# Independent Reporting Mechanism (IRM): Brazil Progress Report 2016–17

Fabro Steibel, Independent Researcher

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# Executive Summary

## Brazil
## Year 1 Report

> The third action plan involved greater collaboration with a broader diversity of actors, both during the development and implementation of the plan. The main challenge going forward is making more ambitious OGP commitments that achieve significant changes in government practices.

## HIGHLIGHTS

| Commitment | Overview |
|---|---|
| Digital Educational Resources | Work with researchers, managers, teachers, and entrepreneurs to establish a new model for digital educational resources that includes an online platform with free resources. |
| Penitentiary Data | Prevent torture and cruel, inhumane, or degrading treatments in the penitentiary system by working with civil society to implement and manage a national database with prison inspection data. |
| Neutral Access to Information Policy | Safeguard the personal information and identity of access to information requesters to avoid biased government responses and discriminatory treatment. |

## PROCESS

> The government and civil society organizations co-led the development of the action plan through a collaborative process. The public was able to prioritize themes through online polling and discuss proposals directly with government at co-creation workshops. During the plan's implementation, the government hosted monitoring meetings that included discussions with the Civil Society Working Group on each commitment.

### Who was involved?

| | | Government | | |
|---|---|---|---|---|
| | | Narrow/ little governmental consultations | Primarily agencies that serve other agencies | Significant involvement of line ministries and agencies |
| Civil society | Beyond "governance" | | | ✓ |

| | civil society | | | |
|---|---|---|---|---|
| | Mostly "governance" civil society | | | |
| | No/little civil society involvement | | | |

The Judiciary and Legislature are implementing OGP commitments for the first time. A variety of federal ministries, independent agencies, and subnational governments also participated in the OGP process. There were new actors on the civil society side as well, most notably private companies.

## Level of input by stakeholders

| Level of Input | During Development | During Implementation |
|---|---|---|
| **Collaborate:** There was iterative dialogue AND the public helped set the agenda. | ✓ | ✓ |
| **Involve:** The government gave feedback on how public inputs were considered. | | |
| **Consult:** The public could give input. | | |
| **Inform:** The government provided the public with information on the action plan. | | |
| **No Consultation** | | |

## OGP co-creation requirements

| | |
|---|---|
| Availability of Timeline and Process<br><br>Timeline and process available online prior to consultation | ✓ |
| Advance notice<br><br>Advance notice of consultation | ✓ |
| Awareness Raising<br><br>Government carried out awareness-raising activities | ✓ |
| Multiple Channels<br><br>Online and in-person consultations were carried out | ✓ |
| Documentation and Feedback<br><br>A summary of comments by government was provided | ✓ |

| | |
|---|---|
| Regular Multi-stakeholder Forum<br><br>Did a forum exist and did it meet regularly? | ✓ |
| Government Self-Assessment Report<br><br>Was a self-assessment report published? | ✓ |
| **Total** | **7 of 7** |

| | |
|---|---|
| **Acting contrary to OGP process?**<br>A country is considered to have acted contrary to process if one or more of the following occurs:<br>• The National Action Plan was developed with neither online or offline engagements with citizens and civil society<br>• The government fails to engage with the IRM researchers in charge of the country's Year 1 and Year 2 reports<br>• The IRM report establishes that there was no progress made on implementing any of the commitments in the country's action plan | No |

## COMMITMENT PERFORMANCE

At the midterm, most of the commitments in the third plan were at a preliminary stage of implementation. While two of the commitments are potentially transformative, most commitments (10) have a more minor potential impact.

### Current Action Plan Implementation

| 2016-2018 Action Plan | |
|---|---|
| Completed Commitments by the end of Year 1 | 0 of 16 (0%) |
| OGP Global Average Completion Rate by the end of Year 1 | 18% |

### Previous Action Plan Implementation

| 2013-2016 Action Plan | |
|---|---|
| Completed Commitments by the end of Year 1 | 31 of 52 (60%) |
| Completed Commitments by the end of the Plan | 34 of 52 (65%) |
| 2012-2013 Action Plan | |
| Completed Commitments by the end of Year 1 | 25 of 32 (78%) |
| Completed Commitments by the end of the Plan | N/A |

### Potential Impact

| 2016-2018 Action Plan | |
|---|---|
| Transformative Commitments | 2 of 16 (13%) |
| OGP Global Average for Transformative Commitments | 16% |
| | |
| 2013-2016 Action Plan Transformative Commitments | 3 of 52 (6%) |
| 2011-2012 Action Plan Transformative Commitments | N/A |

### Starred commitments

| 2016-2018 Action Plan | |
|---|---|
| Starred Commitments by the end of Year 1 | 1 of 16 (6%) |

| | |
|---|---|
| Highest Number of Starred Commitments (All OGP Action Plans) | 5 |
| | |
| 2013-2016 Starred Commitments | 1 of 52 (2%) |
| 2012-2013 Starred Commitments | N/A |

## IRM RECOMMENDATIONS

| | |
|---|---|
| 1. | Redesign the consultation methodology to incentivize government and civil society to reach more ambitious commitments. |
| 2. | Address key public agenda topics, such as political party financing and anti-corruption efforts. |
| 3. | Further engage the private sector in the implementation of commitments, to expand open business models and private sector interest in promoting open government principles. |
| 4. | Involve other areas of the government, such as the Public Prosecutor's Office, the subnational government of São Paulo, and legislative houses that have institutionalized open government mechanisms. |
| 5. | Establish a transition plan for OGP to ensure the sustainability of activities after the general elections. |

## COMMITMENT OVERVIEW

| Commitment Title | Well-designed (Year 1)* | Complete (Year 1) | Overview |
|---|---|---|---|
| 1. Open federal government data | No | No | This commitment aims to better align government-provided data with citizen-demanded data through two pilot experiments, which were pending at the midterm. |
| 2. Public resource transparency | No | No | While the government began mapping data on public resources and held preliminary discussions to promote transparency initiatives, implementation was limited. |
| 3. Effective access to information policy | No | No | This commitment aims to reform the rules used to justify denial of information requests. The government developed a methodology to evaluate current practices, as well as an internal legal analysis. |
| 4. Neutral access to information policy | No | No | In light of evidence of discrimination in responding to information requests, the government and civil society completed two preliminary studies on safeguarding the identity of requesters. |
| 5. Effective social participation mechanisms | No | No | This commitment focuses on consolidating and integrating existing participation mechanisms rather than directly improving them. Implementation was limited at the midterm. |
| 6. Digital education resources ✪ | Yes | Yes | The government developed a participatory network and draft methodology for curating digital education resources. However, the platform to release these resources was pending at the midterm. |
| 7. Open data | No | No | The commitment aims to proactively release access |

| | | | |
|---|---|---|---|
| for health | | | to information requests related to health from the previous four years. However, the implementation of the commitment is at a preliminary stage. |
| 8. Torture prevention in prison system | Yes | No | This commitment seeks to produce, organize, and release data that can reduce abuses in the penitenciary system. While the government took preliminary steps, such as publishing a call for proposals, the development and launch of the information system is pending. |
| 9. Innovation spaces for public service management | No | No | The government held trainings on best practices in innovation, and held a multi-stakeholder Innovation Network Meeting. The IRM recommends moving beyond raising awareness of best practices to connecting key actors and implementing initiatives. |
| 10. Evaluate and streamline public services | No | No | The government aims to create a platform with civil society to evaluate public service delivery, but the platform will focus on government performance and not feedback from end users. |
| 11. Legislative transparency and open innovation | No | No | This commitment seeks to promote open government innovation in the legislative branch of government. Implementation so far is limited to mapping eligible materials for an information repository. |
| 12. Open government in states and municipalities | No | No | This commitment looks to promote greater transparency at the subnational level by raising awareness of best practices. During the first year of the plan, publicly available results of implementation were still pending. |
| 13. Transpar-ency and innovation in the judiciary | No | No | This commitment seeks to establish electronic judicial proceedings. While the commitment has seen substantial implementation, the IRM recommends prioritizing not only improved internal efficiency, but also greater access to information. |
| 14. Participation in federal planning cycle | No | No | The commitment aims to improve and consolidate social participation in the Plurennial Plan. The government developed the draft monitoring methodology in partnership with civil society and began developing digital monitoring tools. |
| 15. Environ-mental transparency | No | No | While environmental transparency is an important issue in Brazil, this commitment involves preliminary steps, such as improving an open data plan, hosting an event, and establishing a monitoring group. |
| 16. Participatory culture management | No | No | The government implemented the National System of Information and Indicators on Culture in 37 percent of states and 23 cities, but other activities – such as trainings – were only partly implemented. |

\* Commitment is evaluated by the IRM as specific, relevant, and has a transformative potential impact.

✪ Commitment meets the criteria (above) for a well-designed commitment *and* is substantially or fully complete.

## ABOUT THE AUTHOR

**Fabro Steibel** is the Executive Director of the Institute for Technology & Society (ITS, itsrio.org), Professor of New Technologies and Innovation at ESPM Rio (Brazil), and Open Government Fellow at the Organization of American States. He holds a post-doc in online consultations from UFF (Brazil) and a PhD in Media from the University of Leeds (UK). He has more than ten years of experience in research projects related to technology and society, funded by organisations such as the European Commission, the European Parliament, Mercosur, and IDRC. His publications are mainly in the areas of human rights, open government, and technology.

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

# I. Introduction

The Open Government Partnership (OGP) is an international multi-stakeholder 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 among governments, civil society organizations, and the private sector, all of which contribute to a common pursuit of open government.

Brazil was one of the eight cofounding countries of OGP in 2011. The country began its formal participation in the initiative on 15 September 2011, when the Brazilian government declared its intention to participate.[1] Brazil also hosted the first OGP Global Summit in Brasilia in 2012.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practice beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Brazil developed its third national action plan from January 2016 to October 2016.[2] The official implementation period for the action plan is 1 December 2016 through 30 June 2018. This year one report covers the action plan development process and the first year of implementation, from December 2016 to June 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation (June 2017) will be assessed in the end-of-term report. The government published its self-assessment in September 2017.[3]

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Fabro Steibel, an independent researcher, who carried out this evaluation of the development and implementation of Brazil's third action plan. To gather the voices of multiple stakeholders, the IRM researcher participated in some of the official monitoring meetings, hosted a survey, and held online interviews with government and civil society members. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. Methods and sources are detailed in Section VI of this report (Methodology and Sources).

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[1] Open Government Partnership, *Declaracao de Governo Aberto,* September 2011, http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/arquivos/declaracao-governo-aberto.pdf.
[2] "Get to Know the Final Version of the 3rd National Action Plan in the Partnership for Open Government," Brazil Federal Government, last modified 21 March 2017, https://goo.gl/hKUjyg.
[3] "Returns—Intermediate Self Report," Brazil Federal Government, last modified 22 September 2017, https://goo.gl/VU5rML.

## II. Context

The third action plan was developed through a collaborative process between government and civil society organizations (CSOs). This constitutes a major improvement from the process for the second action plan, in which many CSOs lost confidence. The third action plan's themes, commitments, and milestones reflect this collaborative process co-led by government and civil society. This cooperation also led to collaboration during the implementation phase of the national action plan. Other highlights of the process include advances in connecting to other branches of government (legislative and judiciary, for example) and other federal entities (such as the local initiative at the City of São Paulo). The final version of the action plan includes 16 commitments that fall under four axes: structuring themes, protection of rights, innovation improvement of public services, and movement toward an open state.

### 2.1 Background

Major changes occurred in the political environment during the final year of the second action plan and the consultation phase of the third action plan. The process of impeaching President Dilma Rousseff began in late 2015 and continued throughout 2016. Rousseff was removed from office on 31 August 2016, after which her vice president, Michel Temer, succeeded to the presidency.

Temer's presidency led to a sequence of leadership and policy changes at the Office of the Comptroller-General of the Union, which coordinates the OGP process. The changes led to delays in the co-creation phase of the third plan. Temer's presidency also changed the office's regulatory framework. He rebranded the institution as the Ministry of Transparency, Oversight, and Comptroller-General and decreased the number of cities and agencies audited. Temer's decision brought criticism from civil society organizations that participated in the consultation phase, such as Transparency International.[1] Another point of criticism is that the institution was previously connected directly to the presidency but is now a ministry at the same level of the hierarchy as the institutions it is meant to audit.[2]

Temer's presidency also weathered major corruption scandals, including an August 2017 congressional vote to allow criminal charges against the president for corruption.[3] Temer became the country's first sitting head of state to be formally charged with a crime. The criminal investigation could lead at least 190 of the 513 deputies, and 42 of the 81 voting senators, to face criminal processes at Brazil's supreme court.[4] The president's approval rating also reached its lowest historical level in June 2017, at 5 percent.[5]

Among the several corruption scandals and investigations that took place during the action-plan period, Operation Car Wash (Lava Jato[6]) stands at the forefront. Carried out by the Federal Police, the Judiciary, and the Federal Prosecution Service, the operation has exposed systemic corruption involving political party financing and company executives.

Operation Car Wash was responsible for the arrest of major political figures (such as the 2015–16 president of the Chamber of Deputies, Eduardo Cunha). It also led to the arrests of top private-sector executives (such as Marcelo Odebrecht, chief executive officer of Odebrecht, and Joesley and Wesley Batista of JBS[7]). As a consequence, large demonstrations have taken place on several occasions, with participants marching for or against sitting politicians and expressing their dissatisfaction with the corruption scandals.[8] The level of trust in politicians has dropped drastically, reaching the lowest levels since redemocratization.[9]

The economic recession, the worst in Brazil's recent history, constitutes another important factor in the national context. According to World Bank data,[10] gross domestic product in 2016 regressed to 2009 levels, and a 10-year decline in poverty ceased, as poverty levels regressed to 2012 levels. President Temer addressed the economy as a key issue,

prioritizing economic growth and control of public spending.[11] At the same time, the level of trust in the private sector decreased.[12]

These events have nonetheless not affected key international indexes related to open government. Brazil's Freedom House score, for example, declined only two points from 2016 to 2017.[13] Brazil's Open Data Barometer score, on the other hand, increased from 2015 to 2016 in three of four indexes (Government Policies, Government Action, Citizens and Civil Rights). The country's score saw a decrease in the Entrepreneurs and Business index.[14] Brazil's standing slightly declined in Transparency International's Corruption Perceptions Index.[15] However, there are signs of growing integrity and transparency in the private sector.[16]

## 2.2 Scope of Action Plan in Relation to National Context

Civil society organizations (CSOs) perceived the second action plan as having a weak methodology marked by centralized decision-making and little ongoing collaboration with CSOs.

The process for developing the third action plan followed a different path. To develop the list of commitments included in this third plan, government and civil society partnered on each aspect of the decision-making process. They worked together on developing opportunities for collaboration and identifying preferred solutions. The process also included other branches of the government and different levels of federated entities. The parties began by identifying themes. Then, government and civil society alternately led the prioritization process. As such, the 16 commitments included in this action plan better reflect the country's own understanding of open government priorities, challenges, and opportunities.

The commitments are also organized in major open government themes that cover a diverse range of sectors and topics. The "structuring themes" axis (commitments 1-5 and 14), for example, refers to crosscutting actions related to open government. It includes commitments that aim to improve access-to-information policy in the federal government and maximize social participation on the budget plan, among others. The "protection of rights" axis (commitments 6-8 and 15-16) includes five commitments that aim to address citizens' rights in areas such as education, health, the penitentiary system, and culture. Lastly, under the "innovation and improvement of public service" axis (commitments 9-10) and "towards and open state" axis (commitments 11-13), the focus is to promote the culture of innovation in open government in the non-executive agencies and federated entities.

The commitments also cover various levels of government. The "towards an open state" axis aims to promote open government activities outside the federal and executive levels by including three commitments involving other branches and levels of government. For example, the lower house of Congress aims to develop a repository for Open Parliament institutionalization (commitment 11). The government seeks to foster open government experiences in states and municipalities (commitment 12). The Judiciary aims to deploy electronic judicial proceedings at the electoral court (commitment 13).

It should be noted that all of the commitments are related to OGP values and address important open government challenges in the country. However, none of them directly address issues of political party financing or public-private-sector corruption. Nonetheless, it is important to mention that these issues were not prioritized by civil society or the government during the public voting phase of this action plan's development. This process is described in greater detail in the next section of the report.

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[1] Deutsche Welle, "How the Temer government dehydrated the Ministry of Transparency," *Carta,* 30 June, 2017, https://www.cartacapital.com.br/politica/como-o-governo-temer-desidratou-o-ministerio-da-transparencia.

[2] Comments provided to the IRM researcher via e-mail by Article 19 during the pre-publication review of this report, 24 April 2018.

[3] "Chamber Freezes Temer and Bar Complaint by Janot," *El Pais,* 3 August 2017, https://brasil.elpais.com/brasil/2017/08/02/politica/1501673588_289747.html.

[4] Luiz Ruffato, "Meanwhile, in Brazil," *El Pais*, 2 August 2017, https://goo.gl/1npXgM.

[5] "Michel Temer Approval Falls to 5% and Reaches the Worst Index in History," *Globo.com,* 27 July 2017, https://goo.gl/UUkiV1.

[6] "Lava Jato Case," Federal Public Prosecutor's Office, http://www.mpf.mp.br/para-o-cidadao/caso-lava-jato/.

[7] Jonathan Watts, "Operation Car Wash: Is This the Biggest Corruption Scandal in History?" *The Guardian,* 1 June 2017, https://www.theguardian.com/world/2017/jun/01/brazil-operation-car-wash-is-this-the-biggest-corruption-scandal-in-history.

[8] "Brazil: Profile," Freedom in the World 2017, Freedom House, https://freedomhouse.org/report/freedom-world/2017/brazil.

[9] Jamil Chad, "Brazilian Is the One Who Relies Less on Politics, Says World Research," *Estadao,* 11 May 2016, http://politica.estadao.com.br/noticias/geral,brasileiro-e-quem-menos-confia-em-politico--diz-pesquisa-mundial,10000050380.

[10] "Brazil," Data, The World Bank, https://data.worldbank.org/country/Brazil.

[11] Paula Adamo Idoeta, "What the Economy Says about the First Year of Government Fear," *BBC Brazil,* 11 May 2017, http://www.bbc.com/portuguese/brasil-39813073.

[12] Ludmilla Souza, "The Perception of Worsening of the Economy among Traders," *Agencia Brasil,* 17 January 2018, http://agenciabrasil.ebc.com.br/economia/noticia/2018-01/cai-percepcao-de-piora-da-economia-entre-comerciantes.

[13] Brazil: Profile," Freedom in the World 2017, Freedom House.

[14] "Brazil," Country Detail, Open Data Barometer, World Wide Web Foundation, https://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=BRA.

[15] "Corruption Perceptions Index 2017," Surveys, Transparency International, 21 February 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017.

[16] "Transparencia em Relatorios Corporativos," Transparencia Internacional Brasil, http://transparenciacorporativa.org.br/trac2018/.

# III. Leadership and Multi-Stakeholder Process

The consultation process was collaborative and participatory. The Executive Group of the Interministerial Committee on Open Government and the Civil Society Working Group led the process, with advance notice of consultations and awareness-raising activities. The consultations were in-depth and included regular multi-stakeholder engagement, with some delays and trust challenges due to the overall political environment. The self-assessment process included periodic meetings with government and civil society, and was well documented online.

## 3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Brazil. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

| 1. Structure | Yes | No |
|---|---|---|
| Is there a clearly designated Point of Contact for OGP (individual)? | X[1] | |
| | Shared | Single |
| Is there a single lead agency on OGP efforts? | | X[2] |
| | Yes | No |
| Is the head of government leading the OGP initiative? | X | |
| **2. Legal Mandate** | Yes | No |
| Is the government's commitment to OGP established through an official, publicly released mandate? | X[3] | |
| Is the government's commitment to OGP established through a legally binding mandate? | X | |
| **3. Continuity and Instability** | Yes | No |
| Was there a change in the organization(s) leading or involved with the OGP initiatives during the action plan implementation cycle? | | X |
| Was there a change in the executive leader during the duration of the OGP action plan cycle? | X | |

In Brazil, the Interministerial Committee on Open Government (CIGA), which is led by the Ministry of Transparency, Oversight, and Comptroller-General, oversees OGP activities. The CIGA was established by a presidential decree in September 2011. A decision-making body comprising 18 ministries, the CIGA is led by the president's office, which occupies one of the seats. The Executive Group of the CIGA (GE-CIGA) comprises seven government institutions.[4] The GE-CIGA holds responsibility for drafting and submitting the national action plan for CIGA approval, carrying out consultations, and monitoring the implementation of the plan.

Both CIGA and GE-CIGA have legal power to enforce policy changes in other institutions within the government. The federal government allocated a staff to the GE-CIGA to oversee the implementation of the action plan. The government also dedicated a byline in the federal government's budget for OGP-related activities, as part of allocations for the Ministry of

Transparency, Oversight, and Comptroller-General and its secretary of transparency and corruption prevention. Career public servant Otávio Castro Neves, director of the Transparency and Social Control Division, leads this work.

