.com here <http://bit.ly/1GCiK8S>

⁸³ See the old and new (beta) sites at <http://bit.ly/1dpEXkx> (old) and <http://bit.ly/1bZl9oK> (new). An article looks at how this is working at <http://bit.ly/1GCiK8S>

⁸⁴ The model services contract is available at <http://bit.ly/1dy1893> and January 2015 update is here <http://bit.ly/1Q3HgZx>

⁸⁵ See the regulations here <http://www.legislation.gov.uk/uksi/2015/102/contents/made>

⁸⁶ See the new contracts here <https://www.gov.uk/government/publications/model-services-contract>

⁸⁷ UK Government, *Transparency of Suppliers and Government to the Public*, by Cabinet Office (Policy paper, 24 March 2015), <http://bit.ly/1BisnJQ>

⁸⁸ See the update here http://www.opengovpartnership.org/sites/default/files/UKNAPupdate_June2015_Open_Contracting.pdf

⁸⁹ See pg 12 of this government mystery shopper report https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/553294/Mystery_Shopper_Progress_Report_2015_2016.pdf

⁹⁰ See the note at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/458554/Procurement_Policy_Note_13_15.pdf

⁹¹ See the CFI comment here <https://www.cfoi.org.uk/2015/07/comments-on-draft-transparency-clause-for-government-contracts/> and IFG comment overall

<http://www.instituteforgovernment.org.uk/blog/12683/progress-on-contract-transparency-stalled/>

⁹² UK *Open Government National Action Plan 2016-18*, <http://bit.ly/1XmOdx>

⁹³ "Public Contracts Scotland," <http://bit.ly/1wKrBGL>

⁹⁴ UK Government, "Procurement Reform (Scotland) Act 2014," UK Legislation, 2014, <http://bit.ly/1OLM6NK>

⁹⁵ "Public Procurement: A Consultation on Changes to the Public Procurement Rules in Scotland," Scottish Government, <http://bit.ly/1NyKX6d>; Scottish Government, "Public Procurement: A Consultation on Changes to the Public Procurement Rules in Scotland," February 2015, <http://bit.ly/1I2R2K9>

⁹⁶ See the background to the Act at <http://bit.ly/1DHapAD>

⁹⁷ "Implementing the New Legislation," Scottish Government, <http://bit.ly/2eCrCGP>; Public Contracts Scotland,

<http://www.publiccontractsscotland.gov.uk/>

⁹⁸ See here <http://www.gov.scot/Topics/Government/Procurement/eCommerce/eInvoicing>

⁹⁹ See <http://www.out-law.com/en/articles/2014/july/public-bodies-in-scotland-face-new-sustainable-procurement-duty/>

¹⁰⁰ See the new strategy here <http://www.gov.scot/Topics/Government/Procurement/OpenContracting>

¹⁰¹ See background at <http://bit.ly/18Gy1aR>; "Overseas Aid Transparency," Policy, UK Government, <http://bit.ly/1I2RDvo>; Adam Smith, "Aid Transparency Is UK's Top Priority,"

Guardian, 29 November 2012, <http://bit.ly/1QTJSiF>

¹⁰² "Statistics at DFID," DFID, UK Government, <http://bit.ly/1I2RNmp>

¹⁰³ "Open Government Partnership UK National Action Plan 2013 to 2015," <http://bit.ly/1CbrfZ8>

¹⁰⁴ "Results," 2016 Aid Transparency Index, <http://bit.ly/1sbeWdJ>; Global Partnership for Effective Development Co-operation, *Making Development Co-operation More Effective*

by OECD Publishing (Progress Report, Paris, 2014), <http://bit.ly/1zyox4i>

¹⁰⁵ "Development tracker," <http://bit.ly/1xbOG8>

¹⁰⁶ "Budget Identifier," Resources, Blogs and News, Publish What You Fund, 10 February 2014, <http://bit.ly/1EloCT2>

¹⁰⁷ "OGP UK National Action Plan 2013-15: Commitment Progress Update," aid transparency commitment, <http://bit.ly/2feEBSQ>

¹⁰⁸ "Development Tracker," <https://devtracker.dfid.gov.uk/>

THEME IV | EMPOWERING CITIZENS

Commitment 15. Better Health Care Data

Commitment Text:

NHS England will be improving the quality and breadth of information available to citizens to support them to participate more fully in both their own health care and in the quality and design of health services which will result in greater accountability of NHS England.

