

# Independent Reporting Mechanism (IRM): Slovakia Design Report 2017–2019

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Mária Žuffová, Independent Researcher

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## Executive Summary: Slovakia

Slovakia's third action plan focuses on open data agenda in several policy areas. The consultation process for developing the action plan was open and inclusive with opportunities for various civil society groups to provide input. Establishing a formalized multi-stakeholder forum could benefit the future action plan design and implementation. The next plan could contain a smaller number but more ambitious commitments with clear links to tackling systemic corruption.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Slovakia joined OGP in 2011 and has implemented two action plans. This report evaluates the design of Slovakia's third action plan.

### General overview of action plan

The design and creation of Slovakia's 2017–2019 action plan preceded a period of significant political transition involving the resignation of Prime Minister Robert Fico and his cabinet in March 2018. Prior to the political crisis, Slovakia had made significant strides in areas of open government. The Slovak Parliament adopted the Law on the Register of Public Sector Partners in October 2016, which replaced the country's Register of Beneficial Ownership with an expanded scope beyond public procurement. Additionally, access to information has improved with increasing availability of government datasets. The murder of a journalist investigating political corruption, which precipitated the resignations, brought the country's current anti-corruption measures, as well as diminishing press freedom, to the forefront of civil society activism.

The action plan design process was open and inclusive, with opportunities for participation by civil society representatives and public servants. The multi-stakeholder consultations were done through three thematic working groups that had various compositions and frequencies of meeting. Each group had a different thematic focus: open education and science, participatory policy making, and judiciary and prosecutors. A fourth thematic group focused on open data, but participation was not as open as the other three. Additionally, public servants have a

#### Table 1. At a glance

Participating since: 2011  
Action plan under review: 3 (2017–2019)  
Report type: Design  
Number of commitments: 68

#### Action plan development

Is there a Multistakeholder forum: Yes  
Level of public influence: Collaborate  
Acted contrary to OGP process: No

#### Action plan design

Commitments relevant to OGP values (91%)	62
Transformative commitments	1 (1%)

#### Action plan implementation

Starred commitments: N/A  
Completed commitments: N/A  
Commitments with Major DIOG\*: N/A  
Commitments with Outstanding DIOG\*: N/A

\*DIOG: Did it Open Government

separate, specialized forum (the OGP working group) for coordination. Despite the discrete mechanisms, public servants and civil society representatives view collaboration with the Office of the Plenipotentiary, which is the lead agency in charge of OGP commitments, as excellent.

The Office of the Plenipotentiary created new information channels and opportunities for wider engagement with the public with regular updates to its official website as well as updates on social media sites. Physical workshops were held in three different regions that contributed to a broader consultation process. Feedback from these workshops resulted in the incorporation of multiple commitments in the final action plan (e.g., commitments 60 and 61 to analyze the disciplinary and selection procedures for prosecutors). Despite the open and transparent process in Slovakia, a formalized multi-stakeholder forum is lacking that could better facilitate dialogue between government and civil society.

Similar to the previous action plan, Slovakia's third action plan focused on four main themes: open data, API, and software; open education and research; participatory policy making; and, open judiciary and prosecutors. Although comprising 68 commitments, the action plan contains only one transformative commitment, and many are technical in nature and represent only a minor improvement in the respective policy area. The next action plan could benefit from a smaller number of commitments that are more ambitious and seek a more transformative impact.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
<b>15. Publish demanded publicly available API</b>	This potentially transformative commitment builds on prioritizing application programming interfaces (APIs) based on results of a survey gauging public demand. This could provide improved access to high value information such as land and property ownership.	<i>Note: this will be assessed at the end of action-plan cycle.</i>
<b>52. Develop recommendations to embed participatory processes</b>	This commitment could bring a more consistent approach to participatory processes across government agencies and make consultation procedures more predictable. Training of public servants and collection of best practices could help to institutionalize the recommendations.	<i>Note: this will be assessed at the end of action-plan cycle.</i>
<b>57. Draft legislation to make selection of judges and judicial staff transparent</b>	This commitment can potentially increase public scrutiny of the selection and application of disciplinary responsibility of judges.	<i>Note: this will be assessed at the end of action-plan cycle.</i>

## Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

Establish the formal multi-stakeholder forum with participation of both public servants and civil society.
Include more targeted and ambitious commitments in the next action plan.
Ensure the proposed commitments are co-created with public agencies in charge of their implementation.
Concentrate efforts on existing platforms and initiatives, avoid duplication.
Focus on improvement of key transparency tools, including improving the Freedom of Information Act but mainly its application practice.

## ABOUT THE AUTHOR

**Mária Žuffová** is a PhD Candidate in Politics at the University of Strathclyde, Glasgow. Her research includes freedom of information and open data, and their use by journalists.

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



## I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Slovakia joined OGP in 2011. This report covers the development and design of Slovakia's third action plan for 2017 - 2019.

The Independent Reporting Mechanism of OGP has partnered with Mária Žuffová, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

## II. Open Government Context in Slovakia

Slovakia's third OGP action plan contains 68 commitments, mainly of technical nature. While majority of commitments are on open data and several aim to improve the transparency of the justice system, the action plan does not fully capture potentially transformative anti-corruption initiatives.

Slovakia is a parliamentary democracy and has been continuously ranked as a free country by Freedom House<sup>1,2</sup>. Among the Visegrad Four<sup>3</sup>, Slovakia ranks second after the Czech Republic. All countries in the group, with the exception of Hungary, are considered consolidated democracies.

Overall, Slovakia scores well on OGP's eligibility criteria. Slovak FOIA obliges a wide range of public authorities to provide information they hold. Timeframes to respond to FOI requests (eight working days) are relatively short compared to other countries. However, one of the main deficiencies of the current FOIA which weakens its application is a lack of an oversight body, e.g., Information Commissioner. If a public authority refuses to disclose information in response to an appeal, the requester is left with an only option to take it to court, which requires time and financial resources, but most of all legal expertise, which an average citizen might not have. Slovakia's score (68 out of 150) in the Centre for Law and Democracy's Global Right to Information rating only confirms the necessity to update the legislation and improve its practical application<sup>4</sup>. Before the 2016 election, SMER-SD, one of the ruling parties was the only one from the contacted political parties, which refused to pledge to support the FOIA improvements proposed by the coalition of CSOs<sup>5</sup>. Despite the demand for FOIA improvements, no FOIA-related commitments have been included in the OGP action plans so far.

Slovakia has improved the availability of government datasets in open in open formats<sup>6</sup>. The country ranked 32<sup>nd</sup> out of 94 countries and territories in the 2016 Global Open Data Index<sup>7</sup> and 29<sup>th</sup> out of 115 countries and territories in the 2016 Open Data Barometer<sup>8</sup>. Slovakia performed well, for example, in publishing key national statistical data on demographic and economic indicators, and procurement data in open formats. The improvement is needed mostly in making national government spending data available at a detailed transactional level and the Cadaster's data on land and property ownership.

Concerning budget transparency, Slovakia has been repeatedly assessed as a country that does not provide sufficient budget information for the public, and thus hinders meaningful engagement. The latest 2017 International Budget Partnership (IBP) score for Slovakia was 59 out of 100. The IBP has identified the key limitations in terms of public participation. It recommended the government to create more opportunities for the public to participate in audit investigations, etc.<sup>9</sup> In terms of asset declarations in Slovakia, both public officials and administration declare assets (income, real estate, moveable property, money). However, Slovakia does not have a separate agency managing asset declaration data. The membership in the Committee for the Incompatibility of Functions is exclusive to members of parliament, and thus a risk of politicized decisions being taken is high. Both issues have the potential to be addressed by future action plans. For instance, the next action plan could propose commitments that would create formal mechanisms for the public to participate in audit investigations. Other commitments could focus on improving asset declaration data collection, specifying storage length and ensuring regular data verification.

Slovakia's third action plan has proposed a number of measures that contribute to improving the transparency of the judicial system and prosecutors, and thus creates a potential for tackling corruption. However, the resignation of Justice Minister Lucia Žitňanská in 2018 could potentially affect the implementation of further anti-corruption measures and OGP commitments in this area.

The majority of commitments in the action plan are of a technical character. Only a few are ambitious enough to move the current government practices beyond the status quo. For instance, if the commitment to develop a repository for open educational resources is fully implemented, it

could change educational and research practices profoundly by pushing for a better quality of educational resources. Also, this action plan, similar to previous ones, has a potential to increase access to government data, encourage the use of open source software in the public administration, which could too contribute to decreasing corrupt practices in the IT sector. It should also be noted that many important and ambitious anti-corruption measures, such as the beneficial ownership register did not become a part of the action plan due to a mismatch in timing, as the register was launched before the action plan was approved. Thus, it was implemented outside of the scope of the OGP. The previous action plans brought more ambitious and impactful reforms, e.g., the creation of the register of contracts concluded between central government agencies and their suppliers. While the register still needs improvements, the focus has been shifted to other platforms, e.g., EU Funds and Subsidies Portal.

Slovakia also recorded a significant year-to-year drop in the World Press Freedom Index<sup>10</sup>, which has reflected worsening conditions for journalists. The government's, in particular, Fico's routinely hostile attitude towards press might also contribute to normalizing harassment of journalists and downgrading their work<sup>11</sup>. The change of the management at RTVS, the public broadcasting service has also affected the work of investigative journalists. RTVS suspended its only investigative TV program for a couple of months<sup>12</sup>. Due to other changes and what reporters called a hostile environment at RTVS, many resigned<sup>13</sup>.

Recently, the government has adopted a number of progressive anti-corruption measures outside of the OGP action plan. Following the adoption of the Law on the Register of partners of the public sector in October 2016<sup>14</sup>, the Ministry of Justice has launched a beneficial ownership register<sup>15</sup> in February 2017, making Slovakia one of the earliest adopting countries. While Slovakia had an existing register launched in November 2015 that was managed by the Office for Public Procurement, beneficial ownership disclosure to this register was mandatory only for private companies participating in public procurement. While the Slovak anti-corruption CSOs applauded the creation of register, they also expressed concerns about the lack of consistency of the data and low enforcement allowing companies to sign procurement contracts without listing beneficial owners in compliance with the law<sup>16</sup>.

Unprecedented public protests following the murder of an investigative journalist in 2018, leading to the resignation of the prime minister have demonstrated the strength of the Slovak civil society as well as the acute public demand for more government accountability.

Although, the government emphasizes corruption is a severe problem<sup>17</sup>, opinion polls suggest that the public thinks the government does little to tackle it<sup>18</sup>. The ranking in the Transparency International Corruption Perceptions Index has not changed significantly. In the past five years, the score has improved only by four points<sup>19</sup>. In general, very few high-level corruption scandals have been investigated<sup>20</sup>. Nonetheless, it is important to note that in 2017 two former ministers Marián Janušek and Igor Štefanov were sentenced to 12 and nine years in prison respectively for corruption in a public procurement case becoming the first high-level politicians to be sentenced by the courts<sup>21</sup>. The case happened back in 2007 when the former Ministry of Construction placed a call for applicants for a €120 million tender only on a board at the ministry premises, thus preventing a genuinely public call.

Another positive development, relevant for OGP values, mentioned by interviewees<sup>22</sup>, was that in April 2017 the parliament adopted a constitutional amendment cancelling former prime minister Vladimír Mečiar's 1998 controversial amnesties<sup>23</sup>. This step has enabled a rigorous investigation of the alleged kidnapping of former president Michal Kováč's son in 1995 and the murder of a key witness' friend a year later<sup>24</sup>. Some CSO representatives mentioned this constitutional amendment as one of the key events for upholding the rule of law in Slovakia in the past two years.

Civil society interviewees and survey respondents for this IRM report agreed that the grass-roots protests in response to the murder of an investigative journalist Kuciak and his fiancée Kušnírová, organized by Za slušné Slovensko (For a Decent Slovakia), had a major significance for civil society in Slovakia<sup>25</sup>. The protests were the largest in Slovakia since the demonstrations against communism in

1989 and demonstrated a strong sense of civic engagement in the country and demand for greater government accountability<sup>26</sup>. Civil society was instrumental in creating the opposition to Mečiar with the Civic Campaign '98 (OK'98) mobilizing and educating voters in the 1990s. Recent successful crowdfunding campaigns for independent journalism<sup>27</sup> as well as organizers of 'For a Decent Slovakia' protests in 2018<sup>28</sup> suggest that the public in Slovakia is able and willing to mobilize when civil liberties are under threat.

Slovakia has a strong track record of transparency initiatives passed as a part of the OGP process. The list includes, for example, the launch of the open data portal, development of the technical standards for open data publication, adoption of the Whistleblowers Protection Act in the 2011–2013 action plan, the release of prosecutors' names in the action 2015, and continuous efforts in including the public in policy-making processes.

Although the president has limited executive authority in Slovakia, the upcoming presidential election in March 2019 will also be important for open government topics. The outgoing president Andrej Kiska has been supportive of open government reforms and regularly emphasized the importance of transparency measures for good governance<sup>29</sup>. Whether this direction of leadership's approach to OGP and open government will be maintained depends on who gets to the Presidential palace.

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<sup>1</sup> Freedom House, "Freedom in the World 1999: Report on Slovakia", <http://bit.ly/2RNxrFN>

<sup>2</sup> Freedom House, "Nations in Transit 2018 Confronting Illiberalism", <http://bit.ly/2IRdmOO>

<sup>3</sup> The V4 is a cultural and political alliance of four Central European states – the Czech Republic, Hungary, Poland and Slovakia, <http://www.visegradgroup.eu>

<sup>4</sup> Access Info Europe and Centre for Law and Democracy, "Global Right to Information Rating", <https://www.rti-rating.org/country-detail/?country=Slovakia>

<sup>5</sup> Transparency International Slovakia, "Závazok zlepšiť infozákon dali voličom všetci okrem SMERu" (All parties, except SMER, pledged to improve FOIA), <http://bit.ly/2TtpWrl>

<sup>6</sup> It is important to note here, that although Slovakia has received a favorable ranking compared to other countries, it still has published only 47% of datasets in open formats.

<sup>7</sup> Open Knowledge International, "Global Open Data Index 2016", <https://index.okfn.org/place/>

<sup>8</sup> World Wide Web Foundation, "Open Data Barometer 2017", <http://bit.ly/2Pse2Np>

<sup>9</sup> International Budget Partnership, "Slovakia – Open Budget Survey 2017", <http://bit.ly/2G3TNzY>

<sup>10</sup> Reporters without borders, "2018 World Press Freedom Index: Slovakia", <https://rsf.org/en/slovakia>

<sup>11</sup> Reuters, "Slovakia's PM calls journalists 'dirty anti-Slovak prostitutes'", *The Guardian*, <http://bit.ly/2El6rcD>

<sup>12</sup> Michaela Terenzani, „End of investigative show a cause for concern“, *The Slovak Spectator*, <http://bit.ly/2S5UnDI>

<sup>13</sup> Reporters without Borders, "Unrest within Slovak public broadcaster over political pressure" <http://bit.ly/2VfvfYQ>

<sup>14</sup> SLOV-LEX (Legal and information portal), The Ministry of Justice, "Zákon č. 315/2016 Z. z. o registri partnerov verejného sektora a o zmene a doplnení niektorých zákonov" (The Law no. 315/2016 Coll. on the Register of partners of the public sector), <http://bit.ly/2B7IEbM> (in Slovak).

<sup>15</sup> The Ministry of Justice, "Beneficial ownership register", <https://rpvs.gov.sk/rpvs>

<sup>16</sup> Juraj Labant and Gabriel Šipoš, "The Register of Beneficial Ownership in Slovakia: Revolutionary transparency, questionable implementation, unsure benefits", *Transparency International Slovakia*, <http://bit.ly/2B73dGG>

<sup>17</sup> OECD, "Agenda in the public interest: Taking integrity to higher standards", 30-31 March 2017, Paris,

<http://bit.ly/2R9yAHj>. SITA, "Fico: Musíme dostať detom do hláv, že korupcia je zlá" (Fico: We have to learn our kids that corruption is bad), *Trend.sk*, <http://bit.ly/2zsMg9u>. Tatiana Jančáriková and Jason Hovet, "Slovak PM says 'deeds not words' needed to restore trust after reporter's murder", *Reuters*, <http://bit.ly/2EilvYl> (in Slovak).

<sup>18</sup> Veronika Folentová, "Fico sa chválil bojom s korupciou. Slováci v prieskume tvrdia, že situácia sa zhoršuje" (Fico is boasting about fighting corruption. Slovaks in the survey say the situation is getting worse), *Dennikn.sk*, <http://bit.ly/2ReXgOz> (in Slovak). Marián Leško, "Korupcia podľa Fica" (Corruption according to Fico), *Trend.sk*, <http://bit.ly/2FG5z4X>, (in Slovak). The respondents of the survey distributed by the IRM researcher also mentioned corruption as one of the biggest country's problems.

<sup>19</sup> Transparency International, "Corruption Perception Index", <http://bit.ly/2Lc2loX>

<sup>20</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4Vv>

<sup>21</sup> Slovak Spectator, "Historic verdict as first ex-ministers were sentenced for the bulletin-board tender", <http://bit.ly/2BjLXhx>

<sup>22</sup> The interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. See Section 'VI. Methodology and sources for details.

<sup>23</sup> The National Council of the Slovak Republic, „MPs voting on the 5th of April 2017“, <http://bit.ly/2Hbs7JS>

<sup>24</sup> Tatiana Jančáriková and Stephen Powell, "Slovak parliament cancels amnesties on 1995 kidnapping of president's son", *Reuters*, <https://reut.rs/2UGD5LH>



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<sup>25</sup> Survey for representatives of CSOs, academia and the private sector, <http://bit.ly/tretisektor> and <http://bit.ly/politickykontext> (in Slovak). The protests for a decent Slovakia have been mentioned as a major event, for example, by Ján Orlovský, the director of Open Society Foundation and a sociologist and political scientist Oľga Gyarfášová.

<sup>26</sup> BBC, “Slovakia protests: 65,000 join Bratislava anti-government protests”, <https://bbc.in/2EmTqPS> and Shaun Walker, “Slovakia: thousands protest against business-as-usual under new leaders”, *The Guardian*, <http://bit.ly/2SIFnmY>

<sup>27</sup> <https://www.startlab.sk/projekty/503-investigativna-relacia-s-palom-fejerom/>, and <https://www.startlab.sk/autori/dennikn/>

<sup>28</sup> The funds raised for “Za slušné Slovensko” (For a Decent Slovakia), <http://bit.ly/2EqdaR8>

<sup>29</sup> The Office of the President of the Slovak Republic, “Kiska o otvorenom vládnutí: Potrebujeme viac transparentnosti” (Kiska on open government: We need more transparency), <http://bit.ly/2GHPZFG>

### III. Leadership and Multi-stakeholder Process

Despite the absence of a formalized single multi-stakeholder forum, the process for developing and implementing the action plan has been open and inclusive. The agency leading the OGP agenda in Slovakia has been pro-actively informing about the development and implementation of the action plan through a variety of communication channels.

#### 3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Slovakia.

The Office of the Plenipotentiary for the Development of Civil Society (hereinafter as Office of the Plenipotentiary) has been the lead agency in charge of Slovakia's OGP commitments since 2011. Previous IRM report<sup>1</sup> provides more details about the history of the office and how it operated during past implementation cycles. Since the last IRM report, no significant changes have taken place. The head of the Office has remained the same although there were a few changes of personnel, for instance, the OGP Point of Contact has changed, but the transition process was smooth and did not affect the implementation process. The Office is part of the Ministry of Interior.

The Slovak participation in OGP is legally mandated. The action plans are legally binding documents<sup>2</sup>. As was mentioned in previous IRM reports, the legal commitment is a critical element of the OGP process in Slovakia, as it helps to ensure that public agencies take commitments seriously and make an effort to demonstrate progress on them. CSO representatives repeated the importance of the action plans legal authority for this report. An investigative journalist interviewed for this report argued that it might also be useful for public servants to operate within their agencies: "public servants can show the action plan and argue 'we committed to this anyway' when their supervisors are not in favor of some proposals"<sup>3</sup>. At the same time, although the legal authority as such represents a high-level political commitment, when it comes to creation, implementation, and evaluation of individual OGP commitments, high-level government representation has been rarely present at any OGP-related meetings. The Office of the Plenipotentiary organizes the Open Government Week every year in the autumn to create a forum to share the experiences and update on the progress of commitments. While this is an important awareness-raising forum, no minister has ever attended this event.

