

Independent Reporting Mechanism (IRM): Portugal Design Report 2018–2020

Miguel Pereira, Institute of Social Sciences – University of Lisbon

Table of Contents

Executive Summary: Portugal	2
I. Introduction	5
II. Open Government Context in Portugal	6
III. Leadership and Multi-stakeholder Process	10
IV. Commitments	15
1. Follow my data	17
2. Open Administration Week	20
3. Disclosure of tax and customs information	22
4. Tutorial videos on the use of open data platforms	25
5. Clear state organization	27
6. Consulta.Lex	29
7. Implementation and monitoring of the regime of access to administrative and environmental information	32
8. Strengthening transparency in public procurement	35
V. General Recommendations	38
VI. Methodology and Sources	40
Annex I. Overview of Portugal's performance throughout action plan development	42



Executive Summary: Portugal

Portugal's first OGP action plan joins a series of government-led efforts to promote transparency and civic engagement in the political process. Participating civil society and government representatives in the multi-stakeholder forum praised the co-creation process to develop the plan as a major milestone achievement for consultations in Portugal. Two commitments could potentially transform the areas of public consultations and access to public procurement information, while others are limited in scope. Moving forward, promoting more channels for public inputs in the co-creation process could be prioritized.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Portugal joined OGP in 2017. This report evaluates the design of Portugal's first action plan.

General overview of action plan

Portugal's first action plan focused on improving citizens' access to public information. Portugal has been characterized by low levels of trust in political institutions and weak civic engagement, in part due to repeated cases of public mismanagement and corruption. This plan joins a set of initiatives to promote transparency and to involve citizens in the political process. Portugal could consider including other open government policy areas in future action plans, such as improving citizens' relationship with the judiciary system.

The Administrative Modernization Agency (AMA) invited nine organizations to form the multi-stakeholder forum (MSF) responsible for the co-creation of the action plan. The invitation-only forum developed a first set of commitment proposals followed by a short consultation period where citizens could comment on existing proposals or propose their own. According to several forum members, the plan ended up limited in scope due to time constraints and the lack of a specific budget for implementation of the initiatives. Still, MSF members were unanimous in praising the process of bringing together civil society and public administration to work together on open government initiatives.

Civil society representatives brought forward most proposals, but only three were included in the final eight commitments. Most of the commitments represent small steps toward

Table I. At a glance

Participating since: 2017
 Action plan under review: First
 Report type: Design Report
 Number of commitments: 8

Action plan development

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

Action plan design

Commitments relevant to OGP values	8 (100%)
Transformative commitments:	2 (25%)
Potentially starred:	2 (25%)

Action plan implementation

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

*DIOG: Did it Open Government?



improving access to public information, reflecting AMA’s focus on feasibility. That said, the plan includes two potentially transformative commitments: the development of a new portal for public consultation in government-initiated legislation (Commitment 6); and a series of interrelated initiatives aimed at strengthening transparency in public procurement (Commitment 8).

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
<p>6. Consulta.Lex</p> <p>Create a portal for legislative public consultations, accessible to all, allowing citizens to participate in the legislative process.</p>	<p>The government could consider making it mandatory to provide feedback to citizens through the Consulta.Lex portal and disseminate the new platform among the general public and public entities that will start using it.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>
<p>8. Strengthening transparency in public procurement</p> <p>Enhance transparency in public procurement by publishing open data on the entire public procurement cycle, reducing drastically the use of Direct Award Contracts, and developing and implementing civic monitoring mechanisms.</p>	<p>It is important to ensure that all organizations responsible for the implementation of the initiative take part in its development, even if not formally included in the forum.</p> <p>As part of the implementation of the commitment, consider developing an Application Programming Interface (API) to accompany the repository Base.gov, to facilitate access to the data.</p>	<p><i>Note: this will be assessed at the end of the action plan cycle.</i></p>

Recommendations

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

Table 3. Five KEY IRM Recommendations

1. Establish more channels for public inputs in the co-creation process and guarantee reasoned and timely feedback to all participants. A public consultation process or workshop earlier in the development phase could incentivize more public involvement.
2. Promote parity of governmental and non-governmental organizations in the multi-stakeholder forum. Different tiers of participation in the forum could be considered.
3. Prioritize commitments involving the justice sector, one of the areas of public administration where public trust is lower. Engage directly with relevant actors in the sector and promote transparency or accountability.
4. Include commitments that have a balanced focus on accountability and civic participation initiatives in order to enhance the scope of future action plans.
5. Improve public knowledge about OGP process through mainstream media and targeted communications to increase engagement around future action plans.

ABOUT THE AUTHOR

Miguel Pereira is a PhD candidate in political science at Washington University in St. Louis and a visiting researcher at the Institute of Social Science, University of Lisbon. His research focuses on the links between citizens and their representatives in Europe and the US. His previous research has explored the relationship between gender and corruption.

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

I. Introduction

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

Portugal joined OGP in 2017. This report covers the development and design of Portugal's first action plan for 2018-2020.

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

II. Open Government Context in Portugal

In the aftermath of the European financial crisis, a series of corruption cases and instances of mismanagement of public funds were uncovered in Portugal, contributing to the decreasing levels of citizens' trust in government and public engagement. Portugal's first OGP action plan reflects some of the main challenges related to open government in the country, such as transparency in public procurement, accessibility to tax and customs information, and promoting civic participation in public consultations.

Background

While this report mainly focuses on the development and design of Portugal's first national OGP action plan, a broader context is considered. In recent years, the political environment in Portugal has been deeply influenced by the European sovereign debt crises. To cope with the economic and financial crisis, from 2011 to 2014, the country agreed to a bailout program sponsored by the International Monetary Fund (IMF) and the European Union (EU).¹ The structural reforms imposed on Portugal by donors during the financial assistance program uncovered several corruption scandals and instances of mismanagement of public funds.² This led to the collapse of one of Portugal's largest private banks, and the indictment of the former prime minister as part of a corruption investigation.³

These events are reflected in citizens' beliefs about public administration and civic engagement. According to the latest European Social Survey, Portugal ranked 19th out of 22 European countries on trust in politicians and 18th on trust in the legal system.⁴ Simultaneously, political participation is also low. In the last round of general elections in Europe, Portugal had the seventh highest level of abstention among all 28 EU member-states.⁵ Also, in 2018, public perceptions of corruption remained higher than average in Western Europe. More broadly, Portugal ranked 30th in the corruption perceptions index out of the 180 countries considered by Transparency International.⁶

That said, the disconnect between citizens and government in Portugal is not new,⁷ and several administrations have tried to improve the status quo with varying levels of success. One of the most recent efforts was the creation of the Portuguese participatory budget in 2016. In the last edition of this initiative, five million euros of the national budget were devoted to proposals made and selected by citizens.⁸ Also, since 2011, Portugal has had a national open data portal (Dados.gov) with the goal of promoting transparency in the public sector. The website works as a repository for data produced and compiled by public institutions at all levels of government. Each individual entity decides whether and how much data to provide in the platform. Finally, in 2017, the council of ministers presented the ICT Strategy 2020, a resolution outlining the government's vision for the use of technology and innovation to promote transparency and accountability.⁹

According to the International Budget Partnership's 2017 Open Budget Survey, Portugal scores highly on transparency and budget oversight, and average on public participation in the budgetary process.¹⁰ The latest report concluded that the Portuguese government and the supreme audit institution provide adequate oversight of the budget, and substantial budget information. However, opportunities for the public to engage in the budget process are limited. The lack of formal mechanisms for civic engagement with both the legislature and the supreme audit institution are emphasized as the main limitations on this front.

Portugal guarantees freedom of expression, association, and assembly in its constitution.¹¹ In practice, there are no noticeable restrictions to civic space. According to the latest assessment by Freedom House, Portugal is a stable democracy with an aggregate freedom score of 97 (on a scale from 0 to 100).¹² The main ongoing concerns identified in the report are corruption, minor legal constraints on journalism, and poor conditions for prisoners. In recent years, prosecutors have pursued corruption cases against top political and economic figures.

In October 2019, halfway through the implementation of the action plan, Portugal will hold general elections.

Access to Information

In 2016, Portugal transposed into law an EU directive that regulates access to administrative information (Law no. 26/2016, August 22). The law defines the principle of open government (Article 2), according to which public information that is relevant to guarantee transparency in public administration should be actively provided and updated on a regular basis by the respective entity that produces this information. Additionally, it guarantees citizens' right to access any personal information collected by public institutions.

This legislation represented a positive step in formalizing key principles of open government. However, the operationalization of the law is not completed. As a representative of the Committee of Access to Administrative Documents stated, full implementation of the law requires a change of mentality in public institutions which is currently still under way.¹³ Commitment 7 in the first action plan focuses specifically on promoting the full implementation of this law.

Anti-corruption measures

According to a 2019 Organisation for Economic Co-operation and Development (OECD) report, Portugal has made significant efforts to investigate and fight economic and financial crime, including corruption. Still, there is room to improve institutional organization in this area. A key area of intervention is the judiciary. For decades, the legal sector has been characterized by low productivity, court congestion and delays.¹⁴ In a recent representative survey, nearly 60 percent of respondents mentioned that citizens are not treated equally in court, and that their social and economic status plays a significant role in the treatment received. Moreover, 54 percent consider court decisions to be so slow that it is not worth resorting to the judicial system to adjudicate their cases.¹⁵

A variety of initiatives to address this and other issues is currently being promoted by a recent parliamentary commission. In 2016, the Portuguese parliament created a temporary commission with the goal of enhancing transparency in public office. So far, the commission has approved a first draft of legislation regulating lobbying activities, created a single form for officials to submit asset and income disclosures, and a new institution to process and monitor this information, among other initiatives. In a recent self-assessment of the commission, both government and opposition gave positive feedback on the initiative. According to Álvaro Baptista, an MP from the main opposition party, the most meaningful developments involved the increase in the number of public officials required to submit income disclosures, and the steps toward the creation of a new audit agency.¹⁶ However, civil society representatives have identified several limitations in the decisions made by the commission. Regarding the lobby registry proposed by the commission, TI representatives noted that it is unlikely to promote transparency since it will not require lobbyists to declare the clients being represented, and will allow legislators to discretionarily decide if some lobbyists can remain confidential.¹⁷ In turn, the new form for asset and income disclosures will allow public officials to provide less information than required until now.¹⁸

In recent years, Portugal has not experienced major whistleblower cases. Whistleblower protection is regulated by Law 93/99, July 14. To facilitate anonymous reporting of corruption cases, the attorney general's office created an online platform specifically for whistleblowers.¹⁹ Still, in a recent interview, the president of Transparency and Integrity identified practical obstacles faced by citizens interested in reporting corruption cases, specifically in finding legal protection after filing a complaint.²⁰

Finally, an area that has received considerable attention from both external observers and the Portuguese government is public procurement. Trust in the transparency of public procurement processes among businesses is low, in part due to perceived problems with direct awards and non-competitive procedures, which represent the majority of contracts.²¹ A reformed public procurement code entered into force in 2018.²² The new legislation transposes European directives

and aims to promote transparency and better management of public contracts, making stricter restrictions on direct awards in favor of more competitive procedures.

