Independent Reporting Mechanism: CZECH REPUBLIC: Progress Report 2012-13

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EXECUTIVE SUMMARY: CZECH REPUBLIC

INDEPENDENT REPORTING MECHANISM (IRM) PROGRESS REPORT 2012-2013

Czech Republic's national action plan was ambitious. The new regulations regarding civil servants and the open data initiative have strong potential in the coming years. Going forward, the government can clearly articulate the role of the action plan and enhance relevance of the Open Government Partnership for stakeholders.

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

The Czech Republic officially began participating in OGP in September 2011 when the government resolution No. 691 declared the government's intent to join.

The Department for Coordinating the Fight against Corruption (the Section) leads the OGP in the Czech Republic. Initially, the Section coordinated the preparation of the Czech Republic's OGP action plan. After the action plan was approved the Section and the Ministry of the Interior jointly coordinated its implementation. Since 2013, the Ministry of the Interior has carried out most of the OGP related activities.

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

Overall, the process of developing the action plan was meaningful. The consultation process was divided into two phases, each with different possibilities and standards of public consultation. However no new forum was created to monitor the implementation of the action plan.

The first round of consultations to draw up a preliminary action plan was limited to central administrative agencies and a few civil society organisations (CSOs). Subsequently, 42 representatives from government, civil society, and academia participated in a government workshop. One of three commitments included in the action plan was strongly advocated by civil society groups. Online consultations were also organised and 36 contributions were received from individuals.

The government published its progress report in Czech and English, but did not make it available for public comment. Also, the report was silent on the nature and scope of consultation during the implementation period.

At a glance

Member since:	2011
Number of commitments:	3
Number of actions:	6

Level of Completion
Completed:	**0 of 6**
Substantial:	**0 of 6**
Limited:	**6 of 6**

Timing
On schedule:	**0 of 6**

Commitment Emphasis:
Access to information:	**5 of 6**
Participation:	**0 of 6**
Accountability:	**1 of 6**
Tech & innovation for transparency & accountability:	**4 of 6**

Number of Commitments with:
Clear relevance to an OGP value:	**6 of 6**
Moderate or transformative potential impact:	**5 of 6**
Substantial or complete implementation:	**0 of 6**
All three (✪) :	**0 of 6**

This report was prepared by Pavel Černý and Donika Zůbková

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. Table 1 summarises each of the Czech Republic's plan commitments, including each commitment's level of completion, ambition, whether it falls within Czech Republic's planned schedule, and key next steps. The Czech Republic's plan covered a wide variety of sectors and had a number of ambitious commitments, as evidenced below. Table 2 summarizes the IRM assessment of progress on each commitment. The Government of the Czech Republic partially completed each of its three commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
1. Adoption of an Act on Civil Servants: Adopt a unified Act on Civil Servants to ensure depoliticisation, stabilisation, and professionalisation of the public sector.	▮	▮	▮	▮	▮	▮			Behind schedule	Revision of the commitment to be more achievable or measurable
2. Amendments of the Free Access to Information Act: Identify problems on access to information and amend the Free Access to Information Act.	▮	▮			▮	▮			Behind schedule	Further work on basic implementation
3. Reaching the Open Data Standards: Ensure important public data is available in open data formats by creating legislative and technical solutions.										
3.1. Identification and removal of legal and technical obstacles.	▮	▮	▮		▮	▮			Behind schedule	Further work on basic implementation
3.2. Creation of an open data infrastructure in the public procurement sector.	▮	▮	▮	▮	▮	▮			Behind schedule	Revision of the commitment to be more achievable or measurable
3.3. Conversion of the most important data sources to open data standards.	▮	▮	▮	▮	▮	▮			Behind schedule	Revision of the commitment to be more achievable or measurable
3.4. Creation of a Catalogue of Public Administration.	▮	▮	▮	▮	▮	▮			Behind schedule	Further work on basic implementation

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
✪ COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	
1. Adoption of an Act on Civil Servants • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited	This commitment aimed to address the lack of effective regulation of the status of civil servants. While notably ambitious, it was unclear how the proposed legal solutions would fulfil the objectives of the commitment. Stakeholders emphasised the need for a legal framework that would define the main tenets of public service and ensure separation of bureaucratic and political functions. Implementation of the commitment was limited.
2. Amendments of the Free Access to Information Act • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited	Several versions of the draft amendments to the Free Access to Information Act were prepared in consultation with relevant stakeholders. However, due to elections, the approved amendments are subject to the decision of the new government. This commitment was consistent with the OGP value of access to information. Further work is necessary to strengthen the law as well as to ensure that some of the proposed amendments do not limit the scope of the current law.
3. Reaching Open Data Standards	
3.1. Identification and removal of legal and technical obstacles • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	No legal or technical solutions were adopted to reach open data standards. Without a legal framework, many public authorities were unable to publish data in open formats. The action plan also did not determine the technical aspects (machine readability) of open data. The government's self-assessment report was silent on the progress made on this commitment milestone.
3.2. Creation of an open data infrastructure in the public procurement sector • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited	No open data formats for public procurement were created. The focus of this sub-commitment was on preventing corruption in public procurement rather than reaching open data standards.
3.3. Conversion of the most important data sources to open data standards • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Limited	Nine registers were to be adopted for open data standards in the areas of insolvency proceedings, public procurement, election results, active legislative tasks, financial statistics, central account records, political party funds, and central grants. Currently, only one of nine, the election results registry, fully meets the standards.
3.4. Creation of a catalogue for public administration • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	The process of converging the existing portal of public administration with the open data catalogue was started. However, a legal framework is needed to launch the catalogue.

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RECOMMENDATIONS

In the Czech Republic, the OGP facilitated an institutional framework to guarantee rights related to core OGP values and to form the basis for their future development. However, Czech Republic faces a peculiar situation, where relevant stakeholders consider all existing OGP commitments important, but none of the commitments have been met so far. Based on the challenges and findings identified in this report, this section presents the principle recommendations.

1. To enhance OGP relevance among stakeholders, the Czech government should articulate the role the OGP action plan will play with respect to whether (a) it will continue to be limited, and (b) it will be more ambitious and promote new ideas and commitments related to OGP values.
2. Should the OGP action plan play a more ambitious role, it should comply with the following minimum standards: (a) clearly articulate commitments, (b) clearly define timelines for implementing each commitment as well as its evaluation, (c) create a forum to ensure public consultation and monitor implementation of the action plan, and (d) respond to a wide range of citizen needs rather than just reflecting the agendas or needs of the principal actors.
3. To guarantee the feasibility, sustainability, and uptake of the action plan, the process of selecting commitments should be one of dialogue and deliberation between the government, civil society, and the private sector, rather than responding only to the demands of a concentrated group of CSOs.
4. The government should improve inter-departmental/ministerial communications as well as the division of tasks between government authorities engaged in formulating and implementing the action plan.

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

Budget Transparency: Executive Budget and Audit Report (4 of 4)   **Access to Information:** Law Enacted (4 of 4)

Asset Disclosure: Senior Officials and Politicians (4 of 4)   **Civic Participation:** 9.14 of 10 (4 of 4)

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Open
Government
Partnership

I. BACKGROUND

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

Introduction

The Czech Republic officially began participating in OGP in September 2011 when the government's Resolution No. 691 declared the government's intent to join.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. As described below, organizations other than OGP produced indicators to determine the extent of country progress on each of the dimensions. The Czech Republic exceeded the minimum requirements for eligibility when it joined the partnership, with a high score in each criterion. At the time of joining, the country received a high score for open budgets (two out of a possible two),[1] a high score based on its constitutional principle of access to information[2] and the Free Access to Information Act of 1999[3] (four out of a possible four), a high score based on the Asset Disclosure for Senior Officials and Politicians index[4] (four out of a possible four), and a score of 9.41 out of a possible 10 on the Civil Liberties category of the Economist Intelligence Unit's Democracy Index.[5]

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

Along with the other cohort two OGP countries, the Czech Republic developed its national action plan from January through April 2012, when it was submitted on 4 April. The effective start date for the action plan was 1 July 2012 for implementation through 31 July 2013. The government published its self-assessment in June 2013. According to the OGP schedule, officials and civil society members are to revise the first plan or develop a new plan by April 2014.

Pursuant to OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with an experienced, independent local researcher to carry out an evaluation of the development and implementation of the country's first action plan. In the Czech Republic, the IRM partnered with Pavel Černý and Donika Zůbková of Advokátní kancelář Šikola a partneři, s.r.o, authors of this progress report. It is the aim of the IRM to inform

ongoing dialogue around development and implementation of future commitments in each OGP participating country.