An informal Working Group for Civil Society was established for the consultation phase of the second action plan, but it stopped its activities during the plan's implementation phase, mostly due to dissatisfaction with the list of approved commitments. In late 2015, a formal Civil Society Working Group (CS-WG) was established. The CS-WG consists of seven organizations elected by peers through a public call. The group participated during the consultation and implementation phases of the third action plan. While the CS-WG plays a consultative role (acting under no binding decision-making procedures within the CIGA or in a broader sense), it was agreed at the time of its establishment that an overhaul to the CIGA would be discussed in parallel.[5] Nonetheless, the collaborative process ensured that GE-CIGA worked directly with the CS-WG to develop the action plan.

Finally, it is important to note that Brazil is a highly federalized system, meaning that the national government has few "sticks" to compel subnational governments. Nonetheless, progress on the commitments involving subnational governments shows that the national and subnational governments can successfully coordinate when they so desire.

## 3.2 Co-Creation of the Action Plan

This subsection describes the process how the government collaborated with nongovernmental organizations to develop the action plan. Note that the available list of participating institutions in Table 3.2 below is cumulative, because all participants from Phase 1 (prioritization of themes and subthemes) were invited to participate in Phase 2 (commitment formulation workshop). The phases of the plan's development are described in Figure 3.1 further below. The only commitment that was not carried out in two stages, and did not include civil society in its formulation, was commitment 13. This was due to the late acceptance of a Judiciary institution to join the plan.[6]

### Table 3.2 Participation in OGP by Government Institutions

| How did institutions participate? | Ministries, Departments, and Agencies | Legislative | Judiciary (including quasi-judicial agencies) | Other (including constitutional independent or autonomous bodies) | Subnational Governments |
|---|---|---|---|---|---|
| **Consult:** These institutions observed or were invited to observe the action plan but may not be responsible for commitments in the action plan. | 22[7] | 4[8] | 0[9] | 15[10] | 8[11] |
| **Propose:** These institutions proposed commitments for inclusion in the action plan. | 22 | 4 | 1 | 15 | 8 |
| **Implement:** These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments. | 22 | 4 | 1 | 15 | 8 |

In Brazil, the development of the action plan was based on a structured methodology[12] that involved collaboration between government and civil society, as described further below. The Ministry of Transparency, Oversight, and Comptroller-General designed the

methodology, and approved and updated it in partnership with the Civil Society Working Group (CS-WG). The consultation process occurred in three phases.

During the first stage, the CS-WG and the Executive Group of the Interministerial Committee on Open Government (GE-CIGA) defined a set of overall themes ("structuring themes").[13] Afterward, two groups (one led by the government and the other led by civil society) identified a list of themes that were later used to establish co-creation workshops.

**Figure 3.1 Co-creation Process**
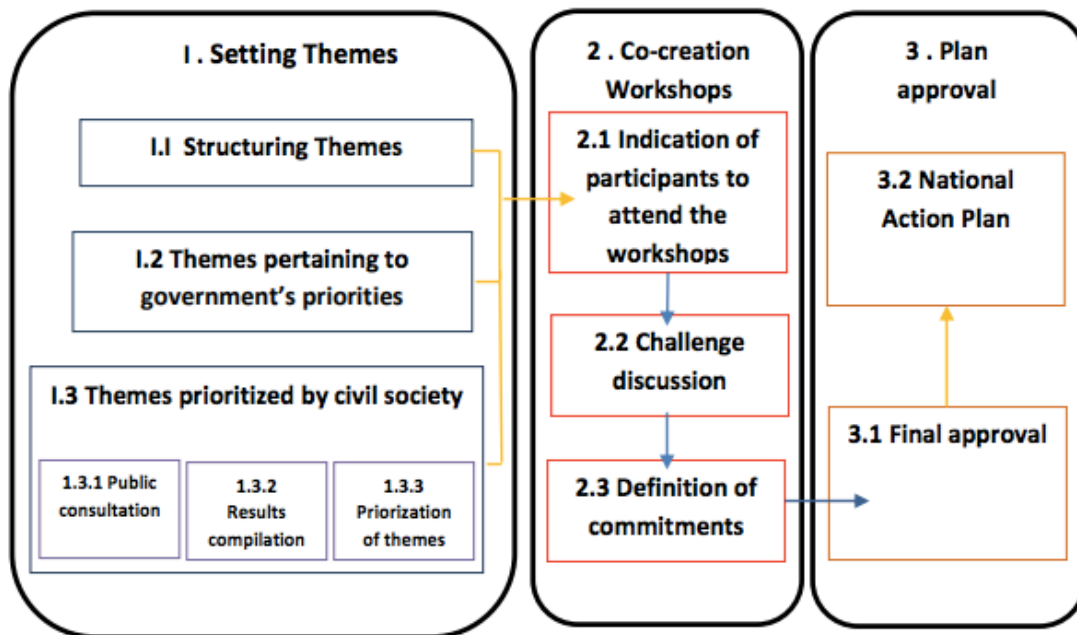


On the government side, internal meetings (at least one for each commitment) revolved around five themes: public service assessment; open data and information governance on health; open government for culture; the streamlining of public services; and prevention of mean, inhumane, or humiliating treatment in the penitentiary system. As illustrated in Table 3.2, there was broad participation within the government. Meeting participants included ministries from the executive branch, legislative bodies, the Judiciary, and subnational institutions. In its internal discussions, the government highlighted the need to combine OGP commitments with the Sustainable Development Goals (SDGs). The United Nations' new agenda on development, known as the 2030 Agenda, set the SDGs.

Civil society hosted a public consultation through the Participa.br website,[14] which was open to everyone. There, the public suggested themes of importance, which were organized by the CS-WG. In the next consulting phase, the issues were displayed for public polling to determine the final civil society proposals. This second round of consultation received 678 online votes on the various themes. The following five themes were prioritized: mechanisms for citizen participation, transparency of public funds, the fostering of open government in states and municipalities, innovation and open government in education, and open data for and active transparency on environmental issues.

The 10 themes, together with the three structuring themes and an Open Parliament proposal, were used to ignite co-creation workshops funded by the government. All meetings were documented and posted online afterward, including pictures and topics discussed.[15] Each workshop aimed to have equal representation from government and civil society. Each was led by a coordinator and a vice coordinator, one from each sector.

According to the government report, between April and October of 2016, 27 co-creation workshops were carried out.

GE-CIGA invitations and CS-WG email lists promoted civil society engagement. One hundred five people attended the co-creation workshops. Out of those, 48 represented the government (federal, state, and municipal levels), and 57 represented civil society (including academia and the private sector—e.g., Microsoft). The minutes of each workshop were promptly made available for consultation online (including images of visual props used for design thinking[16]). Fifty-one civil society organizations participated in both consultation phases and were invited to participate in the implementation phase (a list of participants who engaged on each commitment is listed online).[17]

The use of Participa.br and the civil society prioritization process seemed effective in expanding the diversity of organizations involved in OGP. In the second action plan, for example, no civil society representatives with an interest in the environment participated in the process. This was different in the development of the third action plan. Another improvement involved the participation of private-sector representatives, such as those from Microsoft.

Neide de Sordi, a member of the CS-WG, mentioned that the consultation phase had constructive meetings, noting the engagement of previous and new government institutions. Government representatives also spoke favorably of the consultation phase. One government representative (Augusto Herrmann, commitment 1) was supportive yet also critical. In his point of view, the action plan should promote milestones that allocate resources to better implement activities.

The Brazilian government followed all requirements for consultation during the development, implementation, and review of the OGP action plan, as summarized in Table 3.3 below. The consultation methodology and rules were published online at the beginning of the process, and meetings were hosted online as much as possible. Out of the 16 commitments, only one, involving the Judiciary, was not developed with the collaboration of civil society members. The government unilaterally included this particular commitment, which was already in the judiciary's workplan at the time, at a later stage of the process (after the consultation phase but before the plan was presented to the public). The government justified the decision by pointing out the benefit of including, even at a late stage, the Judiciary branch in the action plan for the first time.

**Table 3.3: National OGP Process**

| Key Steps Followed: 7 of 7 | | | | | | |
|---|---|---|---|---|---|---|
| **Before** | **1. Timeline Process & Availability** | | | **2. Advance Notice** | | |
| | Timeline and process available online prior to consultation | Yes | No | Advance notice of consultation | Yes | No |
| | | X | | | X | |
| | **3. Awareness Raising** | | | **4. Multiple Channels** | | |
| | Government carried out awareness-raising activities | Yes | No | 4a. Online consultations: | Yes | No |
| | | | | | X | |
| | | X | | 4b. In-person consultations: | Yes | No |
| | | | | | X | |
| | **5. Documentation & Feedback** | | | | | |
| | Summary of comments provided | | | | Yes | No |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | | | | X | |

| | **6. Regular Multi-Stakeholder Forum** | | | | | |
|---|---|---|---|---|---|---|
| **During** | 6a. Did a forum exist? | Yes | No | 6b. Did it meet regularly? | Yes | No |
| | | X | | | X | |

| | **7. Government Self-Assessment Report** | | | | | |
|---|---|---|---|---|---|---|
| **After** | 7a. Annual self-assessment report published? | Yes | No | 7b. Report available in English and administrative language? | Yes | No |
| | | X | | | X | |
| | 7c. Two-week public comment period on report? | Yes | No | 7d. Report responds to key IRM recommendations? | Yes | No |
| | | X | | | X | |

**Table 3.4: Level of Public Influence**

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[18] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

| Level of public input | | During development of action plan | During implementation of action plan |
|---|---|---|---|
| **Empower** | The government handed decision-making power to members of the public. | | |
| **Collaborate** | There was iterative dialogue AND the public helped set the agenda. | ✔ | ✔ |
| **Involve** | The government gave feedback on how public inputs were considered. | | |
| **Consult** | The public could give inputs. | | |
| **Inform** | The government provided the public with information on the action plan. | | |
| **No Consultation** | No consultation | | |

### 3.3 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

During implementation, the government also employed a detailed methodology.[19] Follow-up meetings included both the government and the CS-WG. As of the writing of this report, meetings were hosted in February and July 2017 to discuss all commitments. These meetings were livestreamed, and all those involved in the consultation phase were invited in advance by email. Minutes were published online afterward, for consultation.[20]

While meetings are livestreamed, the host usually provides the physical address of the government institution site, for those who want to meet in person. The host gives 4-6 months' advance notice about meetings. The IRM researcher attended five of these meetings and observed that they follow a pre-organized agenda. At the meetings, civil society and

government discuss the implementation of commitments. (There are at least two rapporteurs appointed: one from a civil society organization [CSO] and one from the government.) They engage in constructive criticism and organize joint efforts.

The IRM researcher attended 10 of the monitoring meetings through video-conference. The exchange of ideas appeared intense but always cordial. In some cases, CSO representatives pushed government officials for more impactful efforts. The government representatives welcomed this and vice versa, such as when a government official asked CSO representatives during the meeting to engage more in a milestone's development.

## 3.4 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

The Brazilian government organized its self-assessment report by commitment. It based the report on the regular consultation meetings (also organized by commitment) and on the bimonthly Execution Status Reports (ESR), which are accessible online, and include all documents and minutes referring to each commitment under the subsection titled "*Compromissos*".[21] The report was also based on an August 2017 in-person general event. Transmitted online, the August event featured government representatives reporting on their OGP commitment implementation progress.[22]

The Ministry of Transparency, Oversight, and Comptroller-General compiled relevant information and published the self-assessment report for public comments on Participa.br on 15 August 2017.[23] The report received five comments, all from the same author, who participates in the Civil Society Working Group and attends the regular implementation meetings.[24] In spite of the low number of comments, civil society organizations and members of the public were able to participate in the monitoring process through the regular implementation meetings, perhaps a more effective channel for participation. However, it is still a challenge to connect with civil society members outside of those who belong to the Civil Society Working Group, or who are already in contact with the open government agencies in the country.

The quality of the self-assessment report is high. The report includes the government's assessment of progress for each commitment and milestone. In addition, the government provides a general description of commitment results, which often cites meeting minutes and documents that provide evidence. The government also reports on challenges to and delays in implementation, and the next steps for implementation.

## 3.5 Response to Previous IRM Recommendations

The IRM now reports on how the government followed up on key recommendations issued in the previous IRM progress report. The analysis below documents whether the government addressed the IRM recommendations in its self-assessment report and whether the government incorporated the recommendations into the process of the current action plan.

### Table 3.5: Previous IRM Report Key Recommendations

| | Recommendation | Addressed in the self-assessment report? | Integrated into the action plan? |
|---|---|---|---|
| 1 | Mechanism for social participation in the governance of OGP in Brazil | Yes | Yes |
| 2 | Articulation with other branches of government | Yes | Yes |
| 3 | Articulation with federal entities | Yes | Yes |

| 4 | Inclusion of the commitments with transformative or moderate potential impact that were not implemented | Yes | Yes |
|---|---|---|---|
| 5 | Inclusion of commitments on the national priorities | Yes | Yes |

Of the five recommendations, the government addressed all proposals in its self-assessment report and integrated all of them into the next action plan.

Recommendation 1 aimed to amplify recognition and involvement of civil society organizations. The introduction of the Civil Society Working Group, the collaboration mechanism adopted during the consultation phase, and the regular OGP website updates demonstrate an effort to improve the diversity of civil society organizations following OGP activities.

Recommendations 2 and 3 aimed to expand the role of participating government institutions beyond the federal executive branch. The third national action plan included representatives from other government branches (e.g., federal, legislative, and judiciary) and executive representatives from states and cities (e.g., the mayor of São Paulo).

Recommendations 4 and 5 were indirectly addressed. The close collaboration between several government and civil society organizations shows an effort to promote commitments with milestones that have more potential impact and address national priorities.

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[1] "Open Government Partnership," Brazil Federal Government, http://www.governoaberto.cgu.gov.br/.

[2] "Open Government Interministerial Committee," Open Government Partnership, Brazil Federal Government, 11 December 2014, http://www.governoaberto.cgu.gov.br/no-brasil/comite-interministerial.

[3] "Decree of 15 September 2011," President of the Republic, Civil House, Sub-Office for Legal Affairs, http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/dsn/dsn13117.htm.

[4] Ministry of Transparency, Oversight, and Comptroller-General of Brazil; chief of staff of the Presidency of the Republic; government secretariat of the Presidency of the Republic; Ministry of Finance; Ministry of Planning, Development, and Management; Ministry of Foreign Relations; and Ministry of Justice and Citizenship.

[5] Comments provided to the IRM researcher via e-mail by Article 19 during the pre-publication review of this report, 24 April 2018.

[6] "Step Elaboration of Commitments," Open Government Partnership, Brazil Federal Government, last modified 24 February 2017, http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro/tansparencia-judiciario/copy_of_priorizacao-dos-desafios.

[7] Coordenação de Aperfeiçoamento de Pessoal de Nível Superior; Departamento de Monitoramento e Fiscalização do Sistema Carcerário e do Sistema de Execução de Medidas Socioeducativas do Conselho Nacional de Justiça; Departamento Penitenciário Nacional; Fundo Nacional de Desenvolvimento da Educação (FNDE); Instituto Nacional de Pesquisas Espaciais (INPE); Ministério da Agricultura, Pecuária e Abastecimento (MAPA) - Secretaria-executiva/diretor de programa; Secretaria Especial de Agricultura Familiar e do Desenvolvimento Agrário da Casa Civil da Presidência da República (formerly the Ministério do Desenvolvimento Agrário); Ministério da Ciência, Tecnologia, Inovação e Comunicações; Ministério da Cultura; Ministério da Educação; Ministério da Indústria, Comércio Exterior e Serviços (MDIC); Ministério da Justiça e Cidadania; Ministério da Planejamento, Desenvolvimento e Gestão; Ministério da Saúde; Ministério da Transparência e Controladoria-Geral da União (formerly the Ouvidoria-Geral da União/CGU); Ministério das Mulheres, da Igualdade Racial e dos Direitos Humanos; Ministério do Planejamento, Desenvolvimento e Gestão; Ministério do Turismo; Secretaria de Articulação Institucional e Cidadania Ambiental (SAIC) do Ministério Meio Ambiente; Secretaria-Executiva (SECEX) do Ministério do Meio Ambiente; Secretaria de Governo; Serviço Florestal Brasileiro.

[8] Câmara dos Deputados, Interlegis, Laboratório Hacker, and Senado Federal.

[9] Tribunal Superior Eleitoral (later phases only).

[10] Agência Nacional de Telecomunicações (ANATEL); Banco Central do Brasil; Comissão Mista de Reavaliação de Informações; Escola Nacional de Administração Pública (ENAP); Instituto Brasileiro de Meio Ambiente e dos Recursos Naturais Renováveis (IBAMA); Instituto Brasileiro de Museus (IBRAM); Instituto Chico Mendes de Conservação da Biodiversidade (ICMBIO) - presidente interino; Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (INEP); Instituto de Pesquisa Econômica Aplicada; Instituto Federal de Educação; Instituto Nacional de Colonização e Reforma Agrária; Mecanismo Nacional de Prevenção e Combate à Tortura; Ministério Público Federal; Universidade de Brasília; Universidade Federal de Minas Gerais.

[11] State and federal district level (executive): Governo do Distrito Federal, Governo do Estado do Mato Grosso. Municipal level (executive): Ouvidoria-Geral da Defensoria Pública de São Paulo, Conselho das Ouvidorias de Defensorias Públicas, Prefeitura de São Paulo, Prefeitura de Fortaleza. Legislative, state level: Câmara Municipal de São Paulo and Assembleia Legislativa de Minas Gerais.

[12] Parceria para Governo Aberto Brasil, *Metodologia do 3 Plano de Acao Nacional do Brasil,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/metodologia-diagramada.pdf.

[13] See, for example, commitment 1. "Open Data Workshops," Open Government Partnership, Brazil Federal Government, last modified 24 February 2017, http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro/dados-abertos/Oficinas-dados-abertos.

[14] "3rd Plan of Action—Propose Themes for Formulation of Open Government Actions," Participa.br, 17 December 2017, http://www.participa.br/governoaberto/noticias-da-ogp/3o-plano-de-acao-proponha-temas-para-formulacao-de-acoes-de-governo-aberto.

[15] "Open Data Workshops," Open Government Partnership, Brazil Federal Government.

[16] "Monitoring and Execution of the 3rd Brazilian Action Plan," Open Government Partnership, Brazil Federal Government, 18 December 2014, http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro.

[17] Agenda Pública, Artigo 19, Associação Brasileira de Jornalismo Investigativo, Associação Brasileira de Linfoma e Leucemia, Associação Brasileira de Saúde Coletiva, Associação de Juízes pela Democracia, Associação para Prevenção da Tortura, Bruna Santos (Universidade Columbia), Casa das Redes, Cidades Democráticas, Centro de Inovação para Educação Básica Brasileira, Coalizão Brasil Clima, Floresta e Agricultura, COLAB/USP, Colegiado Setorial Música, Educadigital, EOKOE, FGV - DAPP, Fundação Getúlio Vargas, GPOPAI/COLAB-USP, GT Sociedade Civil, Imaflora (Coordenação), Imazon, INESC, Inesc (GT), Infoamazônia, Instituto Brasileiro de Planejamento e Tributação, Instituto de Defesa do Consumidor, Instituto de Estudos Socioeconômicos, Instituto de Fiscalização e Controle, Instituto Natura, MariaLab, Meu Município, Microsoft, Nossa São Paulo, Observatório do Código Florestal, Observatório Social de Brasília, Observatório Social do Brasil, ONG THYDÊWÁ - Potyra Te Tupinambá - mensagens da terra, Open Knowledge Brasil, Pastoral Carcerária, Proteste, Reclame Aqui, Rede Nossa São Paulo, Rede pela Transparência e Participação Social, Rede Social Brasileira por Cidades Justas e Sustentáveis (Instituto Soma Brasil), Rede Urbana de Ações Socioculturais, Rodas da Paz, SEDUC Fortaleza, Transparência Brasil, Transparência Internacional, and Veduca.

[18] International Association for Public Participation, *IAP2's Public Participation Spectrum,* 2014, http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

[19] "Execution and Monitoring Meetings," Open Government Partnership, Brazil Federal Government, last modified, 12 March 2011, http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro/dados-abertos/reuniao_meio%20ambiente.

[20] See, for example, Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-20-abril-rse_1.pdf.

[21] "Monitoring and Execution of the 3rd Brazilian Action Plan, Open Government Partnership, Brazil Federal Government. http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro

[22] Ministerio da Transparencia, "2 Reuniao Geral de Coordenadores de Compromisso de 3 Plano de Acao Nacional," YouTube, 9 August 2017, https://www.youtube.com/watch?v=9Ypli3EJ6MU&feature=youtu.be.

[23] "Public Consultation—Intermediate Report of Self-Assessment 3rd Plan of Action," Participa.br, 15 August 2017, http://www.participa.br/governoaberto/noticias-da-ogp/consulta-publica-relatorio-intermediario-de-autoavaliacao-3o-plano-de-acao.