Scope of Action Plan in Relation to National Context

The scope of Portugal's first OGP action plan broadly reflects challenges related to open government, specifically in areas of civic participation in the policy-making process, access to information, and transparency in public procurement. However, the commitments fall into two broad categories. On one hand, there are initiatives with clearly defined and feasible goals, although only loosely connected to salient governance issues, such as clear state organization (Commitment 5), open administration week (Commitment 12), or follow my data (Commitment 1). On the other hand, the plan includes more ambitious commitments targeting key areas of governance, such as transparency of public procurement, tax and customs information, and the operationalization of access to administrative information. However, these commitments tend not to be rooted in clear implementation steps and enforcement mechanisms, making them possibly fall short of their potential (e.g., implementation and monitoring of access to administrative and environmental information for Commitment 7). Additionally, as mentioned by interviewed multi-stakeholder forum (MSF) members, at least three of the eight commitments would have been carried out regardless of their inclusion in the OGP action plan.²³ It should be noted that these three commitments are part of the government's SIMPLEX + 2018 Program for administrative modernization, which has been developed in consultation with civil society and has been endorsed by the Prime Minister.

More broadly, the scope of the action plan reflects key areas of intervention of the public agency coordinating the initiative, the Administrative Modernization Agency (AMA). The focus on initiatives meant to improve access to information, over civic participation or accountability, is consistent with the mandate of AMA. Future action plans could benefit from a wider consideration of OGP goals, particularly in the area of accountability, which is largely absent in Portugal.

Among the issues highlighted in the previous section is the efficiency and transparency of the justice system. This issue is not directly addressed in the current action plan. It should be noted that solving systemic problems of the Portuguese judiciary is beyond the scope of any individual action plan. Nevertheless, benefiting from the unique environment created by the MSF, this is an area that could be prioritized in future plans.

¹ European Commission, Financial Assistance to Portugal, https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-financial-assistance/which-eu-countries-have-received-assistance/financial-assistance-portugal_en

² The case of BES, <https://www.ft.com/content/97d4fd08-1baf-11e4-adc7-00144feabdc0>; and the case of former prime minister José Sócrates, <https://www.occrp.org/en/daily/7124-portugal-former-prime-minister-indicted-for-corruption>

³ Ibid.

⁴ European Social Survey, Round 8, <https://www.europeansocialsurvey.org/>

⁵ Comparative Political Dataset, <http://www.cpsds-data.org/>

⁶ Transparency International, Corruption Perceptions Index 2018, <https://www.transparency.org/cpi2018>

⁷ Mariano Torcal, The Decline of Political Trust in Spain and Portugal: Economic Performance or Political Responsiveness?, <https://journals.sagepub.com/doi/pdf/10.1177/0002764214534662>

⁸ Portuguese Participatory Budget, <https://opp.gov.pt/>

⁹ Public Administration – Digital Transformation Strategy, ICT Strategy 2020, https://tic.gov.pt/documents/2018/CTIC_TIC2020_Estrategia_TIC_EN.pdf

¹⁰ International Budget Partnership, Open Budget Survey 2017: Portugal, <https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=pt>

¹¹ Portuguese Constitution,

<https://www.parlamento.pt/Legislacao/PAGINAS/CONSTITUICAOREPUBLICAPORTUGUESA.ASPX>

¹² Freedom House 2018, Freedom in the World 2018, Portugal Profile, <https://freedomhouse.org/report/freedom-world/2018/portugal>

¹³ Rui Ribeiro, Committee of Access to Administrative Documents, interview with IRM researcher, 18 April 2019.

¹⁴ OECD Economic Surveys: Portugal, February 2019, <https://www.oecd.org/economy/surveys/Portugal-2019-economic-survey-overview.pdf>

¹⁵ Quality of Democracy Barometer, <http://www.democracybarometer.org/>

¹⁶ Jornal Económico, Deputados da Comissão para o Reforço da Transparência fazem balanço de três anos de trabalho: <https://jornaleconomico.sapo.pt/noticias/deputados-da-comissao-para-o-reforco-da-transparencia-fazem-balanco-dos-tres-anos-de-trabalhos-430797>.

¹⁷ Op-ed article in Público, Susana Coroado, TI Vice-President, 2 April 2019, <http://www.vercapas.com/noticias/pela-transparencia-por-favor-nao-regulem-o-lobby/1985412.html>

¹⁸ As an example, the information currently provided allows the identification of all items declared. However, the new proposed form will only provide the summations for each category of income or assets. Susana Coroado, TI Vice-President, in Observador, 13 April 2019, <https://observador.pt/opiniao/a-comissao-do-retrocesso-da-transparencia/>

¹⁹ Ministerio Publico Portugal, whistleblower platform, <https://simp.pgr.pt/dciap/denuncias/>

²⁰ João Batalha in interview at Lusa, 5 December 2015, <https://www.dn.pt/sociedade/interior/portugueses-querem-denunciar-mas-ainda-tem-medo-4921383.html>

²¹ Flash Eurobarometer 457, Report Businesses' attitudes towards corruption in the EU, Available at: http://data.europa.eu/euodp/en/data/dataset/S2177_457_ENG.

²² DL n° 111-B/2017, August 31, <https://dre.pt/pesquisa/-/search/108086621/details/maximized>.

²³ Commitments #1, #5, and #6.

III. Leadership and Multi-stakeholder Process

The multi-stakeholder forum formed during the co-creation process was an innovation in the Portuguese context and the government demonstrated good will in the process. Time constraints imposed by the coordinating entity limited the ambition of the action plan. However, the process helped facilitate a closer connection between civil society and public administration.

3.1 Leadership

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

The Administrative Modernization Agency (AMA) is the lead institution responsible for the development of Portugal's first OGP action plan and coordinates the multi-stakeholder forum (MSF). Created in 2007 under the supervision of the area of governance of the Presidency and of Administrative Modernization, AMA is a public institution responsible for the promotion and development of administrative modernization in Portugal.¹ The Portuguese Prime Minister has not been directly involved in the development of the action plan, nor in any OGP-related activities. However, the initial effort to join OGP came from the Portuguese Minister of the Presidency and of Administrative Modernization.

Two staff members from AMA are dedicated to the OGP process on a part-time basis, and an external consultant was hired to work full-time on the development of the first action plan. There is no dedicated byline in the national budget for OGP activities. AMA's operational budget and human resources cover all related expenses, along with human resources from the MSF members directly involved in the commitments. For instance, Commitment 4 involved creating tutorial videos for open data platforms. These videos will be produced by a group of university professors without remuneration.² No formal mechanism for intragovernmental coordination around OGP was created, beyond the set of organizations invited to the MSF.

The IRM researcher believes AMA to be the appropriate agency to lead the OGP process in Portugal, as an institution focused on modernization and with a mandate that is orthogonal to the various ministries and public agencies potentially involved in the initiative. However, the lack of a specific budget allocation considerably limits the prospects and ambition of the plan, as well as the commitment of MSF members and other partnering organizations. Partly as a consequence, the commitments in the action plan mostly reflect existing initiatives and their implementation largely relies on the goodwill and collective motivation of MSF members. Hence, the OGP process will provide an important and novel channel for civil society organizations (CSOs) to provide input to ongoing initiatives in public administration, but it is unlikely to generate direct policy change.

3.2 Multi-stakeholder process throughout action plan development

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

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Portugal **did not** act contrary to OGP process.³

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

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.⁴ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

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

Multi-stakeholder forum

In June 2018, AMA organized the first MSF meeting, called the National Network of Public Administration (“Rede Nacional de Administração Aberta” in Portuguese). The forum has no formal legal mandate, but bylaws were collectively discussed and approved in the first two MSF meetings. As described in the bylaws, the role of the MSF is to manage all OGP-related activities in Portugal, including the definition of the main guidelines and themes of the action plan, the production and dissemination of a preliminary draft of the plan, the approval of the final draft, and monitoring its implementation. For the promotion of the activities of the forum, the website <https://ogp.eportugal.gov.pt> was created. The portal aggregates the information on Portugal’s participation in OGP. As the lead coordinating entity, AMA is responsible for organizing regular meetings of the MSF, proposing the agenda, and granting access to any documents produced by the forum.⁵

The MSF is composed of 10 organizations: AMA, the Ministry of the Presidency and of Administrative Modernization (MPMA), the Tax and Customs Authority (TA), the Portuguese Ombudsman (PO), the Committee of Access to Administrative Documents (CADA), the Council of Rectors of Portuguese Universities (CRUP), the National Association of Young Entrepreneurs (ANJE), the National Association of Portuguese Municipalities (ANMP), the Platform of Civil Society (PASC), and Transparency and Integrity (TI). AMA selected and invited all partnering organizations that it considered relevant for the co-creation process. According to the action plan, the selection process aimed to guarantee the representation of all stakeholders in the key areas of intervention.⁶ In that sense, the process was transparent but not fully open, since the MSF was formed as an invitation-only entity. However, the bylaws collectively written in the first meeting of the forum allow for current MSF members to suggest new members. Four members of the MSF are CSOs (ANJE, CRUP, PASC, and TI) representing a wide variety of interests and segments of society, including the business sector, universities, and watchdog groups. The remaining six members represent different entities in the public administration. Of the 15 representatives of public entities and CSOs who took part in the first MSF meeting, 12 were men.⁷

MSF meetings were held in Lisbon every two months. Members could also participate remotely. As described in the MSF bylaws, decisions are made by majority rule, providing equal opportunity for all members to influence decisions. As of 23 April 2019, only the minutes of the first two meetings were publicly available on the national OGP website, which represents the only effort to keep the public informed of the early stages of the co-creation process. In the meantime, the website was updated with minutes from the remaining three meetings. Stakeholders outside the MSF were able to shape the development of the action plan exclusively through the consultation process. Moving

forward, MSF members could redouble their efforts to communicate the activities of the forum to different stakeholders at all stages of the process.