The Office of the Plenipotentiary has an annual budget for all its activities including OGP coordination. Currently, it employs 21 staff members including the plenipotentiary. Nonetheless, only five of them are actively engaged in OGP. OGP agenda does not constitute a full-time job for any of them<sup>4</sup>. In the past implementation cycles, the IRM researchers pointed out to the lack of inter-agency cooperation, which has hampered progress in implementing some of the commitments, for instance, the passage of FOIA amendments<sup>5</sup>. The last IRM report recommended that minimum requirements for intra and inter-agency cooperation should be set. In response, the Office of the Plenipotentiary committed in its third national action plan<sup>6</sup> that it will identify a person in each ministry and central government agency who will be responsible for OGP-related agenda (commitment 65). The aim was to create a platform for regular cooperation and knowledge exchange between ministries and agencies (commitment 66). This was an important step as it strengthens the culture of personalized responsibility for OGP agenda and makes the whole process more transparent for CSOs and the public. Since this coordinating group was established, there is more clarity about whom to contact for the progress on individual OGP commitments, which makes monitoring much easier process for CSOs and citizens.

The national action plans traditionally focus on commitments for central government agencies only since the Office of Plenipotentiary does not have means to compel local government agencies to participate. Nonetheless, the third national action plan has had some recommendations for municipalities to extend OGP values to them too.

### 3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Slovakia **did not act** contrary to OGP process.<sup>7</sup>

Please see Annex I for an overview of Slovakia's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

**Table [3.1]: Level of Public Influence**

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.<sup>8</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

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

#### Multi-stakeholder forum

The public, CSO representatives and public servants, have a number of possibilities to be engaged in the OGP national process. The multi-stakeholder consultation is done through three thematic working groups, all managed by the Office of the Plenipotentiary. There is no formal open nomination process for the membership in working groups, which operate somewhat organically. That said, the Office of Plenipotentiary is open and accommodates the requests for memberships from anyone interested in joining. The Office of the Plenipotentiary sent invites to the established CSOs in specific areas of OGP, e.g. judiciary, participation etc. In addition, the Office of the Plenipotentiary published the dates of upcoming meetings on its website<sup>9</sup>. Some suggestions from civil society for the agenda of the working groups were accepted.

The first working group is dedicated to commitments on open education and open science<sup>10</sup> and meets approximately once every three months. Two other working groups operate and meet ad hoc based on their needs. One focuses on participatory policy-making<sup>11</sup> and another one on judiciary and prosecutors<sup>12</sup>. In the previous implementation cycle, the Office of the Plenipotentiary used to lead also a working group on open data. However, with the launch of the Office of the Deputy Prime Minister for Investments and Informatization, this working group has been transferred there.

The name of this working group is “Better data”, and several references are made to it throughout this report. Compared to other working groups, the working group “Better data” was not open to participants in the broadest sense that it took on board everyone interested. However, relevant stakeholders had a chance to be represented. The working group ‘Better data’ consisted of public servants as well as CSO representatives, such as Slovensko.digital for instance, a CSO active in open data and e-government.

While all working groups adhere to the principle of openness, they differ in the way they are managed. Some working groups post more information and outcomes of regular meetings on the website than others. For instance, the working group on open data (while the Office of the Plenipotentiary still led it) actively published meetings minutes<sup>13</sup> and presentations. Since the working group has moved to the Office of the Deputy Prime Minister for Investments and Informatization, the information is not as easily retrievable. The IRM researcher tried to access meeting minutes on its website, but without success. Some information was made available on the platform of Slovensko.digital<sup>14</sup>. This kind of information is unavailable or patchy for other working groups too. However, so far, the Office of the Plenipotentiary has always been willing to provide any information it has in its disposal upon request. Nonetheless, this makes it difficult for stakeholders outside the working groups to observe, inform and influence decision making on action plan themes and commitments.

Working groups participate actively and influence the decisions being taken. The meetings happen in person and are limited to the capital city Bratislava. However, as will be detailed below, the Office of the Plenipotentiary regularly organizes the events outside of the capital in the stage of developing new action plans to gather ideas and feedback from regional and local CSOs.

### **Participation and engagement throughout action plan development**

The consultations to develop and implement the previous action plan was already open and transparent<sup>15</sup>. Since then, the situation has improved. Both public servants and CSO representatives view the collaboration with the Office of the Plenipotentiary as excellent. CSO representatives mentioned that meetings about the action plan development were open<sup>16</sup>, and organized in a “free spirit” where participants could discuss and propose ideas<sup>17</sup>. Public servants were also satisfied stating that employees of the Office of the Plenipotentiary have a genuine interest in OGP agenda and support from their leader Martin Gierl who regularly represents the Office at national and international OGP meetings<sup>18</sup>. A ministry representative mentioned that the Office of the Plenipotentiary helps them to build connections with civil society but also to push other less co-operative public agencies to move tasks forwards<sup>19</sup>.

In addition to existing ones, the Office of the Plenipotentiary has created new information channels and opportunities for wider engagement. It regularly provided the public with further information during the development and implementation of the action plan. The main communication channel is the official website of the Plenipotentiary<sup>20</sup>. The Office of the Plenipotentiary also regularly publishes updates on social networking sites<sup>21</sup>, posts videos from events on its YouTube channel<sup>22</sup>, and informs about the commitments’ progress on Trello<sup>23</sup>.

In addition to online promotion of OGP activities, the Office of the Plenipotentiary also regularly organizes physical events. During the development of the action plan in March 2016, the Plenipotentiary organized three regional workshops in Bratislava, Banská Bystrica and Košice as a part of a broader consultation process. The information about these workshops had been published on the website for more than two weeks in advance<sup>24</sup>. Again, the workshops were open to a broader public. Everyone interested could have attended it. There was a simple form to fill in to register, however, the Office of the Plenipotentiary allowed access to those who just turned up on the day. The workshops, most probably also due to the availability of the information, were successful and attracted a considerable number of participants. Altogether 93 public servants, CSO representatives, researchers and citizens attended the events<sup>25</sup>. The most populous event was in Bratislava with 51 attendees, then 25 participants attended the workshop in Košice and 17 in Banská Bystrica. Information on further break-down of participants in terms of CSO representatives/public

servants division is not available. Participants were presented with the first draft of the action plan that had come out from the working group meetings. Suggestions from the workshop participants on how to improve this first draft were meticulously recorded. Once the workshops took place, information about their program, and course and gathered feedback was made available on the Plenipotentiary's official website in the form of a report<sup>26</sup>. From the report, it was clear that some of the input from the workshop participants was used to inform the second draft of the action plan.

Attendees of regional workshops in Banská Bystrica and Košice were not aware of Slovak participation in OGP and requested more awareness-raising campaign and activities. Similarly, there was a low awareness of the concept of open data. The attendees also mentioned the importance of open government for local governance. However, although the Office of the Plenipotentiary cannot oblige municipalities to work on open government agenda, it has formulated some recommendations for them. One of the main problems identified was a negative experience with accessing government information. Workshop participants welcomed the existence of open data portal but also mentioned that some sanction mechanism should be in place to achieve good results. Their feedback was reflected in the final action plan in the form of a commitment 10 to analyze the publication of datasets of central government bodies at Data.gov.sk.

Overall, the feedback from these regional workshops has been reflected in the second draft of the action plan<sup>27</sup>. By and large, the feedback was welcome and once received, it was also considered. For example, changes from the public, contributing to the two commitments in the field of Open Justice, have been well documented on the website of the Office of the Plenipotentiary<sup>28</sup>. In particular, commitments 60 and 61 to analyze disciplinary and selection procedures for prosecutors have been added only as a result of the consultations. That said, some of the commitments were also abandoned. The detailed comparison of drafts and the final version of the action plan is available on the Plenipotentiary website<sup>29</sup>.

The consultation process was very open, transparent and inclusive. The draft action plans were published on the website of the Office of the Plenipotentiary who informed extensively about all planned activities. For instance, the Office of the Plenipotentiary informed when the action plan went to the intra-agency public comment period in June 2016<sup>30</sup> as well when it was submitted for the inter-agency public comment period in September 2016<sup>31</sup>. The Office of the Plenipotentiary also regularly organizes Open Government Week as one of its flagship awareness-raising activity<sup>32</sup>, which interviewed CSO representatives appreciated<sup>33</sup>.

While the process of consultation was open and transparent, limited capacities of CSOs that were also mentioned in the previous IRM report, remain a problem. Workshops participants stated that some CSOs are unable to fulfil their primary roles due to a lack of resources. A requirement for capacity building among CSOs will be discussed in more detail in Section IV. Commitments, in particular in the sub-sections 12 and 13 on commitments on participatory policy-making. Several CSO representatives mentioned a lack of resources as the main reason for preventing greater engagement in working groups. Also, the pool of CSOs available to be consulted varies for different OGP themes. CSO representatives, as well as the Office of the Plenipotentiary, stated that while there are many established anti-corruption CSOs, few CSOs focus on open education and open access<sup>34</sup>. The IRM researcher also identified a room for improvement in engaging representatives from the private sector and academia.

### **Co-creation and participation recommendations throughout development**

Slovakia showed evidence of achievement and strong performance in areas of MSF communication and outreach during action plan development. For instance, the Office of the Plenipotentiary has informed the public on the action plan development and implementation regularly on its website, and social networking sites. The Office of the Plenipotentiary has also used modern collaboration tools to track the progress of individual commitments, such as Trello, which has been regularly updated<sup>35</sup>. Since August 2018 the Office of the Plenipotentiary has also regularly published a newsletter which is circulated to all public servants in charge of OGP commitments, CSO representatives and anyone interested in OGP topics<sup>36</sup>.

Some areas where Slovakia can improve are mostly an absence of a single MSF that would comprise both public servants and CSO representatives. The Office of the Plenipotentiary is open to everyone and transparent about the processes. Different thematically oriented working groups have been established to inform action plans. By and large, there are no restrictions to participation in the OGP processes in Slovakia. However, at the moment mostly CSO representatives represent and attend thematically oriented working groups. Public servants have a separate, specialized forum—the OGP working group, which is an interagency coordination mechanism comprising only public servants. To facilitate a better dialogue between public officials and civil society representatives, the Office of the Plenipotentiary may consider establishing a single formalized MSF that will be represented and co-chaired by both the government and CSO representatives. Once set, its mandate should be clear, information on the forum’s remit, membership and governance structure should be made available on the Plenipotentiary’s official website. Last but not least, as indicated above, although legally the action plans have high-level political support, senior government representatives are not engaged in the development and implementation of OGP commitments on day to day basis.

The following actions should be taken to improve performance in these areas:

- Formalize the operation of different forums and platforms that exist, with adequate resources and funding, on how to develop action plans and track the progress of implementation (including independent funding for CSOs to track progress).
- Once formalized, publish information on forums’ remit, membership and governance structure.
- Engage senior government representatives in the forum. Although their capacity to attend meetings is limited due to the seniority of their position, they could participate, at the minimum, in an initial meeting where new commitments will be co-created. If they are unable to attend, the commitment from individual ministries could be sought in the form of a written summary of concrete steps that will be taken to implement commitments successfully.
- Set formal criteria for safeguarding a balance of governmental and non-governmental representatives in the MSF, including agreement on a joint co-ordination committee or the introduction of co-chairs (one from government, one from civil society).

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<sup>1</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VWs>

<sup>2</sup> The Government of the Slovak Republic, “Government resolution no. 104/2017” (1 March 2017), <https://rokovania.gov.sk/RVL/Resolution/16300/1> (in Slovak).

<sup>3</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>4</sup> Interview with Lucia Lacika (The Office of the Plenipotentiary), 30 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>5</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VWs>

<sup>6</sup> The Office of the Plenipotentiary, “Open Government Partnership Action Plan of the Slovak Republic 2017 - 2019”, <http://bit.ly/2QYIIHV>

<sup>7</sup> Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

<sup>8</sup> “IAP2’s Public Participation Spectrum,” IAP2, 2014,

[http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations\\_course/IAP2\\_P2\\_Spectrum\\_FINAL.pdf](http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf)

<sup>9</sup> The Office of the Plenipotentiary, “Uskutočnili sa prvé pracovné stretnutia k hodnoteniu a tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie”, <http://bit.ly/2BDYPQq> (The first meetings to assess the OGP action plan and create a new one took place), (information on the website in Slovak).

<sup>10</sup> Members of open education and open access working groups are Zuzana Adamová, Ján Gondol’, Martin Šechný and Michal Matúšov. The list is not available online, but the Office of the Plenipotentiary happily provided the information.

<sup>11</sup> Marcel Zajac and Ladislav Križan attended the meetings of participatory policy making working group.

<sup>12</sup> A working group on judiciary and prosecutors is mostly represented by Via Iuris, Transparency International Slovakia, Fair Play Alliance and Stop Corruption Foundation.

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- <sup>13</sup> For illustration: The Office of the Plenipotentiary, “Zápisnica z 3.10.2017” (Meeting minutes from 3 October 2017), <http://bit.ly/2r7ROBC> (in Slovak) and The Office of the Plenipotentiary, “Zápisnica z 27.4.2018 (Meeting minutes from 27 April 2018), <http://bit.ly/2P3EIPn> (in Slovak).
- <sup>14</sup> Slovensko.digital platform, “ÚPVII Pracovná skupina K9.4 Lepšie data” (Working group K9.4 Better data), <http://bit.ly/2P4Q5XB> (in Slovak).
- <sup>15</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VVs>
- <sup>16</sup> Interview with Samuel Spáč (Masaryk University and Comenius University, previously TI Slovakia), 23 June 2016. Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.
- <sup>17</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.
- <sup>18</sup> Interview with a ministry representative 3 who wished to remain anonymous, 6 November 2018, See Section ‘VI. Methodology and sources for details.
- <sup>19</sup> Ibid.
- <sup>20</sup> The official website of the Office of the Plenipotentiary, <https://www.minv.sk/?ros> (in Slovak).
- <sup>21</sup> The official Facebook page for the Slovak OGP, <http://bit.ly/2B5lrHw> (in Slovak).
- <sup>22</sup> The official YouTube channel of the Office of the Plenipotentiary, <http://bit.ly/2BangeA>
- <sup>23</sup> Trello profile of the Office of the Plenipotentiary, <http://bit.ly/2Q2RlZL> (in Slovak).
- <sup>24</sup> The Office of the Plenipotentiary, “ÚSV ROS Vás pozýva na regionálne workshopy k tvorbe Akčného plánu OGP 2016 – 2019” (The Office of the Plenipotentiary invites you for the regional workshops related to the creation of OGP action plan 2016 -2019), <http://bit.ly/2DYTHsX> and <http://bit.ly/2DOC5yVv> (in Slovak).
- <sup>25</sup> The Office of the Plenipotentiary, “Správa z regionálnych workshopov k tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 – 2019” (Report from regional workshops on the development of the OGP Action plan 2016-2019), <http://bit.ly/2DOucd6> (information on the website in Slovak).
- <sup>26</sup> The Office of the Plenipotentiary, “Správa z regionálnych workshopov k tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 – 2019” (Report from regional workshops on the development of the OGP Action plan 2016-2019), <http://bit.ly/2zslNsy> (report in Slovak).
- <sup>27</sup> The Office of the Plenipotentiary, “Finálny návrh Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 - 2019 zverejnený” (The final proposal of the OGP Action Plan 2016 - 2019), <http://bit.ly/2reMgFL> (in Slovak).
- <sup>28</sup> The Office of the Plenipotentiary, “Otvorená justícia doplnená o nové podnety” (New commitments added to the Open justice section), <http://bit.ly/2KMaCzD> (in Slovak)
- <sup>29</sup> The Office of the Plenipotentiary, “Finálny návrh Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 - 2019 zverejnený” (Final proposal of the OGP Action plan 2016 – 2019 has been published), <http://bit.ly/2reMgFL> (in Slovak)
- <sup>30</sup> The Office of the Plenipotentiary, “Akčný plán Iniciatívy pre otvorené vládnutie na roky 2016 – 2019 predložený do vnútrorezortného pripomienkového konania” (OGP Action Plan 2016 – 2018 has been submitted for the intra-agency public comment period), <http://bit.ly/2ABtxlR> (in Slovak)
- <sup>31</sup> The Office of the Plenipotentiary, “Akčný plán Iniciatívy pre otvorené vládnutie na roky 2016 – 2019 predložený do medzirezortného pripomienkového konania” (OGP Action Plan 2016 – 2018 has been submitted for the inter-agency public comment period), <http://bit.ly/2Q347I9> (in Slovak)
- <sup>32</sup> The Office of the Plenipotentiary, “Ďakujeme Vám za Vašu účasť na workshope Open Government Week” (Thank you for your participation in the workshop OGP week), <http://bit.ly/2zA7AtN> (in Slovak).
- <sup>33</sup> The interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. See Section ‘VI. Methodology and sources for details.
- <sup>34</sup> Interview with Lucia Lacika (The Office of the Plenipotentiary), 25 September and 9 October 2018, See Section ‘VI. Methodology and sources for details.
- <sup>35</sup> Trello profile of the Office of the Plenipotentiary, <http://bit.ly/2Q2RlZL> (in Slovak).
- <sup>36</sup> Newsletter of the Office of the Plenipotentiary about Open Government Partnership, <http://bit.ly/2PduA6V> (in Slovak).



## IV. Commitments

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

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.<sup>1</sup> The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>2</sup> A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

### What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?



Based on these criteria, Slovakia's action plan contains one potentially starred commitment:

- Commitment 15: Publish demanded publicly available API

### Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

### General Overview of the Commitments

The third national action plan had 68 commitments and similarly as in the previous action plan focused on four key themes: open data, API and software; open education and research; participatory policy-making and open judiciary and prosecutors. As many commitments were thematically related, the IRM researcher and IRM team grouped them into 17 clusters to make the evaluation more intelligible for its readers.

These themes are:

- Open data: analysis, law and training
- Update, publish and promote datasets
- Next steps for open data
- Open API
- Open source software
- EU Funds and Subsidies Data Portal
- The Central Register of Contracts
- Repository for open educational resources
- Promote and ensure the use of Creative Commons attribution license
- Open access
- Raise awareness on open educational resources and open access
- Develop and evaluate policies in a participatory manner
- Raise awareness on participatory policy making
- Improve judiciary
- Improve prosecutors
- Raise awareness on whistleblowing
- OGP coordination and next steps

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<sup>1</sup> “Open Government Partnership: Articles of Governance,” OGP, June 2012 (Updated March 2014 and April 2015), [https://www.opengovpartnership.org/sites/default/files/attachments/OGP\\_Articles-Gov\\_Apr-21-2015.pdf](https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf)

<sup>2</sup> “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

## 1. Open data: Analysis, law and training

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 1: “Perform an analysis of the market value and economic potential of open data in Slovakia, including analysis of saving public funds”.

Commitment 2: “Submit a draft law on data to the Government”.

Commitment 3: “Conduct training for employees of public administration made responsible by their employer to publish open data on behalf of the public institution”.

Commitment 4: “Adopt guidelines for a standardized publication method and content of published datasets for state administration and local self-government as part of the amendment of the Decree of Ministry of Finance No. 55/2014 Coll. on Standards for Public Administration Information Systems, as amended”.

Commitment 20: “Carry out an initial feasibility study on the introduction of satellite account for NGOs (cost-benefit analysis)”.

Start Date: Not specified

End Date: 31 December 2018

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Analyze the market value and economic potential of open data		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
2. Submit draft law on data		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
3. Train public servants in charge of open data		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
4. Adopt guidelines for a standardized publication method and content of published datasets		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
20. Analyze feasibility of introducing satellite account for CSOs		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

## Context and Objectives

The primary goal of this cluster of commitments is to ensure favorable conditions for further publication of open government data, which has been one of the main priorities in all Slovak national action plans since 2011. The first action plan resulted in the creation of Data.gov.sk, a national open data portal<sup>2</sup>. The following action plans<sup>3</sup>, including the current one for years 2017 – 2019, built on previous efforts to maintain continuity. This ongoing commitment to open data has translated into improved rankings for Slovakia in the international indices, such as Global Open Data Index (GODI) and Open Data Barometer (ODB). As for GODI, Slovakia moved up from the 50<sup>th</sup> place in 2015 to the 31<sup>st</sup> place in 2016<sup>4</sup>. As for ODB, Slovakia moved up from the 36<sup>th</sup> in 2015 to the 26<sup>th</sup> place in 2016<sup>5</sup>.

The advancements of open data agenda owe mostly to engaged civil society who has thorough expertise in the area, shares it with public administration and pushes the agenda (bottom-up). In particular, Slovensko.digital, which was launched in November 2015, has established itself as a respected leader in open data and e-government more broadly. Public servants actively cooperate with Slovensko.digital and consult them, as well as other experts<sup>6</sup>. Slovensko.digital was also involved in the development of open data commitments and helped to shape their final wording substantially.

