GOVERNMENT OFFICE

Estonia's Action Plan for Participation in Open Government Partnership

Tallinn 2012

1. INTRODUCTION

Open Government Partnership (OGP) is an international initiative launched in 2011 with the aim of furthering the empowerment of citizens by taking advantage of the possibilities of the information and communications technology. The transparency of governance, the fight against corruption and the engagement of citizens in public governance play the central role in the OGP. The goals and objectives of the partnership are achieved with the help of country action plans that have been prepared on the basis of a broad-based discussion. States that have been declared to comply with the OGP Minimum Eligibility Criteria are eligible to participate in the partnership.[1] Estonia has abided by the principles of openness and transparency by creating the respective legal framework and extensively using modern technological solutions in public administration.

Estonia's main goal in participating in the OGP is to draw the attention of the government and the entire society to the quality of state governance, learn from the experiences of other states and share Estonia's experiences with other participating states.

Estonia's action plan for participation in the OGP combines the activities of the Estonian government in two key areas of partnership, i.e. the development of public services and addressing public official ethics. Thereby the goals and activities arising from the Action Programme of the Government of the Republic for 2011–2015 and the implemented national strategies and development plans have been taken into account. Focusing on two key areas of partnership does not mean that the principles of open government in other areas of state activities are less important – the Government's aim is to implement them throughout the entire government sector. The two aforementioned key areas were selected on the basis of the presumption that the principles of open government can be implemented in Estonia the most effectively if these areas are focused on.

Development of public services is one of the central goals of the Government in the coming years. This means various structural changes in the administrative organisation and administrative processes, which will result in the improvement of the availability and user-centeredness of public services. The development of e-services, for which Estonia has a modern infrastructure and expertise, remains essential. Thus far the satisfaction of citizens and undertakings with the public services has been encouraging – in 2011 77.6% of the citizens and 94% of undertakings were very pleased or pleased with the e-services provided by the state.[2] The goal of the Government is to continue to increase the usability of e-services

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[1] Estonia has been declared to comply with the OGP Minimum Eligibility Criteria. The Minimum Eligibility Criteria can be found on the website of the OGP: http://www.opengovpartnership.org/eligibility.

[2] According to the Estonian Statistical Office.

and the satisfaction with them. Usability is supported by a growth in the number of Internet users, which should keep rising from the level of 73% observed in 2011.

Since the development of information systems for the purpose of granting access to public sector data and decision-making processes is largely also considered a public sector service, this Action Plan also keeps in mind activities aimed at granting access to data and furthering an open decision-making process involving citizens when it discusses the key areas of public services, although furthering the democratic involvement of citizens cannot be treated as a public service, but as an independent area.

All in all, the Action Plan focuses on the following fields of activity upon developing public services:
- citizen-centred and coordinated provision of public e-services;
- granting free use of public sector data in a format that can be machine-read;
- favouring an open decision-making process that involves citizens.

Upon **addressing public official ethics**, the Government will focus on preventing corruption and conflicts of interest of politicians and officials. In 2011 Estonia held the 29th rank in the Corruption Perceptions Index of Transparency International, which is not a bad result. However, Estonia's result and rank have not improved considerably in recent years and it forces us to continue our efforts. The Government's goal is to achieve a situation where citizens actually find that corruption has decreased in Estonia.

This Action Plan has been drawn up in accordance with the guidelines of international Open Government Partnership. The Ministry of Foreign Affairs is the initiator of joining the partnership and the coordinator of partnership. The draft Action Plan has been drawn up by the Government Office on the basis of strategy documents approved by the Government in consultation with ministries. The Government Office is in charge of coordinating the implementation of the Government's Action Programme in Estonia. For the purpose of analysing the implementation of the Action Plan, an annual report on the implementation of the Action Plan is drawn up and it serves as a basis for updating the Action Plan in the years to come.

