<u>Self-Assessment Report of the Initiative for the Open Government Partnership in the Slovak Republic</u>

for the period of April 2012 – June 2013[1]

# I.  **Introduction**

The Slovak Republic (hereafter "the SR") joined the Open Government Partnership initiative in September 2011.  The subsequent months saw participative development of the first Action Plan for the Open Government Initiative in the Slovak Republic (hereafter the "Action Plan").  The Government of the Slovak Republic adopted the Action Plan on 22 February 2012 with the Resolution n. 50/2012.

The Action Plan contained three subject areas.  The first part, Open Information, was one of the key constituents of the commitment of the SR, with a particular emphasis on active provision of accessibility of information and data by state authorities and public institutions to the general public.  This approach was chosen in light of its potential to limit the demands on the public administration in providing various services with the use of new technologies.  Open Information contained commitments concerning new technologies, particularly in the provision of public information on the functioning and activities of state administration.  The section comprises of two major commitments: development of national Open Data Portal and of a web application for finances provided and distributed by the state through grant schemes.

The second subject area of the Action Plan, which concerned Government Open to Dialogue, derived from the belief that high quality administration of public affairs arises from the cooperation with the public and from the engagement of the key actors in addressing relevant issues and challenges.  Further guiding idea suggests that high quality public policies emerge from the stakeholder dialogue and through public participation.  Government Open to Dialogue focused on increasing public participation with two main commitments: launching dialogue on public policies and introducing the instrument of electronic petitions.

The third part of the Action Plan focused on Transparent Government.  It set out rules, regulations and mechanisms through which the government answers for its activities, responds to criticism or the demands it faces, and is accountable for failures in relation to law, rules and mechanisms.  The Action Plan proposed a number of tools for the government to monitor its activities leading to greater openness, enabling it to present demands and new initiatives as a part of the open governance in the future.  The commitments contained in the third chapter dealt mainly with the transparency and

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[1] the status quo is reviewed as of 15 September 2013

included the creation of the Council of the Government of the Slovak Republic on Transparency and Open Government, and the adoption of a Law on whistleblowers.

The commitments made by the SR under the Open Government Initiative involve a number of challenges addressed by the Open Government Partnership.  Among them, the Slovak Republic focused on two areas in particular: the effective use of public sources and the improvement of public services.  The effective use of public sources was subject to the open data portal and web application for the use of structural funds and other sectorial grant mechanisms, while the entire area of Government Open to Dialogue focused on the increase of participative methods in creating public policies, i.e. on the areas with real impact on the lives of the citizens.  The real effect and the results achieved vary from area to area, even though the development of the Action Plan focused particularly on the above two areas.

## II.      Summary of the process

After the accession of the SR to the Open Government Partnership, the former Prime Minister Iveta Radičová entrusted the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society, Mr Filip Vagač (hereafter "the Plenipotentiary") with the creation of the Action Plan. The Plenipotentiary set up the Open Government Advisory Council (hereafter "Advisory Council") to propose and approve the process of the development of the Action Plan for 2012 and 2013.  The Advisory Council consisted of key representatives of state administration and non-profit sector. It convened three times, having proposed and approved the process of the development of the Action Plan in line with the requirements for public participation and citizen inclusion.  The Office of the Plenipotentiary of the Government of the Slovak Republic for the Development of Civil Society (hereafter "the Office of the Plenipotentiary") was entrusted with the responsibility for drafting the text of the Action Plan and preparing the participative process.  The active engagement of non-profit sector was an important element in the development of the Action Plan in terms of content and procedural proposals, as well as in the consultations of individual drafts of the text.  Following the first round of informal consultations with the experts  on transparency,  use of technologies and on participatory planning, and with representatives of civic advocacy groups, proposals for the areas to be contained in the Action Plan were put forward.  After their approval by the Advisory Council, the first draft of the text was completed, which was subsequently discussed with representatives of the non-profit sector at three regional consultation meetings in January 2012.   At the same time, a working draft of the document was made available to broader public for comments on the open government website [www.otvorenavlada.gov.sk](www.otvorenavlada.gov.sk).  Following the consultations and the resulting amendments, the material entered the legislative process where individual ministries presented their comments.  The Action Plan was then presented to the Slovak Government that adopted the document on 22 February with Resolution n. 50/2012.

The Resolution assigns tasks to all ministries, the Office of the Plenipotentiary, the Office of the Government SR, the Statistics Office, the Office for Public Procurement and to the Geodesy, Cartography and Cadaster Authority.

*Challenges*

The Office of the Plenipotentiary worked closely with a number of organisations in all phases of the process of the development of the Action Plan. In addition to the initial meetings with experts and bilateral talks, three consultation workshops were held to present the participants the draft of the Action Plan, to enable them to raise questions, put forward comments and amendments to the content and the process of the development of the document. The meetings were held in Bratislava and in Košice and Banská Bystrica (regional capitals), having brought together over 50 representatives of non-governmental non-profit organisations engaged in themes such as transparency, fight against corruption and open governance. The main challenge at the meetings was to present the Action Plan and to grasp its complexity by the audiences. In terms of feedback, comments and proposals from the participants and broader public, a relatively limited amount of people used the website to comment and present proposals for the Action Plan. Given the rather specialised issue, the result may have been caused by the absence of public campaign.

Interdepartmental cooperation proved somewhat difficult, particularly because of the novelty of the concept of open government in Slovakia. Despite the initial disagreements, the differences were leveled and the material was presented to the Government without contradictions. Cooperation with the regional and local governments proved as the most challenging. Despite the efforts made by the Government Plenipotentiary to engage local governments in the Action Plan, the latter rejected the activities arguing that no funds had been allocated to them for this purpose. The Action Plan therefore does not extend to the regional and local administration.

The timeframe for the development of the Action Plan also proved insufficient. The Slovak Republic entered the Open Government Partnership in September 2012 under the administration of Prime Minister Iveta Radičová. Following the launch of the development of the Action Plan, however, Slovakia ended up in political crisis and much of the process took place in an unstable internal political situation. The submission of the Action Plan at the Annual Meeting in Brazil in March 2012 was the final deadline, while the internal political situation created a power vacuum in the context of which it was difficult to negotiate and agree on the individual parts of the Action Plan.

*Innovations*

In terms of new approaches and innovations contained in the Action Plan, the notion of open data was introduced, and a debate was launched on its usefulness and application. In the area of participation, the notion of electronic petition was introduced to facilitate and make more comprehensible the communication of the public with the Slovak Government. Further innovations include introduction of the institute of whistleblower and its protection. The participatory elements in the drafting of public policies had existed in Slovakia prior to the adoption of the Action Plan, but the initiative made them more extensive and visible.

*Networking*

In the development of the Action Plan, the Office of the Plenipotentiary used online consultations with other countries and representatives of the international Open Government Partnership.

*Engaging a range of stakeholders in the development of the Action Plan*

The process of the development of the Action Plan was announced to the broader public prior to its launch through the open government website www.otvorenavlada.gov.sk, which was built to promote the Open Government Initiative in addition to the website of the Plenipotentiary - www.tretisektor.gov.sk. The public had various opportunities to participate in the process and to shape the final text of the Action Plan. All of the comments and proposals received via the website were made public and accessible.

In terms of face-to-face meetings, the key instrument included consultations on the draft Action Plan with representatives of non-profit sector that were held in Bratislava, Banská Bystrica and Košice – the three regional capitals with the highest concentration of non-profit organisations. Over 50 people attended the workshops. The participants had an opportunity to comment on the material as a whole or per individual chapters of the Action Plan. They were also given space to present new suggestions and ideas. The workshop participants discussed the ways of creating the Action Plan. Most of them appreciated the small step method, particularly since the concept of open government is quite new to Slovakia - there is a need to test which models of cooperation and data publishing prove as successful before their application. A number of participants agreed that the model of applying successful projects to the key areas only after their pilot run seemed best. The chapter on the efforts to date was received critically as the participants missed steps made prior to 2010 and their deeper analysis. A number of them viewed the set goals in a rather positive light. The participating representatives of the non-profit sector ranged from IT through environmental non-profit groups, community foundations, to social care organisations, etc. The report issued after the consultations was published at the open government website. The Office of the Plenipotentiary, as the coordinator of the development of the Action Plan, also accepted comments sent by email.

