Independent Reporting Mechanism: Romania Progress Report 2012-13

Codru Vrabie, Independent Researcher

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Executive Summary: ROMANIA

Although several cabinet changes in Romania delayed many commitments, most saw at least limited progress. During 2012-2013, emphasis shifted from 'transparency' to a narrower, tech-oriented notion of 'open data.' Recent activity outside the reporting period, but considered by this report, show that many commitments should be completed in 2014. The next action plan should consider focusing on a broader set of open government goals, including access to "high-value" information.

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

Romania began participating in OGP in September 2011, when the Ministry of Foreign Affairs (MAE) signed an expression of interest.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during the development and implementation of their OGP action plan. Several cabinet changes complicated coordination and consultation in Romania.

When MAE expressed its interest, the Cabinet of Prime Minister Boc hardly prioritised the OGP and did not consult with stakeholders. Civil society, aware of the expression of interest through the OGP portal, called for action plan consultations in January 2012. The Ministry of Justice (MoJ) heeded the call, as part of its Anti-Corruption Strategy.

The NGOs involved invited several open data stakeholders. The MoJ allowed the stakeholder attendees to drive the agenda, which was then published, debated, commented on, and revised from January to April 2012. But the subsequent Cabinet of Prime Minister Ungureanu, voted into office in February 2012 after Prime Minister Boc resigned, had no time to initiate any implementation efforts. In May 2012 the Ponta I Cabinet succeeded Prime Minister Ungureanu's Cabinet.

Thus, a formal forum for consultations was not set for the implementation of the OGP action plan. The consultations took place in an ad-hoc manner.

In the summer of 2012, the General Secretariat of the Government (SGG) took over OGP coordination. Following the December 2012 elections and government restructuring, since February 2013, the Prime Minister's Chancellery (CPM) has coordinated implementation of the OGP action plan. Vice-Minister Radu Puchiu leads the efforts.

Beginning in March and April 2013, the Department for Online Services and Design (DSOD) assumed responsibility for executing technical aspects. Thus the most important consultations and developments on Romania's OGP action plan are evident only during the second half of 2013, which falls outside the cut-off date for this report's monitoring period .

The consultation process on the government self-assessment is limited and unclear.

At a glance

Participating since: 2011
Number of commitments: 18

Level of Completion
Completed: 1 of 18
Substantial: 0 of 18
Limited: 9 of 18
Not started: 8 of 18

Timing
On schedule: 6 of 18
Ahead of schedule: 1 of 18

Commitment Emphasis:
Access to information: 18 of 18
Participation: 5 of 18
Accountability: 5 of 18
Tech & innovation for transparency & accountability:
                          18 of 18

Number of commitments with:
Clear relevance to an OGP Value: 18 of 18
Moderate or transformative potential impact: 11 of 18
Substantial or complete implementation: 1 of 18
All three (✪):   0 of 18

This report was prepared by Codru Vrabie, independent researcher.

As part of OGP, countries are required to make commitments in a two-year action plan. Romania's plan included actions for three years. The Romanian action plan focused entirely on transparency through open data, although several commitments also involved civil society participation in the development of open data initiatives. Romania's action plan's first theme involved three different national challenges according to the year of their expected completion. Each national challenge was further broken into several distinct, specific actions, which this report treats singularly. The second theme entailed eight e-government platforms, analysed in this report as an aggregated unit. During the implementation period reviewed by this report, many commitments only saw limited progress.

Table 1 summarises each of Romania's commitment, including each commitment's level of completion, ambition, whether it falls within Romania's planned schedule, and key next steps. Table 2 summarises the IRM researcher's evaluation of each commitment's implementation.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
Theme A: Facilitating Public Access to Open Data										
Challenge #1: Assuming Responsibility (Year 2012)										
A.1.a. Designating a person responsible for open data in each public institution									On schedule	**New commitment** based on existing implementation
A.1.b. Identifying regulatory needs and logistical and technical solutions to open data									Behind schedule	**Revision of commitment** to be more achievable or measurable
A.1.c. Making an inventory of available, high-value, and relevant data sets									Behind schedule	New commitment
A.1.d. Priority publishing of specific institutional data sets									Behind schedule	**Further work** on basic implementation
A.1.e. Initiating open data pilot projects as examples of good practice, in partnership with organizations									Behind schedule	Revision of commitment
A.1.f. Organizing public debates on the utility of open data, with government, NGOs, and business									Behind schedule	Revision of commitment
Challenge #2: Standardizing Procedures (Year 2013)										
A.2.a. Having a uniform machine-readable open data publishing format									Behind schedule	Revision of commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.										
A.2.b. Establishing procedures for publication of data-sets based on civil society recommendations	■	■			■	■			Behind schedule	Further work
A.2.c. Establishing procedures for citizen complaints pertaining to open data	■	■				■			Behind schedule	Revision of commitment
A.2.d. Creating consultation mechanism between open data producers and beneficiaries	■	■	■			■			Behind schedule	**Abandon commitment**
A.2.e. Creating a rating system for the assessment of published high-value data sets	■	■	■	■	■	■			Behind schedule	Further work
A.2.f. Routinely publishing specific data sets on public institution websites	■	■	■		■	■			Behind schedule	Abandon commitment
Challenge #3: Maximizing Results (Year 2014)										
A.3.a. Integrated platform for public institution open data	■	■	■	■	■				On schedule	**Maintenance and monitoring** of completed implementation
A.3.b. Creating data inventories to facilitate access	■	■	■	■	■	■			Ahead of schedule	Further work
A.3.c. Instituting a permanent monitoring mechanism of compliance to open data	■	■	■		■				On schedule	Further work
A.3.d. Stimulating the market to make innovative use of open data, including through partnerships	■	■	■	■	■				On schedule	Further work
A.3.e. Routinely publishing data sets on national platform, a quarter of which should be high-value	■	■	■	■	■				On schedule	Further work
Theme B: Increasing Public Access to Information and Online Public Services	■				■	■			On schedule	Revision of commitment

Table 2: Summary of Results by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
✪ Commitment has clear relevance to OGP values as written, significant potential impact, and substantial or complete implementation.	

Theme A: Facilitating Public Access to Open Data

Challenge #1: Assuming Responsibility (Year 2012)

A.1.a. Designating a person responsible for open data in each public institution • OGP value relevance: Clear • Potential impact: Minor • Completion: Complete	The Government Memorandum on this commitment only interpreted application to central government. The CPM reports the commitment was fulfilled at the central level, and stakeholders confirm this. At local government levels, there was limited implementation. One designee, from a local government unit, told the IRM researcher that she was uploading information without training or a clear idea of her responsibilities. While publicly available data sets are important, in the opinion of the IRM researcher, once good practice on data sets is identified for a category of institutions (especially at the communal government level, where staff shortage is most severe), information officers may publish institutions' data sets, thus alleviating the need to designate specific, specialised staff. The IRM researcher recommends that for the next action plan this commitment be reformulated to include, or reach out to, local governments gradually. It should have clear timelines and specific targets, such as a standardised inventory of data sets that would need to be available at every level or category of public institutions.
A.1.b. Identifying regulatory needs and logistical and technical solutions to open data • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not started	The legislation necessary to open data was already in place, although not all institutions have the capacity to implement it and some bureaucratic barriers may apply, such as the over-protection of office secrets. Legally, some institutions claimed copyrights, so CPM/DSOD created a special license (OGL-ROU-1.0) that protects both the publisher and the user. On technical solutions, the majority of public institutions use proprietary formats (.xls), instead of .csv. In addition, web administrators from the public sector are not up to date with the latest developments in website architecture, so published datasets URLs are allegedly too complicated. Therefore, some kind of procedure may be needed to enable automated uploads of datasets in non-proprietary formats with simple URLs, under the widest re-use license. This commitment could be merged with A.3.a. or A.3.c.
A.1.c. Making an inventory of available, high-value, and relevant data sets • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited	Before OGP, public institutions perceived no need to inventory data. The commitment could be described as overly ambitious. It placed the burden of identifying the high-value data sets with each public institution, but mostly NGOs identified them, based on their own priorities. NGOs provided at least three versions of the inventory by the second half of 2013, when DSOD collected and published a table of progress reports from the ministries. The latest version lists more than 100 categories of information whose publication NGOs regarded as high-value. But many of these categories were human-readable documents, whereas some attribute 'high-value' only to machine-readable data. NGOs are frustrated with institutions (notably ministries and city halls) that initiate legislation without supporting evidence, and thus attribute 'high-value' to all information, both human- and machine-readable, that could support transparent decision-making. This is in accordance with legislation that has been in place, but not implemented, for a decade.
A.1.d. Priority publishing of specific institutional data sets • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	Since the early 2000s, public institutions have had a legal obligation to publish activity reports, decision-making processes, and procurement data. Transparency data used to be collected at www.publicinfo.ro, a site that became dysfunctional in 2011. Very specific deliverables were listed in the action plan under this commitment, but it was almost impossible to assess whether all public institutions have completed each of the listed tasks. The number of public institutions covered by these legal requirements varies greatly. Moving forward, all public institutions should pro-actively publish basic, open data sets according to the existing legislation (Laws Nos. 24/2000, 544/2001 and 52/2003). The IRM researcher recommends better inter-agency coordination for the enforcement of existing legislation.

A.1.e. Initiating open data pilot projects as examples of good practice, in partnership with organizations • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	Interviewees were unable to point out any pilot-project that would fall 100% under this commitment. In the opinion of the IRM researcher, some activities could qualify as partnerships, but not necessarily as pilot-projects, such as the June 2013 "Moving Forward" Conference, organised by the Soros Foundation, Geo-Spatial and CPM/DSOD. CPM/DSOD should give this commitment a more defined and achievable goal. For example, it could consider a commitment to award annually three to five private projects and initiatives that promote the open data portal, make use of data published therein, or require additional data sets to be published and used on date.gov.ro/.
A.1.f. Organizing public debates on the utility of open data, involving government, NGOs, and business • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started	Interviewees recalled no public debate on the utility of public data in 2012. However, they did refer to several private and NGO initiatives on this topic. In the opinion of the IRM researcher, these debates would have occurred independently of the OGP commitments. In fact, the OGP in Romania did little to change the situation in public institutions. CPM/DSOD facilitated several meetings with line ministries, but organised only one public debate at the local level in Timişoara in October 2013 after the implementation period. As a possible next step, the CPM could co-finance some NGO events.
Challenge #2: Standardizing Procedures (Year 2013)	
A.2.a. Having a uniform machine-readable open data publishing format • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started	Although less than 100 institutions' information is available pro-actively, directly on the website and in machine-readable format, this is already progress from the .jpg formats of the early 2010s. Most institutions, however, especially local governments, still prefer .doc and .pdf. Open data advocates criticised the new date.gov.ro/dataset for using proprietary formats. Yet, CPM defends the priority publishing of the available data in any existing format. In 2014, CPM may help institutions standardise their data sets, in accordance with commitments A.1.c-e and A.3.a-e. A staged approach for the following years may be in order: 1) publish information (both human- and machine-readable) in any format; 2) encourage the publication of user-friendly, re-usable data sets (including proprietary); and 3) ensure the publication of all information in open, non-proprietary formats.
A.2.b. Establishing procedures for publication of data-sets based on civil society recommendations • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	Prior to OGP, this was a general rule fully applicable to also to open data, and the commitment did not move government practice forward. CPM responded positively to the inventory of high-value data sets requested by civil society activists during the consultation meetings of 2013 and subsequently pressured ministries and central agencies to release data sets. Nonetheless, a specific procedure for regular, timely disclosure had not been adopted by the end of 2013. The government should have used a legal provision that already exists to implement this commitment. Thus in order to meet expectations on data that supports policy changes, the government should implement its existing law that has been in effect for 10 years to meet the expectations on data.
A.2.c. Establishing procedures for citizen complaints pertaining to open data • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	This commitment existed prior to OGP, as a general rule applicable to government records, regardless of their specific format. It could have been left out of the action plan, but its inclusion focuses officials' attention on potential legislation that may need improvement alongside commitment A.1.b, allowing for solutions wherever problems may arise. To work well, however, this commitment needs to be linked to justice reforms (particularly with rules on electronic evidence and procedures on reasonable duration of trials), which is outside the scope of this report. CPM and its civil society partners should pro-actively identify data sets that may contain discrepancies and resolve them in discussions with the public institutions that co-managed such data.

A.2.d. Creating a consultation mechanism between open data producers and beneficiaries • OGP value relevance: Clear • Potential impact: Minor • Completion: Not started	This commitment is similar to A.2.b, but envisages periodic meetings, instead of an ad hoc interaction. However, no progress was made, primarily because this commitment depends on the existence of a national open data portal. CPM has not yet identified all suppliers and beneficiaries, a necessary first step for offline consultations. For now, the online consultations work sufficiently well, especially when coupled with participation in the facilitated meetings at the line ministries. The IRM researcher recommends this commitment be abandoned for the next OGP action plan 2014-16, as it will be supplemented by the continuous implementation of commitment A.2.b.
A.2.e. Creating a rating system for the assessment of published high-value data sets • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited	Before OGP, only a few NGOs rated the quality of responses by public institutions to access to information requests that may have included open data. The rating systems now available in social media could help public institutions learn what users consider high-value data sets. For interviewees, the challenge is a rating system that fairly weighs data that is visited, downloaded, and/or correlated to applications, in addition to the spill over effect in the usage ratings of such applications. CPM objects that such a rating system is utopian. The government should use the consultations described in Section III and commitment A.2.b), with NGOs and the business sector, to develop a rating system that will be improved over time.
A.2.f. Routinely publishing specific data sets on public institution websites • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	Before OGP, public institutions were legally obligated to publish all of the data sets that support public policies, include statistics of relevant activity of public institutions, and reflect performance either pro-actively or upon request on a case-by-case basis (see commitment A.1.d and A.2.a-c). They rarely complied. If other commitments such as A.2.a through A.2.c are implemented well, then the net result will be routine publication of data sets. But, while publication may be verified, it will always be difficult to assess the routine of publication. Thus, the IRM researcher recommends this specific commitment should be abandoned, while the overall transparency of institutions and decision-making processes should be improved, according to the existing legislation. The MoJ/SNA and MDRAP for the local government, as well as SGG and/or the Legislative Council for the line ministries, could monitor the publication of transparency information (Laws Nos. 24/2000 and 52/2003, including both human- and machine-readable data).
Challenge #3: Maximizing Results (Year 2014)	
A.3.a. Creating an integrated platform for public institution open data • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started	Before OGP, some NGO activists were following the data portals supported by the World Bank. The recently launched portal at date.gov.ro/ meets many of their expectations. NGOs are pleasantly surprised with this particular commitment being achieved ahead of schedule and implemented well. Stakeholders strictly interested in the national open data platform currently are concerned with some of the delays in fulfilling the other commitments. They expressed disappointment with the lack of coordination among the data sets, formats, and licenses for three government websites: date.gov.ro/dataset, buget.gov.ro/ and mbuget.gov.ro/buget/. But they expect 2014 to spearhead the open data movement in Romania and eagerly await publication of electoral information, given two important upcoming elections. Stakeholders await full integration of the rating system (commitment A.2.e) into the national open data platform.
A.3.b. Creating data inventories to facilitate public access • OGP value relevance: Clear • Potential impact: Transformative • Completion: Limited	Before OGP, some Romanians wished that the General Secretariat of the Government (SGG) would publish a listing of all information produced by public institutions, as required by transparency Laws No. 544/2001 and No. 52/2003. Some wished that MSI would do something similar with data re-used according to Law No. 109/2007. Some wished that ministries and city halls would start publishing the data that justifies their decisions, as mandated in Law No. 24/2000. The current date.gov.ro/dataset is a good start. Although scheduled to start in 2014, over 100 data sets have already been published. Stakeholders now expect more data sets to be published on the open data platform, as well as a new commitment inspired by Moldova (related to A.2.f): publish at least three new data sets every month. The IRM researcher recommends continued and full implementation.

