

**Collaboration: a crucial
element for developing
and implementing open
government initiatives.
Analyzing the
co-creation of
Costa Rica's National
Open Data Policy
(PNADP)**

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Abstract

Costa Rica's administration from 2014 to 2018 included open government as one of three pillars of the National Development Plan: "Open government at the forefront of the fight against corruption". The Government co-created the National Open Government Strategy and the second Open Government Partnership action plan. One of the plan's commitments was the co-creation of the National Open Data Policy, which aimed to establish strategic, legal and technical guidelines to secure effective openness of public information in Costa Rica. The process also sought to engage stakeholders in open data efforts and broaden the landscape. This paper seeks to show how the collaboration process allowed for the co-creation, co-implementation and co-assessment of the National Open Data Policy. As a result, levels of trust among the public administration, civil society, the private sector, academia and media increased, strengthening the legitimacy of the Deputy Ministry of Foreign Affairs and Citizen Dialogue as a driver of the open government agenda. Finally, the paper provides insights about the enabling conditions that contributed to building trust and legitimacy in this particular process, as well as the challenges that the open government landscape faces when implementing innovative co-creation, co-implementation and co-assessment processes.

Key words: open government, collaboration, co-creation, open data.

Introduction

The concept of open government, as a new paradigm of public administration, includes collaboration as a main pillar, both in theory and in practice. In this context, it is crucial to assess whether open government strategies and plans are carried out taking into consideration one or more of its pillars.

It is therefore important to assess government openness processes in terms of whether collaboration represents a crucial element for the success of initiatives and commitments implemented by countries.

In this paper, we review the historic context of open data in Costa Rica and how the lessons learned from this process resulted in re-thinking the design and implementation of the Open Data National Policy.

The paper also looks at the role of collaboration in the co-creation of Costa Rica's National Open Data Policy (PNADP in Spanish), identifying the elements of this open government pillar and assessing to what extent these were incorporated into the co-creation process.

Specifically, the research aims to show how the implementation of collaboration with multiple stakeholders can contribute to the co-creation, co-implementation, and co-assessment of the National Open Data Policy in a way that levels of trust among the public administration, civil society, the private sector, academia and the media increased, legitimizing the work of the Deputy Ministry of Political Affairs and Citizen Dialogue as the main driver of the open government agenda.



Finally, the paper provides insights on the conditions that contributed to trust and legitimacy building, as well as the challenges the open government landscape can face when implementing innovative process of co-design and co-implementation of public policies.

Methodology

Given the context in which the concept of open government was proposed and that, within a short period of time, it has gained significance in various regions and contexts, this article starts with a review of concepts and definitions relevant to the Latin American region in an effort to identify the main characteristics of the principle of collaboration and identify to what extent these were honored in this case.

Thus, we provide an analysis of the author's experience around the co-creation of the National Open Data Policy in Costa Rica by describing events from the establishment of the commitment in 2015 through the enactment of the policy in 2017.

This qualitative research reviews, interprets and analyzes the different stages of co-creation of the PNADP and, building on the case study, establishes a cause-effect relationship.

Collaboration in the context of the Open Government Partnership and the Ibero-American Open Government Charter

In 2009, the President of the United States, Barack Obama, issued the Presidential Memorandum on Transparency and Open Government. Since then, and facing increasing demand from civil society organizations, several countries started implementing this paradigm in the public administration. The key to the memorandum and the concept of open government are the basic principles of transparency, citizen participation and collaboration.

In the Memorandum, Obama's administration identified open government as a means to strengthen democracy and promote more efficient and effective governments. Therefore, the "[...] signing of the Memorandum represents a political declaration that promotes and grants viability to the implementation of open government [...]" (Fundacion CiGob, 2013).

This political statement was the starting point for the promise of openness in governance. The then president of the United States, Barack Obama, at the United Nations General Assembly of September 23, 2010, pointed to the importance of operationalizing the concept through specific commitments and promoting transparency, anti-corruption, revitalization of citizen participation and the use of new technologies. (Dassen & Ramirez, 2014).

The declaration prompted the establishment of the Open Government Partnership (OGP), a global effort that acknowledges the fact that citizens want more transparent, effective and accountable governments and institutions that promote citizen participation and respond to their needs (Dassen & Ramirez, 2014), improving the performance and quality of governments through information openness and institutional processes.

OGP is a multilateral initiative that focuses on promoting transparency and access to information, strengthening citizen participation and collaboration in the debate and decision-making of public



affairs, fighting against corruption and harnessing new technologies to improve democratic governance and the quality of public services through innovative mechanisms. All of the above is achieved through the establishment of concrete commitments by member countries.

