Independent Reporting Mechanism (IRM) Progress Report 2014–15: Romania

Table of Contents

Dani Sandu, Independent Researcher

Executive Summary: Romania

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Romania has made progress in increasing public access to information through a range of open data commitments. However, with the majority of the current commitments focused on the release of open data, more could be done to increase the focus of future commitments towards the OGP-specific values of civic participation and public accountability. In particular, there is a need for commitments that address core issues in corruption-prone areas, such as public procurement, health, and education.

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. Romania has participated since 2011. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Since 2013, the Department for Online Services and Design (DSOD) within the Chancellery of the Prime Minister has been the responsible body for coordination of the OGP national action plan.

The "OGP Club" acts as the main coordination mechanism at the national level to facilitate OGP processes. The club has open membership and it includes representatives from government agencies and civil society.

OGP PROCESS

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

The consultation process on the second national action plan included a wide range of civil society organizations (CSOs), most of which are members of the Open Data Coalition. Unlike the previous national action plan, private sector representatives from information technology (IT) companies were also invited. The drafting of the action plan was based on proposals from central government agencies and civil society. In April and May 2014, several public debates were held by the OGP Club, including discussions of commitments in two new areas: open contracting and open access in research. Information about the consultation process was posted on the OGP website and featured on government social media. The final version of the action plan reflected the recommendations of the first IRM report as well as the decisions made at the multi-stakeholder forum.

During implementation, the OGP Club met on a monthly basis. Minutes of all the meetings are published online.

DSOD published the government self-assessment report in September 2015, after the consultation period of two weeks.

At a glance

Member since:	2011
Number of commitments:	11

Level of Completion:

Completed:	1 of 11
Substantial:	5 of 11
Limited:	5 of 11

Timing:

On schedule:	5 of 11

Commitment Emphasis:

Access to information:	11 of 11
Civic participation:	4 of 11
Public accountability:	3 of 11
Tech & innovation for transparency & accountability:	8 of 11

Number of Commitments that Were:

Clearly relevant to an OGP value:	11 of 11
Of transformative potential impact:	1 of 11
Substantially or completely implemented:	6 of 11
All three (✪):	1 of 11

This report was prepared by Dani Sandu, an independent researcher

COMMITMENT IMPLEMENTATION

As part of OGP participation, countries make commitments in a two-year action plan. The Romanian action plan contains 11 commitments. The following tables summarize for each commitment the level of completion, potential impact, whether it falls within Romania's planned schedule, and the key next steps for the commitment in future OGP action plans. The IRM clustered commitments into thematic groupings.

The IRM method includes starred commitments. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. The Romanian action plan contains one starred commitment—Commitment 3: Free online access to national legislation. Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, Romania would have received three additional starred commitments (Commitments 4, 5, and 9). See (http://www.opengovpartnership.org/node/5919) for more information.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
✪ COMMITMENT IS MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS TRANSFORMATIVE POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
Theme I: Transparency and administrative efficiency									
1. Public interest document disclosure	X	X	X		X	X			Behind Schedule
2. Public datasets inventory	X	X	X		X	X			Behind Schedule
3. Free online access to national legislation	X	X	X	X	X	X	X	X	On Schedule
4. Re-use of public sector information	X	X	X		X	X	X		On Schedule
5. Open data in the health system	X	X	X		X	X			Behind Schedule
6. Monitoring anti-corruption in the health sytem	X	X	X		X	X	X		Behind Schedule
7. Open contracting	X	X	X		X	X			Behind schedule
Theme II: Open data									
8. Open access in research	X	X	X		X	X	X		Behind schedule
9. Quality and quantity of open data	X	X	X		X	X	X		On Schedule
Theme III: Human resource training and development									
10. HR training in open data	X	X			X	X	X		On Schedule
Theme IV: Disseminate information on OGP and promote open data									
11. Awareness on OGP and open data	X	X			X	X	X		On Schedule

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
1. Public interest document disclosure • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The commitment aims to clarify the procedure for the identification of information subject to public disclosure and to publish government data on a centralized portal. As most public institutions do not have clear rules on what information to disclose, the clarification procedure could be a major step in improving access to information in Romania. During the review period, half of the ministries have drafted procedures for information disclosure, while the launch of the centralized portal for uploading information has been delayed. Stakeholders recommend that ministries finish developing the standards for disclosure in a timely manner and the government create a widget to allow the transfer of information between ministry websites and the central portal.
2. Public datasets inventory • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	This commitment is about building a publicly available repository of important economic and social datasets generated and used by the ministries. Only a few ministries have established internal procedures for identification and regular updates of data, while most ministries are still in the process of creating inventories for storing datasets. The government expects to have some inventories available on a single database (ogp.gov.ro) by the end of 2015. The commitment has a high potential impact as it could encourage evidence-based policy making and help to generate accountability within government institutions. More in-depth training of responsible ministry staff on open data principles could help move the process forward.
3. Free online access to national legislation • OGP value relevance: Clear • Potential impact: Transformative • Completion: Complete	The portal provides free access to national legislation, which was previously only possible upon payment to the Official Gazette. The electronic application for the database has been developed and successfully tested. The portal was also connected to the European N-Lex legislative portal, improving the interaction between European citizens and the Romanian national legislation. Stakeholders view it as problematic that official national legislation is bought from the Official Gazette by a private enterprise and then sold to the Ministry of Justice. There is also a general concern that the ministry does not have a permanent contract for the maintenance of the portal. Civil society organizations (CSOs) point to the need to change the legislation to allow access to the legislative database free of charge without having to buy the information from a third party. Raising public awareness of the portal could help increase its user base.
4. Re-use of public sector information • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	This commitment tasks the Ministry of Information Society, in cooperation with civil society, to create a legal framework for the re-use of data by making it available in open, machine-readable formats. In March 2015, the Ministry of Information Society launched a public consultation on the new legislation. After public deliberation on the draft, the executive approved the amendment on the re-use of public sector information in July 2015, and the law was sent to Parliament. CSOs point out that, while initially the ministry was open to consulting with civil society, it was not clear how their inputs were incorporated in the draft as the law passed by Parliament did not substantially address the amendments requested by civil society, making it unclear how this legislation will influence the state of open data. CSOs recommend having more transparent processes for drafting legislation on open data.

5. Open data in the health system • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	This commitment envisions the development of models for two information platforms to monitor the procurements of public health institutions and the activities of the ethics councils operating in the institutions. The Ministry of Health has passed two orders: one to approve the implementation of a pilot project for creating a feedback mechanism for patients and one to approve the creation of ethics councils in all hospitals. According to the ministry, more than half of the hospitals in Romania have formed their ethics councils. Meanwhile, it was decided that the data collected by the feedback mechanism on procurement will be posted on the existing public acquisitions portal, which only publishes periodical reports and will not allow monitoring of procurement. The second platform does not include the actual reports filed by ethics councils, but will only feature reports prepared by ministry officials, diminishing the potential impact of this commitment.
6. Open data on monitoring anti-corruption in the health system • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	To increase integrity in the national decentralized public health institutions, the Ministry of Health committed to develop a model information platform to monitor the results of anti-corruption preventive measures. The monitoring platform was developed and launched in June 2015 and has been piloted in five major hospitals, but it is only accessible to public health workers. The ministry is currently helping all of the 350 public health units in Romania to develop their own input for the platform. This commitment can have a major potential impact as it represents one of the first attempts in Romania to make the corruption-prone health system more transparent and open to the public.
7. Open contracting • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	This commitment aims to endorse the open contracting principles as a means to enhancing the transparency of public contracting processes in Romania. To kick-start the process, the government consulted with the World Bank and held several broad consultations with public institutions and civil society to identify the required resources for the implementation of open contracting. The Digital Agenda Agency of Romania (AADR), the government agency in charge of the public acquisitions online portal has pledged to adopt Open Contracting Data Standards (OCDS) for publishing its information. The government has not yet carried out the pilot project as envisaged in the milestones. While the draft law on public acquisitions has been prepared, the latest version presented to the Parliament contains only vague references to open contracting. CSOs recommend carrying out at least one pilot project in open contracting and ensuring that the AADR uses the relevant transparency standards for publishing its data.
8. Open accesss in research • OGP value relevance: Clear • Potential impact: Moderate • Completion: Limited	The commitment envisages the publication of studies and results of publicly-funded research in open data. The new legislation for open access to research papers was enacted through the National Strategy for Research, Development and Innovation 2014-2020. However, the principles have not been implemented and by the end of the review period, only a few datasets and research papers have been published. While the national repository archive for scientific research papers was digitized and is expected to become accessible to the academic community, it falls short of the intended purpose to provide open access to the general public.

9. Quality and quantity of open data • OGP value relevance: Clear • Potential impact: Moderate • Completion: Substantial	A mechanism for uploading and updating quality datasets on the (data.gov.ro) platform aims for a more standardized structure of government data in machine-readable formats. The gateway support system was put in place in 2014 and more than 300 datasets were published on the portal, almost triple the amount envisioned in the milestones. Measures were taken to improve the interoperability of datasets with various types of software and European Union-wide portals. DSOD is still working on adapting the widgets which would allow exporting data from different websites to the portal. The platform, which has become the central access point for government open data, is frequently used by CSOs and citizens. CSOs recommend adding data from more institutions, especially those that have traditionally been reclusive. The user base could increase by better awareness-raising outside civil society circles.
10. HR training in open data • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial	To address the lack of understanding on open data amongst civil servants, this commitment aims to provide training on open data issues. With the support of the Open Data Coalition, DSOD has organized eight training sessions for the municipalities (*prefectures*) across the country. Another three training sessions were held with personnel from the Ministry of Labour, the Ministry of Culture, and the National Library. Training materials, including the Open Data Guidelines, were published on the (ogp.gov.ro) platform. The public servants in charge of open data have many other competing responsibilities, and there is a high turn-over in these positions requiring continuous training of new staff. It is recommended to continue training and, over time, cover more public employees with open data-related responsibilities.
11. Awareness on OGP and open data • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial	To create awareness of the OGP project in Romania, the government has committed to carry out an information campaign targeting public institutions and civil society. The government held information sessions with various stakeholders. The OGP Club has started convening on a monthly basis and serves as a communication bridge between government and civil society. The OGP Romania website, which serves as the information platform on all action plan-related activities, has been updated. However, the public relations efforts undertaken by the government have mainly targeted CSOs and public institutions already knowledgeable of the OGP initiative, while general public awareness on the partnership remains limited. Broadening the base of targets for the outreach activities to the private sector, academia and university students could help to increase awareness on the benefits of OGP commitments.

RECOMMENDATIONS

Romania has made progress in increasing access to information through a range of open data commitments. However, with the majority of the current commitments focused on the release of open data, more could be done to increase the focus of future commitments towards OGP-specific values of civic participation and public accountability. In particular, there is a need for commitments that address core issues in corruption-prone areas, such as public procurement, health, and education. Based on the findings of the progress report, the IRM researcher made the following SMART (specific, measurable, accountable, relevant, and time bound) recommendations for improving the OGP process in Romania.

TOP FIVE 'SMART' RECOMMENDATIONS
1. Adopt the next OGP national action plan as a governmental decision (*Hotarare de Guvern*) rather than a memorandum.
2. To make OGP activities more prominent and create institutional responsibility for their progress, advise that all public ministries assign one single individual/compartment/unit with the task to handle issues related to OGP, the National Anti-Corruption Strategy (SNA), and the Internal Management Control System (SCMI), which are all somewhat related and deal with transparency, openness, and integrity.
3. Expand the institutional capacity for the Department for Online Services and Design (DSOD) and help focus and intensify the leadership process of DSOD/ Chancellery of the Prime Minister (CPM) in the future national action plan.
4. Create a government portal, or add a link to (transparenta.gov.ro), where citizens can find all the legislation undergoing public consultations. A single portal should provide the option to send comments directly to the relevant ministry or agency overseeing the public consultation.
5. The next national action plan could include requirements that all 42 prefectures in Romania publish open data on the governmental portal (data.gov.ro).

Dani Sandu is an independent researcher in Romania.

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

Open Government Partnership

I. National participation in OGP

History of OGP participation

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

Romania began its formal participation in 2011, when the Ministry of Foreign Affairs declared its country's intention to participate in the initiative.[1] In August 2014, the government approved the memorandum on Romania's National Action Plan 2014-2016.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective, third party indicators are used to determine the extent of country progress on each of the dimensions, with points awarded as described below.

Romania entered into the partnership exceeding the minimal requirements for eligibility, with a high score in each of the criteria. At the time of joining, the country had the highest possible ranking for open budgets (2 out of a possible 2),[2] an access to information law,[3] the highest possible rankings in asset disclosure for senior officials,[4] and a score of 8.24 out of a possible 10 on the Economist Intelligence Unit's Democracy Index Civil Liberties subscore.[5]

All OGP participating governments are required to develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments should begin their OGP country action plans by sharing existing efforts related to their chosen grand challenge(s) (see Section IV), including specific open government strategies and ongoing programs. Action plans should then set out governments' OGP commitments, which move 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 second national action plan between September 2013 and August 2014.[6] The national action plan was submitted in August 2014, and the effective period of implementation is officially from 1 September 2014 through 30 September 2016. The government published its self-assessment report in September 2015. The period covered by this report covers September 2014 to 30 June 2015.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Daniel Sandu, an independent researcher, who carried out this evaluation of the development and implementation of Romania's second action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP participating country. Methods and sources are dealt with in a methodological annex in this report.

Basic institutional context

The Chancellery of the Prime Minister (CPM), through the Department for Online Services and Design (DSOD), is the leading office responsible for Romania's OGP action plan. The DSOD is therefore subordinated to the executive branch of government. The DSOD has limited power to enforce policy changes on other agencies within government and relies mostly on cooperation from the public institutions. This has resulted in the action plan being adopted through a government memorandum, which is non-binding, rather than an executive decision.

Romania's second action plan is mostly directed toward the activity of central public institutions. Nevertheless, the DSOD has limited political clout over these institutions and cannot compel them to comply with commitments and responsibilities laid out in the action plan. As a result of the limited mandate of the DSOD, part of the action plan is oriented toward technology; however, there are also a number of commitments on transparency and accountability.

During the latter half of 2013, the DSOD developed a network of individuals in charge of OGP commitments across all the ministries in the cabinet. This network has functioned well during the implementation of the second action plan, though its composition has changed multiple times due to staff changes in the relevant government bodies.

DSOD does not have a budget of its own. It is a department within the Chancellery of the Prime-Minister, a structure without legal personality, subordinated directly to the Prime Minister, funded through the budget of the Secretariat - General of the Government. The department employs fewer than 10 people who have multiple responsibilities outside of the scope of OGP. The institution is vastly understaffed, similar to the multiple departments or sections within the ministries that are tasked with coordinating and implementing OGP commitments.

