

UNITED KINGDOM

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Executive Summary

Independent Reporting Mechanism (IRM) Progress Report 2013–15

The UK government wrote an ambitious action plan that involved civil society organisations closely in the process. The action plan contains a number of potentially transformative commitments, including a series of high profile international commitments on beneficial ownership, extractives, and international aid. Across the three OGP values, the UK action plan heavily emphasized access to information; the future action plan would benefit from focusing on vital issues such as surveillance and lobbying.

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 at the mid and end point of the National Action Plan (NAP) for each OGP participating country.

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

The Cabinet Office is responsible for coordinating the UK's OGP commitments across a wide number of departments and bodies. The implementation of each commitment was the responsibility of a particular lead department, oftentimes supported by a network of Civil Society Organizations (CSOs) with an interest in the area. The United Kingdom is a centralized 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.

OGP process

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

Overall, the United Kingdom developed the OGP plan in a participatory way. Advanced notice of 83 days was provided to key stakeholders and to the general public to comment on the draft action plan. The IRM researcher was unable to get access to a summary of public comments.

The government worked with the UK OGP Civil Society Network to draft and agree to commitments for the plan, through a series of meetings and conversations, 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 up companies, allow greater public scrutiny of public money, and open up the lobbying process. Overall, CSOs were satisfied with the process of consultation

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The government provided a mid-term self-assessment in due time. It was also supported by three individual self-assessment reports for each commitment.

Commitment implementation

As part of OGP, countries are required to make commitments in a two-year action plan. The UK action plan is divided into five thematic clusters that include open data, government integrity, fiscal transparency, empowering citizens, and natural resource transparency. The five themes contain 21 commitments comprising several milestones. The following table summarises each commitment, its level of completion, its ambition and whether it falls within UK's planned schedule, and the key next steps for the commitment in future OGP action plans. The UK's plan covered a wide variety of sectors and had a number of ambitious commitments, as evidenced below. The UK completed three of its 21 commitments.

The UK action plan contained four starred commitments [commitments 6, 7, 14, and 21]. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, the UK would have received five additional stars (commitments 1, 3, 5, 10, and 15). See (<http://www.opengovpartnership.org/node/5919>) for more information.

Table 1: Assessment of Progress by Commitment

At a glance

Member since: **2011**
 Number of commitments: **21**
 Number of milestones: **53**

Level of Completion

Completed: **3 of 21**
 Substantial: **13 of 21**
 Limited: **4 of 21**
 Not started: **0 of 21**
 Withdrawn: **1 of 21**

Timing

On schedule: **18 of 21**

Commitment emphasis:

Access to information: **19 of 21**
 Civic participation: **12 of 21**
 Accountability: **8 of 21**
 Tech & innovation for transparency & accountability: **7 of 21**

Number of commitments that were:

Clearly relevant to an OGP value: **21 of 21**
 Transformative with potential impact: **4 of 21**
 Substantial or complete in implementation: **16 of 21**

All three (★): 4 of 21

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
★ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	N	M	M	T	N	L	S	C		INCLUDE THIS COMMITMENT, IN PART OR IN TOTAL, IN THE NEXT PLAN?
	O	I	O	R	O	I	U	O		
	N	N	D	A	N	M	B	M		
	E	O	R	N	S	T	S	P		
		R	A	S	T	T	T	L		
		E	F	O	A	R	A	E		
			T	R	D	E	N	T		
			E	M			T	I		
				A			I	A		
				T			A	L		
				I						

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				V E						
Theme 1: Open Data										
1. National Information Infrastructure									On schedule	Yes
1.1 Datasets release dates									On schedule	Yes
1.2. Disclose provenance arrangements for dataset releases									On schedule	Yes
1.3. Internal procedures to identify unpublished sets									On schedule	Yes
1.4. Regularly reconsider the use cases									Behind schedule	Yes
1.5. Highlight statutory vs. public task releases									On schedule	Yes
2. NHS England Website and Network								Withdrawn	Behind schedule	Yes
2.1. Website established								Withdrawn	Behind schedule	Yes
2.2. Virtual network participation								Withdrawn	Behind schedule	Yes
2.3. Accreditation system established								Withdrawn	Behind schedule	Yes
3. Revised Local Authorities Data Transparency Code									On schedule	No
3.1. Publish government response to revising the code									On schedule	No
3.2. Revised Local Authorities Data Transparency Code									On schedule	No
3.3. Legal requirement for local authorities to publish data									On schedule	No
3.4. Disseminate guidance and good practice									On schedule	No
3.5. Light touch approach									On schedule	No
4. Transparent Social Investment									On schedule	No

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Market														
4.1. Reporting on international commitments													On schedule	No
4.2. Annual update on domestic commitments													On schedule	No
5. Management and Capture of Digital Records													On schedule	Yes
5.1. Digital Records Infrastructure (DRI)													Behind schedule	Yes
5.2. Digital records transfer process													On schedule	Yes
5.3. 20-year rule by 2030													On schedule	Yes
Theme 2: Government Integrity														
6. Cross Government Anti-Corruption Plan													On schedule	No
7. Company Beneficial Ownership Information													On schedule	Yes
8. Access to Police Records													On schedule	Yes
8.1. Working group established													On schedule	Yes
8.2. Working group reports													Behind schedule	Yes
9. Transparency in Construction													Behind schedule	Yes
9.1. CoST disclosure UK													On schedule	Yes
9.2. CoST disclosure elsewhere													Behind schedule	Yes
10. Legislative Openness													On schedule	No
11. Whistleblowing													On schedule	Yes
Theme 3: Fiscal Transparency														
12. Open Contracting													On schedule	Yes
12.1. Open Contracting Principles													On schedule	Yes
12.2. Improvements to contracts finder													On schedule	Yes

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12.3. Contractual openness via FOI clause									On schedule	Yes
13. Open Contracting Scotland									On schedule	Yes
14. International Aid Transparency									On schedule	Yes
14.1. All ODA data published									On schedule	Yes
14.2. Implement the Busan Common Standard									On schedule	Yes
14.3. Launch development tracker									On schedule	Yes
14.4. Launch IATA budget identifier									On schedule	Yes
14.5. IATA for all partners									On schedule	Yes
Theme 4: Empowering Citizens										
15. Health Care Data									On schedule	Yes
15.1. Clinical data									On schedule	Yes
15.2. GP information									On schedule	Yes
15.3. Social care data									Behind schedule	Yes
15.4. Linked GP-hospital data									On schedule	Yes
15.5. Digital GP services									On schedule	Yes
16. Open Policy Making									Behind schedule	Yes
17. Sciencewise									On schedule	Yes
18. Publication of Draft Legislation									On schedule	No
19. OpenDataCommunities Programme									On schedule	No
19.1. Robust, reliable, and trusted source of DCLG data									On schedule	No

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19.2. Strong use by stakeholders										On schedule	No
19.3. Strong partnerships										Ahead of schedule	No
19.4. Alignment of data and new tools										On schedule	No
19.5. Linked data to other tools										On schedule	No
20. PSI Re-Use Directive										On schedule	Yes
Theme 5: Natural Resource Transparency											
21. Extractive Transparency										On schedule	Yes
21.1. EITI multi-stakeholder group and draft accounting directive										On schedule	Yes
21.2. UK EITI candidacy and accountancy directive transposition										On schedule	Yes
21.3. Publish EITI report and EU directives transposing legislation comes into force										On schedule	Yes
21.4. Data publication begins under EU directives										On schedule	Yes

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
1. National Information Infrastructure (NII) <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial 	The NII seeks to make publicly accessible those government’s datasets that have the most significant economic and social impact. Government departments and arm’s length bodies identified datasets and are moving forward with publication. However, CSO bodies were concerned that the NII was somewhat inward facing and neglected the more public-facing transparency and accountability aspects of the process. In response, the government sought the views from a wide range of users through a series of discovery workshops leading to a shift in the commitment’s approach that offers a better means of creating a sustainable and robust framework. The new chief data officer will need to play a stronger role in future co-ordination.
2. NHS England Website and Network <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Moderate • Completion: Withdrawn 	The commitment aimed at building an “accreditation scheme” by creating a website that allows the public and others to share experiences of the National Health Service (NHS) and offer ideas as to assessment. This commitment was officially withdrawn due to administrative and legal changes within the NHS and concerns over privacy issues. The IRM researcher recommends that there should be renewed work on experiments and innovations, such as the networks and applications that can allow patients to assess performance of health services, with recognition of the importance of privacy.
3. Revised Local	This commitment aimed to issue revisions to the Local Authorities Data Transparency Code to place

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<p>Authorities Data Transparency Code</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Complete 	<p>more power into citizens' hands and make it easier for local people to contribute to the decision-making process. The code was subject to extensive consultation and was developed through engagement with a number of stakeholders and strong ministerial and political interest. Overall, local authorities have published key information and data. Tracking evidence on the compliance and level of resources available within local authorities, as well as the barriers and opportunities to data use—including issues around how data use can be linked to tools for public participation—is an important step moving forward.</p>
<p>4. Transparent Social Investment Market</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Complete 	<p>The UK government seeks to be the most transparent social investment market in line with the Open Data Charter principles. The commitment created a number of informational innovations, including new publishing of open data from 65 investments, creating a series of online visualizations via data.gov.uk and a directory of social enterprise. The inaugural Social Investment Awards in November 2014 was part of a process of increasing public awareness and help for those involved in this area. Although it is not yet clear if these measures have met the high transparency and participative goals set out in 2013, taken together, these measures have increased the openness and awareness of social investment and have provided the tools to encourage others to better understand it.</p>
<p>5. Manage and Capture Digital Records</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Substantial 	<p>This commitment aims to provide access to records of the UK government delivered in ways that make them more accessible and more usable than they have been before. For the most part, the government has advanced significantly with record management and capture of digital records. Progress has been challenging due to issues on digital sensitivity review, appraisal and selection of hybrid records, variety of information formats, and management across government departments. Moving forward, The IRM researcher would emphasize the importance of records preservation and management for the wider open data agenda.</p>
<p>6. Cross-Government Anti-Corruption Plan</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Complete 	<p>The commitment was intended to create a strategic anti-corruption plan to bring co-ordination and coherence across government. The intent was not to set out new policies but to harmonize and co-ordinate existing plans and to introduce strategic direction. On December 18, 2014, the government published the plan. A coalition of CSOs welcomed the plan as ground-breaking in its attempt at defining and setting out strategic direction. 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 clarity and depth of some areas, such as corruption in the private sector. Key concerns to consider moving forward are establishment of lines of accountability, lack of political support, and public visibility of progress. This commitment draws together pre-existing ideas and approaches but offers strategic direction. The transformative potential impact and completion awards this commitment a starred status.</p>
<p>7. Company Beneficial Ownership Information</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Transformative Completion: Substantial 	<p>The commitment aims to create a publicly accessible central registry of company beneficial ownership with information about who ultimately owns and controls UK companies. A publicly accessible register was consulted on in 2013 and was taken forward in primary legislation as part of the Small Business, Enterprise and Employment Bill in 2014-15. The intention is to have a publicly accessible register up and running by April 2016, following secondary legislation. This commitment opens up companies both in the United Kingdom and (potentially) internationally with numerous far-reaching effects and uses. However, experts have argued that the new data need to be matched with other datasets to be truly effective. Given the potential obstacles, the policy has so far met its ambitious aims and is one of the key achievements of the National Action Plan and a starred commitment.</p>
<p>8. Access to Police Records</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Limited 	<p>The commitment seeks to establish a high-level working group to draft a proposal and action plan that will ensure greater transparency and accessibility of police records. The original working group comprised many parties. However, participants found that the working group was too large, and it was subsequently turned into a smaller sub-group of The National Archives (TNA) officials, archivists, and practitioners. A number of difficulties emerged in implementing this commitment. Police records are currently not designed around public access but around retention/destruction regulations via management of police information rules. Because of a lack of consistent practice, the 42 police authorities store information in a variety of different ways with a mix of paper, digital, or microfiche systems. The records also go back many years, in some cases back to 1840, raising problems of digitization, storage, quality, and location, as well as costs and resources. Given these difficulties, the working group has not yet made its report with proposals. The IRM researcher believes there is a need for continued movement in this area and discussion, given the issues for the police that it raises.</p>

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Comment [1]: Very poor. Lots of institutions have paper records going back many years. This doesn't preclude doing something with already-digital components.

The focus in the first instance should be on the Police National Computer (PNC) and Police National Database (PND) systems.

You mention TNA?! but is, e.g. NPIA involved?

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<p>9. Transparency in Construction</p> <ul style="list-style-type: none"> ● OGP value relevance: Clear ● Potential impact: Minor ● Completion: Limited 	<p>The commitment has both a domestic and international angle, promoting principles of transparency and accountability in all government-funded construction projects. The commitment is spread across departments and bodies and in some places is reliant on the Construction Sector Transparency Initiative (CoSTI) 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. Nevertheless, the development of inter-country partnerships appears to have moved forward. Stakeholders identified that this commitment needs more co-ordination and involvement from CSOs during the process of development and commitment implementation.</p>
<p>10. Legislative Openness</p> <ul style="list-style-type: none"> ● OGP value relevance: Clear ● Potential impact: Moderate ● Completion: Substantial 	<p>This initiative builds on TNA's work since 2010 to update legislation. While publishing new legislation was relatively simple, the key problem came with revising older legislation. This involves mapping out a large number of linked amendments, finding out the extent of changes, such as commencement orders (when legislation begins), identifying the point in time of revisions, and tracing the potential knock-on effects on other legislation. The commitment is on track to meet its 2015 deadline and will be an important step in record preservation and management and an example for new approaches of record management in the digital age. Those involved thought that the commitment was useful in setting resources and provided the improvement of legislation with a focal point. CSOs and stakeholders were positive about the process, having good working relations with TNA.</p>
<p>11. Whistleblowing</p> <ul style="list-style-type: none"> ● OGP value relevance: Clear ● Potential impact: Moderate ● Completion: Limited 	<p>The government is committed to ensuring a strong legislative framework to encourage workers to speak up about wrongdoing, risk, or malpractice without fear of reprisal. The commitment comprises a series of smaller milestones, including improving guidance for individuals, creation of a non-statutory code of conduct, assessment of the current whistleblowing Employment Tribunal (ET1) referral system, the introduction of a duty to report, updating of the prescribed persons list, and including relevant groups currently excluded from the protections. The overall commitment is implemented in the midst of continuing concerns about whistleblowing in the United Kingdom, and much of it remains in process. Consensus is that the legislation is strong but needs improvement, and the culture and environment lag behind the law. The IRM researcher recommends that the government focus on whistleblowing with a cross-departmental or cross-sector champion to push this process forward.</p>
<p>12. Open Contracting</p> <ul style="list-style-type: none"> ● OGP value relevance: Clear ● Potential impact: Minor ● Completion: Substantial 	<p>The commitment aims to enhance the scope, breadth, and usability of published contractual data. The commitment consists of a series of distinct programs across a number of government bodies. Part of the commitment also relates to the UK government's broader push for open contracting via its 2012 Open Standards Principles and requiring outsourced companies to meet Freedom of Information Act (FOI) requirements. At the time of writing this report, the procurement pipeline was up and running, the Contracts Finder 2 was launched, and the government had published model services contracts. 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."</p>
<p>13. Open Contracting Scotland</p> <ul style="list-style-type: none"> ● OGP value relevance: Clear ● Potential impact: Minor ● Completion: Substantial 	<p>This commitment aims to work with civil society and wider stakeholder groups to improve transparency in its procurement practices as part of the ongoing procurement reform. The Scottish government publishes a certain amount of contracting information on contracts of a value of over £50,000 and is running an open-contract portal called Public Contracts Scotland (PCS). In 2014, a wider reform transformed the Scottish Procurement Reform Bill into the Scottish Procurement Act 2014. If the new reforms were implemented fully, it would mean that Scottish government contracting procedures would match those of the United Kingdom in levels of openness. The new Scottish Regulations will be in place by mid-2016, and the Procurement Reform (Scotland) Act 2014 will not be fully implemented until the end of 2015. CSO's and the UK government argue that future iterations of the National Action Plan need to co-ordinate with all the devolved bodies and involve them in new plans and strategies. The UK government's mid-term assessment of March 2015 already recognized this.</p>
<p>14. International Aid Transparency</p> <ul style="list-style-type: none"> ● OGP value relevance: Clear ● Potential impact: Transformative 	<p>The commitment aims to track UK assistance through the delivery chain in alignment with the International Aid Transparency Initiative. Across the milestones, the Department for International Development (DFID) has been widely praised for its commitment and energy. The drive behind the process came not only from the DFID but also from the personal interest of the prime minister. Although some milestones are complete, work remains to be done for others. Some challenges that require attention moving forward are coordination across government and other partners, fuller data with increased information about exemptions and effectiveness of aid, and improvements in dealing with</p>

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<ul style="list-style-type: none"> Completion: Substantial 	inconsistency amongst departments in placing data on the Development Tracker. This is a starred commitment and appears to be one of the big success stories of the UK National Action Plan.
<p>15. Health Care Data</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Substantial 	This commitment seeks greater accountability of NHS England and has eight separate objectives, undertaken by NHS England voluntarily, rather than the Department of Health. There has been major progress on numerous parts of the commitment. In terms of data, the 12 clinical datasets as well as GP data, adult social care, and patient-centred outcome measurements have all been published. The Friends and Family test, piloted in 2013, is now being rolled out, with the self-assessment claiming to have received 5 million pieces of feedback. The digital GP service designed to allow patients to order prescriptions and see their personal records online , aims to be complete in March 2015. NHS England is also working to move forward what it calls Better Open Data with the Health and Social Care Information Centre working with commitment 1 on the National Information Infrastructure. The milestone relating to the establishment of the care.data programme has been delayed by privacy and security concerns over care.data (see commitment 2) and concerns over conflation of data-sharing with open data. Since then, there have been extensive consultations with patients and doctors, and a new advisory group was created that includes strong critics of care.data. Thus, the programme continues on a slower time frame .
<p>16. Open Policy Making</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Moderate Completion: Limited 	The aim of this commitment is to make open policy making and the use of participation, digital technology, and online consultation the norm. The commitment comprises a series of case studies in opening up policy making that were intended to be practical projects to test the barriers and explore the obstacles to opening up. Stakeholders and CSOs thought that this commitment fell short on the five promised case studies with only three cases eventually developed. The IRM researcher thought this commitment would offer models and a series of lessons for further movement in this area. Given the level of interest, the IRM researcher also recommends the publication of a document for CSOs, the public, and other departments on lessons learned from across these cases.
<p>17. Sciencewise</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	This commitment intends to extend the Sciencewise project from 2012, bringing together members of the public, policy makers, scientists, and other experts to deliberate on national public policy issues involving science and technology. The commitment entails the development of 20 live projects on which Sciencewise is currently working. Although the commitment has achieved some notable successes, a challenge for Sciencewise is finding a balance between resource and time constraints while looking into the quality and credibility of public participation. Those working on the project thought that it could benefit from tighter objectives, specific interim goals, and the involvement of more CSOs. The IRM researcher signals the need for increased awareness and lesson learning, particularly as some areas of government need to perceive the value of public involvement in difficult or complex issues.
<p>18. Publication of Draft Legislation</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	is the commitment aims to enable and promote public engagement in proposed changes to laws. This has been an ongoing process since 1997 and fits with growing attempts to increase the scrutiny of legislation. Select committees now have the chance to look at legislation before the legislative process begins. This so-called pre-legislative scrutiny encourages an increase in public involvement in the legislative process. In total, 65 pieces of draft legislation were published between 1997 and 2009-10, as compared to 31 between 2010 and 2014, although the rate in the 2014-15 session slowed down to four due to the reduced amount of legislation close to the general election. Making the publication of legislation in draft the norm has some beneficial effects, especially when dealing with a very technical bill; however, the usefulness of draft bills varies. The government at times thinks that it is better to consult on the principle of the policy, rather than the detail of the legislation . The IRM researcher suggests that it would be useful to take stock of the impact and establish procedures as to how it has worked, what works best, and under what circumstances.
<p>19. Open Data Communities Programme</p> <ul style="list-style-type: none"> OGP value relevance: Clear Potential impact: Minor Completion: Substantial 	In April 2013, the UK government launched the OpenDataCommunities hub. The portal aims 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 geographical data. Between 2013 and 2015, the hub developed well-being and deprivation maps, a personalised spreadsheet generator, and a local authority dashboard. Recently published data include council tax data from local authorities down to the (lowest) parish level and new map applications, all of which are linked. This commitment has been a success, pushing forward a local openness agenda through the publication of a variety of useful data, technical change, and innovative partnership work. Nevertheless, some remaining challenges include issues of resources, skills within local authorities, the ability to innovate, and convincing senior managers of the benefits of opening up and linking data. To

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Comment [2]: Health is an area I know something about, so I hope statements like this aren't being interpreted as "delivery" against an Open Government objective.

Patient access to GP records (actually a copy of the Summary Care Record portion of it, in the first instance) is patchy at best, and "meeting the commitment" involved little more in practice than adding a line to the GP contract and being able to say that each of the 4 GP IT suppliers' systems could support patient access.

Which is a very different thing from patient access.

The picture on the ground is more along the lines described here:

[https://www.facebook.com/medConf... \[1\]](https://www.facebook.com/medConf...)

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Comment [3]: I do not recognise "Better Open Data" as an active programme that NHS England is pursuing!

The only references that Google throws up for "Better Open Data" + NHS England appear to be OGN or OGN-related references:

[https://www.google.co.uk/search?q=%22Better+Open+Data%22+NHS+England&ie=utf-8&oe=utf-... \[2\]](https://www.google.co.uk/search?q=%22Better+Open+Data%22+NHS+England&ie=utf-8&oe=utf-...)

medConfidential 8/5/2015 5:19 AM

Comment [4]: ...and is being driven by what is one of the least transparent Boards we have come across.

cf. https://www.whatdotheyknow.com/request/caredata_programme_board_papers#incoming-684943

Also, the ICO recently served a 30-day Information Notice on NHS England for refusing to provide the ICO with cop... [3]

medConfidential 8/5/2015 5:21 AM

Comment [5]: I'm sure it does. But it is vital that the detail / draft is published.

There's many a slip of the pen between discussions about 'principles' and the actual wording of what could become actual legislation...

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	move forward, this commitment needs more case studies of successful use and innovation and examination of the skill sets and resources within local authorities and how they can be further developed.
<p>20. PSI Re-Use Directive</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial 	<p>Although it did not contain any specific milestones, the aim of the commitment was to transpose the Public Service Information (PSI) Directive into law ahead of the EU deadline of 18 July 2015. The engagement process around the regulations involved an inner group of Whitehall departments, including the Treasury, Department of Health, Department of Business Innovation & Skills, the Cabinet Office, and the Scottish government, but also extended to broader public-sector bodies. It included meetings with stakeholders and bodies such as the Open Data User Group, the Open Data Institute, and the Campaign for Freedom of Information every three to six months. This commitment refines and develops an existing piece of legislation to widen its scope and alter the mechanisms of oversight and appeal. Once the law is transposed, both those involved and the IRM researcher recommend a review of the new arrangements and how far they have delivered their aims. Any analysis could also look into widening consultation and awareness of PSI to encourage greater interaction and involvement in the future, perhaps using the new cultural institutions and their access to the public.</p>
<p>21. Extractive Transparency</p> <ul style="list-style-type: none"> • OGP value relevance: Clear • Potential impact: Transformative • Completion: Substantial 	<p>The commitment grew out of more than 10 years of lobbying and activity around extractive industry transparency. Progress has been relatively rapid and consistent with the Extractive Industries Transparency Initiative (EITI) commitment. The required EITI multi-stakeholder group has met regularly since 2013 with further meetings in 2014 until March 2015. The United Kingdom's transposition and implementation of the country-by-country reporting requirements of the 2013 EU Accounting and Transparency Directives have also been prompt. In advance of the EU Accounting Directive becoming UK law, the UK government consulted on Chapter 10 of the Accounting Directive in the spring of 2014. The UK government then transposed chapter 10 of the directive by implementing the "Reports on Payments to Governments Regulations 2014," ahead of the rest of the directive in December 2014. The UK government has plans in place to meet its commitment to apply open data principles to EITI reports and the Reports on Payments to Governments Regulations. Stakeholders expressed concern over industry guidance and details of the Financial Conduct Authority's open data publications as the commitment stands in March 2015. The impact of the commitment is transformative in opening up extractives for the first time in the United Kingdom and, more importantly, across the developing world where resource transparency is a vital issue. The commitment also is likely to have an important influence as a signal to other countries to push the agenda forward. Given its transformative potential impact and substantial completion, this is a starred commitment.</p>

Recommendations

The UK's National Action Plan contains some ambitious commitments, following suit with Prime Minister David Cameron's pledge to make the UK government "the most open and transparent in the world." Through its co-chairmanship of the OGP and the prime minister's co-chairmanship of the UN High Level Panel of Eminent Persons, the UK has led an international agenda with transparency at its core. Transparency was also one of the UK's three priorities during the UK presidency of the G8, and in June 2013, the G8 governments agreed to an open data charter to promote transparency, innovation, and accountability. While much progress has been made in implementing the commitments, some areas need strengthening and reinforcing. Based on the findings in the progress report, the IRM researcher made the following five 'specific, measurable, accountable, relevant, and time-bound (SMART) recommendations for improving the OGP process in the UK.

<i>TOP FIVE SMART RECOMMENDATIONS</i>	
1.	Have deeper engagement between the government and CSOs throughout the process with frequent meetings and keeping of personnel changes to a minimum (where possible). This also needs to be sustained throughout the process of implementation.
2.	Promote wider engagement with a more varied group of CSOs. Although the nature of some proposals are by their nature technical and niche, an overall strategic vision may allow for a greater appeal to more organisations.
3.	Promote wider engagement with numerous governmental bodies across the UK, particularly the devolved assemblies and local governments who should be co-authors of the next report.
4.	Focus on key gaps within the second National Action Plan, particularly on how innovations can link to public participation and accountability.
5.	Focus on some vital emerging issues, particularly government surveillance and lobbying.