A.3.c. Instituting a permanent monitoring mechanism of compliance to open data • OGP value relevance: Clear • Potential impact: Moderate • Completion: Not started	Before OGP, the Ministry of Justice (MoJ) envisaged a monitoring mechanism for the National Anti-Corruption Strategy (SNA), including information collection about OGP, especially for local governments, where CPM has limited powers. Yet, 'compliance' refers both to procedures adopted pursuant to A.1.a-d and A.2.a-f, and to quality assurance that may exceed the scope of A.2.e. Some work on this commitment was completed ahead of schedule. In the second half of 2013, SNA monitoring included OGP compliance and monitoring reports will be published on the SNA portal. Discussions on compliance are pending for 2014, in conjunction with the rating system (A.2.e) and the complaints mechanism (A.2.c).
A.3.d. Stimulating the market to make innovative use of open data, including through partnerships • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started	Before OGP, the Romanian Government had to contain a prolonged economic and financial crisis (2008-2011) that was exacerbated by a deep political crisis (2012). Under these circumstances, stabilising macro-economic indicators was, and still is, more important than stimulating the market. Thus, stakeholders are sceptical that the government will be willing to start 2014 with initiatives pertaining to open data, although it may be a safe bet (lots to win, almost nothing to lose) in relation to the upcoming electoral campaigns. Since the implementation of this commitment has not started, no recommendations are necessary, apart from the suggestions made under A.1.e and f.
A.3.e. Routinely publishing datasets on the national platform, 25% of which should be 'high-value' • OGP value relevance: Clear • Potential impact: Transformative • Completion: Not started	Prior to OGP, not even the few experts and interested individuals that followed international trends fathomed that Romania could commit so soon to routine publishing of data sets. The challenge is to train public staff (ideally those appointed by virtue of commitment A.1.a) to assemble and release specific data sets, especially those mentioned in commitments A.1.d and A.2.f. Since the implementation of this commitment has not started, no recommendations are necessary at this time.

Theme B: Increasing Public Access to Information and Online Public Services

Theme B: Building upon existing efforts to increase the efficiency of on-line public services, the Government intends to develop eight e-government platforms, which were identified as responding to major needs of the public who interacts with the public administration. • OGP value relevance: Clear • Potential impact: None • Completion: Limited	Eight projects were listed under this commitment. Several were electronic service reforms that are not at the core of OGP, although some were more clearly relevant. The Public Procurement Electronic System (SEAP) presents information in closed and protected formats. Several promises were made to open the portal, and CPM published the 2007-2013 series of data on the national open data portal. The Electronic Allocation System for Transports (SAET) started in March 2013, with EU funding. It will not be completed by the submission deadline for the new OGP action plan. Finally, ensuring free online access to national legislation (N-Lex) is a combined project of the MoJ and other legislative and judicial institutions. It should allow direct and free access to legislation, as well as relevant jurisprudence. Developing electronic tools to manage subpoenas and facilitate access to information on legal proceedings might combine, via MoJ, the current jurisprudence portal with elements of ECRIS. The Integrated System for Electronic Access to Justice (SIIAEJ) is still in the stage of contracting a feasibility study at the MoJ. In 2001, Law No. 544 on Access to Information mandated that all public institutions have a website, and civil servants would manage documents and information electronically. Several governmental projects aimed to advance online interaction for public services. E-administration portals, however, always remained the last priorities for budget allocations. The government should explain how these objectives improve access to government-held information, mobilise public participation in decision-making, increase accountability to constituencies, and/or facilitate access to new technologies for openness and accountability. If such explanations cannot be provided, it may be wise to abandon these commitments under the OGP, and continue them elsewhere, under EU-funded projects.

RECOMMENDATIONS

Since 2001-2003, when most of the relevant pieces of legislation were adopted, Romania has made a lot of progress in the area of transparency, public participation, and accountability. However, this progress is limited to a positive-law view of institutional culture and development. It is focused on checking boxes, rather than on effecting real change in individual attitudes, meeting expectations, and providing quality public services. Thus, accountability is now reduced to conformity; public participation is reduced to following the letter rather than the spirit of legal requirements; transparency is reduced to taking advantage of the most convenient legal exception. As a result, Romanians have learned to mistrust their institutions, be sceptical of any promises on increased transparency, and take a cautious stance on processes that clearly place the citizen at the centre of government action.

Future action plan

The aspirations for the future action plan are fuzzy. They may also need to be adjusted in light of the very recent OGP developments of the second half of 2013. As of now, the expectations for the next action plan revolve around meta-data and open access, as well as real time tracking of all public budgets.

One academic specifically suggested that all the results of publicly funded research should be published in an open access portal, and the underlying data should be linked to the national open data platform.

Another suggestion, from a coalition of NGOs, was that detailed data on budgetary commitments, transfers and expenditures (both from the national budget and the European Union funds) should be published and updated weekly on the national open data platform.

The IRM researcher could not discriminate to what extent these suggestions were a direct consequence of OGP or if they may have appeared independently of OGP, due to global trends. Under these circumstances, the IRM researcher recommends the CPM focus on the following:

- Expanding open data obligations from ministries and a few central government agencies to all other public institutions at central and local levels of government;
- Providing training and technical assistance for civil servants, with respect to
  - Identifying data sets and exporting them into the agreed and standardised machine-readable format, and
  - Standardizing the structure of websites for public institutions;
- Inventorying and promoting good practices, especially at the local government level, where they may be easily replicated, once the websites are standardised;
- Reaching out to the business sector, to help them overcome their reluctance to participate in the open data movement;
- Encouraging cooperation with NGOs and recognizing the tremendous level of support shown to date.

Eligibility Requirements 2012: To participate in the OGP, governments must demonstrate a commitment to open government by meeting a minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, visit http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria. Raw data has been re-coded by OGP staff into a four-point scale, listed in parentheses below.

Budget Transparency: Both relevant budget documents (4 of 4)	**Access to Information:** Law enacted (4 of 4)	
Asset Disclosure: Senior officials and politicians (4 of 4)	**Civic Participation:** 8. 24 of 10 (4 of 4)	

Codru is a trainer and consultant on good administration, public management, anti-corruption, legislation drafting and institution building in Romania. He has contributed to drafting up to 30 evaluation reports, articles, and handbooks, as well as several laws related to the fight against corruption. Codru has more than 10 years of international experience in his fields. His work experience includes advocacy NGOs in Romania and South-Eastern Europe.

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

Open Government Partnership

I. BACKGROUND

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

Introduction

Romania officially began participating in OGP in September 2011 when the Ministry of Foreign Affairs declared the government's intent to join. In April 2012 the government approved a memorandum declaring the government's participation and the national action plan 2012-2014.

To participate in OGP, governments must demonstrate commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. As described below, organisations other than OGP produced indicators used to determine the extent of country progress on each of the dimensions. Romania entered into the partnership exceeding the minimum requirements for eligibility, with a high score in each of the criteria. At the time of joining, the country received a high score for Open Budgets (4 out of a possible 4) for making public the executive draft budget and the national audit report.[1] The principle of access to information is embodied in the Constitution and the Law on Free Access to Information of Public Interest, giving the country an additional set of high points (4 out of a possible 4).[2] The country received a high score in Asset Disclosure for Senior Officials and Politicians (4 out of a possible 4).[3] Romania had a score of 8.24 out of a possible 10 on the Civil Liberties category of the Economist Intelligence Unit's Democracy Index.[4]

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

Romania developed its national action plan from January through April 2012. The effective start date for the action plan submitted in April was officially 1 July 2012 for implementation through June 2015. The Government published its self-assessment report in September 2013.

According to the OGP schedule,[5] officials and civil society members are to revise the first plan or develop a new plan by April 2014, with consultation beginning January 2014.[6] Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country's first action plan. In Romania, the IRM partnered with Codru Vrabie, an independent researcher with expertise in governance, who authored this progress report. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country.

Since Romania signed up to the OGP, four different Cabinets of Ministers have been appointed.

In September 2011, when the Ministry of Foreign Affairs (MAE) signed the expression of interest, the Cabinet of Prime Minister (PM) Boc hardly if at all prioritised the OGP, but allowed the Ministry of Justice (MoJ) to create a monitoring mechanism for the National Anti-Corruption Strategy 2012-2015 (SNA), that would also mirror some indicators related to OGP. The Boc Cabinet made no prior assessment, ran no consultation with stakeholders on the decision to join the OGP, and may had not intended to consult for the OGP action plan.

Civil society activists, who became aware of the expression of interest through the OGP portal, called for consultations on the national action plan in January 2012. The MoJ under PM Boc accepted the task, but then his cabinet resigned. The Cabinet of PM Ungureanu, voted into office in February had no time to initiate any effort regarding implementation because it remained in power for just over 2 months. The Ponta I Cabinet took power in May 2012.

In the summer of 2012, OGP coordination moved from the MoJ to the General Secretariat of the Government (SGG). After the parliamentary elections in December 2012, the new Cabinet Ponta II used the first half of 2013 to restructure the central government. As a result, the Prime Minister's Chancellery (CPM) was reinvented, and therein the Department for Online Services and Design (DSOD) was established.

Since February 2013, the CPM, at the level of Vice-Minister Radu Puchiu, has coordinated the implementation of the OGP national action plan. The execution of technical aspects was relegated to DSOD, a recent creation of the Romanian Government that started work in March 2013. Thus, the most important developments on Romania's OGP action plan are evident only during the second half of 2013, which falls outside the cut-off date for the current monitoring period covered in this report.

In late April 2013, CPM organised a meeting with various stakeholders, including information officers from most ministries and CSO representatives. While the government officials were slow in their response, civil society activists put pressure on the CPM to speed up the process, by the following activities:

- creating a dedicated email group,
- providing a preliminary list of valuable data sets that should be prioritised for publication, and
- demanding a calendar of meetings with specialised personnel in the corresponding ministries.

CPM agreed to use the email group, endorsed the civil society demands, and took charge of organising the ministerial meetings through September and October. It also launched several dedicated websites[7] in October 2013. Civil society appreciated the websites, although they were released after the cut-off date for this evaluation.

An interesting trend was observed among CSOS: in Romania, OGP was initially embraced by the human rights, transparency, good governance and anti-corruption NGOs. In 2011 and 2012, these organizations focused on the issue of access to government-held information, followed the news, and even managed to push the MoJ to take responsibility for OGP. Late in 2013, as the OGP responsibilities were transferred to CPM/DSOD where officials were more technology savvy, the dialogue started to revolve more around expertise rather than activism. Thus, organisations working on more technical issues (e.g. open technologies or copyright) became more active in putting pressure on the government in 2013. Additionally, the CPM/DSOD focused on starting the open data portal ahead of time. That gave rise to concerns related to copyright and standardised formats for publishing data, thus enhancing the role of specialised

NGOs on these technical issues (copyright and formats). In the opinion of the IRM researcher, "tech NGOs" will fade out, and "info NGOs" will resurface, as soon as the focus shifts back to the policy-making and the relevance of the collected and published data sets.

However, Romania's open government movement still lacks a visible champion in the public sector, a political figure who could partner with, and match, interested parties from civil society. The business sector remains absent from Romania's open government movement.[8]

While the CPM/DSOD ensures leadership on OGP matters inside the central government, other key stakeholders in the implementation of the OGP action plan could support more visibility for the topic, including the MoJ, the Ministry for Regional Development and Public Administration (MDRAP), and the Ministry for Information Society (MSI). Aside from simple media exposure for OGP issues, which they currently do not provide, these ministries have the potential to play a direct and constructive role in the implementation of the action plan:

•   The MoJ is in charge of coordinating the National Anti-Corruption Strategy (SNA) 2012-2015, which includes OGP commitments under the general objective 4.1.2—Preventing corruption in public institutions.

    • The MDRAP could take the lead in coordinating local government institutions for the open publication of data sets, but it faces some difficulties related to the constitutional principle of local autonomy, as well as the institutional challenge related to regionalization/decentralization (two parallel processes currently underway[9]).

    • The MSI could provide technical support for identifying data sets, the appropriate format and standard for publication, as well as software, training and/or procedures for interfacing data sets with existing websites of public institutions. It is unclear whether such objectives are supported under Romania's Digital Agenda[10] or whether they would be budgeted appropriately.[11]

In Romania, OGP still lacks commitment from local governments and stewardship from central, public figures. The CPM provides the needed coordination and support, as well as the drive for implementation within central government, but it still lacks visibility among the public at large. A visible political figure that would champion open data in Romania is hard to find, and the upcoming 2014 electoral year will bring additional obstacles,[12] as the media will focus on the candidates, rather than the executives doing the work.

Methodological Note

The IRM researcher reviewed two key documents provided by the national governments: the first national action plan[13] and the government's self-assessment report of the first action plan process.[14]

The IRM researcher followed all developments on the related official government websites, as well as the informal email discussion lists (including social media threads related to the central topic and spill-overs), and interviewed public officials and civil society activists. An informal workshop with civic activists and government representatives was also organised as a side-event to the Centre for Legal Resources' launching of a manual on "Partnership for Good Governance."[15] Numerous references are made to these documents and discussions throughout the report.

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[1] Open Budget Partnership, *Open Budgets Change Lives* (Washington, DC: Open Budget Partnership, 2011), http://bit.ly/1fAV22Y

[2] Parliament of Romania, "Law No. 544/2001 on Free Access to Information of Public Interest," amended through April 2013, http://bit.ly/1ld15MM

[3] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organisation 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*, (France: OECD Publishing, 2009), 132, http://bit.ly/13vGtqS; Richard Messick, "Income and Asset Declarations: Global Experience of Their Impact on Corruption" (paper prepared for the Conference on Evidence-Based Anti-Corruption Policy organised by Thailand's National Anti-Corruption Commission (MACC) in collaboration with the World Bank, Bangkok, Thailand, 5-6 June 2009), 16, http://bit.ly/1cIokyf

[4] The Economist, *Democracy Index 2010: Democracy in Retreat,* by the Economist Intelligence Unit (Report, London, 2010), http://bit.ly/eLC1rE

[5] "The OGP Calendar for Participating Countries," Open Government Partnership, http://bit.ly/1dAjCAm

[6] The consultations for the development of the new action plan started with the first meeting of the OGP Club, on 13 February 2014 (http://ogp.gov.ro/noutati/prima-intalnire-a-clubului-ogp/). The OGP Club is a special, dedicated forum for consultations, initiated by CPM. Suggestions for the next action plan are collected online, by 7 March 2014 (http://ogp.gov.ro/noutati/propuneri-pentru-noul-plan-national-de-actiune-iulie-2014-iunie-2016/).

[7] "OGP Romania," Government of Romania, [Romanian] http://ogp.gov.ro/; "Data.gov.ro," Government of Romania, [Romanian] http://date.gov.ro/; "Despre transparenţă," [Website Under Construction] Government of Romania, [Romanian] http://transparenta.gov.ro/

[8] During the public comments period, two representatives from the specialised NGOs (open technologies and copyright) suggested that businesses must change their attitude (see http://readwrite.com/2013/10/15/oracle-opens-both-barrels-on-open-source-software-in-military-whitepaper#awesm=~oxqNns7aywENYo) and, in order to do so, should be incentivised for the commercial re-use of existing data sets (see http://www.epsiplatform.eu/content/influence-open-government-partnership-ogp-open-data-discussions).