Participation and engagement throughout action plan development

The engagement between government and civil society to develop the first action plan took place in two main platforms: (1) the MSF meetings and regular communications between its members, and (2) the online public consultation process.

The CSOs directly engaged in the MSF were informed of the key stages and deadlines of the process from the outset. Decision-making rules for the development of the action plan were also shared with all MSF members. However, this information was only sporadically disseminated among the general public through the national OGP website. Hence, the public was not fully informed of the co-creation process until the draft commitments presented by the Network were subject to public consultation. According to the action plan, this was an active decision of the MSF: “the meetings of the National Action Plan for Open Administration formed the privileged space for discussion and definition of the preliminary draft of the National Action Plan for Open Administration” (p. 13). However, as expected by the network coordinators, PASC collected inputs from its members through an online form disseminated among all civic organizations that are part of the platform.⁸

All MSF members were invited to provide suggestions for commitments to be included in the plan. According to AMA, delays in the delivery of these proposals led to subsequent delays in the consultation process and a reduction in the number of days available to receive input from the broader public.⁹ MSF members, in turn, explain these delays as a consequence of a rushed schedule for the development of the plan.¹⁰

Prior to the consultations, the national OGP website provided contextual information about OGP, Portugal’s involvement in the initiative, and the main themes of the action plan under development. This information was available online months before the start of the consultations. However, it did not include specific information on the expected timeline for the development of the plan, or when the public would be asked to provide input.

During consultations

The online consultation process began on 19 November 2018 and lasted 14 days. Citizens were given the opportunity to comment on the list of commitments proposed by MSF members. Additionally, the consultation process allowed citizens or other organizations outside the MSF to submit their own ideas for new commitments to be considered for the action plan. Participants were asked three questions similar to the ones used in the OGP guidelines: “What is the commitment?”; “What is the public problem addressed by the commitment?”; and “How will the commitment contribute to solve that problem?”

The public consultation was hosted on Portugal’s OGP website. Participants were not given specific instructions regarding the timeline of the stages in the development of the action plan, although AMA did engage with some of the participants who provided inputs by emailing those who provided their contact information. It would be worth considering providing participants with more specific guidelines to promote effective participation in the consultation process.

According to the action plan, the website was visited by 866 new users during the consultation period. However, active participation was fairly limited. Only one citizen commented on one of the existing commitments and four new commitments were proposed by other participants. All participants were interested citizens not officially affiliated with an organization.

After consultations

After the consultation process, AMA reviewed the full set of proposals made by MSF members and citizens and proposed a final list of commitments based on two criteria: (1) relevance to OGP principles, and (2) feasibility of implementation considering time and resource constraints. This list was distributed among MSF members a day ahead of the final meeting, which left little room for consideration of the commitments proposed during the consultation process. From the final list of

eight commitments suggested by AMA, seven were accepted by the MSF and an additional proposal was added from TI. The MSF jointly discussed and amended each commitment included in the plan, both in the regular meetings and via email, using the forum's mailing list. Interviewed civil society representatives in the MSF also emphasized that AMA provided them with feedback on their proposals for action plan topics.¹¹ For this reason, Table 3.2 classifies the level of public influence as 'involve'.

Overall, the impact of the public consultation was residual. None of the proposals made during the consultation process were incorporated in the plan. According to TI, this was a major limitation in the co-creation process. Since the citizen-based proposals arrived too late, they were not given sufficient time to be developed within the MSF and potentially integrated into the plan.¹² More broadly, even proposals made by MSF members from civil society were considerably less likely to be accepted. While five of the seven proposals from public administration were accepted, only three of the 14 proposals made by civil society (MSF members or not) were included in the action plan. According to AMA representatives, this gap was in part due to the focus on feasibility. This reasoning was shared with CSOs in the forum.¹³ The IRM researcher believes this is an understandable explanation. However, if this focus on small steps and feasible commitments was laid out clearly to CSOs and citizens from the outset, the gap in inclusion rates could have been mitigated.

In sum, the platform created by the MSF was a novel and enriching experience for everyone involved.¹⁴ CSO representatives in the MSF recognized how the co-creation process represented a meaningful change in the way Portugal's public administration usually interacts with civil society. In turn, representatives of different state representatives in the MSF commended the efforts of AMA to accommodate the proposals emerging from CSOs in the forum and recognized the benefits of a closer connection between government and civil society. However, the final commitments included in the plan are either already ongoing projects in the public administration or represent ambitious goals not rooted in precise mechanisms to ensure their accomplishment. Both governmental agencies and civil society representatives recognized that devoting more time to the co-creation process and a separate budget allocation for the initiative would be key to producing a more ambitious plan.¹⁵

Co-creation and participation recommendations throughout development

Portugal showed evidence of achievement and strong performance in areas of MSF mandate and composition. For example, the MSF includes both government and non-governmental representatives, and members collectively developed bylaws that provide considerable decision-making power to all MSF members. The MSF met regularly and managed to produce a comprehensive plan with inputs from a variety of actors in a short period of time. Some areas where Portugal can improve are:

- **Parity:** CSOs represent a minority in the forum. Promoting a more even balance between governmental and non-governmental representatives would potentially strengthen the scope of the forum.
- **Minutes:** The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders. Publicizing meeting minutes soon after being approved is a relevant step in this process.
- **Documentation in advance:** The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.
- **Reasoned response:** The engagement with civil society during the public consultation process could be strengthened if the multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.

In order to improve performance on these areas the IRM researcher suggests that moving forward, the following actions be taken:

- The government should consider publishing its feedback on inputs received from all participants during the public consultation process.
- The government could consider bringing more CSOs into the MSF discussion. For example, it could include organizations dedicated to key themes (such as the elderly, health, or public employment), in addition to those who focus on open government directly.
- To broaden knowledge and civic participation in the OGP process, the government could consider using not only social media but also a communication campaign with mainstream media outlets.
- The government could consider distributing responsibilities with other MSF members to feed the national OGP website with up-to-date information on the co-creation process. At least TI and PASC produced materials related to OGP that were posted on their websites and would have enriched the OGP repository.

¹ AMA website, <https://www.ama.gov.pt/>

² Jorge Costa, Council of Rectors of Portuguese Universities, interview with IRM researcher, 18 April 2019.

³ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

⁴ “IAP2’s Public Participation Spectrum,” IAP2, 2014.

http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

⁵ Statutes of the National Network for Open Administration,

https://ogp.eportugal.gov.pt/documents/48760/55198/AMA_Estatutos_RedeNacionalAdministra%C3%A7%C3%A3oAberta20181114.pdf/01cc597f-3e1f-03ce-78cf-54310ce22477

⁶ National Action Plan for Open Administration Portugal 2019/20,

https://ogp.eportugal.gov.pt/documents/48760/55198/I_National_Action_Plan_Open_Administration_Portugal_EN+%28DEC18%29.pdf/20545478-eb59-7b0e-90bf-c3b99267d4ff

⁷ Minutes of the I Meeting of the National Network of Open Administration (15/06/2018),

https://ogp.eportugal.gov.pt/documents/48760/55198/AMA_At+I+Reuni%C3%A3o+RNAA+%2815JUN18%29.pdf/c2756559-5937-db44-54ad-fce4a85982e4

⁸ Luís Vidigal, Platform of Civil Society, interview with IRM researcher, 16 April 2019.

⁹ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

¹⁰ Ibid.; Karina Carvalho, Transparency and Integrity, interview with IRM researcher, 17 April 2019.

¹¹ Karina Carvalho, Transparency and Integrity, interview with IRM researcher, 17 April 2019; Jorge Costa, Council of Rectors of Portuguese Universities, interview with IRM researcher, 18 April 2019; Luís Vidigal, Platform of Civil Society, interview with IRM researcher, 16 April 2019.

¹² Karina Carvalho, Transparency and Integrity, interview with IRM researcher, 17 April 2019.

¹³ Ibid.

¹⁴ Rui Ribeiro, Committee of Access to Administrative Documents, interview with IRM researcher, 18 April 2019; Ricardo Carvalho, Portuguese Ombudsman, 18 April 2019; Karina Carvalho, Transparency and Integrity, 17 April 2019; Luís Vidigal, Platform of Civil Society, interview with IRM researcher, 16 April 2019; Afonso Brás, Ministry of Presidency and Administrative Modernization, 16 April 2019.

¹⁵ Ricardo Carvalho, Portuguese Ombudsman, 18 April 2019; Karina Carvalho, Transparency and Integrity, 17 April 2019; Luís Vidigal, Platform of Civil Society, interview with IRM researcher, 16 April 2019; Rui Ribeiro, Committee of Access to Administrative Documents, interview with IRM researcher, 18 April 2019; Hélder Lage, Tax Authority, interview with IRM researcher, 16 April 2019; Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019; Jorge Costa, Council of Rectors of Portuguese Universities, interview with IRM researcher, 18 April 2019.

IV. Commitments

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

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

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

What makes a potentially starred commitment?

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

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

Based on these criteria, Portugal's action plan contains two potentially starred commitments.

- Commitment 6: Consulta.Lex
- Commitment 8: Strengthening transparency in public procurement

Starred commitments

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

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

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

General Overview of the Commitments

Portugal's first action plan includes main themes: open data, transparency, digital inclusion, and civic participation. With these four areas in mind, the MSF agreed on eight commitments. Two of these commitments were already part of SIMPLEX+, a long-running governmental program of administrative and legislative modernization.

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

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

I. Follow my data

Language of the commitment as it appears in the action plan:¹

“Citizens are increasingly aware of their lack of control over the use of their personal data by both public and private entities, which contributes to hinder confidence in the use of digital services in general.