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Comment [6]: Really? What about the tiny number of commitments that have actually been "completed"?

I understand and am broadly in favour of diplomacy, where appropriate. I'm struggling to see, though, why this report isn't more specific and critical about where the UK Government has fallen short.

Going along with their "We're the most open and transparent in the world" claim helps no-one, least of all the Government - who is patently hostile to certain forms of transparency and/or openness, cf. FOI.

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Comment [7]: 'Transparency of surveillance' is a tricky one. Would OGN support/endorse judicial oversight of surveillance powers, for example?



Ben Worthy is an academic based at Birkbeck College, University of London. He has carried out a wide range of research on areas that include government transparency, open data, political leadership, British politics, digital democracy, and public policy and policy making. Besides academic articles, Worthy has written a number of reports and presented evidence to the Justice and Public Administration Select Committees.

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

I. National Participation in OGP

History of OGP participation

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

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

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions. See Section IX: Eligibility Requirements, for more details.

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action Plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

The United Kingdom developed its first National Action Plan (NAP) between July and September 2011. The plan covered the period September 2011 until December 2012, although the effective period of implementation of the first Action Plan was 1 January 2012 to 31 December 2012, and the first Action Plan included 41 commitments. The first Independent Reporting Mechanism's assessment was then published in September 2013.

The UK is now 18 months into its second NAP. This plan was developed between October 2012 and October 2013 with a draft published for consultation in June 2013. The second plan was to be implemented between October 2013 and October 2015. This report covers

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the first 18 months of implementation of this period, from October 2013 until March 2015. The government published its mid-term self-assessment in March of 2015.

Basic institutional context

The Cabinet Office, which supports the Prime Minister and ensures the effective running of government, was the leading department responsible for coordinating the UK's OGP commitments across a wide number of departments and bodies. In the second NAP, different departments carried out particular tasks. For example, the Department for International Development (DFID) oversaw international aid, the National Archives record management. Before and during the second NAP, the Cabinet Office transparency team oversaw the development and implementation of the plan overall, coordinated the regular updates on each commitment, and authored the mid-term assessment in March 2015. This approach differed somewhat from the approach in the first NAP where the department actually carrying out the reforms tended to be the Cabinet Office itself, with little involvement from other departments or agencies.

The implementation of each commitment was the responsibility of a particular lead department or, sometimes, a set of departments or bodies working together. Alongside the lead was a network of civil society organizations (CSOs) with an interest in the area. Some commitments also involved a wider group of sector bodies or authorities, for example, local government, the police, or the National Health Service (NHS).

The different commitments covered a wide variety of policy tools and mechanisms. The extent to which progress against each commitment could be assessed varied. Some commitments involved legislative change, whereas others involved the creation of new online tools. A number involved working alongside national and international networks, whether other governments or private bodies.

Finally, it is important to note that the UK is a centralised system with reasonably strong control over local government. However, in the past two decades, new sub-national devolved governments in Northern Ireland, Scotland, and Wales, as well as local governments in England, have developed distinct policy agendas and, as the mid-term assessment recognizes, started to push their own open government agendas. These need to be drawn in to the UK-wide process, especially as these bodies have been promised greater powers in.

No specific extra resources were provided for any of the OGP commitments. Aside from the work by the Cabinet Office Transparency Team, the costs of each commitment came from the individual department with lead responsibility for that commitment.

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP-participating government. In the UK, the IRM partnered with Ben Worthy, an academic based at Birkbeck College, University of London. Ben Worthy reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

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This report covers the first 18 months of implementation of the UK's second National Action Plan, from October 2013 to March 2015. This report follows on an earlier review of OGP performance, "UK Progress Report 2012-2013," which covered the development of the first NAP as well as implementation from 1 January to 31 December 2012. The second NAP was developed between October 2012 and October 2013 through a process of consultation.

To gather the voices of multiple stakeholders, Ben Worthy used a series of interviews with participating CSOs as well as an online survey and forum to gather views. A focus group was planned and organized in March 2015 but was cancelled due to lack of numbers (the IRM researcher recognized that CSOs may have been overburdened with a series of consultations, as well as the pressure of the forthcoming election). The researcher also drew on a survey conducted by UK government of officials and CSOs in December 2014 and reviewed key documents prepared by the government: reports on the first Action Plan and the government's first self-assessment;¹ a series of three updates made for each commitment in April 2014, September 2014, and January 2015 respectively; the second Action Plan; and the mid-term self-assessment published by the government in March 2015.² Numerous references are made to these documents throughout this report.

Summaries of the proceedings of these forums are given in Section VIII.

¹ The first National Action Plan is at <http://bit.ly/1EDNviW> and <http://bit.ly/1zquOz7>To see the updates, go to link (below), scroll down, and click on an individual commitment <http://bit.ly/1uFCGYz>

² The second National Action Plan is at <http://bit.ly/1Gi4etl> and the story of its development is at <http://bit.ly/1JTyQA0>. The 2015 mid-term self-assessment is at <http://bit.ly/1DWUKY8>. You can view the individual commitments updates by clicking on the link and viewing the PDFs at the bottom of the page at <http://bit.ly/1uFCGYz>

II. Action Plan Development

The UK government consulted extensively on the second National Action Plan and worked hard to engage stakeholders and CSOs.

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

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

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section “III: Consultation during implementation”:

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

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

Table 1: Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT?
During Development	Were timeline and process available prior to consultation?	Yes
	Was the timeline available online?	Yes
	Was the timeline available through other channels?	Yes
	Provide any links to the timeline.	http://bit.ly/1GEJcUM
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	83

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	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	Yes
	Provide any links to awareness-raising activities.	http://bit.ly/1yPljCq http://bit.ly/1NOOs8W
	Were consultations held online?	Yes
	Provide any links to online consultations.	http://bit.ly/1Gi4etl
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	No
	Were consultations open or by invitation only?	Open
	Place the consultations on the IAP2 spectrum.	Collaboration
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation only?	Open
	Place the consultations on the IAP2 spectrum.	Collaboration

Advance notice and awareness-raising

In October 2012 the minister for the Cabinet Office announced that the United Kingdom's second NAP would be developed in partnership with civil society. Before this, a network of CSOs in April 2012 began setting up mailing lists and pressing for action. So as to have a single CSO to coordinate and facilitate the representation of different groups' views when speaking with the government, in September 2012, Involve, an organisation that promotes active public involvement in policy, was appointed as the representative of CSOs.

The formal advance notice was issued in June 2013, when the government posted clear instructions with the process and timeline for public consultation on its website at <http://bitly.com/1dui8WT>. The consultation ran from 12:00 a.m., 27 June 2013, to 11:45 p.m., 19 September 2013.

Depth and breadth of consultation

In order to foster public consultation, the UK government drew on the pre-existing network of varied CSO groups built during the first NAP. For the second plan, 30 different groups from the OGP UK Civil Society Network (listed below) worked closely with the government in drafting the plan. This involved a series of discussions and meetings co-ordinated and co-chaired by the Cabinet Office and Involve. The NAP was moved from draft to final report as CSOs worked with officials in lead departments through a series of meetings and discussions.

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The public was also invited to submit comments during the consultation period from June to October 2013. Comments were also invited via the media.³ Nevertheless, some CSOs thought that more could be done to encourage and facilitate interaction by a wider group of stakeholders and groups.⁴

According to the second NAP, consultees included a “mailing list of representatives from over 50 civil society organisations working towards open government in the UK and internationally.”⁵ The report went on to explain that “over 30 civil society organisations have been actively involved in the development of this plan.” The list of 36 follows:

Article 19	Big Lottery Fund
Big Society Capital	CAFOD
Campaign for Freedom of Information	Centre for Global Development
Christian Aid	City of London Bridges Trust
Compact Voice	Construction Sector Transparency
Initiative (CoST)	Corruption Watch
Development Initiatives	Engineers Against Poverty
Global Witness	Institution of Civil Engineers
Integrity Action	Involve
Macmillan Cancer Support	Nuffield Trust
ONE	Open Knowledge Foundation
Open Rights Group	OpenCorporates
Oxfam	Public Concern at Work
Publish What You Fund	Publish What You Pay UK
Save the Children	Social Enterprise UK
Tearfund	The Corner House
The Democratic Society	The Institute for Government
The International Records Management Trust	
Transparency International UK	

A number of other bodies were involved less directly, including the Information Commissioner's Office; independent experts carrying out a review; the Open Data User

³ See the second National Action Plan consultation (now closed) <http://bit.ly/1Gi4etl>

⁴ See reflections on the process from Involve at <http://bit.ly/1ySdpcf>

⁵ See the second National Action Plan document-annexe B list of the organisations involved at <http://bit.ly/1Cbrfz8>(the starred CSOs signed the foreword to the final report).

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Group, a stakeholder group representing the open data community; and the Open Data Institute. The process also involved consultation with a number of other bodies, from local government to the police. Later, an inquiry by the Public Administration Select Committee into Open Data overlapped with the NAP consultation.⁶

The 36 CSO groups included a broad mixture of concerns. These included information rights groups (CFOI, Article 19), anti-corruption bodies and political reform nongovernmental organisations (NGOs) (Corruption Watch, Democratic Society), open data innovators (Open Corporates, Open Knowledge Foundation, Open Rights Group), as well as a number of specific charities (Christian Aid, Oxfam, Macmillan Cancer). There were also professional bodies (Institution of Civil Engineers) and funding bodies (The Nuffield Trust, the Big Lottery Fund). The government sought to involve CSOs closely in the process and shared and co-jointly worked with them on successive drafts of the Action Plan.

Involve commented on the process afterwards:

[T]he process of developing the National Action Plan has been as important as the commitments that are in it. The CSO foreword to the plan commends *the commitment to openness demonstrated in the development of this plan by officials from the Cabinet Office Transparency Team, as well as government teams involved in drafting commitments.*⁷ [emphasis added]

Involve went on to praise the “very different way that this plan has been developed when compared to the last time round.”

Involve thought that the joint “process has delivered a plan that is far stronger than the government could have developed alone.” Involve described the process as a “genuine search for a partnership,” rather than co-option.

The organisation acknowledges that it was challenging at times:

CSOs have not accepted all of the commitments that the government wanted to include in the plan, either because they were not stretching enough or [because] we did not believe that they contributed to genuine open government. At the same time, the government has not accepted every proposal that we have made.⁸

Involve concluded that “the relationship has been challenging at times, [but] it has been positive and productive overall.”

As an example, in October 2013, just in advance of the OGP summit in London and launch of the plan, CSOs expressed concerns that the plan lacked ambition and at “the absence of any truly ambitious new commitments.”⁹ These CSOs recommended that steps be taken to open up companies, and the decision was made for an open register just before the OGP summit, so as to allow greater public scrutiny of public money and open up the lobbying process.

⁶ See the section “Who We Are Working With” at <http://bit.ly/1hDCHG2>

⁷ See this comment from Involve on the process 31 October 2013: <http://bit.ly/1zg4UO1>

⁸ As above, see comment from Involve on the process 31 October 2013: <http://bit.ly/1zg4UO1>

⁹ See this open letter from the CSOs to the Prime Minister sent 8 October 2013 at <http://bit.ly/1Jbzmt8>

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Only then, they argued, could the UK “send a clear message about the UK’s commitment to open government” to others, at a time when it was chair of the Open Government Partnership.

Consultation involved detailed co-operation between CSOs and the government through co-chaired meetings and discussions of successive drafts of the National Action Plan. It also involved activity and discussions on blogs, mailing lists, Twitter, and other social media. Two NAP events took place in London and Manchester between the government and CSO representatives with the latter organised separately by CSOs. In the run-up to June 2013, there was a loss of key officials within the Cabinet Office, which meant that there were no lead officials for two months. As a result, the planned country-wide series of meetings (stemming from the two in London and Manchester) did not take place.¹⁰

Stakeholders interviewed found that the use of online discussion was successful, but more use could have been made of it. Meetings were held in 'neutral' venues¹¹. Although in principle meetings held were open to any representatives from UK-based CSOs, in practice the location and timing of these meetings in London at midday restricted access. In an attempt to mitigate this, remote participation was established for meetings through a webinar service.

Additional information

The government pointed out that outside of the NAP, numerous further reviews were carried out, and other bodies were involved with the wider open data agenda. These included—

- The Information Commissioner’s Office looking into data anonymisation;¹²
- Ongoing discussions with the policy advisory body the Open Data User Group, which held regular meetings;¹³ and
- Ongoing work of the Open Data Institute.¹⁴

In parallel to the creation of the second National Action Plan, there was—

- An independent review of public-sector information by Stephen Shakespeare in 2013¹⁵ and
- A review by the Public Administration Select Committee on Open Data, the initial evidence sessions of which overlapped with the publication of the NAP.¹⁶

¹⁰ See the detailed discussion of the process at <http://bit.ly/1yPjCq>

¹¹ See the reflections on the process at <http://bit.ly/1ySdpcF>

¹² See background on the ICO at <http://bit.ly/1GyNVnr>

¹³ See about the Open Data User Group at <http://bit.ly/1lr7EKD>

¹⁴ See about the Open Data Institute at <http://bit.ly/1fldjwe>

¹⁵ You can read the 2013 Shakespeare Review at <http://bit.ly/1EFyY6I>

¹⁶ The PASC Select Committee report is at <http://bit.ly/1FzSCBI>

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The UK government's time as co-chair of the OGP was also used as a lever by CSOs to persuade the government to seek more ambitious targets. In the media, the Guardian newspaper also covered the launch of the draft NAP via its Public Leaders Network. The paper also asked for readers' comments on the proposals, although none were registered.¹⁷

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Comment [8]: Indicates just how much effort has to be put in to engaging others.

¹⁷ <http://bit.ly/1GIDiRF>

III. Action Plan Implementation

Regular multi-stakeholder consultation

There were two overlapping fora, one for the CSOs and one for the public. The CSO forum was based on the first NAP mechanisms and adapted for the second NAP. The invitation to participate was drawn widely, with more than 50 varied groups included on an email list and 36 contributing. The initial process, getting to the draft NAP stage, consisted of four pre-organised meetings in neutral venues in London. As a signal of co-operation, the government chaired two of the meetings, and CSOs, the other two. Two further consultation exercises were held in London and Manchester that were open to the public, the latter being organized by CSOs.

A series of further possible events did not take place owing to staff shortages in the lead department (the Cabinet Office). Both the government and the CSOs thought the discussions online via social media and email lists were productive.

The CSOs then coordinated with leads in government departments to work on the draft commitments. Numerous meetings and exchanges led to agreement on the wording of each commitment for the final NAP.

The meetings were viewed as positive and influential, described by the lead CSO as a “genuine partnership.” The CSOs had a clear influence over the content and thought that their input had worked to improve the quality and ambition of the commitments. The CSOs helped ensure “that weak commitments were not included” and others were suitably framed.¹⁸

The CSO involvement enhanced the credibility of the process and helped make the CSOs part of the plan’s implementation. The CSOs were from a broad base, from professional bodies to charities and professional organizations. Their interests were similarly broad, stretching from political and information rights activists to data innovators and sector specific charities. Officials were represented in the meeting, both from the Cabinet Office and specific departments with responsibility for certain commitments. Minutes of the meetings were not made available, but the CSOs gave detailed analysis and reflections afterwards.

The public forum consisted of an open consultation running from June until October of 2013. A draft NAP was offered as a focus for discussion and posted online on the gov.uk site, and responses were encouraged via email or the government data portal with accompanying publicity in a national newspaper (The Guardian). The government received 11 substantive responses to the consultation, but these were not available at the time of writing this report.¹⁹

¹⁸ <http://bit.ly/1ySdpcF>

¹⁹ <http://bit.ly/1Gi4etI>

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After the NAP was published, the CSOs and government planned to work together on implementation. Officials and CSOs engaged in this process to rather different degrees and in different ways, with some working closely and others less involved for a number of reasons (see Recommendations). The two groups did seek to work through the progress updates. The Cabinet Office also set up two meetings between the Cabinet Office minister and the CSO steering group to discuss progress and to help deal with any outstanding issues.

IV. Analysis of Action Plan Contents

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

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

Access to information

Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;
- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;
- May include information disclosures in open data and the systems that underpin the public disclosure of data;
- May cover both proactive and/or reactive releases of information;
- May cover both making data more available and/or improving the technological readability of information;
- **May pertain to mechanisms to strengthen the right to information** (such as ombudsman's offices or information tribunals);
- Must provide open access to information (it should not be privileged or internal only to government);
- Should promote transparency of government decision making and carrying out of basic functions;
- May seek to lower cost of obtaining information;
- Should strive to meet the 5 Star for Open Data design (<http://5stardata.info/>).

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate,"

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Comment [9]: Which suggests that restricting the right to information, whether part of this process or not, is directly in opposition to "core open government values"

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or “empower,” as explained by the International Association for Public Participation’s Public Participation Spectrum (<http://bit.ly/1kMm1YC>).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually “top-down” in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;
- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;
- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

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

- Reforms increasing freedoms of assembly, expression, petition, press, or association;
- Reforms on association including trade union laws or NGO laws;
- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

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

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as “access to information”);
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation.

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

Public accountability

Commitments improving accountability can include:

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

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

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- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);
- Citizen audits of performance;
- Citizen-initiated appeals processes in cases of non-performance or abuse.

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

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

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

Technology and innovation for openness and accountability

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

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

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

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

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

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

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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 because of 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 to be 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, the UK action plan contained four starred commitments, namely:

- Commitment 6: Cross-government anti-corruption policy
- Commitment 7: Company beneficial ownership information
- Commitment 14: International aid transparency
- Commitment 21: Extractive transparency

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, the UK action plan would have received an additional five starred commitments:

- Commitment 1: National information infrastructure
- Commitment 3: Revised local authorities data transparency code
- Commitment 5: Manage and capture digital records
- Commitment 10: Legislative openness
- [Commitment 15: Health care data](#)

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for the United Kingdom, and all OGP-participating countries, see the OGP Explorer.²⁰

²⁰ The OGP Explorer provides the OGP community—civil society, academics, governments, and journalists—easy access to the wealth of data that OGP has collected. It is available at <http://www.opengovpartnership.org/explorer/landing>

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Comment [10]: If this is the case, it is a VERY good thing that the bar was lifted!

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General overview of the commitments

The UK government's second NAP was created via a multi-stakeholder process that involved meetings and discussions between a number of CSOs, led by Involve, and the UK government between 2012 and 2013.

Prior to the OGP action plan, the UK government was already committed to a series of transparency reforms under its Transparency Agenda. This agenda involves a wide variety of open government and open data innovations, including the development of the data platform data.gov.uk; crowd-sourcing initiatives; and publication of data across central government, local government, and other bodies such as the NHS. Some policies dated back to previous administrations, such as the previous Labour government's commitment to reduce the closed time period for some public records from 30 years to 20 years.

The UK government's commitments were framed by its previous first NAP from 2011 to 2012. The plan was given additional impetus by the UK's presidency of the G8 in 2013 as well as its co-chairing of the Open Government Partnership from September 2012 to October 2013, which concluded with the OGP summit in London 2013 where the NAP was launched.

The second NAP included 21 different commitments of varying degrees of complexity and detail. They covered numerous topics and international, national, and local policies of very different types. The commitments ranged from publishing data to strategy documents and changes to the information infrastructure. At the centre of the plan were a series of high-profile international commitments on beneficial ownership, extractives, and international aid. The UK Action Plan is divided into five thematic clusters that include open data, government integrity, fiscal transparency, empowering citizens, and natural resource transparency.

Throughout the period, the UK government pushed to be a world leader on open government. It came top in two international assessments of open data in 2014 and 2015. It also scored top in a survey of the G8 countries' commitments to the Open Data Charter of 2015. The UK scored lower, but still in the top 10, in the 2015 World Justice Project Open Government Index, ranking 8th out of 102 countries. A Transparency International Open Government report in April 2015 concluded that, although the UK government had relatively few legal provisions in terms of openness, it was "stronger in practice than in law" with a patchwork of approaches and a relatively light touch oversight regime.²¹

Editorial note: Given the relatively long text for the UK commitments, some of them, excerpted in the sections that follow, have been abridged by the author to save space. The full text of each commitment in the second NAP is available at <http://bit.ly/1CbrfZ8>.

Furthermore, some of the commitments consist of several milestones. In those cases, the evaluation of the commitment is based on the individual milestones as set out in the

²¹ Open Knowledge Foundation Global Open Data Index 2014, <http://bit.ly/12nCTom>, Open Data Barometer Second Edition January 2015 <http://bit.ly/1KYqcmf>, the G8 assessment <http://bit.ly/1Ewa33p> the World Justice ranking at <http://bit.ly/1FzUp9M> and the TI report at <http://bit.ly/1CIfEo6>

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government ActionPlan under the subheading “Timescale.” Where appropriate, the IRM researcher has grouped some of these milestones together.

1: National Information Infrastructure

The UK government will continue to develop and list an inventory of all the datasets it owns, whether published or unpublished, in order to identify the National Information Infrastructure (NII) the datasets which are likely to have the broadest and most significant economic and social impact if made available. The identification of the NII will facilitate discussions to prioritise the release of these datasets.

Supporting civil society organisations

Open Knowledge Foundation, Open Rights Group, OpenCorporates

Impact and vision

[...] The UK's ambition is to release these datasets openly as per the Open Data Charter wherever possible and it will commit to a publication timetable.

Context

[...] the government committed to increased transparency about what data it holds, at the same time highlighting which datasets might have the broadest and deepest potential economic and/or social impact to enable better public services. This allows government to hold itself accountable to the public as well as allowing for interactions for a range of benefits. The public, business, civil society and developers are all interested in accessing data. [...]

Timescales

The key milestones for the delivery of this commitment are for:

- *departments to provide release dates for datasets in the first iteration of the NII, where there are no barriers to publication, and, where there are barriers, provide an explanation for non-publication by December 2013*
- *departments to set out arrangements they have put in place to describe the provenance and ensure the quality and regularity of the release of data they have within the NII by January 2014*
- *departments, including their arm's length bodies (ALBs), to ensure that their list of unpublished datasets is comprehensive by March 2014*
- *departments to develop internal processes which identify unpublished datasets when they are created and ensure that they are added to the inventory on data.gov.uk by March 2014*
- *departments to develop internal processes which ensure that data holders regularly reconsider the use cases for their data by April 2014 [use case is a list of steps in systems engineering]*
- *all central government departments to highlight those datasets which they must provide on a statutory basis by April 2014, followed by their ALBs by September 2014*
- *all central government departments to highlight those datasets which it considers fall under their public task by April 2014, followed by their ALBs by September 2014*

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	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓		✓						✓				✓	
1.1. Datasets release dates				✓		✓						✓					✓
1.2. Disclose provenance arrangements for dataset releases				✓		✓						✓				✓	
1.3. Internal procedures to identify unpublished sets				✓		✓						✓				✓	
1.4. Regularly reconsider the use cases				✓		✓						✓				✓	
1.5. Highlight statutory vs. public task releases				✓		✓						✓		✓			

Editorial note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

Embargoed – not for quotation or citation

What happened?

The 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.”²² The commitment sets out that the data contained within 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 included—

- identifying and maintaining an inventory of data held by government;
- prioritising data to be included in the NII; and
- supporting organisations to release data.²³

The commitment was based on advice from an independent review of public-sector information and discussions with CSOs.²⁴

By the time of the second National Action Plan, the UK government had published more than 10,000 datasets through its Open Data initiative.²⁵ This commitment can thus be seen as building on commitments in the UK’s previous NAP, such as commitment 1 on the right to data or commitment 2 on setting standards.²⁶

These next steps in the commitment built upon the release to create a more systematic approach to cataloguing data held by government, through the establishment of a complete inventory and internal processes for review. This would allow the public and others to see the entirety of datasets [though not quantified] held by government and enable government to create a “roadmap...to prioritise the release of the most (potentially) impactful datasets.”²⁷ The result would be a framework or a dynamic list of key data across all bodies. Such an infrastructure would serve as the basis for numerous other commitments and a foundation of future openness initiatives.

Between March and September 2014, government departments and arm’s length bodies had identified datasets and were moving forward with publication. However, there was some delay owing to variability in dataset quality and some discussion about requesting legal advice over statutory release.²⁸

²² This was detailed in the government’s 2013 National Information Infrastructure Narrative. See page 3 for a summary <http://bit.ly/1DEAiky> and this blog post at <http://bit.ly/1dwGyWF>

²³ This was detailed in the government’s 2013 National Information Infrastructure Narrative. See page 3 for a summary <http://bit.ly/1DEAiky> and this blog post at <http://bit.ly/1dwGyWF>

²⁴ See the National Action Plan <http://bit.ly/1CbrfZ8> and the independent Shakespeare Review at <http://bit.ly/1EFyY6I>

²⁵ See the National Action Plan <http://bit.ly/1CbrfZ8>

²⁶ See the first UK National Action Plan 2012-2013 <http://bit.ly/1uFCGYz>

²⁷ See the National Action Plan <http://bit.ly/1CbrfZ8>

²⁸ See the September 2014 update for details <http://bit.ly/1I0IHxI> and January 2015 update <http://bit.ly/1JbGnKd>

Embargoed – not for quotation or citation

This commitment then changed approach in the course of its implementation, meaning that a number of the milestones shifted or were superseded, as explained in the January 2015 update. The government sought views from users to inform its next, second iteration and updated second NII framework. The original idea behind the NII was for a big bang approach whereby the team would instruct departments as to what datasets to issue by giving them a mandated list. However, following consultation and reflection on some of the problems just stated, the government found that the original approach would not reflect the differing needs of departments and did not really match with the changing nature of technology. Something more flexible was required.