Institutional Context

The development and implementation of the OGP action plan was not assigned to one nodal agency. Initially, the Section for Coordination of Fighting Corruption (the Section) within the Office of the Government coordinated the preparation of the action plan,[6] with the cooperation of ministries, other central administrative bodies, and non-governmental stakeholders. After the Czech Government approved the action plan, the Section and the Ministry of the Interior shared responsibility for implementation of the government's OGP action plan. During the evaluation period, the Section was subordinated to the Deputy Prime Minister, Ms. Karolína Peake. Finally, the Section was abolished in August 2013 by decision of the Chief of the Office of Government. All its tasks, including those related to the Czech Republic's participation in the OGP, have been taken over by the Department for Coordinating the Fight against Corruption. This Department is under direct authority of the Prime Minister.[7]

The main source for the action plan was the "Strategy of the Government in the Fight against Corruption for Years 2011 and 2012."[8] This strategy mandated individual ministries to take specific measures in the area of fighting corruption, including the commitments contained in the action plan. These activities are coordinated by the "Government's Committee for Coordination of the Fight against Corruption."[9]

In general, it can be said that the Czech Government has considered the anti-corruption strategy as notably more important than its OGP action plan. As a result, the level of coordination of fulfilling the commitments in the action plan by the Section has been considerably limited. Individual ministries (departments), in particular the Ministry of the Interior, carried out most of the actions. In turn, this has influenced the quality and scope of public participation on the development and implementation of the action plan.

Methodological Note

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In the Czech Republic, the IRM partnered with Advokátní kancelář Šikola a partneři, s.r.o (the IRM researchers). The IRM researchers' report is based on the government's self-assessment report, consultation with civil society, and interviews conducted with appropriate government officials and other stakeholders. The OGP staff and a panel of experts reviewed the report.

To gather the voices of multiple stakeholders, the IRM researchers organized two stakeholder meetings in Prague (IRM stakeholder meetings), a legal seminar in Brno (IRM legal seminar), and two working meetings with stakeholders specializing on open data issues, one in Prague and one in Brno (IRM working meetings). The IRM stakeholder meetings were conducted according to a focus group model. Summaries of these forums and more detailed explanations are given in the Annex.

The IRM researchers also contacted over 100 representatives in the private (business) sector by email. Only eight of the 100 representatives responded to the following questions:

- What, in your opinion, represents the most serious problem(s) of public administration in the Czech Republic (either from a general perspective or your own experience)?
- What kind of changes should be introduced concerning the regulation of public servants and their status in the Czech Republic?

The IRM researchers also reviewed two key documents prepared by the government: the Czech Republic's first action plan[10] and the government's self-assessment report published in June 2013.[11] Numerous references are made to these documents throughout this report.

[1] Open Budget Partnership, *Open Budgets Change Lives* (Washington, DC: Open Budget Partnership, 2012). http://bit.ly/1fAV22Y

[2] The Czech Republic, "Charter of Fundamental Rights and Freedoms," Constitutional Court of the Czech Republic, 16 December 1992, http://bit.ly/1i5dNQI

[3] The Czech Republic, "Act No. 106/1999 Coll. on Free Access to Information Act," Right of Information Project, 11 May 1999, http://bit.ly/1eWFKoV

[4] Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in *Government at a Glance 2009*, (France: OECD Publishing, 2009), 132, http://bit.ly/13vGtqS; Richard Messick, "Income and Asset Declarations: Global Experience of Their Impact on Corruption" (paper prepared for the Conference on Evidence-Based Anti-Corruption Policy organised by Thailand's National Anti-Corruption Commission (NACC) in collaboration with the World Bank, Bangkok, Thailand, 5-6 June 2009), 16, http://bit.ly/1cIokyf

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

[6] Office of the Government, "Description of the Powers and Activities," Government of the Czech Republic, [English] http://bit.ly/19z0BAB, [Czech] http://bit.ly/1gUzorf

[7] Office of the Government's Department for Coordination of Fighting Corruption, "Description of the Powers and Activities of the Department for Coordination of Fighting Corruption," Government of the Czech Republic, [Czech] http://bit.ly/1gUARhs

[8] Office of the Government's Department for Coordination of Fighting Corruption, *Strategy of the Government in the Fight against Corruption for Years 2011 and 2012*, by the Government of the Czech Republic (Strategy report, Prague, 2010), [English] http://bit.ly/1kGkDya, [Czech] http://bit.ly/1gUCRpN

[9] Department to Coordinate the Fight against Corruption, "Government Committee to Coordinate the Fight against Corruption," Government of the Czech Republic, [Czech] http://bit.ly/1eWJxCy

[10] Government of the Czech Republic, *Action Plan of the Czech Republic "Open Government Partnership*," (Report, Prague, 4 April 2012), [English] http://bit.ly/1czTzGP, [Czech] http://bit.ly/19z75iR

[11] Government of the Czech Republic, *Implementation Assessment of the Czech Republic Action Plan "Open Government Partnership" in 2012 and its Update*, (Report, Prague, 19 June 2013), [English] http://bit.ly/1mfZU2f, [Czech] http://bit.ly/1avvrII

II. PROCESS: DEVELOPMENT OF ACTION PLAN

The process of consultation in the Czech Republic was limited to central administrative authorities and a few civil society organizations (CSOs). Little public information about the OGP further limited the possibilities of widespread public consultation.

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

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

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

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

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

Table1. Action Plan Development Process Checklist

Phase of Action Plan	OGP Process Requirement (Articles of Governance Section)	Did the Government Meet This Requirement?
During Development	Timeline and process: Prior availability	No
	Awareness-raising activities	No
	Online consultations	Yes
	Online consultation link	http://bit.ly/17hyzGA
During Implementation	In-person consultations	Yes
	Summary of comments	Yes
	Summary of comments link	http://bit.ly/18JW3l1
	Regular forums	No

Advance Notice of Consultation

Development of the action plan in the Czech Republic was divided into two main phases with different standards of public consultation possibilities.

In the first phase, which ended in December 2011, the Section for Coordination of Fighting Corruption of the Office of the Government (see Chapter I.2) prepared the "Introductory Propositions to the Action Plan."[1] The process and timeline was not made available in advance. In this preliminary phase, the consultations were limited to the representatives of central administrative authorities and select non-profit organizations, which were asked by the Office of the Government to send their proposals for inclusion in the action plan.

On the basis of the proposals received, a list of eleven propositions for the action plan was prepared. Most of the eleven propositions resonated with the Strategy of the Government in the Fight against Corruption for Years 2011 and 2012 (see Chapter I.2). Until the propositions were finalized, there was very little public information about the OGP, including the Czech Republic's agreement to join the OGP. In one of several media articles dealing with this topic, published in December 2011, the author wrote, "No one speaks about the OGP in the Czech Republic," and asked if there is not a threat that it will "fizz out here."[2]

The second phase of consultations took place in January 2012. The "Introductory Propositions" from the first phase formed the basis of the discussions for the second phase. The process and timeline for the second phase was made available on the website of the Office of the Government (www.vlada.cz) as soon as the consultations began. Media also published information about the consultations in January 2012.[3] Additionally, upon agreement of the Office of the Government, the Open Society Foundation prepared a separate online questionnaire for assessing priority topics to be included in the action plan.[4]

Quality and Breadth of Consultation

The government consulted with civil society groups in the development of the action plan. While the government conducted both in-person as well as online consultations and incorporated the suggestions of civil society groups, the scope of the participation of wider public was limited. Many civil society groups were unaware that the government had joined the OGP and, thus, did not participate in the consultations.

On 4 January 2012, the "Introductory Propositions to the Action Plan" were published on the website of the Office of the Government. Online consultations were held until 31 January 2012, in which any member of the public could express opinions and preferences concerning the topics described in the propositions. Additionally, all individual submissions received were simultaneously published on the website of the Office of the Government, together with short comments by the Office of the Government officials.[5] Altogether, there were 36 contributions received through these online consultations, mostly from individuals.

The online consultations carried out on the Office of the Government's website allowed stakeholders to express their preference for some of the topics contained in the "Introductory Propositions" as well as to suggest new ones. The most popular topics from the "Introductory Propositions" included adoption of a new act on civil servants, improving transparency of political parties' finances, reaching the open data standard with respect to the information published by the authorities, and improving effectiveness of access to information. Some of the new topics suggested included improving the transparency of

public budgets, and taking steps against the principles of the proposed Anti-Copyright Trade Agreement (ACTA).

On 16 January 2012, the Office of the Government under the auspices of the Deputy Prime Minister organized a workshop in Prague to discuss the priorities for the action plan. Representatives of central administrative authorities, non-profit organizations, and academics were invited to the workshop, with 42 of them participating. At the workshop, representatives of the Open Society Foundation presented the preliminary results of their questionnaire to assess which topics should be prioritized for the action plan and to solicit specific ideas on reaching the open data standards. Discussions from the workshop were published online.[6]

According to the results of the online questionnaire prepared by the Open Society Foundation, in which 107 respondents participated, the suggested topics with the greatest support included a commitment to adopt a new law on public officials and a commitment to reach the open data standard with respect to the information published by the authorities.[7] No clear conclusions regarding the priorities for the action plan are expressed in the record from the workshop. A short summary of the above-mentioned public consultations and their results was published in February 2012.[8]

The responsible officials also held a number of individual consultations with selected non-profit organizations through January 2012, concerning topics such as regulations for lobbying, protection of whistle-blowers, and reaching the open data standards.

By comparing the outcomes of the public consultations and the final contents of the action plan, as approved by the government in April 2012, it can be concluded that the opinions of the stakeholders were taken into account and reflected in the government's action plan. In particular, non-governmental stakeholders supported the inclusion of a commitment to reach the open data standards for official information, and they also considerably influenced the formulation of this commitment.[9] From that perspective, the consultations were meaningful.