Responsible Institution(s): NHS England

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X	X			X					X						
															X						

COMMITMENT AIM

This commitment comprises eight separate objectives, undertaken by NHS England (the authority that oversees the NHS), rather than the Department of Health. The commitment mixed clinical indicators, new online services giving access to medical records, better information for patients, and data sharing through care.data.

STATUS

Midterm: Substantial

There had been major progress on numerous parts of the commitment. In terms of data, 12 clinical datasets and data from general practice settings, adult social care, and patient-centred outcome measurements were published.¹⁰⁹ The friends and family test, piloted in 2013, was rolled out across all care settings.

The published aggregate data including over five million pieces of feedback. In March 2015, the NHS reported that it had achieved coverage of 97 percent of practices. NHS England was working toward “better open data.”¹¹⁰

Progress on the release of information about social care services was slower. The self-assessment report “proposed to re-baseline the ambition to achieve 8,750 by April 2015 and 10,000 by April 2016,” through work with partners like home care providers.¹¹¹

Between 2013 and 2015, there was a great deal of concern about the new central registry of patient data called care.data. Questions were raised about how researchers would access the data, with claims that patient data would be sold to private companies, mixed with fears that data would not stay pseudo-anonymised, and evidence that the public had not been fully informed.¹¹² The concern over care.data led to clashes and a more difficult consultation process, with some CSOs reluctant to engage. The care.data project was subsequently proceeding on a slower time frame because of privacy and security concerns. In June 2015, the UK watchdog of major government projects gave the project a red rating (meaning “successful delivery of the project appears to be unachievable”), concluding that care.data had “major issues with project definition, schedule, budget, quality and/or benefits delivery, which at this stage do not appear to be manageable or resolvable.”¹¹³

End of term: Substantial

The programme offered an ambitious attempt to open data about healthcare, composed of eight different changes across a wide variety of areas. While the level of completion varied within the individual milestones that make up this commitment (from limited to complete), for the most part, NHS England advanced substantially in its commitment to make the health service more transparent and accountable. This includes a series of data via the NHS choice site:

- Published information about 12 clinical areas
- Published GP (doctor) data
- A series of pilots with so-called Patient Centred Outcome Measures¹¹⁴
- The launch of the NHS data platform data, now containing 1259 datasets¹¹⁵

The final update from June 2015 shows that a number of the components of the commitment remain behind schedule. These include the following:

- Clinical indicators (only available for certain areas, e.g. strokes)
- Social care transparency (with some release but now ‘re-baselined’ to summer 2016)
- Better open data about health

Delays were caused by a combination of concern over privacy, especially over care.data, and the complexity of technology. As described below, the care.data scheme was later scrapped.

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Civic participation: Marginal

Public accountability: Marginal

The commitment has opened up information in parts of the health service, with new data across sectors from 7k new datasets on social care to a variety of health and clinical and performance data on the new NHS easily searchable data platform. Elsewhere, such as over social care or clinical data, progress has been slower. It is not clear if the commitment overall influenced civic participation and public accountability. Clearly the Friends and Family Test, Patients in Control and GP contacting had succeeded in opening up and engaging users, and the views and responses of patients and families is now being used by the NHS insight team to feed into service improvement. NHS England itself claims the changes have helped drive up health care standards leading to ‘many improvements, large and small, across the country’ but there was no clear evidence for how these changes fed into broader improved standards.¹¹⁶ In 2016 the entirety of the care.data programme, a key part of the commitment, was scrapped following an independent review that expressed concerns over privacy safeguards.¹¹⁷

CARRIED FORWARD?