2. PAST ACTIVITIES IN IMPLEMENTING PRINCIPLES OF OPEN GOVERNMENT

2.1. Transparency of open government

Estonia took an important step towards open government and transparency of governance with the Public Information Act, which entered into force in 2001. The purpose of the Act is to ensure broad access to public sector information based on the principles of a democratic and social rule of law and the principles of open society. The Act obligated all public authorities to open a website by 1 March 2002 and make the virtually all the information

about the work of the authority, which is not subject to access restrictions arising from law, available there. Thus, in parallel, the Act provided for everyone's right to address the authority with a request for information and quickly get a reply in a form suitable for the inquirer, including on paper. The Public Information Act also considers databases of state and local authorities public information, which must be available to the public. Interfacing the databases with the uniform public information system of the state has been of great importance, because it improves access to various databases and makes it possible to tender integrated e-services to citizens and undertakings. Thereby the new task is to make public sector information public in a machine-readable form, so the non-governmental sector can use it as well.

Creating digital databases and processing data calls for ensuring full protection of personal data against any misuse in the new situation. This is endured by the Personal Data Protection Act, which underwent major amendment in 2007 and aims at protecting the fundamental rights and freedoms of individuals, notably the right to privacy, upon processing personal data. The data subject's right to receive their personal data from the processor of the data and to check whether the use of the data is lawful is thereby of great importance. In the event of databases belonging to the state information system the data subject can do it via the Internet, using digital identification based on an ID card.

On the whole, the Public Information Act in combination with the Personal Data Protection Act ensure an innovative and reliable environment for communication and exchange of information between citizens, undertakings and the state, which complies with the needs of democratic information society in Estonia. Thereby the Data Protection Inspectorate, which exercises supervision over the performance of both Acts and, by giving clarifications, shares a uniform implementation practice in new situations arising from the introduction of the new technology, plays an important role.

2.2. Involvement of the public in decision-making processes

The cooperation principles of the public authority and non-governmental organisations have been agreed in Estonia in the Estonian Civil Society Development Concept approved by the *Riigikogu* (The Parliament of Estonia) in 2002. This strategic document defines the mutually supportive roles of the public authority and civil initiative and the principles of cooperation in public policymaking and policy implementation as well as in building Estonia's civil society. The concept aims for society where the organisation of state affairs takes place in open and mutually respectful cooperation between the public authority and the citizens. The concept serves as the basis for specific action plans that support the development of non-governmental organisations and expand the opportunities of citizens and their associations to have a say in public politics. At present, the Civil Society Development Plan 2011–2014 is being implemented. One of its essential fields of activity is involving citizens in policymaking.

The [Guidelines for Development of Legislative Policy until 2018](#), which were approved by the *Riigikogu* in February 2011, are also aimed at public policymaking, improvement of the quality of targeted legislation and raising the predictability and openness of policymaking. The [Good Practice of Public Participation](#) and the [Rules of Good Legislative Drafting](#) approved by the Government at the end of 2011 aim at that. The Good Practice of Public Participation sets out in greater detail the duty of the ministries to involve non-governmental parties in policymaking at the earliest possible stage and give stakeholders and the public enough time to express their opinion. The Rules of Good Legislative Drafting make preparing intentions of drafting legislation and discussing them with the stakeholders mandatory. A system for assessment of impact will be launched. In order to implement it, the Government will approve the Impact Assessment Methodology not later than in the spring of 2012. The methodology requires that the impact of any and all draft legislation and development plans of potential essential interest or impact be assessed and the results of the assessment be informed in the framework of the public discussion of the draft to be decided on.

The [Draft Legislation Information System](#), an electronic environment of involvement, has been open since 2011 and gives a holistic overview of drafts submitted to the inter-ministerial round of approval and to the Government of the Republic for making a decision. Those interested can order notifications about the addition of drafts that interest them to the system and thus be informed with the progress of the procedure and the content of the discussed documents. Feedback on drafts that are being prepared can be given via the Internet in the public consultation and approval phase.