## III.     Implementation of the Action Plan

The implementation of the Action Plan contained 22 tasks divided into in three subject areas:

- The area of *Open Information* involves active accessibility of data by the state administration to the public. It is the fundamental standard of communication of the government with the public. It is also one of the key components of our commitment within the Open Government Partnership.
- The aim of the *Government Open to Dialogue* is to make the stakeholder dialogue an essential part of creating specific public policies, particularly those that project major impact on people´s lives. It also contains development of a strategy for the dialogue on public policies and electronic petitions.

- The *Transparent Government* focuses particularly on one of the core prerequisites of open government – the accountability by representatives of public administration for the decisions they make on behalf of the public.  It contains measures that deal with transparent governance and reporting corruption.

Of the total of 22 tasks (commitments),  11 were identified as completed, 8 as partially completed and 3 as not completed.

| Commitment | Task in Resolution | Completion deadline | Status |
|---|---|---|---|
| Open Information | | | |
| 1. Develop and launch the Open Data Portal | C.14 | 30 April 2012 | completed |
| 2. Publish pilot datasets on the Open Data Portal in compliance with the approved OGP Action Plan of the Slovak Republic | C.3 | 31 May 2012 | completed |
| 3. Develop a  list of all datasets, including technical specifications and a plan of their progressive publication on the Open Data Portal | C.1 | 1 June 2012 | completed |
| 4. Develop technical and content specifications for public administration data  and metadata  for the Open  Data  Portal  and  guidelines  for  data publication  and further  use  based  on  the  public license | C.10 | 1 September 2012 | completed |
| 5. Further develop the Central Registry of Contracts reflecting the needs of public users | C.15 | continuous | completed |
| 6. Publish at least 2 datasets from each Ministry during the period of 12 months on the Open Data Portal  based  on  the proposed  plan  for  data publication | C.2 | 1 June 2013 | completed |
| 7. Publish data regarding the allocation of Structural Funds in the scope defined for the ITMS on the Open Data Portal | C.4 | 30 November 2012 | completed |
| 8. Publish data regarding the allocation of EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other Ministry grant schemes on the Open Data Portal in the scope defined by the Central Register of Projects | C.5 | 31 December 2012 | partially completed |

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| 9. Prepare a tender for the public procurement of the web application for the allocation of Structural Funds, EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other Ministry grant schemes | C.11 | 30 September 2012 | completed |
| 10. Launch a portal on the current allocation of Structural Funds, EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other Ministry grant schemes | C.16 | 1 June 2013 | partially completed |
| Government Open to Dialogue | | | |
| 11. Propose three processes Dialogue on Strategy: using the participatory methods and training of involved public administration staff and representatives of non-governmental organizations | C.6 | 31 August 2012 | completed |
| 12. Apply the proposed participatory methods on three public policies | C.7 | 1 September 2013 | partially completed |
| 13. Draw up the Bill on the participation of the public in the legislative process | C.8 | 1 June 2013 | not completed |
| 14. Create rules for public involvement in the development of selected policies and submit them to the Government of the Slovak Republic for approval. This document will also contain proposals for processes, training courses, and outcomes associated with the participatory development of public policies | C.17 | 1 November 2013 | partially completed |
| 15. Prepare and launch collective electronic petitions | C.12 | 31 December 2012 | partially completed |
| 16. Draw up an amendment and supplement to the Guidelines for the preparation and submission of materials for meetings of the Government of the Slovak Republic | C.13 | 31 December 2012 | partially completed |
| Transparent Government | | | |
| 17. Draw up statutes and appoint the Working Group for the Implementation of the OGP Action Plan in the Slovak Republic | C.18 | 31 May 2012 | completed |
| 18. Create statutes of the Council of the Government of the Slovak Republic for Transparency and Open Governance and submit it to the Government of the Slovak Republic for approval | C.19 | 28 February 2012 | completed |

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| 19. Develop criteria and parameters to be evaluated by the Council | C.20 | 1 July 2012 | not completed |
| 20. Carry out the first evaluation of the Openness Barometer | C.21 | 1 July 2012 | not completed |
| 21. Draw up a draft bill on the protection of corruption whistleblowers and submit it for review stage among Ministries | C.9 | 30 June 2012 | partially completed |
| 22. Develop the Action Plan for open governance for the next period and submit it to the Government of the Slovak Republic for approval | C.22 | 1 June 2013 | partially completed |

The identified commitments are listed according to the subject areas.  At the same time, they are cross-referenced to individual tasks based on Government Resolution n. 50 of 22 February 2012.  The order of the thematic tasks is not identical with their identification in the Government Resolution, thus both identifiers are provided.  Some tasks might refer to the same goals -  those are identified for the sake of comprehensibility.

### A.  Open Information

1.  <u>Develop and launch the Open Data Portal</u>

Resolution: Task C.14 for the Head of the Government Office of the Slovak Republic

Deadline:  30 April 2012

Status:  completed

The Government Office of the Slovak Republic, together with the Plenipotentiary, analyzed a range of options for the launch of the Open Data Portal in Slovakia. Adoption of the CKAN software created by the Open Knowledge Foundation seemed most feasible because of simple usability, wide accessibility, as well as financial acceptability. The use of software was negotiated with the Open Knowledge Foundation - the Office of the Plenipotentiary provided for the translation of the software into the Slovak language, while the Government Office secured the domain license.  Since May 2012, the Open Data Portal has been located at http://data.gov.sk  and has been operational.  Slovakia currently uses the  version 1.8 that is being updated to version 2.0.  The Government Office  ensures the technical administration of the portal.  The CKAN software provides the basic functionalities related to open data, while some other functionalities, such as searching datasets by date of their upload or by updates, are missing.

The CKAN software currently meets the needs of the SR, even though some problems occurred with its use. In November 2012, the internal migration at the CKAN server the Slovak open data portal was unavailable for a few days, which caused doubts about the reliability of the portal. The Slovak Ministry of Finance as the guarantor of standards for PAIS (public administration information systems) and the Slovak Ministry of Interior expressed doubts about the safety of data stored at the server in part because of its location abroad.

Given the above, the medium-term plan for Slovakia is to migrate the CKAN software to a server at the National Agency for Networks and Electronic Services and to develop eventually its own software that would contain all the required functionalities. The aim for the next period is to enable interactivity of the portal in order to facilitate search by a range of criteria, to introduce a system of dual evaluation of datasets (specialist evaluation by criteria and standards and public evaluation that would assess the usability of the datasets), and to introduce an innovation by showing the applications deriving from concrete datasets.

Tasks 2, 3, 4 and 6 concern publishing datasets in an open format by the public administration institutions. Since open data were a novelty as a theme in Slovakia, a model of pilot publishing of datasets that were to serve as model examples was chosen.

2. Publish pilot datasets on the Open Data Portal in compliance with the approved OGP Action Plan of the Slovak Republic

Resolution: Task C.3 for the Minister of Justice, the Minister of Labour, Social Affairs and Family, and the Head of the Government Office of the Slovak Republic
Deadline: 31 May 2012

Status: completed

In line with the publishing plan, the Commercial Bulletin (Ministry of Justice of the SR ), Operational Programme for Employment and Social Inclusion (Ministry of Labour, Social Affairs and Family of the SR ), the Central Registry of Contracts (the Government Office of the Slovak Republic) and the Central Registry of Projects (the Government Office of the Slovak Republic) were published on the Open Data Portal. The Government Office was among the first state administration bodies to publish datasets in the form of open data. On the other hand, neither the Central Registry of Contracts nor the Central Registry of Projects is available in a fully open format. The Central Registry of Contracts runs the API interface for access to its database in a testing mode. After the consultation with the non-profit sector, a functionality of daily export into the XML changes was added to the Central Registry of Contracts. The changes occur the following day, which means reporting involves added, amended and deleted contracts. The Commercial Bulletin of the Slovak Ministry of Justice is also unavailable on the Open Data Portal in an open format.