Methodological note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In Romania, the IRM partnered with Daniel Sandu, an independent researcher. Daniel Sandu reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report follows on an earlier review of OGP performance, "Romania Progress Report 2012-2014," which covered the development of the first action plan as well as its implementation from July 2012 to June 2013.

To gather the voices of multiple stakeholders, Daniel Sandu organized multiple interviews and consultations with civil society in Bucharest and Timisoara (over Skype), which were conducted according to an in-depth interview model. Daniel Sandu also reviewed two key documents prepared by the government: a report on Romania's first action plan and the self-assessment published by the government in September 2015. Numerous references are made to these documents throughout this report.

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[1] "Romania's Letter of Intent to Join OGP," http://www.opengovpartnership.org/country/romania.

[2] "Open Budgets Transform Lives," *Open Budget Index* (International Budget Partnership, 2010), http://bit.ly/1hTd9TQ.

[3] http://legislatie.resurse-pentru-democratie.org/legea/544-2001.php.

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf.

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

[6] http://ogp.gov.ro/planul-national/.

II. Action plan development

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

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;
- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and make a summary of the public consultation and all individual written comment submissions available online;
- Undertake OGP awareness-raising activities to enhance public participation in the consultation;
- 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 dealt with in Section III: "Consultation during implementation:"

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

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

Table 1: Action Plan Consultation Process

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the government meet this requirement?
During Development	Were timeline and process available prior to consultation?	Yes
	Was the timeline available online?	Yes
	Was the timeline available through other channels?	Yes
	Provide any links to the timeline.	First draft: (http://ogp.gov.ro/noutati/sesiune-de-consultare-publica-asupra-primului-draft-al-noului-plan-national-de-actiune/) Final draft: (http://ogp.gov.ro/noutati/sesiune-de-consultare-publica-asupra-draftului-final-al-noului-plan-national-de-actiune-iulie-2014-iunie-2016/)
	Was there advance notice of the consultation?	Yes

	How many days of advance notice were provided?	30
	Was this notice adequate?	Yes
	Did the government carry out awareness-raising activities?	Yes
	Provide any links to awareness-raising activities.	(http://ogp.gov.ro/club-ogp/arhiva/)
	Were consultations held online?	Yes
	Provide any links to online consultations.	http://ogp.gov.ro/noutati/sesiune-de-consultare-publica-asupra-primului-draft-al-noului-plan-national-de-actiune/ http://ogp.gov.ro/noutati/sesiune-de-consultare-publica-asupra-draftului-final-al-noului-plan-national-de-actiune-iulie-2014-iunie-2016/
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	Provide any links to summary of comments.	(http://ogp.gov.ro/wp-content/uploads/2014/02/Prima-intalnire-a-Clubului-OGP-13-feb-20141.pdf) (http://ogp.gov.ro/wp-content/uploads/2014/03/rezumat-Club-OGP-27-martie.pdf)
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.[1]	Collaborate
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.	Collaborate

Advance notice and awareness-raising

The Romanian government's OGP team demonstrated a particularly encouraging openness during the development and implementation of the OGP action plan for 2014 to 2016.

The OGP implementing team at the Department for Online Services and Design (DSOD) was put in charge in late 2012, and thus has experience working on the previous action plan. It also received relevant feedback from the OGP Support Unit on how to frame the new action plan and make it as open to the public as possible. According to the team, the first IRM progress report was also consulted in order to improve the action plan drafting process.

In August 2013, the Romanian government set up a website (www.ogp.gov.ro). The website is easy to use, informative, and offers continuous updates concerning the OGP action plan's development and implementation in Romania. The website has a contact section, where comments or queries can be sent by website visitors. Civil society organization (CSO) stakeholders interested in the project are aware of the website's existence and visit it regularly. However, it is difficult to ascertain if individual citizens use the website and offer feedback.

Prior to consultation, the government published a timeline on the ogp.gov.ro website. An advanced notice of 30 days was given. The timeline was also presented during the first public consultation meeting entitled the "Priorities and Proposals for the 2014-2016 National Action Plan," held on 13 February 2014. The details of the publication for the consultation process were prominently displayed on the ogp.gov website, sent in ogp.gov newsletters, posted on the ogp.gov Facebook page, and communicated directly to CSOs that had expressed an interest in the previous national action plan.

None of the CSO representatives interviewed by the IRM researcher felt that they were excluded from the process. Arguably, CSOs that may have been interested in the current national action plan, and not the previous one, may have had less direct communication with the DSOD. Even in this circumstance, any CSO or individual could have found a way to take part in the process with a minimal amount of effort.

On 27 February 2014, the government initiated the online call for proposals on the second national action plan and announced 17 March 2014 as the starting date for the public consultation.

As for awareness-raising activities, between January and March 2014, the representatives of the Chancellery of the Prime Minister, together with the Centre for Independent Journalists, organized several public meetings debating OGP principles and the priorities of civil society for the next action plan. On 22 February 2014, the government also organized a hackathon with journalists, programmers, and civil society activists using open datasets published on the (data.gov.ro) website. Its purpose was to familiarize the public and the media with the data portal and to gather feedback on better ways to structure the data posted there. The hackathon was not expressly mentioned in the action plan, but it used data from the open data portal created through the OGP action plan.

According to the research conducted by the IRM researcher, the interest in OGP mostly comes from CSOs and less from business groups, academia, or unaffiliated citizens.

Depth and breadth of consultation

For the action plan consultation, the government set up a multi-stakeholder consultation mechanism entitled the "OGP Club." The OGP Club is a forum where citizens, CSOs, and the government discuss and deliberate on the concept of open government as well as on the country OGP action plan. Since February 2014, the OGP Club meetings have been held on a monthly basis and summaries of all the meetings are available online.[2]

The government invited all the CSOs who had participated in the previous action plan development to participate, but also reached out to other stakeholders. Dozens of CSOs were invited, and some of them even signed up to be stakeholders in the action plan. While initial interest was high, participation decreased with time. Most of the CSOs who got involved thoroughly in the process coalesced under the banner of the Open Data Coalition,[3] spearheaded by the Open Society Foundation. The coalition had 19 members, stemming from CSOs and universities as well as research centers and individual experts. There were 10 other nongovernmental organizations (NGOs) who had not officially taken part in the implementation of the first action plan, but signed up to be official stakeholders for the second national action plan. There were also NGOs who signed up to be stakeholders, but who did not participate in the process. Some foreign embassies in Romania also got involved in the process, mostly by organizing meetings with open data and transparency specialists from other countries and by offering support to the implementing institutions.

Unlike the first national action plan development process, private sector representatives from information technology (IT) companies were also invited to participate in the consultation. The OGP team seems to have opened channels toward some of the more important IT companies in Bucharest (e.g., Adobe, Microsoft, IBM), but the feedback has been rather limited, and it has been mainly received as a result of direct outreach from the government team or from individual CSOs. Outside of Bucharest, the larger IT companies were less active, but they were supplanted by smaller IT companies or social enterprises connected with information technology and communications (IT&C), especially from Timisoara and Cluj-Napoca.

The drafting of the second national action plan was based on proposals put forward by central government agencies (ministries) and civil society. The first public debate on the first draft of the new national action plan was held on 27 March 2014 as part of the monthly meeting of the OGP Club. Two weeks notice was given for the public debate. A meeting to discuss the submitted proposals between the representatives of CSOs and the chancellery representatives was held on 10 April 2014.

During May and April, several meetings were organized as part of the OGP Club, discussing the two new commitments on open contracting and open access. Public consultation on the final draft of the national action plan took place from 7 May to 31 May 2014. According to the CSOs, the decisions taken in the club influenced the final shape of the action plan.

The feedback received from CSOs and citizens interested in the issue points to the openness of the government team towards stakeholder suggestions and observations.

There were many CSOs participating in the consultation process, though not all of them were equally interested or well-informed about OGP and its goals. They did, however, provide a diversity of views that was appreciated by all participants. To this end, it is important to distinguish between civil society organized under the Open Data Coalition umbrella—which was well motivated and knowledgeable about the process—and the rest of civil society involved—whose input was more varied and context dependent.

The general drafting process was that the DSOD compiled a list of potential commitments from ministries and government agencies and added some other commitments from the last action plan and suggestions from the previous IRM progress report. This list of commitments was put to public debate. CSOs were generally content with its contents and offered additional suggestions as to the intermediary milestones, to make them more operational and precise.

At least half of the OGP Club meetings involved a speaker from the executive branch of government who was asked to offer input on what could be done in their particular field and how CSOs could help them. The interaction was deemed fruitful in general and also helped some public institutions develop a closer relationship with CSOs interested in their field of activity.

The general perception of CSOs involved was that the government's OGP team came in with an idea of what could be done and then tried to adapt their goals to what was considered necessary or useful by other participants. The overall consensus was that the final action plan needed to be attainable rather than extremely ambitious. The final list of commitments was approved through consensus, but the IRM researcher was told the DSOD would not be able to impose strict or substantive changes upon ministries or government agencies without their approval. While civil society may have had more ambitious goals, they agreed that these would have been unattainable at this point.

Most actively involved stakeholders in the public consultation were CSOs. They have used OGP as a channel for advocacy and have told the researcher that they were satisfied with the government's approach and openness. However, it is difficult to evaluate the degree of government interaction with an average citizen interested in the topic. The consultation mechanisms put in place by the OGP team seem to be mostly directed toward the CSOs and are not necessarily tailored for citizens to offer feedback and take part in the process. The mechanisms are not well-known outside the small circle of CSOs directly involved in OGP.

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[1] "IAP2 Spectrum of Political Participation," *International Association for Public Participation*, http://bit.ly/1kMmlYC.

[2] http://ogp.gov.ro/club-ogp/arhiva/.

[3] "Memorandum of Understanding for Open Data Coalition," http://www.fundatia.ro/coali%C8%9Bia-pentru-date-deschise.

III. Action plan implementation

The main forum used to enable multi-stakeholder consultation and conversation on OGP implementation was the OGP Club. To a smaller extent, consultations that were not necessarily multi-stakeholder were also conducted during other types of events organized by foreign embassies in Bucharest, where the Department for Online Services and Design (DSOD) and the Chancellery of the Prime Minister (CPM) were invited, alongside civil society. Similarly, both government officials and civil society have told the IRM researcher that the personal relationship developed with people from the CPM/DSOD enabled them to reach out via email or phone for specific needs.

Regular multi-stakeholder consultation

The OGP Club is an in-person forum that has been meeting once a month since February 2014. Previously, the consultation forum had been meeting more sporadically and on an ad-hoc basis.

The club has open membership to anyone interested and is advertised on the Romanian OGP website, though the actual registration information is more difficult to find. The club boasts a steady and active membership that spans from 15-40 participants at every meeting. Participants generally include government institutions, civil society, and private sector representatives, but attendance sheets from past meetings also show that individuals without any affiliation come to participate in the discussions.

The IRM researcher attended several OGP Club meetings between August 2014 and September 2015, which had at least 15-20 participants. Most of the participants came from civil society and activists, but there was also a strong turnout of government employees who attended regularly. Private sector representatives attended in lower numbers.

Each club meeting hosted a presentation held by either a CSO representative, a government official, or a private sector representative. The meetings were held only in Bucharest, the capital city, but also featured Skype participations from representatives coming from other cities. The government officials from outside Bucharest joined meetings in person from time-to-time, while civil society organizations from other cities alternated between virtual and in-person participation in the club. All of the meetings since February have had official minutes of the debates posted to the government's OGP website, along with the PowerPoint presentations given by the speakers.

The government's self-assessment report was published in September, after an adequate consultation period[1] of two weeks that was properly announced one week before the start.

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[1] http://ogp.gov.ro/consultare-publica/consultare-publica-asupra-raportului-de-autoevaluare-ogp/.

IV. Analysis of Action Plan contents

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

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

Access to information

Commitments around access to information:

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

Civic participation

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (http://bit.ly/1kMmlYC).

Commitments addressing public participation:

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

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

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

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

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as "access to information");
- Commitments on decentralization that do not specify the mechanisms for enhanced public participation;
- Commitments that define participation as inter-agency cooperation without a mechanism for public participation;
- Commitments that may be marked of "unclear relevance" also include those mechanisms where participation is limited to government-selected organizations.

Public accountability

Commitments improving accountability can include:

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

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

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

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of

formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

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

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

Technology and innovation for openness and accountability

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

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

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

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

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

Key variables

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 report details each of the commitments the country included in its action plan, and analyzes them for their first year of implementation.

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at (http://www.opengovpartnership.org/about/about-irm). One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP participating countries: the "starred commitment." Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have "medium" or "high" specificity.
2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.
3. The commitment would have a "moderate" or "transformative" potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of "substantial" or "complete" implementation.

Based on these criteria, Romania's action plan contained one starred commitment—Commitment 3.

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

Based on these old criteria, Romania's action plan would have received three additional starred commitments:

- Commitment 4: Re-use of public sector data
- Commitment 5: Open data in the health system
- Commitment 9: Quality and quantity of open data

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Romania, see the OGP Explorer at (www.opengovpartnership.org/explorer).

General overview of the commitments

In formulating the second national action plan, the Romanian government stated that it wanted to capitalize on the lessons learned from the implementation of the first national action plan, to take into account the recommendations from the previous IRM report, and include the priorities agreed upon by both government representatives and civil society. Thus, during the consultations, it was agreed that some of the uncompleted commitments from the previous action plan would be included in the new national action plan and others would be abandoned. The current national action plan includes some revised commitments from the previous plan as well as new measures.

The 2014-2016 National Action Plan of Romania contains 11 commitments structured into four major themes: 1) Enhancing transparency and administrative efficiency; 2) Increasing the quality and quantity of open datasets published by public institutions; 3) Training human resources in the field of open data; 4) Disseminating information on OGP principles and promoting the open data concept.