Develop an app that allows citizens and businesses to monitor access to their personal and business data.

The mobile application, which will integrate secure authentication via Digital Mobile Key, will allow the data provider (the citizen) to manage requests for access authorization by public or private bodies, including creating, suspending and deleting access authorizations (for example, citizen may allow the "Entity X" to access "ID, Tax Number, Name, employer" up to date "Y", for the purpose of "Opening a Bank Account"). In addition to the app, citizens will also be able to use the Citizen Portal to consult the accesses made by public authorities that are legally entitled to access their data without prior authorization.”

Milestones:

I.1. User Interface development and prototyping

I.2. App available for tests

I.3. App on stores

Start Date: December 2018

End Date: April 2019

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

Context and Objectives

The public adoption of digital services in Portugal has been hindered by concerns of online security and lack of control over access to personal data. In 2018, only 42 percent of the adult population contacted public authorities through the internet, 10 points below the European average.² However, the alternative of providing these services in person is more onerous to both service providers and citizens. This commitment aims to increase public trust in digital services and to promote their adoption. To do so, a mobile app will be developed to allow citizens and businesses to monitor and manage which institutions (public or private) have access to their personal information. The measure will not increase public access to government-held information. However, it could be particularly useful to speed up the process of citizens and businesses granting access to their personal information in a secure environment. The implementation of the commitment involves a minor legislative adjustment regarding data portability rights. This adjustment is not expected to stall the implementation of the commitment.³

André Vasconcelos of the Administrative Modernization Agency (AMA), which coordinates the initiative, explained the potentialities of the initiative through an example:⁴ When a citizen wants to open a bank account (or apply to a public program), he or she has to provide a variety of personal information to the institution providing this service. Currently, citizens must visit each individual government agency that holds this information separately (e.g., a marriage certificate or an address certificate). Through the mobile app developed for this commitment, the bank can request this information directly from the different agencies. Also, the citizen decides whether or not he or she grants access to this information and manages individual access.

This commitment was originally developed as part of SIMPLEX+2018, the government's ongoing program for the modernization of public services.⁵ According to the AMA, the inclusion of this measure in the action plan was meant to increase its visibility, and to help access partnering institutions that are crucial for the success of the initiative.⁶

This commitment has the potential to improve transparency around who is accessing an individual's personal data, and it promotes the diffusion of new technologies that offer opportunities for information sharing. Hence, it is consistent with the OGP values of access to information and technology and innovation. The milestones are clearly defined and verifiable, though vaguely worded. Ultimately, the goal of the commitment is not to make the app available but to promote its adoption. As written, the commitment provides no information about this important step of the initiative. However, interviewed AMA representatives described ongoing efforts to disseminate the mobile app among key stakeholders in the public and private sector.⁷

The IRM researcher judges the potential impact of the commitment as minor. The specific impact of the initiative on simplifying the process of granting access to personal information is meaningful and eventually transformative. However, it is not clear how well the initiative will be able to address the baseline problem of distrust in digital services that motivated the commitment, as described in the plan. Creating more digital services alone should not suffice to increase confidence in digital services. Additionally, the process by which this initiative will reach a wide audience could be further explained. There are reasons to anticipate that the mobile app will be used mostly by a minority of tech-savvy citizens and businesses, limiting its potential impact.⁸ For instance, the app will require the digital mobile key which currently about 7.3 percent of Portugal's population has access to, although the number of users is increasing at a faster rate since early 2019.⁹ This issue does not make the initiative less valid but suggests that dissemination efforts should have received more attention in the commitment.

Next steps

Given that the commitment is already under way, the IRM researcher does not recommend carrying this initiative forward to the next action plan. Based on the analysis above, the IRM researcher recommends the following next steps:

- AMA could carry out dissemination and training campaigns with public institutions that may benefit more directly from this new tool.
- Young adults, as the most digital-oriented segments of the public, are the most-likely users of the tool. Hence, the dissemination of the Follow my Data could benefit from targeting young adults. This initiative could be done in collaboration with the Council of Rectors of Portuguese Universities (CRUP).
- Consider creating a physical platform to access the app to be installed in Citizen Shops, to provide equal opportunity of access to the tool and to widen the impact of the initiative.
- Consider using the mobile app to provide government-held information that may be of interest to individual users in order to better align the commitment with specific OGP goals.
- Future action plans would benefit from including milestones that emphasize specific targeted behavior change rather than intermediate steps. This effort could improve OGP relevance towards public accountability.

¹ | National Action Plan for Open Administration (in English),

https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf

² Data from Eurostat, <https://ec.europa.eu/eurostat/web/digital-economy-and-society/data/database>

³ André Vasconcelos, Administrative Modernization Agency, interview with IRM researcher, 22 April 2019.

⁴ Ibid.

⁵ Simplex+2018, <https://www.simplex.gov.pt/simplex2018>

⁶ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁷ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019; André Vasconcelos, Administrative Modernization Agency, interview with IRM researcher, 22 April 2019.

⁸ Bárbara Barbosa Neves, Inovação, modernização e competitividade na administração pública: o exemplo do governo electrónico em Portugal, Espanha e Irlanda,

<https://cladista.clad.org/bitstream/handle/123456789/4808/0057933.pdf?sequence=1>

⁹ According to the official statistics from the government, in 2019 there are close to 656,000 active digital keys (<https://www.autenticacao.gov.pt/stats-chave-movel-digital>). Based on the last census, Portugal has 9 million working age citizens. Hence: $(656,000/9,000,000)*100 = 7.3$ percent.

2. Open Administration Week

Language of the commitment as it appears in the action plan:¹

“There is little information made available to citizens, in an accessible and structured way, on Open Administration issues, in its various aspects.

Promote the dissemination of the OGP principles and of initiatives carried out by Portugal and other countries within the scope of Open Administration, in order to promote knowledge and an informed debate on concrete examples regarding the implementation of the Open Administration agenda at a global level. This commitment will include a public event on the subject of Open Administration promoted by PASC, with the support of the National Network for Open Administration, along with a variety of other events to be defined during the planning phase.

The Open Administration Week will contribute to promote a culture of transparency and public participation in Public Administration and civil society, as well as to promote public confidence in public institutions. The organization of specific initiatives and the exchange of experiences and good practices in the field of Open Administration will imply the realization of partnerships between public entities and between them and civil society.”

Milestones:

2.1. Define the overall structure of the initiative, including a communication plan and the event to be promoted by PASC

2.2. Materialize the program of the event to be promoted by PASC and other initiatives to be carried out within the scope of the Open Administration Week

2.3. Implement the communication plan

2.4. Implement the Open Government Week

Start Date: 2 January 2019

End Date: 17 March 2019

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

Context and Objectives

The action plan recognizes a lack of information available to citizens on the topic of open government in Portugal. With this issue in mind, the goal of the initiative is to contribute to promoting a culture of transparency in public administration, and to promote trust in public institutions. To achieve these goals, this commitment proposes a week of events designed to disseminate the principles of the OGP process and to promote dialogue between different actors from civil society and public administration. The Administrative Modernization Agency (AMA) also emphasized the goal of stimulating the experience of the multi-stakeholder forum (MSF) as part of the initiative. Since several members of the network do not have specific commitments in the action

plan, this commitment has the potential to better connect them to the OGP process.² The initiative, as described in the action plan, is relevant to OGP values as a tool to promote civic participation.

This commitment's milestones are interdependent and specific enough to be verifiable. Still, moving forward, the IRM researcher suggests more precisely defined milestones that would allow for a clearer identification of the potential impact of the initiative. For example, milestone 2.3 refers to the implementation of a communications plan. Ideally, the commitment would provide more specific details of the specific goals of the communications plan, such as the number of citizens or CSOs reached, or the number of news articles in the press.

With this limitation in mind, the potential impact of the commitment is minor. The initiative is not expected to change government practices and the capacity of isolated events to overcome information gaps in the public sphere is intrinsically limited. Additionally, promoting a culture of transparency in government and trust in public institutions, as stated in the plan, are ambitious and commendable goals. However, both transparency and trust are associated with structural dynamics of the relationship between citizens and government in Portugal.³ To increase the impact of these processes in a meaningful way requires a more ambitious set of commitments, and a continued effort that is not compatible with occasional events. Still, the IRM researcher finds the initiative beneficial in its own way, particularly if the conclusions of the debates promoted as part of the open administration week help inform future action plans.

Next steps

At the time of writing this report, this commitment is already completed, and thus does not need to be included in future action plans. Moving forward, the IRM researcher recommends the following:

- Consider adapting this initiative and the expertise gained in its implementation to broaden the discussion during the co-creation process for the next action plan. More specifically, it could be integrated as an instrument for receiving public input during the development of the plan. In an interview, the PASC revealed interest in promoting more workshops like the one developed as part of this commitment.⁴ Leveraging this interest may be of interest to the goals of the forum.
- Consider more carefully the segments of the electorate that want to be reached as part of the initiative and adjust the communications plan accordingly. Based on the goals stated in the action plan for this commitment, the open administration week seemed targeted to the general public. However, both the communications plan and the nature of the events promoted focused on specific segments of the public, such as business leaders.
- The MSF needs to make an additional effort to avoid overstating the expected impact of commitments. In this specific instance, an appropriate set of expectations could be the creation of a temporary platform for the dissemination of information to the public, and for receiving feedback from civil society on the issues of open government.

¹ | National Action Plan for Open Administration (in English), https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf.

² Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

³ Pedro C. Magalhães, Disaffected democrats: Political attitudes and political action in Portugal, <https://www.tandfonline.com/doi/abs/10.1080/01402380500310626>

⁴ Luís Vidigal, Platform of Civil Society, interview with IRM researcher, 16 April 2019.

3. Disclosure of tax and customs information

Language of the commitment as it appears in the action plan:¹

“Legal information in the field of taxes and customs is often complex and packed of legal jargon, making it difficult for citizens and businesses to fully apprehend and benefit of it. As such, it is important to streamline this information and to ensure that it is made available in an accessible way and through different channels, in order to enable faster and more informed decisions by the various economic decision-makers.