In the summer of 2014, the Cabinet Office team held a series of three workshops bringing together CSOs, the development community, government, and representatives from business (for example, Google) to develop the newer iteration of the NII. The participants discussed questions about what core data could be included in the new NII and possible systems or approaches [labelled ontologies].²⁹ The conclusions were that there needed to be a new thematic and low-level approach and a governance of the process, that is, someone to be in charge of developing the plan. Participants also recognized that working alongside the departments and bodies in experimental or beta form (from the bottom up, using data-maturity ideas) would work better than imposing lists as the original commitment asked.³⁰ This new, more iterative approach would be built around timeliness, common vocabularies, and certification. A chief executive and advisory board with a dashboard to monitor progress would oversee the process.

In March 2015, the redeveloped NII principles and approach were outlined in a new implementation plan, which explained the core principles and new governance structure, where the NII would work with selected departments to move from being a static framework to a more open hub model. The government also appointed Mike Bracken as the first ever government chief data officer. His role will involve “developing a new government data standard, championing open data, and encouraging the use of data in the decision-making process.”³¹ Departmental audits relating to the NII are due to begin in the summer of 2015.

Overall, the level of completion of this commitment is substantial. While it varied (from limited to complete) within the individual milestones that make up this commitment, for the most part, the government has advanced substantially in its commitment to develop and list an inventory of all the datasets the government owns.

²⁹ See the results of the workshops discussed <http://bit.ly/1q4TQI0> at <http://bit.ly/1Kx6MmK> and at <http://bit.ly/1I0IOT1>

³⁰ For a discussion of data maturity, see <http://bit.ly/10vbKyO>

³¹ See the March 2015 plan <http://bit.ly/1Cnm6Rd> and the announcement of Mike Bracken as the first ever government chief data officer at <http://bit.ly/1Bidjfd>

Embargoed – not for quotation or citation

Did it matter?

Judging the implementation of the commitment is difficult, given that the work is ongoing. The National Information Infrastructure is one of the central and most forward-looking parts of the second NAP. However, the shift in thinking whereby the government sought the views from a wide range of users through a series of discovery workshops meant that the original commitment, involving a legislative mandate and set dates, proved unsuitable. Consequently, some milestones were superseded or became irrelevant.

The process of the NII has moved forward an ambitious agenda, and the team has responded to external input and recognised how a new approach may fit better. The process itself involved some innovative and important engagement, particularly via the workshops in 2014. This offers a better means of creating a sustainable and robust framework.

There have been delays and obstacles in moving the plan forward, and there may be a need for increased co-ordination, a role that is likely to be undertaken by the new chief data officer. The CSOs expressed interest in the NII as one of the key areas within the plan. They were keen that consideration be given in the future to ways of making the NII more public-facing by building in stronger transparency and accountability aspects as the NII progressed.

The IRM researcher finds that the overall potential impact of this commitment is moderate, based on the findings that the process of the NII introduced a range of innovative approaches to increase the transparency of datasets and coordinating and offering a framework for release.

Moving forward

- The IRM researcher believes that the next NAP could reflect the new iterative process and offer a review of the functioning of governance structures and the dashboard and how this interacts with new roles like the chief data officer and the operation of the system as a whole, given its reflexive and iterative approach.
- The IRM researcher also believes that the series of workshops not only helped develop new ideas but also facilitated links between diverse groups (for example, NGOs and businesses). Any future plan or work should involve further interaction using the same methods.
- CSO bodies and stakeholders were concerned that the NII was too inward-facing and neglected the more public-facing transparency and accountability aspects of the process. Future iterations need to promote a more public aspect that could then help, for example, prioritise the release of datasets that are likely to have the most impact.

2: NHS England Website and Network

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.

Vision and impact

[...] Information systems in healthcare that can share and link data are key to safer, better quality care and are entirely reliant on high quality information standards. If information is consistently recorded and reported then it ensures that people are able to confidently make comparisons about performance or quality and supports the participation of citizens in design and quality of healthcare. [...]

Context

We hope that by sharing our experiences of setting robust standards for healthcare information, supported by a virtual network and resource hub, we can help other countries as well as other organisations in the UK to adopt robust information standards.

Through this work we will set out a package of support that other countries can use such as:

- establish a virtual network of countries who can share approaches, successes and challenges and learn from one another
- tell the story of how the NHS has implemented high quality standards
- establish an index of resources, published under the Open Government Licence, that other countries can interrogate, use and localise.

We will also signal an intention to collaborate through this network to develop a framework of standards that any nation can use to assess how well they are doing.

Timescales

The key milestones for the delivery of this commitment are:

- website established (October 2013)
- participation in the virtual network by 15 member states and civil society organisations (June 2014)
- accreditation system established (Autumn 2014)

Additional milestones will be developed with civil society organisations and international partners.

Editorial note: The evaluation of the level of completion of this commitment is based on the individual milestones that make up this commitment, as set out above under the subheading "Timescale," or as deemed relevant by the IRM researcher.

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Comment [11]: Was the ambition therefore for trans-national health data sharing?

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Comment [12]: What does this even mean, in practical terms?

	Specificity	OGP value relevance	Potential Impact	Completion
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	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓		✓	✓	✓	✓			✓		Withdrawn			
2.1. Website established				✓		✓	✓	✓	✓			✓		Withdrawn			
2.2. Virtual network participation				✓		✓	✓	✓	✓			✓		Withdrawn			
2.3. Accreditation system established				✓		✓	✓	✓	✓			✓		Withdrawn			

What happened?

The commitment aimed at creating a website that allows the public and others to share experiences of the NHS and offer ideas as to 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.³²

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 measurables established in co-operation. The policy consisted of three milestones, but it was suggested that “additional milestones will be developed with civil society organisations and international partners.”³³

³² See The UK National Action Plan commitment 2 <http://bit.ly/1Cbrfz8>

³³ See The UK National Action Plan commitment 2 <http://bit.ly/1Cbrfz8>

Embargoed – not for quotation or citation

The commitments were developed at a time of large-scale reform to the UK National Health Service. In 2012-2013 the Health and Social Care Act radically altered the structure of the NHS with new oversight and bodies re-designed to increase patient choice and participation.³⁴ A series of reports in 2012 and 2013, such as the Francis Inquiry and the Keogh Review, emphasised the need to build greater transparency and openness within the NHS.³⁵

The commitment process was weakened—and the milestones closed—by lack of wider CSO interest that was driven by privacy concerns over data-sharing under the care.data proposal, [and the sale of Hospital data that - as the Partridge Review revealed - had been going on for years](#) (see commitment 15). The update from January 2015 outlined how there were “initial conversations prior to agreement with various organisations, though this commitment proceeded unsupported.”³⁶ It was also superseded by ongoing organisational changes within the NHS and shifts of responsibility. For example, work on information standards was to be overtaken and priorities set “by the National Information Board, which has a dedicated work stream.”³⁷ On the international commitments, there was a lack of uptake from the other countries involved in the network.³⁸

Overall, overall limited progress was made, and the milestones have been closed because of a combination of organizational change, engagement problems, and a lack of traction on the international aspects. The Cabinet Office is working with the Department of Health and NHS England to take this work forward.

Did it matter?

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 both on 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.

If it had not been closed, the commitment would have had a moderate impact. It would have built on the long-term move in the UK towards increased participation of patients and would have helped push international assessment and co-operation.

³⁴ For background on NHS England, see <http://bit.ly/1bGkc3R>

³⁵ See page 9 of this guidance at <http://bit.ly/1FA4ROi>

³⁶ The January update can be read at <http://bit.ly/1Q2EbsG>. The National Information Board website can be found at <http://bit.ly/1wWl3EL>

³⁷ The January update can be read at <http://bit.ly/1Q2EbsG>. The National Information Board website can be found at <http://bit.ly/1wWl3EL>

³⁸ The January update can be read at <http://bit.ly/1Q2EbsG>. The National Information Board website can be found at <http://bit.ly/1wWl3EL>

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Moving forward

- The IRM researcher would recommend that, given the importance of healthcare, there should be renewed work on experiments and innovations in the next action plan, such as the networks and applications that can allow patients to assess the performance of health services. There also needs to be a clear idea of who takes the policy forward (especially if there is likely to be more change in the future).

3: Revised Local Authorities Data Transparency Code

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.

Supporting civil society organisations

Compact Voice.

Vision and impact

[...] The data needs to be presented so that it can be understood by citizens and community groups, reused in web and mobile phone applications to drive innovation and business growth, analysed and compared for sector led improvement, and commented and consulted on in social media. [...]

Context

In September 2011 the Department for Communities and Local Government (DCLG) published the Code of Recommended Practice for Local Authorities on Data Transparency. This Code was issued to meet the government's desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. The government will issue a revised Code and is minded to bring into force regulations to make it a legal requirement for local authorities to publish data in accordance with parts of the revised Code.

Local authorities have responded positively to this agenda-all local authorities are already publishing expenditure of £500 and over, but performance on publishing other data varies across authorities; the NAO [National Audit Office] found that only 4% of local authorities published information on land and building assets. The revised Code will ensure greater consistency in the data that is made available to local people across England.

Timescales

The next steps to deliver this policy are to:

- *publish the government response to its consultation on revising the Code, including a draft of the revised Code (November 2013)*
- *issue the revised Local Authorities Data Transparency Code (Winter 2013)*
- *bring into force regulations making it a legal requirement for local authorities to publish data in accordance with the Code (Winter 2013)*
- *work with the sector, eg local government workshops, to disseminate guidance and good practice (Spring to Summer 2014)*
- *work with the Local Government Association (LGA) and the Information Commissioner's Office to adopt a light touch approach to monitoring and enforcement and determine levels of compliance during the 2014 to 2015 period*

Means

Embargoed – not for quotation or citation

We are going to support this policy through:

- providing new burdens funding following the enactment of any regulations
- engaging in a dialogue with councils across the country, eg roadshows
- working with the LGA, Local eGovernment Standards Body etc to develop appropriate guidance

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓		✓	✓					✓					✓
3.1. Publish government response to revising the code				✓		✓	✓					✓					✓
3.2. Revised Local Authorities Data Transparency Code				✓		✓	✓					✓					✓
3.3. Legal requirement for local authorities to publish data				✓		✓	✓					✓					✓
3.4. Disseminate guidance and good practice				✓		✓	✓					✓					✓
3.5. Light touch approach				✓		✓	✓					✓					✓

Embargoed – not for quotation or citation

Editorial note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

What happened?

This commitment built upon a set of initiatives undertaken in 2011, when the government set out a recommended draft code of practice on local transparency as part of its Transparency Agenda.³⁹ All 353 local authorities in England were “required by legislation to consider the code in coming to any decision on publicity, which is defined as any communication, in whatever form, addressed to the public or a section of the public.”⁴⁰

The 2011 code was developed following consultation with local authorities and a short review by the Communities and Local Government Select Committee in Parliament.⁴¹ The code covered publication of spending data, organisation charts, councillors’ expenses, as well as other information. Local authorities were also encouraged to use Contracts Finder (the UK government’s online procurement service that allows government buyers to publish contract notices online) and other proactive mechanisms to publish contractual information.⁴² Information was to be demand-led, open, and timely. The policy fitted within a wider range of changes, in law and through codes of practice, intended to open up English local government.⁴³

By 2012, the UK central government was concerned that English local authorities were not publishing as consistently as they could. Research by the NAO in 2012 and a local government association survey in the same year pointed to variability in levels of publication for different data. For example, only 4 percent of authorities were publishing details of land and assets (worth £220 billion).⁴⁴

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).⁴⁵ These instruments were passed and have amended how regularly data will be published and what is included in the schemes.

³⁹ For background, see <http://bit.ly/1QOOoue>

⁴⁰ For the original draft from 2011, see <http://bit.ly/1GKshSM>

⁴¹ For background, see <http://bit.ly/1QOOoue>

⁴² See the UK National Action Plan commitment 3 <http://bit.ly/1GKshSM>

⁴³ For a summary of other changes, see House of Commons Library (2014) *Local Government Transparency in England* [Standard Note: SN/PC/06046]. London: TSO.

⁴⁴ See the Local Government Association Transparency Survey at <http://bit.ly/1DYXcDU>, in particular page 6 for the variety of datasets published across English local authorities.

⁴⁵ See <http://bit.ly/1OJlHu> and the statutory instruments at <http://bit.ly/1GIVJWu> and at <http://bit.ly/1Gz2ell>

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Alongside this, the government produced successively updated versions of the Local Government Transparency Code. A series of three consultations took place in 2013, with a draft code then 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.⁴⁶ After the 2014 code, the latest version was published on 27 February 2015, extending the regulations to cover social housing data.⁴⁷

The code is part of a wider series of changes to local government transparency and accountability over the past few years. Reforms also cover the abolition of the Audit Commission in 2014, mandatory reporting of certain information to central government, as well as innovations such as allowing the public to use social media in local council meetings.⁴⁸ The commitment's progress was greatly helped by strong ministerial and political interest and support.

Overall, the commitment requiring local authorities to publish key information and data can be evaluated as complete.

Did it matter?

The commitment has moved forward the local government transparency agenda with a series of regulatory changes and initiatives. They appear to be subject to extensive consultation and were developed through engagement with a number of stakeholders.

Given the code's breadth across all English local government, its exact implementation is unclear. The research cited earlier found compliance with previous codes to be variable. Use of the data by the public and other groups also appears uneven. A recent academic study has found that there is interest across a broad range of groups, but use remains low compared with other open data innovations or instruments like FOI.⁴⁹ New innovations by third parties are emerging that can help to create a suite of accessible online tools, making the new data easy to use and combine.⁵⁰ Challenges remain over local authority cultures, skills, and, most importantly, the availability of resources at times of very severe spending cuts, which are likely to last well into the next Parliament.

The potential impact of this commitment is moderate, pushing forward local government openness that had begun in the first NAP.

⁴⁶ See the consultation from 2013 at <http://bit.ly/1bAe2xQ> and the FAQ created from it at <http://bit.ly/1rDjeS>

⁴⁷ See the successive 2014 and 2015 codes at <http://bit.ly/1wsQcfU>; <http://bit.ly/1o71KlK>

⁴⁸ See the Accountability and Audit Act 2014 at <http://bit.ly/1bhZabj> and the single data list at <http://bit.ly/1cDQMjs>

⁴⁹ See the National Audit Office report on Transparency in 2012 at <http://bit.ly/1bGoeJs> and the Public Administration Committee on Open Data at <http://bit.ly/1JbNtOT> and Worthy, Ben, *David Cameron's Transparency Revolution? The Impact of Open Data in the UK* (29 November 2013). Available at SSRN: <http://bit.ly/1OJbWh>

⁵⁰ See Dane Wright's site that analyses local government spending <http://bit.ly/1Gz1MtZ>, Chris Taggart's site that combines democratic and spending data at <http://bit.ly/1OJv7f>, and the contract and spending finder spendnetwork at <http://bit.ly/1EUtS88>

Embargoed – not for quotation or citation

Moving forward

- There is a need for evidence on the compliance and level of resources available within local authorities, as well as the barriers and opportunities for data use, as already highlighted by the IRM researcher and a variety of stakeholders.
- There is also the important question of how the new data link to tools for public participation, given the emphasis of successive governments on encouraging increased public involvement in local politics and proposals to give local governments more power.
- The 2012 LGA survey cited above also highlighted the need to understand examples of grassroots data innovations and partnerships carried out by local authorities. Given the importance of experiments to advance use and interest, these cases need to be studied by academics or other external experts.
- The IRM researcher believes there should also be greater clarity over the various pathways for redress of problems with the data and the light touch regulatory approach. Different paths may potentially be used if difficulties arise via, for example, the individual authority monitoring officer, the local ombudsman, or, if a query is turned into an FOI request, via the Information Commissioner's Office. Numerous potential avenues for enforcing the code exist, but some may be little known or not obvious and need to be better understood.

4: Transparent Social Investment Market

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.

Supporting civil society organisations

Big Lottery Fund, Big Society Capital, City of London Bridges Trust, Social Enterprise UK

Impact and vision

[...] Greater transparency in social investment markets will help more social ventures to access the capital they need and socially minded investors to deploy their funds to greatest effect.

Context

Social investment blends financial return and social impact. Both investors and the end ventures they support need clarity on the financial and social return they are achieving. Actions to increase this clarity will lead to greater transparency (across metrics of impact), accountability (as more citizens can see the effectiveness of public services) and participation (as more ventures can access public service contracts, and more citizens invest their money for social impact).

As of 2013, Cabinet Office has:

- *set up, under the UK's Presidency of the G8, the first Social Impact Investment Taskforce with the aim of bringing greater consistency across the international field*
- *supported Inspiring Impact; this programme aims to make high quality impact measurement the norm for charities and social enterprises by 2022*
- *worked collaboratively with partners in the sector to create the UK's first Social Investment Readiness Charter, setting out five principles through which to support the market*
- *linked with leading sector organisations to establish the Market Stewardship Research Group, which delivers an ongoing and publicly available research agenda*
- *supported the creation of a Social Investment Trade Association, which, as part of its work, will encourage social investment intermediaries*

Timescales

We will be reporting on the international commitments by the end of 2014 through the Social Impact Investment Taskforce. We will provide an annual update of progress on domestic commitments, as part of HMG's wider Social Investment Strategy, also in 2014.

Means

International commitments will be delivered by national governments who have volunteered to achieve these standards, and overseen by an international taskforce comprising government and private sector representatives from around the globe. Best practice will be shared by a new Global Learning Exchange (in partnership with the World Economic Forum and Impact

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Investing Policy Collaborative). Domestic commitments will be delivered by the UK government and key sector bodies, such as the Social Investment Forum.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civics Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓			✓					✓						✓
4.1. Reporting on international commitments			✓			✓					✓						✓
4.2. Annual update on domestic commitments			✓			✓					✓						✓

What happened?

Social investment is “finance offered to voluntary and community organizations with the expectation of financial repayment.”⁵¹ This OGP commitment on social investment builds on long-term UK interest in this area since before the second NAP. In June 2013, a G8-led meeting emphasised the key role of social investment, and Prime Minister David Cameron spoke of its importance. He announced a series of initiatives to assist in social investment, including tax breaks and the creation of a social stock exchange.⁵²

The previous reforms undertaken, as of 2013, included—

⁵¹ See a definition of social investment at <http://bit.ly/1CC2w6m>

⁵² See details and background at <http://bit.ly/1xwNwAO> and at <http://bit.ly/1GzmYA8> and David Cameron’s comments <http://bit.ly/1GJd2H0>

Embargoed – not for quotation or citation

- the creation of the Social Impact Investment Taskforce;
- development of a code of good impact practice;
- creating a social investment readiness charter, setting out five principles through which to support the market;
- establishing the Market Stewardship Research Group; and
- helping to create a social investment trade association.⁵³

In 2013, the UK government emphasized that, “transparency is a vital tool in delivering social impact. Greater transparency...will help more social ventures get access to the capital they need to grow.”⁵⁴ It is hoped that this will open up the social investment market and bring “greater transparency (across metrics of impact), accountability (as more citizens can see the effectiveness of public services), and participation (as more ventures can access public service contracts, and more citizens invest their money for social impact).”⁵⁵

The social investment commitment was a follow-on from a series of programs and policies that have been ongoing in the United Kingdom for a number of years. The milestones and goals for this commitment fitted with this, offering a series of online reporting requirements and updates on progress.⁵⁶

The commitment created a number of informational innovations including publication of data from 65 investments and the creation of a series of online visualizations via data.gov.uk.⁵⁷ There is also now a directory of social enterprise, which was re-launched in February 2015. The inaugural Social Investment Awards, held in October 2014 as part of a process of increasing public awareness and help for those involved, are intended to be offered again in 2015.⁵⁸

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

Did it matter?

Although the commitment was a follow-on from work being done, and the milestones were not always specific, there have been some important steps forward in implementation. First, in terms of data and sources of information on social investments, the commitment has led to research by both the government and others and the creation of a growing evidence base

⁵³ See the NAP commitment at 4 <http://bit.ly/1EvxyKm>

⁵⁴ See the government document on social investment at <http://bit.ly/1RwSDgR>

⁵⁵ See the NAP commitment at 4 <http://bit.ly/1EvxyKm>

⁵⁶ 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>, and the domestic report at <http://bit.ly/1uAtunC>

⁵⁷ See the visualisation at <http://bit.ly/1vuWnJ> and the collected listing of information at <http://bit.ly/1gllOOu>

⁵⁸ See the directory at <http://bit.ly/1zUz0Tb> and the mapping of the new market at <http://bit.ly/1EUvCOV>

Embargoed – not for quotation or citation

on the size and impact of the market.⁵⁹ Second, there is now increased awareness of the importance of social investment. Although it is not yet clear if they have met the high transparency and participative goals set out in 2013, taken together, these measures have increased the openness and awareness of social investment and have provided the tools to encourage others to better understand it.

The potential impact of this commitment was evaluated as minor as it pushed forward openness in a small, but growing, area.

Moving forward

- The IRM researcher recommends that the developing evidence base should be strengthened and expanded to allow those working in the area and those interested to examine and analyse the data and policy area.
- The data visualization experiments created in partnership with data.gov.uk should be continued and augmented over time.
- The IRM researcher also recommends that the sharing of skills and expertise gained during this process should be expanded.

⁵⁹ See details of the 2014 and 2015 awards at <http://bit.ly/1w2Cm2U>

5: Manage and Capture Digital Records

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.

Supporting civil society organisations

The International Records Management Trust

Impact and vision

Citizens will have access to the records of UK government earlier and delivered in ways that make them more accessible and more usable than they have ever before.

Context

[...] The UK government needs to define clearly what records departments need to keep in the digital era, both in paper and digital format, and to enable them to do this efficiently and effectively. This will help to ensure that information is available and survives for scrutiny both now and in the future.

The UK government is working with archives across the public sector to help ensure that this potential is realised at both local and national levels.

On 1 January 2013, the period by which records selected for permanent preservation should be transferred to The National Archives and specialist places of deposit was reduced from 30 to 20 years. The change to a '20 year rule' is being implemented over a ten-year transition period that will enable departments to transfer two years worth of records to The National Archives every year until 2023. This is estimated to have effected [sic] over three million government records. [...]

Timescales

The key milestones for the delivery of this commitment are:

- *by April 2014, The National Archives will deliver a fully operational mechanism for the accessioning and preservation of digital records - the Digital Records Infrastructure (DRI)*
- *by April 2015, The National Archives will have an efficient, scalable and sustainable process for the transfer of digital records to the DRI supported by publicly available guidance on its website and training for transferring departments*
- *by 2023, the transition to the 20 year rule will be complete; departmental compliance in transferring records to The National Archives under the Public Records Act is measured in its bi-annual Records Transfer Report, which details statistics on the status of departments' progress*

Means

medConfidential 8/5/2015 6:13 AM

Comment [13]: What happens if they contain personal data?

medConfidential 8/5/2015 6:12 AM

Comment [14]: This seems pretty low.

Embargoed – not for quotation or citation

The government will define and deliver an efficient, scalable and sustainable process for the transfer of its digital records into the DRI. The National Archives has resourced a Digital Transfer Project within its operational transfer teams, supported by their counterparts within transferring government departments. [...]

[...] By the end of 2013, [the government, through The National Archives], will publish a set of business requirements to support the management of digital information and will refresh its retention and disposal guidance by the middle of 2014. [...]

The government will invest in creating innovative solutions to the preservation challenges involved in capturing the government web estate and keeping information published online findable in the future. A social media archive will be launched in Autumn 2013, with a focus on Twitter and YouTube.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓		✓			✓			✓				✓	
5.1. Digital Records Infrastructure (DRI)				✓		✓			✓			✓					✓
5.2. Digital records transfer process				✓		✓			✓			✓					✓
5.3. 20-year rule by 2030				✓		✓			✓			✓			✓		

Embargoed – not for quotation or citation

Editorial note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

What happened?

This commitment builds on a longer-term aim of The National Archives (TNA) relating to the preservation of physical and digital records. This includes reducing down to 20 years the rule that currently keeps access to documents subject to FOI exemptions closed for 30 years, identifying important records for preservation, and creating new mechanisms for analogue and digital management.⁶⁰ The change from 30 to 20 years officially began on 1 January 2013, the beginning of a 10-year transition period that finishes in 2023.⁶¹ The transition will deal with more than 3 million documents. TNA has also been publishing information under the new 20-year rule earlier where possible.

TNA is also moving towards a new system for preservation of digital records through the DRI. The digital transfer project remains on track but is undergoing conceptual testing and refinement. According to their own self-assessment, the DRI has now been in place since April 2014. TNA, at the time of writing, is running a series of pilots due to be completed by December 2015.

One key challenge has been around sensitivity review. TNA is currently testing software to see how this could be used to help government with this issue. Other challenges include government department's use of different information formats and systems and variety of digital records management procedures.

A recent review by Alex Allan in 2014 emphasized how 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."⁶² TNA provides advice and guidance throughout this process. The review found variable amounts of progress in digital continuity across various departments and expressed concern at potential delays and problems.

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 one milestone being only substantially complete), for the most part the government has advanced significantly in its commitment to manage and capture digital records.

Did it matter?

The commitment is ongoing. The TNA has done well in pushing forward this important area as part of a wider, ambitious project that is due to finish in 2023. Although some parts of the

⁶⁰ See the National Action Plan Commitment at 5 <http://bit.ly/11152E1>

⁶¹ See the National Action Plan Commitment at 5 <http://bit.ly/1EvxyKm>

⁶² See the Alex Allen Review of 2014, especially page 7-8 and the annex, at <http://bit.ly/1zurklQ>

Embargoed – not for quotation or citation

project were behind schedule at certain points, the commitment has involved dealing with several complex but vitally important areas for records preservation and curation in the digital age. The tackling of a digital transfer is likely to be an important step. Stakeholders felt pleased with the strength of the commitment and consultation process.

The potential impact of this commitment is moderate as it further develops a number of ideas under way at the TNA.