These institutions showed the willingness to cooperate and publish the aforementioned datasets. That met the objective to make available meaningful and fully valuable datasets at the beginning of the portal's cycle. Everything has been published on time. Yet they were not provided in an ideal format because of their early publishing. The datasets should therefore be published again in a fully open format.

3. <u>Develop a list of all datasets, including technical specifications and a plan of their progressive publication on the Open Data Portal</u>

Task C.1 for all Ministers, the President of the Geodesy, Cartography and Cadaster Authority of the SR, the President of the Statistics Office of the SR, and the President of the Office for Public Procurement of the SR.

Deadline: 1 June 2012

Status: completed

In April 2012, the Office of the Plenipotentiary launched activities related to information gathering of the datasets. A list of state administration datasets was created, following written communication with state administration institutions. The list contained the following data: name of data source, purpose, focus and/or brief description identifying the data source, name of the operator of the data source (institution), publishing institution , state of electronisation of the data source, format in which the data are saved, e.g. database, tables, documents (.xls, .html, .csv, .rtf), estimated scope of data (e.g. number of objects in data source) or data volume, information about the time of creation, up-to-dateness, or the frequency of updating data, more detailed specification of content (metadata). After the subsequent communication with individual ministries, datasets have been identified as those that can be legally published, partially published (anonymised) and those that cannot be published, along with an explanation of reasons preventing their publication (personal data protection, national security, etc.). Further bilateral talks resulted in a schedule that contained a list of publishable datasets together with timing of publication. The list contained a total of 525 datasets. Their publication was scheduled in three major phases according to the importance of datasets and technical requirements for their conversion to an open format: November 2012, January and March 2013. The list of the state administration datasets is available at http://www.otvorenavlada.gov.sk/datasety-statnej-spravy/.

4. <u>Develop technical and content specifications for public administration data and metadata for the Open Data Portal and guidelines for data publication and further use based on the public license</u>

Resolution: Task  C.10 for the Plenipotentiary of the Slovak Government for the Development of Civil Society and the Head of the Government Office of the Slovak Republic

Deadline:  1 June 2012

Status:  completed

In order to increase the expertise and in the spirit of participatory decision-making that includes representatives from different sectors, the Office of the Plenipotentiary set up a working group for datasets that consisted of representatives of state administration and non-profit organisations.  Open data standards for the Open Data Portal were developed in cooperation with the working group for the datasets.  The main objective was to clarify the new concept of open data and open formats for the state administration institutions.   The standards concerned, for instance, dataset publishing with an  adopted philosophy of open government suggesting that anything concerning the output of public administration ought to be published, unless it is defined by law as confidential.   The standards further set out acceptable and unacceptable formats and access   (passive and API access), and addressed the system of metadata to be contained in the datasets.  The standards are available at http://www.otvorenavlada.gov.sk/data/files/2406_2012-07standardydatasety.pdf.

In order to improve the understanding of the standards, the Office of the Plenipotentiary organised a seminar for civil servants on open data, publishing and standards.  Held in October 2012, the seminar was to help the civil servants understand the concept of open data, the process of their publishing and utility.

The Office of the Plenipotentiary also presented a proposal for standardisation of open data to the Standards Commission under the auspices of the Slovak Ministry of Finance which is responsible for the PAIS standards. The process started in January 2013 and is not yet completed.  The proposal for the standards was presented to the Standards Commission, passed for debate in a number of working groups that, in addition to the representatives of the Commission, include those of the Office of the Plenipotentiary as the sponsor of the proposal, and members of the working group for datasets.  The Office of the Plenipotentiary, along with experts from the non-profit sector, played a major role during the sessions of the working group and in the process of defining the standards.  Intensive cooperation was also reflected in the output: the standards contain definitions and description of key terms related to open data, and a specification of what open data ought to contain.  The approach further included the  five-star specialist evaluation of the quality of datasets, while the content of metadata was defined as well. The standards for open data that will be part of the Decree on PAIS were approved by the Standards Commission and are currently in the legislative process.  They shall enter into force on 1 January 2014.

In addition to monitoring the compliance with the standards, further step in this context will be developing methodologies, particularly in order to explain and increase transparency of open data and datasets to civil servants.

5. <u>Further develop the Central Registry of Contracts reflecting the needs of public users</u>

Resolution: Task C.15 for the Head of the Government Office of the Slovak Republic
Deadline: continuous

Status: completed

The Central Registry of Contracts (hereafter "CRC") is being continuously developed whilst the needs of the sponsors and the broader expert public are being respected.  In concrete terms, the most frequent actions taken within the framework of the CRC were those dealing with user requests concerning corrections of mistakenly published data.  The Government Office has also provided technical support in solving problems with access to the CRC, and developed a system of automated import of contracts of the required entities into the CRC.  The completion of the task also included consultations on the requirement to publish contracts in the CRC, anonymisation of personal data in contracts, issuance of written confirmation about publication of a contract, and other administrative tasks required for the operation of the CRC.  After consultations with non-profit sector, a functionality of daily export into XML changes that occurred on the previous day was added, i.e. report of added, amended or deleted contracts.  The API interface for access to the CRC database has also been launched in testing mode. It is currently only accessible on request and upon presentation of authorisation data.

6. <u>Publish at least 2 datasets from each Ministry during the period of 12 months on the Open Data Portal based on the proposed plan for data publication</u>

Resolution: Task  C.2 for all Ministers, President of the Geodesy, Cartography and Cadaster Authority of the SR, President of the Statistics Office of the SR, and President of the Office for Public Procurement of the SR

Deadline: 1 June 2013

Status: completed

As of 15 September 2013, the Open Data Portal contained 204 published datasets.  They include, for instance, datasets of the Ministry of Transport, Construction and Regional Development of the SR, the Ministry of Agriculture and Rural Development of the SR,  the Ministry of Culture of the SR, the Ministry of Foreign and European Affairs of the SR, the Ministry of Interior of the SR and other resorts.

**The Ministry of Agriculture and Rural Development of the SR,** together with the institutions it oversees, published the greatest number of datasets in the open format.  It  published 32 datasets of varying scope.  The datasets include, for instance, Lists od Approved Factories for Animal Side Products, Central Registry of Farming Animals, Report of Results of Financial Audits, Lists of Veterinary Doctors Authorised to Issue Pet Passports, and a dataset called Agrofilm – Registry of Winning Films at the International Festival. Another institution that falls under the Ministry, the **Central Control and**

**Testing Agricultural Institute in Bratislava** published 25 datasets, e.g. the Registry of Inspection Institutions, the Yearbook of Winter Crops, Viticulture Registry, a List of Registered Plant Varieties, Registry of Registry of Hops and Hop Production Entities, Registry of Fruit Orchards, etc. The **National Forestry Centre** shared 8 datasets with the public (Registry of Hunting Grounds, Registry of District Forestry Authorities in the Regional Capital, etc.). Altogether, the Ministry of Agriculture and Rural Development together with its institutions legally required to publish data, published 65 data sources out of the planned 74. It means fulfilling the plan up to nearly 88%. In terms of publishing the information in the required standards, the Ministry has been over 98% successful.

The **Ministry of Interior of the SR** is another resort that published extensive statistics and data. It published 24 datasets, out of which 22 are data sources that include extensive statistics on crime rates in Slovakia in the period of 2007–2013. The datasets provide information on crimes committed against youth, the nature of crimes and statistics on crimes according to the nationality of offenders. Until present, the Ministry has published 24 datasets of the planned 50, which means meeting the plan up to 48%. Having reviewed the original list of datasets, the Ministry proposed an updated list that was made in cooperation with the administrators of individual systems. The list shall be used to evaluate the resort in the forthcoming period.