Estonia's experience shows that modern technological platforms are not enough for involvement – they must be accompanied by the reorganisation of the work processes of officials and development of an administrative culture that is open and involves society. In addition to development in the public sector, the capacity of non-governmental partners to express their opinion in public policymaking also requires support. It is constant work that is performed in the state via various action programmes and measures.

2.3. Addressing public official ethics

The main values and principles that public officials are expected to share have been set out in the Code of Ethics of Public Service, which constitutes an annex to the Public Service Act of 1999. In order to support the implementation of the Code of Ethics, the Ministry of Finance (until 2010, the Government Office) has organised ethics training for officials as well as other corruption-sensitive target groups in the public sector under the Central Training programme coordinated in the framework of the EU Structural Funds. Also, various training materials on ethics have been compiled (e.g. a DVD "Ethics in the Public Sector" and the OECD handbook "Managing Conflict of Interest in the Public Service" has been translated into Estonian).

Since 1999 Estonia has the Anti-corruption Act, which provides for the procedure for declaration of the economic interests of officials (incl. their financial position) and salary information. In 2008, the Estonian Government approved the Anti-corruption Strategy for 2008-2012 whose purpose is to reduce and prevent corruption in the public and private sectors as well as raise society's awareness of corruption and ethics. The Anti-corruption Strategy is divided into eight chapters: prevention of corruption in the private sector and non-profit sector; prevention of conflicts of interest and strengthening the anti-corruption attitude of public sector employees and promotion of ethical behaviour; prevention of competition in local authorities; prevention of corruption in health care; prevention of corruption in foundations founded by state and local authorities; prevention of corruption upon applying for a driver's licence, roadworthiness tests and registration of vehicles; prevention of corruption upon funding political parties; improvement of the efficiency of investigation of corruption crimes.

The Anti-corruption Strategy remains in force until the end of 2012. The Government will soon initiate the drafting of a new strategy and analyse the effectiveness of the existing one in the course thereof. Strong emphasis has been placed on the improvement of the skills of persons conducting proceedings relating to corruption crimes. In 2011 a handbook on conflicts of interest was published at huvidekonflikt.just.ee. The handbook gives advice on how to recognise and prevent conflicts of interest. A survey mapping corruption risks in the health care sector was completed in 2011.

2.4. Development of e-state and e-services

Creating an opportunity for using high-level Internet services throughout Estonia is of utmost importance in this field. The aim of the EstWin[3] project launched by the Government in 2009 is to bring broadband connections based on the fibre-optic cables of the new generation to all rural areas in Estonia by 2015. To that end over 6000 km of optical cables will be installed and over 1400 network connection points will be created. In addition to the construction of the high-speed broadband network, Estonia is largely covered by a wireless Internet network of service providers.

Another important activity has been the development of support systems required for provision of public e-services, which has been going on since the restoration of independence. The milestones in this development include the first bank transfer via a modem (1993), the Government's website (1993), the first public sector database on the Internet (1995), the first online banking solution (1996), the common state portal www.riik.ee (1998), the X-way data exchange layer allowing for the cross-usage of public data (2001), electronic ID card (2002) and the common contact point of the state at www.eesti.ee (2002). The result is a population

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[3] www.elasa.ee.

equipped with digital identity and the state's common information technology service space, which is used by public authorities as well as citizens and economic operators.