[9] The Decentralization Law of 19 November 2013 was ruled unconstitutional by a unanimous vote of the Constitutional Court on 10 January 2014. http://www.ccr.ro/files/products/Decizie_1_2014.pdf

[10] "Cadru General de Actiune," Digital Agenda for Romania, [Romanian] http://digitalagenda.ro/cadru-de-actiune/ During the public comments period, MSI made two contradictory statements that raised an eyebrow: On the one hand, an explanation for introducing captcha codes on the public procurement portal (SEAP) in order to prevent "unauthorised parsing" of the existing data (see http://www.hotnews.ro/stiri-esential-16634667-cum-explica-ministerul-comunicatiilor-ingreunarea-procedurilor-cautare-licitatie-necesitatea-introducerii-codului-captcha-fost-generata-parsarea-neautorizata-aplicatiei-seap-pentru-colectarea-automata.htm); on the other hand, alongside STS—the Special Telecommunication Service, a promise and encouragement to start using open-source solutions to mitigate the security risks posed by withdrawal of maintenance services for proprietary software (see http://economie.hotnews.ro/stiri-telecom-16703802-sts-recomanda-utilizarea-software-open-source-inasprirea-securitatii-institutiile-publice-lipsa-unei-solutii-problema-urilor-windows.htm).

[11] Some EU funds dedicated to Promoting Information Society are available. See "Portalul Organismului Intermediar pentru Promovarea Societăţii Informaţionale (OIPSI)," Ministerul Comunicaţiilor şi Societăţii Informaţionale, [Romanian] http://fonduri.mcsi.ro/

[12] On 26 February 2014, the Ponta II Cabinet lost support from the National Liberal Party. On 1 March, the Democratic Union of Hungarians in Romania decided to support a new Cabinet led by Prime Minister Ponta, who will seek a confidence vote in Parliament on 4 March. The Ponta III Cabinet may succeed with the adoption of the new OGP action plan if CPM maintains Mr. Radu Puchiu in the current position.

[13] Open Government Partnership, "National Action Plan to Implement Commitments under Open Government Partnership," Government of Romania, [Romanian] http://ogp.gov.ro/planul-national/

[14] Open Government Partnership, *Self-Evaluation Report on the Status of Implementation of Commitments of the National Action Plan for 2012*, by the Government of Romania (Report, Bucharest, 30 September 2013), [Romanian] http://ogp.gov.ro/planul-national/

[15] See Centrul de Resurse Juridice [Centre for Legal Resources], http://www.crj.ro/Parteneriat-pentru-guvernare-manual-de-tehnici-si-proceduri-de-consultare-intre-ONG-si-autoritati/

II. PROCESS: DEVELOPMENT OF ACTION PLAN

The Ministry of Justice ensured wide public participation and demonstrated willingness to incorporate the views of civil society and the private sector into the OGP action plan. In this respect, the consultation process was open and participatory. Other supporting government institutions could have followed MoJ's example; however, they fell short of upholding the OGP Articles of Governance.

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

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

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is discussed in Section III on consultation during implementation:

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

This is discussed in the next section, but for ease of reference, Table 1 summarises evidence for consultation both before and during implementation.

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the Government Meet this Requirement?
During Development	Timeline and process: Prior availability	No
	Advance notice	Yes
	Advance notice: Days	5-7
	Advance notice: Adequacy	Yes
	Awareness-raising activities	No
	Online consultations	Yes
	Online consultations: Link	Via email only
	In-person consultations	Yes

	Summary of comments	Individual submissions were not available other than via email, but subsequent, evolving versions of the text were mentioned in public announcements on the MoJ's website, and interested parties could have requested electronic copies.
During Implementation	Regular forum	No

Advance Notice of Consultation

In 2011, several activists and representatives of non-governmental organisations (NGOs) started following the OGP developments via discussions on the Freedom of Information (FOI) Advocates Network. Ioana Avădani of the Center for Independent Journalism (CJI) spotted the news on the MAE's September 2011 expression of interest to sign up to join OGP. An ad-hoc coalition of NGOs sent a letter to the MAE asking for details; that coalition has existed loosely since 2001, made up of people and organisations that work together on transparency and access to information. The MAE verbally communicated that it had not conducted any preliminary assessment, prior consultation of stakeholders, projection of costs and benefits, nor had it appointed a coordinator. The MAE representative also allegedly stated, "Signing up to OGP was definitely a good thing for the country."

The NGOs took advantage of consultations about the National Anti-Corruption Strategy (NSA) that were underway for several months at the MoJ. The ad-hoc coalition of NGOs brought up the government's participation in the OGP alongside an SNA consultation. As a result, NGOs pressured the MoJ to focus on OGP. The MoJ started organizing consultations to include the OGP as a general objective under the SNA, as well as to define Romania's specific commitments under the OGP action plan. The consultations were advertised via email to the well-known NGOs (namely, NGOs concerned primarily with human rights, access to information and governmental transparency, as well as integrity and anti-corruption) and via the MoJ's website.

Quality and Breadth of Consultation

The consultations leading to the adoption of the OGP action plan took place in the midst of a political crisis that affected all levels of government. In February 2012, the Boc II Cabinet ceded places to the Ungureanu Cabinet. The OGP process remained under the umbrella of the MoJ, and Minister Predoiu kept his seat.

Romanian public institutions are not in the habit of undertaking awareness campaigns. In May 2012, when the Ponta I Cabinet took over from PM Ungureanu, Minister Predoiu was replaced with Minister Corlățean, and the MoJ was unsure of the available funds for any awareness campaign. The MoJ also was unsure whether the new political priorities would focus on OGP.

Attention to OGP faded at ministerial level, as noted earlier, and responsibility for the action plan moved to the General Secretariat of the Government (SGG). Even NGOs lost track of OGP's progress during the time when Romania plunged into the harshest political crisis of the 2000s. After the presidential impeachment referendum of July 2012, and the parliamentary elections of December 2012, the Ponta II Cabinet made no efforts towards an awareness campaign on OGP, but moved coordination from SGG to CPM.

As noted earlier, due to the efforts of NGOs, the MoJ agreed to include discussions on the OGP action plan into the consultation process of the National Anti-Corruption Strategy (SNA). Some

representatives from MAE, MSI, and the former Ministry of Administration and Interior (MAI) attended the SNA consultation meetings organised by the MoJ. The NGOs also extended the invitation to other organizations working on open technologies, open access, open data, and copyright issues over the Internet. The business sector showed insignificant interest in contributing to the OGP action plan. Participation in the consultations was confined to actors based in the capital, although local NGOs and other actors could have followed the scheduled meetings through announcements and minutes posted on the MoJ website.

Following informal procedures of the prior SNA consultations, the MoJ started with a blank sheet of paper and encouraged stakeholders to submit their views, aspirations, proposals and solutions. Stakeholders were invited for a first meeting in-person. The MoJ staff of the SNA Secretariat circulated the minutes via email. The SNA Secretariat staff also collected comments and proposals via email and during the meetings. The MoJ edited the incoming texts (i.e. rearranged paragraphs, provided narrative linkages). Subsequently, evolving versions of the text were circulated via email, and debated in-person at meetings. The entire process lasted from January to early April 2012.

From this perspective, the MoJ staff of the SNA Secretariat is held in the highest respect by civil society for providing a notable example of good practice in running public consultations. Other government authorities consistently fail to replicate their good practice. One point of contention should be noted: while NGOs warned that Commitments 1-8 under theme B of the action plan (increasing public access to online public services) were not really within the scope of the OGP, ministry representatives decided to include them.

Existing legislation[1] imposes a ten-day notice for participation in public consultations on 'normative acts,' but several reasons prevented this from happening. Primarily, it was not clear whether an action plan adopted (exceptionally) via Memorandum, rather than Government Decision, would fall under the category of 'normative acts.' While advance notice for the consultations varied between five and seven days, all stakeholders involved were focused more on the process and the contributions, rather than the letter of the law on procedural details. Overall, participating NGOs were rather satisfied with the consultations leading up to the Government Memorandum that adopted the OGP action plan, and they even commended the MoJ staff at the SNA Secretariat. Participating NGOs considered the process an example of good practice, especially in contrast to the overall lack of consultation in the majority of public institutions.

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[1] Parliament of Romania, "Law No. 52/2003 on Transparency of Decision-Making in Public Administration," Official Gazette, 3 February 2003; Government of Romania, "Government Decision No. 396/2002 on Drafting Normative Acts," 2002; Government of Romania, "Government Decision No. 775/2005 on Drafting, Monitoring and Evaluating Public Policies," July 2005 [Some of these provisions were later introduced as amendments to Law No. 24/2000 on the Norms of Legislative Technique (for drafting normative acts)].

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

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

Consultation Process

No regular or formal forum was established to coordinate the implementation of the action plan, nor was any other, existing forum used. The consultations took place in an ad-hoc manner. In late April 2013, CPM organised a meeting with information officers from various ministries and civil society activists.

In late May 2013, CPM collected, centralised and published a table of progress reports from the ministries. Between September and October 2013, CPM facilitated meetings dedicated to OGP at various ministries and central government agencies. This encouraged open and informal discussions about barriers and challenges, rather than assigning guilt or identifying wrongdoers.

In parallel, between July and October 2013 (and ongoing) the SNA Secretariat at the MoJ facilitated monitoring meetings at various central and local government institutions; these ongoing assessments include indicators related to OGP commitments. Stakeholders were involved in all of these meetings, and the meetings resembled peer reviews, rather than inspections.[1]

In late September 2013, CPM/DSOD created a website dedicated to OGP (ogp.gov.ro), which features summaries of meeting results. In mid-October 2013, CPM/DSOD launched another website dedicated to OGP (date.gov.ro) that publishes some of the data sets agreed upon during the facilitated meetings.[2] Yet, it remains unclear whether the above-mentioned meetings, visits, and reviews directly influenced either the decisions by public institutions to disclose or to publish open data as a result of the SNA, or the CPM's decision to organise consultations during implementation of the OGP action plan.[3]

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[1] The National Anti-Corruption Strategy-facilitated monitoring reports are soon to be published. See "National Anti-Corruption Strategy 2012-2015," Government of Romania, [Romanian] http://sna.just.ro/MonitorizareSNA/Rapoarteevaluare.aspx

[2] Mini-reports from the DSOD-facilitated meetings are available online. See OGP Romania, "Date Deschise," Government of Romania, [Romanian]http://ogp.gov.ro/category/date-deschise/ ; the resulting inventory is available at OGP Romania, "Guvernare Deschisă, Date Deschise," Government of Romania, [Romanian] http://ogp.gov.ro/guvernare-deschisa/date-deschise/

[3] CPM established a dedicated forum for consultations on the new OGP action plan (see Club OGP, http://ogp.gov.ro/club-ogp/, and note 6). During the public comments period, one civil society representative expressed doubts that such practice would advance the current levels of government transparency. Instead, she expected that a general platform for consultations were established, to be used regardless of the topic, for any and all policy-, decision- or law-making processes.

IV. IMPLEMENTATION OF COMMITMENTS

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

OGP commitments are to be structured around a set of five "grand challenges" that governments face. OGP recognises that all countries are starting from different baselines. Countries are charged with selecting the grand challenges and concrete commitments that most relate to their unique country contexts. No action plan, standard, or specific commitments are to be forced on any country.

The five OGP grand challenges are:

1. **Improving Public Services**—measures that address the full spectrum of citizen services including health, education, criminal justice, water, electricity, telecommunications, and any other relevant service areas by fostering public service improvement or private sector innovation.
2. **Increasing Public Integrity**—measures that address corruption and public ethics, access to information, campaign finance reform, and media and civil society freedom.
3. **More Effectively Managing Public Resources**—measures that address budgets, procurement, natural resources, and foreign assistance.
4. **Creating Safer Communities**—measures that address public safety, the security sector, disaster and crisis response, and environmental threats.
5. **Increasing Corporate Accountability**—measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community engagement.

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, OGP commitments should be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guidance to evaluate relevance to core open government values:

- **Access to Information** — These commitments:
    - pertain to government-held information;
    - are not restricted to data but pertains to all information;
    - may cover proactive or reactive releases of information;
    - may pertain to strengthen the right to information;
    - must provide open access to information (it should not be privileged or internal only to government).
- **Citizen Participation** — Governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance. Commitments around citizen participation:
    - open up decision-making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision-making;
    - often include elements of access to information to ensure meaningful input of interested members of the public into decisions;

- often include enhancing citizens' right to be heard, but do not necessarily include the right to be heeded.
- **Accountability —** There are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.
  - As part of open government, such commitments have an "open" element, meaning that they are not purely internal systems of accountability without a public face.
- **Technology and Innovation** — Commitments for technology and innovation:
  - promote new technologies and offer opportunities for information sharing, public participation, and collaboration;
  - should make more information public in ways that enable people both to understand what their governments do and to influence decisions;
  - may commit to supporting the ability of governments and citizens to use technology for openness and accountability;
  - may support the use of technology by government employees and citizens alike.

Countries may focus their commitments at the national, local and/or subnational level, wherever they believe their open government efforts will have the greatest impact.

Recognizing that achieving open government commitments often involves a multi-year process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible.

This section details each of the commitments Romania included in its initial action plan. The commitments have been grouped into two themes: (A) facilitating public access to open data and (B) increasing public access to information and online public services.

A number of the commitments have a single milestone, while others have multiple milestones. In the latter cases, the milestones have been evaluated together on a single fact sheet in order to avoid repetition and make reading easier for OGP stakeholders.

While most indicators given on each commitment fact sheet are self-explanatory, a number of indicators for each commitment deserve further explanation:

- Relevance: The IRM researcher evaluated each commitment for its relevance to OGP Values and OGP Grand Challenges.
  - OGP values: To identify OGP commitments with unclear relationships to OGP values, the IRM researcher made a judgment from a close reading of the commitment text. This judgment reveals commitments that can better articulate their relationship to fundamental issues of openness.
  - Grand challenges: While some commitments may be relevant to more than one grand challenge, the reviewer only marked those that had been identified by the government.
- Ambition: The IRM researcher evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
  - Potential impact: To contribute to a broad definition of ambition, the IRM researcher judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researcher's knowledge and experience as a public policy expert.
  - New or pre-existing: The IRM researcher also recorded, in a non-judgmental

fashion whether a commitment was based on an action that pre-dated the action plan.
- Timing: The IRM researcher evaluated each commitment's timing, even where clear deliverables and suggested annual milestones were not provided.
    - Projected completion: The OGP Articles of Governance encourage countries to put forth commitments with clear deliverables with suggested annual milestones. In cases where this is information is not available, the IRM researcher made their best judgment based on the evidence of how far the commitment could possibly be at the end of the period assessed.

A.1.a. Designating a Person Responsible for Publishing Open Data in Each Public Institution

Designating a person responsible for publishing open data in each public institution

Commitment Description						
A n s w e r a b i l i t y	**Lead Institution**	CPM				
	Supporting institutions	The MoJ's SNA Secretariat monitors progress on this indicator. MDRAP should coordinate the progress in 3,000+ local government units.				
	Point of contact specified?	No				
Specificity and measurability		Low				
R e l e v a n c e	**OGP grand challenges**	None				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√		√	√	

Ambition	
New vs. pre-existing New	**Potential impact** Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: April 2012	**Actual completion**	Complete
End date: December 2012	**Projected completion**	Complete

Next steps
New commitment based on existing implementation

What happened?

As explained in Sections I and II, the drafting process for the OGP action plan took place at the MoJ, while implementation eventually landed with CPM, two very different governmental structures. Similarly, the stakeholders involved in the drafting process are different from those currently involved in implementation. Thus, no common memory or common interpretation bridges OGP experiences from early 2012 to late 2013. The expectations of early 2012 were that OGP would cover any and all public entities or, at least, all public institutions. The language in the Government Memorandum, as well as the choice for a Memorandum rather than a Government Decision, restricts the application to central government only. Therefore, this commitment's implementation was completed at the central government level, but implementation at local government level was limited.