- Dissemination, on a broader, simpler and more accessible basis, of tax and customs information relevant to citizens and businesses such as “binding information” (legal/tax advices issued by AT at the request of taxpayers and that allow to frame similar situations for a period of 4 years) and “administrative instructions” (circulars and letters produced by AT to clarify doubts about the Tax and Customs Law).

- Conversely, it encompasses multistakeholder collaboration for assessing and defining issues/areas of general interest in the tax and customs domain, with a view to obtaining concrete contributions for possible technological developments that facilitate, simplify and promote the access of citizens and businesses to information.

Redefining the practices used to communicate the fiscal and customs information produced by the State will enable a wider and more efficient dissemination of these matters to all interested parties. In addition, the holding of working meetings for discussion and co-creation of possible commitments to meet the needs of citizens in their relationship with the Tax Administration will contribute to strengthen the relationship of trust between State and Citizens, as well as to support public initiatives that are more efficient and focused on the real needs of the target audience.”

Milestones:

3.1. Develop a plan to disseminate the information made available by the AT, using differentiated channels

3.2. Implement dissemination plan for the information provided by the AT

3.3. Conduct quarterly working meetings within the framework of the MSF (and other relevant stakeholders identified) to evaluate issues / areas relevant to citizens and businesses in the scope of fiscal and customs information

3.4. Consolidate and structure the outputs of the meetings referred to in milestone 3, identifying and operationalizing up to 2 possible commitments to be included in the II NAP

Start Date: January 2019

End Date: January 2020

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

Context and Objectives

Relevant information on taxes and customs is often provided in a format that is not understandable for the general public or most small businesses, without support from accountants or tax specialists. Portugal's Tax Authority (AT) is responsible for providing information on taxes and customs, but AT representatives have recognized that such information has historically been hermetic and closed, focused more on reflecting the letter of the law than on comprehensibility. This is important because misinformation about tax duties explains a meaningful subset of tax evasion cases.² In turn, previous attempts from the AT to provide content in plain language suggest that the adoption of less legalistic language is sometimes associated with more litigation, since it allows for multiple interpretations.³

With these considerations in mind, this commitment has two broad goals. The first is to disseminate more accessible information on tax and customs that is relevant to citizens and businesses. This information is broad and includes timing and documentation issues, to specific taxes that apply to imports from or exports to a specific country. The focus will not be on providing new information but on clarifying existing content on the AT website.⁴ Second, to create a platform for inputs from the OGP, the MSF (and other relevant stakeholders) must identify the most salient areas of intervention and collect specific contributions for possible innovations. The scope and breadth of the commitment is largely contingent on the suggestions made by this working group, composed of government agencies and civil society representatives. MSF members believed that the inclusion of CSOs in the working group was a promising step to help the commitment improve the status quo. Transparency and Integrity (TI) representatives mentioned obtaining helpful inputs from the National Association of Young Entrepreneurs in a recent meeting of the working group.

Analyzing the commitment regarding OGP values, the initiative has the potential to provide citizens with access to better information on taxes and customs, and to promote civic participation. The working group that will guide the specific reforms made as part of the commitment includes CSOs selected by MSF members.⁵ Hence, the commitment is expected to contribute to public participation, as defined by OGP standards.

The commitment is specific enough to be verifiable. However, the proposed solutions are modest. The milestones associated with the initiative focus exclusively on intermediary outputs rather than stating the targeted change expected. Despite the vagueness, interviewed MSF members recognized that this initiative has the potential to improve information accessibility.⁶ Likewise, AT representatives described the initiative as “a commitment to make a plan”, and recognized that time constraints limited the scope.⁷ It is therefore not clear how the commitment (if fully implemented) can contribute to the relevant issues identified in the action plan. There is a hypothetical chance that the commitment will change AT practices in a meaningful way, however, the description of how this change will take place is not specific enough. Hence, the IRM researcher judged the potential impact of the initiative as minor. In order to classify the potential impact of the initiative as moderate, more information was needed about how specifically the commitment is expected to improve the status quo.

Next steps

On the basis of the analysis above, the IRM researcher recommends the following steps:

- This commitment should be prioritized in future action plans, but with more focused milestones. For instance, stating a goal of producing *a specific number of* new documents in plain Portuguese would be a stronger and more ambitious milestone, even if the exact topic of intervention is only decided later.
- A future iteration of this commitment could go further in promoting civic participation by allowing some input from the general public in the meetings scheduled to evaluate issues relevant to citizens and businesses. This could be done through public consultations.
- Consider conducting pilot studies with randomized control trials to acquire empirical evidence for some of the issues raised in the commitment. For instance, the claim that less legalistic language produces more litigation can be tested experimentally in a pilot study without significant costs.

¹ | National Action Plan for Open Administration (in English), https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf.

² Hélder Lage, Tax Authority, interview with IRM researcher, 16 April 2019.

³ Ibid.

⁴ Ibid.

⁵ Hélder Lage, Tax Authority, interview with IRM researcher, 16 April 2019.

⁶ Karina Carvalho, Transparency and Integrity, interview with IRM researcher, 17 April 2019; Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁷ Hélder Lage, Tax Authority, interview with IRM researcher, 16 April 2019.

4. Tutorial videos on the use of open data platforms

Language of the commitment as it appears in the action plan:¹

“Despite the increasing amount of public open data, the percentage of the population that accesses it is still reasonably small, namely due to the lack of knowledge about their existence and / or the difficulty in working with these data. As such, there is untapped potential for using open data for innovation and stimulating economic activity.

Creation of small online tutorial videos about the use of open data platforms and some examples of operations and studies that can be performed with this data. These tutorials will be made available to university students and researchers, at a first phase.

The measure aims to provide a greater percentage of the population with the knowledge needed to use the open data platforms. As a first step, the videos will focus on the dissemination and use of the platforms. In a second phase, the main objective of the videos will be about the structure of the open data and how operations and studies can be carried out with them.”

Milestones:

4.1. Definition of content and structure of tutorial videos

4.2. Previous communication/promotion of the videos

4.3. Dissemination of the tutorial videos

Start Date: 1st semester of 2019

End Date: August 2020

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

Context and Objectives

According to the commitment text, access to public open data resources is limited in part due to difficulties in working with the data. Hence, the opportunities provided by the growing amount of data available to citizens are not being properly leveraged. This commitment aims to provide more of the population with the necessary tools to use open data platforms by developing tutorial videos. The initiative is coordinated by the Council of Rectors of Portuguese Universities (CRUP) and the videos will be developed by a team of faculty members at ISCTE – University Institute of Lisbon (ISCTE-IUL).² The videos will provide an introduction on how to extract and explore content from open data platforms, using Dados.gov as the running example (the government open data platform). The videos will focus exclusively on issues of data management and analysis using “R”, an open-access statistical software. Hence, they can be useful for users of other open data platforms.³

From interviews with a CRUP representative, the IRM researcher learned that the script of the tutorials will be developed by a professor at the department of information science and technology who specializes in information systems. The videos will then be produced by a soft skills laboratory also at ISCTE-IUL. The laboratory is responsible for all eLearning tools and manages its own online

platform, where the videos will eventually be disseminated.⁴ According to the Administrative Modernization Agency (AMA), these videos may eventually be used by researchers or businesses, among others. However, in this first phase, the goal is mostly pedagogical and targeted at students from the university developing the tutorials.⁵ In meetings, a CRUP representative also mentioned the interest of using the videos as part of classes at ISCTE-IUL.⁶

Still, analyzing the commitment against OGP values, the initiative has the potential to contribute indirectly to improving access to information by providing and disseminating a set of tools that the public could use to explore open data platforms.

The commitment is verifiable as the main milestones concern the development and dissemination of the videos. According to the IRM researcher, two features limit the impact of the initiative. First, if completed, the commitment will not provide new data but new information on how to use open data resources. This information is not exclusive; the internet provides a multiplicity of free resources on the same topic.⁷ Second, the potential impact of the tutorials is largely contingent on the scope of the dissemination strategy. The action plan provides no specific information about this key step although it is identified as a specific milestone (4.1). CRUP representatives who coordinate the initiative described plans to disseminate the videos among the student community at ISCTE-IUL.⁸ This strategy is appropriate given the context in which the tutorials will be developed. However, there was no mention of dissemination plans among students of other universities or among the wider public. For these reasons, the IRM researcher considers the potential impact of the commitment to be minor. Although university students are potentially the most likely users of open data platforms, they are also among the segments of the public better equipped to access this information elsewhere.

Next steps

The IRM researcher does not recommend carrying this commitment forward to the next action plan given its limited impact. However, on the basis of the analysis above, the IRM researcher recommends the following steps:

- Promote the inclusion of input from potential users (e.g., students) in the development of the tutorial videos. This would create a more open and inclusive production process.
- In order to promote a wider dissemination strategy, consider using the connection to other universities provided by CRUP to distribute the videos more broadly to the Portuguese academic community.
- Consider adding a connection to the tutorial videos in Dados.gov.pt in order to increase the potential impact of the commitment.
- The outreach efforts conducted as part of the commitment could be strengthened by scheduling workshops in different locations or webinars targeted at different publics.

¹ | National Action Plan for Open Administration (in English), https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf

² Jorge Costa, Council of Rectors of Portuguese Universities, interview with IRM researcher, 18 April 2019.

³ Ibid.

⁴ Ibid.

⁵ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁶ Jorge Costa, Council of Rectors of Portuguese Universities, interview with IRM researcher, 18 April 2019.

⁷ For example, <https://www.edx.org/> and <https://estatsite.com/2017/12/01/tutorial-manipulacao-e-analise-de-dados-em-r/> provide free tutorials on data analysis using R, in both English and Portuguese.

⁸ Jorge Costa, Council of Rectors of Portuguese Universities, interview with IRM researcher, 18 April 2019.

5. Clear state organization

Language of the commitment as it appears in the action plan:¹

“At the moment, it is not clear to the ordinary citizen what the different organizations and entities that are part of the State are: how many, of what kind and how they are organized.