The commitment was not carried forward to the third national action plan.

Commitment 16. Open Policy-Making

Commitment Text:

The UK government will demonstrate the potential of open policy-making by running at least five 'test and demonstrate' projects across different policy areas. These will inform how open policy-making can be deployed across the civil service.

Responsible Institution(s): Cabinet Office

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X	X				X				X				X			

COMMITMENT AIM

The commitment stemmed from the government's Civil Service Reform Plan 2012 and the "digital by default" agenda designed to open policy-making. The central idea is that "open policy-making will become the default" and that the UK government does not have a monopoly on policy-making expertise."¹¹⁸

STATUS

Midterm: Limited

The commitment comprised a series of case studies in opening policy-making. The studies intended to be practical projects to test the barriers and to explore the obstacles to opening processes. The Cabinet Office Policy Lab chose the cases following consultation with CSOs, who helped identify cases with potential.¹¹⁹

Of the five projects originally envisioned, the initial three chosen were the following:

1. The Cabinet Office's Local Sustainability Fund
2. The Department of Health's Social Care Ratings
3. The Department of Environment, Food and Rural Affairs (DEFRA) Exotic Animal Diseases Compensation

Consultations were held on the Cabinet Office Local Sustainability Fund between 1 May 2014 and 24 June 2014, and the process was helped using social media. However, time pressures led to a more formal written process.¹²⁰

The Department of Health Social Care Ratings policy concluded in September 2014, following consultation. It made significant progress in identifying a lack of public awareness, with further campaigns and research promised. The DEFRA case study on compensation for exotic animal diseases was stalled by the political cycle, a combination of the lack of time, resources, and political considerations. The case study found that cost and scope were prohibitive factors, but the self-assessment claims this will be reviewed in the coming financial year (2015-2016).

Following completion of the three cases, the Cabinet Office team leading the case studies also committed to meeting CSOs and completing the outstanding two cases.¹²¹ A fourth project was included, covering the work for the Office of Deputy Prime Minister on its Northern Futures project.¹²²

The approach of the lead team changed during the course of the commitment. The Cabinet Office team began by “helicoptering” and monitoring progress from above in the first three cases. However, by the fourth assessment, the office had shifted to a new approach of greater involvement from the team. Stakeholders interviewed found that the later approach worked better.

End of term: Limited

As the mid-term report pointed out, given the importance of open policy-making to government plans, stakeholders and CSOs were disappointed with the outcomes of the commitment. It fell short of the five promised case studies with only three cases eventually developed, two of which occurred, and an extra project added later. The final update reported only some discussions towards another possible case that did not take place.¹²³

DID IT OPEN GOVERNMENT?

Access to information: Did not change

Civic participation: Did not change

The three experiments undertaken may have offered some lessons for the future, even if they did not proceed as planned. Overall, the case studies did not influence or change government practice on policy-making by means of improving or releasing information. While it provided some lessons for the future, there are no new opportunities for the public to participate in policy-making as a result of the implementation of this commitment. According to officials, the policy laboratory came out of the commitment process and has itself pushed a series of policy-making experiments.¹²⁴

While the UK government’s policy laboratory created in April 2014, aims to create experiments and fresh thinking about policy across government it is not in itself a change in openness in policy-making practice.

CARRIED FORWARD?

This commitment was not carried forward into the third national action plan.

Commitment 17. Sciencewise

Commitment Text:

The UK government will identify innovative and effective ways to engage the public in policy involving complex scientific and technological innovation through the Sciencewise Programme.

Responsible Institution(s): Sciencewise

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X		X		X						X					X	
															X						

COMMITMENT AIM

This commitment intends to extend the Sciencewise project created in April 2012. The OGP aim fit within an ongoing process. This project aims to:

...bring together members of the public, policy makers, scientists, and other expert stakeholders to deliberate, reflect, and come to conclusions on national public policy issues involving science and technology.¹²⁵

STATUS

Midterm: Substantial

The projects cover a broad range of scientific issues from nanotechnology to climate change.¹²⁶ Sciencewise is committed to “public dialogue in policy-making involving science and technology issues” and “increasing the effectiveness with which public dialogue is used and encouraging its wider use where appropriate.”¹²⁷ In September 2014, Sciencewise was shortlisted for one of the top 10 awards in the OGP New International Open Government Awards under the theme of citizen engagement.¹²⁸

The commitment entails the development of 20 projects on which Sciencewise is currently working, covering issues from patient data to nanotechnology and food supply.