OGP's Steering Committee is composed of government and civil society representatives, and both sectors share the presidency of the Committee. With this multi-sectorial approach, for the first time, civil society organizations take on a central role (Dassen & Ramirez, 2014).

The concept of open government gains importance and takes on a role as potentially the new paradigm of public administration. In 2016, the Latin American Center for Development drafted the Ibero-American Open Government Charter, defining the concept as follows:

[...] “set of mechanisms and strategies that contribute to public governance and good government, based on the pillars of transparency, citizen participation, accountability, collaboration and innovation, putting the citizens at the center of decision-making and design and implementation of public policies to strengthen democracy and legitimize public action and the public wellbeing” (CLAD, 2016)

The Charter points to the concept of open government as a new paradigm of public administration, based on the three pillars. It also identifies a fourth pillar: collaboration and citizen innovation, defined as:

[...] “the creation of new spaces for dialogue and work that promote the co-creation of initiatives and co-production of new public services. This represents new approaches, methodologies and practices to strengthen innovation within public institutions and promote collaboration with additional stakeholders, the private sector, and the third sector, among others. It also represents recognizing the installed capacity of society and benefits these can contribute in the design and implementation of public policies, leaving behind the concept of passive citizens that act as recipients of institutional actions to become lead players and solution-makers”.

This concept entails co-responsibility, cooperation and coordinated work, not only with the citizenry, but also with businesses, associations, academia, civil society organizations, and others, as well as joint efforts within public administrations.

The Charter also defines citizen innovation as effective engagement in initiatives that contribute to the general interest, achieve greater inclusion and promote a culture of equality through collaborative work. Therefore, public organizations take on the role of facilitators of openness and revitalizers of collaborative platforms, as well as advocates of forums of effective, robust and sustainable innovation” (CLAD, 2016)

The concept of collaboration is also defined in the Memorandum on Transparency and Open Government issued by President Barack Obama on January 21, 2009, stating that:

“Collaborative governments commit and engage citizens and other social agents to work together to solve national issues. This entails cooperation and coordinated action, not only



with the citizenry, but also with businesses, associations and other agents. Collaboration also enhances joint work within administrations, and with stakeholders in a cross-cutting way”

A relationship can be established between the two definitions and draw similarities and extensions of the concept. Table 1 summarizes some similarities between the two.

Table 1. Comparison between President Barack Obama’s Memorandum of Transparency and the Ibero-American Open Government Charter definitions of collaboration.

	REFERENCE FRAMEWORK	
	President Barack Obama’s Memorandum of Transparency	Ibero-American Open Government Charter
COLLABORATION COMPONENT	Commit and engage citizens and other social agents in efforts to work together to solve national issues.	Create new spaces for dialogue and work that promote the co-creation of initiatives
		New approaches, methodologies and practices to promote collaboration with additional stakeholders
		Recognizing the installed capacity of society and benefits these can contribute in the design and implementation of public policies
	Cooperation and coordinated action among all social agents.	Co-responsibility, cooperation and coordinated work among stakeholders, as well as joint efforts within public administrations.
	Enhance joint work within administrations, and with stakeholders in a cross-cutting way.	

Source: Prepared by the author.

As we can see, both definitions have elements in common, including joint work, cooperation, coordination, and engagement by all social agents.

Open Government in Costa Rica as of 2014

In 2014, Solis Rivera’s administration set a goal to channel efforts to the fight against corruption, strengthen State transparency, and increase the effectiveness and efficiency of the public



administration, based on the pillars of access to public information and active participation of the citizenry.

The 2014-2018 National Development Plan established guidelines to draft the strategic framework for OGP's second action plan, namely the National Open Government Strategy 2014-2018. The plan aimed to increase transparency in the process and enable access to public information, as well as furthering citizen participation in the design of national policies and plans.

Costa Rica became a member of the Open Government Partnership in 2012, and in 2015 submitted its second national action plan, which included 18 commitments related to transparency, access to information, the fight against corruption and citizen participation. In the same year, the government issued Executive Decree N° 38994-MP-PLAN-MICITT “Advancement of Open Government in the Public Administration and Creation of the National Commission for Open Government” (CNGA in Spanish), mandating the creation of the Commission with the task to advise the Presidency on open government actions, projects, and regulations.