However, the number of the stakeholders participating in the consultations was relatively low. Further, for the other commitments, non-governmental stakeholders did not directly influence the formulation of the commitment in the action plan. The online consultations were potentially accessible for a wide range of stakeholders, but public knowledge about the consultations was limited. In contrast, the government ensured better dissemination of information regarding the approval of the action plan with a press release[10] that received some media attention.[11] The workshop and individual consultations with non-profit organizations were concentrated in the capital, Prague. In the IRM researchers' opinion, this was suitable for most of the issues involved.

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[1] Section to Coordinate the Struggle against Corruption, *Open Government Partnership Introductory Propositions to the Action Plan*, by the Office of the Government of the Czech Republic (Report, Prague, December 2011), [English] http://bit.ly/1dBs1XE, [Czech] http://bit.ly/1ddG6Eq

[2] Jakub Mráček, "Demokracie 2.0," Blog, Respekt.cz, 14 December 2011, [Czech] http://bit.ly/1maOzxL

[3] Jakub Mráček, "Naděje z Úřadu Vlády," Blog, Respekt.cz, 4 January 2012, [Czech] http://bit.ly/1gUQ2an ; "The Government Is Looking for a Way to Involve People in Public Affairs," Czech TV video, 7:32, from a news program called Události televised on 17 January 2012, http://bit.ly/1j8eoyX; Natália Mičovská, "Lepší Stat? Jdeme Na To!," Blog, iDNes,cz, 30 January 2012, [Czech] http://bit.ly/1dXsP46

[4] Open Society Foundation, "Prioritizace témat pro Akční plán OGP pro Českou republiku," Google Forms, January 2012, [Czech] http://bit.ly/1gUTv91

[5] Office of the Government, "Public Discussion: Partnership for Open Government," Government of the Czech Republic, January 2012, [Czech] http://bit.ly/1eWRuaO

[6] Office of the Government, *Minutes from the Open Government Partnership Workshop*, by the Government of the Czech Republic (Report, Prague, 16 January 2012), http://bit.ly/1hy2jTd

[7] Nadace Open Society Fund Praha, *Výsledky Prioritizačního Dotazníku k Akčnímu Plánu Open Government Partnership*, by Jakub Mráček (Prioritisation questionnaire results, Prague, January 2012) [Czech] http://bit.ly/1kGwBb2

[8] Office of the Government, "Závěry z Veřejné Diskuse k OGP [Results from the OGP Public Discussion]," Government of the Czech Republic, February 2012, [Czech] http://bit.ly/KnlQcw

[9] Eva Kyzourová, Department for Coordination of Fighting Corruption of the Office of the Government, interview with the IRM researchers, 14 October 2013.

[10] Office of the Government, "Vláda Dnes Schválila Akční Plán České Republiky 'Partnerství pro Otevřené Vládnutí' [The Government Approved the Czech Republic Action Plan 'Open Governance Partnership']," Government of the Czech Republic, 4 April 2012, [Czech] http://bit.ly/1cAQI0m

[11] Tonzijlstra, "Czech Republic Approves OGP Action Plan," European Public Sector Information Platform, 6 April 2012, http://bit.ly/1fFwIBp

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

No new forum was created to facilitate the implementation of the action plan. Neither the action plan nor its implementation was subject to regular public debate, except for the open data commitment, which was subject to consultations with selected academics.

As part of their participation in OGP, governments commit to identify a forum to enable regular multi stakeholder consultation on OGP implementation—this can be an existing entity or a new one. This section summarises that information.

After the government in April 2012 approved the action plan, no new forum was created for regular consultations on its implementation (see Table 1 above), nor was this implementation subject to regular debates in any existing forums. In the opinion of the IRM researchers, and in the comments of the officials involved, this was the result of the "derivative nature" of the action plan commitments.[1] As noted earlier, the action plan was limited to promoting existing goals in the areas of government transparency and anti-corruption activities, rather than serve as an innovative tool for new initiatives and commitments. For instance, two of three commitments in the final version of the action plan were chosen from the Strategy of the Government in the Fight against Corruption for Years 2011 and 2012. The only exception was with the commitment related to access to data and information, which was included in the action plan largely due to the efforts of the non-governmental organizations active in that field. It subsequently was included in the new version of the government's anti-corruption strategy for 2013 - 2014.

As many of the action plan commitments originate from the anti-corruption strategy of the government, they are subject to discussions at the Government's Committee in charge of coordinating the fight against corruption and the Counselling Board of the Chair of this Committee.[2] However, the action plan and its implementation have not been subject to any regular discussion. Additionally, according to the IRM researchers' experiences, it was only rarely mentioned when the topics of the commitments were debated at the discussions of the Government Committee.

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[1] Kyzourová, interview, October 2013.

[2] Department to Coordinate the Fight against Corruption, "Government Committee to Coordinate the Fight against Corruption," Office of the Government of the Czech Republic, [Czech] http://bit.ly/1eWJxCy ; Department to Coordinate the Fight against Corruption's Government Committee, "Counselling Board of the Chair of the Government's Committee for Coordination of the Fight against Corruption," Government of the Czech Republic, [Czech] http://bit.ly/1eGWGza

IV. IMPLEMENTATION OF COMMITMENTS

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

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

The five OGP grand challenges are:

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

While the nature of concrete commitments under any grand challenge area should be flexible and allow for each country's unique circumstances, all OGP commitments should reflect four core open government principles:

- **Transparency** — information on government activities and decisions is open, comprehensive, timely, freely available to the public, and meet basic open data standards (e.g. raw data, machine readability).
- **Citizen Participation** — governments seek to mobilise citizens to engage in public debate, provide input, and make contributions that lead to more responsive, innovative and effective governance.
- **Accountability** — there are rules, regulations, and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.
- **Technology and Innovation** — governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving

innovation, and the importance of increasing the capacity of citizens to use technology.

Countries may focus their commitments at the national, local and/or subnational level— wherever they believe their open government efforts can have the greatest impact. Recognising that achieving open government commitments often involves a multi-year process, governments should attach timeframes and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This section details each of the commitments that the Czech Republic included in its initial action plan.

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

- Relevance: The IRM researchers evaluated each commitment for its relevance to OGP values and OGP Grand Challenges.
    - OGP values: To identify OGP commitments with unclear relationships to OGP values, the IRM researchers made a judgment from a close reading of the commitment's text. This judgment reveals commitments that can better articulate their relationship to fundamental issues of openness.
    - Grand challenges: While some commitments may be relevant to more than one grand challenge, the reviewers only marked those that had been identified by government.
- Ambition: The IRM researchers evaluated each commitment for how ambitious commitments were with respect to new or pre-existing activities that stretch government practice beyond an existing baseline.
    - Potential impact: To contribute to a broad definition of ambition, the IRM researchers judged how potentially transformative each commitment might be in the policy area. This is based on the IRM researchers' knowledge and experience as a public policy expert.
    - New or pre-existing: Based on the facts, the IRM researcher also recorded whether a commitment was based on an action that pre-dated the action plan.
- Timing: The IRM researchers evaluated each commitment's timing, even where clear deliverables and suggested annual milestones were not provided.
    - Projected completion: In cases where this is information was not available, the IRM researchers made their best conjecture based on the evidence of how far the commitment could possibly be at the end of the period assessed.

1. Adoption of an Act on Civil Servants

Adoption of an unified Act on Civil Servants, based on private law principles, to ensure the depoliticization, professionalization and stabilization of the public administration sector.

Depoliticize the public administration not institutionally, but by setting maximum possible levels of legal protection for civil servants and by increasing legal protection for employees.

Define personal competence through a system to determine levels for civil servants and employees both in terms of their rights and obligations, their level of remuneration, compensation for additional duties and in terms of their level of legal protection.

Strengthen the state's role in providing uniform training methods, testing the knowledge and skills of civil servants.

Commitment Description						
Answerability	**Lead institution**	Ministry of the Interior				
	Supporting institutions	Ministry of Labour and Social Affairs				
	Point of contact specified?	No				
Specificity and measurability		Medium (Commitment language describes an activity that is objectively verifiable, but does not contain specific milestones or deliverables.)				
Relevance	**OGP grand challenges**	Improving public services, Increasing public integrity				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
				$\sqrt{}$		

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

Level of completion			
Start date:	**End date:**	**Actual completion**	Limited
04 April 2012	31 December 2013	**Projected completion**	Substantial
Next steps			

Revision of the commitment to be more achievable or measurable

What happened?

There is broad agreement among both the political representatives and interested public in the Czech Republic that the lack of effective general regulation of the status of civil servants is a major hindrance to the proper functioning of public administration.