Moving forward

- The TNA itself emphasized how it wished to understand more about what users want and what it should make available, and this could be done via surveys or more detailed focus group research. This is something the researcher would encourage.
- The preservation of records is bound up in the wider program that concludes in 2023. The 2014 cross government record review by Alex Allan found varying approaches across government departments and, despite superficial compliance, raised concerns about management, as a number of departments have large backlogs and are falling behind the 2023 timetable. The 2014 review touched on elements of digital record keeping. This led to the commissioning of a further review focusing on digital record keeping, which was due to be completed in the summer of 2015. The findings from these reviews could potentially be a focus for future commitments.
- The IRM researcher would emphasize the importance of records preservation and management for the wider open data agenda. Future plans should ensure that the issue remains a central part—particularly awareness of problems raised by hybrid and digital records.
- The IRM researcher also suggests that there could be stronger links amongst the different commitments relating to records and TNA, as numerous commitments touched upon them.

6: Cross-Government Anti-Corruption Plan

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.

Supporting civil society organisations

BOND Anti-Corruption Group: Article 19, CAFOD, Christian Aid, Corruption Watch, Global Witness, Integrity Action, ONE, Public Concern at Work, Tearfund, The Corner House, Transparency International UK

Vision and impact

Our vision is to have a robust, cross-government anti-corruption plan that will bring much more coordination and coherence to the work that is going on, from preventing corruption taking place in the first instance to taking effective enforcement action when it does.

Context

[...] Over recent years, the UK has taken a number of steps to deal with corruption and we have good structures and legislation already in place [...]

[...] 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. The plan will bring greater coordination and effectiveness to the UK's efforts to tackle corruption both domestically and internationally, across government and its agencies, and with civil society business and international institutions. Non-governmental organisations (NGOs) and civil society organisations (CSOs) will be consulted for their views on the content of the plan.

The plan will include a range of measures that the UK will take to prevent corruption and enforce relevant legislation. For example, once refreshed EU rules are in place - whereby we are already required to exclude suppliers for bribery and corruption - we will reconsider:

- *the potential benefits and disadvantages of a register of excluded suppliers*
- *implementing and enforcing the UK Bribery Act by resourcing enforcement agencies and ensuring effective reporting processes*
- *tackling money laundering through international collaboration*

[...] The Home Office will provide the coordination function across government which will report jointly to the Home Secretary and the government's Anti-Corruption Champion.

[...]

Means

The development and content of the plan is still for departments to agree. The Home Office will work with the Cabinet Office, other government departments, and CSOs to take forward this work.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
<p>★6. Cross-government anti-corruption plan</p>		✓						✓					☐				✓

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

What happened

This commitment builds on a series of initiatives carried out from 2010 onwards, as a further step in a long line of international and national measures intended to fight corruption. Previous steps taken have also included legislation, with the Bribery Act (2010), the creation of deferred prosecution agreements, and a series of institutions and strategies, including the appointment of new government anti-corruption champions and the creation of the new National Crime Agency and a UK asset recovery task force. In 2013, national and international discussion during the United Kingdom’s presidency of the G8 focused on tax transparency and anti-corruption.⁶³ The government initiated a new serious and organised crime strategy but recognised the need for a new cross-cutting approach in this area.

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 harmonize and co-ordinate existing plans and to introduce strategic direction. There was no strict timescale within the plan itself (though there was for publication), and it was viewed as an iterative process and a first step, a combination of narrative and actions. The plan had

⁶³ See page 6 and 7 of the 201 G8 leaders Communique on tax evasion and corruption at <http://bit.ly/1Isoett>; <http://bit.ly/1CbrfZ8>

Embargoed – not for quotation or citation

cross-party support and was helped by the work of the All Parliamentary Group on Anti-Corruption.⁶⁴

The UK anti-corruption plan was published on 18 December 2014, slightly behind the original schedule of June 2014.⁶⁵ It contained 66 separate 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 also committed to continuing to work with CSOs and to use the ministerial group to oversee progress.⁶⁶ The plan highlighted the importance of openness and data in fighting corruption in numerous areas.⁶⁷

A coalition of CSOs, 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.⁶⁸

Did it matter?

The commitment is undoubtedly a significant strategic step forward in tackling corruption nationally and internationally, with a comprehensive series of suggestions stretching from government to Parliament and private companies.

The BOND group and Transparency International welcomed the plan as ground-breaking in its attempt at defining and setting out strategic direction, as well as framing and contextualizing corruption. The plan was seen as wide-ranging, joined-up, and inclusive.

There were some concerns. The delay in publication between June and December 2014 meant the report was launched on the last day of Parliament before Christmas, and some CSOs saw this as evidence of a lack of political will. The report also contained some mixed messages and may have been undermined by turf wars amongst departments. It was, one CSO argued, in places “imprecise and patchy” and did not deal with some areas in sufficient depth, such as corruption in the private sector.⁶⁹

⁶⁴ See the APPG at <http://bit.ly/1EvFHOW>

⁶⁵ See the UK anti-corruption plan at <http://bit.ly/1tTrBoX>

⁶⁶ See the ministerial statement appointing him at <http://bit.ly/1qjIWjg>

⁶⁷ See the research on data at <http://bit.ly/1EUw6od> and at <http://bit.ly/1GKNGLE>

⁶⁸ See the response by CSOs at <http://bit.ly/1dxwrkz>

⁶⁹ The response of BOND can be read at <http://bit.ly/1EGe07p> and Transparency International at <http://bit.ly/1zh2lv7>

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As it draws together pre-existing ideas and approaches but offers strategic direction, the potential impact of this commitment is transformative.

Moving forward

- One of the key concerns of BOND/TI was the need for lines of accountability and issues of sustainability within the process. The delay in publishing the report raised concerns that the commitment lacked support. Renewed interest could be reflected in various ways.
- The IRM researcher recommends a form of scrutiny via the legislature, perhaps through a parliamentary select committee at a predetermined point—for example, after one year or at the time of the annual report by the anti-corruption champion.
- Given the breadth of the 66 actions, there may be a case for thinking carefully about the presentation of progress via a public data visibility portal of the kind experimented with on data.gov.uk.

7: Company Beneficial Ownership Information

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.

Supporting civil society organisations

CAFOD, Christian Aid, Global Witness, ONE, Open Knowledge Foundation, OpenCorporates, Oxfam, Save the Children, Tearfund, Transparency International UK

Vision and impact

A lack of knowledge about who ultimately controls, owns and profits from companies and legal arrangements facilitates their misuse for illicit purposes including tax evasion, money laundering, corruption and bribery.

[...] the UK has 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.

Company beneficial ownership information will be held in a central registry maintained by Companies House. [...], the UK has committed to making information on individuals with significant interests in UK companies accessible publicly via Companies House, potentially using as a model the type of information already in the public domain on company shareholders.

[...]

Through the UK's G8 action plan on beneficial ownership, the UK is taking forward a number of other commitments. We are currently undertaking the UK's first ever national risk assessment of money laundering and terrorist financing threat to be completed in 2014. We will also take forward work in the context of the national risk assessment to assess the money laundering and terrorist financing risk posed by trusts, and through the Fourth EU Money Laundering Directive we will seek to ensure that trustees of express trusts are obliged to obtain and hold adequate, accurate and current information on beneficial ownership regarding the trust.

Context

A lack of transparency of company ownership and control favours those looking to hide their identity and launder illicit proceeds through international financial systems. In the UK, investigations are frequently frustrated by the inability of law enforcement to identify the true owner of a company being used to hide or conceal criminal activity, particularly where this information is held offshore by companies incorporated outside the UK. [...]

Companies are already required to know and provide information on their beneficial ownership when, for example, they seek to establish a bank account. [...] However, financial institutions often cite the customer due diligence requirements as one of the most costly and difficult requirements to fulfil as they are heavily reliant on the information provided by the company. An explicit requirement on companies to obtain and hold information on their

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beneficial owners could make it easier for financial institutions and others to carry out this due diligence.

By requiring UK companies to provide this information to a central registry, there could be additional benefits for tax authorities and law enforcement agencies in terms of more efficient investigations into company ownership and control. [...]

Timescales

The government discussion paper relating to these commitments has informed this Action Plan. Implementation will now be taken forward through amendments to company law, led by the Department for Business, Innovation and Skills, and through: transposition of the Fourth EU Money Laundering Directive, which is currently being negotiated; amendments to the UK Money Laundering Regulations; and other relevant bilateral and multilateral agreements led by HM Treasury.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
★7. Company beneficial ownership information			✓		✓							✓			✓		

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

Embargoed – not for quotation or citation

What happened?

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 does not nominally own the asset itself. 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. World leaders, under the UK chair, committed to increasing action on laundering, although the commitment has a series of other purposes, from helping stop tax avoidance to fighting terrorism and alleviating poverty. The ability to create a register of company ownership, detailing who owns or has a sizable interest (labelled "controlling" or "person with significant control," or PSC), is a central part of fighting corruption or tracing numerous activities. It has been influenced by new data-driven innovations, particularly the Open Corporates site.⁷⁰

The commitment was linked to a number of EU-wide and G8 agreements, as well as work with individual countries across the world on corporate transparency and tax evasion. In June 2013, an important step was made when the G8 agreed to principles on beneficial ownership openness at the Lough Erne summit under David Cameron's chairmanship.⁷¹

David Cameron made the commitment the centrepiece of the UK's second NAP during a speech to the Open Government Partnership summit in London in October 2013.⁷² He argued that it is important to know who owns and controls companies, not only legally but also in terms of who benefits financially from their existence.⁷³ 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 regulations for PSCs drawn up in January 2015.⁷⁴

Internationally, the commitment has 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. These negotiations led to an

⁷⁰ See the Open Corporates application at <http://bit.ly/1lso5m> and an explanation by its designer on why Beneficial Ownership is important at <http://bit.ly/1zh65Nf>

⁷¹ See the 2013 G8 Lough Erne communique at <http://bit.ly/1lsoett>; see also <http://bit.ly/1EUwovh> and his OGP speech at <http://bit.ly/1Q3qc5V>

⁷² See David Cameron's 2013 speech at the OGP Summit at <http://bit.ly/1Q3qc5V>

⁷³ See David Cameron's 2013 speech at the OGP Summit at <http://bit.ly/1Q3qc5V>

⁷⁴ As of this writing, the bill is at the report stage of the House of Lords (3/3/2015) <http://bit.ly/1ivHb4y>

See this discussion paper from the 2013-2014 consultation at <http://bit.ly/1nD5QSo>, the provisional implementation plan at <http://bit.ly/187XbW1>, and the register at <http://bit.ly/1GJogv4>

Embargoed – not for quotation or citation

agreed set of international beneficial ownership principles at Brisbane in November 2014 and strategic document looking ahead to 2015-2016, which includes concrete action on ownership and other issues recommended by Financial Action Task Force.⁷⁵

At the EU level, the Fourth Money Laundering Directive was agreed upon following a triologue (an informal meeting between the European Parliament, the council, and the commission) in October 2014. In December 2014, the European Parliament and Council reached political agreement on it, specifying that—

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.⁷⁶

This is somewhat less than the UK's own legal provisions and was a disappointment to campaigners across the EU. The directive is now heading for formal adoption; as soon as this is done, at some point in early 2015, it will be implemented in the UK.⁷⁷

As a side note, 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.⁷⁸ In February 2015, this briefly became an election issue when the then opposition leader Ed Miliband committed a future Labour government to blacklisting any overseas territories that refused to publish a register.⁷⁹

Did it matter?

The commitment has been substantial so far. Some legislative and policy work remains ongoing until the register and other parts are up and running between 2015 and 2016. However, given the potential obstacles, the policy has so far met its ambitious aims and is one of the central achievements of the UK NAP. A publicly accessible register of beneficial ownership, especially if combined with a (partially open) EU register, would be a powerful move forward in opening up the private sector. These are next steps and part of a long-term process, including international negotiations and continued implementation across several forums, including the G8, G13, and EU.

This commitment is complex, with different national and international commitments involving many hundreds of thousands of UK companies. The process also requires detailed co-ordination with a series of interested parties, including government departments and

⁷⁵ See some background on the G20 at <http://bit.ly/1EUwqmX>

⁷⁶ See the press release on the agreement at <http://bit.ly/1J1dDp2> and on the compromise at EU level at <http://bit.ly/1wB61UZ>

⁷⁷ See the press release on the agreement at <http://bit.ly/1J1dDp2> and on the compromise at EU level at <http://bit.ly/1wB61UZ>

⁷⁸ The Prime Minister's letter at <http://bit.ly/1GKQbgT> and further information at <http://bit.ly/1Q3pCVL>. See the beneficial ownership scorecard from Christian Aid at <http://bit.ly/1KxLmWB>

⁷⁹ See the letter at <http://bit.ly/1I1c8si>

Embargoed – not for quotation or citation

outside bodies such as law enforcement. This also involves discussions between groups with very different interests, particularly between businesses and CSOs.

So far, stakeholders and CSOs widely welcomed the achievements as an important step. Given the complexity, CSOs were said to have played a key role in moving the process forward. The personal involvement and commitment of the Prime Minister also helped push the policy forward and prioritize space in the legislative timetable. BIS was widely praised for its open and consultative way of working.

Stakeholders and experts have warned of the need for continued innovation and development. Areas such as real estate may present particular problems. Experts have argued that the new data need to be matched and linked to be truly effective, as Chris Taggart of Open Corporates explained:

...this register is going to be transformative in the fight against money laundering, fraud, and other criminal activity. But much of this will only be revealed when the beneficial ownership data is combined with other datasets, including government procurement, licenses, environmental citations, and other public data.⁸⁰

This commitment opens up companies both in the UK and [potentially] internationally with numerous far-reaching effects and uses. This commitment is consequently seen to be transformative.

Moving forward

- As both the government and stakeholders have pointed out, the policy and implementation are untested, as the few registers that exist around the world are in relatively small countries. Given its newness and uniqueness in the UK, there is a strong need for robust evidence and analysis of both implementation and compliance with the register and the exact effects, use, and consequences of having a publicly accessible register. This could include post-legislative scrutiny by a parliamentary select committee or international group of academics and experts.
- The register will be available in April 2016. There is a consensus amongst all involved that a review of its operation and use will be of great interest, given the lack of precedent on which to draw. The beneficial ownership register has a three-year review built into it, and such analysis should form part of any future action plan. However, given the register's high profile, the IRM researcher would recommend analysis before then. Transparency International has highlighted the need for monitoring to ensure that data are regularly published and that any legal or administrative loopholes are closed. Attention should also be paid to new innovations to facilitate use, such as the new (prototype) site Who Controls It, which allows searching of the register and linking with other data.⁸¹The register requires

⁸⁰ There may also be potential side effects and difficulties in particular areas. See this blog on real estate at <http://bit.ly/1EGgYZz> and this article by Open Corporate designer, Chris Taggart, at <http://bit.ly/1zh65Nf>

⁸¹ See the alpha site at <http://bit.ly/1bGP4kK> and this briefing from Transparency International at <http://bit.ly/1DF4k7U>

Embargoed – not for quotation or citation

the co-operation of countries across the world to work effectively, so there is a need for continued movement at international level.

8: Access to Police Records

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.

Supporting civil society organisations

The International Records Management Trust

Vision and impact

If police records were brought into the public records system, police bodies would be required to review their records and transfer those selected for permanent preservation to a place of deposit by the time that they are 30 years old (reducing to 20 years over the next decade), in order to ensure their long-term preservation and public accessibility. It would still be possible for police bodies to retain records such as scene of crime evidence for a further period if they could demonstrate the records were needed for current and future work.

The working group will determine the potential benefits and whether it recommends to ministers implementation of the recommendation made by the Hillsborough Independent Panel. The decision ultimately rests with ministers.

Timescales

The working group will report by 30 June 2014. If it supports the recommendation then it will propose a resourcing and implementation plan to ministers for consideration.

Means

If ministers agree, pending appropriate resourcing, police forces in England and Wales would assess records in accordance with a retention and disposal policy and schedule developed with guidance from The National Archives. Suitable places of deposit would be identified for police forces where records can be deposited and viewed by the public, at the appropriate time.

Specificity				OGP value relevance				Potential Impact				Completion				
N	L	M	H	No	Ac	C	Pub	Techno	N	M	M	Tr	N	Li	Su	C
o	o	e	i	n	ces	i	lic	logy &	o	i	o	an	o	mi	bs	o
n	w	u	g	e	to	v	Acc	Innovatio	n	n	d	s	t	te	ta	m
e		m	h		Inf	i	ount	n for	e	o	a	o	ar	d	nt	pl
					or	c	abili	Transpare	ne	r	ra	r	te	ial	e	et
					mat	p	ty	ncy &		o	te	ati				
					ion	a		Accounta			ve	ve				
					n	r		bility								
					t	t										

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						c i p a t i o n										
Overall				✓		✓						✓			✓	
8.1. Working group established				✓		✓						✓				✓
8.2. Working group reports				✓		✓						✓			✓	

What happened?

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.⁸² The panel recommended that police records closure periods on certain documents exempted under FOI be reduced to 20 years.⁸³ More specifically, the panel suggested that “police force records are brought under legislative control and that police forces are added to Part II of the First Schedule to the Public Records Act 1958, thereby making them subject to the supervision of the Keeper of Public Records.”⁸⁴ Only the Metropolitan Police Service [the London police] is currently subject to such record keeping requirements, due to its previous legal responsibility via the Home Secretary and now the Mayor of London. This requirement continues through a memorandum of understanding with TNA. The other 42 police forces across England and Wales are not subject to any such record requirements.⁸⁵ The government has suggested that there may be other options to achieve the objective that do not require legislation.

The original commitment date of 30 June 2014 was not feasible. The original working groups consisted of many parties, including representatives of the Association of Chief Police Officers, 42 individual police forces, the Ministry of Justice, TNA, the National Crime Agency, and the College of Policing. There was also a need to work alongside the Scottish

⁸² See the Review website at <http://bit.ly/1kvlyhi> and background on the Public Records Act 1958 at <http://bit.ly/1KxOKAN>

⁸³ See the review at <http://bit.ly/1kvlyhi>

⁸⁴ See the National Action Plan at <http://bit.ly/1Cbrfz8>

⁸⁵ See the National Archives of Police Records at <http://bit.ly/Nmjfgk>

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Police (as Scotland brought its own police force under its records legislation in 2013) and the Police Service of Northern Ireland. The original large working group was subsequently turned into a smaller sub-group of TNA officials, archivists, and practitioners.⁸⁶

A number of difficulties emerged. Police records are currently not designed around public access but around retention/destruction regulations via management of police information rules.⁸⁷ This lack of consistent practice means that the 42 police authorities store information in a variety of different ways with a mix of paper, digital, or microfiche systems. The records also go back many years, in some cases back to the 1840s, raising problems of digitization, storage, quality, and location, as well as costs and resources.

According to the 2015 government mid-term self-assessment, discussion thus centred on establishing a baseline, deciding whether, for example, changes could match the 20-30 year Public Records Act changes (see commitment 5), and determining how retrospective any change should be. There was also concern over how to deal with sensitive or dangerous information, from, for example, the Northern Ireland conflict and police informers or murder cases. The working group held a series of four meetings with a final draft document presented in January 2015. The self-assessments committed to offering proposals by the end of March 2015 but had not done so at the time of writing this report.

In terms of public interest, the issue of police records cuts across other controversial areas: not only the ongoing Hillsborough revelations but also concern over the operations of previously secret undercover surveillance teams between the 1970s and the present day. In March 2015, it emerged that a number of MPs had been subject to undercover monitoring in the 1990s, and the government has now ordered a judge-led inquiry into the general issue of undercover police surveillance.⁸⁸

Overall, the level of completion of this commitment is limited. While the milestone of establishing a working group was completed, the actual decision on what is to be done with records had not taken place at the time of writing.

Did it matter?

Given that the working group has yet to report, any assessment is difficult to make. The process has demonstrated the practical difficulties raised by these proposed changes. It has proved harder than anticipated to offer a clear set of agreed proposals.

Opening police records is an important step forwards in transparency, with a strong public interest following the Hillsborough revelations, as well as other controversies. The discussion itself appears to have been productive and welcomed by stakeholders as a valuable process.

⁸⁶ For details about Scotland's reforms in 2013, see <http://bit.ly/1JV5KAe> and <http://bit.ly/1JV5NvL>

⁸⁷ See the official guidance at <http://bit.ly/1GJsOI8>

⁸⁸ See the details of MP surveillance in the 1990s at <http://bbc.in/1Ngxpwa> and the announcement of the new inquiry, stemming from the Ellison Review into a particularly controversial case, at <http://bit.ly/1GJsSBb>

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The potential impact of this commitment is moderate in extending the openness of records to a new, if important and high profile, sector of the state.

Moving forward

- The IRM researcher believes there is a need for continued movement in this area and discussion, given the issues it raises. This could be reflected in the ongoing inquiries. There is a need to carefully analyse the outcome of the working group report and use the findings for further steps.
- Stakeholders and the government seemed to think the process was positive. The effective consultation and working processes should be continued, given their success and the often complex and sensitive issues this area raises.

9: Transparency in Construction

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*

Supporting civil society organisations

CoST, Engineers Against Poverty, Institution of Civil Engineers, Integrity Action, Transparency International UK

Impact and vision

Promoting transparency and accountability in infrastructure will achieve impact in four interrelated areas:

- *reductions in corruption, mismanagement and inefficiency*
- *creating a business environment in which contracts are awarded solely on the basis of price and quality*
- *better value for money invested in infrastructure*
- *better quality infrastructure and services*

[...]

Context

[...] DFID funded a three year CoST pilot project from 2008 to 2011. Since then CoST has been established as an independent legal entity and is taking the programme forward with support from the World Bank. CoST is an example of how these benefits can be realised. [...] DFID continues to provide direct support to countries participating in CoST. [...]

Timescales

The key milestones for this commitment are:

- *apply CoST disclosure requirements on additional projects in the UK by 2015*
- *use government's bilateral and multilateral relationships to encourage the establishment of at least four new national CoST programmes by 2015 in countries where DFID is working*

Means

The mechanism that will be used to measure progress is the CoST Monitoring and Evaluation framework, the results of which will be subject to independent review. [...]

Government, including Infrastructure UK in the domestic arena and DFID in the global arena, in partnership with non-governmental actors, will be drivers of promoting transparency and

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accountability in construction. CoST will lead multi-country efforts to promote multi-stakeholder programmes to improve value for money in construction.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civics Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓			✓	✓	✓			✓				✓		
9.1. CoST disclosure UK			✓			✓	✓	✓			✓				✓		
9.2. CoST disclosure elsewhere			✓			✓	✓	✓			✓				✓		

What happened?

This commitment builds on a series of trials with CoST from 2008 onwards. The milestones were split into two parts: one covering disclosure in the UK and one elsewhere. The lead department, DFID, has been collaborating with the World Bank and other bodies and working on CoST projects with a number of other countries, including Guatemala and Vietnam.⁸⁹

The Prime Minister gave explicit support to ongoing extension of CoST in his letter to other G8 leaders in early 2013. He spoke of how openness could be used in the developing world to—

⁸⁹ See commitment 9 of the National Action Plan at <http://bit.ly/1CbrfZ8>; information about the CoST organisation and principles is at <http://bit.ly/1zhjks>

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...support the underlying building blocks of growth...what I have called the “golden thread” that makes open economies and open societies the best foundation for growth... including through the Construction Sector Transparency Initiative and new ideas like a global land transparency partnership.⁹⁰

The UK had already been involved with a series of eight pilots as part of an international study by CoST looking at the principles and guidelines used.⁹¹

The commitment has both domestic and international angles. The commitment was seen as a modest target needing few resources, with the added advantage that CoST itself has a pre-existing network. It was chosen as a target that could be well framed although it was not clear where the commitment came from.

The government’s mid-term self-assessment explains that domestically the government has not “been in a position to actively promote CoST on any specific projects but, through the UK’s infrastructure cost review work, we continually reference our support for the CoST initiative.”⁹² Consultation with a number of officials and stakeholders indicated that this would be the most appropriate way forward.

Internationally, although construction was not the highest issue on DFID’s open government agenda, it is growing in importance. There has been progress in building partnerships with Ukraine, Ethiopia, and Afghanistan. The UK Foreign Office has also provided advice to Guatemala and El Salvador. However, in the latter cases, the governments had little operational reach, so these partnerships were dealt with by CoST exclusively.

Overall, the commitment to promote transparency and accountability in government-funded construction projects had a limited level of completion.

Did it matter?

Assessing the status and implementation of this commitment is difficult. It is spread across departments and bodies and, in some places, is reliant 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 one that by its nature is opaque. Nevertheless, the development of inter-country partnerships appears to have moved forward. Stakeholders identified this commitment as an area that needed more co-ordination and involvement from CSOs during the process of development and commitment implementation.

⁹⁰ See Prime Minister Cameron’s 2013 letter to G8 leaders at <http://bit.ly/1EUwovh>

⁹¹ See some background on these pilots at <http://bit.ly/1EUwXVJ> and a final analysis at <http://bit.ly/1EUwXVL>

⁹² See the latest 2014 Infrastructure Cost Review at <http://bit.ly/1GJxzLk>

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The potential impact of this commitment is moderate as it covers an important area in the developing world, albeit one where it is difficult to co-ordinate or monitor results and outcomes.

Moving forward

- The IRM researcher believes that this agenda should be pushed forward as construction is a key site of corruption and a vital part of development. There is a need to raise awareness of CoST, possibly by linking it to other initiatives and reforms relating more generally to international aid (also run by DFID).
- Both stakeholders and the government agreed that there may also be a need for evidence of CoST's effects, both domestically and internationally, to assist with future development.

10: Legislative Openness

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

Supporting civil society organisations

Involve, The Democratic Society

Impact and vision

The volume and piecemeal structure of the statute book make it difficult for users to find and use legislation. To make the entire collection of UK legislation available free of charge on a user-friendly platform such as legislation.gov.uk enables lawyers and ordinary citizens alike to identify and scrutinise the laws on which their legal rights and responsibilities are based.