The supportive environment has given impetus to **innovative e-solutions,** which have strongly contributed to increasing the transparency and effectiveness of public governance in Estonia and made the affairs of citizens and economic operators convenient: ID card software and digital signature (paperless authentication of documents and acts); e-registration of undertakings (lighter administrative burden on economic operators); e-cabinet (faster and more transparent decision-making process in the Cabinet); e-police (more effective coordination and communication); e-tax board/e-customs (more effective tax accruals and lighter administrative burden on persons filling in their tax returns); e-prescriptions of medicinal products (paperless prescriptions); e-school (direct communication between the school and the home); e-voting (convenient voting channel, which allows for a higher voter participation rate); e-health (better health care and treatment service); e-land register (correct land register data); location-based services (adequate movement of information); m-parking (parking without a parking receipt); m-payments (paying for purchases by a mobile phone); mobile ID (more convenient identification); e-population register (better public service); smart energy networks (higher energy savings); e-social care services (more convenient social care), etc. For further information on the functionality of each solution visit **e-Estonia.com**.

Open Government Partnership is a good opportunity for continuing the development of public services by focusing not so much on the technology, but on citizen-centred governance. This is also the aim of the Action Programme of the current Government. The Action Programme wants to change Estonia from an e-state to an i-state, i.e. an individual-centred state.

3. FURTHER ACTION PLAN

In the first implementation period, Estonia's Action Plan focuses on two key areas of Open Government Partnership: **development of public services** and **addressing public official ethics**.

3.1. Key areas: development of public services

The development of information society enables Estonia to improve the quality of public services, provide them more effectively based on the needs of citizens and develop new services. Various surveys have pointed out deficiencies in the quality of provision of public services. In 2011 an OECD analysis of state governance in Estonia was completed in 2011 at the request of the Estonian government. Among other things, the analysis focused on the more citizen-centred provision of public services of a better quality.[4] The report concludes that cooperation between state authorities as well as between the state and local authorities upon provision of services has plenty of room for improvement and more attention should be paid

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[4] http://valitsus.ee/et/riigikantselei/oecd-raport.

to the quality and availability of services. To that end, the report advises using a more integrated approach that entails cooperation between several ministries. In addition to taking the report's recommendations into account, the Government aims at reducing the administrative burden of citizens and economic operators in relations with the state and the provision of user-centred public services. This calls for the consolidation and simplification of services, advancement of the interoperability framework and systematic development.

Granting access to public sector data in a form that can be machine-readable – one of the goals of the Action Plan – creates additional prerequisites for developing new services and increasing the transparency of governance. Reuse of data increases the effectiveness of use of public resources and creates new opportunities for IT companies to develop and provide services.

Activities that contribute to increasing the openness of decision-making processes at the level of the Executive and involving non-governmental parties have been entwined in the key area of public services.

All in all, the Action Plan focuses on three fields of activity in the key area of development of public services:

A. **development of public e-services** with the aim of improving the convenience of use and availability of the services and raising the security of e-services;
B. **granting public use of the state's information assets (data)** with the aim of developing new applications, increasing the transparency of the Government and creating new business opportunities for undertakings;
C. **greater openness and predictability of policymaking** with the aim of increasing the role of civil associations in policymaking and encouraging the dialogue between the state and citizens.

The planned activities based on these fields have been given in the table below along with the deadlines and institutions in charge.

A . Development of public e-services	
Activity 1:	Drawing up a green paper on organisation of public services
Purpose:	Analysis of problems relating to the organisation of public services, suggestion of possible solutions, setting the focus of development of services and drawing up and discussing the further action plans for resolution of main issues relating to the organisation of public services.
In charge:	Ministry of Economic Affairs and Communications