[24] "Devolutiva—Intermediate Report of Self-Assessment 3rd Plan of Action," Participa.br, 22 September 2017, http://www.participa.br/governoaberto/noticias-da-ogp/devolutiva-relatorio-intermediario-de-autoavaliacao-3o-plano-de-acao.

# IV. Commitments

At the midterm, most of the commitments in Brazil's third action plan are in a preliminary stage of implementation. Specifically, 13 of 16 commitments have limited completion and are behind schedule. As for ambition, two of the commitments are potentially transformative, whereas 10 commitments have a minor potential impact.

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's unique circumstances and challenges. 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.[1]

## What Makes a Good Commitment?

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

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity:** This variable assesses the level of specificity and measurability of each commitment. The options are:
    - **High**: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
    - **Medium:** Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
    - **Low**: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
    - **None**: Commitment language contains no measurable activity, deliverables, or milestones.

- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
    - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
    - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
    - **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions?
    - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[2]

- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
    - Identify the social, economic, political, or environmental problem;

     o Establish the status quo at the outset of the action plan; and
     o Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

**Starred commitments** are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[3]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Brazil's action plan contained 1 starred commitment, namely:

- *Commitment 6. Establish a new model for assessing, purchasing, fostering and distributing Digital Educational Resources (RED), in the context of digital culture*

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Brazil and all OGP-participating countries, see the OGP Explorer.[4]

## General Overview of the Commitments

The action plan includes four axes of commitments: the structuring of crosscutting themes, protection of rights, innovation and improvement of public services, and movement toward an open state (i.e., involving nonfederal executive actors). The text of the commitments in the sections that follow are copied directly from the official action plan. The timelines for implementation, milestones, and responsible and supporting institutions are all drawn from the text of the action plan as well.

In terms of implementation, 13 of 16 commitments have limited progress and are behind schedule, according to the timelines established in the action plan. Three commitments have substantial completion and are on time. As for design, 10 of the 16 commitments have a minor potential impact. Four have a moderate potential impact, and two are potentially transformative. As mentioned earlier, all of the commitments are relevant to OGP values of open government. For more details, please see the individual commitment sections that follow.

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[1] *Open Government Partnership: Articles of Governance,* June 2012 (updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.
[2] *IRM Procedures Manual*, https://www.opengovpartnership.org/documents/irm-procedures-manual
[3] The International Expert Panel changed this criterion in 2015. For more information, see "IRM to Raise the Bar for Model Commitments in OGP," Open Government Partnership, 6 May 2015, http://www.opengovpartnership.org/node/5919.
[4] "Welcome to the OGP Explorer," Open Government Partnership, http://bit.ly/1Rm3Ufq.

# I. Open Data on the Federal Government

**Commitment Text:**
***Identify and implement mechanism for recognizing solvable or mitigable problems, upon the data presented by the government, which meets expectations from requesters and providers***

*To raise government and society participation in discussions, in order to assure a bonding between open data requested from citizens and what is offered by the State, taking into account not only data, but IT tools as well and suitable ways of making information available. In order to implement this initiative, the commitment envisages carrying out communication activities aimed at society mobilization and sensitization, and making use of institutional channels for personal and virtual discussions about the theme.*

*1.1 – Identification, among the parties involved in each action, the supplier of relevant resources, for enabling foreseen benchmarks, defined during the planning phase*
*1.2 – Evaluation of open data social participation, via virtual channels throughout the process*
*1.3 – Integrated information actions for mobilization and sensitization/Taking advantage of institutional channels, personal and virtual, for discussions about provided and requested open data*
*1.4 – Training for recognizing solvable problems, in themes (design thinking) – Ministries of Health, Environment, Justice and Citizenship, Culture, Education/ Identify, with the help of governmental agencies, concrete situations, which can be tackled with open data*
*1.5 – Systematization of information and problems perceived during training*
*1.6 – Identification of prospective data for alleviating problematic situations, assured the consensus among all actors*
*1.7 – Establishing a collective action agenda among the actors, for open data use*
*1.8 – Prioritization of two identified problems*
*1.9 – Implementation of two pilot experiments, with open data use, and with assured association between provided and requested data*

**Responsible institution:** Ministry of Planning, Development and Management

**Supporting institutions**: Chamber of Deputies, Ministry of Justice and Citizenship, Ministry of Development, Industry and Foreign Trade Government Secretariat, Group Public Policy Research on the access to information (GPOPAI-USP), Socioeconomic Studies Institute (INESC), Open Knowledge Brasil, Our Network São Paulo, W3C Brasil

**Start date:** December 2016 ..                **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 1. Open Data in the Federal Government | | | ✔ | | ✔ | ✔ | | ✔ | | ✔ | | | No | | ✔ | | |

## Context and Objectives

In spite of the increasing supply of open data by the government, the use of these datasets by civil society organizations, journalists, and the private sector is low. The commitment aims to better align the government supply of open data with the demand for data by the public. To do this, the commitment will generate new open data processes that identify both civil society needs and government capacity.

The commitment addresses a frequent issue raised by civil society. The 2017 Abrelatam and Condatos open data events, for example, focused on the need to measure the impact and use of open data efforts. Beth Noveck of GovLab emphasized at the August 2017 event, "Don't tell me how many datasets you opened, tell me how many lives you improved and problems solved."[1] Thiago Ávila, from the Open Knowledge Foundation, suggests—based on a McKinsey and Company report—that by 2020, 67 percent of all open data in the world will be useless for solving problems unless we address the needs of users and uses of open data procedures.[2]

The commitment has medium specificity. On the one hand, it outlines the ultimate aim of running two pilot experiments using open data. It also specifies a series of intermediate steps. Those steps include evaluating the channels for participation on issues of open data, conducting trainings on how to identify problems that can be solved with open data, and identifying the type of data that is necessary for solving problems through government and civil society consensus. On the other hand, the scope of the various deliverables is unclear, reducing the measurability of the overall commitment.

It should be noted that the government proposed a new version of the commitment milestones[3] in August 2017, with the approval of civil society. The government plans to use the updated version of the commitment for the rest of the implementation period. The new version includes as a final deliverable the same two pilot experiments. However, it also includes more consultation and collaborative processes (such as a survey and a data-sharing report), as well as a private-sector-sponsored award for the best innovation.

The commitment is relevant to the following OGP values: access to information, civic participation, and technology and innovation. It proposes both releasing new open data and involving citizens in the identification of priority datasets for release.

The commitment has a minor potential impact, as written. The release of datasets based on an initial identification of end-user demands constitutes an important rethinking of open data processes. However, pilot experiments are more likely to inspire future projects rather than produce a direct impact on open government, especially within a two-year period. A government representative (Augusto Herrmann) shared this viewpoint but acknowledged that the potential impact in the long term could be higher. Ultimately, the success of the commitment will depend on the selected pilot experiments, which will in turn depend on the quality of the prioritization process and the issues addressed.

## Completion

The level of commitment completion is limited.

Milestones 1.1-1.5 were completed: the identification of the actors with the resources to achieve the milestones, the evaluation of social participation in the field of open data, the mobilization and awareness-raising activities, and the systematization of information were delivered. However, these milestones were not fulfilled as they were originally intended. Milestones 1.6-1.9 were not started as of mid-2017.

The government did, internally, propose a new set of milestones in July 2017. These milestones have not been submitted to OGP to be considered as formal milestones of the commitment. (Though they have been discussed with civil society counterparts during all monitoring meetings, there is still a need to submit them to OGP.)

The IRM assessment is based on the formal action plan submitted to OGP (and not on new and unofficial milestones). However, the commitment's progress follows a slightly different pace under the proposed new milestones. The first proposed milestone closely mirrors milestones 1.2 and 1.3. It involves collecting information to identify key areas that could use more open datasets. To implement this milestone, the government developed a survey to identify civil society problems that can be solved with open data.[4] It also began an analysis of information requests by civil society representatives of Colab, a research center at the University of São Paulo that carries out research on access to information and transparency. The analysis has not been published as of the writing of this report. This information is being systematized and drafted as a report with the participation of civil society.[5]

Actions on the other four new milestones have not started. The government (Augusto Herrmann) and the Institute for Socioeconomic Studies (INESC, Carmela Zigoni)—both interviewed by the IRM researcher—confirmed this.

As written in the action plan, milestone 1.4 was planned to be delivered by October 2017, which puts the commitment currently behind schedule. As the government representative mentioned during the interview, the team responsible for the commitment changed—and has become smaller—since the start of the action plan. Consequently, the government needed to redesign the milestones and provide a more focused approach. Thus, the redesign delayed implementation. This information was confirmed by INESC, which was also interviewed by the IRM researcher.

## Early Results (if any)
Based on the preliminary draft of the report on the nature of current information requests,[6] civil society primarily demands data related to public expenditures in health and education. Beyond this initial assessment, however, limited results have been achieved. The full picture of this commitment's results will emerge once the pilot projects are implemented.

## Next Steps
The commitment constitutes a first step toward promoting more effective open data policies and should continue to be implemented. The government should define other specific activities that align civil society needs with government open data plans and advance these efforts. These efforts can be advanced by building on existing and unused open datasets. Work should also be done to align civil society needs with the pro-active disclosure of other information and documents (not only datasets).

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[1] Elza Maria Albuquerque and Natalia Mazotte, "Look at the Problem and Measure the Impact: Key Findings at the Meeting of the Latin American Open Data Community," Open Knowledge Brasil, 1 September 2017, https://br.okfn.org/2017/09/01/olhe-o-problema-e-meca-o-impacto-principais-achados-no-encontro-da-comunidade-latino-americana-de-dados-abertos/.
[2] Elza Maria Albuquerque and Thiago Avila, "What Will We Do with the 40 Trillion Gigabytes of Data Available in 2020?" Open Knowledge Brasil, 29 September 2017, https://br.okfn.org/2017/09/29/o-que-faremos-com-os-40-trilhoes-de-gigabytes-de-dados-disponiveis-em-2020/.
[3] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-30-agosto-rse_1.pdf.
[4] "Questionario para Directionar os Esforcos do Governo Federal na Abertura de Dados," Google Groups, 3 August 2017, https://groups.google.com/forum/#!msg/inda-br/NnwFPtVFVjQ/I7KvDSysDQAJ.
[5] "Ministerio do Planejamento, Desenvolvimento e Gestao," Google Drive, https://docs.google.com/document/d/1yId6y8n8AyVhYSKd1SqwRzNGXPqkJHqSDV1yikA0-do/edit.
[6] "Ministerio do Planejamento, Desenvolvimento e Gestao," Google Drive.

## 2. Transparency of Public Funds

**Commitment Text:**
*Formulate a strategic matrix of transparency actions, with broad citizen participation, in order to promote better governance and to ensure access and effective use of data and public resource information*

*The commitment aims to enhance active transparency mechanisms on federal public resources, that is, to improve actions related with information the State must disclose, without being demanded for. It establishes ways of assuring information will be appropriated and effectively used by society, which will allow greater understanding and will also broaden social participation, providing a more effective monitoring.*

*2.1 – Development of a Plan of Mobilization and Disclosure, in order to enhance participation, assuring best practices dissemination, related to public resource information*
*2.2 – Transparency Council restructuring*
*2.3 – Survey of initiatives, rules, systems and data (public or not), related to transparency and federal public resources*
*2.4 – Formulation of a strategic matrix, related to transparency actions, with identification of those in charge and deadlines*
*2.5 – Plan approval and dissemination*
*2.6 – Final report launch*

**Responsible institution:** Ministry of Transparency, Oversight and Comptroller General of Brazil

**Supporting institutions**: Ministry of Justice and Citizenship, Ministry of Planning, Development and Management, Ministry of Finance, Central Bank of Brazil, City Hall of São Paulo, Brazilian Institute of Tributary Planning, Institute for Socioeconomic Studies (Inesc), Social Observatory of Brazil, Open Knowledge, Transparency Brazil

**Start date:** December 2016 ..                              **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 2. Transparency of Public Resources | | | ✔ | | ✔ | ✔ | | | | ✔ | | | No | | ✔ | | |

### Context and Objectives

The commitment addresses the need to improve active transparency mechanisms at the federal level. The government aims to achieve this goal by improving the government disclosure of data in key active transparency initiatives, such as the Federal Transparency Portal. Specifically, the government expects to design a governance-model strategic matrix of key transparency actions. The matrix will highlight actions that promote the proactive disclosure of government information (i.e., the release of information before it is requested),

as well as the appropriate and effective use of government information by civil society in monitoring government activities.

In December 2015, the government released an index of active transparency, the Escala Brasil Transparente (Brazilian Transparency Index).[1] The government based the index on its agencies' responses to information requests at the federal, state, and municipal levels. The report makes clear that cities, in particular, need to improve their active transparency processes. In the 2017 index, only 2 percent of cities achieve the maximum score.[2] At the state level, the results were also poor: the state of Amapá had a score of zero, and Rio de Janeiro had the second lowest score (5 points out of 10).

The commitment's level of specificity is medium. The commitment lists several deliverables. These include the formulation and publication of a strategic matrix with transparency actions, a restructuring of the Transparency Council, and a survey of transparency initiatives related to federal public resources. However, the full scope of many of the milestones is unclear, which makes it difficult to properly assess the activities.

The commitment has a minor potential impact, due to its mostly strategic nature. From civil society, the Institute for Socioeconomic Studies reported to the IRM that the commitment could have a major impact. It noted that current active transparency portals do not include (or include only limited) information about fiscal data and the composition of federal budget expenses. However, while the commitment could lead to important improvements in the future, most of the milestones refer to preliminary steps. For example, the main deliverable—the published matrix and report with key transparency actions—would include reforms to be implemented after the end date of the action plan.

The commitment focuses on using technology (such as the Transparency Portal and open data processes) to increase active transparency mechanisms, such as the Electronic System of Information Services to the Citizen and ombudsman channels such as the e-OUV (federal ombudsperson system). Thus, the commitment is relevant to the OGP values of access to information and technology and innovation. In addition, the commitment is relevant to civic participation because the government plans to 1) develop the strategic transparency actions together with civil society and 2) restructure and strengthen the Transparency Council, a forum that includes both government and civil society organizations.[3]

### Completion

The commitment's level of completion is limited.

As stated in the July 2017 implementation report,[4] the Ministry of Transparency, Oversight, and Comptroller-General produced the mobilization plan (milestone 2.1). The plan was submitted for public consultation among the civil society partners listed as supporting institutions in the commitment text. Nonetheless, the government received no feedback on the proposed content.

As for the restructuring of the existing Transparency Council (milestone 2.2), the government submitted a policy proposal for civic consultation at the Participa.br portal in September 2017.[5] The new proposal aims to give the council a more active role and enable it to demand other agencies reply to its inquiries. The proposal was open for public consultation between 25 September 2017 and 24 October 2017. During this period of time, the proposal received more than 40 comments.[6] However, since the government proposed the policy after the cut-off date for this evaluation (June 2017), the milestone will be considered complete in the next IRM report.

The mapping of initiatives, norms, systems, and datasets related to federal resources (milestone 2.3) is underway. The open data portal Dados.gov.br stores an updated list of datasets available for download.[7] The Transparency Portal stored a set of norms and

initiatives on federal transparency processes prior to the start of the action plan.[8] The government still has to update the list of initiatives at the state and city levels.

Milestone 2.4 has limited progress. This milestone refers to the elaboration of a strategic matrix to promote transparency initiatives. The milestone also includes initiatives related to the future delivery of a new transparency portal, a working group on data standards, and an event in Brasilia to advance the matrix debate. According to a government representative, these activities are planned. While discussions have begun, the activities have not been executed.

Milestones 2.5 and 2.6 have not started.

As mentioned in the action plan, milestones 2.1-2.3 were expected to be delivered by October 2017. Thus, the commitment is currently behind schedule.

## Early Results (if any)

Due to the limited completion of the commitment, there is little evidence of early results. A civil society representative from the Institute for Socioeconomic Studies reported that the commitment's implementation started in July 2017. However, it is important to mention that the government did carry out preliminary steps beforehand, such as hosting a monitoring meeting in February 2017 that included discussion of the commitment, as well as e-mailing minutes to and requesting suggestions from stakeholders in April 2017. The representative noted that the previously designed milestones are expected to be redefined by adopting a broader focus. The new milestones shift the focus from detailed fiscal transparency data.

## Next Steps

The IRM researcher recommends completing the commitment. As next steps, the government should refine the focus of the commitment, because there is limited time left in the action plan. This means that beyond mapping possible areas for action, the government should be more specific about which challenges and opportunities the commitment will address.

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[1] Mariana Damaceno, "Government Launches Active Transparency Index," Undersecretariat of Disclosure, last modified 9 December 2015, https://www.agenciabrasilia.df.gov.br/2015/12/09/governo-lanca-indice-de-transparencia-ativa/.
[2] Carolina Pimentel, "Less Than 2% of Municipalities Have a Maximum Grade in Transparency, Says CGU," *Da Agencia Brasil,* last modified 20 November 2015, http://www.ebc.com.br/noticias/2015/11/menos-de-2-dos-municipios-tem-nota-maxima-em-transparencia-aponta-cgu.
[3] The full list of council members is available online on the CGU website: http://www.cgu.gov.br/assuntos/transparencia-publica/conselho-da-transparencia/composicao
[4] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-31-agosto-rse_2.pdf.
[5] "Pubic Consultation: Transparency Council," Open Government Partnership, Brazil Federal Government, http://www.governoaberto.cgu.gov.br/noticias/2017/consulta-publica-conselho-de-transparencia/view.
[6] "Consulta Pública: Minuta de Decreto de Reformulação do Conselho de Transparência Pública e Combate à Corrupcão," Participa.br, 22 September 2017, http://www.participa.br/governoaberto/noticias-da-ogp/consulta-publica-minuta-de-decreto-de-reformulacao-do-conselho-de-transparencia-publica-e-combate-a-corrupcao#comments_list
[7] "Feature Datasets," Dados.gov.br, http://dados.gov.br/.
[8] "About the Portal—Legislation," Portal de Transparencia, Ministerio da Transparencia e Controladoria-Geral da Uniao, http://www.transparencia.gov.br/sobre/Legislacao.asp.

## 3. Access to Information Policy in the Federal Government – Promptness and Effectiveness to Information Requests

**Commitment Text:**
*Enhance mechanisms in order to assure more promptness and answer effectiveness to information requests, and the proper disclosure of the classified document list*

*The commitment intends to enhance the access to information aspects rendered by the federal governmental bodies, contributing therefore to the advancement of a culture of transparency in the civil service. The commitment aims to have the classified documents list, rated by the agencies, as transparent as possible, and also to provide methodological guidelines for qualitative evaluation of answers given by those bodies.*

*3.1 – Recommendation of subject inclusion at the classified information list*
*3.2 – Establishment of a deadline rule for additional clarifications*
*3.3 – Establishment of an evaluation methodology, essentially considering: training, information list, subject, time, answer effectiveness*
*3.4 – Evaluation carrying out*
*3.5 – Publishing of evaluation results*
*3.6 – Recommendations to organizations, considering guidelines, in order that the Information Access Act understanding binds the civil servant functional life.*
*3.7 – Publishing of the agency answer*
*3.8 – Referral and results*

**Responsible institution:** Ministry of Transparency, Oversight and Comptroller General of Brazil

**Supporting institutions:** Ministry of Planning, Development and Management, Joint Committee of Information Reassessment, Ministry of Justice and Citizenship, Chamber of Deputies, Article 19, Getúlio Vargas Foundation, Transparency International, Brazilian Association of Investigative Journalism, Mr. Francisco Leali

**Start date:** December 2016 .  **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 3. Effective Access to Information Policy | | | ✔ | | ✔ | | | | | | ✔ | | No | | ✔ | | |

### Context and Objectives
The commitment addresses issues of nonreplies to information requests and the misuse of denials (e.g., use of the "classified information" argument). Thus, the commitment seeks to improve the effectiveness of information requests at the federal level and the proper use of

exceptions. It also aims to reform the rules used to justify safeguarding classified information. To achieve these objectives, the government expects to make the list of current classified documents as transparent as possible. It will also provide methodological guidelines for a qualitative evaluation of responses to information requests. Ultimately, the government will evaluate agency practices, publish the results, and offer recommendations for improving practices.

The commitment's level of specificity is medium. Its intermediate steps include agencies delivering an improved document classification list, setting deadlines to provide requested information, and developing a methodology to evaluate the effectiveness of government agency responses to information requests. However, it is unclear how these deliverables will increase promptness and effectiveness in responses to information requests. The commitment is relevant to the OGP value of access to information, because it seeks to improve the information request process.

The commitment has a moderate potential impact, particularly if it can increase the reply rate of government agencies and address denied requests in key cases. In particular, the list of classified documents, even if it is not a form of active transparency, is closely related to the quality of government responses to access to information requests. More detailed classifications can reduce the response time and improve overall compliance by allowing citizens to more clearly contest the denials of requests.