The 2002 Civil Service Act,[1] adopted to determine the relationship between the state and the civil servants, has yet to be operationalised. There is no clear definition of mutual rights and obligations of civil servants and the State. This leads to a lack of transparency about the activities of government officials as well as inadequate protection for officials from politicians and lobbyists. Additionally, the European Union requires that legislation ensuring neutral, professional, and stable government enter into force in the Czech Republic.[2]

Prior to the government's OGP action plan, the proposal for new legislation to ensure depoliticisation, increase professionalisation and stabilise public administration already existed in the government's August 2010 Program Statement and in the government's Anti-Corruption Strategy for 2011 - 2012.[3]

During the implementation period of the action plan, the Ministry of the Interior gradually prepared several versions of the Bill on Civil Servants. These versions subsequently underwent inter-ministerial consideration. Government authorities, other public institutions, and non-governmental entities raised a large number of critical comments and amendments on each version of the Bill. The comments were largely related to the fundamental provisions of the Bill.

The latest version of the Bill was released for comments in January 2013. The Legislative Council of the Government then discussed it repeatedly. After further modifications, the proposal was approved by the Czech Government in June 2013 and subsequently submitted to the Parliament. Because of the government's resignation, the sequential dissolution of the Chamber of Deputies, and the announcement of early elections in 2013, the legislative process was terminated. New developments on this proposed bill will depend on the decision of the new Government.

As defined in the Government's Bill, the relationship between the civil servants and the State would be based on existing private sector labour law. Many stakeholders expressed doubt over the conceptual basis of the new Civil Servants Act. Their doubt was expressed in the comments by organisations associated with the Reconstruction of the State[4] and other non-governmental groups.[5] In their opinion, the general requirements cannot be achieved without a legal framework that defines the main tenets of public service (such as the Civil Service Act from 2002, which has not entered into force to date) and guarantees relative autonomy from the state.[6]

Additionally, some stakeholders believe that a public law-based regulation of the status of public officials is not a prerequisite for their impartiality and does not guarantee the de-politicisation of public administration. Other concerns included the financial costs of this solution and possible difficulties in completely revamping the current public service model. A more practical approach was discussed at the IRM legal seminar: ensuring specific guarantees of the impartial exercise of public power, especially through a separation of political and bureaucratic functions.[7]

The representatives of local non-governmental organisations (NGOs) also emphasized the following two issues: the first pertains to the fact that municipal and regional authorities are outside the ambit of the current legislative proposal. The second issue relates to "fixing" current officials in their positions as a result of the legislative change. The NGOs supported testing open selection criteria for a transitional period before making it legally binding.[8]

Finally, other critical comments about the government's proposal include the failure to ensure better administrative management, the lack of distinction between politicians and bureaucrats, the lack of openness in the proposed tender system, and the lack of transparency in remuneration of public officials. The majority of the private sector representatives who responded to the IRM researchers' questions (see Section I., Methodological Note) also confirmed the same.

It must be noted that the proposed regulation over the status of civil servants does not seem to garner a unanimous attitude from central administrative authorities. Some of the concerns voiced by stakeholders were supported in the interdepartmental deliberation on the Bill, including support from the Ministry of Labour and Social Affairs, the Ministry of Regional Development, the Office of the Government, and the Ombudsman.

In the opinion of the IRM researchers, the general objectives of the Act were clearly defined, as well as the timetable for its preparation, consideration, and approval. However, it is unclear whether the law in its current form will reach the general objectives. As a representative of the state administration said in an interview with the IRM researchers, there are alternative solutions such as amending the 2002 Service Act and making it operational.[9] A parliamentary draft of amendments to that law was approved, but then the government resigned, and the legislative process was terminated.

In the absence of an effective regulatory status of civil servants, non-governmental organizations and other entities that were critical of the government's proposals generally are supportive of an alternative solution: introducing amendments to the 2002 Civil Service Act.

Did it matter?
The absence of regulation of the status of civil servants in the Czech Republic represents a serious long-term deficit in the administrative capacity of the state. Therefore, as defined in the action plan, the commitment was not innovative. The stakeholders agreed that the enactment of the Act is an ambitious goal, the fulfilment of which could lead to substantial improvement of public administration in the Czech Republic. If enacted with the appropriate rules, regulating the position of civil servants would lead to numerous positive outcomes, including the following:

- The separation of the political and bureaucratic (apolitical) positions, as well as defining their competencies and interrelationships;
- Clear articulation of the rights and responsibilities of the civil servants that would be essential to improve the efficiency of public administration, including sufficient protection from political pressures;
- The institution of a structure for public administration with a clear definition of the work agenda;
- The introduction of a transparent personnel policy, including mandatory public tenders for public administration positions and clear rules for the head positions;
- The creation of a transparent and coherent remuneration system free from political interference;

- Increased accountability of civil servants for their decisions, and consistent enforcement of the damages caused by malpractice;
- Clear and adequate protection of whistle-blowers.

According to the stakeholders, it is questionable whether the government's current draft law on civil servants would achieve these results.

Moving forward

The IRM researchers recommend that this commitment be revised, so that the general objectives (depoliticization, professionalization, and stabilisation of government) are more clearly linked with the OGP commitment of improving accountability and reflected in the new regulation.

Building on the proposal from the Reconstruction of the State initiative,[10] the IRM researchers recommend the following revisions to the commitment:

- Clearly separating political and bureaucratic positions;
- Creating rules for unified systematization;
- Introducing transparency in the personnel policy and the civil servants remuneration system;
- Increasing accountability of civil servants by instituting rules and regulations that call upon public officials to explain their actions, act on criticism, and accept responsibility for failure.

Specific reformulation of the commitment for the next action plan will depend on whether some of the variants of the legal framework for the civil servants have been approved and are in effect. If so, the commitment should be reformulated to amend the legislation and make it more effective. Otherwise, the approval of the new legislation should be a continuing commitment, as per the IRM researchers' recommendations listed above.

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[1] Government of the Czech Republic, "Act No. 218 on Service of Public Servants in Administrative Authorities and on Remuneration of Such Servants and Other Employees in Administrative Authorities (The Service Act)," Collection of Laws, 26 April 2002, [English] http://bit.ly/1bFYXxk, [Czech] http://bit.ly/1bFYXxk
[2] European Commission, *Position of the Commission Services on the Development of Partnership Agreement and Programmes in the Czech Republic for the Period 2014-2020*, (Report, 2012), 9, 14-16, http://bit.ly/1j91EIa
[3] Office of the Government's Department for Coordination of Fighting Corruption, *Strategy of the Government in the Fight against Corruption for Years 2011 and 2012*, by the Government of the Czech Republic (Strategy report, Prague, 2010), http://bit.ly/1gUCRpN
[4] "Officials Bill Leaky Like Sieve, Could Cost Czech Rep Up to 99 Billion CZK," Reconstruction of the State, 28 May 2013, [English] http://bit.ly/1b3P23o, [Czech] http://bit.ly/1j9aohq
[5] British Chamber of Commerce, "Position of the British Chamber of Commerce on the Civil Service Law," press release, 31 May 2013, http://bit.ly/1mgXmkz; Association of Small and Mid-Size Entrepreneurs, "Dočkáme Se Kvalitního Zákona o Státní Službě? [Will We Ever Have a Quality Act on Service?]," press release, 28 May 2013, [Czech] http://bit.ly/1b8fkh6
[6] Prague Advocacy NGOs Stakeholder Meeting, 8 October 2013.
[7] Independent Review Mechanism Brno Legal Seminar, 23 October 2013.
[8] Prague Local NGOs Stakeholder Meeting, 9 November 2013.
[9] Kyzourová, interview, October 2013; Soňa Dvořáčková, Department of Public Administration in the Ministry of the Interior, interview with the IRM researchers, 18 October 2013.
[10] Reconstruction of the State, *Nezávislí a Profesionální Úředníci [Independent and Professional Officials]*, 2013, [Czech] http://bit.ly/1j9fXfY

2. Amendments of the Free Access to Information Act

Identification of problems related to free access to information

Preparing draft of legislative solutions

Adoption of amendments of the Free Access to Information Act.

Commitment Description						
Answerability	**Lead institution**	Ministry of the Interior				
	Supporting institutions	Ministry of Environment, Ministry of Justice				
	Point of contact specified?	No				
Specificity and measurability		High (The commitment language provides clear, measurable, verifiable milestones for achievement of the goal.)				
Relevance	**OGP grand challenges**	Increasing public integrity				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
		$\sqrt{}$				

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

Level of completion			
Start date:	**End date:**	**Actual completion**	Limited
04 April 2012	31 December 2013	**Projected completion**	Substantial

Next steps
Further work on basic implementation

What happened?

A commitment to amend the Free Access to Information Act (1999) was first included in the Strategy of the Government to Fight against Corruption for Years 2011 and 2012 and later in the government's OGP action plan.

The Free Access to Information Act of 1999 regulates access to information held by the public institutions in the Czech Republic, both upon the request and actively in accordance with the principle of publicity. The Act on Access to Information of 1998 applies specifically

to environmental issues. The Free Access to Information Act has been amended a number of times since 2000.

Although the Act in general provides for access to information, it is far from being fully satisfactory. The Ministry of the Interior constituted a working group in 2011 of representatives of select public authorities and NGOs. They identified a number of important limitations, namely:[1]

- Insufficient enforcement of the right to free access to information when the right is illegally denied by public institutions;
- Unsatisfactory degree of proactive publication of information by public institutions, limiting the possibilities of further use of such information by private sector stakeholders;
- Lack of awareness about the Act or publishing duties concerning the information;
- 'Moaners' irrationally burden the authorities with rare, but difficult to solve cases of misuse of the Act.