1. Public interest document disclosure

Commitment Text:

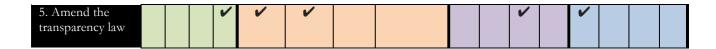*Publishing the Public Interest Information on a Single Government Portal: Transparenta.Gov.Ro*

1. The **procedures for the upload** of public interest information on the gateway, including the open data, will be established (September 2014)
2. Official **launch of the portal**, presenting to the public its intended purpose, functions and planned future steps for the increase of published information. (October 2014)
3. Each ministry and subordinate agencies will **publish the information** that is subject to compulsory disclosure according to Law no. 544/2001 on the single gateway transparenta.gov.ro regular updates
4. **Updating the list** comprising the public information that is subject to compulsory disclosure following consultations with public institutions, the civil society and private sector and analysis of court decisions. (September 2015)
5. **Amendment of Law** no. 544/2001 to include the new list of public information that resulted following consultations and subsequent portal update. (June 2016)

Responsible institutions: Chancellery of the Prime Minister

Supporting institutions: All government ministries, Romanian Open Data Coalition

Start Date: September 2014   **End Date:** June 2016

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✔		✔	✔		✔			✔			✔		
1. Establish upload procedures			✔		✔						✔			✔		
2. Launch of the portal				✔	✔			✔			✔		✔			
3. Publish information				✔	✔						✔		✔			
4. Update the list of public information			✔		✔						✔			✔		

5. Amend the transparency law				✔	✔	✔					✔		✔			

What happened?

The commitment aims to clarify the procedure for the identification of information subject to public disclosure and to publish data from government institutions on a centralized portal (www.transparenta.gov.ro).

Although most information subject to compulsory disclosure is easily accessible on the websites of public institutions, 14 years after the passage of Law no. 544/2001 there are major shortcomings when it comes to public access to information. The list of public interest documents is not sufficiently defined in the law, and most public institutions do not have a clear internal procedure to identify what information qualifies for disclosure. Varying approaches of public document disclosure across ministries leads to different information being presented in incompatible formats, which cannot be easily exported to a centralized portal. In addition, ministries do not see it as their responsibility to publish data on the centralized portal when they already publish it on their own websites.

The implementation of the first milestone to **establish procedures for the upload of public interest information,** which was scheduled to be completed in September 2014, remains limited a year later. While at least half of the ministries have drafted procedures, only a few of them are publicly available.[1]

The second milestone, the **official launch of the portal** which would centralize information from the websites of the individual ministries, is delayed due to the confusion about which institution should be in charge of its operational maintenance. According to the officials of the Chancellery of the Prime Minister (CPM), the portal is expected to be launched in the fall of 2015.

The third milestone, to have each ministry **publish information on the single gateway**, has not started yet due to the delay in the launch of the portal. It is expected that this milestone will be completed quickly once the portal becomes functional.

The fourth milestone, to **update the list of public information** subject to compulsory disclosure, has a limited completion rate. Civil society organizations (CSOs) have been put in charge of updating the list of public interest information, but little progress has been made. There appears to be confusion about what the Romanian courts have deemed to be public interest documents. Once the public institutions adopt their internal procedures (Milestone 1.1), this will enrich the process of discussion between civil society and the government on what documents are deemed to be subject to public disclosure.

The implementation of the fifth milestone has not started, as any amendment to the law will be based on the outcome of the fourth milestone.

Did it matter?

The commitment originated from the first national action plan's commitment regarding the publication of public interest documents and would have a major impact if fully implemented. Civil society have demonstrated a keen interest in this commitment as having

ministries develop clear internal procedures to disclose information would improve government transparency in Romania.

The ministries publish the information on their own websites, but the commitment is aimed at publishing all of the information on a single, centralized platform. The achievement of this commitment could simplify access to information by making all government documents available in a single portal. In addition, ministries could become more accountable by publishing this information regularly on the portal.

However, several challenges will need to be overcome. One of the problems is that some ministries do not have a single individual or unit responsible for disclosing information as required by the law. The different approaches to information disclosure across ministries leads to information being presented in incompatible formats, making it difficult to export the data to a centralized gateway. While the OGP action plan states that it is the responsibility of each institution to publish the information on the single gateway, most ministries do not yet see it as their responsibility to publish this data twice—on their websites and on other portals. To this end, the government has committed to create a widget that would mirror the information already published on the websites of the ministries to the (transparenta.gov.ro) portal. This would ease the workload of individual ministries and expedite the process of disclosure. On the other hand, such a widget would need all the ministries to publish the information in a standardized format, so that the centralization of information on the single portal can be functional and easy to decipher.

The idea of having clear procedures on disclosing public data is widely accepted by the stakeholders, although there is resistance from the ministries due to the reasons stated above. Civil society is mostly prioritizing the last milestone of the commitment, focusing public consultations on the amendments to Law no. 544/2001 regarding government transparency. Several members of civil society argue that the law is outdated and does not embrace all the new opportunities for transparency brought about by technical innovation. The debate is mostly about a specific right to open data on a digital platform as opposed to a generic right to data (which could be closed data or data that would only be offered in person), and it is seen as a matter of interpretation. Some CSOs believe that precisely stipulated legal provisions are needed whereas other CSOs believe a generic right to data is sufficient, and more precise iterations of how that data should be presented can be pursued through negotiations or strategic litigation.

If new legislation is to be pursued, it would be necessary for it to cover and update the laws pertaining to data transparency and government openness (Law no. 544/2001, Law no. 52/2003, and Law no. 109/2007) into a single piece of comprehensive legislation that does not contradict already existing legislation.

Moving forward

- To accelerate the completion of the first milestone on identifying information disclosure procedures, some government officials have suggested that the CPM could encourage ministries to form inter-departmental teams that deal with public interest documents and the implementation of the relevant legal procedures within ministries. It is recommended that these groups be formed according to internal formal procedures;
- Stakeholders believe it would be beneficial if the Department for Online Services and Design (DSOD) at the CPM, together with civil society and the private sector (as the main actors using this information), could offer training for these teams to make

sure that the information is disclosed in a standardized format, amenable to centralization on a single portal;

- All stakeholders involved agree that a widget to transfer information and datasets between ministry websites and the centralized data portal is urgently needed. In addition, stakeholders stress the importance of synchronizing that data between ministry websites and the portal.

Sources

- Secretariatul General al Guvernului, "Monitoring Report on Law no. 544/2001" (2010), http://bit.ly/1SLwERM;

- Open Society Foundation, "OGP Monitoring Report 2014," http://bit.ly/1PDdRqM;

- Open Society Foundation, "OGP Monitoring Report 2012," http://www.fundatia.ro/raportul-ogp-2012;

- IRM researcher interviews with stakeholders.

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[1] See article 42, line 4 in *Labor Ministry Internal Regulation Manual*, http://bit.ly/1R6HTUY

2. Inventory of public institutions' datasets

Commitment Text:

Making an inventory of the datasets produced by the ministries and subordinate agencies

1. ***Develop the open data Guidelines***
2. *The ministries and their subordinate agencies will be required to **establish and enforce the internal processes** needed for: a) identifying all the datasets they generate that could be published in an open format; b) regular assessment and update of the datasets.*
3. *The ministries will **create inventories of the datasets** that may be published in an open format. These lists will include both the datasets generated at the central level (ministry) and those generated by subordinate agencies.*
4. *The inventories will be gathered on **a single database** by the Chancellery of the Prime-Minister and will include the name of the dataset, the agency that covers it, the available format, the proposed date for publishing and the proposed updating frequency. The centralized inventory will be published online on ogp.gov.ro and, based on requests and feedback received from the public through an online form, it should also facilitate the prioritization of the publication of particular datasets.*

Responsible institution: All 17 institutions independently accountable for applying the commitment in their own jurisdiction

Supporting institutions: Chancellery of the Prime Minister, Romanian Open Data Coalition

Start date: September 2014   **End date:** December 2015

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✔	✔			✔			✔			✔		
1. Develop open data guidelines				✔	✔						✔					✔
2. Establish and enforce internal processes				✔	✔						✔			✔		
3. Create inventories of datasets in an open format				✔	✔			✔			✔			✔		

4. Gather inventories on a single database				✔	✔			✔		✔		✔		

What happened?

The main objective of this commitment is to open public data developed and used by the ministries of the Romanian government. The ultimate goal of the commitment is to encourage more data-driven public policy making in Romania by facilitating stakeholder access to datasets that are likely to have the greatest economic and social impact.

Often, government institutions are not fully aware of what datasets are developed within their own institutions and subordinate agencies. Inter-ministerial knowledge of available datasets is even more dismal. Civil society often cannot access the particular dataset or information as it is difficult to locate the institution in possession of this data, thus limiting the ability of the public to obtain information using the transparency law.

This commitment was carried over from a similar commitment in the previous action plan, which had not been fully implemented. The previous commitment only covered the Ministry of Justice, which had an inventory listing more than 1,000 categories of information for publication which was regarded as highly-valuable from an nongovernmental organization (NGO) perspective (as can be seen in the previous IRM progress report, under A.1.c).

Currently, the first milestone, which entails the **development of open data guidelines**, is the only one completed,[1] according to both government officials and civil society. The guidebook was developed and put out for public comment in March 2015. According to the Department for Online Services and Design (DSOD) officials, due to the delayed first milestone, the subsequent milestones were postponed for 6 months.

The second milestone, **to establish and enforce internal processes,** concerns the development of procedures needed to identify the generated datasets and regularly update them in a digital format. Progress on this milestone has been uneven. Some ministries are in the final stage of establishing these procedures, while other ministries have not started elaborating them. Overall, government officials report that as of August 2015, four ministries had completed their internal procedures, 11 ministries were in the process of completing them, and another two ministries still had not started the process. These internal procedures are not available to the public, so the IRM researcher is unable to give an objective account of their status. However, the CPM did cooperate with institutions not initially included in this commitment to begin publishing certain sets of data. One positive example in this sense is the CSM (Superior Council of Magistrates), which cooperated with the DSOD and civil society to publish some of its data.[2]

The third milestone entails the actual **creation of the datasets** that should be published in an open format. Progress on this milestone is limited. Ministries are generally more advanced with this commitment than their subordinate agencies. As of August 2015, 15 ministries were in the process of creating the inventories, while another two ministries had yet to begin the process. Several members of civil society have pointed out that most ministries already have inventories of the datasets, which are known as archive *nomenclators*. They contain all the datasets the relevant ministries deal with, such as country roads and the classification of waste management sites. These datasets are generated by different entities, be it ministries, subordinate agencies, or private entities working with the government. Making *nomenclators* public has been part of ongoing advocacy efforts of the Romanian civil society, but there has been little progress.

The fourth milestone, to **gather inventories on a single database (**ogp.gov.ro), has not started due to the lack of progress on previous milestones. This final milestone was expected to be fulfilled by the end of 2015. The DSOD self-assessment report states that the ministries would start sending their inventories to the DSOD by the end of September 2015.

One of the main problems faced by the implementing ministries is the lack of adequate human resources in charge of fulfilling these commitments. Most of the individuals tasked to carry out these duties are not specialized, or they do not have job security due to recurring staff changes in these government positions.

Did it matter?

The commitment has a high potential as it could better inform public policy making in Romania. An inventory of datasets would assist civil society and policy makers in formulating more evidence-based policy proposals.

According to the views of multiple civil society organization (CSO) representatives interviewed for this report, lack of access to the relevant government-generated data on important economic and social issues limits the quality of input of civil society in the legislative process. Secondly, a clearer understanding of available datasets could encourage ministries to request particular information from other public institutions and more closely develop a strategy of evidence-based public policy. Thirdly, a comprehensive inventory would help stakeholders better understand if there is identical data being collected or developed by multiple institutions for similar purposes. In the medium and long run, this understanding could help institutions avoid a duplication of tasks and develop accountability for particular datasets of information.

Another issue identified by civil society and ministry employees in the implementation of this commitment concerns the issue of adequate training and competing responsibilities of staff tasked with the preparation and disclosure of datasets.

Moving forward

- The IRM researcher recommends more in-depth training of responsible ministry staff on open data guidelines and transparency;
- To make better use of already existing dataset inventories, also known as nomenclators, civil society suggests that the development of the archive nomenclator is done through a governmental decree or through a ministerial order to mandate their release by the relevant public agencies;
- As noted in the previous progress report, public authorities need to publish their datasets on (data.gov.ro) before issuing legislative or regulatory proposals to the government and provide a direct weblink to the referenced datasets for the impact assessments or cost/benefit analysis. The IRM researcher recommends these requirements be added to both the open data guidelines and the internal procedures for the future.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014,"
  http://www.opengovpartnership.org/sites/default/files/Romania_IRM_Report_
  Final_Eng.pdf;

- Open Society Foundation, "OGP Monitoring Report 2014,"
  http://bit.ly/1PDdRqM;

- IRM researcher interviews with stakeholders.

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1 http://bit.ly/1KsEo9K

2 OGP Romania website announcement, January 2016 - http://ogp.gov.ro/date-deschise/seturi-de-date-
publicate-de-consiliul-superior-al-magistraturii/

3: Free online access to national legislation

Commitment Text:

Ensuring the free online access to national legislation

1. *The ministry will **develop an electronic application** to ensure the free access of citizens and other entities to the national legislative database*
2. ***Testing** of the developed electronic application*
3. *The legislative electronic application will be **interconnected** with the European legislative portal N-lex*

Responsible institution: Ministry of Justice, Information Technology (IT) Department

Supporting institutions: none specified

Start date: April 2014   **End date:** June 2015

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✔	✔			✔				✔				✔
1. Develop an electronic application				✔	✔			✔				✔				✔
2. Application testing				✔	✔			✔		✔						✔
3. Connect with the European portal				✔	✔			✔				✔				✔

What happened?

This commitment aims to provide citizens with free access to national legislation for the first time. The Ministry of Justice has commited to provide both Romanian and European residents access to a national legislative database by the end of 2015. Free access to national laws is an essential condition for the rule of law.

The portal for free online access to legislation is also a European Union (EU) compliance requirement.

All three milestones were fully completed. The **electronic application** enabling free public access to the national legislative database was developed[1] and successfully tested. Civil society and users communicated their observations about the functionality of the portal and the information technology (IT) teams in charge of the project have solved them on an ongoing basis. One of the problems that was not solved is the lack of a function that would offer platform users the opportunity to comment or point out technical problems online.

The newly developed national legislation portal was connected **with the European N-Lex legislative portal.**[2] This will improve the interaction between European citizens and the Romanian national legislation. The only problems still unresolved are the indirect coordination with the official national legislation, offered by the Romanian Official Gazette through a private enterprise, and the fact that the Ministry of Justice does not have a permanent contract for the upkeep of the national legislative portal. Another important feature, which was unplanned, but is welcome, is the development of an online portal where citizens can consult and compare the constitutions of all EU member states[3]

Did it matter?

The goal to offer citizens of Romania and the EU an official database of the national legislation is clearly relevant both from a civic and a practical perspective. Making the existing legislation known and easily accessible to the public could have a transformative impact. Its purpose is to provide citizens with free access to national legislation for the first time. The Ministry of Justice has committed to provide both Romanian and European residents access to a national legislative database by the end of 2015. Free access to national laws is an essential condition for the rule of law.