Another important factor was the creation of the Office of the Deputy Prime Minister for Investments and Informatization in June 2016<sup>7</sup>. In the previous IRM report<sup>8</sup> different stakeholders raised the fragmentation of competencies for open data as an issue and obstacle to greater progress in the field. Therefore, this change has been welcomed and perceived as a useful next step to speed up the progress in the area by both public servants<sup>9</sup> and CSO representatives<sup>10</sup>. However, the establishment of the Office of the Deputy Prime Minister for Investments and Informatization has not addressed the problem entirely, as the National Agency for Network and Electronic Services (NASES), which is an autonomous entity, still oversaw the technical implementation of open data and ran Data.gov.sk as well as Slovensko.sk, a national e-government portal. Prime minister Peter Pellegrini, the former Deputy Prime Minister for Investments and Informatization, also perceived his limited competencies as a problem and suggested that NASES should become a part of his office<sup>11</sup>. As of 1 January 2019, this will happen in line with the amended legislation, and the Office of the Deputy Prime Minister for Investments and Informatization will be responsible for technical implementation too<sup>12</sup>. Several interviewees mentioned while establishing the Office of the Deputy Prime Minister for Investments and Informatization is a positive step, frequent changes on all organizational levels at the Office have slowed down processes and collaboration within working groups.

All above commitments contribute to a more demand-driven open data publication and ensure that it is standardized across different sectors. However, their potential impact varies greatly.

Commitment 1, to analyze the market value and economic potential of open data, as worded in the action plan, has a minor impact in terms of open government. Nonetheless, the analysis might point to potentially substantial savings of public resources resulting from open data publication. The indication of overall and sector-specific savings might motivate the ministers and public servants to publish more open data, which could then, in turn, lead to actual savings and have a considerable economic impact overall. Individually, most of the other commitments have also minor impact only. The law on data (commitment 2) and guidelines (commitment 4) have the potential to standardize open data publication practices, and several interviewees argued that if the draft is well crafted, and subsequently adopted and enforced, it could be an important game changer<sup>13</sup>. However, the impact is fully reliant on data publication. Even if the law and guidelines are excellent, they will only apply to data

that would be made available. If public agencies open key datasets, only then will the impact be substantial. Interviewees have also agreed that the outreach and training of public servants are crucial. A ministry representative stated that while the meeting minutes may represent a dataset for administrative staff, IT staff does not consider such file a dataset. He is convinced that a more united approach is needed, and both training for public servants (commitment 3) and the law on data (commitment 2) and guidelines (commitment 4), would contribute to open data publication of better quality as they would bring more clarity and conformity<sup>14</sup>. CSO representatives agreed that the analysis of the feasibility of introducing satellite account for CSOs is useful as many will benefit from having the data on CSOs available on a single platform. The satellite account should ideally include the following information about CSOs: a legal form of organization, its seat, prevalent focus in terms of topics, target groups, geographical coverage, years of existence, personal capacities, and economic indicators, e.g. revenues and expenditures, and total assets<sup>15</sup>. The benefits of such information are manifold. For instance, public servants need coherent information on who the key stakeholders are in different areas to include them in relevant policy-making processes<sup>16</sup>. It may also provide the government with valuable insights about the geographical representation of CSOs by the topics they cover and identify gaps.

Nonetheless, alongside the satellite account for CSOs, which will be operated by the Statistical Office, other two registers of CSOs will be created (one managed by the Ministry of Interior and another one by the Office of the Deputy Prime Minister for Investments and Informatization)<sup>17</sup>. It was not clear to the IRM researcher how distinctively different they are and whether they do not create duplicities. All commitments in this cluster are specific enough to be verified once the implementation cycle is over. Similarly, all have the potential to increase access to government information to a different extent.

## Next steps

Based on the available information on the current progress of the commitments and interviews with key stakeholders the IRM researcher recommends the following:

- **Consider different ways to get buy-in from public servants**  
The IRM researcher recommends building on the analysis, which has already been completed but does not provide with any information on potential savings. Therefore, the analysis should be complemented with the detailed calculations of potential savings of public resources in different sectors of the Slovak economy. Once these savings are identified, a campaign targeted at specific government agencies, ministries and local authorities, as well as the private sector might be launched to support further open data publication and use. Alternatively, other ways to get buy-in from public servants might be considered, e.g. by demonstrating how open data can translate into a decrease in their administrative burden.
- **Develop the Law on Data in an inclusive and participatory manner**  
Many interviewees have emphasized the importance of the draft law on data<sup>18</sup>. However, they also stated that the Office of the Deputy Minister for Investments and Informatization delays implementation of this commitment mostly due to the frequent changes in personnel<sup>19</sup>. They agreed that it is crucial that the Office of the Deputy Prime Minister resumes the operation of working groups, in particular, the group “Better data”. CSO representatives in open data but also in other OGP areas have emphasized the importance of developing the legislation in a participative manner<sup>20</sup>. There has been an engaged IT community in Slovakia, which must be a part of discussions. There has also been a wide agreement that the law should also be harmonized with Freedom of Information Act<sup>21</sup>.

- **Widen the scope of the training for public servants, including the application of FOIA**

CSO representatives also agreed that training for civil servants might be a useful commitment but emphasized that it needs to be approached more broadly. Access to information is not about pro-active open data publication only but also about responding to FOI requests. A public authority that promotes the publication of datasets but withholds information from requesters where there is no legal ground for that cannot be considered transparent. For instance, the National Agency for Network and Electronic Services (NASES) which is one of the leading agencies in open data is a negative example of thereof, as it has a record of refusing FOI requests which have inquired about the use of public funds<sup>22</sup>. The training should be made available to civil servants on both state administration and local self-government level, as they are equally FOIA compliant.

- **Continue developing the guidelines for data publication**

Similarly, stakeholders agreed that common guidelines for data publication are crucial. Therefore, the implementation of commitment 4 requires only need to be continued. In the light of remarks of one ministry representative about some datasets that are published on Data.gov.sk for non-commercial use only, which is a violation of open data conditions, this commitment proves to be useful<sup>23</sup>.

- **Avoid duplicities in developing the satellite account for CSOs**

In general, conducting a feasibility study prior to implementation of any project is a useful practice. Thus, analyzing the feasibility of introducing a satellite account for CSOs is important<sup>24</sup>. While the satellite account for CSOs has been perceived positively as such, two other registers of CSOs are being developed by different public agencies at the same time. It remains unclear to what extent they will overlap and create duplicities and why a more united approach has not been taken in the first place. Having a register of CSOs is vital for a variety of reasons. As one CSO representative stated, once a registry is launched if a ministry develops policy in a participatory manner, it will have a list of all relevant organizations and formalized initiatives which should be invited to participate<sup>25</sup>. More generally, it will provide with the data about the sector and allow for more thorough analysis about challenges that CSOs face. Nonetheless, as with any data, critical engagement is important to make meaningful use of it. All in all, the stakeholders and IRM researchers recommend continuing making use of the analysis for the better design of the account. That said, it should also be explored how the account and two other registers can be merged to avoid duplicities.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic”, <http://bit.ly/2DKiGPZ>

<sup>3</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>4</sup> Open Knowledge International, “Global Open Data Index”, <https://index.okfn.org/place/>. Note: The Global Open Data Index in 2016 needs to be taken with cautiousness, as its methodology has changed significantly from year 2015 to 2016. Newer data is not available globally, since Open Knowledge International stopped producing GODI.

<sup>5</sup> World Wide Web Foundation, “Open Data Barometer”, <http://bit.ly/2Pse2Np>. Note: Newer data for Slovakia is not available since Open Data Barometer picked only a handful of countries to assess in 2017.

<sup>6</sup> Interview with Lukáš Jankovič (Ministry of Transport and Construction), 6 November 2018. Interview with a representative of a central government agency who wished to remain anonymous, 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>7</sup> The Slovak Spectator, “Deputy PM’s office gets new powers”, <http://bit.ly/2auvvSg>.

<sup>8</sup> Mária Žuffová, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VWs>

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<sup>9</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018. Interview with a ministry representative I who wished to remain anonymous, 6 November 2018. Interview with a representative of a central government agency who wished to remain anonymous, 5 November 2018. See Section 'VI. Methodology and sources for details.

<sup>10</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section 'VI. Methodology and sources for details.

<sup>11</sup> Radio Express, „Slovensko.sk is out of my reach” (an interview at the Radio Express Show with Peter Pellegrini, the former Deputy Prime Minister's Office for Investments and Informatization of the Slovak Republic), <http://bit.ly/2r590bg> (in Slovak).

<sup>12</sup> SLOV-LEX (Legal and information portal), The Ministry of Justice, “The Act no. 575/2001 on the organization and activities of the government and central public administration”, <http://bit.ly/2P2fGjF> (in Slovak) and The National Council of the Slovak Republic, “The amendment of the Act no. 575/2001 on the organization and activities of the government and central public administration”, <http://bit.ly/2RblbNl> (in Slovak).

<sup>13</sup> Interview with a ministry representative I who wished to remain anonymous, 6 November 2018. See Section 'VI. Methodology and sources for details.

<sup>14</sup> Ibid.

<sup>15</sup> The Statistical Office, „Štúdia uskutočniteľnosti zostavenia satelitného účtu za mimovládne neziskové organizácie” (The feasibility study on the introduction of satellite account for NGOs), <http://bit.ly/2NqpSDJ> (In Slovak)

<sup>16</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section 'VI. Methodology and sources for details.

<sup>17</sup> Lucia Lacika (The Office of the Plenipotentiary), E-mail conversation, 30 November 2018, See Section 'VI. Methodology and sources for details.

<sup>18</sup> Interview with a ministry representative I who wished to remain anonymous, 6 November 2018. See Section 'VI. Methodology and sources for details.

<sup>19</sup> Interview with Lucia Lacika (The Office of the Plenipotentiary), 27 September and 9 October 2018, See Section 'VI. Methodology and sources for details.

<sup>20</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. Interview with Karolína Miková (PDCS), 9 November 2018. Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and Informatization of the Slovak Republic as a consultant during the action plan implementation on OGP commitments), See Section 'VI. Methodology and sources for details.

<sup>21</sup> Peter Hanečák on the Platform of Slovensko.Digital, <http://bit.ly/2Scoiq5> (in Slovak)

<sup>22</sup> Martin Turček, “Za Slovensko.sk sa vynárajú jakšíkovci aj firma spájaná s Počiatkom”, (Slovensko.sk is related with “jakšíkovci” and a firm related to Počiatok), *Aktuality.sk*, <http://bit.ly/2SD10df> (In Slovak).

<sup>23</sup> Interview with a ministry representative I who wished to remain anonymous, 6 November 2018. See Section 'VI. Methodology and sources for details.

<sup>24</sup> The Statistical Office, “Štúdia uskutočniteľnosti zostavenia satelitného účtu za mimovládne neziskové organizácie” (Feasibility study on the introduction of satellite account for CSOs), <http://bit.ly/2S37XEw> (in Slovak).

<sup>25</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section 'VI. Methodology and sources for details.

## 2. Update, publish and promote datasets

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 5: “Update and publish at the Open Data Portal the lists of all datasets of the ministries, organizations established by them, as well as other central government bodies, along with the plan of their publication at the Open Data Portal, including frequency of updates”.

Commitment 6: “Publish datasets in accordance with the plan of publication and updating at the Open Data Portal, based on the updated list of datasets in the sphere of influence of ministries and organizations established by them, as well as other central government authorities”.

Commitment 7: “Carry out a public campaign to promote the use of datasets published at the Open Data Portal and to support the development of innovation”.

Commitment 8: “Conduct a survey of public demand for the most requested open data datasets”.

Commitment 9: “Based on the results of the survey of public demand for the most requested datasets, publish the most requested datasets at the Open Data Portal in accordance with applicable legislation”.

Start Date: Not specified

End Date: Ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Update and publish lists of datasets		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
6. Publish datasets		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
7. Promote datasets		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
8. Survey the demand for datasets		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
9. Publish demanded datasets		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

This cluster of commitments (5 - 9) builds on the previous commitments in the field. The commitments to publish datasets in the disposal of agencies and most demanded datasets were also present in the last action plan<sup>2</sup>. The previous IRM report<sup>3</sup> concluded that many of those commitments had limited completion. In particular, the results of different agencies



were uneven. Therefore, it is positive that these commitments were carried forward to the current action plan.

Commitment 5 to update and publish a list of available datasets is a crucial first step, as for agencies to be able to publish the datasets in a systematic way they first need to audit what data they collect or create. By making the list of datasets available, the public will know what data they can demand to be published as open data.

Commitments 6 and 9 to publish datasets also have a potential impact on improving access to government data. However, the extent of it depends on the quality of published data and its relevance for its users. An investigative journalist who previously worked for Transparency International Slovakia (TI Slovakia) mentioned that although there have been several advancements in the publication of open data, some of them are not directly attributable to OGP and still a lot of useful data is not available<sup>4</sup>. For instance, he mentioned open API for the data on EU funds (ITMS+) as a good practice example. He also welcomed that the Agricultural Paying Agency opened some datasets up<sup>5</sup>. Commitments 6 and 9 could have a moderate potential impact if key datasets were published, for instance, cadaster's data or property declarations of public officials among others.

Another CSO representative stated that the data she needs for her research work, for example, data on municipal companies, the number of public servants is unavailable on Data.gov.sk. She assumes this is a result of an unsystematic data collection<sup>6</sup>. Another problem she mentioned is that data is not linked, providing the website [www.majetokstatu.sk](http://www.majetokstatu.sk), which gathers data on real estates owned by the state as an example. The data from the website is not available on Data.gov.sk. She also noted that the search function on Data.gov.sk does not work well, and concluded that all this summed up, she is often left with FOIA as the only resource. In this view, the commitments to continue and improve open data publication are essential.

Commitment 7 to promote datasets could have a moderate potential impact if key datasets are published. Given the criticism of limited opportunities for public engagement with data in the previous report<sup>7</sup>, it is a sensible and useful call to action. Also, several representatives of ministries and other central government agencies, as well as CSO representatives agreed that greater awareness raising about the data<sup>8</sup> and best practice examples are necessary<sup>9</sup>.

Commitment 8 to survey public demand for the datasets is also an on-going commitment, which was featured in the previous action plan<sup>10</sup>. Also, the previous IRM report suggested<sup>11</sup> that surveys should be repeated in regular periods. All interviewees agreed that it is a useful measure, but some had reservations, mainly about the sample size and its representativeness<sup>12</sup>.

## Next steps

While all these commitments are important, and their implementation should be continued, interviewees had several other useful proposals that might advance access to government information and data.

- **Publish Data.gov.sk traffic statistics and analytics to document demand**  
While several representatives of ministries and public agencies found the survey realized by the Office of the Plenipotentiary useful, they agreed that in addition to that, the National Agency for Network and Electronic Services (NASES) should provide them with Data.gov.sk traffic statistics and analytics on a regular basis. They were particularly interested in a number of visitors for the datasets they publish<sup>13</sup>. Free services, such as Google Analytics might be used for this. A representative of a central government agency argued that knowing the demand “is an absolute prerequisite for data



publication”. He posited that “it is useless to publish data in which nobody is interested”<sup>14</sup>. The provision of Data.gov.sk traffic statistics and analytics should not be a problem, as NASES has also identified this data as a key determinant of implementing the Strategy and action plan for open government data publication and use<sup>15</sup>.

- **Continue efforts in open data publication**

All interviewees agreed that the on-going efforts to publish open data are important. One CSO representative argued that if public agencies publish their information proactively, they will be able to respond to FOI requests more easily and efficiently as they will only have to refer to information that has already been made available<sup>16</sup>. Many argue that although there have been improvements, more key datasets need to be published. An investigative journalist who previously worked for TI Slovakia added that for his reporting he would welcome the publication of property declarations of public officials as defined by law, in particular, those of MPs, and structured notes to financial statements<sup>17</sup>. For instance, cadaster’s data that has been in high demand is still not available as open data. Interviewees also mentioned that the work of “Better data” working group needs to be resumed to advance systematic publication of open data.

- **Resume works on FOIA amendment**

Interviewees mentioned several deficiencies of datasets that are currently available at the national open data portal Data.gov.sk. Although they believe that the efforts in open data publication should be preserved and continued, they would also welcome if OGP in Slovakia would focus more on FOI as a crucial tool for accessing government information. Some interviewees suggested that they have to entirely rely on FOI when the data they need is not available. Therefore, good application of FOIA is needed as much as open data publication. They argued that at the moment FOIA is often interpreted to the detriment of the requester<sup>18</sup>. Several CSOs and investigative journalists have a negative experience in accessing government information<sup>19</sup>. They noted that the FOIA amendment that had been prepared in a participative manner two years ago should be taken forward.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>3</sup> Mária Žuffová, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4Ws>

<sup>4</sup> The National Council of the Slovak Republic, “Zoznam verejných funkcionárov” (The list of public officers), <http://bit.ly/2An0t7y> (in Slovak).

<sup>5</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>6</sup> Interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>7</sup> Mária Žuffová, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4Ws>

<sup>8</sup> Interview with a representative of central government agency who wishes to remain anonymous, 5 November 2018. Interview with a ministry representative I who wishes to remain anonymous, 6 November 2018. Interview with Lukáš Jankovič (Ministry of Transport and Construction), 6 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>9</sup> Transparency International, „Open data to fight corruption. Case study: Slovakia’s health sector”, <http://bit.ly/2r6nlPe>

<sup>10</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>11</sup> Mária Žuffová, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4Ws>

<sup>12</sup> Interview with a ministry representative I who wishes to remain anonymous, 6 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>13</sup> Interview with a representative of central government agency who wishes to remain anonymous, 5 November 2018. Interview with a ministry representative I who wishes to remain anonymous, 6 November 2018. Interview

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with Lukáš Jankovič, (Ministry of Transport and Construction), 6 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>14</sup> Interview with a representative of central government agency who wishes to remain anonymous, 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>15</sup> National Agency for Network and Electronic Services, “Otvorené údaje vo verejnej správe: Školenie pre zamestnancov verejnej správy, ktorých zamestnávateľ poveril zverejňovať otvorené data” (Open data in public administration: Training for public servants who are responsible for open data publication), <http://bit.ly/2DVgea3> (Presentation in Slovak delivered on 15 December 2017).

<sup>16</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>17</sup> The National Council of the Slovak Republic, “Zoznam verejných funkcionárov” (The list of public officers), <http://bit.ly/2An0t7y> (in Slovak).

<sup>18</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. Interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>19</sup> Transparency International Slovakia, “Prečo nemáme právo vidieť, ako so štátnym letiskom podniká Ryanair?” (Why we do not have a right to know how Ryanair does business with the state airport?), <http://bit.ly/2Qjiw8K> (in Slovak).

### 3. Next steps for open data

#### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 10: “Conduct an analysis of publication of datasets of central government bodies at the Open Data Portal and submit it to the meeting of the Government Council for NGOs”.

Commitment 11: “Develop a strategy and action plan of publication and use of open data of public administration and submit it to the Government”.

Start Date: Not specified

End Date: 31 May 2017 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Analyze open data publication at Data.gov.sk		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
11. Develop a strategy for open data publication		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

#### Context and Objectives

The previous IRM report, as well as stakeholders’ views solicited for this report, concluded that the publication of open government data at Data.gov.sk is problematic at the moment<sup>2</sup>. The persisting problems are, among others, a lack of key datasets on the national portal Data.gov.sk, low quality of the data, licensing inconsistency, and limited engagement. Therefore, the commitment 10 to analyze open data publication at Data.gov.sk is a useful commitment that might inform individual agencies about their progress compared to others and encourage them to address existing problems.

Commitment 11 to develop a Strategy and action plan for open government data publication and use is a commitment that has been taken forward from the previous action plan<sup>3</sup>. CSO representatives acknowledged the importance and potential impact of the strategy. The Strategy was developed first in 2015 by the National Agency for Network and Electronic Services (NASES), consulted with relevant stakeholders and then submitted for the official public comment period on 31 May 2016<sup>4</sup>. However, this version has not been taken forward. NASES re-submitted a new version of the strategy for abridged<sup>5</sup> public comment period<sup>6</sup> a year later on 12 May 2017. Many relevant stakeholders expressed concerns about the abridged length of the public comment period<sup>7</sup>. NASES argued there was no need for a regular public comment period as the strategy was previously consulted.