Brazil's transparency mechanisms have been increasingly used in the past five years, which is positive. However, analysis has shown a need to improve the service's efficiency and transparency in several cases.[1] In this context, it is noteworthy that the government has proposed to both evaluate the current practices and promote an actual policy change by 2018. This policy change will allow for more transparency and efficiency in evaluating transparency mechanisms. It will also advance provisions for agencies to improve their practices, including publication of evaluation results, a response from each agency, and follow-up meetings. Identifying, evaluating, and, if necessary, correcting denied information requests based on the classified information exemption (in the case of misuse) would be an important step forward for access to information in Brazil.

## Completion
The commitment's level of completion is limited.

Milestone 3.1 is complete. The government drafted the policy proposal, submitted it to civil society for comment,[2] and published it.[3] The policy would include a required field in access-to-information requests to identify the type of classified information. This field has already been adopted by some websites, including that of the Ministry of Transparency, Oversight, and Comptroller-General (CGU), as verified by the IRM researcher. According to a government representative (interview with Marcelo de Brito Vidal), other government institutions requested more time to adopt the recommendation, citing the complexity of internal procedures.

Milestone 3.2, which deals with the legal requirements to enforce the commitment goal, has seen substantial progress, but it is not complete. The CGU's original plan was to update Presidential Decree 7.7214/2012, which establishes the criteria for classified information. However, the agency is currently analyzing strategies that can provide the necessary policy changes within the CGU's existing legal capacity. The legal analysis has not yet been shared with civil society for comment, but the ministry did send it to the IRM researcher, who verified its existence.

The methodology to evaluate current practices (milestone 3.3) is substantially complete. The government drafted a proposal of the methodology and submitted it to civil society for consultation.[4] According to the government, when the process is complete, the

methodology will be published on the website for the Freedom of Information Act (www.lai.gov.br).

Milestone 3.4 has begun. Because it depends on the completion of milestone 3.3, only preliminary work has started. The government reports that internal meetings between the CGU and the Ministry of Planning, Development, and Management are being held to define a capacity-building series. The information is internal, but evidence of email exchanges was sent to the IRM researcher, who verified the progress.

Milestones 3.5-3.8 have not been initiated, but are nonetheless still on schedule.

As mentioned in the action plan, milestones 3.1-3.3 were expected to be delivered by June 2017, which puts the commitment behind schedule.

## Early Results (if any)
It is too early to analyze the results of this commitment. The government deployed a new policy regarding the classified information list. Some websites have received the new fields of information. However, there has not been broad adoption across government thus far. The Ministry of Transparency, Oversight, and Comptroller-General is the leading institution in adopting the new policy. Other branches of the government (including at the subnational level) have not adopted it yet. Also, training and evaluation should be implemented before analyzing the commitment's contribution to government openness.

## Next Steps
One of the key intended outcomes of this commitment is for civil society to be able to identify the main instances when government uses the classified information argument to deny information requests. To achieve this, however, the various institutions processing information requests must change their practices based on the results and recommendations of the evaluation described above. Thus, the implementation of the remaining milestones is only the first step. A plan for following up on the uptake of the proposed policy changes across the federal government will be essential for achieving the desired impact.

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[1] Gregory Michener and Irene Niskier, "Law of Access to Information 5 Years Ago with Advances and Limitations," *Folha de S. Paulo,* 30 September 2017, http://www1.folha.uol.com.br/poder/2017/09/1923133-lei-de-acesso-a-informacao-faz-5-anos-com-avancos-e-limitacoes.shtml.
[2] Open Government Partnership, *Memoria de Reuniao—Compromissos 3 e 4,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/memoria_reuniao_02ago2017.pdf.
[3] *Guia para Publicação do Rol de Informações Classificadas e Desclassificadas e de Relatórios Estatísticos sobre a Lei de Acesso a Informação,* http://www.acessoainformacao.gov.br/lai-para-sic/sic-apoio-orientacoes/guias-e-orientacoes/guia-informacoes-classificadas-versao-3.pdf.
[4] A representative from Article 19 confirmed this to the IRM researcher.

## 4. Access to Information Policy in the Federal Government – Requesters' Personal Information Safeguard

**Commitment Text:**
***Ensure requester's personal information safeguard, whenever necessary, by means of adjustments in procedures***

*The commitment seeks to contribute for the safeguard of the access to information requester´s personal data, whenever there is an identity disclosure, which may provoke a differentiated treatment. It also intends to carry out legal studies and international comparisons, so that it can open room for a public information requesting model which may be compatible with the current law and that may disclose only the least necessary information about requesters, with the intent of guaranteeing neutrality while disclosing information.*

*4.1 – Legal Study*
*4.2 – International comparative study on how the requester´s personal information safeguarding works, with its implications*
*4.3 – Rule(s) about requesters´ personal information processing*
*4.4 – Defensible situations establishment*
*4.5 – Proceeding review, whenever situations can happen anonymously, and access information system implementation*
*4.6 – Undersigning arrangement, in order to safeguard requesters´ personal information, taking into account the studies related to the subject*
*4.7 –Results evaluation*

**Responsible institution:** Ministry of Transparency, Oversight and Comptroller General of Brazil

**Supporting institutions:** Ministry of Planning, Development and Management, Joint Committee of Information Reassessment, Ministry of Justice and Citizenship, Chamber of Deputies, Article 19, Getúlio Vargas Foundation, Transparency International, Brazilian Association of Investigative Journalism, Mr. Francisco Leali

**Start date:** December 2016 .          **End date:** July 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 4. Neutral Access to Information Policy | | | ✔ | | ✔ | | | | | | ✔ | | No | | ✔ | | |

### Context and Objectives

Commitments 3 and 4 are closely related, and their results are linked. Both commitments address a key policy problem: improving the quality and safeguarding access-to-information requests. Commitment 3 addresses the misuse of the classified information argument as a

reason to deny access to information. Commitment 4 addresses the need to protect the personal information of requesters of information. Such information can be used by the government to deny information or for ulterior purposes.

According to the action plan, governmental agencies may currently provide subjective treatment of information requests based on the identity of the requester (e.g., investigative journalists or civil society organizations). This commitment therefore aims to ensure that requesters' personal information is safeguarded, whenever possible. Doing so may prevent deferential treatment and ensure a neutral access-to-information policy.[1]

To achieve this objective, the government set seven milestones. These include producing a legal study on how to draft policies to enforce such a safeguard, a study of how other countries cope with the issue, and new rules about processing requesters' personal information. Once a solution is devised, the government aims to implement changes to the process and evaluate the results.

The misuse of requesters' information by government agencies is an important issue. In a five-year study of the Freedom of Information Act in Brazil, the Getúlio Vargas Foundation found that the law is effective and highly used by government and civil society.[2] In a separate report, the government acknowledged that the law is one of the most effective in recent times.[3] However, scientific evidence shows that the process of obtaining public information from governmental agencies should be applicant blind and nondiscriminatory. Such evidence also shows that in Brazil, particularly at the municipal level, public administrators search requesters on Google and discriminate on the basis of identity.[4]

The commitment's level of specificity is medium. The scope of many of the activities remains unclear (e.g., the depth of the international comparative and legal studies are not specified). The commitment does delineate the steps necessary to achieve the overall objective.

The commitment is relevant to the OGP value of access to information. The protection of personal data is, by itself, not directly evaluated by the OGP process. However, the ultimate objective of this commitment is to avoid biased government responses to information requests, which would clearly improve the access-to-information process. A neutral access to information policy would also help people feel comfortable requesting information, which could benefit other areas, such as the fight against corruption.

The commitment has a moderate potential impact. The protection of personal data in information requests could improve the neutrality of the process. Such protection could also help prevent cases of discrimination like those cited above, which are a key problem in Brazil. While it is hard to identify the extent of the problem because the government lacks information on the identities of information requesters,[5] particularly in city- or state-level institutions,[6] the problem clearly exists, as evidenced by recent reports of bias in responding to information requests.[7] Ultimately, the possible impact of the new safeguards will depend on how they are designed and implemented, actions that will occur based on the results of the legal and comparative studies.


## Completion

The commitment has a limited level of completion. Only the first two milestones, which refer to preliminary studies, were completed by the midterm. The legal study of how to adjust the government's policy to the commitment needs (milestone 4.1) was published in July 2017.[8] It provides an assessment of how the constitutional principle of anonymity should be understood in the case of protecting the requester's name. The Getúlio Vargas Foundation executed the comparative study on safeguarding requesters' personal information (milestone 4.2) and submitted it for public consultation in April 2017.[9]

Milestone 4.4 is underway. It involves the identification of justifiable cases to protect the requester's identity in the Electronic System of Information Services to the Citizen, the

government's freedom-of-information system. The Ministry of Transparency, Oversight, and Comptroller-General (CGU) submitted a request for analysis to its Legal Consulting Unit, which rejected the proposed view on safeguarding the requester's identity. CGU sent a counterargument and was waiting for a reply at the time of writing. The communication is internal to government but was sent to the IRM researcher for verification.

Milestones 4.3, 4.5, and 4.7 have not been started and are pending the conclusion of milestone 4.3. As mentioned in the action plan, milestones 4.1-4.4 and 4.6 were expected to be delivered by October 2017, which means that the commitment is behind schedule.

## Early Results (if any)

Two civil society groups (Article 19 and the Brazilian Association of Investigative Journalism) and a government ministry (the Ministry of Planning, Development, and Management) have confirmed the importance of the commitment to the IRM researcher.

Positive contributions lie in the studies conducted as part of this commitment: the comparative work and the legal study on protecting a requester's identity. The analyses focus on the constitutional understanding of how anonymity can be secured and how the requester's identity can be safeguarded.

In terms of proper results, however, it is too early to analyze the effects of this commitment on open government. The changes to access-to-information procedures have yet to be implemented.

## Next Steps

After this commitment is implemented, the government could address similar misuses of requesters' information in access-to-information cases in other branches of government. Article 19 has pointed out that when courts act as the last appeal agency, they also withhold information in access-to-information cases, using the Access to Information Law.[10] Both the Brazilian Association of Investigative Journalism and Transparency Brazil highlighted the need to transform the access-to-information process to one of active disclosure of information.[11]

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[1] Gregory Michener and Karina Rodrigues, "Who Wants to Know? Assessing Discrimination in Transparency and Freedom of Information Regimes" (paper presentation, 4th Global Conference on Transparency Studies, Lugano, Switzerland, 4–6 June 2015), https://goo.gl/75phhG.

[2] "Working Paper: From Opacity to Transparency? Evaluation the 5 Years of the Law on Access to Brazilian Information," Programa de Transparencia Publica, http://transparencia.ebape.fgv.br/working-paper-opacidade-transparencia-avaliando-5-anos-lei-de-acesso-informacao-brasileira.

[3] Isabela Vieira, "Law on Access to Information 'Caught Up,' Experts Say," *Agencia Brasil,* 21 August 2014, http://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2014-08/lei-de-acesso-informacao-pegou-avaliam-especialistas.

[4] Rafael Antonio Braem Velasco, "Who Wants to Know? A Field Experiment to Assess Discrimination in Freedom of Information Regimes," FGV Digital Repository, December 2016, http://bibliotecadigital.fgv.br/dspace/handle/10438/18220.

[5] Article 19, *Leis de Acesso a Informacao: Dilemas da Implementacao,*" https://monitorando.files.wordpress.com/2011/11/estudos-em-liberdade-de-informaccca7acc83o-1-web.pdf.

[6] "Study Shows That States and Municipalities Are Poor in Access to Information," *FGV,* 22 May 2017, https://portal.fgv.br/noticias/estudo-mostra-estados-e-municipios-deixam-desejar-acesso-informacao.

[7] Luiz Fernando Toledo, "Gestão Doria age para dificultar a Lei de Acesso à Informação," *Estadão*, 8 November 2017, http://sao-paulo.estadao.com.br/noticias/geral,gestao-doria-dificulta-acesso-a-dados-e-viola-lei-de-acesso-a-informacao,70002075921

[8] See SEI_CGU-0322492 – Nota Técnica (Nota Técnica) and Parecer n. 0166/2017/CONJURCGU/ CGU/AGU.

[9] "Identification of the Applicant Is a Barrier to Access to Information," *FGV,* 25 April 2017, http://portal.fgv.br/noticias/identificacao-solicitante-e-barreira-acesso-informacao-aponta-estudo-ebape.

[10] "Article 19 Launches Reporto n Jurisprudence of the Law of Access to Information," Agencia Patricia Galvao, 18 August 2017, http://agenciapatriciagalvao.org.br/agenda/artigo-19-lanca-relatorio-sobre-jurisprudencia-da-lei-de-acesso-informacao-sp-28092017/.

[11] Mariana Timoteo da Costa, "Abraji and Transparency Brazil Launch Site Giving Access to Public Information," *Globo.com,* 13 March 2017, https://oglobo.globo.com/brasil/abraji-transparencia-brasil-lancam-site-que-da-acesso-informacoes-publicas-21050129.

## 5. Effectiveness of National Policy for Social Participation Mechanisms

**Commitment Text:**
*Integrate online tools on a single platform, in order to consolidate/strengthen the Social Participation System (SPS)*

*The commitment essentially aims at defining ways of implementing initiatives, which are able of developing the current social participation paradigm. For that, it is necessary to foster free digital technology use and transparency tools, integrated to social participation mechanisms used in concrete government actions and focused on citizens' needs.*

*5.1 – Workgroup formation, with civil society and government representatives*
*5.2 – Social Participation System online interaction tool and Best Practices inventory taking*
*5.3 – Hackathon, for creating citizen-driven interaction solutions in social participation platforms*
*5.4 – Monitoring and evaluation strategy development for social participation mechanisms, allowing data opening and interaction among actors*
*5.5 – Definition of a single platform structure, as well as the content of the available information*
*5.6 – Platform testing*
*5.7 – Platform strengthening*
*5.8 – Platform launch*

**Responsible institution:** Government Secretariat

**Supporting institutions:** Ministry of Transparency, Oversight and Comptroller General of Brazil, Ministry of Planning, Development and Management, Democratic City, Institute Polis, University of Campinas, Health National Council

**Start date:** December 2016 .                    **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 5. Effective Mechanisms for Social Participation | | | ✔ | | | ✔ | | ✔ | | ✔ | | | No | | ✔ | | |

### Context and Objectives

As stated in the action plan, the federal government offers a variety of mechanisms for public participation, but their use by civil society is disperse. Civil society organizations work disconnected one from another. In addition, the government recognizes that public service delivery should incorporate mechanisms for public participation, so that users of government services can give feedback. To address this issue, the government seeks to integrate online participation tools into a single platform that will strengthen the Social Participation System (which is a set of participatory mechanisms run by the Government Secretariat).

As a country, Brazil has pioneered mechanisms for online civic participation. The first experiences in the country date back to 2000.[1] A watershed co-creation process between government and civil society led to the publication of the Brazilian Internet Bill of Rights in 2014.[2] However, the overall success of such mechanisms and their use by government to implement decisions is not widespread.[3] For example, more than 75 percent of public services do not have a public evaluation system.[4] Therefore, this commitment addresses an area of great national expertise that shows a great need for improvement and cohesion, particularly at the federal level.[5]

The commitment's level of specificity is medium. On the one hand, the government outlines a series of steps to launch the unified participation portal. These include convening a working group with both government and civil society; conducting a hackathon to create new participatory innovations; and planning, testing, and launching the portal. On the other hand, it remains unclear who exactly will participate in the working group, the hackathon, or the monitoring. The commitment also does not make clear the expected characteristics and features of the portal. The commitment is relevant to the OGP values of civic participation and technology and innovation, because it aims to create a portal to streamline access to mechanisms for civic participation.

The commitment has a minor potential impact to improve open government standards in Brazil. The rating reflects the commitment's focus on grouping existing mechanisms rather than directly promoting or improving civic participation. In the long term, the commitment could have a major impact if it increases the overall level and efficiency of participation. However, this would require complementary actions and initiatives that go beyond the scope of this commitment.

## Completion

The commitment has seen limited completion. Most of the milestones implemented relate to the pre-stages of the policy change.

The formation of a collaborative workgroup (milestone 5.1) has been implemented, as recorded in the monitoring meetings of the commitment.[6] Government and civil society organizations participate in the working group. Those organizations include academics (e.g., University of Brasilia), government research agencies (e.g., Institute for Applied Economic Research [IPEA]), and civil society (e.g., Cidade Democrática). Federal executive agencies, (e.g., Ministry of Planning, Development, and Management [MPOG]; Ministry of Transparency, Oversight, and Comptroller-General; Government Secretariat) also participate.

The government substantially completed the inventory of tools and best practices of social participation systems (milestone 5.2). The research on best practices includes work previously done by government agencies such as IPEA,[7] the Secretariat of Government,[8] and the MPOG.[9] However, the government has published no organized and public inventory of participatory tools so far.

Milestones 5.3-5.8 have not yet started. However, a government representative (Jailton Almeida) mentioned that the platform referenced in the commitment is being studied.

Milestones 5.1-5.3 were expected to be delivered by October 2017, which puts the commitment behind schedule.

## Early Results (if any)

The commitment outlines its main results as streamlined (no longer fragmented) online mechanisms for public participation. These mechanisms would follow benchmarks such as Crystal Ballot Portal of Colombia.[10] Such mechanisms could improve public services and

public resource management. However, due to the limited completion of the commitment, it is too early to evaluate results.

## Next Steps

During the second action plan, the government delivered Participa.br, a consultation portal that grouped several tools for civic participation. Several government and civil society organizations use the portal.[11] The government should heed the lessons learned and use the technologies developed as part of this previous commitment in its implementation of the current commitment. Other ways to improve the commitment include building on benchmark initiatives from the private sector, such as Colab.re, to increase the effectiveness of citizen participation and government responses.[12] (For example, Colab.re uses mobile technology and provides game-like features in dialogues with public servants.)

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## ✪ 6. Digital Educational Resources

**Commitment Text:**
*Establish a new model for assessing, purchasing, fostering and distributing Digital Educational Resources (RED), in the context of digital culture*

*The commitment seeks to incorporate the potential of digital culture into the educational policy, in order to foster the use of digital educational resources. In this context, the commitment built aims to overcome difficulties related to the lack of infrastructure, teachers´ training, content making and digital resources, with the goal of having a new RED model for evaluation, acquisition, development and distribution.*

*6.1 – National mobilization through regional meetings, for establishing a network with researchers, managers, teachers and entrepreneurs, in order to produce evaluation benchmarks and RED's decentralized curatorial process*
*6.2 – Network established*
*6.3 – Evaluation parameters and curatorship propositions are designed by the Network participants*
*6.4 – Evaluation platform and a set of plural and diverse digital educational resources release, prioritizing their continuous use and adaptation*
*6.5 – New acquisition model proposal submission for public consultation*

**Responsible institution:** Ministry of Education

**Supporting institutions:** Coordination for the Improvement of Higher Education Personnel (CAPES), Educational Development National Fund (FNDE), Educational Research National Institute(INEP), Secretary of Education of the State of Ceará, Secretary of Education of the State of Acre, Educational Action, Innovation Center for Brazilian Education, EducaDigital, Veduca

**Start date:** December 2016 ..                **End date:** June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 6. Digital Educational Resources | | | | ✔ | ✔ | ✔ | | ✔ | | | | ✔ | Yes | | | ✔ | |

**Editorial note:** This commitment is a starred commitment because it is measurable, is clearly relevant to OGP values, has a transformative potential impact, and is substantially or completely implemented.

### Context and Objectives
The Brazilian government spends significantly on educational resources and has fielded a growing demand for more diversity and inclusion in educational material production and consumption.[1] This commitment aims to foster the use of digital educational resources. This will be achieved by establishing a new model for assessing, purchasing, fostering, and distributing open educational resources (OER). This new model could address the current lack of infrastructure, training, content production, and digital material related to OER.

"OER" broadly refers to educational materials used for teaching, learning, and research in any medium, digital or otherwise. These materials reside in the public domain or have been released under an open license that permits free access, use, adaptation, and redistribution with limited or no restrictions.[2] OER must be based on a copyright framework that incentivizes the shared use of, commenting on, editing of, and distribution of educational materials.[3] Thus, complying with the copyright framework of the country constitutes one of the many challenges in delivering such materials as a governmental policy.[4]

The commitment's level of specificity is high. Few details exist about the expected characteristics of the new model for digital education resources. However, the government has outlined a clear process to finalize the details (e.g., the establishment of a collaborative network that will design the parameters).

The commitment is directly related to access to information and the use of technology and innovation, because OERs increase access to digital educational resources. The commitment is also relevant to civic participation because of the use of a participatory mechanism (including researchers, teachers, and entrepreneurs) to develop the model.