Previously, citizens could only get access to the laws by paying the Official Gazette (the repository of all laws) or from various private sector entities who had purchased the access to the full legislation from the Official Gazette.

Until recently, Romania was the only EU country not contributing a national legislation database to the European-wide legislation portal N-Lex. Therefore, linking the national legislation portal to the latter made it possible to comply to the EU requirement and was a significant step.

The importance of the activities in this commitment is shown by the statistics of visits to the national legislation portal. According to the Ministry of Justice, there were more than three million visits (from 210,000 unique IPs) to the legislative portal, with average daily access of the portal at more than 10,000. The same information points to more than two million consultations of normative acts, with the most sought after being the new codes (civil, penal, and civil and penal procedure codes).

Despite these successes, implementation has not been without controversy.

First, civil society points to inefficiencies in how the Ministry of Justice acquires the information for the portal. The Official Gazette (an autonomous agency) has proprietary rights over the legislative database. This gives them *de facto* control over access to the laws in Romania. The Official Gazette could potentially give direct, free access to the database. Private companies buy this data and sell it to clients. The Ministry of Justice acquired the data from one of these companies through an open tender process using EU funds. This

indirect access is costly and further questions have been raised; some civil society activists note that the Ministry of Justice pays notably more money than the Official Gazette receives.

Another issue is that the information is not up-to-date. The Official Gazette is the only institution that can offer an official and up-to-date version of the national legislation, while any other information—including the information bought by the Ministry of Justice from a private provider—is second-hand information as it is not obtained from the official source. This creates a slight delay in the process of updating the public legislative portal as it is not directly communicated from the official source (the Official Gazette) to the provider of the portal (the Ministry of Justice). Civil society members have noted such delays in multiple instances when important legislation was not uploaded in a timely manner. Indeed, due to these problems, some civil society members have even characterized the portal as giving access to an unofficial account of national legislation as it is not directly obtained from the Official Gazette.

There is also a concern about the sustainability of the national legislation portal beyond the three years' maintenance contract acquired through a public auction. The most recent tender was based on a time-limited contract, which means that the Ministry of Justice acquired indirect access to the national legislation and maintenance services from the private sector for only three years. It remains unclear what will happen after this period. Another auction extending this intermediary service could take place, but it would not necessarily solve the problems identified by civil society about delays and direct transfer of information from the Official Gazette.

Finally, those private enterprises selling access to legislation may consider free access to be unlawful competition from the state. One of the private companies, Indaco—which lost the tender to sell the national legislation database to the Ministry of Justice—contested the auction and then sued the government for unlawful competition.[4]

Moving forward

- Civil society is insisting that the government finds a way to change the legislation to allow the Ministry of Justice direct access to national legislation from the Romanian Official Gazette. The government entity should not be required to buy access to national laws for over four million euros from a third party private enterprise;
- Civil society organizations (CSOs) believe it would be beneficial if the Official Gazette publishes all of its revenues in a thorough and comprehensive way to show what income it derives from selling access to legislation. The gazette does not do that currently or does so only partially. Publishing this information could start a public debate as to whether the government would be better off covering these expenses itself, without sale to private entities and allowing free and public access to national legislation for all citizens;
- The IRM researcher recommends that the Ministry of Justice start making a plan so the legislative portal is updated even after its current contract of maintenance expires. It would be advisable to develop it in consultation with the wider public, including civil society and representatives of the Official Gazette;
- The IRM researcher recommends that the Ministry of Justice make efforts to raise awareness of the existence of the portal and increase its user base in the medium and long run. As the first step, the ministry could start using weblinks to the national legislation portal[5] in the documents they use for online communication;
- It would be advisable to add a function to the portal for public commentary or contact information so that users can provide feedback in an online format.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014," http://bit.ly/1T0yKhU;

- Open Society Foundation, "OGP Monitoring Report 2014," http://bit.ly/1PDdRqM;

- IRM researcher interviews with stakeholders.

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[1] http://legislatie.just.ro/ServiciulWebLegislatie.htm.

[2] http://eur-lex.europa.eu/n-lex/legis_ro/rodb_form_en.htm.

[3] The portal is accessible at: http://codex.just.ro/

[4] The situation is explained more thoroughly here: http://ogp.gov.ro/noutati/oportunitatea-publicarii-legislatiei-online-contestata-in-justitie/

[5] The application is accessible at: http://legislatie.just.ro/ServiciulWebLegislatie.htm

4: Re-use of public sector information

Commitment Text:

Amending Law no. 109/2007 on the Re-use of Public Sector Information

The agency will create a legal framework for the re-use of data and the publication of open datasets by implementing the provisions of Directive 2013/37/EU, amending the Directive 2003/98/CE on the Re-use of Public Sector Information, thus amending Law 109/2007. On the suggestion of civil society, proposals to create a legal framework for open data will also be taken into account.

Responsible institution: Ministry of Information Society

Supporting institutions: none specified

Start date: September 2014   **End date:** June 2015

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Amending law on re-use of public sector information				✔	✔	✔					✔				✔	

What happened

This commitment puts the Ministry of Information Society in charge of creating a legal framework for the re-use of data, together with civil society. This commitment envisages the transposition of the European Union (EU) Directive on the Re-use of Public Sector Information to create the direct conditions necessary to facilitate access to documents available for re-use, particularly by creating electronic lists and directories with the most relevant documents.

The aim of the legislation is to facilitate the re-use of public information by making documents available in open, machine-readable formats that will ensure interoperability with other information or analysis systems.

This commitment is substantially implemented. In March 2015, the Ministry of Information Society launched a public consultation on the new legislation. A public debate was held on 6 March at the headquarters of the ministry. At the end of July 2015, the executive approved the amendment on the re-use of public sector information, and the law was sent to Parliament. The law was eventually

approved the end of October 2015.[1] Although outside of the review period of this report, the law amending Law 109 on the re-use of public sector information was adopted by Parliament on 25 November 2015 and published on 3 December 2015 (Law 299/2015). According to the DSOD, since the civil society deemed the consultation process unsatisfactory, the final form of the law failed to include open data provisions that the CSOs and other stakeholders found relevant to the open data process.

Did it matter?

This commitment has moderate potential impact as an update to the law on the re-use of information, with thorough consultations between the Ministry of Information Society and civil society. Through these consultations, civil society intended to facilitate an understanding of the right of a citizen to have access to public documents in an open, machine-readable format.

According to the civil society representatives interviewed for this report, although there was initial openness from the Ministry of Information Society to consult and open the process to civil society, it was not clear how their inputs were incorporated in the final draft law. The law passed by Parliament at the end of October did not include almost any of the amendments requested by civil society.

Civil society organizations (CSOs) say the law passed in Parliament is a mere "translation" of the EU directive, with no clear idea of how it is to be applied in the future. As a result, civil society is unsure how this legislation will influence the state of transparency and open data.

Civil society is arguing that it should be more involved in the consultation process, including in the deliberations held in Parliament.

Moving Forward

- Civil society recommends that more attention be brought to a wider and more comprehensive consultation process in drafting legislation, particularly in processes of legislation pertaining to transparency and open data;
- To ensure full transparency of the legislative drafting process, the IRM researcher recommends that the government adopt policy that compels ministries to publish the final version of the legislation drafts after the public consultation process (or cabinet meetings) before they are put to a vote in Parliament.

Sources

- "Auction for free access to National Legislation,"http://bit.ly/1oaiGgR;
- A private company sued the Romanian government for unlawful competition:http://bit.ly/1NSF1UW;

  - "Open Data Guidelines," http://bit.ly/1KsEo9K;
  - "OGP IRM Report 2012-2014,"http://bit.ly/1T0yKhU ;
  - Open Society Foundation, "OGP Monitoring Report 2014,"http://bit.ly/1PDdRqM ;
  - IRM researcher interviews with stakeholders.

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[1] http://www.epsiplatform.eu/content/amendments-psi-law-adopted-romanian-parliament.

5 and 6: Open data and monitoring anti-corruption in the health system

5. Commitment Text:

Opening data collected from the National Health System

> *A. Development of the legislative framework*

The Ministry will draft the legislative proposals for regulating the monitoring the procurement in public health units and for monitoring the activity of Ethical Councils in public health units.

Approval of the legislative proposals.

> *B. Development of the Platforms*

The ministry will develop the models for two information platforms: one monitoring the procurement of public health units and one monitoring the activity of the Ethical Councils in public health units.

The ministry will pilot the platforms, in collaboration with civil society, in order to improve their functionalities based on the results.

Completion of the two platforms

Start implementation in all public health units

> *C. Initiate the opening of collected data*

Responsible institution: Ministry of Health

Supporting institution: Open Data Coalition

Start date: 2014   **End date:** 2016

6. Commitment text:

Opening data collected from the monitoring of preventive measures as part of the National Anti-Corruption Strategy 2012-2015

> 1. *The ministry will develop the model information platform for monitoring the results of anti-corruption preventive measures*
> 2. *The ministry will pilot the platforms, in collaboration with civil society, in order to improve their functionalities based on the results*
> 3. *Completion of the platform*
> 4. *Initiate platform large-scale use*
> 5. *Opening collected data*

Responsible institution: Ministry of Health

Supporting institutions: none specified

Start date: 2014   **End date:** 2016

Editorial note: These two commitments have been clustered as they are both closely related and concern the introduction of transparency and anti-corruption preventive measures in the health system. Due to the very technical nature of milestones under Commitment 6, they have been merged for easier readability.

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✔		✔			✔			✔				✔	
1. Development of the legislative framework			✔		✔						✔				✔	
2. Development of the platforms				✔	✔			✔			✔				✔	
3. Initiate the opening of collected data			✔		✔						✔		✔			

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✔		✔			✔			✔			✔		
1. Develop model information platform			✔		✔			✔			✔				✔	
2. Pilot platforms			✔		✔			✔		✔						✔

3. Completion of platforms			✔		✔						✔		37 ✔	
4. Initiate platform large-scale use			✔	✔			✔				✔		✔	
5. Open collected data			✔	✔			✔				✔		✔	

What happened?

The Ministry of Health has pledged to open data collected from the public health system as an important step in enhancing transparency, fighting against corruption, and improving public trust in the system. To this end, the Ministry of Health has committed to develop two information platforms: one to monitor the procurements of public health units (i.e., hospitals) and the second to monitor the activity of the ethics councils in public health units.

Starting in September 2014, the ministry began work on the development of models for these two information platforms. For the process to be institutional and sustainable in the long run, the main priority was **the development of a legislative basis** for these platforms—the first milestone—which has been substantially completed. The Ministry of Health passed an order to approve the implementation of a pilot project for a feedback mechanism for patients in select health units, including data concerning decisions made by the ethics councils of the medical units. This feedback mechanism has been applied in more hospitals and will produce data that will be centralized in the appropriate portal. This ensures that cases brought before the ethics councils of the medical units are made open to the public, which could facilitate better scrutiny of identified cases.

The ministry also passed a second order to approve the formation of an ethics council that will function in all hospitals. The information gathered and compiled by this ethics council will be centralized in the second portal developed by the Ministry of Health. Any patient can file a complaint to the ethics council, and the council has the right to impose sanctions and reprimand potentially guilty medical staff. The functioning of these councils is mostly up to local health administrations, which means that some of them are more functional and independent than others.

The process is still in its implementing stage and the ministry has informed the IRM researcher that more than half of the hospitals in Romania have formed their ethics councils. The information is to be found online (http://infrastructura-sanatate.ms.ro/) but is currently only accessible to ministry officials. The process is expected to be fully completed by December 2015.

The second milestone, **to develop the platforms**, is in an advanced stage of implementation, but there are important caveats to be made. The first platform, dealing with the procurement of public health units, has been deemed to be more compatible with the activity of the Public Procurement Electronic System (SEAP - *Sistemul Electronic de Achizitii Publice)* which deals with public auctions in Romania and is under the authority of the Digital Agenda Agency of Romania (AADR – *Agentia pentru Agenda Digitala*). As a result, the data collected by the Ministry of Health will not be centralized in a portal under the administration of the Ministry of Health, but will be included in the

public acquisition process under the guise of SEAP as part of the process to monitor public auction outcomes. As a part of SEAP, it should also become public. According to ministry officials, the procurement analysis conducted by SEAP is in fact a risk analysis that singles out public health units that are deemed to have inadequate spending practices, which would then be looked into more closely by both the ministry and the appropriate authorities. Currently, the platform's main purpose is to publish periodical reports on procurement, which diminishes the relevance of a platform that was envisaged to include features and tools for the public to monitor the procurement process. In its current form, the platform is mainly a depository of reports about the situation in the health sector.

The first report is expected to become public in the first half of 2016.

The development of the second platform also warrants some clarification, as the data developed by the ethics councils of the medical units often includes private information or information which is not legally available to the public. As a result, the platform will not include the actual reports filed by the ethics councils within the medical units, but will instead feature a report written by officials from the Ministry of Health who compile and analyze the first-hand data.

The third milestone, to **initiate the opening of collected data**, has not started. While the deadline for completion is in May 2016, the Ministry of Health officials note that they expect the first reports to be made available to the public before the end of 2015.

The development of the platforms has also included training sessions for officials working with the local Directorates for Public Health, which administer the public health units targeted by the commitment. These trainings were done in cooperation with a nongovernmental organization (NGO) that has taken a direct interest in the topic—the Association for Implementing Democracy (AID – *Asociatia pentru Implementarea Democratiei*).

Commitment 6

The Ministry of Health has important prerogatives within the Romanian National Anti-Corruption Strategy (SNA- *Strategia Nationala Anti-coruptie*), as the field of healthcare is considered one of the more corruption-prone areas in the country. The SNA has been an important transparency initiative of the Romanian government aimed at making public health information more accessible to the public in order to increase public confidence in the system. The ministry has pledged to develop an information platform with an open data format for the collection of data regarding the implementation of SNA measures in decentralized public health institutions. The data is varied and is mostly aimed at milestones already covered in the previous commitment and other, more contextual data regarding the way public health units function in Romania.

The platform model has already been developed, but, according to ministry officials, it is currently only accessible to public health workers and officials. The single monitoring platform for hospitals and county public health units was developed and launched in June. Since June, the platform has been piloted in five major hospitals. The respective units entered information into the database regarding the patient feedback mechanism and received petitions into the database. After the pilot project, the representatives of the ministry and of the hospitals involved have identified ways to improve the platform. The ministry is currently helping all of the 350 public health units in Romania to develop their own input for the platform. The broad-scale use of the platform is expected to be reached in the beginning of 2016. As a result, the first milestone still has a limited completion rate, but there is time for the ministry to fulfill its expectations before the set deadline. The effort to open the collected data has not started yet, but its completion by the deadline of July 2016 seems feasible.