Slovensko.Digital, a key CSO in the field, submitted several substantial comments during the public comment period<sup>8</sup>. They argued that differences between two versions are fundamental, and the public did not get a chance to familiarize itself with the draft strategy

not only due to the abridged length of public comment period but also due to the unwillingness of NASES to share any details of prepared changes to the document<sup>9</sup>. Although NASES was a member of a working group “Better data”, it did not consult other members about the strategy. Another interviewee who at that time worked for the Office of the Deputy Prime Minister for Investments and Informatization echoed these concerns and reservations<sup>10</sup>. Another substantial comment pointed out to the potential conflicts with the section on open data in another strategic document<sup>11</sup> and criticized proposal for redistribution of financial resources for achieving goals set in the strategy as arbitrarily set and unsubstantiated<sup>12</sup>. Despite a number of comments received during the public comment period, the government approved the Strategy and action plan for open government data publication and use on 24 July 2017<sup>13</sup>.

## Next steps

As mentioned, commitment 10 to analyze the publication of open government data at Data.gov.sk might provide a useful comparative overview of the performance of public agencies. Nonetheless, for the analysis to have an impact, the consequences for agencies that are lagging must be attached to the findings and operational recommendations should ensue concerning enhancements of the interoperability of datasets. Otherwise, the analysis will serve informational purposes only, but will not have any substantial impact and will not yield better results in open government data publication.

While not much can be done about the Strategy and action plan for open government data publication and use, which has already been approved, future strategic documents and legislation should be developed in a participatory manner with all relevant stakeholders at the table. If the strategy is going to be updated or amended in the future, it could also specify concrete steps how a lack of awareness will be addressed, or how local government will be bounded to open its datasets.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> Mária Žuffová, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4Ws>. Interview with Martin Turček (Aktuality.sk), 15 October 2018. Interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>3</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>4</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), The Ministry of Justice, <https://bit.ly/2asdOyB> (in Slovak).

<sup>5</sup> The standard length of official public comment period is 15 days. The abridged length of official public comment period is 7 days.

<sup>6</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), The Ministry of Justice, <http://bit.ly/2zou3dp> (in Slovak).

<sup>7</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant during the action plan implementation on OGP commitments), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>8</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), The Ministry of Justice, <http://bit.ly/2zou3dp> (in Slovak).

<sup>9</sup> Ibid.

<sup>10</sup> Slovensko.Digital Platform, “OpenData strategy – Consultations (again)”, <http://bit.ly/2Sgya2f> (in Slovak). Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant during the action plan implementation on OGP commitments), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>11</sup> The Government of the Slovak Republic, “Government resolution no. 437/2016 on the National Concept of the Informatization of Public Administration” (28 September 2016), <http://bit.ly/2DSFDBr> (in Slovak).

<sup>12</sup> Official Public Comment Period, SLOV-LEX (Legal and information portal), The Ministry of Justice, <http://bit.ly/2zou3dp> (in Slovak).

<sup>13</sup> The Government of the Slovak Republic, “Government resolution no. 346/2017 on the Strategy and action plan for open government data publication and use” (27 July 2017), <http://bit.ly/2AieGTi> (in Slovak).

## 4. Open API

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 12: “Develop standards for publicly available application programming interfaces and submit them to the Commission for the Standardization of Information Systems in Public Administration.”

Commitment 13: “Ensure the publication of open data and publicly available Application Programming Interfaces in projects financed by the Operational Program Integrated Infrastructure and other public sources.”

Commitment 14: “Conduct a survey of public demand for the most requested publicly available Application Programming Interfaces.”

Commitment 15: “Based on the results of the survey of public demand for most requested publicly available Application Programming Interfaces, make available the most requested Application Programming Interfaces in compliance with current legislation and existing technical conditions, along with the license (conditions) for their use.”

Start Date: Not specified

End Date: 31 December 2017 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. Develop standards for publicly available API		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
13. Publish open data and API in publicly financed projects		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
14. Survey the demand for publicly available API		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
15. Publish demanded publicly available API		✓	✓			✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

Commitments 12 - 15 on publicly available application programming interfaces (open APIs) are new. They were not included in the previous action plans but follow the current trends in the EU<sup>2</sup> and elsewhere<sup>3</sup>. Opening APIs to core government IT systems have been advocated as a way to achieve successful public-private cooperation from which citizens will largely benefit<sup>4</sup>. In simple terms, an API allows a piece of software to interact with another

piece of software. The potential use of APIs is wide in both e-government and open government, for instance, as a complementary element to open government data. API has its pros and cons compared to open data. As for strengths, API is preferable to open data if data is big or if it frequently changes, as open data users will have to download updated files frequently. However, while open data is accessible to a broader audience, as it assumes an ability to work with spreadsheets only, API requires sophisticated programming skills. Also, for agencies, it also is more technologically demanding to host and maintain API than open data<sup>5</sup>.

As indicated in the previous sections on open data, the civil society community focused on the IT sector has been growing in the past three years and therefore, these highly specialized commitments have their audience. Slovensko.digital, a CSO leading the field has been pushing the topic of open API individually, alongside the OGP. Using APIs from the national e-government portal, it has created GovBox application<sup>6</sup>. In October 2018 they launched a call to selected public agencies to open their IT systems and publish APIs<sup>7</sup>. They identified that the Financial Administration, State Social Insurance Company, Statistical Office, and state and private health insurance companies represent agencies with whom entrepreneurs and citizens interact most frequently<sup>8</sup>. Although Slovensko.Digital representative was not aware of APIs being published as a result of the OGP process, he stated that the government's commitment to release APIs makes their communication with the agencies easier<sup>9</sup>. Therefore, the inclusion of API commitments in OGP action plans is useful.

Overall, given the demand for state open APIs, commitments 12 – 15, which aim for developing standards for open APIs, surveying demand for open APIs, and publishing open APIs, came at the right time and some of them could have a significant impact. The standards for publicly available APIs (commitment 12) are important because they affect the quality of the final services to users. Standards set requirements on APIs, e.g. whether APIs fulfill open access and process principles and adhere to security policies and guidelines etc.

Commitments 13 and 15 could advance open government if more APIs is published that will allow the public to monitor government programs. Since the publication of data resulting from publicly financed projects is still not a common standard in Slovakia, commitment 13 to ensure the publication of data related to all projects funded by the Operational Program Integrated Infrastructure and other public sources, has the potential to change the practice for better and increase access to information.

The potential impact of commitment 15 could be transformative. A similar commitment was also included in the previous action plan and has resulted in publication of datasets of significant value. An investigative journalist stated<sup>10</sup> that some open APIs of good quality have already been published, for instance, the monitoring platform for the use of EU structural funds (ITMS+)<sup>11</sup> and the Register of beneficial ownership run by the Ministry of Justice<sup>12</sup>. However, he mentioned that there is a demand to be met yet and APIs should be opened at a faster pace. All interviewees agreed that opening state APIs (in particular, APIs in high demand) is a key topic of a broad significance, as it will simplify access to public services for citizens<sup>13</sup>. All in all, this might have a transformative impact on the quality of user experience of e-government services, which has been perceived as low. However, this might also have a potential transformative impact on opening government, if, the high value APIs are released: such as cadaster's APIs on land and property ownership, register of self-employed persons or company register APIs, etc.

### Next steps

All interviewees agreed that commitments to open APIs of the state IT systems are important and have a potential to change practice beyond the status quo and improve citizens' experience of accessing basic public services but also increase government transparency (depending on the kind of APIs that will be published)<sup>14</sup>. They also mentioned that so far, the co-operation with public agencies was prevalently positive. The commission

for developing standards for publicly available APIs was led professionally, and interviewees stated that all relevant stakeholders were at the table. Overall, based on their views the IRM researcher recommends that the government continues opening its APIs and collaborates with the CSOs active in the field. As Slovensko.digital concluded, the majority of infrastructure is already in place and ready to be used<sup>15</sup>.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> EU Open Data Portal – API, <http://bit.ly/2zNmZHu>

<sup>3</sup> US Open Data Portal – US Government APIs, <https://www.data.gov/developers/apis>

<sup>4</sup> Gijs Hillenius, “Governments should open APIs to core services”, *JoinUp - Open Source Observatory*, <http://bit.ly/2GaKn7d>

<sup>5</sup> How to open data, “The Basics of Open Data: API versus Bulk Data”, <http://bit.ly/2QJV30Q> and Interview with Ján Suchal, 4 December 2018. See Section ‘VI. Methodology and sources for details.

<sup>6</sup> Slovensko.digital, “GovBox”, <https://ekosystem.slovensko.digital/sluzby/govbox>

<sup>7</sup> Slovensko.digital, “Za otvorené štátne systémy” (For open state systems), <http://bit.ly/2EbyOKC> (in Slovak).

<sup>8</sup> Slovensko.digital, “Kľúčoví hráči na trhu a nezávislí odborníci vyzývajú k otvoreniu štátnych IT systémov” (Key market players and independent experts call for opening state IT systems), <http://bit.ly/2Eaa3I9> (in Slovak).

<sup>9</sup> Interview with Ján Suchal (Slovensko.digital), 5 December 2018. See Section ‘VI. Methodology and sources for details.

<sup>10</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>11</sup> Open data for the monitoring platform for the use of EU structural funds (ITMS+), <https://opendata.itms2014.sk/swagger?url=/v2/swagger.json> (in Slovak).

<sup>12</sup> Open data API for the Register of beneficial ownership, <https://rpvs.gov.sk/OpenData/swagger/ui/index> (in Slovak).

<sup>13</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant during the action plan implementation on OGP commitments), 5 November 2018. Interview with Ján Suchal (Slovensko.digital), 5 December 2018. Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>14</sup> Ibid.

<sup>15</sup> Slovensko.digital, “Kľúčoví hráči na trhu a nezávislí odborníci vyzývajú k otvoreniu štátnych IT systémov” (Key market players and independent experts call for opening state IT systems), <http://bit.ly/2Eaa3I9> (in Slovak).

## 5. Open source software

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 16: “Enable the disclosure of source code and development using open methods for newly developed plug-ins and extensions of web browsers and client applications.”

Commitment 17: “Document the use of selected open source components in custom-made information systems, analyze the possibility of publishing parts of the code and documentation under an open license and publish selected parts of the code.”

Commitment 18: “Publish at the Open Data Portal the list of used open source software stating the purpose of each type of software, license type, as well as software for which a government body has a license for its use, distribution and publishing”

Commitment 19: “In cooperation with experts, carry out a study that will document the possibilities, advantages and disadvantages of using open source software and other licensing models in the state administration.”

Start Date: Not specified

End Date: 31 December 2017 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
16. Disclose source code for newly developed plug-ins and applications		✓	✓			✓			✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
17. Document the OS components use in custom-made PAISs		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
18. Publish the list of used OSS		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
19. Analyze pros and cons of using OSS in the public sector		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

According to Slovensko.digital, the state spends yearly app. 500 million euro on IT services<sup>2</sup>. Given the ongoing criticism of e-government projects<sup>3</sup>, mostly for lack of transparency and competitiveness in the procurement processes, the commitments signaling that the government will explore more its opportunities to use open source software (OSS) is



positive. Slovensko.digital has continuously emphasized that IT bids should be divided into smaller parts to avoid vendor-lock-in (a situation when a customer, e.g. a state agency, cannot easily transition to a competition)<sup>4</sup>. It also promoted the use of OSS, as some of these problems could be mitigated by using it instead of proprietary or 'closed source' software. In particular, OSS could bring more transparency and lower implementation and running costs. An investigative journalist interviewed for this report who writes about overpriced IT projects<sup>5</sup> is convinced that OSS could eliminate the extent of overpriced contracts in the IT sector as it will not allow the agencies to sign an exclusive license, and maintenance and support agreements with suppliers<sup>6</sup>.

The design of OSS is publicly accessible and thus, allows anyone to inspect, modify and improve the software. This public element is the greatest advantage of OSS<sup>7</sup> and embodies OGP values. It encourages transparent processes, and collaborative participation and enables public control of the software. One of the interviewees for this report and the author of the analysis on the possibilities, advantages and disadvantages of using OSS in the public administration, argued that governments worldwide have embedded OSS because they want to increase the security of their systems, which is in contrast with the biggest myth about OSS, i.e. it is not secure enough<sup>8</sup>. For instance, the UK<sup>9</sup> and the US<sup>10</sup> are one of the frontrunners in using OSS in the government.

The topic of OSS in Slovakia is not new although it has appeared in OGP action plan for the first time only now. For instance, the Ministry of Finance had published in 2009 the Methodical guidelines for the procurement of software products in public administration<sup>11</sup>, mentioning the need to explore the possibility of obtaining OSS.<sup>12</sup> Although the Strategy on the use of software products in public administration was approved by the government in 2009<sup>13</sup>, the practice often did not follow recommendations set in the strategy. Therefore, commitments 16 – 18 to document and publish the use of open source components in custom-made public administration information systems are important. They help to trigger the discussion about OSS in public administration, explore who uses it and last but not least to send a signal to IT companies that this will be a trending topic<sup>14</sup>. One interviewee argued that big IT companies – state suppliers – often profit the most from the current status quo with limited use of OSS and exclusive license and maintenance agreements. All interviewed stakeholders agreed that in this situation commitment 16, to disclose source code for newly developed plug-ins and applications, could have a substantial potential impact, nonetheless only for new projects where vendor-lock-in does not already exist.

In order to achieve success, it is important to get buy-in from public servants. Therefore, commitment 19 to analyze pros and cons of using OSS in public administration is useful and could have a potential impact if it provides convincing arguments and reaches a critical audience of public servants who are in a position to decide what software solutions will be chosen.

### Next steps

The consultations with experts confirmed that the current commitments on OSS represent an important first step to advance the use of OSS in public administration. Therefore, the IRM researcher recommends taking this topic forward to the next action plan. There have already been some good practice examples of the use of OSS in public administration on which other public agencies can build<sup>15</sup>. While there is not much that can be done retroactively in relation to the overpriced proprietary IT projects, as it is unlikely that suppliers will be willing to give up their rights arising from past contracts. Nonetheless, the practice can be changed for future projects. However, that would require a holistic approach across different sectors. It would also require the amendment of laws and regulations governing public procurement. For instance, another OGP area – open education includes a commitment to create a repository for open educational resources. If public agencies had a broader approach, then they would have considered using OSS for the repository. As one interviewee stated, instead they went for proprietary software without

exploring possibilities. As a result, it is impossible to assess the ‘value for money’ the public would get from this repository, because “everything is hidden from public sight”. Moreover, he stressed that the ministry will most probably never be able to change the supplier<sup>16</sup>. OSS commitments, as well as OGP commitments more broadly, should not be implemented isolated.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2OYIIHV>

<sup>2</sup> Slovensko.digital, “Tlačová správa: Rašiho úrad neplní vlastné sľuby. Neprajú si to dodávatelia štátnych systémov” (Press release: Raši’s office does not fulfil its promises because suppliers of state IT systems do not wish so), <http://bit.ly/2TDFAOx> (in Slovak)

<sup>3</sup> The Office of the President of the Slovak Republic, “Kiska: Minuli sme 900 miliónov a občania sú stále poštármi” (We have spent 900 millions and citizens are still postmen), <https://bit.ly/2akD4tu> (speech at the ITAPA 2015 conference in Slovak); Ján Hrgaš, “Niečo špeciálne na záver” (Something special at the end), <http://bit.ly/2AjRwMt> (closing speech at the ITAPA 2018 conference in Slovak).

<sup>4</sup> Slovensko.digital, “Tlačová správa: Slovensko.Digital bude nákupy štátnych IT systémov hodnotiť trinástimi kritériami.” (Slovakia.Digital will evaluate the purchases of state IT systems with thirteen criteria), <http://bit.ly/2QpcDal> (in Slovak).

<sup>5</sup> Martin Turček, “Ľudia blízki Kažimírovi zarobili milióny. Na zákazke od jeho ministerstva” (People close to Kažimír earned millions on the order from his ministry), *Aktuality.sk*, <http://bit.ly/2rGwK5A> (in Slovak); Martin Turček, “Štát plánuje dať ďalšie 4 milióny eur na projekt, ktorý takmer nikto nevyužíva” (State plans to inject further four millions to the project that almost nobody uses), *Aktuality.sk*, <http://bit.ly/2QBiutl> (in Slovak); Martin Turček, “Kaliňákova skartovačka: zničili doklady z 277 obstarávaní” (Kaliňák’s shredder: they destroyed documents from 277 public procurement orders), *Aktuality.sk*, <http://bit.ly/2A0T4eZ> (in Slovak); Martin Turček, “Úrady preverujú utajené miliónové zmluvy. Daniari podpísali ďalšie” (Agencies examine secret million contracts. Financial Administration signed others), *Aktuality.sk*, <http://bit.ly/2QBKmI4> (in Slovak); Martin Turček, “Počiatkovi vypadol zo skrine kostlivec. Predražené zmluvy za milión eur” (Počiatek has a skeleton in the closet – overpriced contracts for a million euro), *Aktuality.sk*, <http://bit.ly/2GkXiDK> (in Slovak); Martin Turček, “Prokuratúra preverí predražené IT zákazky za Počiatka” (The prosecutor’s office will investigate overpriced IT tenders approved by Počiatek), *Aktuality.sk*, <http://bit.ly/2Giu2gX> (in Slovak)

<sup>6</sup> Interview with Martin Turček (*Aktuality.sk*), 15 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>7</sup> Opensource.com, “What is open source?”, <https://red.ht/2PHcOJB>

<sup>8</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>9</sup> Crown Commercial Service, “Collabora deal will provide savings on Open Source office software”, <http://bit.ly/2A16O9i>; Government Digital Service, “Be open and use open source”, <http://bit.ly/2GlcHUE>; GDS Technology in Government blog: open source, <http://bit.ly/2LmYjd6>

<sup>10</sup> The White House – President Barack Obama, The People’s Code, <http://bit.ly/2EqFRiG> and [Code.gov](http://code.gov), “Sharing America’s Code Unlock the tremendous potential of the Federal Government’s software”, <https://code.gov/>

<sup>11</sup> The Ministry of Finance, “Príručka k Metodickému usmerneniu pre obstarávanie softvérových produktov vo verejnej správe” (Methodical guidelines for the procurement of software products in public administration), <http://bit.ly/2UPNcxS> (in Slovak)

<sup>12</sup> *ibid.*

<sup>13</sup> The Government of the Slovak Republic, “Government resolution no. 523/2009 on the Strategy on the use of software products in public administration” (15 July 2009), <http://bit.ly/2ChvsEw> (in Slovak).

<sup>14</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>15</sup> The monitoring platform for the use of EU structural funds (ITMS+), <https://www.itms2014.sk/we-love-oss> (in Slovak).

<sup>16</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation), 5 November 2018. See Section ‘VI. Methodology and sources for details.

## 6. EU Funds and Subsidies Data Portal

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 21: “Define the minimum scope and structure of the disclosed data on the use of European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget.”

Commitment 22: “Publish data on the use of funds provided by central government authorities within the European structural and investment funds, the EEA Financial Mechanism, Norwegian Financial Mechanism, the Swiss Financial Mechanism and subsidy schemes from the state budget, at least in the defined structure at the website <https://data.gov.sk/dotacie>.”

Start Date: Not specified

End Date: 31 March 2017 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
21. Define minimal standards for publication on the EU Funds and Subsidies Portal		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
22. Publish data on the EU Funds and Subsidies Portal		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

The EU Funds and Subsidies Portal<sup>2</sup> was launched in 2016 as part of the previous action plan<sup>3</sup>. The aim of the portal was to shed more light on the allocation and use of EU funds and subsidies on a single platform.

The experts interviewed for the last IRM report argued that the portal is of limited use for investigative journalists or anti-corruption activists<sup>4</sup> due to the poor quality and format of published data. Data has been provided in an unsystematic manner and did not allow for any meaningful comparative analysis<sup>5</sup>. The portal is difficult to find without using a search engine or knowing the exact URL. Both civil society representatives and public employees agree that the portal is not usable in its current state. One of the main recommendations from the previous IRM report was to ensure at least a required minimum of data to be published, e.g. identification number, legal form, the address of the subsidy provider and recipient, amount of subsidy, and the purpose of the awarded project.

In this view, commitment 21 to define these minimum standards is a positive step and could have a minor potential impact. Having minimal standards defined and their application made

obligatory would contribute to better quality and usability of published data. According to the investigative data journalist interviewed for this report, if more granular data were added to the EU Funds and Subsidies Portal, such as the names of evaluators, it would be a positive change toward making the portal useful<sup>6</sup>. Once this commitment is well implemented, commitment 22 to publish more data seems a sensible next step. However, awareness of the portal remains low, limiting its usefulness for monitoring EU funds allocated for Slovakia.