Romania has in excess of 10,000 public entities,[1] of which more than 3,000 are central and local government institutions. Before OGP, institutions may have released data sets under provisions of Law No. 109/2007 on the re-use of information from public institutions, but neither MSI, nor SGG have had an overall assessment on re-use. The participants that contributed to the drafting of the OGP action plan expected the government to be responsible at least for the 3,000+ institutions. However, CPM cannot legally expand its reach outside of central government, namely to ministries and government agencies. The CPM reports that the commitment was fulfilled at the central level, and stakeholders confirm . In contrast, at local government levels, MoJ/SNA monitoring visits reveal[2] that this commitment was neither met by the end of 2012, as set forth in the OGP action plan, nor by the end of June 2013, the cut-off date for this report.

One such 'designated responsible person' from a local government unit, told the IRM researcher that she was functioning as a "mere web administrator," uploading on the website any information she would receive from the institution's spokesperson, information officer, or heads of departments, according to internal rules of procedure.[3] She had no idea what "open data" meant or why was it significant to government functioning; she had no capacity or skills for identifying any data sets (either of high or low value) within the institution, despite the fact that it is a requirement in her job description. She especially pointed out that no training was provided for this new task, no additional pay received, and that, in her opinion, simply having designated persons wearing an additional "hat" or "label" was little indication of any progress.[4]

Did it matter?

In early 2012, at the consultations for the development of the OGP action plan, stakeholders voiced the concern that some institutions will not make an effort to identify data sets unless they are obliged by law, government decree, or executive order to appoint an individual for the task. While the need to identify and make available data sets for public access is important, in the opinion of the IRM researcher, not all public institutions may need to have a designated person to identify data sets. Once a good practice on data sets is identified in a category of institutions (namely at the level of a commune, the lowest level of government, where staff shortage is most severe), regular information officers may collect and publish those specific data sets, thus alleviating the need to designate specific or specialised staff.

Moving forward

This commitment has been fulfilled only at the central level of government. Staff shortages affect primarily the lowest level of local government. They could be encouraged to collaborate either with their coordinating counterparts from central government (ministries or agencies) or with town or city halls in their vicinity[5] to learn about open data and to provide access to data sets by replicating the experience of better-staffed institutions. The IRM researcher recommends that for the next action plan this commitment could be reformulated to gradually include, or reach out to, local governments,[6] with clear time lines and specific targets, such as a

standardised inventory of data sets that should be disclosed at every level or category of public institutions.

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[1] This is an approximation based on the definition in Government of Romania, "Law No. 672/2002 concerning Internal Public Audit," cross-referenced with data from the "Electronic Procurement Portal," 2002, www.e-licitatie.ro; see also "Lista instituţiilor din România," Lista Instituţiilor Publice, [Romanian] www.listainstitutii.ro

[2] Meeting of the civil society cooperation platform under the SNA at the Ministry of Justice on 19 November 2013.

[3] Anonymous, interview with the IRM researcher, 7 October 2013.

[4] During the public comments period, one civil society representative warned of the very poor management levels in Romania's public sector, especially with regards to information, records or documents, thus raising doubts with respect to the administrative capacity for compliance and/or proper implementation of existing laws (see http://geoidea.ro/pdf/geoidea_id04_final.pdf).

[5] Such a development would be consistent with the aspiration of merging several local governments into larger administrative units, thus serving the policy objectives of the ongoing regionalization and/or decentralization processes. See also end note 9 in Section I.

[6] Radu Puchiu, "Open Data în Timişoara. De ce nu şi în toată ţara?," noutăţi, OGP Romania, 29 October 2013, [Romanian] http://ogp.gov.ro/noutati/open-data-in-timisoara-de-ce-nu-si-in-toata-tara/

A.1.b. Identifying Regulatory Needs, Logistical and Technical Solutions

Identifying regulatory needs in order to make data open, as well as the logistical and technical solutions

Commitment Description						
A n s w e r a bi li ty	**Lead Institution**	CPM				
	Supporting institutions	MSI and MoJ should support with the legal requirements, and facilitate interoperability.				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
R e l e v a n c e	**OGP grand challenges**	Increasing public integrity				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√		√	√	

Ambition	
New vs. pre-existing New	**Potential impact** Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)

Level of completion		
Start date: April 2012	**Actual completion**	Not started
End date: December 2012	**Projected completion**	Complete

Next steps
Revision of the commitment to be more achievable or measurable

What happened?

This commitment had three aspects in the early 2012 drafting process: regulations, logistics, and technical solutions. In the opinion of the IRM researcher, no new regulations were needed because the necessary legislation was in place, although not all institutions have the capacity to apply or enforce that legislation. From a procedural perspective, however, some bureaucratic barriers may apply, such as the over-protection of data classified as 'office secret', or the mere tradition of working with signed and stamped documents, rather than information (see Commitment A.1.c.). Legally, to track changes in data sets and to release data to the public, public institutions should be able to use their e-signatures, based on Law No. 455/2001, but not all institutions comply with this legal requirement.

Additionally, a legal issue[1] with logistical implications: some institutions claimed to have a copyright, so they would not release the data sets; hence, CPM/DSOD deemed it necessary to create a special license OGL-ROU-1.0 (see Commitment A.2.c.).[2] In contrast, some "purist" NGOs opposed the copyright claims of some public institutions (seeing such claims as abusive and restrictive of access to information/open data). They considered the OGL superfluous, as they would rather see information/data sets published under the Creative Commons (CC) format (a regular license CC-BY-3.0-RO). Some other public institutions, without claiming copyright on their information, still believe that OGL is needed because they doubt that CC would be applicable under Romanian law, and they fear the limitations of CC in case of a lawsuit. CPM rightly argues that OGL protects both the publisher and the user better than any CC license, pointing at the good practice of the UK Government.

The third aspect of this commitment, technical solutions, primarily refers to software and hardware. While the vast majority of public institutions use proprietary formats, some very vocal representatives of the "purist" NGOs want a full ban on all proprietary formats. Most of the data sets are being published in proprietary .xls or .xlsx formats, while experts continue to advocate for .csv or more advanced formats and solutions that support meta-data, interoperability, or inter-connectedness. In addition, web administrators from public institutions are not up to date with the latest developments in website architecture. As a result, published data sets are available under URLs that are allegedly too complicated (see Commitments A.1.d. and A.2.a.). Therefore, some kind of procedure may be needed to enable automated uploads of data sets, in non-proprietary formats, with simple, standardised URLs, under the widest re-use license.

Did it matter?

Initially, participants in the drafting process expected that specific legal barriers would be identified in three areas: (1) specific regulations on the substance of disclosing data sets (such as "office secrets" in Law No. 182/2002 on classified information[3]), (2) the logistics needed to publish open data, and (3) the implementation of technical solutions. The challenges became apparent when CPM/DSOD started thinking of the legal consequences related to launching date.gov.ro.

Before OGP, many institutions were not aware of the open data movement and the regulatory mechanisms to publish and make government information available in open data formats. No activities were dedicated to this commitment by the end of 2012 or the implementation period under consideration, although it was projected to be completed by June 2013.

Since July 2013, substantial work has been undertaken (a review of applicable copyright laws and the launch of an open government license). In December 2013, Romania's open data portal was integrated with PublicData.eu,[4] which indicates that the commitment may be fully completed in early 2014[5] (see also Commitment A.3.a). In early 2014, CPM announced the intention to adopt a Code of Procedures and a Visual Identity Manual that would list the most

commonly perceived barriers, and the available legal means to counter-act the myths of regulatory, logistical, and technical obstacles to open data.

Moving forward

At the time of writing this report, this commitment was not complete. The IRM researcher recommends that this commitment could be merged with A.3.a. or A.3.c., which require constant updates of open data sets according to international standards. In addition, a procedure for independent, third-party evaluation of the accuracy/usability of data sets may be in order.

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[1] More legal issues with logistical implications were reviewed in the paper cited at note 4, A.1.a.

[2] Data.gov.ro, License OGL-ROU-1.0, http://data.gov.ro/base/images/logoinst/OGL-ROU-1.0.pdf

[3] Once the new Criminal Code enters into force, there is a risk that an additional obstacle may hinder public institutions from releasing their data; details at http://www.soros.ro/?q=blog/cod-ro%C8%99u-ce-protejeaz%C4%83-secretul-de-serviciu

[4] "Datasets," Europe's Public Data, http://bit.ly/1cu1Keq

[5] In early January 2014, with 575 points on OKFN's Open Data Index (still at 60% of what is expected), Romania has clearly improved from the original 355 points (see http://ogp.gov.ro/noutati/romania-in-primele-15-tari-din-lume-in-open-data-index/ and https://index.okfn.org/country/overview/Romania/). Yet, the quality of the data sets is questionable, as explained during the public comments period by a hacktivist that took part in the Open Data Day 2014 hackathon: "5% of the lines were impossible to utilize at all, while 100% of the listed budgets were wrong; hence, the data set at http://date.gov.ro/dataset?groups=achizitii-publice is inaccurate and useless." Confirmation of this particular comment may be found from another source, at http://lacoltulstrazii.ro/2014/02/27/de-la-date-deschise-la-aplicatii-utile/

A.1.c. Making an Inventory of Available (High-Value) Data-Sets

Making an inventory of the available data-sets able to be delivered in an open format, and identifying those that reflect the most relevant information for the activity of each institution (high-value data-sets). This will also include data-sets collected by the authorities in order to support public decision-making.

Commitment Description						
A n s w er a bi lit y	**Lead Institution**	CPM				
	Supporting institutions	While not directly responsible, NGOs identified an inventory of data sets that should be published.				
	Point of contact specified?	No				
Specificity and measurability		Low (The commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
R e l e v a n c e	**OGP grand challenges**	Improving public services, More effectively managing public resources				
	OGP values	**Access to information**	**Civic participation**	**Accountabilit y**	**Tech & innovation for trans. & acc.**	**None**
		√			√	

Ambition	
New vs. pre-existing New	**Potential impact** Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)

Level of completion		
Start date: April 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete

Next steps
New commitment based on existing implementation

What happened?

Before OGP, public institutions perceived no need to have an inventory of data sets. As indicated in the action plan, no government activities were dedicated to this commitment by the end of 2012. However, significant progress was made during the second half of 2013, after CPM/DSOD collected, centralised and published a table of progress reports from the ministries in late May.

NGOs provided valuable support, initially to MoJ and then to CPM/DSOD, with at least three consecutive versions of the inventory. In time, the inventory listed more than 100 categories of information whose publication could be regarded as high-value (from an NGO point of view). The earliest NGO inventory dates back to January through March 2012. A second version was updated in April 2013. The latest version was used from August through September as the basis for the CPM/DSOD-facilitated meetings with ministries and central government agencies.

Once again, expectations from early 2012 do not match the reality at the end of 2013. Many of the categories of information whose publication is required by NGOs actually pertain to human-readable documents, rather than machine-readable data. Two specific challenges must be noted: on the one hand, the attribute 'high-value' would only be applicable to open data (machine-readable), as CPM rightly states from a strict OGP perspective. On the other hand, NGOs are frustrated with public institutions (notably ministries and city halls[1]) that initiate legislation without supporting evidence as to the need, the problem, or the objective thereof. NGOs, therefore, attach the attribute 'high-value' to any and all information that should support transparent policy- and decision-making (both human- and machine-readable), in accordance with legislation that has been in place, but not properly implemented, for a full decade (see commitment A.1.d).[2]

Did it matter?
The commitment placed the burden of identifying the high-value data sets on all public institutions, but was completed primarily by NGOs. Moreover, not all high-value data sets are currently available. This is especially the case because the discussion about 'high-value' needs to be restricted to machine-readable data if it is to warrant CPM's action and support in relation to the line ministries. In the opinion of the IRM researcher, having an inventory of data sets is only the first step. The contents need to be made available to the public and put to use.

This commitment could be described as overly ambitious, when contrasted with the data sets that authorities need to collect in order to support their own decision-making processes (see Commitment A.1.d). As it became apparent, too many ministries fail to collect and publish such information, and they fail to base their decisions on actual data.

For example, most of the policy documents listed on the SGG website indicate that proposed legislation was not substantiated by data.[3] Government 'justification notes' for normative acts fail to quote data sets in assessing either the regulatory impact or the costs and benefits of specific normative solutions. Several stakeholders questioned the ministries about the existing data sets that had been used in drafting the yearly budgets proposed by the Ministry of Public Finance (MFP) and the regionalization or decentralization reforms proposed by MDRAP.

Moving forward
This commitment has been met partially—more in the letter than in its spirit. The IRM researcher recommends that, in the upcoming action plan 2014-16, the government could adopt new commitments related to the publication of data that supports proposed policies or regulations, as already provided in Law No. 52/2003 on transparency of decision-making. In accordance with the existing provisions in Law No. 24/2000 on legislative technique, public authorities will need to publish their data sets on date.gov.ro prior to issuing regulatory proposals, as well as to provide a direct link (meta-data may be involved) to the referenced data-set when completing their impact assessments and/or cost-benefit analyses. Timelines for all actions will also need to be clearly specified in the new commitments.

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[1] During the public comments period, one civil society representative warned of the danger that local governments may push aside their transparency obligations while dumping inaccurate data sets on their

websites, and then pretending to have complied with the legal requirements.

[2] Law No. 24/2000 on Legislative Technique, Law No. 544/2001 on Access to Information, Law No. 52/2003 on Transparency of Decision-Making.

[3] Secretariatul General al Guvernului, "Legislativ," Government of Romania, [Romanian] http://www.sgg.ro/legislativ/

A.1.d. Priority Publishing on the Web Pages of Public Institutions of Specific Data Sets

Priority publishing on the web page of each institution of the following: - data-sets identified according to the paragraph above [commitment A.1.c)]; - data-sets that are subject to compulsory disclosure according to Law 544/2001 [on free access to information of public interest]; - data-sets that are referred to by the last activity report of the institution; - data-sets regarding transparency in the decision-making process (documents that support legislative proposals, subject to public consultation according to Law 52/2003 [on transparency of decision-making in public administration]); - data-sets regarding public procurements, budgetary policy and budget execution (how public money is spent).

Commitment Description						
A n s w e r a b i l i t y	**Lead Institution**	CPM				
	Supporting institutions	SGG should support with the national, centralised reports on the implementation of the transparency laws				
	Point of contact specified?	No				
Specificity and measurability		Low (The commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
R e l e v a n c e	**OGP grand challenges**	Improving public services, More effectively managing public resources				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√			√	

Ambition	
New vs. pre-existing Pre-existing	**Potential impact** Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: April 2012	**Actual completion**	Limited

End date: December 2012	Projected completion	Complete
Next steps		
Further work on basic implementation		

What happened?

Transparency in decision-making is still an aspiration in Romania, largely due to the difficulty in accessing government held information. The process of accessing information is cumbersome at best. The success rate for access to information requests is less than 40 per cent.[1] Procurement data is almost impossible to retrieve in machine-readable format from existing websites such as the electronic procurement portal (www.e-licitatie.ro).

Circumventing the poor usability/export facility of the e-procurement portal, the newly launched open data portal provides a copy of procurement data series for seven years (date.gov.ro/dataset/achizitii-publice-2007-2013), as well as additional data on defence procurements and larger EU-funded projects.