Did it matter?

These commitments are important primarily because these initiatives represent the first attempts by the Ministry of Health in Romania to become more transparent and open to the public. In a country where the health system is plagued by public mistrust and a high perception of corruption, any type of mechanism that encourages meaningful interaction between the public and the medical units is a welcome step. The manner in which the Ministry of Health has imagined this interaction is also thoughtful, as it focuses mostly on large-scale corruption risks in procurement expenses and monitoring the interaction between patients and medical units through ethics councils. If properly implemented, this commitment could have a transformative impact in Romania. However, the potential impact is diminished by alterations made to the form and nature of the two platforms during the first year of action plan implementation.

The ethics councils appear to be functioning properly, at least from an institutional perspective, in close cooperation with both public health officials and stakeholders within the system—mainly patient associations. This platform is considered to be irreversible, as it has been included in both the OGP national action plan and the SNA. Any patient can address an ethics council in Romania, but there have been very few cases in which filed complaints produced any result in terms of sanctions or prosecution.

Commitment 6

This commitment is important primarily because it is one of the first attempts by the Ministry of Health in Romania to become more transparent and open to the public. By conflating OGP action plan commitments with the SNA, the two projects reinforce each other and offer increased legitimacy. The publication of open data on public health units covered in the SNA is important because it requires more transparency from the public health system and also helps civil society become better acquainted with the tools public health units use. Developing this type of know-how can enable civil society to better understand the situation and also become more involved in the consultations and oversight of the activities of public health units.

While it is a relevant commitment, the only improvement from the requirements of SNA is the fact that the data will be published in an open format instead of a closed format. As a result, the major benefit is merely the fact that this data will be more usable by the public. The data's existence was already established through previous commitments made by the Ministry of Health in the SNA.

Most of the actual outputs that will be produced by the commitments consist of second-hand information that will be filtered by civil society or Ministry of Health officials. Additionally, the data collected (e.g., reports, number of complaints) would be published on the government portal (data.gov.ro) separate from the outputs of the commitment on the two platforms. So far, the Ministry of Health has been cooperative and published multiple new datasets on (data.gov.ro), some even stemming from the commitments outlined here. Ministry officials also say that they will be publishing even more data as it becomes digitized. For this current action plan, ministries were pushed by the Department for Online Services and Design (DSOD) and the Chancellery of the Prime Minister (CPM) to digitize and publish data that was not covered by existing commitments, which would need to be added to the government open data platform. As a result, even institutions who were not directly featured in the national action plan contributed to open data by adding information on the government platform.

Romania has few organizations that are specialized in healthcare and can contribute to the advancement of these processes. Ministry of Health officials have pointed out that they would be happy to cooperate with non-specialized civil society organizations (CSOs), but very few CSOs have sought to cooperate with the ministry or made themselves available to contribute to the commitments. There was, in fact, no CSO that could provide the IRM researcher with valuable inputs as to what was achieved by the Ministry of Health pertaining to these commitments.

Moving forward

- The IRM researcher recommends that the Ministry of Health seek the input of patient associations in developing commitments. The ministry could organize information-disseminating events and trainings for patient associations to help them become more aware of their rights within hospital units, inform them about new ethics mechanisms, and seek their feedback in evaluating piloted initiatives;
- The IRM researcher believes that considerable alterations of the functions of the two platforms, initially envisaged as monitoring tools in the health sector, point to poor planning of those milestones. While it is understood that there are privacy issues in publicly displaying patient feedback, this should not be an excuse to limit the information available to the public. It should still be possible to publish data (beyond just reports edited by the government) while taking out identity-related information;
- The IRM researcher recommends that the next action plan has a greater focus on publishing open data from Ministry of Health activities on (data.gov.ro) to encourage civil society to become better acquainted with the topic and become more involved in the public debate;
- The lack of a vibrant civil society in the area of public health in Romania is worrying. The existing civil society should become more involved in consultations with the ministry and healthcare institutions in Romania. Even without proper knowledge of the field, their cooperation can bolster the process of transparency and inspire more public trust in healthcare institutions.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014,"http://bit.ly/1T0yKhU ;

- Open Society Foundation, "OGP Monitoring Report 2014," http://bit.ly/1PDdRqM;

- IRM researcher interviews with stakeholders.

7: Open contracting

Commitment Text:

1. *The agencies will initiate consultations and explore the possiblity of obtaining technical assistance from the World Bank (the coordinator of open contracting efforts worldwide).*
2. *The agencies will consult all stakeholders in the Romanian procurement system – citizens, civil society, public institutions involved in the process - and deliver a written Report. The report should include an assessment of the present context and issues, identify needs and required resources and next steps recommendations for the implementation of open contracting in Romania.*
3. *The agencies will carry out an open contracting pilot project to build on the findings and help adjust the international principles to the Romanian context. Representatives of the civil society will take part in development and monitoring of the pilot.*
4. *Analysis and presentation of the pilot's results. The project evaluation report, developed in collaboration by the representatives of public administration and civil society, will be presented in a public conference.*
5. *Depending on the conclusions of the assessment Report, draft the proposal to amend current legislation to allow implementation of open contracting.*

Responsible institution: National Authority for Regulating and Monitoring Public Procurement (ANRMAP)

Supporting institutions: Ministry of Information Society (Digital Agenda Agency of Romania [AADR]); Ministry of Public Finance; Ministry of European Funds; Funky Citizens Association; Open Society Foundation[20]

Start date: July 2014   **End date:** June 2016

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✔	✔		✔	✔			✔			✔		
1. Initiate consultations with the World Bank			✔		✔					✔						✔
2. Consult procurement system stakeholders and deliver a written				✔	✔						✔				✔	

report														
3. Carry out open contracting pilot project		✔		✔		✔	✔			✔		✔		
4. Analysis and presentation of pilot's results			✔	✔		✔				✔		✔		
5. Draft to amend legislation			✔			✔				✔			✔	

What happened?

This commitment aims to achieve more efficient public money spending by working with civil society and other stakeholders to endorse the open contracting principles and enhance the transparency of the public contracting processes—tendering, performance, and completion. The National Authority for Regulating and Monitoring Public Procurement (ANRMAP) was put in charge of implementing this commitment. However, in May 2015 the personnel and competences of the ANRMAP were taken over by a new structure: the National Agency for Public Procurement (*Agenția Națională pentru Achiziții Publice -ANAP*).

Romania was among the first European countries to adopt an electronic system for public procurement with the launch of E-Market and to publish all announcements for public tenders. In 2007, the electronic public procurement system was replaced with eLicitatie, which was designed to support all operational public procurement procedures. Starting in 2010, the government asked all public agencies to run a minimum of 40% of their public procurement procedures online, aiming at 60% in 2016.[21]

There have been two major changes brought about by more recent legislation in this area. One is a website that keeps track of public contracts that were open for public bidding, although the information offered in this perspective is mostly general and difficult to follow throughout the process. The other important step has been legislation that obliges public institutions to provide information about contracts with expenses over RON 250.000 (approximately USD 70,000). This change seeks to bring transparency as more public expenses are included in the process; however, these requirements have not been incorporated in the day-to-day work of the institutions. In addition, more and more public institutions are trying to by-pass the legal requirements by breaking down purchases into smaller portions that do not go over the RON 250,000 threshold. Currently, the legislation is under revision again, in order to bring it in compliance with the new EU directive.

The major objective of this commitment was to endorse and apply the principles of Open Contracting to publicly-funded contracts with values exceeding RON 250.000, except for those that include confidential information. However, the current legislation (Emergency Government Ordinance 34/2006) only sets a threshold of 30.000 euros (goods and services) and 100.000 euros (execution of works) for direct acquisitions.

The first milestone of the commitment, to **initiate a consultation process with the World Bank,** was completed. A video conference with the participation of eight government agencies, along with several representatives of civil society, was organized on 12 September 2014.

The second milestone, **to consult all procurement system stakeholders** and produce a written report, was substantially completed. A set of broad consultations between public institutions, civil society, and citizens were held to identify the needs and required resources for the implementation of open contracting in Romania. No report was written to combine all of these stakeholders' inputs, but several organizations made contributions to move the milestone forward. ANRMAP made some observations in connection with European Union (EU) directives and the broader Romanian strategy for public acquisitions. The Digital Agenda Agency of Romania (AADR)—the agency in charge of the public acquisitions portal (e-licitatie.ro)—also studied and pledged to adopt the Open Contracting Data Standard (OCDS) into its new version of the public acquisitions portal that would be launched in December 2015. Civil society assisted AADR in explaining and applying OCDS to its portal. Multiple civil society organizations (CSOs) also participated in the discussion of the draft legislation on Romania's public acquisitions and procurement, which requires broader legislation and is currently tabled in Parliament. Many CSOs have taken interest in this commitment and participated in discussions, including Expert Forum, Funky Citizens, and the Open Society Foundation.

The proposed suggestion of **running a pilot project** with ANRMAP in an institution dealing with public funds has faltered. Civil society and government officials have tried to implement this pilot project at the Operational Project for Administrative Capacity (POCA), an EU-funded program aimed at training and developing public sector employees. Due to multiple bureaucratic and administrative hurdles, the project was postponed, but has not been withdrawn by CPM. The work on the fourth milestone on **producing a progress report** on the findings of the pilot project, was not started as the pilot was not carried out.

The fifth milestone meant to use the progress report in **drafting a proposal to amend the current legislation** to allow the implementation of open contracting. Despite the fact that the pilot was not implemented and the assessment was not produced, the draft law on public acquisitions has been prepared and was in public consultation by the end of the review period for this progress report. The version of the draft law published by the government at the end of October only contained vague references to open contracting.[22]

Did it matter?

This commitment was the result of a great amount of public pressure on government agencies to revise their public contracting systems by incorporating more open contracting principles. Civil society views open contracting as one of the more ambitious and impactful commitments of the current action plan. Transparency in public procurement is especially important in the context of existing high suspicions of cronyism and very low public confidence in the way public contracts are awarded and managed.[23] Increased vigilance would both help to increase the public trust and help to better detect and prosecute corruption.

The fact that AADR has pledged to adopt OCDS for publishing its information under SEAP is definitely good news, but civil society members argue that this step alone is not sufficient. Implementing a complicated standard that is not well adjusted to the realities of Romanian institutions might make it dysfunctional and diminish the potential for achieving progress in the field of open contracting. A similar argument is made about the potential provisions related to open contracting that would be put into the new public acquisitions legislation. Without proper piloting, there is a fear that the legislation will prove toothless and out of context.

- There is a consensus among civil society activists that there should be at least one pilot project conducted by ANRMAP with civil society support in the field of open contracting to increase understanding of the topic and make further recalibrations and/or interventions more likely. It is unclear whether such a pilot project can be conducted before the new legislation on public acquisitions is adopted, but a pilot could become a possibility shortly after or as a commitment in the future action plan;
- The researcher recommends that AADR publishes all concluded government tenders as open data in OCDS format;
- Civil society activists also recommend a better standardization of the data offered by the AADR on the (data.gov.ro) platform. At this point, the data on this platform is considered unusable and is updated rarely, rather than on a monthly basis as pledged. The adoption of OCDS by AADR might have a positive effect on this issue, as OCDS also has various forms of international support mechanisms. There are several international research projects on open contracting that can be replicated in the Romanian context by civil society.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014,"http://bit.ly/1T0yKhU ;

- Open Society Foundation, "OGP Monitoring Report 2014,"http://bit.ly/1PDdRqM ;

- IRM researcher interviews with stakeholders.

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[21] "Romania's journey to implement the Open Contracting Data Standard, Open Contracting Partnership," http://bit.ly/1UOfJgx

[22] "Legislation on National Agency for Public Acquisitions," http://bit.ly/1oalsmo

[23] "Journalism project uncovers public procurement fraud in Romania," http://bit.ly/1mgzn8X

8: Open access in publicly-funded research

Commitment Text:

1. *The responsible institutions will monitor the implementation of open access principles in publicly-funded Romanian scientific research programmes.*
2. *The responsible institutions will issue recommendations for the development and use under open license of institutional databases and for their integration into a single national gateway.*
3. *Drawing up proposals for drafting public policies on open access.*

Responsible institution: Ministry of National Education;
Minister Delegate for Higher Education, Scientific Research and Technological development

Supporting institutions: National Council of Rectors; National Trade Union Federation "Alma Mater;" Open Society Foundation; Transparency International-Romania; Kosson Initiative

Start Date: September 2014   **End Date:** June 2016

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✔		✔						✔			✔		
1. Monitor open access principles			✔		✔						✔		✔			
2. Plan for the single national gateway		✔			✔						✔			✔		
3. Proposals for open access policies		✔			✔					✔				✔		

What happened?

The commitment refers to the publication of studies and results of publicly-funded research. This commitment is part of the effort of the Romanian government to comply with the European Commission's recommendation concerning access to and preservation of scientific information. [24]

Despite the fact that there is a European Commission recommendation concerning open access to publicly-funded research projects, Romania has not implemented it. There have been multiple platforms developed in the past by public institutions or

consortiums to which very few publications of academic research papers were posted. Currently, there is no single coordinated initiative to offer a list of datasets resulting from publicly-funded research projects. Current legislation requires at least a publication of research coming directly from public funds, especially European Union (EU) funds (FP7, Erasmus+, Horizon 2020).

The progress with all milestones of this commitment has been limited. Few, if any datasets or research papers have been published.

Under the first milestone, to monitor the **implementation of open access principles**, new legislation for open access to research papers was enacted through the National Strategy for Research, Development and Innovation 2014-2020, approved by the executive through HG 929/2014. The provisions offer a clearer legal framework and a series of institutions that can be held accountable for the progress of the commitment, whereas, until then, responsibility had been diffused. However, the activities have only been limited to establishing the legal framework. No actual implementation of the principles has taken place and the legislation is currently not applied.

The second milestone, to **develop a plan for a single national gateway,** aims to issue recommendations for the development and use under open license of institutional databases and for their integration into a single national gateway. In 2014, there were several events held to discuss the issue of open access; however, no recommendations were issued on paper. Government officials say that the national repository archive for scientific research papers was digitized and is expected to become open to the academic and research community around 15 November 2015 under license from AnelisPlus, a consortium of universities and research institutions in Romania. The problem with this initiative is that while granting access to research papers to the academic community is definitely a step in the right direction, it falls short of the idea of open access to the general public.

The third milestone aims to **draw up proposals for drafting public policies on open access** and its completion rate remains limited. The public institutions in charge of academic research, mainly the Executive Agency for Higher Education, Research, Development and Innovation Funding (UEFISCDI), have asked for input from civil society regarding such public policies, which civil society has provided. The institution has not replied since June 2015. Civil society is complaining of a general lack of cooperation and contact from the public institutions who should have been in charge of the implementation of this commitment.