To date the **Ministry of Finance of the SR** published 11 datasets such as the Tax and Fiscal Forecasts, Tax Indicators, Registry of Fixed Assets of the Ministry of Finance, the List of Gambling Games Operators based on generally valid licences, etc. The plan is to publish 22 datasets. The Ministry thus met the plan up to 50%. All published datasets have met the required standards.

**The Ministry of Transport, Construction and Regional Development of the SR** has so far published 8 datasets, e.g. the Overview of Real Estate Property Administered by the Resort, Statistics on Foreign Currency Income and Expenditure in Tourism and the Use of Accommodation Facilities in Slovakia by International Visitors, the List of Organisations under the Powers of the Ministry according to Economic Classification, the List of Recipients of Funding from the EU Funds in the 2007–2013 Programming Period, etc. The resort has so far met the plan by 4 % since the planned number of datasets to be published was set at 190. The datasets published so far comply with the technical standards.

**The Ministry of Economy of the SR** has so far published 7 datasets of the planned 13, which is virtually 53% of the target. It published, for example, the List of Invoices Required for Publication, the List of Orders Required for Publication, Registry of Patents, Contracts on Rent and Loan of Real Estate Properties , etc. Nevertheless, 6 datasets do not meet the technological requirements for open data (.xml without .xsd schemes).

**The Ministry of Foreign and European Affairs of the SR** M has so far published 14 datasets of the planned 26. These include, inter alia, Lists of Heads of Staff at the Headquarters, an Overview of Heads of Diplomatic Missions of the SR, the List of Received Invoices in 2012, the List of Issued Invoices in 2012, the List of Membership Fees, etc. The Ministry has met the plan by nearly 54%. In terms of

meeting the open data technological standards, all datasets are in the csv format, though 7 of the published datasets have been placed with error, i.e. the source cannot be found.

**The Office for Public Procurement of the SR** has published 7 datasets of the planned 13, thus meeting the target at less than 54%.  The current list contains, for instance, invoices, methodological instructions, orders, notices on debates without publication, etc.

**The Ministry of Culture of the SR** has published 10 datasets on the Open Data Portal, including the Database of Grant Applications  in 2012, the Registry of Church Legal Entities, the Registry of Museums and Galleries in the Slovak Republic, the List of Libraries SR, etc.  The published datasets represent meeting the plan at 60% with 100% success rate of compliance with the technological standards.

**The Ministry of Labour, Social Affairs and Family of the SR** published 3 datasets on the portal: the Central Registry of Providers of Social Services, Provision of Subsidies and the Map of Funded Projects. The resort sent within the deadline additional 2 datasets: the List of Supervisors and Lists of Accredited Entities.

**The Ministry of Justice of the SR** has so far published 3 of the planned 20 datasets.  The published ones, however, do not meet the required standards.  They include the Commercial Bulletin, Court Decisions and the List of Judges. Thus to date the Ministry has met the plan at 15% with zero success rate of publishing the information in a supported format.

**The Ministry of Defense of the SR** has so far published 3 datasets of the planned 33.  The resort has published the List of Public Tendering of the Resort (2004–today), Orders and the List of Sublimit and Sub-Threshold Contracts of the Resort.  It has met the target at 9%.

**The Statistics Office of the SR** has published 9 data sources in csv format in line with the standards. The published datasets include, for instance, Classification of Statistical Territorial Units, Local Statistical Territorial Units, Statistical Classification of Jobs, as well as the List of Selected Industrial Products.  The Office plans to also publish electoral statistics, the Registry of Organisations and data on economic development in the Slovak Republic.

**The Ministry of Education, Science, Research and Sports of the SR** has published 5 datasets, including, for instance, Digital Map of Schools, Pupil Numbers at Schools and Study Opportunities, the Registry of University Employees, etc.

**The Ministry of Health of the SR** has published 9 datasets of the planned 22, having thus met the target at 41%.  It publishes, inter alia, the following datasets: the List of Dietary Foodstuffs with an Officially Set Price, the List of Awarded Accreditations for First Aid Courses, the List of Accredited Study Programmes of Further Education for Health Care Personnel – Certification Study Programmes, etc.

**The Ministry of Environment of the SR** launched activities aimed to provide access to data through the Open Data Portal and has so far met the target at 33.3%.  The Ministry plans to publish 27 datasets with a view of extending the list to additional datasets and services, including raising the degree of their openness under the framework of the Open Data classification through international projects

SDI4Apps and SmartOpenData. The datasets published so far contain information on protected territories (small and large scale), protected trees, environmental burdens, Summary Evidence on Waters, Information System on Potable Water, National Database of Caves, Regional Waste Information System, the Enviroportal, and other datasets.

204 datasets have been published to date of the planned 428[2], which is apr. 47.7%. The deviation is determined by the fact that some resorts have published the planned dataset in a number of files and by publishing datasets not contained in the list of the planned ones.

An overview of published datasets

| Resort | Planned number | Published number | Meeting the target (%) |
|---|---|---|---|
| Ministry of Transport, Construction and Regional Development of the SR | 190 | 8 | 4.2 % |
| Ministry of Finance of the SR | 22 | 11 | 50 % |
| Ministry of Economy of the SR | 13 | 7 | 53.9 % |
| Ministry of Culture of the SR | 10 | 10 | 100 % |
| Ministry of Defense of the SR | 33 | 3 | 9.1 % |
| Ministry of Agriculture and Rural Development of the SR | 74 | 65 | 87.9 % |
| Ministry of Labour, Social Affairs and Family of the SR | 8 | 5 | 62.5 % |
| Ministry of Justice of the SR | 20 | 5 | 20 % |
| Ministry of Education of the SR | 4 | 5 | 100 % |
| Ministry of Interior of the SR | 49 | 24 | 49 % |
| Ministry of Foreign and European Affairs of the SR | 26 | 14 | 53.9 % |
| The National Council of the Slovak Republic | | 1 | |
| The Geodesy, Cartography and Cadaster Authority of the SR | 2 | 2 | 100 % |
| Office for Public Procurement of the SR | 13 | 7 | 53.9 % |

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[2] The total number of datasets is 525, yet 428 are publishable.

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|---|---|---|---|
| The Government Office of the  SR | | 7 | |
| Ministry of Environment of the SR | 27 | 9 | 33.3% |
| Statistics Office of the | 9 | 9 | 100 % |
| Ministry of Health of the SR | 22 | 9 | 49.9 % |
| Others | 3 | 3 | |
| Total | 525 | 204 | 38.86 % |

Commitments 7 and 8 concern data publishing by state administration institutions regarding the allocation of public funds. The two tasks aimed to prepare the input for the web application for the EU structural funds, the EEC Financial Mechanism, the Swiss Financial Mechanism, and other ministerial grant schemes.

7. <u>Publish data regarding the allocation of Structural Funds in the scope defined for the ITMS on the Open Data Portal (Information Technological Monitoring System)</u>

Resolution: Task C.4 for the Deputy Prime Minister and the Minister of Transport, Construction and Regional Development

Deadline: 30 November 2012

Status: completed

The Ministry of Transport, Construction and Regional Development of the SR in conjunction with the Central Coordinating Body (hereafter "CCB") published a dataset entitled the List of Recipients of Finance from the EU Funds in 2007–2013 that was linked to the Open Data Portal.