The CNGA integrates as part of the following entities and organizations: the Ministry for Presidency, the Ministry for Science, Technology and Telecommunications, the Ministry for National Planning and Economic Policy, the Ministry of Treasury, the Ministry for Justice and Peace, Costa Rican Union of Private Sector Chambers and Associations (UCCAEP), the National Dean Council (CONARE) and two civil society organizations. From 2015 to 2017, integration of external agents was assigned to the Chamber of Information Technology and Communications on behalf of UCCAEP, the University of Costa Rica on behalf of CONARE and the organizations Abriendo Datos Costa Rica and Costa Rica Integra on behalf of civil society.

Among other duties, the Commission is charged with recommending open government policies, guidelines, strategies and action plans; raise awareness among the citizenry; put forward methodologies to assess open government implementation and performance; and promote collaboration and exchange among various stakeholders to advance the open government agenda.

The commitments established in the action plan aimed to address ongoing challenges and allow for increased integrity in the public administration, accountability, citizen rights of access to information and citizen participation through the development of open States and building on the pillars of transparency, collaboration, participation, accountability and innovation.

Co-creation of Costa Rica's Second Open Government Partnership Action Plan

The government, through 32 institutional focal points from the executive branch, the judiciary, the Citizen Public Defender and the Institute for Democracy Education (IFED), created a set of commitments as part of the co-creation process of its second open government action plan.

The input provided by the institutional focal points was gathered and translated into commitments presented by the National Commission for Open Government.

Meanwhile, civil society designed a methodology to develop the action plan in a participatory manner, led by the organization Abriendo Datos Costa Rica in coordination with the Asociación



Centro Ciudadano de Estudios para una Sociedad Abierta (ACCESA) and Estudio Manati, with funding from Hivos. These organizations conducted participatory workshops in different regions of the country (Chorotega, Huetar Norte, Pacífico Central, Brunca, Central y Huetar Atlántico).

The input put forward by civil society was condensed into 15 commitment proposals, submitted via email to the Deputy Ministry for Political Affairs and Citizen Dialogue. Later on, civil society stakeholders presented the commitments and report in person.

Workshops were also carried out to validate both proposals, where representatives of social organizations and public agencies reviewed the input. Finally, the document was submitted to the National Commission for Open Government. In these workshops, participants also discussed the commitments with the goal of increasing their quality.

The commitments that were ultimately included in the second action plan were the result of transparent, participatory and inclusive processes that engaged diverse stakeholders who, in a collaborative and collective manner, got together to fulfill the goal of collective co-creation to create a better output.

An example that illustrates the nature of the process was the inclusion of the commitment to co-create the National Open Data Policy. This commitment stood out in both in the government and civil society processes. In the following sections, we provide a description of this commitment, its surrounding context and approach during the two years of the action plan cycle.

The Commitment to Co-create the National Open Data Policy

During the co-creation process of Costa Rica's second OGP action plan, stakeholders identified the need to create a strategic, regulatory and technical framework for open data. Civil society and government representatives knew that the success of a policy of this kind required a participatory and collaborative co-creation process.

This commitment aimed to establish

“[...] the technical and regulatory basis to allow for data openness, considering: frequency of publication, technological neutrality, data interoperability and communication strategies among different stakeholders so as to establish minimum formats and guidelines that guarantee access to and understanding of information”. (Costa Rica's Ministry of the Presidency, 2015)

The commitment aimed to collaboratively build the necessary elements to provide the citizenry with open, neutral and interoperable data. However, there were many challenges in the national context, as well as several gaps left behind by the prior administration's open data initiative, driven by the Technical Secretariat for Digital Government.

The Context of Open Data in Costa Rica in 2012-2014

The Government of Costa Rica launched its open data portal datosabiertos.gob.go.cr in September, 2012, prior to the start of the drafting of the 2012-2014 OGP action plan. However,



and despite the fact that the co-creation of the National Open Data Policy was established as a commitment in the first OGP action plan, the policy is still work in progress.

The launching of the portal presented a series of challenges, including the lack of open data guidelines and of a regulatory framework for public institutions, which led each agency to conduct the work in their own way. As a result, there was no consistency in the published information, as agencies published data according to their own scope and procedures.

Additionally, certain high-level agencies that interact with citizens were not part of the initiative yet, including the Social Security Office, which provides its internal information on epidemiological data and disease incidence.

This step, which was very important to the private sector and civil society, as well as the empowering of key officials to participate in data openness and maintenance, were left for 2015.