The commitment has a transformative potential impact, because it would create a formal framework to expand the adoption of OER materials in the country. OER is an active area of research[5] and is heavily promoted by civil society.[6] Still, the government has adopted it in ad hoc cases.[7] Among its benefits, OER incentivizes the production and collaboration of new formats of learning, such as the educational game platform REMAR.[8] OER also increases the availability of training opportunities for teachers,[9] allows linking educational materials through a community of content,[10] and is supported by the United Nations Education, Scientific, and Cultural Organization as a solution to make universities more accessible.[11] Researchers have identified other positive consequences, such as significant cost savings and greater student enthusiasm, engagement, and confidence.[12]

By providing a legal framework for the government purchase and use of OER, the commitment has the potential to (1) address an important demand of civil society and government agencies and (2) reap the benefits of OER listed above. Namely, Brazil would benefit from the reduced cost of public services, increased reach of educational materials, and diversity of sources and points of views.[13]

### Completion

The commitment has seen substantial completion.

The government has engaged in national mobilization around the establishment of a participatory network. This network would develop evaluation benchmarks and a decentralized curatorial process for digital educational resources (milestones 6.1 and 6.2). The Center for Innovation in Brazilian Education – a non-profit association that uses innovation and technology to promote greater equality, quality, and contemporaneity in Brazilian public education – led the mobilization process. That process included periodic meetings (mostly monthly), with participation from both government and civil society representatives.[14] Two interviews from the civil society representatives (one from Unicamp, one from University of São Paulo) confirmed that the commitment resulted in the engagement of several actors.

The government presented a draft version of the methodology to analyze and curate digital educational materials (milestone 6.3)[15] in April 2017 at the Ministry of Education. Academics and civil society representatives participated.[16] The government presented a new version in July 2017. That action led to the creation of a working group on the topic. The government also presented part of the material at the 2nd World OER Congress in Slovenia, which was organized by United Nations Educational, Scientific, and Cultural Organization and the Commonwealth of Learning.[17]

The government had undertaken the creation of a platform with digital educational resources (milestone 6.4) at the time of writing. The government presented a draft version of the platform to more than 30 specialists from government and civil society in April 2017.[18] The terms of use were being developed with the participation of the civil society organization Educadigital Institute.[19]

At the time of writing, the submission of a new acquisition model for these digital educational resources (milestone 6.5) had not been initiated. Nonetheless, according to the timeline for implementation in the commitment text, this commitment remains on schedule.

### Early Results (if any)

The civil society representatives interviewed by the IRM researcher (Colab and NIED/Unicamp) expressed their support for this commitment. As the interviewees argued, the use of open education resources lowers costs by avoiding repurchases of educational materials.[20] They stated that the use of these resources also enables better oversight of government purchases with public resources.[21] The interviewees noted that the use of open education resources further reduces the incentives to misuse copyrighted material.[22]

As for concrete results, the high level of civil society participation in the early stages of the commitment constitutes an important step forward. However, the main impact of the commitment depends on the release of the portal with open education resources (https://portalmec.c3sl.ufpr.br/home). It also depends on the information on related social media channels, and the release and use of a new government acquisition model for digital education resources. The government had not completed these deliverables at the time of this evaluation. The full results of the commitment will therefore be assessed in the upcoming IRM end-of-term report.

### Next Steps

Besides the full implementation of the commitment, possible next steps include evaluating the use of digital education resources to lower the cost of education[23] and fight corruption in the procurement of resources.[24] The new model of acquisition for digital education resources also represents an opportunity to promote active transparency more broadly and to adopt principles of open contracting in education.[25] The government should also map the impact of digital education resources on important outcomes such as inclusion and school attendance rates.

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## 7. Open Data and Information Governance in Health

**Commitment Text:**
*Make available answers to requests for access to information, registered over the last 4 years, on an active transparency platform and increase the number of indicators and data of the Strategic Management Support Room (SAGE), being under civil society oversight*

*The commitment aims to continuously increase health open data availability for society, in order to fulfil open government directives and social requests, considering that it takes great effort for bettering data collection, validation and dissemination, besides the development of proper technologies. Not only will be increased the number of indicators and the pieces of information related with management and knowledge generation in the scope of the Strategic Management Support Room /SAGE/Ministry of Health, but also the answers to the requests for access to information from the last 4 years will be made available.*

*7.1 – Answered Information Request gathering (from 2012 to 2015)*
*7.2 – Analysis and categorization of Information Requests (when structured – SAGE; when non-structured – FAQ)*
*7.3 – System analysis, in order to check platform hosting*
*7.4 – Setting of data feeding flow at the platform*
*7.5 - Platform feeding (and/or SAGE)*
*7.6 – Platform launch*

**Responsible institution:** Ministry of Health

**Supporting institutions:** Federal Prosecution Service, Oswaldo Cruz Foundation, Planning Company of the Federal District, Secretary of Health of the Municipality of Manaus, Brazilian Association of Public Health (Abrasco), Federal University of Minas Gerais (UFMG), University of Brasília, Article 19, Brazilian Center for Studies on Health, Institute of Social Economic Studies (INESC)

**Start date:** December 2016 ..  **End date:** October 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 7. Open Data and Information Governance in Health | | | | ✔ | ✔ | | | ✔ | | | ✔ | | No | ✔ | | |

### Context and Objectives

This commitment aims to expand the quantity of open data health records and to improve indicators for managing and planning health services. Specifically, the government proposes to publish responses to access-to-information requests over the last four years on an active

transparency platform. It also proposes to increase the number of indicators and data on the Strategic Management Support Room (SAGE), with civil society collaboration. SAGE is a government-led initiative that collates online data, indicators, documents, and capacity-building tools for public health decision making.

Reflecting the importance of open data in the health sector, the Ministry of Health and the Health National Agency have published Institutional Open Data Plans. These are official strategic and operational plans to begin and sustain open data initiatives. A scientific institution run by the government, the Oswaldo Cruz Foundation produces research in this field and has introduced a quality seal (Selo Sergio Arouca) for high-quality open data releases.[1] In addition, KPMG released a global report stating that Brazil is increasingly releasing open data related to health. Such action closely relates to the institutionalization of ombudspersons systems in the health sector.[2]

This commitment looks to build on this past progress and address pending challenges. For example, open data related to health features low levels of use by the government, private sector, and civil society.[3] As Barbara Paes from Article 19 argued, the commitment has the potential to promote better government responses to citizen requests. She notes it could also enable the development and usage of more health indicators on service quality and openness.

Despite the importance of the topic, the commitment has a moderate potential impact. It focuses on opening and organizing public data, rather than using or incentivizing the use of data to solve a specific public problem. However, actively publishing responses to access-to-information requests, especially in a potentially sensitive area such as health, constitutes an important step forward.

The commitment's level of specificity is high. The government has a clear and measurable deliverable: the publication of responses to access-to-information requests from the last four years. The commitment is relevant to the OGP values of access to information, and the use of technology and innovation, as it focuses on publishing responses to access-to-information requests through a digital platform.

### Completion
The commitment has seen limited completion.

Implementation of the commitment's milestones started in February 2017.[4] The government did not participate in the IRM interviews. (That is, it did not complete the online interview survey or respond to two email invitations for an in-depth interview.) From the civil society side, Article 19 completed a survey conducted by the IRM, confirming that meetings were being held. However, the organization provided no specific information to confirm the implementation of the milestones. The implementation meeting records from July 2017[5] suggest that several milestones have been substantially completed. But these relate to internal processes that could not be verified by the IRM.

For example, in terms of the collection of responses to information requests from 2012 to 2015 (milestone 7.1), the records from the July 2017 meeting state that the comptroller general had gathered the data for analysis. However, no record exists of the publication of this dataset.[6] The records also indicate that the analysis and categorization of information requests (milestone 7.2) were pre-conditions for the remaining milestones and have limited completion.[7]

The government's published self-assessment report provides an explanation. It states that the milestones related to the collection of answered requests and the launch of the related platform were not carried out because of a change in the party responsible for managing the Electronic System of Information Services to the Citizen (e-SIC) within the Ministry of

Health. This report acknowledges that less than 5 percent of the commitment was implemented by mid-2017.

It should be noted that during the implementation meetings, the government added new milestones to the commitment. One milestone includes a provision to open datasets related to two vulnerable populations (Quilombolas and indigenous populations). Another would create a collaborative platform with the data. These new activities could be important steps forward. Studies reveal that these two communities have lower access to health care than the rest of the country.[8] Further reflecting the gap addressed by these new milestones, civil society organizations have commented previously on the difficulty of finding precise data on these groups.[9]

By October 2017, milestones 7.1 and 7.3 were expected to be delivered, which puts the commitment behind schedule. It should be noted that the commitment is mentioned in the contextual information of the open data plan of the executive secretary of the Ministry of Health (2016-18). However, no detailed plan exists for the data mentioned in the commitment.[10]

## Early Results (if any)

The main expected impact of the commitment is to achieve greater active transparency related to health data. Due to the limited completion of the commitment, it is too early to evaluate results.

## Next Steps

Besides implementing the pending milestones, the government could focus on solving a particular public policy problem using the open dataset that is going to be released. This may include identifying specific uses for the indicators of health that will be generated with the dataset. In addition, beyond publishing responses to information requests, the government could explore how to increase the efficiency and effectiveness of information requests in the health sector. For example, it could explore reducing delays in responding to requests and publishing the data requested for all prior requests.

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## 8. Prevention to Torture and Mean, Inhuman, or Humiliating Treatments in the Penitentiary System

**Commitment Text:**
*Implement a unified and open format computerized prison inspection system, ensuring civil society participation in its development and management*

*The commitment seeks to essentially provide an open format national data base that is generated from inspections carried out by several actors in the prison system, which promotes an improvement in the work of collecting, managing and organizing data and information on the national penitentiary system and that can be able to provide quality subsides for an effective social participation.*

*8.1 – Key players mapping and workgroup stakeholders´ establishment*
*8.2 – Workgroup establishment, with the assignment of defining a standardized form and inspection report database, taking into account institutional particularities*
*8.3 – Public consultation promoting on the form fields*
*8.4 – Enhancement development and implementation*
*8.5 – Launch System*
*8.6 – Mobilization, and other organizations engagement, in order to integrate the system*
*8.7 – Training institution on inspections*

**Responsible institution:** Ministry of Justice and Citizenship

**Supporting institutions:** National Justice Council, Ombudsman of Public Defender's Office of the State of São Paulo, Torture Prevention and Combat National Mechanism (MNPCT), University of Brasília
Correctional Pastoral, Association of Judges for Democracy (AJD), Association for the Prevention of Torture (APT)

**Start date:** December 2016 ..                     **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 8. Prevention of Torture and Cruel, Inhumane, or Degrading Treatments in the Penitentiary System | | | | ✔ | ✔ | ✔ | | ✔ | | | | ✔ | No | ✔ | | |

### Context and Objectives
The penitentiary system in Brazil lacks a centralized, updated, and coherent data system. The commitment aims to implement an integrated, open-format, computerized prison inspection system. The commitment also calls for civil society participation in the system's development and management. The system will be capable of permanently collecting, managing, and

organizing data of the Brazilian Penitentiary System related to inputs, documents, contracts, and criminal services.

Brazil has the fourth largest incarcerated population in the world, with more than 600,000 prisoners, mostly coming from vulnerable populations.[1] Many levels of the prison system, however, lack good data for policy analysis. Civil society organizations referred to the system as a "black box" policy problem.[2] The commitment aims to gather existing information from inspections conducted inside the prison system. Once categorized and analyzed, the information can be used to shed light on policy issues.

The commitment's level of specificity is high. The rating reflects the clarity of the key deliverable: the launch of a data system that will integrate penitentiary information in open data format. While the specifics of the data system are unclear, the government outlines a series of cumulative milestones through which the portal will be designed. The government will collaborate with civil society organizations on the design. Steps include the mapping of key players in this field, the establishment of a multi-stakeholder working group, and a public consultation on the portal's data fields.

The commitment aims to address the OGP value of access to information, with the aid of technology and innovation (i.e., by launching datasets in an open data portal). It also addresses the value of civic participation, with the role of civil society in developing the data portal.

The commitment has a transformative potential impact because it addresses a national priority and responds to a major demand of civil society organizations. The Brazilian penitentiary system has historically suffered from issues such as overcrowding,[3] mismanagement, criminal activity, and poor health conditions.[4] In January 2017 alone, more than 100 prisoners died as a result of violence between criminal factions.[5] In 2017, a member of the National Justice Council reported that there were about 660,000 prisoners in Brazil, despite prisons having a capacity of only about 400,000.[6] The nongovernmental organization Conectas Human Rights also noted that citizens in Brazil are six times more likely to die in prison than if they were not incarcerated.[7]

In response to these issues, civil society has consistently demanded greater transparency in and oversight of the prison system. According to the Brazilian Public Security Forum, "even today the quality of the data produced leaves much to be desired and reveals little of the reality of the Brazilian prison system."[8] Civil society groups have also noted the absence of information about female prisoners specifically,[9] as well as a scarcity of data on public spending in this sector.[10] In this context, an open data portal with standardized information about the penitentiary system, designed in collaboration with civil society, has the potential to transform business-as-usual practices.

### Completion
There is limited progress on this commitment.

Milestones 8.1-8.4 have begun, but with limited progress. The government mapped key players to form a working group (milestone 8.1). Those key players currently reflect the composition of the commitment's monitoring group.[11] However, the government did not create the working group (milestone 8.2). Representatives from the government (Victor Martins Pimenta) and civil society (Neide de Sordi) confirmed this.

The government submitted a document with data collection filters for public consultation (milestone 8.3). The Ministry of Justice emailed the document to those following the commitment implementation. The civil society organization interviewee, Neide de Sordi, confirmed having received the information. However, according to Sordi, the consultation method was limited, and the document did not garner much feedback. Sordi noted that the

submitted feedback has not been addressed with structured government feedback. The IRM researcher confirmed that the material had not been published yet.

As for the development and implementation of the system (milestone 8.4), the government published a call for proposals in September 2017[12] to select and coordinate the civil society organization that will help implement this activity. The proposal offers high compensation (BRL 600,000) and is aligned with the commitment milestones and delivery dates. The action plan stipulated mid-December as the estimated date of conclusion for the selection.

The other milestones (8.5-8.7) have not been started yet.

The first three milestones were expected to be delivered by October 2017, which puts the commitment behind schedule.

### Early Results (if any)

The expected results of the commitment include improved public services, increased public integrity, more effective public resource management, and increased accountability. Given the current state of the penitentiary system, the production of open data as envisioned by the commitment could be transformative. However, due to the limited completion of the commitment, there are no results so far.

### Next Steps

After the commitment is implemented, a possible next step would be to use the data for public accountability, particularly in collaboration with civil society organizations. The government could establish a channel through which citizens can request responses, explanations, or consequences from government. Conectas Human Rights argues that if this were to happen, the accountability could reduce torture levels in the penitentiary system. The organization states such a measure could also reduce illegal provisional incarceration, increase access to justice, and enhance protection of vulnerable groups, including female and other gender prisoners.[13]

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## 9. Innovation Spaces for Management in Public Services

**Commitment Text:**
*Consolidate an Open Network at the civil service, under a collaborative and transparent way with society*

*The commitment concerns the improvement of public management and public service delivery, in the context of the Federal Government, by means of collaboratively creating and promoting innovative tools and methods. Taking this perspective into account, it is aims at Strengthening of open innovation initiatives at the public sector through a network consolidation, which stimulates a cooperative and transparent action between government and society.*

*9.1 – Innovation Network manifesto instituting, with the participation of society (workshops & online consultation)*
*9.2 – Training activities promotion and support (one per semester), experience exchange and best practice dissemination (4 activities)*
*9.3 – Innovation Network capillarisation (communication) - (activation, mobilization and engagement)*
*9.4 – Range society ways of interacting at innovation processes to the civil service*
*9.5 – I Innovation Network Meeting, with the civil society (manifesto, initiatives) - (regional simultaneous events)*
*9.6 – Platform consolidation, in order to: register existing innovative experiences make available tool repository, processes and easy access methodologies*
*9.7 – II Innovation Network Meeting*

**Responsible institution:** Ministry of Planning, Development and Management

**Supporting institutions:** Ministry of Justice and Citizenship, National School of Public Administration (ENAP), Government Secretariat, Hacker Laboratory – Chamber of Deputies, Ministry of Health, National Sanitary Surveillance Agency (ANVISA), Department of Public Policy Analysis (FGV/DAPP), Ceweb.br, Public Agenda, Columbia Center (Rio), Wenovate – Open Innovation Center, Ms. Bruna Santos, University of São Paulo/Co-Laboratory of Development and Participation (COLAB)

**Start date:** December 2016 ..                    **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 9. Spaces for Innovation in Public Management and Services | | | ✔ | | | ✔ | | | | ✔ | | | Yes | | | ✔ | |

## Context and Objectives

This commitment aims to address the lack of coherent support for government innovation by expanding open innovation practices in the public sector with multi-stakeholder engagement. The government seeks to establish an open network within the civil service through collaboration with civil society. The government expects the network to create and promote innovative tools and methods for public management and the provision of public services at the federal level. Through the network, the government will enable government and civil society to co-create public policies.

No previous government-led innovation network existed in Brazil. The commitment aims to address this gap. Open government represents a new frontier for government and civil society. Thus, these parties need to bring together initiatives and leaders inside and outside of the government to promote open government innovation. This work could include international organizations (such as the Organization of American States and its Open Government Fellowship Program)[1] or international foundations (such as the John D. and Catherine T. MacArthur Foundation and its Research Network on Opening Governance).[2] OGP itself incentivizes the development of innovation networks, for example, through its working groups.[3]

The commitment's level of specificity is medium. The action plan lists several measurable deliverables, such as the launch of an innovation network, training activities (once per semester), and two network meetings. However, few details in the commitment outline the expected characteristics of this network. Moreover, the government expects to design the main product during the implementation of the plan.

The commitment could indirectly address all OGP values. However, it mostly relates to the value of civic participation, given the emphasis on creating a network of government and civil society actors to work on open government initiatives.

The commitment has a minor potential impact, due to the design of the commitment itself, which is largely limited to creating a network. Raising awareness of existing innovative initiatives and tools constitutes a positive goal. However, greater potential lies in using the network, once implemented, to connect actors that could transform open government standards in the country. This action, though, extends beyond the scope and timeline of the commitment as it is written.

## Completion

The commitment has seen substantial completion.

Milestones 9.1-9.3 are substantially completed. Milestone 9.1 involves the innovation manifesto, designed with the participation of civil society through workshops and online consultation. The manifesto was not yet ready. However, the commitment webpage provides detailed information about the role of each stakeholder,[4] parties of the network,[5] their work,[6] and mechanisms for participation.[7] The government created the network before the start of the action plan, but there is clear evidence that new activities related to the commitment occurred after that.

Milestone 9.2 relates to the implementation of four training activities to exchange experiences and disseminate best practices. In May 2017, the government held several workshops. The news section of the network's website lists a series of events from other agencies.[8] As for communication activities to raise awareness of the network (milestone 9.3), the website provides records of several communication efforts, including six bulletins published after the start of the commitment.[9]

Milestone 9.4 and 9.6 are less specific, which makes it difficult to assess them. Milestone 9.4 aims to systematize public interaction with the civil service. Milestone 9.6 refers to the consolidation of a portal that documents existing innovative initiatives and tools. The portal in question contains content relevant to milestones 9.4 and 9.6. Materials there include a library of reading documents, reports, annotated legislation, working group reports of activities, benchmarking of ongoing projects, and contact information. However, the platform was released in early 2016, before the start of the action plan (it has been updated since), and the information displayed is not properly organized. Thus, progress on these milestones is deemed to be limited.

The government held the first one-day Innovation Network Meeting[10] (milestone 9.5) on 25 May 2017 in Brasília. The agenda included lectures and workshops on innovation. The panelists included academics (e.g., Getúlio Vargas Foundation, University of Brasília), foreign government institutions (e.g., Nesta), executive branch representatives (e.g., Tribunal de Contas da União), and the lower house of Congress (i.e., LabHacker).

The second Innovation Network Meeting (milestone 9.7) was expected to take place during Open Government Day in November 2017. This date falls outside of the reporting deadline of this report.[11]

The government completed milestones 9.1 and 9.3 by the expected date, October 2017. Therefore, the commitment is considered on schedule.


### Early Results (if any)

The commitment ultimately aims to improve public services, increase public integrity, and better management of public resources. All of these expected outcomes align with the commitment as written. However, no clear records connect innovation network activities directly to these goals.

The commitment involves a long list of participating organizations (55 from the government, 10 from the private sector, 4 from civil society, and 4 from academia). In addition, the use of the innovative tools and methods promoted by the government to properly analyze the commitment results are noteworthy. Nonetheless, the number of initiatives mentioned on the website is average (6 reported projects with updates, 6 working groups with updates, and around 40 posts and documents), though diverse (e.g., promoting topics such as public efficiency, citizen's participation, and policy design).


### Next Steps

For future steps, the government could adopt a more active role in promoting open government innovation within the civil service. In collaboration with civil society, it could incubate projects, provide mentors to promote initiatives, publish results, and evaluate impact.