Take advantage of the reformulation of the current Information System of State Organization (SIOE - <https://www.sioe.dgaep.gov.pt>) to:

- Ensure the development of a simpler user interface that allows the ordinary citizen to understand and "navigate" in the global universe of state entities, in their various institutional forms;
- Allow the citizen to intuitively select an entity or set of entities and directly access the relevant information about those entities in other portals;
- Provide richer data to enhance and support the preparation of statistical analyses and technical studies, thus contributing to an improvement in the definition of public policies (examples of innovations include information on HR within all the public sector). Overall, the SIOE+ will provide more and better information on the organization of the public sector and public employment, positioning itself as an "anchor" portal for access to relevant data sources for accountability processes (such as the national eProcurement website).

An interface that allows the citizen to interact intuitively with the SIOE enables him to know the entities and organizations that constitute the State.”

Milestones:

5.1. Improved SIOE interface

5.2. Launch of new version

Start Date: January 2019

End Date: 2nd semester of 2019

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

Context and Objectives

This commitment is motivated by the understanding that CSOs and citizens currently lack access to information on the different organizations that compose the state, how organized and connected they are, and their main areas of intervention.² According to the Administrative Modernization Agency (AMA), CSOs in the MSF raised this issue during some of the first meetings, leading to this commitment.³

The main goal of the commitment is to produce a user-friendly interface that allows citizens to learn more about the entities and organizations that constitute the state. Existing information is currently aggregated by the System of State Organization (SIOE) and managed by the Directorate General for Administration and Public Employment (DGAEP). The online platform provides a variety of

information about each public agency, including which ministry oversees the institution, the type of internal structure, contact information, the mission of the institution and its webpage, associated legislation, total number of employees, or the composition of the administration. The new interface will include new information – some of it exclusive – such as addresses to all the physical locations of each entity, information on non-executive members of the boards, or status relative to Portugal's national strategy for equality and non-discrimination.⁴ According to DGAEP, the new information will be more granular, allowing users to produce indicators that until now were not available to the general public. Additionally, the new platform will include a helpdesk for citizens to communicate with the interface.⁵ Hence, if fully implemented, the commitment will lead to the disclosure of more information and will improve the quality of the information currently provided.

The commitment is verifiable since each milestone listed in the action plan describes a specific and identifiable step in the process of updating the SIOE platform. However, the milestones could be more precisely defined to allow for a clearer identification of the expected outcomes of the initiative.

DGAEP expects the new interface to provide more and better information in the areas of human resources in the public sector, the key responsibilities of each public agency and their resources. Also, according to DGAEP, an additional goal of this initiative is to promote the harmonization of the various information systems in the public sector.⁶ Overall, from the information gathered from different organizations involved in the commitment and the amount of new data and resources available in the new platform, the IRM researcher judges its potential impact as moderate.

Although this initiative is fairly ambitious, the information provided seems to have limited use to the general public. The main beneficiaries of the new interface seem to be different entities in the public sector, rather than civil society. Additionally, the plan does not describe any mechanisms to ensure that the information provided in the new platform remains updated over time. DGAEP representatives mentioned that the initiative includes the development of a system of regular alerts to remind public institutions to either update or correct their information, although this was not clear from the plan.⁷ The commitment would have benefited from describing this type of effort in more detail.

Next steps

Given the current stage of development of the initiative, the IRM researcher suggests that this commitment is not included in future action plans. However, on the basis of the analysis above, the IRM researcher recommends the following steps:

- Consider developing an Application Programming Interface (API) to accompany the new platform. This interface would allow citizens to retrieve information provided by the website in bulk. Such an interface may be particularly useful for academics or private sector organizations interested in using these data for research purposes.
- Currently, the initiative provides several instances to receive input from different stakeholders. However, the key problem that motivates the commitment is the struggle of regular citizens in accessing these data. Unfortunately, according to DGAEP, the development of this platform has not received the direct input of regular citizens so far. Depending on the current status of the initiative, it might be worth considering a consultation process for the new platform.

¹ | National Action Plan for Open Administration (in English), https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf

² Esmeralda Carvalho, Fernanda Teixeira, and Vasco Hilário, Directorate General for Administration and Public Employment, interview with IRM researcher, 24 April 2019.

³ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁴ The National Strategy for Equality and Non-Discrimination 2018-2030. Aims at promoting, among other things, gender equality in public administration boards, <https://www.cig.gov.pt/documentacao-de-referencia/doc/portugal-mais-igual/>

⁵ Ibid.

⁶ Esmeralda Carvalho, Fernanda Teixeira, and Vasco Hilário, Directorate General for Administration and Public Employment, interview with IRM researcher, 24 April 2019.

⁷ Ibid.

6. Consulta.Lex

Language of the commitment as it appears in the action plan:¹

“The commitment aims to counteract the current withdrawal of citizens from their participation in the legislative process and in decision-making.

Creation of a portal for legislative public consultations, accessible to all, allowing citizens to participate in the legislative process, through the consultation of legal diplomas and formulation of suggestions, and to accompany the evolution of particular legal diplomas until the final approval phase.

This commitment will allow citizens to be more closely involved in decision-making through a single location, accessible to all, where the legal diplomas in preparation or in consultation will be made available. The citizen can create a profile, being notified of all legal diplomas that are placed in public consultation in their areas of interest, and will be able to follow all the respective procedure of preparation and approval in its various phases. In this way, citizens can send their contributions, and become part of the normative procedure, receiving information on changes to the legal diploma, as well as on the assessment of the contributions they have made. Even after the legal diploma has been approved, there is still the possibility for the citizen to have access to relevant information about the contributions sent, receiving feedback on which were welcomed or not.”

Milestones:

6.1. Technological development of the Platform

6.2. Launching of the Consulta.Lex webportal

Start Date: January 2019

End Date: 2nd semester of 2019

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

Context and Objectives

According to academic research, Portugal stands out in Europe as a country with low levels of participation in the political process.² This commitment aims to improve this situation by developing a new online portal (Consulta.Lex) dedicated to public consultations for government-initiated legislation. This commitment was originally developed as part of SIMPLEX+2018, the government’s program for the modernization of public services, and was proposed by the representative of the Ministry of Presidency and Administrative Modernization (MPMA). The Administrative Modernization Agency (AMA) recognized that the project was already at an advanced stage when it was included in the action plan, not leaving much room for new contributions. Still, the MSF unanimously decided that the initiative was relevant and fitted with the goals of the OGP process.³ Additionally, it should be noted that the initiative SIMPLEX+2018 itself was also subject to public consultation.⁴ Hence, Consulta.Lex received public input even before it was included in the action plan.

By providing a series of additional features for citizens and civil society to engage in the policy-making process, the initiative expects to increase public participation. Currently, the only mechanism available for citizens to share their inputs on ongoing government legislation is a single government-managed email address. Engaged citizens are not given specific guidelines about each individual consultation. The new platform Consulta.Lex intends to improve the experience of participants, as described by MPMA representatives.⁵ First, by allowing citizens to identify specific policy areas of interest, users can receive tailored notifications for new participation opportunities in these particular areas. Second, it can allow citizens to stay informed regarding the development of laws after the consultation stage. Third, it can provide a wider range of opportunities for public entities to design the consultation process, for instance through questionnaires rather than open-ended questions. Finally, it could create the opportunity for feedback, although this would not be mandatory. Through the platform, public entities that initiated a consultation process may decide to send a report to users with participation statistics and specific details regarding which suggestions were integrated in the final diploma, and why. Also, according to MPMA representatives, these features are informed by best practices in other public consultation platforms (e.g., participa.pt, from the Environmental Ministry) and by behavioral research, including rewarding systems through social media.⁶ Analyzing the commitment against OGP values, the initiative promotes civic participation and the use of technology and innovation for transparency.

The commitment is specific enough to be verifiable. However, its potential breadth and expected impact are not fully captured in the milestones described. For example, the intermediary outputs do not fully capture how the initiative will address the key issue of politically disaffected citizens, although this information is provided elsewhere in the commitment description.

CSOs contacted about this commitment unanimously recognized the merits of Consulta.Lex. TI representatives noted that, if properly implemented, this commitment could significantly increase civic participation in public consultation processes and would like to see the initiative extend to all legislative output in the public sector.⁷ In turn, Luis Vidigal, from the Platform of Civil Society Associations, described the commitment as a “qualitative leap in transparency in the legislative process.”⁸

Overall, from the information gathered from different organizations and the text of the commitment, the IRM researcher sees the proposed features included in the new platform for public consultations as innovative, ambitious, and well-adjusted to promote civic participation. The full materialization of the commitment’s goals is contingent on a broad and continuous dissemination effort that is currently missing in the description of the commitment. However, if fully implemented and properly disseminated, Consulta.Lex has the potential to transform ‘business as usual’ in the area of public consultations and contribute meaningfully to combat civic disengagement with the policy-making process.

Next steps

On the basis of the analysis above, the IRM researcher recommends the following steps, considering that the commitment is currently in its final stages of implementation:

- Consider making some version of the feedback mechanisms available in the new platform mandatory. Any advances on this front would represent a meaningful step in the direction of more public accountability. This step could be particularly effective at boosting public engagement, since it would provide citizens with a sense that their opinions do matter. This suggestion could be implemented either in the current action plan or prioritized in the following action plan.
- In order to promote better accessibility to legislation, future versions of Consulta.Lex could guarantee a better integration with the website DRE.pt, where all legislation is ultimately published.
- In the development of future milestones, the government could focus on the targeted behavior change that is expected from the commitment’s implementation, rather than stating intermediary outputs.

- In future commitments promoting civic participation, consider creating a mechanism to promote public input and public testing during the development of the initiative. This would help guarantee that the new forms of engagement are aligned with the priorities of the relevant publics.
- Devote additional efforts to implement an effective dissemination of the new platform, both among the general public and among public entities that will use the platform.

¹ | National Action Plan for Open Administration (in English), https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf.

² Pedro C. Magalhães, Disaffected democrats: Political attitudes and political action in Portugal, <https://www.tandfonline.com/doi/abs/10.1080/01402380500310626>

³ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁴ Simplex+2018, <https://www.simplex.gov.pt/simplex2018>

⁵ Afonso Brás and Gonçalo Fabião, Ministry of Presidency and Administrative Modernization, interview with IRM researcher, 16 April 2019.

⁶ Ibid.

⁷ Karina Carvalho, Transparency and Integrity, 17 April 2019.

⁸ Luis Vidigal, Platform of Civic Society Associations – House of Citizenship, 16 April 2019.