It is also important to note that the National Council of Rectors, the National Trade Union Federation "Alma Mater," and Transparency International-Romania, which are listed as supporting institutions for this commitment in the action plan, did not get involved in any of the milestones set out by the commitment and declined the invitation to be interviewed by the IRM researcher.

Did it matter?

The open access commitment has a positive potential impact in the long run as it could facilitate better public access to academic research and more vigorous academic involvement in civil society. However, the way in which the commitment has been formulated does not appear ambitious.

Some academics have initiated several efforts to start a process of open access to research papers, especially in the social sciences, by means of voluntary contributions from the authors, but these initiatives are still far from being impactful.

According to civil society organizations (CSOs) and academics interviewed, other authors and scientists resist open access. Universities and research institutions wish to

maintain exclusive rights to data and publication. (These institutions argue that publication and peer review require resources, and the scientific method relies on the prestige of new and exclusive findings.)

Further, less principled vested interests may lead some to oppose open access. Masters and doctoral theses are also considered research papers. Open (and digitized) access to such papers could lead to closer scrutiny of the quality of these papers. In recent years, Romania has been plagued with multiple scandals regarding accusations of plagiarism in academic papers.[25]

While legal provisions that require the publication of research papers and datasets are in place, they are so recent that they have yet to produce results. At least in regard to research projects conducted with EU funds, there is an expectation that future audits conducted by management authorities will find that research papers and datasets have not been made public, leading to fines and penalties being issued to non-compliant researchers.

Moving forward

- Both civil society and the IRM researcher recommend that the language of OGP commitments pertaining to open access to research papers be more specific. The open access perspective needs to include more than just the academic community, and, more importantly, it needs to include specific timelines and actions assigned to the relevant public institutions in charge.
- The IRM researcher recommends that all scientific papers granted public funds in the future include strict provisions regarding requirements for researchers, universities, and institutions receiving these funds to make their data publicly available within a certain timeframe (five years at most). This should be included in future contracts of public funding for research.
- The IRM researcher also recommends that future iterations of this commitment focus first on direct outreach to the academic community, not only on legal provisions. Researchers should be made aware that there is a requirement to make the datasets available; most of them are currently unaware that this is expected and even legally required. Some researchers might be willing to make their datasets public even without regulatory pressure.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014," http://bit.ly/1T0yKhU;

- Open Society Foundation, "OGP Monitoring Report 2014," http://bit.ly/1PDdRqM;

- IRM researcher interviews with stakeholders.

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[24] http://bit.ly/20kxYvB

[25] http://nyti.ms/1TOOCDw

9: Increasing the quality and quantity of published open data

Commitment Text:

- *Creation within the Department for Online Services and Design, Chancellery of the Prime- Minister, of a dedicated unit that will provide technical support for the data.gov.ro gateway.*
- *Development, online publication and dissemination of Open Data Guidelines. The document will be subject to revisions and amendments so as to meet the needs of the stakeholders.*
- *The government of Romania has already published datasets that fall under the 14 high value areas as designated by the G8 Open Data Charter, and will continue its efforts to update and improve the quality of these datasets.*
- *The ministries will release 111 new datasets by publishing them on the data.gov.ro gateway.*
- *The publication of the datasets requested by the civil society will be monitored. The list comprising these datasets is currently published on the ogp.gov.ro website and will be updated regularly following written requests submitted to the Department for Online Services and Design. The status of the publication will also be regularly updated.*
  The institution in charge of a specific dataset will inform the Department on the projected publication timeline and/or any challenges encountered.
- *The mechanism required for the collection and storing of compulsory metadata as defined in DCAT-AP[26] will be embedded in the national data.gov.ro portal.*
- *A mechanism that will automatically assess the comprehensiveness of any published dataset will be embedded in the national data.gov.ro portal.*

Responsible institution: Chancellery of the Prime Minister

Supporting institutions: All ministries of the current cabinet; Open Data Coalition; Funky Citizens; ActiveWatch

Start date: July 2014　　　　　　　　　　**End date:** June 2016

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✔	✔	✔	✔	✔			✔				✔	
1. Creation of the unit				✔	✔		✔				✔				✔	

2. Open data guidelines				✔	✔		✔				✔				✔	
3. Publication of quality control of datasets		✔			✔	✔				✔					✔	
4. Embed monitoring mechanism in the national portal			✔	✔			✔	✔		✔				✔		
5. Harmonize vocabularies with the EU			✔				✔	✔			✔		✔			
6. Develop exporting system			✔				✔	✔			✔			✔		
7. Mechanism for receiving recommendations			✔	✔			✔	✔			✔				✔	

What happened?

This commitment aims to improve the (data.gov.ro) platform launched in 2013, with a particular focus on the importance of publishing the open data of public administration institutions. The commitment is continuous and will not be considered accomplished until there is a clear mechanism to upload and update quality datasets on the online portal by all institutions involved, aiming for a better and more standardized structure of datasets in machine-readable formats.

In October 2013, the government launched the national gateway (data.gov.ro), and it was considered an important first step in the right direction by civil society and academics alike. Still, only a fraction of the datasets offered by the gateway were in a machine-readable format. Currently, the data gateway has evolved to only store datasets that are published in a machine-readable format.

The new commitment represents a continuous effort by the Chancellery of the Prime Minister (CPM) to improve the quality and quantity of the open data posted on the government portal. CPM officials have repeatedly stated they will insist on having better quality data posted on the portal instead of more data that is not machine-readable.

The commitment lists multiple milestones of technical nature, some of which are overlapping. After the consultation with Department for Online Services and Design (DSOD) officials, the researcher has derived seven milestones for this commitment.

The unit has been created and the gateway support system **(Milestone 1)** was put in place in 2014. Open data guidelines for public institutions on uploading datasets to the portal **(Milestone 2)** were completed in March 2015, but the guidelines are not widely disseminated yet. Also, more than 300 datasets were published on the portal **(Milestones 3),** almost triple the number initially pledged amount. DSOD and CPM have been instrumental in enabling communication between public institutions and civil society, so as to make more datasets available and to update the existing ones. Ministries do not yet publish data on the portal on a regular basis, and CPM and DSOD need to remind some institutions to do so. At the same time, more and more public institutions are taking over the responsibility to publish such datasets without being prompted or reminded.

Milestone 4 envisions the creation of a mechanism that would collect and store compulsory metadata as defined in DCAT-AP on the portal. This milestone envisages the development of a system that identifies the quality of a published dataset that would make it interoperable with various types of software and European Union (EU)-wide portals of a similar vein. The catalogue was launched in August 2015 and is currently under testing at (http://data.gov.ro/catalog.ttl). This milestone also features a mechanism that would automatically assess the comprehensiveness of any published dataset on the portal (data.gov.ro). Such a mechanism, in complementarity with the one described above, would make it easier to identify quality data that is published on the portal. This will be extremely important in the future if the portal is to host exponentially more datasets than it does today. The process is still in development, but CPM officials have said it will be available for testing by the end of 2015, as noted in the commitment.

Milestone 5 aims to harmonize national vocabularies connected to (data.gov.ro) to those at the EU level. The deadline for this milestone is 2018, as the development of these vocabularies is still very much in the works.

Milestone 6 deals with building an export mechanism that offers a technical solution to the issue of complicated institutional responsibility. Public institution employees have to take time to publish the required datasets both on their own websites and on (data.gov.ro). To solve this, the CPM wants to develop a mechanism that will assess and adapt digitization/upgrade programs currently or prospectively in development in public institutions. These adapted programs would enable a much faster and easier way for institutions to export open data from their systems to the national gateway.

Milestone 7 is about building a mechanism to receive recommendations on how the data portal should be organized. This milestone is substantially completed. Receiving recommendations could be simple, but it requires some access to the website's open source coding to make it clear to the viewers how the website works.

Did it matter?

The platform and the datasets it displays are some of the most effective tools in helping civil society and citizens better supervise government activity. The platform has become the central access point for open data collected from the public administration in Romania. Civil society organizations (CSOs) and citizens use it frequently. In recent months, it has offered more machine-readable datasets, hosting over 300 datasets by the end of September 2015. Nongovernmental organizations (NGOs) have asked the government to add more institutions to the process, especially those that have traditionally been extremely reclusive, such as the Ministry of Finance.

One of the main problems of the online portal (data.gov.ro) is the fact that while the data offered may be easily accessible, it is still not easily understandable by most of the people looking at it, be they public officials, CSO members, or average citizens. In order to use the data, there are two types of technical knowledge necessary. The first is an understanding of the format in which this data is offered. Even with .csv files, there is a necessity to import or transfer information in a particular way so as to make it readily usable for analysis, and this type of information is not as broadly accessible to users without a technical background. Secondly, one needs to know what the data represents and how it can be read and understood. This type of knowledge is also scarce, as it relies heavily on the way public institutions collect and organize their data. Because these public institutions have not been sufficiently transparent with this data in the past, there is a learning curve that data users have to go through.

The portal (data.gov.ro) is not very well known outside the circle of civil society actors directly involved in the OGP process. This further hinders the usability and traffic of the

portal. At this point, there are constantly 100-150 daily unique users who spend an average of three minutes browsing the website.

Moving forward

- Civil society recommends that the next action plan include at least one specific commitment aimed at getting more datasets published and updated by public institutions. It would be helpful if CPM could further develop its Open Data Guidelines to further clarify the technical aspects of using data published in open formats on the data.gov.ro portal". The DSOD/CPM could publicly identify which public institutions do not update their datasets on (data.gov.ro) on a regular basis. Once the number of datasets published on the portal increases, the focus will have to move steadily toward making sure these datasets are constantly updated.

The IRM researcher recommends that:

- The CPM/DSOD insist that people responsible for publishing data on the portal are well acquainted with the open data guidelines that have been developed in the course of 2015. If possible, the open data guidelines need to be included in the mandatory training sessions that public managers or individuals responsible for OGP and SNA have to go through within their own institutions;
- Future hackathons organized or supported by the DSOD/CPM dealing with open data published on (data.gov.ro) should have teams of mixed backgrounds (technical experts and civil society activists) on fields related to government activity (e.g., healthcare, education, finance). Also, hackathons specialized on a particular topic would greatly benefit from having guest speakers from the specialized ministries or public institutions who can better explain to the participants what the data posted on the portal represents, how it can best be used, what other data can be found, etc;
- The DSOD/CPM develop a way to connect the inventory of datasets required by the commitment on data inventories (Commitment 2) with the number of datasets published on (data.gov.ro). It is not only necessary that public institutions publish some data, but the public needs to have a clear overview of how many datasets a public institution has access to and how many of these datasets are published or are in the process of being digitized. Of course, datasets that contain security restrictions and proprietary or private information should be excluded from this count.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014,"http://bit.ly/1T0yKhU ;

- Open Society Foundation, "OGP Monitoring Report 2014,"http://www.fundatia.ro/guvernare-deschis%C4%83-%C8%99i-date-publice-deschise-%C3%AEn-rom%C3%A2nia ;

- IRM researcher interviews with stakeholders.

10: Human resource training in the field of open data

Commitment Text:

1. *The responsible agencies will prepare the course curricula. The materials will be available online in an open format.*
2. *Publication of the training timelines.*
3. *The responsible agencies will conduct 10 training sessions on open data management. Four training sessions will be held with the support of the Open Data Coalition.*
4. *Pilot with a public institution, involving as many interested parts as possible: the administration, civil society, journalists, citizens, such as to identify relevant data and the required steps for its publication, update and use.*
   The pilot will aim to implement best practices from other countries. The phases of this project will be: 1) Selecting the institution; 2)Training the persons involved in the open data publishing process; 3) Identifying relevant datasets and their potential applications/usages; 4) Publishing the datasets; 5) Assessing and presenting the findings. The results will be presented in a public conference.

Responsible institution: Chancellery of the Prime Minister

Supporting Institutions: All ministries; Open Data Coalition; ActiveWatch; Funky Citizens

Start date: August 2014   **End date:** June 2016

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall				✔	✔					✔					✔	
1. Prepare curriculum			✔		✔					✔						✔
2. Publish training timeline			✔		✔					✔						✔
3. Conduct 10 trainings on open data management				✔	✔					✔					✔	
4. Pilot study with a public institution				✔	✔					✔				✔		

Open data is a major challenge for the public administration in Romania because the concept is relatively novel, and there is relatively little understanding of the utility and necessity of opening public data. This commitment aims to provide essential training in open data to public servants, as well as civil society and businesses who use open data.

The Department for Online Services and Design (DSOD), with the support of the Open Data Coalition comprised of civil society organizations (CSOs), developed the curriculum for the training and conducted eight training sessions at the local government level (*prefectures*) across the country. Another three training sessions were held with personnel from the Ministry of Labour (2 December 2014), the National Library (5 February 2015), and the Ministry of Culture (29 June 2015).

The training materials, including the open data guidelines, presentations, and brochures, were published on the (ogp.gov.ro) website and were disseminated by email and during training sessions, conferences, and other events.

Notices of the training timeline were published on the (ogp.gov.ro) website at least two weeks prior to the events, allowing sufficient time for sign up and preparation.

The ultimate purpose was to make all of the trainees understand the benefits of using open data, though the main target was public sector employees who provide the data as well as business sector and civil society workers who ultimately use the data and can offer valuable critiques on the process.

Did it matter?

The training sessions are vital for the appropriate development of OGP goals in Romania as little can be done with transparency and open data without cooperation from civil servants. The challenge with the trainings is that the staff responsible for the implementation of OGP commitments in different public agencies have numerous other responsibilities, and there is little institutional push to make OGP-related tasks a priority.

CPM/DSOD officials say at least one-third of the people who were responsible for OGP within their institutions at the start of the second national action plan are no longer in these positions, so new training sessions need to be held. Another potential problem is that sometimes the public managers in charge of handling OGP issues are overstretched with responsibilities and send lower level staff to the trainings. Generally, these lower level staff do not have the necessary authority to properly implement the required actions, which suggests that the training scheme is not effectively targeted.

Both the representatives of the public administration and the members of civil society agree that the processes of training and dissemination of information on open data are an essential step for the implementation of further actions in this area. In this regard, the training and motivational program was tailored to the profile of different stakeholders: public servants, members of academia, members of the information technology (IT) community, representatives of start-ups or small and medium-sized enterprises (SMEs), and so on.