Across these projects, Sciencewise provided funding and advice, and sought to encourage innovations in the delivery of consultations, with a particular focus on digital engagement techniques. Independently of OGP, Sciencewise is evaluating the projects in the interim and final stage.¹²⁹

One high-profile example of Sciencewise's influence concerned its work with the Human Fertilisation and Embryology Authority in 2012-2013, which looked into the ethically complex issue of allowing mitochondria replacement through the three-parent baby technique (a modified version of IVF treatment that combines the DNA of the two parents to prevent a disease).¹³⁰ A second example is the role of Sciencewise in advancing discussion around genetically modified food in the UK.¹³¹

End of term: Substantial

Sciencewise work will extend beyond the OGP deadline into April 2016, so the timing is different from the OGP process. Given the open-ended nature of the Sciencewise commitment, judging the level of completion is difficult. However, the various projects developed a variety of interesting approaches and lessons, and made a substantial contribution to political debate. The 2014-2015 Risk and Policy Analysts (RPA) independent review concluded that it was "unique as a co-design model of undertaking policy engagement and embedding it into policy-making," and that the "programme has delivered both hard and soft impacts on actual policy formulation."¹³² In line with the original commitment, completion was substantial.

DID IT OPEN GOVERNMENT?

Civic participation: Major

The Sciencewise experiments overall enabled greater civic participation by allowing the public, other groups, and other bodies to contribute directly to subjects as varied as flood risks, open data, and nuclear waste disposal, and indirectly by offering lessons that can then be used in the future. The effectiveness was in evidence in the debates mentioned above and on the Sciencewise website.¹³³

CARRIED FORWARD?

The Sciencewise project was not carried forward, although it will continue independently of the national action plan process, at least until spring 2016.

Commitment 18. Publication of Draft Legislation

Commitment Text:

The UK government will publish legislation in a draft format on GOV.UK whenever appropriate, in order to enable and promote public involvement and engagement in proposed changes to the law.

Responsible Institution(s): Cabinet Office/Office of the Parliamentary Counsel

Supporting Institution(s):

Start Date: October 2013

End Date: October 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X	X				X					X				X		

COMMITMENT AIM

This commitment builds on ongoing attempts to publish more legislation in draft in the UK Parliament.¹³⁴ It fits with growing attempts to increase the scrutiny of legislation, which includes giving select committees the chance to look at pieces of draft laws before they begin the legislative process, also called pre-legislative scrutiny, and encouraging increased public involvement in law-making.¹³⁵

STATUS

Midterm: Substantial

Publishing in draft helps to improve the quality of legislation and means that legislators can draw on technical expertise from both within Parliament (via select committees or members of the House of Commons and House of Lords) and outside.

The coalition government between 2010 and 2015 published a record number of bills in draft. These include, for example:

- Draft Governance of National Parks (England) and the Broads Bill
- Draft Riot (Damages) Bill
- Draft Protection of Charities Bill
- Draft Modern Slavery Bill

In total, 65 pieces of draft legislation were published between 1997 and 2009-2010, compared to 31 between 2010 and 2014. The rate in the 2014-2015 session slowed to four due to the reduced amount of legislation close to the election.¹³⁶

Beyond consideration of the amount of legislation published in draft, it is also important to consider the significance of the individual pieces of legislation. In January 2015, the government published one of its most significant pieces of constitutional legislation in draft, "Scotland in the United Kingdom: An Enduring Settlement," an all-party command paper on giving the Scottish Parliament greater powers following the Scottish independence referendum of September 2014.¹³⁷ This paper contained draft proposals for an important set of potential constitutional changes that could have a profound effect on the future of the British political system.