The working group constituted by the Ministry of the Interior in 2011 suggested a number of possible amendments to the Free Access to Information Act. However, the specific proposals for amendments included in the government's action plan and in the first draft of the amendment (published by the Ministry of the Interior in September 2012) only partially took into account the analysis of the working group. Other proposed changes attempted to further lower the standard of access to information under the Act.[2]

Despite the efforts to dilute the law, the draft prepared by the Ministry of the Interior explicitly stated that the amendments must not diminish the current standard of access to information, should speed up and simplify the processes of dealing with requests for information, and should improve remedies against denying information requests. Additionally, government bodies obliged to publish the information should be strengthened.

Consequently, the government changed the description of the commitment in its self-assessment report. Unlike the original action plan, the updated action plan refers to additional amendments that are in sync with the OGP general value of access to information.

The Legislative Council of the Government discussed the draft amendments in May 2013. The council proposed a number of changes to the draft amendments. The Ministry of the Interior decided to prepare an updated version of the draft, which was finalized in July 2013. However, due to the government's resignation, the legislative process has been postponed.

Did it matter?
Various versions of the draft amendments to the Free Access to Information Act were prepared by the Ministry of the Interior and discussed by the public authorities and other stakeholders. The government approved none of the versions that were prepared. These draft amendments are currently subject to the approval of the new government.

While the participants (NGO representatives) in the IRM stakeholders meetings generally agreed that it would be appropriate to adopt legislative amendments in this area, some of them also questioned the relative importance of this commitment in comparison with other challenges.[3]

Furthermore, as formulated in the original version of the action plan and in some of the legislative drafts published during the implementation period, some of the specific

proposals of the amendments were considered unsuitable and even contrary to the OGP general value of access to information by the stakeholders.

The critique of the initial draft amendments of the Act on Free Access to Information by non-governmental organizations, including the Open Society Foundation,[4] helped improve later proposals. The action plan commitment was re-formulated to be more consistent with the OGP general value of access to information.

The last draft of the amendment of the Act on Free Access to Information, published by the Ministry of the Interior in July 2013, is compatible with the proposals in the updated action plan, with one exception: the draft does not introduce the instrument of 'information order' by which, in the case of a dispute, a superior authority could mandate a subordinate to provide the requested information.

On the other hand, the last version of the draft amendment includes provisions that are absent from the government's action plan, but that would expand access to information in the public domain and make the information more usable in practice. First, it requires that the obliged entity proactively publish internal rules, regulations on the exercise of official powers and details of public expenditure online. Some entities such as the security forces are exempt. Second, the draft requires the entities to provide information electronically and in a format that makes further use easy. This aspect of the proposed amendment should contribute to meeting the OGP commitment of technology and innovation (for openness and accountability).

Moving forward

The need to amend some of the Act on Free Access to Information was identified prior to the adoption of the action plan. Therefore, the commitment was not really innovative.

The IRM researchers believe that the content of the commitment, as reformulated by the government's self-assessment and updated action plan, provides a good basis for amending the Free Access to Information Act and for improving open access to information.

The IRM researchers believe that establishing the 'information order' instrument could improve the delivery of information under the law considerably. They believe it would provide a strong mechanism to overcome deliberate obstacles and obliged entities who refuse to provide information. It is recommended that this instrument be added to the subsequent version of the draft amendment, thereby bringing the amendment into accordance with the updated version of the action plan.

It is also desirable to amend provisions of the Act that allow for the denial of information requests. It should be made clear that such provisions will not limit the current scope of access to information guaranteed by law.

The IRM researchers also recommend revising the commitment to include an information commission that would serve as an independent institution mandated to implement the law in letter and spirit. 'Information commissioners' would staff the commission. The Ministry of the Interior's 2011 working group also mentioned this recommendation.

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[1] Oldřich Kužílek, "Příprava Novely Infozákona Pokračuje [Preparations on amending the FOA Continue]," Right of Information Project, 5 March 2013, [Czech] http://bit.ly/LqEMJ5 ; Ministry of the Interior, *Analýza Účinnosti Zákona o Svobodném Přístupu k Informacím [Analyses of Efficiency of the Free Access to Information Act]*, by the Government of the Czech Republic, (Reports, Prague, 31 August 2011), [Czech] http://bit.ly/19zWSmq
[2] Prague, Advocacy NGOs Stakeholder Meeting, 8 October 2013.
[3] Prague, Advocacy NGOs Stakeholder Meeting, 8 October 2013.

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[4] Tomáš Pavlíček, "Zákon Omezující Přístup k Informacím Přepracujeme, Slíbilo po Kritice Vnitro [We Will Rework the Bill Limiting the Right on Access to Information]," Zprávy, 9 November 2011, [Czech] http://bit.ly/1b4sqzD

3. Reaching the Open Data Standards

Reaching the open data standards with respect to selected scope of data published by the public authorities.

Assessing legal and technical requirements for opening of the public databases in open data format, identification and removal of obstacles

Creation of an open data infrastructure in the public procurement sector

Converting the most important sources of data of the public administration to open data standards and establish by that way basis for possibility of their further using by both the private sector and public administration.

Creation of the catalogue of public administration data.

Commitment Description						
Answerability	**Lead institution**	Ministry of the Interior				
	Supporting institutions	Ministry of Justice, Ministry of Local Development, Ministry of Finance, Ministry of Transport, Czech Statistical Office				
	Point of contact specified?	No				
Specificity and measurability		Low (Commitment language describes activity that can be construed as measurable with some interpretation on the part of the reader.)				
Relevance	**OGP grand challenges**	Improving public services, More effectively managing public resources				
	OGP values	**Access to information**	**Civic participation**	**Accountability**	**Tech & innovation for trans. & acc.**	**None**
	3.1. Identification and removal of legal and technical obstacles	√			√	
	3.2. Creation of an open data infrastructure in the public procurement sector	√			√	
	3.3. Converting the most important data	√			√	

sources to open data standards					
3.4. Creation of a catalogue of public administration data	$\sqrt{}$			$\sqrt{}$	

Ambition

Milestone	New vs. pre-existing	Potential impact
1. Identification and removal of legal and technical obstacles	New	Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)
2. Creation of an open data infrastructure in the public procurement sector	New	Transformative (The commitment entails a reform that could potentially transform 'business as usual' in the relevant policy area.)
3. Converting the most important data sources to open data standards	New	Transformative (The commitment entails a reform that could potentially transform 'business as usual' in the relevant policy area.)
4. Creation of a catalogue of public administration data	New	Moderate (The commitment is a major step forward in the relevant policy area, but remains limited in scale or scope.)

Level of completion

Milestone 1. Identification and removal of legal and technical obstacles.

Start date:	End date:	Actual completion	Limited
04 April 2012	30 September 2012	**Projected completion**	Complete

Milestone 2. Creation of an open data infrastructure in the public procurement sector.

Start date:	End date:	Actual completion	Limited
04 April 2012	31 December 2012	**Projected completion**	Complete

Milestone 3. Converting the most important data sources to open data standards.

Start date:	End date:	Actual completion	Limited
04 April 2012	31 December 2012	**Projected completion**	Complete

Milestone 4. Creation of a catalogue of public administration data.

Start date:	End date:	Actual completion	Limited

04 April 2012	31 December 2012	**Projected completion**	Complete
Next steps			
1. Identification and removal of legal and technical obstacles	Further work on basic implementation		
2. Creation of an open data infrastructure in the public procurement sector	Revision of the commitment to be more achievable or measurable		
3. Converting the most important data sources to open data standards	Revision of the commitment to be more achievable or measurable		
4. Creation of a catalogue of public administration data	Further work on basic implementation		

What happened?

The public administration, academic sphere, and specialized non-profit organizations have been discussing attainment of open data standards for quite some time already. The Czech Republic has been participating on regional discussions concerning this issue, for example, in the European Institute for Public Administration[1] and in the implementation of the EU directive on access to environmental information.[2]

A very general declaration related to this issue was included in the Government's Anti-Corruption Strategy for the Years 2011 and 2012, and the government has also considered digitizing public service agendas among the strategy priorities.[3] Public procurements were emphasized as an area in which reaching open data standards could help fight corruption.[4]

Some aspects of the government's open data commitments existed prior to its adoption in the action plan, either through legislative requirements, the Free Access to Information Act or voluntary practice of individual institutions. However, there was no comprehensive strategy to assess the nature and scope of open data standards of public institutions. One stakeholder said the formulation of the commitment in the action plan moved the Czech Republic from "point zero" (no consistent thinking about reaching open data standard as general goal) to the "first step," where the issue has become a theme of public debate and government strategies.[5]

As stated above, the commitment was divided into four specific assignments in the action plan.

1. Identification and removal of obstacles

No consistent evaluation material on the legal and technical obstacles of meeting the open data standards was adopted. No government or responsible authority has explicitly formulated the nature of legislative changes (if any) that are essential to reach the open

data standards. This was partially due to lack of clarity regarding competences in this area between the Deputy Prime Minister for Fighting Corruption and the Ministry of the Interior.