Moving forward

- CSOs interviewed recommend that the training foreseen in this commitment take on a continuous form and cover all public sector employees involved in the processes of open data and transparency over time;

- The IRM researcher recommends training sessions be developed in close coordination with local public institution staff and civil society, so as to take a decentralized approach that would not necessarily require DSOD/CPM staff to travel all over the country to conduct trainings.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014," http://bit.ly/1T0yKhU;

- Open Society Foundation, "OGP Monitoring Report 2014," http://bit.ly/1PDdRqM;

- IRM researcher interviews with stakeholders.

11: Awareness of OGP principles and open data

Commitment text:

Disseminating information on the OGP principles and promoting the open data concept in an accessible manner
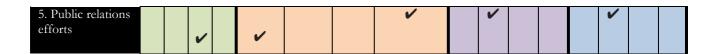
1. The Chancellery will organise 17 information sessions with the ministries and subordinate agencies, in collaboration with the designated open data responsible persons;
2. The Chancellery will organise 17 mixed group workshops with representatives of the administration, the civil society and private sector to discuss challenges, identify solutions and promote best practices;
2.1. The Chancellery will organise 8 information sessions for the prefectures' staff;
3. The Chancellery will continue to organise the monthly public meetings of the OGP Club;
4. The ogp.gov.ro website will be regularly updated to include relevant OGP or open data related efforts, both national and international;
5. The Chancellery will promote the OGP principles through: leaflets, video tutorials, interviews, social media, online forums and other available means;

Responsible institution: Chancellery of the Prime-Minister

Supporting institutions: Open Data Coalition; ActiveWatch; Funky Citizens

Start date: July 2014   **End date:** June 2016

	Specificity				OGP value relevance				Potential Impact				Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
Overall			✔		✔	✔	✔	✔		✔					✔✔	
1. Information sessions			✔		✔	✔				✔				✔		
2. 17 mixed group workshops			✔		✔	✔	✔				✔			✔		✔
3. Continue OGP Club		✔			✔	✔	✔			✔						✔
4. Update website ogp.gov.ro				✔	✔			✔			✔					✔

5. Public relations efforts			✔		✔						✔				✔				✔		

OGP continues to be relatively unknown to the broad public and even to many nongovernmental organizations (NGOs) that might be interested in the topic. Turnout at OGP Club meetings and other types of OGP-related events is unsteady as most people outside the Open Data Coalition or the Department for Online Services and Design (DSOD) and the Chancellery of the Prime Minister (CPM) only come once or twice. The outputs of the project, especially (data.gov.ro), are generally appreciated by their users, but the number of users is still limited. The IRM researcher has interacted with multiple stakeholders from civil society, the media, and the private sector who were not aware of its existence. Several others were familiar with the portal, but were reluctant to trust any initiative coming from the government.

The communication campaign is aimed at creating awareness of the OGP project in Romania and the importance of the commitments the country has signed up to fulfill. There is little public data available on how this communication campaign was organized and implemented.

The first two milestones envisage **holding information sessions and workshops** with various stakeholders, including civil servants and private sector companies—especially small and medium-sized enterprises (SMEs), town and village associations, and district level municipalities (prefectures). These activities will be ongoing until 2016. While the completion level of these milestones is still limited, they seem to be keeping up with the national action plan calendar. Only three of the 17 information sessions were organized for personnel from the Ministry of Labour, the Ministry of Culture, and the Ministry of Economy. Other institutions, particularly local administrations, were also given presentations informally, during the meetings detailed in the previous commitment comments. The 8 sessions for the prefectures' staff had an awareness component (presenting the open government principles) and a technical component focusing on open data.

The third milestone consists of the **continuation of the OGP Club**, a monthly event where stakeholders meet and discuss commitments or other ideas they might have regarding open data and transparency. Club meetings have contributed greatly to building real bridges between the government and civil society, which has also had an important impact on their general cooperation. Representatives of the private sector are included in this monthly meeting, but few attend consistently and most of them are SMEs. Club meetings have taken place on a monthly basis, always in close communication between the government and stakeholders involved.

The fourth milestone is related to the **general website of OGP** in Romania (ogp.gov.ro) which has functioned as a gateway for the OGP project. Almost all of the information discussed in OGP Club meetings is included and opened for debate for stakeholders who cannot directly participate. The website also includes an archive with summaries of all the conversations and presentations from OGP Club meetings and has consistently informed all parties involved of the next steps of the project. The website is updated at least once per week and offers information about most projects connected or associated with the OGP national action plan in Romania. It is widely considered as one of the best public sources of information on the topic in Romania.

The fifth milestone consists of **coordinated public relations** and communication efforts designed to raise awareness of the OGP project in Romania. This milestone's

completion has been limited, considering the generally low awareness of OGP despite efforts made by the CPM/DSOD. One of the reasons for the limited results might be the general lack of interest of the uninvolved stakeholders in the process. Most public relations efforts conducted and reviewed by the researcher were aimed at the usual suspects—NGOs or public institutions already connected or presumably knowledgeable about the OGP initiative. These efforts were mostly not successful, as there seems to be a generally low interest in the topic of open data or transparency in Romania.

Did it matter?

One of the major challenges of the OGP progress in Romania is the fact that its results are unknown or seem uninteresting to the general public. On the other hand, better public understanding of open government and potentially the full implementation of OGP commitments could encourage a stronger public push for government to fulfill its obligations. In this context, any type of awareness-raising action would be helpful. However, information sessions, the OGP Club, and public relations efforts have only had a minor effect, as most of the people who participate in these activities are low-responsibility public officials or, more often, information technology (IT) people with very little influence in decision-making processes.

The OGP Club is very important and influential in broadening the coalition of people who understand the principles of OGP and open government in general. But it is rather small in scale and generally accommodates people who are already involved in the process of OGP, making its impact minor. On the other hand, its small size and a membership based on OGP knowledgeable stakeholders help to have advanced discussions from a technical perspective.

Compared to the general information sessions, the mixed group workshops have been more useful as they put together representatives from civil society, the public administration, and the private sector. These were better attended by public officials, especially when the meetings were taking place under the umbrella of DSOD/CPM. Such a set-up offered better opportunities for the interaction and exchange of ideas between the public administration and civil society.

The (ogp.gov.ro) website has a more moderate impact as it stores data and information that can be accessed by anyone looking for data on the OGP process in Romania. It is built in a modular way, which makes it easy to understand and use even by people with little previous knowledge of OGP, but it also offers good access to more advanced data and tracking mechanisms. The (ogp.gov.ro) website is the go-to website for people who want to find out anything about open data and OGP in Romania, and its online visit numbers are slowly but steadily increasing in recent years.

Finally, public relations efforts by themselves are bound to be limited in scope and impact, especially as DSOD/CPM and civil society itself have not yet found a functional angle or argument that would convince more people to get involved and take up responsibility in the OGP process. The best metric to evaluate how well efforts to publicize open data and the OGP process are doing is to see how many new individuals or NGOs are helping with the new national action plan or with supervising the implementation of the current national action plan. These numbers are limited.

Therefore, a more effective process of disseminating information and reaching out to a wider range of stakeholders is needed. The process did not meet its goals because of multiple factors: 1) an association with an unpopular government; 2) too few efforts and those undertaken generally directed at disenfranchised stakeholders; 3) a general lack of interest in the topic of open data and transparency in Romania. 4) no specific plan to liaise with the media.

Moving forward

To raise awareness of the OGP process in Romania, the IRM researcher recommends that:

- Academic institutions and associations be included in the process of disseminating OGP ideas and principles. If one of the important objectives of this commitment is to broaden the understanding and use of OGP outputs, universities could be one of the primary targets for dissemination. Alongside CPM/DSOD representatives organizing information sessions at these universities, it would also be useful to organize more technical workshops in which government officials from particular ministries go and present the available datasets and explain to the students what they could be doing with them;
- The future communication plan organized by all stakeholders should be public and visible, so as to enable other stakeholders to get involved in it, even if only for particular parts, municipalities or activities;
- Public institutions disseminate the ideas and principles of OGP directly to the media by means of inserting weblinks to the datasets, guides, and OGP statements posted on (data.gov.ro) or (ogp.gov.ro) in their public communication, especially in online press releases and interviews;
- The government should organize small public competitions on the usage of OGP outputs, especially open data posted on (data.gov.ro). These competitions need not necessarily offer prizes, but public recognition (similar to the recent government internship program) in exchange for small tasks or initiatives involving data posted on (data.gov.ro). Such events would basically mimic activities generally conducted in hackathons, with the difference that the tasks would be easier and could be fulfilled by people from their own homes.

Sources

- "Open Data Guidelines," http://bit.ly/1KsEo9K;

- "OGP IRM Report 2012-2014," http://bit.ly/1P9pZOD;

- Open Society Foundation, "OGP Monitoring Report 2014,"http://bit.ly/1PDdRqM ;

- IRM researcher interviews with stakeholders.

V. Process: Self-Assessment

The self-assessment process was thorough and on time. It closely replicated inputs coming from both the public institutions involved and the comments received from civil society. The report was open to debate for almost three weeks, starting 2 September and ending 28 September when the stakeholders were invited to an open meeting and presentation of the self-assessment report. At the 28 September event, more comments and suggestions were made by civil society, which were included in the final version of the self-assessment report. The final report included brief presentations of the consultation efforts for the development of the national action plan, the consultation efforts for the implementation of the action plan, and the consultation efforts for the public comment period during the development of the self-assessment.

Self-assessment checklist

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

Summary of Additional Information

The government published the self-assessment report on 30 September 2015. The information regarding the self-assessment and the public consultation process regarding the self-assessment was available on (ogp.gov.ro) and in the OGP Club newsletter two months in advance. The date of the public consultation event was first scheduled to be on 24 September, but was later postponed for 28 September in order to get a higher turnout of civil society activists. The government published the self-assessment on the (ogp.gov.ro) website and periodically updated the document as it received edits from the authors. Civil society representatives have acknowledged that the final self-assessment paper included all of the major observations or comments they made during the consultation process. No commitment from the national action plan was missing, and civil society and government representatives agreed that virtually all commitments were subject to discussion with civil society organizations (CSOs). The Chancellery of the Prime Minister and the Department for Online Services and Design initiated the consultations.

VI. Country Context

Romania possesses a well-developed legal framework that meets the European Union (EU) membership requirements concerning transparency and access to information laws. Romania developed much of this legislation as part of its EU accession process between 2000 and 2004. There is, however, concern that these laws exist only nominally, with corruption widespread and endemic, touching every part of the state. In particular, there are well-documented cases of corruption found specifically in public procurement and the health care system.[27]

Recent developments stemming from the EU verification mechanism, as well as robust political competition and grandstanding by candidates for the country's leadership, has generated a new and vibrant debate concerning transparency and anti-corruption. These two aspects, in addition to several changes in government due to corruption-related allegations, have significantly increased the degree of transparency and public accountability in Romania. This period has also marked an increased level of civil society activity and influence in Romanian society and politics.[28]

Recent years have seen a major empowerment of judicial institutions, especially the institution responsible for anti-corruption activities—the National Anti-Corruption Directorate (DNA). There are perceptions that the crackdown on corruption is starting to yield results and possibly marking a shift in bureaucratic culture in Romania. Corrupt government officials now face the very real prospect of being prosecuted by the judiciary for even the slightest offence. This is demonstrated by the effectiveness of the DNA, which has made numerous arrests in recent years, both of politicians and non-political government officials. Since 2013, the DNA secured the conviction of 1,138 individuals for corruption, including 92 mayors, 24 deputy mayors, 22 county council presidents, and dozens of local officials.[29]

It is alleged that the recent prosecutions have created a culture of strict legal compliance by government officials, which has had the unintended effect of increasing the rigidity of the bureaucracy. This has resulted in government officials refusing to comply with a directive or initiative if it is not clearly or directly stated in legislation or regulations.[30] The current attitude toward legislation in Romania is more concerned with the literal compliance of particular legislation, rather than the actual understanding and internalization of legal provisions (i.e., transparency and government openness). This situation has exacerbated the public's already poor perception and general lack of faith in government institutions, specifically concerning promises of improvement and reform.[31] In short, this would be one of the reasons why a positive process, such as OGP, which has yielded some results (although still limited in scope), is systematically ignored or disregarded by the public and by most of civil society.

Despite the recent anti-corruption measures demonstrated by the country, Transparency International's Corruption Perceptions Index ranked Romania with the highest level of corruption in the EU in 2014—unchanged from the previous year. Internationally, the same index ranks Romania in 69th place out of 175 countries.[32] Ms. Kovesi, the DNA's top prosecutor, states that she is constantly derided as a Stalinist spy and regularly comes under personal attack in various media outlets owned by influential individuals for fulfilling her duties. This was especially demonstrated in her successful prosecution of Dan Voiculescu, a politician and oligarch with interests in media, sentenced to 10 years in prison for corruption.[33]

The recent elections in November 2014 saw Prime Minister Ponta defeated in a run-off presidential election against Klaus Iohannis, the former mayor of Sibiu. Ponta conceded

defeat and continued to serve in his position as prime minister for another year after the presidential elections. A terrible fire in a Bucharest nightclub at the end of October 2015, claiming the lives of 60 people and wounding another 150, sparked widespread condemnation and calls for the prime minster and his government to resign. The brutality of the fire and the ensuing debate concerning the safety of commercial buildings and locations, including allegations of corruption surrounding building permits, in addition to pre-existing and mounting accusations of corruption involving the prime minister forced his resignation four days later.

With no clear choice of a successor as a result of a weak parliamentary majority, Dacian Ciolos, a politically non-aligned former EU commissioner, was asked by President Klaus Iohannis to form a cabinet and act as prime minister. Mr. Ciolos's cabinet was sworn in around mid-November. It is unclear at this point how this change will influence the continuation of the OGP process in Romania, as the Department for Online Services and Design (DSOD) and the Chancellery of the Prime Minister (CPM) are currently being re-shuffled by the new prime minister. The new cabinet position of Ministry of Civil Society Dialogue was created and the ministry is expected to cooperate with the DSOD/CPM in order to ensure a better flow of communication and consultation with the relevant stakeholders. The Romanian Coalition for Open Data has sent multiple letters to the new prime minister, asking him to continue on the road to open data and open government.[34] These include suggestions on concrete ideas about what can be done,[35] discussions of the upcoming consultations for the new national action plan, and protests against moving responsibility for the OGP process to the new Ministry of Civil Society Dialogue.[36]

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[26] http://bit.ly/1PDfNPV

[27] "Public Procurement Corruption in Romania," *EurActiv Special Report* (10-14 November 2014), http://bit.ly/1PV4Bda ; "Mass Exodus: Why corruption in Romania's healthcare system is forcing its doctors to work aboard," *The Independent*, 2 January 2014, http://ind.pn/1L0YdjB

[28] Open Society Foundation, http://bit.ly/1PDdRqM ; Transparency International Romania,http://bit.ly/1QIKhiH ; România Curată, http://bit.ly/1nQ3cyQ.