[...]

Context

[...] In 2010, The National Archives launched legislation.gov.uk, the first service of its kind in the world. The creation of legislation.gov.uk integrated two distinct and very different sets of data from the previous statutelaw.gov.uk and opsi.gov.uk services. It involved the migration of thousands of documents, while ensuring that their accuracy and integrity was preserved. Legislation was also one of the first government websites to be underpinned by an API, giving people access to the underlying data and promoting its re-use.

While the service provides the text of legislation (including legislation passed by the devolved governments of the UK) dating back to 1267, it does not yet take account of every 'effect' - the changes (since 2002) made by one piece of legislation to another. Since the launch, The National Archives has been working to ensure that the service is brought fully up to date, by applying thousands of effects. [...]

Timescales

The UK government has set the goal of applying all outstanding legislative effects by the end of 2015. Metrics for the timely release of information against the various legislation are already set and year on year progress can be measured through collection and amalgamating the relevant data sources. Progress towards this is monitored as one of The National Archives' key performance indicators and reported on in its annual report to Parliament.

Means

The UK government will, with support from The National Archives, ensure that best practice is identified, understood and applied appropriately by government. It will identify or create

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standards to deliver this commitment through process and technology. The major mechanism for achieving this goal is The National Archives' Expert Participation Programme. [...]

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civics	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
10. Legislative openness				✓	✓							✓				✓	

Editorial note: under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

What happened?

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 some of the very different users of the site that include lawyers, teachers, police officers, and researchers of various kinds.⁹³ However, TNA has yet to complete all the effects (i.e., 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

⁹³ See commitment 10 of the second UK National Action Plan at <http://bit.ly/1biY5zV> More information about users can be found at Tullo, C. (2011). Online access to UK legislation: Strategy and structure. *Frontiers in Artificial Intelligence and Applications* 236: From Information to Knowledge, 21-32.

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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.⁹⁴

As of 2013 when the commitment began, there “were less than 129,000 outstanding effects still to be applied to legislation.gov.uk.”⁹⁵

The twofold approach of publishing new legislation and amending older work had very different degrees of difficulty. While publishing new legislation was relatively simple, the key problem came with revising older legislation. This involved mapping out a large number of linked amendments, finding out the extent of changes, identifying the point in time of revisions, and tracing the potential knock-on effects on other legislation.

One example given was the complexity of commencement orders, the instruction in legislation that outlines when the particular law takes effect. These are often staged so that different parts of the law take effect at different times and are now made more problematic by the fact that the devolved bodies in Scotland, Wales, and Northern Ireland can, and sometimes do, commence legislation at different times. The 2012 Health and Social Care Act contained 40 different commencements for different dates.⁹⁶

The original approach envisioned by the commitment would be to trace changes via each document. However, TNA decided that a more iterative rising tide approach, where amendments, not documents, would be the basis for mapping, would be a better way forward. A hackathon in November 2014 helped design new interfaces and develop this new approach. Work on the amendments increased alongside the development of new experiments, such as key word searches.⁹⁷ The self-assessment reported a volunteer week for updating –held in December 2014 –that involved a number of important groups, including the Parliamentary counsel that drafts legislation in the legislature. As part of the week, the First Parliamentary Counsel personally updated a key piece of UK legislation, the Fixed Term Parliaments Act of 2011.⁹⁸

By January 2015, this new approach had created a systematic solution to the problem. The next three to four months will be crucial in using the new system and pushing ahead as well as developing new applications.⁹⁹

Did it matter?

The commitment looks set to be met by the deadline of 2015. It will be an important step in record preservation and management. While the change is part of a wider shift, amending

⁹⁴ See <http://bit.ly/1zuTgzo>

⁹⁵ See commitment 10 of the second UK National Action Plan at <http://bit.ly/1CbrfZ8>

⁹⁶ The Health and Social Care Act 2012 can be seen at <http://bit.ly/1dCgQbZ> and an example of a commencement order at <http://bit.ly/1DZtte6>

⁹⁷ Information about the hackathon is at <http://bit.ly/1QPMxFi>

⁹⁸ See the updated Fixed Term Parliament Act 2011 at <http://bit.ly/1KxUtqn>

⁹⁹ See one of the new applications that uses legislation as open data to search for particular words in UK laws between 1920 and the present (note this is still a prototype) at <http://bit.ly/1DZtFde>

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legislation is an important step in updating laws and suiting them for the modern world of open data. This commitment is a good example of how new approaches to complex problems of records management will help suit records management for the digital age.

Those involved felt that the OGP commitment was useful in setting resources and provided the improvement of legislation with a focal point. Having good working relations with TNA, CSOs and stakeholders were positive about the process.

One interesting side effect was also to produce a range of applications and innovations that can allow users to look at legislation in new ways. The successful use of volunteer help, via Hackathons and group work with other bodies, also played an important part in moving the agenda forward.

This commitment builds on pre-existing work in this area since 2010. The IRM researcher sees the potential impact as moderate in further developing a specific area, as part of an ongoing programme of legislative openness.

Moving forward

- The IRM researcher agrees with the point of view of TNA that, given the scale of the new changes, there is an opportunity to research and gather evidence on the new site and applications to help understand who uses records and why.
- The IRM researcher argues that the new applications are an important step forward in thinking creatively about how records can be visualized and could be the basis for further innovations and experiments.
- The process has shown how initiatives and innovations, such as Hackathons or volunteer days, can overcome or solve complex problems. Future commitments could build on these approaches to encourage user-driven and practitioner solutions.

11: Whistleblowing

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.

Supporting civil society organisations

Public Concern at Work, Transparency International UK

Vision and impact

[...]

The UK government is working to ensure that issues with the existing framework to protect whistleblowers are resolved, so that government can contribute to achieving the cultural change necessary. This work was initiated through changes made in the Enterprise and Regulatory Reform Act 2013 and continues in the current call for evidence on the legislative framework. The UK government will consider using a range of complimentary measures to achieve its vision. The appropriate mechanisms will be used for implementation. This could be anything from legislative change, statutory or non statutory codes of practice, guidance or best practice measures.

Context

The legislative framework for whistleblowing in the UK was introduced in 1998 to ensure that whistleblowers are protected from suffering dismissal or reprisal when they raise the alarm about issues of public interest, such as malpractice, in an organisation they work in. [...] However, recent reports such as the Parliamentary Commission on Banking Standards and the Mid Staffordshire NHS Foundation Trust Report have highlighted that there is a need to strengthen the framework, as part of a response to prevent scenarios such as unacceptably poor levels of patient care, fraudulent activity, and staff cultures that deter whistleblowers from raising concerns. Therefore, the UK Government has called for evidence to understand where the system is not working as well as it should and allow consideration to be given to what steps could be taken to improve the framework. [...]

Timescales

The changes that have already been introduced will be reviewed as part of the wider evaluation strategy for the Enterprise and Regulatory Reform Act 2013. This is a five year plan and will draw conclusions by 2018.

The call for evidence will close on 1 November 2013. The UK government will then consider the responses, along with the report from the Whistleblowing Commission, supported by Public Concern at Work to identify solutions.

Means

Following evaluation of the responses to the call for evidence, the UK government will set out a plan for future work to achieve change and will continue to monitor the general landscape, along with Publish Concern at Work, to understand the experiences of whistleblowers.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
11. Whistleblowing		✓				✓		✓				✓			✓		

What happened?

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.¹⁰⁰ However, the coalition government has 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.¹⁰¹ 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.”¹⁰²

In 2013, the charity Public Concern at Work (PCW) commissioned a group of experts to examine and make recommendations on whistleblowing. They gave 26 recommendations including the creation of a new code of practice for whistleblowers, strengthening regulatory procedures around the PIDA, and protecting wider groups of people within the framework. In the same year, PCW found that there had been a 61 percent annual increase in whistleblowing cases in the health sector, 57 percent in the education sector, and an overall 17 percent increase in the number of whistleblowing issues raised. PCW also highlighted the fact that 63 percent of the concerns raised were denied or ignored. In April

¹⁰⁰ See the Act at <http://bit.ly/1bGZNLZ>

¹⁰¹ For background see the Commission report by Public Concern at Work that looks at the Public Interest Disclosure Act at <http://bit.ly/1e8eEJX> and <http://bit.ly/1bGZNvr>

¹⁰² See the National Action Plan commitment 11 at <http://bit.ly/1CbrfZ8>

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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.¹⁰³

The commitment comprised a series of smaller milestones that were developed in the course of the implementation. These included improved guidance for individuals, creation of a non-statutory code of conduct, assessment of the current whistleblowing ET1 referral system, the introduction of a duty to report, updating of the prescribed persons list, and the inclusion of relevant groups currently excluded from the protections.

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 on it in 2013 and a government response in 2014.¹⁰⁴

Slightly ahead of schedule, the government also presented its extended proscribed list of persons who can be reported to and, following the meeting of the working group, issued the new Code of Practice completed on 20 March 2015.¹⁰⁵ The analysis of ET1 claim forms, whereby a claimant can cite whistleblowing in an employment tribunal hearing, is ongoing, and “work is currently being carried out to build a clearer picture of suitability and whether improvements are required (April 2015).”¹⁰⁶ The one milestone that caused difficulty was the event or celebration of whistleblowing, although the update in January 2015 gave April 2015 as a date for an event.

The overall commitment was implemented amid continuing concerns about whistleblowing in the United Kingdom. In August 2014, the House of Commons Public Accounts Committee completed an inquiry into whistleblowing, concluding that a culture of bullying towards whistleblowers remained and that there was a need for cross-government leadership on the issue. In February 2015, the Freedom To Speak Up review, commissioned by the government, reported on whistleblowing in the NHS, recommending new good practice principles, leadership, and a push for culture change within health bodies.¹⁰⁷

Did it matter?

Because much of the commitment remains in process, it is difficult to measure the implementation. The improved guidance and movement on the proscribed list has further

¹⁰³ See the Commission’s report from 2013 at <http://bit.ly/1e8eEJX> and the analysis at <http://bit.ly/1uJEGQL>. See the Transparency International report at <http://bit.ly/1CIfEo6>

¹⁰⁴ See background on the duty at <http://bit.ly/1viA6sd>, the consultation at <http://bit.ly/1DNv4EA>, and the government response at <http://bit.ly/1czsCF>

¹⁰⁵ See the extended list at <http://bit.ly/1BtaAU3> and the statutory instruments at <http://bit.ly/1bH0mp7>. The Code of Practice is at <http://bit.ly/1CURGYA>

¹⁰⁶ See commitment progress report from January 2015 <http://bit.ly/1fG6WyW>

¹⁰⁷ The Public Accounts Committee report is at <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> and <http://bit.ly/1dxY0Kp>

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strengthened the whistleblowing regime and has met some of the requirements of experts in the 2013 PCW report. It is not yet clear what effect the new guidance or ET1 reforms will have.

PCW called the moves a step forward but thought that the reforms did not go far enough, calling the commitment a “clear missed opportunity for the government to strengthen the law that protects whistleblowers.”¹⁰⁸ The 2013 PCW review had concluded that the “PIDA is not working as intended,” and there remained “gaping” holes in the law over the blacklisting of workers who blow the whistle and continued use of contractual gagging clauses that prevent employees from speaking out.¹⁰⁹

The potential impact of this commitment is moderate. The potential changes would greatly strengthen this particular area where the consensus is that the legislation is strong but needs improvement and that the culture and environment lag behind the law.

Moving forward

- The PCW report in 2013 and the Freedom to Speak review and Transparency International report in 2015 highlighted the need for more evidence about whistleblowing in the UK. CSOs emphasized how there is a need for detailed research into how the PIDA and new reforms have worked.
- The IRM researcher recommends that, as with the anti-corruption champion (see commitment 8), there may be a need for the government to focus on whistleblowing with a cross-departmental or cross-sector champion to push the process forward.

¹⁰⁸ See PCW press release here <http://bit.ly/1Hsxigl>

¹⁰⁹ See the PWC response from 2014 at <http://bit.ly/1QPQcTD>

12: Open Contracting

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.

Supporting civil society organisations

CAFOD, Campaign for Freedom of Information, Compact Voice, Global Witness, Integrity Action, ONE, Open Knowledge Foundation, The Institute for Government

Vision and Impact

[...] Domestically, our vision is to provide accountability to the taxpayer for how government funds are spent, to drive better value for money and increased competition, and to improve the quality of the services and products government buys. [...]

Context

[...] All data published on Contracts Finder is published under the Open Government Licence. As of September 2013, nearly 18,000 contracts have been published. Where the supply chain has already been established, typically the contract will contain details of the key subcontractors. Key metadata for each contract is available to the general public in the form of machine-readable CSV files.

[...]

Timescales and Detail

Over the next 12 to 24 months the UK government will:

- *endorse, implement and champion internationally the Open Contracting Principles at the end of October 2013 and continue to assist in the development of a set of open contracting data standards*
- *subject to technical capability, enhance the scope, breadth and usability of published contractual data on the Contracts Finder system to include:*
 - *providing greater transparency of contracts awarded overseas, beginning October 2013*
 - *delivering a new procurement pipeline in November 2013*
 - *investigating the feasibility of providing greater transparency of design competitions run by the Technology Strategy Board*
 - *engaging with prime contractors to encourage them to provide improved visibility of supply chain opportunities, and explore a means of standardising the publication of sub-contractor details through Contracts Finder*
 - *investigating the use of open corporate identifiers to allow the data to be more easily compared and linked to other data held about contracting authorities and suppliers;*
 - *working with a user group to look at ways of improving site usability to make it easier to publish data and to find opportunities and other data of interest*

Embargoed – not for quotation or citation

- look to introduce standard transparency clauses
- build on the findings from a pilot programme by launching the new Solutions Exchange website during Winter 2013 for small and medium-sized enterprises to pitch innovative solutions.
- take steps to ensure transparency about outsourced services is provided in response to freedom of information requests, by encouraging the use and enforcement of contractual provisions to maintain the levels of transparency provided by the Freedom of Information Act 2000; revised guidance will be provided in 2014
- publish contracts using the local language where contracts are drawn up with overseas suppliers;

Means

To support delivery of this commitment we will:

- commence implementation of the Lord Young recommendations following the end of the public consultation beginning in late October 2013
- enhancements to the Contracts Finder system which will take the form of an iterative approach. The system is due to undergo re-procurement over the next 12 months; we will be reviewing the specification and usability with a range of stakeholders, with a view to identifying what improvements might be made in the short term and what further enhancements could subsequently be brought on stream
- continue to monitor quarterly and publish reports on core departmental performance in publishing tenders and contracts; this supports principle 1.4 of the Compact which states that government will “ensure greater transparency by making data and information more accessible”
- populate The Solutions Exchange platform with potential challenges and themes for which departments need solutions. We anticipate that it will be launched to the public sometime in Winter 2013

	Specificity				OGP value relevance				Potential Impact				Completion			
	N	L	M	H	No	Ac	C	Pub	Techno	N	M	M	Tr	N	Li	Su
	one	ow	edium	igh	ne	cess	iv	lic	gy &	one	in	oderate	ans	mit	bs	om
					to	ic	ic	Innovation	for		or		form	ed	tant	pl
					Inf	Pub	Pub	Transpare	&				ative		ial	et
					orm	lic	lic	ncy &	Accounta							
					ation	ity	ity	bility	bility							

Embargoed – not for quotation or citation

Overall				✓		✓	✓	✓	✓		✓				✓	
12.1. Open contracting principles				✓		✓	✓	✓	✓		✓					✓
12.2. Improvements to Contracts Finder				✓		✓	✓	✓	✓		✓					✓
12.3. Contractual openness via FOI clause				✓		✓	✓	✓	✓		✓				✓	

What happened?

The commitment on open contracting is based on a series of ongoing changes begun in 2010 and 2011. In May 2010, part of David Cameron's transparency agenda focused on open contracting:

All new central government tender documents for contracts over £10,000 [will] be published on a single website from September 2010, with this information...made available to the public free of charge.¹¹⁰

In March 2011, this agenda led to the creation of a new website, Contracts Finder, that was intended to become a central repository for all government contracts.¹¹¹ In addition to the website, in November 2011 a new pipeline was developed that allows businesses to see possible future contracts. This pipeline seeks to “cover up to £79 billion of potential contracting opportunities across 18 sectors over the next six years.”¹¹²

The commitment comprises a series of distinct programs across a number of government bodies, from the DFID to the Foreign and Commonwealth Office (FCO) and the Crown Commercial Service (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.¹¹³

The procurement pipeline is up and running with the last update in March 2015. The FCO published 400 contracts in 2014, and DFID published 56 in the last quarter of the same year.¹¹⁴ However, the FCO has not converted contracts into local languages due to the high

¹¹⁰ See David Cameron's letter on Open Data at <http://bit.ly/1bj4UI3>

¹¹¹ See the new website at <http://bit.ly/1dpEXkx>

¹¹² The pipelines can be seen at <http://bit.ly/1GL2DNA>

¹¹³ See the principles at <http://bit.ly/1GJJsB1>

¹¹⁴ The procurement pipeline data can be seen at 2014 <http://bit.ly/1DFgIKy>

Embargoed – not for quotation or citation

costs.¹¹⁵ 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 but experts criticised it for incomplete data and obtaining information by “scraping from the EU portal.”¹¹⁶ Contracts Finder 2 was launched on 26 February 2015 in a beta version.¹¹⁷

The government 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.¹¹⁸

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. A House of Commons Select Committee in 2012 supported the move as a practical step to extend FOI to deal with the difficulties of outsourcing. Following a series of scandals involving contracting, there appears to be enthusiasm on all sides, from government to business. One such scandal involved the security company G4S, that was alleged to be overcharging taxpayers on its contracts with the government to operate the electronic tagging of offenders, some of whom were dead or already in prison. It is hoped that the clause will be ready before October 2015. In March 2015, the Institute for Government (IFG), working with the Information Commissioner’s Office (ICO), Confederation of British Industry, and various CSOs, drafted a set of standardized 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.”¹¹⁹ The paper listed and reiterated the different legal requirements in existence and argued that the proposals “set a presumption in favour of disclosure, to encourage both government and suppliers to consider the information that should be made available when government signs a contract with a supplier” and ended by stating that “all central government departments will follow these principles.”¹²⁰

¹¹⁵ See the January 2015 update at <http://bit.ly/1Q3HgZx>

¹¹⁶ See statement in Computerweekly.com here <http://bit.ly/1GCIK8S>

¹¹⁷ 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>

¹¹⁸ The model services contract is available at <http://bit.ly/1dy1893> and January 2015 update is here <http://bit.ly/1Q3HgZx>

¹¹⁹ <http://bit.ly/1BisnJQ>

¹²⁰ The Confederation of British Industry has expressed support for an FOI clause at <http://bit.ly/1bj5eQF>. See the committee recommendations on contracts at <http://bit.ly/1DNxfYH> and the story of G4S at <http://bit.ly/1dQ2TLN>. The IFG report is at <http://bit.ly/1Ew9QxC>, the blog is at <http://bit.ly/1EUxly6>, and the government report is at <http://bit.ly/1BisnJQ>

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Did it matter?

The commitment has pushed forward the principles and practical operation of open contracts in a number of ways. This includes publishing data on contracts and pushing for transparency in present and future contractual arrangements. This is an increasingly important area as the trend towards outsourcing increases; in 2015 the ICO estimated that outsourced contracts were worth around £90 billion per year.¹²¹ However, much of the commitment's implementation is still ongoing. At the time of writing, it was unclear how the new changes were working, and over time it would be useful to see, for example, levels of use of the new Contracts Finder site and the rate of adoption of the model contracts.

It is hoped that these changes will go some way towards closing the gap that contracting out public work creates in terms of openness. The new FOI clause in contracts, for example, may be a significant step forward in clarifying the often grey area of outsourcing, but the details and how or if it is used and how it can be enforced are key.¹²² This is an important step but a lesser measure than actually extending the FOI Act using section 5 of the Act. Section 5 extension is something the House of Commons Public Accounts Committee recommended in 2014 and was the subject of an attempt to change the FOI Act via a private members' bill in October 2014.

Interestingly, the legal landscape may be changing outside of the OGP commitments. Recent legal rulings and changes meant that Network Rail, the UK railway authority, came under the UK FOI in April 2015, and in February 2015, private water utility companies may come under Environmental Information Regulations, an environmental version of FOI.¹²³

Taken together, these changes represent a minor move forward in the area of contractual openness. The separate steps would each move forward openness in outsourcing, although not as far as some would like.

Moving forward

- The IRM researcher recommends that, parallel to implementing this commitment, efforts are made to start building up an evidence base about its effectiveness and impact, to permit detailed analysis in future of aspects, such as how far the new contracts have increased transparency or how much the public or others have used the procurement pipeline or website.
- There is a great deal of interest in the issue of extending the transparency of contracts, from CSOs and lobby group to the ICO. The IFG work may provide a useful model. The clause in the contract needs to be closely scrutinized, although this may need to wait for legal rulings or use over coming years to measure the effect of the change.

¹²¹ See the ICO's announcement on outsourcing at <http://bit.ly/1bj5AqI>

¹²² See the Public Accounts Committee views at <http://bit.ly/OaSBfi>, the details of the private members' bill at <http://bit.ly/1Hs5GIm> and this blog on the legal decision at <http://bit.ly/1zhw479>

¹²³

13: Open Contracting Scotland

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.

Supporting civil society organisations

Civil society organisations to be consulted in 2014

Vision and impact

[...] The Scottish government and the wider public sector are committed to public procurement reform. The Procurement Reform (Scotland) Bill is intended to build on the work to date. It aims to establish a national legislative framework for public procurement that supports Scotland’s economic growth by delivering social and environmental benefits, supporting innovation and promoting public procurement processes and systems which are transparent, streamlined, standardised, proportionate, fair and business friendly.

[...] ‘Open contracting’ relates to ensuring transparency and accountability in procurement practices and procedures, which in turn will promote fair competition and greater access by all sectors to public sector contracts.

Context

[...] The Scottish procurement portal for advertising is Public Contracts Scotland (PCS).

[...] The Scottish Procurement Reform Bill currently progressing through the Scottish Parliament introduces a number of new general duties including a general duty on contracting authorities to conduct procurement in a transparent and proportionate manner. Other important measures aimed at improving transparent and open contracting include the mandatory use of the single online portal Public Contracts Scotland (PCS) for advertising contract opportunities, the publication of contract award notices and contract registers, the publication of procurement strategies by public bodies and de-briefing on a regulated procurement to unsuccessful economic operators, unsuccessful tenderers and successful tenderers. This range of transparency measures supported by Scotland’s Freedom of Information legislation and by a diverse range of Scottish stakeholders, including civil society, are designed to widen access opportunities to public sector contracts across all sectors, stimulate competition and encourage accountability and openness in the awarding of contracts. These developments are fully in line with the broad principles of ‘open contracting’.

Timescales

In 2014, the Scottish government will undertake external stakeholder engagement on the ‘open contracting’ commitment. We will, monitor the extents to which contracts are advertised through PCS and compliance generally with the transparency elements of the Bill and our wider procurement reform programme.

Means

Embargoed – not for quotation or citation

The Scottish government and the wider public sector work in partnership to improve procurement policies, procedures and practices. Realising procurement reform requires collaboration between all stakeholders - across the public, private and third sectors. In Scotland, four Centres of Procurement Expertise across central government, local government, the National Health Service and Higher and Further Education support public sector bodies to improve the capability and capacity of public procurement. Governance mechanisms exist to help influence and drive the procurement reform agenda. As part of consulting on the 'open contracting' commitment, these bodies will be involved.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civics Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
13. Open Contracting Scotland			✓			✓	✓	✓			✓					✓	

What happened?

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 United Kingdom.

The Scottish government already publishes a certain amount of contracting information on contracts over £50,000 and has established the open contract portal Public Contracts Scotland (PCS).¹²⁴ It also forms part of wider transparency reforms contained in the Scottish Procurement Reform Bill that became the Scottish Procurement Act 2014.¹²⁵

¹²⁴ See the contracts portal at <http://bit.ly/1wKrBGL>

¹²⁵ See the Act at <http://bit.ly/1OLM6NK>

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A consultation was begun in February 2015 considering different elements of the Procurement Reform (Scotland) Act 2014. It ran from 9 February 2015 until 31 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?¹²⁶

The Scottish government is also putting in place the Procurement Reform (Scotland) Act 2014. The act includes provisions in section 22 concerning publication of contract details on the PCS website.¹²⁷ The act is due to be fully implemented by the end of 2015.

Did it matter?

If the changes to both the new Scottish Regulations and the Procurement Reform (Scotland) Act 2014 are implemented fully, it would mean that Scottish government contracting procedures would match those of the United Kingdom in levels of openness. Neither of the commitments will be complete by the publication of this report as they are tied up in legislative timetables that differ from the OGP cycle. The new Scottish Regulations will be in place by 18 April 2016, and the Procurement Reform (Scotland) Act 2014 will be fully implemented by the end of 2015.

The potential impact of this commitment is minor, offering a limited increase in openness through contracts and making the outsourced organisations more transparent.

Moving forward

- The IRM researcher recommends that government or external groups examine the impact of the reforms on organisations and the public as they are rolled out between 2015 and 2016 and as the details become clear.
- Moreover, the similarity of the commitment to the United Kingdom's wider aims underscores an issue mentioned by CSOs and the UK government. Both argue that future iterations of the NAP need to co-ordinate with all the devolved bodies and involve them in new plans and strategies. The UK government's mid-term assessment of March 2015 already recognised this.¹²⁸

¹²⁶ See the consultation background at <http://bit.ly/1NyKX6d> and document here <http://bit.ly/1I2R2K9>

¹²⁷ See the background to the Act at <http://bit.ly/1DHapAD>

¹²⁸ See the UK Government Mid-term assessment at <http://bit.ly/1D1SrhV>

14: Aid Transparency

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.