End of term: Complete

The open-ended commitment did not set a particular number or amount of bills to be published. It was labelled complete due to both the number and, as the IRM researcher viewed it, the importance of some of the draft bills. Since May 2015, when the Coalition Government was replaced with a conservative one, the government published two more important pieces of legislation in draft within the timeline about a new ombudsman and the National Assembly of Wales:

- Draft Public Services Ombudsman Bill (June 2015)
- Draft Wales Bill (October 2015)¹³⁸

Just outside of the second national action plan time frame, the government published the Draft Investigatory Powers Bill, legislation that details police and intelligence services surveillance power. It provoked controversial discussion about the impact on government data collection and privacy.¹³⁹

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Civic participation: Marginal

The commitment led to greater access to information as well as civic participation in terms of legislative openness because the draft created greater time for input and discussion. A number of the draft pieces of legislation led to more debate, evidence, and public exchanges of views from various CSOs, representative bodies, and other interested parties such as Parliamentary Select Committees. However, the overall commitment was limited by the relatively small amount of legislation offered as drafts.

CARRIED FORWARD?

The commitment was not carried forward.

Commitment 19. OpenDataCommunities

Commitment Text:

The UK government will ensure the OpenDataCommunities programme continues to free up DCLG's [Department for Communities and Local Government] evidence-base from literally thousands of disconnected spreadsheets, so that it can be quickly and easily discovered, combined and re-used over the web alongside related third party sources.

Responsible Institution(s): Department of Communities and Local Government (DCLG)

Supporting Institution(s):

Start Date: October 2013

End Date: March 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X	X	X		X						X					X	

COMMITMENT AIM

This commitment builds on the developments led by the DCLG and diffused across English local government for some years. The OpenDataCommunities hub is an innovation first launched in April 2013. Since then, it has been subject to a series of additions, with new applications and data added continuously. The aim of the portal is to:

provide a selection of statistics on a variety of themes including local government finance, housing and homelessness, well-being, deprivation, and the department's business plan, as well as supporting the collection and dissemination of geographical data.¹⁴⁰

According to the site, the commitment is part of a process to make "all of the data...available as fully browsable and queryable linked...and the majority is free to re-use under the Open Government Licence."¹⁴¹

STATUS

Midterm: Substantial

The hub formed a central part of DCLG's open data strategy since 2013. Between 2013 and 2015, the hub developed well-being and deprivation maps, a personalised spreadsheet generator, and a local authority dashboard where users can enter a postcode to find specific details about their local council area.

Recently published data includes council tax data down to the lowest parish level and new map applications, all of which are linked. The January 2015 progress update explained that some publication plans were behind schedule, but more data on building energy use and household projections were added at the end of April.¹⁴²

There was substantial partnership work with DCLG working alongside the LGA, the Cabinet Office, and local authorities to develop common standards and data with URIs (codes that allow data to be linked). There also has been work with data.gov.uk to create synergies amongst the different portals.¹⁴³ Some interesting side developments include the LGA's LG Inform Service, an open platform that allows users to benchmark comparative data across England's 353 local authorities.¹⁴⁴ Overall, the level of completion of this commitment is substantial.

In terms of usage, the government's progress update of January 2015 reported an increase in direct use:

Usage remains consistently strong. In the 12 months ending 31 January 2015, OpenDataCommunities received 144,748 visits from 67,705 visitors. This compares to 82,569 visits from 40,468 visitors in the 12 months ending 31 Jan 2014, i.e., visits have increased by 75 percent and visitors by 67 percent.¹⁴⁵