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[2] "Meet the Network," MacArthur Foundation Research Network on Opening Governance, http://www.opening-governance.org/#the-context.
[3] "Civil Society," Open Government Partnership, https://www.opengovpartnership.org/resources/civil-society
[4] "Who We Are," InovaGov, https://redeinovagov.blogspot.com.br/p/quem-somos.html?zx=dff640c41b466c01.
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[6] "The Rules of the Game," InovaGov, https://redeinovagov.blogspot.com.br/p/blog-page_29.html.
[7] "How to Post," InovaGov, https://redeinovagov.blogspot.com.br/p/blog-page_6.html.
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[9] "Magazines," InovaGov, https://redeinovagov.blogspot.com.br/p/blog-page_27.html.

[10] "Eventos," Inovação Aberta, https://web.archive.org/web/20170720042003/http://portal.tcu.gov.br/eventos-1/inovacao-aberta.htm

[11] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-28-agosto-rse_9.pdf.

## 10. Assessment and Streamline of Public Services

**Commitment Text:**

*Undertake inventory of Federal Executive Branch services and implement an assessment through mechanisms of satisfaction, prioritizing services*

*The commitment aimed to Find ways of disseminating information about public policies and services, whilst developing and enhancing methods and evaluation tools, fostering a more effective social participation, with the intent of facing two big problems: i) disarticulation between government and civil society; ii) neediness of information by citizens.*

*10.1 – Platform for inventory and methodology, with manual*
*10.2 – Content scope definition – arrange a meeting, in order to establish a research scope with the civil society about the evaluation content*
*10.3 – Conduct research and analysis functionality requirements for the implementation of evaluation mechanisms at the Service Portal*
*10.4 – Data inclusion by organizations at the Portal, in accordance with methodology/standards set*
*10.5 – Implementation – joint effort between the Ministry and the civil society, in order to develop Portal functionality and a library for open applications (this content needs to be discussed for the functionality)*
*10.6 – Diffusion - joint effort with the civil society for promoting diffusion actions*
*10.7 – Making user evaluation device and its outcomes available*

**Responsible institution:** Ministry of Planning, Development, and Management

**Supporting institutions:** Ministry of Transparency, Oversight and Comptroller General of Brazil, Brazilian Telecommunications Agency (Anatel), Government Secretariat , Ministry of Justice and Citizenship, Brazilian Micro and Small Enterprises Support Service (SEBRAE), Brazilian Institute for Consumer Defense (Idec), MariaLab Hackerspace, Reclame Aqui, Proteste, Microsoft

**Start date:** December 2016 ..                **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 10. Evaluation and Simplification of Public Services | | | ✔ | | ✔ | ✔ | | ✔ | | ✔ | | | No | | ✔ | | |

### Context and Objectives

The government recognizes the need to enhance accountability for public services at the federal level, particularly by collaborating with civil society and hearing from the end users of services. To achieve this goal, the government commits to undertake and inventory federal

executive branch services and to implement better methodologies for users to evaluate public services.

This commitment aims to improve public service metrics that help citizens evaluate the services they receive. This goal aligns with similar international initiatives, such as the International Budget Partnership.[1] The government has been working on this policy strategy for more than 10 years.[2] Citizen feedback, and particularly end-user perspectives, is important to improving e-government metrics and public services.[3]

The commitment's level of specificity is medium. It lists the key deliverable as the development and implementation of data functionality on the existing public service portal (https://servicos.gov.br/). The government outlines a series of intermediate steps that will contribute to the design and implementation of the final product. Those steps include a methodology, a meeting to determine the scope of the evaluations, and dissemination. However, the expected features and scope of the new data functionality are unclear.

The commitment is related to the OGP values of access to information and civic participation, with the use of technology and innovation to achieve its objectives. The commitment's goal involves working with citizens to enhance mechanisms for evaluating public services and publishing the results on the public service portal.

The commitment has a minor potential impact. The government has executed major portal updates since 2009.[4] But most services included in the portal refer to government-to-business services (such as citizen's identification verification and fiscal-related services). The business stakeholder interviewed by the IRM researcher (Microsoft) agreed that the potential of the commitment is minor, given the absence of metrics on citizen's use of the portal. This absence constitutes a key missing element of the initiative.


## Completion

The commitment has seen limited completion.

Milestones 10.1 and 10.2 have been implemented. The platform for the inventory and the methodology (milestone 10.1) are available online.[5] This same website defines the expected scope of the content (milestone 10.2).[6] The research methodology mostly focuses on e-government services. The methodology seeks to discover the key characteristics of service delivery, the resources and services available, the level of service digitalization, and the public's use of services.

The research and analysis of required functionalities (milestone 10.3) is underway. The deadline to finish the research, December 2017, falls outside of this report's evaluation period. The government will publish a detailed analysis of services available at the service portal, with the support of the government-run National School of Public Administration.[7] Services in the research will be ranked and evaluated on the quality of the tools available to the public.

Milestones 10.4-10.7 have not been started. During the monitoring sessions, government representatives stated that internal government activities have been initiated. However, due to the limited results so far, these activities have not been shared publicly. The commitment now has a new milestone: to deliver a public service database[8] from the same implementation agency.

The action plan outlined a delivery date of October 2017 for milestones 10.1-10.4. Thus, the commitment is behind schedule.

### Early Results (if any)

The expected results of the commitment are wide reaching and include improvement of public services and more effective management of public resources. However, it is too early to analyze results, given the preliminary stage of the evaluations at the time of writing. The business stakeholder interviewed (Microsoft) suggested that inputs from civil society on commitment delivery have been limited. In addition, it is important to note that the main source of information for the public service evaluations is the government itself, not citizens. For example, the government serves as the main source of information for evaluating civic participation services.[9] At the same time, the commitment does include citizens in the development of the Portal's language and format, as well as in the design of the evaluations. The government also noted that citizens will be able to file complaints on services.

### Next Steps

In the future, to have solid results, the government needs to provide evidence of how the evaluation process was used to improve public services in the country. Another suggested next step includes the publication of the survey results in open data format. The platform should also link the information to other open datasets. All should be available for use by civil society, so organizations can analyze the quality of services. In this way, the government can collaborate with civil society to evaluate and improve public service delivery. These actions will also help integrate citizen surveys on the evaluation of public services, as opposed to having these mechanisms rely only on government-centric evaluations.

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[2] Ministério do Planejamento, Orçamento e Gestão, *Indicadores e Métricas para Avaliação de e-Services,"* October 2007, https://www.governoeletronico.gov.br/documentos-e-arquivos/LivroFina_04102007.pdf.

[3] Gustavo Herminio Salati Marcondes de Moraes and Fernando de Souza Meirelles, "User's Perspective of Electronic Government Adoption in Brazil," *Journal of Technology Management and Innovation* 12, no. 12 (2017), http://www.scielo.cl/scielo.php?pid=S0718-27242017000200001&script=sci_arttext&tlng=en.

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[9] Cristiane Sinimbu Sanchez and Patricia Zeni Marchiori, "Popular Participation in the Context of Open Government Initiatives: A Systematic Review of the Literature," *Brazilian Journal of Public and International Policies* 2, no. 2(2017), http://periodicos.ufpb.br/ojs2/index.php/rppi/article/view/34564.

## 11. Open Innovation and Transparency in the Legislative

**Commitment Text:**
*Create and publicize a repository for Open Parliament institutionalization, with rules, tools, training, guidelines and practices*

*The commitment seeks to join forces of different actors (congressmen, civil servants and civil society) to foster open government actions in the parliament. Among the first initiatives are the mapping of tools, practices and norms that could compose an information repository, and the elaboration of a handbook on guidelines and competences.*

*11.1 – Mapping eligible tools, practices and standards for the repository*
*11.2 – Guide preparation, which comprises concept, guidelines, processes, and skills governances*
*11.3 – Integration and dissemination of technologies and selected content to the repository to Interlegis and its products*
*11.4 – Promoting dissemination and training actions on specific repository products*
*11.5 – Creation and dissemination of measurement program and awards the performance of homes in the worship of Transparency and Participation practices*
*11.6 – Open Parliament Annual Conference undertaking and dissemination*

**Responsible institution:** The House of Representatives

**Supporting institutions:** The Chamber of Deputies, Federal Senate, Interlegis Program, Municipal Chamber of São Paulo, Legislative Assembly of Minas Gerais, Transparency International, Labhacker - São Paulo, Control and Inspection Institute, Inter-Union Department of Statistics and Socioeconomic Studies (DIEESE), Parliamentary Advisory Intersyndical Department (DIAP)

**Start date:** December 2016 ..          **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 11. Open Innovation and Transparency in the Legislature | | | ✔ | | ✔ | | | ✔ | | ✔ | | | No | | ✔ | | |

### Context and Objectives
This commitment aims to improve the level of transparency in the legislative houses. Specifically, the commitment involves creating and publishing a repository for Open Parliament tools, including trainings, guidelines, and practices. In addition, the government proposes creating a program that measures and awards transparency and participation practices in the legislature, as well as hosting an Open Parliament Annual Conference.

The legislature in Brazil has a strong tradition of adopting open government innovations. LabHacker is an open government innovation center of the lower chamber of the federal legislative branch. The Lab has a national and an international reputation in open government initiatives.[1] The center is responsible for key initiatives such as the main civic participation portal of the lower chamber, the e-Democracia website, and co-creation of legislative tools such as Wikilegis.[2] In addition, the Senate launched the Legislative Transparency Index in 2015.[3] Civil society, however, still perceives the legislature as nonparticipatory and not transparent, as Congress is trusted by only 10 percent of the population.[4]

The commitment is relevant to access to information and technology and innovation, given its focus on publishing online best practices in legislative transparency. LabHacker has a long tradition of collaborating with civil society organizations and hackers. Its Facebook[5] and YouTube pages feature illustrations of the recurring consultation and collaboration activities with the hacker community.[6] This commitment, however, does not have specific milestones that would improve civic participation.

The commitment's level of specificity is medium. There are several measurable deliverables. These include mapping for the repository of eligible tools, practices and standards for legislative openness, an awards program for the best transparency and participation practices, and an Open Parliament Annual Conference. However, the content and scope of these deliverables remain unclear. For example, the commitment does not specify what kinds of tools and practices will be gathered and disclosed, or who is expected to participate in the conference.

The commitment has a positive potential impact because it seeks to promote open government innovations in a branch of government that citizens highly distrust. However, the potential impact is minor because the commitment focuses only on highlighting best practices. Greater potential impact lies in proposing specific reforms and innovations in legislative practices.

## Completion

The commitment has seen limited completion.

The August 2017 monitoring report[7] noted that the mapping of eligible materials for the repository (milestone 11.1), the preparation of guidelines (milestone 11.2), and the establishment of the repository (milestone 11.3) have begun. The government's self-assessment report notes that the mapping activity was completed but that the guidelines and the repository were still in "early implementation stages (around 30%)." According to the government, as of April 2017, the lead implementers for this commitment were in charge of engaging their networks and partners to collect content for the repository. The ideas were collected and discussed online.[8] The government provided clear evidence of progress toward the gathering of information for the repository.[9]

A government official interviewed by the IRM researcher (Cristiano Ferri) stated that the level of participation from legislative government institutions has been high. However, the official observed that civil society participation has been low. The report and the interviewee also confirmed that planning has started for the dissemination and training activities (milestone 11.4) and Open Parliament Annual Conference (milestone 11.6). The creation and dissemination of an evaluation and awards program (milestone 11.5) has not started.

The action plan set a deadline of October 2017 for milestone 11.1, which puts the commitment behind the schedule.

## Early Results (if any)
Given the limited progress in implementing the commitment, there are no early results to report.

## Next Steps
The commitment addresses an important policy issue and should be continued. It will be key to document the achievements of the Open Parliament repository, including independent analyses carried out by civil society (e.g., academics). In addition, future commitments related to the legislature should aim to implement specific openness reforms. These reforms should be based on the published best practices, such as crowdlaw, which is "the practice of using technology to tap the intelligence and expertise of the public in order to improve the quality of law-making."[10]

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[2] "Nossas Atividades," Lab Hackers, https://web.archive.org/web/20171008212559/http://labhackercd.net/activities.html

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[4] Julia Affonso, Fausto Macedo, and Mateus Coutinho, "Confidence in the Judiciary Is Only 29% of the Population, Says FGV," *Estadao,* 28 October 2016, http://politica.estadao.com.br/blogs/fausto-macedo/confianca-no-judiciario-e-de-apenas-29-da-populacao-diz-fgv/.

[5] Hacker Laboratory—Chamber of Deputies, Facebook, https://www.facebook.com/LabHackerCD.

[6] LabHacker Chamber of Deputies, YouTube, https://www.youtube.com/user/LabHackerCD/videos.

[7] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-29-agosto-rse_11.pdf.

[8] According to the government, the thread created to discuss the project was formerly available at: https://discourse.interlegis.leg.br/.../marco-1.../15. In addition, the government noted that the pad with the open parliament content repository was formerly available at: http://pad.w3c.br/p/Parlamento_Aberto. This information was provided by the government in a comment during the pre-publication review of this report, 24 April 2018.

[9] The government provided the link to a google document with relevant information during the pre-publication review of this report, 24 April 2018.

[10] Beth Noveck, Gabriella Capone, and Victoria Alsina, "Re-Imagining Lawmaking," Legislature 2.0: CrowdLaw and the Future of Lawmaking, GovLab, 14 November 2017, http://thegovlab.org/legislature-2-0/.

## 12. Fostering Open Government in States and Municipalities

**Commitment Text:**
*Implement open government fostering actions, with the engagement of civil society, considering the ongoing experiences in states and municipalities*

*The main objective of this commitment is to expand the knowledge of strategic actors from sub-national governmental bodies and civil society organizations on open government tools. Based on this perspective, the action set intends to disseminate good practices related to open government already implemented in states and municipalities, and stimulate a collaborative development of tools for strengthening social participation.*

*12.1 – Open government policies and experiences inventory taking, governmental and non-governmental, with more participation from the civil society*
*12.2 – Establishment of a set of actions and tools, which contemplates every open government directive, with participation of the civil society*
*12.3 – Project experiment implementation with the participation of the civil society*
*12.4 – Formal adjustments of actions and tools, with civil society participation*
*12.5 – Event to be organized by the government and the civil society, for presenting best practices and tools to managers, and for complying actions, via commitment term*
*12.6 – Program implementation partial results*
*12.7 – Open government tools use analysis*

**Responsible institution:** Ministry of Transparency, Oversight and Comptroller General of Brazil

**Supporting institutions:** Ministry of Planning, Development and Management, Ministry of Science, Technology, Innovation and Communication, Government Secretariat, Interlegis Program, Public Prosecutor's Office, State Government of Mato Grosso, Government of Federal District, City hall of São Paulo, Control and Inspection Institute, Social Observatory of Brasília, Transparency International, Network for Transparency and Social Participation, Brazilian Social Network for Fair and Sustainable Cities

**Start date:** December 2016 ..                    **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 12. Fostering Open Government in States and Municipalities | | | ✔ | | ✔ | ✔ | | ✔ | | ✔ | | | Yes | | ✔ | | |

### Context and Objectives
Open government has advanced further at the federal level than it has at the state and municipal levels. Thus, the goal of this commitment is to expand the knowledge of open

government tools among strategic actors from subnational governmental bodies and civil society organizations. To achieve this, the government expects to disseminate to states and municipalities the good practices related to federal-level open government initiatives. In addition, the government proposes piloting a project with the participation of civil society, organizing a thematic event, and implementing a program to support subnational initiatives.

In Brazil, open government standards are generally worse in cities and states, compared to the federal level. This is evidenced by indexes of government transparency portals[1] and by civil society municipal indexes of transparency and civic participation.[2] The lowest levels of open government, according to the civil society indicator Transparent City, occur in the northern region of Brazil. Capital cities have a medium average score. Further, there are some standards, such as the announcement of public consultation and public hearing meetings, that no city delivered.[3]

The commitment has a medium level of specificity. While the commitment lists several key deliverables, there are few details about the expected characteristics of these products. For example, the nature of the pilot project and event organized in partnership with civil society remain unclear.

The commitment is relevant to access to information and civic participation, through the use of technology and innovation. The commitment could potentially address all OGP values if subnational actors used the new tools to adopt specific open government reforms. However, the explicit activities listed above focus only on publishing best practices (access to information) and engaging citizens (civic participation).

The commitment has a minor potential impact. Open government reforms at the subnational level could be particularly impactful given the status quo described above. The activities proposed in this commitment constitute a preliminary step forward. Collecting and promoting best practices are not major improvements on their own. However, these activities could indirectly lead to a greater future impact if the new tools are used by government and civil society to undertake transformative reforms.

### Completion

The commitment has seen limited completion.

Milestones 12.1 and 12.2 have been completed. The government inventoried open government policies (milestone 12.1) using an online survey that was live for 30 days. The government then grouped the responses. A working group with members from civil society and government deliberated the responses. Stakeholders included the Ministry of Transparency, Oversight, and Comptroller-General; the São Paulo mayor's office; and Observatório Social do Brasiland Agenda Pública. That deliberation resulted in a list of 21 mapped initiatives. The list had not been published at the time of writing, but it was sent to the IRM researcher for verification, along with details on civil society's participation in the process. A prioritization list provided by milestone 12.1 informed the establishment of a set of actions and tools for use (milestone 12.2). The IRM was sent emails that confirm the creation of a list. The government drafted the list in collaboration with civil society representatives through a process in which decisions were reached by the consensus of those participating in the working group. The documentation was sent to the IRM researcher.

The implementation of a pilot project with the participation of the civil society (milestone 12.3) had begun at the time of writing. The project will most likely occur in November 2017 in two cities of the State of Pernambuco. The state prosecutor's office, civil society, and academics will participate. Information emailed to the IRM researcher confirmed this.

Milestones 12.4-12.7 had not been initiated. The action plan set a date of October 2017 for the completion of milestones 12.1 and 12.2. Thus, the commitment is on schedule.

**Early Results (if any)**

The commitment aims to expand open government at the subnational level, strengthen social participation, and expand public knowledge through open government tools. All of these objectives align with the expected new tool kit. Nonetheless, due to the limited completion at the time of writing, there are no early results to report.

**Next Steps**

The commitment needs to be fully implemented. Subsequently, it will be important to focus more on program implementation and to be more specific about public problems addressed at the end of implementation. The government should also evaluate and leverage the process and early results of São Paulo's participation in OGP's Local Program. The IRM researcher further recommends improving the public documentation of the tools mapped. The government should also use more structured methods to collect open government tools and experiences from subnational governments, including using academics in the field.

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[1] Home page, Ministry of Transparency and Comptroller General of the Union, http://www.cgu.gov.br/assuntos/transparencia-publica/escala-brasil-transparente.
[2] Home page, Transparent City, http://www.cidadetransparente.org.br/Default.aspx.
[3] "Most Capitals Go Poorly on Transparency Assessment," Article 19, 25 September 2015, http://artigo19.org/blog/2015/09/25/maioria-das-capitais-vai-mal-em-avaliacao-de-transparencia/.

## 13. Transparency and Innovation in the Judiciary

**Commitment Text:**
*Deploy the Electronic Judicial Proceedings at the Electoral Court*

*The commitment longs for improving the performance of the Superior Electoral Court, by means of implementing the Electronic Judicial Proceedings at Regional Electoral Courts until 2017. The commitment aims to assure promptness, transparency and security, throughout judicial and administrative proceedings, which also represents a relative tool for promoting transparency.*

*13.1 Articulate a way to enable milestones delivery, stipulated during planning*
*13.2 Integrated communication actions for mobilizing and sensitizing internal and external users about the system*
*13.3 Stakeholders' training*
*13.4 Necessary infrastructure delivery for hosting the system*
*13.5 Identify data with problem mitigation potential during deployment, in order to assure the well-functioning of future implementations*

**Responsible institution:** Superior Electoral Court

**Supporting institution(s**): Federal Attorney General's Office (AGU), Federal Public Defender's Office (DPU), Electoral Prosecutor General´s Office (PGE)

**Start date:** October 2016......          **End date:** December 2017

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 13. Transparency in the Electoral Justice | | | ✔ | | ✔ | | | ✔ | | ✔ | | | No | | | ✔ | |

### Context and Objectives

Brazil's regional electoral courts suffer from slow handling of cases, excessive red tape during proceedings, lack of simultaneous access to case materials, and potential security issues. According to the National Justice Council (CNJ), regional electoral court cases take, on average, over two years to complete, longer than the timeline of other court levels.[1] (CNJ is the judiciary institution in charge of improving the efficiency and transparency of the judicial branch.) As a part of the solution to this broader issue, this commitment seeks to increase electoral court efficiency by utilizing electronic judicial proceedings at the state level. The Superior Electoral Court initiated this process in July 2012.[2] Moving to electronic judicial proceedings is a major e-government initiative to digitalize judiciary bureaucracy. Specifically, this commitment plans to (1) develop a methodology, (2) communicate with users on the new system, (3) train stakeholders on the new digital system, (4) create the necessary infrastructure to host the new system, and (5) identify data to mitigate potential problems during deployment.