State Policy Digital The Czech Republic 2.0[6] defines open data as "data published on the Internet in a manner enabling its use in diverse ways and authorizing the public to further disseminate such information." According to the Czech Copyright Act, all outputs of official work have a public interest override. Hence, according to some open data experts, a special license for publishing the data in open format is not necessary. The action plan reportedly required a special license to consolidate practice of the authorities in that field.[7]

The Ministry of the Interior currently is debating the Strategic Framework of the E-government Development, in which open data is considered one of the key elements not only for public administration, but also with regard to the commercial and non-profit sectors. The Ministry of the Interior finds it necessary to develop a general legal framework for this area. It proposes that basic principles of publishing data in open data standards be anchored in the Act on Information Systems of the Public Administration and in the Free Access to Information Act. According to some public authorities, if a law is not clearly formulated, under the existing legal framework public authorities cannot publish their data in open formats.[8] The technical aspects, namely machine-readability of open data, were not determined in the action plan. In November 2012, academics published a study titled, "Methodology on Publication of Public Administration's Open Data in the Czech Republic" (hereon "Methodology").[9] This study aims to evaluate the suitability of individual data formats for publication in open standards.

It should also be noted that the government's self-evaluation did not mention assignment of identification and removal of obstacles. In the updated action plan, identification and removal of obstacles occupied the last place in the time order of the four partial goals. The IRM researchers suggest that this seems illogical because the analyses should precede actions.

2. Creation of an open data infrastructure and establishment of its rules in the public procurement sector

Initially the government intended to achieve open data standards by establishing a general structure for publishing data openly that would make combining, sharing, and subsequent applications possible to the greatest extent feasible.[10] The Act on Information Systems of the Public Administration also envisioned an integrated data system.

During developments of the action plan, this task was limited to the area of public procurement. The choice of limiting government actions to public procurement was justified by the need to limit the risk of corruption in that area. The IRM researchers believe unifying the individual databases of the contract owners and improving public access to relevant data, could increase the possibility of public oversight on future procurements.

During the evaluation period, the IRM researchers discovered that no open data set in this area had been created. Rather there is a proposal to collect the contents of municipal websites and official boards and make them available in a single informative application through the Internet portal cities and municipalities.[11]

3. Opening up the most important sources of data

In accordance with the original action plan, selected databases (or registers) should have met the open data standards by the end of 2012. Except for the database on election results,

this task has not been met. According to the government's self-evaluation report, the deadline was shifted to the end of 2013.

The Commercial Register

The Ministry of Justice runs the commercial register. It provides the public with free and generally binding electronic printouts. However, one limitation of this register is that it uses a single IP address, which is not in compliance with the open data standards. Another limitation is the PDF format in which documents can be downloaded from the register. As the data is not united and structured, this format is not suitable for machine readability, which is necessary for open data.

The Insolvency Register

The electronic insolvency register aims to ensure ultimate publicity of ongoing insolvency proceedings. Data from it can be downloaded in PDF format. Similarly to the commercial register, the possibilities of machine elaboration are significantly limited.

Public Procurements Information System

In accordance with the Public Procurement Act, the Ministry of Local Development runs the public tenders information system. The electronic Journal of Public Procurements[12] enables searches of contracts by name of contract owners and displays relevant data in PDF as well as TXT formats. Neither of these formats meets the requirements for machine-readability. An alternative information system of public procurements,[13] run by the NGO Oživení is a good example of an online, well-structured public procurement information system. They gather data from official public resources and convert it to be informative and easily accessible.

Election Results

The Election Results data set, administered by the Czech Statistical Office, is the only database listed in the action plan that fully responded to the commitment and currently meets the standards of open data (i.e. machine readability). The election results data are made public in a machine-readable format (XML).

Register of Active Legislative Tasks (RALP)

The RALP register only registers legislative activities of one administrative authority, the Ministry of Transport. The documents contained on this registry can be downloaded in DOC format. The Government runs a central database called the Library of Upcoming Legislature.[14] Its role is informative, facilitating online submission of public comments on draft laws. In the future, this area should be solved by the project, "eSbírka/eLegislativa," which aims to meet open data standards within the legislative procedure.

Financial Statistics – Government Debt, Government Financial Statistics

Both these data sources form part of the Ministry of Finance's websites. Data can be displayed online via HTML charts. This format does not meet the requirements of machine elaboration. Extraction of the data is only possible by specialized software. These sources cannot be used as open data.

ÚFIS – Accounting Records and Financial Data from the Central System of State Accounting Information (CSÚIS)

The Central System of State Accounting Information provides data in machine-readable format XML. Although this format meets the requirements of machine readability, an easy

interlinking of related data is not available, according to the above quoted Methodology (see Assignment 1. Identification and removal of obstacles). The data accessible on this registry are available from 2010 and updated on an annual basis.

Online Access to Data Regarding the Funding of Political Parties

This register has not been created to date. Information about political parties' finances currently is submitted in paper form. It is accessible in the Offices of the Chamber of Deputies. According to the Office for Personal Data Protection, further publishing such information would be illegal. The NGOs have asked for an online, centralized system to access annual and financial reports of political parties. This would enable them to actively search content and export data to XLS format for further analysis and advocacy.[15] In the opinion of the IRM researchers, the fulfilment of this commitment would require modification of the Act on Political Parties and Movements.

Central Register of Grants

The register publicises grants provided from the state budget, European Union funds, and other public financial mechanisms. Several charts displayed online can be exported to XLS format, enabling further elaboration in a spreadsheet browser or editor.

4. *Creation of a catalogue of the public administration data*

An open data catalogue was intended to be a primary source of information about public administration data sets. According to the Ministry of the Interior, launching the catalogue requires a legislative framework, but currently none exists.

The analysis, "Concept of Cataloguing of Public Administration Open Data," prepared by the Ministry of the Interior in collaboration with academics, was published in September 2012.[16] It introduced a vision of a central data catalogue where citizens, companies, and other institutions could search for open data on public administration. The existing portal of public administration[17] is being converged with the open data catalogue. The Ministry of the Interior is considering establishing a new open data section in the existing portal that would be comprised of the catalogue of open data, basic information related to this topic, and methodological documents.[18]

Challenges faced by government and the stakeholders

Apart from being multi-layered, this commitment was ambitious. Its implementation required legislative and technical solutions, opening of databases, and the creation of a data catalogue. Consequently, the task was also integrated into the Government Anti-Corruption Strategy for the Years 2013 and 2014.

According to the IRM researchers, the weakest point of the commitment was the missing formulation of the open data standards. However, the documents produced during the implementation period, namely the Methodology and the Concept of Cataloguing of Public Administration Open Data, provide a theoretical base for defining these standards and realising this commitment.

The Ministry of the Interior created a working platform related to open data that raises awareness about this topic within the public administration.

Did it matter?

The commitment was the first comprehensive effort to set open data standards for all data published by public institutions. It was included in the action plan because of strong support from commercial subjects, NGOs, and academics working on open data.

In the implementation period of the action plan, the government originally intended to establish legal framework and to develop technical solutions necessary to meet the open data standards as well as to promote practical realization of these standards through the creation of a public database. The goal was too ambitious and lacked a clear, realistic timeframe.

The different stakeholders developed extensive conceptual materials and model online applications. Civil society stakeholders identified the lack of inter-departmental coordination and slow progress as the key reason for poor implementation.[19]

Despite these challenges, the commitment has transformative potential with respect to improving the access to and use of data possessed by the public institutions in the Czech Republic.

Moving Forward

In the self-assessment report, the Government declared its intention to fulfil the commitment. The open data issue also was integrated into the Government Anti-Corruption Strategy for the Years 2013 and 2014.[20] It also forms part of the Strategic Framework of the E-Government Development, prepared by the Ministry of the Interior. Open data standards will become part of the principles for financing projects of modernization and computerization of the public administration for the period 2014 – 2020. A key recommendation of the IRM researchers is to develop a comprehensive coordination strategy among the central administrative bodies to improve the performance of this commitment.

However, the updated version of the action plan (in the self-assessment report) does not convey any systematic change with respect to forming new steps to meet the specific goals. On the contrary, the logical order of tasks such as identifying and removing the legislative and technical obstacles for achieving open data standards as well as making data sets available to the public has been reversed in the updated action plan. This contradicts with the position of the Ministry of the Interior that was presented in an interview with the IRM researchers. According to the Ministry of the Interior, a clear legislative framework is a prerequisite for coordinating the process of transforming the official information to open data standards.

There were diverse opinions from specialists and interested people on how to achieve open data standards in the Czech Republic. The stakeholders recommend two basic strategies:

- Develop explicit legislative framework as a necessary precondition for reaching this goal.
- Progressively and creatively interpret existing laws and the legal framework in place to develop a good methodology to guide public authorities.[21]

The IRM researchers suggest three main recommendations:

1. Both the above-mentioned strategies identified by stakeholders should be applied in parallel. In practice, however, under the given circumstances, developing a legislative framework appears to be more promising. In addition to the methodological and technical advice, public authorities need clear and binding

instructions through legislative guarantees to make their databases compatible with open data standards.
2. The next government action plan should incorporate a clear set of objectives and a timeframe within which these objectives should be accomplished.
3. The proposed list of the datasets that meet open data standards should be revised and possibly broadened. The IRM researchers suggest the inclusion of:
    a. A central legislative database (library of forthcoming legislature);
    b. Other content-related government initiatives such as digitisation of all official laws (E-collection) and information about the legislative process (E-legislation).