Supporting civil society organisations

Development Initiatives, Integrity Action, ONE, OpenCorporates, Publish What You Fund

Vision and impact

[...]

Achievement of this commitment will result in more UK data on development assistance being published and available in a common format to an internationally recognised standard. We will also encourage other providers of development assistance to make their information available in this common format, helping to create a richer global dataset of more open, timely, comprehensive, comparable and reusable information.

Context

[...]

The UK government introduced an Aid Transparency Guarantee in June 2010. In 2011, DFID published financial information and project documents for all new DFID projects to show:

- *why we have chosen a particular project*
- *how it will be implemented*
- *how much it will cost*
- *what results we expect*
- *ultimately what has actually been achieved*

[...]

We believe this commitment will work as there is strong international momentum around increasing the transparency of development assistance, and an appreciation that this is key to improving effectiveness as well as accountability. The commitment builds on recent G8 commitments and previous DFID commitments at the Busan High Level Forum on Aid Effectiveness in December 2011.

Timescales

The Cabinet Office and DFID will work together to ensure that UK government departments that spend ODA publish information in line with IATI by 2015.

In addition, DFID will:

- *implement the Busan Common Standard on Aid Transparency, including both the Creditor Reporting System of the OECD Development Assistance Committee and IATI*

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by 2015; this means making data available according to the internationally recognised standard in a format that is open, comprehensive, comparable and re-usable

- improve the accessibility of development assistance information by launching the UK 'Development Tracker' by the end of 2013 - this will increase the level of detail of information available on DFID projects and expenditure, readable by use of a browser as well as providing data in open data files; we will also publish summary information in major local languages in a way that is accessible to citizens in the countries in which we work
- work with international donors and partner countries to better link development assistance data with partner countries' budget data, through the development of the IATI budget identifier, by June 2014; this will make it easier to understand and trace how development assistance is being spent in partner countries
- introduce approaches to improving the traceability of UK development assistance through a range of delivery chains by August 2014; this includes pilots with a number of private sector suppliers and CSOs by March 2014 and a requirement of IATI publication by the end of 2015 for all implementing partners
- continue to drive up standards in the quality of information we publish through incremental system changes, including maximising the potential of new technological developments and strengthening feedback mechanisms

Means

DFID, including through close ministerial engagement, will continue to lead the implementation of increased UK development assistance transparency, with Cabinet Office encouraging other government departments to publish to IATI. Other drivers include existing accountability and reporting mechanisms such as IATI, G8 and Global Partnership for Effective Development Cooperation (GPEDC) monitoring, and CSO assessments of performance. It will also be driven by requiring IATI reporting in new contracts with implementing partners. Departments will need to factor resourcing into their transparency plans to ensure they are able to fulfil commitments.

The following existing mechanisms will measure progress:

- G8 accountability reporting
- GPEDC monitoring: reporting on progress towards implementation of Busan common standard (first report in first half of 2014, next in 2015)
- IATI Annual Reports will reflect progress on increased transparency of development assistance globally, as well as progress by DFID and OGDs on publishing to IATI
- DFID will monitor progress against actions set out in the Aid Transparency Challenge (deadlines per Impact and Vision section above)
- [The Aid Transparency Index is an independent measure of progress on aid transparency \(is referenced frequently in the next section\)](#)

	Specificity	OGP value relevance	Potential Impact	Completion
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	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓		✓	✓	✓	✓				✓			✓	
14.1. All ODA data published				✓		✓							✓			✓	
14.2. Implement the Busan Common Standard		✓				✓					✓						✓
14.3. Launch Development Tracker				✓		✓		✓	✓			✓					✓
14.4. Launch IATI budget identifier				✓		✓		✓	✓			✓				✓	
14.5. IATI for all partners			✓			✓							✓			✓	

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

What happened?

This commitment builds upon the previous actions of the UK government towards International Aid Transparency. The UK government was one of the founders of the International Aid Transparency Initiative that promotes standards in aid transparency and now has 270 different bodies committed to its principles. The government highlighted this

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commitment as a key priority.¹²⁹ Since 2011, DFID has been publishing a range of information on spending and procurement on international aid.¹³⁰ 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.”¹³¹

The commitment comprises a series of separate milestones which are dealt with in turn below. In terms of ODA, DFID’s self-assessment described publication as having “been mixed and incremental.” DFID has been widely praised for its publication. However, the Aid Transparency Index found different parts of UK government at varying levels, and interviewees praised DFID’s work but saw other departments as lagging behind.

DFID has pushed forward implementation of the Busan recommendations, an agreement on cross-government shared development goals that includes transparency and accountability commitments. One assessment found that DFID came second out of 86 countries in progressing them.¹³²

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.¹³³

DFID has also been working with Publish What You Fund on developing the Budget Identifier, a common and consistent classification allowing for mapping across government budgets. This has been piloted by DFID, among others, and the classifications have been submitted to the OECD DAC Working Party on Statistics for approval.¹³⁴

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 promised publication clause 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. The closeness and advice of CSOs 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, it is these areas that may be of particular interest to campaigners in monitoring aid payment targets.

¹²⁹ See background at <http://bit.ly/18Gy1aR> and the government background at <http://bit.ly/1I2RDvo>, as well as the commitment pledge at <http://bit.ly/1QTjSif>

¹³⁰ See the ODA statistics at <http://bit.ly/1I2RNmp>

¹³¹ See the second National Action Plan commitment at 14 <http://bit.ly/1Cbrfz8>

¹³² See the results at <http://bit.ly/1sbeWdJ> and background on the agreement in the summary of this document at <http://bit.ly/1zyox4j>

¹³³ See the UK Development tracker at <http://bit.ly/1ixbOG8>

¹³⁴ See some background on budget identifiers at <http://bit.ly/1EloCT2>

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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.

Did it matter?

This commitment appears to be one of the big success stories of the UK NAP, and DFID has been widely praised for its efforts. There have been large steps forward in terms of pushing forward innovations online, working with both international partners and private bodies, as well as making real progress on the more technical issues.

The UK Aid Network argued that the data needed to be fuller, with increased information about the effectiveness of aid. There is also inconsistency amongst departments in terms of how much data are placed on the Development Tracker.¹³⁵ Some CSOs also thought that many departments lagged behind DFID's very strong example, and private providers were not giving as full or consistent data as required. More could be made of the participation mechanisms within the innovations, as, for example, the Development Tracker's feedback consisting only of an email address and online form.

The IRM judged this commitment to have a moderate impact. The push for aid transparency is an ongoing process of publication and innovation. Taken together, these changes would advance the area considerably –in terms of the framework –who publishes data, and the amount of data put out.

Moving forward

- A blog authored jointly by Oxfam and DFID argued that, "The challenge now is to take this further and ensure the use of the information and data to improve development effectiveness."¹³⁶ Both the government and CSOs were keen to understand more about the impact of aid transparency and to open up data that could trace, for example, the impact of the funds rather than simply the process. Stakeholders spoke not just about creating standards, but also about making it useful and practical as a tool to enable government, CSOs, and suppliers to understand policy.
- The IRM researcher recommends that future plans need to emphasise the importance of cross-departmental cooperation with government looking for means to ensure consistent use and support for the new developments. In particular, aid spent by other government departments is important in terms of significance to the overall understanding of aid transparency and should therefore be closely monitored.

¹³⁵ See the UKAN comments at <http://bit.ly/1JFDrIq>

¹³⁶ See <http://bit.ly/1FCePPt>

15: Health Care Data¹³⁷

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.

Supporting civil society organisations

Macmillan Cancer Support, Nuffield Trust

Vision and impact

[...] Greater transparency will empower patients and citizens to hold the health service to account and at the same time support life sciences research so that more life saving treatments can be found.

Context

[...]

A major initiative announced this year, called care.data, led by NHS England and delivered by the Health and Social Care Information Centre under its new legislative framework, is an unprecedented new data service. Information on the care received by patients is currently shared and stored in a secure system to support patients' treatment. To help improve the treatment and care of patients it is important for the NHS to be able to use this information to plan and improve services for all patients. Sharing and linking information from all the different places where care is received such as GP surgeries, hospitals and community services will help the NHS to have a full picture of all the care that is going on across England. This will help the NHS and the life sciences sector to see what care and treatments have worked best and will lead to improvements in the health service for everyone.

[...] The system to do this will be secure so a patient's identity is protected. This information, which does not reveal a patient's identity, can then be used by others, such as researchers and those planning health services, to make sure the NHS provides the best care possible for everyone. Information that will be used and shared is controlled by law and strict rules are in place to protect patients' privacy.

Patients will be given the right to object to their data being shared for these secondary purposes and for those objections to be upheld. To ensure that patients are aware of the programme and their right to object if they wish, NHS England will be leading a national programme of awareness including, in January 2014, a patient information leaflet which will be delivered to every household in England. In addition, patients will in the future be able to access information held about them via a secure web portal. [...]

Timescales

The key milestones for this commitment are:

¹³⁷ Note: The milestones were merged for brevity into five areas. The first three covered data (clinical data, GP data, social care), the fourth participation (friends and family), and the fifth services (GP digital).

Embargoed – not for quotation or citation

- *overarching clinical indicators - for ten new clinical areas (including cancer, children's services, mental health and stroke), data will be made available to tell the public how well services are performing and meeting their needs [...]*
- *more clinician level data - building on the successful publication of surgeon level data from national clinical audits across ten specialties earlier this year, NHS England will extend the programme to new treatments and conditions (throughout 2014)*
- *General Practice information - new information about the quality of care provided by GP practice and associated health outcomes will be made available both as open data and also through public facing channels such as NHS Choices (Winter 2013)*
- *social care transparency - information about care services for around 10,000 care homes collected by the NHS Choices website will be made available as open data in the Summer of 2014*
- *extending the Friends and Family test - the successful Friends and Family Test programme that asks patients whether they would recommend the hospital services they used to friends or family members will be extended to cover GP practices, community and mental health services in December 2014 and all other NHS services by the end of March 2015*
- *patients in control newly developed Patient Centred Outcome Measurement (PCOM) tools will provide new insights into how well services for people with 20 different rare and complex conditions are meeting the needs of their patients. [...]*
- *better open data - to help people to locate and use data about health more easily NHS England, with the Health and Social Care Information Centre, will comprehensively review the way that data is made available through data.gov.uk. This will ensure that health information is easy to find and tagged. We will also increase the availability and accessibility of key reference data which is available as open data including geographical information (Summer 2014)*
- *by June 2014, clinical data from GP practices will be linked to data from all hospitals providing NHS funded care through the care.data initiative outlined above. [...]*

We have an ambitious programme of work to support patients to take greater control of their own health and wellbeing. This will be supported by their General Practice which will offer a range of digital services. Our ambition is that by March 2015 everyone who wishes to will be able to:

- *order repeat prescriptions and book appointments online*
- *view their own GP record, including test results, online*
- *have secure electronic communication with their practice*

Alongside this, we are working with leading practices across the country to support development and evaluation of longer term ambitions, including the use of e-consultations and more interactive records access, ahead of wider adoption.

Means

NHS England is leading the delivery of these initiatives and will work closely with civil society organisations, clinicians, patients and their representatives to ensure that the outputs achieve the maximum benefit.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✓	✓	✓		✓			✓				✓		
15.1. Clinical data				✓	✓	✓		✓		✓							✓
15.2. GP information				✓	✓	✓		✓		✓							✓
15.3. Social care data				✓	✓	✓		✓			✓		✓				
15.4. Linked GP-hospital data				✓	✓	✓		✓		✓					✓		
15.5. Digital GP services				✓	✓	✓		✓				✓			✓		

Editorial note: Under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

What happened?

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

Embargoed – not for quotation or citation

information for patients, and data sharing through care.data. This fits with a series of strategy documents: the NHS Five Year Forward View (October 2014) and Health and Care 2020 (November 2014, published by the National Information Board). As detailed below, one of the major barriers to implementation was the controversy around care.data.

There has been major progress on numerous parts of the commitment. In terms of data, the 12 clinical datasets as well as data from general practice settings, adult social care, and patient-centred outcome measurements have all been published.¹³⁸ The friends and family test, piloted in 2013, is now being rolled out across all care settings, with the published aggregate data including over 5 million pieces of feedback.

The digital services in primary care settings services aim to allow patients to order prescriptions and see their personal records online. In March 2015 the NHS reported that it had achieved coverage of 97 percent of practices. NHS England is also working to move forward what it calls “better open data” with the Health and Social Care Information Centre working with commitment 1 on the National Information Infrastructure.¹³⁹

There has been slower progress on the release of information about social care services, and the self-assessment has “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.¹⁴⁰

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 the data would be accessed by researchers, 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.¹⁴¹ The concern over care.data led to clashes and a more difficult consultation process, with some CSOs reluctant to be engaged. The care.data project has subsequently been proceeding on a slower time frame as a result of privacy and security concerns.

Since then, there have been extensive consultations with patients and doctors and a new advisory board created that includes strong critics of care.data. In November 2014, the UK government appointed a new national data guardian for health and care, Dame Fiona Caldicott, who has been given extra powers to become the “patients’ champion on security of personal medical information.” 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 has “major issues with project definition,

¹³⁸ See the clinical data at <http://bit.ly/1JWHs8U> as well as GP data at <http://bit.ly/1JWHsG0> and patient-centered outcome measurement at <http://bit.ly/1DE7360> update here. See adult social care at <http://bit.ly/1GC6V11>

¹³⁹ See the website at <http://bit.ly/1OLPbxj>

¹⁴⁰ See the friends and family background at <http://bit.ly/1kCaT7N>, the NHS Five-Year Forward View at <http://bit.ly/1vQLqLM>, and the 2020 plan at <http://bit.ly/14hHM3D>

¹⁴¹ See the polling on public and GP understanding of care.data at <http://bit.ly/1SkQm3s> and the new group at <http://bit.ly/1jMEQvi> and <http://bit.ly/14hHM3D>

Embargoed – not for quotation or citation

schedule, budget, quality and/or benefits delivery, which at this stage do not appear to be manageable or resolvable”.¹⁴²

Resources have shaped the overall discussion. In October 2014, the chief executive of the NHS, Simon Stevens, spoke of the need for radical reform and an extra £30 billion needed to close the funding gap by 2020-21.

Overall, the level of completion of this commitment is substantial. 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 has advanced substantially in its commitment to making the health service more transparent and accountable.

Did it matter?

As a number of the parts of the commitment remain ongoing, it is difficult to draw precise conclusions. Given the complexity and size of the commitment, progress has been substantial in some areas, particularly in publication of data including patient outcomes. The digital services and home care openness could also prove important if rolled out in time. More generally, the ongoing infrastructure work with the NII could prove central.

The care.data controversy has been and remains a key obstacle to the progression of this commitment. The key problem appears to be that of privacy, and CSOs have been understandably concerned. NHS England has, however, taken significant steps to meet and act on these worries. Issues around privacy, anonymity, and commercial exploitation are at the centre of a delicate balance that also raises highly political difficulties.

This commitment is made up of various parts that have rather different levels or stages of implementation. Much of the data publication builds on previous openness, though social care may extend this in new directions. The digitization of GP services may prove transformative and alter profoundly how patients interact with services. Overall, the commitment will have a moderate impact.

Moving forward

- The IRM researcher recommends more research as there is a need to understand how these new reforms are used and by whom, both to advance the evidence base and to allow a better understanding of the privacy issues raised. The work of the new bodies, such as the patients' champion, should also be reviewed and thought given as to how they could interact with the next NAP.
- As the All Party Parliamentary Group for Patient and Public Involvement in Health and Social Care report showed, there is both public interest and a great deal of

¹⁴² More information about the MPA Assessment see <http://www.theguardian.com/politics/2015/jun/26/nhs-patient-data-plans-unachievable-review-health> and here https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/438621/GMPP_data_september_2014.csv/preview while the new national data guardian is at <http://bit.ly/1xTh5x8>

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concern in this area. There is a need to continue with the wide-scale engagement and awareness raising, both for the public and for those within the NHS.¹⁴³

- The CSOs were keen to push more strongly for participative tools within the NAP. Given public interest, the NHS would be a good choice for new experiments and innovations, whether built on friends and family or new ideas.

¹⁴³ See the All Party Parliamentary Group for Patient and Public Involvement in Health and Social Care report at <http://bit.ly/1bGjweL>

16: Open Policy Making

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.

Supporting civil society organisations

The Democratic Society, Involve, Compact Voice, Campaign for Freedom of Information

Vision and impact

The UK government's commitment to open policy making was set out in the Civil Service Reform Plan. However, open policy making cannot be introduced by management order - it is an attitude more than a set of processes. To convince officials that open policy making is worthwhile, and to convince the public and others that the government is willing to follow through on its commitment, there is a need to demonstrate how open policy making can really work.

[...]

The projects will cut across different policy areas and demonstrate how different open approaches can be used to improve policy. These approaches will include:

- *sharing the context and evidence on which policy development is being based, both at the start and throughout the policy process*
- *engaging a broad range of experts - both from a professional and an experiential point of view - in the development of policy and ensuring their views are effectively gathered and demonstrably part of the result*
- *using new platforms to break open traditional consultation approaches to enable citizens to comment and track how policy is developing*

Context

The UK government is committed to make policy open by default in the Civil Service Reform Plan. Open policy making is about improving the quality of policy making - recognising that Whitehall does not have a monopoly on the policy making process and that effective policy making necessarily relies on external input in an increasingly networked world. Open policy making does not change the core tasks of the policy process, which remain as they ever were: the policy question still needs to be properly defined and analysed; and options still need to be developed, tested, implemented, and evaluated. Open policy making therefore changes the way and the pace at which policy advice is prepared, recognising that there is no one 'model' or 'one size fits all' approach. It reaches for new tools and techniques that can help.

The UK government and the voluntary and community sector also have an agreement, called The Compact, which outlines a way of working the two sectors should follow when dealing with each other. Section 2.3 of the Compact commits government to work with Civil Society Organisations from the earliest possible stage to design policies, programmes and services and ensure those likely to have a view are involved from the start.

Timescales

Embargoed – not for quotation or citation

A meeting during the Autumn will identify candidate projects, with each requiring approval from their department and ministerial structures before they can formally be included. A final list will be agreed by January 2014.

The development and learning from the projects will be shared via existing open policy making networks throughout the process. Those outside of government will be actively encouraged to comment on, and contribute to, progress. In early 2015, after the completion of the projects, the government will set out how it will embed the learning and successful approaches uncovered across the civil service policy profession.

Means

Learning from the projects will be overseen by a project board including civil society representatives. The projects will be accountable to their individual departments.

Civil society representatives will support departments in delivering these projects (where relevant). This will be agreed on a case by case basis.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
16. Open policy making			✓			✓	✓					✓			✓		

What happened?

The opening up of policy making forms a wider part of the transparency agenda in the UK. Opening up policy in Britain pre-dates the arrival of digital technology, going back to the 1960s and 1970s. By the 2000s, there were a series of initiatives designed to increase consultation and engagement. The aim is to make public participation, digital technology, and online consultation the norm across government.

Embargoed – not for quotation or citation

The commitment stemmed from the government’s Civil Service Reform Plan 2012 and the ‘digital by default’ agenda. The central idea is that “open policy making will become the default. Whitehall does not have a monopoly on policy-making expertise.”¹⁴⁴

The commitment comprised a series of case studies in opening up policy making. These studies were intended to be practical projects to test the barriers and explore the obstacles to opening up processes. The Cabinet Office Policy Lab chose the cases following consultation with CSOs, who helped identify cases with potential.¹⁴⁵

Of the five projects originally envisioned, the initial three chosen were—

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 by the use of social media. However, according to the January self-assessment, the process of developing new tools for engagement proved too expensive, while existing tools on gov.uk were not designed to be used in this way. Time pressures led to a more formal written process.¹⁴⁶

The Department of Health Social Care Ratings policy was concluded in September 2014, following consultation. It had 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 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 has also committed to meeting CSOs and completing the outstanding two cases.¹⁴⁷

A fourth project was then included, after the others, covering the work for the Office of Deputy Prime Minister on its Northern Futures project. This looked at the development of northern English cities. The initiative enabled people to comment and rate others’ comments in a public forum and involved a series of eight day-long deliberative meetings in different locations in the north of England.¹⁴⁸

¹⁴⁴ See the Civil Service Reform plan and ‘digital by default’ approach at <http://bit.ly/1pWxOh2>; <http://bit.ly/1AppHKr>

¹⁴⁵ See the Open Policy blog at <http://bit.ly/1D3Fxf> and the policy lab that led the work at <http://bit.ly/1nZSdw9>

¹⁴⁶ See some background on the sustainability fund at <http://bit.ly/SdKott>

¹⁴⁷ See the September updates from 2014 at <http://bit.ly/1JFFing>

¹⁴⁸ <http://bit.ly/1pkk6Fh> and details on the applications and online dialogue at <http://bit.ly/1w0mWSd>

Embargoed – not for quotation or citation

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 time of the fourth assessment, the office had shifted to a new approach of greater involvement by the team. Stakeholders interviewed found that the later approach worked better as a more integrated and supportive way of working.

Did it matter?

Given the importance of open policy making to the 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 went ahead, and an extra project added later.

There does need to be recognition that, especially in areas as complex as openness and public engagement, not all experiments will succeed. Both successes and failures can teach valuable things. There were some interesting uses of social media to reach beyond the usual suspects. The team’s recognition of the need for a different approach should also be praised, especially as it seemed to bring better results in the Northern Futures case.

The CSOs thought there was a lack of clarity over the aims of the commitment and expressed concern as to what had been achieved. One CSO described it as an empty restaurant syndrome, whereby a lack of interest led to further disengagement by CSOs and stakeholders.

The IRM researcher thought this commitment had moderate potential impact as a series of case studies designed to take further the ongoing process of involving the public in policy making. The commitment would offer models and a series of lessons for further movement in this area.

Moving forward

- The IRM researcher recommends continuing with these cases beyond the scope of the NAP. The IRM researcher also suggests that the next Action Plan should work on a clearly planned series of policy innovations with a clear timetable and objectives.
- Given the levels of interest in the wider issue of opening up policy making, the researcher also recommends the publication of a document for CSOs, the public, and other departments on lessons learned from the case studies.
- The CSOs thought that there is a need for closer coordination between departments in identifying and working on policy cases. There could also be wider involvement of groups of CSOs and experts in choosing case studies and possible sites of innovations.

17: Sciencewise

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.

Supporting civil society organisations

The Democratic Society.

Vision and impact

The Sciencewise Programme has built up considerable experience and expertise in engaging the public in policy involving science and technology. The new contexts of open policy making and the digital revolution present both challenges and opportunities to increase the programme's impact to benefit UK citizens. Sciencewise will commit to exploring ways of opening up public dialogue to wider voices - both public and partners will share the learning.

Context

Science, technology and engineering are essential to daily life. They help us to understand and address the main challenges we face both in the UK and globally, underpin economic prosperity and support growth eg food security. [...]

Sciencewise has been developing ways to carry out a dialogue with members of the public and experts within the UK research and policy making systems for ten years. It has opened up policy making by supporting, funding, and providing advice and training, on over twenty scientific and technology topics critical to the UK's prosperity. These include Synthetic Biology, Nanotechnology, Stem Cells and Sustainable Energy Pathways to 2050.

Timescales

The open policy making commitments made by the UK government now provide an opportunity for Sciencewise to build on its experience in the very heart of government policy making. The Sciencewise commitments will commence in early 2014 with the aim of piloting and evaluating throughout 2014 and embedding during 2015.

Means

Sciencewise will bring together civil society organisations to better understand how to involve them in public dialogue on science and technology policy. The programme will identify groups that come from different areas of the UK and certain sectors which will enable the programme to have as wide a reach as possible.

Sciencewise will also convene a panel of digital engagement experts and interested organisations from the civil society community to develop digital mechanisms to open up dialogue to a wider public audience. This builds on Sciencewise's work with the Democratic Society and the Government Digital Service to assess barriers and potential options.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civici Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
17. Sciencewise			✓				✓		✓		✓					✓	

What happened?

This commitment intends to extend the Sciencewise project, which was created in April 2012. The OGP aim thus fitted 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.¹⁴⁹

The projects cover a broad range of scientific issues from nanotechnology to climate change.¹⁵⁰ 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.”¹⁵¹ In September 2014, Sciencewise was shortlisted for one of the top 10 awards in the Open Government Partnership new international Open Government Awards under the theme of citizen engagement.¹⁵²

¹⁴⁹ The Sciencewise website can be found at <http://bit.ly/1I2TEaZ>

¹⁵⁰ A full list of projects is available at <http://bit.ly/1Apr5ww>

¹⁵¹ <http://bit.ly/1I2TEaZ>

¹⁵² Find out more about Sciencewise at <http://bit.ly/1zytVVh> and the September 2014 updates here <http://bit.ly/1zjVoto>

Embargoed – not for quotation or citation

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 has provided funding and advice and sought to encourage innovations in the delivery of consultations, with a particular focus on digital engagement techniques. Independently of the OGP, Sciencewise itself is continuously evaluating the projects at the interim and final stage.¹⁵³

Did it matter?

This commitment has been successful. Sciencewise work will go beyond the OGP deadline into April 2016, so the timing is different from the OGP process. Evaluating the commitment is also further complicated by the rolling nature of the innovations and the fact that Sciencewise advises others rather than acts directly.

However, the commitment has achieved some notable successes. One high profile example of Sciencewise's influence concerned its work with the Human Fertilisation and Embryology Authority in 2012-2013 that looked into the ethically complex issue of allowing mitochondria replacement through the so-called three-parent baby technique (a modified version of IVF treatment that combines the DNA of the two parents to prevent a disease). The consultation found "general support for permitting mitochondria replacement in the UK."¹⁵⁴ This support then played an important role in the free votes in the House of Commons and House of Lords in February 2015 that amended the 2008 Human Fertilisation and Embryology Act to make the technique legal¹⁵⁵.