Using electronic judicial proceedings has the typical advantages of electronic government systems: it reduces paperwork and increases speed, verifiability, and consistency.[3] The electoral courts registered a record new case increase of 843% in 2017, while the national overall increase was 5.6%.[4] The electoral courts also registered the lowest levels of productivity in several indicators analyzed by CNJ. That was particularly the case at the lower courts, where a judgment takes, on average, over two years to complete.[5] Consequently, the situation urgently calls for adoption of best practices, including digital processes, to improve performance. There is also a need to improve the security of the process. This could be done by protecting personal information, defining access-level restrictions, and using cryptography and other data protection methods.

The commitment's specificity is medium. It intends, as a general goal, to implement electronic judicial proceedings at regional electoral courts by 2017. However, it does not provide details on the activities that will be carried out, such as the nature of the trainings or envisioned infrastructure.

The commitment is relevant to access to information and the use of technology and innovation, because the electronic judicial process increases the level of transparency of electoral cases. This is the case in terms of both access to information and the delivery of public service records.

Despite its importance, the commitment has a minor potential impact. The institution of electronic judicial proceedings reflects a policy process in place since 2012.[6] Thus, the commitment expands a pre-existing program to digitalize judicial processes. It should also be noted that the commitment is restricted to implementation of electronic judicial proceedings at state-level courts. It does not include zone electoral courts (the most local ones, with a larger number of cases due to their primary role in starting most legal actions).

## Completion

Most of the commitment milestones are substantially completed.

The government articulated a way to enable the delivery of the milestones and began the commitment's implementation (milestone 13.1). This can be verified by the reports published on the national OGP portal.[7]

The government substantially completed the activities to mobilize and sensitize internal (e.g., judges, security forces, public prosecutors) and external users (e.g., lawyers and plaintiffs) (milestone 13.2). It conducted stakeholder trainings (milestone 13.3) and completed the necessary infrastructure (milestone 13.4). Evidence exists of several mobilizing events hosted at regional courts.[8] The government also conducted a two-day course and public event, and made training material available online. (There are no public records of how many users took the course or its results.)[9]

As stated by the delivery report of 30 August 2017, 21 of the 27 regional courts have started running electronic processes. The researcher confirmed that the websites of several regional courts were updated with the electronic judicial proceedings for public access (e.g., AM, BA, MT, PR, SC, SP, RJ).[10] Such updates illustrate the implementation of the necessary infrastructure. (The regional electronic judicial proceedings websites are mostly very similar to that used by the Superior Electoral Court. The similarity indicates that the federal system infrastructure has been used for regional courts as well.)

No evidence exists of progress on identifying data that can help mitigate problems during implementation (milestone 13.5).

The action plan set a completion date of October 2017 for milestones 13.3 and 13.4, which puts the commitment behind schedule. According to the government's self-assessment report, one reason for the slow progress is that the government realized that additional

funding is necessary to proceed. This funding would support the travel of Superior Electoral Court civil servants to the state courts to implement the processes.

**Early Results (if any)**

There are few early results due to the early stages of implementation and the low number of cases per court under the new system. At the time of writing, AC and RJ, for example, had run fewer than five processes each using the new system. The highest number of cases hosted on the new system was by PE, with 239 processes.[11] On average, the electronic judicial proceedings record only between 50 and 75 processes per regional court. Consequently, it is not possible to determine the effect of the commitment on the main policy problem identified: public service inefficiency and the potential compromising of judicial process security.

Nonetheless, as the civil society organization Article 19 argued during the July 2017 monitoring sessions, it is unclear how the commitment directly improves the transparency of electoral justice. In some cases, the government reserves access to the full content of electronic documents for citizens who possess a specific electronic certificate.[12] (Fewer than 2.5 percent of Brazil's population has access to this certificate.[13]) Article 19 argued that while one could previously go to the physical registry to access documents, many courts under the new electronic system have limited access to only those participating in the case. This improves the trial processes, but does not necessarily lead to more openness of the justice system.

Critics of the commitment also observed that it focuses on e-government changes (which might indirectly promote more transparency and accountability) rather than open government. For this commitment to make a positive contribution to open government, the government will need to make a concerted effort to improve access to information, rather than only internal efficiency.

**Next Steps**

The IRM researcher recommends including this commitment in the next action plan, but with improvements. The government and civil society perceive the Judiciary as performing low in transparency. Less than one-third of the population trusts the Judiciary, and that number is constantly declining.[14] It is key therefore to link the introduction of electronic judiciary proceedings with not only public service efficiency, but also specific transparency actions.

For example, the government could publish datasets of the electoral proceedings. It could also draft a strategic plan to maintain the datasets and incentivize the use of these records. The IRM researcher also recommends promoting open access standards regarding the data and requiring high-security credentials (such as digital certificates) only when identifying the online users is sensible. The government should also address reforms in other areas, as requested by the National Justice Council. These areas include the disclosure of judicial personnel on transparency pages, an ongoing process that has been delayed for at least 10 years.[15]

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[1] Previously available at:
http://www.cnj.jus.br/files/conteudo/arquivo/2017/09/904f097f215cf19a2838166729516b79.pdf
[2] "Electoral Justice Joins the PC," Conselho Nacional de Justica, 7 July 2012, http://cnj.jus.br/noticias/cnj/58943-justica-eleitoral-adere-ao-pje.
[3] "Campaign of the CNJ Announces Advantages of the PJe," *TRT2 São Paulo,* last modified 20 February 2015, http://www.trtsp.jus.br/indice-de-noticias-ultimas-noticias/19117-campanha-do-cnj-divulga-vantagens-do-pje.
[4] Previously available at:
http://www.cnj.jus.br/files/conteudo/arquivo/2017/09/904f097f215cf19a2838166729516b79.pdf
[5] Ibid.
[6] "Electoral Justice Joins the PC."

[7] See, for example, the monitoring report from 30 August 2017,
http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro/tansparencia-judiciario/reuniao_meio%20ambiente.

[8] "Judges of the TRE-CE Court Are Aware of the States of Implementation," Tribunal Regional Eleitoral, 21 February 2017, http://www.tre-ce.jus.br/imprensa/noticias-tre-ce/2017/Fevereiro/juizes-da-corte-do-tre-ce-tomam-conhecimento-das-etapas-de-implantacao-do-pje.

[9] "PJe Electronic Judicial Process," Open Courses, Educacao Corporativa do TSE,
https://educacao.tse.jus.br/course/index.php?categoryid=81.

[10] "PJE," TRT13, https://www.trt13.jus.br/pje.

[11] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-30-agosto-rse_13.pdf.

[12] *Resolucao No 121, de 5 de Outubro de 2010,*
http://www.cnj.jus.br///images/atos_normativos/resolucao/resolucao_121_05102010_23042014191654.pdf.

[13] "Digital Certification Is Future of Public Services, but Still Expensive in Brazil," *Folha de S.Paulo,* 7 October 2017, http://www1.folha.uol.com.br/colunas/ronaldolemos/2017/07/1899775-certificacao-digital-e-futuro-de-servicos-publicos-mas-ainda-e-cara-no-brasil.shtml.

[14] Pedor Canario, "In 2017, Public Confidence in Justice and MP decreased, Says FGV Study," *Consultor Juridico,* 25 August 2017, https://www.conjur.com.br/2017-ago-25/2017-confianca-judiciario-mp-diminuiu-estudo.

[15] Janaina Penalva, "CNJ Debates 10 Years Ago Salaries above the Ceiling," *Jota,* 9 February 2017,
https://jota.info/artigos/cnj-debate-ha-10-anos-salarios-acima-do-teto-02092017.

## 14. Social Participation in Federal Government's Planning Cycle

**Commitment Text:**
***Maximize social participation on the Pluriannual Plan through the Intercouncil Forum***

*The commitment seeks alternatives to broaden social participation and to improve and consolidate methods of social participation for the PPA formulation and management phases, as it is considered the main tool of the Federal Government planning. Therefore, it is intended to make feasible the conduction of a PPA participatory monitoring, focusing on traversal agendas and on targets and Sustainable Development Goals (SDGs), using digital tools.*

*14.1 –PPA participative monitoring methodology draft formulation, taking into account transversal agendas, and the sustainable development goals (ODS)*
*14.2 – Enhancement of digital tools for monitoring the implementation of PPA and ODS goals and objectives*
*14.3 –Establishing a communication strategy to expand the access/use of digital tools for PPA monitoring*
*14.4 – Presenting a PPA implementation accountability by means of Intercouncil Forum (1 per year)*
*14.5 – Presenting a PPA implementation accountability by means of digital thematic public audiences (2 per year)*
*14.6 –II Intercouncil Forum Meeting*
*14.7 – II Digital Public Audiences Round*

**Responsible institution:** Ministry of Planning, Development and Management

**Supporting institutions:** Ministry of Education, Government Secretariat, Institute of Applied Economic Research (IPEA), Institute for Socioeconomic Studies (Inesc), Urban Network of Sociocultural Actions, Open Knowledge Brazil, Wheels of Peace

**Start date:** December 2016 ..                    **End date:** June 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. For Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 14. Social Participation in the Budget Cycle of the Federal Government | | | | ✔ | | ✔ | | ✔ | | ✔ | | | No | | ✔ | | |

## Context and Objectives

The Plurennial Plan (PPA) is the main planning tool of the federal government. The commitment aims to improve and consolidate methods of social participation in the PPA. It also aims to maximize social participation during the implementation and monitoring phases of the PPA. To do this, the government will use Intercouncil Forum meetings and online public forums.

A four-year tool, the PPA outlines goals, targets, and strategies for the allocation of public resources, such as budgetary expenses. The government attempted to include civic participation in the PPA at the federal level in 2011. However, both the government and civil society felt the attempt achieved limited success.[1] The government currently executes the 2016-19 PPA, implemented during the action plan, amid an economic crisis and a reduction of expenses.[2] Therefore, civil society participation in its implementation is perceived as critical.[3]

The commitment has a high level of specificity. Key activities include enhancing digital tools for monitoring the implementation of the PPA and the Sustainable Development Goals, and for monitoring the PPA through the Intercouncil Forum and public feedback. Few details exist about the expected characteristics of the monitoring tools. However, the government specifies that the monitoring methodology will be designed during the implementation of the plan.

The commitment is mainly related to the OGP value of civic participation. It has a minor potential impact, mostly due to the commitment's focus on preliminary steps and the existence of previous policy programs related to the deliverables (e.g., the PPA apps and the Intercouncil Forum meetings). The commitment does not specify the characteristics of the new monitoring tools. Therefore, it is not possible to determine, at the outset of the action plan, if the new participation mechanisms will be more successful than previous efforts.

## Completion

The commitment has seen limited completion.

The government has drafted the monitoring methodology (milestone 14.1). It developed the draft in partnership with civil society during two meetings: one in April 2017 and another in May 2017.[4] An interview with a civil society representative (Neide de Sordi) confirmed this information. The methodology includes monitoring the Sustainable Development Goals (SDGs) and the initiatives prioritized by councils involved in the Plurennial Plan (PPA). The draft was also open for public consultation at the Participa.br portal.[5]

According to the August 2017 monitoring report, the digital monitoring tools (milestone 14.2) are under development. They include the update of two tools previously used to monitor the PPA: the PPA Mais Brasil[6] and the Integrated Planning and Budgeting System (SIOP). The PPA Mais Brasil[7] (previously PPA Cidadão) allows users to individualize their tracked programs and SDGs at the PPA. The SIOP allows users to monitor budgetary information.[8]

The government has begun establishing a communication strategy to expand access to and use of digital tools for PPA monitoring (milestone 14.3). An interviewed civil society representative (Neide de Sordi) confirmed this. The government plans to launch the tools at the Intercouncil Forum in early 2018.

The remaining milestones have not been initiated.

The action plan set a completion date of October 2017 for milestones 14.1, 14.2, and 14.4, which puts the commitment behind schedule.

## Early Results (if any)

Due to the limited progress, and because the monitoring tools are not yet in use, it is too early to analyze commitment's results.

## Next Steps

The IRM researcher recommends completing the commitment. The commitment constitutes a positive attempt to reach a broader range of contributors to comment on the PPA by creating monitoring tools that can be used by anyone. The commitment aims to include members from subnational partners and academia, who, in cities and states, also can engage in and monitor their local Plurennial Plans (PPAs). As next steps, the government should engage more civil society organizations to participate in the process. The PPA is a complex process that requires specialized partners from civil society to properly engage. Civil society organizations with expertise on the topic have engaged in previous PPA consultations. These organizations include the Social Observatory Network (Rede de Observatório Social), Institute for Socioeconomic Studies, and Mata Atlântica.

According to the International Budget Partnership (IBP), the Brazilian government should prioritize piloting mechanisms for the public to comment on budget matters during the budget's implementation (such as through social audits). The organization also recommends holding legislative hearings on the audit report. IBP suggests the government provide the public with a written record of inputs received during the auditing process and how they influenced the outcome.[9]

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[1] "III Inter-Council Forum for Democratization and Transparency of the Public Budget," INESC, 11 July 2012, http://www.inesc.org.br/noticias/noticias-do-inesc/2015/marco/ppa-2016-2019-retomada-da-participacao-social/2012/novembro/carta-aberta-pela-democratizacao-e-transparencia-do-orcamento-publico.
[2] "Dilma Sanctioned Pluriannual Plan from 2016 to 2019 with Vetoes," *Agencia Brasil,* 14 January 2016, http://congressoemfoco.uol.com.br/noticias/dilma-sanciona-plano-plurianual-de-2016-a-2019-com-vetos/.
[3] "PPA 2016–2019: Resumption of Social Participation?" INESC, 3 March 2015, http://www.inesc.org.br/noticias/noticias-do-inesc/2015/marco/ppa-2016-2019-retomada-da-participacao-social.
[4] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-31-agosto-rse_14.pdf.
[5] Previously available at: http://www.participa.br/interconselhos17/consulta-sobre-metodologia-de-monitoramento-do-ppa
[6] PPA Mais Brasil, https://web.archive.org/web/20170730143644/http://ppamaisbrasil.planejamento.gov.br/sitioPPA/
[7] Ibid.
[8] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso.*
[9] "Open Budget Survey 2017, Brazil," International Budget Partnership, http://bit.ly/2BIDoe7.

# 15. Open Data and Active Transparency in Environment Issues

**Commitment Text:**
*Make room for dialogue between government and society, aiming at generating and implementing actions related to transparency in environment issues*

*The commitment seeks to improve active transparency mechanisms for environment issues, as well as to advance in making room for a better interaction between governmental areas and civil society, with the intent of building more effective actions to disclose environmental information in better quality and greater number.*

*15.1 – Input contribution by the society to the Open Data Plan*
*15.2 –The institutions shall present: a summary paper, which contains an overview of what was implemented about transparency, strategic plan commitments on transparency and the Open Data Plan status, too*
*15.3 - Civil society presents an expectation of data/format to be available (by survey)*
*15.4 –Make an event with the aim of consolidating information and building joint activities, as well as establishing a group for monitoring*
*15.5 – Engender a summary paper, with correspondent actions, people who are in charge, and deadlines (for next year)*
*15.6 – Execution of the established actions*

**Responsible institution:** Ministry of Environment

**Supporting institutions:** Environment National Council (Conama), Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), Brazilian Forest Service, National Institute for Colonization and Agrarian Reform (INCRA), National Institute for Space Research (INPE), World Wild Fund for Nature, Brazilian Coalition on Climate, Forests and Agriculture, Institute of Forest and Agricultural Management and Certification (Imaflora), InfoAmazonia, Institute for Man and the Environment of the Amazon Region (Imazon), Forest Code Observatory

**Start date:** December 2016 .          **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 15. Open Data and Active Transparency in Environmental Issues | | | | ✔ | ✔ | ✔ | | ✔ | | ✔ | | | No | | ✔ | | |

## Context and Objectives

This commitment aims to improve active transparency mechanisms for environment issues, in particular environmental licenses, deforestation, and forest conservation. The commitment calls for the participation of civil society. The government expects to establish dialogue between governmental departments and civil society organizations. It will also identify challenges to, opportunities for, and demands for opening environmental datasets.

There is a growing need for open data regarding the environment in Brazil. For example, legislation created the open dataset of the Rural Environment Registration (CAR, Cadastro Ambiental Rural) in 2012. However, the government released the dataset in 2016.[1] CAR, an active transparency dataset, identifies all rural properties in Brazil. It also provides key information on their environment impact. Civil society considers the dataset key in mapping deforestation and other phenomena.[2] Based on the CAR dataset, for example, a 2017 study showed that owners of rural properties did little to reverse their social environmental impact in recent years.[3] Motivated by civil society demands, the commitment aims to build on the publication of datasets such as the CAR.

The commitment's level of specificity is high. Concrete deliverables include the improvement of an open data plan, the hosting of an event, and the establishment of a monitoring group.

The commitment is mostly relevant to the OGP value of access to information. However, it is also relevant to civic participation, due to its collaborative nature. Given the expected release of the open datasets, the commitment is also relevant to the value of technology and innovation.

The commitment has a minor potential impact, mostly due to its focus on preliminary steps. Nonetheless, greater transparency in environmental information is a priority issue in Brazil. The commitment focuses on gathering civil society expectations, summarizing current efforts, and drafting a plan with new commitments. When implemented, the plan could lead to transformative outputs. However, without knowing the content of the plan or the level of ambition of the proposed reforms, it is not possible to consider the impact to be major.

## Completion

The commitment has seen limited completion.

In May 2017, the government published civil society inputs to the Ministerial Open Data Plan (milestones 15.1).[4] Two civil society members interviewed by the IRM researcher confirmed the consultation process (Dário Cardoso and Joara Marchezini). Their confirmations were based on talks with those involved in the commitment implementation phase. The interviewees also confirmed that the government solicited their requests for datasets. The open data plan established a due date of November 2017 for the list of datasets to be released. Data publication was to start in December 2017.[5]

The government began drafting the summary paper of current initiatives, strategic commitments, and status of the open data plan (milestone 15.2). However, the government did not complete the paper by June 2017.[6] The IRM researcher could not find any record of the summary paper and did not receive information directly from the government. The rest of the milestones had not been started as of June 2017, including the establishment of a monitoring group.

The action plan set a deadline of October 2017 for milestones 15.1-15.5, which puts the commitment behind schedule.

## Early Results (if any)

Given the limited level of commitment completion, it is not possible to assess early results.

## Next Steps

The commitment should be fully implemented during the remainder of the action plan. In its midterm self-assessment report, the government acknowledged the main challenges of moving forward. Those include determining the processes for providing, integrating, and sharing new environmental data, and building a single portal to disclose environmental information and data.

A civil society interviewee stated that this commitment could have an important impact if three specific datasets are improved: CAR, the Declaration of Forest Origin (DOF), and the Animal Transit Guide (GTA). As described above, CAR refers to the registration of rural properties and their efforts to reduce their environmental impact. DOF is the certificate of origin of forestall products and can be used, for example, to investigate illegal commerce of environmental products.[7] GTA involves data on animal transportation and can be used to track, for example, illegal trafficking of oxen.[8]

The government could also incentivize the use of open datasets to increase public accountability. These efforts could include developing private sector and civil society tools or applications that use the data to increase transparency in the environmental sector.

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[1] Portal Brasil, "Governo divulga dados do cadastro de imóveis rurais," 29 November 2016, http://www.brasil.gov.br/meio-ambiente/2016/11/governo-divulga-dados-do-cadastro-de-imoveis-rurais

[2] Bruno Calixto, "Why Environmental Data Such as the Rural Environmental Registry Should Be Public," *EPOCA,* 1 October 2017, http://epoca.globo.com/ciencia-e-meio-ambiente/blog-do-planeta/noticia/2017/01/por-que-dados-ambientais-como-o-cadastro-ambiental-rural-devem-ser-publicos.html.

[3] Phillippe Watanabe, "Rural Environmental Registry Does Not Prevent De-registration or Encourages Restoration," *Folha de S.Paulo,* 3 July 2017, http://www1.folha.uol.com.br/ambiente/2017/07/1898079-cadastro-de-propriedade-rural-nao-impede-desmate-nem-incentiva-restauro.shtml.

[4] "Open Data Plan," Ministry of Environment, http://www.mma.gov.br/plano-de-dados-abertos.

[5] Consulted in October 2017. Previously available at http://wiki.dados.gov.br/GetFile.aspx?File=%2fPlanos%20de%20Dados%20Abertos%20Publicados%2fPlano_de_Dados_Abertos_MMA_2017_2018.pdf.

[6] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-17-ago-rse_15.pdf

[7] G1 AC and Rio Branco, "Without Issuance of DOF, Businessmen Complain of Problems in the Transportation of Wood in the AC," *Globo.com*, 18 July 2017, https://g1.globo.com/ac/acre/noticia/sem-emissao-de-dof-empresarios-reclamam-de-problemas-para-transporte-de-madeira-no-ac.ghtml.

[8] Miguel Oliveira, "Ibama Crosses Data on Illegal Deforestation with GTA to Discover Meat Route to Refrigerators in Para," *Journal of the State of Tapajos* 14, no. 3338 (24 March 2017), http://www.oestadonet.com.br/index.php?option=com_k2&view=item&id=11613:ibama-cruza-dados-de-desmatamento-ilegal-com-gta-para-descobrir-rota-de-carne-ate-frigorificos-no-para&Itemid=88.