End of term: Complete

The Open Communities commitment is complete. Aims such as building partnerships or adding data are, by their nature, continuous. Although many of the initiatives are open-ended and ongoing at the time of analysis, the commitment technically was completed by the end of the term period. Aims such as building partnerships or adding data are, by their nature, continuous. DCLG's final report in June 2015 described more public interest as "OpenDataCommunities has seen a steady growth in usage and take-up, receiving 132,671 visits from 77,940 visitors in the 12 months ending 30 June 2015, an increase of 12 per cent and 46 per cent (respectively) compared to the previous 12 months."¹⁴⁶ More data appeared as promised, including an updated Index of Deprivation for 2015.¹⁴⁷

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Major

Given the newly published data sets, rising statistics on use, and clear evidence of public interest, the commitment clearly opened government and encouraged civic participation. This is due not only to the publication on the site, but also to the way in which data fed into other third-party tools and bench-marking schemes such as the LGA's new LG Inform tool and the work involved groups like the Local Open Data Movement.¹⁴⁸

CARRIED FORWARD?

The commitment is not being carried forward into the third national action plan.

Commitment 20. Public Sector Information (PSI) Re-Use Directive

Commitment Text:

The UK government will transpose into UK law and implement European legislation on the re-use of public sector information early, delivering the obligation on public sector bodies to make their information available for re-use.

Responsible Institution(s): The National Archives (TNA)

Supporting Institution(s):

Start Date: October 2013

End Date: July 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X					X					X						
																			X		

COMMITMENT AIM

The adoption of the PSI Directive follows on from the domestic regulations adopted in 2005 on the re-use of public-sector information.¹⁴⁹ These regulations implemented European Directive 2003/98/EC on re-use of information, an EU-wide attempt, developed since the 1980s, to harmonise use and to develop public data for commercial benefit.¹⁵⁰ The guidance from TNA explained that:

The purpose of the regulations is to establish a framework that provides for the effective re-use of public-sector information ... based on the principles of fairness, transparency, non-discrimination, and consistency of application.¹⁵¹

STATUS

Midterm: Substantial

In the UK, the PSI regulations were overseen originally by the Office of Public Sector Information, based in TNA.

The new PSI Directive makes a number of important changes to the regulations from 2003:

1. It introduces a binding means of redress that was not in the original 2003 regulations.
2. It expands the reach of the PSI Directive to new bodies across cultural sectors that include museums, libraries (including university libraries), and archives.
3. It makes data re-use mandatory, unless an area is specifically exempt (e.g., for the cultural sector), where before re-use was optional.

4. It introduces marginal cost pricing as the default position.

Although it did not contain any specific milestones, the commitment's aim was to transpose the PSI Directive into law ahead of the EU deadline of 18 July 2015. The formal consultation on PSI ran from 20 August to 7 October 2014. The 21 responses were mainly from stakeholders already involved in PSI, and there was some unhappiness that the discussion was not able to extend beyond a small group.¹⁵²

Currently, it is unlikely that transposition will take place as early as hoped for two reasons. First, stakeholders brought up a number of issues during the consultation. For example, some of those consulted supported giving redress power to the ICO, which currently oversees other information legislation redress appeals. Second, the UK general election in May 2015 slowed parliamentary time between March and early May 2015.

End of term: Complete

The commitment was completed in the Summer of 2015. According to the final June update, with an added footnote, the regulations were transposed and guidance was issued in July 2015. The regulations also altered the appeal mechanism to the UK Information Commissioner and First Tier Tribunal (and Information Commissioner in the case of Scotland).¹⁵³ TNA issued a series of documents around implementation at the same time.¹⁵⁴

DID IT OPEN GOVERNMENT?

Access to information: Marginal

Public accountability: Marginal

The commitment extended openness in various ways. It widened pre-existing PSI access to new areas (namely cultural institutions), mandated data publication at marginal cost with binding redress, and created a new system of oversight. The oversight system offers a simpler approach given the ICO's experience working with appeals from Data Protection and FOI laws. The transposition took place too late in the cycle to see, for example, levels of re-use.

CARRIED FORWARD?

The PSI commitment is complete and has not been carried forward.