A second example is the role of Sciencewise in advanced discussion around genetically modified food in the UK. In February 2015 the House of Commons Science and Technology Committee report on 'Advanced genetic techniques for crop improvement' praised the dialogue created by Sciencewise as a future building block for wider public debate¹⁵⁶.

One of the challenges for Sciencewise is how to balance resource and time constraints with the need to have high quality and credible participation. To some public bodies involving the public is still seen as innovative in own right and some areas of government need to perceive the value of involvement and find the time and resources to do it.

This commitment was seen as having a 'minor' potential impact as it is part of a process that has been developed (and will continue to be developed) for some time in a specific area.

Moving forward

- The IRM researcher believes there is need for increased awareness and lesson learning from successful cases, particularly as some areas of government need to perceive the value of public involvement in difficult or complex issues.

¹⁵³ You can see details on the 20 projects here <http://bit.ly/1Apr5ww>

¹⁵⁴ See <http://bit.ly/1blIroG> and the consultation <http://bit.ly/1JFFPjg>

¹⁵⁵ See details on the new law and technique here <http://bbc.in/1zB1Vhy> and <http://bit.ly/1Doy4sw>

¹⁵⁶ See this blog on the Committee report at <http://bit.ly/1zjVKQC> and the dialogue here <http://bit.ly/1c2imLu>

Embargoed – not for quotation or citation

- Those working on the project felt it could benefit from tighter objectives and specific, interim goals and the involvement of more CSOs. The phrase used in the commitment, '*bring together civil society organisations*', is very un-specific and non-explicit about whether this would be with a view to informing, consulting, involving, enabling to collaborate, or empowering the civil society actors; this should be addressed in future commitments of this kind.

18: Publication of Draft Legislation

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.

Supporting civil society organisations

Compact Voice, Involve, The Democratic Society

Context

The UK government has a good track record of publishing legislation in draft and consulting on it before it is introduced. Experience to date suggests that the process of consultation, and of formal pre-legislative scrutiny by parliamentary committees, has potential to improve the quality of legislation by engaging stakeholders and the wider public at an early stage, giving an opportunity for legislation to reflect the input of those potentially affected by it. Making this practice the norm will, given the experience to date, help further the transparency of law and the policy development process, and improve understanding and engagement with legislation.

Government is committed to following Principle 2.4 of the Compact which states, “Give early notice of forthcoming consultations, where possible, allowing enough time for civil society organisations to involve their service users, beneficiaries, members, volunteers and trustees in preparing responses. Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and a rationale for shorter time frames or a more informal approach.”

Timescales

The procedure and timescales for publishing bills in draft is set by the Cabinet Office’s Parliamentary Business and Legislation Secretariat and Parliament. At an early stage in the process of approving work on new legislation, the government will set out its commitment to publish a bill in draft on gov.uk (or the reasons why publication is not appropriate in a particular case).

The effect of publication will be evaluated on a case by case basis. This will take into account levels of stakeholder engagement in policy development.

Means

The UK government will ensure that best practice is identified, understood and applied appropriately by government. It will identify or create standards to deliver this commitment through process and technology. Any further pilots involving public consultations on draft bills will have to reflect on any improvements that could be made to the technology and the processes used in the completed pilots.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
18. Publication of draft legislation			✓			✓	✓				✓					✓	

What happened?

Publishing legislation in draft format has been a policy of successive UK governments since 1997. This commitment builds on ongoing attempts to publish more legislation in draft¹⁵⁷. 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, so-called pre-legislative scrutiny, and encouraging increased public involvement in law making.^{158 159}

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

The coalition government since 2010 has published a record number of bills in draft. These include, for example,

¹⁵⁷ See <http://bit.ly/1QTtNVD> and set out in <http://bit.ly/1dAIMEw>; <http://bit.ly/1QTtNVD>

¹⁵⁸ See this briefing paper on government commitments on the Coalitions pre-legislative scrutiny between 2010 and 2014 at <http://bit.ly/1zywM0t>

¹⁵⁹ See this lecture at <http://bit.ly/1HXS WKF>

Embargoed – not for quotation or citation

- 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 2009/10, as against 31 between 2010 and 2014, although the rate in the 2014-15 session slowed down to four due to the reduced amount of legislation close to the election.¹⁶⁰

Beyond consideration of simply 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 2014.¹⁶¹ 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.

Did it matter?

The commitment is an ongoing process since 1997, and so measuring its implementation is difficult. However, the coalition government between 2010 and 2015 moved farther along the path of legislative openness.

This had some beneficial effects. Interviewees spoke of how draft legislation was useful in framing discussion about the legislation, rather than general policy, and allows experts to get involved in processes. For example, the Protection of Charities Bill involved scrutiny by a joint committee of both houses of Parliament that praised the early draft publication as a “wholly welcome development” that allowed greater public and parliamentary scrutiny at an earlier stage than would otherwise be the case.¹⁶²

However, the government thought that the usefulness of publishing draft bills might vary. For more technical bills, a draft can be very useful. However, not all bills are suitable. Sometimes it is better to consult on the principle of the policy rather than on the detail of the legislation. In 2012 the House of Commons Liaison Committee also raised issues of timing, arguing that some legislation was published for analysis by Parliament on too tight a timetable, and other legislation was given to joint committees, that can be more easily influenced by the government, rather than more independent and expert select committees in the House of Commons.¹⁶³ As an example of this concern, committees in both the House of

¹⁶⁰ See a comparison here between previous administrations and the current government at <http://bit.ly/1QTW7Mi>; <http://bit.ly/1zywM0t>

¹⁶¹ See the draft bills at <http://bit.ly/1wtwgMr>, here <http://bit.ly/1OLV0ef>. The Scottish draft is at <http://bit.ly/15vgixZ>. For background on its importance, see <http://bit.ly/1ApvEH6>

¹⁶² See the statement by the Charities Commission at <http://bit.ly/1Q7aoPH>

¹⁶³ See the Liaison Committee report at <http://bit.ly/1KzR0rq>

Embargoed – not for quotation or citation

Commons and House of Lords expressed disappointment at the timing of the release of the draft Scotland proposals that did not provide enough time for detailed scrutiny.¹⁶⁴

The publication of legislation in draft has been moving forward since the late 1990s. The commitment has minor potential to move this agenda forward and extend its scope.

Moving forward

- Parliament increasingly expects that legislation be published in draft. It would be useful to take stock of impact and establish procedures as to how it has worked, what works best, and when. In 2012, the House of Commons Liaison Committee Select Committees recommended that the government ensure that sufficient time be given for scrutiny of draft legislation and that House of Commons select committees be given precedence in considering this legislation.
- Different departments and bodies pursue numerous commitments in the NAP concerning legislation separately. There is an opportunity to link these different changes—from making legislation easier to understand to turning it into data. The different commitments here should be combined and work alongside each other where possible.
- The IRM researcher would also recommend that this could link to the Speaker’s Commission on Digital Democracy (2015) that proposed greater use of social media, new interactive forums, and the publication of Hansard (the daily report of what is said in Parliament) and bills as data by 2020.¹⁶⁵

¹⁶⁴ See the Lords Committee response at <http://bit.ly/1FCI7yg>

¹⁶⁵ The Speaker’s Commission on Digital Democracy is available at <http://bit.ly/1cGWDM>

19: OpenDataCommunities Programme

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.

Vision and impact

DCLG will continue to extend the range and volume of fully accessible, five-star data published via its OpenDataCommunities service. It will also maintain a showcase of visualisations and interactive dashboards. Standards and best practice developed under the programme will also be promoted domestically (particularly amongst local authorities) and internationally.

The vision is that by 2015, OpenDataCommunities will be the DCLG's single platform for:

- *routinely releasing all departmental data sources in a fully open, accessible and re-usable forms, whilst preserving data quality and integrity*
- *stimulating third parties to use departmental data alongside related external sources to deliver innovative new tools and insights*
- *supporting the department to use its own and related third party sources in a more efficient, cost-effective manner, when designing and implementing policies and programmes*
- *building and spreading best practice for sharing and re-using data based on common standards, with a particular focus on partnerships with local authorities and other local public sector agents to unlock and publish their local sources in a consistent, comparable form*

The benefits and impact will include:

- *enabling economic growth - open and accessible data will enable growth of new services in the information economy, plus delivery of more efficient/cost-effective data sharing within current 'data rich' business networks, eg by streamlining sharing of data amongst business engaged in land-use planning and house-building*
- *facilitating social growth - open data drawn from multiple sources will be the fuel to power greater public participation in and understanding of DCLG's policies and programmes at the local level. This is particularly important for policies under the localism and Community Rights agendas including Neighbourhood Planning and Neighbourhood Budgeting*
- *greater efficiency and cost-savings for DCLG and its partners - through standardising data and making it more open and accessible, we will reduce the cost and overheads of sharing often incompatible sources amongst a broad and diverse partner network. When coupled with development of new digital tools and services, this will deliver knock-on benefits to citizens, local communities, and businesses (ie data users), eg by providing outputs that are easier to understand and use, thereby streamlining the process, and so reducing the costs and overheads of engaging with public service providers*

Context

Through 33 demanding actions, the DCLG Open Data Strategy sets out how the department will drive reform and service improvement through transparency and greater citizen participation. At the heart of many of these commitments is its flagship OpenDataCommunities programme.

[...]

To date, the project has focussed on partnerships with Local Authorities and homelessness charities, to deliver new tools and mechanisms for blending departmental and locally produced sources, and presenting results to users in a range of innovative, engaging tools. [...]

Timescales

OpenDataCommunities is still largely in its formative stage, and driven by user demand for data, so it is difficult to provide precise milestones. However, in broad terms, the key outputs to be delivered by the end of 2015 will be:

- a robust, reliable and trusted source of DCLG data in fully open, accessible forms - with data content delivered according to user demand and priorities established under the NII and supporting strategies*
- active, sustained and significant use of sources in OpenDataCommunities by local authorities, public sector agencies, voluntary and charity organisations, and the private sector. To be achieved through pro-active, targeted promotion and communications, working closely with users to capture and disseminate evidence of benefits achieved*
- strong and effective partnerships with key national and local bodies, thereby maximising re-use of OpenDataCommunities' standards and best practices*
- alignment of OpenDataCommunities with data.gov.uk, and new data visualisation and collaboration tools emerging on the single government domain - thereby maximising opportunities for DCLG content to be combined with and re-used alongside related public sector sources*
- development of OpenDataCommunities as the authoritative source for core reference data - ie supporting linking and joining of related datasets.*

Means

We anticipate that additional resources will be required to realise OpenDataCommunities' aims and vision. At this stage, it is difficult to estimate the likely scale and impact largely because the service will grow progressively, in response to user demand.

Where possible, we will look to absorb additional resource requirements within existing budgets, and by spreading the load amongst our stakeholders and partners. Where demand cannot be accommodated, we would either re-prioritise forward plans (ie., scale back), or look to submit a bid for suitable funding sources, such as the Open Data Breakthrough Fund.

	Specificity	OGP value relevance	Potential Impact	Completion
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	None	Low	Medium	High	None	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✓			✓	✓		✓		✓					✓	
19.1. Robust, reliable, and trusted source of DCLG data			✓			✓	✓		✓		✓					✓	
19.2. Strong use by stakeholders			✓			✓	✓		✓		✓					✓	
19.3. Strong partnerships			✓			✓	✓		✓		✓						✓
19.4. Alignment of data and new tools			✓			✓	✓		✓		✓					✓	
19.5. Linked data to other tools			✓			✓	✓		✓		✓					✓	

What happened?

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

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business plan, as well as supporting the collection and dissemination of geographical data.¹⁶⁶

According to the site, “all of the data is available as fully browsable and queryable linked data, and the majority is free to re-use under the Open Government Licence.”¹⁶⁷

The hub has formed a central part of DCLG's open data strategy since 2013. Between 2013 and 2015, the hub has 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.¹⁶⁸

There has been substantial partnership work with DCLG working alongside the Local Government Association (LGA), the Cabinet Office, and local authorities to develop common standards and data with URIs (codes that allow data to be linked). There has also been work with data.gov.uk to create synergies amongst the different portals.¹⁶⁹ 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.¹⁷⁰

Overall, the level of completion of this commitment is substantial.

Did it matter?

Most public engagement and participation is with local government, and the hub presents an important way of potentially furthering this. This commitment has been a success, pushing forward a local openness agenda through a combination of data publication, technical change, and innovative partnership work.

In terms of usage, the government's own 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

¹⁶⁶ See the hub list of changes at <http://bit.ly/1EVCmvP>

¹⁶⁷ The hub can be found at <http://bit.ly/1yf1jeU>

¹⁶⁸ See DCLG's Open data Strategy at <http://bit.ly/1lvtz3g>

¹⁶⁹ See the council tax data at <http://bit.ly/1dARtid>
<http://bit.ly/1JFJlJ5> and the January 2015 commitment progress update at <http://bit.ly/1JFJM7A>

¹⁷⁰ The January 2015 commitment progress update is <http://bit.ly/1JFJM7A> and the URIs and work with the LGA is here <http://bit.ly/1KzS8eF>

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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.¹⁷¹

The self-assessment also highlighted how the data are being used for a whole series of local-level applications from homelessness in Winchester to food deprivation in Lambeth.¹⁷² The hub is user-friendly, innovative, and regularly updated.

Some problems remain. First, parts of the publication process remain behind schedule owing to resource issues within central government and severe funding problems across local authorities. Second, there may also be problems for local authorities relating to skills and the ability to innovate. As DCLG pointed out, “consuming and re-using linked data is not straightforward....[T]his is partly due to a lack of established tools and standards.” DCLG also said that, “publishers generally lack the tools, capacity, and expertise.”¹⁷³ A final difficulty is more political: explaining and convincing senior managers of the benefits of opening up and linking data.¹⁷⁴

The IRM saw this commitment as having a minor potential impact. It forms part of a series of changes and innovations with local government that have been in process since before the second NAP. In the longer term, some of the innovations and developments may have a far wider influence at the local level, an area where the public has the most interaction with public bodies.

Moving forward

- As both DCLG and others have pointed out, there is a clear need for evidence about the benefits of linked data. The series of interesting examples (and others) need to be fully explored to see how the data are being used and what benefits then flow from publication.
- The IRM researcher recommends that future ideas should build on the successful examples of partnership work here, looking at both data demand and the resources needed for work on new applications.
- This commitment also highlights the need to examine skills sets and resources within local authorities and how they can be developed (either in house or via partnerships).

¹⁷¹ The LGA Inform tool can be found at <http://bit.ly/1OLZem6>

¹⁷² See the ODC background at <http://bit.ly/1blsQ7o> and information about partnership work in Winchester at <http://bit.ly/1GNdpmI>

¹⁷³ See DCLGs Open data Strategy at <http://bit.ly/1lvtz3g>

¹⁷⁴ See this article reflecting on the obstacles by one of the creators of OpenDataCommunities at <http://bit.ly/1w8szd8>. The UK government has also begun examining the role of digital skills. See this reference point at <http://bit.ly/1EwgqyI>

20: PSI Re-Use Directive

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.

Supporting civil society organisations

Campaign for Freedom of Information, Open Knowledge Foundation, Open Rights Group

Vision and impact

The UK's implementation of European Directive 2013/37/EU amending Directive 2003/98/EC on the re-use of public sector information (the PSI Directive) will make more public sector information available for re-use both for commercial and non-commercial purposes, in machine-readable formats and under the Open Government Licence. [...]

Context

The UK is committed to implement legislation in this area under the European treaty and the Digital Agenda. There are clear synergies between the aims of the Directive to remove obstacles to the use and re-use of public sector information and the UK Government's policy on open data and transparency, including the NII and the Open Data Charter.

The UK has been operating under UK based regulations since 2005 and has effective open licensing and redress mechanisms in place to encourage and enable the re-use of public sector information, including:

- *the development of the UK Government Licensing Framework and the Open Government Licence*
- *the establishment of a low cost statutory complaints process in the existing UK Regulations*
- *the Information Fair Trader Scheme regulatory framework*
- *proactive release of datasets through data.gov.uk and departmental Open Data Strategies*
- *the existence of well established charging policies for re-use*

Through these policies and initiatives, the UK is in first place on the crowd-sourced European PSI Scorecard which measures the status of open data and PSI re-use throughout the European Union.

Timescales

Public consultation on the legislation will take place in 2014. Accelerated delivery of the new mandatory framework for re-use is the goal to ensure that the UK meets its aims to remove unnecessary barriers to public sector information. Practical tools, guidance and an effective redress mechanism will be in place to support and meet this commitment.

Means

The commitment will be delivered by clear streamlined legislation underpinned by practical guidance and tools, including a suite of open licences. An effective regulatory framework to

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deliver the impartial review of decisions made by public sector bodies will build confidence in the information sector.

	Specificity				OGP value relevance				Potential Impact				Completion				
	None	Low	Medium	High	None	Access to Information	Civics	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
20. PSI Re-Use Directive		✓			✓		✓			✓					✓		

What happened?

The adoption of the PSI Directive follows on from the domestic regulations adopted in 2005 on the re-use of public-sector information.¹⁷⁵ 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 develop public data for commercial benefit.¹⁷⁶ 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.¹⁷⁷

In the United Kingdom, the PSI regulations were originally overseen 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:

¹⁷⁵ See the regulations at <http://bit.ly/1JWSrz5>

¹⁷⁶ See <http://bit.ly/1JWSzPh> and the amended directive at <http://bit.ly/1mPZcLV>

¹⁷⁷ See this guide to the regulations at <http://bit.ly/1QTMQPA>

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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 engagement process around the regulations involved an inner group of Whitehall departments, including the Treasury, Department of Health, the Cabinet Office, and the Scottish Government, but also extended to broader public-sector bodies. The process included meetings with stakeholders and bodies such as the Open Data User Group, the Open Data Institute, and the Campaign for Freedom of Information every three to six months.

The formal consultation on PSI ran from 20 August to 7 October 2014. The 21 responses were mainly from those stakeholders already involved in PSI, and there was some unhappiness that the discussion was not able to extend beyond a small group.¹⁷⁸

Did it matter?

The commitment is still ongoing and likely to miss the intended early transposition target. Nevertheless, the process of consultation and rethinking is a positive step. The particular commitment stemmed from a need to find a tangible link or commitment to push in this area. The OGP gave it a focus and momentum and led to a detailed consultation process ..

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 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 up parliamentary time between March and early May 2015.

This commitment refines and develops an existing piece of legislation to widen its scope and alter the mechanisms of oversight and appeal. As a change to a pre-existing law it will have a minor impact.

Moving forward

- Once the law is transposed, those involved and the IRM researcher recommend in due course a review of the new arrangements and how far they have delivered their aims. Important issues to look at would include the use and function of the redress mechanism and the impact of the extension to new cultural bodies.

¹⁷⁸ See the consultation summary at <http://bit.ly/1wdmpd4> and the full consultation and background documents at <http://bit.ly/1bly3w1>

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- Any analysis could also look into widening consultation and awareness of PSI to encourage greater interaction and involvement by more bodies in the future, perhaps by using the new cultural institutions and their access to the public.

21: Extractive Transparency

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.

Supporting civil society organisations

CAFOD, Christian Aid, Global Witness, ONE, Open Knowledge Foundation, OpenCorporates, Publish What You Pay, Tearfund

Vision and impact

Mandatory requirements for extractive (oil, gas and mining) companies to report their payments to governments country-by-country and project-by-project, especially when complemented by governments' disclosure of the revenues received from each company and for each project, will help make the extractive industries far more transparent and accountable worldwide.

Our vision is that by 2020 at the latest all the world's extractive companies will be required by home country regulations and stock market listing rules, and by host country membership of the EITI [Extractive Industries Transparency Initiative], to report their payments to governments by country and by project.

The UK aims to ensure that extractives companies' transparency reports are openly available and accessible and will explore the most suitable formats and mechanisms for this, including consideration of standard reporting templates.

Context

[...]

The UK committed to become an EITI implementing country in May 2013 and welcomed the stronger and more detailed EITI reporting standard agreed at the 2013 EITI Global Conference, which requires project-level reporting of payments and information about state-owned enterprises, recommends publicly available registers of beneficial ownership of extractive companies, and encourages public disclosure of contracts and licences.

The UK is also proactively engaged in discussions with other European Union member states to deliver effective transparency legislation through the EU Transparency and Accounting Directives, requiring extractive companies to report payments to governments at country and project level.

A key outcome of the June 2013 G8 Summit under the UK's Presidency was the Open Data Charter, with commitments to a set of principles that will be the foundation for access to, and the release and reuse of, data made available by G8 governments. [...]

The UK committed to principles of open data through the G8 Open Data Charter, which will be applied to extractives' data.

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Timescales

The key milestones for this commitment are:

2013

- The UK establishes an EITI multi-stakeholder group
- The UK government consults on draft transposition legislation for the Accounting Directive

2014

- The UK is formally recognised as an EITI candidate country
- The UK completes transposition of the Accounting Directive and accompanying guidance recommends that UK-registered extractive companies publish data in an open and accessible format

2015

- The UK publishes its first EITI report and the multi-stakeholder group will have considered options to publish it in an open and accessible format
- UK legislation comes into force requiring UK-listed and UK registered extractive companies to publish data under the EU Accounting and Transparency Directives

2016

- UK listed and UK registered extractive companies will start to publish data under the EU Directives in an open and accessible format

	Specificity				OGP value relevance				Potential Impact				Completion				
	N	L	M	H	No	Ac	C	Pub	Techno	N	M	M	Tr	N	Li	Su	C
	one	ow	edium	igh	ne	cess	ivi	lic	logy &	one	in	oderate	ansfor	ot	imited	stantial	omplete
					to	ation	ty	Innovation	for				ormative	start			
Overall				✓	✓	✓							✓			✓	
21.1. EITI multi-stakeholder group and draft				✓	✓	✓							✓				✓

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accounting directive																	
21.2. UK EITI candidacy and accounting directive transposition				✓		✓	✓					✓				✓	
21.3. Publish EITI report and EU directives transposing legislation comes into force				✓		✓	✓					✓				✓	
21.4. Data publication begins under EU directives				✓		✓	✓					✓				✓	

Editorial note: This commitment is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented and therefore qualifies as a starred commitment.

What happened?

The commitment grew out of more than 10 years of lobbying and activity around extractive industry (minerals, oil, and gas) transparency. The impetus has come from civil society advocacy campaigning and government and industry action that led to the establishment in 2003 of the EITI, a multi-stakeholder initiative that creates a set of transparency standards for participating countries and the extractive companies that operate in those countries.¹⁷⁹ The EITI—

...is an international standard for openness around the management of revenues from natural resources. Governments disclose how much they receive from extractive companies operating in their country, and these companies disclose how much they pay. Governments sign up to implement the EITI Standard and must meet seven requirements.¹⁸⁰

Countries are independently validated after joining and demonstrating a commitment to abide by EITI rules.¹⁸¹ The UK commitment to join came during its chairmanship of the G8 in

¹⁷⁹ For background on EITI, see <http://bit.ly/1JFNioN>. The EU accounting directive is at <http://bit.ly/1HY4Zrb> and the Transparency Directive is at <http://bit.ly/1Jet77V>

¹⁸⁰ See EITI <http://bit.ly/1JFNioN>. For an excellent overview of EITI and its influence, see this research David-Barrett, Elizabeth et al. 'The Transparency Paradox: Why Corrupt Countries Join the Extractive Industries Transparency Initiative' (2013). Available at SSRN: <http://bit.ly/1ApNGJj>

¹⁸¹ See the map at <http://bit.ly/1blAKxE>

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May 2013, when Prime Minister Cameron and President Hollande of France held a joint press conference committing to be part of the EITI process.¹⁸² 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.

Progress has been relatively rapid and consistent with the EITI commitment and the EU directives. The required EITI multi-stakeholder group has met regularly since 2013 with further meetings in 2014 until March 2015 on a bi-monthly basis.¹⁸³ In terms of joining EITI, the UK applied for EITI candidacy in 2014 and was accepted in October 2014 with its first EITI report due in April 2016.¹⁸⁴

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.¹⁸⁵ The consultation noted some stark differences in approach:

In broad terms, responses from civil society organizations supported early introduction in the UK, supported by a penalty regime consisting of both civil and criminal penalties...Industry was supportive of the benefits of transparency [but] were more cautious about the timetable and penalty regime.¹⁸⁶

The UK government then transposed chapter 10 of the accounting directive by implementing the Reports on Payments to Governments Regulations 2014 on 1 December 2014, ahead of the rest of the accounting directive.¹⁸⁷ The regulations require that large or publicly listed UK-registered oil, gas, mining, and logging companies publicly report their payments to governments in all countries where they operate from January 2015. Reports for UK-registered companies will be published on the Companies House website in 2016. Any company found to have failed to report or to have filed an incomplete report could be subject to criminal penalties. The Financial Conduct Authority has amended its rules to implement the transparency directive in relation to reports on payments to government. This change extends the requirements within the Reports on Payments to Governments Regulation 2014 to extractives companies listed on the UK-regulated market.

The UK government, following consultation, has also transposed the relevant parts of the EU Accounting and Transparency Directives that apply to reporting on extractives on EU

¹⁸² See the joint EITI commitment at <http://bit.ly/1bIARjt>

¹⁸³ The meetings and minutes of the stakeholder group can be found at <http://bit.ly/1tEnRkL>

¹⁸⁴ See the government announcement at <http://bit.ly/1w90K5o> and background on the candidacy and EITI information at <http://bit.ly/1KzWngF>

¹⁸⁵ See the government response to the consultation, especially pages 3-4, at <http://bit.ly/1tyAEX8>

¹⁸⁶ The meetings and minutes of the stakeholder group can be found at <http://bit.ly/1tEnRkL>

¹⁸⁷ See the regulations at <http://bit.ly/1JFNZs2> and at <http://bit.ly/1i30AoB>

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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.

The UK government is now planning to meet its commitment to apply open data principles to payment, and the Financial Conduct Authority is considering how the open data commitment might be met.