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V. SELF-ASSESSMENT CHECKLIST

The process of preparing the government's self-assessment report and its content confirm that commitments in the action plan were not linked to OGP values and grand challenges.

The government's self-assessment report, along with an updated action plan, was approved by the government on 19 June 2013 and consequently published in Czech and English. However, the draft of the self-assessment report was not made available for public comment. Only the central administrative authorities had a chance to review the draft report and provide comments. The progress report is silent on the nature and scope of consultations undertaken during implementation stage. It also lacks thorough analysis of why none of the commitments have been achieved, and it does not reflect on the need to reformulate some of the commitments. As a result, the updated action plan includes only partial changes of the original text and postponements of deadlines. It can be concluded that the process of preparing the government's self-assessment report (without public consultations) was not in compliance with the OGP values.

Table 2. Self-Assessment Checklist

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

Does the report describe the relationship of the action plan with grand challenge areas?	No

VI: MOVING FORWARD

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

Country Context

The general situation in the Czech Republic regarding the OGP main values can be described as contradictory in a number of aspects. On the one hand, the institutional and regulatory framework, although not perfect, provides some important guarantees of rights related to these values. It also forms the basis for their further development. On the other hand, there are significant drawbacks that many stakeholders attribute to systemic misuse of public resources (or "systemic corruption").

Access to information

Despite the existing problems with its application (see Section IV for details), the Free Access to Information Act of 1999 has caused a gradual but considerable shift in the general attitude of public institutions. Now public institutions provide access to information at their disposal, both proactively and upon request. Further improvements in this area have been achieved by progressive jurisprudence and from diverse activities of non-profit actors, including advocacy, litigation, and awareness-raising and evaluation. For example, the Open Society Foundation publicised best and worst practices in providing information.[1]

At the same time, the public continues to struggle with some institutions (often the public sector enterprises and some of the small municipalities) when trying to obtain "sensitive" information that pertains to expenses of institutions, salaries of the officials, and controls and sanctions on officials. According to Transparency International's "Study on National Integrity," the dividing line between easy-to-get and hard-to-get intersect where the public transforms from passive consumers of public services to active agents of change.[2] Moreover, any attempt to obtain information about misused public funds such as controversial public procurements or investments is labelled hard-to-get. In such cases, the public is engaged in an ongoing struggle to overcome the obstructions placed by some of the institutions in obtaining such information (see also Section IV).

Public participation

Public participation in environmental decision making and land use planning was introduced through the Nature and Landscape Protection Act 1992. The law is used quite extensively by NGOs and local initiatives that work on environmental issues. At the municipal level, the institute of local referendum granted by law mandates municipal and regional authorities to ensure citizens the right to participate in the sessions of the assemblies and to enable public debate. In addition, a growing number of authorities have voluntarily created broader possibilities for public participation such as publishing the preparatory materials online, and organizing public debates and/or opinion polls before formal decision making.

However, the attitude of the authorities towards the participating public is often hesitant, formalistic, and at times even hostile. This non-cooperative attitude is most prominent in cases concerning public investments where political and economic interests are at stake.[3] Also at the local level, active, probing citizens are treated as enemies. Attempts to dilute existing legal possibilities of public participation have occurred repeatedly. The Aarhus

Convention Compliance Committee also noted that the current legislation does not fully meet the international commitments of the Czech Republic in the area of environmental decision making procedures.[4]

Accountability and integrity

The Conflicts of Interests Act of 2006 ensures that select public representatives do not misuse their positions for promoting private interests. Under this law, public authorities are financially responsible for damages caused by illegal use of their powers. Furthermore, the law enables the public to ensure compliance of the duties of public representatives covered by the Act. But the power of the law is limited by unequal access to the relevant information. Personal responsibility for damages caused by illegal exercise of administrative powers is rarely evoked.[5] Moreover, no comprehensive regulation of whistle-blowers protection has been adopted.

Overall, the level of accountability in the public sphere is low in the Czech Republic. One of the most important reasons is the absence of an effective act on public servants (see Section IV). This is the case for all levels of government from the national administration to the municipal and regional offices.

Technology and innovation

There is general support for government efforts to institute comprehensive open data standards for all data published by public institutions (see Section IV). However, the legal and technical conditions for meeting this goal have yet to be agreed upon or implemented.

Another issue in this area is a project to digitize all official records in public administration and justice. Electronic "data boxes" for official communication between all public authorities (as well as voluntarily between public authorities and private subjects) have been introduced, but this initiative needs further review and development. The Ministry of Justice also plans to digitize courts files and all information related to administration in coming years.

Misuse of public money (systemic corruption)

In all of the areas discussed above, the current rules and legislative guarantees are unable to prevent the misuse of public resources.

According to many public opinion surveys and studies, corruption is considered the most serious problem in Czech society.[6] The surveys also indicate that the public, in general, associates the phenomenon of "corruption" with poor functioning of state authorities and the misuse of public funds.[7] According to studies conducted by the "National Economic Council of the Government," the estimated losses of the public budget that can be attributed to systemic corruption per year amounts to 39 billion Czech crowns (approximately 1.9 billion USD).[8]

One of the biggest paradoxes of public life in the Czech Republic in recent years is that, on the one hand, major political parties, the government, and many activist groups nearly unanimously commit publicly to "fighting corruption." For example, after the 2010 elections the government adopted and published two anti-corruption strategies aimed at addressing the problem of public resources misuse (systemic corruption). On the other hand, however, the majority of the society considers specific anti-corruption measures taken by this government to be unsatisfactory,[9] largely blames the government, and criticizes the government for making things worse. Many see the following as an example of systemic corruption: three members of Parliament were appointed to state-owned enterprises to

ensure that they did not disrupt the passage of the state budget. This act resulted in the government's resignation in June 2013.

This paradox between commitment and action has given rise to different reactions from various stakeholders. First, traditional political parties have lost their major support bases. This was evident from the results of the preliminary elections held in October 2013. Additionally, non-governmental entities working on systemic corruption are considerably expanding and better coordinating their activities. In addition to NGOs, commercial associations such as the Association of Small and Mid-Size Enterprises[10] and the British Commercial Chamber[11] also published their statements and demands. These correspond with the views of the representatives of the private business sector, who answered the IRM researchers' questions concerning the most serious problems of the public administration. Private sector representatives essentially demand independence of the officials, professional- and citizen-responsive approaches, and better organisation of the government agencies. A new "Anticorruption Endowment" also was founded.[12] The most significant of these new initiatives is the "Reconstruction of the State," a joint project of multiple stakeholders—anti-corruption and advocacy organizations, experts, businesses, and local supporters—that aims to advocate for the adoption of nine specific anti-corruption laws, which could diminish the risks of systemic corruption.[13]

Current Stakeholder Priorities

For the majority of the stakeholders, the most important issue in the action plan is the enactment of the Act on Civil Servants. The Office of the Government's online consultations confirmed this before the action plan was adopted.[14] It was further supported by the findings of the simultaneous online questionnaire prepared by the Open Society Foundation.[15] Finally, the participants of the IRM stakeholders meetings reiterated the same priority.[16] A citizen's initiative, "Reconstruction of the State," shares the same goal.[17]

The commitment of reaching open data standards with respect to the information published by the authorities is considered extremely important by a more limited, but active group of stakeholders working on open data.[18]

Future Stakeholder Priorities

The stakeholders mostly did not express explicit requirements for new or different topics to be included into future action plans. There are three main reasons for this situation:

1. There is consensus among the stakeholders that all the commitments in the current action plan are significant.[19]
2. At the same time, none of the commitments has been met so far. Some of the stakeholders explicitly stated that given this situation, the next action plan should focus on a small number of the topics, rather than add additional issues or topic areas.
3. The stakeholders do not view the current action plan as an important tool for reaching the OGP values in the areas of access to information, government transparency, etc.

While there are other important areas such as improving transparency in election campaigns, financing political parties, mandatory online disclosures of public institution contracts, extending the oversight mechanism of the Supreme Audit Office to private companies, and enhancing transparency of the legislative process, the stakeholders also agree that the OGP action plan should remain focused on a limited number (approximately three) of commitments.

Recommendations

On the basis of the above observations and findings, a number of general recommendations can be made. The recommendations try to reflect the level of completion of the current commitments and to convey how different government and civil society stakeholders have perceived the OGP action plan thus far. The recommendations are divided into three categories: basic role of the action plan, new commitments, and process.

Basic role of the action plan

The first general recommendation of the IRM researchers is that the government should clarify and openly declare whether the action plan should play a limited role in the future (as it has so far) or a more ambitious one of an inspiring platform for new ideas and commitments related to the OGP values.

According to the IRM researchers, any strategic planning for future developments of the Czech Republic action plan should start by clarifying the role the plan will play in the context of other government initiatives (pre-existing or new) that are related to OGP values.