¹⁰⁹ "Service Search," My NHS, UK Government, <http://bit.ly/1JWHs8U>; "GP Practices," My NHS, UK Government, <http://bit.ly/1JWHsG0>; "Children and Young People to Get More Say in Their Health Care," News, NHS England, 11 February 2015, <http://bit.ly/1DE7360>; "Social care," My NHS, UK Government, <http://bit.ly/1GC6v11>

¹¹⁰ Carehome.co.uk

¹¹¹ "Friends and Family Test," NHS England, <http://bit.ly/1kCaT7N>; NHS, *Five-Year Forward View*, October 2014, <http://bit.ly/1vQLqLM>, HM Government, *Personalised Health and Care 2020*, by the National Information Board (November 2014), <http://bit.ly/14hHM3D>

¹¹² Ben Burrows, "Less than Half of the UK Understand the NHS' New Care.data System, Reveals Latest Poll," UK News, Mirror, 17 February 2014, <http://bit.ly/1SkQm3s>; and the new group at <http://bit.ly/1jMEQvj>; *Personalised Health and Care 2020*, <http://bit.ly/14hHM3D>

¹¹³ Randeep Ramesh, "NHS Patient Data Plans Unachievable, Review Finds," Health Policy, Guardian, 26 June 2015, <http://bit.ly/1ee8H4U>; UK Government, "Government Major Projects Portfolio Data, September 2014," Cabinet Office, 25 June 2015, <http://bit.ly/2eV2g89>; Department of Health, "National Data Guardian Appointed to Safeguard Patients' Healthcare Information," News story, UK Government, 13 November 2014, <http://bit.ly/1xTh5x8>

¹¹⁴ "Children and Young People to Get More Say in Their Health Care," News, NHS England, 11 February 2015, <http://bit.ly/2fggbsv>

¹¹⁵ "A Data Catalogue for NHS England," NHS England, <https://data.england.nhs.uk/>

¹¹⁶ See this infographic <https://www.england.nhs.uk/wp-content/uploads/2016/08/fft-summ-infographic-jun16.pdf> and detail on the NHS insight team here <https://www.england.nhs.uk/ourwork/patients/insight/>, here <https://www.england.nhs.uk/2016/03/gillian-radcliffe/> and <https://www.england.nhs.uk/2016/03/spotlight-fft/>

¹¹⁷ See the announcement here <https://www.england.nhs.uk/ourwork/tsd/care-data/> and Independent review here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535024/data-security-review.PDF

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¹¹⁹ "Policy Lab Blog," UK Government, <http://bit.ly/1D3Fxfj>; Andrea Siodmok, "Welcome to the Policy Lab," Blog, UK Government, 30 June 2014, <http://bit.ly/1nZ5dw9>

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THEME V | NATURAL RESOURCE TRANSPARENCY

★ Commitment 21. Extractive Transparency

Commitment Text:

The UK government will implement and internationally champion a global standard of financial transparency and accountability in the extractive industries (oil, gas and mining) on the part of governments and companies, in line with the principles in the G8 Open Data Charter.

Responsible Institution(s): Department for Business, Innovation and Skills (BIS), HM Treasury

Supporting Institution(s): CAFOD, Christian Aid, Global Witness, ONE, Open Knowledge Foundation, OpenCorporates, Publish What You Pay UK, Tearfund

Start Date: October 2013

End Date: July 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MIDTERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X					X					X				X	
																X					

Editorial Note: This is a starred commitment, because it is measurable, clearly relevant to OGP values as written, of transformative potential impact, and was substantially or completely implemented.

COMMITMENT AIM

The commitment grew out of more than 10 years of lobbying and activity around extractive industry (minerals, oil, and gas) transparency. The UK commitment to join came during its chairmanship of the G8 in May 2013, when Prime Minister Cameron and President Hollande of France held a joint press conference committing to be part of the Extractive Industries Transparency Initiative (EITI) process.¹⁵⁵ The EITI push is paralleled by new transparency regulations stemming from the 2013 EU Accounting and Transparency Directives that oblige large EU-registered extractive companies and extractive companies listed on EU stock markets to report payments to governments wherever they operate.