### Next steps

Interviewed experts perceive the EU Funds and Subsidies Data Portal as a failure and are not convinced more public resources should be devoted to its further development. The responsible agencies could gather experts and potential users to discuss potential further avenues for the portal.

Interviewed data journalist made a case that investments should be rather channeled to other portals that are widely used, such as the Central Register of Contracts. According to the journalist, a commitment to add contracts of state companies, and contracts and subsidies of municipalities and self-governing regions in the Central Register of Contracts would be more useful.<sup>7</sup> Therefore, publishing the data that is planned to be published on the EU Funds and Subsidies Data Portal could instead be migrated to the Central Register of Contracts in the future.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYllHV>

<sup>2</sup> EU Funds and Subsidies Portal (Modul dotačných schém), <https://data.gov.sk/dotacie> (in Slovak).

<sup>3</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>4</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4Ws>

<sup>5</sup> For instance, while some projects have identification number, other have some sort of serial instead.

<sup>6</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>7</sup> It is important to note here that the Office of the Plenipotentiary does not have competencies over municipalities. Also, this would probably require an amendment of FOIA.

## 7. Central Register of Contracts

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 23: “In a participatory manner, carry out an analysis of compliance with the obligation to publish contracts in the Central register of contracts, prepare a proposal of changes that will clarify the obligation and enable an effective mechanism for compliance verification, and submit these to the government”.

Commitment 24: “Create space for the publication of local self-government (municipality) contracts in a single central repository”.

Start Date: Not specified

End Date: 31 December 2017

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
23. Analyze compliance with the obligation to publish contracts in the Central Register of Contracts		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
24. Enable municipalities to publish contracts in a single central register		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

The Central Register of Contracts<sup>2</sup> was launched in 2011 as one of the most significant anti-corruption measures in the country, which initiated pro-active provision of government information. Since then all contracts that were concluded between the Government Office, ministries and other central government agencies, and certain public institutions and their suppliers have to be made publicly available online. Its publication in the register conditions the validity of the contracts. The register has received high acclaim from the international community<sup>3</sup> and local stakeholders assess it positively. The register has helped uncover several cases of the misuse of public resources<sup>4</sup>. In 2015 Transparency International Slovakia (TI Slovakia) has conducted a study on the register and found out that the number of reported stories on procurement increased in mainstream media by 25% since the mandatory publication of contracts policy was introduced<sup>5</sup>.

The first action plan included measures to improve the register<sup>6</sup>. However, to this day several problems remain. Almost two million contracts have been published in the register,

and there is no agency to monitor the quality of published contracts and compliance with the FOI law more broadly. The information in the contracts is often incomplete, or its important pieces are blacked-out. An investigative journalist interviewed for this report thinks that analyzing compliance with the obligation to publish contracts in the register might be useful. He argues that it is positive that the state aims to conduct the analysis as otherwise, CSOs would need to look for resources to do it. Thus, commitment 23 to analyze compliance with the obligation to publish contracts in the Central Register of Contracts has a moderate potential impact. As written, it can enhance public participation, as analysis is expected to be prepared in a participatory manner. In addition, it has the potential to increase access to information in two ways. First, the analysis will provide information on the current flaws of the register and propose solutions. Second, if followed by actions, i.e. the recommendations will be well implemented, the commitment could eventually improve access to contracts.

Several interviewees also mentioned that it would be useful if municipalities' contracts were added to the register<sup>7</sup>. Therefore, commitment 24 to enable the municipalities to publish contracts in a single central register of contracts is a useful measure. However, unless it stays an option and not an obligation, it will not change the status quo. As written, the commitment states the inclusion of municipalities contracts will be voluntary. Therefore, the impact is coded as minor only.

### Next steps

The IRM researcher recommends carrying this commitment forward to the next action plan. Several interviewees have mentioned the importance of the Central Register of Contracts, and at the same time, they have also emphasized its current limitations. An investigative journalist interviewed for this report mentioned several improvements he would welcome, for example, an option to sign up for alerts where he could specify criteria for contracts in which he is interested<sup>8</sup>. Based on the interviews and available reports, the IRM researcher suggests introducing an obligation for the municipalities to publish the contracts in the Central Register of Contracts. In order for this obligation to be effective, sanctions need to be tied to cases of its breach.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYIIHV>

<sup>2</sup> The Central Register of Contracts, <http://www.crz.gov.sk/> (in Slovak).

<sup>3</sup> Alexander Furnas, "Case Study: Open Contracting in the Slovak Republic", Open Contracting Partnership, <http://bit.ly/2R7tqLY>. Ali Clare, David Sangokoya, Stefaan Verhulst and Andrew Young, "Open contracting and procurement in Slovakia: Establishing Trust in Government Through Open Data", <http://bit.ly/2DZfsZy>

<sup>4</sup> Radka Minarechová, "Non-transparent claims surround hospital", *The Slovak Spectator*, <http://bit.ly/2DGt4lp>; Vladimír Šnidl, "Armáda dostala luxusné SUV, na obrnené vozidlá čaká od revolúcie" (The army received a luxury SUV, but has been waiting for armored vehicles since the 1989 revolution), *Dennik.sk*, <http://bit.ly/2rCPLG9> (in Slovak); Ria Gehrrová, Katarína Kiššová, Júlia Brižeková and Juraj Koník, "Nebudeme komentovať. Nemocnice kupujú kontrastné látky aj so stopercentným predražením" (We will not comment. Hospitals buy contrast substances even with one hundred percent overprice), *Dennik.sk*, <http://bit.ly/2Gkqqul> (in Slovak).

<sup>5</sup> Transparency International Slovakia, "Not in force until published online: What the radical transparency regime of public contracts achieved in Slovakia", <http://bit.ly/2S9ApnN>

<sup>6</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic", <http://bit.ly/2DKiGPZ>

<sup>7</sup> It is important to note here that the Office of the Plenipotentiary does not have competencies over municipalities. Also, this would probably require an amendment of FOIA.

<sup>8</sup> Interview with Martin Turček (Aktuality.sk), 15 October 2018. See Section 'VI. Methodology and sources for details.

## 8. Repositories for open educational and scientific resources

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 25: “Establish and operate a repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic for storage, long-term archiving and access to educational resources.”

Commitment 29: “Encourage translation or dubbing of freely available educational resources into the state language or minority languages (especially videos and short films) appropriate from the perspective of the state educational program.”

Commitment 31: “Submit to the Government the legislative proposals which will introduce specific rules for open publication and the obligation to provide free access of selected publicly funded publications through the repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic.”

Commitment 39: “Establish and operate a repository to provide storage, long-term archiving and access to Slovak scientific and academic publications, research data and gray literature.”

Start Date: Not specified

End Date: 31 December 2018 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
25. Launch repository for open educational resources (OER)		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
29. Encourage translation or dubbing of OER		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
31. Introduce legal rules for OER and OA publication		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
39. Launch repository for academic publications		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

Slovakia was one of the first OGP members to include open education and open access commitments in its previous OGP action plan even though these topics were not mentioned as high priorities in any of the strategic documents<sup>2</sup>. Open education has not been explicitly mentioned in the Government Manifesto for years 2016 to 2020.<sup>3</sup>

Open education and access commitments have been developed and implemented in a complex political environment. Frequent changes in the personnel on all organizational levels

have significantly impacted the operation of the Ministry of Education, deterred continuity and affected the overall results of the sector. Since open education and access had been first drafted in the OGP action plan in 2014, four different ministers led the ministry<sup>4</sup>. At the time of writing this report, the ministry has not yet appointed a public servant in charge of OGP commitments after the previous one left the position<sup>5</sup>. This affects the continuity of efforts in open education<sup>6</sup>. Interviewed stakeholders all agreed that the commitments on open education and access are important and some of them could have a great potential impact and change current practices, they also stressed that other more serious problems of the sector need to be addressed first.

The previous IRM report concluded that an absence of ownership of the topic at the ministry stalled any progress. One of the key recommendations was to assign a specific unit and staff within the ministry to lead the open education and open access agenda<sup>7</sup>. Although the ministry, in particular, the Slovak Center of Scientific and Technical Information has established Open Access Point of Contact<sup>8</sup>, which serves as a guidance office, providing practical information, expertise, and financial assistance in implementing open access in Slovakia, it does not manage open education agenda. As a result, the efforts in open education commitments are not implemented in a coordinated manner. Moreover, another limitation deterring progress in open education is a limited number of CSOs with this specialized focus. As a result, they are unable to create a sizeable pressure on the ministry. As one interviewee mentioned, the initiatives are rare and fragmented<sup>9</sup>.

The commitments in this cluster are related to both open education (commitments 25, 29 and 31) and open access (commitments 38 and 39). Interviewees stated that commitment 25 to launch a repository for open educational resources could potentially have a significant impact if fully implemented<sup>10</sup>. It could contribute to greater openness and increase access to information if it includes an opportunity for teachers to share the resources they create, and ideally encourage students to also contribute to content. In such a case, a repository for educational resources should help to address the low quality and a lack of educational resources which stakeholders raised at different forums, also during the development of the action plan<sup>11</sup>. Interviewees stated that the impact of this new repository for educational resources is contingent upon how it is going to be developed and implemented.

Similarly, commitment 39 to launch a repository for academic publications could have a potentially moderate impact if fully implemented. The commitment managed by the Slovak Center of Scientific and Technical Information, could stretch current academic practices beyond status quo and improve access to research outputs.

Commitment 29 to encourage translation or dubbing of freely available educational resources into Slovak or minority languages could be critical to fill the new repository with educational resources before it is launched to motivate its use. However, it has a minor potential impact as the most important step will be to engage teachers and encourage them to create own educational resources.

Commitment 31 to introduce legal rules for publishing open educational and open access resources can improve the current practices by setting legal obligations. If any entity that received public funding to conduct research or create educational resources will be obliged to make final research outputs or educational materials online free of charge, this might substantially improve teachers' access to new educational resources and both university students and academics to work of their peers. In the long term, this increase in transparency could potentially also improve competition and push for better quality of both educational resources and research outputs. However, one of the interviewees argued that this potential will be fulfilled only if the law is well applied in practice<sup>12</sup>. An interviewee



acknowledged that these measures might help to create open educational resources, but for them to have an impact they need to be well categorized, tagged and managed<sup>13</sup>.

### Next steps

Based on the interviews with stakeholders, the IRM researcher formulates the following recommendations:

- **Ensure ownership of open education topic at the ministry**  
At the time of writing this report, the ministry has not appointed a public servant responsible for OGP commitments related to education. A lack of leadership at the ministry puts open education commitments at risk of being delayed (which has already been a case) or poorly implemented. The IRM researcher recommends that the ministry soon appoints a person who will be overseeing the implementation of open education commitments. In addition, the ministry could also establish and chair a working group, which will comprise teachers and CSO members.
- **Create a more holistic approach to open education topic**  
Interviewees mentioned that while the focus on open educational resources is useful, it will not bring any significant change if openness is not embedded in educational practices. Pupils and students must feel like active participants in the education process. They must be continually encouraged to contribute to the learning process, create their own resources etc.

Secondly, open education commitments do not exist in isolation from other OGP commitments. The Slovak government has committed to encourage civic participation or to use open source software. Although these commitments were not made explicitly in the area of open education, all OGP values should be embedded across commitments and sectors. Open educational policies or open access policies will not achieve expected results if the civil society is excluded.

- **Develop both repositories in a more participatory manner**  
Given the concerns about the closed process of the development of the repository for educational resources, the IRM researcher recommends opening this process up by establishing a broader platform or a working group where teachers primarily but also CSO representatives will be invited. Teachers are potential key users of the repository; thus, it is crucial to engage them from the beginning. They should have an opportunity to test the repository and provide the ministry with their feedback.

Also, the Slovak Center of Scientific and Technical information could consider either engaging the existing working group or create a new one that would participate in the development of the repository for scientific publications.

- **Consider gradual roll-out of the repository for open educational resources**  
While there is an expectation that the ministry will train every teacher, so that s/he uses resources from the repository but also adds her own, one interviewee suggested that rolling-out the repository gradually rather than 'en bloc' could be beneficial. He argued that if the repository is rolled out to five to ten schools initially, it will give the ministry time to improve the repository based on received feedback before a hard roll-out<sup>14</sup>.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYIIHV>

<sup>2</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2015", <http://bit.ly/2RevqCc>

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<sup>3</sup> The Government Office, Government manifesto, <http://bit.ly/2rse9KJ>, (in Slovak).

<sup>4</sup> Peter Pellegrini, current Prime Minister led the Ministry from July to November 2014. Juraj Draxler led the Ministry from 2014 to 2016. Peter Plavčan led the Ministry from 2016 to 2017. The current Minister of Education is Martina Lubyová who has been in the office since September 2017.

<sup>5</sup> Viera Schauerová (Ministry of Education), E-mail conversation, 25 October 2018. See Section 'VI. Methodology and sources for details.

<sup>6</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation. He is also an open education expert), See Section 'VI. Methodology and sources for details.

<sup>7</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4VVs>.

<sup>8</sup> Open Access Point of Contact, Slovak Center of Scientific and Technical Information, <http://openaccess.cvtisr.sk/>

<sup>9</sup> Interview with Roman Baranovič (Narnia Grammar School), 26 October 2018. See Section 'VI. Methodology and sources for details.

<sup>10</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018. Interview with Roman Baranovič (Narnia Grammar School), 26 October 2018. Interview with Ján Gondol' (open education and science expert), 5 November 2018. Interview with Lucia Lacika (The Office of the Plenipotentiary), 25 September and 9 October 2018. See Section 'VI. Methodology and sources for details.

<sup>11</sup> The Office of the Plenipotentiary, „Správa z regionálnych workshopov k tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 – 2019” (Report from regional workshops on the development of the OGP Action plan 2016-2019), <http://bit.ly/2zslNsy> (report in Slovak).

<sup>12</sup> Interview with Roman Baranovič (Narnia Grammar School), 26 October 2018. See Section 'VI. Methodology and sources for details.

<sup>13</sup> *ibid.*

<sup>14</sup> Interview with Ján Gondol' (worked for Deputy Prime Minister's Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation. He is also an open education expert), 5 November 2018. See Section 'VI. Methodology and sources for details.

## 9. Promote and ensure the use of Creative Commons Attribution license

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 26: “After the establishment of the repository of the Ministry of Education, Science, Research and Sport of the Slovak Republic, continuously make available open educational resources under the Creative Commons Attribution (CC BY) public license.”

Commitment 27: “Reach out to partners who have provided educational resources after 2008 to the Ministry of Education, Science, Research and Sport of the Slovak Republic or to its directly managed organizations, with a suggestion to make educational resources available under the Creative Commons Attribution (CC BY) public license.”

Commitment 28: “Ensure that all contractual relationships for the creation of educational resources funded by public funds under the authority of the Ministry of Education, Science, Research and Sport of the Slovak Republic and its subordinate institutions include the condition of the use of a Creative Commons Attribution (CC BY) public license.”

Commitment 30: “Propose and carry out pilot program for ensuring availability of university textbooks and similar publications, as well as and scientific journals published by universities under Creative Commons Attribution (CC BY) public license through the repository operated by the Ministry of Education, Science, Research and Sport of the Slovak Republic.”

Commitment 32: “Analyze the possibility of applying Creative Commons Attribution (CC BY) public license as standard for selected works mandatorily published in the Central Registry of Theses and Dissertations.”

Commitment 36: “Ensure the implementation of public license Creative Commons Attribution (CC BY) in the relevant documents, methodologies, manuals and procedures in order to increase their usage by authors and other rights holders in the preparation of scientific papers.”

Start Date: Not specified

End Date: 31 December 2018 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
26. Publish OER under CC-BY license		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
27. Suggest providers of educational resources to make these available		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

under CC-BY license										
28. Ensure that all publicly financed educational resources are published under CC-BY license		✓	✓					✓	Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.
30. Publish university publications under CC-BY license		✓	✓					✓	Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.
32. Analyze applying CC-BY license to works published in the Central Register of Theses and Dissertations		✓	✓					✓	Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.
36. Implement CC-BY license to encourage the use		✓	✓					✓	Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.

## Context and Objectives

The commitments to publish educational resources, as well as research outputs under the Creative Commons attribution public license (CC-BY), are carried over from the previous action plan<sup>2</sup>. As mentioned above, Slovakia was one of the first OGP member countries to include commitments on open education and open access in its action plan. In general, these commitments were perceived positively as a start of a conversation about these topics that will be followed up by actions. However, the results of the previous action plan suggest that despite the commitments, progress on delivery has been slow.

The Ministry of Education concluded that, due to the restrictive nature of the contracts with publishers, available educational resources could not be published under Creative Commons licenses<sup>3</sup>. Commitment 27 to initiate negotiations with publishers to request a change to contractual conditions which will enable the Ministry to publish educational resources under open licenses could lead to a shift in current restrictive conditions. In addition, the commitment could potentially help in establishing a database of open educational resources to start with. However, as it is written, it rather represents an internal process.

Commitment 28 to ensure that all contracts with publishers will include the condition to use CC-BY license is useful, as it could at least ensure future educational resources will be open. Similarly, the commitment 26 to continue making educational resources available under the CC-BY license is important and could also contribute to creating a critical mass of open educational resources, so that teachers can use them. At the moment, most of the educational resources are available under proprietary licenses which lie with the supplier/publisher. On the Official Editorial Portal<sup>4</sup>, which includes all textbooks approved by the Ministry, there are up to 300 grammar schools' textbooks for children with special needs, up to 400 grammar schools' textbooks, and over 500 high schools' textbooks. To give an idea of the scope of the proposed measures, in the current situation when these are published predominantly under proprietary licenses, any reprint, if required, often has to be negotiated with the supplier. Therefore, these commitments might potentially address the problem of a lack of educational resources.

Commitments 30, 32 and 36 also advance the use of CC-BY public licenses but in the higher education and research sector. Commitment 30 to run a pilot and ensure that all outputs

made available in the open access repository will be published under CC-BY public license is useful and could encourage open access practices in academia.

Commitment 32 to analyze the possibility of applying CC-BY public license as a standard for selected works mandatorily published in the Central Register of Theses and Dissertations is very timely and relevant amidst the case of Andrej Danko, the Speaker of the Parliament who recently banned the public from viewing his dissertation acting contrary to the spirit of open access and OGP values more broadly<sup>5</sup>. Once he made his work available, the journalists revealed that his work is plagiarism, copy-pasted from five different books<sup>6</sup>. While it is a common practice in democratic countries that high-level politicians resign after alleged plagiarism scandals, Danko refused to step down and survived a no-confidence vote. For weeks, the Ministry of Education ignored the situation without providing any official statement. In November, the ministry summarized that only courts could act and decide, and in a legally-binding form confirm the cases of plagiarism.

All in all, the ministry avoided giving any clear position on plagiarism<sup>7</sup>. Many researchers reacted with disappointment that such approach devaluates their work<sup>8</sup>. They criticized Danko's lack of willingness to draw the consequences, questioned the quality and origin of his work and stated that he should resign from his position<sup>9</sup>. They also expressed disappointment about the ministry's silence about the case. Given these events, commitment 32 to analyze the possibility of applying CC-BY public license as a standard for selected works mandatorily published in the Central Register of Theses and Dissertations could improve the practice and discourage or at least expose earlier cases like that one of Danko who concealed his dissertation. However, if the ministry would like to be a respected leader in these topics, it needs to lead by example and strongly condemn any unethical behavior in educational or scientific practice.

## Next steps

All interviewed academics and open education and science activists agreed that all commitments in this cluster to promote and ensure the use of Creative Commons licenses are important. If well implemented, they could have a major impact on introducing new innovative practices and approaches to creating, sharing and using educational and scientific content which many could benefit. These commitments could contribute to greater openness and set new standards for teachers and researchers. Therefore, the IRM researcher recommends continuing with the implementation of the commitments. However, since interviewees expressed serious concerns about professional capacities and a will to lead the topic and work with a variety of stakeholders, the ministry should demonstrate that its interest in the topic of open education and science is genuine by leading by example, taking unambiguous attitudes in any questions of academic ethics and rigor and engage broader community of teachers, CSO representatives and academics in its activities.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYllHV>

<sup>2</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2015", <http://bit.ly/2RevqCc>

<sup>3</sup> The Office of the Plenipotentiary, "Open Education", <http://bit.ly/2aQWNlN> (in Slovak). See spreadsheet "Elektronicky dostupné vzdelávacie zdroje".