8. <u>Publish data regarding the allocation of EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other Ministry grant schemes on the Open Data Portal in the scope defined by the Central Register of Projects</u>

Resolution: Task C.5 for the Deputy Prime Minister and the Minister of Labour, Social Affairs and Family, the Deputy Prime Minister and the Minister of Finance, the Minister of Agriculture and Rural Development, the Minister of Education, Science, Research and Sports, the Minister of Environment, the Minister of Culture, the Minister of Economy, the Minister of Health, the Minister of Foreign Affairs, and the Head of the Government Office of the SR

Deadline: 31 December 2012

Status: partially completed

The Office of the Plenipotentiary launched activities to map the ministerial grant schemes. Preliminary list of grant schemes in Slovakia was created using a number of information channels. However, not all grant schemes were included in the list of datasets. The session of the interdepartmental Working Group for the Implementation of the Action Plan held in June 2013 found the publishing of datasets containing grant schemes to be particularly unsatisfactory. One of the main conclusions of the session was to publish all datasets containing grant schemes by August 2013, though this was completed only partially. 18 datasets of the 50 identified have been published by the end of August. However, the published schemes are often in incorrect format and do not meet the standards for open data publishing. The following Ministries did not publish any grant schemes: the Ministry of Education,

Science, Research and Sports of the SR, the Ministry of Health of the SR and the Ministry of Environment of the SR.

Fulfilling these tasks is closely linked to additional resolutions that cannot be satisfied without making the first step.  The problem  lies in  lack of communication within the ministries about complying with the commitment.  There is often no guarantor unit that would comprehensively oversee the grant schemes in individual ministries.

Tasks 9 and 10 concern preparation and implementation of the web application for the EU structural funds, the EEC Financial Mechanism, the Norwegian Financial Mechanism, the Swiss Financial Mechanism, and other Ministry grant schemes.

9.  Prepare a tender for the public procurement of the web application for the allocation of Structural Funds, EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other Ministry grant schemes

Resolution: Task  C.11 for the Plenipotentiary of the Slovak Government for the Development of Civil Society and the Head of the Government Office of the Slovak Republic

Deadline:  30 September 2012

Status:  completed

The application for the allocation of the public finances will be part of the project Electronic Services of the Government Office of the Slovak Republic – eDemocracy and Open Government that is being prepared by the Government Office of the SR.  The background material for the development of the application was prepared in conjunction with the Office of the Plenipotentiary.  It is expected to be launched in the first half of 2015.  The policy paper contains a process that will ensure proper functioning of the application – the roles to be carried out by the individual stakeholders, and the content of the application.  It will contain all grant schemes in Slovakia that use the structural funds, the EEA Financial Mechanism, the Norwegian Financial Mechanism, the Swiss Financial Mechanism, and other ministry grant schemes used in Slovakia.  The application should also contain interactive maps of Slovakia, regions and towns with specific information on projects and overall use of funds within a given territory.   It will further contain charts to illustrate the ratio and number of implemented projects and those that are being carried out.  Users will be able to browse individual projects by location (users might be particularly interested in what is happening in their immediate vicinity / neighborhood), by particular financial mechanism, by ministry  or specific project title, etc., or to differentiate between foreign/international and national grant schemes. The application is also expected to contain information for all entities that can use the mechanisms or are merely interested in specific use of the funds.  Data published as metadata (primary information) will be published in standard form as has been the case of datasets published at www.data.gov.sk.

The application should

- Explain what it provides and enables the users to do;
- Provide interactive and easily comprehensible information on the use of the mechanisms in Slovakia through maps, charts, info-graphics, reports, and analyses;
- Provide targeted information to different groups – those interested in the grants, the media, general public and academia; and
- Provide information on individual funds, their purpose and particularly the way they are used.

The main challenge in complying with this commitment was, on the one hand, a lack of financing. On the other hand, it was a lack of information on primary sources for the application to draw upon, i.e. information from resorts. The data linking and/or extraction from these sources seems to be the most complicated component in the development of the application because of different data formats and structures where the data are contained.

10. <u>Launch a portal on the current allocation of Structural Funds, EEA Financial Mechanism, Norwegian Financial Mechanism, Swiss Financial Mechanism and other Ministry grant schemes</u>

Resolution: Task C.16 for the Head of the Government Office of the Slovak Republic

Deadline: 1 June 2013

Status: partially completed

The Slovak Prime Minister moved the deadline for the completion of the task to 31 December 2013, as the activity is part of a complex and comprehensive solution of the project Electronic Services of the Government Office of the Slovak Republic – eDemocracy and Open Government. It is currently in preparatory stages. Because of a lack of finance and information on primary sources (similar to those in Task N$^o$ 9, Resolution Task C.11), discussions were held to give the job to external contractors. The funds from the OPIS programme will be used for financing this task. The launch of the application is envisaged in the first half of 2015.

The Office of the Plenipotentiary provided the content of the task. It prepared the call for the public tender for the application, held meetings with technical specialists and prepared the launch of the application in terms of its content. The research, draft application content and problem areas were included in the background material and discussed with IT specialists.

**B. Government open to dialogue**

Tasks 11 to 14 concern the participatory methods for creating public policies. The process entails a number of components – from the proposal of the processes, through their pilot use and testing in

selected resorts, to their evaluation and application across the wider spectrum of public policies in Slovakia.

11. <u>Propose three processes "Dialogue on Strategy: using the participatory methods and training of involved public administration staff and representatives of non-governmental organizations</u>

Resolution: Task C.6 for the Deputy Prime Minister for Human Rights and Ethnic Minorities (transferred to the Minister of Foreign and European Affairs), Deputy Prime Minister and Minister of Labour, Social Affairs and Family, the Minister of Environment, and the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline: 31 August 2012

Status: completed

The Office of the Plenipotentiary drafted proposals for the following processes using particular methods for the following laws / strategies: *Law on Social Services* (Ministry of Labour, Social Affairs and Family of the SR), *Law on Nature Protection* (Ministry of Environment of the SR) and the *National Strategy for the Protection and Support of Human Rights* (the Government Office of the SR, the Section of Human Rights and Equal Treatment transferred to the Ministry of Foreign and European Affairs of the SR).

The aim of the proposals for the participatory processes for all three public policies was to prepare and implement a model process of engaging stakeholders among the expert and lay public in creating public policies. The proposed processes contained established tools for participation, and at the same time enabled testing new methods. The proposed processes involved setting up coordinating groups whose members would adopt the proposal, managing committees whose task would be to follow, in terms of content, the entire process of drafting bill amendments, define the main areas to be dealt with by the public policies, propose assignments for thematic working groups, prepare positions and represent externally communicate about the policy with public. The task of the external consultant / facilitator of the process was to provide process expertise in managing participatory processes, i.e. to provide specialist advice in terms of the entire dialogue, and in running the sessions of the managing committee and working groups. The draft processes also included setting up thematic ad hoc working groups according to emerging key themes. The groups were to prepare background material for the managing committee on specific topics. The draft processes further contained activities with expert public, those with direct recipients of the public policies and communication with the public.

The proposals were extensively consulted with the respective ministries, as was the choice of public policies. Using formal communication and face-to-face meetings, the original draft proposals were amended according to the situation in individual resort and policies, and the procedure for their application was agreed on. Any changes to the draft process were accepted in dialogue between the Office of the Government Plenipotentiary for the Development of Civil Society that served as the coordinator of the process, and individual ministries.

12. Apply the proposed participatory methods on three public policies

Resolution: Task C.7 for the Deputy Prime Minister for Human Rights and Ethnic Minorities ( transferred to the Minister of Foreign and European Affairs), Deputy Prime Minister and Minister of Labour, Social Affairs and Family, the Minister of Environment, and the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline: 31 August 2012

Status: partially completed

After consultations with the relevant state administration bodies, processes for the participatory methods have been presented for the following public policies: Law on Social Services (Ministry of Labour, Social Affairs and Family of the SR), Law on Nature Protection (Ministry of Environment of the SR) and the National Strategy for the Protection and Support of Human Rights (Section of Human Rights and Equal Treatment transferred to the Ministry of Foreign and European Affairs of the SR).