7. Implementation and monitoring of the regime of access to administrative and environmental information

Language of the commitment as it appears in the action plan:¹

“Access and re-use of administrative data is a challenge and opportunity for all social, economic and political actors. In Portugal, Law 26/2016, of August 22, regulates access to administrative information. The bases of a structured and properly regulated offer are therefore established. Its operationalization is the central problem. The entities that produce administrative and environmental information do not yet implement the necessary measures to strengthen the supply of this information. An important volume of social, economic, environmental and civic relevant information is subtracted from the public domain.

The program for the implementation and monitoring of the regime for access to administrative information intends to contribute to the application of legislation already in force and also to disseminate good practices of the public sector in this area.

The commitment promotes the strengthening of the regime of access to administrative and environmental information and will increase the volume of data supply. Regarding the expected results, and in the absence of previous diagnostic studies or benchmarks, it is expected that the regime of access to administrative and environmental information will undergo a measurable reinforcement.”

Milestones:

7.1. Appointment and identification of employee responsible for access to administrative and environmental information on the institutional website of all eligible public entities or, alternatively, publication of an aggregated list, in machine-readable form and updated quarterly on the Dados.gov web portal.

7.2. Publication, in the Dados.gov portal, of a preliminary list with the typologies of information and data produced and managed by each eligible public entity.

7.3. Provision of legally available metadata associated to all documents made public (issuer, date of application, date of availability and identification of the person responsible for the good continuation of the request for access).

7.4. Provision of information on policies and practices of access to information, including the identification of public entities and agents with good practices in the domain of access to information and the average time to make available the requested information. This information should be made available in an accessible and plain language, for example through infographics or interactive displays.

Start Date: January 2019

End Date: January 2020

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

Context and Objectives

In 2016, Portugal passed into law a directive from the EU that regulates access to administrative information.² This law guarantees citizens' right to access any personal information collected by public institutions. To facilitate this process, all eligible public entities are required to appoint an employee responsible for access to information (RAI). Additionally, the law requires public entities to actively disclose public information compiled or produced by the organization, guaranteeing universal access. However, the law does not provide sanctions for public entities that fail to comply.³

The Committee of Access to Administrative Documents (CADA) is an independent administrative entity responsible for assessing compliance of public organizations with the law. In 2018, the committee processed 1,047 requests for opinions, either from citizens requesting access, or from public institutions enquiring about specific types of data.⁴ According to CADA representatives, one third of complaints received from individual citizens regard access to health-related documents.⁵

So far, public entities in Portugal have not yet taken the necessary steps to be able to actively provide the necessary information and comply with the law. A major challenge in the characterization of this problem, as recognized by CADA, is that the actual magnitude of the problem is not graspable. CADA only collects information from cases where one of the parts involved requests an opinion from CADA. Hence, neither the number of requests fulfilled, nor the total number of requests rejected are known. Additionally, for a considerable number of public entities, it is still not clear who is the person responsible for providing access to data.⁶ This demand has progressively led hospitals and other health units to establish an RAI as required by law. However, according to CADA, several other public entities and particularly local governments have still not appointed an RAI.⁷

This commitment aims to promote compliance with the EU law of access to administrative and environmental data, and to increase the volume of data supplied by public institutions. To do so, the commitment proposes using the government open data platform – Dados.gov – to aggregate some of the data required by the law, such as RAI information of all eligible entities, and to produce a guide of best practices for compliance with the law. The commitment emphasizes open and transparent data access and therefore supports the OGP value of access to information.

The IRM researcher considers this commitment as verifiable. The milestones are concrete, although excessively ambitious given the mechanisms proposed to achieve these goals. Interviewed AMA representatives recognized that completion of this initiative is unlikely during the current action plan.⁸ In turn, CADA noted that the active provision of data produced and managed by each institution remains contingent on the goodwill of each entity and will require “a change of mentality.”⁹ The commitment does not foresee any mechanisms to enforce or even incentivize compliance with the law, besides the publication of a manual of good practices. One example of such a mechanism, according to MSF members, would be making CADA decisions binding.¹⁰ For this reason, although the stated goals of the initiative are relevant and ambitious, it is not clear how the commitment is expected to change government practices over the long term. The potential impact is therefore minor.

Next steps

On the basis of the analysis above, the IRM researcher recommends the following steps:

- Information on each institution's RAI could be included in the updated SIOE platform that has been developed as part of Commitment 5. This coordination could either be done during the current action plan or be prioritized in the following plan.
- The IRM researcher believes this commitment could be prioritized in a future action plan. However, to be more effective it should focus on specific mechanisms to increase compliance with the law. An example of an ambitious commitment would be to promote the required regulatory changes to make CADA opinions binding.
- Future efforts to promote compliance with this law should start by focusing on producing accurate estimates of the amount of non-compliant institutions.

¹ | National Action Plan for Open Administration (in English),

https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf

² Law no. 26/2016, August 22, which transposes Directives 2003/4/CE, January 28, and 2003/98/CE, November 17, from the European Parliament and European Council.

³ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁴ 2018 Annual Report of CADA, <http://www.cada.pt/uploads/589dc30f-9197-4873.pdf>

⁵ Rui Ribeiro, Commission of Access to Administrative Documents, 18 April 2019.

⁶ Ibid; Karina Carvalho, Transparency and Integrity, 17 April 2019.

⁷ Rui Ribeiro, Commission of Access to Administrative Documents, 18 April 2019.

⁸ Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019.

⁹ Rui Ribeiro, Commission of Access to Administrative Documents, 18 April 2019.

¹⁰ Rui Ribeiro, Commission of Access to Administrative Documents, 18 April 2019; Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019; Karina Carvalho, Transparency and Integrity, 17 April 2019.

8. Strengthening transparency in public procurement

Language of the commitment as it appears in the action plan:¹

“In Portugal we have made important progress in the public procurement area, namely with the creation of the BASE Portal, containing information on all contracts entered under the Public Procurement Code (CCP) and also with the Observatory of Public Works. Nonetheless, perceptions of corruption in this field remain very high: according to the Special Eurobarometer on Corruption⁴ (OCT17), 92% consider that there is widespread corruption in Portugal, 55% of Portuguese respondents consider that public officials who award public tenders are corrupt, and 21% believe that corruption prevented his or her company from winning a public tender or awarding a public contract in the last 3 years.

This is to a large extent due to the widespread use of the Direct Award procedure, but also to the opacity of the public procurement cycle which neither the Public Administration nor the BASE Portal is able to fully respond to.

Enhancing transparency in public procurement through:

- A. Publishing open data on the entire public procurement cycle;
- B. Reducing drastically the use of Direct Award Contracts, to promote competition and to ensure best value for money acquisitions;
- C. Developing and implementing civic monitoring mechanisms.”

Milestones:

- 8.1. Implementation of the OCDS in the BASE Portal and the Public Procurement Observatory;
- 8.2. Make all contracts open by default and public through their availability in the BASE Portal;
- 8.3. Make eProcurement platforms truly empowering of free competition and competitiveness;
- 8.4. Publication and public disclosure of all procedural documents relating to all phases of contracts signed by Direct Award;
- 8.5. Develop and apply tools to encourage civic participation and civic monitoring

Start Date: January 2019

End Date: August 2020

Editorial Note: For the full text of this commitment, see: “I National Action Plan for Open Administration Portugal”, National Network for Open Administration, https://ogp.eportugal.gov.pt/documents/48760/55198/I_National_Action_Plan_Open_Administration_Portugal_EN+%28DEC18%29.pdf/20545478-eb59-7b0e-90bf-c3b99267d4ff, p. 35.

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

Context and Objectives

In recent years, Portugal has made considerable effort to promote transparency in public procurement processes. The creation of the BASE portal in 2008,² compiling information on all public contracts signed, or the publication of *Fighting Bid-Rigging in Public Procurement* by the Competition's Authority³ are important examples of this effort. However, perceptions of corruption and, specifically, corruption in public procurement remain high, as noted in the action plan. The socio-economic impact of public procurement processes in Portugal is significant. Around 50 percent of EU structural funds received by the country are spent on public procurement processes, representing nearly 20 percent of all public spending and 10 percent of Portugal's GDP.⁴

This commitment plans to improve transparency in public procurement through the publication of open data on the entire procurement process, including contract specifications. This will include the pre-selection of candidates (if appropriate), jury minutes, and the evaluation of the selected proposal. Currently, the data available regarding each particular contract is often limited to a call for applications and the final contract signed by the public body and the contractor. The commitment also calls for significantly reducing the use of direct award processes. In 2017, 42 percent of public procurement spending was allocated via direct awards.⁵ To reduce direct awards, this commitment suggests requiring detailed justifications from public entities for this procedure, and the identification of the business structure and effective beneficiaries of competing entities. Finally, the commitment proposes the implementation of civic monitoring mechanisms, by creating clear channels of communication between public organizations and civil society, in particular communities directly affected by a specific procurement process.⁶ The action plan refers to the integrity pacts developed by Transparency International Portugal as a potential tool to achieve this goal.⁷ Although the basic tools for public monitoring are currently available in the BASE portal, this effort could improve the status quo by guaranteeing that monitoring takes place throughout the full procurement process.

Analyzing the commitment against OGP values, the initiative has the potential to provide citizens with access to more and better information on the procurement process. In turn, the efforts to develop civic monitoring mechanisms have the potential to promote civic participation, although these mechanisms are not properly described in the plan.

Overall, the commitment is verifiable. Although milestones 8.3 and 8.5 are vaguely worded and represent aspirational goals rather than concrete activities, milestones 8.1, 8.2, and 8.4 are measurable. If fully implemented as written, this commitment could greatly improve transparency in Portugal's public procurement process. For the first time, detailed information on all stages of Portugal's public procurement process will be published in open data format. Also, the reduction of the use of direct award processes could help make the procurement process fairer and more competitive. Hence, if fully implemented as designed, the expected impact of the initiative is expected to be transformative.