[29] "Cleaning up: Romania's anti-corruption agency makes some welcome waves," *The Economist*, 21 February 2015, http://econ.st/1Euiew6 ; "Romania's powerful mayors tumble in corruption crackdown," *Reuters*, 1 October 2015, http://reut.rs/1X6jhMC.

[30] "Romania's anti-corruption mania," *New York Times*, March 2015, http://nyti.ms/1KsHQkX

[31] "Immune System," *The Economist*, June 2015, http://econ.st/1oamJK3

[32] Transparency International, *Corruption Perception Index* (2014), http://bit.ly/1SvLAVH

[33] "In a soft-spoken Romanian prosecutor, some see an 'earthquake,'" *New York Times*, 14 November 2014, http://nyti.ms/1QILfez

[34] http://bit.ly/20u0Bf7

[35] http://bit.ly/1PV5pio

[36] http://bit.ly/1S3padP

Stakeholder priorities

Current national action plan priorities:

Civil society's main priorities for the current national action plan consist of making sure the government continues to build transparency and deliver open data to the public portal (data.gov.ro). Most of the commitments included in the action plan were auxiliary to this purpose, especially the ones regarding the provisions to Law no. 544/2001 or the inventories for datasets that public institutions have under their control.

The main reason for these objectives consists of a wish by civil society organizations (CSOs) to encourage public institutions to re-organize the way they work by forcing them to show internal deliverables to the public. It is hoped that through greater access to the public, these deliverables can be reviewed and better understood, while also improving public accountability. It is also envisaged that through greater familiarization, civil society will be better placed to offer more suitably tailored suggestions as to how the government can improve itself.

Romanian legislation requires complex procedures regarding many types of data, including budgetary data, but civil society cannot oversee these procedures as they are not transparent. By making more of the final deliverables and some of the intermediary deliverables public, civil society expects to acquire access to data and more certainty that legal procedures are followed.

Another important factor is the fact that government institutions hold multiple types of data that are considered important or sensitive in closed formats with which it is difficult to work. By encouraging institutions to publish data on (data.gov.ro), civil society is requiring this data to be transferred from a closed .pdf or print format to a leaner, more accessible open data format.

Apart from (data.gov.ro), civil society also wanted to prioritize open contracting standards for public acquisitions and procurement. Romania has been marred with accusations of corruption and misappropriation of public funds for many years. These accusations have damaged the public's trust in political institutions and CSOs alike. Implementing open contracting standards would heighten transparency in procurement operations and would make it easier to follow not only corruption problems, but also problems of unviable investments.

DSOD has limited political power over ministries and thus has limited ability to direct the nature of commitments beyond its limited sphere of influence. Still, its position directly under the Prime Minister makes it more relevant and legitimate than if re-positioned under the authority of a line ministry. This has resulted in DSOD focusing on open data on (data.gov.ro). It has also offered training and information to key staff and stakeholders within the government, in a bid to make the OGP process run smoothly.

Scope of action plan in relation to national context

The OGP process in Romania has played itself out in a somewhat disorganized manner, with a haphazard approach to stakeholder participation. There is a perception among some CSOs that OGP is a mechanism kept alive mostly through the will of civil society and the non-political or non-politically assigned specialists working in government. Civil society is not necessarily the main driver of the project, but there is also no clear consensus among different government agencies and institutions as to what the general direction of the process should be—which means OGP has no very clear, broadly accepted and strong leadership.

Other relevant stakeholders, such as academia or the private sector, seem to be either unwilling, not invited, or unable to participate. There have been numerous but

unsuccessful efforts to bring the private sector, both small and medium-sized enterprises (SMEs) and larger companies onboard, but both civil society and the government rarely see academia as a priority. Most of the academics involved in OGP participate in the capacity of various CSO representatives rather than the academic field.

Academia has not been involved sufficiently or in an efficient way. The best way to do this would be to train and/or encourage professors to become well acquainted with the open data offered through OGP and, in their turn, encourage and train their students to use this data for their research projects or even for small entrepreneurial endeavors.

Unlike the previous action plan design and implementation process, civil society was better able to focus on the current national action plan due to the establishment of the Open Data Coalition, which received funding through European Economic Area (EEA) funds starting in May 2014. The organizations who formed the coalition were the Open Society Institute, Funky Citizens, and the Association for Technology and the Internet. As a result of funding, these organizations were in an excellent position to closely supervise and intervene in the OGP process without focusing on fundraising efforts.

A further important point of which one should be cognizant in the Romanian context is the overlap between OGP and the Romanian National Anti-Corruption Strategy (SNA). The overlap is partially institutional, as the first ministry in charge of implementing OGP's first national action plan in Romania was the Ministry of Justice—the institution also responsible for the SNA. As a result, the two were somewhat conflated and are still regarded as similar or pertaining to the same ideas by most civil servants, even if now the two plans are clearly divided institutionally and in terms of objectives.

Still, the overlap has been beneficial for OGP as the SNA is better known and has been a pressure point for both Romanian political leaders and EU institutions. Given the lack of political will to implement OGP, there is a certain benefit to the OGP agenda if their objectives stay aligned. Still, there should also be a goal to create more public pressure and political will for OGP nominally.

The lack of political clout surrounding OGP in Romania has multiple causes and effects which may be stifling its progress. Due to the fact that OGP is handled almost exclusively by technical non-political party-affiliated officials in CPM/DSOD, there is a fear that OGP will only be functional as long as these individuals remain involved in the process. In case of a complete change of government, the staffing of this office could also change, which could potentially stall the work done until now. In other words, the OGP effects and commitments seem solid, but there are fears they could be easily reversed in case of a major political overhaul.

Another contextual problem that makes OGP's future in Romania somewhat uncertain is the lack of a political champion. No important political figure (in government or in the opposition) has made OGP part of his/her rallying cry or campaign message. The former prime minister had not taken up the topic as part of his mandate, although his initiative to create the DSOD and garner it some political support was probably the most influential political decision related to OGP. The current Prime Minister has repeatedly stated openness and transparency are among the priorities of his mandate, but there has been little or no direct liaison with OGP on the upcoming national action plan.

There remains the need to advance open data in Romania. However, this will require the necessary legislative amendments to ensure compliance by all government departments and agencies affected. At the moment, there is an ongoing debate as to whether existing legislation offers a direct right of access to open data or whether such access should be given by new legislation or amendments brought to existing legislation.

If the legislative track does not work, civil society will probably re-focus on creating a norm of public institutions publishing open data. This norm would be instilled through

education, training, and continuous public pressure placed on public institutions to enable access to relevant and updated open data.

Another priority for civil society will probably be the implementation of open contracting principles. Even if the current public procurement legislation includes provisions regarding such a process, civil society will most likely be interested in refining them and making them more suitable and transparent. If the current public procurement legislation does not have such provisions, the task will be even more difficult and will require more effort from civil society to convince an institution to become a pilot case and go through the whole process outlined in the commitment.[7]

Similarly, it is expected that the government will continue to focus on training and enabling better access to open data through (data.gov.ro). In addition to these priorities, the government will also try to adapt and update the previous commitments put forward by ministries and insist that they are fulfilled within the next action plan if they are not completed in the current action plan cycle.

VII. General recommendations

This section recommends general next steps for OGP in general, rather than for specific commitments.

Crosscutting recommendations

Institutional recommendations

- To make OGP an institutional priority rather than a voluntary process, the government should adopt the next OGP national action plan as a governmental decision (*Hotarare de Guvern*) rather than a memorandum, which provides further incentive for ministry officials to implement the action plan.

- To increase accountability of the OGP process and focus more resources on it, the government could expand the institutional capacity of the Department for Online Services and Design (DSOD) within the next two years. In this way, a core team can more closely coordinate with civil society and public administration, both local and national, to implement more open data and transparency objectives and offer the appropriate training to relevant stakeholders.

- To make OGP/National Anti-Corruption Strategy (SNA) activities more prominent and create institutional responsibility for their progress, all public ministries need to assign one single individual/department/unit with the task to handle issues related to OGP, SNA, and the Internal Management Control System (SCMI), which are all related and deal with transparency, openness, and integrity.

- To increase accountability of OGP implementing agencies and emphasize the role of public consultations, the government will need to adopt policy or legislation that obliges ministries to publish their final versions of the draft legislation (or those from cabinet meetings) before being put to a vote in Parliament. This is particularly important for civil society to monitor post-consultation legislation drafts.

- To increase public awareness of the OGP action plan in Romania, the government could create a program, modeled after (internship.gov.ro), to encourage citizen-built, socially minded applications or programs based on the open data published at (data.gov.ro). The government could provide funding and assistance to develop initiatives that would further OGP values and enhance citizen access to information.

Scope of the Action Plan

- To streamline datasets across government ministries, agencies, and institutions, the next national action plan should include a clear commitment developing a pilot project to publish more internal datasets of vital public interest on (data.gov.ro) in a single format. To ensure that published datasets are relevant and accessible to the public, the government should consult with civil society on best practices.

- The next national action plan could include a pilot project to expand publication of open data on (data.gov.ro) from all 42 district-level municipalities.

Stakeholder outreach

- To stimulate a broader participation and understanding of OGP, the government should include academic groups and cooperative and research teams in the consultation process.

Public communication

- To increase awareness of OGP in Romania, the government should feature more visits or direct involvement from government officials or key stakeholders from civil society or the private sector in press conferences, OGP Club meetings, or other awareness-raising events.

- To address the current difficulties in determining the exact status of proposed legislation, the government should consolidate all information on ministerial activities related to legislative consultations into one, accessible portal. To enhance public awareness of and participation in the consultation process for legislation, the portal should include a feedback mechanism for stakeholders to send comments directly to the ministry or agency overseeing the public consultation process.

TOP FIVE ‘SMART’ RECOMMENDATIONS
1. **Adopt the next OGP national action plan as a governmental** decision (*Hotarare de Guvern*) rather than a memorandum.
2. To make OGP activities more prominent and create institutional responsibility for their progress, advise that all public ministries assign one single individual/compartment/unit with the task to handle issues related to OGP, the National Anti-Corruption Strategy (SNA), and the Internal Management Control System (SCMI), which are all somewhat related and deal with transparency, openness, and integrity.
3. Expand the institutional capacity of the Department for Online Services and Design (DSOD) and help focus and intensify the leadership process of the DSOD/Chancellery of the Prime Minister (CPM) in the future national action plan.
4. Create a government portal—or add a link to (transparenta.gov.ro)—where citizens can find all the legislation undergoing public consultations. A single portal should provide the ability to send comments directly to the relevant ministry or agency overseeing the public consultation.
5. The next national action plan could include requirements that all 42 prefectures in Romania publish open data on the government portal (data.gov.ro).

VIII. Methodology and Sources

As a complement to the government self-assessment, an independent IRM assessment report is written by well-respected governance researchers, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and 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 nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each 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 nongovernmental—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.

Interviews and focus groups

Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

Romania's information gathering process relied most heavily on individual and group interviews. The group interviews were mostly with stakeholders from the same sector (i.e., the public sector and civil society organizations [CSOs]), as organizing meetings in the months of July and August proved to be impossible. The public information gathering event was part of a meeting conducted by the OGP Club, after the event dedicated to the government's self-assessment. The meeting had more than 20 participants from civil society and central government agencies. The date of interaction was 28 September 2015. All of the second national action plan commitments were discussed in turn, and everyone in the room who wanted to make observations was free to do so.

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

The Department for Online Services and Design (DSOD) representatives were interviewed several times, in March, June, and September 2015. Some of them were also contacted via email for specific information. Andrei Nicoară, from the Chancellery of the Prime Minister, was also interviewed in June 2015 and via email.

Dan Bugariu, from Smart City in Timisoara, was interviewed via Skype in June and July 2015.

Silviu Vert, from the Open Knowledge Foundation in Timisoara, was interviewed via Skype in July and August 2015.

Andrei Petcu, Paul Chioveanu, and Elena Calistru, representatives of Ceata, Active Watch, and Funky Citizens, respectively, were interviewed in July, August, and September 2015. All three organizations are part of the Romanian Open Data Coalition.

Several public officials and technical staff at the Ministry of Justice were interviewed in August 2015. Some of them chose to remain anonymous.

Ana-Maria Toma, from the Ministry of Regional Development and Public Administration, was interviewed in August 2015.

Septimius Parvu, from the Expert Forum (EFOR), and Nicolaie Constantinescu, from Kosson, were interviewed via email as they could not be reached in any other way. Valentina Dimulescu, from the Romanian Academic Society (SAR), was also interviewed via email as her contribution to the second national action plan was restricted to only one commitment.

Codru Vrabie, from Funky Citizens and a former IRM researcher for Romania, was interviewed in June, July, and September 2015.

Aniela Aron, from the Labour and Social Protection Ministry, was interviewed in August 2015.

Bogdan Grunevic, from the Ministry of Finance, was interviewed in August 2015. Other technical staff from the Ministry of Finance were interviewed, but declined to be quoted.

One representative from the Ministry of Information Society was interviewed in July and August 2015, but chose to remain anonymous as the institution did not grant him permission to speak on the issue. No one else from the ministry replied to the IRM researcher's invitations to comment during the four months of consultations.

Ovidiu Voicu, from the Open Society Foundation, the leading institution of the Open Data Coalition, was interviewed in August 2015. Andra Bucur, former employee of the Open Society Foundation, was also interviewed in September 2015 via Skype.

One official from the Ministry of Culture was interviewed in August and September 2015, but chose to remain anonymous.

Cristian Petcu, from the Compartment of Integrity within the Ministry of Public Health, was interviewed in August and September 2015.

An official from the Agency of Digital Agenda was interviewed in August 2015, but chose to remain anonymous.

Claudiu Tufiş, sociologist and professor at the University of Bucharest, was interviewed in September 2015.

One Microsoft official was interviewed in August 2015, but chose to remain anonymous. Other private sector representatives from banks, public affairs companies, and small information technology (IT) companies also chose to remain anonymous.

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:

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez

- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

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

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1 Full research guidance can be found in the IRM Procedures Manual, available at http://www.opengovpartnership.org/about/about-irm.

IX. Eligibility Requirements Annex: Romania

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance with respect to the OGP eligibility criteria.

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

	2011	Current	Change	Explanation
Budget transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (8.24)[5]	4 (8.53)[6]	No change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total/Possible (Percent)	16/16 (100%)	16/16 (100%)	No change	75% of possible points to be eligible

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

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

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

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organization for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering

Committee approved a change in the asset disclosure measurement. The existence of a law and *de facto* public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

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

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