Very specific deliverables were listed in the action plan, but it was almost impossible to assess whether all public institutions have completed each of the listed tasks. The "specific data sets" in the text of the commitment refer to both human- and machine-readable information, of which some should be pro-actively disclosed by public institutions (e.g., budgets and procurement plans under the access to information law, policy and regulatory justifications under the transparency of decision-making law, as well as cost-benefit analyses and regulatory impact assessments under the legislative technique law). Yet the number of public institutions covered by these legal requirements varies greatly, as discussed in Commitment A.1.a., although only ministries and city halls may initiate regulations. While NGOs urge all public institutions to publish the required information, CPM maintains its OGP mandate within the boundaries of machine-readable data, so expectations and realities are once again misaligned (see Commitment A.2.a.).

For example, web pages of public institutions were not standardised with respect to the URL path where one should find activity reports, decision-making processes, or procurement data. From an NGO perspective, such lack of standardization hampers their capacity for data mining. Even SGG failed to publish in due time the 2012 national, centralised reports on the implementation of Law No. 544/2001 on Free Access to Information of Public Interest and Law No. 52/2003 on Transparency of Decision-Making in Public Administration.[2] From the perspective of tech-savvy, data-mining people who use automated search engines, standardization of URLs may seem superfluous.

Did it matter?

Before OGP, the situation was quite similar. Since 2001 and 2003, respectively, public institutions had a legal obligation to publish activity reports, decision-making processes, and procurement data. The national, centralised reports (a combination of human- and machine-readable information) used to be published online (www.publicinfo.ro), but that website became dysfunctional in 2011, and all official centralised reports were misplaced.

In contrast with the existing legal obligation regarding transparency , the novelty value of this commitment relates to publishing information in open data formats, but its progress is difficult to assess.[3]

Moving forward

All public institutions should be able to pro-actively publish these basic data sets according to

the existing legislation in force (Law No. 24/2000, Law No. 544/2001, and Law No. 52/2003). The IRM researcher recommends better inter-agency coordination for the enforcement of these laws. For instance, the CPM could coordinate with other agencies such as:

- SGG, to monitor implementation of this commitment;
- MSI, to standardise web pages for public institutions;[4]
- MoJ, to collect some of the information available via monitoring visits on SNA;
- MDRAP, to coordinate the implementation of MSI standards[5] and to train the staff at the local government level.

[1] "Other Requests," Nu vă supărați, http://bit.ly/1f6Vjsr ; the user-rated results are consistent with previous assessments from the Romanian Academic Society, the Centre for Independent Journalism, Active Watch—Media Monitoring Agency, Transparency International's Romanian Chapter, and the Romanian Institute of Training and Association Pro Democracy.

[2] The 2012 reports, currently available, were uploaded almost a year later, but their quality is decreasing year to year. Secretariatul General al Guvernului, "Interes Public, Documente, Rapoarte de Activitate," Government of Romania, [Romanian] http://www.sgg.ro/index.php?id=42,59,0,0,1,0

[3] Also, see end note 5, A.1.b, and end note 1 at A.1.c.

[4] This could be based on the 2008 Visual Identity Manual of the former Agency for Government [Communication] Strategies or on an updated one; see also Commitment A.1.b.

[5] Also, see "Moving forward" at Commitment A.1.b, for the suggestion (made during the public comments period) on introducing an independent, third-party evaluation of the data sets's accuracy/usability.

A.1.e. Initiating Pilot-Projects, in Partnerships

Initiating pilot-projects that may serve as examples of good practice, and support promoting the concept and benefits of open data, in partnership with organizations whose commitment may have an immediate positive impact on increasing institutional transparency and credibility (ex.: data sets regarding the implementation of the [SNA] National Anti-corruption Strategy)

Commitment Description						
A n s w e r a b i l i t y	**Lead Institution**	CPM				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Low (The commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
R e l e v a n c e	**OGP grand challenges**	Improving public services; Increasing public integrity; More effectively managing public resources; Creating safer communities; Increasing corporate accountability				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√	√		√	

Ambition	
New vs. pre-existing New	**Potential impact** Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)

Level of completion		
Start date: April 2012	**Actual completion**	Limited
End date: December 2012	**Projected completion**	Complete

Next steps
Revision of the commitment to be more achievable or measurable

What happened?

Deliverables could be measured in the number of pilot-projects that were initiated, good practices identified, and support obtained. Before OGP and during the consultation process for the adoption of the National Anti-Corruption Strategy (SNA), several NGOs requested that specific information be released in some interactive form on government websites. Some of the NGOs continued with their ideas, and their projects advanced independently of the OGP. Thus, they may not be construed as pilot-projects within the scope of this commitment.

Did it matter?

Interviewees were unable to point to any pilot-project that would fall 100 per cent under this commitment.

Projects mentioned in the conversations included the following:

- geo-spatial.org (an NGO platform advocating for the democratisation of geo-data),
- banipierduti.ro (an NGO platform for tracking public budgets),
- nuvasuparati.info (informal group platform for access to information requests),
- several projects listed at http://omc.thesponge.eu/Entry_list (community of media innovators),[1] and
- some activities under biblionet.ro (an NGO program for digitization of libraries, that culminated with the FutureCommunities.ro Conference).

But none of the above projects qualify as pilot-projects of the government because they were carried out exclusively by NGOs or informal groups.

However, in the opinion of the IRM researcher, other activities could qualify as partnerships (but not necessarily as pilot-projects) such as the June 2013 "Moving Forward" Conference, co-organised by the Soros Foundation, Geo-Spatial and CPM/DSOD. This conference may have stimulated the third version of the NGO inventory, and the subsequent CPM-facilitated meetings at the line ministries.

Last but not least, in their self-evaluation report, CPM/DSOD listed the results of a February 2013 hackathon (organised in partnership with two for-profit organisations and three Bucharest-based high-schools) as 'pilot-projects.'[2] A year later, none of the results from that hackathon had led to a partnership, had gained visibility to serve as examples of good practice, or had promoted the benefits of open data.[3] In late February 2014, CPM/DSOD plans to collaborate in another NGO-initiated activity, the Open Data Day hackathon to be organised by the Coalition for Open Data.[4]

Moving forward

The IRM researcher recommends that CPM/DSOD should either abandon the commitment, as it could prove too taxing on the limited administrative capacity of its own staff, or reformulate this commitment with a clearly defined and more achievable goal. For example, it could consider a commitment to reward annually three to five private projects and initiatives that promote the open data portal, make use of data published therein, or require additional data sets to be published and used on the website (date.gov.ro/).

[1] This listing was recalled during the public comments period, and during the discussions on the IRM Report at the side-event that took place at the Open Data Day 2014 hackathon (see http://thesponge.eu/index.php?idT=2&idC=2 and http://datedeschise.ro/proiecte/proiect-18).

[2] "Hackathon 2013," Departamentul pentru Servicii Online şi Design, [Romanian] http://bit.ly/1g3OD0k ; Additional events with DSOD participation are listed online. OGP Romania, "Noutati, Clubul OGP," Government of Romania, [Romanian] http://ogp.gov.ro/category/noutati/

[3] A business-sponsored platform promotes the active use of open data, but remains captive to proprietary

formats. Opening Opportunities, [Romanian] www.openingopportunities.ro

[4] Membership of the Coalition and details concerning the organisers are available at http://datedeschise.ro/ starting in February 2014. The list of projects developed during the Open Data Day 2014 hackathon may be found at http://datedeschise.ro/proiecte (also, see a review at http://soros.ro/?q=blog/30-de-cet%C4%83%C8%9Beni-pasiona%C8%9Bi-datele-guvernului-%C8%99i-30-de-calculatoare).

A.1.f. Organizing Public Debates on the Utility of Open Data, in Partnerships

Organizing public debates on the utility of open data, in partnership with representatives of public authorities, NGOs and the business environment

Commitment Description		
A n s w e r a b i l i t y — **Lead Institution**		CPM
Supporting institutions		N/A
Point of contact specified?		No
Specificity and measurability		Low (The commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)
R e l e v a n c e — **OGP grand challenges**		Improving public services; Increasing public integrity; More effectively managing public resources; Creating safer communities; Increasing corporate accountability

	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√	√		√	

Ambition	
New vs. pre-existing New	**Potential impact** Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: April 2012	**Actual completion**	Not started
End date: December 2012	**Projected completion**	Complete

Next steps
Revision of the commitment to be more achievable or measurable

What happened?

Before OGP, the concept of "open data" was little known in Romanian society, but a discrete group of freedom of information activists, open technology advocates, and open access promoters were aware of, and kept up with, the global trends. In the opinion of the IRM researcher, public debates on the utility of open data would have taken place in Romania, independent of the OGP commitments. In fact, the OGP in Romania did little to change the situation in public institutions. The lack of appropriate communication turned open data into a burden that public institutions came to dread, rather than embrace as an opportunity to discover, participate in, and utilise. CPM/DSOD facilitated several meetings with the line ministries (discussed in Commitment A.1.c.),[1] but organised only one public debate. The public debate was at local level in the city of Timişoara in October 2013,[2] after the implementation period assessed.

Did it matter?

Interviewees were unable to recall any public debate organised on the utility of public data in 2012. However, they recalled several private initiatives being promoted under TechSoup's "Restart Romania" project (2011-12), and The Sponge's "Open Media Challenge" (2012). The Open Access Week also qualifies as a private initiative, but almost everything during that week was eclipsed by the political turmoil of 2012.[3] The Soros Foundation undertook the most notable activities, starting with publishing the first OGP Monitoring Report in December 2012.[4] The Soros Foundation organised a round table in January 2013,[5] a conference in June 2013,[6] and published an open letter in October 2013.[7] Finally, in November 2013, the Soros Foundation organised a round table on "Open Data vs. Personal Data"[8] in cooperation with the Association for Internet and Technology (APTI), the Personal Data Protection Agency, and CPM/DSOD. In December 2013, the Soros Foundation published the results of a test on ministerial transparency towards open data.[9]

Similarly, APTI maintained focus on open data in a series of meetings, "Internet without a Tie." These meetings, however, were limited to Bucharest-based audiences.[10] In a parallel effort, the Center for Independent Journalism started a project in October 2013 that intends to promote OGP in the public sphere by means of public debates with local media and various local stakeholders (NGOS, business, and student associations) in the cities of Galaţi, Iaşi, Botoşani, Tg. Mureş, Timişoara, and Craiova by end May 2014.[11]

The MoJ's conference, organised in March 2013 on the National Anti-Corruption Strategy (SNA), was an important highlight, but open data was rather absent from the discussion.[12] During the two full days of this conference with the highest level of participation from public institutions, the Prime Minister's opening speech mentioned open data only once, but the discussion was confined to a 45-minute panel that was clearly led by NGOs.

Throughout 2012 and 2013, no public institution or political figures genuinely and publicly championed the cause of open data, except for brief and formal statements (not circulated by the press) at limited-audience events.

Moving forward

If neither CPM, nor any other ministry or government agency is willing or able to take a bolder stance on open data, such an objective is better abandoned from the OGP action plan, and left to

civil society's devices. Alternatively, the IRM researcher is of the opinion that :

- The CPM could decide to co-finance three to four such events every year; with a 10-20 per cent contribution secured from CPM, NGOs might successfully fundraise the rest of the funds.
  - The CPM and/or MSI could also employ the Law No. 350/2005 on public grants in order to fund events related to this commitment.

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[1] OGP Romania, "Noutati, Clubul OGP," Government of Romania, [Romanian] http://ogp.gov.ro/category/noutati/

[2] On 17 February 2014, the Timişoara Municipality approved a volunteer partnership with local hacktivists, to publish open data sets related to the activity of several local services (see http://www.primariatm.ro/proiecte.php?unid=F194F3D4A2A89B76C2257C840048A97A and http://ogp.gov.ro/date-deschise/prima-hotarare-de-consiliu-local-dedicata-datelor-deschise/). The volunteer partner is a local community of hacktivists, SmartCity Timişoara (see http://mysmartcity.ro/).

[3] "Open Access Week Romania," International Open Access Week, http://bit.ly/1cWBR55

[4] "Raportul OGP - 2012," Soros Foundation Romania, 18 December 2012, http://soros.ro/?q=raportul-ogp-2012

[5] "Date Deschise şi Guvernare Electronică," Soros Foundation Romania, 23 January 2013, http://bit.ly/1bsmgWU

[6] "Moving Forward. Open Data Discussion for an Open Romania," Soros Foundation Romania, 18 June 2013, http://bit.ly/LAm94r

[7] "Date Publice Deschise în Acordul de Parteneriat 2014-2020," Soros Foundation Romania, 10 October 2013, http://bit.ly/1c5wEUr

[8] "Date Deschise şi Date cu Caracter Personal: în Cautarea unui Compromis Necesar," Soros Foundation Romania, 19 November 2013, http://bit.ly/1keUUvz

[9] Andra Bucur, "Inventarul Datelor Deschise în 2013 şi Rezultatul unui test de Transparenţă," Soros Foundation, 20 December 2013, http://bit.ly/1fTx6t9

[10] "Cautare, Continut," Asociaţia pentru Tehnologie şi Internet, http://bit.ly/1kWEtBR

[11] "Parteneriatul pentru o Guvernare Deschisă pe Agenda Publică," Centrul pentru Jurnalism Independent, 15 January 2014, http://www.cji.ro/?p=5053

[12] National Anti-Corruption Strategy 2012-2015, "Intervenţia Primului-Ministru Victor Ponta în cadrul Conferinţei Anuale Anticorupţie," Government of Romania, 29 March 2013, http://bit.ly/IwPITu

A.2.a. Uniform, Machine-Readable Publishing Format for Open Data

Having a uniform publishing format of open data, so that they may be machine-readable

Commitment Description		
A n s w e r a b i l i t y	**Lead Institution**	CPM
	Supporting institutions	N/A
	Point of contact specified?	No
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)
R e l e v a n c e	**OGP grand challenges**	More effectively managing public resources

	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√			√	

Ambition	
New vs. pre-existing New	**Potential impact** Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)

Level of completion		
Start date: January 2013	**Actual completion**	Not started
End date: December 2013	**Projected completion**	Limited

Next steps
Revision of the commitment to be more achievable or measurable

What happened?

Before OGP, a very limited number of Romanians may have dreamed of such a standardised, machine-readable format. Some experts did follow the international debate revolving around Sunlight Foundation's Ten Principles for Open Data or Tim Berners Lee's Design for Linked Data.[1] The number of experts may have tripled in the meantime, according to an open technology promoter, but still remains independent of the government's OGP commitments and largely outside of the government's ranks and reach.

The primary challenge refers to standardizing the output data sets from the public institutions, partially discussed under Commitment A.1.d. The existing bureaucratic culture prefers to work with hard-copy documents, rather than soft copies and information in electronic format.[2] As a result, Romania currently has no standardization for the machine-readable outputs of public institutions; most of them are in either .pdf or proprietary formats. However, the priority is to have the information published. Whenever possible, the national open data portal employs alternative formats to ensure that data is publicly available at no additional cost for the users. In time, with the adoption of the Code and the Manual referred to previously (Commitment A.1.b.), all of the new data sets coming out of public institutions will be presented in a standard (most-likely non-proprietary) format on the open data portal.

By the end of the implementation period, this commitment had not been started, although some actions were taken during the period of writing this report.

Did it matter?

In rare cases (less than 100 of the more than 3,000 institutions, not to mention the additional 7,000+ public entities) information is available, having been disclosed pro-actively and directly on the website, and in some cases in machine-readable format. This is already progress from the .jpg formats of the very early 2010s. However, most of the other institutions, especially in local government, have never heard of .csv and are doubtful as to whether they may release data in .xls. They prefer the .doc and .pdf formats. As a result, the fiercest open data advocates criticised the newly launched portal (date.gov.ro/dataset) of October 2013 for using mostly proprietary formats, such as .xls, instead of the freer .csv. Yet, CPM rightly defends the primary priority of publishing the data in any of the available formats. Further, the recent integration of Romania's open data into PublicData.eu acknowledges that Romanian data complies with the European standards.[3]

Moving forward

In 2014, CPM may help institutions to convert their data sets to the standardised format, in accordance with Commitments A.1.c.-e. and A.3.a.-e. A staged approach for the following years may be in order, namely the following:

1. Publish all information (both human- and machine-readable) in any available format;
2. Encourage the publication especially of data sets in user-friendly, re-usable formats (including proprietary);
3. Ensure the publication of all information in open, non-proprietary formats.