STATUS

Midterm: Substantial

Progress had been relatively rapid and consistent with the EITI commitment and the EU directives.

The required EITI multi-stakeholder group met regularly since 2013 with further meetings in 2014 until March 2015 on a bi-monthly basis. The UK applied for EITI candidacy in 2014 and was accepted in October 2014. Its first EITI report is due in April 2016.

In advance of the EU Accounting and Transparency Directives becoming UK law, the UK Government consulted on Chapter 10 of the accounting directive in the spring of 2014. In total, 31 responses were received from large and medium businesses as well as CSOs. The consultation noted some stark differences in approach.

The UK Government, following consultation, also transposed the relevant part of the EU Transparency Directive that applies to reporting by extractives companies listed on EU-regulated stock exchanges via the Payments to Governments and Miscellaneous Provisions Regulations 2014, which came into force on 17 December 2014. The Financial Conduct Authority enacted the Disclosure and Transparency Rules (Reports on Payments to Governments) Instrument 2014 to implement these regulations. This change extends the country-by-country reporting requirements to extractives companies listed on the UK-regulated market.

The UK Government was planning to meet its commitment to apply open data principles to payment reporting by UK-incorporated extractive companies to Companies House, and the Financial Conduct Authority was considering how the open data commitment might be met for UK-listed companies.

End of term: Substantial

The commitment is designated as substantial, although it is important to know that the timescale of the commitment was designed to be outside of the second national action plan timetable from the outset, as it will not be until 2016, when the extractives data will be published. As the final update points out, it “completed all legal and regulatory stages of transposition of the EU Accounting and Transparency Directives and has achieved Extractive Industries Transparency Initiative (EITI) candidate status.”¹⁵⁶

The UK’s first EITI report was published in April 2016.¹⁵⁷ Publish What You Pay (PWYP) wrote, “The report provides, for the first time, and for calendar year 2014, a detailed public breakdown of taxes, licence fees and other payments made to the UK government by 71 named oil, gas, mining and quarrying companies.” PWYP also identified a “sizeable gap” in ‘the difference between the reported 2014 UK government receipts of £3.23 billion and companies’ reported payments of £2.43 billion. The gap represented £802 million of taxes apparently paid to the government by six oil and gas companies but not disclosed to the independent administrator, plus another £10 million of other material payments also not reported by other companies. As a result, the second UK EITI report, due for publication in 2017 and covering calendar year 2015, will undergo the EITI’s formal validation process and be a crucial test.

Only two of the milestones remained outstanding. In addition to the extractives data due in 2016, for which draft guidance was published in March 2015, the EITI report and reports under the Transparency Directive as open data were also slightly behind schedule.

DID IT OPEN GOVERNMENT?

Access to information: Major

Civic participation: Marginal

By October 2015, as the first report was yet to be published and the extractives data was still to be opened up. However, the ongoing process outside of the NAP cycle, with data and the first EITI report published in 2016, had opened up information in this area to a significant degree.

As of the end of the 2nd NAP, the regulations, laws and guidance for extractives transparency had been put in place. There had been some limited civic involvement through the multi-stakeholder groups meetings and the new sub-group.

CARRIED FORWARD?

Commitment Two of the new third national action plan covers further work with natural resource transparency and extractives. The new commitment will work towards timely implementation of EITI and EU Directives' but in addition:

The UK will work with others to enhance company disclosure regarding payments to government for the sale of oil, gas and minerals. The UK will explore the scope for a common global reporting standard and work with others to build a common understanding and strengthen the evidence for transparency in this area.¹⁵⁸

¹⁵⁵ Anders T. Krakenes, "France and United Kingdom Commit to Global Transparency Standard," Extractive Industries Transparency Initiative (EITI), 22 May 2013, <http://bit.ly/1blARJt>

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METHODOLOGICAL NOTE

Commitments are clustered based on the original OGP action plan. This report is based on a desk review of governmental programmes, a review of the government's self-assessment report, analysis of the commitments, a cabinet office survey, and monitoring of the media and CSO websites.



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



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