*Law on Nature Protection (Ministry of Environment SR) – evaluated as not completed*

The above material was included among the pilot projects of dialogue on public policies, creation of which was to use participatory methods. Similar intention was designed for the National Strategy on Protection of Biodiversity for 2012–2020, but the Strategy was later replaced by the Law on Nature Protection. In drafting the bill, the Ministry of Environment of the SR used a number of participatory methods including the engagement of the broader public in drafting the bill through an online questionnaire at the website of the Ministry. It also set up a working group for drafting the new bill on nature protection that included non-profit organisations whose representatives took part in the drafting process.

Given the need for a swift adoption of the bill that was to address the compensation of landowners and land users for limitations caused by nature protection, the Ministry abandoned drafting a new bill on nature protection and prepared an amendment to Law N$^o$ 543/2002 Coll. The draft amendment was presented to public debate on 6 May 2013. Representatives of non-profit organisations and the sector were invited. The participants had an opportunity to discuss the draft bill and submit comments that are gradually reviewed by the Ministry.

Representatives of non-profit organisations had an opportunity to join the interministerial debate on the draft amendment to Law N$^o$ 543/2002 Coll. in writing or electronically through the portal of legal regulations. The comments shall be discussed with them and will be reviewed prior to the presentation of the material for the approval by the Slovak Government. To the present, there has been no significant change in the status and intensive deliberations about the draft amendment to the Law are underway.

The original process of drafting the Law on Nature Protection presented a high quality participatory process, although it was carried out prior to the adoption of the Action Plan for the Open Government Initiative.  The prepared bill, however, has not been used.  Instead, preference was given to the Law amendment that fully replaced the proposal of drafting a new bill, whilst the described process was not in compliance with the proposed participatory method: no coordinating group or managing committee were set up, no external facilitator was invited.  There was only a single public consultation limiting their opportunity to affect the final outcome.  One day consultations with representatives of non-profit sector cannot be considered participatory process of creating public policies.  Thus, the drafting of the amendment to the Law on Nature Protection has been evaluated as not completed in terms of the participatory creation of public policies.

*Law on Social Services (Ministry of Labour, Social Affairs and Family of the SR) – evaluated as partially completed*

The Ministry of Labour, Social Affairs and Family of the SR carried out the drafting of the amendment to the Law on Social Services in line with the Action Plan as part of fulfilling the commitment to draft three processes of the Dialogue on Strategy using participatory methods and training the participating civil servants and representative of non-governmental organisations. Throughout the entire process of drafting the legislation, the Ministry  implemented the participatory approach to developing the concept of legal relations that are subject to changes and amendments.  A detailed analysis of the problems in the application practice in the implementation of the existing legislation from the perspective of stakeholders, including non-profit organisations, preceded the aforementioned step. For the sake of balanced perspective on the application practice, the analysis was supplemented with the identification of the problem areas in interpretation and application of the existing legislation as identified by representatives of local and regional governments.

In order to assure the expert  approach to drafting the amendment, representatives of research institutions (Institute for Research in Labour, Social Affairs and Family) and academia were consulted. The analysis was followed by a synthesis of the collected input, and a debate and negotiation of conflicting views on the desired shape of legal relations.  The process used constructive dialogue among all involved parties  and a mediated discussion at the sessions of the working group with a facilitated group.  Members of the working group were appointed upon nomination by stakeholders in the drafting process and open dialogue: nominations of representatives of recipients of social services, providers of social services, representatives of local and regional governments, science and research, sectorial specialists and other stakeholder institutions within state administration. The legitimacy of the working group was assured by being set up under the auspices of the Deputy Minister of Labour, along with the appointment of the members by the Minister of Labour, Social Affairs and Family based on written nominations.

Based on the output and conclusions of the working group and thematic subgroups (given the specific meritorious content and scope of the drafted legislation), the experts within the Ministry  were drafting continuous proposals of the bill in light of the proposed changes and amendments.  The output of the expert proceedings of the thematic meetings was  debated in different territorial units

across Slovakia.  The meetings included representatives of regional and local governments, non-profit organisations and academia, including international experts and selected recipients of social services. The output involved draft changes and amendments to the Law on Social Services that can be deemed a consensual result of partner initiatives for open government, aimed to create conditions for proper administration of public matters. This requires cooperation and engagement of specialist and lay public in the drafting of legislation on social services.

The Ministry of Labour, Social Affairs and Family points out that it works with the non-profit sector in drafting other legislation, such as the National Programme for the Development of Living Conditions of People with Disabilities.  Here it proceeds according to Article 4 para 3 of the UN Convention on the Rights of Persons with Disabilities.  It states that "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations." The resort thus set up a working group including representatives of the resorts concerned and of the representative organisations advocating interests of people with disabilities.

The analysis and subsequent synthesis of the findings by the working group lacked more substantial feedback mechanism.  Members of the working group presented their positions on the debated topics orally and in writing.  However, the evaluation of the process, particularly the reflection on comments in the change of the concept by the Ministry,  were missing. For instance, one of the partners outside the working group was informed, upon request, about the concept of the amendment in May 2013. The draft bill was inaccessible to the participants in the process until its official publications, when it was no longer possible to interfere with the amendment.  Thus the drafting of the amendment to the Law on Social Services is evaluated as partially completed  in terms of participatory creation of public policies.

*National Strategy on the Protection of and Support to Human Rights (Ministry of Foreign and European Affairs of the SR) - evaluated as completed*

The Ministry of Foreign and European Affairs of the SR has been completing the task in line with the Resolution of the Government Council on Human Rights, Ethnic Minorities and Gender Equality N$^o$ 67 of 15 April 2013 concerning the proposal for development of the National Strategy for the Protection of and Support to Human Rights in theSR.

In conjunction with the Plenipotentiary, the Ministry prepared workshops on the drafting of the National Strategy on the Protection of and Support to Human Rights. They were held on 25 June 2013 in Banská Bystrica, on 26 June 2013 in Košice, and on 2–3 July 2013 in Bratislava. The workshops discussed individual thematic areas of the draft strategy.  Its basic concept was discussed by the working group of the Government Council on Human Rights, Ethnic Minorities and Gender Equality for the coordination and drafting the Strategy (coordinating group) on 17 June 2013.

The aim of the participatory process has been to engage all concerned ministries, other public administration departments, independent institutions, academia, expert public, and civil society representatives in order for the issue of human rights to become a horizontal priority of society-wide significance. The approach that entails participation by key stakeholders is also derived from the Concept of the Development of Civil Society adopted by the Slovak Government.

Workshop participants constructively contributed to the public discussion aimed to improve the quality of public policies on the protection of and support to human rights. The application of the principles of participation represents a major tool in creating public policies. By the end of July 2013, the editorial team for the preparation of the Strategy incorporated the input from the consultations into the first reading of the basic document. It was then reviewed by the coordination group at a session on 22 August 2013.

In light of the inclusion and engagement of the wide spectrum of stakeholders in the development of the Strategy, the task was evaluated as completed. The participation level was the highest of all pilot public policies. One of the outputs of the participatory process was meeting the demand by the civil society to extend the process. At the extraordinary session of the Government Council on Human Rights, Ethnic Minorities and Gender Equality held on 4 September 2013, the Ministry of Foreign and European Affairs of the SR decided to postpone the adoption of the Strategy to June 2014 because of the on-going heated public debate on the issue. An intention to widen the participatory process in the creation of the public policy, to hold conferences and additional support events on the protection of and support to human rights, was also adopted.

13. <u>Draw up the Bill on the participation of the public in the legislative process</u>

Resolution: Task  C.8 for the Minister of Justice

Deadline:  1 June 2013

Status:  not completed

The Ministry of Justice SR launched the preparation of the abovementioned bill. It expects to enter it into the legislative process within 2014.   The postponement in drafting the bill occurred due to the the fact that the technological background for the provision of public participation in the legislative process will only be made within the project Electronic Collection of Laws (SLOV – LEX). Its completion is in line with an agreement on the provision of non-refundable financial contribution from the Operational Programme Informatisation of the Society set for October 2014.