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[1] See also https://www.coar-repositories.org/activities/repository-observatory/second-edition-linked-

open-data/7-things-you-should-know-about-open-data/

[2] During the public comments period, one civil society representative complained that public institutions are so reluctant to start working in electronic format, that some of them went so far as to invent additional procedures (paper-based), introduce additional steps (captcha codes) or protect e-documents against automatic processing (closed .pdf or even .jpg formats).

[3] Also, see end note 5 of A.1.b.

A.2.b. Procedures for Publication of Data Sets Based on Civil Society Recommendations

Establishing procedures to translate public information needs into recommendations made by the civil society regarding the publication of certain data sets

Commitment Description						
A n s w e r a b i l i t y	**Lead institution**	CPM				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
R e l e v a n c e	**OGP grand challenges**	Improving public services; Increasing public integrity; More effectively managing public resources; Creating safer communities; Increasing corporate accountability				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√	√	√	√	

Ambition	
New vs. pre-existing Pre-existing	**Potential impact** Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion		
Start date: January 2013	**Actual completion**	Limited
End date: December 2013	**Projected completion**	Substantial

Next steps
Further work on basic implementation

What happened?

Even before OGP, public institutions could have created specific procedures for translating NGOs' recommendations on all policy matters into decisions and/or deliverables. From this perspective, the inclusion of this commitment in the government's OGP action plan did not move the government's practice forward. Having a special procedure designed only for one class of information (namely, machine-readable data sets) is simply too narrow, when compared to the pre-existing regulations that impose such procedures to be in place already, for dialogue with, or in response to, civil society. CPM responded positively to the inventory of high-value data sets requested by civil society activists during the consultation meetings of April and September 2013. CPM subsequently put pressure on ministries and central government agencies to release those data sets. However, a specific procedure for regular, timely disclosure of these data sets does not exist, and was not adopted by the end of 2013.

Did it matter?

Civil society activists would rather see public institutions truly and fully observing the procedures in Law No. 52/2003 on transparency of decision-making (coupled with those in Law No. 24/2000 on legislative technique), such that civil society recommendations may be turned into specific internal procedures on all policy matters. As a consequence, making better use of open data will eventually ensue.

Moving forward

This commitment existed prior to OGP, as a general rule, and is fully applicable to the particular topic of open data. The government should have used a legal provision that already exists to implement this commitment. Thus, the IRM researcher recommends the government implement its own law that has been in effect for ten years,[1] to meet the expectations on data, as discussed under Commitments A.1.b-d.

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[1] Also, see end note 3, Section III; end note 4, A.1.a; end note 1, A.1.c, and end note 1, A.2.a.

A.2.c. Procedures for Citizen Complaints Pertaining to Open Data

Establishing procedures to allow citizens to complain against the breach of obligations incumbent upon public authorities in the field of open data

Commitment Description						
A n s w e r a b i l i t y	**Lead institution**	CPM				
	Supporting institutions	N/A				
	Point of contact specified?	No				
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
R e l e v a n c e	**OGP grand challenges**	Increasing public integrity				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		√	√	√	√	
Ambition						
New vs. pre-existing Pre-existing		**Potential impact** Minor (The commitment is an incremental but positive step in the relevant policy area.)				
Level of completion						
Start date: January 2013		**Actual completion**	Limited			
End date: December 2013		**Projected completion**	Substantial			
Next steps						
Revision of the commitment to be more achievable or measurable						

What happened?

A discrepancy between actions agreed on in early 2012 and their actual implementation in late 2013, for the same reasons listed under Commitments A.1.a. and A.1.b., makes the assessment of this commitment difficult. While the drafters of the OGP action plan intended to encompass matters concerning accuracy and authenticity of government-published data sets, CPM interprets the wording of this commitment as potentially referring to its own failure to meet the OGP objectives. In the latter sense, no special procedures are needed because anybody may seek court remedy against a public institution's failure through well-established measures. Similarly, in the former sense, even before OGP citizens could have complained about inaccurate government records. Existing laws provide the means to address and redress potential problems.[1]

However, the true challenge lies with (a) the public institutions ensuring the traceability of changes made in the data sets that may become inaccurate/incomplete when managed under inter-institutional cooperation, as well as (b) assigning liability within public institutions, based on internal e-signatures, rather than hard-copies with stamps for conformity. Existing laws thus already enable citizens to make complaints pertaining to public records, including open data, posing no theoretical legal problem. However, citizens may find little if any jurisprudence on Law No. 455/2001 regarding electronic signatures.

Did it matter?

CPM/DSOD may have anticipated some of these concerns when designing the special license OGL-ROU-1.0,[2] as this may be more effective than a regular license CC-BY-3.0-RO in Romanian courts. A document issued by the Romanian Government may carry more weight in court than a generic agreement found on the Internet. However, cases based on data sets released at date.gov.ro/dataset might not make their way to the courts or be heard earlier than the second half of 2014, considering the procedural aspects of Romanian administrative law and the courts' heavy backlog of cases that are given chronological priority.

Moving forward

This commitment existed prior to OGP as a general rule applicable to government records, regardless of their specific format. It could have been left out of the OGP action plan, but its inclusion focuses the officials' attention on potential legislation that may need some improvement, upon completion of Commitment A.1.b., thus enabling solutions for anticipated problems. To work well, however, this commitment needs to be linked to justice reforms (particularly, to rules on electronic evidence and procedures on reasonable duration of trials), which is outside the scope of this report. CPM and its civil society partners should pro-actively seek to identify data sets that may contain discrepancies and to iron them out in discussions with the public institutions that co-created or co-managed such data. The alternative may be the introduction of an independent, third-party evaluation of the data sets, as discussed under Commitment A.1.b.

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[1] Parliament of Romania, "Law No. 554/2004 on Administrative Litigation," 2004; also, Law No. 544/2001 on Access to Information, Government of Romania, Government Ordinance No. 27/2002 on Solving Petitions, Law No. 52/2003 on Transparency of Decision-Making, amended Law No. 24/2000 on Legislative Technique.

[2] Data.gov.ro, "Special License: OGL ROU 1.0," http://data.gov.ro/base/images/logoinst/OGL-ROU-1.0.pdf

A.2.d. Consultation Mechanism between Suppliers and Beneficiaries of Open Data

Creating a mechanism of consultation between the suppliers and the beneficiaries of public open data

Commitment Description		
A **n** **s** **w** **e** **r** **a** **b** **i** **l** **i** **t** **y**	**Lead institution**	CPM
	Supporting institutions	N/A
	Point of contact specified?	No

Specificity and measurability	Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				

R **e** **l** **e** **v** **a** **n** **c** **e**	**OGP grand challenges**	Improving public services; Increasing public integrity; More effectively managing public resources			
	OGP values	**Access to information**	**Civic participation**	**Accounta bility**	**Tech & innovation for trans. & acc.**	**None**
		√	√		√	

Ambition

New vs. pre-existing New	**Potential impact** Minor (The commitment is an incremental but positive step in the relevant policy area.)

Level of completion

Start date: January 2013	**Actual completion**	Not started
End date: December 2013	**Projected completion**	Substantial

Next steps

None: Abandon commitment

What happened?

The commitment is not very different from A.2.b., except that this commitment is perceived to be more of a regular nature. It envisages periodic meetings, instead of an ad hoc, need-based interaction. However, no progress was made, primarily because this commitment depends on the existence of a national open data portal. On one hand, having planned for this commitment ahead of A.3.a, "Creating an Open Data Platform," was a design flaw in the drafting process of the OGP action plan. On the other hand, since the open data portal was completed ahead of time, such discussions already occur online through the social functionalities of the portal (date.gov.ro/dataset).

Did it matter?

CPM has not identified all suppliers and beneficiaries, a necessary first step to the possibility that such a mechanism for consultations could be created offline. For now, the online consultations work sufficiently well, especially as coupled with participation in the facilitated meetings at the line ministries.

Moving forward

The IRM researcher recommends that this commitment be abandoned for the next OGP action plan 2014-16, as it will be supplemented by the continuous implementation of commitment A.2.b on procedures for data set publication.[1]

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[1] The recent creation of the OGP Club may also serve as a meeting place for suppliers and beneficiaries of open data, provided that the Club will continue after the consultations for the new action plan (also, see notes 6, Section I and 3, Section III).

A.2.e. Creating a Rating System for the Assessment of High-Value Data Sets

Creating a rating system for the published open data and comparing the results with the high-value attributed by the publisher of open data

Commitment Description						
A n s w e r a b i l i t y	**Lead institution**	CPM				
	Supporting institutions	MSI may help				
	Point of contact specified?	No				
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
R e l e v a n c e	**OGP grand challenges**	Improving public services; Increasing public integrity; More effectively managing public resources				
	OGP values	**Access to information**	**Civic participation**	**Accounta bility**	**Tech & innovation for trans. & acc.**	**None**
		√			√	

Ambition	
New vs. pre-existing New	**Potential impact** Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)

Level of completion		
Start date: January 2013	**Actual completion**	Limited
End date: December 2013	**Projected completion**	Substantial

Next step
Further work on basic implementation

What happened?

Before OGP, only a handful of NGOs (involved with monitoring access to information) rated the quality of responses by public institutions to open data requests. The widespread rating systems now available through social media could help public institutions learn what users consider high-value data sets. The discussion about what represents "high-value" must be confined to machine-readable data (see Commitment A.1.c.) and possibly referred to international standards such as the G8 Open Data Charter. Subjective evaluation of already published data sets, as well as feedback collection, is already possible through social functionalities on the open data portal.

Did it matter?

Interviewees claimed the challenge is to find a rating system that provides a fair weight to data that is visited, downloaded, linked and/or correlated to applications, as well as the spill over effect in the usage ratings of such applications. CPM rightly objects that such a rating system is utopian. The consultation mechanisms described in Section III and Commitment A.2.b. should be employed to reach consensus on what data sets should be rated and how.

Moving forward

The IRM researcher found limited implementation of this commitment. Because the challenge is to find an adequate rating system, the government should work with NGOs, activists and possibly the business sector, to develop, test and employ a rating system that may be improved over time.

A.2.f. Routinely Publishing Specific Data Sets on Web Pages of Public Institutions

Routinely publishing on the web page of each institution of the following: - data sets that support public policies; - data sets that contain statistics relevant for the activity of the public institution; - data sets that reflect the performance of the public service delivered by the public institution

<table>
<tr><td colspan="7">Commitment Description</td></tr>
<tr><td rowspan="4">A n s w e r a b i l i t y</td><td>Lead Institution</td><td colspan="5">CPM</td></tr>
<tr><td>Supporting institutions</td><td colspan="5">MoJ/SNA and MDRAP, SGG, the Legislative Council</td></tr>
<tr><td>Point of contact specified?</td><td colspan="5">No</td></tr>
<tr><td></td><td colspan="5"></td></tr>
<tr><td colspan="2">Specificity and measurability</td><td colspan="5">Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)</td></tr>
<tr><td rowspan="4">R e l e v a n c e</td><td>OGP grand challenges</td><td colspan="5">Improving public services; Increasing public integrity; More effectively managing public resources</td></tr>
<tr><td>OGP values</td><td>Access to information</td><td>Civic participation</td><td>Account ability</td><td>Tech & innovation for trans. & acc.</td><td>None</td></tr>
<tr><td></td><td>√</td><td></td><td></td><td>√</td><td></td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="7">Ambition</td></tr>
<tr><td colspan="2">New vs. pre-existing
New</td><td colspan="5">Potential impact
Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)</td></tr>
<tr><td colspan="7">Level of completion</td></tr>
<tr><td colspan="2">Start date: January 2013</td><td colspan="2">Actual completion</td><td colspan="3">Limited</td></tr>
<tr><td colspan="2">End date: December 2013</td><td colspan="2">Projected completion</td><td colspan="3">Substantial</td></tr>
</table>

Next steps
None: Abandon commitment

What happened?

Even before OGP, public institutions were legally obligated to publish pro-actively or upon request all data sets that supported public policies, including statistics relevant to the activity of public institutions and/or reflecting their performance, on a case-by-case basis (see Commitment A.1.d. and A.2.a-c.); they rarely complied. This laxity of public institutions stems from the fact that abusive benefits outweigh the difficultly-enforced sanctions for opacity or, respectively, the legal requirements that impose and guarantee full transparency.

Did it matter?

The MoJ/SNA and the MDRAP for the local government, respectively the SGG and/or the Legislative Council for the line ministries, could monitor the publication of transparency information (mandated to be released in Laws No. 24/2000 and No. 52/2003, including both human- and machine-readable data). Data sets that support policy decisions are in high demand by different stakeholders, as explained in Commitment A.1.d. Stakeholders, however, emphasise that data sets under this commitment relate to the performance and activity statistics of public institutions (see Commitments A.2.a.-c.). Stakeholders have low expectations from this particular commitment because the routine publication of these specific data sets should be the result of other commitments being implemented properly.

Moving forward

If other commitments such as A.2.a-c. are implemented well, then, the net result will be the routine publication of data sets. But, while publication may be verified, it will always be difficult to assess routine publication (how frequent makes routine?). Thus, the IRM researcher recommends this specific commitment be abandoned, while the overall transparency of institutions and decision-making processes should be improved, according to the existing legislation.

A.3.a. Integrating Open Data from Public Institutions in a Single National Platform

Integrating the open data published by public institutions in a single national platform (ex.: datedeschise.guv.ro)

<table>
<tr><td colspan="8">Commitment Description</td></tr>
<tr><td rowspan="3">A n s w e r a b i l i t y</td><td>Lead Institution</td><td colspan="6">CPM</td></tr>
<tr><td>Supporting institutions</td><td colspan="6">N/A</td></tr>
<tr><td>Point of contact specified?</td><td colspan="6">No</td></tr>
<tr><td colspan="2">Specificity and measurability</td><td colspan="6">High (The commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)</td></tr>
<tr><td rowspan="3">R e l e v a n c e</td><td>OGP grand challenges</td><td colspan="6">Improving public services; Increasing public integrity; More effectively managing public resources</td></tr>
<tr><td>OGP values</td><td>Access to information</td><td>Civic participation</td><td>Account ability</td><td colspan="2">Tech & innovation for trans. & acc.</td><td>None</td></tr>
<tr><td></td><td>√</td><td></td><td></td><td colspan="2">√</td><td></td></tr>
<tr><td colspan="8">Ambition</td></tr>
<tr><td colspan="2">New vs. pre-existing
New</td><td colspan="6">Potential impact
Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)</td></tr>
<tr><td colspan="8">Level of completion</td></tr>
<tr><td colspan="2">Start date: January 2014</td><td colspan="3">Actual completion</td><td colspan="3">Not started</td></tr>
<tr><td colspan="2">End date: December 2014</td><td colspan="3">Projected completion</td><td colspan="3">Not started</td></tr>
<tr><td colspan="8">Next steps</td></tr>
<tr><td colspan="8">Maintenance and monitoring of completed implementation</td></tr>
</table>

What happened?

Before OGP, some NGO activists were following the data portals supported by the World Bank, including the successful projects in Albania and Moldova that benefited from World Bank support. The commitment to create a national platform as part of the OGP action plan fed these individuals' aspirations, and they have become true advocates for open data throughout 2012 and 2013. The recently launched portal (date.gov.ro/) meets many of their expectations, and they are pleasantly surprised with this particular commitment being achieved ahead of schedule.