<sup>4</sup> Editorial Portal, <https://edicnyportal.iedu.sk/>

<sup>5</sup> Nina Francelová "Why is an 18-year-old doctoral dissertation causing an uproar among the public?", <http://bit.ly/2rBnFLz>

<sup>6</sup> Mária Benedikovičová and Daniel Vražda, "Danko vykradol päť učebníc, jeho rigorózna práca je plagát" (Danko copied extensive passages from five textbooks, his thesis is a plagiarism), *Denník.sk*, <http://bit.ly/2Ey5LBA> (in Slovak) and The Slovak Spectator, "UPDATED: Denník N: Danko is a plagiarist", <http://bit.ly/2EA0ujY>

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<sup>7</sup> The Ministry of Education, “Vyhlásenie MŠVVaŠ SR k medializovaným informáciám o porušovaní autorských práv v záverečných prácach na VŠ” (The Ministry’s statement on the infringement of copyright in theses and dissertations at universities), <http://bit.ly/2QBftd9> (in Slovak).

<sup>8</sup> Tomáš Nejedlý, “Pedagogička: Moji študenti pri podvádzaní hovoria, že „to dali na Danku”” (Pedagogue: When my students cheat they tell me they just did what Danko did), *Trend.sk*, <http://bit.ly/2BopP5u> (in Slovak).

<sup>9</sup> Daniel Vražda, “Profesor Krško z UMB: Nerozumiem aktivite pána Danku, niečo nie je v poriadku” (Professor Krško from UMB: I don’t understand Danko, something is not right there), *Dennikn.sk*, <http://bit.ly/2zYQuOk> (in Slovak).

## 10. Promotion, publication and review

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 33: “Raise awareness of open educational resources among teachers, other educational staff, professional staff in primary and secondary education, as well as pupils and students.”

Commitment 34: “Publish the outcomes of the approval process of educational resources on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic.”

Commitment 42: “Actively participate in discussion forums, programs and multilateral efforts in Europe and beyond to support the creation, improvement, mutual exchange and reuse of open educational resources; ensure international coordination of the activities in the area.”

Start Date: Not specified

End Date: 31 December 2018 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
33. Promote OER to relevant stakeholders		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
34. Publish the outcomes of the approval process of educational resources		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
42. Cooperate internationally in the topic of open education		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

The commitments to raise awareness about open educational resources were already present in the previous action plan<sup>2</sup>. The previous IRM report concluded that the progress of these commitments had been limited. As mentioned for the previous clusters of open education commitments, there is currently no engagement of teachers and a very limited engagement of civil society. At the same time, the awareness about open educational resources is low and is a consequence of other more structural problems. The interviewees argued that the ministry is not doing enough to inform schools and teachers about its activities more broadly, not only in the area of open education.

The director of a grammar school stated that in his position he did not receive any communication from the ministry: “I did not receive any strategy or official document that would deal with the topic of open education”<sup>3</sup>. He also mentioned that he did not notice that a ministry representative would publicly talk about this topic. He is not aware of any ministerial activity in this area. Other interviewees also echoed the concerns that little has been done to engage critical national stakeholders in open education commitments<sup>4</sup>. In addition, very few references to open education can be found on the website of the ministry, and those few do not mention any activities that have been executed to engage teachers and CSO representatives<sup>5</sup>.

Therefore, commitment 33 to promote open educational resources to relevant stakeholders is an important one, and if implemented well could potentially have a minor impact. The commitment is specific enough to be verified once the implementation period is completed. On the other hand, the ministry has carried out some activities for the international audience. A high-level ministry representative attended international meetings and negotiations on open educational resources<sup>6</sup>. Nonetheless, in the view of above, commitment 42 to cooperate internationally in the topic of open education is not relevant for OGP values, and its impact for local teachers and students is questionable. Commitment 34 to publish the outcomes of the approval process of educational resources has relevance for access to information and has a minor potential impact, as CSO representatives complained during the action plan development about a lack of transparency in this process<sup>7</sup>.

### Next steps

In this stage, given the views of interviewed stakeholders, it will be crucial for the Ministry of Education to focus on teachers as key local stakeholders, carry out activities to increase their awareness of open educational resources, and create opportunities for them to exchange knowledge and experiences. Similarly, the ministry should pro-actively search and reach out to the relevant CSOs which create open educational resources. As one interviewee rightly pointed out “many organizations and enthusiasts create open educational resources without being aware of that because they do not know the terminology<sup>8</sup>. The outreach is also very much linked to the development of the repository for educational resources, which was introduced in the previous sections, and critical for its success.

In general, the ministry demonstrates a lack of continuity in awareness-raising activities. As one of the interviewed experts stated a tick-box approach is prevalent and once the projects are officially completed and resources are used, their sustainability is jeopardized. Moreover, frequent changes in staff on different organizational levels also do not help to maintain continuity. Following are two examples that illustrate the above statements. Although the project E-aktovka (which makes available digital textbooks for teachers and pupils) is still alive, its social networking site hasn’t been updated since 2014<sup>9</sup>. Similarly, the platform’s official website has not been updated. There still is information that the content is being managed by the Institute of information and prognosis of education, which no longer exists. In 2014 it has become a part of the Center of Scientific and Technical information<sup>10</sup>. Similarly, while Planéta vedomostí (Planet of Knowledge), an educational resources platform, also still operates, its social networking site hasn’t been updated since 2016<sup>11</sup>. Also, the platform’s website has a very outdated section on the news. The latest contribution is from August 2017<sup>12</sup>. These cases, which are not exceptional, would not happen if outreach activities for teachers were taken seriously. Despite the changes and high turnover in staff, the ministry should ensure that the projects are not ‘forgotten’ and build their brands systematically.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>



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<sup>2</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>3</sup> Interview with Roman Baranovič (Narnia Grammar School), 26 October 2018. See Section ‘VI. Methodology and sources for details.

<sup>4</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018. Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation. He is also an open education expert), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>5</sup> The Ministry of Education, “Začleňovanie otvorených zdrojov vzdelávania do bežného vzdelávacieho procesu” (Inclusion of open education resources into the educational process), <http://bit.ly/2QMnwD2> (In Slovak). The Ministry of Education, “Na pôde rezortu sa rokovalo o otvorenom vzdelávaní” (There was a meeting on open education at the Ministry) <http://bit.ly/2B66O7X> (In Slovak).

<sup>6</sup> The Ministry of Education, “Štátna tajomníčka Oľga Nachtmannová rokovala v Ľubl’ane o otvorených vzdelávacích zdrojoch” (The state secretary Oľga Nachtmannová attended a meeting on open educational resources in Ljubljana), <http://bit.ly/2L7VI74> (in Slovak).

<sup>7</sup> The Office of the Plenipotentiary, “Správa z regionálnych workshopov k tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 – 2019” (Report from regional workshops on the development of the OGP Action plan 2016-2019), <http://bit.ly/2zslNsy> (report in Slovak).

<sup>8</sup> Interview with Ján Gondol’ (worked for Deputy Prime Minister’s Office for Investments and Informatization of the Slovak Republic as a consultant on OGP commitments during the action plan implementation. He is also an open education expert), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>9</sup> The Ministry of Education, “Facebook account of E-aktovka platform”, <https://www.facebook.com/eaktovka/> (in Slovak).

<sup>10</sup> The Center of Scientific and Technical information, “Informácie o školstve” (Information on education), <http://bit.ly/2CgX3FM> (in Slovak).

<sup>11</sup> The Ministry of Education, “Facebook account of Planéta vedomostí platform”, <https://www.facebook.com/Planetavedomosti/> (in Slovak).

<sup>12</sup> The Ministry of Education, “The official website of the Planéta vedomostí platform”, <http://planetavedomosti.iedu.sk/> (in Slovak)

## 11. Open Access

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 35: “To introduce the basic principles of Open Access to scientific publications under a public license under the Operational Program Research and Innovation.”

Commitment 37: “Establish Contact Office for Open Access.”

Commitment 38: “Establish conditions for passportization of open research data under a public license and monitor its implementation in practice.”

Commitment 40: “Design systematic benchmarking monitoring mechanisms for the measurement and comparison and propose further analyses related to acquiring, processing and re-use of research data and Open Access scientific publications.”

Commitment 41: “Actively create awareness of the possibilities and advantages of Open Access in the academic community, among educational institutions, but also in the commercial sector, NGOs and among the general public. Also spread awareness about the benefits of open publishing for the Advancement of Science.”

Start Date: Not specified

End Date: 31 December 2018

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
35. Introduce the basic principles of Open Access (OA) to scientific publications		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
37. Create OA Contact Office		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
38. Establish conditions for categorization of open research data under CCBY		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
40. Design systematic benchmarking monitoring mechanisms for research data and OA scientific publications		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
41. Raise awareness on OA		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

## Context and Objectives

Open access (OA) is a free, unrestricted online access to research outputs such as journal articles and books<sup>2</sup>. Its main feature is the openness, which enables everyone to access research outputs with no access fees. OA has many advantages for both researchers and the public, as it can reach broader audiences and results in wider interdisciplinary and international collaboration<sup>3</sup>. The commitments in this cluster aim for awareness-raising in the topic of open access (OA) and introducing measures to advance OA in Slovak scientific community.

While the responsible institution for these commitments still is the Ministry of Education, Science, Research, and Sport, in day-to-day operation, it is its subordinate organization, the Center of Scientific and Technical Information (CVTI)<sup>4</sup>. The interviewed experts agreed that CVTI has experience with the topic and understands what it entails. They all perceived their activities in OA more positively than those of the ministry in open education<sup>5</sup>.

The commitments in this cluster have built on previous efforts in the topic, which is positive as it maintains continuity, and thus increases chances for overall success. As a result of the last action plan<sup>6</sup>, two important analyses were conducted: Analysis of introducing open access to selected research publications<sup>7</sup> and analysis on the barriers to the implementation of full access to the results of science and research<sup>8</sup>. Their results suggested that there are no legal obstacles to OA and our copyright legislation does not pose any problem to OA. With very few exceptions of secret research areas, such as military research, OA policies can be implemented widely.

Since no substantial barriers to OA have been identified, commitment 35 to introduce the basic principles of OA to selected scientific publications that were created using public resources is a right step forward to encourage publishing research under open licenses and a signal of willingness to change status quo. While these analyses helped to map potential legal obstacles, it is also important to know the current data collection and publication practices in the academic and research sector.

Mapping practices is a vital precondition for commitment 38 to establish conditions for categorization of open research data under a public license. As to formulate right categorization conditions, it is essential to understand the practice first. This commitment also has a potential to change the status quo and increase publication of research data under open licenses, as it includes a monitoring element. Additionally, institutional compliance with these conditions will be monitored. Design systematic benchmarking monitoring mechanisms for the measurement and comparison (commitment 40) the understanding of how the institution produce, manage and store data is crucial. Therefore, the steps to fulfil the commitments are logical and sensible.

To ensure that the efforts in OA are coordinated, the Center of Scientific and Technical Information established Open Access Point of Contact<sup>9</sup> which should serve as a guidance officer, providing practical information, expertise, and financial assistance in implementing OA in Slovakia. The previous IRM report recommended this measure as a critical step forward which could advance OA practices at universities, Slovak academy of sciences as well as private research institutions<sup>10</sup>. Establishing OA Point of Contact has probably the highest potential impact from commitments in this cluster as it contributes significantly to the implementation of other commitments.

The existence of the OA Point of Contact is also crucial for commitment 41 to raise awareness about OA in research communities. The OA Point of Contact realizes different outreach activities, for example, courses and webinars for librarians and academic who are

interested in OA<sup>11</sup>, and conferences with international and local speakers<sup>12</sup>. The OA point of contact informs about its activities pro-actively on its website<sup>13</sup>. It also provides international and domestic materials on OA. The interviewees also mentioned that the presence of the OA Point of Contact in the community is visible<sup>14</sup>.

### Next steps

All interviewed stakeholders agreed that OA could bring substantial benefits to Slovak academic community and the commitments in this cluster have a potential to advance OA. Therefore, IRM researcher recommends continuing their implementation and ensuring that the OA Point of Contact has sufficient support and resources to do so.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYIIHV>

<sup>2</sup> Nature.com, "Open access at Nature research", <https://go.nature.com/2BAaHSX>

<sup>3</sup> Nature.com, "As an author, what does publishing open access mean for you?", <https://go.nature.com/2Er2rHl>

<sup>4</sup> The official website of the Center of Scientific and Technical information, <http://www.cvtisr.sk/>

<sup>5</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018, See Section 'VI. Methodology and sources for details.

<sup>6</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2015", <http://bit.ly/2RevqCc>

<sup>7</sup> The government's meetings. "Analýza možnosti zavedenia otvoreného prístupu k vybraným publikačným výstupom" (Analysis of introducing open access to selected research publications), <http://bit.ly/2Ewa5RS> (in Slovak)

<sup>8</sup> The Ministry of Education, "Identifikovanie bariér implementácie úplného prístupu k výsledkom vedy a výskumu" (Identifying the barriers to the implementation of full access to the results of science and research), <http://bit.ly/2aVgKIT> (in Slovak)

<sup>9</sup> Official website of the Open Access Point of Contact at the Center of scientific and technical information, <http://bit.ly/2GgVlHf> (in Slovak).

<sup>10</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4Ws>

<sup>11</sup> The Center for Scientific and Technical information, "Course: The basics of Open access 2018", <http://bit.ly/2EwCdEw> (in Slovak).

<sup>12</sup> The Center for Scientific and Technical information, "National workshop OpenAIRE – Program", <http://bit.ly/2PjZeVF> (in Slovak).

<sup>13</sup> Official website of the Open Access Point of Contact at the Center of scientific and technical information, <http://bit.ly/2GgVlHf> (in Slovak).

<sup>14</sup> Interview with Zuzana Adamová (Creative Commons Slovensko and University of Trnava), 6 November 2018, See Section 'VI. Methodology and sources for details.

## 12. Develop and evaluate policies in a participatory manner

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 43: “Based on a broad dialogue between central government authorities and the civil society, identify public policies that will be created in a participative manner with civil society representatives.”

Commitment 45: “Create public policies identified in accordance with the recommended material "Guidelines for Engaging the Public in Public Policy Making" in cooperation with civil society representatives.”

Commitment 47: “Evaluate identified participatory processes of creation and implementation of public policies and disseminate examples of good practice based on this evaluation.”

Commitment 49: “Propose a recommendation of internal guidelines on the use of free on-line tools in participatory creation of public policies.”

Commitment 63: “Analyze and evaluate preliminary information and reports on public participation in the process of drafting and commenting on draft legislation.”

Commitment 64: “Analyze and evaluate the effectiveness of the Electronic Collective Petition.”

Start Date: Not specified

End Date: 30 June 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
43. Identify public policies to be created in a participatory manner		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
45. Develop policies in a participatory manner		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
47. Evaluate participatory policy making		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
49. Internal guidelines on the use of free online tools in participatory policy making		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
63. Analyze and evaluate information on		✓	✓						✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				



everyday use of information and communication technologies. Nonetheless, many of these are commercial services, and thus, the government will not be able to guarantee full control and responsibility for the data.

The analysis of preliminary information and reports on public participation in the process of drafting and commenting on draft legislation (commitment 63) is important, as it is crucial to know to what extent the public can participate and participates in legislative processes. Based on the findings of such analysis, improvements could be proposed and implemented.

Commitment 64 to analyze the effectiveness of collective e-petitions is important given that not a single e-petition was created since its launch on the national e-government portal, [www.slovensko.sk](http://www.slovensko.sk), on 31 December 2015<sup>14</sup>. It is crucial to understand why the platform hasn't been successful and what can be done to encourage its take-up. The previous IRM report<sup>15</sup> concluded that non-use of e-petitions either suggests an absence of demand for such a platform due to the saturation of demand by preexisting platforms, or lack of awareness or poor design of the platform. Stakeholders recommended previously reconsidering thresholds and reducing significantly the number of signatures required for the government to consider an e-petition<sup>16</sup>.

### Next steps

- **Embed participation in institutional culture across different sectors**

The differences in extent and quality of participatory processes between public agencies are significant. While some agencies have more experience with participatory processes, others do not. The differences also exist within public agencies. A CSO representative provided an example of both good and bad practices within the same agency<sup>17</sup>. During the action plan development, CSO representatives expressed their concerns that engaging CSOs into policy-making processes is often very formal and CSO representatives are often presented with a finished and already decided thing<sup>18</sup>. They also complained that working groups or commissions are over-represented by public servants. All these points, added up, require that the government has a more holistic approach to participation. It should not be exclusive to the development of policies that were selected as a part of OGP commitments and should include regular face-to-face meetings with stakeholders, including CSOs. A commitment to civic engagement should be embedded in institutional culture and day to day operation of public agencies and include local as well as national government. Translated into action points, this means that public agencies should inform about their planned activities pro-actively in an open and transparent way using various communication channels to ensure that the message reaches all relevant audiences. They should do so at the earliest stages, not when a draft law or decision is already written, but at the preliminary/green paper stage, where a problem or proposal is identified, the context described, and policy scenarios outlined. Stakeholders should be engaged at this stage, and at each subsequent stage, including when a Regulatory Impact Assessment has been published (ideally, RIA would be produced at each stage).

- **Make CSOs' engagement easier**

Already the previous IRM report<sup>19</sup> emphasized that providing different resources for CSOs to participate is a precondition for ensuring inclusive processes. A CSO representative interviewed for this report mentioned that their capacities are strained. However, that said, her organization always joins discussions regarding themes that are crucial for its work, such as FOI legislation. She added that the government should pro-actively explore what would help different CSOs to engage<sup>20</sup>. The propositions could vary. The government should introduce a database of interested stakeholders, such as CSOs, who want to be notified of the launch of each process likely to lead to decisions or laws in their area of focus or interest. The information should also be publicly available for those who would prefer not to register. An opportunity to join meetings

and discussion via Skype could attract more regional CSOs which do not have financial and time resources to travel through Slovakia for an hour meeting in the capital city etc. In addition, the ministries could produce green papers, explanatory notes or regulatory impact assessments, which will provide condensed key information, as CSO representatives are often time constrained to read full documents. Last but not least, the government could raise awareness of funding opportunities for CSOs.

- **Include an external element in the evaluation of participatory policy making**

As stakeholders repeatedly emphasized for this but also previous IRM report, self-evaluation of participatory processes might be insufficient. A CSO representative also argued that criteria for evaluation of participatory processes also create a false impression that “the government has been participating from dawn to dusk while it is not true”. The setup of the evaluation to include the Ministry of Justice and Deputy Prime Minister’s office is positive, so that the evaluation is not carried out by the individual ministry or agency that ran the participatory process. To further strengthen the independence and impartiality of the evaluation, the inclusion of independent external assessor or reviewer is recommended, and the inclusion in the assessment of feedback, for instance in survey format, of the stakeholders who are engaged in the given subject area as to their assessment of the participatory process. An external element is needed for an objective assessment.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> Freedom House, “Freedom in the World 2018: Slovakia”, <http://bit.ly/2QeEKJM>

<sup>3</sup> ČTK, “Fico chce prinútiť mimovládky, aby zverejnili financie zo zahraničia” (Fico wants to force NGOs to publish their finances from abroad), Sme.sk, <http://bit.ly/2QeEueLk> (in Slovak).

<sup>4</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic”, <http://bit.ly/2DKiGPZ> and The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>.

<sup>5</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic”, <http://bit.ly/2DKiGPZ>

<sup>6</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>7</sup> Open Government Partnership, “OGP Participation & Co-creation Standards”, <http://bit.ly/2FFjwQI>

<sup>8</sup> Interview with Karolína Miková (PDCS), 9 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>9</sup> Interview with Ján Gondol’ (open education and science expert), 5 November 2018, See Section ‘VI. Methodology and sources for details.

<sup>10</sup> Interview with Karolína Miková (PDCS), 9 November 2018. Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>11</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4WV>

<sup>12</sup> Interview with Karolína Miková (PDCS), 9 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>13</sup> Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>14</sup> Collective e-petitions at Slovensko.sk, <https://open.slovensko.sk/hromadneziadosti> (in Slovak).

<sup>15</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4WV>

<sup>16</sup> At the moment, the threshold is 15 000 signatures.

<sup>17</sup> Interview with Karolína Miková (PDCS), 9 November 2018. See Section ‘VI. Methodology and sources for details. As a good practice example, she stated the National priorities for the Agenda 2030, which resulted from wide participatory processes. As a bad practice example, she mentioned the action plan for transformation of the Horná Nitra region mostly because of the closed nature of processes and a lack of basic information.