## 16. Mapping and Participatory Management for Culture

**Commitment Text:**
*Consolidate the National System of Information and Indicators on Culture (SNIIC), for data generation, diffusion and shared use, information and performance indicators for the co-management of culture*

*The commitment intends to promote an advancement in shared and participatory management of the generation, diffusion and shared use of cultural data, information and performance indicators, improving the data organization related to the management of culture in the country, and ensure social participation at the decision-making mechanisms of the cultural public policies.*

*16.1 Criteria, standards and guidelines definitions, for promotion actions and, training on SNIIC platform for stakeholders*
*16.2 - Making of 200 actions, at least, for training stakeholders for data generation, diffusion and shared use, information and performance indicators, collaboratively*
*16.3 - SNIIC platform deployment on the different levels of government (60% in States and at least in 50 Brazilian municipalities)*
*16.4 - Thesaurus Building, in order to have standardized data*
*16.5 - SNIIC upgrading, customization and continuous development for data generation, diffusion and shared use, information and performance indicators, including budget*

**Responsible institution:** Ministry of Culture

**Supporting institutions:** Brazilian Institute of Museums, Ministry of Tourism, City Hall of São Paulo, Culture Secretariat – Government of Federal District, House of Networking, NGO THYDÊWÁ - Potyra Te Tupinambá (Messages from Earth), Sectorial Collegiate of Music and Culture Thesaurus Workgroup

**Start date:** December 2016 .                    **End date:** November 2018

| Commitment Overview | Specificity | | | | OGP Value Relevance (as written) | | | | Potential Impact | | | | On Time? | Completion | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | None | Low | Medium | High | Access to Information | Civic Participation | Public Accountability | Tech. and Innov. for Transparency and Accountability | None | Minor | Moderate | Transformative | | Not Started | Limited | Substantial | Complete |
| 16. Mapping and Shared Management in Culture | | | | ✔ | ✔ | ✔ | | ✔ | | | ✔ | | No | | ✔ | | |

### Context and Objectives

As stated in the action plan, civil society in Brazil has difficulty monitoring actions related to cultural policies. To address this, the commitment intends to use participatory mechanisms to promote the diffusion and shared use of cultural data. It aims to improve not only access to information but also accountability for policies in this sector. The government expects to conduct stakeholder trainings on the National System of Information and Indicators on Culture (SNIIC) platform. SNIIC serves as the main repository of cultural policies and aims to be a hub of cultural programs and initiatives publicity in every city. The government also

expects to deploy the platform at different levels of government (at least 60 percent of states and at least 50 municipalities). Other activities include building a thesaurus and including data customization tools on the portal.

Beyond the benefits of the commitment for access to cultural data, another clear driver for the initiative is greater public monitoring of cultural policies. Before 2017, Brazil had no dedicated portal for cultural policies, despite the existence of active datasets published in other open data portals and other fragmented initiatives.[1] There were, however, several cases of corruption involving benefits from cultural policies. In particular, this happened regarding the use of the Rouanet Law,[2] which provides tax incentives to businesses and individuals for cultural contributions. These kinds of irregularities could be better monitored by civil society through the SNIIC portal.[3] The Rouanet Law also received scrutiny for its lack of transparency, as evidenced by a poor rate of response to freedom of information requests.[4] As a result, the Ministry of Culture updated regulations applicable to the law in 2017, to better promote transparency and public accountability.[5]

The commitment's specificity is high. It lists measurable activities and their reach (e.g., the number of state and municipalities that will receive the new portal and the number of trainings). By working directly with civil society on the disclosure of cultural data and information on policies, the commitment addresses the OGP values of access to information, civic participation, and use of technology and innovation.

The commitment has a moderate potential impact. On the one hand, the commitment focuses on preliminary steps, such as trainings on the existing SNIIC platform. On the other hand, the government foresees the expansion of the open data portal to at least 60 percent of states and 50 municipalities. Such expansion would be significant compared to the status quo. The government's level of investment in cultural activities is significant, but the lack of awareness of sponsored activities is a major barrier for cultural consumption. Thus, having an updated public portal with cultural activities could increase public service consumption considerably.[6]

### Completion
The commitment has seen limited completion.

The government has begun implementation of the National System of Information and Indicators on Culture (SNIIC) platform (milestone 16.3) at different levels of government. It has aimed for expansion to 60 percent of states and at least 50 Brazilian municipalities. As of August 2017, the platform was implemented in 37 percent of states and 23 cities.[7]

There is limited progress on the 200 trainings for data generation and usage (milestone 16.2). The official platform page lists only two recently executed activities: a small roundtable training in November 2016[8] and two larger events in March 2017. At the March event, about 70 participants from 10 states and 10 municipalities met to share experiences and discuss the expansion of cultural maps (one of the core pillars of the SNIIC portal).[9] In addition, an April 2017 workshop in São Paulo brought together about 60 researchers who discussed culture indicators and new ways to measure success.[10]

As for the upgrading of the SNIIC system for data generation, communication, and indicators (milestone 16.5), the implementation report[11] mentions that some minor functions have been added (e.g., a new Instagram link). However, the IRM tested the platform and could not identify these new functions.[12]

There is no visible progress on milestones 16.1 and 16.4. No records exist to indicate progress on the definition of criteria, standards, and guidelines (milestone 16.1). A working group launched thesaurus-building (milestone 16.4) activities in 2015,[13] but its most recent reports date back to July 2016,[14] prior to the start of this action plan.

The action plan set a completion date of October 2017 for Milestone 16.1, which puts the commitment behind schedule.

## Early Results (if any)

The commitment aims to increase public integrity and better manage public resources by creating, disclosing, and using cultural data. These results are achievable if the commitment is fully implemented. However, it is important to note the National System of Information and Indicators on Culture (SNIIC) involves a policy program that predates the action plan. Most of the commitment milestones list activities that were due before the start of the action plan, including the portal and the capacity-building activities.

In addition, civil society members interviewed by the IRM researcher (Sebastian Gerlic and Neide de Sordi from Thydewa and the Open Knowledge Foundation, respectively) stated that some of the data used to feed into the SNIIC system is outdated and needs urgent attention. According to Sordi, the database of public libraries, for example – which is updated by city governments – is outdated and includes information on libraries that do not exist, or has libraries registed more than once. At the same time, she noted that other databases, such as that the museum database, are updated and contain reliable data.

Apart from those observations, the progress in commitment implementation is too limited to evaluate early results. The last entry of the news section of the portal, for example, is dated January 2017. In addition, the number of event entries in the cities of São Paulo and Rio de Janeiro are fewer than 10 per city.

## Next Steps

The commitment still needs to be implemented. As next steps, it is key to address two limitations mentioned by the working group in the consultation phase: insufficient co-creation of data and fiscal transparency.[15] The National System of Information and Indicators on Culture (SNIIC) presents an important opportunity to bring transparency, civic participation, and public accountability to cultural policies. However, the commitment could achieve greater impact if it were to focus on usage of the SNIIC data by government and civil society, rather than on the expansion of the data.

[1] Marina Gomes de Oliveira Polo, "Government, Civil Society and the Challenges in the Publication of Open Data: The Case of the Database of the National Program of Support to Culture in Brazil," Instituto Universitario de Lisboa, https://repositorio.iscte-iul.pt/handle/10071/10999.
[2] "PF Deflagra Operação para Investigar Desvio de R$ 180 mi na Lei Rouanet," *Folha de S.Paulo*, 29 June 2016, http://bit.ly/2EuJZMk.
[3] "Transparency: MinC Launches Open Data Plan Portal," Representação Regional Nordeste, 1 June 2017, http://culturadigital.br/mincnordeste/2017/06/01/transparencia-minc-lanca-portal-plano-de-dados-abertos/.
[4] Fabio Vasconcellos, "É preciso promover cultura dos dados abertos, diz pesquisadora," *O Globo*, 1 December 2014, http://blogs.oglobo.globo.com/na-base-dos-dados/post/e-preciso-promover-cultura-dos-dados-abertos-diz-pesquisadora-555695.html
[5] "New Rules Make Law Rouanet More Transparent and Accessible," Government of Brazil, http://www.brasil.gov.br/cultura/2017/03/novas-regras-tornam-lei-rouanet-mais-transparente-e-acessivel.
[6] "Culture—The Investment Map," Desafios do Desenvolvimento, 3 January 2005, http://www.ipea.gov.br/desafios/index.php?option=com_content&view=article&id=873:reportagens-materias&Itemid=39.
[7] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso,* http://www.governoaberto.cgu.gov.br/central-de-conteudo/documentos/2017-30-agosto-rse_16.pdf.
[8] Priscila Dorneles, "Treinamento e Formação de Gestores do Mapas Culturais," SNIIC, 3 January 2017, http://bit.ly/2BO024U.
[9] Médice Bruno Duraes Soares, "Gestores e Desenvolvedores de Mapas se Reúnem," SNIIC, 12 May 2017, http://bit.ly/2nyEdRW.
[10] "Prácticas Culturais e as Novas Tecnologias: Desafios para Produção de Indicadores," SESC São Paulo Education and Research Center, 19 April 2017, http://bit.ly/2BOh6I0.

[11] Ministerio da Transparencia, Fiscalizacao e Controladoria-Geral da Uniao, *Relatorio de Status de Execucao de Compromisso.*

[12] Comparisons of a web archive of the site on 29 December 2016 (http://bit.ly/2FDibVh) and on 6 June 2017 (http://bit.ly/2DP5arh) reveal that the functionality of the site did not change.

[13] Priscila Dorneles, "IV Meeting of the SNIIC Commission and I WG Working Glossary of Culture," SNIIC, 24 February 2016, http://sniic.cultura.gov.br/2016/02/24/iv-reuniao-da-comissao-do-sniic-e-i-oficina-do-gt-glossario-da-cultura/.

[14] Priscila Dorneles, "Meeting of Developers of the 'Cultural Maps,'" 25 July 2016, http://sniic.cultura.gov.br/2016/07/25/encontro-de-desenvolvedores-do-mapas-culturais/.

[15] "Challenge Prioritization Stage," Open Government Partnership, Brazil Federal Government, last modified 24 February 2017, http://www.governoaberto.cgu.gov.br/noticias/2017/monitoramento/3o-plano-de-acao-brasileiro/cultura/priorizacao-dos-desafios.

# V. General Recommendations

Looking ahead, it is important that Brazil's next action plan include more ambitious commitments that address key issues of corruption. In addition, greater involvement of the private sector, nonfederal branches of government, and subnational entities in the OGP process would expand the reach of open government.

This section aims to inform the development of the next action plan and guide the completion of the current action plan. It is divided into two sections: 1) the civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

## 5.1 Stakeholder Priorities

The stakeholder priorities for the current action plan focused on access to information, civic participation, and the use of innovation and technology. In this sense, many commitments in the action plan combined different open government approaches, particularly through the collaborative aspects of co-creation and co-implementation of most commitments.

The comments from interviewed stakeholders and from the monitoring sessions suggest that civil society participants support the progress made on open government. There is, however, a desire to achieve more ambitious outcomes and greater impact. These aspirations include addressing more relevant public issues, such as political party finance transparency and corruption. Government and civil society did not prioritize these topics in the consultation phase. Still, these are major national issues that have received much attention and debate from movements and organizations outside of the OGP process.[1]

## 5.2 IRM Recommendations

Brazil's second action plan had 52 commitments, only one of which was starred. The current action plan has 16 commitments. Again, only one commitment is starred (commitment 6). All commitments are specific and relevant to OGP values, but only two commitments have a transformative potential impact (commitments 6 and 8). Therefore, the main general recommendation for the next action plan is to include more ambitious commitments.

The consultation process of the current action plan represented a drastic improvement over the previous one. Civil society abandoned the OGP process during the implementation phase of the second action plan. In the current plan, civil society participated in both the consultation and implementation phases. This participation is attributed to, according to the interviews, the clear communication of procedures and the collaborative mechanisms of participation in all phases of action plan development.

Nonetheless, several interviewees argued that the consultation phase was too short to reach proper consensus and that there is a need to focus on more ambitious milestones. The process was perceived as highly constructive, but not necessarily efficient in addressing major open government challenges with transformative reforms. As a result, another general recommendation involves reconsidering the consultation process. The strongest aspects of the process should be preserved, including the collaborative decision-making process and the transparency of the process. The weakest aspects, such as the short time to reach final conclusions and need for more information to drive decision-making, could be strengthened.

In terms of content, it is noteworthy that the action plan did not address key aspects of public debate, such as political party financing and public-private-sector corruption scandals. However, the action plan did include several other important topics that are usually not highlighted in public debate. These issues include open educational resources, penitentiary system data, and environmental data. This shows that the process adopted during the consultation phase prioritized topics offered by those participating in the process. The list of issues also demonstrates that the working groups were able to achieve consensus.

In terms of representativeness, the third action plan included diverse regional actors, institutions from other branches of government, and private sector representatives. A diverse group is largely expected for such a process. However, there is overrepresentation of federal executive government institutions and traditional civil society organizations. This indicates the need to further increase the diversity of involved actors in the next action plan.

The private sector, for example, can work as a consultation partner, but it should also collaborate on implementation. The presence of civic tools companies (such as WeGov) and tech companies (such as Microsoft) suggests that there is interest in following OGP activities. The government could, however, expand the participation of the private sector in thematic areas, such as the environment and service delivery. One member from civil society (Alexandre Gomes, independent expert), coming from the private sector, complained about the few opportunities for companies (from major companies to small startups) to participate in the OGP process. On the other hand, the government noted that CGU made a major effort to involve the private sector in the development of this action plan, highlighting the participation of new actors such as Microsoft. Moreover, the government cited the challenge of sustaining participation during implementation, given that some actors do not continue to engage in the process after participating in the co-creation workshops.[2]

Increasing the role of civil society participation is nonetheless even more relevant, due to the core position they have in OGP. Major civil society organizations (CSOs) previously engaged in OGP in Brazil, such as Article 19 and Open Knowledge Foundation, are key partners in the action plan process. Government agencies involved also brought in new CSO partners, such as the Open Educational Resources network.

Balancing the role of federal executive agencies in the OGP process also remains a challenge. While executive agencies are in a better position to promote a whole-of-government transformation, the OGP process would benefit from increasing the diversity of actors and points of view. The third action plan represents a more balanced representation of the government. However, given that São Paulo participates in the OGP Local Program, and other government branches (e.g., legislative) have expressed interest in open government, there is likely room to include a variety of other government agencies in the process.

Lastly, with the general elections in Brazil scheduled for October 2018, it will be important to develop a transition plan for OGP activities. The co-creation process of the fourth action plan will most likely conclude prior to the elections. Consequently, the government should prepare concrete measures for ensuring that the resulting commitments—and the OGP process more broadly—are sustained. Such measures could include setting up meetings between the Civil Society Working Group and incoming administration officials. The government could also reserve opportunities for the incoming administration to co-create new commitments next year. Regardless of the specific mechanisms employed, there should be a plan for ensuring the continuity of the OGP process, which the government agrees is an important objective.[3]

### Table 5.1: Five Key Recommendations

| 1 | Redesign the consultation methodology to incentivize government and civil society to reach more ambitious commitments. |
|---|---|
| 2 | Address key public agenda topics, such as political party financing and anti-corruption efforts. |
| 3 | Further engage the private sector in the implementation of commitments, to expand open business models and private sector interest in promoting open government principles. |
| 4 | Involve other areas of the government, such as the Public Prosecutor's Office, |

| | | |
|---|---|---|
| | the subnational government of São Paulo, and legislative houses that have institutionalized open government mechanisms. | |
| 5 | Establish a transition plan for OGP to ensure the sustainability of activities after the general elections. | |

[1] See https://www.wilsoncenter.org/blog-post/brazils-new-political-movements for a list of new political movements and organizations in Brazil that are focusing on political and campaign reform, as well as anti-corruption efforts.
[2] The government provided these comments during the pre-publication review of this report, 24 April 2018.
[3] During the pre-publication review of this report, the government noted that it has made strong efforts to establish open government as a policy of the State, rather than of a particular administration. The comments were received on 24 April 2018. The IRM researcher closely followed the OGP process and acknowledges the efforts made by both civil society and government to institutionalize the process.

# VI. Methodology and Sources

IRM reports are written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

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

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.

2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)

3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.

4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[1]

## Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers strive to make a genuine effort to invite stakeholders outside of the "usual suspects" 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 is provided in the self-assessment or is accessible online.

The IRM researcher in Brazil participated in the kick-off meeting of the consultation phase. During this meeting, the IRM method was presented to the thematic working groups. The IRM researcher also participated in five commitment monitoring sessions (held online). The IRM researcher invited 193 participants (124 from government and 69 from civil society) from 111 institutions to participate in two data collection opportunities. These included an online survey (answered by 21 people) and in-depth online interviews (11 conducted).

**Responses to online survey (N=21)**

| Commitment | Interviewee |
|---|---|
| 1 | Augusto Herrmann Batista (Gov., Ministry of Planning, Development, and Management) |
| 1 | Carmela Zigoni (CSO, Institution for Socioeconomic Studies [INESC]) |
| 2 | Grazielle David (CSO, INESC) |
| 3 and 4 | Joara Marchezini (CSO, Article 19) |
| 3 and 4 | Marcelo de Brito Vidal (Gov., Ministry of Transparency, Oversight, and Comptroller-General) |
| 3 and 4 | Marina Iemini Atoji (CSO, ABRAJI) |
| 3 and 4 | Humberto Mesquita (Gov., Brazilian Forest Service) |
| 5 | Jailton Almeida (Gov., National Secretary for Social Articulation, SNAS) |
| 6 | Tel Amiel (CSO, Unicamp) |
| 6 | Jorge Machado (CSO, Colab) |
| 6 | Marlicia Amaral (Gov., Ministry of Education, MEC) |
| 7 | Bárbara Paes (CSO, Article 19) |
| 10 | Ronan Damasco (CSO, Microsoft) |
| 11 | Cristiano Ferri (Gov., LabHacker) |
| 12 | Telma Tanno (Gov., Secretariat of Government) |
| 14 | Neide de Sordi (CSO, Open Knowledge Brazil) |
| 15 | Dário Cardoso (CSO, Imazon) |
| 15 | Joara Marchezini (CSO, Article 19) |
| 15 | Ana Valdiones (CSO, Instituto Centro de Vida) |
| 16 | Neide de Sordi (CSO, Open Knowledge Brazil) |
| 16 | Sebastian Gerlic (CSO, Thydewa) |

**In-depth interview responses (N=11)**

| Commitment | Interviewee |
|---|---|
| 1 | Alexandre Gomes (CSO, open data expert) |
| 1 | Augusto Herrmann Batista (Gov., Ministry of Planning, Development, and Management) |
| 2 | Otávio Neves (Gov., Ministry of Transparency, Oversight, and Comptroller-General [CGU]) |
| 2 | Victor Pimenta (Gov., Ministry of Justice) |
| 3 and 4 | Marcelo de Brito Vidal (Gov., CGU) |
| 5 | Jailton Almeida (Gov., National Secretary for Social Articulation, SNAS) |
| 8 | Neide de Sordi (CSO, Open Knowledge Brazil) |
| 8 | Victor Pimenta (Gov., Ministry of Justice) |
| 12 | Adenísio de Souza (Gov., CGU) |
| 14 | Neide de Sordi (CSO, Open Knowledge Brazil) |
| 16 | Neide de Sordi (CSO, Open Knowledge Brazil) |

### 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 an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio

- Mary Francoli

- Brendan Halloran

- Jeff Lovitt

- Fredline M'Cormack-Hale

- Showers Mawowa

- Juanita Olaya

- Quentin Reed

- Rick Snell

- Jean-Patrick Villeneuve

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

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1  *IRM Procedures Manual,* V.3, https://www.opengovpartnership.org/documents/irm-procedures-manual.

# VII. Eligibility Requirements Annex

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

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

**Table 7.1: Eligibility Annex for Brazil**

| Criteria | 2011 | Current | Change | Explanation |
|---|---|---|---|---|
| Budget Transparency[2] | 4 | 4 | No change | 4 = Executive's Budget Proposal and Audit Report published<br>2 = One of two published<br>0 = Neither published |
| Access to Information[3] | 3 | 4 | Increased | 4 = Access to information (ATI) Law<br>3 = Constitutional ATI provision<br>1 = Draft ATI law<br>0 = No ATI law |
| Asset Declaration[4] | 4 | 2 | Decreased | 4 = Asset disclosure law, data public<br>2 = Asset disclosure law, no public data<br>0 = No law |
| Citizen Engagement (Raw score) | 4<br>(9.12)[5] | 4<br>(8.82)[6] | No change | *EIU Citizen Engagement Index* raw score:<br>1 > 0<br>2 > 2.5<br>3 > 5<br>4 > 7.5 |
| **Total / Possible (Percent)** | 15/16<br>(94%) | 14/16<br>(88%) | Decreased | 75% of possible points to be eligible |

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

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

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

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

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

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