Did it matter?

This commitment had not started at the end of the implementation period (July 2013). However, at the time of writing (December 2013), this commitment was completed ahead of time, and implemented well, much to the satisfaction of the open data community. Additional expectations may be fixed and/or functions added during 2014.

Stakeholders strictly interested in the national open data platform include user-members of the public who seek information, data, and knowledge, as well as experts who understand technical difficulties, administrative constraints, legal matters, policy hindrances, and budget (non-)allocations. They currently are concerned with some of the delays in fulfilling commitments A.1.b, A.1.c., and A.1.d., as well as A.2.a., A.2.b., and A.2.e. They already expressed disappointment with the lack of coordination among the data sets, formats and licenses for three government websites (date.gov.ro/dataset; buget.gov.ro/; and mbuget.gov.ro/buget/).

The stakeholders interviewed expect 2014 to spearhead the open data movement in Romania. They especially await publication of electoral information, given the upcoming European Parliament (May 2014) and Presidential (November 2014) elections in Romania.

Moving forward

Stakeholders await the full integration of the rating system (see Commitment A.2.e.) into the national open data platform (date.gov.ro/dataset), and some sort of assurance with respect to the accuracy and usability of data (see Commitment A.1.b).

A.3.b. Inventories of Data, in order to Facilitate Public Access

Creating inventories of data in order to facilitate public access

Commitment Description		
A n s w e r a b i l i t y	**Lead Institution**	CPM
	Supporting institutions	NGOs have already provided valuable input
	Point of contact specified?	No
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)
R e l e v a n c e	**OGP grand challenges**	Improving public services; Increasing public integrity; More effectively managing public resources
	OGP values	**Access to information** / **Civic participation** / **Accountability** / **Tech & innovation for trans. & acc.** √ / **None**

OGP values	Access to information	Civic participation	Accounta bility	Tech & innovation for trans. & acc.	None
	√			√	

Ambition	
New vs. pre-existing New	**Potential impact** Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)

Level of completion		
Start date: January 2014	**Actual completion**	Limited
End date: December 2014	**Projected completion**	Not started

Next steps
Further work on basic implementation

What happened?

Before OGP, some Romanians wished that the General Secretariat of the Government (SGG) would one day publish a list of all information produced by public institutions, centralizing data as part of its responsibilities mandated by the transparency Laws No. 544/2001 and No. 52/2003. They also wished that MSI would do a similar thing with data re-used according to Law No. 109/2007, or that ministries and city halls would start publishing the data that justifies their decisions, according to Law No. 24/2000.

The current listing is a good start (date.gov.ro/dataset).

Did it matter?

The commitment's implementation, while ahead of schedule, was marked "limited" in recognition of the NGOs' efforts that provided three versions of the inventory, as described in Commitment A.1.c, despite the unclear meaning of "high-value" and human- vs. machine-readable information. Stakeholders now expect more data sets to be published on the national open data platform. Stakeholders also expect a new commitment, inspired by neighbouring Moldova: The government should publish at least three new data sets every month (see discussion about routine publishing under Commitment A.2.f).

Moving forward

The commitment is scheduled to start in 2014. Over 100 data sets have already been published. The IRM researcher recommends continued and full implementation.

A.3.c. Institute a Monitoring Mechanism of Compliance for Open Data

Instituting a permanent monitoring mechanism of compliance to open data procedures

Commitment Description		
A n s w e r a b i l i t y	**Lead Institution**	CPM
	Supporting institutions	MoJ/SNA may help
	Point of contact specified?	No
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)
R e l e v a n c e	**OGP grand challenges**	Increasing public integrity

	OGP values	**Access to information**	**Civic participation**	**Account ability**	**Tech & innovation for trans. & acc.**	**None**
		√		√	√	

Ambition	
New vs. pre-existing New	**Potential impact** Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)

Level of completion		
Start date: January 2014	**Actual completion**	Not started
End date: December 2014	**Projected completion**	Not started

Next steps
Further work on basic implementation

What happened?

Before OGP, the Ministry of Justice (MoJ) envisaged a special monitoring mechanism for compliance with the provisions of the National Anti-Corruption Strategy (SNA). Some of the SNA monitoring activities include collecting information about OGP implementation where CPM has limited powers, especially at the level of local governments. Yet, "compliance" in this commitment refers both to procedures adopted for Commitments A.1.a-d. and A.2.a-f. and to some kind of quality assurance that may exceed the scope of A.2.e.[1] However, concerns with compliance in public administration are nothing new, despite the novelty of open data.

Did it matter?

Some work on this commitment was completed ahead of time. After the assessment period, the SNA monitoring visits collected information on OGP compliance, which will be published on the SNA portal (See Section I). Substantial discussions on compliance are scheduled for 2014, in conjunction with the rating system specified in Commitment A.2.e. and with the complaints mechanism specified in Commitment A.2.c.

Moving forward

The IRM researcher recommends further work on basic implementation.

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[1] A synthetic view of the SNA approach to compliance and the results of the MoJ's monitoring, updated regularly, are available in a table. Centralizare raportări SNA, unităţi administrativ-teritoriale 2012 şi semestrul I 2013 ("Centralization of SNA reports, by administrative-territorial units, 2012 and first semester 2013"), http://bit.ly/1f1Psqo .During the public comments period, several civil society representatives pointed that publication of the MoJ/SNA monitoring reports is behind schedule; so unlikely they will be used in supporting the new action plan.

A.3.d. Stimulating the Market for Innovative Use of Open Data

Stimulating the market to make innovative use of open data, including by concluding partnerships or developing other forms of cooperation with the user community

Commitment Description						
Answerability	Lead Institution	CPM				
	Supporting institutions	Ministry of Public Finance (MFP) may help				
	Point of contact specified?	No				
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	OGP grand challenges	Improving public services; Increasing public integrity; More effectively managing public resources; Creating safer communities; Increasing corporate accountability				
	OGP values	Access to information	Civic participation	Accountability	Tech & innovation for trans. & acc.	None
		√			√	

Ambition	
New vs. pre-existing New	**Potential impact** Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)

Level of completion		
Start date: January 2014	**Actual completion**	Not started
End date: December 2014	**Projected completion**	Not started

Next steps
Further work on basic implementation

What happened?

Before OGP, the Romanian Government had to contain a prolonged economic and financial crisis (2008-2011) that was exacerbated by a deep political crisis in 2012. Under these circumstances, stabilising macro-economic indicators was and appears to remain more important than stimulating the market.[1] For this reason, stakeholders are sceptical that the government will be willing to start 2014 with initiatives pertaining to open data, although it may be a safe political move (much to win, almost nothing to lose) in relation to the upcoming electoral campaigns.

Did it matter?

At the time of writing this report this commitment had not started.

Moving forward

Since the implementation of this commitment has not started, no recommendations are necessary, apart from the suggestions made under A.1.e and A.1.f.

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[1] Also, see end note 8, Section I.

A.3.e. Routinely Publishing Data Sets on the National Platform, 25% High-Value

Routinely publishing of data sets on the national platform, a quarter of which to be considered high-value

Commitment Description		
Answerability	**Lead Institution**	CPM
	Supporting institutions	N/A
	Point of contact specified?	No
Specificity and measurability		Medium (The commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)
Relevance	**OGP grand challenges**	Improving public services; Increasing public integrity; More effectively managing public resources; Creating safer communities

		Access to information	Civic participation	Account ability	Tech & innovation for trans. & acc.	None
Relevance	**OGP values**	√			√	

Ambition	
New vs. pre-existing New	**Potential impact** Transformative (The commitment entails a reform that could potentially transform business as usual in the relevant policy area.)

Level of completion		
Start date: January 2014	**Actual completion**	Not started
End date: December 2014	**Projected completion**	Not started

Next steps
Further work on basic implementation

What happened?

Prior to OGP, not even the few experts and interested individuals that followed international trends fathomed that Romania could commit to the routine publishing of data sets so soon. The primary challenge is to train the staff of public institutions (ideally those appointed by virtue of Commitment A.1.a.) to identify, assemble, and release specific data sets, especially of the sorts mentioned in Commitments A.1.d and A.2.f.

Did it matter?

At the time of writing this report, this commitment had not started.

Moving forward

Since the implementation of this commitment has not started, no recommendations are necessary at this time.

B. Increasing Public Access to Online Public Services

Building upon existing efforts to increase the efficiency of on-line public services, the Government intends to develop eight e-government platforms, which were identified as responding to major needs of the public who interacts with the public administration. 1. The Public Procurement Electronic System (SEAP) 2. The Electronic Allocation System for Transports (SAET) 3. Expanding the on-line submission of fiscal forms 4. Ensuring the free on-line access to national legislation 5. Developing electronic tools to manage subpoenas and facilitate access to information regarding legal proceedings 6. Developing electronic tools to manage the procedures related to obtaining the Romanian citizenship 7. Developing electronic tools to manage the procedures related to the creation of non-profit legal persons 8. The Integrated System for Electronic Access to Justice (SIIAEJ)

Commitment Description		
A n s w e r a b i l i t y Lead Institution	DSOD	
Supporting institutions	1. ANRMAP, 2. MT, 3. ANAF, 4. MoJ & MoF, 5. MoJ & CSM, 6. MAE, 7. MoJ/RAF, 8. MoJ/CSM	
Point of contact specified?	No	
Specificity and measurability	Low (The commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)	
R e l e v a n c e OGP grand challenges	Improving public services	

	OGP values	Access to information	Civic participation	Account ability	Tech & innovation for trans. & acc.	None
		√			√	

Ambition	
New vs. pre-existing Pre-existing	**Potential impact** None (The commitment maintains the status quo.)

Level of completion		
Start date: April 2012	**Actual completion**	Limited
End date: December 2014	**Projected completion**	Limited
Next steps		
Revision of the commitment to be more achievable or measurable		

What happened?

Eight projects were listed under this commitment:

1. The Public Procurement Electronic System (SEAP): This falls under the direct responsibility of ANRMAP. The current portal presents information in closed and protected format. Several promises were made to open up the portal and to make the information available, but this did not happen until CPM published the 2007-2013 series of data on the national open data portal.[1]

2. The Electronic Allocation System for Transports (SAET): This relates to both the Ministry and Transportation and the Ministry for Information Society. The project started in March 2013[2] with EU funding, but will not be completed by mid-2014, when the new OGP action plan should be submitted.

3. Expanding the on-line submission of fiscal forms: This is a long-standing project at the Ministry of Public Finance and the Ministry of Information Society, dedicated to submitting electronic copies of income tax forms, profit tax forms, payments to tax authorities, and other public institutions.[3]

4. Ensuring the free on-line access to national legislation (N-Lex[4]): N-Lex is a combined project of the Ministry of Justice and other legislative and judicial institutions. It should allow direct and free access to legislation in force and relevant jurisprudence.[5]

5. Developing electronic tools to manage subpoenas and facilitate access to information regarding legal proceedings: The MoJ might combine the current jurisprudence portal[6] with elements of ECRIS,[7] which is in need of reforms related to the new Criminal Code and Criminal Procedure Code that enter into force in February 2014.

6. Developing electronic tools to manage the procedures related to obtaining the Romanian citizenship: This is a project of the MoJ/National Authority for Citizenship.[8] It may be coupled with MAE's visa application process.[9]

7. Developing electronic tools to manage the procedures related to the creation of non-profit legal persons: This is a project of the MoJ/Registry for Associations and Foundations.[10]

8. The Integrated System for Electronic Access to Justice (SIIAEJ): SIIAEJ is still in the stage of contracting a feasibility study at the MoJ.[11]

Since 2001, the Law 544 on Access to Information introduced the legal presumption that all public institutions would have a website and that civil servants would manage documents and information in electronic format. Several government projects did aim to advance various degrees of online interaction for public services. However, over the last decade, the e-government and e-administration portals always remained the last priorities when it came to budget allocations.[12] Only the SEAP program (B.1) on public procurement electronic system and the N-Lex (B.4) portal for access to legal information received some financial support and media

attention, as they are commitments related to access to information (a topic always high on the journalists' agenda). Yet, the procurement data that used to be impossible to retrieve or scrape from SEAP has only recently become available (date.gov.ro/dataset/achizitii-publice-2007-2013).[13] Similarly, the legislation in force has been available in the repository of the Lower House of Parliament (in .htm or .pdf, but sometimes in closed .jpg files), since the early 2000s.[14]

Did it matter?
Quite clearly, e-services are not at the core of OGP, and thus interviewees expressed no interest in discussing at length the eight projects listed under this grouping.

Moving forward
The Government should explain to what extent these objectives:

- improve access to government-held information,
- mobilise public participation in decision-making, or
- increase the decision-makers' accountability to their constituencies, and/or facilitate access to new technologies for openness and accountability.

If such explanations cannot be provided, it may be wise to abandon these commitments under the OGP and continue implementation under some other arrangements (such as EU-funded projects).

[1] Also, see end note 10, Section 1.
[2] Proiect – Extindere SAET, "Anunț Începere Proiect 18 March 2013," Centrul Național de Management pentru Societatea Informațională, http://bit.ly/1e4LXMU
[3] For example, one might imagine a combination between the following. "Descarcă Declarații Fiscale," Asistență Contribuabili, Agenția Națională de Administrare Fiscală, http://bit.ly/1fTACUg; "Sistemul Național Electronic de plată online cu cardul bancar," Centrul Național de Management pentru Societatea Informațională, https://www.ghiseul.ro/ghiseul/public
[4] Romanian Legislation, "N-Lex," Europa, http://bit.ly/1c5zrgv
[5] Along the lines of developments described in note 55, MOf—the Official Gazette/Journal now protects the data about companies, published in Section IV, against machine readability; as learned from a media community member during the public comments period, MOf uses a proprietary software that presents information in an image that cannot be saved as a separate file.
[6] Ministerul Justiției, Portalul Instanțelor de Judecată, http://portal.just.ro/SitePages/acasa.aspx, as well as the quasi-private initiative "Jurindex" of the Vrancea Tribunal, but under the aegis of the Superior Council of Magistrates, http://jurisprudenta.org/Search.aspx
[7] European Commission, "ECRIS (European Criminal Records Information System)," http://bit.ly/1itrtC6
[8] Ministerul Justiției, Autoritatea Națională pentru Cetățenie, http://cetatenie.just.ro/
[9] Ministry of Foreign Affairs, "Romanian Visa," http://www.mae.ro/en/node/2060
[10] Ministerul Justiției, "Registrul Național ONG," http://bit.ly/1kWJGtq
[11] Ministerul Justiției, "Studiu Fezabilitate SIIAEJ," http://bit.ly/1eVQOBd
[12] With the notable exception of the e-Romania portal (www.portaleromania.ro and www.romania.eu), which benefited from a useless allocation of 8 million euros, as described by Bogdan Manolea, "eRomânia – 8 milioane de euro pierdute," Drept & Internet – noutăți și opinii, 30 January 2014, http://bit.ly/LRNOie
[13] In contrast, see end note 5 of A.1.b.
[14] Camera Deputaților, "Repertoriul Legislativ," Parliament of Romania, http://www.cdep.ro/pls/legis/legis_pck.frame

V. Self-Assessment

The government's self-assessment report defines the various sub-commitments differently, and re-interprets and re-arranges the information in a way that makes verification difficult. Focusing on about 20 ministries, rather than the more than 3,000 public institutions of central and local government or the more than 10,000 public entities, the government's self-assessment report appears to miss the scope of a 'self-assessment.'