Deadline:	2012
Expected result:	The green paper on the organisation of public services has been drawn up and prerequisites for drawing up the Action Plan for resolution of problems relating to the organisation of public services have been created.
Activity 2:	Implementation of the eesti.ee action plan
Purpose:	The purpose is to improve the functionality and user convenience of the eesti.ee portal.
In charge:	Ministry of Economic Affairs and Communications
Deadline:	2012
Expected result:	a) By the end of 2012 Estonia's information gateway eesti.ee will be a secure, fast, high-quality and user view-oriented public sector service and information portal that offers the citizen updated and relevant public sector information and public services. b) Eesti.ee is the common point of contact for Estonian and European economic operators in Estonia where one can get information about services aimed at economic operators and use services involving simpler information obligations. c) Eesti.ee is ready to render authenticated electronic services to economic operators of 11 EU Member States and allow economic operators of 9 EU Member States also to sign documents in addition to authentication. d) Eesti.ee is the main channel through which the citizen can subscribe to notifications to be sent to their e-mail and mobile phone.
B. Granting the public use of state information assets	
Activity 1:	Drawing up a green paper on making public data available in a machine-readable form.
Purpose:	The goal is to map the starting position and possibilities of making Estonia's public data available in a machine-readable form and to develop and discuss with stakeholders the conceptual solution of proceeding with making public data available in Estonia.
In charge:	Ministry of Economic Affairs and Communications
Deadline:	2012
Expected result:	The green paper on making public data available in a machine-readable form has been drawn up and specific activities for making public data accessible have been developed.

Activity 2:	Creating a repository of public data
Purpose:	To create a single window for citizens and economic operators to access public machine-readable data.
In charge:	Ministry of Economic Affairs and Communications
Deadline:	2012
Expected result:	A single window for accessing public data in a machine-readable form has been created and it also works as a channel for exchanging information and allows citizens and undertakings to make proposals for opening new data or developing new services.
Activity 3:	Launching pilot projects of public data services based on the cloud technology.
Purpose:	To lower the barriers of access to public data as much as possible using new technologies and launch specific pilot projects.
In charge:	Ministry of Economic Affairs and Communications
Deadline:	2012
Expected result:	Specific services based on public data have been launched as pilot projects, notably monitoring navigation marks, planning public transport routes and an innovative query system of the construction works register.
C. Greater openness and predictability of policymaking	
Activity 1:	Interactive guidelines and training in implementation of the Good Practice of Public Participation
Purpose:	Smooth implementation of the Good Practice of Public Participation approved by the Government of the Republic in 2011.
In charge:	Government Office
Deadline:	2012
Expected result:	Online guidelines on the use of the document of Good Practice of Public Procurement has been drawn up and relevant training has been carried out.
Activity 2:	Launch of the impact assessment system

Purpose:	To initiate the impact assessment cofinancing programme which supports the application of the impact assessment methodology (as part of the Smart Decisions Fund) through which the assessment of the impact of strategies, legislation and Estonia's positions in the European Union.
In charge:	Government Office
Deadline:	2012
Expected result:	Impact assessment of major impact of strategies, EU positions and legislation is carried out.
Activity 3:	Overview of ministries' work processes
Purpose:	Smooth implementation of the Good Practice of Public Participation approved by the Government of the Republic in 2011.
In charge:	Government Office
Deadline:	2014
Expected result:	The legislative drafting process of the ministries can be monitored at an earlier stage and larger scale.
Activity 4:	Integration of impact assessment into the process of involvement.
Purpose:	To integrate the Impact Assessment Methodology to be approved by the Government of the Republic into participation.
In charge:	Government Office
Deadline:	2014
Expected result:	Through impact assessment, better opportunities are created for the public and stakeholders to assess whether the decisions of the Government of the Republic are reasoned.

3.2. Key area: Addressing public official ethics

Although the level of corruption in Estonia is lower than that of states that share a similar historic background, the positive development has came to a halt in recent years and the perceptions regarding the spread of corruption have remained the same or become slightly more negative. Thus, it is important to pay closer attention to the issue.

The key area of addressing the public official ethics of the Open Government Partnership focuses on preventing corruption and conflicts of interest.

Planned activities along with deadlines and institutions in charge have been set out in the following table.