Overall, the level of completion of this commitment is substantial.

Did it matter?

Taken together, the commitment is an important symbolic and practical step forward. Because a number of the milestones and activities extend beyond 2015, assessing implementation is difficult. The EITI report and company data are not due until 2016, and while legal transposition of the EU Directives is complete, there are some outstanding practical issues.

Nevertheless, stakeholders broadly welcomed the combination of joining EITI and early implementation of Chapter 10 of the accounting directive. Publish What You Pay said the United Kingdom was “taking an important lead towards the establishment of a global extractive industry transparency standard and sending out a powerful symbol of its commitment.”¹⁸⁸

The commitments success was partly down to the fact that it was, as one stakeholder said, “very comprehensive, straightforward and politically realistic.”¹⁸⁹ The Department of Business, Innovation and Skills was singled out for praise for its hard work. A number of those involved highlighted the importance of the Prime Minister’s personal interest in pushing forward the agenda at key moments.

There was still concern over various parts of the commitment as it stands in March 2015. Many stakeholders thought that practicalities and details are now key: one described how the focus needed to be on how the policy will work, particularly whether the sanctions are automatic or at ministerial discretion, or the finer details of publication on the Companies House website in 2016.

Rather than focusing on the government, the concern of Publish What You Pay focused on the industry guidance on reporting drawn up by industry representatives, which that organisation thought contained “faulty legal interpretation” and “misleading advice” that could “undermine the excellent work to date by the UK government.”¹⁹⁰ In response to the

¹⁸⁸ See the response from PWYP at <http://bit.ly/1vAbokO>

¹⁸⁹ The meetings and minutes of the stakeholder group can be found at <http://bit.ly/1tEnRkL>

¹⁹⁰ See the draft regulations from the FCA at <http://bit.ly/1zk6nTB> and the PWYP concerns at <http://bit.ly/1y8lv3p>

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March 2015 government mid-term self-assessment, CSOs led by Publish What You Pay highlighted the lack of progress by the Financial Conduct Authority in showing how it would implement the government’s commitment to apply principles of open data to extractives’ data in the case of London-listed companies reporting payments to governments under the FCA’s Transparency Directive regulations.¹⁹¹

The impact of the commitment is transformative in opening up extractives for the first time in the United Kingdom and, more importantly, across the developing world where resource transparency is a vital issue. It also is likely to have an important influence as a signal to other countries to push the agenda forward.

Moving forward

- Given the size and breadth of the commitment, CSOs were supportive of a renewed focus on evidence of impact and implementation. The commitment is a significant one and is made up of a complex series of different parts that require monitoring. In April 2015, Daniel Kaufmann, head of the Natural Resource Governance Institute, warned that the “devil is in the detail” and that companies may seek ways of evading the new laws.¹⁹²
- More specifically, the IRM researcher would recommend some form of oversight or scrutiny, possibly by a joint parliamentary committee with expertise in this area, perhaps in time for the first EITI report. There is need for any review to also examine the complex legal issues involved.

¹⁹¹ See the CSO views at <http://bit.ly/1GLQsxi>

¹⁹² See the interview at <http://bit.ly/1DHsDCf>

V. Process: Self-Assessment

The UK government, led by the Cabinet Office, has worked hard to publish regular self-assessments as well as a mid-term assessment in March 2015.

Table 3: Self-Assessment Checklist

Was the annual progress report published?	Yes
Was it done according to schedule? (Due 30 September for most governments, 30 March for Cohort 1.)	Yes
Is the report available in the administrative language(s)?	Yes
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	Yes
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of consultation efforts during action plan development?	Yes
Did the self-assessment report include review of consultation efforts during action plan implementation?	Yes
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	Yes
Did the report cover all of the commitments?	Yes
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	Yes
Did the report respond to the IRM key recommendations (2015+ only)?	Yes

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Summary of Additional Information

The government’s draft mid-term self-assessment was published on 10 March 2015 and was open for consultation between 11 and 23 March. The final version was then placed on the GOV.UK site on 25 March 2015. It was also supported by three individual self-assessment reports for each commitment published in April 2014, September 2014, and January 2015.¹⁹³ The quote below illustrates the UK government’s view of progress as of March 2015:

Progress on implementation of NAP commitments to date has been good, with 68 percent of milestones completed or on track. Eighty-one percent of those who responded to our survey agreed that implementation to date has gone well or very well. However, none felt implementation was “excellent,” and we agree there is more to do.

Status	Number (%) of milestones
Completed	27 (32%)
On track	30 (36%)
Behind schedule	23 (27%)
Closed	4 (5%)

Follow-Up on Previous IRM Recommendations (2015 +)

The previous recommendations from the first UK NAP included a number of actions. Underneath each is a reflection on whether, and if so how, the second plan addressed them.

1. A need to make policy making “open by default”

Despite the emphasis on open policy making in 2012 and a reference to it in the first IRM report, the commitment in the second plan has been a disappointment to stakeholders and CSOs. Although there have been some successful examples (particularly the northern cities consultation), a number of the chosen cases were limited or failed to take place. Other commitments, such as Sciencewise, may offer some possibilities for thinking about how to use new tools to engage the public.

2. The need for an open data strategy

The first IRM report spoke of the need for a wider open data strategy. The second NAP was an advance on the first one in offering a series of diverse commitments across different areas. A number of commitments, particularly the NII, took a strategic view of the data framework across government. Some were highly innovative, such as those based on the management of records and the NII, and took

¹⁹³ See the mid-term assessment and consultation at <http://bit.ly/1zvb7pV> and the PDFs of each self-assessment commitment next to each listed commitment at <http://bit.ly/1uFCGYz>

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steps forward in re-thinking ideas and developing new approaches to integrate and better manage data.

The IRM researcher believes that there is still, however, a need to link up the different commitments under a clear set of strategic objectives or aims, i.e., by examining the longer-term results of the changes to the state or the political system. A number of the commitments had obvious overlaps or synergies that could be more clearly linked, but it was not obvious what the overall aim or direction of travel of the plan as a whole was. Arguably, the last attempt to link and discuss the wider objectives was the 2012 White Paper, “Open Data: Unleashing the Potential,” which offered an overview of the government’s transparency agenda and set out a series of goals. There continues to be a need for a detailed review that looks at how all the new commitments link and work across government and which notions of government, transparency, and participation underpin them.¹⁹⁴

3. The overloading of objectives with open data aims

Unlike the first NAP, the second action plan offered a series of commitments that were not simply focused on open data and publication of datasets. Some had clear publication aspects but within broader aims, e.g., on beneficial ownership, aid, or extractives. A number of commitments were also strategic or unrelated to data. Here the second NAP is a very clear forward step with far more concrete and ambitious aims. Some teams also took steps to rethink ideas and approaches.

4. A number of commitments considered to be clearly under way previously, while others considered to be high profile but lacked detail

Commitments need to be balanced between something achievable without being simply an OGP label stuck onto a pre-existing initiative. One CSO spoke of how the best commitments were ones that were “concrete and politically achievable.”

Some of the commitments were based on pre-existing areas, but the OGP was used as a lever to push them forward, as was the case with the commitments on local government and beneficial ownership. Here, the OGP gave momentum and focus to ongoing work. By contrast, a number of the commitments were rather vague in outcome or detail and had no clear end point. This may have been suitable for some of the difficult areas where flexibility was required, such as with police records, but elsewhere this vagueness meant that it was not clear what the new or different element was. Some commitments may have been overly ambitious, such as, for example, the NHS reforms that were undertaken at a time of organizational change and involved complex processes of international cooperation.

One important point that emerged from the second NAP was that the exact origin of a number of commitments was unclear. Some seem to have been simply handed

¹⁹⁴ See the 2012 Open Data White Paper at <http://bit.ly/1zvbffO>

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down from the top of government to departments without consultation or discussion with different departments or groups, rather than being developed with them.

5. A lack of engagement by CSOs in the process and development

The first IRM report found that there was a lack of engagement by CSOs in the process and development of the action plan. In the second NAP, this is clearly much improved. As described above, CSOs spoke of the great improvement in involvement and praised the process of development. The UK government's mid-term self-assessment found that, overall, engagement was done either 'very well' or 'well' in designing and implementing the plan.¹⁹⁵ The Cabinet Office's hard work in facilitating this engagement was frequently mentioned.

CSOs offered three main reflections on engagement. First, exact levels of varied across departments and bodies. Second, it also varied over time, with a noticeable drop off in some cases as commitments got under way. Third, the personal relations between officials and CSOs were vital in maintaining cooperation; and the loss of personnel, owing to civil service movement, meant important time was lost in rebuilding new relations.

¹⁹⁵ See the mid-term assessment and consultation at <http://bit.ly/1zvb7pV>

VI. Country Context

Country context

There were a number of major policies and changes that were not mentioned within the UK NAP. Some were not included while others were the result of rulings or legal changes that were not foreseen in 2013 when the NAP was being developed. Below are some of the legislative changes, policies, or events that were omitted from the NAP or developed alongside it.

Lobbying Act

Lobbying was discussed during the course of the development but was missing from the NAP and only mentioned in passing as part of the anti-corruption strategy. However, outside of the NAP, a number of stakeholders mentioned the Lobbying Act 2014 (or to give its full title, the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014) as an important but divisive piece of transparency legislation.

The legislation proved controversial during its passage and faced opposition in both Houses of Parliament and from a wide variety of CSOs. Section 1 of the legislation deals with a new register of lobbyists overseen by a registrar. Controversially, only certain types of direct lobbyists are registered, and it appears registration so far has been slow. Section 2 of the act deals with non-party campaigning and places restrictions on spending and involvement during election campaigns. This means that electoral laws will cover certain CSOs, leading to fears that the legislation will restrict and deter CSO advocacy. The electoral commission that oversees UK elections has now issued guidance.

It remains to be seen how both section 1 (the lobby register) and section 2 (on funding) will affect the different groups. However, the act continues to be a source of contention between parties, and the Labour Party committed to repealing it. Analysis by Transparency International in April 2015 highlighted how lobbying was the least open, scoring lowest out of the different open data areas measured.¹⁹⁶

Freedom of Information Act and Access to Information

As expressed in the previous IRM report, stakeholders expressed concern about the possibility of amending the UK Freedom of Information Act. In early 2013, a government minister spoke of the need to clamp down on industrial users of the act, referring to repetitive and expensive FOI requests that posed a burden on public authorities. In May 2014, there were suggestions that there would be two consultations on FOI. One related to possible extensions of the FOI act to cover new bodies. A second suggestion followed on from the government response to the 2012 Justice Committee report, which expressed concerns about certain heavy users of the act and suggested extending the veto power of ministers, who that can override legal orders to disclose under FOI under section 53 of the

¹⁹⁶ See the legislation at <http://bit.ly/1Ky6jRl> and Parliament briefing at <http://bit.ly/1JErC68> and promise to repeal at <http://bit.ly/1JVlymp>. See the Transparency International Report at <http://bit.ly/1ClfEo6>

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Act. In a further significant legal ruling on FOI, in March 2015 the UK Supreme Court overrode a UK government veto that had prevented the disclosure of letters written by Prince Charles to government ministers. Since 2011, following a change of the law by the Labour government in 2010, the monarch and heir are excluded from FOI, but the appeal on the letters predated the change. The letters, potentially constitutionally sensitive, were released in May 2015; and the UK government has responded by raising the possibility of amending the section 53 veto that the government can use to override appeals.

Alongside this, a number of changes have extended the scope of access-to-information legislation in the United Kingdom. In February 2015 a ruling by the Upper Tribunal made water utility companies subject to UK environmental information regulations, an EU-wide access to environmental information law. Although the exact legal significance is not yet known, this ruling may even extend the regulations to other private utility companies such as electricity or gas. In April 2015, owing to a change in legal designation, the United Kingdom's strategic rail authority, Network Rail, will also come under the scope of the Freedom of Information Act. In broader terms, a UK Supreme Court ruling in March 2014 offered the possibility of a common law right to information outside of FOI.

Alongside the NAP commitment to open up contracting through contractual clauses, the ICO has also been pushing for stronger means of ensuring that contracts are made transparent, producing a report on recommended future practice in March 2015. Also in March 2015, the IFG published a draft set of clauses and a proactive disclosure schedule that could be included in future outsourced contracts.¹⁹⁷

UK Parliament

In January 2015, the Speaker's Commission on Digital Democracy reported its findings, after examining how the Westminster Parliament could better engage using digital tools. Amongst the report's five recommendations were that Hansard, the official report of the proceedings of the House of Commons and the House of Lords, should be released as open data by the end of 2015, that new interactive forums be created for the public, and that online voting be rolled out in the next five years. While Parliament and the government agenda should be kept separate, there is clear synergy here with a number of areas.¹⁹⁸

Openness Across Subnational Bodies

While broadly outside of the second NAP, devolved UK bodies in Scotland, Wales, and Northern Ireland have moved ahead with openness. Between 2013 and 2015, for example,

¹⁹⁷ See the government view on so-called industrial users at <http://bbc.in/1GJWqje>. The consultation promise is at <http://bit.ly/1DNEvdq>

<http://bit.ly/1JErMug>, and the veto and monarchy story is at <http://bit.ly/1xD8D7N>; network rail coverage is at <http://bit.ly/111BbvI> and the ICO report is at <http://bit.ly/1JErT9e>.

See this blog on the legal decision at <http://bit.ly/1zhw479>. The IFG report is available at <http://bit.ly/1Ew9QxC> and blog here <http://bit.ly/1EUxly6>

The Supreme Court ruling is explained at <http://bit.ly/1iAwSbv>

¹⁹⁸ See the Speakers' Commission report at <http://bit.ly/1JcGWDM>

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the Northern Ireland Executive paid increasing attention to open data and, in March 2015, launched its own 2015–2018 open data strategy.¹⁹⁹ As set out below, there is a need to cover these bodies in any future plan, especially with the new commitments to greater powers for them. Local government also has been an arena of important experimentation and innovation that needs to be drawn on, especially with the new emphasis on local devolution of power in the United Kingdom from 2014 onwards.

Surveillance and Transparency

One of the largest transparency stories in this period concerned the leaking in 2013 by Edward Snowden of a series of documents relating to UK and US government surveillance activities across the world. The extent and significance of the surveillance remains unclear, but there is an emerging agenda around better regulation of such information-gathering, as seen recently with the US Freedom Act of 2015.

In 2015, the UK Intelligence and Security Committee that oversees UK intelligence services, described the legal framework as “unnecessarily complicated” and as “lacking transparency.” The committee recommended a new, more transparent legal framework based on a single piece of legislation to ensure accountability of the intelligence services.²⁰⁰

Stakeholder priorities

Greater involvement for civil society. Amongst the CSOs consulted there was a sense that civil society had been consulted and involved, particularly during the drawing up of the commitments. There was agreement that the process was greatly improved since the first NAP. Positive things were said, particularly about the work of the Cabinet Office, with Francis Maude, the then Minister for the Cabinet Office, portrayed as a strong supporter of openness who sought to actively involve civil society.

However, some CSOs expressed concerns relating to the variability of other departments. Some of these departments were enthusiastic and engaged with CSOs, others much less so. There were also problems over loss of personnel at key times in the process. Relationships of trust between government and CSOs are often based on personal relationships and the loss of these slowed down progress. In terms of input and involvement in the CSO network, there was also a need, recognized by officials and CSOs, to develop a wider network of stakeholders and interested parties.

Building on success and learning lessons

The three core commitments that the CSOs highlighted as central commitments and achievements in the December 2014 and March 2015 survey, were the high-profile issues of aid transparency, beneficial ownership, and extractives. All have been subject to long-term lobbying and work. Alongside this, the cross-government anti-corruption plan was held up as a vital step forward in coordinating action.

¹⁹⁹ See the Northern Ireland Open Data Strategy at <http://bit.ly/111BuXg>

²⁰⁰ See the press release and link to report at <http://bit.ly/1zvgeGg>

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The one area of disappointment was in open policy making, a long-term government commitment and a key means of engaging the public in the political process. Stakeholders recognized that this was also a complex area that faced cultural and resource obstacles, but they nevertheless expected more from it.

Themes or areas for future action

Amongst all the commitments, but particularly the more ambitious ones, the IRM researcher sees a need in the future to monitor implementation, understand the effectiveness of the changes and to obtain reliable and robust evidence on their operation and their impact. This was especially important for the international commitments, such as aid, EITI, or beneficial ownership where there were extensive networks of groups working in different areas and where compliance is the key to making them work.

In terms of specific reforms, the UK Open Government Manifesto, a crowd-sourced forum created by CSOs for developing new ideas for the next action plan, offers a number of possible policies. As of April 2015, the four most popular proposals were—

1. **Bring major contractors under the FOI Act** through use of section 5 so that they are covered in the same way as public authorities.
2. **Make open government a truly national policy** with the UK government, alongside devolved governments, formulating reforms that cover all UK regions and countries. This is especially important as the new bodies were promised increased powers in May 2015.
3. **End corrupt money in UK property** through legal changes to make any overseas company register any UK property purchases with the Land Registry.
4. **Give the public a say in the future of the UK** by calling a UK constitutional convention to determine the nation's future political arrangements.

Interviewees also recommended issues concerning surveillance and lobbying as two very important areas not covered in the United Kingdom's two National Action Plans.

Scope of action plan in relation to national context

The plan has covered a large number of the OGP values, including transparency, accountability, and civic participation.

The action plan could next look into a number of areas:

- Amongst the three OGP values, **civic participation** may be the area where more work is needed. There is a sense that various commitments involving participation did not go far enough or work out as supporters had hoped. There is a need for linking the transparency and accountability issues to new tools and mechanisms for involving the public, using particularly local government or the NHS.
- Similarly for **accountability**, a number of the commitments, from the NII to the two NHS reforms could focus on the mechanisms needed to encourage public accountability. The local government openness initiatives could also benefit from being more strongly linked with or incorporated into the growing number of tools, old and new, that the public can use to hold local government to account—e.g.,

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consultations, local referenda, or community innovations such as community budgeting.

- A future NAP could cover certain areas of **transparency and accountability**, including—
 - a. *Transparency in government surveillance and the intelligence services.* Following the Snowden revelations and the view of the Intelligence and Security Committee, oversight laws should be reformed.
 - b. *Public work carried out by private bodies* and the wider issue of outsourcing. Some of these issues are caught in the current NAP, but there may be need for a wider discussion, given the size of the contracts across the United Kingdom.
 - c. *Transparency over lobbying*, an area of controversy for a number of decades in the United Kingdom, should be opened up, given its centrality to the political system. The IRM researcher recognizes that this is a complex and politically controversial area, connected to wider issues around political party funding.

VII. GENERAL RECOMMENDATIONS

Crosscutting recommendations

In order to build on the success of the second NAP, the next action plan needs to do a number of things.

First, it needs to offer some strategic direction for the open government agenda in the United Kingdom by looking for ways of linking together different areas and explaining the overall direction of the policy. While commitments varied in strength and topic, the third NAP may be an opportunity to see how they can fit together. Various clusters of commitments could link together—e.g., over records management or links between aid and extractives or across local government. These should be part of the policy's clear overall aims over the next decade. As a broader point, countries that have taken full advantage of technological changes do so by fixing a long-term, coherent vision of where they are heading.

Second, given the ambitious nature of a number of the commitments, there is also a need to understand how well they are working. The creation of robust evidence will help increase understanding of the impact of the reforms and how they are implemented, offering a baseline for future changes. Collection of evidence can also assist policy makers in understanding the utility of a policy and CSOs to understand how policy is working and what needs to be done in the future. One possibility would be to draw on growing international academic work in this area. The study of transparency and technology is expanding across disciplines, and networks of researchers from several disciplines could be asked to examine the implementation and effects.

Third, there is a need for greater co-ordination across government. A number of commitments were not helped by different departments working as silos or by being engaged to varying degrees in policies that required cross-government action. This meant that some changes had an uneven implementation. On the other hand, the government responded to feedback, advice and input on a number of commitments, and changed approaches or policies as a result. There may be a possible space for one key coordination figure or champion, as recommended by the Shakespeare Review in 2013. This could be the intended role of the new chief data officer (it was not clear at the time of writing), or a minister.

Fourth, there is a need to closely involve devolved and local bodies in deliberation and strategy, some of whom are already currently pursuing their own strategies. The CSOs thought an ideal process would be for a third plan to be built by devolved bodies working upwards in partnership with the UK government. The UK government mid-term self-assessment recognized this.

Fifth, it is important that those working in the process are able to share their expertise, building on the successes and learning lessons. The experience of consulting and holding

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workshops has created an invaluable knowledge base of newly acquired skills, understanding, and experience that should be shared throughout government. This may also mean designating a certain minister or authorized person as a focal point for open government, as recommended above.

Sixth, there is a set of practical changes that could improve how CSOs and government work and collaborate. The CSOs praised the government and Cabinet Office for their work but pointed out that other departments varied in enthusiasm and engagement, with some turning off once a commitment was decided upon and others not fully consulting or involving stakeholders. Ways need to be found to help CSOs to engage fully within their own resources, which are naturally more limited than that of the government. CSOs often lack time, and there are natural cycles of interest and engagement. The government recognized this in its mid-term self-assessment.

For CSOs and the government, there is also a need to broaden involvement to new groups and people. Some parts of the OGP agenda, by their nature, are technical, focused or niche. Some CSOs expressed the concern that there was an inevitable focus on the big international commitments to the exclusion of other less-eye catching ones. CSOs are currently innovating with, for example, a very well received crowd-sourcing platform to generate ideas for open data policies and a series of regional workshops. The use of other devolved bodies may also help here to reach out to new networks and groups.

Top SMART recommendations

<i>TOP FIVE SMART RECOMMENDATIONS</i>
1. Achieve deeper engagement between government and CSOs throughout the process of the development and implementation of the next action plan, with frequent meetings and keeping of personnel changes to a minimum (where possible). This needs to be sustained throughout the implementation process.
2. Promote wider engagement with a more varied group of CSOs. Although some proposals are by their nature technical and niche, an overall strategic vision may allow for a greater appeal to more organizations.
3. Promote wider engagement with numerous governmental bodies across the UK, particularly the devolved assemblies and local government who should be co-authors of the next report.
4. Focus on key gaps within the second NAP, particularly on how innovations can link to public participation and accountability.
5. Focus on some vital emerging issues, particularly government surveillance and lobbying.

VIII. Methodology and Sources

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

These experts use a common OGP independent report questionnaire and guideline,²⁰¹ based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small international expert panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

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

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

Interviews and focus groups

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

²⁰¹ Full research guidance can be found in the IRM Procedures Manual, available at <http://www.opengovpartnership.org/about/about-irm>

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The UK research involved interviews with representatives from across government as well as with CSO representatives and stakeholders. There were a total of 20 government interviews and 10 interviews with different CSOs between January and March 2015. On 4 March 2015, a stakeholder meeting was scheduled to discuss the government’s mid-term self-assessment but was cancelled owing to non-attendance.

A number of other means were used to seek views, including the following:

- Emails sent via the UK OGP forum detailing the event and also asking for email thoughts (1 detailed response);
- A brief eight-question online survey launched in March 2015 and sent out via the OGP forum, Twitter, and via the international FOI advocacy network FOIANet (4 responses);
- Use of a data from a government-led online consultation (the government survey obtained the views of 13 stakeholders); and
- A wide variety of desk-based work, particularly on the self-assessments.

The IRM researcher recognizes that the point in the OGP cycle when the research was undertaken (January-March 2015) involved numerous questionnaires and consultations. CSOs with limited resources may have felt somewhat overloaded and also may have been focused on work around the next action plan and general election. The UK government mid-term self-assessment ran a consultation at a similar time, between 11 and 23 March, and received only two responses. In future cycles, more attention should be paid to timing to minimize overlap and not overburden respondents.

C. Survey-based data

The IRM researcher carried out a survey between 10 and 30 March 2015. It was launched through the UK OGP forum at three separate intervals and also via the international FOI listserv FOIANet and was then tweeted and retweeted. The survey can be seen at <https://bbk.onlinesurveys.ac.uk/ogp-cso-survey>. The survey received four responses and also elicited a number of emails and conversations with CSOs.

About the Independent Reporting Mechanism

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

The current membership of the International Experts’ Panel is—

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox

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- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

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

IX. Eligibility Requirements

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

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.²⁰² When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

Criteria	Measure	Source	2012 Score	2014 Score	Trend?
Budget Transparency	Publish Executive's Budget Proposal	Open Budget Index ²⁰³	4 (Both published)	4 (Both documents published)	No Change
	Publish Audit Report				
Access to Information	Existence of Law	Right2info.org Databases ²⁰⁴	4 (Law)	4 (Law)	No Change
Asset Disclosure ²⁰⁵	Existence of Law	World Bank's Public Officials Financial Disclosure Database ²⁰⁶	4 (Law and Public Access)	4 (Law and Public Access)	No Change
	Declarations Made Public				
Citizen Engagement	Economist Intelligence Unit Civil	Economist Intelligence	4 (9.41)	4 (9.41)	No Change

²⁰² For more information, see <http://www.opengovpartnership.org/how-it-works/eligibility-criteria>

²⁰³ For more information, see Table 1 at <http://internationalbudget.org/what-we-do/open-budget-survey/> as well as <http://www.obstracker.org/>

²⁰⁴ The two databases used are Constitutional Provisions at <http://www.right2info.org/constitutional-protections> and Laws and draft laws at <http://www.right2info.org/access-to-information-laws>

²⁰⁵ In the 2014 release of the OGP Eligibility Criteria, the two measures for asset disclosure were changed. The existence of a law and public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. With this change, the new measure of asset disclosure is more objective and globally applicable. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at <http://bit.ly/1EjL4Y>

²⁰⁶ This database is also supplemented by a published survey that the World Bank carries out bi-annually. For more information, see <http://publicofficialsfinancialdisclosure.worldbank.org>

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	Liberties Sub-score	Unit			
TOTAL			16 out of 16	16 out of 16	No Change