The assessment of the first OGP action plan yielded the following recommendations:

- Conduct a more ambitious campaign about the website and its uses, and engage additional institutions.
- Develop mechanisms to understand users' data needs and interests, instead of allowing institutions to decide which datasets to publish at their sole discretion.
- Despite the fact that, in its self-assessment report, the government defined the commitment as complete, the second action plan picked it up and included concrete and measurable actions around which institutions to include, timeframes, general guidelines for data openness, relevance, and formats.
- Include institutions that would benefit from transparency and accountability initiatives, such as the Ministries of Public Works, Environment, Treasury, Planning, Public Companies and Autonomous Institutions.

In terms of appropriation and use of open data by the civil society and citizenry, there is a long way to go. Except for isolated efforts including hackathons spearheaded by the Latin American initiative *Desarrollando America Latina (DAL)* and locally driven by *Grupo INCO*, there was not a plan to promote citizen innovation around data usage.

There was a need to include each of these elements in the co-creation of the national open data policy in order to make it sustainable and to encourage citizen empowerment through data openness.

Collaboration in the Co-creation of the National Open Data Policy

a. Dialogue forums. On May 2016, and with support from the Department for Effective Public Management of the Organization of American States and the Latin American Initiative for Open Data (ILDA in Spanish), the dialogue forums *Dialogo de Datos Abiertos en Costa Rica* were created.

The goal of the forums was to create a space to agree on the establishment of general guidelines and open data standards, identify relevant stakeholders, and technology adoption by institutions in order to provide the citizens with valuable information.



At the time, very few stakeholders were engaged in the data openness process, so there was a need to set the topic in motion and demonstrate its significance to Costa Rica, and to conduct appropriate activities, considering the context and information availability. The following themes were discussed in the forums:

Table 2: Themes discussed in Costa Rica’s open data dialogue forums.

FORUM	CROSS-CUTTING ISSUES	MAIN THEMES
1. General guidelines for data openness	-Governance -Diagnosis -Action plan 2016-2018	- Open data decree - Technology platform - License - Basic datasets
2. Communication and capacity building		- Training for public officials - Capacity building for re-use - Data publication process
4. Reuse projects		- Initiatives for the civil society (economic and social innovation) - Data needs and justification - Data availability - Openness agreements and actions

b. Establishment of a working-group. Once the results of the dialogue forums were systematized, the Deputy Ministry of the Presidency established a technical working group, which was charged with analyzing the recommendations and results from the process and drafting the policy. Elements to include in the strategic framework were the decree and guidelines, data openness guide and an open data action plan. The group initially worked on the decree, and on the remaining elements later on.

c. PNADP Consultation. Once the decree was drafted, the next step was to consult key institutions, such as the General Office of the National Archive, the National Institute for Statistics and Census, the Ministry for National Planning and the Ministry for Science, Technology and Telecommunications. Through this focused consultation process, the government incorporated key technical elements that had been left out in the first draft.

d. Launching of the National Open Data Commission (CNDA in Spanish). In the third trimester of 2017, the CNDA was launched, as established by article 8 of the Executive Decree N° 40199-MP “Public Data Openness” of April 27, which states:

Article 8. National Open Data Commission. The National Open Data Commission will advise the Technical Secretariat and perform the following duties

- *Advise, assess and make recommendations on the national plans to implement the national open data policy and other instruments that regulate the availability and use of open data;*
- *Actively support the publication and use of open data by different stakeholders*
- *Identify priorities to include in the National Open Data Action Plans*



- *Supervise the work of the Technical Secretariat around the National Open Data Policy*

The Commission will be presided by the Ministry of the Presidency in its role as leading open government agency, according to Decree N° 38994-MP-PLAN-MICITT and will be multi-sectorial in nature:

- *Ministry of the Presidency*
- *Ministry of Science, Technology and Telecommunications*
- *Ministry of National Planning and Economic Policy*
- *National Institute for Statistics and Census*
- *General Office of the National Archive*
- *Two representatives from social organizations*
- *Two representatives from the private sector*
- *One representative from academia*

The Commission will be allowed to invite additional representatives or experts, as necessary (Government of Costa Rica, 2017).

This milestone ensured that the implementation of the national policy was participatory and multi-sectorial, as well as a space for collaborative work, with co-responsibility from various stakeholders.

Analysis

Taking into account this context, we will now analyze the milestones and activities and to what extent they aligned with the definitions of collaboration described above.

Table 3: Milestones and activities implemented as part of the co-creation and implementation process of the PNADP in connection with the elements of the collaboration definitions.