<sup>18</sup> The Office of the Plenipotentiary, „Správa z regionálnych workshopov k tvorbe Akčného plánu Iniciatívy pre otvorené vládnutie na roky 2016 – 2019“ (Report from regional workshops on the development of the OGP Action plan 2016-2019), <http://bit.ly/2zslNsy> (report in Slovak).

<sup>19</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4WV>

<sup>20</sup> Interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018.



### 13. Raise awareness about participatory policy making

#### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 44: “Organize trainings in the area of involving the public in the creation of public policies for public servants who will participate in the creation of public policies that have been identified.”

Commitment 46: “Conduct workshops focused on the exchange of experiences among government employees who participate in the creation of the identified public policies.”

Commitment 48: “Promote partnership and dialogue between public authorities, citizens and NGOs at national, regional and local level in the area of participatory public policy-making.”

Commitment 50: “Create learning tools in the field of participation.”

Commitment 51: “Use educational tools about participation in formal education using informal learning methods.”

Commitment 52: “Develop recommendations for embedding participatory processes into organizational processes, internal guidelines and other documents for the needs of central government bodies.”

Start Date: Not specified

End Date: 31 December 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
44. Train public servants in participatory policy making		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
46. Organize workshops to exchange experience in participatory policy making		✓		✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
48. Promote cooperation at national, regional and local level in participatory policy making		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
50. Create educational tools about participation		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
51. Use educational tools about participation		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

52. Develop recommendations for embedding participatory processes into organizational processes.		✓		✓			✓		Assessed at the end of action plan cycle.	Assessed at the end of action plan cycle.
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## Context and Objectives

This cluster of commitments is complementary to a previous cluster of commitments on participatory policy-making. Similarly, these commitments aim at creating favorable conditions for public servants to be able to lead meaningful participatory processes. The interviewees agreed that providing public servants with opportunities for learning, knowledge exchange, and encouraging them to co-operate across sectors is a key to successful participatory processes<sup>2</sup>. Therefore, all commitments in this cluster are relevant, and if fully implemented they could change the status quo and contribute to developing policies with greater engagement from CSOs and citizens.

Commitment 44 and 46 could have a moderate potential impact in raising awareness of the public servants on participatory policy making. Interviewees mentioned that although training and workshops are crucial, to have a greater impact and to make a more convincing argument and get buy-in from a critical mass of public servants, it is important to engage public servants who already have a positive experience with participatory policy-making. A CSO representative who has extensive experience with facilitating participatory processes argued that the best agents of change are those public servants who developed policies in a participatory manner and perceived the process as useful<sup>3</sup>. Public servants interviewed for this report were in favor of engaging CSOs and the public in the development of policies, noting that civic engagement has an impact on the atmosphere in the society and affects the quality of legislation<sup>4,5</sup>.

All interviewed stakeholders also agreed that creating, promoting and using educational tools about participation (commitments 50 and 51) are positive steps and have the potential to increase public participation. If these educational materials are well designed and have a broad reach, they could be a useful resource for public servants<sup>6</sup>. They stated that at the moment there is a lack of available best practices examples. Commitment 48 to promote cooperation between public agencies, citizens and CSOs at national, regional and local level in participatory policy-making is a positive development. However, the commitment is worded vaguely to achieve a potentially higher impact. Commitment 52 to develop recommendations for embedding participatory processes into organizational processes could have a moderate potential impact because if these recommendations were followed, they could bring a more consistent and uniform approach to participatory processes across different government agencies. As a spin-off, they could also make participatory

## Next steps

All interviewed stakeholders agreed about the importance of these commitments. Therefore, the IRM researcher recommends continuing with their implementation and ensuring that educational tools are of high quality and reflect the needs of public servants. Similarly, the government is advised to keep up its work in organizing training and workshops about participatory policy making for public servants ensuring these are well designed and delivered by experienced trainers. The government should have within one key ministry, e.g. the Deputy Prime Minister's office, a dedicated center for maintaining standards, e.g. managing stakeholder relations and contacts, and best practice in public consultations and participatory policymaking. One of the key functions of this body would be to arrange training in all ministries, agencies, and also local government in the organization of

public consultations. It would also be useful to have one or two people trained as trainers within each ministry. Last but not least, the training needs to be widely advertised among public servants so that those interested are informed and can participate.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> Interview with Karolína Miková (PDCS), 9 November 2018. Interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>3</sup> Interview with Karolína Miková (PDCS), 9 November 2018. See Section ‘VI. Methodology and sources for details.

<sup>4</sup> Interview with a ministry representative 3 who wished to remain anonymous, 6 November 2018, See Section ‘VI. Methodology and sources for details.

<sup>5</sup> Interview with a ministry representative 2 who wished to remain anonymous, 6 November 2018, See Section ‘VI. Methodology and sources for details.

<sup>6</sup> Interview with Karolína Miková (PDCS), 9 November 2018. Interview with Marcel Zajac (Centre for Philanthropy), 5 November 2018. See Section ‘VI. Methodology and sources for details.

## 14. Improve judiciary

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 53: “Reassess the implementation of the publication of assessments of judges in terms of the clarity and making further analysis easier.”

Commitment 54: “Specify which court decisions do not need to be published.”

Commitment 55: “Specify the types of submissions that are appropriate to formalize, design standardized forms for selected submissions, and publish the standardized submissions electronically at the website of the Ministry of Justice of the Slovak Republic, the central public administration portal and the Slov-Lex legal and information portal.”

Commitment 56: “In a participatory manner, prepare draft legislative changes to determine the authority to supervise the fluency of disciplinary proceedings and to ensure a rigorous, swift and effective application of the disciplinary responsibility of judges and submit them to the Government.”

Commitment 57: “In a participatory manner, prepare draft legislative changes to ensure greater public scrutiny of the election of the heads of courts, judges and judicial staff and present them to the Government.”

Start Date: Not specified

End Date: 30 June 2018 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
53. Reassess the implementation of the publication of judges' evaluations		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
54. Specify court decisions excluded from disclosure		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
55. Specify the types of standardized submissions		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
56. Draft legislation to determine the supervision of disciplinary procedures		✓		✓	✓			✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
57. Draft legislation to make selection procedures more transparent		✓	✓	✓					✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

## Context and Objectives

The commitments in this cluster aim to improve judiciary from different perspectives. As the previous IRM report highlighted the Slovak population does not trust in the independence of judicial decisions<sup>2</sup>. The commitments on the judiciary to address this and other problems first occurred in the second action plan<sup>3</sup>. Two commitments addressed an inconsistent publication of judicial decisions, with the aim to identify the key problems in publishing judicial decisions and propose a uniform system for publishing them. However, progress was limited. Therefore, commitment 54 to specify which judicial decisions need to be published and which do not, as well as commitment 55 to determine what types of submission should be formalized are carried forward from the previous action plan. Commitment 54 relates to access to information, as it contributes to a more consistent approach to the publication of judicial decisions and determines the level of information provided on court decisions. However, commitment 55 is not relevant to open government, and therefore is coded for no potential impact. As written, it is an inward-looking commitment, which might potentially improve internal procedures within courts. The Ministry of Justice has established an analytical center to tackle this and other similar data problems<sup>4</sup>. It has also created a working group during the implementation of the second action plan, which comprised CSOs which regularly comment on the judiciary.

Another critical point of the judiciary system that was first brought up in the previous IRM report was the way judges are being evaluated<sup>5</sup>. Both public servants and CSOs criticized a lack of external professional but also a public element in evaluations. Thus, the quality and objectivity remain an issue. A commitment on improving the assessment of judges was formulated in the 2016-2020 Government Manifesto<sup>6</sup>. The Ministry of Justice was supposed to prepare a legislative proposal to enable publication of judges' evaluations to fulfil it. However, the commitment was extended due to the parliamentary elections in 2016 – a time in a political cycle when chances for legislative changes drop significantly<sup>7</sup>.

Commitment 53 to reassess the implementation of the publication of judges' evaluations was also important. However, some CSO representatives argued that the evaluations of judges should be a managerial tool for the governance of judiciary rather than an accountability tool for the public<sup>8</sup>. The CSO representatives interviewed for the previous IRM report also suggested that selection procedures, as well as disciplinary procedures, need to be changed<sup>9</sup>.

Commitments 56 and 57 reflect these suggestions and have a potential to increase public scrutiny of the selection procedures and effective application of the disciplinary responsibility of judges. As these commitments are expected to be realized in a participatory manner, they also could contribute to greater public participation. However, as indicated above, some CSO representatives expressed doubts whether internal procedures such as selection and disciplinary procedures should be a part of the OGP commitment. Commitment 57 to draft legislation to make selection procedures more transparent is particularly important and has the potential to improve the current practice substantially. Via Iuris, a renowned CSO, which has monitored the selection procedures for the heads of courts, judges, and judicial staff for years, regularly concluded that there is nepotism in the judiciary, as candidates with family ties in the judiciary are more likely to be selected<sup>10</sup>.

## Next steps

TI Slovakia has concluded for the mid-term self-assessment report that while some decisions were taken to determine which judicial decisions should be published and which should not, for the commitment to have an impact, the courts, in particular, its administrative staff responsible for the publication of judicial decision must be aware of these recent changes. Therefore, awareness-raising activities and training for public servants is crucial.

As for commitments 56 and 57, CSO representatives argued that it should be reconsidered whether the improvement of internal procedures within the justice system should be a part of open government.

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<sup>1</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019”, <http://bit.ly/2QYIIHV>

<sup>2</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VWs>

<sup>3</sup> The Office of the Plenipotentiary, “Open Government Partnership National Action Plan of the Slovak Republic 2015”, <http://bit.ly/2RevqCc>

<sup>4</sup> The Ministry of Justice, “Analytical center”, <http://bit.ly/2QP6JPD> (in Slovak)

<sup>5</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VWs>

<sup>6</sup> The Government Office, “The government manifesto”, <http://bit.ly/2cceHdN> (in Slovak).

<sup>7</sup> Ibid.

<sup>8</sup> Pavol Žilinčík (The Judicial Council and Comenius University), E-mail conversation, 30 October 2018. See Section ‘VI. Methodology and sources for details.

Interview with Samuel Spáč (Masaryk University and Comenius University, previously TI Slovakia), 23 June 2016. See Section ‘VI. Methodology and sources for details.

<sup>9</sup> Mária Žuffová, Open Government Partnership, “Slovakia Special Accountability Report 2014 - 2015”, <http://bit.ly/2EzH4VWs>

<sup>10</sup> Kristína Babiaková, “Výber sudcov na Slovensku” (Selecting the judges in Slovakia), Via Iuris, <http://bit.ly/2EKkIVH> (in Slovak)

## 15. Improve prosecutors

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 58: “Prepare and submit to the Government a draft of the Act amending Act No. 154/2001 Coll. on prosecutors and Lawyers of the Public Prosecutor's, that will ensure the publication of the seat of office of individual prosecutors”.

Commitment 59: “Create draft legislation to extend the right to recommend candidates for the post of Attorney-General”.

Commitment 60: “In a participatory manner, conduct an analysis of disciplinary proceedings in prosecutors' affairs and create draft legislative changes in order to increase the transparency of these disciplinary proceedings.”

Commitment 61: “In a participatory manner, analyze the selection procedures for the prosecutor's office, including draft legislative changes, in order to increase their transparency.”

Start Date: Not specified

End Date: 31 July 2018

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
58. Disclose the seat of prosecutors		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
59. Extend the right to recommend candidates for the Prosecutor General's Office		✓	Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
60. Analyze disciplinary procedures in prosecutors' affairs		✓		✓	✓			✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
61. Analyze selection procedures for prosecutors		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

According to the reports from the European Anti-Fraud Office (OLAF) the indictment rate was 18% in Slovakia 2017<sup>2</sup>. The EU average indictment rate was 42% in 2017. The Transparency International Slovakia informed that although there have been some improvements in punishing corruption, and for instance, the number of solved cases of

bribery above a thousand euro has increased, the number of cases of grand corruption linked to high-level public officials has been continuously very low and enjoyed impunity<sup>3</sup>. Prosecutors, along with the police, play a crucial role in investigating and prosecuting cases of corruption, as they file indictments to courts. The Office of Special Prosecutor, which is responsible for 'corruption agenda', has accused the lowest number of people since 2009. As Transparency International concludes it might signalize that prosecutors overlook corruption cases<sup>4</sup>.

The latest report by the Group of States Against Corruption (GRECO) and Council of Europe (CoE)<sup>5</sup> concluded that as regards prosecutors, "several developments are to be welcomed". In particular, they praised the adoption of the Code of Ethics, an introduction of the obligation to declare gifts and liabilities above a certain threshold. GRECO and CoE also welcomed the amendment of the Act on prosecutors and prosecutors' candidates<sup>6</sup>, which included an obligation to disclose publicly and regularly update a list of all prosecutors' names on the website of the Prosecutor General's Office. Since then the Prosecutor General's Office has updated this list regularly with the latest update being made on 19 November 2018<sup>7</sup>. The experts interviewed for the previous IRM report agreed that this was an important first step towards greater transparency and an achievement that would not be possible without OGP action plan in place<sup>8</sup>. The public availability of prosecutors' names also addressed the problem with access to affidavits and asset declarations. In addition to that, the Prosecutor General's Office made available a tool for searching asset declarations by name on its website<sup>9</sup>.

New commitments aimed at greater transparency, such as Commitment 58 to disclose the seat of prosecutors is useful and specific enough to be verified. Currently, the appointment of the Attorney General is political, as MPs propose the nominees. Commitment 59 to extend the right to propose nominees for the post of the Attorney General to legal professionals is a positive measure, which makes the appointment of the Attorney General less political. However, this commitment is not relevant to any of the OGP values of access to information, civic participation or public accountability.

The interviewed experts stated in the previous IRM report that the executive powers of the Attorney General should be reduced, and both selection and disciplinary procedures should be made more transparent<sup>10</sup>. Commitments 60 and 61 to analyze selection and disciplinary procedures for prosecutors could potentially address these issues and help to trigger changes. However, commitments do not specify how the analysis could be used and what the consequences of it would be, therefore the potential impact of these commitments is minor.

## Next steps

The IRM researcher recommends that the Prosecutor General's Office makes the analyses on selection and disciplinary procedures publicly available and clarify how it will further use the findings.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYIIHV>

<sup>2</sup> European Anti-Fraud Office, "The OLAF report 2017," <http://bit.ly/2Kw2EKQ>

<sup>3</sup> Transparency International Slovakia, „Napriek zlepšeniu „veľké ryby“ stále nechytáme“ (Despite improvements we still do not catch 'big fish') <http://bit.ly/2Tcb7d0> (in Slovak)

<sup>4</sup> Transparency International Slovakia, <http://bit.ly/2BPtH0E> (in Slovak)

<sup>5</sup> Group of states against corruption and Council of Europe, "Second compliance report Slovak republic: Corruption prevention in respect of members of parliament, judges and prosecutors", <http://bit.ly/2BwFTDy>

<sup>6</sup> SLOV-LEX (Legal and information portal), The Ministry of Justice, "The Act on prosecutors and prosecutor candidates no. 154/2001 Coll.", <http://bit.ly/2b7Pc1P> (in Slovak).



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<sup>7</sup> The list of prosecutors published on the website of the Prosecutor General's Office, <http://bit.ly/2aYKyk2> (in Slovak).

<sup>8</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4Vs>

<sup>9</sup> The tool for searching prosecutors' asset declarations is available on the website of the Prosecutor General's Office, <http://bit.ly/2TjpO4s> (in Slovak).

<sup>10</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4Vs>

## 16. Raise awareness on whistleblowing

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 62: “Raise public awareness in the field of reporting of anti-social activities and on the basis of the results of regular evaluations of application practice of Act no. 307/2014 Coll. on certain measures related to the reporting of anti-social activities and on the amendment of some laws, or to propose amendments to the legislation.”

Start Date: Not specified

End Date: 31 March 2019 and ongoing

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
62. Overall		✓	✓		✓				✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

The commitments related to the Whistle-blowers Protection Act were already present in the first national action plan<sup>2</sup> which aimed for drafting and passing the legislation by the end of 2013. However, the progress was limited, and the commitment was postponed<sup>3</sup>. Eventually, the act was adopted and became effective on 1 January 2015<sup>4</sup>. The previous IRM report<sup>5</sup> pointed to the findings of Transparency International Slovakia (TI Slovakia)<sup>6</sup>. The limited number of filed requests indicated that public awareness of the existence of the act and how it can be applied in practice is low. TI Slovakia argued at that time that a commitment to protect whistleblowers was largely on paper and the Slovak EU Council Presidency scandal in 2016 over an overpriced tender suggested the situation has not improved. The commitment to raise awareness on whistleblowing was, thus, an important commitment, specific enough to be verifiable as well as impactful if the campaign was to reach large audiences.

However, it is important to mention in this context that when the Ministry and the government had an opportunity to support a whistleblower Zuzana Hlávková<sup>7</sup>, a former public servant at the Ministry of Foreign Affairs who pointed to suspicious contracts, the government instead belittled her role at the ministry and dismissed her allegations<sup>8</sup>. By not responding to Hlávková's claim, the ministry might have also violated the Whistle-blowers Protection Act. In two years, the ministry was not able to refute the allegations.

The Office for Public Procurement<sup>9</sup> and Antimonopoly Office concluded that the ministry did not violate the law by choosing negotiations without publication. Nonetheless, it did not refute any allegations about non-transparent processes and overpriced tenders. In 2018 the Supreme Audit Office concluded several violations of the law, e.g. absence of the materials on the scope and prices of the services provided, which should be attached to invoices, contracts not concluded in writing, the absence of arguments why the supplier was chosen over others etc.<sup>10</sup>.

This case suggests that the commitment to raise awareness on whistleblowing will be ineffective in the absence of high-level political commitment. At the same time, although when it comes to actual cases of whistleblowing there is a lack of high-level political support, the government is willing to improve the legislation. As a representative of the Office of the Plenipotentiary mentioned, the new amendment is soon to be approved by the parliament<sup>11</sup>. The amendment of the law has been prepared in a participatory manner. The established working group comprised experts from Alliance Fair-Play, Stop Corruption Foundation and TI Slovakia<sup>12</sup>.

## Next steps

The Whistle-blowers Protection Act affects the daily lives of citizens. By and large, CSOs have been substituting the role of the state in the topic of whistleblowing. They have been helping whistle-blowers (see the case of Zuzana Hlávková, Ľubica Lapinová<sup>13</sup> and others<sup>14</sup>) whereas by the law this should be the role of the labor inspectorates. CSOs also carry out the majority of campaigns<sup>15</sup> and awareness-raising activities (see the campaign by Stop Corruption Foundation<sup>16</sup>, TI Slovakia<sup>17</sup> etc.). The Office of the Plenipotentiary also actively invites whistleblowers for their events. Nonetheless, for the campaigns about whistleblowing to have the effects, the public has to be confident that the daily application of the Whistle-blowers Protection Act is reasonable and rigorous. For that to happen, the government and high-level politicians must change their rhetoric and acknowledge whistleblowers' contribution to achieving greater accountability.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYIIHV>

<sup>2</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic", <http://bit.ly/2DKiGPZ>

<sup>3</sup> Matej Kurian, "Slovakia Progress Report 2012 – 2013," <http://bit.ly/2KwjQzY>

<sup>4</sup> SLOV-LEX (Legal and information portal), The Ministry of Justice, "Whistle-blowers Protection Act no. 307/2014 Coll.," <http://bit.ly/2b3GA98> (in Slovak).

<sup>5</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4Ws>

<sup>6</sup> Transparency International Slovakia, "Government's protection of whistle-blowers is insufficient," <http://bit.ly/2b3MerA>

Transparency International Slovakia, "Oznamovateľov nekalých praktík chránime len na papieri" (Whistleblowers are protected only on paper), <http://bit.ly/2KPDY05> (in Slovak).

<sup>7</sup> Transparency International Slovakia, "Ako som kvôli pochybným zákazkám odišla z ministerstva zahraničných vecí" (How I left the Ministry of Foreign Affairs for shady contracts), *Blog.sme.sk*, <http://bit.ly/2PVWYQj> (in Slovak).

<sup>8</sup> Michaela Terenzani, "Ex-employee points to overpriced presidency-related orders", *The Slovak Spectator*, <http://bit.ly/2AptC2e>

<sup>9</sup> The Office for Public Procurement, "Prehľad rozhodnutí v konaní o preskúmanie úkonov kontrolovaného podľa zákona č. 343/2015 Z. z." (Review of decisions in the procedures of the examination of acts controlled under the Act no. 343/2015 Coll.), <http://bit.ly/2Alc5YE> (in Slovak).