Prevention of corruption and conflicts of interest	
Activity 1:	Creation of a database of declarations of economic interests
Purpose:	Prevention of a conflict of interests and strengthening the anti-corruption attitude of public sector employees and cultivation of ethical behaviour.
In charge:	Ministry of Justice
Deadline:	2014
Expected result:	The created database contributes to the prevention of conflicts of interest and corruption in the public sector.
Activity 2:	Adjustment of the system of funding non-profit associations and establishment of a disclosure system
Purpose:	Prevention of corruption in private sector and non-profit sector.
In charge:	Ministry of the Interior
Deadline:	2013
Expected result:	A system of disclosure of funding non-profit associations from the state budget and from the budgets of local authorities has been created in the concept of development of a common system for funding non-profit associations from the state budget (the public has an overview of allocated support).
Activity 3:	Drawing up a proposal for drawing up an anti-corruption strategy
Purpose:	To analyse the effectiveness of the anti-corruption strategy in force and to set the goals and objectives of the new strategy and the main fields of activity that would contribute to the decrease of corruption as much as possible both in private and public sectors.
In charge:	Ministry of Justice
Deadline:	2012
Expected result:	The main goals, objectives and fields of activity of the new strategy have been broadly discussed and approved by the Government and the compilation of the new strategy has begun.

Activity 4:	Draft Anti-corruption Strategy 2012+
Purpose:	For the purpose of improving prevention of corruption, the restrictions and duties of officials are clarified, the system of declaration of interests is made more efficient and liability arising from violation of law is stipulated. The draft Act decreases the administrative burden, increases transparency in the public sector and raises Anti-corruption awareness in society.
In charge:	Ministry of Justice
Deadline:	2012
Expected result:	The system of the restrictions and duties of officials has been clarified and the system of declaration of interests has been made more efficient for prevention of corruption.
Activity 5:	Establishment of the Public Ethics Council
Purpose:	To create an independent ethics council aimed at strengthening the core service values and ethics of officials.
In charge:	Ministry of Finance
Deadline:	2013
Expected result:	The Ethics Council has been established at it operates regularly. The Council advises authorities and officials in matters of public service ethics and expresses opinion on the compliance of behaviour with the ethical requirements applicable to officials.
Activity 6:	Organisation of ethics training for employees of various public sector organisations (incl. public servants).
Purpose:	Increasing the awareness of the public sector target groups of the main values of the public sector and the development of skills of ethical resolution of problematic situations.
In charge:	Ministry of Finance
Deadline:	2012
Expected result:	The target group of public ethics training has been extended to all public sector employees. Regular training takes place under the Central Training programme.

3.3. Drawing up, assessing implementation of and updating the Action Plan

Informing the public and consulting with non-governmental partners are central principles of open government, which are monitored by the Government of the Republic in all processes pertaining to the Action Plan.

The draft Action Plan has been submitted to the roundtable of civil associations that actively support the goals of open government and the positions of the round table have been taken into account in selecting the key areas and improving the text of the Action Plan. The Action Plan has undergone a public discussion on the participation website osale.ee.

Every year the coordination group responsible for the Action Plan draws up a report on the implementation of the Action Plan, which serves as one of the bases for updating the action plan and improving its implementation mechanisms. This takes place in cooperation with non-governmental parties. The Good Practice of Public Participation is followed upon drawing up, updating and implementing the Action Plan.

A thoroughgoing involvement process is gone through upon launching and implementing all activities contained in the Action Plan. Broad-based discussions upon preparation of the green paper on the organisation of the provision of public services, the green paper on making public data available in a machine-readable form and the proposal for compilation of the new anti-corruption strategy are of special importance. The ideas and proposals gathered upon compilation of these documents will be added to the Action Plan of the Open Government Partnership for the next year.

Similarly to other states participating in the OGP, the first report on the implementation of Estonia's Action Plan for Open Government Partnership will be published not later than in the summer of 2013. The report will be made available in Estonian and English in the OGP portal at www.opengovpartnership.org.

The report will be supplemented by an independent assessment given by experts of government from each state participating in the OGP. The independent assessment will also be drawn up by the summer of 2013 and published in the OGP portal.