14. <u>Create rules for public involvement in the development of selected policies and submit them to the Government of the Slovak Republic for approval.  This document will also contain</u>

proposals for processes, training courses, and outcomes associated with the participatory development of public policies

Resolution: Task C.17 for the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  1 November 2013

Status:  partially completed

Because of various outputs in the  implementation of participatory methods in the creation of selected public policies and chronological interconnectedness of the processes, the completion of this task has been scheduled to November 2013.  The Office of the Plenipotentiary considers the evaluation of the above processes in the three public policies by relevant experts to be the next logical step following the application of the participatory methods.  Therefore, the Office of the Plenipotentiary  launched a public tender for evaluation of the four Dialogues on Public Policies carried out within the framework of the Action Plan that were implemented through the participatory methods.  The evaluation will serve as a  basis for rules of public engagement in the creation of public policies.  The evaluation shall review the implementation of the participatory processes within the four pilot projects on dialogue on public policies and outline recommendations for improvement of future implementation of participatory processes.  The evaluation will involve an analysis of the participatory processes and relevant programme materials from individual ministries concerning creation of specific public policies, an analysis of the implementation of the four projects on policy creation, an analysis of relevant contexts of civil society and public administration in terms of their participation potential, and field research.  The final step will involve drafting recommendations for the main stakeholders in public administration that will enable more effective public engagement in the creation of given public policies.  The task is underway and is expected to be completed by November 2013.

Tasks 15 and 16 concern a new system of electronic petitions that is set in two phases.  The first phase involves a system of collecting electronic signatures, while the second one entails setting up a system of dealing with the electronic petitions once they will have met given criteria.

15. Prepare and launch collective electronic petitions

Resolution: Task  C.12 for the Head of the Government Office of the SR and the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  31 December 2012

Status:  partially completed

Within the framework of preparing electronic petitions (hereafter e-petitions), the Office of the Plenipotentiary drafted a document that serves as a background and policy paper for the application of e-petitions.   It is   available  at   http://www.otvorenavlada.gov.sk/data/files/4101_elektronicke-

hromadne-ziadosti.pdf. The document presents a range of options to create and implement e-petitions that bring about a number of benefits. The main benefits is facilitation of the means for the public to contact the government and voice its positions. The tool also enables the Government to learn about the current issues that resonate within the society. The launch of the system ought to account for potential complications to be prevented while setting up the system of e-petitions. The position paper identifies problem areas that primarily concern the following points:

- how to achieve sufficient credibility of e-petitions and particularly the signatures, i.e. how to authenticate and verify data;
- how to prevent duplicity of signatures in e-petitions;
- how to secure privacy and prevent abuse of personal data with the aim to gather false signatures for e-petitions;
- how to avoid generating automatic e-petitions;
- how to set success and/or failure criteria; what threshold ought to be set for the number of signatures so that the Government deal with a given e-petition;
- how and to what degree should there be control over the content of e-petitions published online;
- how to set the guidelines for publication of an e-petition.

In order to eliminate possible complications, the e-petitions process has been divided into four phases, including identification of problems and their proposed solutions:

a) Creation of an e-petition - i.e. requirements to be met by the author of the e-petition to be created on the website and entered into the system;
b) Publication of e-petition - i.e. setting requirements for the e-petition, once created by the author, to be published and visible to other viewers on the e-petition website, and to be searchable with keywords;
c) Collection of signatures - i.e. requirements to be met by the public to support specific initiative via e-petition and to have one's signature appear under the proposal;
d) Dealing with successful e-petitions - i.e. what will happen to e-petition once it has sufficient number of signatures and to what actions does the Government / Ministries undertake after further deliberations on successful e-petition.

The task has been completed in terms of content. The Office of the Plenipotentiary drafted a position paper addressing e-petitions and all their relevant aspects. Consultations were held with the delegation from Montenegro about their experience with preparing e-petitions. Individual options of the form of e-petitions have been widely discussed with participation specialists and IT experts. E-petitions have become a part of the portfolio Electronic Services of the Government Office of the Slovak Republic – eDemocracy and Open Government. The project is being prepared by the Government Office of the SR and shall be funded from the EU funds. The launch of the application is envisaged in the first half of 2015.

16. <u>Draw up an amendment and supplement to the Guidelines for the preparation and submission of materials for meetings of the Government of the Slovak Republic</u>

Resolution: Task C.13 for the Head of the Government Office of the  SR and the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  31 December 2012

Status:  partially completed

E-petitions in Slovakia will be directed to the Slovak Government.  Thus, the assessment of successful e-petitions and the responsibility for further processing of proposals and appeals rests with Government representatives.  Procedural matters concerning the processes after the e-petition will have acquired the required number of signatures will be subject to subsequent materials drafted in line with the Directive for the preparation and submission of material to the debate at the Slovak Government.  Since the changes apply to the e-petitions which acquire the requisite number of signatures, it makes sense to deal with this task once the technologically complete proposal along with complete processes related to e-petitions are available.  Draft proposals for the amendment to the Directive for the preparation and submission of material to the debate at the Slovak Government is included in the position paper on e-petitions, available at http://www.otvorenavlada.gov.sk/data/files/4101_elektronicke-hromadne-ziadosti.pdf.  The Prime Minister moved the deadline for the completion of the task to 31 December 2013.

C.  **Transparent Government**

17. <u>Draw up statutes and appoint the Working Group for the Implementation of the OGP Action Plan in the Slovak Republic</u>

Resolution: Task  C.18 for the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  31 May 2012

Status:  completed

The interdepartmental Working Group, entrusted to monitor and coordinate the implementation of individual areas set out within the framework of open government, was appointed in May 2012.  It consists of representatives of public administration and local governments.

The group started to work actively in June 2013 at its first session.  The main theme involved the deficiencies and delays in publishing datasets and ministerial grant schemes what affects a number of

other tasks. The group agreed on a solution of the issues, and set out a schedule for publishing datasets and the ministerial grant schemes.

Tasks 18 to 20 concern the creation of the Government Council of the Slovak Government on Transparency and Open Government, and specific monitoring roles it was to fulfill.

18. <u>Create statutes of the Council of the Government of the Slovak Republic for Transparency and Open Governance and submit it to the Government of the Slovak Republic for approval</u>

Resolution: Task C.19 for the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  28 February 2012

Status:  completed

The Plenipotentiary presented the statutes of the Government Council of the Slovak Government on Transparency and Open Government to the Government session. The statute was in the material in the Resolution N$^{o}$ 50/2012 of 22 February 2012. Because of a high number of government advisory bodies, the Slovak Government did not set up the Government Council for Transparency and Open Government.

19. <u>Develop criteria and parameters to be evaluated  by the Government Council on Transparency and Open Government</u>

Resolution: Task  C.20 for the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  1 July 2012

Status:  not completed

The Government Council on Transparency and Open Government was not formed because of the high number of government advisory bodies of the Slovak Government.  It is thus not possible to draft criteria, parameters and evaluation of the Openness Barometer  that would evaluate the Open Government Initiative.  A proposal was therefore made to revoke Task C.20 in the Government Resolution N$^{o}$ 50 of 22 February 2012.  The Government adopted Resolution N$^{o}$ 527 on 11 September 2013 thus revoking the Task  C.20.

20. <u>Carry out the first evaluation of the Openness Barometer</u>

Resolution: Task  C.21 for the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  1 July 2012

Status:  not completed

The Government Council on Transparency and Open Government was to evaluate the Openness Barometer  according to the Action Plan.  The Council was not created because of the high number of government advisory bodies.    A proposal was therefore presented to revoke Task C.21 in the Government Resolution N$^o$ 50 of 22 February 2012.  The Government adopted Resolution N$^o$ 527 on 11 September 2013 thus revoking Task C.21.