However, two limitations are worth emphasizing. First, the milestones that focus on making the e-procurement platform empowering and developing civic monitoring tools (8.3 and 8.5) do not clearly describe what kind of instruments are expected to be developed. Second, the entity responsible for implementing the commitments – the Institute of Public Markets, Real Estate and Construction (IMPIC) – did not collaborate in the development of the initiative. According to some MSF members, including TI representatives who originally proposed the commitment, this lack of involvement created a missed opportunity. For instance, after the plan was approved, the MSF learned that milestone 8.1 was already scheduled to be implemented by IMPIC.⁸

Next steps

On the basis of the analysis above, the IRM researcher recommends the following steps:

- It is important to ensure that all organizations responsible for the implementation of an initiative take part in its development. This concern was also raised by TI Portugal.⁹ In this particular instance, the commitment would have benefited from the direct input of IMPIC, the entity responsible for the BASE portal with extensive experience in this area. There is no need for the formal inclusion in the forum of all organizations with implicit responsibility

in the various commitments. However, the MSF needs to ensure that all these entities are given enough time for inputs and communication in the co-creation process.

- In future action plans, consider attaching clearer targets to the commitment. The three broad lines of intervention proposed here could be three distinct commitments, eventually distributed across two or three action plans. A more targeted commitment would allow the various stakeholders to devote more attention to the details of each initiative, and potentially lead to more ambitious outcomes.
- If this topic is prioritized in future action plans, the government could consider focusing on the simplification of public procurement procedures to enhance transparency and promote the inclusion of smaller companies that currently lack the necessary resources to submit proposals. This suggestion came originally from IMPIC.¹⁰
- Consider developing an Application Programming Interface (API) to accompany the repository Base.gov. This interface would allow citizens to retrieve information provided by the website in bulk. This may be particularly useful for watchdog groups, academics or private sector organizations interested in using this data to conduct more systematic analyses.

¹ | National Action Plan for Open Administration (in English),

https://www.opengovpartnership.org/sites/default/files/Portugal_Action-Plan_2018-2020_EN.pdf

² The BASE portal, <http://www.base.gov.pt>

³ Fighting Bid-Rigging in Public Procurement,

<http://www.concorrenca.pt/CombateAoConluioacontratacaopublica/files/Guia%20de%20Boas%20Praticas%20-%20Combate%20ao%20Conluio%20na%20Contratacao%20Publica.pdf>

⁴ Pacto de Integridade, Transparência e Integridade, https://transparencia.pt/wp-content/uploads/2018/02/Booklet-IP_-_Plano_de_Monitorizac%CC%A7a%CC%83o-compressed.pdf

⁵ Ibid.

⁶ João Osório, Institute of Public Markets, Real Estate and Construction, interview with IRM researcher, 29 April 2019.

⁷ An integrity pact is a multi-party agreement between a public body seeking to procure goods and services of significant value, the companies interested in bidding to supply the goods and services, and a third-party organization such as a CSO who will have a role in monitoring compliance with the pact. Integrity pacts were originally developed by Transparency International as a tool to combat corruption in public procurement.

⁸ Karina Carvalho, Transparency and Integrity, 17 April 2019; Luis Vidigal, Platform of Civic Society Associations – House of Citizenship, 16 April 2019.

⁹ Karina Carvalho, Transparency and Integrity, 17 April 2019.

¹⁰ João Osório, Institute of Public Markets, Real Estate and Construction, interview with IRM researcher, 29 April 2019.

V. General Recommendations

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

5.1 IRM Recommendations

Specific recommendations for individual commitments are provided in section IV. The following recommendations are cross-cutting recommendations for Portugal's OGP process.

More channels for public inputs in the co-creation process

The public consultation process was conducted late in the co-creation process. Citizens were only invited to give their input on existing proposals or to submit new ones after all MSF members had already devoted the time and resources to elaborate specific proposals for the plan. Additionally, due to time constraints, citizens were given only two weeks to give their input on 18 proposals and eventually propose their own initiatives. Both facts may have contributed to the low levels of public engagement in the OGP process, along with the fact that none of the citizen-initiated commitments were included in the plan. For the next action plan, the IRM researcher recommends creating a more regular line of communication between the MSF and civil society, offering opportunities for inputs at different stages of the co-creation process, and with specific mechanisms in place for the MSF to provide feedback to citizen contributions. For instance, a workshop like the one organized as part of Commitment 2 could be a promising setting for developing new initiatives in a collaborative environment. Additionally, it is crucial that citizens' proposals are given enough time to develop within the MSF. The proposals that resulted from the consultation process were only made available to MSF members one day before the meeting in which the action plan was finalized. This could be avoided by creating two consultation processes: one for the development of proposals, and a second for the selection and commenting of existing proposals.

Engage all relevant stakeholders early on and regularly

Both at the design and implementation stages, the coordinating organism (AMA) could make an effort to bring together all relevant stakeholders, including institutions outside the forum that may be implicated in the implementation of the commitment. At the design stage, this could involve meeting with a subset of forum members more directly engaged in a given commitment. At the implementation stage, it requires regular communication and bilateral meetings with the entities implementing each initiative. This could also help address the fact that some of the proposals made by non-governmental organizations lacked the input and insights from public agencies that would eventually be responsible for the implementation of the initiative. This limitation considerably limited the prospects of otherwise relevant proposals. Finally, all participants in the consultation process – MSF members or not – should be guaranteed reasoned feedback regarding the proposals made, and an explanation for the reasoning behind the decision-making process that leads to the final set of commitments integrated in the action plan.

Promote parity of governmental and non-governmental organizations

The IRM researcher recommends that the MSF includes a more even balance of governmental and non-governmental representatives when developing the next action plan. This could be obtained either through the invitation of new organizations or the creation of different tiers of participation in the forum, in which less-active organizations could still have their voices heard while avoiding too much dispersion in the forum. Updates in the forum should also take gender parity into account.

Improve public knowledge about OGP

Finally, the IRM researcher recommends broadening public knowledge about Portugal's OGP not only through social media outlets, but also through mainstream media. Additionally, more targeted communications efforts among relevant stakeholders could increase engagement around action plans, evaluations, and the MSF.

More time for co-creation process, and strict deadlines

Nearly all MSF members identified time constraints as a limitation in the development of the action plan. The IRM researcher suggests that the discussions for the next action plan start earlier. However, equally important would be for all MSF members to commit to the deadlines agreed in the forum in order to avoid cumulative delays that eventually end up affecting the later stages of the co-creation process.

More balanced focus on accountability and civic participation initiatives

The first plan contains eight commitments. Only one of these commitments is primarily focused on promoting civic participation in the political process, and none speaks directly to the OGP goals of promoting accountability. The focus on providing access to information and transparency is not a limitation per se. However, in order to develop more ambitious action plans, it would help to consider all three OGP goals. One area where there is considerable room for improvement is participation in elections. Promoting citizen audits of performance in public agencies or developing more user-friendly tracking systems for public complaints are two other promising areas of intervention.

Prioritize commitments involving the justice sector

The judicial system remains a key area of contention in Portugal, and one of the sectors of public administration where public trust is lowest. The MSF would benefit from engaging directly with relevant actors in the justice system to explore ways to promote transparency and accountability. As suggested by civil society representatives, the action plan "Justiça + Próxima" proposed by the government would be a good starting point to identify specific commitments in line with OGP values. The "Justiça + Próxima" plan includes a variety of proposals to promote a closer connection between citizens and the courts, and to promote transparency in the justice sector.

Table 5.1: Five Key Recommendations

1	Establish more channels for public inputs in the co-creation process and guarantee reasoned and timely feedback to all participants. A public consultation process or workshop earlier in the development phase could incentivize more public involvement.
2	Promote parity of governmental and non-governmental organization in the multi-stakeholder forum. Different tiers of participation in the forum could be considered.
3	Prioritize commitments involving the justice sector, one of the areas of public administration where public trust is lower. Engage directly with relevant actors in the sector and to promote transparency or accountability.
4	Include commitments that have a balanced focus on accountability and civic participation initiatives in order to enhance the scope of future action plans.
5	Improve public knowledge about OGP process through mainstream media and targeted communications to increase engagement around future action plans.

VI. Methodology and Sources

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

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Portugal's OGP repository¹ (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

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

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

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

Interviews and stakeholder input

The IRM researcher conducted 11 interviews with representatives from government and civil society involved in the development and implementation of the commitments for Portugal's first OGP action plan. All but two meetings were carried out in person, with occasional follow-up questions by email. Only the interviews with the Directorate General for Administration and Public Employment (DGAEP) and the Institute of Public Markets, Real Estate and Construction (IMPIC) were based exclusively on email exchanges. The purpose of the interviews was to discuss the co-creation process of the action plan and initial thoughts on implementation of commitments, taking into consideration the novelty of the process in Portugal. Few challenges were encountered, as most stakeholders made themselves available. Only representatives of the National Association of Young Entrepreneurs and the National Association of Portuguese Municipalities did not reply to multiple attempts to contact.

The IRM researcher conducted the following stakeholder interviews:

- Luis Vidigal, Platform of Civil Society Associations – House of Citizenship, 16 April 2019;
- Hélder Lage, Tax Authority, 16 April 2019;
- Afonso Brás and Gonçalo Fabião, Ministry of the Presidency and of Administrative Modernization, 16 April 2019;
- Karina Carvalho, Transparency and Integrity, 17 April 2019;
- Rui Ribeiro, Commission of Access to Administrative Documents, 18 April 2019;
- Jorge Costa (with the participation of Sérgio Moro and Filomena Almeida), Council of Rectors of the Portuguese Universities, 18 April 2019;
- Ricardo Carvalho, Portuguese Ombudsman, 18 April 2019;
- Cláudia Barroso and Tiago Mendonça, Administrative Modernization Agency, 22 April 2019;

- Sara Carrasqueiro e André Vasconcelos, Administrative Modernization Agency, 22 April 2019;
- Esmeralda Carvalho, Fernanda Teixeira, and Vasco Hilário, Directorate General for Administration and Public Employment, 24 April 2019;
- João Osório, Institute of Public Markets, Real Estate and Construction, 29 April 2019.

About the Independent Reporting Mechanism

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

The current membership of the International Experts Panel is

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

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

¹ “Portuguese OGP document repository”, Administrative Modernization Agency, <https://ogp.eportugal.gov.pt/en/national-open-administratio-network/>

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

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

Key:

Green= Meets standard

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

Red= No evidence of action

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

Key:

Green= Meets standard

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

Red= No evidence of action

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

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