The government's self-assessment report expanded the timeline for the completion of commitments. An argument was made that "year 2012" could mean the first year of implementation, namely until June 2013. In contrast, action plan drafters in the early 2012 consultations clearly remember that all commitments were bound to the Romanian budget calendar, where "year 2012" ends in December 2012. Similarly, the self-assessment report defines the various sub-commitments differently, re-arranging and clustering the information in a way that makes verification difficult. For reasons explained in Commitment A.1.a., CPM chose to focus on about 20 ministries, rather than the 3,000+ public institutions of central and local government, or the 10,000+ public entities. The Annex[1] containing the indicators reported by the line ministries helps to reconstruct the logic of the self-assessment and is consistent with commitment A.1.d. Still, Romania made progress on the most meaningful commitments, despite the fact that progress occurred mostly during the second half of 2013, which is outside the cut-off date for the self-assessment report, and should be included in next year's evaluation.

Table 2: Self-Assessment Checklist

Was annual progress report published?	Yes
Was it done according to schedule?	Yes
Is the report available in the local language?	Yes
According to stakeholders, was this adequate?	No
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	Yes[2]
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of the consultation efforts?	Unclear
Did the report cover all of the commitments?	Yes
Did it assess completion according to schedule?	Unclear
Did the report reaffirm responsibility for openness?	Yes
Does the report describe the relationship of the action plan with grand challenge areas?	Unclear

[1] "Anexa Raport Anual OGP," http://bit.ly/1c5AlJE

[2] The official government website lists no such comments, but at least the Association for Internet and Technology published their comments. See OGP Romania, "Panul Naţional," Government of Romania, [Romanian] http://ogp.gov.ro/planul-national/; "Opinia ApTI privind Raportul Anual de Autoevaluare – Parteneriatul pentru o Guvernare Deschisă (OGP)," Asociaţia pentru Tehnologie şi Internet, 26 September 2013, http://bit.ly/1avMRHe

VI: Moving Forward

This section puts the OGP action plan into a broader context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

Country Context

Since 2001-2003, when most of the relevant pieces of legislation were adopted, Romania has made a lot of progress in the area of transparency, public participation, and accountability.

However, this progress is limited to a positive-law view of institutional culture and development. It is focused on checking boxes, rather than on effecting real change in individual attitudes, meeting expectations, and providing quality public services. Thus, accountability is now reduced to conformity. Public participation is reduced to following the letter rather than the spirit of legal requirements. Transparency is reduced to taking advantage of the most convenient legal exception. As a result, Romanians have learned to mistrust their institutions, be sceptical of any promises of increased transparency, and take a cautious stance on processes that clearly place the citizen at the centre of government action.

The score for Romania in the Open Budget Survey drops constantly year to year.[1] Romania also ranks very poorly in the Open Data Index.[2] Romania performs even worse results in the Aid Transparency Index 2013.[3] The World Bank presents a more balanced picture, although it still confirms a lack of visible progress,[4] as does the World Economic Forum's Global Competitiveness Report 2013-2014.[5] A very recent position by NGOs working on good governance claims that Romania fails to comply with EU's Copenhagen Criteria on rule of law.[6] Notwithstanding, Romania is going through a difficult political stretch, with a President and Prime-Minister at odds with each other, a huge but fragile governing coalition, and frequent corruption scandals; all of these against a process of Constitutional revision (that should be followed by a referendum in 2014), two parallel commitments to regionalization and descentralization (currently on hold, by decision of the Constitutional Court), as well as the entry into force of the new Criminal Code and Criminal Procedure Code (both in February 2014), against the background of two upcoming elections (for the European Parliament in May 2014, and the Presidency in November 2014).

With respect to OGP, the business community in Romania keeps a safe distance, and only the more idealistic NGOs got involved. For example, during April and May 2013 consultations were held regarding constitutional revisions in a process launched by Parliament and facilitated by the Pro-Democracy Association.[7] In the consultations, a number of NGOs proposed an amendment to Article 31 of the Romanian Constitution, but a referendum for amending the Constitution may be organised no earlier than May or even November 2014.[8] With that amendment, the NGOs called for all information of public interest (related to public affairs) to be pro-actively published in machine-readable format.[9] One full package of constitutional amendments proposed by NGOs is available online.[10]

However, many stakeholders remain cautious of the government's intent and are doubtful that sufficient resources will be allocated for the proper implementation of OGP commitments (i.e. with emphasis on training and technical assistance). Overall, stakeholders see the actions and activities of OGP as a top-down, CPM-centred affair that is confined to central government.

Some critics, apparently disregarding local autonomy and separation of powers, also address CPM's apparent lack of power to advance transparency in the local administration, the judiciary,[11] and the legislature. Incorporating OGP in the National Anti-Corruption Strategy (SNA) also creates confusion among some civil servants, deepening the divide between the general public's expectations of transparency and the civil servants' culture of opacity. For

example, in an interview with the IRM researcher, one civil servant wondered, "How exactly does transparency support anti-corruption and integrity?" Thus, at least one civil servant fails to see that transparency could fix management errors and, in turn, that better management could improve public trust.

In Romania, OGP needs commitments from local governments and stewardship from central, public figures. The CPM provides the needed coordination and support, as well as the drive for implementation, but it still lacks visibility in the media regarding OGP. A visible champion for open data among Romania's political figures is hard to find, and the upcoming electoral year 2014 will bring additional obstacles, as the media will focus on the candidates, rather than the executives doing the work.

Current Stakeholder Priorities

The most significant commitment is the creation of the national open data platform (Commitment A.3.a.). That it is already up and running ahead of schedule (date.gov.ro/), is already an achievement, despite bugs and shortcomings. Full completion is predicated upon two other commitments—making an inventory of high-value data sets (A.1.c.) and publishing them on websites of public institutions (A.1.d.). Both these latter commitments are perceived as less significant because they meet a wider expectation of government transparency, but are definitely instrumental in the creation and functioning of the national portal.

Future Stakeholder Priorities

Stakeholders emphasised the need for inter-operability and inter-connectednessregarding the existing and the upcoming data sets, including through meta-data. In part, this expectation builds on the current commitment regarding the uniform publishing format of open data (Commitment A.2.a.), but experts on the open data discussion list[12] are asking for more coordination and synchronization of efforts.

Recommendations

Supportive stakeholders consider the national open data platform (Commitment A.3.a.) to be the core and the top priority of the action plan. Their expectations are related primarily to the need for data sets that support policy decisions, given that most of the institutions qualified to initiate new policies and regulations consistently fail to support their decisions with evidence from statistical indicators (see Commitments A.1.d. and A.2.f.). Despite the popular distrust in institutions and the lack of responsiveness of public institutions, CPM focuses most of its efforts precisely in these directions.

Sceptical stakeholders focus more on quality and compliance, and have specific expectations from commitment A.3.c and the supportive commitments A.1.b, A.2.a, A.2.c., and A.2.e.

Many stakeholders recognise the importance of e-services, pointing to the Moldovan example of the Centre for Electronic Government,[13] but they expect more from 'open government' than just e-government or e-services.

Future action plan

The aspirations for the future action plan are fuzzy. They also may need to be adjusted in light of the very recent OGP developments of the second half of 2013. As of the writing of this report, the expectations for the next action plan revolve around meta-data and open access, as well as real time tracking of all public budgets:

- One stakeholder from academia suggested that all the results of publicly funded research should be published in an open access portal[14] and that the underlying data should be linked to the national open data platform.
- A coalition of NGOs suggested that detailed data on budgetary commitments, transfers,

and expenditures (from the national budget and the European Union funds)[15] should be published and updated weekly on the national open data platform.

The IRM researcher could not discriminate to what extent these suggestions were a direct consequence of OGP implementation, recognizing that they may have appeared independently of OGP due to global trends. Under these circumstances, the IRM researcher recommends the CPM focus on the following:

- Expanding open data obligations from ministries and few central government agencies to all other public institutions at the central and local levels of government;
- Providing training[16] and technical assistance for civil servants, with respect to :
    - Identifying data sets and exporting them into the agreed and standardised machine-readable format,
    - Standardizing the structure of websites for public institutions;
- Inventorying and promoting good practices, especially at the local government level, where they may be easily replicated once the websites are standardised;
- Reaching out to the business sector to help them overcome their reluctance with the open data movement;
- Encouraging cooperation with NGOs, in part by recognizing the tremendous level of support shown to date.

[1] Open Budget Survey 2012 "Romania: Country Info," International Budget Partnership, http://bit.ly/19YzkWG

[2] Open Data Index, "Countries / Romania," Open Knowledge Foundation, http://bit.ly/1nVCm3L

[3] Aid Transparency Index 2013, "Romania – Ministry of Foreign Affairs," Publish What You Fund, http://ati.publishwhatyoufund.org/donor/romania/

[4] The World Bank, http://info.worldbank.org/governance/wgi/c186.pdf

[5] World Economic Forum, *The Global Competitiveness Report 2013-2014,* by Klaus Schwab (Report, Geneva, 2013), http://bit.ly/1dRrY6b

[6] "Şapte organizaţii neguvernamentale sesizează Comisia Europeană cu privire la deciziile recente ale Parlamentului României," activism, Expert Forum, 12 December 2013, http://bit.ly/1k417v6

[7] "Descarcă Raportul Forumului Constituţional 2013," Formul Constituţional, http://forumconstitutional2013.ro/

[8] The recent change in government, explained in note 12, may block any changes to the Constitution in 2014. See end note 12 in Secţion I

[9] "Constituţia: Dreptul la informaţie," Nu vă supăraţi, 16 May 2013, http://blog.nuvasuparati.info/node/23

[10] "Societatea Civilă – o voce puternică iîn procesul de modificare a Constituţiei României," Centrul de Resurse pentru Participare Publică, 7 June 2013, http://www.ce-re.ro/societatea-civila-o-voce

[11] During the public comments period, one member of the Superior Council of Magistrates expressed the intention to publish judicial statistics and other data concerning the judiciary to the national open data portal, explaining that data must be used. Several civil society representatives also see the need for judicial data, but explain that such data sets must be centralised and inter-linked, if possible.

[12] Foundation Ceata, an NGO specialising in digital freedom, open software, and open culture, started an email list date-deschise@liste.ceata.org. Fundaţia Ceata, http://ceata.org/

[13] Government of the Republic of Moldova, Center for Electronic Government [Romanian], http://www.egov.md/index.php/ro/

[14] Details about International Open Access Week, "About," http://www.openaccessweek.org/page/about; The IRM researcher picked the idea from the Librarians Association of Moldova and discussed its potential on 6 November 2013 at the Bucharest University's Faculty of Political Science. The idea is also supported by an open letter to the Ministry of Education: Blog pentru Acces Deschis, "Schimb de Resurse, Poziţii," Acces Deschis, http://bit.ly/1fTJZTW

[15] The website of the Resource Centre for Public Participation hosts the open letter from the Soros Foundation to the Ministry of European Funds, requiring that open data be the preferred method of publication for all results/outcomes/outputs of the EU allocations 2014-2020. "Acordul de Parteneriat

2014-2020. Observații și recomandări," Centrul de Resurse pentru Participare Publică, 16 October 2013, http://www.ce-re.ro/acordul-de-parteneriat
16 Open Educational Resources may be used, and APTI already spreads the news in a series of articles available at http://www.apti.ro/taxonomy/term/640.

Annex: Methodology

As a complement to the government's self-assessment report, well-respected governance researchers write an independent assessment report, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied. Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from non-governmental stakeholder meetings. The IRM report builds on the findings of the government's self-assessment report and any other assessments of progress produced by civil society, the private sector, or international organizations. Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In those national contexts where anonymity of informants—governmental or non-governmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Stakeholder Selection

For Romania, stakeholder selection attempted to encompass both central and local government, the for-profit and non-profit sectors, as well as academics and the technical community. To cover an adequate geographical spread, the IRM researcher coordinated some of the interviews with existing events, courtesy of third-party facilitation. Thus, of the 14 meetings, one was conducted online, and six of the 42 counties received coverage, with representatives of more than 20 public institutions. In addition to discussions with the NGOs well-known for their work on good governance, integrity, anti-corruption, and human rights, the IRM researcher had discussions with civic activists from organisations concerned with local development, health or ethnic discrimination, and the advancement of the Internet and open technologies. The for-profit sector was rather reluctant to provide any input, while academics were open to it.

Anonymity of Participants

At the request of interviewees, some of their names have been anonymised.

Interviews

Cristian Tudorache, Deputy Mayor of Sector 3, interviewed in Bucharest on 24 September 2013, about the possibility of pro-actively publishing open data, at least concerning the budget.

Andrei Petcu, Paul Chioveanu, Elena Calistru, representatives of Ceata, Active Watch, Funky Citizens, respectively, interviewed on 2 October 2013 about OGP-related projects and to what extent they qualify as pilot-projects under the OGP Action Plan. [These organizations are heavily involved with OGP].

Interview with an access to information officer at a city hall, facilitated by MoJ/SNA on 7 October 2013. The interviewee illustrated that open data is wrongfully assimilated with website administration and that lack of human resources puts a strain on administrative capacity to pro-actively disclose any information.

Elena Banciu, access to information officer at ANRMAP, interview facilitated by MoJ/SNA on 16

October 2013. The interviewee revealed some confusion between specific information regarding procurement and general information regarding the functioning of the agency. The interviewee also revealed a lack of capacity to consolidate data according to indicators required by stakeholders, rather than indicators required by law.

Silvia Martiş Tăbuşcă, assistant professor at the Romanian-American University, Department of Legal Studies, interviewed on 16 October 2013 about how open data and the larger topic of access to information is rather absent from the curriculum.

Interview with civic activist from the Suceava County, facilitated by Foundation Chance for Life on 17 October 2013. The interviewee confirmed that communes feel no local need for open data and that the local public lacks interest and/or capacity. [These organizations are not involved with OGP.]

Andrei Tiut and Mihnea Dumitru, policy analysts affiliated with Civitas Politics and Context Politic, respectively, interviewed on 17 October 2013. The interviewees confirmed the need for big data and discrete data to be published in open format. [They run an alternative portal with data from 400+ public opinion polls (contextpolitic.net/sondaje/). Another existing database is the Soros Foundation's portal with public opinion barometers dating back to 1994, available under a Creative Commons (CC) license (http://soros.ro/?q=node/1303).]

Tentative interviews with business representatives featured at Biblionet's Open Innovation Fair on 30-31 October 2013. The tentative interviews illustrated the absolute lack of interest of the business sector in OGP or open data, with the exception of the interest in identifying corporate social responsibility (CSR) opportunities from potential pilot-projects.

Email

Email correspondence with Andrei Nicoară of the CPM, Andra Bucur of the Soros Foundation, Andrei Petcu of Foundation Ceata, and Bogdan Manolea of APTI on 24-28 October 2013. The correspondence was on the discussion list date-deschise@liste.ceata.org, about the newly launched portal (date.gov.ro), clarifying the status and coverage of the official license OGL-ROU-1.0 and the generic license CC-BY-3.0-RO. A side conversation also confirmed that CPM/DSOD is rather cautious of including unofficial information from private initiatives into the official open data portal because it may lead to ambiguity regarding accuracy and authenticity.

Informal Workshop

Informal discussion with local councilmen and city hall staff from Ilfov, Călăraşi and Galaţi Counties facilitated by the National Democratic Institute (NDI) on 10 October 2013. The discussion confirmed that communes have neither the capacity, the means or the budget, nor the knowledge or the expertise to even relate to the OGP action plan.

Informal discussion with civic activists from Bucharest and representatives of the Management Authority for the Operational Program "Administrative Capacity Development," facilitated by Radu Nicolae of the Centre for Legal Resources on 18 October 2013. The discussion clarified that lack of big data, as well as discrete data, hinders the capacity for designing non-discriminatory, non-preferential public policies. [Organizations at this event are not heavily involved, but are interested in OGP.]

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[1] Full research guidance can be found at http://bit.ly/1jkisPj

About the Independent Reporting Mechanism

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

The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

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