As noted previously, the current action plan is not considered a very important or innovative instrument promoting new initiatives and commitments. It mostly has been based on previously existing documents, namely the government's anti-corruption strategy. As a result, although civil society groups consider the commitments as very important, the action plan did not constitute an attractive platform for civil society groups to engage the state.

In the view of the IRM researchers, this must not necessarily in itself be evaluated as a failure. Rather current perception posits a complex view of initiatives like the OGP. In the Czech Republic such initiatives are seen as "outside" initiatives and tend to be less attractive. Thus, unless the action plan receives strong political backing, it will continue to play the role of a tool supporting ongoing efforts by the state and/or civil society, some of which may be compatible with goals and commitments of the OGP.

Other recommendations concerning the content of future action plans as well as the process of their developments and their subsequent evaluations considerably depend on a clear statement about the basic role of the OGP action plan.

Proposed list of new topics for the next action plan

The IRM researchers recommend maintaining the existing commitments for the next period, as all of them are important and have not been met. However, the content of the commitments should be reformulated to be more measurable, as described in Section IV.

If any of the commitments are met, it should be replaced by some of the other important topics for increasing the transparency of the government in the Czech Republic, in particular, addressing the misuse of public resources.

The selection of new commitments should result from broad public debate and consultations. The IRM researchers recommend mandatory public participation for consultations on drafts of new legislation and administrative or policy decisions that could be the basis for a new commitment in the action plan. The action plan could serve as a model forum and help shape the nature and scope of public participation standards in areas other than environmental protection and land use planning. In this way, it could be possible to gradually shift the general practice of the government towards proactively incorporating public opinions and views before taking strategic decisions.

Process

All future updates to the action plan should be discussed with the wider public in a timely manner. This did not happen with respect to the first update of the action plan in 2013.

With regard to existing commitments, the consultations should concentrate on more articulately forming each commitment so that it is easy to measure each outcome. This would also help stakeholders be more engaged in the process of monitoring the implementation of various commitments.

Clear timelines should be set to give the stakeholders sufficient time to prepare and participate in both the deliberations about amendments of the plan and the regular evaluations of whether the commitments were met.

Care should be taken that timelines for the government's self-evaluation, the IRM recommendations, and the development of the next action plan do not overlap.

Should the action plan take on a more ambitious role of identifying new challenges and formulating innovative commitments, it will be necessary to create a specialized forum (body) for regular consultations about the action plan's development and implementation.

If the action plan will have a primary role of supporting existing goals from other platforms, the authorities responsible for the action plan should have a clear understanding of their roles and responsibilities for implementing the action plan commitments.

Finally, the inter-departmental and ministerial communications and division of tasks between the government authorities engaged in developing and implementing the action plan must be improved.

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[19] Mráček and Skuhrovec, interview, September 2013; Prague, Advocacy NGOs Stakeholder Meeting, 8 October 2013.

ANNEX: METHODOLOGY

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

These experts use a common OGP independent report questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

Stakeholder Selection

Due to the derivative character of its commitments (with the partial exception of commitment concerning the Open Data standards), the action plan so far has not been perceived as an attractive platform to participate in by civil society actors, although they consider the commitments to be very important. To some extent, this has influenced the willingness of organizations working on related issues to participate in the IRM process.

Therefore, to gather the diverse opinions on thematic areas of the action plan, the IRM researchers decided to approach the following stakeholders:

- Representatives of NGOs working on the issue of transparency. The majority of these NGOs also collaborate on the "Reconstruction of the State" initiative;
- NGO specialists and academics promoting the open data standards;
- Local activists engaged in public interest work in their municipalities (the Service for Citizens Programme), supported by the Frank Bold Society (formerly the Environmental Law Service);
- Legal professionals, in particular those interested in the issue of regulating the status of civil servants.

The IRM researchers also considered it appropriate to organize more small- and mid-sized meetings focused on the participants' topics of interest.

Stakeholder Meeting One

Stakeholder Meeting on the Status of the Civil Servants and Access to Information (Advocacy NGOs)

8 October 2013

Participants discussed the general situation in the Czech Republic with regard to legislation and practice in the areas of the legal status of civil servants and access to information. The pivotal aspects of recent legislative proposals in these areas were consulted. The participants, many of whom were associated with the Reconstruction of the State initiative, summarised the most important reservations they had to the government's bill on civil servants. NGOs advocating for free access to information discussed the government's proposal to amend the Free Access to Information Act, and presented their alternative legislative proposals on the same issue. The participants also discussed their general attitude to the OGP action plan in the Czech Republic, its content, and the process of its preparation and implementation.

Participants

> • Oldřich Kužílek (Otevřená Společnost – Open Society)
> • Michaela Suchardová (Národní Fond Proti Korupci – National Anti-Corruption Endowment)
> • Aleš Ziegler (Zelený Kruh – Green Circle)
> • Lenka Petráková (Oživení)
> • Petr Bouda (Frank Bold Society)
> • Jitka Kmošková (Frank Bold Society)
> • Pavel Černý (IRM Researcher)
> • Alena Falathová (Good Governance; not present in-person, consulted by phone interview)

Stakeholder Meeting Two

Working meetings on Open Data (NGO specialists)

30 September 2013 and 19 October 2013

Participants analysed the contemporary situation of the data published by the public administration in the Czech Republic with regard to the open data standards, in general and with specific reference to the individual databases subject to the government's commitment in the action plan. It was noted that the action plan failed to develop standards and suitable formats of open data that should be reached. Participants also emphasized the benefits that meeting the open data standards would bring to private sector and business.

Participants

> • Jakub Mráček (Open Society Fund)
> • Jiří Skuhrovec (zindex.cz)
> • Jan Cibulka (kohovolit.eu)
> • Gregor Kamil (Kohovolit.eu)
> • Michal Škop (Kohovolit.eu)
> • Pavel Černý (IRM Researcher)
> • Donika Zůbková (IRM Researcher)

Stakeholder Meeting Three

Legal seminar on the Status of the Civil Servants (Legal Professionals)

23 October 2013

The participants discussed the general situation in the Czech Republic with regard to legislation and practice concerning the legal status of civil servants and the possibilities of suitable future regulation. They debated the action plan's commitment to develop the legal framework in this area based on private law principles. They shared their ideas about the necessary conditions for improving efficiency and professional standards in public administration. Additionally, they discussed to what extent legislative efforts or jurisprudence could enhance values that civil servants must embody. The foreign and international standards developed primarily by GRECO in the scope of the Council of Europe were also mentioned.

Participants

- Jan Passer (Supreme Administrative Court)
- Karel Šimka (Supreme Administrative Court)
- Aleš Roztočil (Supreme Administrative Court)
- Miroslav Přidal (Public Defender of Rights Office)
- Michal Čermák (Protection of Economic Competition Office)
- Helena Svatošová (Iuridicum Remedium)
- Pavel Černohous (private attorney)
- Sandra Podskalská (private attorney)
- Pavel Franc (Frank Bold Society)
- Hana Sotoniaková (Frank Bold Society)
- Eva Pavlorková (Frank Bold Society)
- Jan Srytr (Frank Bold Society)
- Pavel Černý (IRM Researcher)
- Donika Zůbková (IRM Researcher)

Stakeholder Meeting Four

Stakeholder Meeting on the Status of the Civil Servants and Access to Information (Local NGOs)

9 November 2013

The IRM researcher introduced the OGP initiative and the content of the action plan, about which most of the participants were unaware prior to the IRM stakeholder meeting. Participants presented their practical experience about their interactions with civil servants and public authorities in general and with respect to access to information. Further, they discussed how recent legislative proposals in these areas could change the situation. The participants emphasized the crucial importance of the situation in municipal authorities for whom the current proposals do not apply. Further, they expressed concerns about the possibility of "fixing" current officials in their positions as a result of the proposed legislative changes. The participants also discussed the possibilities of networking amongst their organizations to enhance their influence on the future OGP action plans in the Czech Republic.

Participants

- Jana Kravčíková (Frank Bold Society)
- Michal Kudrnáč (Sbor Dobrovolných Občanů – Voluntary Citizens Group)
- Miroslav Seiner (Chráníme Stromy – Protection of Trees)

- Michal Závodský (Masarykova Čtvrť – Masaryk Quater)
- Petra Šubrtová (Iniciativa Za Rozumný Okruh – Initiative for a Reasonable Orbital Road)
- Aneta Valasová (Zdravý Rožnov – Healthy Rožnov)
- Michal Berg (Vsetínské Fórum – Vsetin Forum)
- Helena Vařejková (Nechceme Úložiště – Against the Nuclear Waste Dump)
- Saša Lehman (Pražské Fórum – Prague Forum)
- Jiří Němeček (Váš Střekov – Your Střekov)
- Olga Richterová (Zaostřeno na 10 – Focused of 10)
- Stanislav Zíměčník (Terra Natura)
- Zdeňka Jelenová (Písecký Svět – World of Pisek)
- Pavel Černý (IRM Researcher)

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[1] Full research guidance can be found at http://bit.ly/120SROu

About the Independent Reporting Mechanism

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

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

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