<sup>10</sup> The Supreme Audit Office, "Slovensko zvládlo predsedníctvo úspešne, kontrolóri však zistili viacero porušení zákonov" (Slovakia has managed the EU presidency successfully, but the inspectors have identified several violations of the law), <http://bit.ly/2DIQswH> (in Slovak).

<sup>11</sup> Interview with Lucia Lacika (The Office of the Plenipotentiary), 25 September and 9 October 2018. See Section 'VI. Methodology and sources for details.

<sup>12</sup> The Office of the Plenipotentiary, "Úradný spravodaj 31. – 32. týždeň 2017" (Official journal 31<sup>st</sup> – 32<sup>nd</sup> week of the year 2017), <http://bit.ly/2SB1bHm> (in Slovak).

<sup>13</sup> Roman Cuprik, "White crows awarded", *The Slovak Spectator*, <http://bit.ly/2QZwWpR>

<sup>14</sup> Matúš Burčík, "Fico chce chrániť oznamovateľov korupcie. Ako dopadli tí, čo sa ozvali." (Fico would like to protect whistle-blowers. What happened to those who were not quiet.), *Sme.sk*, <http://bit.ly/2FljAip> (in Slovak).

<sup>15</sup> Transparency International Slovakia and Labor Inspectorate, "Praktický manuál ako oznámiť nekalú praktiku a nedoplatiť na to." (Manual: how to blow a whistle without repercussions), <http://bit.ly/2RrPt02> (in Slovak).

<sup>16</sup> Stop Corruption Foundation, "Ako oznámiť kampaň" (How to report campaign), <http://akooznamit.sk/> (in Slovak).

<sup>17</sup> Transparency International Slovakia, "Kampaň Stojíme za odvážnymi" (We stand for courageous campaign), <http://transparency.sk/sk/ZaOdvaznymi/> (in Slovak).

## 17. OGP coordination and next steps

### Language of the commitment as it appears in the action plan<sup>1</sup>:

Commitment 65: “Identify the person responsible for implementing the tasks of the OGP National Action Plan 2017-2019 in the organization.”

Commitment 66: “Coordinate the Working Group on the implementation of the OGP National Action Plan 2017-2019.”

Commitment 67: “Develop the final evaluation of the OGP National Action Plan 2017-2019.”

Commitment 68: “Prepare and submit for the Government of the Slovak Republic the OGP National Action Plan for the following period.”

Start Date: Not specified

End Date: 31 October 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
65. Identify the OGP person in each agency		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
66. Coordinate OGP working group		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
67. Evaluate the 2017 -2019 NAP		✓	✓					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				
68. Develop and submit NAP for a new OGP cycle		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

### Context and Objectives

One of the main recommendations of the previous IRM report<sup>2</sup> was to guarantee and strengthen intra- and inter-agency cooperation, as it is a necessary condition for successful implementation of some commitments, in particular commitments on open data and participatory policy-making which are coordinated by different public agencies jointly. Knowledge exchange is crucial for advancing open government agenda. For instance, as several interviewees emphasized<sup>3</sup>, sharing best practice examples from more successful public agencies might encourage those lagging and provide them with valuable suggestions on how to improve.

Although a public agency responsible for a particular commitment was always identified in the previous action plans, it often was not clear who the concrete public servant coordinating the agenda at that public agency is. The absence of clear responsibility could have led to the situation when enquiries were not responded. Commitments 65 and 66 address this problem and help to make the successful implementation of action plans more

likely. Identifying the OGP person at each ministry also strengthen the sense of responsibility and ownership. It also enables greater accountability within the government but also towards civil society. Interviewed public servants also welcomed the establishment of the OGP working group as a platform for collaboration and knowledge exchange<sup>4</sup> although this commitment is rather inward-facing and represents an internal change.

At the end of each implementation cycle, governments are expected to publish a self-assessment report evaluating the implementation of the action plan. The Office of the Plenipotentiary published the government's first self-assessment report in 2013<sup>5</sup>, and the second in 2016<sup>6</sup>. In August 2018 the Mid-term self-assessment report evaluating the implementation progress of commitments in the current action plan was published<sup>7</sup>. The final self-assessment report, which will evaluate the completion of the action plan is due in June 2019. When this assessment is complete; governments are expected to draft a new action plan. The impact of commitment 68 will be contingent upon the ambition of the new action plan and the nature of the process of creating it.

### Next steps

The IRM researcher recommends maintaining the OGP working group. The interviewed public servants stated that they benefited from its existence and also welcomed that the Office of the Plenipotentiary uses a variety of channels for communication. One interviewee appreciated, in particular, regular distribution of a newsletter updating public servants in charge of OGP commitments about the progress and news more broadly<sup>8</sup>.

As mentioned in Section III: Leadership and Multi-stakeholder Process, the Office of the Plenipotentiary has developed this action plan in an open, transparent and participatory manner. Not only was the information about all important steps publicly available and widely circulated, and the opportunities for relevant experts and the public to participate were numerous, but they could co-create the content of the action plan. The IRM researcher recommends maintaining these standards in the development of the upcoming action plan.

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<sup>1</sup> The Office of the Plenipotentiary, "Open Government Partnership National Action Plan of the Slovak Republic 2017 – 2019", <http://bit.ly/2QYIIHV>

<sup>2</sup> Mária Žuffová, Open Government Partnership, "Slovakia Special Accountability Report 2014 - 2015", <http://bit.ly/2EzH4VVs>

<sup>3</sup> Interview with Karolína Miková (PDCS), 9 November 2018. Interview with Marcel Zajac (Center for Philanthropy), 5 November 2018. Interview with Veronika Prachárová (Slovak Governance Institute), 16 November 2018. See Section 'VI. Methodology and sources for details.

<sup>4</sup> Interview with a ministry representative 2 who wished to remain anonymous, 6 November 2018. Interview with a representative of central government agency who wished to remain anonymous, 5 November 2018. See Section 'VI. Methodology and sources for details.

<sup>5</sup> The Office of the Plenipotentiary, "Mid-term self-assessment report", <http://bit.ly/2Qh3CQh> (in Slovak).

<sup>6</sup> The Office of the Plenipotentiary, "Government self-assessment report", <https://bit.ly/2agz0Gy> (in Slovak).

<sup>7</sup> The Office of the Plenipotentiary, "Mid-term government self-assessment report", <http://bit.ly/2r2JwuQ> (in Slovak).

<sup>8</sup> Interview with a representative of central government agency who wished to remain anonymous, 5 November 2018. See Section 'VI. Methodology and sources for details.

## V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

### 5.1 IRM Recommendations

The five key recommendations are as follows:

- **Establish the formal multi-stakeholder forum with participation of both public servants and civil society**

Although the Office of the Plenipotentiary is open to everyone and transparent about the processes during the development and implementation of action plans, the absence of a single formalized multi-stakeholder forum (MSF) is detrimental for its otherwise very inclusive and open processes. Currently, CSO representatives and public servants have limited chances to have a direct dialogue in the same setting. Three thematic working groups consist mostly of CSO representatives. On the other hand, OGP working group, which oversees the implementation is dedicated to public servants exclusively. Therefore, the IRM researcher recommends the Office of the Plenipotentiary to set up a formalized MSF comprised of both public servants and CSO representatives, and to publishing the information on its mandate, remit, membership and governance structure on the official website. To maximize the inclusiveness and joint ownership of the agenda and work, two co-chairs – one from the government, one from civil society – could coordinate the working group and its meetings. Civil society actors engaged in OGP should themselves select the civil society co-chair and make clear their commitment to supporting the Action Plan design process with constructive engagement and substantive inputs into the choice and content of commitments. The OGP Support Unit Country Support Team could be enlisted to support an inclusive process of strengthening the effectiveness of, and inclusivity in, the Action Plan design process. These measures could perhaps prevent from implementing the commitments in an isolated manner when sole focus is on the commitment wording, and other open government values are overlooked or violated, as happened with the implementation of some open education commitments for example. For Slovak participation in OGP to have a transformative impact, agencies have to adopt a holistic approach in implementing commitments. The commitments should not be seen as a narrow specialism. OGP values need to be embedded in all processes.

- **Include more targeted and ambitious commitments in the next action plan**

This action plan has many commitments. However, there is only one that is assessed to have a transformative potential impact. Many of the commitments in the current plan are of technical nature and represent minor improvements or continuation of previous commitments rather than major reforms that change broader government practice and culture. The next action plan would benefit from focusing on a smaller number of ambitious commitments that would promote OGP values. The IRM researcher recommends a focus on continuing transparency efforts, e.g. continuation with opening key governments datasets and API, and adding a focus on improving FOI legislation, but also a focus on engaging the public in decision-making, building on the 2017-2019 commitments on participatory policymaking. The commitments should be concrete, e.g. specifying which types of law will include public consultations, and at exactly which stages. In the case of participatory policymaking, support to CSOs in training them (where possible, together with public

officials) on the participatory policymaking process would raise the level of professional engagement on all sides.

- **Ensure the proposed commitments are co-created with public agencies in charge of their implementation**

In the next action plan, include commitments where public agencies contributed to the creation of commitments substantially or where they agree on the implementation and formulate clear steps on how completion will be achieved. A lack of ownership might hamper successful implementation. An example of thereof are several open education commitments where the Ministry of Education had weak ownership of the agenda, and their fragmented efforts resulted in poor progress on commitments. There needs to be a clear vision on where public agencies want to move open government agenda forward and how it is a necessary precondition for success.

- **Concentrate efforts on existing platforms and initiatives, avoid creating duplication**

In order to address the recommendation above, it might be beneficial to concentrate the efforts on already existing platforms and initiatives and avoid creating duplication. For instance, in the area of monitoring the use of public resources, focusing on improving the Central Register of Contracts substantially might represent a high profile and ambitious commitment that would stretch government practice beyond the status quo. Although CSO representatives have pointed to several problems with the register since its launch in 2011, many of these have been persisting. Instead of improving the Central Register of Contracts, other platforms of questionable quality have been developed, such as the EU Funds and Subsidy Portal. Substantial improvements of the Central Register of Contracts might include but not be limited to improving user experience building in more robust search and alert functions or amending legislation to include additional entities, like municipalities. In the present absence of an alternative platform *Otvorenazmluvy.sk*, which has been developed by CSOs, improvements of the register are much needed.

- **Focus on improvement of key transparency tools, including improving the Freedom of Information Act, and mainly its application practice.**

Many interviewees mentioned that while the government focuses on publishing open data, FOI legislation has not been amended despite a draft of high quality was prepared two years ago. FOI legislation needs to be updated and improved, but mainly well applied. At the moment, compliance with FOI legislation is not monitored, which poses a problem given that it is often the last resort to get the government information for civil society. The only reports on the agencies' compliance with FOIA were authored by CSOs. Slovakia has the Office for Personal Data Protection, which accepts complaints about potential personal data breaches. Nonetheless, its focus does not go beyond that. No agency specializes in investigating complaints from citizens who believe that an agency has failed to respond correctly to an FOI request. The creation of the Information Commissioner or FOI Ombudsman Office or broadening the scope of the Office for Personal Data Protection's activities for FOI-related issues could be one of the solutions. At the same time, its role will be to provide guidance to both public agencies and requesters. Having the Information Commissioner or Ombudsman might help to ensure the approaches across public agencies are more consistent. In the meantime, donors might consider supporting a joint government-civil society effort to identify challenges in application practice.

**Table 5.1: Five Key Recommendations**



1	Establish the formal multi-stakeholder forum with participation of both public servants and civil society.
2	Include more targeted and ambitious commitments in the next action plan.
3	Ensure the proposed commitments are co-created with public agencies in charge of their implementation.
4	Concentrate efforts on existing platforms and initiatives, avoid duplication.
5	Focus on improvement of key transparency tools, including improving the Freedom of Information Act but mainly its application practice.

## 5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

Recommendation		Responded to?	Integrated into Current Action Plan?
1	The government should standardize inter-agency processes and set minimum requirements for inter-agency co-operation.	✓	✓
2	The government should demonstrate greater support of the Office of the Plenipotentiary by providing it with additional resources for participation in OGP.	✗	✗
3	The Office of the Plenipotentiary should launch an awareness-raising campaign targeted at the wider public, and promote important OGP results that affect the everyday lives of Slovak citizens, such as the Whistleblowers Act.	✓	✓
4	The newly-created Office of the Deputy Prime Minister for Investments and ICTs should strengthen the open data agenda by providing data in high public demand, organizing hackathons, and encouraging open data use.	✓	✓
5	The Ministry of Education should strengthen ownership of the open education agenda by assigning a unit within the ministry to be responsible for all open education and research related tasks and evaluating its performance regularly.	✓ (partially)	✓ (partially)

Of the five recommendations, the government addressed and integrated four in the next action plan. Although the inter-agency processes were not standardized, and minimum requirements were not set, the Office of the Plenipotentiary found a way to ensure that each OGP commitment has its owner, and thus, increased chances for their success even in cases when commitments require collaboration across different agencies. The commitment 65 and 66 addressed the problem of a lack of ownership, as they identified a public servant in charge of a cluster of commitments who is then also expected to attend regular meetings of the coordinating group. Since the list of public servants in charge of OGP commitments is publicly available, the responsibilities are clearer and more transparent making it easier for anyone from the public to inquire about commitments.



According to the Office of the Plenipotentiary mentioned that there is no specific budget selected towards Slovak OGP participation. Therefore, the recommendation to provide additional resources has not been addressed.

The Office of the Plenipotentiary has improved its outreach activities significantly and approach them now in a more systematic manner. From the communication on the official website and social networking sites, it is clear that the Office of the Plenipotentiary has adopted a design manual for its promotional materials. This is a small but positive measure as it helps to build 'a brand identity'. The Office of Plenipotentiary organizes Open Government Weeks regularly, which manages to attract a wider audience from year to year. CSOs view the event as very useful. At the same time, they mentioned that a room for improvement remains in drawing media attention. OGP is not covered in the media, journalists do not refer to it even when reporting about issues relevant to OGP.

While many open data commitments were carried forward to the next action plan, and thus the recommendation to strengthen open data agenda was addressed in the action plan, key datasets in high public demands are still closed. Moreover, as many interviewees mentioned, despite some hackathons, the outreach is still low. The Office of the Deputy Prime Minister for Investments and Informatization could focus more on identifying key consumers of open data and engage them pro-actively.

The Ministry of Education has addressed the recommendation to strengthen ownership of the open education and research agenda only partially. The Slovak Center of Scientific and Technical Information has established the Open Access Point of Contact<sup>1</sup>, but this serves as a guidance office for open access only. Its existence and previous work have been crucial in moving open access agenda forward and engaging important stakeholders. However, since there is no equivalent office for the open education agenda, the efforts in this area remain fragmented.

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<sup>1</sup> Open Access Point of Contact, Slovak Center of Scientific and Technical Information, <http://openaccess.cvtsir.sk/>

## VI. Methodology and Sources

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

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Slovakia's OGP repository (or online tracker)<sup>1</sup>, website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>2</sup>

### Interviews and stakeholder input

#### Survey-based data

The IRM researcher conducted several surveys, which yielded both quantitative and qualitative information on the action plan development and specific clusters of commitments. The first batch of surveys was sent to 20 civil society representatives who are experts in the themes represented in the third national action plan. Individual surveys were dedicated to open data<sup>3</sup>, open education and access<sup>4</sup>, participatory policy-making<sup>5</sup> and open judiciary<sup>6</sup>. The second set of surveys was sent to 14 public servants who were in charge of individual commitments<sup>7</sup>. They were asked about their views of the current political situation, action plan development and cooperation with the Office of the Plenipotentiary and civil society. The third and last set of surveys was sent to eight leaders in the civil society, academia and private sector asked them about their views of the political situation in the country concerning open government<sup>8</sup>. A majority of questions were closed multiple choices questions. However, some questions were opened, for instance, a question seeking the opinion on major events affecting civil society in the past two years etc. Opened questions yielded some qualitative information. One reminder was sent to those who have not filled in the questionnaire. The response rate was 50%, which is relatively high for an online survey. At the end of the surveys, the respondents were asked if they are willing to be interviewed.

#### Interviews

Subsequently, the IRM researcher organized either face-to-face or skype interviews with those who responded positively to the plea. The aim was to have at least one CSO representative and one public servant for each of the clusters: open data, API and software, open education and open access, participatory policy-making and open judiciary and prosecutors. Below is a list of interviewees for this report. The list is organized chronologically as the interviews happened. All interviews where the location is indicated

were face-to-face interviews. The semi-structured interviews were on average one hour long.

- Dr Samuel Spáč, Masaryk University and Comenius University, previously TI Slovakia, Bratislava, 23 June 2016
- Ms Lucia Lacika, The Office of the Plenipotentiary, skype interview, 25 September, 9 October 2018 and 30 November 2018
- Mr Martin Turček, Aktuality.sk, previously TI Slovakia, skype interview, 15 October 2018
- Mr Roman Baranovič, Narnia grammar school, skype interview, 26 October 2018
- A representative of a central government agency, Bratislava, 5 November 2018
- Dr Ján Gondol', Bratislava, 5 November 2018
- Mr Marcel Zajac, Center for Philanthropy, Bratislava, 5 November 2018
- A ministry representative 1 who wished to remain anonymous, Bratislava, 6 November 2018
- A ministry representative 2 who wished to remain anonymous, Bratislava, 6 November 2018
- Dr Zuzana Adamová, Creative Commons and University of Trnava, Bratislava, 6 November 2018
- Mr Lukáš Jankovič, Ministry of Transport and Construction, Bratislava, 6 November 2018
- A ministry representative 3 who wished to remain anonymous, Bratislava, 6 November 2018
- Dr Karolína Miková, Partners for Democratic Change, skype interview, 9 November 2018
- Ms Veronika Prachárová, Slovak Governance Institute, skype interview, 16 November 2018
- Mr Ján Suchal, Slovensko.digital, phone interview, 4 December 2018

The interviewees are experts in their areas and were also very knowledgeable about the OGP, and commitments in their area of expertise. Therefore, they all provided the IRM researcher with valuable insights for the report. However, while CSO representatives felt that they could talk most of the time freely and agreed to speak using their name and affiliation, the majority of public servants were willing to meet for the interview only under the condition of anonymity.

- Where additional information was needed, the IRM researcher contacted the following public servants by e-mail:
- Ms Viera Schauerová, The Ministry of Education, Science, Research and Sport, 26 October 2018
- Ms Veronika Farkašová, The Office of Deputy Minister for Investments and Informatization, 31 October and 5 November 2018
- Ms Monika Filipová, The Ministry of Interior, 7 December 2018
- Ms Silvia Horáková, Slovak Center for Scientific and Technical Information, 13 December 2018

### About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio

- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

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

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<sup>1</sup> The official website of the Office of the Plenipotentiary, which serves as a repository for OGP-related materials, [https://www.minv.sk/?ros\\_ogp](https://www.minv.sk/?ros_ogp) (most information is in Slovak but there is also some basic information available in English too). Perhaps it is also important to mention that the Office's Trello account also serves as a tracker of the progress on individual commitments and provides useful information on OGP in Slovakia, <http://bit.ly/2Q2RlZL> (in Slovak).

<sup>2</sup> IRM Procedures Manual, V.3 : <https://www.opengovpartnership.org/documents/irm-procedures-manual>

<sup>3</sup> Survey on open data commitments, <http://bit.ly/2IGRhIC> (in Slovak).

<sup>4</sup> Survey on open education and open access commitments, <http://bit.ly/2P3LJkc> (in Slovak).

<sup>5</sup> Survey on participatory policy-making, <http://bit.ly/participacia> (in Slovak).

<sup>6</sup> Survey on open judiciary and prosecutors, <http://bit.ly/2PdoRIS> (in Slovak).

<sup>7</sup> Survey for public servants, <http://bit.ly/statnasprava> (in Slovak).

<sup>8</sup> Survey for representatives of CSOs, academia and the private sector, <http://bit.ly/tretisektor> and <http://bit.ly/politickykontext> (in Slovak).

## Annex I. Overview of Slovakia's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	
<b>1a. Forum established: There is a forum to oversee the OGP process</b>	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Yellow
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Yellow
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Yellow
<b>2a. Multi-stakeholder: The forum includes both governmental and non-government representatives</b>	Yellow
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Yellow
<b>2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.</b>	Yellow
2d. High-level government representation: The forum includes high-level representatives with decision making authority from government	Red
<b>3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum</b>	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Green

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The forum conducts outreach and awareness raising activities with relevant stakeholders to inform them of the OGP process.	Green
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
<b>4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.</b>	Yellow
<b>5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g links to databases, evidence of meetings, publications)</b>	Green

**Editorial note:** If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.