ELEMENTS OF THE COLLABORATION DEFINITION		APPLICATION
Memorandum on Transparency and Open Government	Ibero-American Open Government Charter	Milestones and activities in the co-creation and implementation of the PNADP
Commit and engage citizens and other social agents in efforts to work together to solve national issues.	Create new spaces for dialogue and work that promote the co-creation of initiatives	<ul style="list-style-type: none"> - Open data dialogue forums (May 2016) - Establishment of the working group, charged with the drafting of the PNADP (August- November 2016) - Review and approval by the CNGA (February 2017). - PNADP public consultation (April 2017)



	New approach, methodologies and practices to promote collaboration with additional stakeholders	- Engagement of civil society organizations, businesses, academic institutions, and the media in the co-creation and implementation process (dialogue forums, working group, focused consultation, discussion at CNGA, public consultation) of the PNADP.
	Recognizing the installed capacity of society and benefits these can contribute in the design and implementation of public policies	- In the establishment of the working group charged with drafting the PNADP, the government secured participation from civil society, one consultant, and representatives from the information technology sector, all of whom were knowledgeable of open data. - In the establishment of the CNDA (Ministry for Science, Technology and Telecommunications, National Institute for Statistics and Census, the Ministry for Planning, the General Office of the National Archive and the Ministry for the Presidency), the government sought to include participants with knowledge and experience to strengthen the PNADP.
Cooperation and coordinated action among all social agents.	Co-responsibility, cooperation and coordinated work among stakeholders, as well as joint efforts within public administrations.	- In the co-creation process, the working group jointly, collaboratively and in a coordinated manner designed the PNADP. - Despite the fact that the Technical Secretariat for Public Data is entirely responsible for the implementation of the policy, the CNDA, in its advisor role, cooperated and worked with the Secretariat. This was achieved by creating working spaces for the development and implementation of various mechanisms, such as the National Action Plan and the Data Openness Guidelines, among others.
Enhance joint work within administrations, and with stakeholders in a cross-cutting way.		

Source: Prepared by the author.

With the evidence described above, we propose a construct of the concept of **collaboration** as a key element for the creation and implementation of open government initiatives. This statement is based on the definition set forth in Obama’s Memorandum and the Ibero-American Open Government Charter, and takes into account Costa Rica’s experience during the co-creation process of the PNADP.



Thus, we propose that collaboration entails the **development and implementation of joint actions among public officials and with diverse stakeholders (civil society, the private sector, academia and the media) to co-design/co-create, co-implement and co-assess initiatives and solutions in order to address issues that affect the public.**

The proposal identifies three elements of collaboration that open government initiatives must fulfill. This should be understood as a natural administrative process within institutions and together with different stakeholders.

Costa Rica's public administration presents challenges in the facilitation of spaces for innovative processes of co-creation, co-implementation, and co-assessment of plans, programs, projects or policies that address issues of public interest, including:

- Having a landscape of social stakeholders that trust public institutions and are willing to engage in collaborative working groups.
- Having an open organizational/institutional culture of willingness to create spaces for collaborative work in which different stakeholders can participate. It is not enough to establish high-level commitments, as the organizational structure must be fully persuaded that these processes are critical for fulfilling institutional goals and targets.

Conclusions

Based on this case and on the theoretical framework, we can conclude that the collaborative work and dialogue that took place as part of the creation of the PNADP with different stakeholders shows that this type of approach contributes to building trust credibility and sustainability in public administration processes.

In the co-creation process, stakeholders were able to create coordination and collaboration spaces with civil society stakeholders and establish partnerships for the continuity of PNADP initiatives.

The process demonstrated that co-creation was one of the main pillars in the development of the National Open Data Policy. However, real collaboration must transcend co-creation and move into co-implementation and co-assessment of open government initiatives and commitments.

Additionally, the central role that civil society, private sector, academia and the media played in the process contributed to empowering and training them in themes, mechanisms and tools of the open data agenda. Furthermore, the collaborative work carried out with international organizations contributed to building trust, legitimacy and credibility in public management processes, understanding that they can be strategic partners in the sustainability of public policies.

Thus, the participation and collaboration of diverse stakeholders helped the policy scale up to the central government and contributed to the realization of an open State effort, and to increasing its impact.



The use of the resources available in the collaborative process, such as technical expertise and knowledge, can increase the quality of the final output and reduce the resources necessary to implement open government initiatives.

The policy design process also showed that it is possible to work collaboratively and co-create, including the planning, design, implementation and evaluation stages, with the participation of multiple sectors (civil society, academia, private sector, experts, entrepreneurs and state agencies).

Finally, Costa Rica's open government and open data team reflected on this process, stating that the PNADP process triggered the start of a new trend in the public administration, promoting governance, citizen empowerment, creation of economic opportunity and knowledge as a result of information openness.



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