21. Draw up a draft bill on the protection of corruption whistleblowers and submit it for review stage among Ministries

Resolution: Task C.9 for the Minister of Interior  and the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  30 June 2012

Status:  partially completed

The Minister of Interior of the SR in conjunction with the Plenipotentiary was asked to draft the Bill on the Protection of Corruption Whistleblowers.  The discussions between the Plenipotentiary, the Ministry of Interior of the SR and representatives of non-profit organisations resulted in creating a working group that consists of representatives of relevant state administration bodies and non-profit organisations.  Discussions within the group were to define and specify whistleblowing as related to corrupt conduct, and to prepare the basic structure of the bill.  The Legislative Department of the Ministry of Interior of SR  was then to expound the latter into a draft bill.

At its first session in August 2012, the working group addressed the fundamental issues, i.e. the role of the law, the scope of the protected areas and possible institutes that would afford protection to the corruption whistleblowers.  The group agreed that whistleblower protection should not be seen from a merely narrow perspective since reporting crimes falls under the Penal Code.  On the contrary, the protection should also apply to reporting malpractice that is not explicitly defined as criminal.  The group thus set out the scope of protected areas as follows: crimes, administrative offences, health threats, environmental protection and/or threats, inactivity, protection of patients' rights, protection of rights of clients in social service and of students, intentional concealment or destruction of information / evidence, labour law relations and economic prudence, transparency in finance.

The working group also addressed the appointment of a body that would oversee whistleblower protection in a broader sense.  Transparency International Slovakia (hereafter TIS) offered to prepare an analysis of the functioning of reporting malpractices in the SR.  The analysis suggests that the issue of reporting of malpractice is currently partly covered by a number of legal regulations, such as Act N. 400/2009 Coll. on Civil Service, Act N. 552/2003 Coll. on Working in Public Interest, Act N$^o$ 311/2001

Coll. Labour Code, Act N. 9/2010 Coll. on Complaints, Act N. 300/2005 Coll. Penal Code, Act N. 167/2008 Coll. on Periodicals and Agency Reporting, Act N. 428/2002 Coll. on Personal Data Protection, etc. These, however, were evaluated as insufficient for the purposes of protecting the corruption whistleblowers.  For instance, only the Labour Code contains whistleblower protection defined by law.  Based on the TIS analysis, the working group addressed the fragmentation and inadequate legal protection of reporting of malpractice.  It debated the best means to achieve the completion of the task derived from the resolution of the Slovak Government: whether to propose an independent law or to amend the existing legislation. Consensus was reached on creation of general legislation on reporting malpractice, but also on bringing in line through amendments the existing partial legislation with the higher legal norm.  The representatives of non-profit organisation proposed to approach specific ministries resorts that oversee specific legal regulations which already address reporting of malpractice.  The group set a task to define the basic notions, such as malpractice, whistleblower, etc.

The Office of the Plenipotentiary then called a number of sessions of the subcommittee consisting of representatives of the resorts concerned, particularly the Ministry of Justice of the SR, the Ministry of Labour, Social Affairs and Family of the SR, and the Ministry of Culture of the SR.  The meetings also included representatives of the ministries asked to prepare analyses of the legal regulations that fall under their authority.  They submitted the analyses after repeated appeals.  Yet the prevailing opinion was that the protection of whistleblowers of malpractice was currently satisfactory, and there was no need to extend or otherwise amend it.

The Government meanwhile adopted further resolution (N$^{o}$ 137 of 20 March 2013). In point C.1 it asked the Minister of Interior of the SR to present a draft bill on the protection of whistleblowers to the Government debate by 31 December 2013.  Members of Parliament also presented a draft bill addressing whistleblowing that has entered the second reading.

22. <u>Develop the Action Plan for open governance for the next period and submit it to the Government of the Slovak Republic for approval</u>

Resolution: Task C.22 for the Plenipotentiary of the Slovak Government for the Development of Civil Society

Deadline:  1 June 2013

Status:  partially completed

The international Open Government Partnersthip has set a common cycle of drafting, fulfilling and evaluating Action Plans for all its members.  The original deadline for the task did not take into account the period for evaluation of the Action Plan.  Drafting the new Action Plan in Slovakia has to follow the schedule containing the postponed deadline for evaluation of individual national action plans.  The next Action Plan shall be developed on the basis of conclusions of the evaluation within 4 months after

the completion of the evaluation of the current Action Plan. The Prime Minister postponed the deadline for the task to 31 December 2013.

The Office of the Plenipotentiary is already making steps towards the preparation of the new Action Plan. The Advisory Council for Open Government has been reinstituted. It has approved the process of drafting the new Action Plan. Expert working groups have also been set up. They will draft proposals in three main areas: open information, government open to dialogue, and open judiciary. The public will have an opportunity to comment on the draft at the open government website [www.otvorenavlada.gov.sk](www.otvorenavlada.gov.sk). Three regional meetings for civil society representatives have also been planned.

## IV.    Conclusion, continuing the open government commitments and next steps

The development and implementation of the Action Plan showed that an excellent mechanism of consultations with non-profit sector guaranteed and overseen by the Office of the Plenipotentiary is emerging in Slovakia. The strong participatory and inclusive element has beencombined with the openness of state administration to discussion and generation of ideas on open government. The success of the Open Government Initiative includes development of the open data portal and publishing the datasets by state administration in the open format. The process involved all central bodies of state administration. Space was made to launch participatory process and the efforts will be made to apply the models to an increasing number of public policies. A number of tasks and commitments in different public policies were launched, but remain incomplete, largely due to human and financial constraints. The implementation showed that the originally proposed commitments were quite ambitious and not all of them could be fulfilled.

Some progress was made in virtually all commitments. A number of them (web application for structural funds and the grant mechanisms, the system of electronic petitions, law on the protection of corruption whistleblowers) shall be completed shortly. We therefore recommend that the next Action Plan focuses on continuation of the current initiatives with hitherto involvement of the non-profit sector in the implementation process.

The evaluation mechanism represents one of the deficiencies in the implementation of the Action Plan. There is no independent body that would periodically monitor the implementation of the Action Plan and participate in the final evaluation. The current evaluation is carried out by the Office of the Plenipotentiary in conjunction with state administration institutions. Yet it is not an appropriate model, as the Office of the Plenipotentiary also serves as the coordinating body the Open Government Partnership – therefore, it is thus not entirely impartial. Another limitation is that the area of open government is quite new in Slovakia. There is thus no wide base of experts in different fields. Consultations are therefore carried out with only a limited number of people.

In terms of incomplete tasks and next steps, the first one is to compete the publishing of information of structural funds, the EEA Financial Mechanism, the Norwegian Financial Mechanism, the Swiss Financial mechanism, and other ministry grant schemes. The interdepartmental Working Group for Implementation of the OGP has addressed the issue, yet it remains unclear who should carry out the task in individual ministries. That caused delays and incomplete tasks. Moreover, the task is the prerequisite for successful functioning of the web application for the grant mechanisms which has a ready framework and the application is being developed. The lack of primary sources, however, slows down the progress.

The datasets have to continue to be published according to the standards that will come into force on 1 January 2014 and focus has to be given to the important and interesting datasets. Data licencing remains an open issue: what can be done with the data to assure their legal use. The copyright law addressed license agreements, but there is a need for all licences to meet the basic standards or minimal, centrally set characteristics. Once they meet them, datasets can be merged and used jointly; thus the need for the harmonised license framework. The preparation of electronic petitions has to be completed and the system launched. The law on the protection of whistleblowers is another incomplete project that should be completed by the end of 2013.

The Slovak Republic shall continue its participation in the Open Government Partnership. One of the commitments is to draft and adopt the new Action Plan by the end of 2013 and/or in January 2014. Drafting has begun and key areas for the new Action Plan have been identified. Introductory consultations are underway with experts on individual areas. As before, the process of the development of the new Action Plan will also offer an opportunity to comment on the draft online and at participatory seminars. The Government Council on Non-Profit Organisations will discuss the document as well. The aim of the new Action Plan will be to build on the current Action Plan, to increase the visibility of the Open Government Initiative among the public in Slovakia and to establish Slovakia as a firm and key member of the international Open Government Partnership.